

This Regular Meeting of the Brant Town Board was held on Tuesday March 10, 2026, at the Brant Town Hall, located at 1272 Brant North Collins Rd, Brant, New York at 7:00 PM.

PRESENT WERE:

Mark DeCarlo	Town Supervisor
Linda Giancarlo	Councilwoman
Donald Clark	Councilman
Michael Muffoletto	Councilman
Tish Brady	Councilwoman
Bill Trask	Town Attorney
Kristen Podkulski	Recording Secretary

ALSO, PRESENT AND LEGIBLY SIGNED IN WERE:

Patty Friend	Town Historian
Janice Ross	Resident
Tracy Kaczmarek	Supervisor's Secretary
Alan Haungs	United 4 Freedom representative, Derby NY
Martin Rosiek	Planning Board/Resident
Donna Marien	Resident
Chad Kaczmarek	Town Justice
Gene Majchrzak	Senator Gallivan's Office
James George	Resident
Brenda Giaccchino	Resident
Jack Giacchino	PD Investigator

The meeting opened at 7:05 PM with the Pledge of Allegiance to the flag.

APPROVAL OF THE MINUTES of the FEBRUARY 10TH, 2026 REGULAR TOWN BOARD MEETING: Councilwoman Giancarlo motioned to approve the minutes and was seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

Introduction of Gene Majchrzak from Senator Gallivan office.

SUPERVISOR'S FINANCIAL REPORT: Councilwoman Brady motioned to approve the Supervisor's January Financial Report, seconded by Councilman Muffoletto. 4 ayes, 1 nay. **MOTION CARRIED**

TOWN CLERK/TAX COLLECTOR'S REPORT Report was **TABLED**.

COURT CLERK'S JANUARY 2026 FINANCIAL REPORTS FOR KACZMAREK & GIER REGULAR AND BAIL ACCOUNTS: Supervisor DeCarlo motioned to approve both Bail and Regular Financial accounts for Justice Kaczmarek's & Justice Gier for January 2026, seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

POLICE REPORT FOR FEBRUARY 2026: The Chief of police was absent. The report was read by Inv. Jack Giacchino. They are working on 2 death reports, 1 stolen vehicle report & 2 fraud cases. The Brant Police Department has received several complaints about juveniles on dirt bikes again on Brant Reservation Road. This is the same issue that they were having last year and believe it is the same individuals who are now believed to be of adult age. The Brant Police will be putting a stop to this and once these individuals will be caught and charged as adults. The Brant Police Department would like to extend their condolences to the Family of Honorable Judge Gier. Supervisor DeCarlo motioned to approve the report as read. Seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

HIGHWAY SUPERINTENDENT'S REPORTS: Superintendent Nolan was absent. Report was **TABLED**.

TOWN CLERK'S FEBRUARY 2026 ACTIVITY REPORT TO THE BOARD: Deputy Town Clerk Kristen Podkulski read the February activity report. Supervisor DeCarlo motioned to accept, seconded by Councilwoman Brady. 5 ayes, 0 nays. **MOTION CARRIED.**

PLANNING BOARD REPORT: Supervisor DeCarlo read the summary of the Planning Board report. The Planning Board performed discussions regarding the upcoming Solar project. Supervisor DeCarlo Motioned to approve the report as read, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

ZONING BOARD REPORT: No meeting was held.

TOWN HISTORIAN REPORTS: Town historian Patty Friend read her report. She stated that the new Historical room hours has been working out great. She acknowledged the monetary donation of \$150 that she received from Gail Liias and sisters who are relatives of the Winters Family. She mentioned that she is currently working on her display for the Brant Summer Festival. Supervisor DeCarlo motioned to accept the report as read, seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

BRANT FARNHAM SENIORS: Councilwoman Brady read the report. Councilwoman Brady made a motioned to approve the report as read, seconded by Supervisor DeCarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

CODE ENFORCEMENT REPORT: Code Enforcement report was read by Supervisor DeCarlo. 5 properties currently in court. Supervisor DeCarlo motioned to accept the report, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

At this time, Supervisor DeCarlo introduced Bridget O'Toole, special Council, who introduced the proposed local law 1 of 2026 and explained the process to the Town Board. Supervisor DeCarlo then read the Resolution:

TOWN OF BRANT TOWN BOARD

RESOLUTION INTRODUCING A PROPOSED LOCAL LAW ENTITLED "LOCAL LAW 1 OF 2026 BATTERY ENERGY STORAGE SYSTEMS LAW"

WHEREAS, the Town Board of the Town of Brant recognizes the growing need to regulate the siting, installation, and operation of battery energy storage systems within the Town; and

WHEREAS, the Town Board desires to establish reasonable regulations to protect the health, safety, and welfare of Town residents while promoting responsible energy development; and

WHEREAS, the Town Board further desires to obtain advisory recommendations from the Town of Brant Planning Board regarding the proposed law; and

WHEREAS, Section 20, subsection 4 of the New York State Municipal Home Rule Law allows for the introduction of a proposed local law by a member of the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Brant hereby introduces Proposed Local Law 1 of 2026 entitled "Battery Energy Storage Systems Law," a copy of which is attached hereto and made a part hereof, and the Town Clerk is hereby directed to enter said proposed local law into the minutes of this meeting.

BE IT FURTHER RESOLVED, that the proposed local law is hereby referred to the Town of Brant Planning Board for review and written recommendations within 60 days of receipt of such referral.

