

**MEMORANDUM FROM:
OFFICE OF THE TOWN ATTORNEY**

No. 1

TO: SUPERVISOR ANGIE M. CARPENTER
COUNCILMAN JORGE C. GUADRÓN
COUNCILMAN JOHN M. LORENZO
COUNCILMAN MICHAEL MCELWEE, JR.
COUNCILWOMAN DAWNMARIE D. KUHN

FROM: WILLIAM F. GARBARINO, TOWN ATTORNEY

RE: TOWN BOARD DISCUSSION AGENDA

Authorization for the Town Clerk to advertise for a public hearing to consider a Local Law amending Chapter 19 of the Islip Town Code to establish operating permit requirements for Battery Energy Storage Systems.

FOR INCLUSION ON THE TOWN BOARD DISCUSSION AGENDA ON AUGUST 27, 2026
AT 10:00AM.

SHOULD YOU HAVE ANY QUESTIONS, OR IF YOU REQUIRE ADDITIONAL
INFORMATION RELATIVE TO THE ATTACHED, PLEASE CONTACT:

Robert Doucet

IF YOU HAVE ANY COMMENTS, PLEASE ADVISE AS SOON AS POSSIBLE.

enclosure:

cc: LINDA D. VAVRICKA, TOWN CLERK
JOSEPH LUDWIG, COMPTROLLER
TRACEY KRUT, CHIEF OF STAFF

**TOWN OF ISLIP
SPONSOR'S MEMORANDUM
FOR TOWN BOARD RESOLUTIONS**

INSTRUCTIONS: All submissions for placement on the Town Board Meeting agenda must be accompanied by a sponsor's memorandum, which shall be the covering document. All agenda submissions shall be reported to the Town Attorney no later than 14 days prior to the scheduled Town Board meeting.

PURPOSE: Describe the essence of the attached resolution and give a brief background. Explain any policy implications, whether this item has previously been before the Board, and if any similar resolutions have previously been passed or denied by the Board.

The proposed resolution authorizes the Town Clerk to advertise for a public hearing to consider a Local Law amending Chapter 19 of the Town Code to establish operating permit requirements for Battery Energy Storage Systems.

SPECIFY WHERE APPLICABLE:

1. Entity or individual benefitted by resolution: Town of Islip
 2. Site or location effected by resolution: Town of Islip
 3. Cost: N/A
 4. Budget Line: N/A
 5. Amount and source of outside funding: N/A
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ENVIRONMENTAL IMPACT: What type of action is being authorized by this resolution?

- ☐ Type 1 action under 6 NYCRR, Section 617.4(b), number _____, Full EAF required.
- ☒ Type 2 action under 6 NYCRR, Section 617.5(c), number 33, SEQR review complete.
- ☐ Action not listed as Type I or Type II under Part 617 of the NYCRR. Short EAF required.
-

Robert Dancet, Chief Fire Marshal
Signature of **Commissioner/Department Head Sponsor**

8/25/26
Date

TOWN BOARD RESOLUTION

Date: August 27, 2026
Resolution No. 1

WHEREAS, a review of the Islip Town Code has been conducted by the Division of Fire Prevention and the Office of the Town Attorney; and

WHEREAS, on the basis of said review, certain modifications to Chapter 19 of the Islip Town Code are deemed appropriate in order to establish regulations and standards governing the operation of Battery Energy Storage Systems within the Town of Islip and to provide for appropriate oversight by the Division of Fire Prevention; and

WHEREAS, the proposed amendments would add Article XXXIII, entitled "Energy Storage Systems," to Chapter 19 of the Islip Town Code and would require an operating permit from the Chief Fire Marshal for Energy Storage Systems exceeding the applicable energy capacity threshold quantities established by the Fire Code of New York State; and

WHEREAS, the Chief Fire Marshal has recommended these modifications to Chapter 19 in order to ensure the health, safety and welfare of the residents of the Town of Islip;

NOW, THEREFORE, on motion of Councilperson _____, seconded by Councilperson _____, be it

RESOLVED, that the Town Clerk is hereby authorized to advertise for a public hearing to consider enacting Local Law No. ____ of 2026, amending Chapter 19 of the Islip Town Code by adding Article XXXIII, entitled "Energy Storage Systems," consisting of §§ 19-193 through 19-195, as set forth in the attached proposed local law.

SEE ATTACHED

Additions are indicated by UNDERLINING
Deletions are indicated by ~~STRIKEOUTS~~

Upon a vote being taken the result was:

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Islip will hold a Public Hearing on _____ at _____ p.m. at _____, Islip, NY to consider enacting Local Law No. ____ of 2026, amending Chapter 19 of the Islip Town Code by adding Article XXXIII, entitled "Energy Storage Systems," consisting of §§ 19-193 through 19-195, to establish regulations and operating permit requirements for Energy Storage Systems, a copy of which is available at the offices of the Town Clerk of the Town of Islip at 655 Main Street, Islip, New York.

