TOWN OF WATSON, NY

LOCAL LAW NO. 6 OF 2025

A LOCAL LAW AMENDING AND SUPPLEMENTING THE TOWN OF WATSON ZONING LAW TO ESTABLISH REGULATIONS FOR COMPRESSED AIR ENERGY STORAGE SYSTEMS

SECTION 1. TITLE:

This "Local Law" shall be known as a "Local Law Amending and Supplementing the Town of Watson Zoning Law to Regulate Compressed Air Energy Storage Systems."

SECTION 2. PURPOSE AND INTENT

The current land use regulations of the Town of Watson do not adequately address the unique characteristics and potential impacts of Compressed Air Energy Storage Systems (CAESS). The purpose of this Local Law is to amend and supplement the existing Town of Watson Zoning Law, to establish clear and comprehensive standards for the permitting, installation, operation, and decommissioning of Compressed Air Energy Storage Systems within the Town. This law aims to encourage the development of alternative energy systems while safeguarding the public health, safety, and welfare of the Town residents, including, but not limited to addressing potential impacts on roads, public safety, emergency services, groundwater, noise, visual aesthetics, infrastructure, agriculture, sensitive environmental resources, and community services and amenities.

SECTION 3. SEQRA TYPE I ACTIONS

Article 3, (Administration and Enforcement), of the Town of Watson Zoning Law is hereby amended by adding a new Section to read as follows:

Section 355. SEQRA Type I Actions.

In accordance with the provisions of the New York State Environmental Quality Review Act (SEQRA, 6 NYCRR Part 617), the Town Board of the Town of Watson hereby designates the following uses as Type I Actions:

A. Compressed Air Energy Storage Systems (CAESS). Due to the inherent scale, complexity, and potential for significant environmental impacts, the establishment, construction, or expansion of any CAESS, as defined herein, is hereby classified as a Type I Action under the New York State Environmental Quality Review Act (SEQRA, 6 NYCRR Part 617).

SECTION 4. CONSULTANT FEES; ESCROW ACCOUNTS

Article 3, (Administration and Enforcement), of the Town of Watson Zoning Law is hereby amended by adding a new Section 560 to read as follows:

Section 560. Consultant Fees; Escrow Accounts Authority to Retain Consultants. The Town of Watson Town Board, Planning Board, Zoning Board of Appeals, Code Enforcement Officer, or Zoning Enforcement Officer (collectively, "Reviewing Authority") may retain engineering, planning, legal, technical, environmental, and other professional consultants ("consultant services") deemed reasonably necessary

to assist in the review of applications, and in the inspection and approval of any installations, infrastructure, or improvements following final approval.

A. Applicant Reimbursement and Escrow. The applicant shall reimburse the Town of Watson for the cost of such consultant services. As soon as possible after submission of any application which will require consultant services, an escrow account shall be established, from which withdrawals shall be made to reimburse the Town for the costs of consultant services. The initial and any additional deposit amounts shall be determined by the reviewing authority (Town Board, Planning Board, Zoning Board of Appeals) based on the specific fee schedule of the retained professional(s) and the nature and complexity of the application. The applicant shall be notified of the required amounts which will be provided to the Town and deposited into the escrow account. The consultants shall provide the Town with detailed invoices showing the services rendered for the time period billed, and the Town shall provide the applicant with an opportunity to review said invoices prior to payment.
B. Escrow Replenishment and Suspension of Review. When the escrow account balance falls to one-third (1/3) of its initial amount, the Town shall notify the applicant, who must replenish the account to the initial deposit within ten (10) business days. Failure to replenish may result in the suspension of the application review by the Reviewing Authority.
C. Final Payment and Refund. No building permit, certificate of occupancy, or other permit or approval shall be issued until all professional review fees have been fully reimbursed to the Town. Upon project approval or denial, or once all required inspections are completed and deemed satisfactory, any remaining balance in the escrow account, after final audit and payment of consultant fees, shall be refunded to the applicant. A computation of expended sums will be provided to the applicant.
D. Fee Collection. All fees required under this Law shall be collected by the Town through its bookkeeper or Town Clerk.

SECTION 5. PLANNED ENERGY DISTRICT

Article 4, (Zone Regulations) of the Town of Watson Zoning Law is hereby amended by adding a new Section 440 to read as follows.

Section 440. Planned Energy District (PED).

A. Purpose. The purpose of the Planned Energy District (PED) is to permit and guide the placement and development of Compressed Air Energy Storage Systems (CAESS). This is intended to ensure that such development occurs in a well-planned and coordinated manner that protects the Town's rural character, natural resources, and quality of life. By requiring comprehensive project analysis, the district aims to achieve a balance between new utility infrastructure and the community's long-term goals. Further purposes are to:
    1. Encourage orderly development of CAESS projects that are consistent with the Town of Watson's Comprehensive Plan.
    2. To achieve a development pattern that is in harmony with adjacent or nearby uses.
    3. To reduce land use conflicts and encourage flexibility and innovation.
    4. To avoid or minimize adverse impacts on groundwater supplies, noise, air quality, light pollution, visual appearance, traffic, critical infrastructure, sensitive environmental lands and habitats, public safety, and other adverse environmental impacts.
B. General Requirements.

1. Allowed Uses: Compressed Air Energy Storage Systems (CAESS) shall be permitted only within a Planned Energy District (PED) established in accordance with this Law.
2. Zoning Districts: A PED may be established in any zoning district or parts of zoning districts within the Town of Watson, with the exception of the Hamlet (H) Zoning District or any location within the Town of Watson Water District. The requirements of this article shall apply to all CAESS proposed for installation, construction, modification, or operation after the effective date of these regulations.
3. Community Benefits and Amenities
    a. All PED applications must be accompanied by a proposal for at least three community benefits or amenities.
    b. Each proposed community benefit or amenity:
        i. Shall be significant in scale and scope, exceeding the standard requirements of this Law.
        ii. Shall be measurable and verifiable, where applicable.
        iii. Shall directly address community needs and priorities as identified through Town Board and Planning Board analysis of the proposed project, this Law, the Town's Comprehensive Plan, other relevant planning documents, and public input.

C. PED Application Review Process
1. Conceptual Review and Sketch Plan Application to Town Board. The applicant shall submit five copies and one complete digital file of a sketch plan application describing and showing the proposed project and conceptual design. The application and submittals shall consist of the following:
    a. Project Overview: A narrative describing the project's purpose and a conceptual sketch plan that includes the location, size, and major above-ground components of the proposed CAESS system. The plan should also identify access roads, utility interconnections, and the boundaries of the project site.
    b. Survey of Property. A full survey of the property showing existing site features including buildings, structures, streets, utility infrastructure, rights-of-way, easements, and all adjacent land uses within five hundred (500) feet.
    c. Geological Feasibility Statement: A preliminary report prepared by a qualified professional that summarizes the geology and hydrogeology of the site. It should discuss the suitability of the subsurface for a CAESS cavern, identify potential geological or hydrogeological constraints, and outline the initial approach to water well surveys and monitoring.
    d. Visual and Character Assessment: A description of the project's physical appearance, including the height, mass, and general design of all proposed above-ground structures. This should also include an analysis of how the project would affect the visual character and rural setting of the surrounding area.
    e. Operational and Environmental Summary: A brief description of the system's operational characteristics (e.g., rated capacity, estimated lifespan) and a summary of its potential impacts, including noise, vibration, water quality, and traffic. The summary should propose general mitigation strategies for these potential impacts.

