

TOWN OF NORTH CASTLE

Local Law No. 4 For the Year 2024  
Adopted August 14, 2024

A local law to amend the definition of Public Utility, to add a definition of BESS, and to update the permitted public utility use to reflect BESS.

BE IT ENACTED by the Town Board of the Town of North Castle as follows:

**Section 1.** Amend the definition of Utility, Public in Section 355-4 of the Town Code as follows as well as add the following new definitions in proper alphabetical order:

**UTILITY, PUBLIC** - Any person, firm, corporation or municipal agency duly authorized to furnish to the public, under public regulation, electricity, gas, water, sewage treatment, steam, cable television, telephone or telegraph. This definition does not include battery energy storage systems or similar facilities.

**BATTERY ENERGY STORAGE SYSTEM (BESS)** - 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 Type 1, Type 2 or Type 3 battery energy storage system as follows:

Type 1 (utility) battery energy storage systems include all the following:

- Battery energy storage systems with an aggregate energy capacity greater than 600 kwh that are not clearly considered a Type 2 or Type 3 BESS; and/or
- Battery energy storage systems whose purpose is solely for energy storage for the local utility grid/network.

Type 2 (commercial) battery energy storage systems include all the following:

- Battery energy storage systems with an aggregate energy capacity greater than 80 kwh but equal to or less than 600 kwh; and
- Battery energy storage systems solely dedicated to providing energy storage for the property on which it is located. Any sale of excess energy to the local utility is prohibited.

Type 3 (residential/small scale) battery energy storage systems have an aggregate energy capacity less than or equal to 80 kwh and, if in a room or enclosed area, consist of only a single-energy storage system technology.

**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, excluding batteries utilized in consumer products.

**Section 2. Amend the permitted use “\*13. Public utility transmission lines, exchanges or substations” in Section 355-21 of the Town Code as follows:**

\*13. Public utility transmission lines, exchanges or substations, but excluding battery energy storage systems consisting of Type 1 and Type 2 systems.

**Section 3. Amend the permitted use “\*10. Public utility exchanges or substations” in the CB-A and GB Zoning Districts in Section 355-22 of the Town Code as follows:**

\*10. Public utility exchanges or substations, but excluding battery energy storage systems or similar facilities.

**Section 4. Amend the permitted use “\*5. Public utility exchanges or substations” in the IND-A Zoning District in Section 355-23 of the Town Code as follows:**

\*5. Public utility exchanges or substations, but excluding battery energy storage systems consisting of Type 1 and Type 2 systems.

**Section 5. Conflicting Standards.**

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

**Section 6. Severability.**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

**Section 7. Effective Date.**

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.