

LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Town Board of the Town of Poughkeepsie does hereby set the 4th day of September 2024 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, as the time, date and place of a public hearing at which all parties in interest and citizens may be heard in regard to the following:

A Proposed Local Law to amend the Town Code, Chapter 210, "Zoning," to add provisions for battery energy storage systems

AND PLEASE ALSO TAKE FURTHER NOTICE that said proposed local law is available in full with Exhibit to preview on our website @ <https://ny-poughkeepsietown.civicplus.com/300/Public-Hearings> or in person @ the Town Clerk's Office, Monday – Friday, 8AM – 4PM.

Felicia Salvatore, Town Clerk
Town of Poughkeepsie
July 18, 2024

**AMENDED
RESOLUTION 7:17 # 13 OF 2024**

WHEREAS, the Town Board finds that it is in the best interest of the Town of Poughkeepsie to amend the Town Code, Chapter 210, "Zoning," to add provisions for battery energy storage systems; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 4th day of September, 2024 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, as the time, date and place of a public hearing at which all parties in interest and citizens may be heard as to whether or not the Town Board of the Town of Poughkeepsie should adopt the proposed Local Law to Amend Chapter 210 of the Code of the Town of Poughkeepsie Entitled 'Zoning' to Include Provisions for Battery Energy Storage Systems (the "Local Law") annexed hereto; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the verbatim reading of said proposed Local Law and does hereby direct the Town Clerk to spread the proposed Local Law across the record as if it had been read aloud; and

BE IT FURTHER RESOLVED, that pursuant to the provisions of SEQRA, the Town Board determines that the adoption of the proposed Local Law is a Type I action (see, 6 NYCRR 617.4[b][2]), and determines that the Town Board is the only involved agency, and therefore designates itself lead agency for the environmental review of the proposed Local Law; and

BE IT FURTHER RESOLVED, that the Town Board accepts the attached Full Environmental Assessment Form Part 1 to commence the SEQRA process; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to post a Notice of Public Hearing in the Town's official newspaper, the Poughkeepsie Journal, and on the bulletin board maintained by the Town Clerk in the Town Hall not less than ten (10) days prior to said public hearing; and

BE IT FURTHER RESOLVED, to refer a copy of this resolution, the annexed proposed Local Law, and the Notice of Public Hearing to the municipal clerk of each abutting municipality not less than ten (10) days prior to the public hearing and to refer a copy of this resolution, the annexed proposed local law, and the Notice of Public Hearing to the Dutchess County Department of Planning and Economic Development for advisory review in accordance with §239-m of the General Municipal Law, and to distribute a copy of this resolution, the annexed proposed local law and the Notice of Public Hearing to the Town of Poughkeepsie Planning Board for its review and recommendation pursuant to Town Code §210-154.

Dated: July 17th 2024
 Moved: Ann Shershin
 Seconded: Barbara Laird

Amended Motion passes/ fails: Ayes 4 Nays 3

JEN/aap
 t-7/8/2024
 m-7/17/2024

MOTION TO AMEND DATE TO SEPTEMBER 4, 2024
Resolution as amended: 7 / 0

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	AYE	NAY	ABSTAIN
<u>PRESENT</u> /ABSENT Councilman Reuter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Councilwoman Laird	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Councilwoman Burger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Councilman Cifone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Councilman Sharpe	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Councilwoman Shershin	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Supervisor Edwards	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*MOTION TO AMEND: MICHAEL CIFONE SEC BY ANNE BURGER

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: A Local Law to amend Chapter 210 of the Town Code entitled "Zoning" to include provisions for Battery Energy Storage Systems (BESS)		
Project Location (describe, and attach a general location map): Town of Poughkeepsie, New York		
Brief Description of Proposed Action (include purpose or need): This local law amends the Town of Poughkeepsie Zoning Law to allow Battery Energy Storage Systems (BESS) in the Town of Poughkeepsie and to provide regulations for such use. BESS will be classified as Tier 1, which will be permitted as an accessory use in all zoning districts in the Town; Tier 2, which will be permitted as an accessory use in all Business and Commercial Districts and all Town Center Districts; and Tier 3, which will be allowed in the Heavy Industrial (I-H) Zoning District.		
Name of Applicant/Sponsor: Town of Poughkeepsie Town Board	Telephone: (845) 485-3600	E-Mail: redwards@townofpoughkeepsie-ny.gov
Address: 1 Overocker Road		
City/PO: Poughkeepsie	State: New York	Zip Code: 12603
Project Contact (if not same as sponsor; give name and title/role): Michael Welti, AICP - Director of Municipal Development - Town of Poughkeepsie	Telephone: (845) 485-3657	E-Mail: mwelti@townofpoughkeepsie-ny.gov
Address: 1 Overocker Road		
City/PO: Poughkeepsie	State: NY	Zip Code: 12603
Property Owner (if not same as sponsor): N/A	Telephone: N/A	E-Mail: N/A
Address: N/A		
City/PO: N/A	State: N/A	Zip Code: N/A

