LOCAL LAW NUMBER ___ OF THE YEAR 2024

A LOCAL LAW OF THE TOWN OF LINCOLN, also known as "The Town of Lincoln Battery Energy Storage System Law," in relation to the regulation of battery energy storage systems in the Town of Lincoln.

BE IT ENACTED by the Town Board of the Town of Lincoln, Madison County, New York, as follows: That Town of Lincoln Local Law Number ___ of the year 2024 entitled "The Town of Lincoln Battery Energy Storage System Law" is hereby enacted. Said Local Law reads as follows:

§1 Authority.

This Battery Energy Storage System Law is adopted pursuant to §§261-263 of the Town Law and §10 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community.

§2 Statement of Purpose.

This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, and welfare of Town by creating regulations for the installation and use of battery energy storage systems and equipment, with the following objectives:

A. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;

B. To protect the health, welfare, safety, and quality of life for the general public;

C. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;

D. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources; and

E. To ensure appropriate siting of battery energy storage systems in accordance with Town policy and the Town's Comprehensive Plan.

§3 Definitions.

ANSI: American National Standards Institute.

BATTERY: A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this chapter, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects storage batteries from operating outside their safe operating parameters and generates an alarm and trouble signal for off-normal conditions.

BATTERY ENERGY STORAGE SYSTEM: A rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to provide electrical power to a building. The system is typically used to provide standby or emergency power, an uninterruptable power supply, load shedding, load sharing, or similar capabilities. A battery energy storage system is classified as a Tier 1, Tier 2, or Tier 3 battery energy storage system as follows:

A. Tier 1 battery energy storage systems include either:

(1) Battery energy storage systems for one- to two-family residential dwellings within or outside the structure with an aggregate energy capacity that shall not exceed:

a. Forty kWh within utility closets and storage or utility spaces;

b. Eighty kWh in attached or detached garages and detached accessory structures;

c. Eighty kWh on exterior walls; or

d. Eighty kWh outdoors on the ground.

(2) Other battery energy storage systems with an aggregate energy capacity less than or equal to the threshold capacity listed in Table 1.

B. Tier 2 battery energy storage systems include battery energy storage systems that are not included in Tier 1, have an aggregate energy capacity greater than the threshold capacity listed in Table 1, and have an aggregate energy capacity less than 600 kWh.

Table 1: Battery Energy Storage System Tier 2 Threshold Quantities	
Battery Technology	**Capacity**
Flow batteries	20 kWh
Lead acid, all types	70 kWh
Lithium, all types	20 kWh
Nickel cadmium (Ni-Cd)	70 kWh
Nickel metal hydride (Ni-MH)	70 kWh
Other battery technologies	10 kWh

C. Tier 3 battery energy storage systems include either:

(1) Battery energy storage systems with an aggregate energy capacity greater than or equal to 600 kWh; or

(2) Battery energy storage systems with more than one storage battery technology provided in a room or indoor area.

CODE ENFORCEMENT OFFICER: The Code Enforcement Officer of the Town of Lincoln.

COMMISSIONING: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING: A building that is built for the primary intention of housing battery energy storage system equipment and is classified as Group F-1 occupancy as defined in the International Building Code. It is constructed in accordance with the Uniform Code, and it complies with the following:

A. The building's only permitted primary use is for battery energy storage, energy generation, and other electrical-grid-related operations.

B. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.

C. No other occupancy types are permitted in the building.

D. Administrative and support personnel are permitted in incidental-use areas within the buildings that do not contain battery energy storage system, provided the following:

   (1) The areas do not occupy more than 10% of the building area of the story in which they are located; and

   (2) A means of egress is provided from the incidental-use areas to a public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy systems.

DWELLING UNIT: One or more rooms arranged for complete, independent housekeeping purposes with space for eating, living, and sleeping, facilities for cooking, and provisions for sanitation.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

FLOW BATTERY: A type of rechargeable battery that uses typically large, separated liquid reservoirs of electrolytes that flow through a reaction zone to store, charge, and discharge energy. These electrolytes are typically nonflammable.

LEAD-ACID BATTERY: A rechargeable battery that is comprised of lead electrodes immersed in sulphuric acid electrolyte. These batteries may be flooded, vented, sealed, or may come in other form factors. They may produce hazardous gases during normal operations.

