

**PROPOSED
LOCAL LAW NO. 1 OF 2026**

**A LOCAL LAW
ESTABLISHING A MORATORIUM ON SOLAR FARMS AND BATTERY ENERGY
STORAGE SYSTEMS IN THE TOWN OF GALWAY**

NOW, THEREFORE, BE IT ENACTED BY THE GALWAY TOWN BOARD AS FOLLOWS:

- 1. Title and Authority** – This Local Law shall be known as the Town of Galway Battery Energy Storage Moratorium Law. It is adopted pursuant to Municipal Home Rule Law §10.

- 2. Purpose** – The Town Board recognizes that solar energy offers benefits for energy conservation and reduction of reliance on fossil fuels and, as such, the development of solar energy facilities, including in some cases, battery energy storage systems continues to grow. However, the installation of solar farms and battery energy storage facilities to accommodate large-scale solar energy facilities may have adverse impacts on safety as well as on neighboring land uses. The Town wishes to adopt well-considered zoning laws concerning the development of solar farms and battery energy storage facilities and is currently working with a consultant to assist in updating its Master Plan and anticipates that zoning revisions will follow. This Moratorium is necessary in order to temporarily restrict the development of solar farms and battery energy storage systems so that the Town Board may thoroughly consider the impacts of such uses, their appropriate locations in the community and how to encourage appropriate development of such facilities within the Town's land use development and zoning objectives. The Town Board has determined that this would best enhance and protect the health, safety and welfare of the citizens of the Town of Galway.

- 3. Definitions -**

"Battery Energy Storage System" means one or more devices, assembled together, capable of storing energy derived from solar or wind, to be stored and then released at a future time.

"Solar Farm" means a series of one or more solar collectors used in concert to generate photovoltaic power and having a combined nameplate generation capacity of at least 15 kilowatts (kW) direct current (dc) when operating at maximum efficiency.

"Solar Collector" is a device, structure, panel or part thereof for which the primary

purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

4. **Moratorium** – The Town of Galway hereby imposes a six-month Moratorium on the construction, establishment, installation, review or approval of any new Solar Farm or Battery Energy Storage System from the date that this Local Law becomes effective. The provisions of this Local Law shall be applicable to any construction, establishment, installation, review or approval of any such systems including any for which an application is currently pending. During the pendency of this Moratorium there shall be no permits issues nor applications considered by the Town, its Officials, Boards or Departments for the construction, installation or use of Solar Farms or Battery Energy Storage Systems.
5. **Exemptions** -
 - A) This Local Law shall not apply to residential properties with onsite solar panels (whether roof-mounted or ground-mounted) and/or battery energy storage systems associated with such solar panels, provided the energy is primarily used as such site and provided the average daily production of solar energy does not exceed 150% the average daily energy usage at such site when measured over the course of a calendar month.
 - B) This Local Law shall not prohibit the issuance of building permits or certificates of compliance for construction and use of a Solar Farm or Battery Energy Storage System, provided all necessary approvals for variances, subdivisions, site plans and/or special use approval have been issued prior to the effective date of this Moratorium.
6. **Extensions** – This Moratorium may be extended for such additional periods as the Town Board may determine to be necessary to protect the public health, safety and welfare of the citizens of the Town of Galway and accomplish the stated purposes and intent of this Local Law.
7. **Variance Procedure** – The Town Board shall have the power, after a Public Hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose extraordinary hardship upon an application and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general purposes and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk. The Town Board shall conduct a Public Hearing on the application on not less than five (5) days' public notice and shall make its decision within thirty (30) days after the close of the Public Hearing. Any project which is granted a variance from this Local Law shall be subject to all requirements under the Town Code which would have been

applicable to the project if the Moratorium had not been adopted and the prohibitions set forth in Paragraph 4 of this Local Law shall not apply to such project.

8. **Severability** – The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.
9. **Effective Date** – This Local Law shall take effect upon filing by the Office of the New York Secretary of State.