

LOCAL LAW NO. ___-2026
A LOCAL LAW ENACTING A TWELVE-MONTH MORATORIUM
ON THE SITING, CONSTRUCTION, AND INSTALLATION OF
BATTERY ENERGY STORAGE SYSTEMS
IN THE TOWN OF WILTON

BE IT ENACTED by the Town Board of the Town of Wilton, Saratoga County, New York, as follows:

Section 1. Title.

This Local Law shall be known and cited as the “Town of Wilton Battery Energy Storage System Moratorium Law.” It is adopted pursuant to Municipal Home Rule Law Section 10.

Section 2. Purpose and Intent.

The Town Board of the Town of Wilton (“Town Board”) recognizes that Battery Energy Storage Systems (“BESS”) are an emerging component of the evolving energy landscape and may offer benefits related to grid reliability, energy management, and the integration of renewable energy resources. However, BESS facilities have unique characteristics including their scale, technology, siting requirements, and relationship to fire safety and emergency response, that are not addressed by the Town’s existing zoning and land use regulations.

The Town Board further finds and declares as follows:

A. The Town’s current Code, including Chapter 108 (Solar Energy Systems) and Chapter 129 (Zoning), defines “Battery Energy Storage System” in § 108-3 but does not establish a comprehensive permitting pathway, zoning standards, or performance criteria for BESS facilities, whether standalone or paired with energy generation systems.

B. The absence of a comprehensive regulatory framework for BESS means that the Town lacks the standards necessary to evaluate applications for such facilities. Without regulations addressing siting, setbacks, screening, noise, fire safety, decommissioning, and environmental review specific to BESS, the Town is not in a position to process applications in a manner that adequately protects the public interest.

C. BESS facilities involve technologies and operational characteristics that are distinct from other land uses currently regulated by the Town Code. The Town Board finds it appropriate to study these characteristics and develop tailored local standards before accepting applications for BESS facilities.

D. New York State has adopted energy storage deployment targets under the Climate Leadership and Community Protection Act and related Public Service Commission orders. These policies are anticipated to generate increasing interest in BESS siting within the Town, making it prudent that the Town establish appropriate local standards in advance of such applications.

E. The Town’s Code and Zoning Revision Committee has been tasked with a comprehensive review of the Town’s zoning and land use regulations, and the development of BESS standards has been identified as a priority item. The Town Board wishes to allow adequate time for the Committee to research applicable standards, review model ordinances, and draft permanent BESS regulations for consideration by the Town Board.

F. The adoption of a temporary moratorium is a reasonable exercise of the Town’s police power and home rule authority under the New York State Constitution, Article IX, and the Municipal Home Rule Law, § 10, and is consistent with the authority of the Town Board under Town Law §§ 130 and 261–265. The moratorium is narrowly tailored in scope and duration and is proportionate to the regulatory gap it is intended to address.

G. The purpose of this moratorium is not to permanently prohibit BESS within the Town, but to preserve the status quo while the Town develops and adopts comprehensive, permanent regulations that appropriately balance the interests of property owners, neighboring residents, and the community.

Section 3. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

BATTERY ENERGY STORAGE SYSTEM (BESS) - One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include: (a) a standalone twelve-volt car battery; (b) a battery contained within an electric motor vehicle; (c) a battery that is part of a portable consumer electronic device; or (d) an uninterruptible power supply or backup generator system with a total energy storage capacity of 600 kilowatt-hours (kWh) or less that is accessory to an existing permitted use and serves only that use.

BESS FACILITY - Any site, installation, or system that includes one or more BESS units together with associated equipment, enclosures, inverters, transformers, switchgear, interconnection infrastructure, access roads, fencing, and other appurtenances, whether standalone or paired with an energy generation facility.

Section 4. Moratorium Imposed.

A. Effective upon the date this Local Law takes effect, and for a period of twelve (12) months thereafter (the “Moratorium Period”), no application shall be accepted, and no building permit, special use permit, site plan approval, variance, or any other land use approval shall be issued by any board, officer, or agency of the Town for the siting, construction, installation, or operation of any BESS Facility within the Town of Wilton.

B. During the Moratorium Period, no person, firm, corporation, or entity shall commence the siting, construction, installation, or operation of any BESS Facility within the Town of Wilton.

C. Any application for a BESS Facility that is pending before any board, officer, or agency of the Town as of the effective date of this Local Law shall be stayed for the duration of the Moratorium Period, or until permanent BESS regulations are adopted, whichever occurs first. No vested rights shall accrue during the pendency of such stayed application.

Section 5. Exemptions.

The following are exempt from this moratorium:

A. Batteries that are an integral component of a Tier 1 solar energy system as defined in Chapter 108 of the Town Code, provided the battery system has a total energy storage capacity of 600 kWh or less and serves only the on-site load of the premises.

B. Uninterruptible power supply systems, emergency backup generators, and similar equipment with a total energy storage capacity of 600 kWh or less that are accessory to an existing permitted use and serve only that use.

C. Electric vehicle charging stations and their associated on-site battery storage, provided the total storage capacity does not exceed 600 kWh.

Section 6. Study and Report.

A. During the Moratorium Period, the Town's Code and Zoning Revision Committee, in consultation with the Town's Building Inspector, Fire Marshal, Director of Planning and Engineering, and such other professionals and consultants as may be engaged, shall undertake a study of BESS technology and regulatory best practices and shall prepare draft permanent regulations for consideration by the Town Board.

B. Such study shall address, at a minimum: permitted zoning districts; setback and buffer requirements; lot coverage and density standards; noise, lighting, and visual screening; fire prevention and suppression standards; hazardous materials management; decommissioning and financial security; emergency response planning; environmental review requirements; and community notification procedures.

Section 7. Hardship Relief.

A. The Town Board shall have 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 extraordinary hardship upon an applicant and that the relief 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.

B. Any request for hardship relief 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 sixty (60) days after the close of the public hearing.

C. If the Town Board grants relief, it may impose such reasonable conditions as it deems necessary to protect public health, safety, and welfare.

Section 8. Extension.

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 Wilton and accomplish the stated purposes and intent of this Local Law.

Section 9. Termination.

This Moratorium may be terminated by the Town Board earlier than the expiration of the Moratorium Period upon enactment of local legislation establishing permanent regulations for battery energy storage systems within the Town.

Section 10. Enforcement and Penalties.

A. Any BESS Facility constructed, installed, or operated in violation of this Local Law shall be subject to the enforcement measures and penalties set forth in Town Code § 129-251, including injunctive relief.

B. The Town Board, the Building Inspector, the Code Enforcement Officer, and the Town Attorney are each authorized to take such actions as may be necessary to enforce this Local Law, including the issuance of stop-work orders and the commencement of legal proceedings.

Section 11. Supersession.

To the extent that any provision of the Town Code, including but not limited to Chapters 108 and 129, or any rule, regulation, or order of any agency of the Town, is inconsistent with this Local Law, this Local Law shall supersede and control for the duration of the Moratorium Period pursuant to Municipal Home Rule Law § 10(1)(ii)(d)(3).

Section 12. Severability.

If any section, subsection, paragraph, sentence, clause, or provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable, such adjudication shall not affect, impair, or invalidate the remainder of this Local Law, which shall remain in full force and effect.

Section 13. Effective Date.

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