Local Law No. __ of 2026

Town of Clifton Park, New York
Temporary Moratorium on Tier II and Tier III Solar Energy Systems

I. Legislative Purpose and Authority

This Local Law is adopted pursuant to the authority granted to the Town of Clifton Park under New York Municipal Home Rule Law §10, New York Town Law §§261–263, and Article IX of the New York State Constitution. Municipalities in New York are empowered to enact temporary land-use moratoria in order to preserve the status quo while evaluating and updating zoning regulations to address changing conditions and emerging land-use pressures.

II. Legislative Findings

The Town Board of the Town of Clifton Park hereby finds and determines that:

1. The Town is actively reviewing and anticipates adoption of the Draft Town of Clifton Park Agriculture and Farmland Protection Plan within the next 60 days, a policy document that may result in recommended amendments to zoning regulations affecting the siting, scale, and design of large-scale solar energy facilities.
2. Chapter 208 of the Clifton Park Town Code establishes a tiered framework for the regulation of solar energy systems, including Tier II and Tier III Solar Energy Systems, which generally encompass medium- to large-scale ground-mounted solar installations subject to special use permit and site plan review standards.
3. Since the adoption and subsequent amendment Local Law No. 6 of 2021, of the Town's current solar regulations, New York State has experienced significant changes in solar technology, project finance models, and regulatory policy, particularly through implementation of the Climate Leadership and Community Protection Act (CLCPA), which mandates aggressive renewable energy deployment targets.
4. Advances in photovoltaic panel efficiency, inverter technology, and system design now allow substantially greater electrical generation output on fewer acres than was typical when many local solar ordinances were drafted, resulting in higher-intensity land use impacts within agricultural and rural zoning districts.
5. The expansion of Community Distributed Generation (CDG) programs has increased the number and scale of Tier III solar projects proposed at the municipal level, often serving regional subscriber bases while creating localized land-use, infrastructure, and visual impacts.
6. The Town has identified concerns regarding:
    - Conversion of active or viable agricultural land;
    - Compatibility of large-scale solar facilities with rural and suburban zoning districts;
    - Adequacy of existing standards governing cumulative impacts, decommissioning, electrical interconnection infrastructure, and long-term land stewardship;
    - Electric grid interconnection capacity constraints caused by an unprecedented volume of renewable projects entering the regional interconnection queue .

7. The Town Board finds that a temporary moratorium on Tier II and Tier III solar energy systems is necessary to protect the public health, safety, and welfare while the Town evaluates amendments to Chapter 208 to ensure consistency with adopted and forthcoming policy documents.

III. Definitions

For purposes of this Local Law, the following definitions shall apply, as referenced and defined within Chapter 208 of the Town Code:

- **Tier II Solar Energy Systems**:
  Medium-scale ground-mounted solar energy systems exceeding Tier I thresholds and subject to special use permit and site plan review under Chapter 208.
- **Tier III Solar Energy Systems**:
  Large-scale or utility-scale ground-mounted solar energy systems, including community solar facilities, involving substantial land area, electrical interconnection infrastructure, and long-term land conversion, regulated under enhanced review standards in Chapter 208.

IV. Moratorium Provisions

§1. Establishment of Moratorium

The Town of Clifton Park hereby imposes a twelve (12) month moratorium on the submission, processing, approval, or issuance of any permits, special use permits, site plan approvals, building permits, or other discretionary or administrative approvals for Tier II and Tier III Solar Energy Systems.

§2. Applicability

This moratorium shall apply to all new applications submitted on or after the effective date of this Local Law and current pending applications that have not received a final SEQR determination and preliminary site plan and special use permit approvals.

§3. Exemptions

The moratorium shall not apply to:

- Tier I Solar Energy Systems;
- Maintenance, repair, or replacement of existing lawfully installed solar energy systems;
- Applications that received final site plan approval prior to the effective date of this Local Law.

§4. Hardship Relief

The Town Board may grant a waiver from the moratorium upon a demonstration of extraordinary hardship, consistent with principles outlined by the New York State Department of State.

§5. SEQRA

The Town Board declares this action to be subject to review pursuant to the State Environmental Quality Review Act (SEQRA). The appropriate environmental classification and review shall be completed prior to adoption.

§6. Duration

This moratorium shall expire twelve (12) months from its effective date unless extended or repealed by the Town Board.