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**TOWN OF YORK**

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**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of York, and pursuant to Town Law §130 and §264, that a public hearing shall be held by the Town Board of the Town of York at the Town Hall, located at 2668 Main Street, York, New York at 6:30 p.m. on Tuesday, July 9, 2024 for the purpose of considering public opinion and comment about or concerning proposed Local Law No. 2 of the Year 2024 relating to the following:

The purpose of this local law is to create a new Section 619 of the Zoning Ordinance of the Town of York for purposes of properly regulating Energy Storage Systems within the boundaries of the Town of York to protect residential uses, Prime Farmland, Farmland of Statewide Importance, business areas and other land uses, to preserve the natural resources, overall beauty, nature and character of the Town of York and to protect the health, safety and general welfare of the citizens of the Town of York.

A copy of the proposed Local Law is available for review by the public at the office of the Town Clerk during regular hours or on the Town of York's website: [www.yorkny.org](http://www.yorkny.org)

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: June 12, 2024  
By Order of the York Town Board  
Christine M. Harris, Town Clerk

" This is an Equal Opportunity Program. Discrimination is prohibited by Federal law. Complaints of discrimination may be filed with USDA, Director, Office of Civil Rights, Room 326W, Whitten Building, 1400 Independence Ave., SW, Washington, DC 20250-9410."

**Fowlerville - Greigsville - Linwood - Piffard - Retsof - Wadsworth - York**

**TOWN OF YORK  
LOCAL LAW NO. 2 OF THE YEAR 2024**

**A Local Law Entitled “Adding Section 619 to the Zoning Ordinance of the Town of York to Provide for Energy Storage System Regulation.”**

Be it enacted by the Town Board of the Town of York as follows:

A new Section 619 of the Zoning Ordinance of the Town of York is hereby added and shall read as follows:

619. Energy Storage Systems

A. Authority and Legislative Intent. The Town Board of the Town of York states the following as its findings and legislative intent:

(1) This Local Law is adopted pursuant to:

- a. New York State Town Law §§261, 263 and 264, which authorize the Town of York to adopt zoning provisions that advance and protect the health, safety, and welfare of the community;
- b. New York Municipal Home Rule Law, §10(1)(i) and (ii) and § 10 (l)(a)(6), (11), (12), and 14; and
- c. Article IX of the New York State Constitution, §2(c)(6) and (10).

B. This Local Law is a land use regulation and is intended and is hereby declared to address matters of local concern, and not matters of statewide concern. This Local Law is intended to act as and is hereby declared to exercise the permissive “incidental control” of a zoning law and land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Town, including the physical externalities associated with certain land uses, such as potential negative impacts of such uses on a community.

The Town Board of the Town of York finds it is necessary to properly regulate Energy Storage Systems within the boundaries of the Town of York to protect residential uses, Prime Farmland, Farmland of Statewide Importance, business areas and other land uses, to preserve the natural resources, overall beauty, nature and character of the Town of York and to protect the health, safety and general welfare of the citizens of the Town of York.

C. Definitions. The following terms shall have the meanings indicated for purposes of this section 619:

The following definitions shall apply to this Section:

**Energy Storage System** - A rechargeable energy storage system consisting of one or more devices, including batteries and/or other sources of holding or temporarily containing energy, charging devices, controls, power conditioning systems and associated electrical equipment, assembled together, capable of storing energy in order to provide electrical energy at a future time, not to include a stand-alone 12-volt car/boat battery, electric motor vehicle or battery storage systems or other energy storage devices or processes used solely for storage of energy associated with use by a residential building or business building for its own consumption. Also not included in this definition, is any means of energy storage utilized by an Agricultural or Farm Operation, where such form of energy storage is accessory to, incidental to and subordinate to the regular business operations of such Agricultural or Farm Operation, so long as such energy storage is not receiving energy from a Type 2 Solar Energy System or does not draw energy from the grid to be stored.

**Large Scale Energy Storage System Installation(s)** - Any installation of a rechargeable or renewable Energy Storage System having an aggregate energy capacity of 600kWh or more, consisting of electrochemical storage batteries or other energy storage or holding technology, charging systems, controls, power conditioning systems, inverters, transformers, switchgears and associated electrical equipment designed to store electrical power received from a generating or transmission source and periodically discharging power from the Energy Storage System into the power grid or by other means.

**Non-commercial Energy Storage Systems** – A rechargeable Energy Storage System typically used to provide standby or emergency power and/or an uninterruptable power supply, load shedding, load sharing, or similar capabilities relating to the energy consumed by a residence, Agri-business or Agricultural or Farm Operation or other business on site and having an aggregate energy capacity of less than 600kWh.

D. Zoning districts where allowed.

Subject to the provisions of this Section, Energy Storage Systems shall only be allowed as follows:

(1) Non-commercial Energy Storage Systems are allowed as accessory uses in all zoning districts upon issuance of a zoning permit based on special application materials supplied by the Town Building and Code Department.

a. All applications for Non-commercial Energy Storage Systems for business,

Agri-business or Agricultural or Farm Operation, to the extent that the same require modification to the existing site of such business or farm, shall be subject to Site Plan review pursuant to Article XI, unless otherwise exempted by law. Applications for Non-commercial Energy Storage Systems for use on residential parcels may be subject to Site Plan review at the sole discretion of the Code Enforcement Officer.

- b. Any application under this Section that requires Site Plan review shall meet substantive Site Plan requirements in §1103 that, in the judgment of the York Town Planning Board, are applicable to the Energy Storage System being proposed.
- c. Compliance with regulatory agencies. The Applicant is required to obtain all necessary regulatory approvals and permits from all federal, state, county and local agencies having jurisdiction and approval powers related to the completion of a Non-commercial Energy Storage System.

- (2) Large Scale Energy Storage System Installation shall not be permitted in any zoning district within the Town of York.

E. General regulations. The placement, construction and major modification of any permitted Energy Storage System within the boundaries of the Town of York shall be permitted only as follows:

- (1) Any inconsistent provisions of the Code of the Town of York which purport to or may be interpreted to allow Large Scale Energy Storage System (or similar technology as a permitted primary or accessory use) in other districts are hereby superseded.
- (2) All Energy Storage System existing on the effective date of this Section shall be “grand fathered” and allowed to continue as they presently exist. Routine maintenance (including replacement with a new system of like construction and size) shall be permitted on such existing systems. New construction other than routine maintenance on pre-existing systems shall comply with the requirements of this Section.
- (3) All new Energy Storage Systems and all additions and modifications to any pre-existing Energy Storage Systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code, the NYS Energy Conservation Code and all local laws, codes, rules and regulations of the Town of York.
- (4) Any applications (including variance applications) pending for Energy Storage Systems on the effective date of this article shall be subject to the provisions of

this Section.

(5) This Section shall take precedence over any inconsistent provisions of the Zoning regulations contained within the Zoning Ordinance of the Town of York.

F. Interpretation; conflict with other law.

In its interpretation and application, the provisions of this Section shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. This Section is not intended to interfere with, abrogate or annul other rules, regulations or laws, provided that whenever the requirements of this Section are at a variance with the requirements of any other lawfully adopted regulations, rules or laws, the most restrictive, or those which impose the highest standards shall govern.

G. Severability.

If any section, subsection, phrase, sentence or other portion of this Section is for any reason held invalid, void, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

H. This Local Law shall take effect immediately upon filing with the Secretary of State of New York.