

STONY POINT TOWN BOARD MEETING – July 14, 2026

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, July 14, 2026, at 7:00pm at the Stony Point Community Center, 19 Clubhouse Lane, Stony Point, NY. Deputy Supervisor Williams called the meeting to order and stated the meeting will be opened and closed in memory of Lauren Shields and Mary “Ginger” Huntley.

Lauren Shields lived a life defined by extraordinary courage, grace and an unwavering commitment to the well-being of others. She faced immense health challenges from a very young age and chose to transform her personal journey into a powerful beacon of hope, dedicating herself to promoting organ donation and working to help pass Lauren’s Law.

Mary “Ginger” Huntley was a mainstay of public service, working faithfully for the Rockland County Department of Finance from a young age of 18 until her well-earned retirement in 2024. Her commitment to her neighbors extended far beyond her career, notably through her proud service as a Life Member of the Wayne Hose Fire Department Ladies Auxiliary.

Deputy Supervisor Williams led the group in the Pledge of Allegiance.

Town Clerk Megan Carey called the following roll:

PRESENT:	Mr. Michael Puccio	Councilman
	Mr. Keith Williams	Councilman
	Mr. Paul Joachim	Councilman
	Mr. Brian Nugent	Esquire
ABSENT:	Mrs. Amy Stamm	Supervisor
	Mr. Todd Rose	Councilman

SUPERVISOR’S REPORT

Deputy Supervisor Williams reported as follows:

- Recent success of the America 250 Carnival and beautiful fireworks. Thank you to all the volunteers and town employees who helped make it run smoothly.
- Summer Concerts at Riverfront Park will kick off this Wednesday, July 15th.
- The Stony Point Ambulance Corp. is having a blood drive on July 15th, 10am to 2pm at the Ambulance building on 9W.
- Senator Bill Weber is hosting his annual Five Towns of Rockland Blood Drive Challenge July 28th at Kirkbride Hall.
- Stony Point PAL is host the annual Fall Festival October 3rd from 10am to 4pm at Kirkbride Hall.

POLICE DEPARTMENT REPORT/BUSINESS

Chief Becker read the following report:

Police Department Report for the Month of June 2026.

Number of calls for service:	767
Number of reported accidents:	29
Number of arrests:	57
(7) Felonies (39) Misdemeanors (5) Violations (6) Warrants	
Fuel Usage :	1511.0 gallons
Sum Total of all traffic enforcement action:	117
Number of Youth Officer sponsored events:	8
Number of commercial vehicle enforcement details:	0
Number of traffic/special enforcement details:	4
Number of training hours:	48 hrs
Total fees collected:	\$35.00
(Foil \$0.00, Prints \$0.00, and Reports \$35.00)	

Youth events: June 2nd NRYPA Graduation-31 Graduated, June 5th PAL Drive In movie-60 attended, June 7th NR Community 5K Bowline Race, June 14th PAL Bike Safety and

Touch A Truck, June 15th PBA blood drive, June 16th Farley School Inclusion class 15 youth visited station, June 17th 80’ Flag Pole Raised & 6/21 Father’s Day Fishing Derby.

Upcoming Youth Events: July 8th – 11th 250th Town Carnival

Chief Becker’s Time Record

A motion was made by Deputy Supervisor Williams, seconded by Councilman Joachim and unanimously carried by a voice vote of all board members present with Supervisor Stamm and Councilman Rose being absent to approve Chief Becker’s time record for the month of June 2026 as presented.

Overtime and Sick Leave Reports

A motion was made by Deputy Supervisor Williams, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to approve the overtime and sick leave reports as presented for the month of June 2026.

Golf Course Report

The following report was presented for June 2026:

• Green Fees	\$	470,237.09
• ID Cards	\$	2,255.00
• Merchandise	\$	21,371.25
• Range Fees	\$	22,029.00
• Club Rental	\$	2,091.00
• Total	\$	517,983.34

PURCHASE ORDER REQUEST

A motion was made by Councilman Puccio, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to approve the following purchase orders:

Golf Course:

PO#3909	Course Cares	\$4,753.65
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AUDIT OF BILLS

Megan Carey, Town Clerk, presented the following bills to the Town Board for audit and a motion was made by Councilman Puccio, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to approve the bills as presented for payment:

General July 14, 2026

<u>FUND</u>	<u>CLAIM #</u>	<u>FUND TOTAL</u>
General	808-924	\$510,887.48
Highway	292-324	\$89,710.15
Sewer	229-257	\$38,825.09
Special District		
Ambulance	23-25	\$47,096.08
Capital Projects	23-27	\$36,976.25
Enterprise	244-285	\$165,307.39
Sewer Caps	26-33	\$61,869.71
Solid Waste	11-12	\$19,618.69
Streetlight	18-20	\$22,831.85

MINUTES

A motion was made by Deputy Supervisor Williams, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to approve the minutes of June 23, 2026.