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - Zoning Text Amendment	Proposed July 2024. Projected adoption in August or September 2024
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board - Zoning Text Amendment Recommendation	Projected recommendation by the Planning Board at August 2024 meeting
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dutchess County Planning (DCP) - GML 239	Projected response from the County Planning Department in August 2024
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
The Town of Poughkeepsie is a Hudson River Valley Greenway Compact Community and is within the Hudson River Valley National Heritage Area.	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
The Town Board adopted the Natural Resource Inventory (NRI) and Open Space Plan on April 12, 2023.	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

BESS will be classified as Tier 1, which will be permitted as an accessory use in all zoning districts in the Town; Tier 2, which will be permitted as an accessory use in all Business and Commercial, and all Town Center Districts; and Tier 3, which will be allowed in the Heavy Industrial (I-H) Zoning District

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,
i. What is the proposed new zoning for the site? Zoning Text Amendment related to Battery Energy Storage Systems (BESS)

C.4. Existing community services.

a. In what school district is the project site located? Arlington CSD, Wappingers CSD, Spackenkill CSD, and Hyde Park CSD

b. What police or other public protection forces serve the project site?
Town of Poughkeepsie Police Department

c. Which fire protection and emergency medical services serve the project site?
Arlington Fire District, Fairview Fire District, and New Hamburg Fire District

d. What parks serve the project site?
Town and County Parks

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____
 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____
 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
- Will a line extension within an existing district be necessary to serve the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____

- Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend

Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____

 • Operation: _____

 iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____

 • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
- ii. Anticipated rate of disposal/processing:
 - _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 - _____ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
- ii. Generally describe processes or activities involving hazardous wastes or constituents: _____
- iii. Specify amount to be handled or generated _____ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban Industrial Commercial Residential (suburban) Rural (non-farm)
- Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____
N/A _____

n. Does the project site contain a designated significant natural community? Yes No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation): _____
ii. Source(s) of description or evaluation: _____
iii. Extent of community/habitat:
• Currently: _____ acres
• Following completion of project as proposed: _____ acres
• Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
If Yes:
i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
If Yes:
i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
i. If Yes: acreage(s) on project site? _____
ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
If Yes:
i. Nature of the natural landmark: Biological Community Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
If Yes:
i. CEA name: _____
ii. Basis for designation: _____
iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Town of Poughkeepsie Date July 10, 2024

Signature Michael A. Welti, AICP Title Dir./Municipal Development - Town of Poughkeepsie

PRINT FORM

<i>Local Law Filing</i>	New York State Department of State Division of Corporations, State Records and Uniform Commercial Code One Commerce Plaza, 99 Washington Avenue Albany, NY 12231-0001 www.dos.nygov
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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

TOWN OF POUGHKEEPSIE

LOCAL LAW NO. __ (PROPOSED) OF THE YEAR 2024

A LOCAL LAW TO AMEND CHAPTER 210 OF THE CODE OF THE TOWN OF POUGHKEEPSIE ENTITLED "ZONING" TO INCLUDE PROVISIONS FOR BATTERY ENERGY STORAGE SYSTEMS

BE IT ENACTED by the Town Board of the Town of Poughkeepsie as follows:

SECTION 1. LEGISLATIVE INTENT

This local law amends the Town of Poughkeepsie Zoning Law to allow Battery Energy Storage Systems (BESS) in the Town of Poughkeepsie and to provide regulations for such use. BESS will be classified as Tier 1, which will be permitted as an accessory use in all zoning districts in the Town; Tier 2, which will be permitted as an accessory use in all Business and Commercial Districts and all Town Center Districts; and Tier 3, which will be allowed in the Heavy Industrial (I-H) Zoning District. The regulations are designed to protect the health, safety, and welfare of Town residents and to bring the Town's Zoning Law into conformance with "Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities" pursuant to Chapter 18 of the Town Code. The proposed regulations are consistent with the recommendations of the Town's 2021 *Comprehensive Plan*.