By: Linda D Vavricka
Town Clerk

TOWN BOARD RESOLUTION

Date: _____

WHEREAS, a review of the Islip Town Code has been conducted by the Division of Fire Prevention and the Office of the Town Attorney; and

WHEREAS, on the basis of said review, certain modifications to Chapter 19 of the Islip Town Code are deemed appropriate in order to clarify, modernize, and streamline portions of the Code that are either ambiguous, lacking clarity, or insufficient in addressing current trends; and

WHEREAS, the proposed amendments would add Article XXXIII, entitled "Energy Storage Systems," to Chapter 19 of the Islip Town Code and would require an operating permit from the Chief Fire Marshal for Energy Storage Systems exceeding the applicable energy capacity threshold quantities established by the Fire Code of New York State; and

WHEREAS, the Chief Fire Marshal has recommended these modifications to Chapter 19 in order to ensure the health, safety and welfare of the residents of the Town of Islip; and

WHEREAS, the Town Clerk caused a Public Notice to be published in a newspaper circulated locally setting forth the nature of the proposed Code amendments; and

WHEREAS, on _____, a public hearing was duly held to consider the proposed Code amendments;

NOW, THEREFORE, on motion of Councilperson _____, seconded by Councilperson _____, be it

RESOLVED, that the Town Board hereby enacts Local Law No. ____ of 2026, amending Chapter 19 of the Islip Town Code by adding Article XXXIII, entitled "Energy Storage Systems," consisting of §§ 19-193 through 19-195, as set forth in the attached local law.

SEE ATTACHED

Additions are indicated by UNDERLINING

Deletions are indicated by ~~STRIKETHROU~~

Upon a vote being taken the result was:

Article XXXIII Energy Storage Systems

§ 19-193 Scope.

This article shall apply to and provide regulations and standards regarding the operation of Energy Storage Systems as defined in §19-194.

§ 19-194 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ENERGY STORAGE SYSTEM

One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time.

§ 19-195 Operating Permit Required.

A. An operating permit shall be obtained from the Chief Fire Marshal for the operation of an Energy Storage System, as defined in this article and exceeding the energy capacity threshold quantities listed in the Fire Code of New York State. The Chief Fire Marshal may promulgate reasonable rules and regulations for the granting of an operating permit.

B. Upon receipt of such application, the Chief Fire Marshal shall cause the Energy Storage System to be inspected for compliance with the Uniform Fire Prevention and Building Code of New York State and/or the Town of Islip Code.

C. No permit for an Energy Storage System shall be granted if, in the opinion of the Chief Fire Marshal, such system does not comply with the Uniform Fire Prevention and Building Code of New York State and/or the Town of Islip Code.

D. An operating permit for an Energy Storage System shall be effective for a period not to exceed one year. An application for renewal must be made prior to the expiration of the current permit.

E. An operating permit for an Energy Storage System may be suspended or revoked if, in the opinion of the Chief Fire Marshal, there is a violation of the Uniform Fire Prevention and Building Code of New York State and/or the Town of Islip Code resulting in immediate danger to the life or health of occupants thereof.

F. Fees for an operating permit for an Energy Storage System or for renewal of such permit shall be established by the Chief Fire Marshal, according to § 19-11 of this chapter.

G. Permits shall be issued to the business owner or operator for the specific Energy Storage System listed on the permit. Permits are non-transferable to other owners/operators.

H. The requirement for an operating permit is in addition to any license, permit, or permission from any other agency or authority having jurisdiction.

**MEMORANDUM FROM:
OFFICE OF THE TOWN ATTORNEY**

No. 2

TO: SUPERVISOR ANGIE M. CARPENTER
COUNCILMAN JORGE C. GUADRÓN
COUNCILMAN JOHN M. LORENZO
COUNCILMAN MICHAEL MCELWEE, JR.
COUNCILWOMAN DAWNMARIE D. KUHN

FROM: WILLIAM F. GARBARINO, TOWN ATTORNEY

RE: TOWN BOARD DISCUSSION AGENDA

Authorization for the Town Clerk to advertise for a public hearing to consider amendments to Chapter 68, §68-456 of the Islip Town Code entitled, “Battery energy storage systems.”

FOR INCLUSION ON THE TOWN BOARD DISCUSSION AGENDA ON AUGUST 27, 2026 AT 10:00AM.

