

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Fremont

Local Law No. 1 of the year 20 26

A local law One Year Moratorium on Commercial Solar
(Insert Title)
Energy Systems and Commercial Battery
Energy Storage Systems

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Fremont as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF FREMONT

LOCAL LAW #1 OF THE YEAR 2026

A LOCAL LAW IMPOSING A ONE YEAR MORATORIUM ON COMMERCIAL SOLAR ENERGY SYSTEMS AND COMMERCIAL BATTERY ENERGY STORAGE SYSTEMS WITHIN THE TOWN OF FREMONT

Be it enacted by the Town Board of the Town of Fremont, Steuben County, State of New York, as follows:

Section 1. Title:

This local law shall be known as "Local Law No. 1 of the Year 2026, "A Law Imposing a One Year Moratorium on Commercial Solar Energy Systems and Commercial Energy Storage Systems within the Town of Fremont".

Section 2. Legislative Findings and Intent:

A. It is the intent of this local law to impose a twelve (12) month moratorium for any development, installation, or creation of commercial solar energy systems or commercial energy storage systems, as defined herein, within the Town of Fremont. The Town imposes this temporary moratorium on the issuance of building permits, special use permits, variances, site plan approvals, or any related review pursuant to a request for such commercial solar energy systems or commercial energy storage systems within the Town of Fremont.

B. The purpose of this moratorium is to allow the Town time to review its current land use laws and comprehensive plan related to development for commercial solar energy and storage systems.

C. In recent years, installation of solar energy and storage systems on properties has become more popular due to governmental funding, tax incentives and provider options. The Town recognizes the importance of the use of this alternate clean type of energy and its potential to provide another source of energy use for residents.

D. There has been significant public concern about the safety and impacts of both commercial solar energy and commercial energy storage systems in recent years. Multiple fires in commercial energy storage systems in New York and other states have increased public concern regarding these systems, and have resulted in New York State recommending enhanced safety measures for such systems.

E. The Town seeks to preserve and protect public safety, agriculture use, aesthetics and natural resources of the Town and property values while understanding the impact this type of development will have on land use for the overall benefit of the Town.

F. During the period for this moratorium, the Town Board intends to suspend any land use regulations in the Town of Fremont which conflict with the effect and intent of this local law.

G. The Town Board finds pursuant to 6NYCRR 617.5(c) (30) that the adoption of a moratorium of land development or construction is a Type II action under the New York State Environmental Quality Review Act ("SEQR") which has been determined to not have a significant impact on the environment.

Section 3. Definitions:

Commercial Solar Energy Systems are defined, for the purpose of this local law, as any device or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside.

Commercial Energy Storage Systems are defined, for the purpose of this local law, as any rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems, and associated electrical equipment designed to store and provide electrical power primarily off site or for commercial purposes. Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmers, primarily for their own personal, residential and onsite use shall not be considered a commercial energy storage system and shall be specifically exempted from this moratorium.

Section 4. Scope of Controls:

A. For a period of twelve (12) months from the effective date of this Local Law, the Town Board, Town Planning Board, Town Zoning Board of Appeals, and the Town Code (Zoning) Enforcement Officer shall not permit, accept, process, interpret, deliberate upon or approve any application for the installation, development, or creation of commercial solar energy systems or commercial energy storage systems, as defined herein, except as set forth in Section 5 of this Local Law.

B. During the term of this moratorium the Town Board intends to develop, consider, and adopt changes to its comprehensive plan and/or local laws to allow for regulation of commercial solar energy systems and commercial energy storage systems.

Section 5. Exception:

Notwithstanding any provision hereof to the contrary, any person or entity that has been granted a Special Use Permit by the Town of Fremont Planning Board for construction of a solar facility prior to the effective date of this Local Law may continue such project and related activities while this Moratorium is in effect so long as all construction and supporting activities are conducted in accordance with all applicable laws and any conditions of the Special Use Permit.

