

TOWN OF STARK  
LOCAL LAW NO. 1 OF 2024

A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM PROHIBITING  
COMMERCIAL WIND ENERGY AND SOLAR ENERGY SYSTEMS WITHIN THE TOWN OF  
STARK

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF STARK AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT

This local law is intended to establish a temporary moratorium to prohibit the creation or siting of Commercial Wind and Solar Energy Systems within the Town of Stark for a period of up to nine (9) months , pending the anticipated development of local laws to regulate and govern such installations.

It is deemed necessary to enact this moratorium to allow the Town Board adequate time in which to consider, and to draft and additional land use provisions to address changes in the development and regulation of commercial wind and solar energy systems and state law regarding renewable energy systems since the adoption of the existing Town of Stark Wind Energy Facilities Law adopted in 2006 and the adoption of its local law regulating Solar Energy Equipment and Systems in 2020. The Town Board may also review and amend the town comprehensive planning document adopted in 2000. It is the objective of the Town Board to provide for the benefit and the health and general welfare of the citizens of the Town of Stark.

SECTION 2. TEMPORARY MORATORIUM

- A. There is hereby adopted in the Town of Stark a nine(9) month moratorium on the consideration, receipt or granting of any new land use applications, and zoning changes or amendments to permit the siting or creation of “Commercial Wind Generation Systems” or “ Commercial Solar Energy Systems” after the effective date of said moratorium.

“Commercial Wind Generation Systems” are defined for the purpose of this local law, as any individual or collection of wind turbine generators designed to convert the kinetic energy in wind to a usable form of electricity , and any and related infrastructure, electrical lines, substations, meteorological towers, access roads and accessory structures , which are designed and intended to produce electricity to be consumed primarily off-site or for commercial purposes. Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmers, primarily for the purpose of offsetting their own electric energy use shall not be considered a Commercial Wind Generation System and shall be specifically exempted from this moratorium.

Commercial Solar Energy Systems” are defined , for the purpose of this local law, as a utility -scale solar energy system which is intended to be utilized for any purpose other than direct private residential or agricultural use , including community-based systems. Any installation undertaken on behalf of individual landowners , businesses or farmers , primarily for the purpose of offsetting their own electric energy use shall not be considered a Commercial Solar Energy System.

- B. During the term of the moratorium the Town Board intends to develop, consider and adopt changes to local laws so as to regulate Commercial Wind Generation Systems and Commercial Solar Energy Systems. Such moratorium shall be effective as of the date set forth herein below.

### SECTION 3. APPLICABILITY

The provisions of this local law shall apply to all real property within the Town of Stark, and all new land applications for the siting or creation of Commercial Wind Energy Systems or Solar Energy Systems within the Town of Stark after the effective date.

### SECTION 4. STATUTORY AUTHORITY; SUPERSESSION

This local law is promulgated and adopted pursuant to Municipal Home Rule Law and the State Environmental Quality Review Act, and its implementing regulations. It expressly supersedes any provisions of the Land Use Regulations of the Town of Stark and sections 267, 267-a, 267-b,267-c,272-a,272-b and 276 of the Town Law of the State of New York.

This local law shall supersede and suspend those provisions of the Town Code and New York State law which require the Planning board and the Town Code Enforcement Officer to accept, process and approve land use applications within certain statutory time periods.

This local law supersedes and suspends the application of Local Law #1 of 2006, known as the Town of Stark Wind Energy Facilities Law. This local law also supersedes the application of Local Law #2 of 2020, as to the regulation of utility-scale solar energy equipment and systems in the Town of Stark.

### SECTION 5. SEQRA DETERMINATION

The Town Board hereby determines that the adoption of this local law is a Type II action under 6NYCRR 617.5(c) (36) and that environmental review under the NYS Environmental Quality Review Act is not required.

#### SECTION 6. SEVERABILITY

The invalidity if any word, section , clause, sentence, paragraph, part, or provision of this local law shall not affect the validity of any other part of the law which can be given effect without such invalid part or parts.

#### SECTION 7. EFFECTIVE DATE

The effective date of this local law shall be immediate upon its filing with the Secretary of State, or upon an actual submission of a copy of the adopted local law to any individual, person or applicant.

Adopted this 30 day of April, 2024.

VOTE TALLY

CERTIFICATION BY TOWN CLERK