

## **Summary of Town of Islip Battery Energy Storage System (BESS) Law (§68-456)**

This document provides a plain-English summary of the Town of Islip's Battery Energy Storage System (BESS) law (§68-456). The law establishes how BESS projects are permitted, regulated, and operated within the Town. It does not prohibit BESS; rather, it creates a regulatory framework that allows these facilities under defined conditions.

### **Purpose and Intent**

The stated intent of the law is to protect public health, safety, welfare, and quality of life while supporting the transition to renewable energy. The Town seeks to regulate where and how BESS facilities are installed, ensure compatibility with surrounding land uses, and mitigate environmental impacts.

### **BESS Classification (Tiers)**

- Tier 1: Systems up to 80 kWh, typically residential-scale. Permitted in all zoning districts with minimal review.
- Tier 2: Systems between 81 and 600 kWh. Permitted in business and industrial zones with site plan review and additional review if located near residential areas.
- Tier 3: Systems over 600 kWh (utility-scale). Permitted in industrial zoning districts and subject to site plan review and Planning Board special permit approval.

### **Zoning and Permitting**

Tier 2 and Tier 3 BESS facilities are explicitly allowed in certain zoning districts. Proximity to residential areas does not prohibit approval but may trigger additional review requirements. Multiple permits are required, including building, electrical, and BESS-specific permits.

### **Safety and Emergency Operations**

The law requires compliance with New York State Fire Code, Building Code, National Electric Code, and NFPA standards. An Emergency Operations Plan (EOP) is required and must be approved prior to final approval and operation. The EOP must be provided to the system owner/operator, the local fire department, and the Fire Marshal, and a copy must be kept on-site. However, the law does not require fire department sign-off, proof of responder training, or emergency drills prior to approval.

### **Screening, Fencing, and Site Design**

Larger systems must include fencing, landscaping, and visual screening. Tier 3 systems require enhanced fencing and buffers, but the law does not mandate minimum setbacks from homes, schools, or other sensitive uses.

### **Decommissioning and Financial Security**

Tier 2 and Tier 3 systems must submit a decommissioning plan detailing removal, disposal, site restoration, and estimated costs. Owners must maintain a financial security mechanism (bond or fund) to cover decommissioning. The law does not require periodic independent reassessment of these costs for inflation or future remediation risks.

### **Enforcement and Ownership Changes**

Violations are subject to civil and criminal penalties under Town law. Special permits transfer automatically with ownership changes, provided the new owner notifies the Fire Marshal. A failure to notify can void approvals.

### **Key Takeaway**

The Town of Islip BESS law establishes a process that allows battery energy storage facilities to be developed and operated under regulatory oversight. While it includes safety and permitting requirements, it relies heavily on discretionary approvals, developer compliance, and post-approval enforcement rather than mandatory prohibitions or hard safety buffers.