f. Preliminary Permitting and Approval Matrix: A list of all anticipated local, county, state, and federal permits, approvals, and agreements required for the project. This will demonstrate the applicant's understanding of the regulatory path forward.
g. Decommissioning Concept: A high-level description of the plan for decommissioning the facility at the end of its useful life. This should include a preliminary estimate of decommissioning costs and a discussion of how the site will be restored.
h. Completed Part I of the Full Environmental Assessment Form pursuant to 6 NYCRR Part 617 (SEQR).
i. Notification of Adjacent Neighbors. A written notification of the project shall be supplied to property owners within one thousand (1,000) feet of the perimeter of the lands proposed for the district approval. The notification shall include a brief narrative about the project and its purpose, location, type of use, phasing, structures, construction and operating parameters, etc. of the proposed district. Prior to taking any action on the application, the Town Board shall require satisfactory proof that such notification was prepared and sent. The notification shall include the following written statement: "An application for a planned energy district to site a Compressed Air Energy Storage System for lands within one thousand 1,000 feet of your property is being proposed. The conceptual details and a project application has been filed with the Town Clerk of the Town of Watson and may be reviewed by you during normal business hours at the Town Hall. Please call the Town Clerk if you have any questions about the procedures to review this application and the process for consideration of the proposal." Proof of mailing shall be deemed satisfactory for purposes if the applicant provides evidence of mailing by certified or registered mail, and files the receipts with the submission. Regular mail or email is not satisfactory notice.
j. Fees. A conceptual Review and Sketch Plan Application Fee as determined by the Town Board on the Town of Watson Fee Schedule.
k. Escrow. The Applicant shall submit an escrow to the Town of Watson in accordance with Section 560 of this Law.
l. Additional information required by the Town Board to adequately consider the Sketch Plan Application.

2. Town Board Conceptual Review and SEQRA Determination. The Town Board shall review the application and, as part of this process, shall make a determination regarding the environmental significance of the proposed project in accordance with the State Environmental Quality Review Act (6 NYCRR Part 617). The Town Board may require additional studies or information deemed reasonably necessary. The Town Board may also refer the application to the Planning Board for a non-binding report and may consult with any local, county, state, or federal agency. Within 60 days of receipt of a complete conceptual plan and sketch plan application for the establishment of a PED, the Town Board shall determine if the application has merit for further review and will issue a SEQRA determination of significance.
3. Town Board Considerations. In determining whether there is merit to advance the PED application, the Town Board shall consider the following:
    a. Consistency with the Town of Watson Comprehensive Plan.
    b. Identification of, and avoidance or mitigation of significant adverse impacts, especially on water quality, noise, traffic, environmental resources and community character.

c. Impacts on and capacity of the Town to provide services and housing needed.
d. Public benefits to be accrued from creating the PED.

4. PED Application Review.
   a. If the Town Board has determined that the proposed project has merit to move forward, the Applicant shall submit a complete and full Application to the Town Board and Planning Board. This Application must include all the materials detailed in subsection E, (PED Application Requirements).
   b. Planning Board review process:
      i. Upon receipt of the PED Application, at its next regular meeting, the Planning Board will hear a presentation by the applicant, review the application materials and the submitted EAF or DEIS.
      ii. During its review, the Planning Board shall request any additional information it deems necessary to determine the application complete and shall consult with Town Departments and local, state, and federal agencies as needed.
      iii. If a Positive Declaration is issued by the Lead Agency under SEQRA, a Draft Environmental Impact Statement (DEIS) will be required as part of a complete application.
      iv. Upon review of a complete application, the Planning Board shall render either a favorable report to the Town Board, with or without conditions, or an unfavorable report to the Applicant and Town Board within sixty-two (62) days or receiving a complete application.
      v. The Planning Board shall issue a favorable report only upon determining that the proposal satisfies the criteria for preliminary site plan approval and the Town Board's Criteria for Approval set forth in Subsection C(4) of this Article, which shall be explicitly stated within the report itself.
      vi. Upon issuing a favorable report, the Planning Board will forward the report and the full application to the Town Board with a recommendation that a public hearing be convened for the purpose of considering Final PED approval. This referral shall serve as an Application for Final PED Approval.
      vii. An unfavorable report must clearly state the reasons for the denial and, where possible, advise the applicant on how to revise the application to potentially receive a favorable report. The applicant may then submit a revised PED Application to the Planning Board within sixty-two (62) days of receiving the unfavorable report. The Planning Board will review the revised application according to the requirements of this Article. Failure to submit a revised PED Application within sixty-two (62) days of receiving the unfavorable report or within a mutually agreed upon timeframe, will require the applicant to restart the full review process.
   c. Town Board review and approval of Final PED Application. Upon receipt of the Final PED Application from the Planning Board, the Town Board shall set a date for and conduct a public hearing for the purpose of considering Final PED Approval and approval of the preliminary site plan in accordance with the requirements of this Law. The public hearing shall be conducted within sixty-two (62) days of receipt of the favorable report.

i. Referral. The Town Board shall refer the application to the Lewis County Planning Board for its analysis and recommendations, pursuant to the provisions of § 239-m of the General Municipal Law and the provisions of this Article.

ii. SEQRA Compliance. The Town Board shall comply with the requirements of SEQRA.

iii. Decision. Within sixty-two (62) days after the public hearing, the Town Board shall render its decision on the application.

iv. Criteria For Approval. The Town Board may approve, approve with conditions, or deny the Final PED Application and preliminary site plan, provided that it finds the proposal has met each of the following criteria or can demonstrate that one or more of them is not applicable and that a practical solution consistent with the public interest has been achieved for each of these elements:

(1) The proposal is not inconsistent with the Purpose and Intent of this Law.

(2) The proposal complies with all applicable requirements of the Town of Watson Zoning Law.

(3) The proposed CAESS does not conflict with the Town of Watson Comprehensive Plan.

(4) Approval of the PED is contingent upon the applicant's complete adherence to the State Environmental Quality Review Act (SEQRA). The project cannot receive final approval until the Town Board determines that all SEQRA requirements have been met.

v. Conditions. The Town Board, as part of its decision to approve the PED and preliminary site plan, may set forth conditions that are reasonably related and incidental to the proposed project, to the mitigation of potential impacts and/or in furtherance of the Criteria for Approval set forth above.

vi. Instructions for final site plan review and approval. As part of its decision, the Town Board shall, with assistance from the Planning Board, specify with sufficient detail, the modifications to the site plan, if any, that the Town Board requires, the construction drawings or engineering plans for the infrastructure for the project, the phasing of construction of the project where applicable, and any other aspects of the project requiring further review. The Town Board shall delegate all further review and approval of the final site plan and other associated drawings to the Planning Board.

vii. Effect of approval.

(1) The Town Board decision to approve a PED has the effect of amending the Zoning Map with respect to the property approved for the PED so that the conditions, restrictions, and terms of the PED decision replace the zoning regulations for that PED district. Such terms, conditions, and restrictions run with the land and are enforceable by the Town in the same manner as any other zoning regulation and approval conditions so that all future owners, operators, managers, and occupants shall be subject to the same.

