

**TOWN OF KENT**  
25 Sybil's Crossing  
Kent Lakes, New York 10512

Yolanda D. Cappelli  
Town Clerk

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**RESOLUTION**

**ADOPTING LOCAL LAW #1 OF-2024**

On the motion by Councilman Ruthven  
Seconded by Councilman Tompuri

**WHEREAS**, a local law Establishing a Land Use Moratorium Prohibiting Lithium Storage Facilities, was introduced as Introductory Local Law #1 (the "Local Law") of the year 2024 before the Town Board of the Town of Kent on June 18, 2024; and

**WHEREAS**, the public hearing was opened on July 9, 2024 and the public was invited to attend and be heard on the matter;

**NOW THEREFORE, BE IT RESOLVED**, that Introductory Local Law #1 of 2024 is hereby enacted by the Town Board of the Town of Kent as Local Law#1 of 2024 of the Town of Kent, and

**BE IT FURTHER RESOLVED**, that a true copy of the law is attached hereto and made a part hereof.  
**UPON ROLL CALL VOTE:**

Councilwoman Campbell: aye (stated that she would have preferred if we did not exclude individual homeowners who have solar panels on their property)

Councilman Tompuri: aye

Councilman Ruthven: aye

Councilman Boyd: aye

Supervisor McGlasson: aye

Motion carried unanimously

**TOWN OF KENT LOCAL LAW NO.1 of 2024**

**A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM  
PROHIBITING LITHIUM BATTERY STORAGE FACILITIES WITHIN THE TOWN OF KENT**

BE IT ENACTED by the Town Board of the Town of Kent, Putnam County, New York, as follows:

Section 1. Legislative Intent.

The relatively new and previously unregulated use of electric generating and storage facilities that use or utilize lithium technology within the Town and region has come to the attention of the Town Board. These

facilities have the potential to pose a public health threat and create heavier demands on public safety, police and fire, ambulance, emergency services, water, sewer and other utilities. It is, therefore, found and determined by this Town Board to declare a temporary moratorium on the acceptance and review of any application for site plan approval or building permit, or the issuance of any occupancy permit, certificate of occupancy or tenant certificate of occupancy for any proposed use determined by the Building Inspector to use or employ electric generation and lithium battery storage technology as a principal or accessory use. It is the intent of this Town Board to review its Zoning Code and Building Code, in conjunction with other State and Federal laws, rules and regulations, to propose amendments which would better define these uses and ensure that uses of this nature are properly located, established and regulated to minimize adverse impacts such uses could have on neighboring users and communities as well as the general health, safety and welfare of the public.

#### Section 2. Scope of Moratorium.

There is hereby adopted in the Town of Kent a six (6) month moratorium on the acceptance, consideration, receipt or grant of any building permit or site plan approval pursuant to Chapter 27 (Building Administration and Construction) and / or Chapter 77 (Zoning) of the Code of the Town of Kent, for any construction, development or use that employs or incorporates electric generation or storage that uses or utilizes in whole or in part, lithium battery storage technology, or the further review of any such applications currently filed with the Building Department or Planning Board of the Town of Kent including, but not limited to, any application for building or occupancy permits or the issuance of any such permits, for any use described as or incorporating electric generation and storage using lithium battery storage technology as a principal or accessory use.

During the term of the moratorium the Town Board intends to develop, consider and adopt changes to its land use local laws so as to regulate Lithium Battery Storage Facilities.

This moratorium shall extend from the date of adoption of this Local Law and shall expire six (6) months hence from such date of adoption, unless earlier terminated or extended by Local Law.

#### Section 3. Conflicts with State Statutes and Local Laws and Authority to Supersede.

To the extent that any provisions of this local law are in conflict with or are construed as inconsistent with the provisions of the New York State Town Law or any local ordinance, law, or regulation, this local law supersedes, amends, and takes precedence over the Town Law and such local ordinances, laws or regulations, pursuant to the Town's municipal home rule powers pursuant to Municipal Home Rule Law § 10 and § 22 to supersede any inconsistent authority. Pursuant to the same powers, and without limiting the generality of the foregoing, this local law supersedes the provisions contained in (a) Article 8 of the Environmental Conservation Law (known as the State Environmental Quality Review Act) and the regulations thereunder to the extent that such provisions require that an agency determine the environmental significance of an application within certain specified timeframes; and (b) Town Law § 267 and § 267-a through c, pertaining to the variance authority of the board of zoning and appeals.

#### Section 4. Validity and Severability.

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been

rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstance, and the Town Board of the Town of Kent hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5. Effective Date.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and shall remain in force for a consecutive period of six (6) months from its effective date, unless extended by local law adopted after public hearing upon no less than five (5) days public notice.

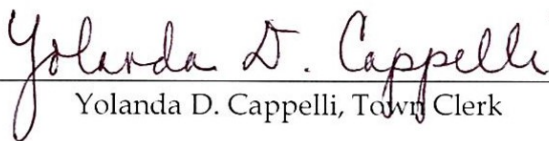
Dated: July 9, 2024

BY THE ORDER OF THE TOWN BOARD OF

THE TOWN OF KENT

I, Yolanda D. Cappelli Town Clerk of the Town of Kent, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Kent at a meeting of said Board on July 9, 2024.

Dated: July 15, 2024

  
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Yolanda D. Cappelli, Town Clerk