SECTION 2. APPLICATION

This local law shall apply within the Town of Poughkeepsie.

SECTION 3. 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 which can be given effect without such part or parts.

SECTION 4. AMENDMENTS TO ARTICLE II OF THE ZONING LAW ENTITLED "DEFINITIONS AND WORD USAGE"

§ 4.1. Section 210-9 of the Code is hereby amended by the addition of the following new definitions:

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 batteries used in consumer products, a stand-alone 12-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 80 kWh.
- B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 80 kWh but less than or equal to 600 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- C. Tier 3 Battery Energy Storage Systems have an aggregate energy capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.

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 New York State Uniform 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. Personnel in areas containing battery energy storage systems are limited to those who operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- D. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
 - (1) The areas do not occupy more than 10 percent of the building area of the story in which they are located.

- (2) 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.

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.

NON-DEDICATED-USE BUILDING

All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

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.

SECTION 5. AMENDMENTS TO ARTICLE V OF THE ZONING LAW ENTITLED "TOWN CENTER DISTRICT REGULATIONS"

§ 5.1. Section 210-22D of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (2), and the remaining existing subsections shall be renumbered sequentially.

- (2) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

§ 5.2. Section 210-23D of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (2), and the remaining existing subsections shall be renumbered sequentially.

- (2) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

§ 5.3. Section 210-24C of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (6), and the remaining existing subsections shall be renumbered sequentially.

- (6) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

§ 5.4. Section 210-25D of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (2), and the remaining existing subsections shall be renumbered sequentially.

- (2) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

§ 5.5. Section 210-26D of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (2), and the remaining existing subsections shall be renumbered sequentially.

(2) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

§ 5.6. Section 210-27D of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (2), and the remaining existing subsections shall be renumbered sequentially.

(2) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

§ 5.7. Section 210-28D of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (2), and the remaining existing subsections shall be renumbered sequentially.

(2) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

§ 5.8. Section 210-29D of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (2), and the remaining existing subsections shall be renumbered sequentially.

(2) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

§ 5.9. Section 210-30B(27) of the Code is hereby amended by deleting it in its entirety and replacing it with the following new § 210-30B(27).

Accessory uses as approved by the Town Board as part of a development master plan; or accessory outdoor restaurant dining facilities subject to § 210-102 or accessory sidewalk seating and tables for patrons subject to § 210-104.1 and subject to site plan approval by the Planning Board; or Battery Energy Storage System, Tier 2, subject to § 210-54.1 and site plan approval by the Planning Board.

SECTION 6. AMENDMENTS TO ARTICLE VI OF THE ZONING LAW ENTITLED "BUSINESS AND COMMERCIAL DISTRICT REGULATIONS"

§ 6.1. Section 210-33D of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (2), and the remaining existing subsections shall be renumbered sequentially.

(2) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

§ 6.2. Section 210-34D of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (2), and the remaining existing subsections shall be renumbered sequentially.

(2) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

§ 6.3. Section 210-35D of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (2), and the remaining existing subsections shall be renumbered sequentially.

(2) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

§ 6.4. Section 210-36D of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (2), and the remaining existing subsections shall be renumbered sequentially.

(2) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

§ 6.5. Section 210-37D of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (2), and the remaining existing subsections shall be renumbered sequentially.

(2) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

§ 6.6. Section 210-38D of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (3), and the remaining existing subsections shall be renumbered sequentially.

(3) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

§ 6.7. Section 210-39D of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (3), and the remaining existing subsections shall be renumbered sequentially.

(3) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

§ 6.8. Section 210-40B of the Code is hereby amended by adding the following new special permitted use to the existing list alphabetically as subsection (4), and the remaining existing subsections shall be renumbered sequentially:

(4) * Battery Energy Storage System, Tier 3, subject to § 210-54.1.

