



**Village of Mamaroneck  
Planning Department**

169 Mt. Pleasant Avenue  
Mamaroneck, NY 105436

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[www.village.mamaroneck.ny.us/planning-department](http://www.village.mamaroneck.ny.us/planning-department)

October 16, 2024

To: Westchester County Board of Legislators  
Westchester County Planning Board  
Town of Mamaroneck  
Village of Larchmont  
Town/Village of Harrison  
City of Rye

Re: Proposed Local Law (PLL) Q of 2024  
Six Month Moratorium on Battery Energy Storage Systems

The Village of Mamaroneck is in the process of proposed local law (PLL) Q of 2024, establishing a six-month moratorium prohibiting the acceptance, processing and approval of applications and permits for certain battery energy storage systems in the Village of Mamaroneck. A public hearing on Proposed Local Law Q of 2024 will be held at the regular meeting of the Board of Trustees at 7:30 p.m. on October 28, 2024, at the Municipal Building located at 169 Mount Pleasant Avenue, Mamaroneck, NY.

The PLL has been duly considered by the Board of Trustees during a work session and regular meetings. The Board of Trustees has determined that in accordance with Section 7-706 of Village Law of the State of New York, before taking final action on PLL Q of 2024, the Village of Mamaroneck is required to provide written notice of the proposed moratorium to the Clerk of the Westchester County Board of Legislators and municipalities within five hundred feet of the Village of Mamaroneck, and to provide for the opportunity to be heard or submit written comment. The Board of Trustees has also determined that in accordance with General Municipal Law § 239-m, before taking final action on PLL Q of 2024, the proposed local law must be referred to the Westchester County Planning Board.

A copy of the applicable PLL and resolutions are attached. Please respond back to the Village if you have any questions or wish to comment on PLL Q of 2024.

Thank you.

Sincerely,

**Daniel Segal**  
Director of Planning and Development  
Village of Mamaroneck

## PROPOSED LOCAL LAW Q of 2024

A Proposed Local Law establishing a six-month moratorium prohibiting the acceptance, processing and approval of applications and permits for battery energy storage systems in the Village of Mamaroneck

**BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK  
AS FOLLOWS:**

*(Language in strike-through ~~abcedefghijk~~ to be deleted; language in **bold** is to be added)*

### Section 1.

Section 342-3 of the Code of the Village of Mamaroneck, is amended by adding the following definitions:

#### **BATTERY ENERGY STORAGE SYSTEM**

**One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, but not a stand-alone 12-volt car battery, an electric motor vehicle, or batteries utilized in consumer products.**

#### **BATTERY ENERGY STORAGE SYSTEM, TIER ONE**

**A battery energy storage system having an aggregate energy capacity greater than 600kWh or comprised of more than one storage battery technology in a room or enclosed area.**

#### **BATTERY ENERGY STORAGE SYSTEM, TIER TWO**

**A battery energy storage system having an aggregate energy capacity greater than 80kWh and equal to or less than 600kWh, and if in a room or enclosed area, consisting of only a single-energy storage system technology.**

#### **BATTERY ENERGY STORAGE SYSTEM, TIER THREE**

**A residential battery energy storage system having an aggregate energy capacity less than or equal to 80kWh, and if in a room or enclosed area, consisting of only a single-energy storage system technology.**

#### **TRANSFORMER STATION**

**An area or group of equipment to transform power from one voltage to another or from one system to another that does not include battery energy storage systems or similar facilities.**

### Section 2.

Article XII of Chapter 342 Section of the Code of the Village of Mamaroneck, is amended by adding section 342-84.5, as follows:

#### **§ 342-84.5. Temporary moratorium on battery energy storage systems.**

## **A. Purpose**

The purpose of this local law is to protect the public health, safety and welfare of the residents of the Village of Mamaroneck and to maintain the status quo by temporarily suspending the processing of land use approvals and the granting of approvals for certain battery energy storage systems for a period of six months from the effective date of this local law while the Board of Trustees studies whether amendments to the Village Code are necessary regarding the propriety of battery energy storage systems.

## **B. Legislative Findings**

The Village of Mamaroneck is a suburban, largely residential community on Long Island Sound. The Village comprises 6.7 square miles of area of which 3.5 miles are underwater lands, and the upland 3.2 square miles are home to approximately 20,000 Village residents. The Village's unique natural environment consists of 9 miles of coastline along Long Island Sound, and multiple critical areas of environmental concern including Otter Creek, Guion Creek, Magid Pond, Van Amringe Mill Pond, the Mamaroneck River, and Hommocks Conservation area.

The Village is home to several distinct residential neighborhoods, each with its own individual characteristics. Along the Sound, there are Shore Acres, Greenhaven and Orienta. More densely populated neighborhoods are located inland, including Washingtonville, The Heights, Heathcote Hill, and Rye Neck.

