**MINUTES FOR TOWN OF CHEMUNG TOWN BOARD MEETING HELD June 11TH, 2025 AT 7PM in the Town Hall at 48 Rotary Road Ext. Chemung NY 14825**

SUPERVISOR RICHTER LED EVERYONE IN THE PLEDGE OF ALLEGIANCE TO SALUTE THE FLAG.

**ROLL:** PRESENT: BIRNEY; BERNATAVITZ; LOPER; RICHTER

ABSENT: BROWN, BERNATAVITZ

**RESOLUTION 2025-051**

**ACCEPT MINUTES FOR MAY 2025**

ON A MOTION BY BIRNEY AND SECONDED BY LOPER THE MINUTES OF JUNE 14TH, 2025 WERE ACCEPTED.

**CARRIED:** AYES: BERNATAVITZ; BROWN; BIRNEY; LOPER; RICHTER

NAYES: NONE

**PUBLIC HEARING ON THE PROPOSED LOCAL LAW 1 REGULATING BATTERY ENERGY STORAGE** The public hearing was opened at 7:17 P.M. for public comment and was closed at 7:17 P.M.

**COMMUNICATIONS:**

1. NYS ORPS
2. EXCELLUS

**PUBLIC FORUM:**

Marshall French asked about the insurance increase

**BUILDING COMMITTEE:**

1. NONE

**OLD BUSINESS:**

1. Welcome to Chemung Sign
2. Local Law Regulating Battery Energy Storage

**NEW BUSINESS:**

**RESOLUTION 2025-053**

**LOCAL LAW #1 OF 2025**

**BATTERY ENERGY STORAGE SYSYTEM**

**RESOLUTION BY:** BROWN

**SECONDED BY:** BERNATAVITZ

**RESOLVED,** THE CHEMUNG TOWN BOARD AGREES TO THE BATTERY ENERGY STORAGE SYSTEM LAW.

**CARRIED: AYES:** BROWN; BIRNEY; BERNATAVITZ; LOPER; RICHTER

**NAYS:** NONE

Town of Chemung, NY Local Law #1 of 2025

Battery Energy Storage System Law

# 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 (1) and (7) sections 261-263 of the Town Law of the State of New York, which authorize the Town of Chemung *to adopt provisions* that advance and protect the health, safety, and welfare of the community.

# Statement of Purpose

This Battery Energy Storage System (BESS) Law is adopted to advance and protect the public health, safety, welfare, and quality of life of the Town of Chemung by establishing clear regulations for the installation and use of battery energy storage systems.

* 1. This Local Law is based on the NYSERDA Battery Energy Storage System Model Law and is designed to ensure the safe and responsible deployment of BESS technology within the town. It permits Tier 1 Battery Energy Storage Systems— limited to 80 kWh, allowing homeowners to benefit from energy savings, peak load management, and increased energy resilience.
  2. At the same time, this law prohibits the installation and operation of non-Tier 1 (utility-scale) BESS systems within the Town of Chemung. This prohibition reflects concerns regarding safety risks, emergency response challenges, and environmental impacts associated with larger-scale energy storage facilities.
  3. This law serves as a proactive measure to balance technological innovation with the safety and well-being of the community.
  4. This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare, and quality of life of the Town of Chemung by creating regulations for the installation and use of battery energy storage systems.

# Definitions

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

**ANSI:** American National Standards Institute

**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 law, batteries utilized in consumer products are excluded from these requirements.

**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:** 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 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

* 1. Tier 1 Battery Energy Storage Systems having an aggregate energy capacity less than or equal to 80kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. (e.g., all lithium-ion or all lead-acid, but not a mix).
  2. Tier 2 Battery Energy Storage Systems are those systems that are not Tier 1 systems. *This law prohibits any Battery Energy Storage System that is not Tier 1.*

**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 system, provided the following:
   1. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
   2. A means of egress is provided from the administrative and support use areas to the public way 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 Electric Code.

**NFPA:** National Fire Protection Association.

**NON-DEDICATED-USE BUILDING:** All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

**NON-PARTICIPATING PROPERTY:** Any property that is not a participating property.

**NON-PARTICIPATING RESIDENCE:** Any residence located on non-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, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

**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.

**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.

# Applicability

* 1. The requirements of this Local Law shall apply to all proposed battery energy storage systems permitted, installed, or modified in the Town of Chemung after the effective date of this Local Law, excluding general maintenance and repair.
  2. 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.
  3. 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 Local Law.

# General Requirements

* 1. A building permit and an electrical permit 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 (1) contain or are otherwise associated with a battery energy storage system and (2) 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 all applicable provisions of the codes, regulations, and industry standards as referenced in the NFPA Code, and the Town of Chemung Code.

# Permitting Requirements for Tier 1 Battery Energy Storage Systems

Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, subject to the general requirements (Section 5), Uniform Code, NFPA 855 Section 15 and the “Battery Energy Storage System Permit,” and are exempt from site plan review.

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AI-generated content may be incorrect.

NFPA 855 Section 15

# Safety

* 1. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:
     1. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
     2. UL 1642 (Standard for Lithium Batteries),
     3. UL 1741 or UL 62109 (Inverters and Power Converters),
     4. Certified under the applicable electrical, building, and fire prevention codes as required.
     5. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.
     6. NFPA (National Fire Protection Association) 855 Section 15
  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 local fire department.
  3. 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 NFPA70.

# 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 Chemung.

# 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.

# . Effective Date

This local law shall become effective upon filing with the Secretary of State.

**RESOLUTION 2025-054**

**ACCEPT MONTHLY REPORTS**

**RESOLUTION BY:** BIRNEY

**SECONDED BY:** LOPER

**RESOLVED,** the Chemung town board agrees to accept the monthly reports from all reporting departments, Supervisor, Code, Town Clerk and Justice Court

**CARRIED:** AYES: BROWN; BIRNEY; BERNATAVITZ; LOPER; RICHTER

NAYES: NONE

**RESOLUTION 2025-055**

**PAY MONTHLY BILLS**

**RESOLUTION BY:** BROWN

**SECONDED BY:** BERNATAVITZ

**RESOLVED,** the Chemung town board agrees to pay the monthly bills for all departments.

General: $35,954.65

Highway: $30,618.80

**CARRIED:** AYES: BROWN; BIRNEY; BERNATAVITZ; LOPER; RICHTER

NAYES: NONE

ON A MOTION BY BIRNEY AND SECONDED BY LOPER THE MEETING WAS ADJOURNED AT 7:26 PM UNTIL July 9TH, 2025 at 7 P.M.

**CARRIED:** AYES: BROWN; BIRNEY; BERNATAVITZ; LOPER; RICHTER

NAYES: NONE

RESPECTFULLY SUBMITTED:

NATASHA CONKLIN

CHEMUNG TOWN CLERK