DEPARTMENTAL REPORTS

Megan Carey, Town Clerk offered the following reports for the record:

Architectural Review Board

From: 6/01/2026	To: 6/30/2026
Applications Received	6
Applications Approved	6
Applications Pending	0
 Fees Collected	 \$600.00

Building & Zoning Department

<u>June 2026</u>	
Applications Received	19
Applications Returned/Withdrawn	0
Applications Denied	0
Building & Blasting Permits Issued	10
Applications Pending	9
Certificate of Occupancy	6
Certificate of Compliance	17
Fees Collected	\$26,571.50

Planning Board

From: 6/01/2026	To: 6/30/2026
Applications Received	0
Applications Approved	0
Applications Pending	
Amended Subdivision	0
Informal Discussion	0
Lot Line Change	0
Site Plan	2
Subdivision	1
Fees Collected	\$0.00

Submitted by the Planning Board Clerk

Zoning Board of Appeals

6/1/2026	to	6/30/2026	
Applications Received			0
Applications Returned/Withdrawn			0
Applications Denied			0
Applications Pending			0
Applications Approved			0
 Fees Collected			 \$0.00

Town Clerk

<u>June 2026</u>	
Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 7.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 112.50
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 401.52
Amount Paid To Supervisor	\$ 2,597.83
TOTAL AMOUNT REMITTED	\$ 3,118.85

CORRESPONDENCE

None

PUBLIC INPUT

George Potonavic-597 Old Gate Hill Road, SPACE Pres., spoke on the following:

- America 250 events
- Comprehensive Plan

Open Continued Public Hearing - To Consider an Adoption of a Local Law to Enact a Moratorium on the Construction of Certain Residential Development for One Year while the Town's Comprehensive Plan is Reviewed and Revised.

At 7:18pm a motion was made by Deputy Supervisor Williams, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to open the public hearing To Consider an Adoption of a Local Law to Enact a Moratorium on the Construction of Certain Residential Development for One Year while the Town's Comprehensive Plan is Reviewed and Revised.

Public Input - None

Close Continued Public Hearing- To Consider an Adoption of a Local Law to Enact a Moratorium on the Construction of Certain Residential Development for One Year while the Town's Comprehensive Plan is Reviewed and Revised.

At 7:18pm a motion was made by Deputy Supervisor Williams, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to close the public hearing To Consider an Adoption of a Local Law to Enact a Moratorium on the Construction of Certain Residential Development for One Year while the Town's Comprehensive Plan is Reviewed and Revised.

Adopt Local Law- To Enact a Moratorium on the Construction of Certain Residential Development for One Year while the Town's Comprehensive Plan is Reviewed and Revised

A motion was made by Deputy Supervisor Williams, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to adopt the following local law:

The following Resolution was duly
offered and seconded to wit:

RESOLUTION ADOPTING LOCAL LAW NO. 4 OF 2026 IMPLEMENTING A MORATORIUM ON THE DEVELOPMENT OF CERTAIN RESIDENTIAL PROPERTY OF THE TOWN OF STONY POINT, NEW YORK

WHEREAS, the Town Board of the Town of Stony Point, New York ("Town Board") from time to time reviews its laws, rules and regulations to be certain the same are consistent with all current lawful practices as well as best practices to protect the health, safety and welfare of Town residents; and

WHEREAS, the Town Board desires to adopt a Local Law Implementing a Moratorium on the Development of Certain Residential Property of the Town of Stony Point, New York; and

WHEREAS, such introductory Local Law was introduced before the Town Board on June 9, 2026; and

WHEREAS, the proposed local law was referred to the Rockland County Planning Department pursuant to NYS General Municipal Law § 239-m and by letter response dated July 13, 2026, the Rockland County Planning Department remanded the matter to the Town for local determination; and

WHEREAS, upon notice duly published and posted, a Public Hearing was held on said Local Law on June 23, 2026 and continued on July 14, 2026, whereat all interested

persons were afforded the opportunity to comment concerning the merits of said Local Law and the Town Board declared the public hearing closed on July 14, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Town Board as follows:

Section 1. All “WHEREAS” paragraphs are incorporated herein by reference as though set forth in full.

