



## **GREENE COUNTY PLANNING BOARD**

### **Minutes of December 15, 2021 Meeting**

**6:30PM**

\*Consistent with the new provision (Chapter 417 of the Laws of 2021) signed by Governor Kathy Hochul on September 2, 2021 this meeting is being held both in-person and virtually via Zoom. Members of the public could attend in-person to participate or view the meeting on the Greene County YouTube Channel:

[https://www.youtube.com/channel/UC0mwTvUz\\_XyhJ83epMPFpQ/live](https://www.youtube.com/channel/UC0mwTvUz_XyhJ83epMPFpQ/live); but will not be able to participate virtually.

Meeting convened at 6:44 PM.

#### **Present:**

**In Person:**

Thomas Poelker, Windham

Bruce Haeussler, Coxsackie

Robert VanValkenburg, Coxsackie V

#### **Absent:**

Anthony Paluch, Athens T

Doug Senterman, Hunter T

Jim Dymond, Prattsville

Eva Atwood, Catskill T

Nancy Poylo, Athens V.

Cynthia LaPierre, Jewett T.

**Via Zoom:**

Jean Horn, New Baltimore

Kiley Thompson, Durham

Jennifer Cawein, Lexington

Lee McGunnigle, Tannersville V

Carl Giangrande, Hunter V

Elizabeth Hansen, Cairo

Mitchell Smith, Catskill V

Orloff Bear, Greenville

**Also in attendance:**

Rich Schiafo, Greene County Economic Development, Tourism and Planning

Darrin Elsom, Kaaterskill Associates

**Pledge of Allegiance**

#### **1. Roll Call**

There is a quorum of members (11) – 3 in person. 8 via Zoom see above.

#### **2. Approval of Minutes**

Approval of the November 17, 2021 meeting minutes.

**Motion:** Bruce Haeussler

**Second:** Thomas Poelker

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

Minutes Approved

#### **3. Planning Department Reports**

#### **4. Business Items**



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BUSINESS**



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#### 4. Education and Training Opportunities

### Local Government Training Schedule Winter 2021

January 4, 2022 Winter Webinar Series Planning & Zoning Webinar	5:00 PM – 7:00 PM Course: Planning Board Overview
To register: <a href="https://meetny.webex.com/meetny/k2/j.php?MTID=tdfee45722b9107691a70b2c6bd345967">https://meetny.webex.com/meetny/k2/j.php?MTID=tdfee45722b9107691a70b2c6bd345967</a>	

January 11, 2022 Winter Webinar Series Planning & Zoning Webinar	5:00 PM – 7:00 PM Course: Zoning Board of Appeals Overview
To register: <a href="https://meetny.webex.com/meetny/k2/l.php?MTID=t1b32f929b106b641d164462df9b03d50">https://meetny.webex.com/meetny/k2/l.php?MTID=t1b32f929b106b641d164462df9b03d50</a>	

To REGISTER See DOS Fall 2021 Training Schedule:

[https://dos.ny.gov/events?f%5B0%5D=filter\\_term%3A2716](https://dos.ny.gov/events?f%5B0%5D=filter_term%3A2716)

<https://dos.ny.gov/system/files/documents/2021/09/lgtrainingschedule.pdf>

**Hudson River Estuary Conservation and Land Use Webinar Series**

<https://www.dec.ny.gov/lands/120539.html>

**Southern Tier West Fall Planning & Zoning Training Webinars series.**

To register on-line visit: <https://www.southerntierwest.org/on-line-training.html>

**NYS DOS Online Interactive Courses and Recorded Webinars**

<https://dos.ny.gov/training-assistance>

**New York Planning Federation Recorded Webinars**

<https://nypf.org/services/>

#### 6. Planning and Zoning Referrals

**21-60 T. of Durham Bosque Major Subdivision**

**Description:** Bosque Major subdivision

**Location/Address:** Cornwallville and Strong Roads

**Parcel ID:** 48.00-2-43 & 2 48.00-2-43 & 48.00-2-2

**Type of Referral:** Site Plan Review

**Referring Agency:** Durham Town Board

**Reason for Referral:** County Route 20 ROW

**Acreage:**

**Zoning:** N/A

**Agricultural District:** Yes

**Date of Initial Submittal:** 11.10.21

**Date Referral Complete:** 11.10.21 (not submitted in time for 11.17.21 PB Meeting)

Application for Major Residential Subdivision proposing to subdivision two (2) existing vacant lots in order to create thirteen (13) total resultant lots, including twelve (12) lots to be improved by single-family homes and one (1) common area farm lot, which will be improved by a barn, stables, greenhouse and walking trails, and a patio outdoor cooking area. Site Plan approval will also be required for the development of the common area buildings