SHOULD YOU HAVE ANY QUESTIONS, OR IF YOU REQUIRE ADDITIONAL INFORMATION RELATIVE TO THE ATTACHED, PLEASE CONTACT:

Ela Dokonal

IF YOU HAVE ANY COMMENTS, PLEASE ADVISE AS SOON AS POSSIBLE.

enclosure:

cc: LINDA D. VAVRICKA, TOWN CLERK
JOSEPH LUDWIG, COMPTROLLER
TRACEY KRUT, CHIEF OF STAFF

**TOWN OF ISLIP
SPONSOR'S MEMORANDUM
FOR TOWN BOARD RESOLUTIONS**

INSTRUCTIONS: All submissions for placement on the Town Board Meeting agenda must be accompanied by a sponsor's memorandum, which shall be the covering document. All agenda submissions shall be reported to the Town Attorney no later than 14 days prior to the scheduled Town Board meeting.

PURPOSE: Describe the essence of the attached resolution and give a brief background. Explain any policy implications, whether this item has previously been before the Board, and if any similar resolutions have previously been passed or denied by the Board.

The proposed action involves amendments to Chapter 68 (Zoning) of the Town of Islip Code, specifically to revise Section 68-456 Battery Energy Storage Systems.

SPECIFY WHERE APPLICABLE:

1. Entity or individual benefitted by resolution: Town of Islip
 2. Site or location effected by resolution: N/A
 3. Cost: N/A
 4. Budget Line: N/A
 5. Amount and source of outside funding: N/A
-

ENVIRONMENTAL IMPACT: What type of action is being authorized by this resolution?

- ☒ Type 1 action under 6 NYCRR, Section 617.4(b), number _____, Full EAF required.
- ☐ Type 2 action under 6 NYCRR, Section 617.5(c), number _____, SEQOR review complete.
- ☐ Action not listed as Type I or Type II under Part 617 of the NYCRR. Short EAF required.
-



Signature of Commissioner/Department Head Sponsor

8/21/2026

Date

TOWN BOARD RESOLUTION

Date: August 27, 2026
Resolution No. 2

WHEREAS, a review of the Islip Town Code has been conducted by the Department of Planning and Development (the "Planning Department"), the Division of Fire Prevention and the Office of the Town Attorney; and

WHEREAS, on the basis of said review, amendments are proposed to Chapter 68 of the Islip Town Code (entitled, "Zoning"), specifically § 68-456, entitled "Battery energy storage systems"; and

WHEREAS, the proposed amendments are intended to update the Town's regulations governing Battery Energy Storage Systems, including applicable permitting, siting, safety and operational requirements; and

WHEREAS, pursuant to New York State General Municipal Law, the proposed code amendments will be referred to the Suffolk County Planning Commission for review and comment; and

WHEREAS, the Town Board desires to schedule a public hearing to consider the proposed code amendments, with any determination or comments received from the Suffolk County Planning Commission to be considered in connection with such public hearing in accordance with applicable law; and

WHEREAS, a review of the environmental impacts of these proposed code amendments will be fully analyzed in connection with the State Environmental Quality Review Act;

NOW, THEREFORE, on motion of Councilperson _____, seconded by Councilperson _____, be it

RESOLVED, that the Town Clerk is hereby authorized to advertise for a public hearing to consider the proposed code amendments in accordance with applicable law.

SEE ATTACHED FOR PROPOSED AMENDMENTS.

Additions are indicated by UNDERLINING

Deletions are indicated by ~~STRIKEOUTS~~

Upon a vote being taken the result was:

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Islip will hold a Public Hearing on _____ at _____ p.m. at _____, Islip, NY to consider amendments to Chapter 68 of the Islip Town Code, specifically § 68-456, entitled "Battery energy storage systems," a copy of which is available at the offices of the Town Clerk of the Town of Islip at 655 Main Street, Islip, New York.

By: Linda D Vavricka
Town Clerk

TOWN BOARD RESOLUTION

Date: _____

WHEREAS, a review of the Islip Town Code has been conducted by the Department of Planning and Development (the "Planning Department"), the Division of Fire Prevention and the Office of the Town Attorney; and

WHEREAS, on the basis of said review, amendments are proposed to Chapter 68 of the Islip Town Code, entitled "Zoning," specifically § 68-456, entitled "Battery energy storage systems"; and

WHEREAS, pursuant to New York State General Municipal Law, the proposed code amendments have been referred to the Suffolk County Planning Commission; and

WHEREAS, a review of the environmental impacts of these proposed regulations indicates that no significant environmental impact will occur; and

WHEREAS, the Town Clerk has placed a Public Notice in the newspaper circulated locally which indicates the nature of the proposed Code amendments; and

WHEREAS, on _____, a public hearing was held;

NOW, THEREFORE, on motion of Councilperson _____, seconded by Councilperson _____, be it

RESOLVED, that the Town Board hereby amends Chapter 68 of the Islip Town Code, specifically § 68-456, entitled "Battery energy storage systems," as set forth in the attached Code amendments.

SEE ATTACHED

Additions are indicated by UNDERLINING

Deletions are indicated by ~~STRIKEOUTS~~

Upon a vote being taken the result was:

Article XLII Alternative Energy Systems

§ 68-456. Battery energy storage systems.

