Town of
French Creek
Clymer, NY 14724

Phone: 716-355-8880 Email: townoffrenchcreek@gmail.com

Town Supervisor: David White
Town Clerk: Debbra Albright
Highway Superintendent: Brian Malecki

Councilman: Norvel Willink
Councilman: Wayne Emory
Councilman: David McCray
Councilman: *ColeGleason*

Local Law #3/2025

A LOCAL LAW ESTABLISHING A TWELVE-MONTH MORATORIUM PROHIBITING THE REVIEW AND APPROVAL OF APPLICATIONS AND PERMITS FOR "BATTERY ENERGY STORAGE SYSTEMS" IN THE TOWN OF FRENCH CREEK

Be it enacted be the Town Board of the Town of French Creek, Chautauqua County, State of New York as follows:

Section 1: Purpose

The purpose of this local law is to protect the public health, safety and welfare of the residents of the Town of French Creek and to maintain the status quo by temporarily suspending the processing of land use approvals as provided herein and to further suspend the rights of land owners and their designees to obtain development approvals as identified below for a period of twelve months from the adoption of this local law while the Town Board studies, analyzes and determines potential appropriate revisions and amendments to the Town Code regarding the propriety of Battery Energy Storage Systems(as defined below).

Section 2: Legislative Findings

One specific area concern and inquiry is Battery Energy Storage Systems within the Town of French Creek. The Town of French Creek has significant safety concerns, especially following fire incidents at facilities across the state. The Town of French Creek intends to study the safety and security of these energy storage systems, including thermal runaway, off gassing and toxicity, stranded energy, ways to prevent fires, prevent by-product contamination, and ensure emergency responders have the necessary training and information to prepare and deploy resources in the event of a fire. Relatedly, the Town of French Creek intends to study which areas in the Town may be appropriate for such systems.
In short, the Town of French Creek is very concerned with detrimental effects of Battery Energy Storage Systems on the health, safety, welfare and quality of life of the residents and citizens of the Town of French Creek. Thus, the Town Board has decided to review the Town Code and consider potential revisions thereto to address the Town's concerns with Battery Energy Storage Systems.
To allow the Town Board of French Creek time to complete its review, draft proposed new legislation and enact any such legislation, the Town Board deems it in the best interest of the general health, safety and welfare of the residents of the Town of French Creek to impose a moratorium prohibiting the review and approval of applications and permits for Battery Energy Storage System in the Town of French Creek.

Section 4: Moratorium

Pursuant to the statutory authority vested in the Town to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of French Creek hereby declares a twelve month moratorium on the review and approval of new as of yet unfiled and all pending applications for any and all land use approvals, including site plan approvals, subdivision plats, building permits, special use permits and variances (hereinafter "Land Use Approvals") for all Battery Energy Storage Systems within the Town. During the period of this local law:

- The Code Enforcement Officer shall not accept any building permit application or grant any Certificate of Occupancy or Certificate of Compliance for a Battery Energy Storage System within the Town.
- Project currently under construction and projects that have received final approvals are not subject to this moratorium.