

Local Law No. 2 of 2025

(A Local Law Extending a Moratorium for New Battery Energy Storage Systems)

Section 1. Legislative Intent

The Town has received significant interest from Battery Energy Storage developers about potentially installing Battery Energy Storage infrastructure in Cortlandt. Currently, the Town Code is devoid of provisions directly related to Battery Energy Storage. The Town originally enacted a moratorium pursuant to Local Law Number 2-2024. Thereafter, the Town convened a committee to work on a Local Law. The Town's committee made great progress on a Local Law related to Battery Energy Storage Systems, and the Town Board adopted Local Law Number 10-2024 extending the Moratorium to allow the progress to continue.

Since this extension, the County Board of Legislators recently adopted notification legislation for Battery Energy Storage Systems with further guidance to the municipalities forthcoming. Other communities in Westchester have either passed moratoria or are considering passing moratoria in 2025. The Town Board believes it to be prudent to allow the County to pass legislation and to allow the State to issue additional guidance.

Section 2. Moratorium

No application shall be considered, nor approvals granted, by the Planning Board, Zoning Board of Appeals, or the Code Enforcement officials of the Town with respect to any applications for new Battery Energy Storage Systems.

Section 3. Duration

The moratorium herein shall be extended through December 31, 2025 unless terminated earlier.

Section 4. Hardship

The Town Board retains unto itself the right to consider variances to this Local Law and to make all determinations with respect to its applicability and interpret and determine the same. Any issues with respect to the interpretation of and variances from this Law shall be determined by the Town Board upon written request of a property owner. This supersedes § 267 of the New York State Town Law as to variance process.

Section 5. Severability

If any section, subdivision, paragraph, clause, or phrase of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF CORTLANDT
LAROUÉ ROSE SHATZKIN
TOWN CLERK**

**Adopted April 22, 2025
At a Regular Meeting
Held at Town Hall**