NEW YORK STATE | Department of State
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS, STATE RECORDS AND UNIFORM COMMERCIAL CODE
One Commerce Plaza
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Albany, NY 12231-0001
dos.ny.gov

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

6 **of the year 20** 25

Local Law Title: a local law to regulate Battery Energy Storage Facilties within the Town of Livingston

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☑ **Town** ☐ **Village**
(Select one)

of Livignston **as follows on the attached pages:**
(Name of Local Government)

For Office Use Only

Department of State Local Law Index Number: _____ **of the year 20** ____

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto ascribed as local law number 6 of 20 25 of the ~~(County)(City)~~(Town)~~(Village)~~ of Livingston was duly passed by the Town Board on July 10 20 25 in accordance with the applicable provisions of law.

(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20_____ in accordance with the applicable provisions of law.~~

(Name of Legislative Body)

(Elective Chief Executive Officer)*

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20_____;~~

(Name of Legislative Body)

(Elective Chief Executive Officer)*

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20_____ in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20_____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____ in accordance with the applicable provisions of law.~~

(Name of Legislative Body)

(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20_____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____ became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20_____of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20_____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

July 10, 2025

(Date)

Livingston Local Law for Battery Energy Storage Facilities

BATTERY ENERGY STORAGE FACILITIES LAW

A. STATEMENT OF PURPOSE

1. This Battery Energy Storage System Law is enacted to promote and protect the public health, safety, welfare, and quality of life for the residents of the Town of Livingston. It establishes a regulatory framework for the installation and operation of battery energy storage systems, with the following objectives:
   a. To establish a clear and consistent regulatory process for identifying properties appropriate for the siting, construction, and operation of battery energy storage systems;
   b. To ensure land use compatibility between battery energy storage systems and surrounding uses;
   c. To minimize potential impacts on environmental resources, including prime agricultural lands, forests, wildlife habitats, and other protected natural features;
   d. To align battery energy storage system development with the broader goals and policies outlined in the Town Code and the community's comprehensive planning efforts.

B. DEFINITIONS

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

ANSI — American National Standards Institute.

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** or **Tier 2** battery energy storage system as follows:

1. **Tier 1 battery energy storage systems** are for residential use only and shall have an aggregate energy capacity less than or equal to 30 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

2. **Tier 2 battery energy storage systems** have an aggregate energy capacity greater than 30 kWh or are comprised of more than one storage battery technology in a room or enclosed area.

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

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:
   a. The areas do not occupy more than 10% of the building area of the story in which they are located.
   b. 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.

NONPARTICIPATING PROPERTY — Any property that is not a participating property. NONPARTICIPATING 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, day-care 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.[1]

C. APPLICABILITY

1. The requirements of this chapter shall apply to all battery energy storage systems permitted, installed, or modified in the Town of Livingston after the effective date of this chapter, excluding general maintenance and repair.
2. Battery energy storage systems constructed or installed prior to the effective date of this chapter shall not be required to meet the requirements of this chapter.
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 chapter.

D. GENERAL REQUIREMENTS

1. A building permit shall be required for installation of all battery energy storage systems.
2. Issuance of permits and approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")].
3. All battery energy storage systems, all dedicated-use buildings, and all other buildings or structures that:
   a. Contain or are otherwise associated with a battery energy storage system; and
   b. Are 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 the Town Code.

E. PERMITTING REQUIREMENTS

TIER 1 BATTERY ENERGY STORAGE SYSTEMS

Tier 1 battery energy storage systems shall be permitted in all zoning districts, subject to the Uniform Code and the "Battery Energy Storage System Permit," and exempt from site plan review.

TIER 2 BATTERY ENERGY STORAGE SYSTEMS

Tier 2 battery energy storage systems are permitted through the issuance of a special use permit within C-1 (Commercial Zone), and shall be subject to the Uniform Code and the site plan application requirements set forth in this section.

1. Applications for the installation of Tier 2 battery energy storage system shall be:
   a. Reviewed by the Code Enforcement/Zoning Enforcement Officer for completeness. An application shall be complete when it addresses all matters listed in this chapter including, but not necessarily limited to:
      i. Compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code; and
      ii. Matters relating to the proposed battery energy storage system and floodplain, utility lines and electrical circuitry, signage, lighting, vegetation and tree-cutting, noise, decommissioning, site plan and development, special use and development, ownership changes, safety, and permit time frame and abandonment. Applicants shall be advised within 10 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
   b. Subject to a public hearing to hear all comments for and against the application. The Planning Board of the Town of Livingston shall have a notice printed in a newspaper of general circulation in the Town at least five days in advance of such hearing. Applicants shall have delivered the notice by certified return receipt mail to adjoining landowners or landowners within 1 mile of the property at least 15 days prior to such a hearing. Proof of mailing shall be provided to the Planning Board at the public hearing.
   c. Referred to the County Planning Department pursuant to General Municipal Law § 239-m if required.
   d. Upon closing of the public hearing, the Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The sixty-two-day period may be extended upon consent by both the reviewing board and applicant.
2. Utility lines and electrical circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new

interconnection equipment, including without limitation any poles, with new easements and right-of-way.