- A. Authority. This Battery Energy Storage System Law is adopted pursuant to Article IX of the New York State Constitution, § 2(c)(6) and (10), New York Statute of Local Governments, § 10, Subdivisions 1 and 7, §§ 261 through 263 of the Town Law, and § 10 of the Municipal Home Rule Law of the State of New York, which authorize the Town of Islip to adopt zoning provisions that advance and protect the health, safety and welfare of the community.
- B. Legislative intent. This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare, and quality of life of the community by creating regulations for the installation and use of battery energy storage systems, with the following objectives:
- (1) To provide a regulatory scheme for the designation of properties suitable for the location, construction, and operation of battery energy storage systems;
 - (2) To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
 - (3) To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife, and other protected resources; and
 - (4) To support the transition to renewable energy sources.
- C. Definitions. As used in this article, the following terms shall have the meanings indicated:

ANSI — American National Standards Institute.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM — An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM (BESS) — One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1, Tier 2, or Tier 3 battery energy storage system as follows:

- (1) Tier 1 battery energy storage systems have an aggregate energy capacity less than or equal to 80 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. All Tier 1 battery energy storage systems located on residential properties shall comply with the Residential Code of New York State.
- (2) Tier 2 battery energy storage systems have an aggregate energy capacity between 81 and 600 kWh or are comprised of more than one energy storage system technology in a room or enclosed area.
- (3) Tier 3 battery energy storage systems have an aggregate energy capacity greater than 600 kWh and, if in a room or enclosed area, consist of only one energy storage system technology.

BATTERY(IES) — 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 article, batteries utilized in consumer products are excluded from these requirements.

CELL — The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

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, is classified as Group F-1 occupancy, as defined in the International Building Code, and complies with the following:

- (1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
- (2) No other occupancy types are permitted in the building.
- (3) 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.
- (4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage systems provided the following:
 - (a) The areas do not occupy more than 10% of the building area of the story in which they are located.
 - (b) A means of egress is provided from the administrative and support use areas to the exterior of the building that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

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.~~

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 Electrical Code.

NFPA — National Fire Protection Association.

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.

D. Applicability.

- (1) The requirements of this article shall apply to all battery energy storage systems permitted, installed, or modified in the Town of Islip after the effective date of this article, excluding general maintenance and repair.
 - (a) Exception: Battery Energy Storage Systems having an energy capacity value equal to or less than the threshold quantity shown in the Uniform Code.
- (2) Battery energy storage systems legally constructed or installed prior to the effective date of this article shall not be required to meet the requirements of this article.
- (3) Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total designed discharge duration or power rating shall be subject to this article.

E. General requirements.

- (1) A building permit, battery energy storage system operating permit (as required by the Uniform Code), and a certificate of electrical compliance shall be required for installation of all battery energy storage systems.
- (2) 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 shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code.

F. Permitting requirements for battery energy storage systems.

- (1) Tier 1 battery energy storage systems shall be permitted in all zoning districts, subject to the Uniform Code and the battery energy storage system permit, and exempt from site plan review. Tier 1 battery energy storage systems shall maintain minimum side and rear yards of 10 feet and shall meet the front yard requirements of the zoning district in which they are located unless otherwise required by the Uniform Code.
- (2) Tier 2 battery energy storage systems shall be permitted in the following zoning districts subject to the Uniform Code and site plan review, the latter which may be waived at the discretion of the Town Engineer:
 - (a) Business 1, Business 2, Business 3, Industrial 1, Industrial 2, Industrial Corridor, and Industrial Transition.
 - ~~(b) Tier 2 battery energy storage systems shall meet the requirements of the principal building within the zoning district in which they are located.~~
 - (c) Where a Tier 2 battery energy storage system will be located within 200 feet of a residential use or zone, a Planning Board special permit shall also be required. Said distance shall be measured property line to property line.
- ~~(3) Tier 3 battery energy storage systems shall be prohibited, permitted in the following zoning districts subject to the Uniform Code, site plan review, and a Planning Board special permit:~~
 - ~~(a) Industrial 1, Industrial 2, and Industrial Transition.~~

- ~~(b) Tier 3 battery energy storage systems shall meet the requirements of the principal building within the zoning district in which they are located.~~
- ~~(c) Tier 3 battery energy storage systems that are accessory to a permitted principal use and are under 2,000 square feet of total area dedicated to the use do not require a Planning Board special permit, unless they are located within 200 feet of a residential use or zone.~~

G. Special permit standards.

(1) Setback Requirements.

- (a) Any Tier 2 battery energy storage system shall have a minimum setback of 50 feet to all property lines of the subject parcel.
- (b) Any Tier 2 battery energy storage system shall be a minimum setback of 200 feet to any property line of a residential use or zone.