LITHIUM-ION BATTERY: A storage battery with lithium ions serving as the charge carriers of the battery. The electrolyte is typically a mixture of organic solvents with an inorganic salt and can be in a liquid or a gelled polymer form.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

NICKEL-BASED BATTERY: A rechargeable battery in which the positive active material is nickel oxide, the negative contains either cadmium (Nickel-cadmium, Ni-Cd), hydrogen ions stored in a metal-hydride structure (Nickel-metal hydride, Ni-MH), or zinc (Nickel-zinc, Ni-Zn) as the electrode and the electrolyte is potassium hydroxide.

NON-DEDICATED-USE BUILDING: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements, including all other occupancy types such as, but not limited to, commercial, industrial, offices, and multifamily housing.

NONPARTICIPATING PROPERTY: Any property that is not a participating property.

OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, day-care facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

ONE- TO TWO-FAMILY DWELLING: A building that contains not more than two dwelling units with independent cooking and bathroom facilities.

PARTICIPATING PROPERTY: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate), regardless of whether any part of a battery energy storage system is constructed on the property.

SPECIAL FLOOD HAZARD AREA: The land area covered by the floodwaters of the base flood is the special flood hazard area (SFHA) on NFIP maps. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

TOWN: The Town of Lincoln.

TOWN BOARD: The Town of Lincoln Town Board.
UNIFORM CODE: The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

§4 Applicability.

A. The requirements of this Local Law shall apply to all Battery Energy Storage Systems permitted, installed, or modified in the Town after the effective date of this Local Law, excluding general maintenance and repair, but including all battery energy storage systems for which an application of any type was pending as of the effective date of Local Law Number ___ of the Year 2024.

B. Battery energy storage systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this chapter.

§5 General Requirements.

A. A building permit shall be required for installation of all battery energy storage systems.

B. Issuance of permits and approvals by the Town Board shall include review pursuant to Article 8 of the Environmental Conservation Law and its implementing regulations at 6 NYCRR 617, also known as the State Environmental Quality Review Act or SEQRA.

C. Prior to operation, electrical connections must be inspected by an appropriate licensed electrical inspection person or agency, as determined by the Town. An electrical inspector must supply written verification that all electrical connections pass inspection.

D. All battery energy storage systems, all dedicated use buildings, and all other buildings or structures that contain or are otherwise associated with a battery energy storage system and subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town Code.

E. All battery energy storage systems, regardless of tier, are subject to a permit fee. Such fee shall be established by the Town Board and may be changed from time to time by resolution.

F. For battery energy storage systems subject to site plan review, the Town shall impose, and may update as appropriate, a schedule of fees to recover expenses associated with engineering, environmental, or legal services determined to be reasonably necessary in the processing of an application under this law.

§6 Permitting Requirements for Tier 1 Battery Energy Storage Systems.

Tier 1 battery energy storage systems are permitted in all zoning districts, are subject to a battery energy storage system permit, and are exempt from site plan review.

§7 Permitting Requirements for Tier 2 Battery Energy Storage Systems.

Tier 2 battery energy storage systems shall be permitted in Industrial-Commercial (I-C) zoning districts only, are subject to a battery energy storage system permit, and are subject to site plan approval.

§8 Permitting Requirements for Tier 3 Battery Energy Storage Systems.

Tier 3 battery energy storage systems shall be permitted in Industrial-Commercial (I-C) zoning districts only, are subject to a battery energy storage system permit, are subject to site plan approval, and shall require a special use permit issued by the Town Board.

A. Applications for the installation of Tier 3 battery energy storage system shall be:

(1) Reviewed by the Code Enforcement Officer for completeness. An application shall be complete when it addresses all matters listed in this chapter, including, but not necessarily limited to, compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and matters relating to the proposed battery energy storage system and floodplain utility lines and electrical circuitry, signage, lighting, vegetation and tree-cutting, noise, decommissioning, site plan and development, special use and development, ownership changes, safety, permit time frame, and abandonment. Applicants shall be advised within 45 calendar days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.

(2) Subject to a public hearing to hear all comments for and against the application. The Town Board shall have a notice printed in a newspaper of general circulation in the Town at least 10 days in advance of such hearing Applicants shall have delivered the notice by first-class mail to adjoining landowners or landowners within 1,000 feet of the property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the Town Board at the public hearing.

(3) Referred to the Madison County Planning Department pursuant to General Municipal Law § 239-m and the Town Planning Board for site plan review and advisory report.

(4) Upon closing of the public hearing, the Town Board shall take action on the application within 62 days of the public hearing, which can include approval, conditional approval, or denial. The 62-day period may be extended upon consent of the Town Board and applicant.

