



**GREENE COUNTY PLANNING BOARD**  
**Minutes of Aug 19, 2020 Meeting**  
**Held via Zoom 6:30PM**

Meeting convened at 6:30 PM.

Present:

Elizabeth Hansen, Cairo  
 Eva Atwood, Catskill T  
 Erik Allan, Ashland  
 Mitchell Smith, Catskill V.  
 Jennifer Cawein, Lexington  
 Carl Giangrande, Hunter V  
 Bob VanValkenburg, Coxsackie V  
 Bruce Haeussler, Coxsackie T  
 Jean Horn, New Baltimore  
 Jim Dymond, Prattsville  
 Thomas Poelker, Windham

Absent:

Stephen Bradicich, Athens V  
 Anthony Paluch, Athens T  
 Cynthia LaPierre, Jewett  
 Lee McGunnigle, Tannersville V

Also in attendance was Rich Schiafo of the Greene County Department of Economic Development, Tourism and Planning, Kiley Thompson, (Town of Durham appointment awaiting confirmation of GC Legislature) and Mark Gustavson, KATHODERAY (managing Zoom and YouTube)

**1. Roll Call**

There is a quorum of members – see above.

**2. Approval of Minutes**

Approval of the minutes of the June 17, 2020 meeting.

**Motion:** Jennifer Cawein  
**Second:** Carl Giangrande  
**Vote:** Yes: 11 No: 0 Abstain: 0 Recuse 0

**3. Education and Training Opportunities**

Webinar: Introduction to FEMA's National Flood Insurance Program Community Rating System - A New York State Perspective When: Tuesday, September 22, 2020 at 10:00-11:30 AM ET

'Short Term Rental' and 'Spot Zone or Grant the Illegal Use Variance' Webinars have been posted on Greene Government Planning web page:

<https://www.greeneconomy.com/departments/planning-and-economic-development/training-presentations>

To get training credit, members must participate in the 'live' webinars when attendance can be verified.

DOS Local Government Training program posts some of their webinars on-line at:

<https://www.dos.ny.gov/lg/lut/recorded-webinars.html>

DOS does not provide credit and issue training certificates for watching a recorded webinar.

Hudson River Valley Greenway, Hudson River Valley National Heritage Area Technical Assistance Grants (TAG). TAG Awards are designed to provide funds for short-term, standalone projects that advance the preservation of historic sites, museums, opera houses and theaters, arts facilities and other culturally important institutions that

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are located in historic buildings and structures that are open to the public. These professional studies include: building conditions surveys, engineering/structural analyses, feasibility/reuse studies and specialized building conservation studies. Grants of up to \$4,000, with a required 20% project cost match from each applicant, are available to nonprofit groups and municipalities that own or have a long-term lease on buildings that house historic sites, museums, arts facilities, and other important institutions that serve an arts or cultural purpose and are open to the public. TAG applications are due Monday, October 19, 2020.

‘Headwater Streams: Identifying and Protecting and Essential Resource’ (August 3-6, 2020)

Jennifer Cawein, gave an overview of this training she took earlier this month.

The webinar was helpful in understanding just what ‘headwater streams’ are – basically where a stream starts. Protecting headwater streams is very important to invertebrates and downstream fisheries. Learned that some of these headwaters streams run right through town (Lexington) and some actually on her property. Many are unnamed and unmapped streams. The webinar addressed how to identify unmapped streams and how some towns are addressing. As they (The Town of Lexington) update their Comp Plan – addressing the protection of headwater stream will be important and Jen hopes to address. There are some statewide regulations that pertain to headwater stream protection. Buffers along the streams is important their protections.

Webinar was held over four days- 1.5 hours a day, which is a good way to get trainings credits right now under the circumstances.

#### 4. Business Items

New Appointments

Kiley Thompson, Town of Durham

Orloff ‘Bud’ Bear, Town of Greenville

On Greene County Legislature Agenda this evening, August 19, 2020 for confirmation.

#### 5. Planning and Zoning Referrals

20-23: Town of Cairo

**Description:** Applicant seeks permit for change of use from resort to apartments, increasing number of full time tenants on property

**Location/Address:** 7775 NYS 32S Cairo, NY 12413

**Parcel ID:** 100.00-5-45 and 101 .00-5-46

**Type of Referral:** Site Plan Review (Subdivision?)

**Referring Agency:** Town of Cairo Planning Board

**Reason for Referral:** Rt. 32 ROW

**Staff Recommendation:** This referral was submitted as a ‘Site Plan Review’ described as ‘*Applicant seeks permit for change of use from resort to apartments, increasing number of full time tenants on property*’. However it is a subdivision (lot line adjustment) and therefore the County Planning Board has ‘No jurisdiction’. The Planning Board chair and secretary were notified in an email exchange that the County Planning Board does not review subdivisions under GML Section 239n. If a lot line adjustment or change of use requires Site Plan review under local law, the Town will need to submit the ‘Site Plan’ for County Planning Board review.