The placement of battery energy storage systems in a densely populated Village and in close proximity to its natural resources raises issues of serious concern for the health, safety and welfare of Village residents. The Board of Trustees acknowledges that these systems play an important role in reducing demand and costs associated with power grid infrastructure, add capacity while lessening the burden on existing infrastructure, and reduce emissions, putting the Village closer to its Climate Smart Community goals. While the Board of Trustees remains dedicated to those goals, significant public health and safety concerns relative to the potentially volatile nature of lithium-ion batteries and battery storage operations have emerged, especially with regard to locating mega-watt scale facilities in close proximity to established residential and critical environmental areas. Indeed, several fires at battery energy storage facilities across the State of New York have significantly raised concerns by the Board of Trustees and the emergency and first responders, who must manage these occurrences and ensure continued public safety. The Board of Trustees has therefore decided that it is necessary to review the Village Code and consider potential revisions in order to address the safety concerns raised by battery energy storage systems.

The Board of Trustees 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 that emergency responders have the necessary training and information to prepare and deploy resources in the event of a fire. The Village also intends to study in

which areas of the Village it may be appropriate to locate such systems.

In order to allow the Board of Trustees time to complete its review, draft proposed new legislation and enact any such legislation, the Board of Trustees deems it in the best interest of the general health, safety and welfare of Village residents to impose a temporary moratorium prohibiting the review and approval of applications and permits for battery energy storage system in the Village of Mamaroneck.

## **D. MORATORIUM**

For a period of six months from and after this local law becomes effective,

1. The Building Department shall not accept any building permit application or issue any certificate of occupancy or certificate of compliance for a Tier 1 or Tier 2 battery energy storage system within the Village;
2. The Planning Board shall not accept any application, grant any approval for, or continue to review an application for a subdivision plat, site plan approval, special use permit or other permit that involves the permitting, construction and/or development of a Tier 1 or Tier 2 battery energy storage system within the Village; and
3. The Zoning Board of Appeals shall not accept any application or grant any approval for a variance or other permit that involves the permitting, construction and development of a Tier 1 or Tier 2 battery energy storage system within the Village.

## **E. APPROVED PROJECTS**

Projects for which building permits have been granted are not subject to this moratorium.

### *Section 3.*

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

### *Section 4.*

This law will take effect immediately upon its filing in the Office of the Secretary of State in accordance with Municipal Home Rule Law. It supersedes the provisions of the Village Law, including those provisions which provide for the approval of a land use application on the basis of the passage of time, and the Code of the Village of Mamaroneck, including those provisions which authorize or require the approval of a land use application, to the extent that they are inconsistent with this local law.

OFFICE OF  
VILLAGE MANAGER

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OCTOBER 15, 2024  
ITEM 2B – AGENDA REGULAR MEETING

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK  
REGARDING NOTICE OF HEARING AND REFERRAL OF  
PROPOSED LOCAL LAW Q of 2024**

WHEREAS, proposed local law Q of 2024, establishing a six-month moratorium prohibiting the acceptance, processing and approval of applications and permits for certain battery energy storage systems in the Village of Mamaroneck, has been duly considered by the Board of Trustees during a work session and regular meetings; and

WHEREAS, the Board of Trustees has determined that in accordance with Section 7-706 of Village Law of the State of New York, before taking final action on PLL Q of 2024, the Village of Mamaroneck is required to provide written notice of the proposed moratorium to the Clerk of the Westchester County Board of Legislators and municipalities within five hundred feet of the Village of Mamaroneck, and to provide for the opportunity to be heard or submit written comment; and

WHEREAS, the Board of Trustees has determined that in accordance with General Municipal Law § 239-m, before taking final action on PLL Q of 2024, the proposed local law must be referred to the Westchester County Planning Board,

NOW THEREFORE BE IT RESOLVED, a public hearing on Proposed Local Law Q of 2024 will be held at the regular meeting of the Board of Trustees at 7:30 p.m. on October 28, 2024, at the Municipal Building located at 169 Mount Pleasant Avenue, Mamaroneck, New York; and be it further

RESOLVED, that the Village Clerk-Treasurer is directed to provide notice of the public hearing as required by law; and be it further

RESOLVED, that the Village Clerk-Treasurer is directed to provide copies of the proposed local law, notice of hearing, and any relevant materials supporting the adoption of the proposed local law to the Clerk of the Westchester County Board of Legislators and adjoining municipalities; and be it further

RESOLVED, that the Village Clerk-Treasurer is directed to refer PLL Q of 2024 to the Westchester County Planning Board.

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2024 OCT 24 PM 4:47  
WEST COAST COUNTY  
BOARD OF REGISTRATION