

NOTICE OF PUBLIC HEARING

Town of Henderson, New York

RE: Extending Moratorium on all Solar Energy Facilities and Battery Energy Storage Systems

PLEASE TAKE NOTICE that a Local Law has been introduced by the Town Board of the Town of Henderson to extend its **Town Wide Moratorium on all Solar Energy Facilities and/or Battery Energy Storage Systems for an additional three (3) months.**

The Local Law prohibits any Enforcement Officer, the Zoning Board of Appeals, or the Planning Board, from processing, reviewing, rendering any determination, granting any variance, or approval with respect to any Solar Energy Facilities and/or Battery Energy Storage Systems within the Town of Henderson during the duration of the Moratorium extension due to expire on/ about June 5, 2024.

The Local Law declares that a violation shall be punishable by a fine not exceeding \$250 and/or injunctive relief to prohibit such activities.

PLEASE TAKE NOTICE that a public hearing upon the Local Law will be held at the Town Offices, 12105 Town Barn Rd., Henderson, New York on **April 9, 2024 at 7:00PM** and that an opportunity to be heard in regard thereto will then and there be given to all persons.

Town of Henderson

12105 Town Barn Rd.
Henderson, New York 13650
(315) 938-5542
www.townofhendersonny.org

RESOLUTION # 32 OF 2024

ADOPTING LOCAL LAW 4 of 2024 Extending a Townwide Month Moratorium for Solar Energy Facilities and/or Battery Energy Storage Systems

WHEREAS, the Moratorium regarding Solar Energy Facilities and/or Battery Energy Storage Systems was recently adopted by the Town Board and which is due to expire on/about May 5, 2024; and

WHEREAS, the Town Board for the Town of Henderson, New York is considering a number of steps to update, revise and amend its Zoning with regard to Solar Energy Facilities and/or Battery Energy Storage Systems, but anticipates that completion of that process will not be accomplished by May 5, 2024; and

WHEREAS, in light of the above, the Town Board has determined that extending the moratorium for up to an additional _____ () months is reasonably necessary and appropriate to ensure that adequate time exists within which the Town Board might adopt reasonable amendments to Town Zoning in respect to Solar Energy Facilities and/or Battery Energy Storage Systems.

NOW BE IT RESOLVED, that a public hearing Amending Local Law 1 of 2023 to extend the moratorium for an additional _____ () months (subject to earlier cancellation by Resolution) was conducted on _____, 2024; and

BE IT FURTHER RESOLVED, that extending the moratorium to provide adequate time to amend Zoning in regard to Solar Energy Facilities and/or Battery Energy Storage Systems is appropriate and the local law is approved; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

The foregoing Resolution was offered by Board Member, _____, and seconded by Board Member, _____, and upon roll call vote of the Board was duly adopted as follows:

Ed Glaser, Supervisor	Yes ____	No ____
Torre Parker-Lane	Yes ____	No ____
Matthew Owen	Yes ____	No ____
David Poulin	Yes ____	No ____
Lindsay Witmer	Yes ____	No ____

Dated: _____ 2024

Wendy Flagg, Town Clerk

TOWN OF HENDERSON

LOCAL LAW # 4 of 2024

Amending Local Law 1 of 2023 Extending the Townwide Moratorium for all Solar Energy Facilities and/or Battery Energy Storage Systems

ARTICLE I INTENT

The Town Board, in order to consider, formulate, and potentially amend the Town's Zoning pertaining to Renewable Energy Facilities and Battery Energy Storage Systems and to safeguard the public health, safety and general welfare of its population, determines it to be reasonably necessary to extend the six (6) month moratorium by ____ () additional months (from May 5 - _____, 2024) to complete the Zoning amendment process.

ARTICLE II DEFINITIONS

BATTERY ENERGY STORAGE SYSTEMS - 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 twelve-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a small, medium, or large battery energy storage system as follows:

- (1) Small battery energy storage systems have an aggregate energy capacity less than or equal to 200 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- (2) Medium battery energy storage systems have an aggregate energy capacity greater than 201 kWh to 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.
- (3) Large battery energy storage systems have an aggregate energy capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.

PERMIT/APPROVAL - No battery energy storage systems shall be constructed, reconstructed, modified or operated in the Town of Henderson, except in compliance with the Zoning Law.

RENEWABLE ENERGY FACILITIES and/or SOLAR ENERGY FACILITIES – An electrical energy

facility composed of a combination of both solar panels and solar energy equipment.

This provision applies equally to Wind Energy Conversion Systems and Solar Energy Conversion Systems, however those renewable energy systems may be defined.

ARTICLE III APPLICATION

This Local Law shall apply to all areas within the Town of Henderson.

ARTICLE IV DURATION

This law shall be in effect for a period of up to _____ () months from May 5 – _____, 2024 unless sooner cancelled by the Town Board by Resolution.

ARTICLE V PROHIBITIONS

Neither the Town of Henderson Zoning Officer, nor the Zoning Board of Appeals, nor the Town of Henderson Planning Board nor the Town Board shall process, review, render any determination, nor grant any variance, or any approval, in respect to any Renewable Energy Facilities and/or Battery Energy Storage Systems within the Town during the duration of this Moratorium. No person shall construct/erect a new Renewable Energy Facilities and/or Battery Energy Storage Systems within the Town Limits during the duration of this Moratorium unless municipal approval was granted in advance of the effective date of this local law.

ARTICLE VI ENFORCEMENT

This Local Law shall be enforced by the Town Zoning Officer.

ARTICLE VII VIOLATIONS

Any person violating any provision of this Local Law shall be guilty of an offense, and upon conviction thereof be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250) or imprisonment for a period not to exceed fifteen (15) days or both. Each week's continued violation after notice shall constitute a separate and additional violation.

ARTICLE VIII SEVERABILITY

Should any portion of this Local Law be declared invalid, such decision shall not affect the validity of the remaining portions of this Local Law.

ARTICLE IX EFFECTIVE DATE

This Local Law shall become effective on May 5, 2024 or after having been sooner filed in the Office of the NYS Secretary of State.