B. Underground requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles with new easements and right-of-way.

C. Vehicular paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

D. Signage.

(1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and twenty-four-hour emergency contact information, including reach-back phone number.

(2) As required by the National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light-reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

E. Lighting of the battery energy storage system shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

F. Vegetation and tree-cutting. Areas within 10 feet on each side of Tier 3 battery energy storage systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt, provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

G. Noise. The one-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the outside wall of any nonparticipating property and occupied community building. Applicants may submit equipment and component manufacturer's noise ratings to demonstrate compliance. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

H. Decommissioning

(1) Battery energy storage systems that have been abandoned for one year shall be removed at the owner's and/or operator's expense which, at the owner's option, may come in part or whole from any security made with the Town.

(2) Decommissioning plan. The applicant shall submit a decommissioning plan developed in accordance with the Uniform Code, containing a narrative description of the activities to be accomplished for removing the energy storage system from service, and from the facility in which it is located. The decommissioning plan shall also include:

a. The anticipated life of the battery energy storage system;

b. The estimated decommissioning costs;

c. How said estimate was determined;

d. The manner in which the battery energy storage system will be decommissioned, and the site restored; and

e. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system that has been damaged by a fire or other event.

(3) The Town at its option may obtain its own decommissioning plan, the cost of which shall be borne by the applicant.

(4) Security limited access agreement, assessment of expenses and insurance.

a. The Town of Lincoln recognizes the importance of the need to possess adequate security in an easily convertible and usable form in the event the Town is forced to act to decommission the arrays and remediate a property if a permitted operation is abandoned. Lincoln also recognizes the long-term nature of some of these projects and the need to have a full cash security posting before the life of the project expiration date. Accordingly, the Town of Lincoln will require the posting of a cash component of no less than 50% of the total security amount determined, in addition to the initial posting of an irrevocable letter of credit. The Town shall require all applicants to post additional cash with corresponding decreases in the letter of credit posting throughout the term of the

project life until the Town has a full cash security posting. The deposit, executions, or filing with the Town Comptroller, Bookkeeper, or Clerk of cash and/or irrevocable letter of credit shall be in an amount set by the Town Engineer or Attorney, and sufficient to ensure the good-faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. In addition to the NYSERDA guidelines, the security amount shall factor in: mobilization costs, a minimum 2.5% escalation, a 30% contingency and consideration that prevailing wage rates will be required should the decommissioning fall to the Town.

b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash and/or letter of credit security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit and/or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed. The Town may also bring legal action against the applicant for any unrecovered losses.

c. In the event of default or abandonment of the battery energy storage system, the system shall be decommissioned as set forth herein.

d. Any expenses or losses incurred by the Town and not reimbursed by any security in connection with the cost of removal of abandoned equipment or other related items and legal fees and expenses shall be levied and collected in the same manner as provided in the Town Law for the levy and collection of a special ad valorem levy on the real property on which the battery energy storage system is located. This assessment shall be assessed on the next assessment against said property, and the same shall be levied and collected in the same manner as the regular Town tax.

e. Insurance. The applicant and/or owner shall maintain a current insurance policy which will cover the installation and operation of the Tier 3 project at all times in the minimum amount of $5,000,000 property and personal liability coverage and provide proof of such policy to the Town on an annual basis.

f. Limited site access agreement. The Town of Lincoln shall require all applicants to enter into a limited site access agreement upon the posting of security to ensure the Town may access the property in the event the Town is forced to act to decommission the project. The agreement shall be prepared by the Town Attorney in a form and content acceptable to the Town Board.

§9 Site Plan Application.

A. Site plan approval is required for Tier 2 and Tier 3 battery energy storage systems. Site plan applications shall include the following information:

(1) Property lines and physical features, including roads, and all improvements for the project site as shown on a current survey prepared and certified by a licensed land surveyor.

(2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

(3) A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code-compliant disconnects and over-current devices.

(4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters, and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.

(5) Name, address, and contact information of the proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of a building permit.

(6) Name, address, phone number, and signature of the project applicant as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.

(7) Zoning district designation for the parcel(s) of land comprising the project site.