Section 2. The Town Board hereby adopts Local Law No. 4 entitled “Implementing a Moratorium on the Development of Certain Residential Property of the Town of Stony Point, New York,” as attached hereto.

Section 4. The Town Clerk is hereby directed to enter said Local Law into the minutes of this meeting and in the Local Law book of the Town of Stony Point, and to give due notice of the adoption of said Local Law by filing the Local Law in the Office of the Secretary of State in the State of New York.

Section 5. This Resolution shall be effective immediately.

**TOWN OF STONY POINT, NEW YORK TOWN BOARD
LOCAL LAW NO. 4
IMPLEMENTING A MORATORIUM ON THE DEVELOPMENT
OF CERTAIN RESIDENTIAL PROPERTY OF THE
TOWN OF STONY POINT, NEW YORK**

Section 1. Legislative findings and intent.

The Town Board (“Board”) of the Incorporated Town of Stony Point, New York (“Town”) hereby finds that there is a critical and compelling need, in the public interest as set forth herein, to impose a moratorium on the development of certain residential property construction in the Town as further defined herein.

- A. The Town previously undertook a Comprehensive Master Plan review in 2013, amending the 1995 Comprehensive Master Plan and enacted Local Laws with regard to the Comprehensive Master Plan (“CMP”) in 2013.
- B. In 2026, the Town undertook to review and update the Town’s Comprehensive Plan, appointing a special board to review and proposed an updated Comprehensive Plan and Zoning Regulations. The Town Board finds that the CMP requires review since economic and social impacts and trends have rendered assumptions and recommendations in the 1995 CMP and 2013 CMP amendment in need of review A proper Town Comprehensive Plan would include various elements at the level of detail adapted to the requirements of the Town that would provide for the goal of the Town for smart and sustainable land use practices. This general statement of goals for smart sustainable land use in the Town requires that specific objectives, principles, policies and standards both in the immediate and long range development of the Town are necessary considering regional needs, the existing and proposed location and intensity of land uses, the conservation of agricultural uses, the historic and culture resources, natural resources and sensitive environmental areas; the consideration of population, demographic and socio-economic trends and future projections including the community character as well as the need to review appropriate transportation facilities, public and private utilities and infrastructure, the existing housing resources and future housing needs, including affordable housing and the other factors that are required to be reviewed in any Comprehensive Master Plan and the Town needs to undertake a comprehensive review so that a current CMP reflects all Town Law requirements.

- C. The Town Board finds that factors in connection with development or potential development in the Town as well as the potential development of land within the surrounding areas may have a significant impact upon the health, safety and general welfare of the Town, its inhabitants and visitors, and upon existing uses, public services, traffic and the environment, in general.
- D. These circumstances require that the Town Board undertake, without delay, a focused review of the existing and anticipated residential uses in the Town and thereafter, an examination of the Town's zoning regulations that pertain to any such Districts that allow residential uses in order to determine whether these regulations should be amended or otherwise changed.
- E. The Town Board had previously retained the services of the planning consulting firm of Nelson, Pope & Voorhis, LLC to provide recommendations regarding the need to update the CMP, and to amend the zoning chapter and related land use regulations in a manner that is consistent with the CMP, as may be amended, to encourage lawful smart sustainable development in the Town.
- F. The Town Board hereby finds that the adoption of a moratorium on the development of residential construction will best maintain the status quo during the study period in order to prevent interim development from frustrating the objectives of the study.

Section 2. Scope of moratorium.

- A. Moratorium on the issuance of residential building permits and other actions: Except as provided herein at Paragraph 2(D) no building permit application shall be accepted, and no pending building permit application shall be further processed or approved, and no suspended or revoked building permit shall be reinstated for residential uses located within the Town of Stony Point, except in accordance with this Local Law.
- B. Moratorium on actions by the Town Board, Planning Board and Zoning Board of Appeals: Unless an application is exempted as set forth in Section 2(D) below, the Town Board, Planning Board and Zoning Board of Appeals shall not process, hear, rehear, approve or sign any new or pending preliminary or final site plan, preliminary or final subdivision, special permit, variance or other land use application or permit which relates directly or indirectly to residential construction, including but not limited to any grading permit, erosion and sediment control permit, wetland permit, sewer connection permit, floodplain development permit, water connection permit, which may be granted in association with residential construction.
- C. Moratorium and provisions of Town Law: To the extent that any provision of New York State Town Law imposes a time frame for action by a municipal entity, board or body so that a default approval will result from any inaction, the time for any action required by any Town Board, Body, Agency or other entity shall be and is hereby extended until this moratorium and any as well as all extensions thereof have expired and have not been extended by the Town Board. Therefore, no default approval shall be deemed to have taken place with regard to any application for any approval concerning land use development by reason of this moratorium being in effect.
- D. Exemptions from Moratorium:
 - 1. Construction of a single-family or two-family residential structure and any permitted accessory structures on a lot previously approved for such use, provided that such proposed residential structure or accessory does not require a variance.
 - 2. Applications for Minor Subdivisions as defined in Town Code.

