TOWN OF GARDINER

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Town Hall Offices - 2340 Route 44/55 Gardiner, NY, 12525

Michael Hartner
Supervisor

Julia Hansen
Town Clerk

Town of Gardiner
Resolution No. _____- 2026
B.E.S.S. REFERRING RESOLUTION

Offered by _____;

WHEREAS, the Town of Gardiner's Zoning Law adopted in 2008 does not specifically regulate the installation, siting, screening and use of utility-scale Battery Energy Storage Systems (B.E.S.S.);
WHEREAS, there are no such B.E.S.S. operating in the Town of Gardiner;
WHEREAS, B.E.S.S.'s are an advanced technology that presents risks different from conventional public utility facilities operating in the Town of Gardiner at the time that the current zoning law was adopted;
WHEREAS, NYSERDA has developed guidance, including a model law for regulating B.E.S.S.;
WHEREAS, the Town Board finds there is a need for regulations governing the location and placement of utility-scale B.E.S.S. to address potential adverse impacts on the municipality;
WHEREAS, in July 2025, the Town Board adopted a six-month moratorium on said utility-scale B.E.S.S., effective July 11, 2025, which expired on or about January 11, 2026;
WHEREAS, in January 2026, the Town Board enacted a 6-month extension of the moratorium on B.E.S.S., filed with the Secretary of State and effective January 23, 2026, which will expire on or about July 23, 2026;
WHEREAS, in May 2026, the Town Board enacted a 6-month extension of the moratorium on B.E.S.S., filed with the Secretary of State and effective July 27, 2026, which will expire on or about January 26, 2027;
WHEREAS, since July 2025, the Town Board has discussed concerns regarding B.E.S.S. safety and impacts for consideration in a local law; consulted legal counsel on options for a local law; reviewed laws from other Towns and the NYSERDA model law; and members have attended conferences relating to B.E.S.S. issues;
WHEREAS, the Town Board has provided progress updates in public Town Board meetings on May 5, June 30, August 11, and September 8, each of which have included public Town Board discussions of the choices and contents to be included in a B.E.S.S. law;
WHEREAS, it has been determined by the Town Board that the optimal approach for a B.E.S.S. law is to include it in the Town Zoning Code, and to amend existing portions of the zoning chapter of the Town Code for internal consistency;
WHEREAS, a draft of the amendments to the Zoning Code, including both a new B.E.S.S. section and amendments to the existing sections of the Zoning Code have now been prepared;
WHEREAS, amendments to the Zoning Code serve only to restrict and regulate B.E.S.S. systems that were not previously restricted and regulated by the Town Code, and are not associated with any specific, existing proposals for B.E.S.S. systems;
WHEREAS, the Town of Gardiner is therefore the only involved agency for SEQRA analysis of the amendments to the Town Code;
WHEREAS, the Town of Gardiner has prepared the Full Environmental Assessment Form required by SEQRA, and finds that enactment of B.E.S.S.-related zoning code amendments will not result in any significant adverse environmental impacts;

NOW BE IT RESOLVED, the Town Supervisor, Deputy Supervisor and Town Clerk are hereby authorized and directed to execute, on behalf of the Town Board, such related correspondence as may be necessary to implement this Resolution; and

NOW THEREFORE BE IT RESOLVED, that the proposed local law amending the Town of Gardiner Zoning Code, including the SEQRA analysis, is required to be referred to both the Ulster County and Town of Gardiner Planning Boards. This resolution instructs the Town Clerk to forward the proposed local law entitled "Zoning to Include Provisions for Battery Energy Storage Systems," together with the SEQR analysis, to the aforementioned Planning Boards.

Seconded by _____ and carried.

Resolved and Executed at Gardiner, New York, this 22nd day of September 2026.

Voted:
Supervisor Hartner
Councilmember Clements
Councilmember Ulvestad
Councilmember Carucci
Councilmember Scandinaro

_____
Julia Hansen, Town Clerk