Section 6. Relief from Provisions of This Local Law:

Should any owner of property affected by this local law suffer any unnecessary hardship and seek relief from this moratorium to enable such owner to obtain a permit for activity otherwise prohibited under this moratorium, such owner shall make application to the Town Board. Such request shall be taken under the procedural provisions of the existing Town of Fremont land use laws in relation to appeals and shall be subject to a public hearing before the Town Board in accordance with these same procedures. It shall be within the discretion of the Town Board to grant, in whole or in part, or to deny, the application for such relief from the terms of this moratorium. It shall be the burden of the applicant for such relief to demonstrate to the satisfaction of the Town Board, upon competent evidence that an unjust result and extraordinary hardship would occur to the applicant, if such relief is not granted, and such showing must demonstrate that the proposed activity for which relief is sought shall be consistent with the reasonable and orderly development of the Town. The unnecessary hardship shall not be the delay in the application process created by this local law.

Section 7. Penalties:

A. Any person, firm, entity, or corporation that shall construct, reconstruct, relocate, enlarge, or alter any building or structure in violation of the provisions of this local law, or otherwise violate any provisions of this local law, shall be guilty of a violation and subject to a fine not less than \$250.00 and not more than \$1,000.00, or imprisonment for a term not to exceed fifteen (15) days, or both. Each day the violation continues shall be a separate offense.

B. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

Section 8. Enforcement:

This local law shall be enforced by the Code Enforcement Officer of the Town of Fremont.

Section 9. Authority:

This moratorium is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rules Law § 10.

Section 10. Supersession of the Town Law:

This local law is hereby adopted pursuant to Municipal Home Rules Law § 10. It is the intent of the Town Board, pursuant to Municipal Home Rules Law to supersede the following provisions of the New York State Town Law as it relates to zoning and planning determinations under Town Law § 274-a, § 274-b, § 267-a, § 267-b, § 276, and § 277.

Section 11. Inconsistent Laws:

All laws inconsistent with any provision or provisions of this law are hereby repealed or suspended.

Section 12. Severability:

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law, or the application thereof to any person, firm, or corporation or circumstance, is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law, or its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 13. Effective Date:

This local law shall take effect immediately upon filing with the New York State Secretary of State and shall remain in force and effect for a period of twelve (12) months from the date of passage. The effectiveness of this law may be extended for an additional six (6) month period by resolution of the Town Board.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 26 of the (County)(City)(Town)(Village) of Fremont was duly passed by the Town Board on April 14 20 26, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 ☐ ☐, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 ____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 ____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 ____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 ____ Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 ____, in accordance with the applicable provisions of law. (Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Susan M. Beck
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: 4/15/2026

(Seal)

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

WALTER T. MOSLEY
SECRETARY OF STATE

May 6, 2026

Town of Fremont
8217 Cream Hill Road
Arkport, NY 14807

RE: Town of Fremont

To Whom it May Concern:

Local Law 1 of the year 2026 was filed with this office on April 27, 2026. The Department of State Local Law Index Number 1 of the year 2026. The Local Law number assigned by the Department of State for indexing purposes may be different from the Local Law number ascribed by the Legislative Body of the Local Government.

Department of State
Division of State Records
(518) 473-2492
www.dos.ny.gov

The Local Law filing form has been updated as of 03/05/2025 in compliance with Section 27 of the Municipal Home Rule Law