3. Any of the following activities that do not require any approval or variance from the Planning Board or Zoning Board of Appeals, and only requiring issuance of a building permit from the Building Inspector shall be permitted to be undertaken notwithstanding this Local Law:
 - a. Construction of outdoor decks, sidewalks, or porches;
 - b. Construction of outdoor swimming pools;
 - c. Installation of fences;
 - d. Interior or exterior remodeling of a structure with a valid certificate of occupancy as of the effective date this local law, which does not involve any change of use or increase the size of the building, including but not limited to window replacement, door replacement, plumbing improvements, new siding, removal of interior walls, and similar improvements;
 - e. Installation or removal of home heating oil or propane tanks, in accordance with all applicable laws;
 - f. Repair, involving the removal and installation of an individual well or in-ground septic system, for a structure in existence and with a valid certificate of occupancy as of the effective date of this law;
 - g. Other minor improvements to dwellings or residential lots with an existing certificate of occupancy, after the Building Inspector has conferred with the Town Board, and the Town Board has rendered a determination that the improvement falls within the scope and nature of the exemptions listed herein.

Section 3. Hardship review.

- A. Upon a showing of severe hardship (defined as no economic return on any land purchase), the Town Board may vary from the moratorium imposed in Section 2 hereof if it determines, in its absolute discretion, that granting such relief is consistent with the health, safety and general welfare of its inhabitants of the Town and their property and in harmony with the spirit and purposes of this Local Law.
- B. When the Town Board considers such a variance as set forth herein at § 3(A) from the moratorium law, it should consider the following:
 - (1) In considering a variance, the Town Board may request the following information in order to render a decision:
 - (a) studies, reports, resolutions of preliminary and/or final approval, issued with or without conditions;
 - (b) any SEQRA documents and findings statement, Negative Declaration with or without conditions, including generic or supplemental environmental impact statements which may have cumulatively evaluated the impacts associated with certain land use applications;
 - (c) any special exception permit plan, site plan or subdivision plan, and map notes; all representations of the developer/applicant with regard to the dimensional standards of the zoning district within which the development is located, including but not limited to lot coverage, impervious surface coverage, residential building size, occupancy and other design parameters which served as the basis for SEQRA review, Stormwater Pollution Prevention Plan (SWPPP) review, and infrastructure approval and design, including methods of water supply, wastewater disposal, stormwater control, drainage, and transportation approvals;
 - (d) any violations which have been issued, and the status of same;
 - (e) any other related documents upon which the Planning Board or Zoning Board of Appeals relied in issuing an approval, and whether a variance issued from the moratorium law will be issued consistent with all resolutions of approval and SEQRA findings;
 - (f) the status of other agency permits and approvals, and whether those approvals or permits, if not issued, will be issued during the time

period established by the moratorium law. The Town Board may require that the developer/applicant submit evidence that the approval or permit will be issued during the moratorium time period;

(g) whether the developer/applicant is requesting a variance from this moratorium law for a project which proposes to vary from, or does not meet all previous decisions rendered by the Planning Board or Zoning Board of Appeals.

(2) It shall be the obligation of the developer/applicant to furnish these documents to the Town Board during the appeal process. The Town Board shall specifically consider, among other factors: whether the proposed land use or development is and will continue to be consistent with and comply with all previous decisions and findings; and, whether the developer/applicant is presently in front of the Planning Board or Zoning Board of Appeals requesting a waiver from any previous approval or finding, and the type of waiver being sought.

(3) The Town Board may limit a variance from the development moratorium to specific prescribed activities, including but not limited to, activities which allow a developer/applicant to meet any conditions to remediate a violation.

