

**TOWN OF MOREAU
PROPOSED LOCAL LAW 2 OF 2026
ESTABLISHING A MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS**

BE IT ENACTED BY THE MOREAU TOWN BOARD AS FOLLOWS:

Section 1. Title and Authority – This Local Law shall be known as the Town of Moreau Battery Energy Storage Moratorium. It is adopted pursuant to Municipal Home Rule Law §10 and Town Law Article 16.

Section 2. Purpose – The Town Board recognizes that solar energy offers benefits for energy conservation and reduction of reliance on fossil fuels and, as such, the development of solar energy facilities, including those with associated battery energy storage systems, continues to grow throughout the State. Although battery energy storage facilities are prohibited in the Town unless associated with renewable electric generation, even the installation of battery energy storage facilities in connection with solar energy facilities may have adverse impacts on public safety as well as on neighboring land uses. While the Zoning Law of the Town of Moreau currently regulates solar energy systems, it does not include separate regulations that apply to battery energy storage systems. As a result, the number of battery energy storage facilities that could be associated with planned solar energy systems in the Town is raising concerns over safety and the orderly development of land. This Moratorium is necessary in order to temporarily restrict the development of battery energy storage systems so that the Town Board may thoroughly consider the impacts of such uses, their appropriate locations in the community and how to encourage appropriate development of such facilities within the Town's land use development and zoning objectives. The Town Board has determined that this would best enhance and protect the health, safety and welfare of the citizens of the Town of Moreau.

3. Definitions – “Battery energy storage system” means one or more devices, assembled together, capable of storing energy derived from solar or wind, to be stored and then released at a future time.

4. Moratorium – The Town of Moreau hereby imposes a six-month Moratorium on the construction, establishment, installation, review or approval of any new battery energy storage system after the date that this Local Law takes effect. The provisions of this Local Law shall be applicable to any construction, establishment, installation, review or approval of any such system including any for which an application is currently pending, unless all necessary municipal approvals have been obtained on or before the effective date of this Local Law, including a building permit. During the pendency of this Moratorium there shall be no permits issued nor applications considered by the Town,

its Officials, Boards or Departments for the construction, installation or use of Battery Energy Storage Systems.

5. Extensions – This Moratorium may be extended for such additional periods as the Town Board may determine to be necessary to protect the public health, safety and welfare of the citizens of the Town of Moreau and accomplish the stated purposes and intent of this Local Law.

6. Variance Procedure – The Town Board shall have the power, after a Public Hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose extraordinary hardship upon an applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general purposes and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk. The Town Board shall conduct a Public Hearing on the application on not less than five (5) days' public notice and shall make its decision within thirty (30) days after the close of the Public Hearing. Any project which is granted a variance from this Local Law shall be subject to all requirements under the Town Code which would have been applicable to the project if the Moratorium had not been adopted and the prohibitions set forth in Paragraph 4 of this Local law shall not apply to such project.

7. Severability – The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

8. Effective Date – This Local Law shall take effect upon filing by the Office of the New York Secretary of State.