



Department of State
Corporations, State Records & UCC

New York State
Department of State
**DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE**
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
dos.ny.gov

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

3 of the year 20 25

Local Law Title: MORATORIUM ON THE ACCEPTANCE, PROCESSING AND/OR APPROVAL OF ALL
APPLICATIONS FOR BUILDING PERMITS, AREA OR USE VARIANCES, SPECIAL USE
PERMITS, AND/OR SITE PLAN APPROVALS FOR LARGE ENERGY STORAGE SYSTEMS
IN THE TOWN OF CARLTON

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one)

of CARLTON as follows on the attached pages:
(Name of Local Government)

For Office Use Only

Department of State Local Law Index Number: _____ of the year 20 ____

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

TEXT OF LOCAL LAW #3 OF THE YEAR 2025 OF THE TOWN OF CARLTON

SECTION 1: STATUTORY AUTHORIZATION:

The Constitution and the Legislature of the State of New York have conferred certain powers upon the governing boards of local municipalities for the purpose of regulating the uses of property within the boundaries of such municipality for the purpose of promoting the health, safety, morals or general welfare of the residents of such municipality. That pursuant to the grant of such authority by the Constitution and the provisions of the Town Law and the General Municipal Law, the Town Board of Town of Carlton may enact a local law regulating the use of property within the Town of Carlton for such purposes. In some cases, the scope of the authority conferred upon local governing bodies, in particular the power or authority to regulate or even prohibit certain activities, is subject to Federal Constitutional protections and Congressional Legislative limitations.

SECTION 2: PURPOSE

The Town has determined that in the future, it may receive applications for formal review of Solar Energy Systems and/or Solar Energy Farms, some of which include the construction, installation and operation of large battery energy storage systems, either alone or part of a project. Large Battery Energy Storage Systems (LBESS) are usually integrated with Solar Energy Farms or connected directly into the electrical distribution or transmission grid. While LBESS are regulated by the New York State Uniform Fire Prevention and Building Code, the Town of Carlton does not currently have rules or regulation in place governing the construction, installation and operation of LBESS within the Town. The Town Planning Board has requested that the Carlton Town Board enact such rules and regulations to assist with the review and regulation of applications for large battery energy systems in the Town. If left unregulated, the manner in which LBESS are maintained, the regulations thereof, safety hazards presented by such systems, emergency response plans, and the plans addressing the remediation and disposal of used batteries may impact the health, safety, morals or general welfare of the citizens of the Town of Carlton. The Town Board recognizes that several factors or reasons may contribute to the fact that the current Solar Energy Systems and Solar Farms Systems Local Law does not adequately address potential adverse impacts of such systems within the community. The purpose of this moratorium is to provide sufficient time for the Carlton Town Board to investigate and consider what amendments, if any, should be made to the existing Solar Energy Systems and Solar Farms Systems Local Law, or in the alternative, preparation of separate rules and regulations pertaining specifically to large battery storage systems to provide for development of such systems in an orderly manner and to regulate newly identified potential hazards associated with large battery storage systems, in order to promote the health, safety, or general welfare of the residents of the Town.

SECTION 3: TERM OF MORATORIUM

For a period of six (6) months from and after the effective date of adoption of this local law, no application for a building permit, area or use variance, special use permit, and/or site plan

approval for Large Battery Energy Storage Systems within the Town of Carlton shall be filed, accepted, processed and/or approved by the Carlton Town Board, the Building Inspector, Town Code Enforcement Officer, Town Planning Board or Town Zoning Board of Appeals, or any other appropriate official of the Town of Carlton.

SECTION 4: EXCEPTIONS TO THE MORATORIUM

A. This moratorium shall not apply to any application for a building permit, area or use variance, special use permit, and/or site plan approval which has been filed with the Town but which has not yet received final approval from the appropriate Board or Officer of the Town of Carlton prior to the effective date of this local law.

B. This moratorium shall also not apply to any application for a building permit, area or use variance, special use permit, and/or site plan approval for any Large Battery energy Storage Systems applications governed by Article 10 of the New York State Public Service Law.

SECTION 5: EXPIRATION:

This six month moratorium, unless otherwise extended by the Town Board, shall expire upon (a) the enactment of an ordinance or local law amending the Town of Carlton Solar Energy Systems and Solar Farm Systems Local Law providing for additional regulation as determined by the Town Board of large battery storage systems, (b) adoption by the Town Board of the Town of Carlton of a resolution expressing said Board's determination that the further regulations would not be appropriate, or (c) the elapse of six (6) months from the effective date of this local law, whichever shall first occur.

SECTION 6: This local law shall become effective, and the six-month moratorium period shall commence, immediately upon filing of this local law with the Secretary of State pursuant to the Municipal Home Rule Law.

Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto ascribed as local law number 3 of 2025 of the (County)(City)(Town)(Village) of CARLTON was duly passed by the TOWN BOARD on April 8 2025 in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Local Law Filing

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 ____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 ____ became operative.

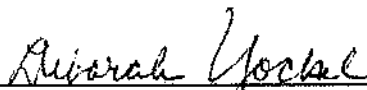
6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 ____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph 1 above.

(Seal)



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

April 9, 2025

(Date)