(2) All approved PEDs shall be added to Section 440, (Planned Energy District), of this Law.

D. PED Special Use Permit Procedures
1. Special Use Permit approval required. Special Use Permit review and approval is required to ensure the planned construction and operation are in compliance with the PED approval in respect to all of the development details.
2. Process. Except as otherwise noted below, the Special Use Permit review process will follow the procedures outlined in Article 7, (Special Use) of this Law.
3. Site plan adjustments. During the Special Use Permit review, if the applicant demonstrates that certain elements of the approved preliminary site plan are unfeasible and require modification, they shall determine if the proposed modification constitutes:.
    a. Minor Site Plan Adjustment: Changes that do not alter the intent of the preliminary site plan approval, do not increase the approved floor area, structure heights, limits of disturbance and impervious areas, and do not require any dimensional variances. These adjustments may be approved by the Planning Board.
    b. Dimensional Variance Request. Any request for modification that necessitates an adjustment to a dimensional requirement (e.g., setback, height, lot coverage).
        i. Requests for a dimensional variance of less than 10% from the approved preliminary site plan may be referred by the Planning Board to the Zoning Board of Appeals for review and action.
        ii. Requests for a dimensional variance of 10% or greater from the approved preliminary site plan, or any other change the Planning Board deems major or fundamentally inconsistent with the original PED approval, shall be referred to by the Planning Board to the Town Board for potential approval, and if necessary, an amendment to the original PED approval.

    c. Requested changes to public benefits and amenities shall be referred to the Town Board for approval.
    d. Requests to add new uses not permitted in the underlying Zoning District shall be referred to the Town Board as a request for a PED amendment.
    e. Proposed changes to the site design layout shall be considered by the Planning Board. The Planning Board shall determine if the modified plan remains consistent with the original intent of the PED approval and approved preliminary site plan. If the Planning Board finds that the final site plan deviates from the original intent, it will be denied. Written findings justifying the denial shall be provided to the applicant and Town Board. The applicant shall have the ability to revise their site plan in conformance with the PED approval or seek an amendment to the PED approval.
4. Any changes to the proposed phasing plan submitted with the preliminary site plan shall be submitted with the final site plan and considered by the Planning Board.

E. PED Application Requirements: In addition to the application and submission requirements for Special Use Permits (Article 7), a complete application for a Planned Energy District (PED) Application shall include, but is not limited to, the following:

1. Project Description: A detailed description of the proposed (CAESS), encompassing all major system components and their respective functions, on and off the project site. This description shall also specify the system's maximum rated capacity, operational characteristics, and estimated lifespan.
2. Required Permits and Approvals. A comprehensive list of all local, county, state, and federal permits and approvals required for the proposed CAESS, along with a detailed status of each.
3. Site Plan: A site plan and associated narrative prepared by a New York State licensed professional engineer, clearly depicting and describing:
    a. Lot lines and physical dimensions of the CAESS project site along with all existing structures, roads, and infrastructure.
    b. Location, elevations, dimensions, materials, and key design performance parameters and capacity for all major project components, both above and below ground, on and off the project site, shall be provided in sufficient detail to allow an evaluation of potential environmental impacts of the project in compliance with this Law and 6 NYCRR Part 617. This submission shall include a description of all project components, including but not limited to: roads, shafts, caverns, storage reservoirs, structures, equipment, utility service lines (electricity, water, natural gas, sewer, both above and below ground), substations, interconnection points, storage facilities, maintenance facilities, fencing, and any other ancillary facilities or structures associated with the CAESS.
    c. Proposed changes to the landscape, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
    d. Proposed site access and construction logistics, including:
        i. Access and Circulation: Detailed plans showing all existing and proposed points of vehicular access, including temporary construction entrances and exits. This shall include sight-distance calculations, turning radii, and proposed improvements (e.g., deceleration/acceleration lanes) to ensure safe circulation onto and off public roadways.
        ii. Parking Areas: The location, dimensions, surfacing material, and capacity calculations for all proposed permanent on-site parking facilities (employee, visitor, maintenance).
        iii. Construction Laydown and Staging: Detailed plans showing the location, size, and duration of use for all construction laydown areas, material staging areas, and temporary office trailers.
4. Geology and Hydrogeology Report: A Complete and thorough analysis of the geology, hydrogeology, and groundwater quality of the project site and surrounding areas conducted by a New York State licensed professional geologist or professional engineer. This shall include, but is not limited to, the following:
    a. Hydrogeologic Conditions Analysis. An analysis of the regional, local, and site hydrogeologic conditions shall be provided to the Planning Board for review and approval. An outline of this analysis will be provided to the Planning Board for prior review and approval. This analysis will be based in part on a review of available records, reports, and mapping from several sources, including, but not limited to, the New York State Department of Environmental Conservation, Department of Health, United States

Geological Survey, U.S. Natural Resource Conservation Service, New York State Geological Survey, and any other reasonably available published and unpublished data and reports. The applicant will supplement this review with necessary field investigations on the project site and in the surrounding area in order to define the following:

i. Geological Context: The subsurface geology, including the type, thickness, and depth of the bedrock and surficial deposits.
ii. Groundwater and Surface Water Flow: The location and characteristics of hydrogeologic units (including the principal water-bearing units), the depth to ground water, the direction of groundwater flow, recharge and discharge areas, seasonal variations in water levels, surface water drainage patterns, wetlands, and the relationship between groundwater and surface water.
iii. Water Quality: Baseline groundwater and surface water quality, including any known contaminants or specific water quality issues.
iv. Vulnerability: An assessment of the vulnerability of local groundwater and surface water resources to contamination or other impacts from the proposed project.

b. Water Supply Well Survey and Well Monitoring Program. A plan for both an initial water supply well survey and a long-term well monitoring program shall be prepared and submitted to the Planning Board for review and approval. This program shall incorporate and take into consideration applicable information from the Hydrologic Conditions Analysis required by this Law, along with the following elements:

i. Water Supply Well Survey Area Delineation: Provide a description and map of the area surrounding the project site where a survey of public and private water wells will be conducted (Well Survey Area). The extent of the Well Survey Area shall be informed by the Hydrogeologic Conditions Analysis required by this Law. The minimum boundaries must encompass a one-mile radius downgradient and a quarter-mile radius upgradient of the project site's property boundaries.
ii. Water Supply Well Survey: A water supply well survey in the agreed upon Well Survey Area shall be conducted through a combination of mailings, interviews, site visits, and other means to identify the well owners, and ascertain the approximate location of wells, their elevation and depth, the age and usage of the wells, the well construction (diameter, depth, casing, screening, etc.), the likely stratigraphic unit utilized by the wells, the well's water level and yield (if known), perceived water quality, and any other relevant information. Well owners should also be asked if they would be willing to sign an agreement to have a water level measuring/recording device installed for future monitoring and if they are willing to have water quality sampling conducted. Documentation must be provided to the Planning Board regarding the efforts to contact well owners in the agreed survey area. A report and associated map(s) documenting the results of the water well survey will be submitted to the Planning Board. The

protocol for conducting the water supply well survey shall be provided to the Planning Board for review and approval prior to commencing the survey.

iii. Long-Term Water Supply Well Monitoring Program: Following the initial water supply well survey, the applicant will institute a monitoring program. A schedule for ongoing water level and water quality monitoring within the well survey area must be provided to the Planning Board review and approval. Monitoring will commence at least one year prior to construction to establish baseline conditions, continue throughout the construction phase, and then conducted at a minimum of twice per year for the entirety of the facility's operations. The long-term monitoring program must be submitted to the Town Board in advance for approval and shall include:

(1) A list of all constituents to be tested, including their respective detection limits and analytical methods. Specific water quality constituents consistent with the elements and compounds proposed to be used in the construction and operation of the CAESS, along with additional applicable constituents that may have been identified in the Hydrologic Conditions Analysis required by this Law.

