

TOWN OF GENESEO
LEGAL NOTICE

NOTICE IS HEREBY GIVEN that on April 23, 2020, there has been presented to the Board of Trustees of the Town of Geneseo, in the County of Livingston, proposed Local Law No. 2 for the Year 2020. A Local Law to Impose a 12-Month Moratorium on Large Battery Energy Storage Systems. The purpose of this Local Law is to enable the Town time to study the impacts, effects, and possible zoning controls over such activities, and to consider amendments to the Town's zoning laws to appropriately address the same within the confines of New York State Law.

THEREFORE, pursuant to statute the Town Board will hold a public hearing on said Local Law at 7:00 P.M. on May 14, 2020 virtually via Zoom, <https://zoom.us/j/616769594> **Meeting ID: 616 769 594**. Dial in details: **1 (929) 205-6099, Meeting ID: 616 769 594**. Due to COVID-19, a copy of the proposed Local Law is available for public view on our Website: <https://geneseony.org/town/notices.asp> as well as posted in the vestibule of the Geneseo Town Hall, 4630 Millennium Drive, Geneseo, New York 14454. Please contact our Office at (585) 991-5000 for assistance.

April 23, 2020
By Order of The Town Board
Tina Kantorowicz
Town Clerk
Geneseo, New York

TOWN OF GENESEO
Proposed Local Law No.2
of the Year 2020

A Local Law to Impose a Moratorium on
Large Battery Energy Storage Systems

Be it enacted by the Town Board of the Town of Geneseo as follows:

Section 1. Title.

This Local Law shall be known as the "Moratorium on Large Battery Energy Storage Systems."

Section 2. Authority and Intent; Findings; Purpose.

- a. Authority and Intent. This Local Law is intended to be consistent with and is adopted pursuant to the authority to enact zoning laws granted to the Town under the New York State Constitution, and the laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, §§2(c)(ii)(10); Municipal Home Rule Law §10; Statute of Local Governments §10; and Town Law §§ 264 and 265.
- b. Purpose. The Town finds that without a temporary halt on the processing, permitting and approval for Battery Energy Storage Systems there is the potential that such uses could be located in unsuitable areas within the Town. The purpose of this Local Law is to enable the Town to stay any and all of the activities prohibited by Section 4 of this Local Law, and all Town-level approvals relating to those activities for a period of twelve (12) months in order to provide the Town time to study the impacts, effects, and possible zoning controls over such activities, and to consider amendments to the Town's zoning laws to appropriately address the same within the confines of New York State law. The Town Board believes that a twelve (12) month moratorium after the effective date of this Local Law, coupled with the mechanism for use variances already contained in the Town Zoning Law, will achieve an appropriate balancing of interests between the need to safeguard the character and other resources of the Town and the health, safety and general welfare of its residents, and the rights of individual property owners or businesses desiring to conduct such activities during that period.

Section 3. Definitions.

For purposes of this Local Law, the following terms shall have the meanings set forth below:

- a. "Battery Energy Storage System" shall mean a rechargeable energy storage system consisting of batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to provide electrical power to a building or to provide electrical grid-related services.

- b. "Large Battery Energy Storage System" shall mean Battery Energy Storage Systems having an aggregate energy capacity greater than 20 kilowatt-hours.
- c. "NYSDEC" shall mean the New York State Department of Environmental Conservation.
- d. "Town" shall mean the Town of Geneseo, in Livingston County, New York.

Section 4. Moratorium and Prohibition.

- a. For a period of twelve (12) months after the effective date of this Local Law, no application for a special permit, zoning variance, building permit, operating permit, site plan approval, subdivision plat approval, certificate of occupancy, certificate of compliance, temporary certificate, or other permit of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Town for the construction, establishment, or use or operation of any land, body of water, building, or other structure located within the Town for a Large Battery Energy Storage System.
- b. For a period of twelve (12) months after the effective date of this Local Law, no person or entity shall use, cause, or permit to be used, any land, body of water, building, or other structure located within the Town for a Large Battery Energy Storage System.

Section 5. Enforcement.

- a. Building Inspector. The provisions of this Local Law shall be administered and enforced by the Code Enforcement Officer and his or her Deputies.
- b. Costs and Attorneys' Fees. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs incurred by the Town relative to such action, including attorneys' fees, and such amount shall be determined and assessed by the Court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the property or properties within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

Section 6. Superseding Intent and Effect.

This Local Law shall supersede any inconsistent provisions of the Town Zoning Code, or any and all other local ordinances, laws or resolutions of the Town of Geneseo.

Section 7. Severability.

If any provision of this Local Law is determined to be unconstitutional or invalid, the validity and enforceability of the remainder shall not be affected.

Section 8. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.