§ 6.9. Section 210-40D of the Code is hereby amended by adding the following new accessory use to the existing list alphabetically as subsection (3), and the remaining existing subsections shall be renumbered sequentially.

(3) * Battery Energy Storage System, Tier 2, subject to § 210-54.1.

SECTION 7. AMENDMENTS TO ARTICLE VIII OF THE ZONING LAW ENTITLED "SUPPLEMENTARY REGULATIONS"

§ 7.1. A new § 210-54.1 entitled "Battery Energy Storage Systems" is hereby inserted into the Code of the Town of Poughkeepsie.

§ 210-54.1 Battery Energy Storage Systems

A. Purpose. The purpose of this section is to protect the public health, safety, and welfare by regulating the installation and use of battery energy storage systems, with the following objectives:

- (1) To provide a regulatory scheme for the location, construction, operation, and decommissioning of battery energy storage systems consistent with best practices and safety protocols;
- (2) To ensure that battery energy storage systems will not adversely impact nearby land uses;

- (3) To mitigate the impacts of battery energy storage systems on environmental resources such as agricultural lands, forests, wildlife, wetlands, and other protected resources; and
- (4) To encourage the transition from polluting fossil fuel energy to clean renewable energy by allowing for the storage of variable renewable energy sources, like wind and solar, while providing for a more reliable and efficient power grid.

B. Applicability.

- (1) The requirements of this section shall apply to all battery energy storage systems permitted, installed, or modified after the effective date of this section, excluding general maintenance and repair.
- (2) Battery energy storage systems that have a valid building permit or have been constructed or installed prior to the effective date of this section shall not be required to meet the requirements of this section.
- (3) At the discretion of the Director of Municipal Development, modifications to, retrofits or replacements of an existing battery energy storage system may be deemed exempt from this section.

C. General Requirements.

- (1) A building permit and an electrical permit shall be required for the installation of all battery energy storage systems.
- (2) 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 the 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. In the event of any conflict between the provisions of this section and the provisions of state law or regulations, the state law and regulations shall prevail.

D. Permitting requirements for Tier 1 battery energy storage systems. Tier 1 battery energy storage systems shall be permitted as an accessory use in all zoning districts subject to the following limitations.

- (1) Tier 1 battery energy storage systems shall be shown on plans submitted for the building permit and electrical permit application for the building containing the system, or the property on which it will be located, and shall not exceed an aggregate energy capacity of the following:
 - (a) Forty kWh within utility closets and storage or utility spaces.
 - (b) Eighty kWh in attached or detached garages and detached accessory structures.
 - (c) Eighty kWh on exterior walls.
 - (d) Eighty kWh outdoors on the ground.

E. Permitting requirements for Tier 2 battery energy storage systems. Tier 2 battery energy storage systems shall be permitted as an accessory use in all Business and Commercial

Districts, and all Town Center Districts as set forth in § 210-10 of this chapter subject to the following limitations.

- (1) Tier 2 battery energy storage systems shall require site plan approval from the Planning Board.
- (2) The installation of Tier 2 battery energy storage systems shall be prohibited in a front yard and shall be sufficiently screened from adjacent properties to the satisfaction of the Planning Board.
- (3) Tier 2 battery energy storage systems shall only be permitted on a property that meets the minimum lot size for the zoning district in which it is located, and shall meet the standard setbacks in the zoning district for principal structures. Heights are limited to 8 feet for any outdoor battery energy storage systems.
- (4) All Tier 2 battery energy storage systems shall provide a 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.
- (5) Each structure that comprises an outdoor Tier 2 battery energy storage system shall have a maximum size of 100 square feet.
- (6) The Planning Board may require that outdoor Tier 2 battery energy storage systems be placed on a concrete pad having a minimum height of six (6) inches and edged with a lip, or as otherwise prescribed by the Town Engineer, as needed for stability or to contain contaminants from potentially impacting groundwater and surface water during fire suppression.

F. Permitting requirements for Tier 3 battery energy storage systems. Tier 3 battery energy storage systems shall be permitted as a principal use in the I-H Zoning District subject to issuance of a special use permit and site plan approval from the Planning Board in accordance with the requirements of this chapter, and the following.

