

Town of Bristol
Planning & Zoning Board of Appeals
Joint Meeting
March 16, 2021.

Members Present: Karen Ellmore, Joann Rogers, Justin Steinbach, Bob Stryker, Marty Snyder, John Krebbeks, Donna Beretta, A J Mangan, Marty Snyder and Secretary Sandra Riker

Excused: Patti Giordano and Steve Smiley:

Battery Energy Storage Law:

Chairwoman Ellmore did a comparison of the model law provided by NYSERDA with the Town of Burns and Mount Morris to provide some guidance for the Town of Bristol to proceed with adopting a Battery Storage Law.

The Boards came up with the following questions for Chris Jensen, CEO: What codes are necessary for compliance for the two tiers?

- 2. Statement of Purpose
 - D. To create synergy between battery energy storage system development **the Town's Solar Energy Law as well as with the Comprehensive Plan.**
- 3. Definitions-
 - **Decommissioning should be added.**
 - **Prime Soils: Soils designated as prime soils by the N Y S Department of Agriculture and Markets**
 - **UL: Underwriters Laboratory, an accredited standards developer in the US.**
- 5. General Requirements-
 - **A. A building permit and an electrical permit requiring a third-party electrical inspection shall be required for installation of all battery energy storage systems.**
 - **D. 1) The applicant of any structure shall provide, at no cost to the Town or fire department, fire department training related to potential fire issues that are site specific and could arise from the structure, which training shall be provided when requested by the fire department but must at least be provided on an annual basis or when any updated equipment is installed.**
 - 2) **If specialized equipment is needed by the fire department, the Applicant or battery energy storage structures will pay for the costs of such equipment or reimburse the applicable fire department or applicable local government office or agency for the purchase of same. If there is more than one (1) Applicant, then such Applicants shall share in the costs on a pro-rata basis in proportion to the**

assessed value of the properties on which the structure owned by each Applicant is located.

- 7. Permitting Requirements for Tier 2 Battery Energy Storage Systems- Tier 2 Battery Energy Storage Systems are permitted through the issuance of a special use permit within all districts, excluding an area in an Agricultural District with Prime Soils unless for onsite use, and shall be subject to the Uniform Code and from the site plan review requirements set forth in this Section.
 - A. Applications for the installation of Tier 2 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 the Local Law including, but not necessarily limited to, (i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the energy Code and (ii) 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, and Permit Time Frame and Abandonment. Applicants shall be advised within (10) business 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 reviewing Board of the Town 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 500 feet of the property at least (10) days prior to such a hearing. Proof of mailing shall be provided to the Reviewing Board at the public hearing.
 - F. Noise. The [1 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 non-participating residence occupied community building. Applicants may submit equipment and component manufacturers 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.

Questions for the Code Enforcement Officer to be answered by the next meeting are:

1. What Codes should the Bess Systems be required for compliance-both tier 1 and 2?
2. Should tier 1 have a less restrictive permitting process for residential & commercial smaller size requirements? What would be required for a permit?

Other talking points of the evening-the application for BESS should line up with the current solar law for screening and distance requirements to nearby residential dwellings.

The Model Law only addresses Tier 1 and Tier 2 but does not mention Tier 3, why is that?

All Board members agreed that this review will continue at the next meeting set for June 22, 2021. At the time they will pick up with the Decommissioning portion of the Model Law.

Respectively Submitted,

Sandra Riker

Town of Bristol
planning and zba Secretary

The Minutes of March 16, 2021 were accepted at the June 22, 2021 meeting with a motion by A. J. Magnan and a second by John Krebbeks. All Board members present agreed.