

A LOCAL LAW IMPOSING A SIX (6) MONTH
MORATORIUM ON CHAPTER 176
(BATTERY ENERGY STORAGE SYSTEMS)
IN THE TOWN OF SWEDEN

Be it enacted by the Sweden Town Board, County of Monroe, State of New York (hereinafter referred to as the Board), as follows:

SECTION 1. TITLE

This Local Law shall be referred to as the "Local Law Imposing a Six (6) Month Moratorium on Chapter 176 Battery Energy Storage Systems in the Town of Sweden".

SECTION 2. PURPOSE AND INTENT

Sweden Town Code Chapter 176 was originally adopted by the Town of Sweden in 2021. The Sweden Town Board is now desirous of making amendments and/or modifications to Sweden Town Code Chapter 176. Pursuant to the statutory powers vested in the Town of Sweden (hereinafter referred to as the Town) to regulate and control land use and to protect the health, safety and welfare of its residents, the Board hereby declares a six (6) month moratorium on the establishment, placement, construction, erection and/or implementation of any battery energy storage systems in the Town of Sweden. It is the further purpose to enable the Town to prevent the construction or erection of any battery energy storage system projects for a reasonable period of time to allow the Board to contemplate and/or enact amendments and/or modifications to Sweden Town Code Chapter 176.

SECTION 3. SCOPE OF CONTROLS

During the effective period of this Local Law:

1. The Board of the Town will not grant any approvals that would have as the result the establishment, placement, construction, erection and/or implementation of any battery energy storage systems within the Town.
2. The Town of Sweden Planning Board shall not grant any approvals that would have as the result the establishment, placement, construction, erection and/or implementation of any battery energy storage systems within the Town.
3. The Town of Sweden Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment, placement, construction, erection and/or implementation of any battery energy storage systems within the Town.
4. The Building Inspector/Code Enforcement Officer of the Town shall not issue any permit that would result in the establishment, placement, construction, erection and/or implementation of any battery energy storage systems within the Town. The Board of the Town reserves the right to direct the Town of Sweden Building Inspector/Code Enforcement Officer to revoke or rescind any building permits or certificates of occupancy issued in violation of this Local Law.

SECTION 4. NO CONSIDERATION OF NEW APPLICATIONS

No application affected by this Local Law and/or for approvals for a site plan, subdivision, variance, special use permit or other permit shall be considered by any Board Officer or agency of the

Town while the moratorium imposed by this Local Law is in effect, except for any application previously submitted for consideration prior to the moratorium.

SECTION 5. TERM

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law. This Local Law shall expire six (6) months from the effective date of this Local Law as more specifically discussed hereinbelow.

SECTION 6. PENALITIES

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any battery energy storage systems in violation of the provisions of this Local Law in violation of the provisions of this Local Law shall be subject to:

A. All penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town of Sweden for violations; and

B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

SECTION 7. VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without said invalid provision.

SECTION 8. HARDSHIP

A. Should any owner of property affected by this Local law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Board of the Town in writing for a variation from strict compliance with this Local law upon submission of proof of said unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Sweden Town Clerk by the property owner seeking a variation of this Local Law, the Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon a five (5) day written notice in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. In the event that the Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

SECTION 9. EFFECTIVE DATE

