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**MEMORANDUM**

**TO:** Howard Post, Planning Board Chair
Members, Saugerties Planning Board

**FROM:** Adriana Beltrani, AICP
Dylan Tuttle, AICP

**RE:** KCE NY 34 LLC
7 Tomsons Road, #150
SBL 18.1-4-5.100

**DATE:** October 16, 2026

**CC**: Becky Bertorelli, Planning Board Clerk
Paul Larios, Town Engineer
George Redder, Esq., Planning Board Attorney

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The applicant is proposing the construction of a 100MW/400MWh battery energy storage system (BESS) with associated transformer, breakers, and fencing on a 59-acre parcel that gains access from Tomsons Road. The project is located within the Industrial district and the Aquifer Protection Overlay district, and the use is permitted with site plan and special use permit as Electric, Gas and Sanitary Services.

This memorandum is an addendum to our project review memo and offers a discussion of the attached draft Part 2 EAF.

**Part 2 Assessment**

The proposed project is an Unlisted action for which the Board is serving as Lead Agency. An NOI has been circulated to involved and interested agencies and a revised Part 1 EAF reflecting recent changes to the SEQR law has been submitted.

The Part 2 EAF, attached to this memo and discussed below, aids the Lead Agency in identifying whether supplemental information should be provided by the applicant to support a finding of no impact ("negative declaration") or whether an EIS is required to establish environmental impact findings ("positive declaration"). An impact identified as "moderate to large" on the Part 2 form does not necessitate the preparation of an EIS if impacts are appropriately addressed. The Board can request that the applicant prepare a response to the Part 2 EAF, also known as a Part 3. The Part 3 should be based on technical information and analysis that is part of the applicant's submission, and/or reference plans, policies and data sources as appropriate.

Below is our assessment, to be reviewed and confirmed or revised by the Planning Board as Lead Agency. The Part 2 is grouped into general impact categories. If the overall category is marked "Yes," subcategories must receive a response. If they are marked "No," no further action is required. The following categories are marked "Yes." Each subcategory that is marked as "Moderate to large impact may occur" is addressed in detail below.

1. Impact on Land
    - *(c) The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface*
        i. In the initial EAF Part 1 Question E2a, the applicant listed 2.9 feet as the average depth to bedrock on the site. In the most recent EAF, that figure has been changed to 6.1 feet without explanation. The applicant should explain the change. It is evident from the geotechnical report that depth to bedrock influences the site. The applicant should describe the measures taken to address impacts related to this issue.

2. Impacts on Geological Features- *Marked "no"*

3. Impacts on Surface Waters
    - *(d) The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.*
        i. The project site contains two wetlands and a vernal pool. The extent of impacts on these resources should be described, and measures to mitigate those impacts should be enumerated. Specifically, efforts to limit the impact of clearing for Gen-Tie Route 1 on wetland 23-W002 should be described, as should efforts to address the impact of adjacent development and stormwater runoff on wetland 23-W001.
    - *(h) The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.*
    - *(i) The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.*
        i. The project abuts wetland 23-W001 and stormwater is directed towards it. For both 3(h) and 3(i), mitigation measures to prevent negative impacts on the wetland from stormwater should be described.

4. Impact on Groundwater
    - *(h) Other Impacts. During a fire event, water runoff (from weather or fire suppression) could introduce contaminants to groundwater. Part of the site is in the Aquifer Overlay.*
        *i.* The applicant should describe potential impacts from a worst-case scenario runoff event (including from weather and fire suppression) to groundwater and the Aquifer, and should describe any emergency response strategies and other measures to address the identified potential impacts.

5. Impact on Flooding- *Marked "no"*
6. Impact on Air and Climate- *Marked "no"*

7. Impact on Plants and Animals
    - We have revised Subcategories 7(c), 7(d) and 7(g) from a previously transmitted Draft Part 2 EAF to "No, or small impact may occur." Based on continued project review, including the tree survey, and consultation with our ecologist, we recommend that impacts to species of special concern and to nesting/breeding, foraging, or over-wintering habitat for the predominant species in the area will be minor.

8. Impact on Agricultural Resources- *Marked "no"*
9. Impact on Aesthetic Resources- *Marked "no"*

10. Impact on Historic and Archeological Resources
    - This category is marked "Yes" because the project is within an area identified by the State Historic Preservation Office as sensitive for archaeological sites. The subcategories under this topic are all marked "No, or small impact may occur," as the Office has issued a letter of no impact for the project.

11. Impact on Open Space and Recreation.
    - *(a) The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.*
        *i.* See comments related to wetland impacts, stormwater, erosion and sediment control, and water quality.

12. Impact on Critical Environmental Areas- *Marked "no"*
13. Impact on Transportation- *Marked "no"*

14. Impact on Energy- *Marked "no"*
    - A prior draft Part 2 marked Impact on Energy as "No." While the project will necessitate an upgrade to the neighboring substation, the answer to the statement posed by the overall category is no, the project will not create a new demand for energy, so the subcategories do not apply.

15. Impact on Noise, Odor and Light
    - *(a) The proposed action may produce sound above noise levels established by local regulation.*
        *i.* The applicant should describe potential noise impacts assessed and measures taken to ensure that the project meets local regulations.

16. Impact on Human Health
    - *(m) Other impacts. In an emergency, airborne or waterborne contaminants could have an impact on human health and could strain local emergency response resources.*
        *i.* The applicant should discuss potential emergency impacts, including but not limited to fire, thermal runaway, explosion, release of flammable or potentially hazardous gases, contaminated runoff, and electrical hazards. The capacity of local emergency services to respond to an emergency at the facility should also be described. All measures to limit the impact of an emergency should be enumerated.

17. Consistency with Community Plans- *Marked "no"*

18. Consistency with Community Character- *Marked "no"*
    - A prior draft Part 2 marked Consistency with Community Character as "No." We believe the answer to the statement posed by the overall category is no, so the subcategories do not apply. We have adjusted the entry for 16(m) to capture the necessary discussion of emergency services that was previously contemplated in this category.

19. Impact on Disadvantaged Communities
    - *(a) Is the potentially affected disadvantaged community identified as having comparatively higher burdens or vulnerabilities by the Disadvantaged Community Assessment Tool?*
    - *(f) The proposed action affects or involves one or more of the following facility types: other industrial, manufacturing, or mining land uses*
        i. For 19 (a) and (f), the applicant should describe the location of the potentially affected disadvantaged community, its relation to the project site, any potential impacts, and any measures taken to ensure that disparate impacts are not experienced by the disadvantaged community.

20. Future Physical Climate Risks- *Marked "no"*