

### Legal Notice

Please take notice that the Albion Town Board will hold a public hearing on February 10, 2025 at 5:00pm on Local Law #1 of the year 2025 imposing a six month moratorium on Chapter 105 Solar Energy Systems, and Local Law #2 of the year 2025 imposing a six month moratorium on Chapter 106, battery energy systems and will be held in the Town Hall, 3665 Clarendon Rd, Albion, NY 14411. Local Law #1 and #2 of 2025, may be viewed at the Office of the Town Clerk or on the Towns website, [www.townofalbion.com](http://www.townofalbion.com).

Please take further notice that the Albion Town Board will commence their regularly scheduled monthly meeting on this date following the close of the public hearing and will also be held in the Town Hall, 3665 Clarendon Rd, Albion, NY 14411.

Derek L Reiner  
Albion Town Clerk

RESOLUTION CALLING FOR A PUBLIC HEARING  
FOR A MORATORIUM ON CHAPTER 105  
SOLAR ENERGY SYSTEMS AND FARMS  
IN THE TOWN OF ALBION

- WHEREAS the Albion Town Board is desirous of amending and/or modifying Albion Town Code Chapter 105, Solar Energy Systems and Farms, and
- WHEREAS a six (6) month period of time will be sufficient to accomplish this pursuant to a proposed Local Law concerning same, and
- WHEREAS it is the intent of the Albion Town Board to consider adopting said Local Law as soon as legally possible.

NOW THEREFORE BE IT RESOLVED:

- Section 1. By passage of this Resolution the Albion Town Board does hereby declare a moratorium in accepting any new applications for solar power farms and/or commercial solar power projects in the Town of Albion until such time as the aforesaid Local Law is duly before the Albion Town Board for consideration.
- Section 2. The moratorium effective by passage of this Resolution shall remain intact for no no longer than forty five (45) days.
- Section 3. The Albion Town Board shall hold a Public Hearing at the Town Hall, 3665 Clarendon Road, Albion, New York, on the 10<sup>th</sup> day of February, 2025 at approximately 5:00 p.m. to hear all persons for or against the adoption of a moratorium, not to exceed six (6) months, relating to Albion Town Code Chapter 105.
- Section 4. This Resolution shall take effect immediately.

MOTION for adoption of this Resolution by Darlene Benton  
Seconded by Terry Wilbert

VOTE BY ROLL CALL AND RECORD

Board Member Allen - Aye  
Board Member Bensley – Absent  
Board Member Benton – Aye  
Board Member Wilbert - Aye  
Supervisor Remley – Aye

Submitted - January 13, 2025

RESOLUTION CALLING FOR A PUBLIC HEARING  
FOR A MORATORIUM ON CHAPTER 106  
BATTERY ENERGY STORAGE SYSTEMS  
IN THE TOWN OF ALBION

WHEREAS the Albion Town Board is desirous of amending and/or modifying the Albion Town Code Chapter 106, Battery Energy Storage Systems, and

WHEREAS a six (6) month period of time will be sufficient to accomplish this pursuant to a proposed Local Law #2 of 2025 concerning same, and

WHEREAS it is the intent of the Albion Town Board to consider adopting said Local Law as soon as legally possible.

NOW THEREFORE BE IT RESOLVED:

Section 1. By passage of this Resolution the Albion Town Board does hereby declare a moratorium in accepting any new applications for battery energy storage systems in the Town of Albion until such time as the aforesaid Local Law #2 of 2025 is duly before the Albion Town Board for consideration.

Section 2. The moratorium effective by passage of this Resolution shall remain intact for no longer than forty five (45) days.

Section 3. The Albion Town Board shall hold a Public Hearing at the Town Hall, at 3665 Clarendon Road, Albion, New York on the 10<sup>th</sup> day of February, 2025 at approximately 5:00 p.m. to hear all persons for or against the adoption of a moratorium, not to exceed six (6) months, relating to Albion Town Code Chapter 106.

Section 4. This Resolution shall take effect immediately.

MOTION for adoption of this Resolution by Arnold Allen  
Seconded by Terry Wilbert

VOTE BY ROLL CALL AND RECORD

Board Member Allen – Aye  
Board Member Bensley – Absent  
Board Member Benton – Aye  
Board Member Wilbert – Aye  
Supervisor Remley – Aye

Submitted – January 13, 2025

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Albion, Orleans County

Local Law No. 1 of the year 20 25

A local law imposing a 6-month moratorium on Chapter 105 Solar Energy Systems  
(Insert Title)

Be it enacted by the \_\_\_\_\_ of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Albion, Orleans County as follows:

See attached Local Law #1 of 2025, Moratorium on Solar Energy Systems

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2025 of the ~~(County)(City)(Town)(Village)~~ of Albion, Orleans County was duly passed by the Town Board on February 10 2025, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20  , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: \_\_\_\_\_

(Seal)

A LOCAL LAW #1 of 2025 IMPOSING A SIX (6) MONTH  
MORATORIUM ON CHAPTER 105  
SOLAR ENERGY SYSTEMS AND FARMS  
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 2025 Imposing a Six (6)  
Month Moratorium on Chapter 105 Solar Energy Systems and Farms in the Town of Albion".