**Department
of State**

LEGAL NOTICE
TOWN OF FREMONT

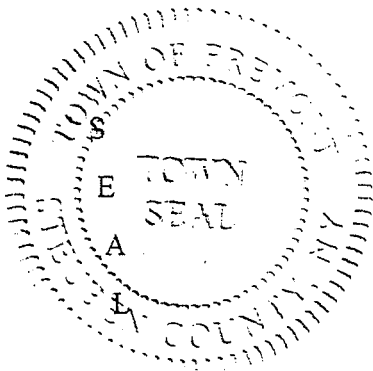
NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Fremont at the Town Hall, 8217 Cream Hill Road, Arkport, New York, at 6:30 P.M. on March 10 2026, concerning Introductory Local Law Number 1 of 2026, entitled "LOCAL LAW IMPOSING A ONE YEAR MORATORIUM ON COMMERCIAL SOLAR ENERGY SYSTEMS AND ENERGY STORAGE SYSTEMS WITHIN THE TOWN OF FREMONT." The purpose of the proposed local law is to assess and address its local laws to promote community planning by properly regulating future commercial scale solar installations and commercial energy storage systems, as well as developing of a Comprehensive Plan to ensure the health, welfare and public safety for the town residents. A copy of the proposed local law is available for inspection at the office of the Town Clerk.

At such time and place all persons interested in the subject matter of the proposed local law will be heard concerning the same.

Dated: Town of Fremont, New York

2/10, 2026



Susan M. Peck

Susan M. Peck, Town Clerk

Town of Fremont

LEGAL NOTICE
TOWN OF FREMONT

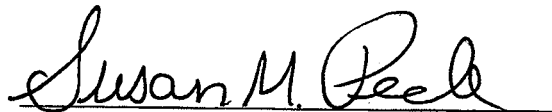
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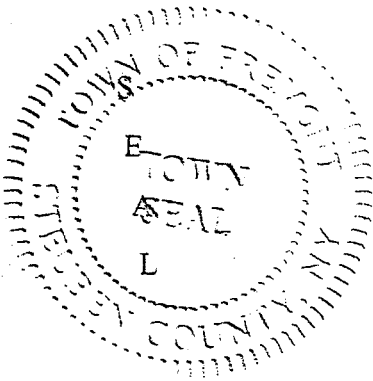
Dated: Town of Fremont, New York

3/14, 2026



Susan M. Peck, Town Clerk

Town of Fremont



At a regular meeting of the Town Board of the Town of Fremont, County of Steuben,
State of New York, held at the Town Hall, 8217 Cream Hill Road, Arkport, New York, on
April 14, 2026 at 7 P.M. there were

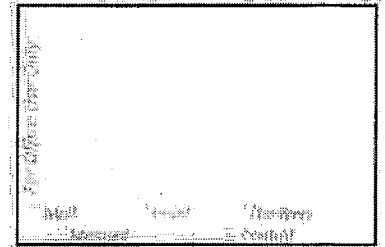
	PRESENT	ABSENT
Emily Murray, Supervisor	<u>✓</u>	<u> </u>
Mary Soukup, Councilperson	<u>✓</u>	<u> </u>
Dean Kiefer, Councilperson	<u>✓</u>	<u> </u>
Cynthia Smith, Councilperson	<u> </u>	<u>✓</u>
Seth Hilton, Councilperson	<u>✓</u>	<u> </u>

ALSO PRESENT: Susan M. Peck, Town Clerk,

At 7 p.m., on April 14, 2026 a Public Hearing was held before the Town Board to hear all persons wishing to comment on proposed "LOCAL LAW IMPOSING A ONE YEAR MORATORIUM ON COMMERCIAL SOLAR ENERGY SYSTEMS AND ENERGY STORAGE SYSTEMS WITHIN THE TOWN OF FREMONT" was presented by the Town Supervisor, Emily Murray. The Town Attorney, Seth D. Pullen, Esq., had prepared the draft local law at the request of the Town. It was explained that this moratorium local law is necessary to assess and address its local laws to promote community planning by properly regulating future commercial scale solar installations and commercial energy storage systems, as well as developing of a Comprehensive Plan to ensure the health, welfare and public safety for the town residents. The Town Supervisor asked if there were any questions and answered questions from those present. After those wishing to be heard made their comments, Town Supervisor declared the public hearing closed and proceeded with the business of the Board.