Supervisor DeCarlo motioned to approve the resolution as presented, seconded by Councilwoman Brady. A roll call vote was taken:

Supervisor DeCarlo-aye,

Councilwoman Brady-aye,

Councilman Muffoletto-aye,

Councilman Clark-aye,

Councilwoman Giancarlo-aye.

5 ayes, 0 nays. **RESOLUTION ADOPTED.**

LOCAL LAW 1-2026 “BATTERY ENERGY STORAGE SYSTEMS” DRAFT:

BATTERY ENERGY STORAGE SYSTEMS

§161-39-J

Adopted Local Law #__-2026

ARTICLE I

Enactment and Intent

§161-39-J(1). Title.

This chapter shall hereafter be known, cited and referred to as the "Battery Energy Storage Systems Law of the Town of Brant."

§161-39-J(2). Authority.

The Town of Brant Town Board enacts this Battery Energy Storage System chapter under the authority granted by:

- A. Article IX of the New York State Constitution, § 2(c)(6) and (10).
- B. New York Statute of Local Governments, § 10, Subdivisions 1, 6 and 7.
- C. New York Municipal Home Rule Law, § 10, Subdivision 1(i) and (ii), and § 10, Subdivision 1(ii)(a)(6), (11), (12) and (14).
- D. The supersession authority of New York Municipal Home Rule Law, § 10, Subdivision 1(ii)d(3), specifically as it relates to determining which body shall have power to grant variances under this section, and what variances may be granted to the extent such grant of power is different than under Town Law §§ 267 and 274-b, and as it relates to the power of the Town Board to regulate land use within the Town to the extent the provisions of this chapter differ from the authority granted to the Town by Article 16 of the Town Law.
- E. New York Town Law, Article 16 (Zoning).

- F. New York Town Law § 130, Subdivision 1 (Building code), Subdivision 3 (Electrical code), Subdivision 5 (Fire prevention), Subdivision 7 (Use of streets and highways), Subdivision 7-a (Location of driveways), Subdivision 11 (Peace, good order and safety), Subdivision 15 (Promotion of public welfare), Subdivision 15-a (Excavated lands), Subdivision 16 (Unsafe buildings), Subdivision 19 (Trespass), and Subdivision 25 (Building lines).
 - G. New York Town Law § 64, Subdivision 17-a (protection of aesthetic interests), and Subdivision 23 (General powers).
 - H. New York Real Property Tax Law § 487.
- A. Police powers of the Town of Brant; and the laws of the State of New York.

§161-39-J(3). Purpose and intent.

The Town of Brant Town Board recognizes that battery storage is an important component for grid reliability is supplementing intermittent sources of renewable energy and intends to accommodate the use of appropriately sited battery energy storage systems in the Town. Understanding that there is growing need to properly site battery energy storage systems within the boundaries of the Town, this chapter is designed to protect land uses, prime soils and important soil types in the community and protect the health, safety and general welfare of citizens; preserve the overall beauty, nature and character of the Town; and promote effective and efficient use of renewable energy resources. Prior to the adoption of this chapter, the Town had no specific procedures to address the use and siting of battery energy systems. Hence, this chapter seeks to:

- a. Provide property owners and business owners/operators with guidance and flexibility in satisfying their energy needs.
- b. Provide an opportunity for the use of alternative sources of energy within the Town of Brant and promote clean energy.
- c. Integrate battery energy storage systems seamlessly into the Town's neighborhoods and landscapes without diminishing quality of life in these areas.
- d. To maintain the rural character of the Town.
- e. To preserve the agricultural base of land and farm operations, consistent with the Town of Brant Farmland Protection Policy.
- f. To advance state renewable energy policy by promoting grid reliability.
- g. To balance the potential benefit of battery energy storage development within the Town against potential negative impacts to citizens, property owners, agricultural resources, local economy and local ecosystem of the Town of Brant.

ARTICLE II

Terminology

§161-39-J(4). Definitions.

ANSI — American National Standards Institute.

APPLICANT — The individual/individuals or entity/entities that apply for any federal, state, or local government permit or permission for installation of a Battery Energy Storage System.

ARBORIST — An International Society of Arborists (ISA) certified professional with knowledge of arboriculture.

BATTERY(IES) — A single cell or a group of cells connected together electrically in series, in parallel, or 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 standalone 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:

- A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. Tier 1 Battery Energy Storage Systems are an accessory use or structure to the principal use.
 - B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area. Tier 2 Battery Energy Storage Systems are an accessory use or structure to the principal use and store up to 110% of the electricity consumed on the site over the previous 12 months.
1. Notwithstanding the above, a battery energy storage system located on a farm operation, as defined in § 301(11) or the relevant provision of the New York State Agriculture and Markets Law, and located in a New York State Agricultural District, which primarily serves the needs of such farm operation and stores up to 110% of the farm's needs, or other amount that may be established by resolution of the Brant Town Board in accordance with New York State Department of Agriculture and Markets guidance, shall be deemed a Tier 2 Battery Energy Storage System.

2. A system that does not exceed the production or output limits and otherwise conforms to the requirements of this definition shall not be excluded from designation as a Tier 2 Battery Energy Storage System as a result of selling or otherwise receiving credits or benefits for excess energy provided to the distribution grid.
- C. Tier 3 Battery Energy Storage Systems are utility or industrial grade systems that have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area. Tier 3 Battery Energy Storage Systems may be the principal use, or an accessory use to a Wind Energy Conversion System or Tier 3 Solar Energy System as defined in Town of Brant Solar Law, respectively.

