

## LOCAL LAW NO. 15 OF 2024

"A LOCAL LAW to Amend Southampton Town Code Chapter 314, Entitled, "Moratorium on Battery Energy Storage Systems" by Amending Section 314-4. Entitled, "Moratorium Period" to Extend the moratorium period for an additional six (6) months"

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

### SECTION 1. Legislative Intent

As stated in Local Law No. 1 of 2024, which extended the Battery Energy Storage Code Moratorium, the Town Board acknowledges that battery storage systems play an important role in reducing demand and costs associated with grid infrastructure, add capacity while lessening the burden on existing infrastructure, and deter the use of fossil fuels putting the Town closer to its reduced emission goals as a Climate Smart Community. The Town Board remains dedicated to those goals; however, significant public health and safety concerns relative to the potentially volatile nature of lithium-ion batteries and battery storage operations remain, especially with regard to locating mega-watt scale facilities in close proximity to established residential areas.

Indeed, as the result of several fires at Battery Energy Storage Facilities across the State have significantly raised concerns related to emergency and first responders in their attempts to manage these occurrences and insure continued public safety. In fact, in response thereto in August of 2023 New York State Governor Kathy Hochul convened an Inter-Agency Fire Safety Working Group of representatives from the Division of Homeland Security and Emergency Services (DHSES) Office of Fire Prevention and Control (OFPC), New York State Energy Research and Development Authority (NYSERDA), New York State Department of Environmental Conservation (NYSDEC), the Department of Public Service (DPS) and the Department of State (DOS) who are tasked with analyzing data, assessing public vulnerability and making recommendations for safety training and equipment. On February 6, 2024, the Working Group released 15 proposed recommendations regarding revisions and additions to the FCNYS related to BESS, as well as several other BESS considerations. NYSERDA indicated that the Code Council planned to release the updated recommendations for public comment again in June 2024 through the "Rule in Development" process for the Fire Code of New York State. However, it is the end of June and no further actions have been taken by the State.

During the past four (4) months since the previous extension, the Town of Southampton established a Steering committee and has been meeting regularly with representatives from LIPA and NYSERDA as well as the public and industry representatives to work out parameters for Code amendments. In addition, the Town has updated the County Planning Commission on its progress. As the finalized recommendations have not been provided by the State and draft fire code revisions are still outstanding, the Town of Southampton finds it prudent and within the public interest to extend the moratorium for an additional six (6) months to complete its planning study and continue the process to amend the land use regulations

### SECTION 2. Amendment

#### §314-4. Moratorium Period.

This moratorium shall be in effect during the period between the adoption of this Amending Local Law No. 15 of 2024 and the filing of same and shall run for a period of 6 months following said adoption to wit: From August 13, 2024 through February 13, 2025. The same may be

extended by appropriate action of the Town Board.

#### SECTION 3. Severability.

If any section or subsection, paragraph, clause, phrase, or provisions of this law shall be judged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

#### SECTION 4. Effective Date.

This Local Law shall become operative upon its adoption and take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law, and shall expire after the 6-month period after the effective date of the moratorium as so noted within the law.