on Lot 1. The farm lot will include a one bedroom apartment for a resident farmer and the farm will be open to the residence of the subdivision for small gatherings typical of what would occur at a family home. These events will include HOA meetings, community gathers, and small events for the residents of the subdivision. The farm and common lot will not be open to the public. An HOA will be formed for the ownership and maintenance of the private road, stormwater treatment facilities, and the common lot.

**Recommendation: Local Decision with Comment**

\*This referral was not submitted in time for 11/17/21 County Planning Meeting

Town of Durham made a decision that Lot 1-Common area of the subdivision required site plan review. Lot 1 includes a building/clubhouse/barn including a one bedroom apartment for a resident farmer. The farm will be open to the residents of the subdivision for small gatherings .These events will include HOA meetings, community gathers, and small events for the residents of the subdivision. The farm and common lot will not be open to the public.

The following comments are offered by Greene County Economic Development, Tourism and Planning.

The Greene County Planning Board does not review subdivisions however the Bosque subdivision application (Cornwallville and Strong Roads/County Route 20 ROW, Durham), was submitted to the County Planning Board for site plan review. This review by County Planning staff is based on information taken from the Full Environmental Assessment Form indicating that site plan review is just for the common area building/clubhouse/barn on Lot 1 along Cornwallville Road in which a farm lot will include a one bedroom apartment for a resident farmer and the farm will be open to the residents of the subdivision for small gatherings typical of what would occur at a family home. These events will include HOA meetings, community gathers, and small events for the residents of the subdivision. The farm and common lot will not be open to the public. An HOA will be formed for the ownership and maintenance of the private road, stormwater treatment facilities, and the common lot.

The drawings and related materials provided with this referral are for the subdivision not for the site plan for Lot 1. The drawings and materials provided do not show sufficient detail for site plan review. If it has not done so already the Town Board/Planning Board is encouraged to require more detailed site plans drawings for Lot 1 based on the Town Site Plan Checklist as well as more complete project details. In this case, the site plan should include:

- Location, proposed use, and height of all buildings.
- Location, design, and construction materials of all parking and truck loading areas, showing access and egress.
- Provision of pedestrian access.
- Location of outdoor storage, if any.
- Location of fire and other emergency zones, including the location of fire hydrants. (map & narrative)
- Location, design, and construction materials of all energy distribution facilities including electrical, gas, and solar energy.
- Location, size, design, and construction materials of all proposed signs. Location and proposed development of all buffer areas, including existing vegetative cover.
- Location and proposed design of outdoor lighting facilities.
- Designation of the amount of building area proposed for retail sales or similar commercial activity.
- General landscaping plan and planting schedule.

**Motion to accept recommendation:** Thomas Poelker  
**Second:** Bruce Haeussler  
**Vote:** Yes: 9 No: 0 Abstain: 2 Recuse 0

The County Planning Board motion to adopt the Greene County Economic Development, Tourism and Planning recommendation of 'LOCAL DECISION WITH COMMENTS' did not carry, with 9 'Yes' votes and '2' abstentions. (10 'Yes' votes are necessary to carry a motion).

**21-61 North Catskill Grid, Town of Catskill**

**Description:** Site Plan Review and Special Use Permit for development of battery array.

**Location/Address:** 7965 RT 9W

**Parcel ID:** 138.15-1-11.2 156.01-2-18

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

**Referring Agency:** Catskill Planning Board

**Reason for Referral:** ROW RT 9W

**Acreage:**

**Zoning:** H.C./H.D.

**Agricultural District:**

**Date of Initial Submittal:** 11.17.21

**Date Referral Complete:** 11.17.21

*The (Town of Catskill) Planning Board had approved this project back in 2019, but they were unable to complete the project and have made some changes.*

This was referred to the County Planning Board and was reviewed at its October 16, 2019 meeting and returned as a 'Local Decision with comments'.

