PUBLIC HEARING OF THE TOWN BOARD TOWN OF DUNKIRK
BESS MARATORIUM
SEPTEMBER 15,2026

The Town Board of the Town of Dunkirk held a Public Hearing at 5:00 p.m. on Tuesday, September 15,2026 at the Town Hall, 4737 Willow Road, Town of Dunkirk, New York with Supervisor Miller presiding.

PRESENT: Supervisor Miller
Councilmember Crane
Councilmember Leone
Councilmember Pagano
Councilmember Price

OTHERS PRESENT: Rebecca Yacklon, Town Clerk, Deputy Clerk, Attorney Jeffrey Passafaro, Ryan Mourer, Code Enforcement Officer, Braden Carmen, Dunkirk Observer, Sue Hazelton, Roger Urbanik, Bonnie Urbanik, Tom McTigue, Macy Thompson, Mark Dixon, Bill Jakubowski, Pete Miller, Allison Lang, Jay Warren, Barbara Warren, Irene Strychalski, Colby Garza, William Amenheimer

The meeting was called to order with roll call conducted, confirming the presence of Supervisor Miller, Councilmember Crane, Councilmember Pagano, and Councilmember Leone, and Councilmember Price.

The pledge of Allegiance was led by Supervisor Miller.

PROOF OF POSTING & PUBLISHING
Town Clerk- Rebecca Yacklon provided proof of posting & publishing.

TOWN OF DUNKIRK, TOWN BOARD
NOTICE OF PUBLIC HEARING
BESS Moratorium

PLEASE TAKE NOTICE, that the Town Board of the Town of Dunkirk, will hold a Public Hearing at the Town Hall, 4737 Willow Road, Dunkirk, New York 14048 on the 15th day of September, 2026 at 5:00 p.m. for the purpose of considering a proposed Local Law of the Town of Dunkirk for the year 2026 which would extend the existing 6 month moratorium, on the construction, maintenance, and placement of Battery Energy Storage Systems and equipment in the Town of Dunkirk.
The proposed Local Law is set forth below:
~~**County**~~
~~**City**~~ **of DUNKIRK**
Town
~~**Village**~~
Local Law No. 2 **of the year 2026.**

A local law extending the Moratorium enacted by Local Law No. 1 of the year 2025, on Energy Storage Systems in the Town of Dunkirk, for an additional 6 months.

Be it enacted by the Town Board **of the** Town of

~~**County**~~
~~**City**~~ **of** **DUNKIRK**
Town
~~**Village**~~

Section One – **Purpose:**

The Town Board of the Town of Dunkirk, exercising the authority granted to it under the Constitution of the State of New York, the Municipal Home Rule Law, and Town Law of the State of New York to protect the health, safety, and welfare of the residents, and property owners, of the Town of Dunkirk, does hereby desire to extend the moratorium enacted by Local Law No. 1 of the year 2025 on battery energy storage systems and equipment in the Town of Dunkirk for an additional period of six months, to enable to Town Board to study and potentially enact legislation with respect to same.

Section Two – **Moratorium:**

A. During the effective period of this Local Law, neither the Town Board, the Planning Board, the Zoning Board of Appeals, nor the Building Inspector, Code Enforcement Officer/Zoning Officer, shall grant any approval or issue any permit that would result in the establishment, placement, construction, installation, or erection of any battery energy storage system within the Town of Dunkirk.

B. The Town Board of the Town of Dunkirk reserves the right to direct the Town Code Enforcement Officer, Building Inspector, and Zoning Officer, to revoke or rescind any building permit or certificate issued in violation of this Local Law.

C. No application for construction, establishment, placement or installation, or for approval of any site plan, subdivision, variance, or special use permit, or any other permit, shall be considered by any Board or Officer or Agency of the Town of Dunkirk while the moratorium imposed by this Local Law is in effect.

Section Three – **Definitions**:

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time,

not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600 KWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600 KWh or are comprised of more than one storage battery technology in a room or enclosed area.

UPS: A UPS is a device or system that provides an immediate, seamless, emergency power to IT equipment such as servers, networks, and storage devices, when the primary utility power source is interrupted or unstable. UPS systems utilized in the Town of Dunkirk shall be treated in the same manner and be considered an equivalent of Battery Energy Storage Systems, and shall be regulated in the same manner.

A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600 KWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600 KWh or are comprised of more than one storage battery technology in a room or enclosed area.

Section Four - **Term:** This Local Law shall be in effect for a period of six months from the effective date of this Local Law.

Section Five – **Penalties:** Any person, firm, or corporation that shall be found to be in violation of this Local Law shall be subject to such penalties as may otherwise be provided for by the Zoning Code or Law of the Town of Dunkirk for violations thereunder; and the Town Board of the Town of Dunkirk reserves the right to apply for injunctive relief in favor of the Town to cease any and all such other actions which conflict with the intent of this Local Law, and if necessary, to remove any construction that may be violation of this Local Law.

Section Six – **Validity:** The invalidity of any specific provision of this Local Law shall not effect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section Seven – **Effective Date:** This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

PLEASE TAKE FURTHER NOTICE, that the environmental significance of said proposed Local Law will be reviewed by the Town Board of the Town of Dunkirk as part of the Public Hearing. Copies of the proposed Local Law are available for review at the Town Clerk's Office during regular business hours.

Date: August 18,2026 Dunkirk, NY

By Order of the Town Board of the Town of Dunkirk

PURPOSE OF THE PUBLIC HEARING – SUPERVISOR MILLER

Supervisor Miller explained that another six-month extension was needed because the prior moratorium extension had been exceeded.

Supervisor Miller stated that we received our 239 Referral back from the County supporting the local law extension and the proposed action would have no significant countywide or inner-community impact and that the proposal would be a matter of local concern.

Councilmember Leone said the work is progressing and coming along well but we still need more time.

No public comments were made during the hearing.

DULY MOVED by Councilmember Crane, seconded by Councilmember Leone to adjourn the Public Hearing Meeting at 5:08 P.M. The motion was carried unanimously.

Respectfully Submitted,

Rebecca Yacklon
Town Clerk