LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Town Board of the Town of Poughkeepsie does hereby set the 3rd day of September, 2025 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 regarding the following:

A Proposed Local Law to determine whether or not the Town Board of the Town of Poughkeepsie should adopt the proposed Local Law to Amend Chapter 210 of the Code Entitled "Zoning" to include 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
August 7, 2025

RESOLUTION 8:6 # 2 OF 2025

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 include provisions for Battery Energy Storage Systems; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 3rd day of September, 2025 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 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 (Full EAF) 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, that the Town Clerk is hereby directed 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, the Full EAF Part 1, 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, the Full EAF Part 1, 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: August 6th 2025

Moved: Barbara Laird

Seconded: Rebecca Edwards

Motion passes/ fails: Ayes 7 Nays 0

ES/aap
t-7/29/2025
m-8/6/2025

		AYE	NAY	ABSTAIN
PRESENT/ABSENT	Councilman Reuter	✓		
PRESENT/ABSENT	Councilwoman Laird	✓		
PRESENT/ABSENT	Councilwoman Burger	✓		
PRESENT/ABSENT	Councilman Cifone	✓		
PRESENT/ABSENT	Councilman Sharpe	✓		
PRESENT/ABSENT	Councilwoman Shershin	✓		
PRESENT/ABSENT	Supervisor Edwards	✓		

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Local Law Filing	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 dos.ny.gov

(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; Tier 3, which will be permitted as an accessory use in the Highway Business (B-H), Shopping Center Business (B-SC), Institutional (IN), Light Industrial (I-L), Heavy Industrial (I-H), and Quarry (Q) Districts; and Tier 4, which will be allowed as an accessory use and a principal use 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 for the purpose of supplying electrical energy at a future time. This definition excludes batteries used in consumer products, stand-alone 12-volt automobile batteries, electric motor vehicles, and batteries associated with a solar or wind energy system that is a public utility. Battery energy storage systems are classified into four tiers based on the aggregate rated energy capacity and/or power output, as follows:

A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity of 80 kilowatt-hours (kWh) or less.

B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 80 kWh but not more than 600 kWh.

C. Tier 3 Battery Energy Storage Systems have an aggregate energy capacity greater than 600 kWh and not exceeding either two (2) megawatts (MW) of power output, or eight (8) megawatt-hours (MWh) of energy storage capacity, whichever threshold is reached first.

D. Tier 4 Battery Energy Storage Systems have an aggregate energy capacity greater than either two (2) MW of power output, or eight (8) MWh of energy storage capacity.

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 and Tier 3, 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 and Tier 3, 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 and Tier 3, 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 and Tier 3, subject to § 210-54.1.

§ 6.8. Section 210-40C 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 4, subject to § 210-54.1.

§ 6.9. Section 210-40D of the Code is hereby amended by deleting the introductory sentence in its entirety and replacing it with the following new introductory sentence.

Accessory uses shall be as follows (Note: "*" designates a use which is subject to site plan approval by the Planning Board, and "+" designates a use which is subject to both special use permit and site plan approval by the Planning Board):

§ 6.10. Section 210-40D of the Code is hereby amended by adding the following new accessory uses to the existing list alphabetically as subsections (3) and (4), and the remaining existing subsections shall be renumbered sequentially.

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

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

§ 6.11. Section 210-41D 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 and Tier 3, 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 compliance with all applicable provisions of the Uniform Code, the Energy Code, and any referenced codes, regulations, and industry standards incorporated therein, as well as all applicable provisions of the Town Code. In the event of any conflict between this section and any applicable state law or regulations, the state law or regulation shall govern.

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 and requirements.

(1) Tier 1 battery energy storage systems shall be shown on plans submitted for the building permit and electrical permit applications for the building in which the system will be located, or for the property on which it will be installed, and shall not exceed the following aggregate energy capacity limits:

(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 and Tier 3 battery energy storage systems. Tier 2 and Tier 3 battery energy storage systems, where permitted in accordance with Articles V and VI of this chapter, shall be allowed as accessory uses, subject to following limitations and requirements.