BESS — A Battery Energy Storage System.

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:

- A. The building's only use is battery energy storage, energy generation, and other electrical-grid related operations.
- B. No other occupancy types are permitted in the building.
- C. Occupants in the building are limited to authorized personnel that operate, maintain, service, test and/or repair the battery energy storage system and its components.

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.

FACILITY AREA — The physical area, measured in both square feet and acres, used for any battery energy storage system, including the area within fencing, roads, visual screening, support facilities, and all other components of a battery energy storage system facility. The Facility Area is part of the Project Site.

FARMLAND OF STATEWIDE IMPORTANCE — Soils, designated as "Farmland of Statewide Importance" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

FARM OPERATION — Land and on-farm buildings, equipment, facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock products as a commercial enterprise (in accordance with Agriculture & Markets Law § 301[11]).

MINERAL SOIL GROUPS (MSG) 1-4 — Agricultural soil classifications as defined by the New York State Department of Agriculture and Markets. These soils are recognized as having the highest value based on soil productivity and capability.

NATIVE PERENNIAL VEGETATION — Native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

NEC — National Electric Code.

NET METERING AGREEMENT — An agreement with a local electric utility company that allows customers to receive a credit for surplus electricity generated by certain renewable energy systems.

POLLINATOR — Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

PRIME FARMLAND — Soils, designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

PRIME FARMLAND IF DRAINED — Soils which meet all necessary criteria for Prime Farmland other than depth to water table.

PROJECT SITE — The physical area needed for a battery energy storage system including any setbacks, buffers, fencing, roads, screening, support facilities, and battery energy storage system components. The Project Site includes the Facility Area.

ARTICLE III

General Provisions

§161-39-J(5). Applicability and General Requirements.

- a. Applicability.
 1. This Chapter supersedes other requirements of the Town of Brant Zoning Law as it pertains to the siting of Battery Energy Storage Systems.
 2. The requirements of this Local Law shall apply to all applications for Battery Energy Storage Systems to the Town of Brant after the effective date of this Local Law.

3. 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.
4. Any modifications to an existing Battery Energy Storage System that increases the Facility Area shall be subject to review pursuant to this Local Law.
5. Any proposed Battery Energy Storage System subject to review by the New York State Department of Public Service or New York State Office of Renewable Energy shall be subject to all substantive provisions of this Section and any other applicable laws, codes, and regulations of the Town of Brant, New York; and any other applicable State or Federal laws.
6. All Battery Energy Storage Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), the NYS Energy Conservation Code (“Energy Code”), and National Electrical Code (“NEC”).

b. General Requirements.

1. A Building and Zoning Permit shall be required for installation of all Battery Energy Storage Systems.
2. All applications shall be reviewed by the Code Enforcement Officer for completeness.
3. The Applicant shall pay the costs of the Town’s engineers and attorneys for time spent assisting the Town of Brant with its review of application.

4. Issuance of approvals by the Town of Brant shall be subject to review pursuant to the State Environmental Quality Review Act, ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”).
5. Siting of Battery Energy Storage Systems shall conform to the Town of Brant Comprehensive Plan and the Agricultural and Farmland Protection Plan.
6. The Town of Brant Code Enforcement Officer shall notify Brant Volunteer Fire Company No. 1, Village of Farnham Fire Department, and Village of North Collins Fire Department upon both the filing of an application for and the approval of a battery energy storage system of any size within the Town.
7. Compliance with Building Code.
 1.
 - i. Building permit applications shall be accompanied by standard drawings of structural components of the battery energy storage system. Drawings shall be stamped, and any necessary calculations shall be certified, in writing, by a licensed New York State professional engineer or architect to indicate that the system complies with the current New York State Building Code.
 1.
 - ii. Where the installation or structural components vary from the standard design or specifications, proposed modifications shall be certified by a licensed New York State professional engineer for compliance with the seismic and structural design provisions of the New York State Building Code
8. Compliance with Electrical Code.
 - i. Building permit applications shall be accompanied by a line drawing identifying the electrical components of the battery energy storage system to be installed in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. The application shall include a

statement from a New York State licensed professional engineer or architect indicating that the electrical system conforms to sound engineering practices and complies with the NEC. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

1.
 - ii. Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State licensed professional engineer for compliance with the requirements of the NEC and sound engineering practices.
9. Battery Energy Storage Systems requiring site plan review must submit the following information in addition to the requirements set forth in Brant Zoning Code:
 - i. Completed Town of Brant Battery Energy Storage System Application Form.
1.
 - ii. Completed Full Environmental Assessment Form.
1.
 - iii. Narrative description of the proposed project, including identification of all approvals sought, existing site conditions, adjacent land uses and owners.
1.
 - iv. Screening and Landscape Plan. This Plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following any applicable rules and standards established by the Town for such elements. Existing on-site vegetation may be used to satisfy all or a portion of the required landscaped screening.
1.
 - v. Lighting Plan.

1.
 - vi. Fencing Plan.
1.
 - vii. Emergency Response Plan.
1.
 - viii. 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.
1.
 - ix. Utility Plan.
1.
 - x. A three-line electrical diagram detailing the battery energy system design, associated components, and electrical interconnection methods, with all National Electrical Code (NEC) compliant disconnects and over current devices.
1.
 - xi. Applicant shall provide proof that the proposed Battery Energy Storage System has a current Certificate of Approval issued by the City of New York Fire Department pursuant to 3 RCNY 608-01.
1.
 - xii. A preliminary equipment specification sheet that documents all proposed Battery Energy Storage System components and equipment to be installed. A final equipment specification sheet shall be submitted prior to the issuance of the building permit.
- 1.