**Follow-up Note:** IT appears the Town of Cairo incorrectly completed the referreral form and provided an incorrect description of the project;

20-24: Town of Cairo

**Description:** Henderson/Cairo Solar Array Applicants seek to erect and operate a solar farm 2 MW (AC) Solar Installation by Sky Clean Energy Ltd. (Ontario (CANADA))

**Location/Address:** CR 67 and Maiorana Lane

**Parcel ID:** 51.00-7-38

**Type of Referral:** Site Plan Review and Special Use Permit

**Referring Agency:** Town of Cairo

**Reason for Referral:** Rt. 67 ROW

**Acreage:** 118.5 ac., 8.03 ac developed

**Zoning:** Rural Residential - RR

**Agricultural District:** No

**Staff Recommendation:** Approve with comments

Comment

There is no county impact however the County Planning Board offers the following comments:

The referral was submitted to the County Planning Board due to the entrance of the proposed facility being off of County Route 67. Please note that a 239 review by the County Planning Board is also triggered by a parcel bordering another municipality. A County road work permit will be needed for the entrance off of County Route 67. Access roads should provide adequate 'turn around' and sufficient emergency vehicle access

The development of this site for a solar facility should be reviewed for consistency with Town's Comprehensive Plan, particularly the housing element of the Plan.

The on-site national and state wetlands should be protected and the encroachment thereof avoided. In addition to the SPDES General Permit, are there other DEC Protection Water Program permits required? There are farmland soils of statewide importance on this property, which should also be protected for potential future agricultural use. Can some of these areas be possibly be 'permanently' protected' by working with a local land trust?

Although not an impaired water body, the Platte Kill is a Class C water body. On site streams are of average and low conditions and should be protected during and post construction to maintain and potentially improve its water quality classification. Long-term site maintenance should be more clearly spelled out as well as responsibility for decommissioning of the solar array after it useful life. The town may want to request the developer provide funding to hire a 3rd party to monitor stormwater.

As you are aware one of the main concerns that residents have with these solar facilities are the potential negative visual impacts. Fencing and/or landscaping features should be used to shield the array from view from any residential properties and from Route 67. The developer should work closely with the community to select the preferred visual screening method.

Solar farms have shown to have an increasing problem with avian mortality. This problem is not completely understood but is being studied by the Avian Solar Work Group. Available measures should be taken to address this issue.

While the host community benefit element of the newly enacted 'Accelerated Renewable Energy Growth and Community Benefit Act' applies to large-scale renewable energy facilities, it may behoove the Town (s) to discuss the potential for a host community benefits agreement. Other host communities have offered local residents the opportunity to subscribe to a community solar project before opening it up to the broader public. Perhaps subscriptions could be offered to residents of Cairo and Greenville at a reduced rate.

**Motion to Approve with comments:** Mitchell Smith

**Second:** Thomas Poelker

**Vote: Yes: 10**

**No: 0**

**Abstain: 1 (Elizabeth Hansen) Recuse 0**

**20-25:** Town of Catskill

**Description:** Camptown LLC ( Lodging ) To modify a 10 unit motel and to a 20 unit motel and to add to existing 19 cabins (5.6X10.5') additions. Update water and sewer and ADA sidewalk land ramps to main hotel.

**Location/Address:** 810Rt23B & 88 Forest Hill Ave. Catskill NY 12414

**Parcel ID:** 138.11-3-10 & -16

**Type of Referral:** Site Plan Review

**Referring Agency:** Town of Catskill

**Reason for Referral:** Rt 23B ROW

**Acreage:** 12.8

**Zoning:** Highway Commercial & R.A

**Agricultural District:** No

**Staff Recommendation:** Approve

**20-26:** Town of Catskill

**Description:** Camp Town LLC Tavern, Addition to existing restaurant and modification to parking area, Updating existing water and sewer .

**Location/Address:** 800Rt23B, Catskill NY 12414

**Parcel ID:** 138.11-3-22

**Type of Referral:** Site Plan Review

**Referring Agency:** Town of Catskill

**Reason for Referral:** Rt 23B ROW

**Acreage:** 0.75

**Zoning:** Highway Commercial

**Agricultural District:**

**Staff Recommendation:** Approve

**Motion to Approve both 20-25 and 20-26:** Carl Giangrande

**Second:** Elizabeth Hansen

**Vote:** Yes: 11 No: 0 Abstain: 0 Recuse 0

**20-27:** Town of Cairo

**Description:** First Rock Equities, LLC. Applicant seeks 'permit' for change of use from resort to apartments, increasing number of full-time tenants on property

**Location/Address:** 320 Polly's Rock Road Round Top, NY

**Parcel ID:** 135.00-3-43.2

**Type of Referral:** Site Plan Review and Special use permit

**Referring Agency:** Town of Cairo Planning Board

**Reason for Referral:** Boundary of Town of Catskill

**Acreage:** 4.54 acres

**Zoning:** Mountain Top (MT)

**Agricultural District:** No

**Staff Recommendation:** No jurisdiction, more than 500 feet from municipal border.

**20-28:** Town of Cairo

**Description:** Kavakos Family Real Estate, LLC

Applicant seeks to subdivide parcel (116.39 acres) into 2 parcels subdividing 9.77 acres from the remaining lot containing 2-story house.

