

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Lewiston

Local Law No. 3 of the year 2024

A local law Amending the Zoning for Solar Energy Law  
(Insert Title)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Lewiston as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**TOWN OF LEWISTON, NEW YORK**  
**LOCAL LAW No. 3 of 2024**

A Local Law Amending the Zoning for Solar Energy Law

The Town of Lewiston Town Board hereby adopts amendments to the Code of the Town of Lewiston, Section 360 – Zoning, as follows:

SECTION 1: Authority.

This amendment to the Town of Lewiston Zoning for Solar Energy Law is adopted pursuant to §§261 to 263 of the Town Law of the State of New York, which authorizes the Town of Lewiston (the “Town”) to adopt zoning provisions that advance and protect the health, safety and welfare of the community and “to make provisions for, so far as conditions may permit, the accommodations of solar energy systems and equipment and access to sunlight necessary therefor.”

SECTION 2: Zoning Code Amendments

The following are amendments to the Town Zoning Code relating to the Zoning for Solar Energy Law.

Section 360-215 Definitions is hereby amended to add the following definition:

“NON-RESIDENTIAL ELECTRICAL ENERGY STORAGE SYSTEM

Any non-residential energy storage system, operated either in connection with a Solar Energy System or not, which utilizes an Electrical Storage Device to collect and store energy created by a solar energy system or from any other source.”

Section 360-216 Use Districts Where Allowed – Subsection C is hereby removed in its entirety and replaced with the following:

“C. Utility-Scale Solar Energy Systems and Non-Residential Electrical Energy Storage Systems are permitted only in the Industrial Districts (I-1 and I-2).”

Section 360-219 Utility-scale solar energy systems: special use permit requirements – Subsection C (3) is hereby removed in its entirety and replaced with the following:

“(3) - Fencing and appropriate screening shall be included in every special use permit issued by the Planning Board for this purpose.”

Section 360-221 Maintenance, procedures, and fees. – Subsection G (1) is hereby removed in its entirety and replaced with the following:

“(1) - Utility-scale solar energy system. An applicant shall pay an initial application fee, as established by the Town, upon filing its special use permit and site plan application to cover the cost of processing and reviewing the initial application. Upon approval, an applicant shall enter into a Host Community Agreement with the Town which shall include, among any other issues of concern, the requirement to maintain adequate screening around the project and a protocol for providing proof of an up-to-date and sufficient decommission bond. Failure to comply with any of the terms of the Host Community Agreement, specifically those relating to the maintenance of adequate project screening, shall result in a violation of the special use permit and shall subject the

applicant, after an appropriate hearing before the Town Board, to forfeiture of the previously issued special use permit. Additionally, the Host Community Agreement shall include the requirement for the applicant to pay an annual fee, as established by the Town, to cover the cost of processing and reviewing the annual inspection report(s) and for administration, inspection and enforcement.”

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2024 of the ~~(County)(City)(Town)(Village)~~ of Lewiston was duly passed by the Town Board on August 26 2024, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted ~~(Elective Chief Executive Officer\*)~~ on \_\_\_\_\_ 2024, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. ~~(Elective Chief Executive Officer\*)~~

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

*Tamara Burns* Deputy Clerk  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: August 27, 2024

(Seal)



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL  
GOVERNOR  
WALTER T. MOSLEY  
SECRETARY OF STATE

September 5, 2024

Town of Lewiston  
1375 Ridge Road  
PO Box 330  
Lewiston, NY 14092

**RE: Town of Lewiston, Local Law 3 2024, filed on 8/30/2024**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492



**Department  
of State**