- xiii. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
-
- 1.
 - xiv. Name, address, phone number, and signature of the project applicant, as well as all the property owner(s), demonstrating their consent to the application and the use of the property for the battery energy storage system.
-
- 10. All system components must be designed and installed to comply with the National Electrical Code (NEC).
 - 11. No Battery Energy Storage System shall hereafter be used, erected, moved, reconstructed, changed or otherwise altered except in conformity with this law.
 - 12. All Battery Energy Storage Systems shall be fully accessible to all emergency service vehicles and personnel.
 - 13. All Battery Energy Storage Systems shall adhere to all applicable federal, state, county and Town of Brant laws and regulations, including building, plumbing, electrical, and fire codes.

§161-39-J(6). Permitting Requirements for Tier 1 and Tier 2 Battery Energy Storage Systems.

- a. Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts subject to the Uniform Code Requirements and the Zoning Permit. Tier 1 Battery Energy Storage Systems shall be exempt from site plan review subject to the following conditions:
 - 1. The Application for a Zoning Permit must include battery replacement schedule and guarantee.

2. The power supply cut off device for any Tier 1 Battery Energy Storage System shall be located on the outside of the structures that support such systems, in close proximity to where the power supply enters the facility, along with twenty-four-hour emergency contact information, where it can be easily accessed by emergency personnel.

- b. Tier 2 Battery Energy Storage Systems are permitted in all zoning districts as accessory structures and shall require site plan review subject to the following conditions:
 1. Design requirements:
 1.
 - i. All structures shall be nonreflective and painted a subtle or earth tone color.
 1.
 - ii. Views of the Tier 2 Battery Energy Storage System shall be minimized from adjacent properties with screening.
 1.
 - iii. Tier 2 Battery Energy Storage Systems shall be located in a manner to reasonably avoid and minimize blockage of views from surrounding properties.
 1.
 - iv. Tier 2 Battery Energy Storage Systems shall be located in a manner to reasonably avoid and minimize shading of adjacent properties.
 2. Height: The maximum height of any battery energy storage system is 15 feet from finished grade.

3. Setbacks: Tier 2 Battery Energy Storage Systems shall be subject to the setback regulations specified for principal structures within the underlying zoning district. Notwithstanding the foregoing, no Tier 2 Battery Energy Storage System may be located within 200 feet of an occupied residence on adjacent property. All Battery Energy Storage Systems shall not unreasonably encroach upon neighboring parcels through introduction of shade, nuisance noise, or other nuisance conditions.
4. Lot Size: Tier 2 Battery Energy Storage Systems shall comply with the existing lot size requirement specified for accessory structures within the underlying zoning district.

§161-39-J(7). Permitting Requirements for Tier 3 Battery Energy Storage Systems

Tier 3 Battery Energy Storage Systems are permitted in the Solar Overlay District by Special Use Permit approved by the Town of Brant Town Board, after reviewing recommendations from the Planning Board, and subject to the site plan application requirements, physical limitations on area and other substantive requirements in this chapter and the Brant Town Code. Tier 3 Battery Energy Storage Systems are a prohibited use outside of the Solar Overlay District. Tier 3 Battery Energy Storage Systems are presumed to be Type 1 actions subject to SEQRA review.

- a. Lot coverage: The facility area shall not exceed 33% of the total area of any tax parcel or lot. This coverage may be further reduced by the Town Board if it determines a lower coverage limit is necessary to accommodate environmental, aesthetic, or health and safety concerns.
- b. Lot Size: The minimum lot size for Tier 3 Battery Energy Storage Systems is 1 acre.
- c. Height: The maximum height of any battery energy storage system is 20 feet from finished grade.
- d. Setbacks. The minimum setbacks from adjacent property lines are as follows:
 1. Front: 200 feet from any public road, measured from the center of the road.

2. Side and Rear: 50 feet from all adjacent property lines.
 3. Minimum setback of 1,000 feet from an occupied residence, or residential primary structure on adjoining lots measured from the nearest structure of the facility to the nearest portion of the residential structure or 200 feet from all adjacent property lines bordering an occupied residence, or residential primary structure on adjoining lots, whichever is greater.
 4. Minimum setback of 1,000 feet from all property lines bordering any school, public park, or other public place that may be adversely impacted by the battery energy storage system.
 5. Setbacks shall be measured from the nearest fence or structure of the Facility Area.
- e. Design requirements:
1. All structures shall be painted a neutral or earth tone color.
 2. Vehicular paths and emergency access ways within the site shall be designed to minimize the extent of impervious materials and soil compaction. Topsoil in the same location as roads shall be stripped and stockpiled, and roads shall be capable of bearing the weight of emergency vehicles and sufficiently wide to permit access to emergency vehicles such as fire trucks and ambulances so that emergency vehicles may pass each other without leaving the road. Applicants, their successors, and assigns shall be responsible for keeping all access roads clear and passable by emergency equipment at all times.
 3. Signage shall not exceed 6-square-feet per sign and shall be printed on a light reflective surface. No signage other than those required in subsection (4) below are permitted.

