NEW YORK STATE DEPARTMENT OF STATE
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Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~**County**~~
~~**City**~~
of **Goshen**
~~**Village**~~
Village

Local Law No. 7 **of the year** **2026**

A local law entitled the 2026 Temporary Moratorium Law on Battery Storage System Facilities.
(*Insert Title)*

Be it enacted by the **Village Board**
(*Name of Legislative Body)*
of the
~~**County**~~
~~**City**~~
of Goshen as follows:
~~**Village**~~
Village

SECTION 1: TITLE

A local law entitled the 2026 Temporary Moratorium Law on Battery Storage System Facilities.

SECTION 2: PURPOSE AND INTENT.

The intent of this local law is to establish a temporary moratorium on Battery Storage System Facilities within the Village of Goshen.

SECTION 3: LEGISLATIVE FINDINGS

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, battery storage power stations, battery energy grid storage, collectively hereinafter referred to as "BESS" facilities. BESS facilities generally consist of, but are not limited to, rows of rechargeable batteries housed in self-contained, interconnected storage units. BESS facilities typically operate by drawing

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surplus energy from the local power grid during periods of law usage and storing it for later distribution back into the grid during peak demand.

The Village of Goshen has concerns regarding BESS facilities over the presence of highly flammable substances, such as from lithium-ion batteries possible air and groundwater contamination. . Additionally, the State of New York 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

The Village Board finds it imperative that the Village 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. 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.

It is thus essential for the Village of Goshen to enact a temporary moratorium to carefully evaluate the implications of BESS facilities and access how they impact the Village, its residents, and its fire prevention infrastructure

It is therefore found by the Village of Goshen Village Board that the Village of Goshen 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 Village's ability to address the unique needs and concerns of its community in the realm of battery energy storage system regulations.

SECTION 4: MORATORIUM IMPOSED

For a period of one (1) year from the effective date of the adoption of this Local Law, which time period may be extended as provided hereinafter, no application in any village zoning district may be processed, and no permits, certificates of occupancy, approvals, determinations or interpretations may be issued or granted for any land uses relating to a BESS facility, and no applications shall be accepted or considered by the Village of Goshen or any of its departments Planning Department for any BESS facility.

The term "Battery Energy Storage Systems," shall be broadly construed to include Battery Energy Storage Systems, battery storage power stations, battery energy grid storage and shall be collectively referred to as "BESS" facilities. BESS facilities generally consist of, but are not limited to, 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 law usage and storing it for later distribution back into the grid during peak demand.

This Local Law shall be binding on the Village Board, Planning Board, Zoning Board of Appeals, Building Inspector, all Village officials and employees, and any applicant or real property owner in the Village desiring to apply for or receive a permit, certificate of occupancy or approval in the Village of Goshen.

During the period of the moratorium, the Village Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Village of Goshen Code. During the period of the moratorium, no applications will be accepted, nor permits, certificates

DRAFT

of occupancy or approvals issued, which would authorize development within the Village for land uses relating to solar energy as described above.

SECTION 5: TERM

This moratorium shall be in effect for a period of one (1) year from its effective date.

This Local Law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution(s) of the Village Board.

SECTION 6: EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of the New York State Village Law concerning special use permit, site plan, building permit and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law ordinance, rule or regulation.

SECTION 7: HARDSHIP WAIVER

A. Should any owner of property affected by this Local Law suffer any unnecessary and extraordinary hardship due to the enactment and application of this Local Law, then the owner of said property may apply to the Village Board of the Village of Goshen in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary or extraordinary hardship shall not be:

a. the mere concern that regulations may be changed or adopted; or

b. the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.

B. An application for an exception based upon unnecessary or extraordinary hardship shall be filed with the Village Clerk no earlier than the effective date of this Local Law, including a fee of one thousand and five hundred 00/100 Dollars ($1,500.00) for each tax map parcel claimed to be subject to unnecessary or extraordinary hardship, by the landowner or the applicant upon the consent of the landowner. The application shall provide a recitation of the specific facts that are alleged to support the claim of unnecessary or extraordinary hardship and shall contain such other information and/or documentation as the Village Board, shall prescribe as necessary for the Village Board to be fully informed with respect to the application.

C. Procedure. Upon submission of a written application to the Village Clerk by the property owner seeking a hardship waiver from the provisions of this Local Law, the Village Board shall, within forty-five (45) days of receipt of a completed application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Village of Goshen. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Village Board shall, within

DRAFT

thirty (30) days of the close of said Public Hearing, render its decision either granting, denying, granting in part or denying in part, the application for a hardship waiver from the strict requirements of this Local Law. If the Village Board determines that a property owner will suffer an unnecessary or extraordinary hardship if this Local Law is strictly applied to a particular property, then the Village Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

D. Standard of Review. In reviewing an application for an exception based upon a claim of necessary or extraordinary hardship, the Village Board shall consider the following criteria:

a. The extent to which the proposed development activity would cause significant environmental harm, adversely impact surrounding natural resource areas, public health, comfort or safety concerns and/or have a negative impact upon the Village.

b. Whether the moratorium will expose a property owner or applicant to substantial monetary liability to a third person or would leave the property owner or applicable completely unable, after a thorough review of alternative solutions, to have a reasonable alternative use of the property.

SECTION 8: SEVERABLITY

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 9: EFFECTIVE DATE

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

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