- (1) Site plan application. In addition to the requirements of Article XIII of this chapter, an application for site plan approval for a Tier 3 battery energy storage system shall include the following information:
 - (a) The location and boundaries of existing natural features including single trees eight or more inches in diameter at breast height (dbh) located within any area where clearing will occur; lakes, ponds, watercourses, wetlands, floodplains, aquifers; and drainage and runoff patterns.
 - (b) Proposed location of the battery energy storage system and setbacks as required by § 210-54.1F(2)(b) herein; the location and details of exterior lighting, signage, fencing, and access roads; proposed changes to the landscape of the site, including site grading, vegetation clearing, and removal of any large trees; and a screening and landscaping plan.
 - (c) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system.

- (d) Name, address, phone number, and signature of the project applicant, as well as all property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
- (e) 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. The Town shall require independent consultant review of the fire safety compliance plan.
- (f) 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.
- (g) Emergency operations plan. A copy of the approved emergency operations plan shall be given to the system owner, the Fire District in which the property is located, and the Town Engineer or Building Inspector. 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 the Fire Department 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 facility personnel, 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.

(h) Decommissioning Plan, in accordance with subsection F(5) herein.

(2) Special use permit standards. In addition to the special use permit standards of Article XIII.1 of this chapter, the following special use permit standards shall apply to Tier 3 battery energy storage systems:

(a) Lot Size. The minimum lot area for a battery energy storage system shall be three (3) acres. This shall supersede the minimum lot area requirement for the I-H District.

(b) Setbacks. All dedicated-use buildings and equipment structures associated with a Tier 3 battery energy storage systems shall be set back a minimum of 50 feet from all property lines, unless the property line abuts public recreational lands, in which case the setback shall be a minimum of 100 feet, or the property line abuts or is across the street from any residential zoning district or existing single-family, two-family, or multifamily dwelling, in which case the setback shall be a minimum of 200 feet. This setback shall be measured in a straight line from the nearest edge of the dedicated-use building or equipment structure to the nearest property line. When the property line abuts any public recreational lands or abuts or is across the street from any residential zoning district or existing single-family, two-family, or multifamily dwelling, or any public recreational lands, the area of the setback within 75 feet of the adjoining property line shall be landscaped or left in a natural undisturbed condition, as determined by the Planning Board. Any required landscaping shall consist of a mixture of evergreen and deciduous plantings as determined and approved by the Planning Board. Roads, pathways, and sidewalks providing access through the setback to the utility structure(s) are permitted, subject to Planning Board approval.

(c) Fencing. Unless housed in a dedicated-use building, Tier 3 battery energy storage systems, including all mechanical equipment, shall be enclosed by a minimum seven-foot-high fence with a self-locking gate to prevent unauthorized access. Security barriers, fences, and other enclosures shall not interfere with ventilation or exhaust ports. Access gates shall be at least 12 feet wide and accessible to the Fire Department.

(d) Screening and Visibility. Views of Tier 3 battery energy storage systems shall be screened year-round to the maximum extent practicable from public roadways and adjacent properties through landscaping (preferred method), grading, fencing, or other screening methods that harmonize with the character of the property and the surrounding area. The screening shall not, however, interfere with the normal operation, ventilation or exhaust ports, or fire safety of the storage system. A covenant providing for the maintenance of any required screening shall be provided by the applicant.

(e) Concrete pad. The Planning Board may require that Tier 3 battery energy storage systems be placed on a concrete pad having a minimum height of six (6) inches and edged with a lip, or as otherwise prescribed by the Town Engineer, as needed for stability or to contain contaminants from potentially impacting groundwater and surface water during fire suppression.

(f) Access. Vehicular access within the site shall be designed to minimize impervious materials and soil compaction while meeting any applicable emergency access or safety requirements.

