

INTRODUCTORY LOCAL LAW NO. 3 OF 2026

A LOCAL LAW ESTABLISHING A ONE-YEAR MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS WITHIN THE TOWN OF CAROGA

Section 1. Title

This Local Law shall be known as the “2026 Town of Caroga Battery Energy Storage System Moratorium Law.”

Section 2. Authority

This Local Law and moratorium are enacted by the Town Board of the Town of Caroga pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Section 10 of the Municipal Home Rule Law.

Section 3. Purpose and Intent

The Town Code of the Town of Caroga (“Town”) does not adequately address matters specifically pertaining to the installation and/or use of Battery Energy Storage Systems on real property located within the Town, including but not limited to with respect to permitting, design, site plan review, safety, decommissioning and other requirements.

The Town Board hereby finds that, in the interest of protecting and promoting the health, safety and welfare of the community, it is necessary and appropriate for the Town Board to carefully examine and evaluate potential impacts and effects associated with Battery Energy Storage Systems and to consider the adoption of possible amendments to the Town Code to regulate such uses, as may be deemed appropriate. It is therefore the purpose and intent of this Local Law to temporarily suspend, for a period of one (1) year, the consideration, review, or approval of any Battery Energy Storage Systems within the Town while the Town Board undertakes a thorough review of the pertinent issues and adopts, as may be deemed appropriate, amendments to the Town Code to address and regulate such use.

Section 4. Definitions

For the purpose of this Local Law, “Battery Energy Storage System” shall mean 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.

Section 5. Moratorium

For a period of one (1) year following the effective date of this Local Law, after which date this Local Law shall lapse and be without further force and effect unless duly extended, and subject to any other Local Law adopted by the Town Board during such one (1) year period, no application shall be accepted and no application shall be approved or permit issued by the Town, its Boards, Departments, and/or officials related to the siting, establishment, placement, installation, construction, erection, modification and/or enlargement of any Battery Energy Storage System within the Town of Caroga.

Section 6. Variances

The Town Board shall have the authority, 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 practical difficulties or extraordinary hardships upon an applicant and that the granting of a variance would not adversely affect the health, safety, or welfare of the citizens of the Town or significantly conflict with the purpose and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk and shall include a fee of Two Hundred Fifty Dollars (\$250) for the processing of such application. All such applications shall be promptly referred to the Town Board, which shall conduct a public hearing on the application on not less than five (5) days public notice and shall make its decision within forty-five (45) days after the close of the public hearing.

Section 7. Severability

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

Section 8. Superseding Effect

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of the New York State Town Law for the duration of this moratorium. The New York State Town Law provisions intended to be superseded include all of Article 16 of the Town Law, Sections 261-285 inclusive, and any other provision of law that the Town may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York.

Section 9. Effective Date

This Local Law shall take effect immediately upon filing with the New York Secretary of State as provided by law.

