

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 LAWRENCE

FILED
STATE RECORDS

AUG 10 2020

DEPARTMENT OF STATE

Local Law No. 02 of the year 2020

A local law SOLAR ENERGY FACILITY OF THE TOWN OF LAWRENCE
(Insert Title)

Be it enacted by the LAWRENCE TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of LAWRENCE

as follows:

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

(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. 02 of 2020 of the (County)(City)(Town)(Village) of LAWRENCE was duly passed by the LAWRENCE TOWN BOARD on JULY 29 2020, 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 _____ 20____, 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____.

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.

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

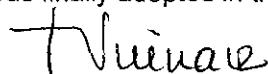
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 07.29.2020

LOCAL LAW No. 02-2020

Be it hereby enacted by the Town Board of the Town of Lawrence as follows:

SECTION 1: Local Law No. 02-2020 entitled "SOLAR ENERGY FACILITY OF THE TOWN OF LAWRENCE" is hereby adopted. Wherever the requirements of this local law are at variance with the requirements of any lawfully adopted rules, regulations, ordinances, or Local Laws, the most restrictive or those imposing the standards shall govern. The Town Board of the Town of Lawrence hereby adopts and enacts this Site Plan and Subdivision Review Law pursuant to the authority and provisions of S10 of the New York State Municipal Home Rule law and S274-a and 276 of the New York State Town Law. This law shall read in its entirety as follows.

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ARTICLE 1: GENERAL

Section 1.01 Title

This Local Law shall be cited as the "Solar Energy Facility Law of the Town of Lawrence, New York."

Section 1.02 Authority

Solar Energy law is adopted pursuant to (Sections _____ of the Town Law Sections _____) which authorizes the Town of Lawrence to adopt 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.

- A. Article IX of the New York State Constitution, Section 2© (6) and (10)
- B. New York Statute of Local Governments, Section 10 (1), (6), and (7)
- C. New York Municipal Home Rule Law, Section 10 (1) (i) and Section 10 (1) (a) (6), (11), (12), and (14)
- D. New York Town Law, Article 16
- E. New York Town Law Section 130(1) (Building Code), (3) (Electrical Code), (5) (Fire Prevention), (7) (Use of Street and Highways), (7a) (Location of Driveways), (11) (Peace, good order and safety), (15) (Promotion of public welfare), (15) (Excavated Lands), (16) (Unsafe Buildings), (19) (Trespass) and (25) (Building lines)
- F. New York Town Law Section 64(17-a) (Protection of Aesthetic interests), (23) (General Powers).
- G. New York Real Property Tax Law Section 487

Section 1.03 Intent and Purpose

It is the intent and purpose of the Site Plan and Subdivision review Law to promote the health, safety and general welfare of the Town through implementation and application of a site plan review and approval process and subdivision regulations.

Site plan and subdivision review are intended to foster the rational division of land and to promote good development in the Town. Sensible division of land and attractive and well-designed development are deemed to be essential for the maintenance and growth of the economy of the Town and for the protection and enhancement of property values. It is further the intent and purpose of the Law to provide for the identification and minimization of the

adverse impacts, if any, created by new subdivisions and development on existing neighboring uses and on the overall resources of the Town.

It is the intent of the Town Board in enacting the Site Plan and Subdivision Review Law to provide for and allow all land use activity in the Town

Section 1.04 Findings and Determinations

Solar Energy is a renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce the Town of Lawrence energy load. Energy generated from solar energy systems can be used to offset energy demand on the New York State power grid when excess solar power is generated.

This Local Law aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and the convenience of access necessary thereof.

Applications for the installation of solar energy systems that are reviewed by the Code Enforcement Officer and referred to the Town Planning Board for its review and action, may be approved, approved with conditions, or denied.

Section 1.05 Applicability

The requirements of the Law shall apply to all Solar Energy Systems installed or modified after its effective date.

All solar energy systems shall be designed, erected, and installed in accordance with all applicable Federal, State, Local and Industry Codes, regulations and standards.

