

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.”