

Village of West Winfield

Local Law No. 1 of the year 2024

A local law enacting a temporary moratorium on Major Solar Energy Systems

Be it enacted by the Village Board of the Village of West Winfield as follows:

SECTION I.
SHORT TITLE

This local law shall be cited as Local Law # 1 of 2024 of the Village of West Winfield and is entitled the "2024 Temporary Moratorium Law on Major Solar Energy Systems and Battery Energy Storage Systems."

SECTION II.
LEGISLATIVE FINDINGS

The Village Board seeks to carefully draft, propose and pass legislation with respect to its Village Comprehensive Plan, the Village Zoning Ordinance and Local Laws, particularly Local Laws pertaining to Major Solar Energy Systems in the Village of West Winfield.

The Village has not to date ever approved any kind of Major Solar Energy System and believes that the same should be evaluated upon the adoption of the Comprehensive Plan which will address the protection and promotion of the public health, welfare and safety within the Village of West Winfield. This moratorium is necessary in order to temporarily prohibit the establishment of Major Solar Energy Systems or Battery Energy Storage Systems in the Village to preserve the status quo while affording the Village Board sufficient time to evaluate and to amend the Village Zoning Ordinance and Local Laws, or to adopt new laws relating to Major Solar Energy Systems and Battery Energy Storage Systems.

SECTION III.
AUTHORITY

This moratorium is enacted by the Village Board of the Village of West Winfield 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 IV.
MORATORIUM

- (A) For a period of **eighteen (18)** months from the effective date of this Local Law, no applications shall be accepted or considered by the Planning Board of the Village of West Winfield for Major Solar Energy Systems or for Battery Energy Storage Systems, 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. 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. Such Tier 1 or Tier 2 Battery Energy Storage Systems, whether as part of such Major Solar Energy System or stand-alone.
- (B) This moratorium may be extended by one (1) additional period of up to six (6) months by resolution of the Village Board upon a finding of the necessity for such extension.

SECTION V.
VARIANCES.

The Village 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 Village 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 Village 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 Village 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 VI.
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 VII.
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 and for any additional period that this Local Law is extended. This Local Law also supersedes, amends and takes precedence over any inconsistent provisions of New York State Village Law, the Village's Municipal Home Rule powers, pursuant to Municipal Home Rule Law Sections 10 and 22. The courts are directed to take notice of this legislative intent and to apply such intent in the event the Village has failed to specify any provisions of law that may require supersession. The Village Board hereby declares that it would have enacted this local law and superseded such inconsistent provision had it been apparent.

SECTION VIII.
EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by law, upon filing with the New York State Secretary of State.