

LOCAL LAW #1 OF 2021 IMPOSING A SIX (6) MONTH
MORATORIUM ON CONSTRUCTION OF BATTERY
STORAGE BUILDINGS IN THE TOWN OF ALBION.

Be it enacted by the Albion Town Board, County of Orleans, 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 #1 of 2021 Imposing a Six (6)
Month Moratorium on Construction of Battery Storage Buildings in the Town of Albion".

SECTION 2. PURPOSE AND INTENT

Pursuant to the statutory powers vested in the Town of Albion (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 battery storage buildings. It is the
further purpose of this Local Law to enable to the Town to prevent the construction or erection
of battery storage buildings. The Board is desirous of addressing, in a carefully contemplated
manner, the establishment, placement, construction, erection and/or implementation of same on a
comprehensive Town wide basis, rather than on an ad hoc basis, and to adopt relevant
regulations and/or provisions relating to same.

SECTION 3. SCOPE OF CONTROLS

During the effective period of this Local Law:

1. The Board will not grant any approvals that would have as the result the establishment, placement, construction, erection and/or implementation of battery storage buildings within the Town.
2. The Town of Albion Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit that would have as a result the establishment, placement, construction, erection and/or implementation of battery storage buildings within the Town.
3. The Town of Albion 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 battery storage buildings within the Town.
4. The Town of Albion Building Inspector/Code Enforcement Officer shall not issue any permit that would result in the establishment, placement, construction, erection and/or implementation of battery storage buildings within the Town. The Board reserves the right to direct the Town of Albion 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.

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. This moratorium shall only apply to battery storage buildings.

SECTION 6. PENALITIES

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any battery storage buildings 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 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 Albion 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

LOCAL LAW #2 OF 2021 AMENDING
CHAPTER 103 OF THE ALBION TOWN CODE

Be it enacted by the Albion Town Board, County of Orleans, 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 #2 of 2021 Amending Chapter 103 of the Albion Town Code in the Town of Albion".

SECTION 2. AUTHORIZATION

This Local Law is adopted pursuant to the legislative authority in the Municipal Home Rule Law and Town Law §261- 264.

SECTION 3. PURPOSE AND INTENT

The Town of Albion (hereinafter referred to as the Town) deems it necessary to set forth certain amendments to Albion Town Code §103 and/or specifically to Albion Town Code §103-66 concerning the creation, appointment and organization of the Planning Board.

SECTION 4. AMENDMENT TO ALBION TOWN CODE §103-66

Albion Town Code §103-66 is hereby deleted as it currently exists and changed to read as follows:

A. Pursuant to Town Law §271 the Board hereby creates a Planning Board consisting of five (5) members.

B. The Board may designate a Planning Board Chairperson. In the absence of such a designation by the Board, the Planning Board may designate a Chairperson from its own members.

C. The Board does hereby establish two (2) alternate Planning Board member positions for purposes of substituting for a Planning Board member in the event such member is unable to participate due to a conflict of interest. Such alternate members of the Planning Board shall be appointed on an as needed basis by Resolution of the Board for a term established by the Board. The Planning Board Chairperson shall designate an alternate member appointed by the Board to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board.

D. The Planning Board is empowered and authorized to establish rules and regulations deemed necessary for its function and transaction of business as allowed and required by law including Town Law §271.

LOCAL LAW #3 OF 2021 AMENDING
CHAPTER 103 OF THE ALBION TOWN CODE

Be it enacted by the Albion Town Board, County of Orleans, 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 #3 of 2021 Amending Chapter 103
of the Albion Town Code in the Town of Albion".

SECTION 2. AUTHORIZATION

This Local Law is adopted pursuant to the legislative authority in the Municipal Home
Rule Law and Town Law §261- 264.

SECTION 3. PURPOSE AND INTENT

The Town of Albion (hereinafter referred to as Town) deems it necessary to set forth
certain amendments to Albion Town Code §103 and/or specifically to Albion Town Code §103-
69 concerning the creation, appointment and organization of the Zoning Board of Appeals
(hereinafter referred to as the ZBA).

SECTION 4. AMENDMENT TO ALBION TOWN CODE §103-69

Albion Town Code §103-66 is hereby deleted as it currently exists and changed to read as follows:

A. Pursuant to Town Law §271 the Board hereby creates the ZBA consisting of five (5) members.

B. The Board may designate a ZBA Chairperson. In the absence of such a designation by the Board, the ZBA may designate a Chairperson from its own members.

C. The Board does hereby establish two (2) alternate ZBA member positions for purposes of substituting for a ZBA member in the event such member is unable to participate due to a conflict of interest. Such alternate members of the ZBA shall be appointed on an as needed basis by Resolution of the Board for a term established by the Board. The ZBA Chairperson shall designate an alternate member appointed by the Board to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board.

D. The ZBA is empowered and authorized to establish rules and regulations deemed necessary for its function and transaction of business as allowed and required by law including Town Law §271.

