

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
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ANDREW M. CUOMO
GOVERNOR
ROSSANA ROSADO
SECRETARY OF STATE

June 10, 2019

Anthony J. Villani PC
66 William Street
Lyons, NY 14489

RE: Town of Lyons, Local Law 1 2019, filed on 6/5/2019

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755



Department
of State

LEGAL NOTICE
TOWN OF LYONS
NOTICE OF PUBLIC HEARING

LOCAL LAW TO OPT OUT OF NEW YORK STATE REAL PROPERTY TAX
LAW §487 TAX EXEMPTION FOR CERTAIN MICRO-HYDROELECTRIC ENERGY
SYSTEMS, FUEL CELL ELECTRIC GENERATING SYSTEMS, MICRO-COMBINED
HEAT AND POWER GENERATING EQUIPMENT SYSTEMS, AND ELECTRIC ENERGY
STORAGE EQUIPMENT OR ELECTRIC ENERGY STORAGE SYSTEMS

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Lyons on the 22nd day of May, 2019 at 6:40 p.m. in the at the Lyons Town Hall, 43 Phelps Street, Lyons, New York to hear and consider comments from the public in regard to:

Local Law No. 1-2019

Eliminates the New York State Real Property Tax Law §487 tax exemption for micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, and electric energy storage equipment or electric energy storage systems constructed in the Town of Lyons after effective date of local law.

Copies of the entire proposed Local Law No. 1-2019 are available for review at the Town Clerk's Office during regular business hours.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LYONS
Sal Colatarci, Town Clerk
Dated: May 12, 2019

LOCAL LAW NO. 1 OF 2019
Town of Lyons, Wayne County

LOCAL LAW TO OPT OUT OF NEW YORK STATE REAL PROPERTY TAX
LAW §487 TAX EXEMPTION FOR CERTAIN MICRO-HYDROELECTRIC ENERGY
SYSTEMS, FUEL CELL ELECTRIC GENERATING SYSTEMS, MICRO-COMBINED
HEAT AND POWER GENERATING EQUIPMENT SYSTEMS, AND ELECTRIC ENERGY
STORAGE EQUIPMENT OR ELECTRIC ENERGY STORAGE SYSTEMS

Be it enacted by the Town Board of the Town of Lyons as follows:

Section 1.

Effective January 1, 2018, Real Property Tax Law §487 provides a real property tax exemption for certain micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, and electric energy storage equipment or electric energy storage systems, defined therein as follows:

‘Micro-hydroelectric energy system’ means an arrangement or combination of micro-hydroelectric energy equipment designed to provide electrical energy by the use of flowing water. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building. It does not include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards established by law.

‘Micro-hydroelectric energy equipment’ means any energy storage device, penstock, turbine, generator and other materials, hardware and equipment necessary to the process by which the flow of stream or river water or water from other water bodies is (i) converted into electrical energy; (ii) protected from unnecessary dissipation; and (iii) distributed. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building. It does not include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards established by law.

‘Fuel cell electric generating system’ means an arrangement or combination of equipment designed to produce electrical energy through reaction of chemicals, including but not limited to hydrogen, oxygen, methane and natural gas.

‘Fuel cell electric generating equipment’ means a solid oxide, molten carbonate, proton exchange membrane or phosphoric acid fuel cell with a combined rated capacity of not more than two thousand kilowatts. It does not include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards established by law.

‘Micro-combined heat and power generating equipment system’ means an arrangement or combination of equipment designed to produce electrical energy and heat for a residential customer on such customer’s premises.

'Micro-combined heat and power generating equipment' means an integrated, cogenerating building heating and electrical power generation system, owned, leased or operated by a residential customer, located at such customer's premises, operating on any fuel and of any applicable engine, fuel cell or other technology with a rated capacity of at least one kilowatt and not more than ten kilowatts electric and any thermal output that has a design total fuel use efficiency in the production of heat and electricity of not less than eighty percent, and annually produces at least two thousand kilowatt hours of useful energy in the form of electricity that may work in combination with supplemental or parallel conventional heating systems, that is manufactured, installed and operated in accordance with applicable government and industry standards, that is connected to the electric system and operated in conjunction with an electric corporation's transmission and distribution facilities. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building. It does not include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards established by law.

'Electric energy storage equipment' means a set of technologies capable of storing electric energy and releasing that energy as electric power at a later time. Electric energy storage technologies may store energy as potential, kinetic, chemical or thermal energy, that can be released as electric power and include, but are not limited to, various types of batteries, flywheels, electrochemical capacitors, compressed air storage and thermal storage devices.

'Electric energy storage system' means an arrangement or combination of equipment designed to store electrical energy in electric energy storage equipment and release electric power at a later time.

Section 2.

No exemption under New York State Real Property Tax Law §487 shall be applicable within the Town of Lyons with respect to any micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment or electric energy storage system constructed subsequent to which began construction subsequent to the effective date of such local law.

Section 3.

A copy of this local law shall be filed with the New York State Commissioner of Taxation and Finance and with the President of the New York State Energy Research and Development Authority, as required under New York State Real Property Tax Law §487(8)(a).

Section 4.

This local law shall go into effect immediately upon filing with the Secretary of State.