

**TOWN OF DRESDEN
COUNTY OF WASHINGTON, STATE OF NEW YORK
Local Law No. __ of 2026**

**A LOCAL LAW IMPOSING A MORATORIUM
ON LOCATING BATTERY ENERGY STORAGE SYSTEMS AND DATA CENTERS
IN THE TOWN OF DRESDEN**

Be it enacted by the Town Board of the Town of Dresden (“Town”), County of Washington, State of New York (“State”) as follows:

Section 1. Legislative Intent.

The purpose of this local law is to protect the public health, safety and welfare by restricting the development of battery energy storage systems and data centers within the Town of Dresden for a limited period of time in order to further develop and revise the applicable local laws specific to the development of battery energy storage systems and data centers.

Section 2. Findings.

The State of New York has, as a matter of public policy, undertaken a policy to encourage the development of facilities for the generation of renewable energy and energy storage facilities. As a result, there has been a sudden increase in developmental pressures within the Town of Dresden with respect to development of renewable energy generating facilities and battery energy storage facilities.

Additionally, the State of New York has identified fire and safety risks associated with battery energy storage systems. The Town Board is desirous of implementing a moratorium in order to obtain additional information and assurances about the safety of these types of facilities, including, but not limited to, ensuring the technology and availability of equipment necessary for local fire districts to be able to suppress or appropriately respond to a fire should one occur, taking necessary precautions related to air emissions and deterring any necessary fire suppression chemicals from impacting surface and groundwater, and creating standards for siting these facilities.

Moreover, nationally, there has been a proliferation of data centers for processing data and inquiries on a large scale. Such data centers use large amounts of resources including water and electricity, and have the potential to cause impacts such as noise pollution, sprawl and related impacts for which the Town of Dresden is not currently prepared to address in any meaningful way to protect the health, safety and welfare of the public.

The Town Board is therefore concerned that its existing local laws may not provide sufficient protection of the inhabitants of the Town from the potential risks posed by such battery energy storage systems or data centers. Therefore, it is necessary and appropriate to implement a temporary and limited moratorium with respect to the development of battery energy storage systems and data centers in the Town of Dresden. Doing so shall preserve the status quo while the Town Board completes an evaluation and formulates potential legislative solutions to alleviate

concerns and threats posed by such battery energy storage systems and data centers, and develops regulations, policies and procedures in accordance therewith.

Section 3. Moratorium Imposed.

- A. **Battery Energy Storage Systems Temporarily Prohibited.** For a period of one (1) year following the date of adoption of this local law, no applications or approvals shall be filed, processed, accepted, or approved with regard to any battery energy storage system in the Town of Dresden, nor any permit(s) shall for such applications be issued by the Town of Dresden or any other entity with respect to battery energy storage systems, hereby defined as one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system includes those classified as either Tier 1 or Tier 2 Battery Energy Storage System differentiated as follows: (1) Tier 1 Battery Energy Storage Systems having an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology; and (2) Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.
- B. **Data Centers Temporarily Prohibited.** For a period of one (1) year following the date of adoption of this local law, no applications or approvals shall be filed, processed, accepted, or approved with regard to any data centers in the Town of Dresden, nor any permit(s) shall for such applications be issued by the Town of Dresden or any other entity with respect to any data centers, hereby defined as a structure or combination of structures that is/are primarily used for the storage, management, processing, and transmission of digital data, and which houses computer or network equipment, systems, servers, appliances, and other associated components related to the digital data storage and processing. Equipment and accessories customary to data centers including but not limited to air handlers, power generators, water cooling and storage facilities, utility substations, other associated utility infrastructure, and offices, shall also be considered part of a data center.
- C. **Evaluation and Revision of Existing Regulations.** During the period of the moratorium established by this local law, the Town Board shall endeavor to evaluate and, if deemed appropriate by the Town Board, adopt revisions to or new local law(s) to address the use and regulation of battery energy storage systems and data centers.

Section 4. Extension of Moratorium.

This moratorium may be extended for up to two (2) additional periods not exceeding six (6) months each by resolution of the Town Board upon a finding of necessity for such extension, and may be extended to apply to either battery energy storage systems, or data centers, or both.

Section 5. Relief From Requirements.

The Town Board reserves to itself the right and sole discretion to vary or adapt the strict application of this local law in the case of unusual hardship or circumstances that would deprive a property owner of the reasonable use of lands affected by this local law. Accordingly, by duly adopted resolution, the Town Board may review and consider for approval or disapproval an application, the review of which is otherwise precluded by this local law under circumstances where:

- A. An application for a variance is filed, in writing, with the Town Clerk, together with a filing fee in the sum of \$150.00. The application shall specifically identify the land involved, recite the nature and scope of the proposed development, provide a narrative description and a sketch plan of the proposed development. The applicant shall further describe the following:
 1. The reasons for which the variance is requested and the grounds upon which it is sought to be approved, including all facts and circumstances upon which hardship is claimed.
 2. The potential fire and safety risks associated with the proposed development, including, but not limited to: the location of the proposed development in relating to habitable structures and firefighting facilities, response time, sources of fire fighting water or chemicals; the management of fire fighting in the area of the proposed development relative to preventing brush and structure fires; the sufficiency of any plans for evacuation, air monitoring and testing; air quality impacts; water usage and water quality impacts; wastewater treatment and disposal; noise impacts; traffic impacts including traffic during and after construction and the environmental significance, if any, of the applicant's parcel and surrounding parcels and the proposed development's impact on the environment and any other measures deemed necessary by the Town Board for addressing the concerns arising out of battery energy storage systems or data centers, as the case may be.
- B. All costs incurred by the Town in connection with the consideration of the application for a variance are paid by the applicant, including but not limited to, all professional consulting fees such as attorneys, engineers, and planners.
- C. The applicant demonstrates that this local law has resulted in unnecessary hardship in that: the applicant has been deprived of substantially all economic use or benefit from the property in question, which must be established by competent financial evidence; the alleged hardship is unique to the applicant's property and does not apply to a substantial portion of other properties in the areas of the Town to which this local law applies; and the variance, if granted, will not pose a present or future risk to the health, safety and welfare of the residents in the vicinity of the proposed development and the Town at large.
- D. No variance shall be granted unless the Town Board determines the requested variance is compatible herewith.

- E. The Town Board shall conduct a public hearing on any request for a variance within forty-five (45) days after it determines that a complete application has been submitted to it. The Town Board shall render its determination upon any application for a variance within sixty-two (62) days after the conclusion of the public hearing.

Section 6. Conflict With Other Laws.

This local law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law and, during the time it is in effect, it specifically supersedes and shall take precedence over any contrary laws and ordinances to the extent permitted by New York law.

Section 7. Penalties for Offenses and Enforcement.

Any person who shall develop or erect or install improvements upon land in violation of this local law, or break ground for the purpose thereof, shall be guilty of a violation and subject to a fine not to exceed \$1,000.00 or six (6) months in jail, or both. Each day a violation continues shall be considered a separate and distinct violation without the need for any separate and distinct notice of such violation. This local law shall be enforced by the Town Supervisor of the Town of Dresden who is hereby granted authority to issue appearance tickets for the purpose thereof. Upon authorization by the Town Board, this local law may also be enforced by civil action brought in the name of the Town for the purpose of obtaining injunctive relief and recovering civil penalties of \$950.00 for each day a violation of the local law continues.

Section 8. Effect of Invalidity.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjusted finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

Section 9. Effective Date.

This local law shall take effect immediately upon adoption.