

NOTICE OF PUBLIC HEARING

Town of LeRay, New York

PLEASE TAKE NOTICE that a Local Law has been introduced by the Town Board of the Town of LeRay to establish a **Town Wide Six (6) Month Moratorium on all Renewable Energy Facilities and Battery Energy Storage Systems.**

The Local Law prohibits any Enforcement Officer, the Zoning Board of Appeals, or the Planning Board, from processing, reviewing, rendering any determination, granting any variance, or approval with respect to any Renewable Energy Facilities and Battery Energy Storage Systems during the duration of the Moratorium.

The Local Law declares that a violation shall be punishable by a fine not exceeding \$250 and/or imprisonment for a period not to exceed fifteen (15) days.

PLEASE TAKE NOTICE that a public hearing upon the Local Law will be held at the Town Offices, 8650 LeRay Street, Evans Mills, New York on the _____, **2023 at _____ p.m.** and that an opportunity to be heard in regard thereto will then and there be given to all persons.

Dated: August 24, 2023

Melissa Verne - Town Clerk

Town of LeRay

8650 LeRay Street
Evans Mills, New York 13637

Phone: 315-629-4052
Fax: 315-629-4393

RESOLUTION # _____ OF 2023

ADOPTING LOCAL LAW ___ of 2023

**Establishing a Townwide Six (6) Month Moratorium
for Renewable Energy Facilities and Battery Energy Storage Systems**

WHEREAS, the Town Board of the Town of LeRay recognizes that there is potential that person(s) might proceed with an application seeking approval for Renewable Energy Facilities and Battery Energy Storage Systems. As part of, or in addition to, an application for renewable energy located within the boundaries of the Town of LeRay; and

WHEREAS, the Town Board of the Town of LeRay upon review of the Town of LeRay Zoning Law, familiarity with lands within the Town, considering concerns expressed by some area residents, and in recognition of an obligation to promote the health, safety and welfare of the general public within the Town of LeRay, deems it to be in the public interest to stop and temporarily suspend the processing of any application(s) that may include Battery Energy Storage Systems within the Town of LeRay ; and

WHEREAS, the Town Board anticipates undertaking steps to potentially update, revise and/or amend its Zoning in regard to Battery Energy Storage Systems within the Town and has determined that providing for a temporary moratorium is appropriate; and

WHEREAS, this action is considered a Type II action under SEQR per 6 NYCRR 617.5(c)(36).

NOW, THEREFORE, BE IT RESOLVED, that a Public Hearing regarding a possible moratorium for six (6) months was conducted on September _____, 2023 and such information and comments have been considered by the Town Board; and

BE IT FURTHER RESOLVED, that adoption of a six (6) month moratorium to provide adequate time to fully consider and potentially amend its Zoning Law and/or Solar Energy Law within the Town of LeRay regarding Renewable Energy Facilities and Battery Energy Storage Systems is appropriate and the Local Law establishing the Moratorium is approved; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately and the underlying Local Law shall become effective upon filing with the NYS Department of State.

The foregoing Resolution was offered by Board Member, _____, and seconded by Board Member, _____, and upon roll call vote of the Board was duly adopted as follows:

Ronald C. Taylor, Supervisor	Yes ____	No ____
Michael J. Gracey	Yes ____	No ____
Samuel J. Biondolillo	Yes ____	No ____
John W. Eisenhauer	Yes ____	No ____
Leland J. Carpenter	Yes ____	No ____

Dated: September ____, 2023

Melissa L. Verne, Town Clerk

TOWN OF LERAY

LOCAL LAW #__ of 2023

Establishing a Townwide Six (6) Month Moratorium for all Renewable Energy Facilities

ARTICLE I INTENT

Due to clean energy desires and technological changes there is an increased possibility of development of Renewable Energy Facilities within the Town of LeRay. The potential for such development within the Town is not fully addressed by the current zoning laws. The Town Board, in order to consider, formulate, and potentially amend both the Town of LeRay Zoning Law, and/or uses authorized within the Town and to safeguard the public health, safety and general welfare of its population, determines it to be reasonably necessary to provide a Moratorium for six (6) months to perform a review of the same.

ARTICLE II DEFINITIONS

BATTERY ENERGY STORAGE SYSTEMS - One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a small, medium or large battery energy storage system as follows:

- (1) Small battery energy storage systems have an aggregate energy capacity less than or equal to 200 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- (2) Medium battery energy storage systems have an aggregate energy capacity greater than 201 kWh to 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.
- (3) Large battery energy storage systems have an aggregate energy capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.

PERMIT/APPROVAL - No battery energy storage systems shall be constructed, reconstructed, modified or operated in the Town of LeRay, except in compliance with the Zoning Law.

SOLAR ENERGY FACILITIES – An electrical energy facility composed of a combination of both solar panels and solar energy equipment.

This provision applies equally to Wind Energy Conversion Systems and Solar Energy Conversion Systems, however those renewable energy systems may be defined.

ARTICLE III APPLICATION

This Local Law shall apply to all areas within the Town of LeRay.

ARTICLE IV DURATION

This law shall be in effect for a period of six (6) months from the effective date of this Local Law.

ARTICLE V PROHIBITIONS

Neither the Town of LeRay Zoning Enforcement Officer, nor the Zoning Board of Appeals, nor the Town of LeRay Planning Board shall process, review, render any determination, nor grant any variance, or any approval, in respect to any Renewable Energy Facilities within the Town during the duration of this Moratorium. No person shall construct a new Renewable Energy Facilities or establish a Renewable Energy Facilities activity anywhere within the Town during the duration of this Moratorium unless municipal approval was granted in advance of the effective date of this local law.

ARTICLE VI ENFORCEMENT

This Local Law shall be enforced by the Town of LeRay Zoning Enforcement Officer.

ARTICLE VII VIOLATIONS

Any person violating any provision of this Local Law shall be guilty of an offense, and upon conviction thereof be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250) or imprisonment for a period not to exceed fifteen (15) days or both. Each week's continued violation after notice shall constitute a separate and additional violation.

ARTICLE VIII SEVERABILITY

Should any portion of this Local Law be declared invalid, such decision shall not affect the validity of the remaining portions of this Local Law.

ARTICLE IX EFFECTIVE DATE

This Local Law shall become effective after filing in the Office of the NYS Secretary of State.

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 LeRay

Local Law No. _____ of the year 2023

A local law Six(6) Month Moratorium on RENEwable Energy Facilites and Battery Energy Storage
(Insert Title)
Systems

Be it enacted by the Town Board of the _____
(Name of Legislative Body)

County City Town Village
(Select one:)

of LeRay as follows:

See Attached Local Law

(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. _____ of 20²³ of the ~~(County)(City)~~(Town)(Village) of Leray was duly passed by the Town Board on _____ 20²³, 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____. *(Elective Chief Executive Officer*)*

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 *(Elective Chief Executive Officer*)* 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.

5. (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 _____¹ above.

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

Date: _____

(Seal)