SECTION 2. PURPOSE AND INTENT

Albion Town Code Chapter 105 was originally adopted by the Town of Albion in 2017. The Albion Town Board is now desirous of making additional amendments and/or modifications to Albion Town Code Chapter 105. 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 solar power farms and/or commercial solar power projects. It is the further purpose of this Local Law to enable the Town to prevent the construction or erection of solar power farms and/or commercial solar power projects for a reasonable period of time to allow the Board to contemplate and/or enact modifications to Albion Town Code Chapter 105.

### 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 solar power farms and/or commercial solar power projects 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 solar power farms and/or commercial solar power projects 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 solar power farms and/or commercial solar power projects 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 solar power farms and/or commercial solar power projects within the Town. The Board of the Town reserves the right to direct the Town 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. This moratorium shall only apply to solar power farms and/or commercial solar power projects of an industrial scale encompassing more than one half (1/2) acre of land area and is not intended to apply to residential scale installations on or around homes designed to offset energy demands from the premises on which same is installed.

#### SECTION 6. PENALITIES

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any solar power farms and/or commercial solar power projects 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 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

This Local Law shall take effect upon the date it is filed in the Office of the New York State Secretary of State in accordance with Municipal Home Rule Law §27.

Dated: Albion, New York  
  , 2025

A LOCAL LAW #1 of 2025 IMPOSING A SIX (6) MONTH  
MORATORIUM ON CHAPTER 105  
SOLAR ENERGY SYSTEMS AND FARMS  
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 2025 Imposing a Six (6)  
Month Moratorium on Chapter 105 Solar Energy Systems and Farms in the Town of Albion".

SECTION 2. PURPOSE AND INTENT

Albion Town Code Chapter 105 was originally adopted by the Town of Albion in 2017.  
The Albion Town Board is now desirous of making additional amendments and/or modifications  
to Albion Town Code Chapter 105. 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 solar power  
farms and/or commercial solar power projects. It is the further purpose of this Local Law to  
enable the Town to prevent the construction or erection of solar power farms and/or commercial  
solar power projects for a reasonable period of time to allow the Board to contemplate and/or  
enact modifications to Albion Town Code Chapter 105.

### 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 solar power farms and/or commercial solar power projects 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 solar power farms and/or commercial solar power projects 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 solar power farms and/or commercial solar power projects 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 solar power farms and/or commercial solar power projects within the Town.

The Board of the Town reserves the right to direct the Town 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. This moratorium shall only apply to solar power farms and/or commercial solar power projects of an industrial scale encompassing more than one half (1/2) acre of land area and is not intended to apply to residential scale installations on or around homes designed to offset energy demands from the premises on which same is installed.

#### SECTION 6. PENALITIES

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any solar power farms and/or commercial solar power projects 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 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

This Local Law shall take effect upon the date it is filed in the Office of the New York State Secretary of State in accordance with Municipal Home Rule Law §27.

Dated: Albion, New York  
    , 2025



# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Albion, Orleans County

Local Law No. #2 of the year 20<sup>25</sup>

A local law Imposing a 6 month moratoruim on Chapter 106, battery energy systems  
(Insert Title)

Be it enacted by the of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Albion, Orleans County as follows:

See attached Local Law #2 for the Town of Albion, Orleans County

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2025 of the ~~(County)(City)(Town)(Village)~~ of Albion, Orleans County was duly passed by the Albion Town Board on February 10 2025, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20  , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: \_\_\_\_\_

(Seal)

A LOCAL LAW #2 of 2025 IMPOSING A SIX (6) MONTH  
MORATORIUM ON CHAPTER 106,  
BATTERY ENERGY STORAGE SYSTEMS  
IN THE TOWN OF ALBION

Be it enacted by the AlbionTown 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 2025 Imposing a Six (6)  
Month Moratorium on Chapter 106 Battery Energy Storage Systems in the Town of Albion".

SECTION 2. PURPOSE AND INTENT

Albion Town Code Chapter 106 was originally adopted by the Town of Albion in 2021. The Albion Town Board is now desirous of making amendments and/or modifications to Albion Town Code Chapter 106. 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 any battery energy storage systems in the Town of Albion. 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 Albion Town Code Chapter 106.

### 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 Albion 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 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 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 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 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 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.





A LOCAL LAW #2 of 2025 IMPOSING A SIX (6) MONTH  
MORATORIUM ON CHAPTER 106,  
BATTERY ENERGY STORAGE SYSTEMS  
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 #2 of 2025 Imposing a Six (6)  
Month Moratorium on Chapter 106 Battery Energy Storage Systems in the Town of Albion".

SECTION 2. PURPOSE AND INTENT

Albion Town Code Chapter 106 was originally adopted by the Town of Albion in 2021.  
The Albion Town Board is now desirous of making amendments and/or modifications to Albion  
Town Code Chapter 106. 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 any battery energy  
storage systems in the Town of Albion. 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  
Albion Town Code Chapter 106.

### 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 Albion 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 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 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 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. PENALITES

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 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 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

This Local Law shall take effect upon the date it is filed in the Office of the New York State Secretary of State in accordance with Municipal Home Rule Law §27.

Dated: Albion, New York  
                    , 2025