



North Shore Schools

Discovering Your Dreams

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-via electronic transmission to josephsaladino@oysterbay-ny.gov and overnight mail-

March 24, 2025

Supervisor Joseph S. Saladino and
Members of the Town of Oyster Bay Town Board
54 Andrew Avenue
Oyster Bay, New York 11771

Re: *Support for Extension of the Moratorium on the Establishment of Battery Energy Storage Systems ("BESS")*

Dear Supervisor Saladino and Members of the Town Board:

Please accept this letter on behalf of the North Shore Central School District (the "School District") with regard to the moratorium on the establishment of Battery Energy Storage Systems ("BESS") in the Town of Oyster Bay. It is the School District's understanding that the current moratorium period is set to expire at the end of April 2025. The School District submits this letter to the Town Board in support of a further extension of the Town's moratorium.

As this Town Board can appreciate, our School District community is already heavily populated with electrical utility infrastructure. The School District's history, health, education and operations are directly tied to existing and proposed utility development. Current, known proposed utility projects and initiatives include the Propel NY Energy project¹, the Oyster Shore Energy Storage project (Jupiter Power project), as well as the proposed rules and regulations pursuant to the Renewable Action through Project Interconnection and Deployment (RAPID) Act², which may impact the review and permitting of these types of energy projects within the geographical boundaries of the Town and School District.

¹ Proposed construction of approximately ninety miles of new underground transmission lines, including along numerous major roadways within the Town of Oyster Bay and, more specifically, within the geographical boundaries of the School District, and direct interconnection with existing and/or new substations, including the existing substation located on Shore Road, immediately adjacent to the School District's transportation facilities.

² The Office of Renewable Energy Siting and Electric Transmission ("ORES") has issued proposed regulations for the siting, design, construction, and operation of major renewable energy generation and major electric transmission facilities, which are currently subject to public hearing and comment.

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In addition, the School District has recently received considerable outreach from members of its community voicing concerns about the future of the School District's community, and in particular, significant concerns regarding the health and safety of the community as it relates to BESS facilities. We share our community's concerns. Since the School District does not have any jurisdiction or oversight role in the siting and permitting of these energy facilities and projects, including BESS projects, we write to you to share our concerns for the Town Board's thoughtful consideration.

With respect to BESS facilities, the Town Board held a public hearing to consider a local law to impose a six (6) month moratorium on the establishment of BESS in the Town of Oyster Bay. At that hearing, the Town Board called Andrew Thyberg, environmental consultant with Bay Environmental Consulting. Mr. Thyberg discussed BESS as new technology with inherent and potential risks, citing to four recent BESS fires in New York, which highlighted concerns related to public safety, the safety of first responders, and environmental concerns such as air, water, and soil contamination. Mr. Thyberg noted that while initial studies had been released "additional investigations and further review of the existing data is warranted to confirm these findings."³ Ultimately, Mr. Thyberg recommended a moratorium period of six months "to allow for further review of the permitting of battery energy storage systems pursuant to Town Zoning Code, with two optional six month extensions by resolution of the Town Board if you determine it to be warranted."⁴ According to Mr. Thyberg, "it's prudent to wait and also give time to do your own due diligence."⁵

On April 9, 2024, the Town Board adopted a local law, placing a six (6) month limited moratorium for the review of permitting of BESS. On October 29, 2024, the Town Board extended the moratorium for an additional six (6) month period. The end of the second moratorium period is approaching.

The School District commends the Town on taking this responsible step to carefully review the concerns related to BESS and placing a hold on the establishment of BESS in the Town of Oyster Bay. We urge you to extend the current moratorium before its expiration in order to fully address and consider the significant health and safety concerns that remain. The School District has significant concerns about safety, the ability to put out lithium battery fires, and the individual and cumulative impact on the School District and its community related to BESS and other energy projects in close proximity to each other and to the School District's facilities and operations.

For example, the School District is aware of a project proposed by Jupiter Power to build and operate the "Oyster Shore Energy Storage" which, as proposed, is an approximately 275-megawatt BESS in Glenwood Landing in the Town of Oyster Bay, proposed to connect to the substations

³ February 27, 2024 Transcript ("2/27/2024 Tr."), Town Board, Town of Oyster Bay, Hearing No. 3 at 7:17-23.

⁴ 2/27/2024 Tr. at 9:4-11.

⁵ 2/27/2024 Tr. at 10:16-24.

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along Shore Road⁶ that are located immediately adjacent to the School District’s transportation facility. *The same* substations proposed to undergo construction under the Propel NY Energy Project.

In addition to the concerns related to any proposed BESS within the School District’s boundaries, and as this Town Board is aware, the Proposed NY Energy project is currently being reviewed by the New York State Public Service Commission, pursuant to Article VII of the Public Service Law. The Town and the School District both requested and were granted and conferred party status in the Propel NY Energy proceeding. Further, the proposed regulations pursuant to the RAPID Act seek to define the types of major energy projects for which permitting jurisdiction falls under the purview of ORES, as opposed to local municipal jurisdiction, and the procedures for the review of the same. It is our understanding that the Town has sought party status in the proceeding pertaining to the proposed regulations and will be submitting written comments with respect to the same.

We believe that the local concerns associated with BESS, like that proposed by Jupiter Power, are best addressed by the local municipalities within whose jurisdiction a BESS is proposed, based upon familiarity with the site and community needs, after careful and thorough review. In that regard, we urge the Town to continue its efforts to ensure that local municipalities, like the Town, retain jurisdiction over proposed projects within its boundaries and to ensure that local concerns are adequately addressed at the local level.

The proposed projects and actions noted elucidate the need to take a hard look at the energy and utility development within the Town and, in particular, within the School District. The Town of Oyster Bay is best situated to address the unique needs and circumstances of development within its borders. In that regard, the School District submits that a further extension by the Town Board of the current moratorium is justified and necessary until such time that the myriad of significant local concerns raised are adequately and appropriately addressed, including the potential for catastrophic failures and evacuation planning. The School District further submits that this is particularly prudent given the numerous energy projects proposed to be located within the Town, and within our School District, and the unknown individual and cumulative impacts of energy projects in a concentrated area, given the new and emerging technologies related to the same.

In closing, *the health and safety of our shared community is of the utmost importance*. To that end, some additional time now to further evaluate any potential risks and to identify all reasonable mitigation methods associated with energy projects, including BESS, is not only reasonable, prudent, and responsible, but it is a necessary undertaking in order to protect the future of our School District, our students, and our school community *prior* to allowing the establishment of numerous energy projects intended to be in place for decades, and generations to come.

⁶ <https://www.oystershoreenergy.com/>

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It is for these reasons that the School District urges the Town Board to further extend the moratorium of the establishment of BESS in the Town of Oyster Bay.

On behalf of our Board of Education and the School District, I thank you for your time and consideration of the serious concerns raised herein. We remain available to discuss these important matters.

Very truly yours,



Dr. Christopher Zublionis
Superintendent of Schools

cc: Board of Education, North Shore CSD
Richard LaMarca, Town Clerk, Town of Oyster Bay (rlamarca@oysterbay-ny.gov)