

A.

COUNCILMEMBER _____ MOVED THE ADOPTION
OF THE FOLLOWING LOCAL LAW NO. 2 OF THE YEAR 2024,
SECONDED BY COUNCILMEMBER _____

WHEREAS, the Town Board of the Town of Newstead previously determined that it was necessary to update Chapter 180 of its Town Code and otherwise consider adoption and/or amendment of a local law related to Battery Energy Storage Systems (BESS) in the Town of Newstead; and therefore, it was determined that a moratorium on projects involving BESS would be appropriate while the Town Board reviews this issue; and

WHEREAS, Local Law No. 2 of the Year 2024 was proposed for consideration; and

WHEREAS, a public hearing was held on July 8, 2024, at which time interested persons were heard; and

WHEREAS, the Town Board previously determined that the proposed Local Law No. 2 of the Year 2024 will not have a significant impact on the environment, and a negative declaration was passed.

NOW, THEREFORE, BE IT RESOLVED, that the following Local Law No. 2 of the Year 2024 as set forth fully below is hereby adopted:

A Local Law known as Local Law No. 2 of the Year 2024 entitled "Amendment to the Code of the Town of Newstead Placing a Six-Month Moratorium on Battery Energy Storage Systems within the Town of Newstead".

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

SECTION 1. TITLE

This Law shall be known as Local Law No. 2 of the Year 2024 entitled "Amendment to the Code of the Town of Newstead Placing a Six-Month Moratorium on Battery Energy Storage Systems within the Town of Newstead".

SECTION 2. PURPOSE

The Town of Newstead has received new interest in standalone Battery Energy Storage Systems (BESS) and increased interest in the construction and installation of Solar systems with battery storage. This interest was unanticipated at the time Chapter 180 was adopted, then later amended. As such, the Town Board has determined that it would be in the best interest of the Town and its residents that the Town adopt a six month moratorium on BESS facilities and on the review and approval of permits/applications for construction and installation of solar farms and other solar installations which include battery storage with the exception of roof mounted residential solar panels designed to provide energy for a single residential unit within the Town. This will allow the Town time to address the concerns and to enact appropriate additions, revisions, and amendments to the law governing BESS facilities and to enact revisions to the law

addressing the review, construction, and installation to ensure that such BESS facilities and solar farms and other solar installations with battery storage components are safe and do not adversely impact neighboring properties, to review tax considerations, and to promote and preserve the welfare of the residents of the Town of Newstead.

SECTION 3. AMENDMENT OF PRIOR LAW

Chapter 180 of the Code of the Town of Newstead originally adopted on August 14, 2017 by Local Law No. 4 of the Year 2017 and amended in its entirety on October 12, 2021 by Local Law No. 8 of the year 2021, and amended on November 13, 2023, by Local Law No. 8 of the year 2023, is further amended to add a new Section 180-14 which shall read as follows;

"For the period commencing on the effective date of this Local Law No. 2 of the Year 2024 and for six months thereafter, there shall be a moratorium on the consideration of the development and installation of Battery Energy Storage System Facilities within the Town of Newstead and the processing of applications and review and approval of permits for the construction and installation of solar farms and other solar installations that include battery storage within the Town of Newstead. This provision shall not be applicable to the installation of roof mounted residential solar panels designed to serve an individual residential property. In addition, this moratorium may be extended by two (2) additional periods of up to six (6) months each by resolution of the Town Board finding of the necessity for such extension in the interest of public health, safety and welfare."

SECTION 4. SEVERABILITY

If any portion, subsection, sentence, clause, phrase, or portion thereof of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 5. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State and shall remain in place for a six-month period commencing with its effective date. This six-month period may be extended by the Town Board by the adoption of a resolution for that purpose.

The above local law was duly put to a roll call vote at a regular meeting of the Town Board held on July 8, 2024, the results of which were as follows:

Councilmember Mutter	_____
Councilmember Burke	_____
Councilmember Jendrowski	_____
Councilmember Dugan	_____
Supervisor Izydorczak	_____

B.

COUNCILMEMBER _____ MOVED THE ADOPTION
OF THE FOLLOWING LOCAL LAW NO. 3 OF THE YEAR 2024,
SECONDED BY COUNCILMEMBER _____

WHEREAS, the Town Board of the Town of Newstead previously determined that it was necessary to update Chapter 422 of its Town Code to regulate wind energy conversion systems (WECS) in the Town of Newstead; and therefore, it was determined that a moratorium on WECS projects would be appropriate while the Town Board reviews this issue; and

WHEREAS, Local Law No. 3 of the Year 2024 was proposed for consideration; and

WHEREAS, a public hearing was held on July 8, 2024, at which time interested persons were heard; and

WHEREAS, the Town Board previously determined that the proposed Local Law No. 3 of the Year 2024 will not have a significant impact on the environment, and a negative declaration was passed.

NOW, THEREFORE, BE IT

RESOLVED, that the following Local Law No. 3 of the Year 2024 as set forth fully below is hereby adopted:

A Local Law known as Local Law No. 3 of the Year 2024 entitled "Amendment to the Code of the Town of Newstead Placing a Six-Month Moratorium on the Application for and Construction and Installation of Wind Energy Projects within the Town".

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

SECTION 1. TITLE

This Law shall be known as Local Law No. 3 of the Year 2024 entitled "Amendment to the Code of the Town of Newstead Placing a Six-Month Moratorium on the Application for and Construction and Installation of Wind Energy Projects within the Town".

SECTION 2. PURPOSE

The Town Engineer has advised of an increased interest in the construction and installation of wind energy projects across the State of New York as well as significant changes in technology that have drastically altered the size and scope of these projects. This interest was unanticipated at the time Chapter 422 was adopted and later amended. As such, the Town Board has determined that it would be in the best interest of the Town and its residents that the Town adopt a six month moratorium on the review and approval of permits/applications for construction and installation of wind energy projects within the Town to allow the Town Board time to review potential concerns and to enact appropriate additions, revisions, and/or amendments to the law governing wind energy projects to ensure that such projects do not

adversely impact neighboring properties, agricultural lands, or the character and nature of the community; to review tax considerations; and to promote and preserve the welfare of the residents of the Town of Newstead.

SECTION 3. AMENDMENT OF PRIOR LAW

Chapter 422 of the Code of the Town of Newstead originally adopted on July 23, 2007 by Local Law No. 2 of the Year 2007 and amended on September 28, 2015 by Local Law No. 4 of the year 2015 is further amended to add a new Section 422-11 which shall read as follows:

"For the period commencing on the effective date of this Local Law No. 3 of the Year 2024 and for six months thereafter, there shall be a moratorium on the processing of applications and review and approval of permits for the construction and installation of wind energy projects within the Town of Newstead."

SECTION 4. SEVERABILITY

If any portion, subsection, sentence, clause, phrase, or portion thereof of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 5. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State and shall remain in place for a six-month period commencing with its effective date. This six-month period may be extended by the Town Board by the adoption of a resolution for that purpose.

The above local law was duly put to a roll call vote at a regular meeting of the Town Board held on July 8, 2024, the results of which were as follows:

Councilmember Mutter	_____
Councilmember Burke	_____
Councilmember Jendrowski	_____
Councilmember Dugan	_____
Supervisor Izydorzak	_____