



March 16, 2026

Resolution No. 32, 2026

Council Member Spritzer presented the following Resolution and moved its adoption.

ADVERTISE FOR A PUBLIC HEARING TO ESTABLISH A TEMPORARY MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS IN THE CITY OF JOHNSTOWN

WHEREAS, the Planning Board has recommended the adoption of a temporary moratorium on Battery Energy Storage Systems; and

WHEREAS, the City’s Zoning Code does not presently regulate Battery Energy Storage Systems; and

WHEREAS, the Council finds it necessary to preserve the status quo while appropriate land use regulations are studied and developed; and

WHEREAS, a Public Hearing is required so all interested parties may be heard.

NOW, THEREFORE, BE IT RESOLVED:

1. That Local Law No. 2 of 2026, attached hereto, entitled “*A Local Law Establishing a Temporary Moratorium on Battery Energy Storage Systems*” is hereby introduced.
2. Adoption of this Local Law constitutes a Type II action under 6 NYCRR §617.5(c)(36) and therefore requires no further environmental review.
3. Refer, if applicable, the proposed Local Law to Fulton County Planning pursuant to General Municipal Law §239-m; and be it further

RESOLVED, that the City Clerk is hereby authorized to prepare a Notice of Public Hearing and to publish same in the Leader-Herald, the official newspaper of the City of Johnstown, which Public Hearing is set for Monday, April 20, 2026 at 6:00 p.m. in the Common Council Chambers, City Hall, Johnstown, New York, at which anyone interested or affected may be heard.

Seconded by Council Member: Jeffers

I, the undersigned, attest that the foregoing Resolution was adopted and passed by the Common Council of the City of Johnstown, on this date by the following:

	Yes	No	Abstain	Absent
Ward 1 – Council Member Hayner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 2 – Council Member McCallum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 3 – Council Member Parker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ward 4 – Council Member Spritzer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member-at-Large Jeffers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RESULT	5			
	<i>Passed – Failed – Tabled</i>			

Carrie M. Allen, City Clerk

Amy Praught, Mayor

LOCAL LAW NO. 2 OF 2026

**A Local Law Establishing a Temporary Moratorium
on Battery Energy Storage Systems**

Section 1 – Legislative Findings and Intent

The Common Council of the City of Johnstown hereby finds and determines as follows:

1. In February 2024, the City adopted Section 22-508 of the City Code prohibiting the construction of solar farms within the corporate limits of the City of Johnstown.
2. Battery Energy Storage Systems (BESS) constitute a distinct and independent land use separate from solar energy generation facilities.
3. The City's current Zoning Code does not contain definitions, use classifications, siting criteria, dimensional standards, operational requirements, decommissioning requirements, or emergency response provisions governing Battery Energy Storage Systems.
4. Commercial and utility-scale Battery Energy Storage Systems involve specialized equipment, including lithium-ion or similar battery technologies, which present unique land use, fire safety, hazardous material management, environmental, noise, screening, and emergency response considerations.
5. The Common Council finds that national and state fire codes, including NFPA 855, establish technical safety standards that require local coordination with fire and emergency services.
6. The City of Johnstown Fire Department and emergency response personnel must have adequate opportunity to evaluate operational protocols, hazard mitigation plans, and response capabilities prior to the siting of such facilities.
7. In the absence of local zoning regulations specifically governing Battery Energy Storage Systems, such facilities could potentially be proposed under general or industrial use classifications without appropriate safeguards tailored to their unique impacts.
8. The Common Council further finds that it is in the interest of public health, safety, and welfare to undertake a comprehensive review of:
 - a. Appropriate zoning districts for such uses;
 - b. Setback and dimensional standards;
 - c. Screening and buffering requirements;
 - d. Emergency response coordination;
 - e. Decommissioning and financial security requirements; and
 - f. Ongoing inspection and compliance standards.
9. The Common Council determines that a temporary moratorium is necessary to preserve the status quo while such study and regulatory development is conducted.

10. This moratorium is not intended as a permanent prohibition, nor is it directed at any pending application. Rather, it is a temporary planning measure to allow for the orderly development of land use regulations.
11. Tier 1 accessory residential battery systems serving one- or two-family dwellings are exempt from this moratorium, as such systems are regulated under the New York State Uniform Fire Prevention and Building Code and do not present the same land use impacts as commercial or utility-scale facilities.

Accordingly, the Common Council enacts this temporary moratorium pursuant to Municipal Home Rule Law §10 to protect the public health, safety, and welfare while appropriate regulations are developed.

Section 2 – Definition

“Battery Energy Storage System” shall mean a rechargeable energy storage system consisting of one or more battery modules, battery management systems, inverters, and associated equipment designed to store and discharge electrical energy at commercial or utility scale.

Section 3 – Moratorium Imposed

For a period of one (1) year from the effective date of this Local Law:

1. No application shall be accepted, reviewed, approved, or issued for:
 - a. Site plan approval
 - b. Special use permit
 - c. Building permit
 - d. Zoning permit
 - e. Subdivision approval
 - f. Certificate of occupancy
 - g. Any other municipal approval relating to the construction, installation, expansion, or operation of a Battery Energy Storage System.

Section 4 – Hardship Relief

An applicant may apply to the Zoning Board of Appeals for relief upon demonstrating:

1. The moratorium causes undue hardship, and
2. Granting relief will not undermine the legislative intent of this Local Law.

The burden shall rest on the applicant.

Section 5 – Duration

This moratorium shall expire one (1) year from its effective date unless extended by subsequent Local Law.

Section 6 – Supersession

This Local Law is adopted pursuant to Municipal Home Rule Law §10 and supersedes any inconsistent provisions

of the City Code to the extent necessary to give effect to this moratorium.

Section 7 – Severability

If any provision is held invalid, the remainder shall not be affected.

Section 8 – Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.