4. Signage at the meter, facility entrances, and where access road(s) intersect with public roads shall be required that contains the following information:
 1.
 - i. Disconnect and emergency shut-off information as required by the National Electric Code.
 - ii. 24-hour emergency contact information.
 - iii. Owner and operator's name, address and telephone number.
 - iv. Facility address and project name.
 - v. Danger High Voltage signs.
5. Lighting. Lighting of the facility shall be limited to that minimally required for safety and operational purposes and shall be dark-sky compliant, directional and shielded from all neighboring properties and public roads.
6. Fencing. All mechanical equipment shall be enclosed by a fence at least seven feet in height with a self-locking gate. The use of barbed wire, razor wire or electric fencing is prohibited. Fencing must be made of non-reflective material. The use of opaque fencing is encouraged to promote visual impact mitigation.
7. Screening. The Facility Area 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 character of the property and surrounding area and not interfering with ventilation or exhaust ports. Existing vegetation on-site may be used to satisfy all or a portion of the required screening. Evergreens planted to be used as screening must be a minimum of 6-feet-tall at the time of planting. Off-site existing vegetation may not be used as part of a screening plan.
8. Landscaping. Landscaping used as screening must be maintained for the life of the project. Native vegetation is strongly encouraged to the extent practicable.
9. Transmission lines. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.

10. Deforestation discouraged. Removal of trees and other existing vegetation shall be limited to the extent necessary for the construction and maintenance of the battery energy facility. Removal of existing trees larger than 6 inches in diameter at breast height (DBH) must be avoided to the maximum extent practicable. Mitigation is required for removal of existing trees larger than 6-inches in diameter. Mitigation may include planting of appropriately sized trees used for screening elsewhere on-site.
11. Soils. Disturbance of Prime Farmland, Prime Farmland if Drained, Farmland of Statewide Importance, and MSG 1-4 shall be avoided to the maximum extent practicable.
12. The use avoids areas of potential environmental sensitivity, including unique natural areas, Floodplains, historic sites, state-owned lands, conservation easements, trails, parkland, prime soils, Lake Erie view shed, and wetlands as identified by the New York State Department of Environmental Conservation or the United States Army Corps of Engineers.
13. The use avoids installation on areas with slopes of greater than 15%.
14. The use avoids recreation areas and opens spaces designed for use by members of the public for recreation, hiking, biking, sporting events and similar activities, whether classified as pre-existing nonconforming uses or specially permitted.
15. Agricultural lands. Applicants must adhere to the NYS Department of Agriculture and Markets (NYSAGM) Guidelines for Battery Energy Projects-Construction Mitigation for Agriculture Lands, if any exist at the time of review of the Application. Applicants are encouraged to implement dual-use strategies to the maximum extent practicable or otherwise offset any loss of active agricultural activity.
16. Noise. Once in operation, sound pressure level at the exterior wall of any residence, occupied community building or nonparticipating residential property line, expressed in terms of dBA Leq-8hr, shall not exceed 45 dBA Leq-8hr as measured by a qualified acoustician. Applicants may submit equipment and component manufacturers noise

ratings to demonstrate compliance with its application. 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.

f. Decommissioning.

1. Battery Energy Storage Systems that have been abandoned and/or not producing electricity for a period of one year shall be removed at the owner and/or operator's expense.

2. Security.

1.

- i. The deposit, execution, or filing with the Town Clerk of cash or a letter of credit shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the state or local permit and provide for the removal and restorations of the site subsequent to removal. The amount of the letter of credit or cash escrow payment shall be 125% of the cost of removal of the Tier 3 Battery Energy Storage System and restoration of the property in accordance with any state or local permit conditions, with an escalator of 2% annually, or by a percentage equal to annual inflation rate as calculated using the Consumer Price Index published by the Labor Department's Bureau of Labor Statistics for the previous calendar year, whichever is greater, for the life of the battery storage energy system, except in any year where the decommissioning cost is recalculated as set forth below.

1.

- ii. The initial decommissioning cost calculation and subsequent updates shall be completed and stamped by a third-party New York State Licensed Professional Engineer with applicable battery energy storage facility experience, agreeable to both the facility owner and the Town of Brant. Such calculation shall also include a reasonable percentage allocated to possible soil remediation as a result of the install and/or operation of the Battery Energy Storage Systems.

1.
 - iii. Beginning on the second anniversary of completion of construction, and every fifth year thereafter until decommissioning is completed, a qualified and independent third-party assessor or other consultant agreeable to both the facility owner and the Town will recalculate the projected cost of decommissioning over the next five-year period, and the applicant shall adjust the amount of the letter of credit to match 125% of the recalculated decommissioning cost.
1.
 - iv. Change in ownership. The obligation to maintain a decommissioning security letter of credit or cash escrow benefitting the Town of Brant is a continuing obligation that may not be transferred without written consent of the Town of Brant, which consent shall not be unreasonably withheld.
1.
 - v. In the event the applicant is in default of its obligations to decommission the facility under any applicable law or permit, and after proper notice and expiration of any cure periods, the cash deposit, letter of credit, or security shall be forfeited to the Town which shall be entitled to maintain an action thereon. The cash deposit, letter of credit, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
3. In the event of default under this section or the conditions of any permit for construction and operation of the battery energy storage system, or abandonment of the battery energy storage system, the battery energy storage system shall be decommissioned as set forth herein.

§161-39-J(8). Special Use Permit Requirements.

- a. Application Requirements.
 1. Accurate Real Property Survey.

