# Battery Energy Storage Systems (BESS)

## Town Law Development—Part 3

Jim Ulvestad (Town Board Member)

August 11, 2026

# Goals of This Presentation

- Update on timeline for draft and final law
- Logistics of the BESS law
- Proposed choices on additional topics, compared to current zoning law

# Timeline for Gardiner Town BESS Law

- ✓June 30—Special Board meeting to agree on initial parameters of Draft Town Law + vote on 6-month moratorium extension
- ✓July 23—6-month moratorium extension begins
- July/August—Draft Town Law and amendments to Zoning Code
- August/September—Iteration with attorney(s)
- September/October—Submit draft to Town of Gardiner Planning Board and Ulster County Planning Board for review
- October—Incorporate Planning Board suggestions into draft
- November—Public hearing on draft law; revise based on input
- December—Town Board vote on BESS Law

# BESS law in Gardiner Municipal Code

## CURRENT

Ch 220 **Zoning**

§ 220-45 **Day camps and overnight camps.**
§ 220-45.1 **Residential camping.**
§ 220-45.2 **Campgrounds.**
§ 220-46 **Wireless telecommunication facilities.**
§ 220-47 **Solar energy systems.**
§ 220-48 **Adult uses.**

## FUTURE

- Incorporation of BESS

  §220-47 Energy systems
  §220-47.1 Solar energy systems
  §220-47.2 Battery energy storage systems

- Need to amend Chapter 220 in many places for internal consistency.
  - E.g., §220-40C. Noise.

# Proposed Tiers and Current Zones--Updated

| | Tier 1 (< 80 kWh) | Tier 2 (80-600 kWh) | Tier 3 (0.6-8 MWh) | Tier 4 (8-100 MWh) |
|---|---|---|---|---|
| SP-3 | Yes | No | No | No |
| SP-2 | Yes | No | No | No |
| SP-1 | Yes | Yes | No | No |
| RA | Yes | Yes | BSO only | No |
| HR | Yes | No | No | No |
| HM | Yes | Yes | BSO only | No |
| Overlays | Yes | No (except BSO) | No | No |
| Floating | Yes | Yes | No | No |
| CLI | Yes | Yes | Yes | No |
| HC | Yes | Yes | Yes | No |
| PDD | Yes | Yes | Yes | Yes |

BSO = BESS Overlay District: +/- 500 horizontal feet from 3-phase or high-voltage lines, but not including SP and HR districts

# Permitting Requirements for Tiers 3 and 4

| Item | Current Zoning Code | BESS Proposal |
|---|---|---|
| Special use permit application | NA | Required; conformance with Uniform Code (Fire Code §1207.7) |
| Noise at lot boundary | 60 dBA night; 70 dBA day | 55 dBA day and night |
| Side-yard setbacks from lot boundary | 10-50 feet | Tier 3: 100 feet<br>Tier 4: 300 feet |
| Height | 35-45 feet | 20 feet |
| Lighting | §220-40L | Same as zoning |
| Fencing | NA | 8-foot fence |
| Brush clearance | NA | 10 feet (Fire Code) |
| Screening | NA | Special use permit application |
| Decommissioning plan | NA | Detailed contents described |
| Decommissioning bond | NA | Set by Town, updated every 2 yr |
| Site Plan | NA | Detailed, includes equipment specs, emergency plan, fire safety, peer review report (Fire Code) |
| Safety | NA | Fire Code; includes first responder plan/training |
| Permitting fee | NA | Required; amounts to be set separately |