

Local Law 3 - 2024
Adopted 7/15/2024
Filed 7/18/2024

A local law to enact a temporary moratorium on battery energy storage systems within the Village of Sea Cliff.

Section one. Legislative Intent.

It is the intent of the Board of Trustees of the Village of Sea Cliff to impose a twelve (12) month moratorium on the siting, establishment, placement, installation, construction, erection, modification and/or enlargement of battery energy storage systems within the Village of Sea Cliff.

Section two. Legislative Purpose and Findings.

The purposes of this local law is to suspend temporarily development of battery energy storage systems, for a period of up to twelve (12) months, while the Village of Sea Cliff reviews proposed safety regulations being considered by the New York State Code Fire Prevention and Building Code Council (the "Code Council") and thereafter determines appropriate zoning changes and the enactment of zoning policies to specifically address measures to guide the safe development of such storage systems in the Village.

Battery Energy Storage System development is in its infancy. Safety regulations have not yet caught up. An unfortunate consequence of the use of potentially and highly flammable materials in these systems and the lack of proper regulation or zoning protections is that there have been a number of out-of-control fires, particularly with systems using lithium-ion batteries. This presents a serious danger to our residents and real property, as well as the potential degradation of air and ground water resources. It also presents an immediate danger to fire department personnel and first responders.

The Board recognizes and acknowledges that the Village needs to study and analyze the proposed and final Code Council regulations and system siting considerations to minimize impacts to the public health, safety and welfare. The Village will work diligently towards the development of criteria for future siting, site design, safety requirements and other considerations related to Battery Energy Storage System development.

Section three. Definitions.

Battery/Batteries – A single cell or a group of cells connected together electronically in a series, in parallel or a combination of both, which can charge,

discharge and store energy electrochemically. Batteries utilized in consumer products are excluded from this moratorium.

Battery Energy Storage System – A rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to store energy to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or stand-alone electric motor vehicle.

Cell – The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store and deliver electrical energy.

Section four. Moratorium.

The Board hereby enacts a moratorium which shall prohibit the siting, establishment, placement, installation, construction, erection, modification and/or enlargement of battery energy storage systems in the Village. This moratorium shall apply throughout the Village.

Section five. Duration of Moratorium.

This moratorium shall be in effect for a period twelve (12) months from the effective date of this local law and shall expire on the earlier of (i) the date twelve (12) months from the effective date of this local law, unless renewed, or (ii) the enactment by the Board of a resolution terminating the moratorium.

The Board, by resolution, adopted prior to the applicable expiration of this moratorium, may extend the duration of the moratorium provided for herein for not more than two (2) periods of three (3) months each.

Section six. Exemptions.

In any case where a property owner demonstrates to the satisfaction of the Board of Trustees that the provisions of this law, or the effects of this law, have created a financial hardship to such person, and demonstrates the existence of such financial hardship in the same manner and to the same extent as would be required to obtain a use variance from the Board of Appeals, the Board of Trustees, after public hearing held and noticed in the same manner as provided for a public hearing before the Board of Appeals, may grant an exemption from the provisions of this law, and by such exemption permit one or more board(s) or agency(ies) of the Village to process and/or consider any application, and in proper cases issue any particular approvals, which would otherwise have been subject to the provisions of this moratorium.

Section six. Validity and Severability.

Any local law, ordinance, or resolution of the Village of Sea Cliff in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law or resolution prior to the effective date of this local law.

If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section seven. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.