

§ 330-162.21. Battery energy storage systems in excess of 600 kWh. [Added 1-26-2021 by L.L. No. 3-2021

- A. Applications for the installation of battery energy storage systems with an aggregate capacity greater than 600 kWh shall be reviewed by the Planning Board pursuant to § 330-183, the special exception general standards in § 330-122 and as follows:
- B. Utility lines and electrical circuitry. All on-site utility lines shall be buried underground.
- C. Parcels upon which battery energy storage systems are placed shall adhere to the dimensional regulations for the applicable zoning district with additional standards as set forth below:
 - (1) The minimum lot area for all Business and Industrial District parcels proposing battery storage in excess of 600 kWh shall be 40,000 square feet.
 - (2) The minimum lot area for all residential parcels proposing battery storage in excess of 600 kWh shall be 120,000 square feet.
 - (3) The maximum height of any building or structure used for battery storage shall be 20 feet, as measured pursuant to § 330-5, Height of structure or building, except as may be required in a FEMA flood zone.
 - (4) The minimum required transitional side and rear yards shall be 50 feet when adjoining residential properties.
 - (5) The minimum screening within required yards shall include landscape plantings to be erected and maintained by the applicant along the front, side and rear property lines; the Planning Board may modify these requirements for screening where the same or better screening effect is accomplished by the natural terrain or foliage.
 - (6) Design and visibility. 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 existing terrain, character of the property and surrounding area without interfering with ventilation or exhaust ports.
 - (7) Adjoining street right-of-way.
 - (a) The minimum required transitional front yard shall be 20 feet, unless the Planning Board finds for aesthetic and/or safety reasons that additional setback is necessary.
 - (b) The minimum required screening shall be achieved by landscape plantings, including evergreen shrubs not less than four feet in height, and deciduous street trees that meet Town specifications.
- D. Fencing requirements.

- (1) Battery energy storage systems, including all mechanical equipment and buildings dedicated to battery energy storage systems shall be enclosed by a fence to a maximum height of six feet with a self-locking gate to prevent unauthorized access and shall not interfere with ventilation or exhaust ports.
- (2) All required fencing shall comply with front yard setbacks pursuant to the table of dimensional regulations for the applicable zoning district.
- (3) The Planning Board shall require landscaping located between the fence and the surrounding properties, including the public right-of-way as appropriate and necessary.

E. Accessory/principal use.

- (1) Battery storage in excess of 600 kWh shall not be permitted as accessory to the principal use of a residential dwelling.
- (2) In Business and Industrial Districts, battery storage in excess of 600 kWh shall constitute a principal use and as such parcels shall comply with the maximum number of uses as per § 330-31.
- (3) Battery storage in excess of 600 kWh may be considered accessory when the primary use of a parcel is for the generation of electricity via solar panels.

F. Avoidance area. Battery energy storage systems facilities shall not be located in the following avoidance areas:

- (1) Flood hazard zones, unless compliance with FEMA can be achieved without significant visual or safety impacts.
- (2) Aquifer Protection Overlay District where the clearing standards cannot be met.
- (3) Agricultural lands and open space/greenbelt areas.
- (4) Historically and culturally significant resources, unless it can be demonstrated that an installation will not adversely affect the historic resource and is fully reversible.
- (5) Designated conservation areas, including but not limited to lands purchased through the Community Preservation Fund.
- (6) Scenic corridors or viewsheds, unless the installation is fully camouflaged and is found to not compromise the scenic corridor or viewshed.
- (7) Wetlands, both tidal and freshwater.

G. Submission. A complete site plan pursuant to §§ 330-181, 330-183, 330-184 and special exception requirements as follows:

- (1) 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.

- (2) 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.
- (3) 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 building permit.
- (4) 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 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 Planning Board prior to final inspection and approval and maintained at an approved on-site location.
- (5) 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.
- (6) Operation and maintenance manual. Such 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.
- (7) 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 Planning Board in consultation with the Town Engineer.

H. Signage.

- (1) The signage shall be in compliance with ANSI (American National Standards Institute) 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 NEC (National Electric Code), 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.

- I. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties and must adhere to Article XXIX of the Town Zoning Code.
- J. Noise. The one-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall comply with noise standards found in § 235-3B. 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.
- K. All applications shall include an emergency operations plan. a copy of the approved emergency operations plan shall be given to the system owner, the local Fire Department, and local Fire Code Official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 - (1) 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.
 - (2) Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - (3) 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.
 - (4) 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.
 - (5) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - (6) 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.

- (7) Other procedures as determined necessary by the Planning Board to provide for the safety of occupants, neighboring properties, and emergency responders.
 - (8) 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.
- L. Ownership changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special exception approval 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 shall notify the Planning Department of such change in ownership or operator in writing within 30 days of the ownership change. All permits and approvals for the battery energy storage system shall be void if a new owner or operator fails to provide written notification to the Planning Department within the required timeframe. Reinstatement of a voided special exception/site plan will be subject to approval process for new applications.
- M. Decommissioning. All site plan applications shall include a decommissioning plan. The decommissioning plan shall include the following:
- (1) A narrative description of the activities to be accomplished, including who will perform that 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;
 - (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - (3) The anticipated life of the battery energy storage system;
 - (4) The estimated decommissioning costs and how said estimate was determined;
 - (5) The method of ensuring that funds will be available for decommissioning and restoration;
 - (6) The method by which the decommissioning cost will be kept current;
 - (7) 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
 - (8) 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.

- (9) The owner and/or operator of the energy storage system shall implement said plan upon abandonment and/or in conjunction with removal from the facility.
- N. Decommissioning fund. The owner and/or operator of the energy storage system shall continuously maintain a fund payable to the Town of Southampton, in a form and amount approved by the Town for the removal of the battery energy storage system, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.