(2) Locations where the applicant has the right to safely install water well monitoring and recording devices and where homeowners have consented to water quality sampling.

(3) Procedures for data management, analysis, reporting, and a clear protocol for notifying the Town Board and homeowners of any exceedances or significant trends.

c. Monitoring Wells and Storage Reservoir Plan. The applicant shall prepare and submit to the Planning Board for prior review and approval plans for the installation and testing of monitoring wells and the storage reservoir. The applicant shall commit to implementing the approved plan for testing the monitoring wells within the study area upgradient and downgradient of the project site, prior to, during, and after construction and during operation of the CAESS. The plan shall include a work plan detailing proposed locations, drilling methods, depths, construction specifications, well sampling intervals, duration, and types of laboratory analyses. The Monitoring Wells and Storage Reservoir Plan shall also include characterization of any surface reservoir sludge, solid waste, petroleum, hazardous substances or waste, or process waste to be stored, generated, transported, or disposed of during construction and operation phases. Procedures for managing, handling, and disposing of such materials shall be clearly document.

d. Responsibility for Adverse Impacts to Water Supplies. In the event that the construction, operation, or any related activities of the CAESS directly cause or contribute to adverse impacts on public or private drinking water supplies within or hydrologically connected to the water supply well survey area, as determined by data collected pursuant to this Section, the Applicant/Operator shall be solely responsible, at its sole cost and expense, to promptly and fully correct such adverse impact. Such corrective actions shall include, but may not be limited to, providing an alternative potable water supply of comparable

quantity and quality, remediation of the affected source, and/or compensation for direct damages. The goal is to restore the water supply negatively impacted by the project to its pre-impact condition.

5. Wastewater Management Plan: Specifics regarding the proposed conveyance, storage, distribution, generation, handling, use, and/or treatment of any sewage, process wastes, aqueous-carried wastes, petroleum, hazardous substances, hazardous waste, solid waste, and/or process wastes. This shall include estimated types and quantities of such materials and the amount of wastewater to be generated. A description of all pollution control measures and activities proposed to prevent on-site disposal and potential contamination of groundwater or surface water, including spill response activities, shall be provided to the Town Board for review and approval.
6. Stormwater Management Plan: Details regarding existing and proposed stormwater management facilities, runoff, and a preliminary Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001, or its most current revision). No land disturbance shall commence until applicable stormwater permits are approved and received by the Planning Board.
7. Traffic Impact Assessment: An assessment of the potential adverse impacts on public roads within the Town of Watson due to construction and operation traffic, including an estimate of daily vehicle trips broken down by vehicle size classification (e.g., passenger cars, heavy trucks, construction equipment) proposed routes, gross weights and heights of loaded vehicles, and a plan for disseminating traffic information. The Traffic Impact Assessment study area shall be determined in consultation with the Town Board and Lewis County. The Traffic Impact Assessment study area will be based on all proposed haul and traffic routes, including the truck haul routes to be evaluated in accordance with the subsection 10, (Noise and Vibration Technical Report and Monitoring) of this Law. The applicant shall demonstrate entry into a Road Use Agreement with the Town and/or County of Lewis. At a minimum, this agreement will require pre-construction road condition documentation and a financial commitment to fully repair any road damage or wear and tear caused by the project.
8. Public Safety and Hazard Mitigation Plan: A comprehensive plan identifying and addressing potential safety hazards during construction and operation phases. At a minimum, this plan must include procedures for:
    a. Safely shutting down, de-energizing, or isolating equipment.
    b. Inspecting and testing all alarms.
    c. Responding to emergencies such as fires, explosions, releases, or rescues.
    d. Properly handling and managing damaged equipment.
    e. Incident reporting, including an Incident Notification Reporting Protocol for review and approval by the Planning Board, clearly identifying reportable incidents, mandatory reporting timeframes, and a designated contact list.
9. Emergency Services Coordination Plan: A plan detailing coordination with local fire departments, Lewis County Director of Emergency Management, and other relevant emergency responders. This plan must include provisions for initial and annual on-site drills and training. It shall also assess, the need for additional emergency services equipment or vehicles. If it is determined that the project requires new equipment or vehicles, the applicant shall provide them at their

own costs. The Plan shall be reviewed and endorsed by a third-party professional selected by the Town Board, the cost of which shall be full reimbursed by the Applicant.

10. Noise and Vibration Technical Report and Monitoring: The Applicant shall provide a detailed Noise and Vibration Technical Report prepared by a qualified professional. This report shall demonstrate that potential adverse impacts on human and wildlife well-being from noise and vibrations generated during the construction and operation of the proposed CAESS and ancillary equipment will be avoided or mitigated to the maximum extent practicable. An outline of the report and draft protocols for conducting all required analyses shall be provided to the Planning Board for prior review and approval. At a minimum, the report shall include the following:
    a. Introduction and Terminology. The report shall include a foundational narrative explaining the basic principles of both acoustics and vibration, as relevant to the proposed CAESS and its potential impacts. This discussion must define key concepts including sound pressure level (with an explanation of decibel weighting scales such as dBA, dBC, and Z-weighted), frequency (pitch), the nature of tonal components, and characteristics of impulsive noise. For vibration, the discussion shall explain vibration amplitude (including measurement units like inches/second or millimeters/second and methods like Peak Particle Velocity - PPV and Root Mean Square- RMS), vibration frequency (Hz), differentiate between continuous, intermittent, and impulsive vibration, describe principles of vibration propagation through the ground and structures.
    b. Study Area and Sensitive Receptors.
        i. Study Area: The initial study area for the noise and vibration analysis shall extend to a one-mile radius from the project site. The Planning Board reserves the right to expand this study area if impacts or the potential for impacts are found to extend beyond the initial one-mile radius. Additionally, all roads within the Town proposed for hauling material off-site or deliveries to the site, regardless of the distance from the project site, must be identified.
        ii. Identification of Sensitive Receptors: A clear identification and mapping of all noise- and vibration-sensitive receptors situated within the approved study area is required. This includes but is not limited to:
            (1) Occupied Buildings: Residential dwelling units, educational, medical, and dental facilities, museums/historic uses and sites, and similar uses and sites.
            (2) Commercial and Industrial Operations: Businesses, manufacturing, and industrial operations.
            (3) Infrastructure: Water wells, water and sewer infrastructure, electrical and communication equipment, and monitoring/control systems. During construction and operation phases, newly constructed sensitive receptors within the approved study area must be added to the monitoring plan.
        iii. All identified sensitive receptor sites shall be submitted to the Planning Board for its final review and approval
    c. Existing Conditions Data Collection.
        i. Baseline Noise and Vibration Characterization: Documentation of existing

pre-construction ambient noise and vibration levels at all identified sensitive receptor sites shall be provided. This data must include both daytime and nighttime measurements to accurately quantify the proposed facility's potential contribution to the sound and vibration environment during construction and operation.

ii. Vibration Baseline: Identify existing sources of vibration if any and characterize existing vibration levels in the study area. Measurements should characterize dominant frequencies and amplitudes of existing ambient vibration, using appropriate metrics (e.g., Peak Particle Velocity - PPV).

d. Noise and Vibration Thresholds. The applicant must provide proof and demonstrate that noise and vibration generated during construction and operation will not exceed the following limits:

i. Construction Noise. This includes noise generated by all construction activities, including off-site truck traffic associated with the project.

