

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. 14 - 2026
B.E.S.S. REFERRING RESOLUTION**

Offered by Councilmember Scandinaro;

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, since July 2025, the Town Board has discussed concerns regarding B.E.S.S. safety 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 New York State Fire Code section on B.E.S.S. was substantially revised, effective January 1, 2026, in consequence of which NYSERDA is drafting an update to their model law;

WHEREAS, Town Board members have continued to attend public forums and informational sessions on B.E.S.S., and the Town Board hosted a public informational meeting for Gardiner residents, with four outside speakers, on April 14, 2026;

WHEREAS, SINCE January 2026, a majority of the Town Board seats have been replaced with new members;

WHEREAS, the Town Board finds that it needs additional time to draft and adopt a local law establishing regulations governing the location and placement of utility-scale B.E.S.S.;

WHEREAS, a local law has been drafted for the Town to enact a second 6-month extension of the moratorium on B.E.S.S.;

NOW THEREFORE BE IT RESOLVED, that the proposed local law enacting a moratorium extension is required to be referred to both the Ulster County and Town of Gardiner Planning

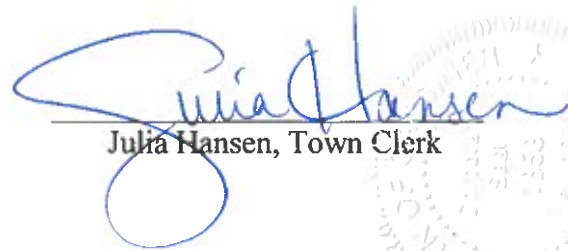
Boards. This resolution instructs the Town Clerk to forward the proposed local law enacting a 6-month extension to the moratorium on the processing and approval of applications for utility-scale Battery Energy Storage Systems in the town of Gardiner.

Seconded by Councilmember Ulvestad and carried.

Resolved and Executed at Gardiner, New York, this 12th day of May, 2026.

Voted:

Supervisor Hartner	Aye	Councilmember Ulvestad	Aye
Councilmember Carucci	Absent	Councilmember Scardinaro	Aye
Councilmember Clements	Aye		



Julia Hansen, Town Clerk