**Location/Address:** 1104 Sandy Plains Road, Leeds, NY

**Parcel ID:** 119.00-1-26

**Type of Referral: Site Plan Review (actually a subdivision)**

**Referring Agency:** Town of Cairo Planning Board

**Reason for Referral:** County Route 67 ROW

**Acreage:** 116.39

**Zoning:** MT

**Agricultural District:** Yes

**Staff Recommendation:** No jurisdiction however being the property is in Greene County Agricultural District No. 124, the applicant should prepare an 'Agricultural Data Statement' as required NYS Agriculture and Markets Law, Article 25-AA, §305 and under the Town code, SECTION VI. GENERAL REGULATIONS FOR ALL DISTRICTS

C. Agriculture Protections.

2. Agricultural Data Statement. Any application for a special use permit, site plan approval, use variance, or subdivision approval must comply with the provisions of the NYS Agriculture and Markets Law, Article 25-AA, §305-a regarding submission and review of an agricultural data statement.

**Motion to send comment:** Erik Allan

**Second:** Thomas Poelker

**Vote: Yes: 11 No: 0 Abstain: 0 Recuse 0**

**20-29:** Phillip S. Kayden

**Description:** Commercial Garden Stand

**Location/Address:** 70 Spring St Catskill

**Parcel ID:** 156.18-4-4

**Type of Referral:** Use Variance

**Referring Agency:** Village of Catskill ZBA

**Reason for Referral:** NYS Route 385 ROW

**Acreage:** .17 ac

**Zoning:** R-1

**Agricultural District:** No

**Staff Recommendation:** No County Impact, Local Decision with comment:

This referral was submitted to the County Planning Board for a 'use variance'.

The application does not include any documentation that the four part use variance test as outlined in the Village Zoning code Section **8.2.2** was met.

In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that

(1) under applicable zoning regulations the applicant is deprived of all, economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;

(2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

(3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and

(4) that the alleged hardship has not been self-created; no hardship shall be considered self-created because of the transfer of ownership of a non-conforming use solely because of such transfer.

Additionally there may be area variance issues regarding front yard setback requirements.

Will the applicant be installing any signage for the garden stand?

Is parking adequate and is safe and adequate ingress and egress provided from the proposed parking?

**Motion to Local Decision with comment:** Bruce Haeussler

**Second:** Carl Giangrande

**Vote: Yes: 10 No: 0 Abstain: 1 (Mitchell Smith) Recuse 0**

**20-33:** Town of Cairo

**Description:** Local law: Battery Energy Storage-Enactment of a Local Law to regulate the siting and construction of Battery Energy Storage Facilities

**Location/Address:** Main Street, Cairo, NY 1241

**Parcel ID:** Town Wide

**Type of Referral:** Proposed Local Law

**Referring Agency:** Town of Cairo

**Reason for Referral:** Proposed Local Law

**Staff Recommendation:** Approve with Comments

The Greene County Planning Board supports this proposed local law for the siting, approval and construction of Battery Energy Storage Systems (BESSs).

BESSs are beginning to play a bigger role in the electricity grid and will be useful in advancing the increasing generation of renewable energy. This technology is useful in providing backup power during emergency and periods of critical loads.

BESSs of this nature are relatively new to New York and certainly new to Greene County. It was just in December of 2018 that the New York Public Service Commission adopted Governor Cuomo's 1,500 MW energy storage target by 2025 and established a 3,000 MW target by 2030. Only recently, just last month, NYSERDA issued its *New York Battery Energy Storage System Guidebook for Local Governments* with a model ordinance, model permit and inspection checklist.

Therefore it is recommended that the Town of Cairo be certain that local concerns are addressed. As is pointed out in the NYSERDA Guidebook understanding and developing a battery energy storage system permitting and inspection processes will help ensure efficiency, transparency, and safety in local communities. NYSERDA's 'New York Battery Storage System Guidebook for Local Governments' outlines a process for outlining the goals and policies for the installation, operation, maintenance, and decommissioning of battery energy storage systems that the Town may want to consider such as adopting a policy statement, appoint a Battery Energy Storage Task Force and establishing a training program for local staff and land use boards. The Guidebook includes references to state electric, battery storage and energy codes. It is recommended that the Town reference the NYSERDA's Guidebook in reviewing and deciding on this application.