- (g) 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.
 - (h) Signage.
 - (i) No sign or other advertising device shall be permitted unless required by law to provide safety information, or as set forth herein.
 - (ii) 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 24-hour emergency contact information, including reach-back phone number.
 - (iii) As required by the National Electrical Code, 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.
 - (i) Lighting. Lighting of battery energy storage systems shall be limited to that minimally required for safety, security, and operational purposes, shall utilize full cut-off luminaries, and shall in all other respects comply with § 210-81 of this chapter.
 - (j) Vegetation and tree-cutting. Each Tier 3 battery energy storage system shall maintain a 10-foot area cleared of combustible vegetation and other combustible growth on all sides. Notwithstanding the foregoing, 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 within this cleared area provided that the plants do not form a means of readily transmitting fire, as determined by the Planning Board. Removal of mature trees (eight or more inches in diameter at breast height) should be minimized to the extent possible.
 - (k) Noise. The noise generated from a battery energy storage system, components, and associated ancillary equipment shall comply with the requirements of § 139-5C of the Town Code. This shall supersede the noise requirement for a public utility in Chapter 139 of the Town Code. Applicants shall submit equipment and component manufacturers' noise ratings to demonstrate compliance. The Planning Board may as a condition of approval require applicants 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.
- (3) Conditions. The following shall be made conditions of all special use permits for Tier 3 battery energy storage systems.
- (a) Fire safety. The battery energy storage system owner shall provide and pay for annual site-specific training for the Fire District in which the property is located to familiarize the District with the Fire Safety Compliance Plan for the site. The Planning Board may also require the owner to cover some or all of the costs of any equipment that the District advises it requires specifically to fight a battery energy storage system fire or

related incident on the site; the Planning Board may require an independent consultant to verify the need for the equipment and the cost.

- (b) 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 Director of Municipal Development in writing of such change in ownership or operator within 30 days of the ownership change. The special use permit and all other local approvals for the battery energy storage system will become void if a new owner or operator fails to provide written notification to the Director of Municipal Development in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this section.
- (4) Lien. In the event of default of the owner or operator in the performance or removal of a battery energy storage system and/or complying with the requirements of the decommissioning plan, after proper notice and an opportunity to be heard, the Town shall be entitled to arrange for removal and/or decommissioning of the system and the restoration of the property in accordance with the approved decommissioning plan, the cost of which shall be chargeable against the Decommissioning Fund. If the amount in the Decommissioning Fund is insufficient, any unpaid sums expended by the Town shall be levied and shall levy the cost against the property affected, and the sum of said levy shall remain as a lien against the property until paid and shall be added to the owner's tax bill.
- (5) 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 of the facility. The decommissioning plan shall include:
 - (a) A narrative description of the activities to be accomplished, including who will perform the 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;
 - (b) Provisions for the disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - (c) The anticipated life of the battery energy storage system;
 - (d) The estimated cost of decommissioning and removing the battery energy storage system, as well as all necessary site remediation or restoration, and a description of how said estimate was determined;
 - (e) 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

- (f) 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.
- (6) Decommissioning Fund. The owner and/or operator of the energy storage system shall continuously maintain a fund, bond or letter of credit payable to the Town, in a form and amount approved by the Town Attorney and the Town Engineer, for the removal of the battery energy storage system, as well as all necessary site remediation or restoration, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant. The amount of the fund shall include a 15% cost buffer and shall be subject to periodic review by the Town as to adequacy. If at any time the Town determines the amount in the Decommissioning Fund to be inadequate, the owner and/or operator of the energy storage system shall be required to remit to the Town the deficiency within 60 days.

G. Safety; system certification.

- (1) 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) 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 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 Fire Department and, if the Tier 3 battery energy storage system is located in an ambulance district, the local ambulance corps.
- (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.

H. Building Permit. The following information shall be submitted prior to issuance of a building permit:

- (1) Name, address, and contact information of the final system installer, and any subcontractors.
- (2) 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 over current devices.

- (3) Equipment specification sheet(s) that document the proposed battery energy storage system components, inverters and associated electrical equipment to be installed.
 - (4) Commissioning plan. Prior to the final inspection, the applicant shall submit a commissioning plan that 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 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 Building Inspector prior to final inspection and approval and maintained at an approved on-site location.
- I. Abandonment. A battery energy storage system shall be considered abandoned if it ceases to operate on a continuous basis for a period of one year. If a battery energy storage system is abandoned, the Town may notify and instruct the owner or operator of the battery energy storage system to implement the decommissioning plan. The decommissioning plan must be completed within 12 months of notification. If the owner and/or operator fails to comply in full with the decommissioning plan 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 3 battery energy storage system and restoration of the site in accordance with the decommissioning plan.

SECTION 8. EFFECTIVE DATE

This local law shall take effect immediately after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.