

TOWN OF ALMOND, NEW YORK

LOCAL LAW NO. 1 OF 2026

A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE MORATORIUM ON WIND ENERGY FACILITIES, BATTERY ENERGY STORAGE SYSTEMS (BESS) AND SOLAR ENERGY FACILITIES

SECTION 1. TITLE

This Local Law shall be known as the "Temporary Moratorium on Wind Energy Facilities, Battery Energy Storage Systems and Solar Energy Facilities Local Law of the Town of Almond."

SECTION 2. LEGISLATIVE FINDINGS AND PURPOSE

The Town Board of the Town of Almond finds that:

- A. The Town is currently reviewing its zoning regulations and land use policies relating to large-scale renewable energy projects, battery energy storage systems and wind energy facilities
- B. Advances in technology and increasing development interest have created land use, environmental, public safety, emergency response, infrastructure, noise, visual, and community character concerns that are not adequately addressed by the Town's existing land use regulations.
- C. The Town Board has determined that additional time is necessary to study, develop, and adopt appropriate regulations governing the siting, construction, operation, maintenance, decommissioning, and abandonment of such facilities.
- D. During this review period, applications for such developments could undermine the Town's planning efforts and result in projects that are inconsistent with future regulations.
- E. The Town Board therefore finds that a temporary moratorium is necessary to protect the health, safety, and welfare of Town residents while the Town completes its review and adopts appropriate regulations.

SECTION 3. DEFINITIONS

For purposes of this Local Law:

A. Wind Energy Facility

Any system of one or more wind turbines and associated facilities designed to convert wind energy into electricity for commercial sale or distribution.

B. Battery Energy Storage System (BESS)

One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, including associated equipment and structures.

C. Solar Energy Facility

Any commercial or utility-scale solar collection system designed to generate electricity for sale or distribution, including solar arrays, solar farms, and associated equipment.

This moratorium shall not apply to rooftop solar systems serving a principal residential, agricultural, or commercial use on the same property.

SECTION 4. MORATORIUM

A. Effective immediately upon the effective date of this Local Law, no application shall be accepted, reviewed, approved, processed, or acted upon by the Town Board, Planning Board, Zoning Board of Appeals, Code Enforcement Officer, or any other Town official for:

1. Wind Energy Facilities;
2. Battery Energy Storage Systems (BESS);
3. Commercial or Utility-Scale Solar Energy Facilities;

B. No building permit, special use permit, site plan approval, subdivision approval, zoning approval, certificate, variance, or other authorization shall be issued for any use covered by this Local Law during the moratorium period.

C. No person shall commence construction, site preparation, clearing, grading, excavation, installation, expansion, or operation of any use covered by this Local Law during the moratorium period.

SECTION 5. EXEMPTIONS

The following shall be exempt from this moratorium:

A. Residential rooftop solar systems serving a principal use located on the same parcel.

B. Routine maintenance, repair, or replacement of existing legally permitted facilities that does not increase capacity, footprint, or operational intensity.

C. Existing facilities lawfully operating prior to the effective date of this Local Law.

SECTION 6. HARDSHIP RELIEF

A. Any property owner affected by this Local Law may apply to the Town Board for relief from the moratorium.

B. The applicant shall demonstrate by clear and convincing evidence that:

1. Unnecessary hardship would result from strict application of the moratorium;
2. The requested relief will not undermine the purposes of this Local Law;
3. Granting relief will not adversely affect the health, safety, or welfare of Town residents.

C. The Town Board may hold a public hearing before acting upon such request.

SECTION 7. TERM

This moratorium shall remain in effect for a period of twelve (12) months from its effective date.

The Town Board may extend the moratorium by local law if additional time is required to complete the review and adoption of land use regulations.

SECTION 8. ENFORCEMENT

Any violation of this Local Law shall be enforceable by the Town Code Enforcement Officer and the Town may seek:

- A. Stop-work orders;
- B. Injunctive relief;
- C. Civil penalties as permitted by law;
- D. Any other remedies available under New York State law.

SECTION 9. SEVERABILITY

If any provision of this Local Law is determined to be invalid by a court of competent jurisdiction, such determination shall not affect the validity of the remaining provisions.

SECTION 10. EFFECTIVE DATE

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