New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

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 MILTON

Local Law No. 2 **of the year 20**26

A local law Amending Local Law 4-2025 extending time frame for moratorium on solar in Milton
(Insert Title)

Be it enacted by the TOWN BOARD **of the**
(Name of Legislative Body)

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

of MILTON **as follows:**

SEE ATTACHED

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

(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. 2 of 20 26 of the (County)(City)(Town)(Village) of MILTON was duly passed by the TOWN BOARD on June 24 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 w ith 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.

_____
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

TOWN OF MILTON
COUNTY OF SARATOGA
RESOLUTION #43-2026
JUNE 24, 2026
RESOLUTION APPROVING LOCAL LAW #2 of 2026 ENTITLED "AMENDMENT TO LOCAL LAW #4 OF THE YEAR 2025 OF THE TOWN OF MILTON FURTHER EXTENDING A TEMPORARY MORATORIUM ON LARGE/COMMERCIAL SCALE SOLAR ENERGY INSTALLATIONS AND BATTERY STORAGE FACILITIES IN THE TOWN OF MILTON"

MOVED BY: Councilman Frolish
SECOND BY: Councilwoman Kerr

WHEREAS, the Town Board adopted Local Law #4 of the Year 2025 entitled "Amendment to Local Law #4 of 2025 Extending a Temporary Moratorium on Large/Commercial Scale Solar Energy Installations and Battery Storage Facilities in the Town of Milton" on December 17, 2025, to allow the review and update of the Town Code regarding solar projects within the Town; and

WHEREAS, the Town Board of the Town of Milton has found that more time is required to complete the update to Town Code and approval process regarding large/commercial scale solar installations and battery storage facilities and did cause to have drafted a Local Law for consideration to put in place an extension of an additional period of approximately six (6) months to said Moratorium, from July 29, 2026 to January 29, 2027, which was on the desks of the Board Members for at least ten (10) business days prior to any hearing, and the Board set a Public Hearing on the matter, as is required by law, with official notice of said public hearing duly and properly advertised in the official newspaper of the Town of Milton, and on June 24, 2026, a public hearing was held, and all those interested were invited to attend and be heard on the subject; and

WHEREAS, the Board has considered the requirements of the State Environmental Quality Review Act, and found this local law and the moratorium extension to be a Type II action under SEQR, and as such, no further or additional review is required; and

WHEREAS, said local law was provided and referred to the County Planning Board and all municipalities surrounding the Town, as well as to the Town Planning Board and Zoning Board of Appeals, for their review and comment(s), and any comments that were received were in support of said law and/or duly considered by the Board or otherwise no such other comments were forthcoming within the time allotted by law to do so; and

WHEREAS, the Town Board of the Town of Milton, after due deliberation and consideration, believes it to be in the Town's best interest as well as in the best interest of the health and safety of the Town residents and in furtherance of the objectives of the Town's Comprehensive Plan to enact said Local Law.

TOWN OF MILTON
COUNTY OF SARATOGA
LOCAL LAW #2 OF THE YEAR 2026
A LOCAL LAW ENTITLED "AMENDMENT TO LOCAL LAW #4 OF THE YEAR 2025 OF THE TOWN OF MILTON FURTHER EXTENDING A TEMPORARY MORATORIUM ON LARGE/COMMERCIAL SCALE SOLAR ENGERY INSTALLATIONS AND BATTERY STORAGE FACILITIES IN THE TOWN OF MILTON"

Be it enacted by the Town Board of the Town of Milton as follows:

SECTION 1: TITLE

This Local Law shall be known as "Amendment to Local Law #4 of 2025 Further Extending a Temporary Moratorium on Large/Commercial Scale Solar Energy Installations and Battery Storage Facilities Within the Town of Milton". It is adopted pursuant to Municipal Home Rule Law §10, relevant provisions of the New York State Town Law, and the general police powers vested in the Town to promote the health, safety, and welfare of all of the residents and property owners in the Town.

SECTION 2: PURPOSE AND INTENT

The intent of this local law is to amend Town of Milton Local Law No. 4, 2025, enacted December 17, 2025, which amended Town of Milton Local Law No. 1 of 2025, enacted January 29, 2025, which said Local law No. 4 was enacted to extend the moratorium on pending applications for a permit, new applications for a permits, zoning permits, special use permits, zoning variances, site plan approvals, subdivision approvals, building permits, Certificates of Compliance, or other Town-level approvals of any nature relating to Large/Commercial Scale solar energy Installations and Battery Storage Facilities which mandated that no such projects or applications shall be accepted, processed, entertained, approved, approved conditionally, or issued by a board, employee, official or agent of the Town of Milton, for the construction, establishment, or use or operation of any land, body of water, building, or other structure located within the Town of Milton for a Large-Scale Solar Installation and Battery Storage Facilities during the moratorium period. This extension to the Moratorium shall apply equally as well to any pending applicants and applications, and shall act to immediately stop any further review or construction thereof. This Moratorium shall equally apply to all zoning districts and all property within the Town of Milton.

This Local Law is more specifically intended to further extend the temporary prohibition on the creation or siting of Large-Scale/Commercial Solar Power Installation, solar energy systems and Battery Storage Facilities within the Town of Milton for an additional period of six (6) months from July 29, 2026 to January 29, 2027, unless further extended thereafter as deemed appropriate by the Town Board, so that the Town can complete its' review, draft and enact its own large scale solar legislation, currently in the works, including adding sections regarding solar projects and enacting specific zoning legislation on solar projects within the Town, as well as to afford adequate time to finalize its assessment of the implications in the Town of new Battery Storage System regulations, adopted in July of 2025 as part of the 2025 Fire Code of NYS, which went into effect January 1, 2026.

SECTION 3: MORATORIUM; EXTENDED TERM

A. Local Law No. 1 of 2025 enacted a moratorium on the review and approval of large/commercial scale solar energy installation and battery storage facilities in the Town of Milton for a twelve (12) month

period. Local Law No. 4 of 2025 thereafter imposed an extension of the moratorium for a six (6) month period of time, with the moratorium terminating on July 29, 2026. This Local Law No. 2 of 2026 further extends the moratorium for a six (6) month period of time, terminating on January 29, 2027, unless further extended thereafter by the Town Board. Except as otherwise amended herein, all other provisions of Local Law No. 1 of 2025 and Local Law No. 4 of 2025, including but not limited to the scope of controls and hardship variance procedures contained therein, shall also be extended for the six (6) month period of time through January 29, 2027.

SECTION 4: SUSPENSION AND SUPERSESSION OF OTHER LAWS

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended through January 29, 2027. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of New York Town Law under the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(a)(14), and §22. In particular, this Local Law supersedes any inconsistent provisions of New York Town Law §267, §267-a, §267-b, §274-a, §274-b, §276 and §277 for the purpose of vesting the Town Board of the Town of Milton and other Boards within the Town, with the authority to accept, hear, process and determine applications for variances from this Local Law.

SECTION 5: SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town of Milton hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and person or circumstances, a portion hereof is severed or declared invalid or unenforceable.

SECTION 6: EXTENSIONS

This Moratorium may be extended for such additional periods as the Town Board may determine to be necessary to protect the public health, safety and welfare of the citizens of the Town of Milton and accomplish the stated purposes and intent of this Local Law.

SECTION 7: EFFECTIVE DATE

The effective date of this Local Law shall be immediately upon its adoption by the Town Board and its subsequent filing with the Secretary of State of the State of New York and shall be immediately effective upon a person or business individually served with a copy thereof before its filing with the Secretary of State.

Enacted: June 24, 2026

By Order of the Milton Town Board.