



Department of State
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
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Albany, NY 12231-0001
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Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

4 of the year 20 25

Local Law Title: A Local Law Enacting a Temporary Moratorium on Compressed Air Energy Storage Systems (CAESS)

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

County City Town Village
(Select one)

of Croghan as follows on the attached pages:
(Name of Local Government)

For Office Use Only

FILED
STATE RECORDS
APR 30 2025
DEPARTMENT OF STATE

Department of State Local Law Index Number: 4 of the year 20 25

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

(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 ascribed as local law number 4 of 2025 of the ~~(County)(City)(Town)(Village)~~ of Croghan was duly passed by the Town Board on April 21 2025 in accordance with the applicable provisions of law.

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, ascribed as local law number _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ (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, ascribed as local law number _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. 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, ascribed as local law number _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. Such local 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.

Local Law Filing

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

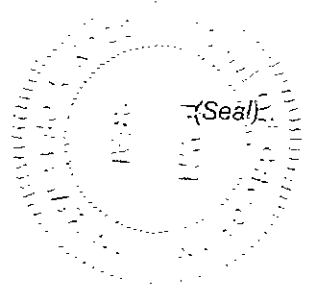
I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 ____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 thereto, ascribed as local law number _____ 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 the paragraph 1 above.



Megan E. Simpson

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

April 23, 2025

(Date)

**TOWN OF CROGHAN
LOCAL LAW NO. 4 OF 2025**

**A LOCAL LAW ENACTING A TEMPORARY MORATORIUM ON
COMPRESSED AIR ENERGY STORAGE SYSTEMS (CAESS)**

SECTION 1: TITLE.

This “Local Law” shall be known as “A Local Law to Impose a Temporary Moratorium on Compressed Air Energy Storage System Applications within the Town of Croghan.”

SECTION 2: LEGISLATIVE FINDINGS AND INTENT.

- A. The Town of Croghan, New York, adopted the “Town of Croghan Land Use Plan” dated October 15, 1990 (hereinafter, the “Land Use Plan”). This Land Use Plan was developed to facilitate proactive land use planning, guide future development, and establish a framework for updating subsequent Town of Croghan Zoning Laws, such as Local Law 1 of 2025.
- B. The current land use regulations of the Town of Croghan do not adequately address the unique characteristics and potential impacts of Compressed Air Energy Storage Systems (CAESS).
- C. Accepting new applications for CAESS prior to the completion of the ongoing land use regulations update would significantly impede the Town’s ability to properly protect the Town’s sensitive environmental resources, along with municipal and private water supplies, town roads and other critical infrastructure. Such premature applications may also negatively impact the health, safety, welfare and quality of life of the Town’s residents by committing the Town to a regulatory framework that is not yet fully developed and may lack necessary protections.
- D. The purpose of this moratorium is to provide the Town with sufficient time to thoroughly review, clarify, amend and update its regulations for CAESS. It is the intent of the Town Board to utilize this moratorium period to:
 - i. Conduct a comprehensive examination of the potential risks associated with CAESS
 - ii. Review and update the Town’s Zoning Law (Local Law 1 of 2025) and other applicable land use regulations.
 - iii. Ensure that any future development of CAESS is consistent with the Town’s Land Use Plan.
 - iv. Adopt any additional regulations necessary to promote and preserve the health, safety and welfare of the Town and its citizens.
- E. The Town Board also finds that pursuant to 6 NYCRR 617(5), the adoption of a moratorium on land development is a Type II action under the New York State Environmental Quality Review Act (SEQRA) precluding the need for further environmental review.

SECTION 3: AUTHORITY.

Pursuant to the authority and provisions of the New York State Constitution and Section 10 of the Municipal Home Rule Law and the statutory powers vested in the Town of Croghan to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Croghan hereby declares a moratorium on the acceptance of applications or proceedings for applications for, the review of applications, or the issuance of approvals or permits for the construction CAESS projects within the Town of Croghan, lasting six (6) months from the effective date of this local law’s filing.

SECTION 4: MORATORIUM IMPOSED.

- A. Scope. Neither the Town Board, Town Planning Board, Zoning Enforcement Officer, the Zoning Board of Appeals, nor any other staff, employee or agent of the Town shall accept, process, conduct any review or consider or grant any site plan, special permit, subdivision, building permit, zoning change applications, variances, or other approvals that purport to allow or advance the development, siting, establishment or construction of any CAESS within the Town. Nor shall any language or term in this moratorium effect or be construed to result in, any default approval and any matter now pending shall be stayed in place during the pendency of this moratorium, with all deadlines or other timelines suspended for the same number of days that his moratorium is in effect.
- B. Term. This moratorium shall be in effect for a period of six (6) months from its effective date. This moratorium may be rescinded or removed by the Town Board for good cause.
- C. Area. The moratorium imposed by this Local Law shall apply to the territorial limits of the Town of Croghan. Any dispute as to whether a property is encompassed within the geographic area detailed above shall be resolved by reference to the official tax maps of Lewis County and the official New York corporate boundary maps for the Town of Croghan.
- D. Waivers. The Town Board has determined that the unique and limited scope of this moratorium necessitates its strict and uniform application. Therefore, no waivers to the provisions of this moratorium shall be entertained.

SECTION 5: DEFINITIONS.

The term in the foregoing, as used throughout this local law, shall have the following meaning ascribed to it:

- A. COMPRESSED AIR ENERGY STORAGE SYSTEMS (CAESS) – An electromechanical energy storage facility that stores energy by compressing air and containing it within a purpose-built underground hard rock cavern. When energy is needed, the compressed air is pushed to the surface where it is recombined with stored heat and expanded through a turbine to generate electricity on demand. CAESS typically include components such as air compressors, storage reservoirs, turbines, generators, heat exchangers and associated control and safety equipment.

SECTION 6: SUPERSESION.

This local law is hereby adopted pursuant to the provision of §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statue of Local Governments, it being the intent of the Town Board to supersede any and all contrary or inconsistent State Laws. In particular, this law shall supersede (i) any inconsistent provision set forth in all of Article 16 of the New York State Town Law, Sections 261 through 285; (ii) any inconsistent provisions set forth in the Town of Croghan Zoning Law (LL 1-2025), and the Solar System Overlay District Zoning Map; (iii) any inconsistent provisions set forth in and all other local laws of the Town of Croghan.

SECTION 7: SEVERABILITY.

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with New York Municipal Home Rule Law.