

283 Manny's Corners Road
Amsterdam, New York 12010



Telephone: (518) 842-7961
Fax No. (518) 843-6136

TOWN OF AMSTERDAM
NOTICE OF PUBLIC HEARING
LOCAL LAW NO. 5 OF 2023

PLEASE TAKE NOTICE that the Town Board, Town of Amsterdam will hold a public hearing at the Amsterdam Town Hall, 283 Manny's Corners Road, Amsterdam, New York, on the 20th day of September, 2023, at 5:50 PM to consider proposed Local Law 5 of 2023, entitled "A local law establishing a temporary moratorium on the acceptance of special permit, site plan, or other land use approvals for installation of solar storage batteries as part of utility-scale solar systems or installation of utility-scale energy storage system facilities."

The purpose of this local law is to preserve the status quo while affording the Town Board sufficient time to adequately study and consider the Town's zoning law and utility-scale energy storage system facilities within the various zoning districts in the town. Technological developments and legislative and policy directives in NYS have led to increased interest in and development of these facilities, and the Town Board desires to address the various land use, technological, and health and safety aspects of utility-scale energy storage system facilities.

PLEASE TAKE FURTHER NOTICE that the Town of Amsterdam Town Board will consider the proposed local law and hear all persons interested at said public hearing.
A copy of the proposed local law is available from the Amsterdam Town Clerk, or on our website at: www.townofamsterdam.org.

BY ORDER OF THE TOWN BOARD


LINDA BARTONE HUGHES, TOWN CLERK



283 Manny's Corners Road
Amsterdam, New York 12010

Telephone: (518) 842-7961
Fax No. (518) 843-6136

Resolution No. 88

RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW
IMPOSING A MORATORIUM ON APPLICATIONS FOR PERMITS, SITE PLANS, OR
OTHER LAND USE APPROVALS FOR SOLAR STORAGE BATTERIES AND UTILITY-
SCALE ENERGY STORAGE SYSTEMS

Whereas, the Town's zoning law allows installation of solar storage batteries as part of utility-scale solar energy system facilities; and

Whereas, utility-scale energy storage systems may be defined as 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 and excluding those systems with 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; and

Whereas, ongoing technological developments in the realm of energy storage system facilities and legislation and policy oriented toward decarbonizing the electrical grid in NYS, which espouse goals to accelerate development of energy storage system deployments to achieve 6 gigawatts of energy storage capacity by 2030, have increased interest in and development of utility-scale energy storage system facilities across NYS; and

Whereas, recent fire incidents in May, June, and July of this year at utility-scale energy storage system facilities located in Jefferson, Orange, and Suffolk Counties prompted shelter-in-place orders, caused release of toxic substances to the air, created potential for soil and groundwater contamination, and placed elevated resource demands on local first responders – developments that ultimately led the Governor to create an Inter-Agency Fire Safety Working Group to ensure the safety and security of energy storage systems across the state.; and

Whereas, the Town Board wishes to solicit public comment on a proposal to supersede and suspend all of Article 16 of the New York State Town Law Sections 261-285, as well as jurisdiction of the ZBA to grant relief from the moratorium, in order to preserve the status quo while affording the Town Board sufficient time to adequately study and consider the Town's zoning law and utility-scale energy storage system facilities within the various zoning districts in the town; and

Whereas, adoption of moratoria on land development or construction is a type 2 action under SEQR; and

Now, therefore, be it resolved that the Town Board directs that a public hearing be noticed by the Town Clerk, as required by law, on the proposed local law imposing a moratorium on applications for permits, site plans or other land use approvals for solar storage batteries and utility-scale solar energy systems with the public hearing to be held at Town Hall at 283 Manny's Corners Road in the Town of Amsterdam on September 20, 2023 at 5:50 p.m.

Sponsored by: Councilman Brent Phetteplace
Seconded by: Councilman David Thibodeau

ADOPTED: 5-AYES-0-NOES

Adopted this 16th day of August, 2023



Linda Bartone Hughes, Town Clerk
Town of Amsterdam

TOWN OF AMSTERDAM

LOCAL LAW NO. 5 2023

A LOCAL LAW ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMIT, SITE PLAN, OR OTHER LAND USE APPROVALS FOR INSTALLATION OF SOLAR STORAGE BATTERIES AS PART OF UTILITY-SCALE SOLAR SYSTEMS OR INSTALLATION OF UTILITY-SCALE ENERGY STORAGE SYSTEM FACILITIES

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF AMSTERDAM AS FOLLOWS:

Section 1. Intent

The Town's zoning law regulates energy storage co-located with solar energy systems, including utility-scale solar energy systems. That local law included a definition of solar storage batteries as "A devise that stores energy from the sun and makes it available in an electrical form." The Town Board recognizes that storage batteries need not be limited to be co-located with solar energy systems and, given recent policy and technological developments, are increasing being installed as part of utility-scale energy storage systems as separate land uses. Indeed, it is NYS law and policy to "accelerate the deployment of storage and support the transition to a clean electric grid" by installing at least 6 gigawatts of energy storage capacity by 2030.