(1) Tier 2 and Tier 3 battery energy storage systems shall require site plan approval by the Planning Board.

(2) The installation of Tier 2 and Tier 3 battery energy storage systems shall be prohibited in a front yard and shall be screened from adjacent properties to the satisfaction of the Planning Board.

(3) Tier 2 and Tier 3 battery energy storage systems shall be permitted only on properties that meet the minimum lot size required for the applicable zoning district. All such systems shall comply with the principal structure setback requirements of the district, except that no portion of a Tier 3 battery energy system shall be located closer than 100 feet to the property line of any lot that is used or zoned for residential purposes.

(4) The maximum height of any outdoor Tier 2 and Tier 3 battery energy storage system shall be eight (8) feet.

(5) Tier 2 and Tier 3 battery energy storage systems shall be accompanied by a fire safety compliance plan, which shall document and verify that the system and its associated controls and safety systems comply with the Uniform Code.

(6) Each individual structure comprising an outdoor Tier 2 battery energy storage system shall not exceed 100 square feet in footprint.

(7) The Planning Board may require that outdoor Tier 2 and Tier 3 battery energy storage systems be installed on a concrete pad with a minimum height of six (6) inches and edged with a lip, or as otherwise required by the Town Engineer, to ensure structural stability or to prevent contamination of groundwater and surface water during fire suppression.

F. Permitting requirements for Tier 4 battery energy storage systems. Tier 4 battery energy storage systems shall be permitted as an accessory use or a principal use in the I-H Zoning District subject to issuance of a special use permit and site plan approval by the Planning Board in accordance with the requirements of this chapter, and the following provisions.

(1) Site plan application. In addition to the requirements set forth in Article XIII of this chapter, an application for site plan approval for a Tier 4 battery energy storage system shall include the following:

(a) The location and boundaries of existing natural features including: individual trees with a diameter at breast height (dbh) of eight (8) inches or greater within any area where clearing will occur; lakes, ponds, watercourses, wetlands, floodplains, aquifers; and drainage and runoff patterns.

(b) The proposed location of the battery energy storage system and required setbacks in accordance with § 210-54.1F(2)(b); the location and details of exterior lighting, signage, fencing, and access roads; any proposed changes to the site's landscape, including grading, vegetation clearing, and the removal of any trees with a dbh of eight (8) inches or greater; and a screening and landscaping plan.

(c) The name, address, and contact information of the proposed or potential system installer, and of the owner and/or operator of the battery energy storage system.

(d) The name, address, phone number, and signature of the applicant, as well as all property owners demonstrating their consent to the application and to the use of the property for the battery energy storage system.

(e) A fire safety compliance plan documenting and verifying that the system and its associated controls and safety systems comply with the Uniform Code. The Town shall require independent consultant review of the fire safety compliance plan.

(f) An operation and maintenance manual describing the maintenance and management of the battery energy storage system and the property. The manual shall include information related to the design, construction, installation, testing and commissioning of the system, and shall comply with all applicable requirements of the Uniform Code.

(g) An emergency operations plan, with copies provided 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 accessible to facility personnel, fire code officials, and emergency responders. The plan shall include, at a minimum, 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 re-start following cessation of emergency conditions.

(ii) Procedures for inspection and testing of alarms, interlocks, and control systems.

(iii) Procedures for responding to alerts or notifications from the battery energy storage management system, when provided, that may indicate potentially hazardous conditions, including shutting down equipment, summoning service and repair personnel, and notifying the Fire Department in accordance with agreed-upon protocols in the event of a system failure.

(iv) Emergency response procedures in the event of a fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially hazardous conditions. These may include sounding alarms, notifying the Fire Department,

evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

(v) Safety response information similar to a Safety Data Sheet (SDS) to address safety concerns and extinguishment if an SDS is not otherwise required.

(vi) Procedures for safely handling and removing damaged battery energy storage system equipment from the facility, including contact information for qualified personnel.

