

August 13, 2026

The Town Board of the Town of Warwick held a Continued 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, August 13, 2026 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Dwyer opened the public hearing at 7:00 p.m.

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

LEGAL NOTICE: The 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 – Good evening, everyone. We are first starting with the continuation of the public hearing on Local Law Number 5 of 2026 entitled Amending Chapter 164 to Regulate Battery Energy Storage Systems. Interestingly enough, we have received two comments since our last public hearing on battery storage. One comment was received yesterday stating that costs of professionals should be at the applicant's sole cost and that is correct. That is how the planning board works. They put an escrow and they are, if the town professionals are involved in any of the oversight of any planning board application or anything for that matter, we would charge that to the applicant. So that is factored in to existing law. The second one that came in for six minutes before town hall closed is from Orange and Rockland. Is anyone here from Orange and Rockland? Okay, would have been nice. They're stating that they would like Orange and Rockland to be considered exempt from the battery storage law. O&R's comments are focused solely on the potential impact of the proposed law on utility-owned and utility-operated battery storage facilities that support the operation of the electric transmission and distribution systems. O&R requests that the town exempt battery storage facilities owned and operated by Orange and Rockland Utilities, Inc. that directly support the needs of the local transmission and distribution systems. O&R recommends that any requirements applicable to utility-owned battery storage facilities remain aligned with the New York state existing robust requirements. Thank you for that comment. O&R is concerned that the proposed restrictions could limit the ability to deploy battery systems needed to support electric system reliability and resilience as well as the deferral or avoidance of traditional infrastructure upgrades. We believe that Orange and Rockland is exempt as a public utility, naturally. This is something that I do believe should be verified, but I also don't, you know, we're doing this for public safety. So, whether it's owned by Orange and Rockland

or owned by the Town of Warwick for that matter, we're doing this battery storage law for a reason. Those are the comments that we've received so far, not significant. Again, only three comments submitted on what we consider to be a very important and at times controversial law. So, I think a lot of thought and consideration went into this law.

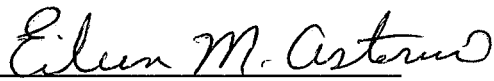
So, at this time, before we open it up to the public, I would ask if the board has any further public comment or further comment.

COUNCILMAN MATTINGLY - Do you think we should verify that before we vote on?

SUPERVISOR DWYER - So I'm going to make the recommendation after we hear from the public that we close the public hearing, but we table the motion to verify this and further consider it. Any more comment from the board? Any comment from the public on battery storage, energy law, local law number five?

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

MOTION TO CLOSE THE PUBLIC HEARING: Motion Supervisor Dwyer, seconded Councilman Mattingly that the public hearing be closed. Motion Carried (5 ayes, 0 nays)
7:05 p.m. C.P.


Eileen Astorino, 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**