

**A LOCAL LAW
ESTABLISHING A MORATORIUM ON
SOLAR FARMS AND BATTERY ENERGY STORAGE SYSTEMS
IN THE TOWN OF JOHNSTOWN**

**NOW, THEREFORE, BE IT ENACTED BY THE JOHNSTOWN TOWN BOARD
AS FOLLOWS:**

1. Title and Authority – This Local Law shall be known as the Town of Johnstown Solar Farm and Battery Storage Moratorium Law. It is adopted pursuant to Municipal Home Rule Law §10.

2. Purpose – The Town Board recognizes that solar energy offers benefits for energy conservation and reduction of reliance on fossil fuels and, as such, the development of solar energy facilities continues to grow. However, the installation of large-scale solar energy facilities, panels, equipment and accessories together with battery energy storage systems may have adverse impacts on safety as well as on neighboring land uses. While the Town of Johnstown’s Zoning Law currently includes regulations of “Solar Farms”, it does not currently regulate battery energy storage systems. In addition, the number of Solar Farms that have been constructed in the Town of Johnstown is raising concerns over the orderly development of land and the impacts of devoting so much open space to solar energy production. This Moratorium is necessary in order to temporarily restrict the development of commercial solar facilities, solar farms and battery energy storage systems so that the Town Board may thoroughly consider the impacts of such uses, their appropriate locations in the community and how to encourage appropriate development of such facilities within the Town’s land use development and zoning objectives. The Town Board has determined that this would best enhance and protect the health, safety and welfare of the citizens of the Town of Johnstown.

3. Definitions –

“Solar Collector” and “Solar Farm” shall have the meanings set forth in Article 84 of the Town Code.

“Ground-Mounted Solar Panel” means a solar panel that is directly installed in the ground and is not attached or affixed to an existing structure. Pole-mounted, shed-mounted or freestanding canopy-mounted solar panels shall be considered ground-mounted solar panels.

“Battery Energy Storage System” means one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time.

4. Moratorium – The Town of Johnstown hereby imposes a six-month Moratorium on the construction, establishment, installation, review or approval of any new or expanded Solar Farm or Battery Energy Storage System from February 26, 2024 until August 26, 2024. The provisions of this Local Law shall be applicable to any construction, establishment, installation, review or approval of any such facilities, including any for which an application is currently pending, unless all necessary municipal approvals have been obtained on or before February 26, 2024. During the pendency of this Moratorium there shall be no permits issued nor applications considered by the Town, its Officials, Boards or Departments for the construction, installation or use of Solar Farms or Battery Energy Storage Systems.

5. Exceptions – This Moratorium shall not apply to residential Solar Panel installations, regardless of whether or not the panels are ground-mounted, so long as the total Solar Panel installation on a single residential tax map parcel is designed to generate no more than 110% of the electricity consumed over the previous twelve-month period for the existing parcel (for new construction that does not have a twelve-month log of electricity use, a projection of electricity use over the first 12 months shall be used). In addition, this Moratorium shall not apply to stand-alone 12-volt car batteries, electric motor vehicles or any battery energy storage unit used on residential property for the benefit of such property only.

6. Extensions – This Moratorium may be extended for such additional periods as the Town Board may determine to be necessary to protect the public health, safety and welfare of the citizens of the Town of Johnstown and accomplish the stated purposes and intent of this Local Law.

7. Variance Procedure – The Town Board shall have the power, 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 extraordinary hardship 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 purposes and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk. The Town Board 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. Any project which is granted a variance from this Local Law shall be subject to all requirements under the Town Code which would have been applicable to the project if the Moratorium had not been adopted and the prohibitions set forth in Paragraph 4 of this Local law shall not apply to such project.

8. Severability – The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

9. Effective Date – This Local Law shall take effect upon filing by the Office of the New York Secretary of State or as otherwise provided by law and shall be operative as of February 26, 2024 as provided in paragraph 4 above.

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