Utility-scale energy storage systems may be defined as 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 and excluding those systems with 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.

In addition, the Town Board notes with great concern that there have been a number of recent fire incidents involving utility-scale energy storage system facilities in May, June, and July of this year at facilities located in Jefferson, Orange, and Suffolk Counties. These fire incidents prompted shelter-in-place orders, caused release of toxic substances to the air, created potential for soil and groundwater contamination, and placed elevated resource demands on local first responders – developments that ultimately led the Governor to create an Inter-Agency Fire Safety Working Group to ensure the safety and security of energy storage systems across the state.

While recognizing the benefits of an electrical grid powered by renewable energy sources, rapid technological development, a NYS policy framework encouraging rapid utility-scale energy storage system deployments, and – most importantly – the potential risks to the public health, safety, and welfare posed by utility-scale energy storage system facilities, the Town Board wishes to establish a moratorium 1) on the acceptance of applications for special use permits for utility-scale solar energy systems involving solar storage batteries and 2) acceptance of applications under the Town's zoning law for any utility-scale energy storage system facilities, while the Town considers a thorough review of the issues.

Section 2. Authority

This moratorium is enacted by the Town Board of the Town of Amsterdam pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

Section 3. Moratorium

The Town Board hereby imposes a moratorium on the acceptance of any application for a special use permit for a utility-scale solar system involving solar storage batteries, any application for site plan or special use permit approval involving utility-scale energy storage systems, as well as the consideration by the Planning Board of any such permit applications that may already be pending at the time of the enactment of this moratorium. Such moratorium shall continue until six (6) months after the effective date of this local law. The Town Board, in its discretion, may, by duly adopted resolution, extend the moratorium for two (2) additional periods of three (3) months.

Section 4. Effective Date

This local law shall take effect immediately, and shall apply to any applications pending as of the effective date of this local law.

Section 5. Variances

The Town Board shall have the authority, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Town, or significantly conflict with the general purpose and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk and shall include a fee of Two Hundred Fifty Dollars (\$250.00) for the processing of such application. All such applications shall promptly be referred to the Town Board, which shall conduct a Public Hearing on the application on not less than five (5) days public notice, and shall make its decision within thirty (30) days after the close of the Public Hearing.

Section 6. 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 invalid part or parts.

Section 7. Repeal of Other Laws

All local laws in conflict with provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium. This Local Law also supersedes amends and takes precedence over any inconsistent provisions of New York State Town Law, the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law Sections 10 and 22. The Town Law provisions intended to be superseded include all of the Article 16 of the Town Law, Sections 261-285 inclusive and any other provision of law that the Town may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and to apply such intent in the event the Town has failed to specify any provisions of law that may require supersession. The Town Board hereby declares that it would have enacted this local law and superseded such inconsistent provision had it been apparent.

516-280-7675

TOWN OF AMSTERDAM
NOTICE OF PUBLIC
HEARING
LOCAL LAW NO. 5 OF 2023

PLEASE TAKE NOTICE that the Town Board, Town of Amsterdam will hold a public hearing at the Amsterdam Town Hall, 283 Manny's Corners Road, Amsterdam, New York, on the 20th day of September, 2023, at 5:50 PM to consider proposed Local Law 5 of 2023, entitled "A local law establishing a temporary moratorium on the acceptance of special permit, site plan, or other land use approvals for installation of solar storage batteries as part of utility-scale solar systems or installation of utility-scale energy storage system facilities."

The purpose of this local law is to preserve the status quo while affording the Town Board sufficient time to adequately study and consider the Town's zoning law and utility-scale energy storage system facilities within the various zoning districts in the town. Technological developments and legislative and policy directives in NYS have led to increased interest in and development of these facilities, and the Town Board desires to address the various land use, technological, and health and safety aspects of utility-scale energy storage system facilities.

PLEASE TAKE FURTHER NOTICE that the Town of Amsterdam Town Board will consider the proposed local law and hear all persons interested at said public hearing.

A copy of the proposed local law is available from the Amsterdam Town Clerk, or on our website at: www.townofamsterdam.org.

BY ORDER OF THE TOWN
BOARD

LINDA BARTONE HUGHES, TOWN
CLERK