(8) Commissioning plan.

a. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Battery energy storage system commissioning shall be conducted by a New York State (NYS) licensed professional engineer or NYS registered architect after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Town Board prior to final inspection and approval and maintained at an approved on-site location.

b. Such plan shall comply with the Uniform Code and include, at a minimum, the following information:

i. A narrative description of the activities that will be accomplished during each phase of commissioning, including the personnel intended to accomplish each of the activities;

ii. A listing of the specific battery energy storage system and associated components, controls and safety-related devices to be tested, a description of the tests to be performed and the functions to be tested;

iii. Conditions under which all testing will be performed that are representative of the conditions during normal operation of the system;

iv. Documentation of the owner's project requirements and the basis of design necessary to understand the installation and operation of the battery energy storage system;

v. Verification that required equipment and systems are installed in accordance with the approved plans and specifications;

vi. Integrated testing for all fire and safety systems;

vii. Testing for any required thermal management, ventilation or exhaust systems associated with the battery energy storage system installation;

viii. Preparation and delivery of operation and maintenance documentation;

ix. Training of facility operating and maintenance staff;

x. Identification and documentation of the requirements for maintaining system performance to meet the original design intent during the operation phase; and

xi. Identification and documentation of personnel who are qualified to service, maintain and decommission the battery energy storage system, and respond to incidents involving the battery energy storage system, including documentation that such service has been contracted for.

c. Energy storage system commissioning shall not be required for lead-acid and nickel-cadmium battery systems at facilities under the exclusive control of communications utilities that comply with NFPA 76 and operate at less than 50 VAC and 60 VDC.

(9) Fire safety compliance plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code, and shall include remote and continuous online monitoring, early detection sensors, appropriate venting to avoid the build-up of gases, and automatic fire suppression systems to NFPA 855 standards.

(10) System and property operation and maintenance manual.

a. Such manual or plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing, and commissioning information and shall meet all requirements set forth in the Uniform Code.

b. The operation and maintenance manual shall be provided to both the battery energy storage system owner and their operator before the system is put into operation. The battery energy storage system shall be operated and maintained in accordance with the manual and a copy of the documentation shall be retained at an approved on-site location to be accessible to facility personnel, fire code officials, and emergency responders.

c. In addition to complying with the Uniform Code, the battery energy storage system operation and maintenance manual shall, at a minimum, include design, construction, installation, testing, and commissioning information associated with the battery energy storage system as initially approved after being commissioned, as well as the following information:

i. Manufacturer's operation manuals and maintenance manuals for the entire battery energy storage system or for each component of the system requiring maintenance, that clearly identify the required routine maintenance actions;

ii. The name, address, and telephone number of a service agency that has been contracted to service the battery energy storage system and its associated safety systems;

iii. Maintenance and calibration information, including wiring diagrams, control drawings, schematics, system programming instructions, and control sequence descriptions for all energy storage control systems;

iv. Desired or field-determined control set points that are permanently recorded on control drawings at control devices or, for digital control systems, in system programming instructions;

v. A schedule for inspecting and recalibrating all battery energy storage system controls;

vi. A service record log form that lists the schedule for all required servicing and maintenance actions and space for logging such actions that are completed over time and retained on site; and

vii. Inspection and testing records.

(11) Erosion and sediment control and stormwater management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Town Board.

(12) Emergency operations plan.

a. An emergency operations plan shall include the following information:

i. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe startup following cessation of emergency conditions;

ii. Procedures for inspection and testing of associated alarms, interlocks, and controls;

iii. Procedures to be followed in response to notifications from the battery energy storage management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure;

iv. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures shall include at a minimum activation of an alarm, notification of a local fire department, evacuation of personnel, de-energization of equipment, and control/extinguishing of the fire if appropriate;

v. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required;

vi. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility;

vii. Other procedures as determined necessary by the Town to provide for the safety of occupants and emergency responders; and

viii. Procedures and schedules for conducting drills of these procedures.

b. The Planning Board or Town Board, in the case of an application for a Tier 2 or Tier 3 battery energy storage system, respectively, may accept an emergency operations plan that substantially complies with the foregoing requirements if it determines that such plan adequately protects the health, safety, and welfare of persons on-site, first responders that may arrive in the event of an emergency, and persons on or occupying nearby properties.

B. The Planning Board shall complete site plan review within 60 days from the receipt of all relevant and required documents from the applicant and, for Tier 3 applications, forward its report with any recommendations to the Town Board unless the time is extended by the Town Board.