C. An application for variance for this moratorium shall be made by the applicant supplying to the Town Clerk not more than sixty (60) after enactment of this moratorium a Verified Petition signed by the owner of the subject property and any applicant for Town approvals setting forth all of the information required pursuant to Section 3(B) herein together with such additional information that the applicant or property owner seeking a variance desires to obtain from the Town Board. Within ten (10) days of receipt of said Verified Petition, the Town Clerk shall cause the scheduling of a public hearing to be placed on the next available Town Board meeting agenda and the Town Board shall schedule such public hearing no less than thirty (30) days from the date of such meeting, but in no event more than forty-five (45) days after the date of such meeting. The Town Clerk shall cause a Public Hearing Notice to be published at least five (5) days prior to the public hearing date. The applicant shall have an opportunity to produce such evidence, documents and call witnesses in support of the application for a variance from this moratorium at the time of the Public Hearing established by the Town Board. No more than thirty (30) days after the close of the Public Hearing the Town Board shall act to either grant, deny or otherwise consider the application for a variance.

Section 4. Application of Law to existing land use provisions.

This Local Law shall supersede any and all Town Law or other provisions of law rule or regulation that require specific action upon an application before the Planning Board or Zoning Board of Appeals. This moratorium is being adopted by Local Law, using Municipal Home Rule Law procedures and this moratorium suspends any subdivision approval time requirements and also supersedes and suspends any "default approval" provision of the Subdivision statutes of the Town Law or any other applicable laws. This moratorium supersedes any Town Law or Town Code provisions to the contrary that require any specific action on an application by any Town Board, Planning Board, Zoning Board of Appeals or other land use Boards within the Town. This moratorium Law also supersedes any New York State or Local Laws, rules or regulations pertaining to the grant of any variance authority by the Zoning Board of Appeals, it being the intention of this Local Law that any grant of variances to any other Boards or bodies than this Town Board is hereby superseded by this Local Law so as to vest any variance approval solely in the Town Board pursuant to this Local Law.

Section 5. Casualty exemption.

The provisions of this Local Law shall not apply to the restoration or replacement of any building or portion thereof which shall have been damaged or destroyed by fire or

other casualty. This exemption, however, shall not be applicable to the restoration or replacement of any building which, prior to the effective date of this Local Law, shall have constituted a non-conforming building under the Zoning Code of the Town, nor shall this Section in any way prevent the extinguishment of any non-conforming use as a result of casualty destruction.

Section 6. Expiration of moratorium.

This Local Law shall expire without further action of the Town Board one year following the effective date hereof and thereafter shall be of no force or effect. However, if it appears that any required review and study referred to hereinabove will not be completed, the Town Board may, by Local Law, extend the period of this moratorium for an additional six (6) months or such other and further time period that is reasonable in scope and duration.

Section 7. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.5 (36) this Local Law is classified as Type II action which requires no further review under the State Environmental Quality Review Act.

Section 8. 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 judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9. Effective date.

This Local Law shall become effective immediately upon being filed with the Secretary of State.

Open Continued Public Hearing – To Consider the Adoption of a Local Law to Enact an Eight (8) Month Moratorium on Battery Energy Storage Systems in the Town while the Town Reviews and Adopts a Local Law Regarding Such Systems.

At 7:19pm a motion was made by Deputy Supervisor Williams, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to open the public hearing To Consider the Adoption of a Local Law to Enact an Eight (8) Month Moratorium on Battery Energy Storage Systems in the town while the Town Reviews and Adopts a Local Law Regarding Such Systems.

Public Input

George Potanovic, 597 Old Gate Hill Rd., SPACE Pres., questioned if this moratorium is being adopted because of a certain project proposed.

Town Counsel responded.

Close Continued Public Hearing – To Consider the Adoption of a Local Law to Enact an Eight (8) Month Moratorium on Battery Energy Storage Systems in the Town while the Town Reviews and Adopts a Local Law Regarding Such Systems

At 7:22pm a motion was made by Deputy Supervisor Williams, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to close the public hearing To Consider the Adoption of a Local Law to Enact an Eight (8) Month Moratorium on Battery Energy Storage Systems in the town while the Town Reviews and Adopts a Local Law Regarding Such Systems.

Adopt Local Law - To Enact an Eight (8) Month Moratorium on Battery Energy Storage Systems in the town while the Town Reviews and Adopts a Local Law Regarding Such Systems

A motion was made by Deputy Supervisor Williams, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to adopt the following local law:

The following Resolution was duly
offered and seconded to wit:

**RESOLUTION ADOPTING LOCAL LAW NO. 5 OF 2026
IMPLEMENTING A MORATORIUM ON THE DEVELOPMENT AND CONSTRUCTION
OF ELECTRIC BATTERY ENERGY STORAGE UNITS**

WHEREAS, the Town Board of the Town of Stony Point, New York ("Town Board") from time to time reviews its laws, rules and regulations to be certain the same are consistent with all current lawful practices as well as best practices to protect the health, safety and welfare of Town residents; and