The County Planning Board offers the following questions and comments to be considered in regulating BESSs locally.

#### Siting

Does this Town code define a "Public Utility?" and if so does it cover BESS.

Are their specific sites in the Town that are appropriate for BESSs?

Does the Town want to require Special Use Permits for BESSs?

The New York Public Service Commission definition of BESSs may be helpful.

#### Safety Protocols and Emergency Response

Do County and local first responders have the training, capacity and tools to properly respond to an incident at a lithium ion battery energy facility of this size?

Is there a need for additional local fire training and emergency response?

What are the emergency response and safety protocols in case of a fire/explosion?

What are the built in safety and containment measures?

What are the emergency response protocols?

What is the chemical composition of the batteries, transformers, cooling systems, etc.?

The 2019 Energy Storage System Supplement amendments to the New York State Uniform Fire Prevention and Building Code, published by the New York State Department of State should be followed. The NYSERDA Guidebook also references the Standard for battery energy storage systems and Equipment) such as UL 1642 (Standard for Lithium Batteries), which should be reviewed and incorporated.

In Appendix 2, the NYSERDA Guidebook provides *Supplemental Guidance for Developing the Fire Safety Compliance Plan* including hazard mitigation analysis, fire safety, battery energy storage management system, spill control and neutralization and explosion control.

Emergency Operations Planning including Hazardous Materials Handling and Emergency and Spill Response should consult the NYSERDA guidance.

#### Noise Impacts

What are the size of and the noise from chillers and possible impact to neighbors?

How often will chillers be running, 24/7?

NYSERDA guidance suggests the [1-hour] average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of [60] dBA as measured at the outside wall of any Non-participating Residence and Occupied Community Building. As references in the NYSERDA guidance, applicants should submit equipment and component manufacturers' noise ratings to demonstrate compliance. The applicant should also be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

#### Visual Analysis and Screening

Will a visual analysis be required as part of a BESS application?

Other proposed BESSs in the area have batteries housed in shipping containers.

Fencing, screening, landscaping and maintenance of site should be part of local regulations.

#### Electric Connection Line

Does the Town desire that any electric connect lines be buried underground or a overload transmission lines acceptable?

#### Security

What are security and lighting requirements?

How will the facility being monitored, on-site personnel, remotely?

What type of fencing is desired, adequate?

#### Local Public Benefits

BESSs are usually constructed so that the energy stored at the facility will feed the electricity grid.

What are the local public benefits, if any?

Can the residents of the Town benefit from the energy storage?

The facility is not tax exempt but what is tax structure for this facility; town, county, and state tax?



Local permitting and inspection processes of battery energy systems

The NYSERDA Guidebook also provides detailed information about creating a local permitting and inspection processes of battery energy systems that the Town of Cairo may want to consider. The Battery Energy Storage System Inspection Checklist is based on the 14th Edition of the National Electric Code (NEC), which is anticipated to be adopted by New York State in 2020. NYSERDA has indicated that it will continue to update the Guidebook as these codes and standards evolve.

Decommissioning plan

Local regulation should specify the need for a complete detailed ‘Decommissioning Plan’ as part of the Site Plan and permitting process indicating clear responsibility for removal and restoration of the site.

As suggested by NYSERDA:

*The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, containing a narrative description of the activities to be accomplished for removing the energy storage system from service, and from the facility in which it is located. The decommissioning plan shall also include: (i) the anticipated life of the battery energy storage system; (ii) the estimated decommissioning costs; (iii) how said estimate was determined; (iv) the method of ensuring that funds will be available for decommissioning and restoration; (v) the method that the decommissioning cost will be kept current; (vi) the manner in which the battery energy storage system will be decommissioned, and the Site restored; and (vii) a listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.*

A performance guarantee or surety of some sort should be posted for decommissioning.

As suggested by NYSERDA:

*The applicant, or successors, shall continuously maintain a Decommissioning Fund or bond payable to the Town, in a form approved by the Town for the removal of the battery energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.*

**Motion to Approve with Comments:** Mitchell Smith

**Second:** Jennifer Cawein

**Vote:** Yes: 10 No: 0 Abstain: 1 (Elizabeth Hansen) Recuse 0

Motion to Adjourn

**Motion:** Carl Giangrande

**Second:** Bruce Haeussler

**Vote:** Yes: 11 No: 0 Abstain: 0 Recuse 0

The meeting was adjourned at 7:30 PM

Next Meeting

Wednesday September 16, 2020, 6:30pm (most likely to be held virtually via Zoom)

Respectfully Submitted  
Richard Schiafo, Secretary