3. Signage.
   a. The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and twenty-four-hour emergency contact information, including reach-back phone number.
   b. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
4. **Lighting.** Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties. Lighting shall be dark sky compliant.
5. **Vegetation and tree-cutting.** Areas within 10 feet on each side of Tier 2 battery energy storage systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.
6. **Noise.** The one-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the outside wall of any nonparticipating residence or occupied community building. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. 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.
7. Landscaping as necessary to minimize roadside or neighbor visibility.
8. Fire suppression materials shall be nontoxic.
9. **Decommissioning.**
   a. Decommissioning plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:
      i. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
      ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
      iii. The anticipated life of the battery energy storage system;
      iv. The estimated decommissioning costs and how said estimate was determined;
      v. The method of ensuring that funds will be available for decommissioning and restoration;
      vi. The method by which the decommissioning cost will be kept current;
      vii. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
      viii. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
   b. Decommissioning bond. The owner and/or operator of the energy storage system shall continuously maintain a bond payable to the Town, in a form approved by the Town for the removal and clean up of the battery energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.
      i. Applicant must demonstrate annually that the bond is still in effect.
10. **Site plan application.** For a Tier 2 battery energy storage system requiring a special use permit, site plan approval shall be required. Any site plan application shall include the following information:
    a. Property lines and physical features, including roads, for the project site.

b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

c. A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.

d. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

e. 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.

f. Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.

g. Zoning district designation for the parcel(s) of land comprising the project site.

h. **Commissioning plan.** Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, battery energy storage system commissioning shall be conducted by a New York State (NYS) licensed professional engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Code Enforcement/Zoning Enforcement Officer prior to final inspection and approval and maintained at an approved on-site location.

i. **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.

j. **Operation and maintenance manual.** Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.

k. Erosion and sediment control and stormwater management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

l. Prior to the issuance of the building permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS licensed professional engineer.

m. **Emergency operations plan.** A copy of the approved emergency operations plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

   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. Procedures for inspection and testing of associated alarms, interlocks, and controls.

   iii. Procedures to be followed in response to notifications from the battery energy storage management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to Fire Department personnel for potentially hazardous conditions in the event of a system failure.

   iv. 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. Procedures can include sounding the alarm, notifying the Fire Department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

   v. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

   vi. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage

system equipment from the facility.

vii. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.

viii. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

11. Special use permit standards.
    a. **Setbacks:** Tier 2 Battery Energy Storage Systems (BESS) shall comply with the setback requirements applicable to principal structures in the underlying zoning district. The following minimum setback distances shall also apply:
        i. A minimum distance of 200 feet shall be maintained between the battery storage unit and any surrounding fencing.
        ii. Fencing shall be set back a minimum of 50 feet from all property lines.
        iii. Battery storage units shall be set back a minimum of 250 feet from all property lines.
    b. **Height:** Tier 2 battery energy storage systems shall not exceed 15' feet above ground level.
    c. **Fencing requirements:** Tier 2 battery energy storage systems, including all mechanical equipment, shall be enclosed by a minimum eight-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
    d. **Screening and visibility:** Tier 2 battery energy storage systems 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 interfere with ventilation or exhaust ports.
    e. **Roads:** Navigable road outside and inside the fence, minimum of 24' wide for each road. Condition of the road has to be set by the Town Engineer and approved by the CEO and the Fire Chief.
    f. **Lot Coverage:** Lot coverage will not exceed 25% of the area that is in the commercial zone. i.e. If lot is 100 acres, and only 25 acres of that lot are in the commercial zone, then only 6.25 acres would be permitted to be used, that includes fencing, all accessories and any land between the structures.
    g. **Bond:** Project has to be bonded (performance bond and clean up bond).
    h. **Location:**
        i. Cannot be built where there is a stream.
        ii. Cannot be constructed over any aquifers, whether lined or un-lined. Applicant must demonstrate that the proposed location is not over an aquifer.
        iii. Entire site must be lined with an impervious liner, which shall be acceptable by the Town Engineer.
12. **Ownership changes.** If the owner of the battery energy storage system changes and/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 and rectify any open violations. A new owner and/or operator of the battery energy storage system shall notify the Code Enforcement Officer of such change in ownership and/or operator within 30 days of the ownership change. A new owner and/or operator must provide such notification to the Code Enforcement Officer in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner and/or operator fails to provide written notification to the Code Enforcement Officer in the required time frame. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this chapter.

F. 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:
    a. UL 1973 (standard for batteries for use in stationary, vehicle auxiliary power and light electric rail applications);
    b. UL 1642 (standard for lithium batteries);
    c. UL 1741 or UL 62109 (inverters and power converters);
    d. Certified under the applicable electrical, building, and fire prevention codes as required;

e. 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.

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 and ambulance service.
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 NFPA 70.
4. Fire suppression system shall be installed on site, acceptable to the Town Engineers review.

G. PERMIT TIME FRAME AND ABANDONMENT

1. The special use permit and site plan approval for a battery energy storage system shall be valid for a period of 24 months, provided that a building permit is issued for construction and/or construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within 24 months after approval, Planning Board may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 30 months, the approvals shall expire.
2. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 battery energy storage system and restoration of the site in accordance with the decommissioning plan.
3. As built plans signed and stamped by a NYS Licensed Engineer and Surveyor shall be provided to the Planning Board and Town Engineer for review and Code Enforcement Officer for C/C.

H. 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 Town of Livingston.

I. 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.

J. SCHEDULE OF PERMITTED USES

Symbols:

P : Designates a use permitted by right.

X : Designates a temporary and/or conditionally permitted use requiring application for a special use permit issued by the Planning Board and allowed only if confirmed suitable in the specific case.

-- : Designates a use not permitted by right nor by special use permit.

DISTRICT	CH-2	HDR-2	LDR-2	CON-7	C-1	FAO	AD/LI-1*	LC-1**
Tier 1 Battery Energy Storage System	P	P	P	P	P	P	P	P

Tier 2 Battery Energy Storage System	--	--	--	--	X	--	--	--