Section 1.06 Amendments

The Town of Lawrence Board may, on a petition brought by

1. Any resident or property owner of the Town: or
2. On recommendation of the Planning Board established pursuant to this Law (The "Planning Board ")
3. Or its own motion and following provision of appropriate public notice and conduct of a hearing, amend the Site Plan and Subdivision Review Law by a majority vote of the full membership of the Town Board. All proposed amendments originating by petition, or by motion of the Town Board, shall be referred by the Planning Board for a report and recommendation. The Planning Board shall submit its report to the Town of Lawrence Board within thirty (30) days after receiving such referral.

Section 1.07 Definitions

Except as maybe specifically defined below and in the Town of Lawrence's Site Plan Review and Subdivision Regulations (09/30/96, all terms and phrases shall be as defined in the publications "A PLANNERS DICTIONARY", edited by Michael Davidson and Fay Dolnick: published by the American Planning Association, Planning Advisory Service Report Nos. 521/522, for this Local Law. Copies are available in the Town Clerk's Office, the Code Enforcement Officer's Office, The St. Lawrence County Planning Board's Office, and the Town Attorney's Office.

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façades material, semitransparent skylight systems, roofing materials, and shading over windows.

COMMERCIAL SOLAR COLLECTION SYSTEM; A photovoltaic Collection System that produces more than one (1) megawatt (MW) per hour of energy for the purpose of sale on the Power Grid.

GROUND-MOUNTED SOLAR ENERGY SYSTEM A Solar Energy System that is anchored to the ground and attached to a pole or to other mounting system, detached from any other structure for the primary purpose of producing electricity for onsite consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is ground-mounted and produces more than one hundred ten percent (110%) of energy used onsite and developed primarily for the purpose of offsite sale of consumption.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, material hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment, excluding Battery Energy Storage Systems such as battery banks or compressed air. Any energy storage system shall require a separate review and approval.

SOLAR ON-FARM EQUIPMENT: A photovoltaic system on property used for Agriculture within an Agricultural District that does not produce more than one hundred ten percent (110%) of the energy used for farm operations.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

Article II: Solar Energy Facilities and Conversion Systems

Section 2.01 Solar as an Accessory Use or Structure

A. Roof-Mounted Solar Energy Systems

1. Roof-Mounted Solar Energy Systems that use the electricity on site or offsite are permitted as an accessory use in all districts when attached to any lawfully permitted building or structure
2. Height. Roof-Mounted Solar Energy Systems are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
3. Aesthetics. Roof-Mounted Solar Energy System installations having panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and the highest edge of the system.
4. Roof-Mounted Solar Energy Systems that use the energy onsite or offsite that are not considered Commercial Solar Collections Systems (producing less than one (1) megawatt (MW) per hour of energy for the purpose of sale on the Power Grid) shall be exempt from site plan review under the local codes or other land use regulations.
5. Roof-Mounted Solar Energy Systems must allow adequate access for emergency responders in compliance with the International Residential Code (IRC-2015) Sections 324 and 907 and International Fire Code Section (IFC-2015) 605 and National Electric Code (NEC-2017) –Sec. 690.

B. Ground-Mounted Solar Energy Systems.

1. Ground-Mounted Solar Energy Systems that are used for agricultural operations in an Agricultural District and produces no more than one hundred ten percent (110%) of on-farm energy use are exempt from site plan review.
2. Height and Setback: Ground-Mounted Solar Energy Systems shall adhere to the setback requirements of the underlying district in which the system is located. No Ground-Mounted Solar structure may exceed twenty-five feet (25') in height.
3. Lot Coverage: Systems are limited to 10 percent (10%) of lot coverage on a residential property. The surface area covered by Ground-Mounted Solar Panels shall be included in total lot coverage. Photovoltaic Systems and devices used for Agriculture are not limited to lot coverage if the system produces less than one hundred ten percent (110%) of the farm energy demand.
4. All such accessory Systems shall be installed in the side or rear yards only. No Ground-Mounted Systems shall be installed in a front yard.

