

Draft Proposal

Local Law No. ____ of 2025

A local law establishing a moratorium on Battery Energy Storage Systems facilities in the Town of Clifton Park.

Regulation approved _____ for a period of 180 days from the effective date thereof.

SECTION I. SHORT TITLE.

This local law shall be cited as Local Law # _____ of 2025 or the Clifton Park moratorium on new Battery Energy Storage Systems facilities.

SECTION II. LEGISLATIVE FINDINGS AND INTENT

The Town Board finds that it is in the best interest of the Town of Clifton Park to enact a moratorium on any new Battery Energy Storage Systems Facilities, which consist of rows of rechargeable batteries housed in self-contained, interconnected storage units. The Town Board recognizes the potential impact of Battery Energy Storage Systems Facilities on the Town's infrastructure, environment, and community character. The Town of Clifton Park is committed to ensuring the health, safety, and welfare of its residents, and to the proper regulation of land uses within the Town of Clifton Park.

The Town Board has determined that it would be prudent to temporarily pause consideration of Battery Energy Storage Systems Facilities within the Town of Clifton Park. Such a pause will provide sufficient time to study and address any concerns, including, but not limited to, zoning, environmental impacts, public safety, and economic implications resulting from Battery Energy Storage Systems Facilities.

SECTION III. SCOPE OF CONTROL

- (a) For a period of 180 days from the effective date of this ordinance, no applications for Battery Energy Storage Systems Facilities shall be accepted by any board with

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appropriate authority in the Town, including the Town Board, Planning Board, and Zoning Board of Appeals.

- (b) Effective Date: This local Law applies to all applications for Energy Storage Systems Facilities filed with the Town Planning Department.
- (c) Each and every time period regulation and all default provisions otherwise applicable to the development, permits and/or approvals is hereby suspended and temporarily superseded by this Local law including but not limited to Section 276 of the New York State Town Law, during its period of effectiveness.
- (d) The jurisdiction of the Zoning Board of Appeals to act pursuant to Section 267-b of the New York State Town Law relative to relief from this Local Law is hereby suspended and temporarily superseded by this Local law for the purposes of any application for relief from this enactment during its period of effectiveness.

SECTION IV. APPEAL PROVISIONS

The Town Board retains the power to vary or modify the application of any provision of this local law upon its determination, in its legislative discretion, after public hearing on notice, that this local law would impose extraordinary hardship upon a landowner, and that a variance from this act will not adversely affect the health, safety and general welfare of the town. Any request for an exception or variance shall be filed with Town Board, through the Town Clerk, and shall include a fee of one hundred dollars (\$100.00) for the processing of such application. All such applications shall be reviewed by the Town Board after a public hearing and final decision on the appeal for relief. Any relief shall be granted through amendments to this local law.

SECTION V. PENALTIES

Any person, firm, entity or corporation that shall violate the terms and provisions of this Local Law shall be subject to a penalty in the amount of one thousand dollars (\$1000.00) for each day such violation shall exist.

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SECTION VI. VALIDITY

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

SECTION VII. SUSPENSION OF OTHER LAWS

All state statutes and local ordinances or laws in conflict with the provisions of this local law are hereby superseded and suspended during the effective period of this local law as necessary to give this local law full force and effect during its effective period.

SECTION VIII. EFFECTIVE DATE

This law shall take effect immediately as provided by the law, upon filing with the Secretary of State and shall remain in force and effect for a period of 180 days from its effective date, until July 21, 2025.