

## LOCAL LAW NUMBER 2 OF 2020

A LOCAL LAW regarding a Temporary Moratorium on the Establishment, Placement and Construction of Commercial Containerized Energy Storage/Battery Facilities Designed For Connecting to the Electric Power Grid in the Town of Hunter.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTER, as follows:

### Section 1. TITLE:

This Local Law shall be referred to as the "Temporary Moratorium on the Establishment, Placement and Construction of Commercial Containerized Energy Storage/Battery Facilities Designed For Connecting to the Electric Power Grid in the Town of Hunter."

### Section 2. PURPOSE AND INTENT:

Pursuant to the statutory powers vested in the Town Board of the Town of Hunter to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town of Hunter Board hereby declares a temporary moratorium on the establishment, placement or construction of new commercial containerized energy storage/battery facilities designed for connecting to the electric power grid in the Town of Hunter, which shall extend until, and including, January 1, 2021.

The Town of Hunter desires to adopt regulations that govern commercial containerized energy storage/battery facilities designed for connecting to the electric power grid in the Town of Hunter.

### Section 3. SCOPE OF CONTROLS:

A. During the effective period of this Local Law:

1. The Town Board shall not grant any approvals which would have as the result the establishment, placement or construction of new commercial containerized energy storage/battery facilities designed for connecting to the electric power grid in the Town of Hunter.

2) The Planning Board shall not grant any approval to a subdivision plat, site plan, or other permit which would have as the result the establishment, placement and construction of new commercial containerized energy storage/battery facilities designed for connecting to the electric power grid in the Town of Hunter.

3) The Building Inspector shall not issue any permit, approval or certificate which would have as the result the establishment, placement or construction of new commercial containerized energy storage/battery facilities designed for connecting to the electric power grid in the Town of Hunter.

Section 4. NO ACTION UPON OR FINAL CONSIDERATION OF APPLICATIONS:

A. No currently pending application for establishment, placement or construction of new commercial containerized energy storage/battery facilities designed for connecting to the electric power grid in the Town of Hunter, or for approval for subdivision plat, site plan, or other permit, variance, Building Permit or Certificate of Occupancy of or for new commercial containerized energy storage/battery facilities designed for connecting to the electric power grid in the Town of Hunter shall be finally considered by any board or agency of the Town of Hunter while this Local Law is in effect. Nothing in this Local Law shall preclude an applicant from having conferences with regard to such pending application with appropriate boards of agencies of the Town of Hunter while this Local Law is in effect.

B. No new application for new commercial containerized energy storage/battery facilities designed for connecting to the electric power grid in the Town of Hunter or for approval for subdivision plat, site plan, or other permit, variance, Building Permit or Certificate of Occupancy of or for new commercial containerized energy storage/battery facilities designed for connecting to the electric power grid in the Town of Hunter shall be acted upon or considered by any board or agency of the Town of Hunter while this Local Law is in effect.

Section 5. TERM:

This Local Law shall be in effect until, and including, January 1, 2021.

Section 6. PENALTIES:

Any person, firm or corporation that shall establish, place, construct, enlarge or erect new commercial solar fueled electric generating facilities and/or the expansion of existing commercial containerized energy storage/battery facilities designed for connecting to the electric power grid in the Town of Hunter in violation of the provisions of the Local Law of shall otherwise violate any of the provisions of this Local Law shall be subject to:

A. Such penalties as may otherwise be provided by laws, rules, regulations of the Town of Hunter for violations; and

B. Injunctive relief in favor of the Town of Hunter to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction which may have taken place in violation of this Local Law.

Section 7. VALIDITY:

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

Section 8. HARDSHIP:

A. APPLICATION TO TOWN BOARD. 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 in writing for a variation from strict compliance with this Local Law upon submission of proof of such

unnecessary hardship. For the purpose 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, site plan, subdivision, building permit or other governmental permit or approval during the pendency of this Local Law.

B. PROCEDURE: 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. At said 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. If the 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 of this Local Law to the minimum extent necessary to provide the property owner with relief from strict compliance with this Local Law.

Section 9. EFFECTIVE DATE

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