WHEREAS, the Town Board desires to adopt a Local Law Implementing a Moratorium on the Development and construction of Electric Battery Energy Storage Units; and

WHEREAS, such introductory Local Law was introduced before the Town Board on June 9, 2026; and

WHEREAS, the proposed local law was referred to the Rockland County Planning Department pursuant to NYS General Municipal Law § 239-m and by letter response dated July 13, 2026, the Rockland County Planning Department remanded the matter to the Town for local determination; and

WHEREAS, upon notice duly published and posted, a Public Hearing was opened on said Local Law on June 23, 2026 and continued to July 14, 2026, whereat all interested persons were afforded the opportunity to comment concerning the merits of said Local Law, and the Town Board declared the public hearing closed on July 14, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Town Board as follows:

Section 1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full.

Section 2. The Town Board hereby adopts Local Law No. 5 entitled "Law Implementing a Moratorium on the Development and construction of Electric Battery Energy Storage Units," as attached hereto.

Section 4. The Town Clerk is hereby directed to enter said Local Law into the minutes of this meeting and in the Local Law book of the Town of Stony Point, and to give due notice of the adoption of said Local Law by filing the Local Law in the Office of the Secretary of State in the State of New York.

Section 5. This Resolution shall be effective immediately.

TOWN OF STONY POINT

LOCAL LAW NO. 5 OF 2026

**A LOCAL LAW IMPLEMENTING A MORATORIUM ON THE DEVELOPMENT AND
CONSTRUCTION OF ELECTRIC BATTERY ENERGY STORAGE UNITS**

Section 1. Legislative findings and intent.

The Town Board ("Board") of the Town of Stony Point, New York ("Town") hereby finds that there is a critical and compelling need, in the public interest as set forth herein, to impose a moratorium on the development and construction of Battery Energy Storage Systems "BESS") as further described hereafter.

- A. These BESS facilities represent cleaner renewable sources of energy, and can be found in small, residential systems as well as larger, industrial systems to create and store energy. For the purpose of this moratorium, a BESS is defined as 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.
- B. However, it has come to the Town's attention that despite the benefit of clean, renewable fuel that the Electric Battery Energy Storage Units can afford, there is an inherent risk present in some of these systems as evidenced by the fire hazards that they pose.
- C. It has come to the Town's attention that certain batteries and battery energy storage systems pose an inherent and dangerous fire risk, as evidenced by three (3) fires that have inexplicably broken out at these facilities in the Town of Warwick in neighboring Orange County, and numerous fires elsewhere around the Country. The concern of the Town lies in multiple parts including, the origin of the fires, that current fire suppression techniques are rendered impotent by the battery's contents, the duration of the fires, the risk of human life and property damage associated with the fires themselves, and the environmental consequences associated with the smoke and chemical particulate matter released during the duration of the fire.
- D. On December 19, 2025 a fire broke out during heavy rain at an Energy and Power facility in Warwick, New York, though officials as quoted in press reports surrounding the fire characterized the fire as small, it still took over 24 hours to extinguish. Further, during such fire, hydrogen cyanide was detected in air quality samples during the fire at 0.5 parts per million, which is about half of the maximum allowable amount under federal guidelines.
- E. Lithium-ion batteries are reported to be particularly difficult to extinguish, due in part that damaged and overheated cells can reignite repeatedly, even after flames seem to be under control.
- G. The Town Board finds that considering the inherent risk imposed by a chemical fire that is extinguishable only by exhausting its own fuel source, the Town Board shares the concerns of the public. Especially those who live or work in buildings and homes near these facilities for a number of reasons, including but not limited to environmental concerns related to the short- and long-term release of smoke, chemicals and particulate into nearby properties and neighborhoods.
- H. The Town Board finds that the Town's Zoning Local Law does not adequately address the safety concerns that have come to the board's attention, including but not limited to setbacks to adjacent properties, fire suppression systems and environmental mitigation systems.
- I. Considering the inherent risk associated with such systems, the Town Board needs to evaluate amendments to the Town code to properly address public safety, emergency response capabilities as well as land use and environmental impacts associated with battery storage facilities. These circumstances require that the Town Board undertake, without delay, a review of the existing and anticipated uses in the Town and the consideration of Town zoning regulations to regulate the construction of Battery Energy Storage Systems.

J. The Town Board hereby finds that the adoption of a moratorium on the development of Battery Energy Storage Systems is required in order to best maintain the status quo during the review and enactment period in order to prevent interim development from frustrating the objectives of such review and enactments. The Town is mindful of and will consider that State regulations have imposed requirements on these facilities that are aimed at promoting and ensuring the safety of such sites.