2. Completed Site Plan Application as set forth in this chapter.
3. Aerial site plan showing the location of relevant utility poles and lines, trees and structures, and the names of all adjacent property owners.
4. Operation and Maintenance Plan. Such plan shall describe continuing equipment maintenance and property upkeep, such as mowing and trimming, and insurance coverage.
5. Visual Impact Assessment (VIA). At a minimum, the VIA must include:
 - i. A line-of-sight profile analysis.
 1.
 - ii. Photographic simulations of the facility area showing visual conditions with proposed landscaping and screening at the following intervals:
 - a. At installation,
 - b. At the two-year anniversary after installation, and
 - c. At the five-year anniversary after installation.
6. Tree Inventory for trees with a minimum 6-inch DBH within the facility area.
7. Tree Clearing Mitigation Plan.
8. Engineer's Report including:
 1.
 - i. SWPPP and Erosion Control Plan if one or more acre will be disturbed,
 - ii. Preconstruction Baseline Noise Analysis,
 - iii. Preconstruction Baseline Soil Sampling Plan,

- a. The Sampling Plan shall be developed in accordance with NYSDEC DER-10 site investigation guidance and shall include collection of a representative number of baseline soil samples in the proposed project area, agreed upon by the Town. Each sample shall be analyzed for semi-volatile organics, volatile organics, metals, and PFAS (Per- and Polyfluorinated Substances).
 - iv. Drainage Plan,
 - v. Clearing and Grading Plan, and
 - vi. Wetland Delineation, if applicable.
9. Agricultural Resource Mitigation Plan. If the project will be located on active agricultural land, such plan shall include the following:
- 1.
 - i. Soil map showing soil type, Prime Farmland, Prime Farmland if Drained, Farmland of Statewide Importance, and MSG 1-4.
 - ii. Discussion of proposed dual uses.
 - iii. Discussion of proposed mitigation.
10. Emergency Response Plan
- i. 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.
 - ii. 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.
 - iii. Notification plan for first responders.
 - iv. Annual training for first responders.
11. Emergency shut off location and material specification data sheets to be filed with the local fire department.
12. Proposed Decommissioning Plan. Such plan shall include the following:
- i. Preconstruction soil testing plan to form a baseline for restoration.
 - ii. Anticipated life of the project.
 - iii. Restoration plan.

- iv. The projected cost of removing the battery energy storage system if decommissioning is required during the first five years after construction is complete, as determined by a qualified and independent third-party assessor or other consultant agreeable to both the facility owner and the Town.
 - v. The time required to decommission and remove the battery energy storage system and any ancillary structures.
 - vi. The time required to repair any damage caused to the property by the installation and removal of the battery energy storage system.
 - vii. Proposed form of security.
- b. All Special Use Permit applications for a battery energy storage system shall be submitted to the Town of Brant Code Enforcement Officer.
- c. In addition to the requirements set forth in this chapter, the issuance of a Special Use Permit shall be subject to any other requirements outlined in Brant Town Code Chapter 161.
- d. Applicant must obtain all necessary permits and approvals from applicable federal, state and county agencies having jurisdiction over any portion of the proposed battery energy storage system.
- e. Applications for a Special Use Permit shall be subject to a public hearing before the Town Board may act to approve or deny the requested permit.
- f. The Town Board may impose reasonable conditions on any Special Use Permit issued under this Chapter.
- g. The Special Use Permit for a battery energy storage system shall be valid for a period of 12 months, provided that a building permit is issued for construction and construction has commenced within the first 12-month period. The Town Board may elect to extend the initial Special Use Permit for up to 180 days. If the owner/operator fails to perform substantial construction within 24 months of the date of the initial approval, the Special Use Permit shall expire.

h. The Special Use Permit must be renewed annually.

i. Ownership changes. If the owner or operator of the battery energy storage system changes or the owner of the property changes, the special use permit 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 code enforcement officer of such change in ownership or operator within 30 days of the ownership change and update all signage at the property as soon as practicable.

j. After completion of construction, the Applicant shall provide post-construction certification from a licensed New York State professional engineer that indicates that the project complies with all applicable codes and industry practices and has been constructed and is operating in accordance with the approved Special Use Permit.

k. Any post-construction changes or alterations to a Type 3 Battery Energy Storage System shall be undertaken only by amendment to the special use permit (and site plan approval, if required), subject to all requirements of this chapter.

xx. Fees and Deposits.

1.

a. The fees for a Special Use Permit, Site Plan Review, and Building Permit for a battery energy storage system shall be set from time to time by Town Board Resolution.

1.

b. The applicant for a Special Use Permit shall deliver to the Town Clerk, along with its application for a Special Use Permit, an amount equal to one percent (1%) of the estimated cost of the project (the "Initial Deposit") to be held in escrow by the Town for use by the Town to pay consultants and attorneys engaged by the Town to assist in review of all applications for the proposed battery energy storage system. If the amount held in escrow is depleted prior to grant or denial of all applications associated with the battery energy storage system, the Applicant shall deposit such funds necessary for the Town to pay any outstanding fees to said

consultants. Following approval or denial of the required applications, any excess remaining in escrow shall be returned to the Applicant within 30 days. The Town Board may enter into an escrow agreement with the Applicant at its discretion.

§161-39-J(9). Revocation of permit; interpretation; severability.

