

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file 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~~ of Groveland
~~Town~~
~~Village~~

FILED
STATE RECORDS

MAY 21 2020

DEPARTMENT OF STATE

Local Law No. 1 of the year 2020

A local law entitled, "A Local Law Establishing a Temporary Land Use Moratorium Prohibiting Battery Energy Storage Systems within the Town Of Groveland."

Be it enacted by the Town Board of the

~~County~~
~~City~~ of Groveland as follows:
~~Town~~
~~Village~~

As set forth in the attached page(s).

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

(1)

LOCAL LAW NO. 1 OF 2020
“A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM
PROHIBITING BATTERY ENERGY STORAGE SYSTEMS WITHIN THE TOWN OF
GROVELAND”

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

SECTION I. TITLE

This Local Law Shall Be Known As “A Local Law Establishing a Temporary Land Use Moratorium Prohibiting Battery Energy Storage Systems within the Town Of Groveland.”

SECTION II. AUTHORITY

The Town Board of the Town of Groveland, pursuant to the authority of Municipal Home Rule Law of the State of New York, hereby enacts said article as follows.

SECTION II. PURPOSE AND INTENT

The purpose of this local law is to temporarily halt development of battery energy storage systems, for a period of up to six (6) months, while the Town considers comprehensive zoning changes and the enactment of zoning measures to specifically address the matters of community concern.

The Town Board recognizes and acknowledges that the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate battery energy storage systems.

In the coming months, the Town will be diligently working towards the development of regulations that will address, in a careful manner, the establishment, placement, construction, enlargement and erection of battery energy storage systems on a comprehensive Town-wide basis and to adopt zoning regulations for provisions to specifically regulate same.

SECTION III. DEFINITIONS

BATTERY (IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM: 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 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

- A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

SECTION IV. SCOPE OF CONTROLS

- A. During the effective period of this Local Law:
 - 1. The Town Board of the Town shall not grant any approvals that would have as the result the establishment, placement, construction, enlargement or erection of battery energy storage systems within the Town.
 - 2. The Town Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit that would have as a result the establishment, placement, construction, enlargement or erection of battery energy storage systems within the Town.
 - 3. The Town Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment, placement, construction, enlargement or erection of battery energy storage systems within the Town.
 - 4. The Building Inspector/Code Enforcement Officer of the Town shall not issue any permit that would result in the establishment, placement, construction, enlargement or erection of battery energy storage systems within the Town.
- B. The Town Board of the Town reserves the right to direct the Town Building Inspector/Code Enforcement Officer to revoke or rescind any building permits or certificates of occupancy issued in violation of this Local Law.

SECTION V. NO CONSIDERATION OF NEW APPLICATIONS

No applications for construction affected by this Local Law or for approvals for a site plan, subdivision, variance, special use permit or other permits shall be considered by any board officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

SECTION VI. TERM

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law.

SECTION VII. PENALTIES

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any battery energy storage systems in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town for violations; and
- B. 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 construction that may have taken place in violation of this Local Law.

SECTION VIII. VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION IX. HARDSHIP

- A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.
- B. Procedure.
 - 1. Upon submission of a written application to the Town Clerk by the property owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days

of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Town.

2. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law.
3. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

SECTION X. REPEAL

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION XI. SEVERABILITY/VALIDITY

In the event that any work phrase of part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not impact the remainder of said local law which shall remain in full force and effect.

SECTION XII. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided in section 27 of the Municipal Home Rule Law.

(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. 1 of 2020 of the ~~(County)(City)(Town)(Village)~~ Groveland was duly passed by the Town Board on May 14, 2020, in accordance with the applicable 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 _____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 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 _____, as was (approved)(not approved)(repassed after disapproval) by the _____. 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 _____, 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 ____ of the (County)(City)(Town)(Village) of _____, was duly passed by the _____, on _____, and was (approved)(not approved)(repassed after disapproval) by the _____, on _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 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 countywide 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 revisions 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 majority of the qualified elector of such city voting thereon at the (special)(general) election held on _____ 20__, became operative.

6. County local law concerning adoption of Charter.)

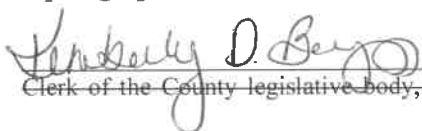
I hereby certify that the local law annexed hereto, designated as local law no. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November ____, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, 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 unit voting as 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, a s was finally adopted in the manner indicated in paragraph 1, above.

(SEAL)

Clerk


Clerk of the County legislative body, City, Town or Village

Date:

May 14, 2020

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF LIVINGSTON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or take for the enactment of the local law annexed hereto.

Signature

Attorney
County

City of Groveland
Town
Village

Date:

5/18/2020

(3)

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

COPY

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

May 26, 2020

David M DiMatteo
DiMatteo & Roach
87 North Main Street, PO Box 190
Warsaw NY 14569

RE: Town of Groveland, Local Law 1 2020, filed on May 21 2020

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**