Section 2. Scope of Moratorium.

- A. Moratorium on the issuance of non-residential building permits and other actions: No building permit application shall be accepted, and no pending building permit application shall be further processed or approved, and no suspended or revoked building permit shall be reinstated for any Battery Energy Storage Facilities located within the Town of Stony Point.
- B. Moratorium on actions by the Town Board, Planning Board and Zoning Board of Appeals: The Town Board, Planning Board and Zoning Board of Appeals shall not process, hear, rehear, approve or sign any new or pending preliminary or final site plan, preliminary or final subdivision, special permit, variance or other land use application or permit which relates directly or indirectly to construction of such Battery Energy Storage Facilities including but not limited to any grading permit, erosion and sediment control permit, wetland permit, sewer connection permit, floodplain development permit, water connection permit, which may be granted in association with any such construction.
- C. Moratorium and provisions of Town Law: To the extent that any provision of New York State Town Law imposes a time frame for action by a municipal entity, board or body so that a default approval will result from any inaction, the time for any action required by any Town Board, Body, Agency or other entity shall be and is hereby extended until this moratorium and any as well as all extensions thereof have expired and have not been extended by the Town Board. Therefore, no default approval shall be deemed to have taken place with regard to any application for any approval concerning land use development by reason of this moratorium being in effect.

Section 3. Hardship review.

- A. Upon a showing of severe hardship (defined as no economic return on any land purchase), the Town Board may vary from the moratorium imposed in Subsection 2 hereof if it determines, in its absolute discretion, that granting such relief is consistent with the health, safety and general welfare of its inhabitants of the Town and their property and in harmony with the spirit and purposes of this Local Law.
- B. When the Town Board considers such a variance as set forth herein at § 3(A) from the moratorium law, it should consider the following:
 - a. In considering a variance, the Town Board may request the following information in order to render a decision:
 - (a) studies, reports, resolutions of preliminary and/or final approval, issued with or without conditions;
 - (b) any SEQRA documents and findings statement, Negative Declaration with or without conditions, including generic or supplemental environmental impact statements which may have cumulatively evaluated the impacts associated with certain land use applications;
 - (c) any special exception permit plan, site plan or subdivision plan, and map notes; all representations of the developer/applicant with regard to the dimensional standards of the zoning district within which the development is located, including but not limited to lot coverage, impervious surface coverage, residential building size, occupancy and other design parameters which served as the basis

for SEQRA review, Stormwater Pollution Prevention Plan ("SWPPP") review, and infrastructure approval and design, including methods of water supply, wastewater disposal, stormwater control, drainage, and transportation approvals;

- (d) any violations which have been issued, and the status of same;
 - (e) any other related documents upon which the Planning Board or Zoning Board of Appeals relied in issuing an approval, and whether a variance issued from the moratorium law will be issued consistent with all resolutions of approval and SEQRA findings;
 - (f) the status of other agency permits and approvals, and whether those approvals or permits, if not issued, will be issued during the time period established by the moratorium law. The Town Board may require that the developer/applicant submit evidence that the approval or permit will be issued during the moratorium time period;
 - (g) whether the developer/applicant is requesting a variance from this moratorium law for a project which proposes to vary from, or does not meet all previous decisions rendered by the Planning Board or Zoning Board of Appeals.
- (h) (2) It shall be the obligation of the developer/applicant to furnish these documents to the Town Board during the appeal process. The Town Board shall specifically consider, among other factors: whether the proposed land use or development is and will continue to be consistent with and comply with all previous decisions and findings; and, whether the developer/applicant is presently in front of the Planning Board or Zoning Board of Appeals requesting a waiver from any previous approval or finding, and the type of waiver being sought.
- (i) (3) The Town Board may limit a variance from the development moratorium to specific prescribed activities, including but not limited to, activities which allow a developer/applicant to meet any conditions to remediate a violation.

C. An application for variance for this moratorium shall be made by the applicant supplying to the Town Clerk not more than sixty (60) days after enactment of this moratorium a Verified Petition signed by the owner of the subject property and any applicant for Town approvals setting forth all of the information required pursuant to Section 3(B) herein together with such additional information that the applicant or property owner seeking a variance desires to obtain from the Town Board. Within ten (10) days of receipt of said Verified Petition, the Town Clerk shall cause the scheduling of a public hearing to be placed on the next available Town Board meeting agenda and the Town Board shall schedule such public hearing no less than thirty (30) days from the date of such meeting, but in no event more than forty-five (45) days after the date of such meeting. The Town Clerk shall cause a Public Hearing Notice to be published at least 5 days prior to such public hearing date. The applicant shall have an opportunity to produce such evidence, documents and call witnesses in support of the application for a variance from this moratorium at the time of the Public Hearing established by the Town Board. No more than thirty (30) days after the close of the Public Hearing the Town Board shall act to either grant, deny or otherwise consider the application for a variance.

