

# **RESOLUTION OF THE TOWN BOARD**

## **TOWN OF ULSTER**

### **Resolution Supplementing and Re-Affirming the October 2, 2025 Positive Declaration for a Battery Energy Storage System Project, 430 Hurley Avenue, SBL: 48.17-1-26**

**Date: February 5, 2026**

WHEREAS, the Town Board of the Town of Ulster (the “Town Board”) has received a Site Plan and Special Use Permit Application from Alcazar ESS, LLC (the “Applicant”) for the proposed development of a lithium-ion Battery Energy Storage System (“BESS”) facility with a capacity of approximately 250 megawatts (MW) and 1,000 megawatt-hours (MWh) at 430 Hurley Avenue, Town of Ulster, Ulster County, New York, identified as Tax Map Parcel No. 48.17-1-26 (the “Project”); and

WHEREAS, by Resolution dated May 15, 2025, the Town Board declared itself Lead Agency for coordinated environmental review of the Project pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617, and determined that the Project constitutes a Type I Action; and

WHEREAS, by Resolution adopted on October 2, 2025, the Town Board issued a Positive Declaration, determining that the Project may result in one or more significant adverse environmental impacts and requiring the preparation of a Draft Environmental Impact Statement (“DEIS”); and

WHEREAS, the October 2, 2025 Positive Declaration identified, among other things, potential significant impacts relating to land disturbance, threatened and endangered species, historic and cultural resources, community character, visual and noise impacts, stormwater management, public safety, and emergency response; and

WHEREAS, since adoption of the October 2, 2025 Positive Declaration, and prior to the commencement of scoping or preparation of a Draft Environmental Impact Statement, the Town Board has received and reviewed additional and more detailed environmental review materials, including:

- Full Environmental Assessment Form (“FEAF”) Part 2 – Identification of Potential Project Impacts;
- Full Environmental Assessment Form Part 3 – Evaluation of the Magnitude and Importance of Impacts and Determination of Significance; and
- A comprehensive FEAF Part 3 Findings Narrative, dated January 29, 2026, evaluating the

magnitude, importance, geographic scope, duration, and probability of identified impacts and applying the significance criteria set forth in 6 NYCRR § 617.7(c) ; and

WHEREAS, the supplemental materials further document that the Project involves, among other things:

- Disturbance of approximately 17.1 acres of land and the creation of approximately 7.4 acres of new impervious surface;
- Demolition of the former John A. Coleman Catholic High School, a structure determined eligible for listing on the State and National Registers of Historic Places;
- Construction of a new substation and interconnection infrastructure associated with delivery of power to the regional electric grid; and
- Construction and operation of a large-scale industrial energy storage facility immediately adjacent to established residential neighborhoods; and

WHEREAS, the supplemental materials further identify and substantiate potential significant adverse environmental impacts, including but not limited to:

- Land, erosion, and stormwater impacts, including development on sloped terrain and proximity to regulated surface waters;
- Impacts to threatened and endangered species, including proximity to a known Northern long-eared bat hibernaculum and habitat considerations;
- Visual, aesthetic, and community character impacts, resulting from replacement of a longstanding institutional use with a large-scale industrial energy facility;
- Historic and archaeological impacts, including demolition of an eligible historic structure and location within an archaeologically sensitive area;
- Noise and lighting impacts affecting nearby residences;
- Energy and infrastructure impacts, including substation construction and transmission interconnection requirements;
- Public safety and human health impacts, including risks associated with fire, thermal runaway, hazardous materials, and emergency response capacity for a BESS facility;
- Fire code compliance and emergency preparedness issues, including the need for a Hazard Mitigation Analysis, Large-Scale Fire Testing documentation, revisions to the Emergency Response Plan, and compliance with the 2025 Fire Code of New York State, NFPA 855, UL 9540, and UL 9540A; and
- Environmental justice considerations, as the Project Site is located within a designated Disadvantaged Community, requiring analysis of potential disproportionate impacts; and

WHEREAS, pursuant to SEQRA and 6 NYCRR Part 617, a lead agency is authorized and, where appropriate, obligated to consider new, clarified, or more detailed information received during the environmental review process in order to ensure that its determination of significance is based upon a complete and accurate record, and to supplement the SEQRA record where such information further informs the nature, magnitude, or importance of potential environmental impacts prior to the preparation and scoping of a Draft Environmental Impact Statement; and

WHEREAS, the supplemental FEA materials and Findings Narrative dated January 29, 2026 were received after issuance of the October 2, 2025 Positive Declaration but before scoping and preparation of a DEIS, and provide additional detail and clarification regarding impacts previously identified, including public safety, fire risk, historic resources, emergency response capacity, and environmental justice considerations, thereby warranting formal supplementation of the SEQRA

record while reaffirming the Town Board’s prior determination of significance; and

WHEREAS, the Town Board finds that this supplementation of the SEQRA record does not prejudice the Applicant or any involved or interested agency, does not alter the scope or nature of the proposed action, and does not delay or impair the Applicant’s ability to proceed with preparation of a Draft Environmental Impact Statement, but instead ensures that environmental review proceeds on a fully informed and legally sufficient record; and

WHEREAS, nothing herein is intended to rescind, vacate, or modify the Town Board’s prior designation of Lead Agency or its October 2, 2025 determination that a Draft Environmental Impact Statement is required;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ulster hereby supplements and re-affirms its October 2, 2025 Positive Declaration issued under SEQRA for the Alcazar ESS Battery Energy Storage System Project; and

BE IT FURTHER RESOLVED, that the Town Board finds that the additional environmental review materials dated January 29, 2026 further confirm and substantiate that the Project may result in one or more significant adverse environmental impacts, and that preparation of a Draft Environmental Impact Statement (DEIS) remains required under SEQRA; and

BE IT FURTHER RESOLVED, that the DEIS shall address, at a minimum, the potential impacts identified in the October 2, 2025 Positive Declaration as supplemented by the FEAFF Part 2, FEAFF Part 3, and Findings Narrative, including but not limited to impacts relating to land disturbance, historic resources, visual and community character, public safety, fire risk, emergency response, environmental justice, and cumulative effects; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately and shall be filed, published, and circulated in accordance with 6 NYCRR Part 617.

MOTION: Councilwoman Hartmann

SECOND: Councilman Schatzel

ROLL CALL VOTE:

Supervisor James E. Quigley 3 <sup>rd</sup>	YES
Councilwoman Maryann DeGroot	YES
Councilwoman Laura Hartmann	YES
Councilman Michael Schatzel	YES

*CARRIED*