

Revision #03 ZONING USE DISTRICTS FOR BESS

10Aug26 For Public Hearing On Chapter 101/108 Amendments

Battery Energy Storage Systems (BESS)

TOWN OF COLDEN

LOCAL LAW 2026-_____

A Local Law Amending Adoption of Code

A LOCAL LAW, TO AMEND LOCAL LAW #1-1984 KNOWN AS "ADOPTION OF CODE", ADOPTED BY THE TOWN BOARD OF COLDEN ON DECEMBER 29, 1984, BY AMENDING CHAPTER 108 TO ESTABLISH THE USE OF BATTERY ENERGY STORAGE SYSTEMS (BESS) IN VARIOUS ZONING DISTRICTS

Section 1: LEGISLATIVE INTENT

This Local Law amends a prior Local Law known as "Adoption of Code" adopted by the Town of Colden on December 29, 1984, as amended, relating to the administrative, legislative and general legislation of the Codes within the Town of Colden as herein set forth.

The Town has adopted Chapter 101 regarding regulation of Battery Energy Storage Systems (BESS) within the Town. The purpose of this Local Law is to establish the use of BESS in the various districts set forth in Chapter 108 of the Zoning Code.

Section 2: ARTICLE V, R-1 SINGLE FAMILY RESIDENCE DISTRICT

Section 108-12 is amended by adding the following:

108-12-B(14) Tier 1 Battery Energy Storage Systems (BESS) of total capacity of 600kWh or less, meeting all requirements, per Colden Tier 1 BESS Permit as regulated in Chapter 101

Section 3: ARTICLE VI, R-2 GENERAL RESIDENCE DISTRICT

Section 108-20 is amended by adding the following:

108-20-B(8) Tier 1 Battery Energy Storage Systems (BESS) of total capacity of 600kWh or less, meeting all requirements, per Colden Tier 1 BESS Permit as regulated in Chapter 101

Section 4: ARTICLE VIII, R-RB RESIDENCE-RESTICTED BUSINESS DISTRICT

Section 108-28 is amended by adding the following:

108-28-B(8) Tier 1 Battery Energy Storage Systems (BESS) of total capacity of 600kWh or less, meeting all requirements, per Colden Tier 1 BESS Permit as regulated in Chapter 101

Section 5: ARTICLE IX, AG AGRICULTURAL DISTRICT

Section 108-36 is amended by adding the following:

- 108-36-B(11) Tier 1 Battery Energy Storage Systems (BESS) of total capacity of 600kWh or less, meeting all requirements, per Colden Tier 1 BESS Permit as regulated in Chapter 101
- 108-36-C(4) Tier 2 Battery Energy Storage Systems (BESS) as Principal Use, meeting all requirements, per Tier 2 Special Use Permit for Battery Energy Storage Systems (BESS) as regulated in Chapter 101 {Battery Energy Storage Systems} and Special Use Permit requirements of Chapter 108 {Zoning}, for the issuance of a Special Use Permit by the Town Board, pursuant to Article XXII {Special Use Permits} of this chapter, and any applicable supplemental standards as set forth in Articles XIV through XVI of this chapter.
- 108-36-C(5) Tier 2 Battery Energy Storage Systems (BESS) as Accessory Use, meeting all requirements, per Tier 2 Special Use Permit for Battery Energy Storage Systems (BESS) as regulated in Chapter 101 and Special Use Permit requirements of Chapter 108 {Zoning}, for the issuance of a Special Use Permit by the Town Board, pursuant to Article XXII {Special Use Permits} of this chapter, and any applicable supplemental standards as set forth in Articles XIV through XVI of this chapter.

Section 6: ARTICLE X, C COMMERCIAL DISTRICT

Section 108-44 is amended by adding the following:

- 108-44-B(4) Tier 1 Battery Energy Storage Systems (BESS) of total capacity of 600kWh or less, meeting all requirements, per Tier 1 BESS Permit as regulated in Chapter 101

Section 7: EFFECTIVE DATE

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