(1) Incremental Increase: The project must incorporate feasible construction noise mitigation measures when the total noise level (construction combined with ambient) at the property line of any receptor sites exceeds the ambient noise level by 6 dBA or more during the daytime or nighttime.

(2) Absolute Limit: Construction noise shall not exceed an absolute limit of 80 dBA (1-hr Leq) during the daytime and 70 dBA (1–hr Leq) during the nighttime at the property line of any receptor site.

(3) Truck Traffic. For truck traffic, the analysis shall consider factors such as estimated daily and hourly truck traffic volumes, typical operating speeds, proposed hours of operation, and the noise characteristics of the vehicles used for hauling and deliveries. The cumulative noise from multiple truck passes over the measurement period shall be assessed against these limits.

ii. Operational Noise:

(1) Incremental Increase: Operational noise shall not increase the total noise level by 6 dBA or greater over ambient at the property line of any receptor site during the daytime or nighttime.

(2) Absolute Limit: The absolute operational noise shall not exceed 55 dBA Ldn at the property line of a receptor site when the facility is operating at full load.

iii. Tonal and Low-Frequency Noise:

(1) Operational low-frequency noise shall not exceed 60 dBC (1-hr Leq) at the property line of any receptor site when the facility is operating at full load.

iv. Construction Vibration.

(1) Potential Building Damage: U.S. Bureau of Mines Report of Investigations 8507 Figure B—1 (Siskind et. al. 1980) maximum allowable PPV at all sensitive receptor sites/structures.

(2) Building occupant annoyance: 72 Vdb (re 1 micro-inch/sec).

v. Operation Vibration.

(1) The facility design must not result in any perceptible increase in ground vibration at receptor sites.

(2) The operational vibration criteria for building occupant annoyance is 72 VdB (re 1 micro-inch/sec).

e. Analysis of Construction Impacts and Mitigation.

i. A comprehensive environmental analysis of noise and vibration impacts shall be presented for the construction phase, inclusive of all construction vehicles and equipment (including truck routes), along with a detailed proposal and modeling of specific mitigation measures (e.g., acoustic enclosures, noise barriers, silencers, vibration isolation, or operational scheduling).

ii. The application shall include manufacturer-provided sound power levels, spectral data, and vibration levels or signatures for each piece of equipment.

iii. The vibration impact assessment shall identify potential vibration sources (e.g., blasting, drilling, pile driving), predict vibration levels at receptor sites, and evaluate potential impacts against relevant standards for human annoyance, structural integrity, and interference with sensitive equipment.

f. Cumulative Effects of Noise and Vibration. A thorough discussion on the cumulative effects of noise and vibration from the proposed project in conjunction with other existing or reasonably foreseeable future noise-generating and vibration-generating activities in the area shall be provided. This analysis shall be limited to those uses or activities that that are existing, under construction or formally proposed or approved by the Town Board at the time of submission and located within the approved study area.

g. Analysis of Operational Noise and Vibration Impacts and Mitigation.

i. An analysis shall be presented for the operational phase of the CAESS.

ii. The analysis must include modeling results and a written narrative demonstrating that the proposed system, with all planned mitigation, meets the sound and vibration levels established in this law, including the specific provisions for tonal and low-frequency noise, in accordance with this Section. Compliance with these standards shall be demonstrated by explicitly comparing the modeled operational sound and vibration levels against the baseline conditions documented under Section 440.E.10.c.

h. Construction and Operational Noise and Vibration Monitoring Plan and Requirements.

i. The applicant shall develop a plan for and commit to conducting noise and vibration monitoring during both construction and commercial operation. The plan will be submitted to the Planning Board for prior review and approval and include:

(1) Monitoring Locations. Identified sensitive receptor sites within the approved study area and along designated truck routes.

(2) Sensitive Receptor Condition Survey. If blasting is proposed, the applicant shall conduct pre- and post-construction condition surveys of all identified sensitive receptor sites located within the Study Area to be determined in consultation with and approved by the Planning Board. The purpose of these surveys is to document the existing condition of structures prior to construction activities and to identify any potential damage that may be attributable to noise and/or vibration from the project.

(3) Measurement Frequency. The frequency and duration of measurements (e.g., continuous monitoring during specific high-impact activities, periodic spot check).

(4) Equipment and Methodology. The type of monitoring equipment to be used and the methodologies for data collection, ensuring consistency with baseline measurements and applicable standards.

(5) Dedicated Point of Contact: The applicant shall designate and maintain a readily accessible and publicly advertised local point of contact (e.g., telephone number, email address, online portal) for receiving and promptly responding to noise and vibration complaints from the public during construction and throughout the operational life of the CAESS. This contact information shall be provided to the Town Board and prominently displayed on the project site in a location accessible to the public, as well as on the Town's website.

(6) Complaint Protocol: A clear, written protocol for documenting, investigating, and responding to all noise and vibration complaints within a specified timeframe (e.g., 48 hours for initial contact, 7 days for initial investigation report to the complainant and Town). This protocol shall include: (1) Procedures for recording details of the complaint (date, time, nature of complaint, location of complainant). (2) Methods for investigating the complaint, which may include site visits, direct communication with the complainant, operational data review, and if warranted, post-commissioning noise and/or vibration measurements in the vicinity of the complaint. (3) A commitment to provide a written response to the complainant and the Planning Board, outlining the findings of the investigation and any proposed corrective actions.

ii. Reporting. During the construction phase and for the first two years of commercial operation, the applicant shall submit quarterly reports. After the first two (2) years of operation, reports shall be submitted twice per year. Each report shall include the results of ongoing monitoring along with any complaints received, the outcome of any investigations, and any corrective actions taken.

iii. Corrective Action Plan: In the event that noise or vibration exceeds the limits established by this Article, the applicant shall, at its own expense, develop and submit to the Town Board for approval a corrective action plan within a specified timeframe (e.g., 30 days of validation). This plan

shall identify: (1) The root cause(s) of the unexpected impact. (2) Detailed proposed measures to mitigate the impact (e.g., construction method and timing adjustments, equipment adjustment, additional acoustic baffling, operational scheduling changes, equipment replacement, or other engineering controls). (3) A timeline for implementation of the corrective measures. (4) A commitment to conduct post-mitigation verification measurements to demonstrate compliance with approved limits and the effectiveness of the corrective actions.