- ~~(1) Fencing requirements. Unless housed in a dedicated-use building, Tier 3 battery energy storage systems, including all mechanical equipment, shall be enclosed by a six-foot fence with a self-locking gate to prevent unauthorized access. For systems that are over six feet in height, an eight-foot fence shall be required to properly screen the use.~~
- ~~(2) Screening and visibility. Tier 2 and Tier 3 battery energy storage systems shall be screened from view from adjacent properties using architectural features, earth berms, walls, fencing, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area. A minimum of 25 feet of landscaping shall be required along all street frontages for all Tier 3 battery energy storage systems. Architectural review shall be required for all Tier 2 and 3 systems.~~

H. Site plan application requirements. For a Tier 2 ~~or 3~~ battery energy storage system requiring site plan approval, the applicant's submission shall include the items located in the appendices of the Subdivision and Land Development Regulations, in addition to the typical site plan requirements.

- (1) Fencing requirements. Unless housed in a dedicated-use building, Tier 2 battery energy storage systems, including all mechanical equipment, shall be enclosed by a six-foot fence with a self-locking gate to prevent unauthorized access. For systems that are over six-feet in height, an eight-foot fence shall be required to properly screen the use.
- (2) Screening and visibility. Tier 2 battery energy storage systems shall be screened from view from adjacent properties using architectural features, earth berms, walls, fencing, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area. Architectural review shall be required for all Tier 2 systems.

I. Additional requirements for Tier 2 ~~and 3~~ battery energy storage systems.

- (1) Utility lines and electrical circuitry. All on-site utility lines shall be placed underground in appropriate conduits to the extent feasible and as permitted by the serving utility. An exception may be made for the main service connection at the utility company right-of-way and new interconnection equipment.
- (2) Signage.

- (a) 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 fire suppression system installed in the area of battery energy storage systems, and twenty-four-hour emergency contact information, including a call-back phone number.
 - (b) As required by the 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.
- (3) Lighting. All lighting associated with battery energy storage systems shall be in compliance with Article LII, Exterior Lighting Standards.
- (4) Vegetation and tree cutting. Areas within 10 feet on each side of Tier 2 ~~or 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 cover 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, and is only permitted in association with an approved site plan or land clearing permit.
- (5) Noise. All noise associated with battery energy storage systems shall be in compliance with Town Code Chapter 35. Prior to site plan approval, a noise study must be submitted to the Town Engineer demonstrating that the operation of the battery energy storage system will comply with Town Regulations.

J. Commissioning and decommissioning plans.

- (1) Commissioning plan. 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. Where commissioning is required by the Uniform Code, battery energy storage system commissioning shall be conducted by a New York State (NYS) licensed professional engineer after the installation is complete, but prior to final inspection and approval. 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 Chief Fire Marshal or his/her designee prior to final inspection and approval and maintained at an approved on-site location. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning.
- (2) Decommissioning plan. The applicant shall submit a preliminary decommissioning plan for Tier 2 ~~or Tier 3~~ battery energy storage systems to the Chief Fire Marshal, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal of the systems from the facility. The decommissioning plan, developed by a New York State (NYS) licensed Professional Engineer, shall include and address:
 - (a) A narrative description of the activities to be accomplished, including who will perform the activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers,

and transmission lines from the site.

- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- (c) The anticipated life of the battery energy storage system;
- (d) The estimated decommissioning costs and how said estimate was determined;
- (e) The method of ensuring that funds will be available for decommissioning and restoration;
- (f) The method by which the decommissioning cost will be kept current;
- (g) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
- (h) A listing of any contingencies for removing an intact operational energy storage system from service and for removing an energy storage system from service that has been damaged by a fire or other event.

(3) Decommissioning fund or cash bond. The owner and/or operator of a Tier 2 or 3 battery energy storage system shall continuously maintain a fund or submit a cash bond payable to the Town of Islip, in a form approved by the Town of Islip, for the removal of the battery energy storage system, in an amount ~~to be determined~~ approved by the Town of Islip, for the period of the life of the facility. The decommissioning cost guarantee must remain valid until the battery energy storage system has been fully decommissioned. All costs of the financial security shall be borne by the applicant.

(4) Tier 1 systems are not subject to the requirements of Subsection J(1) or (2) above, but will require a statement from the system installer certifying compliance with decommissioning requirements.

K. Ownership changes. If the owner of the battery energy storage system changes or the owner of the underlying property changes, the special permit shall remain in effect, provided that the successor owner or operator assumes, in writing, all of the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Chief Fire Marshal of such change in ownership or operator within 30 days of the ownership change. ~~A new owner or operator must provide such notification to the Chief Fire Marshal in writing.~~ The special 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 Chief Fire Marshal in the required time frame. Reinstatement of a void special permit will be subject to the same review and approval processes for new applications under this article.

L. Safety.

(1) System certification. Battery energy storage systems and equipment shall be listed by a nationally recognized testing laboratory (standards for battery energy storage systems

and equipment) or approved equivalent.

