

July 23, 2026

The Town Board of the Town of Warwick held a Public Hearing for Introductory Local Law No. 5 of 2026 Amending Chapter 164 of the Town of Warwick Code to Regulate Battery Energy Storage Systems (BESS). Said public hearing was held on Thursday, July 23, 2026 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Dwyer opened the public hearing at 1:00 p.m.

ATTENDANCE: Supervisor Jesse Dwyer
Councilman Floyd DeAngelo
Councilman Russell Kowal
Councilman Kevin Shuback – Absent
Councilman Thomas Mattingly

LEGAL NOTICE: The Deputy Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on July 8, 2026.
(Copy of this legal notices are printed at the end of these minutes.)

SUPERVISOR DWYER – Okay, good afternoon, everyone. I'd like to call our public hearing to order. This is public hearing regarding Introductory Local Law No.5 of 2026, entitled Amending Chapter 164 Zoning to Regulate Battery Energy Storage Systems. The Deputy Clerk will read the notice. Thank you. There are copies of the proposed local law as well as a summary that I've put together, and I'll just read the summary for the record. This proposed law establishes one of the most restrictive and comprehensive battery energy storage system regulations in New York State, balancing support for clean energy with strong public safety protections.

Key highlights. Utility-scale battery facilities are prohibited. The law effectively prohibits large-scale battery storage facilities greater than 1 megawatt hour anywhere in the Town of Warwick. Only systems up to 1 megawatt hour may be considered.

Tier 3 classification system. Class 0, which is residential and small-scale systems up to 80 kilowatt hours. Class 1, medium-sized systems serving only on-site electrical demand, and Class 2, larger systems of up to 1 megawatt hour that may serve off-site demand and require special approvals. No Class 1 or Class 2 systems within 1,000 feet of residences. No Class 2 systems within one-half mile of hospitals, schools, colleges, libraries, nursing homes, nurseries, or adult daycare facilities. No Class 2 systems within 1,000 feet of parks, playgrounds, or houses of worship. Systems are also prohibited in aquifer protection districts, FEMA flood zones, and near historic resources.

There are enhanced fire safety requirements, compliance with the latest New York State Fire Code, NFPA 855-UL-9540A testing standards, and NYSERDA guidance. Mandatory

third-party fire safety inspections, 24-7 remote monitoring, detailed emergency response plans, and annual training exercises with local emergency responders.

Groundwater environmental protection. Large systems must include emergency runoff containment capable of holding at least 10,000 gallons of potentially contaminated firefighting water. PFAS-based fire suppression systems are prohibited, and stormwater controls are required.

Financial protections for our taxpayers. Operators must indemnify the town, maintain liability insurance naming the town as an additional insured, and establish a decommissioning fund to ensure complete removal of the facility at the end of its useful life.

There will be a rigorous review process. Class 1 systems require site plan approval. Class 2 systems require site plan review and a special use permit. Applicants must provide engineering studies, emergency response analyses, air dispersion modeling, interconnection studies, and proof of operational experience and financial capability.

Bottom line, this proposed law allows homeowners and businesses to utilize battery storage technology while effectively preventing large utility-scale battery installations in Warwick. It establishes extensive setback environmental safeguards, emergency response requirements, financial protections, and ongoing oversight to protect public health, safety, and the environment.

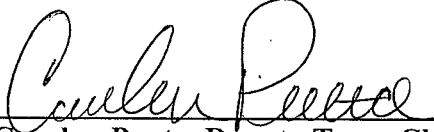
I would like to thank Deputy Supervisor Russ Kowal, the volunteer committee, as well as our professionals for their hard work in putting this law together. The next steps, today we're having our first public hearing. The public hearing will continue to at least August 13th, which will be an evening town board meeting. Written comments may be submitted electronically to clerk@townofwarwickny.gov. We also created a portion of our website dedicated to the battery storage law, where comments may be submitted digitally through that website, and written comments may be submitted by mail to Warwick Town Board, 132 Kings Highway, Warwick, NY 10990. As of this moment, we have only received one comment on the proposed battery storage law. We thank you for submitting that comment, which tells us that we did a pretty good and thorough job putting this together. We published it in the newspaper many, many times. Week after week, it's been published in the newspaper, on our website, on our bulletin board, Facebook, mentioned at our meetings, which I know everyone watches at home. They look forward to these meetings.

So, we've done a really extensive job communicating to the public, and having only received one comment as of right now is, I think, a good sign. At this time, I'll open it up to the board first, if they have any comments or questions before we open it up to the public.

There were no public comments for or against this public hearing from the Town Board or the public.

SUPERVISOR DWYER - Again, right now, we're planning to consider keeping this public hearing open through at least the middle of August, which would give us sufficient time to not only receive comments, but incorporate those into the proposed local law.

MOTION TO ADJOURN THE PUBLIC HEARING: Motion Supervisor Dwyer, seconded Councilman Mattingly that the public hearing be adjourned until the August 13th, 2026 Meeting. Motion Carried (4 ayes, 0 nays & 1 Absent – Councilman Shuback Absent)
1:10 p.m. C.P.



Carolyn Purta, Deputy Town Clerk

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Warwick will hold a public hearing at 132 Kings Highway, Warwick, New York, on July 23, 2026 at 1:00 P.M. or soon thereafter to afford all interested parties the opportunity to be heard regarding Introductory Local Law No. 5 of 2026 entitled "A LOCAL LAW AMENDING CHAPTER 164 (ZONING) TO REGULATE BATTERY ENERGY STORAGE SYSTEMS (BESS) A LOCAL LAW. A copy of Local Law 5 of 2026 is on file in the Town Clerk's office and on the town's website, townofwarwickny.gov.

All interested persons will be given the opportunity to be heard. All written comments must be received by the Board at or prior to the public hearing.

DATED: July 8, 2026

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF WARWICK
EILEEN M. ASTORINO
TOWN CLERK**