

TOWN OF STANFORD
RESOLUTION NO. 11B of 2024
TO ENACT LOCAL LAW #2 OF 2024
A LOCAL LAW IMPOSING A TEMPORARY
MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS AND
WIND ENERGY CONVERSION SYSTEMS

At a meeting of the Town Board of the Town of Stanford (“Town Board”), held at the Town of Stanford Town Hall on the 14th day of November, 2024, at 7:00 p.m., Town Deputy Supervisor Nathan Lavertue called the meeting to order, and he, seconded by Councilperson _____, moved the following resolution, to enact the local law, to be known as Local Law No. 2 of 2024, entitled “A Local Law Imposing a Temporary Moratorium on Battery Energy Storage Systems and Wind Energy Conversion Systems,” as follows:

WHEREAS, the following Local Law was introduced as Proposed Local Law No. 2 of 2024, by Resolution No. 10D, adopted at a meeting of the Town Board held on October 10, 2024; and

WHEREAS, at said meeting, the Town Board declared that the enactment of this proposed local law imposing a temporary moratorium is a Type II Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and is therefore exempt from environmental review under SEQRA; and

WHEREAS, the proposed Local Law was referred to the Dutchess County Department of Planning and Development for an advisory opinion pursuant to New York General Municipal Law §239-m and the Dutchess County Department of Planning and Development provided its response without comment stating it was a “matter of local concern;” and

WHEREAS, the proposed Local Law was referred to the Town of Stanford Planning Board for a report and recommendation pursuant to Section 164-56 of the Stanford Town Code, and the Planning Board responded that it had no comment; and

WHEREAS, a properly noticed public hearing was held before the Town Board during the meeting on November 14, 2024, on this Local Law; and

NOW THEREFORE, BE IT ENACTED by the Town Board of the Town of Stanford as follows:

Section 1. Legislative intent. The Town Board is currently reviewing possible regulations for Battery Energy Storage Systems (“BESS”) and Wind Energy Conversion Systems (“WECS”) and desires to draft a zoning law amendment that would provide for proper regulation of such projects and installations. The Town Board is concerned that the siting of BESS and WECS could potentially impose adverse impacts on health, safety and welfare of the residents of the Town of Stanford. The imposition of the moratorium will enable town officials to comprehensively address issues involved with siting BESS and WECS, address public concerns about those uses, and engage consultants if necessary to make informed decisions. Therefore, pursuant to the statutory powers vested in the Town Board to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board hereby declares a temporary twelve (12) month moratorium on Site Plan, Special Use Permit, Variance and Subdivision approval related to BESS and WECS uses in the Town.

Section 2. Definitions

- (a) BATTERY ENERGY STORAGE SYSTEM – A rechargeable energy storage system consisting of one or more devices, including batteries, battery chargers, controls, power conditioning systems and associated electrical equipment, assembled together, capable of storing energy in order to provide electrical energy at a future time, not to include a standalone vehicle battery, electric vehicle recharging system, electric motor vehicle, or any battery system attached to a single family residential use for the purposes of supplying electricity for domestic use.
- (b) WIND ENERGY CONVERSION SYSTEM - Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation or support, generator, infrastructure, nacelle, rotor, tower, transformer, turbine, vane, wire, substation, or control facilities or other components used in the system. The turbine or windmill may be on a horizontal or vertical axis. A wind energy conversion system may consist of one or more wind turbines.

Section 3. Moratorium.

- (a) The Town Board hereby enacts a moratorium which shall prohibit application for, or Town review of, Battery Energy Storage Systems and Wind Energy Conversion Systems.
- (b) This moratorium shall be in effect for a period of twelve (12) months from the effective date of this local law and shall expire on the earlier of:
 - i. the date twelve (12) months from said effective date, unless renewed; or
 - ii. the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.
- (c) This moratorium shall apply to all zoning districts and all real property within the Town.
- (d) Pursuant to this moratorium, the Planning Board shall not review any applications for Battery Energy Storage Systems or Wind Energy Conversion Systems, nor shall it grant any preliminary or final approval for any site plan or special use permit.
- (e) Pursuant to this moratorium, the Building Inspector shall not issue Building Permits or Certificates of Occupancy for any Battery Energy Storage Systems or Wind Energy Conversion Systems.
- (f) Pursuant to this moratorium, the Zoning Board shall not grant any approvals for any variance that involves the construction, reconstruction, relocation, enlargement or modification of any site intended to be used for Battery Energy Storage Systems or Wind Energy Conversion Systems.

Section 4. Relief from Provisions of this Local Law.

- (a) If any owner of property within the Town seeks relief from this moratorium to enable such owner to apply for or seek continued review of, activities otherwise prohibited under this moratorium, such owner shall make application to the Town Board.
- (b) It shall be the burden of the owner for such relief to demonstrate to the satisfaction of the Town Board, upon clear and convincing evidence, that an unjust result and extraordinary financial hardship will occur to the property owner if such relief is not granted, and such showing must demonstrate that the proposed activity for which relief is sought shall be consistent with the reasonable and orderly development of the Town.
- (c) Such relief shall be the subject of a public hearing before said Town Board.
- (d) It shall be within the discretion of the Town Board to grant, in whole or in part, or deny, the application for such relief from the terms of this moratorium.

Section 5. Penalties. Any person, partnership, association, corporation, landowner, lessee or licensee which shall construct, reconstruct or relocate any site to be used for a Battery Energy Storage System or Wind Energy Conversion System in violation of the provisions of this local law, shall be subject to:

- (a) A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) per individual and not exceeding Five Thousand and 00/100 Dollars (\$5,000.00) as to a corporation, partnership, or association, or imprisonment for a term not to exceed one (1) year, or both;
- (b) A civil penalty in the amount of One Hundred and 00/100 Dollars (\$100.00) for each day that such violation shall exist;
- (c) Injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

Section 6. Enforcement. This local law shall be enforced by the Code Enforcement Officer of the Town of Stanford or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this local law and to keep all records necessary and appropriate to the office and to file same in the office of the Town Clerk.

Section 7. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 8. Conflict with Other Laws. All other ordinances or local laws of the Town of Stanford which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law full force and effect during its effective period. In addition, this Local Law supersedes such New York State Statutes and Regulations to the extent such Statutes and Regulations require an agency to adhere to certain specified timeframes.

Section 9. Numbering for codification. It is the intention of the Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Stanford; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 10. Effective Date This local law shall take effect immediately upon passage, and then shall be filed with the New York State Department of State and shall remain in force and effect for a period of twelve (12) months from the date of such filing, unless extended or rescinded by subsequent local law.

The foregoing resolution was voted upon with all Board members voting as follows:

Wendy Burton, Supervisor	_____
Nathan Lavertue, Councilperson	_____
Julia Descoteaux, Councilperson	_____
Eric Haims, Councilperson	_____
Theodore Secor, Councilperson	_____

Dated: November 14th, 2024
Stanfordville, New York

RITAMARY BELL, TOWN CLERK