- (2) Site access. 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 Chief Fire Marshall local fire department and; ~~if the Tier 2 or 3 battery energy storage system is located in an ambulance district, the local ambulance corps.~~
- (3) Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances specified by the manufacturer and regulation, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.
- (4) Emergency operations plan. A copy of the approved emergency operations plan shall be given to the system owner/operator, the local fire department, and Chief Fire Marshal. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, Town of Islip Division of Fire Prevention personnel ~~fire code officials~~, and emergency responders. The emergency operations plan shall include the following information:
 - (a) 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 start-up following cessation of emergency conditions.
 - (b) Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - (c) Procedures to be followed in response to notifications from the battery energy storage management system 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.
 - (d) 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 can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - (e) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - (f) 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.
 - (g) Other procedures as determined necessary by the Town of Islip to provide for the safety of occupants, neighboring properties, and emergency responders.
 - (h) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

- M. Abandonment. The battery energy storage system use shall be considered abandoned when it ceases to operate for more than one year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town of Islip may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 ~~or 3~~ battery energy storage system and restoration of the site in accordance with the decommissioning plan.
- N. 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 or of the Town ~~Code of Islip~~.
- O. Severability. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, 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.

**MEMORANDUM FROM:
OFFICE OF THE TOWN ATTORNEY**

No. 3

TO: SUPERVISOR ANGIE M. CARPENTER
COUNCILMAN JORGE C. GUADRÓN
COUNCILMAN JOHN M. LORENZO
COUNCILMAN MICHAEL MCELWEE, JR.
COUNCILWOMAN DAWNMARIE D. KUHN

FROM: WILLIAM F. GARBARINO, TOWN ATTORNEY

RE: TOWN BOARD DISCUSSION AGENDA

Authorization for the Town Clerk to advertise for a public hearing to consider amendments to Chapter 37 of the Islip Town Code, entitled “Boats and Waterways.”

FOR INCLUSION ON THE TOWN BOARD DISCUSSION AGENDA ON AUGUST 27, 2026 AT 10:00AM.

SHOULD YOU HAVE ANY QUESTIONS, OR IF YOU REQUIRE ADDITIONAL INFORMATION RELATIVE TO THE ATTACHED, PLEASE CONTACT:

Thomas Owens

IF YOU HAVE ANY COMMENTS, PLEASE ADVISE AS SOON AS POSSIBLE.

enclosure:

cc: LINDA D. VAVRICKA, TOWN CLERK
JOSEPH LUDWIG, COMPTROLLER
TRACEY KRUT, CHIEF OF STAFF

**TOWN OF ISLIP
SPONSOR'S MEMORANDUM
FOR TOWN BOARD RESOLUTIONS**

INSTRUCTIONS: All submissions for placement on the Town Board Meeting agenda must be accompanied by a sponsor's memorandum, which shall be the covering document. All agenda submissions shall be reported to the Town Attorney no later than 14 days prior to the scheduled Town Board meeting.

PURPOSE: Describe the essence of the attached resolution and give a brief background. Explain any policy implications, whether this item has previously been before the Board, and if any similar resolutions have previously been passed or denied by the Board.

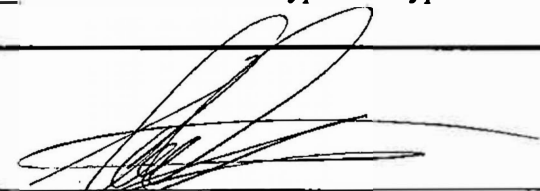
The proposed resolution is authorizing the Town Clerk to advertise for a public hearing to amend Town Code § 37-58 (B) to allow limited governmental use of electric-powered boats on Lake Ronkonkoma.

SPECIFY WHERE APPLICABLE:

1. Entity or individual benefitted by resolution: Town of Islip
 2. Site or location effected by resolution: Lake Ronkonkoma
 3. Cost: N/A
 4. Budget Line: N/A
 5. Amount and source of outside funding: N/A
-

ENVIRONMENTAL IMPACT: What type of action is being authorized by this resolution?

