

Motion to Waive Rule Six by Sparace, seconded by Mortise, and so ordered May 13, 2026.

***ORDINANCE NO. 9869 TABLED**

**AUTHORIZING A SIX (6) MONTH MORATORIUM WITH RESPECT TO THE
ESTABLISHMENT, INSTALLATION AND CONSTRUCTION OF BATTERY ENERGY STORAGE
SYSTEMS WITHIN THE CITY OF ROME.**

By Councilor Dursi:

WHEREAS, pursuant to New York State General City Law §§ 20(24), 20(25), 28-a and 83 and the Rome Zoning Code, Article XIX, the City of Rome Common Council has the authority to amend the Zoning Code when it is deemed said amendment would protect the health, welfare and safety of citizens and businesses and/or further the public interest, and to impose a moratorium where appropriate; and

WHEREAS, the Rome Common Council is in the process of considering amendments to Rome City Code Chapter 80, entitled "Zoning Code", as it relates to the construction and installation of Battery Energy Storage Systems ("BESS") in the City of Rome and the requirements therefor; and

WHEREAS, a BESS is a group of battery cells organized into modules, and then into racks, that store electricity for future use via connection to the electric grid, a local electrical load, or both; and

WHEREAS, 1st Ward Councilor John Sparace and 6th Ward Councilor Rick Dursi recommend that a six (6) month moratorium be enacted on BESS construction and installation within the City of Rome, or the issuance of any approvals or building permits therefore; and

WHEREAS, the time provided by said moratorium will allow the City of Rome to assess public safety and environmental risks, neighborhood impacts and other concerns associated with BESS installation, and to draft appropriate local laws to administer the permitting, operation and decommissioning of same; and

WHEREAS, pursuant to the requirements of General Municipal Law Section 239-m, the proposed moratorium has been referred to the Oneida County Planning Commissioner for comment, which said comments were received on _____ and filed with the City Clerk's Office; and

WHEREAS, this proposed moratorium was referred to the Planning Board for their report and recommendations, said report having been sent to the Common Council on _____ and being attached hereto as an Exhibit ____; and

WHEREAS, a public hearing was held before the Planning Board on _____, 2026, in order for public comment to be heard and considered regarding the proposed moratorium; and

WHEREAS, while the proposed moratorium is subject to the provisions of the State Environmental Quality Review (“SEQRA”), because it is a Type II action no further action is required pursuant to 19 NYCRR 617.5(c)(30) (“adoption of a moratorium on land development or construction”); and

WHEREAS, it is in best interests of the City of Rome to establish said moratorium to protect the health, safety and welfare of the residents of the City of Rome, and to assure that BESS construction and installation conform to the City’s long term planning goals; now, therefore

BE IT ORDAINED, by the City of Rome Common Council that effective immediately a moratorium is imposed for a period of six (6) months on the construction or installation of Battery Energy Storage Systems within the City of Rome, or the issuance of any approvals or building permits therefore, including, but not limited to:

- (i) the City of Rome Planning Board shall not approve any site plan which as a result would lead to the establishment of a BESS within the City of Rome, and
- (ii) The City of Rome Zoning Board of Appeals shall not grant any variance, special use permit or other permit for any use which would result in the establishment or development of any new BESS within the City of Rome, and
- (iii) The Chief Code Enforcement Officer shall not issue any building permit or other permit which would result in the establishment or development of any BESS within the City of Rome; and

BE IT FURTHER ORDAINED, that any person or entity constructing or installing a BESS in violation of this moratorium may be charged with an offense under the Rome City Code; and

BE IT FURTHER ORDAINED, that a person or entity wishing to seek relief from this Ordinance may apply for a variance to Rome Zoning Board of Appeals, who will hold a public hearing on the matter and submit a recommendation to the Common Council. If the Common Council finds that the property owner will suffer and unusual or unnecessary hardship, it may provide relief from the strict compliance with this moratorium; and

BE IT FURTHER ORDAINED, by the City of Rome Common Council that this Ordinance shall take effect immediately upon approval.

Seconded by Councilor Smith.

By Councilor Mortise:

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 9869.

Seconded by Councilor Sparace.

AYES: Sparace, Mortise, Fazio, Smith, Reilly, Dursi

NAYS: None

EXCUSED: Sbaraglia

Motion to table by Dursi, seconded by Sparace, and so ordered May 13, 2026.