(vii) Any additional emergency procedures deemed necessary by the Town to protect the safety of facility personnel, emergency responders, and neighboring properties.

(viii) Procedures and schedules for conducting emergency drills and for training local first responders on the contents of the plan and appropriate emergency response protocols.

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

(2) Special use permit standards. In addition to the special use permit standards set forth in Article XIII.1 of this chapter, the following supplementary standards shall apply to all Tier 4 battery energy storage systems, whether accessory or principal uses, unless otherwise specified below:

(a) The minimum lot area for a Tier 4 battery energy storage system shall be three (3) acres. This requirement supersedes the minimum lot area requirement for the I-H District.

(b) Setbacks.

(i) All dedicated-use buildings and equipment structures associated with a Tier 4 battery energy storage system shall be set back a minimum of 100 feet from all property lines, unless the property line abuts or is across the street from a residential zoning district or a property in residential use, in which case the setback shall be a minimum of 200 feet. However, the required setback may be reduced to a minimum of 50 feet where the adjacent lot contains a substation to which the battery energy storage facility will be directly connected.

(ii) Setbacks shall be measured in a straight line from the nearest edge of the dedicated-use building or equipment structure to the nearest property line.

(iii) When the property line abuts any public recreational lands or abuts or is across the street from a residential zoning district or a property in residential use, 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 4 battery energy storage systems and all associated mechanical equipment shall be enclosed by a fence with a

minimum height of seven (7) feet with a self-locking gate to prevent unauthorized access. Fencing, security barriers, and other enclosures shall not interfere with ventilation or exhaust ports. All access gates shall be a minimum of 12 feet wide and accessible to the Fire Department.

(d) Screening and Visibility. Views of Tier 4 battery energy storage systems shall be screened year-round, to the maximum extent practicable, from public roads 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. Screening shall not interfere with the operation, ventilation or exhaust ports, or fire safety of the system. A covenant providing for the ongoing maintenance of any required screening shall be provided by the applicant.

(e) Concrete pad. The Planning Board may require that Tier 4 battery energy storage systems be installed on a concrete pad with a minimum height of six (6) inches and edged with a lip, or as otherwise required by the Town Engineer, to ensure structural stability or to prevent contamination of 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 complying with 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, utility poles.

(h) Signage.

(i) No sign or other advertising device shall be permitted on or around the battery energy storage system, except as required by law to provide safety information, or as set forth herein.

(ii) All signs shall comply with ANSI Z535 standards and shall include the type of technology associated with the battery energy storage system, any special hazards associated with the system, the type of suppression system installed in the area of the battery energy storage system, 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 high 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 the minimum necessary for safety, security, and operational purposes. All lighting shall utilize full cut-off fixtures and shall comply with the standards set forth in § 210-81 of this chapter.

(j) Vegetation and tree-cutting. Each Tier 4 battery energy storage system shall maintain a 10-foot area on all sides cleared of combustible vegetation and other combustible growth. However, single specimens of trees, shrubs, or cultivated ground cover such as

grass, ivy, succulents, or similar plants, may be permitted within the cleared area provided that they do not form a means of readily transmitting fire, as determined by the Planning Board. Removal of mature trees with a dbh of eight (8) inches or greater should be minimized to the extent practicable.

(k) Noise. Noise generated by a battery energy storage system, including its components, and ancillary equipment, shall comply with the requirements set forth in § 139-5C of the Town Code. This provision supersedes the noise requirements applicable to a public utility in Chapter 139. Applicants shall submit manufacturers' noise rating data for all major components and ancillary equipment 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 verify compliance with this standard.

(3) Conditions. The following shall be made conditions of all special use permits issued for Tier 4 battery energy storage systems:

(a) Fire safety. The owner of the battery energy storage system 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 fund, in whole or in part, the purchase of any specialized equipment that the Fire District determines is necessary to respond to a fire or related emergency involving the system. The Planning Board may retain an independent consultant to verify the necessity and estimated cost of such equipment.