- a. Violations of any of the conditions of the special use permit, site plan approval or any other local, state or federal laws, rules or regulations shall be grounds for the revocation of the special use permit or site plan approval. Revocation may occur after the applicant is notified, in writing, of the violations and the Town of Brant Town Board holds a hearing on same.
- b. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. It is not intended to interfere with, abrogate or annul other rules, regulations or laws, provided that whenever the requirements of this chapter are at a variance with the requirements of any other lawfully adopted regulations, rules or laws, the most restrictive, or those which impose the highest standards, shall govern.
- c. If any section, subsection, phrase, sentence or other portion of the chapter is for any reason held invalid, void, unconstitutional or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

§161-39-J(10). Safety

- a. Battery Energy Storage Systems shall be certified under the applicable electrical and/or building codes as required.
- b. Maintenance and repair.

1. A Battery Energy Storage System shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. "Operational condition" includes meeting all approval requirements and conditions.
2. The Battery Energy Storage System shall be kept free from hazards, including, but not limited to, faulty wiring, loose fastenings, and creation of an unsafe condition or detriment to public health, safety or general welfare.
3. Site access shall be maintained, including snow removal sufficient to allow access to emergency personnel and emergency vehicles at all times.
4. Owners and operators of Battery Energy Storage Systems shall be required to keep all records of maintenance activities. The Town of Brant Code Enforcement Officer shall have access to such records upon request. A report summarizing all maintenance activities shall be filed annually with the Special Use Permit renewal application.
5. The owner/operator of a Type 3 Battery Energy Storage System shall be required to fully inspect the system on an annual basis. A copy of the inspection report shall be provided to the Brant Code Enforcement Officer as part of the renewal of the special use permit. The inspection shall comply with all requirements of the New York State Building Code.
6. Additional inspections may be required by the Code Enforcement Officer in his or her discretion.

c. Abatement and removal.

1. If a Battery Energy Storage System poses a safety hazard, as determined by the Town of Brant Code Enforcement Officer, the owner or operator shall take immediate action to remedy the hazard. The Code Enforcement Officer shall have the authority to cause the abatement of any hazardous situation, including issuance of a notice of violation and causing the Battery Energy Storage System to be made nonoperational until such hazard has been remedied to the satisfaction of the Town of Brant Code Enforcement Officer.

2. If the use of an approved Battery Energy Storage System is discontinued, the owner or operator shall notify the Town of Brant Code Enforcement Officer within 30 days of such discontinuance. If the Battery Energy Storage System is to be retained and reused, the owner or operator shall further inform the Town of this, in writing, at such time and obtain any necessary approvals within one year. Otherwise, the Battery Energy Storage System shall be deemed automatically abandoned.
3. Upon cessation of electricity generation of a Battery Energy Storage System on a continuous basis for 12 months, the Town may notify and instruct the owner and/or operator of the Battery Energy Storage System to implement the decommissioning plan. The decommissioning plan must be completed within 1 year of notification.
4. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town of Brant may, at its discretion, utilize the bond and/or security for the removal of the Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

§161-39-J(11). Enforcement

Any violation of this Battery Energy 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 Brant.

Supervisor DeCarlo proceeded onto the second resolution:

TOWN OF BRANT TOWN BOARD RESOLUTION
THAT ENACTMENT OF THE PROPOSED LOCAL LAW 1 OF 2026 ENTITLED
"BATTERY ENERGY STORAGE SYSTEMS LAW"
IS SUBJECT TO SEQRA AND CLASSIFYING CONSIDERATION OF THE PROPOSED LOCAL
LAW AS A TYPE I ACTION UNDER SEQRA

WHEREAS, on March 10, 2026 the Town Board of the Town of Brant introduced a proposed local law entitled "Battery Energy Storage Systems Law"; and

WHEREAS, adoption of the proposed local law would involve changes in allowable uses and regulatory provisions governing battery energy storage systems within the Town; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Brant hereby declares its intent to serve as Lead Agency for purposes of review under the State Environmental Quality Review Act (SEQRA).

BE IT FURTHER RESOLVED, that the Town Board finds that consideration of the proposed local law entitled "Battery Energy Storage Systems Law" is properly classified as a Type I Action under SEQRA.

BE IT FURTHER RESOLVED, that the Town Board will undertake environmental review of the proposed local law and will prepare a Full Environmental Assessment Form in accordance with SEQRA.

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Brant is hereby directed to enter this resolution into the minutes of this meeting.

Supervisor DeCarlo motioned to approve the resolution as presented, seconded by Councilman Clark. A roll call vote was taken:

Supervisor DeCarlo-aye,

Councilman Clark-aye,

Councilwoman Giancarlo-aye,

Councilman Muffoletto-aye,

Councilwoman Brady-aye.

5 ayes, 0 nays. **RESOLUTION ADOPTED.**

Supervisor DeCarlo proceeded with the third resolution:

TOWN OF BRANT TOWN BOARD RESOLUTION

**TO REFER THE TOWN OF BRANT PROPOSED
LOCAL LAW 1 of 2026 ENTITLED
"BATTERY ENERGY STORAGE SYSTEMS LAW"
TO THE ERIE COUNTY PLANNING BOARD PURSUANT TO GML 239-m**

WHEREAS, the Town Board of the Town of Brant has introduced a proposed local law entitled "Battery Energy Storage Systems Law" to establish regulations governing battery energy storage systems within the Town; and

WHEREAS, on March 10, 2026 the Town Board of the Town of Brant declared itself lead agency for purposes of SEQRA review of the proposed action and completed Part 1 of the Environmental Assessment Form; and

WHEREAS, the Town Board of the Town of Brant is required to refer any adoption or amendment of a zoning ordinance or local law to the County Planning Board pursuant to General Municipal Law §239-m.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Brant hereby refers the proposed local law entitled "Battery Energy Storage Systems Law" to the Erie County Planning Board for a report and recommendation thereon, and the Town Clerk is hereby directed to transmit a copy of this resolution and the proposed local law to the Erie County Planning Board.