iv. Ability to Mandate Further Action: The Planning Board reserves the right, based on the nature and frequency of complaints or the findings of independent investigations, to require additional noise and vibration monitoring, studies, or mitigation measures at the applicant's expense throughout construction and the operational life of the CAESS to ensure ongoing compliance and protection of public health and welfare if investigations confirm that measured noise or vibration levels exceed the numerical limits established by this law.

v. Responsibility for Adverse Impacts from Noise and Vibration. If the construction, operation, or any related activities of the CAESS cause noise and/or vibration levels at the sensitive receptor sites to exceed the thresholds established in this subsection or directly or proximately causes damage to the sensitive receptor sites, the Applicant will be solely responsible. At their own expense, the applicant must promptly and fully correct these exceedances. Corrective actions will include compensation for confirmed damage, and where applicable may include implementing additional mitigation measures and modifying operational procedures.

i. Noise and vibration effects on wildlife. Based on relevant literature, the applicant shall provide a qualitative discussion of potential effects of CAESS construction and operation on wildlife within the Town Board approved study area surrounding the project site. This analysis shall include, but not be limited to, state or federally designated rare, threatened or endangered species, as well as species commonly hunted or fished locally. The analysis should inform the Town's evaluation of the project's effects under SEQRA.

11. Visual Impact Assessment (VIA) and Mitigation Plan: The application shall include a comprehensive Visual Impact Assessment (VIA) and mitigation plan prepared in accordance with NYSDEC Program Policy DEP-00-2, "Assessing and Mitigating Visual and Aesthetic Impacts" (or its successor) and other applicable visual assessment standards and best practices. This VIA shall evaluate the potential for adverse visual and aesthetic impacts on identified sensitive receptor sites approved by the Town Board from the CAESS and all associated ancillary equipment (e.g., above-ground interconnections, lighting, infrastructure), including temporary construction equipment. The assessment shall include, but not be limited to, the following components:
    a. Inventory of Aesthetic Resources and Sensitive Receptors:
        i. Identification and mapping of all publicly accessible aesthetic resources of statewide and local significance within the project's viewshed, as defined by DEP-00-2 (e.g., State/National Register of Historic Places, State Parks, Scenic

Byways, designated scenic vistas, public recreational areas, and locally designated aesthetic resources from adopted comprehensive plans or zoning).

ii. Identification and characterization of visually sensitive receptors, including, but not limited to, residential areas, schools, healthcare facilities, and areas of significant public gathering or recreation.

b. Viewshed Analysis:
   i. A detailed viewshed analysis (e.g., digital viewshed mapping) to delineate areas from which the proposed CAESS components would be visible. This analysis shall account for existing topography and significant vegetation (including both leaf-on and leaf-off conditions if vegetation screening is relevant).
   ii. Line-of-sight profiles from key identified sensitive receptors or designated aesthetic resources to the project site.

c. Visual Simulations and Representation: High-quality, representative photographic simulations of the proposed CAESS (temporary and permanent elements) from identified key viewpoints. These viewpoints shall be selected and approved by the Planning Board and relevant agencies (e.g., NYSDEC, OPRHP) and shall include:
   i. Views from highly sensitive receptors (e.g., property lines of residences, and within recreational areas).
   ii. Views from designated aesthetic resources.
   iii. "Worst-case scenario" views (e.g., closest public vantage points, views where the project is most prominent).
   iv. Both existing (pre-construction) and simulated (construction and post-construction) views.
   v. Where vegetation screening is proposed as mitigation, simulations must include both leaf-on and leaf-off conditions.

d. Interpretation of results, including qualitative and quantitative assessment of the nature and degree of visual change resulting from the project.

e. Analysis of Facility Characteristics and Operational Effects:
   i. Discussion of the appearance of the facility during construction and upon completion, including building/structure size, architectural design, building, equipment, and tower colors and textures, and lighting (including lumens, location, and direction, and compliance with "dark-sky" principles).
   ii. Analysis and description of related operational effects of the facility, such as potential visible plumes, shading, or glare.

f. Visual Impact Mitigation Strategies:
   i. A detailed plan outlining specific measures designed to avoid, minimize, or mitigate identified adverse visual impacts, in accordance with DEP-00-2 guidance (e.g., site selection, facility layout optimization, use of non-reflective materials, painting to blend with the landscape, architectural design, screening through vegetation or berms, lighting design).
   ii. Visual simulations illustrating the effectiveness of proposed mitigation measures, where applicable.

g. Cumulative Visual Impact Analysis:

i. A thorough discussion of the cumulative visual effects of the proposed project in conjunction with other existing or reasonably foreseeable future visually-prominent developments approved by the Town Board in the area of the CAESS.

12. Decommissioning Plan: In accordance with all applicable local, county, state, and federal regulations, a decommissioning plan shall be provided. This plan shall detail the physical removal of all above-ground CAESS components, structures, equipment, security barriers, and associated transmission lines upon abandonment or end of useful life, including proper disposal of all solid and hazardous waste. The plan shall also include provisions for site restoration of the surface of the site to its original state, or an approved alternative condition, along with a timetable for this restoration. All components shall be removed to an appropriate depth, while taking into account the practicality and the post-decommissioning site impacts (environmental, ground stability, site use, etc.) of such removals. The decommissioning of below-ground structures such as shafts, caverns, and ancillary structures will be consistent with the standard industry practices for similar structures and any applicable state and/or federal requirements to avoid significant environmental and ground stability impacts. This plan must provide an estimated decommissioning cost certified by a NYS Licensed Professional Engineer. Furthermore, the Applicant shall continually maintain Financial Assurance (e.g., bond or escrow account). This assurance shall be in a form and amount approved by the Town Board and Town Attorney, and must be no less than one-hundred-twenty percent (120%) of the estimated decommissioning costs. Decommissioning cost estimates shall be updated every five (5) years, and the amount of the Financial Assurance shall be adjusted accordingly.
13. Host Community Agreement: To the extent allowable by New York State Law, the Town of Watson encourages the applicant to enter into a Host Community Agreement to address community benefits and mitigate project-related impacts.
14. Comprehensive Housing Plan: A housing plan must be submitted that includes, at a minimum, an analysis of current housing availability and market impact within Lewis County, including projections of employee housing needs and potential strain on affordability and rental rates. This plan must also outline strategies for providing quality housing necessary to meet any projected employee housing needs, in compliance with all relevant New York State and local building codes. It shall include a clear plan for the potential reuse to prevent long-term negative impacts. Furthermore, the plan must demonstrate proposed engagement with involved communities, a Housing Authority operating in Lewis County, and local housing developers for proper planning and siting and to adequately address workforce housing needs and regional impacts. Finally, a thorough analysis of the project's potential impacts on local school districts, projecting new student enrollment and assessing current capacities. This analysis must also extend to other critical community services such as emergency services, water and wastewater infrastructure, solid waste management, roads, transportation, and healthcare facilities. For all identified impacts, the plan shall propose specific mitigation measures and financial contributions to ensure adequate service provision for both existing residents and the project's workforce.
15. Security Plan: A comprehensive Security Plan delineating proposed measures to address the security of the project site and any associated or newly constructed residential facilities intended to accommodate construction and operational project employees and their families. This plan shall include, at a minimum, details pertaining to site perimeter security

(e.g., fencing specifications), access control systems and procedures, and a robust emergency contact protocol.

