

TOWN OF CHESTER
LOCAL LAW 10 OF 2025

A LOCAL LAW TO EXTEND THE TEMPORARY LAND USE MORATORIUM
PROHIBITING LARGE SCALE BATTERY ENERGY STORAGE SYSTEM
INSTALLATIONS WITHIN THE TOWN OF CHESTER ESTABLISHED BY LOCAL LAW
8 OF 2024 BY SIX MONTHS

Adopted July 23, 2025

BE IT ENACTED by the Town Board of the Town of Chester as follows:

Section 1. STATUTORY AUTHORITY, PURPOSE AND INTENT

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Chester under the New York State Constitution, and the Laws of the State of New York including, but not limited to the following authorities: New York State Constitution Article IX, Section 2 (c)(ii)(6(m)(10), Municipal Home Rule Law § 10(2); Municipal Home Rule Law § 10(3); Municipal Home Rule Law § 10 (4(a), and (b) and (15); Town Law § 135, Town Law Article 16 inclusive; and Environmental Conservation Law § 3-0301(2)(m) and 8-0113.

Section 2. Amendment of Temporary Moratorium

The expiration date of the temporary moratorium as set forth in Local Law 8 of 2024 is hereby amended by extending the original twelve (12) month moratorium period by an additional six (6) months, said six months to commence on August 24, 2025.

The moratorium shall expire on the earlier of (i) February 24, 2026 or (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium and prohibition no longer exists.

In all other respects, Local Law 8 of 2024 shall remain unaltered.

Section 3. SUPERSESSION OF INCONSISTENT LAWS, IF ANY

The Town Board hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation and any provision of the state Town Law or other special law that may be declared inconsistent or in conflict with this local law. The state law provisions that shall be, and hereby are, superseded include, but are not limited to, all of Article 16 of the State of New York Town Law, and any other provision of law that the Village may supersede pursuant to the state Municipal Home Rule Law and the Constitution of the State of New York, The courts are specifically requested to take notice of this legislative intent and apply such intent in the event the Town has failed to specify any provision of

law that may require supersession. The Town Board hereby declares that it would have enacted this local law and superseded such provision had it been apparent.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

Section 5. EFFECTIVE DATE

This Local Law shall take effect August 24, 2025 subject to the prior filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.