**Steuben County Planning Department
Planning & Zoning Action
Part 3: Municipal Report of Final Action**



Municipality: Town of Fremont ☐ City ☒ Town ☐ Village
Referring Agency: ☒ Legislative/Town Board ☐ Planning Board ☐ Zoning Board of Appeals
Date of Final Action: _____
Applicant Name: _____ Property Address: _____

Type of Action

(Check all that apply)

- | | |
|---|---|
| ☐ Adoption/Amendment of Comprehensive Plan | ☐ Granting of Variance - Area |
| ☐ Adoption/Amendment of Local Law | ☐ Granting of Variance - Use |
| ☐ Approval of Site Plan | ☐ Adoption or Amendment of Zoning Map |
| ☐ Issuance of Special use Permit | ☐ Adoption or Amendment of Zoning Text |
| ☒ Other | |

Project Description: (*Required - be specific)

1 year Moratorium on Commercial Solar Energy Systems
& Energy Storage Systems

(Attach additional pages if necessary)

Concerning the proposed action described above the local board's final action was:

- ☐ Disapproval
☐ Approval
☐ Approval with Modifications

Modifications:

Moratorium was Re-written - Returned to Steuben County Planning

The local board's final action was:

Public hearing 4/14/26 @ 6:30pm

- ☒ In accordance with the Steuben County Planning Department recommendations
☐ Contrary to the Steuben County Planning Department recommendations

Per General Municipal Law 239-m, a referring body which acts contrary to the recommendation or modification or disapproval of a proposed action shall set forth the reasons for the contrary action. Please attach the minutes of the meeting in which the action was taken

Municipal Official Certification:

Pursuant to Section 239 (m) (6) of General Municipal Law. As mandated by State Law, this form must be completed and filed within 30 days after Final Action has been taken by the local municipal agency.

Submitted by:

Name: Emily Murray
Address: 8217 Cream Hill Rd
City: Arkport NY 14807
Phone: 607-382-7423

Title: Town Supervisor
State: _____ Zip: _____
Email: e.murray@townoffremontny.com

Signature of Referring Officer

Date

3/28/26



**Steuben County Planning Department
Planning & Zoning Action Referral
Part 2: Reply to Municipality**

Municipality: Fremont ☐ City ☒ Town ☐ Village
Referring Agency: ☐ Legislative/Town Board ☒ Planning Board ☐ Zoning Board of Appeals
Referral Date: 02/17/2026 **Referral Received:** 02/18/2026
Property Owner/Agent: _____ **Parcel Number:** _____
Property Location: _____ ☐ Entire Municipality
To:
Emily Murray **Title:** Town Supervisor
8217 Cream Hill Rd
Arkport **State:** NY **Zip:** 14807
Phone _____ **Email:** e.murray@townoffremontny.com

Regarding proposed planning/zoning action identified as:

1 year moratorium on commercial solar energy systems and energy storage systems.

Please be advised that the Steuben County Planning Department has reviewed the proposal noted above and makes the following recommendation.

- ☐ Finds the referred matter not subject to review under Sections 239-l and 239-m
☐ Incomplete Referral – Municipality must resubmit to County
☐ No significant countywide or inter-community impact. Matter is of local concern.
☐ Disapproval
☐ Approval
☒ **Approved with Modifications:**
See attached PDF "Fremont(T)Revised Local Law-Solar&BatteryStorage Moratorium-MarkupSCPlanning" for highlighted items. Please correct spacing issues and other items as noted in the Comments of the PDF.

Comments:

The attached PDF of the Revised Local Law contains multiple spacing issues and items that must be corrected for the law to pertain solely to the Town of Fremont.

Section 239-m of the General Municipal Law requires that within thirty days after final action, the municipality shall file a report of the final action taken with the Steuben County Planning Department.

Sean Huhalean

Signature of Steuben County Planning Department

04/13/2026

Date