C. Special and additional requirements for Tier 3 applications:

(1) Plans and drawings of the proposed Tier 3 installation signed, marked and/or stamped by a professional engineer or architect registered in New York State showing the proposed layout of the entire site along with a description of all components whether on-site or off-site, existing vegetation and proposed clearing and grading of all sites involved. The plans and development plan shall be drawn in sufficient detail and shall further describe:

a. Property lines and physical dimensions of the proposed site, including contours at five-foot intervals.

b. Location, approximate dimensions and types of all existing structure(s) and uses on the site.

c. Location and elevation of the proposed Tier 3 installation.

d. Location of all existing aboveground utility lines showing the connection of the system to the utility line within 1,200 linear feet of the site.

e. Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a Tier 3 project shall be buried underground and include necessary encasements in accordance with the National Electric Code and Town requirements. The Town Board may waive this requirement if sufficient engineering data is submitted by the applicant demonstrating that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead electric utility/transmission lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility.

f. Location of all structures proposed as part of the installation.

g. Documentation of access to the project site(s), including location of all access roads, gates, parking areas, etc.

h. A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site.

i. Documentation of utility notification, including an electric service order number.

j. The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.

D. Prior to the issuance of the building permit or final approval by the Town Board, engineering documents must be signed and sealed by a New York State licensed professional engineer or registered architect.

§10 Special Use Permit Standards.

A. The property on which a Tier 3 battery energy storage system is placed shall meet the lot size requirements of the underlying zoning district.

B. Setbacks. All Tier 3 battery energy storage systems shall be set back at least 250 feet from all property lines.

C. Height. Tier 3 battery energy storage systems shall comply with the building height limitations for principal structures of the underlying zoning district.

D. Fencing requirements. Tier 3 battery energy storage systems, including all mechanical equipment, shall be enclosed by a fence at least seven feet high with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.

E. Screening and visibility. Tier 3 battery energy storage systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

§11 Ownership Changes.

If the owner or operator of a battery energy storage system changes or the owner of the property upon which a battery energy storage system is sited changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system or the property upon which a battery energy storage system is sited shall notify the Town of such change in ownership or operator within 30 days of the ownership change by certified mail to both the Town Clerk and Town Supervisor and addressed to the Lincoln Town Hall. The special use permit and all other local approvals for the battery energy storage system shall be void if a new owner or operator fails to provide written notification to the Town as set forth above. Reinstatement of a void

special use permit shall be subject to the same review and approval processes for new applications under this chapter.

§12 Safety.

A. System certification.

(1) Battery energy storage systems and equipment shall be listed by a nationally recognized testing laboratory to UL 9540 or CAN 9540 (standard for battery energy storage systems and equipment) with subcomponents meeting each of the following standards that are applicable based on the storage type (electrochemical, thermal, mechanical):

a. UL 1973 (Standard for batteries for use in stationary, vehicle auxiliary power and light electric rail applications).

b. UL 1642 (Standard for lithium batteries).

c. UL 1741 or UL 62109 (Inverters and power converters).

d. Certified under the applicable electrical, building, and fire prevention codes as required.

e. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.

(2) Lead-acid and nickel-cadmium battery systems installed in facilities under the exclusive control of communications utilities and operating at less than 50 VAC and 60 VDC in accordance with NFPA 76 are not required to be listed.

B. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 battery energy storage system is located in an ambulance district, the local ambulance corps.

C. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

D. Where deemed necessary by the Town Board, the Applicant shall ensure emergency access to the Facility Area for local first responders by installing an emergency lock box or similar device, in a location and of a type subject to approval by the Fire Chief of the Lincoln Volunteer Fire Department.

§13 Permit Timeframe and Abandonment.

A. The Special Use Permit and site plan approval for a battery energy storage system shall be valid for a period of 12 months after issue, provided that a building permit is issued for construction and construction is substantially commenced within that period. In the event that construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Town Board, within 12 months after approval, the Town may extend the time to complete construction for an additional 120 days by resolution. If the expiration time is not extended, all approvals shall become null and void.

B. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the bond and/or security for the removal of the Tier 3 battery energy storage system and restoration of the site in accordance with the decommissioning plan.

§14 Enforcement.

Any violation of this Battery Energy Storage System Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town of Lincoln.

§15 Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional or in any way null and/or void, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

§16 Waiver.

The Town Board may, under appropriate conditions or circumstances, and in its absolute discretion, waive one or more of the submission requirements contained herein.

§17 Fees.

Fees for application are those as established by the Town of Lincoln by the resolution of the Town Board, and it shall be the responsibility of the applicant to reimburse the Town for any and all reasonable and necessary legal, engineering, and other professional fees incurred by the Town in reviewing and administering an application for a battery energy storage system under this Law.

§18 Effective Date.

This Local Law shall take effect immediately upon filing with the New York State Secretary of State pursuant to §27 of the Municipal Home Rule Law.