C. Permit required

1. No accessory photovoltaic structure shall be erected until a permit has been issued by the Code Enforcement Officer, who shall issue such permit in accordance with this local law, and the most current Town of Lawrence Land Use and Development Code.
2. Application must be made with the Town Clerk on forms approved by the Town. All information on the application form must be completed. In addition, the following information is also required to show that the design shall comply with the International Residential Code (IRC-2015) Sections 324 and 907 and International Fire Code Section (IFC-2015) 605 and National Electric Code (NEC-2017) –Sec. 690 to constitute a complete application:
 - a. A drawing showing the location of a clearly visible, accessible, and labeled disconnect on the exterior of the structure.
 - b. A drawing showing the location of the electric meter labeled that the structure is supplied by two sources.
 - c. On roof mounted systems a drawing must show the required setbacks for emergency responder access.
 - d. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

Section 2.02 Approval Standards for Large-Scale Solar Systems as a Special Use.

A. Large-Scale Solar Energy Systems are permitted through the issuance of a special use permit subject to the requirements set forth in this Section, including site plan approval. Applications for the installation of a Large-Scale Solar Energy System shall be reviewed

by the Code Enforcement Officer and referred, with comments, to the Town Planning Board for its review and action, which can include approval, approval on conditions, and denial.

- B. A photovoltaic system on property used for agricultural operations within an Agricultural District that does not produce more than one hundred ten percent (110%) of the energy used for farm operations will be permitted as on-farm equipment and not require special permit review.
- C. Special Use Permit Application Requirements, for a special permit application, the site plan application is to be used as supplemented by the following provisions.
 - 1. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
 - 2. Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.
 - 3. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
 - 4. Agricultural Data Statement. If a project utilizes farmland in an Agricultural District, the application shall include a completed St. Lawrence County Agricultural Data Statement.
 - 5. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
 - 6. Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System has not used the electrical energy produced at that site for a twelve (12) month period and can no longer be used, it shall be removed by the applicant and any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction, and shall include the removal of all equipment above grade, and to a depth of 4' below grade. The soils shall also be decompacted to a depth of 2' below grade, regraded and reseeded to resemble its original state. If a system will be installed on farmland that has been drain tiled, the decommissioning plan shall include the installation of replacement drain tile. The plan shall also include an expected timeline for execution.
 - 7. Decommissioning Costs. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a qualified, independent engineer who is licensed to practice in New York State. Said estimate shall be periodically reviewed, updated and resubmitted to the Town. A suggested update is between

two to five years for the lifetime of the system. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property or utilize the Decommissioning Bond or Fund to cover these costs to the municipality.

8. Transfer in Ownership. In the event the system is sold, the applicant shall provide the Town with the name and contact information of the new owner within 30 days of the system being sold.

Section 2.03 Special Use Permit Standards.

- A. Height and Setback. Large-Scale Solar Energy Systems shall not exceed twenty-five feet (25') in height.
- B. Lot Size. Large-Scale Energy Systems shall be located on lots with a minimum lot size of 5 Acres.
- C. Lot Coverage. A Large-Scale Solar Energy System that is ground-mounted shall not exceed eighty percent (80%) coverage of the lot on which it is installed. The surface area covered by Solar Panels shall be included in total lot coverage.
- D. All Ground Mounted Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and at inter-visible spacing along the perimeter of the fencing. Firefighting instructions must be provided to the Local Fire Department, along with a key to the Fire Chief for emergency entrance.
- E. The type of fencing shall be determined by the landowner and must be approved by Town of Lawrence Planning Board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts.
- F. Any application under this Section shall meet any substantive provisions contained in the most current Town of Lawrence Site Plan Review Regulations, in the judgment of the Town Planning Board, are applicable to the system being proposed. If none of the site plan requirements are applicable, The Town Planning Board may waive the requirement for site plan review.
- G. The Town of Lawrence may impose conditions on its approval of any special use permit under this Section in order to enforce the standards referred to in this Section or to discharge its obligations under the State Environmental Quality Review Act (SEQRA).
- H. All Large-Scale Energy Systems must follow current New York State Dept. of Agriculture and Markets "Guidelines for Agricultural Mitigation for Solar Energy Projects" if located on lands used for agricultural operations in an Agricultural District. For all proposed solar energy systems on farmland (both in and out of an Agricultural District), the site plan shall also identify current agricultural production activities on the farmland, any farmland improvements, and indicate the type and extent of prime soils that may be present. Large

scale solar energy systems should be concentrated away from, and minimize the displacement of active agricultural land and prime soils, prime if drained soils, and soils of statewide importance.