F. Development Standards. In addition to applicable standards set forth elsewhere in this Law, the following standards shall apply to all Compressed Air Energy Storage Systems (CAESS):

1. Minimum Setback: All components of a CAESS, including all mechanical equipment and accessory structures, shall be set back a minimum of one hundred (100) feet from all subject property tax parcel lines (or boundaries). Fencing, low-profile accessory structures/equipment, and security measures may be located within this required setback, taking into consideration the need to avoid or mitigate visual, noise, and vibration impacts.
2. Height-Based Setback: In addition to the minimum one hundred (100) foot setback required in subsection F(1) above, all structures associated with the CAESS shall be set back from all project site property lines a minimum distance equal to one and one-half (1.5) times their total height.
3. Vegetation Retention, Mitigation, and Justification:
    a. Removal of trees shall be minimized. If mature trees (greater than six inches in diameter at breast height) are removed, a replacement ratio of two (2) trees for each tree removed shall be a condition of approval, with species and location determined by the Town Board.
    b. The Applicant shall be required to maintain the maximum practicable amount of existing vegetation within all setback areas, between construction operations/facility components and adjoining property lines, to serve as a visual and sound buffer. The application for a CAESS shall clearly demonstrate precisely why the removal of any existing vegetation within the setback areas is essential for the construction and/or safe and efficient operation of the facility. Any proposed removal of vegetation shall be explicitly justified as part of the visual and sound impact assessments required by this Law. The application shall further demonstrate how, in the absence of such vegetation, sufficient visual, sound, and vibration impacts will be mitigated or avoided through alternative measures to ensure the continued protection of adjoining properties and the community, in accordance with the requirements of this Law.
4. Height:
    a. No permanent buildings, structures, or other project elements shall exceed 75 feet in height and no temporary buildings, structures, or other project element shall exceed 150 feet in height measured from the lowest finished grade to the highest point of the building, structure, or other project element, except for overhead transmission lines and associated support structures necessary for project interconnection.
    b. The applicant shall make all efforts to limit the total height of all buildings, structures, and other project elements to the maximum extent practicable. This commitment will be achieved through strategic approaches such as optimized layout and siting, which involves strategically placing taller components within natural depressions or behind existing visual buffers. Additionally, efforts will focus on utilizing underground or partially buried components, designing to locate as much equipment as feasible below grade. The selection of low-profile equipment will be prioritized, choosing machinery and structures with inherently lower heights where performance allows. Further, the applicant should consider implementing consolidated footprints, combining multiple functions into fewer, more compact structures to minimize overall vertical presence, and

employ architectural design integration by using features that visually reduce perceived height, such as horizontal lines or varied massing. The applicant shall provide a written justification demonstrating that alternative approaches to limit the height of all buildings, structures, and other project elements are not practicable and detailing why the proposed height is essential for the project.

c. The applicant will coordinate with Fort Drum to assess and mitigate any potential impacts on military operations. Concurrently, the applicant shall engage with the Federal Aviation Administration (FAA) and other pertinent regulatory agencies to ascertain all mandated aviation lighting, marking, or other air navigation safety requirements. All such determined requirements shall be precisely detailed and depicted on the project plans.

5. Fencing: CAESS, including all mechanical equipment, shall be enclosed by a seven (7) foot high fence with a self-locking gate to prevent unauthorized access, unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports. Warning signs with up-to-date owner contact information and emergency details shall be placed on the entrance and perimeter of the fencing.
6. Screening and Visibility: The applicant shall make all efforts to avoid and/or mitigate adverse visual impacts to the maximum extent practicable. These efforts, to be detailed in the required Visual Impact Assessment and Mitigation Plan, shall be consistent with NYSDEC Program Policy DEP-00-2, "Assessing and Mitigating Visual and Aesthetic Impacts" (or its successor). Any required vegetative screening shall be maintained and replaced as needed throughout the project's lifetime.
7. Lighting: All exterior lighting, except lighting required by Fort Drum and the FAA, shall be limited to the minimum illumination levels necessary for safety and operational purposes and shall be full cutoff, downward-directed, and shielded to prevent light trespass onto abutting properties, minimize glare, and reduce sky glow. All non-essential lighting must be turned off after 9:00 PM.
8. Utility Lines: All on-site utility lines shall be placed underground where reasonably practicable and as permitted by applicable law or authorized by the applicable utility.
9. Waste Management: All solid waste, hazardous waste, and construction debris shall be removed from the project site and managed in a manner consistent with all applicable rules and regulations. The applicant shall provide a detailed Waste Management Plan clarifying the standards and protocols for the removal, disposal, and necessary reporting of all wastes, including surface reservoir sludge, solid waste, petroleum, hazardous substances, hazardous waste, and/or process wastes. Reporting Requirement: The Applicant must submit an annual Waste Management Report to the Town Board summarizing the following for the preceding calendar year:
    a. Total quantities of all waste streams generated.
    b. Specific methods used for the removal and disposal of each waste stream.
    c. Any waste management incidents or regulatory non-compliance issues encountered.
10. Housing Standards: If new housing units are required for construction or operational personnel, all efforts shall be made to utilize high-quality, durable site-built housing to the maximum extent practicable. The applicant may propose alternative construction methods provided it is demonstrated that such methods meet comparable standards for quality and future reuse potential. All housing must be carefully planned and sited. The applicant shall engage with

involved communities, a Housing Authority operating in Lewis County, and other applicable organizations and agencies to consider and plan for the housings reuse after the project is complete.

G. General Provisions

1. Consultation. The Town Board will consult with any local, county, state, or federal agency during its review of a proposed CAESS.
2. Enforcement. In addition to the provisions of subsection H, (Decommissioning and Abandonment), any violation of this Chapter, or any condition or requirement imposed hereunder, shall be subject to the enforcement remedies, penalties, and procedures as fully set forth in Section 330, (Violations and Penalties) of the Town of Watson Zoning Law, and pursuant to the applicable provisions of New York State Town Law.
3. Waivers. The Town Board retains the authority to waive any enumerated application requirement, or portion thereof, if it is formally determined that such requirement is not essential or applicable to the review of a specific application. Any such waiver shall be documented by written findings, detailing the basis for the determination of non-applicability, which findings shall be formally incorporated into the official Town Board meeting minutes.

