

RESOLUTION

NUMBER 168-26

**(RE: A LOCAL LAW EXTENDING A MORATORIUM ON BATTERY
STORAGE IN THE TOWN OF CORTLANDT)**

RESOLVED, that the Town Board of the Town of Cortlandt does hereby adopt Local
Law No. 1 of 2026.

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

**Adopted on July 21, 2026
At a Regular Meeting
Held at Town Hall**

Local Law No. 1 of 2026

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

Section 1. Legislative Intent

The Town has received 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 The Town originally enacted a moratorium pursuant to Local Law Number 2-2024.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, Local Law Number 2-2025, and Local Law 7-2025 extending the Moratorium to allow the progress to continue.

Other communities in Westchester have either passed moratoria or are considering passing moratoria. The Town Board believes it to be prudent to allow the State to issue additional guidance.

The Town Board notes that the State has taken significant interest in battery energy storage systems as well as data centers, evidenced by the State Legislature recently passing a data center moratorium.

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 commercial Battery Energy Storage Systems.

Section 3. Duration

The moratorium herein shall be extended through December 31, 2026 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.

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