- ☐ Type 1 action under 6 NYCRR, Section 617.4(b), number _____. Full EAF required.
- ☒ Type 2 action under 6 NYCRR, Section 617.5(c), number 26. SEQR review complete.
- ☐ Action not listed as Type I or Type II under Part 617 of the NYCRR. Short EAF required.
-



Signature of Commissioner/Department Head Sponsor

8/24/2026

Date

WHEREAS, the Town Board of the Town of Islip has determined that it is in the public interest to amend Chapter 37 of the Islip Town Code entitled "Boats and Waterways"; and

WHEREAS, Section 37-58(B) of the Town Code currently prohibits the operation of motorboats and propeller-driven vessels on Lake Ronkonkoma; and

WHEREAS, Suffolk County has established the Lake Keeper Program in conjunction with the Marine and Atmospheric Science program at SUNY Stony Brook to conduct water quality monitoring, environmental assessment (chemical, bacterial, algae, etc.), remediation activities, and scientific research relating to Lake Ronkonkoma; and

WHEREAS, the Town Board finds that limited operation of electric vessels by governmental personnel, or their agents engaged in such activities serves an important public purpose by facilitating the study, protection, restoration, and management of Lake Ronkonkoma while maintaining the general prohibition applicable to the public; and

WHEREAS, the proposed amendment would create a narrowly tailored exception permitting the use of electric motor powered vessels by governmental entities and their authorized personnel in connection with the Lake Keeper Program and related governmental environmental, scientific and emergency response activities.

NOW, THEREFORE, on motion of Councilperson _____, seconded by Councilperson _____, be it

RESOLVED, that the Town Clerk is hereby authorized and directed to advertise for a public hearing to consider the adoption of proposed Local Law No. __ of 2026, amending Chapter 37 of the Islip Town Code, entitled "Boats and Waterways," by amending § 37-58(B) to provide a limited exception to the prohibition on electric propeller-driven vessels on Lake Ronkonkoma for certain governmental activities, as set forth in the attached document.

SEE ATTACHED

Additions are indicated by UNDERLINING
DELETIONS are indicated by ~~STRIKEOUTS~~

Upon a vote being taken, the result was:

September 15, 2026
Resolution # __

WHEREAS, the Town Board of the Town of Islip has determined that it is in the public interest to amend Chapter 37 of the Islip Town Code entitled "Boats and Waterways"; and

WHEREAS, Section 37-58(B) of the Town Code currently prohibits the operation of motorboats and propeller-driven vessels on Lake Ronkonkoma; and

WHEREAS, Suffolk County has established the Lake Keeper Program in conjunction with the Marine and Atmospheric Science program at SUNY Stony Brook to conduct water quality monitoring, environmental assessment (chemical, bacterial, algae, etc.), remediation activities, and scientific research relating to Lake Ronkonkoma; and

WHEREAS, the Town Board finds that limited operation of electric vessels by governmental personnel, or their agents engaged in such activities serves an important public purpose by facilitating the study, protection, restoration, and management of Lake Ronkonkoma while maintaining the general prohibition applicable to the public; and

WHEREAS, the proposed amendment would create a narrowly tailored exception permitting the use of electric motor powered vessels by governmental entities and their authorized personnel in connection with the Lake Keeper Program and related governmental environmental, scientific and emergency response activities; and

WHEREAS, a public hearing on the proposed amendments was duly held on September 15, 2025.

NOW, THEREFORE, on motion of Councilperson _____, seconded by Councilperson _____, be it

RESOLVED, that the Town Clerk is hereby authorized and directed to advertise for a public hearing to consider the adoption of proposed Local Law No. __ of 2026, amending Chapter 37 of the Islip Town Code, entitled "Boats and Waterways," by amending § 37-58(B) to provide a limited

exception to the prohibition on electric propeller-driven vessels on Lake Ronkonkoma for certain governmental activities, as set forth in the attached document.

SEE ATTACHED

Additions are indicated by UNDERLINING
DELETIONS are indicated by ~~STRIKEOUTS~~

Upon a vote being taken, the result was:

§ 37-58 Searchlights; Lake Ronkonkoma; registration.

A. Searchlights. No person operating a boat shall use search-lights in such a manner as to annoy or disturb other persons or boats.

B. Lake Ronkonkoma. No motorboats or propeller-driven vessels shall be operated upon Lake Ronkonkoma. No automobiles, trucks, motorcycles, tractors, trailers, snowmobiles or any other all-terrain motor-driven or propeller-driven or motorized vehicle or device shall be operated upon Lake Ronkonkoma.

Notwithstanding the foregoing, electric powered boats may be operated upon Lake Ronkonkoma by Suffolk County, the Town of Islip, the Town of Brookhaven, or their respective officers, employees, agents, contractors, and designees when such operation is undertaken in connection with the Lake Keeper Program or any governmental lake monitoring, water quality assessment, environmental remediation (chemical, bacterial, algae, etc.), scientific research, ecological restoration or emergency response activities. Such operation shall be limited to the performance of official governmental duties.