Section 4. Application of Law to existing land use provisions.

This Local Law shall supersede any and all Town Law or other provisions of law, rule or regulation that require specific action upon an application before the Planning Board or Zoning Board of Appeals. This moratorium is being adopted by Local Law pursuant to Municipal Home Rule Law procedures and this moratorium suspends any subdivision approval time requirements and also supersedes and suspends any "default approval" provision of the Subdivision statutes of the Town Law or any other applicable laws. This moratorium supersedes any Town Law or Town Code provisions to the contrary

that require any specific action on an application by any Town Board, Planning Board, Zoning Board of Appeals or other land use Boards within the Town. This moratorium Law also supersedes any New York State or Local Laws, rules or regulations pertaining to the grant of any variance authority by the Zoning Board of Appeals, it being the intention of this Local Law that any grant of variances to any other Boards or bodies than this Town Board is hereby superseded by this Local Law so as to vest any variance approval solely in the Town Board pursuant to this Local Law. To the extent that this local law is deemed preempted by state or federal law enactments with respect to any proposed system, such preemption shall only apply to such system, and the existence of any such preemption shall not otherwise affect the validity of this local law with respect to other BESS facilities.

Section 5. Expiration of moratorium.

This Local Law shall expire without further action by the Town Board eight (8) months following the effective date hereof and thereafter shall be thereafter of no force or effect. However, if it appears that any required review and study referred to hereinabove will not be completed within eight (8) months from the effective date of this Local Law, the Town Board may, by Local Law, extend the period of this moratorium for an additional six (6) months or for such other time period that the Town Board determines is reasonable in scope and duration.

Section 7. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.5 (36) this Local Law is classified as Type II action which requires no further review under the State Environmental Quality Review Act.

Section 8. 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 judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9. Effective date.

This Local Law shall become effective immediately upon being filed with the Secretary of State.

Approve Hire-Camp Counselor

A motion was made by Deputy Supervisor Williams, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to approve the hire of Caleb Fang as a Day Camp Counselor at a rate of pay of \$16.50/hr.

Award Irrigation Bid

A motion was made by Deputy Supervisor Williams, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to award the Irrigation Bid to Environmental Construction as recommended by Town Engineer at a cost to the town of \$579,090.00.

Approve Hire-Patriot Hills Operations

A motion was made by Deputy Supervisor Williams, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to approve the hire of Mia Liquori for Patriot Hills Operations at rate of pay of \$16/hr.

Approve Donation-Helen Hayes 15th Annual Golf Outing

A motion was made by Deputy Supervisor Williams, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to approve a \$500.00 donation for the Helen Hayes 15th Annual Charity Golf Outing.

Approve Hires for Lifeguards

A motion was made by Deputy Supervisor Williams, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to approve the hires of Valerie Montilus as a cashier at the town pool and Justin Ruiz as a lifeguard at a rate of pay of \$17/hr.

Authorize Town Clerk to Advertise for Bids-PD Parking Lot Paving

A motion was made by Deputy Supervisor Williams, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to authorize the town clerk to advertise for bids for the paving of the police department parking lot.

Request to Declare Weapon as Surplus

A motion was made by Deputy Supervisor Williams, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to surplus from the Police Department a Glock Model 19 Gen 5, .9MM semi-automatic handgun, serial# CATA889 and presented to Brian Horowitz who will retire on August 1, 2026.

Nominate Police Office

A motion was made by Deputy Supervisor Williams, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to nominate Peter Costabile as Police Officer. This nomination will allow Rockland County Personnel to continue the testing of the candidate.

Nominate Police Officer

A motion was made by Deputy Supervisor Williams, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present with Supervisor Stamm and Councilman Rose being absent to nominate Owen Smith as Police Officer. This nomination will allow Rockland County Personnel to continue the testing of the candidate.

ADJOURN

At 7:27pm a motion was made by Deputy Supervisor Williams, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present with Supervisor Stamm being absent to close the July 14, 2026 Town Board Meeting in memory of Lauren Shields and Mary Ginger Huntley. No further votes were taken.

Respectfully submitted.
Megan Carey, Town Clerk