

LOCAL LAW NO. ____ OF 2026
ENACTING A TEMPORARY MORATORIUM ON
ALL BATTERY ENERGY STORAGE SYSTEM FACILITIES

SECTION I.
SHORT TITLE

This local law shall be cited as **Local Law No. ____ of 2026** of the Town of Beekman and it is entitled the “2026 Temporary Moratorium Law on Battery Energy Storage System Facilities.”

SECTION II.
LEGISLATIVE FINDINGS

WHEREAS, several Hudson Valley communities are witnessing the introduction of a previously unfamiliar form of Green-adjacent technology in the form of Battery Energy Storage Systems, or “BESS”; and

WHEREAS, BESS facilities generally consist of rows of rechargeable batteries housed in self-contained, interconnected storage units. BESS facilities typically operate by drawing surplus energy from the local power grid during periods of low usage and storing it for later distribution back into the grid during peak demand; and

WHEREAS, the Town of Beekman and local Fire Companies have raised concerns regarding BESS facilities over the presence of highly flammable substances, such as from lithium-ion batteries, and possible air and groundwater contamination; and

WHEREAS, following the third fire at a battery energy storage facility in as many months in New York this summer, Gov. Kathy Hochul announced the creation of a state inter-agency working group tasked with ensuring the safety of battery energy storage systems across New York State; and

WHEREAS, the Town Board finds it imperative that the town undertake a thorough examination of these systems to identify any possible threats to public health, safety and welfare as well as evaluate the potential for environmental degradation; and

WHEREAS, other potentially significant planning concerns associated with BESS facilities such as noise generated by cooling fans may affect the quality of life of our residents; and

WHEREAS, it is essential for the Town of Beekman to enact a temporary moratorium to carefully evaluate the implications of BESS facilities and assess how they impact the Town, its residents, and its fire prevention infrastructure; and

WHEREAS, on _____, 20____ the Town Board enacted a nine month Temporary Moratorium on BESS applications while it conducted research and planning for the purposes of developing an appropriate regulatory framework for processing such applications; and

WHEREAS, on _____, 20____ the Town Board extended the Temporary Moratorium by an additional six months for the same reasons and continued its research; and

WHEREAS, the Town Board continues to actively research best practices with respect to the local regulation of BESS facilities;

WHEREAS, the Town Board of the Town of Beekman has determined that the local law is a Type II action in accordance with Section 617.5(c)(36) SEQRA.

IT IS THEREFORE FOUND BY TOWN OF BEEKMAN TOWN BOARD that the Town of Beekman shall implement a moratorium to allow for a comprehensive and deliberate examination of BESS facilities and the recently introduced state inter-agency working group, with the aim of preserving the Town's ability to address the unique needs and concerns of its community in the realm of battery energy storage system regulations.

SECTION III. **AUTHORITY**

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

SECTION IV. **MORATORIUM**

For a period of six (6) months from the effective date of this Local Law, no applications shall be accepted or considered by the Planning Department or the Department of Environmental Control of the Town of Beekman for any battery energy storage system facilities, or stand-alone.

SECTION V. **VARIANCES**

The Town Board shall have the authority, after a public hearing, to vary or modify the application of any provision of the Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an application and that the variance granted would not adversely affect that 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 and shall include a fee of Two Hundred Fifty Dollars (\$250.00) for the processing of such application. All such applications shall promptly be 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 thirty (30) days after the close of the Public Hearing.

SECTION VI. **SEVERABILITY**

The invalidity of any work, 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 VII. **REPEAL OF OTHER LAWS**

All local laws in conflict with provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium and for any additional period that this Local Law is extended. This Local Law also supersedes, amends and takes precedence over any inconsistent provisions of the New York State Town Law, the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law Sections 10 and 22. The Town Law provisions intended to be superseded include all the Article 16

of the Town Law, Sections 261-285 inclusive and any other provisions of law that the Town may superseded pursuant to the Municipal Home Rule Law and the Constitution of the State of New York.

The courts are directed to take notice of this legislative intent and to apply such intent in the event the Town has failed to specify any provisions of law that may require supersession. The Town Board hereby declares that it would have enacted this local law and superseded such inconsistent provisions had it been apparent.

**SECTION VIII.
EFFECTIVE DATE**

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

Dated: _____ 2026, Town of Beekman

BY ORDER OF THE TOWN BOARD, TOWN OF BEEKMAN

ALICIA TURENCHALK, TOWN CLERK