C. Every electric powered boat operated on the navigable waters lying within or bordering the boundaries of the Town shall be registered and numbered, pursuant to the requirements of Article 48 of the New York State Vehicle and Traffic Law. No person shall operate or give permission for the operation of any electric powered boat on the navigable waters of the Town unless it is so registered and numbered, pursuant to Article 48, and the identification number of said vessel is in full force and effect and displayed, pursuant to Article 48 of the New York State Vehicle and Traffic Law.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Islip will hold a public hearing on **Tuesday, September 15, 2026, at 5:30 p.m.**, at Islip Town Hall, 655 Main Street, Islip, New York, to consider a proposed local law amending Chapter 37 of the Islip Town Code, entitled "Boats and Waterways," by amending § 37-58(B) to provide a limited exception to the prohibition on electric powered and propeller-driven vessels on Lake Ronkonkoma for certain governmental activities, including activities undertaken in connection with the Lake Keeper Program and related governmental environmental monitoring, water quality assessment, scientific research, remediation and emergency response functions. A copy of the proposed local law is available for public inspection during normal business hours at the Office of the Town Clerk, Town Hall, 655 Main Street, Islip, New York 11751.

Members of the public may provide comments at the public hearing or may submit written comments in advance to the Town Clerk by email at **townclerk@islipny.gov** or by mail to the address above. Public comment will also be accepted at the Town Board meeting scheduled for **September 15, 2026**.

**MEMORANDUM FROM:
OFFICE OF THE TOWN ATTORNEY**

No. 4

TO: SUPERVISOR ANGIE M. CARPENTER
COUNCILMAN JORGE C. GUADRÓN
COUNCILMAN JOHN M. LORENZO
COUNCILMAN MICHAEL MCELWEE, JR.
COUNCILWOMAN DAWNMARIE D. KUHN

FROM: WILLIAM F. GARBARINO, TOWN ATTORNEY

RE: TOWN BOARD DISCUSSION AGENDA

Authorization for the Supervisor to execute an undertaking agreement with NYSDOT in connection with a road closure permit for the Town's September 11th Memorial Ceremony.

FOR INCLUSION ON THE TOWN BOARD DISCUSSION AGENDA ON AUGUST 27, 2026 AT 10:00AM.

SHOULD YOU HAVE ANY QUESTIONS, OR IF YOU REQUIRE ADDITIONAL INFORMATION RELATIVE TO THE ATTACHED, PLEASE CONTACT:

William F. Garbarino, Esq.

IF YOU HAVE ANY COMMENTS, PLEASE ADVISE AS SOON AS POSSIBLE.

enclosure:

cc: LINDA D. VAVRICKA, TOWN CLERK
JOSEPH LUDWIG, COMPTROLLER
TRACEY KRUT, CHIEF OF STAFF

**TOWN OF ISLIP
SPONSOR'S MEMORANDUM
FOR TOWN BOARD RESOLUTIONS**

INSTRUCTIONS: All submissions for placement on the Town Board Meeting agenda must be accompanied by a sponsor's memorandum, which shall be the covering document. All agenda submissions shall be reported to the Town Attorney no later than 14 days prior to the scheduled Town Board meeting.

PURPOSE: Describe the essence of the attached resolution and give a brief background. Explain any policy implications, whether this item has previously been before the Board, and if any similar resolutions have previously been passed or denied by the Board.

Resolution authorizing the Supervisor to execute an undertaking agreement with NYSDOT in connection with a road closure permit for the Town's September 11th Memorial Ceremony.

SPECIFY WHERE APPLICABLE:

1. Entity or individual benefitted by resolution: TOI
 2. Site or location effected by resolution: TOI
 3. Cost: N/A
 4. Budget Line: N/A
 5. Amount and source of outside funding: N/A
-

ENVIRONMENTAL IMPACT: What type of action is being authorized by this resolution?

- ☐ Type 1 action under 6 NYCRR, Section 617.4(b), number _____. Full EAF required.
- ☒ Type 2 action under 6 NYCRR, Section 617.5(c), number 26. SEQR review complete.
- ☐ Action not listed as Type I or Type II under Part 617 of the NYCRR. Short EAF required.
-

William F. D'Amico
Signature of Commissioner/Department Head Sponsor

8/25/26
Date

WHEREAS, on September 11th, 2026, the Town of Islip wishes to hold a memorial ceremony to honor those who lost their lives in the September 11th terrorist attacks (the “Ceremony”); and

WHEREAS, the Ceremony will take place outside of Islip Town Hall, 655 Main Street, Islip NY; and

WHEREAS, during the Ceremony, a portion of Montauk Highway directly adjacent to Town Hall will need to be closed to allow for attendees to congregate; and

WHEREAS, as a condition to receiving a road closure permit, New York State Department of Transportation (“NYSDOT”) requires the Town execute an undertaking agreement; and

WHEREAS, this undertaking states that the Town shall (1) comply with all applicable rules, regulations and conditions (2) restore the site to its original condition (3) pay and hold New York state harmless for any costs incurred in connection with the road closure (4) defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee’s, activities or operations.

NOW, THEREFORE on motion of Councilperson _____,
seconded by Councilperson _____; be it

RESOLVED, that the Supervisor is authorized to execute an undertaking with NYSDOT in connection with a road closure permit for the Town’s September 11th Memorial Ceremony.