Town of Gardiner
Planning Board
2340 Route 44/55 • P.O. Box 1
Gardiner, NY 12525

May 27, 2027
Via email

To: Michael Hartner, Supervisor
Fm: Paul Colucci, Planning Board Chairperson
Re: Referral Comments for Battery Energy Storage System (BESS) Moratorium Extension

The Town Board Resolution No. 14-2026 B.E.S.S. Referring Resolution was circulated to the Planning Board on May 13, 2026, and placed on the agenda for review at the regularly scheduled meeting on May 2026. At the May 26, 2026 Planning Board Meeting, Tom Penichter motioned to authorize the Chairperson to recirculate the letter [Referral Comments for Battery Energy Storage System (BESS) Moratorium] dated June 4, 2026 to the Town Board. Keith Libolt seconded the motion. All members present voted to approve the motion.

Respectfully Submitted,

Michael Makely, Planning Board Clerk — Date: 5/27/2026

CC: Franco Carucci (Deputy Supervisor), Roberta Clements, Wolfe Scandinaro, Jim Ulvestad

Enclosures: 2025.06.09_PB_Referral_Comments_to_TB_re_BESS_Moratorium

TOWN OF GARDINER - PLANNING BOARD

P.O. Box 1, GARDINER, NEW YORK 12525 **(845) 255-9675 Fax: (845) 255-9146**

Town Hall Offices- 2340 Route 44/55
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Paul Colucci
Planning Board Chairman

June 4, 2025

To: Town Board
From: Planning Board
Re: Referral Comments for Battery Energy Storage System (BESS) Moratorium

The Town Board resolved (Resolution 71-2025) to enact a six-month moratorium on BESS facilities in the Town of Gardiner on May 13, 2025. The planning board reviewed a copy of resolution 71-2025 and a draft of local law 3-2025 at the May 27, 2025 meeting. In accordance with §187-10 B, the board offers the following comments:

- The board favors a moratorium on utility scale BESS facilities until a local law can be enacted.

- The planning board cites the example of the solar law §220-47 A (3) wherein terms are defined. The solar law defines both scale and use. The BESS moratorium should define terms similarly.

- Large Scale: A solar energy system that is ground-mounted and produces energy primarily for the purpose of offsite use, sale, or consumption.

- Small Scale: Solar photovoltaic systems which generate power exclusively for onsite use and consumption by the owners, lessees, tenants, residents, or other occupants of the premises of the building or lot to which they are attached and do not provide energy for any other lots, except as may be allowable under New York State or federal regulation.

- Subdivision Use: A collective solar energy system occupying less than or equal to two acres area of use consisting of ground-mounted solar arrays or roof panels, and associated control or conversion electronics and that will be used to produce utility power to provide energy only for the onsite use and consumption of the specific lots associated with a particular major or minor subdivision. The proposed BESS moratorium should contain applicable definitions.

- §220-47 A (3) defines Onsite-Use as a solar energy system designed to be used primarily by the building and/or parcel on which it is located. Onsite-Use should be defined in the proposed BESS moratorium.

- A BESS moratorium should define utility-scale and similar terms that include onsite-use, home systems, and systems for which the primary use is to charge electric vehicles, implements, and tools.

- The Town Board should pay specific attention to defining quantities and units of measurement. The moratorium should define watts, watts over time or kWh (1,000 watts over one-hour), and metric prefixes associated with electrical measurement such as kilowatts (1,000 watts), megawatts (1,000,000 watts), etc.

- The planning board recommends an exclusion based on use and not a specific energy threshold. The planning board supports a moratorium on large-scale systems for the purpose of offsite use, sale, or consumption (i.e., utility scale). The planning board recommends that the moratorium does not apply to small-scale onsite use at individual lots.

Respectfully Submitted,

Paul Colucci, Chairperson — Date: 6/9/25