H. Decommissioning and Abandonment.

1. Cessation of Operation and Abandonment:
    a. Operation and Cessation Determination. A CAESS will be deemed in a state of operational cessation if it remains non-functional or inoperative for a continuous period of two (2) consecutive years. For purposes of this determination, a CAESS is considered non-functional or inoperative when its primary components are unable to operate as intended due to mechanical failure, disconnection from the grid, or other technical issues. However, such conditions will not constitute non-functional or inoperative status if they are due to planned maintenance, regulatory delay, market-based curtailment, economic conditions or other circumstances outside of the reasonable control of the owner/operator. An important exception to the reasonable control provision is if the CAESS is non-functional due to the owner/operator being insolvent, in which case the facility will be considered in a state of operational cessation. Notwithstanding the foregoing, a CAESS shall not be considered non-functional or inoperative where the owner/operator demonstrates viability of the facility and provides evidence of good faith efforts to return the CAESS to operational status.

    b. Notice of Operational Cessation. After a public hearing regarding the CAESS inoperability or abandonment, the Town Board may issue a Notice of Operational Cessation to the owner/operator. The owner/operator shall have 30 calendar days from the date of the Notice to submit a written response detailing the reasons for the operational cessation or abandonment and providing a comprehensive Active Restoration Plan. This plan must demonstrate a good-faith effort to returning the CAESS to functional status, or alternatively propose to commence decommissioning in accordance with the approved

decommissioning plan.

c. Review and Approval of Active Restoration Plan. The Town Board, acting reasonably and in good faith, and in coordination with and consistent with all applicable local, county, state, and federal laws, regulations, agencies, and agency approvals, may reject or modify any proposed Active Restoration Plan or timeline provided by the owner/operator. The Town Board may not unreasonably withhold its approval of the Active Restoration Plan or, in modifying the proposed Active Restoration Plan, may not implement constraints such that CAESS restoration becomes impracticable. The owner/operator shall diligently pursue the agreed-upon Active Restoration Plan.

d. Violation. Failure to respond to the Notice, provide an acceptable Active Restoration Plan, diligently adhere to an approved timeline, or demonstrably fail to restore operations as required by the approved plan, shall constitute a violation of this Law, subject to enforcement as provided by Town Law Section 268 and this Zoning Law.

e. Abandonment Determination. Should the CAESS remain non-functional or inoperative for a period of twelve (12) months following the approval of an Active Restoration Plan (or eighteen (18) months from the date of the Town's denial of an Active Restoration Plan) and absent compelling circumstances demonstrated by the owner/operator, it may then be deemed abandoned and constitute a public nuisance, presenting a potential health and safety risk.

2. Decommissioning Order. Any Decommissioning Order issued by the Town Board concerning an CAESS shall be made and executed in coordination with, and consistent with, all applicable local, county, state, and federal laws, regulations, and agency approvals. The Town Board may issue such an Order under any of the following circumstances:
   a. Abandonment. The CAESS has ceased continuous commercial operation for a period of twelve (12) consecutive months, and the owner fails to respond to a Town Board Notice of Abandonment within thirty (30) calendar days or fails to implement or adhere to an approved corrective action timetable to restore operations.
   b. Permit termination. Lawful revocation of local, county, state or federal permits due to non-compliance with their approvals, associated conditions and applicable laws and regulations.
   c. End of useful life: The CAESS has reached the end of its projected operational lifespan as defined in its approved plans, and no new approval(s) for continued operation are being sought or have been granted.
   d. Imminent hazard: The CAESS is found to pose an imminent and unmitigable threat to public health, safety, or the environment, as determined by a Professional Engineer, and the owner has failed to promptly and effectively address the hazard as directed by the Town or other regulatory agencies.
   e. Insolvency: The owner declares bankruptcy or becomes insolvent, and no successor entity assumes responsibility for the CAESS's operation and decommissioning obligations.

3. Removal Obligation: Within sixty (60) days of the issuance of the Decommissioning Order, and where the removal of the CAESS is required, the owner/operator shall physically remove the CAESS pursuant to the approved decommissioning plan within the timeframe identified in the Decommissioning Plan in coordination with applicable approvals, laws, regulations and agencies. This period may be extended at the discretion of the Town Board. If the owner/operator fails to remove the system, the Town may utilize the Financial Assurance to remove the CAESS and restore the site. Any unrecovered costs incurred by the Town shall constitute a lien against the property, enforceable in the same manner as unpaid real property taxes.

SECTION 6. PRELIMINARY SITE EVALUATIONS

Article 5, (General Regulations), of the Town of Watson Zoning Law is hereby amended by adding a new Section to read as follows:

Section 500. Preliminary Site Evaluations and Studies.

Projects subject to the jurisdiction of the Town of Watson Zoning Law may require certain site evaluations and studies during the application development and project review phases. The following evaluations and studies may be conducted without prior approval from the Planning Board provided they are conducted in a manner that minimizes environmental impact and are limited to the minimum extent necessary to complete the task:

A. Land Surveys and Field Testing: The use of temporary stakes, flags, or other markers for the purpose of land surveying. This also includes limited, localized soil borings or percolation tests necessary for engineering or site suitability analysis.

B. Environmental and Ecological Investigations: The establishment of small, temporary access paths and the minor trimming of vegetation necessary to conduct environmental assessments, wetland delineations, and wildlife studies.

C. Geotechnical Investigations: The drilling of test pits or borings required to determine the subsurface conditions of the site and construction of associated temporary access roads.

D. Other Necessary Studies and Evaluations. Any other limited and temporary ground disturbance or vegetation removal activity required to complete a technical study or evaluation that is a prerequisite for a complete development application.

SECTION 7. DEFINITIONS

Section 1020, Article 10, (Definitions), of the Town of Watson Zoning Law is hereby amended by adding the following definitions in appropriate alphabetical order:

APPLICANT – Any person, firm, partnership, association, corporation, company, or organization that submits an application to the Town for the purpose of obtaining a permit or approval for a project. For the purposes of the Town of Watson Zoning Law, the term "Applicant" shall also include any and all future owners, successors, assignees, or operators of an approved project, who shall be held to the same standards, conditions, and requirements as the original Applicant.

ADVANCED – COMPRESSED AIR ENERGY STORAGE SYSTEMS (A-CAESS): A type of Compressed Air Energy Storage System (CAESS) that captures and reuses the heat generated during air compression for

use during air expansion, thereby significantly enhancing overall energy efficiency and minimizing or eliminating the need for supplemental fuel combustion during electricity generation. Such systems are distinguished by their integrated thermal management and may include specific components such as thermal energy storage tanks.

COMPRESSED AIR ENERGY STORAGE SYSTEMS (CAESS): An electromechanical energy storage facility that stores energy by compressing air and containing it within a purpose-built storage location, which may include, but is not limited to, underground caverns (such as hard rock or salt domes) or large tanks. When energy is needed, the compressed air is expanded through a turbine to generate electricity on demand. CAESS typically comprises components including, but not limited to, air compressors, storage reservoirs, turbines, generators, heat exchangers, storage tanks, electrical switchyard or substation, and associated ancillary control and safety equipment. For the purposes of this law, CAESS shall include Advanced-Compressed Air Energy Storage Systems (A-CAESS), but shall not include photovoltaic (solar) arrays or panels used for the purpose of generating electricity and shall not be considered an Essential Facility as defined by this law.

CAVERN: An underground space, natural or man-made, used for the storage of compressed air as part of a CAESS.

FULL LOAD: The maximum operational capacity of a CAESS, including both the compression and generation cycles. For the purpose of this article, "full load" is considered to be the condition under which the CAESS is operating at its maximum rated electrical or air compression output.

SHAFT: A vertical passageway from the ground surface to an underground cavern or underground facility, and used for access, ventilation, equipment installation, and the operation of the CAESS.

STORAGE RESERVOIR: A surface reservoir used to hold water that maintains hydrostatic pressure within a CAESS or for other operational needs.

SECTION 7. SEVERABILITY.

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with New York State Home Rule Law.