

**Westmoreland Town Board**  
**Public Hearing**  
**Local Law #2 of 2025**  
**October 13, 2025**

Supervisor Charles Hebbard called this Public Hearing to order at 5:45 pm on Monday, October 13, 2025. Present at this meeting were Councilpersons Burton Seymour, Kirk Donley, Randy Rundle and Peter Smith. Also present were Town Attorney Mitchell Whittaker, and tax collector Margaret Leone.

Supervisor Hebbard asked if there was anyone who would like to address the board regarding the proposed solar law amendment.

With no one wishing to address the board, Supervisor Hebbard declared the public hearing closed at 5:49pm.

**Amendment to the Town of Westmoreland Energy Law Local Law #2 of 2025**

- 1. AUTHORITY** Be it enacted by the Town of Westmoreland Town Board as follows: pursuant to §§261-265 of the Town Law and §20 of the Municipal Home Rule Law of the State of New York, which authorize the Town Board to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and , in accordance with the laws of New York State, “to make provisions for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefore.”
- 2. STATEMENT OF PURPOSE** A. This Amendment to the Town of Westmoreland Energy Law (Local Law #2 of 2023) is adopted to advance and protect the public health, safety, and welfare of the Town of Westmoreland by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives: i. ii. iii. iv. v. vi. To take advantage of a safe, abundant, renewable, and non-polluting energy resource; To balance the potential impact on neighboring properties with those of solar installations; To increase employment and business development in the Town to the extent reasonably practical, by furthering the installation of Solar Energy Systems; To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife, wildlife habitats, and other protected resources; To create synergy between solar and economic revitalization, as well as the possibility of lowering utility bills for Town residents; and To encourage land use in accordance with the Town’s Comprehensive Plan. 1
- 3. DEFINITIONS** Solar Energy System: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier1, Tier 2, or Tier 3 Solar Energy System as follows: A. Tier 1 Solar Energy Systems Include the following i. ii. Roof-Mounted Solar Energy Systems Building-Integrated Solar Energy Systems B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25kW AC and that generate no more than 110% of the electricity consumed on the site over the previous 12 months. C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.
- 4. AMENDMENT** A. Section 5 of Local Law #2 of 2023, the Town of Westmoreland Energy Law, “General Requirements,” is hereby amended to add a paragraph “5 (G)” which shall read as follows: No Tier 2 or Tier 3 Solar Energy System may be constructed within a one and one half (1.5) mile radius of another established or planned Tier 2 or Tier 3 Solar Energy System.
- 5. ENFORCEMENT** Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town of Westmoreland and the State of New York. 2

**6. SEVERABILITY** The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect. 7.

**EFFECTIVE DATE** This local law will become effective when filed with the New York Secretary of State in accordance with § 27 of the New York Municipal Home Rule Law.

Respectfully submitted,  
Anna C. Storey  
Town Clerk