(b) Changes in ownership or operator. If the owner or operator of the battery energy storage system, 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. The new owner or operator shall provide written notification to the Director of Municipal Development within 30 days of the change. Failure to provide timely written notice shall render the special use permit and all related local approvals void. Reinstatement of a void special use permit shall be subject to the same review and approval process applicable to 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, prepared in accordance with the Uniform Code, that will be implemented in the event of system abandonment and/or in conjunction with removal of the facility. The decommissioning plan shall include the following:

(a) A narrative description of the decommissioning activities, including a timeline, responsible parties, and procedures for the complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;

(b) Provisions for the lawful disposal of all solid and hazardous waste in accordance with applicable local, state, and federal waste disposal regulations;

(c) The anticipated operational life of the battery energy storage system;

(d) An estimate of the total cost of decommissioning and removing the battery energy storage system and remediating or restoring the site, including the basis for the estimate and the methodology used to determine it;

(e) A description of how the site will be restored following removal of the system, including how features such as structural elements, building penetrations, means of egress, and required fire detection and suppression systems, will be protected during decommissioning and how the site will be confirmed as being acceptably restored 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 establish and maintain a security instrument such as 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. This security shall remain in effect for the life of the facility and shall cover the full cost of system removal and site restoration as outlined in the approved decommissioning plan. The amount of the financial security shall include a 15% contingency buffer and shall be subject to periodic review and adjustment by the Town. All costs associated with establishing, maintaining, and reviewing the financial security shall be borne by the applicant. If at any time the Town determines the amount of the security is inadequate, the owner and/or operator of the energy storage system shall remit to the Town the required additional amount within 60 days of written notice.

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 4 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 4 battery energy storage system and restoration of the site in accordance with the decommissioning plan.

J. Professional review. The Planning Board or Planning Department may retain a qualified professional of its choosing to assist in the review of any application for a proposed battery energy storage system. All costs associate with such professional review shall be reimbursed by the applicant in accordance with the escrow account procedures established by the Town pursuant to Chapter 106 of the Town Code. Reimbursable costs may include, but are not be

limited to, fees for planning, engineering, legal, environmental, or other technical and professional services necessary for a complete and thorough review of the application.

K. The provisions of Real Property Tax Law § 487 notwithstanding, the developer/owner of any Tier 3 or Tier 4 Battery Energy Storage System shall be required to enter into a payment in lieu of taxes (PILOT) agreement with the Town, subject to Town Board approval, prior to obtaining final site plan signature by the Planning Board Chairman.

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.

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 1is 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; Tier 3, which will be permitted as an accessory use in the Highway Business (B-H), Shopping Center Business (B-SC), Institutional (IN), Light Industrial (I-L), Heavy Industrial (I-H), and Quarry (Q) Districts; and Tier 4, which will be allowed as an accessory use and a principal use 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 Towns 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 Towns 2021 Comprehensive Plan.		
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 Counsel, Town Board, or Village Board of Trustees ☑Yes☐No	Town Board - Zoning Text Amendment	Proposed August 2025. Projected adoption in September 2025.
b. City, Town or Village Planning Board or Commission ☑Yes☐No	Planning Board - Zoning Text Amendment Recommendation	Projected recommendation by the Planning Board at August 2025 meeting
c. City, Town or Village Zoning Board of Appeals ☐Yes☑No		
d. Other local agencies ☐Yes☑No		
e. County agencies ☑Yes☐No	Dutchess County Planning (DCP) - GML 239	Projected response from the County Planning Department in August or September 2025
f. Regional agencies ☐Yes☑No		
g. State agencies ☐Yes☑No		
h. Federal agencies ☐Yes☑No		

i. Coastal Resources.
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☑Yes☐No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☑Yes☐No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑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? ☑Yes☐No

- **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? ☑Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes☑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?) ☑Yes☐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? ☑Yes☐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?
See the "Brief Description of Proposed Action" on page 1 of 13 for a summary of which zoning districts different tiers of BESS will be permitted in under the proposed local law.

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 (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (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 ½ 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 fives 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 August 1, 2025

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

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