- I. Accommodating Compatible Agricultural Uses. To minimize the displacement of prime soils that are in agricultural production, Solar Energy Systems shall be designed to accommodate agricultural activities that are compatible in the lease area. The applicant shall submit language from the lease or a property maintenance contract that allows for the establishment of apiary operations and sheep grazing within the lease site.
- J. Transmission Lines. Any above ground transmission lines that are used to accommodate the system shall install utility poles that are tall enough to provide 18' of clearance as measured from the shortest distance between the electrical lines and finished grade, and installed at wider spans in order to readily accommodate farm machinery and equipment. The installation of guy wires to utility poles is discouraged.
- K. Cybersecurity. To minimize cybersecurity threats to the electrical grid, the applicant shall submit evidence that malware protection, detection and mitigation software or programming has been installed where electronic information exchanges take place between the solar array and the utility's distribution control system.

Section 2.04 Abandonment and Decommissioning

Solar Energy Systems are considered abandoned after twelve (12) months without use of the electrical energy generated at that site and must be removed from the property. Applications for an extension not exceeding a period of six (6) months may be requested and will be reviewed by the Code Enforcement Officer.

- A. Financial Assurance for Decommissioning Bond or Fund for Large Scale Energy Systems. The applicant and his successors and assigns shall continuously maintain a bond or fund in the amount of the decommissioning costs according to this section: It will be payable to the Town for the removal and restoration of the non-functional or inoperable device.
- B. This financial assurance will be in place before the commencement of construction and will be in the amount of the net decommissioning costs, to be determined by a qualified independent engineer licensed to practice in the State of New York, at the applicant's expense. This estimate is then reviewed by an engineer hired by the Town at the applicant's expense. This estimate will be determined and reviewed every two years.
- C. This financial assurance may be in the form of a letter of credit, a bond, escrow account, a parent guarantee or other form approved by the Town. The Applicant will make an initial deposit of an amount determined by the Town Board to the fund. A Special Permit application will not be processed until proof of deposit has been provided by the Applicant. All costs of this financial assurance shall be borne by the Applicant.

Section 2.05 Enforcement

Any violation of this Solar Energy Law shall be subject to the same civil and criminal penalties provided for in the most current Town of Lawrence Land Use and Development Code.

Section 2.06 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.

In the event of a change in equipment being added or subtracted to any project, (such as solar storage batteries) additional approval will be required by the Town Code Officer, Town Planning Board and the Town Board of the Town of Lawrence. With the right to approve, disapprove or approve with conditions.

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WATERTOWN DAILY TIMES

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Christa Woodward, of Evans Mills, NY County of Jefferson, being duly sworn, says that she is a Legal Representative of the Johnson Newspaper Corp., a corporation duly organized and existing under the laws of the State of New York, and having its principal place of business in the City of Watertown, New York, and that said corporation is the publisher of the WATERTOWN DAILY TIMES, a Newspaper published in the City of Watertown, Jefferson County, and State of New York, and that a Notice, of which the annexed is a printed copy, has been published regularly in said newspaper.

Christa Woodward
Christa Woodward, Legal Representative

PUBLISHED ON: 07/22

AD SPACE: 30 LINE
FILED ON: 07/22/20

Sworn to before me this

23rd day of July, 2020

Jami L. Edwards
Notary Public

JAMI L EDWARDS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01ED6283808
Qualified in Jefferson County
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—+————— TOWN OF LAWRENCE —————+
LEGAL NOTICE

The Town of Lawrence Board will hold a public hearing on proposed Local Law #02-2020 on Wednesday July 29, 2020 at 6:30 PM at the Municipal Building in Lawrenceville, NY. The Law is to Regulate Solar Energy Facilities of the Town of Lawrence.

A copy of the Proposed Law in its entirety is available at the Office of the Town Clerk at Lawrence Municipal Building at 11403 US Highway 11, North Lawrence, NY during regular business hours, Monday through Thursday from 9:00am to 4:00pm or by email request to lawrence_clerk@nny-mail.com.

Dated: July 21, 2020 By Order of the Town Board of the Town of Lawrence, New York at a Meeting held on the 8th day of July 2020.
Tracy Villhave, Town Clerk