BE IT FURTHER RESOLVED, that failure of the Erie County Planning Board to provide said report and recommendation within thirty (30) days after receipt of the referral shall be deemed approval of the proposed

local law.

Supervisor DeCarlo motioned to approve the resolution as presented, seconded by Councilwoman Brady. A roll call vote was taken:

Supervisor DeCarlo-aye,

Councilwoman Brady-aye,

Councilwoman Giancarlo-aye,

Councilman Muffoletto-aye,

Councilman Clark-aye.

5 ayes, 0 nays. **RESOLUTION ADOPTED.**

EASTER EGG HUNT The Brant Easter Egg Hunt will be held on Saturday March 28, 2026 at the Brant Town Park starting at 2pm.

BRANT FIRE DEPARTMENTS LADIES AUXILIARY ANNUAL PAL SUNDAY PANCAKE BREAKFAST

The all you can eat pancake breakfast and theme basket raffle will be held on Sunday March 29th 2026 from 8:30am until Noon at the Brant Fire Hall.

2026 E-WASTE SCHEDULE Councilwoman Giancarlo considered eliminating it but would like to look at other options. It was decided to be tabled until more information is collected.

APPOINTMENT OF DON CLARK AS TOWN JUSTICE Supervisor DeCarlo proposed the appointment of Donald Clark as Town Justice with an effective date of April 1st, 2026 through December 31st 2026 with a pro-rated salary of \$18,593/year. He is to submit his resignation letter from the Town Board to the Town Clerks Office effective March 31, 2026. Councilwoman Giancarlo motioned to approve the appointment effective April 1st 2026. Seconded by Councilman Muffoletto. A roll call was taken:

Councilwoman Giancarlo- aye

Councilman Muffoletto- aye

Supervisor DeCarlo-aye

Councilwoman Brady- aye

Councilman Clark – abstain

4 ayes, 0 nays, 1 abstain. **MOTION CARRIED.**

Approval for Justice Clark to attend the Justice training program in April 2026. Supervisor DeCarlo motion to accept. Seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED**

Councilman Clark thanked the Town Board for their support and is looking forward to his new role as judge.

ACKNOWLEDGMENT OF THE FLOOR:

AL HAUNGS, a resident of Derby, a volunteer for “UNITE FOR FREEDOM”: At this time, Mr. Haungs requested again for the Town Board to approve the resolution being proposed by “Unite For Freedom” to tighten laws on voting and votes are only being counted once. Supervisor DeCarlo informed him that he is looking into it with the County.

MEETING & CORRESPONDENCE

The first February sales tax remittance is in. The current transfer is 9.42% greater than the corresponding 2025 amount. Year-to-date transfers are running 6.54% ahead of last year at this time.

Supervisor DeCarlo received a request from the Community Theatre group to use the gym at the Town Hall for practices and small performances. The Town Board gave approval of them using the gym.

APPROVAL OF ABSTRACT 3 OF 2026

ABSTRACT 3 of 2026

*Prepaid and unpaid as of 3/10/26 Total Claims **\$101,557.78**

Gen Fund Town wide Vouchers Totaling: **\$56,481.19**

Gen Fund – Part Town Voucher Totaling: **\$15,282.09**

Highway T.W. Vouchers Totaling: **\$17,896.30**

Highway P.T. Vouchers Totaling: **\$7,856.15**

Street Lighting: Voucher Totaling: **\$3,529.55**

Brant Water Dist 1 (SS2&SW): – Totaling **\$512.50**

PAYROLL Abstract 3 (2 pay periods):

General Town Wide Payroll [1/25/26-2/21/26](#) – Totaling **\$62,183.92**

General Part Town Payroll [1/25/26-2/21/26](#) Totaling: **\$1,644.89**

Highway Payroll TW 1/25/26-2/21/26 Totaling: **\$12,621.97**

Highway Payroll PT 1/25/26-2/21/26 Totaling: **\$ -**

Supervisor DeCarlo made the motion to approve the abstracts as presented. Seconded by Councilman Muffoletto. Roll call was taken:

Supervisor DeCarlo-aye

Councilman Muffoletto- aye

Councilwoman Giancarlo- aye

Councilman Clark- aye

Councilwoman Brady- aye.

5 ayes, 0 nays. **MOTION CARRIED.**

NEXT REGULAR BOARD MEETING: ~~April 10, 2026 at 7pm.~~ **CORRECTION:-April 14th 2026 at 7pm**

At 7:48 pm, Supervisor DeCarlo motioned to adjourn the meeting and enter into executive session to discuss contractual in memory of Town Justice Gier; Barbara Kellerman; Vincent Leone; Roger Townsend; and Wesley Kennedy. Supervisor DeCarlo motioned to move into Executive Session. Seconded by Councilwoman Giancarlo.

At 8:05 pm Councilwoman Giancarlo motioned to close the executive session. Seconded by Councilwoman Brady.

Respectfully submitted by,

Kristen Podkulski

Brant Deputy Town Clerk