New site plan resubmitted in response to comments from Town Planning Board

New site plan:

- ❖ The amended site provides additional stormwater conveyance measures to ensure that the entire battery enclosure yard drains to one of two bioretention areas. In case of an emergency, liquid running off the yard will be captured in the bioretention areas and will not drain off site due to valves on the bioretention outlets.
- ❖ A product brochure from CATL BESS - types of battery units and containers to be used.
- ❖ An Emergency Response Plan
- ❖ Components of a Battery Energy Storage System
  - Battery Management System,
  - Energy Management System
  - Power Plant Controller
  - Lighting Plan and explanation
- ❖ Landscaping Plan and explanation
- ❖ A photo simulation of the proposed site from Route 9W.

**Recommendation:** Local Decision with Comment

Battery energy storage systems of this nature are relatively new to New York and certainly new to Greene County and Catskill. It was only recently that 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 Catskill be certain to review this proposal carefully so 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.

#### Emergency Response Plan

The following comments are offered on the Emergency Response Plan:

It is recommend that Greene County Emergency Management be identified in the plan.

Will this facility be storing anything that triggers a Tier II report? If so the county LEPC should be identified in their plan as well.

Section 2 Many times "should" is used but that doesn't actually give direction. Perhaps "shall" would be a more appropriate word to use. .

2.3.1 First bullet, other first responders should be spelled out more clearly. Suggested wording: Catskill Fire department and their mutual aid partners, Catskill Ambulance and their mutual aid partners, Greene County Sheriff's department and NYS Police have received a copy of this plan...." The reality of the first response world right now is that is very possible the West-Athens Fire and Cairo Ambulance could end up responding to an incident at this location instead of the local agencies.

6.1.1 sub 4 Change "direct them to location..." to "escort them to location..." Emergency response does not want to have to wander in any unfamiliar areas especially where electricity is concerned. This is kind of addressed in 6.1.2 sub 4 but 6.1.1 should reflect this as well. The plan should be consistent is its directions.

8.3 Does the facility have a method to alert them of approaching lightning? Paid service or alert devices?

#### Proposed Changes/additions to Appendix 4 Emergency Contacts

##### OFFSITE EMERGENCY ASSISTANCE

Fire/Police/Ambulance 911

Remove State Police as a standalone agency to be notified because the State Police and the Sheriff's Office will be notified at the same time by 911.

##### ADDITIONAL ASSISTANCE

Police Departments (Non-emergency)

Greene County Sheriff's Office (518) 943-3300 NYS Police (Catskill barracks)

518-622-8600

#### Training

Will training be provided to local emergency response personnel?

#### 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.

Is blasting anticipated? What will determine if blasting is necessary?

#### Visual Analysis and Screening

Does proposed 300 foot, 2 foot wide berm located along 9W provide adequate screening?

Will wooded area/vegetative buffer provide adequate screening?

Can batteries be housed in something more attractive than shipping containers?

#### Landscaping

The Town may want to require the use of native plantings in addition to the installation and maintenance of pollinators gardens at the site.

#### Electric Connection Line

Any electric line connections should be buried underground consistent with Catskill Comprehensive Plan. *Require that utilities be placed underground for new developments and in priority travel corridors. Some features of new developments are so ubiquitous—like above ground utilities—that they often go unquestioned. However, it is such piecemeal changes that diminish the existing rural character of the landscape. As noted elsewhere, a major objective of this comprehensive plan is to encourage site plan designs, which are consistent with the existing rural character. When overhead utilities are placed underground they can significantly enhance the overall desirability of the site by reducing visual clutter. Likewise, roadway upgrades and repairs where utilities are placed underground can significantly improve the appearance of those corridors. Amend local site plan review procedures and standards so that telephone, electric and cable lines are built underground for all new commercial and industrial developments, as well as residential subdivisions. Also, the Town and Village of Catskill will identify priority road corridors of scenic significance, and work with local and state highway departments to have existing overhead utilities placed underground. (p. 55)*

#### Security

Is security and lighting adequate?

There are no on-site personnel. How is the facility being monitored remotely?

Is the fencing, chain link fence on southern portion, adequate?

Will lighting be motion or gate activated or on during all dark hours?

#### Local Public Benefits

The energy stored at the facility will feed the electricity grid.

What are the local public benefits, if any?

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

How many construction jobs will be created?

Will developer employ local contractors?

#### Wetland and stream impacts

A 404 ACOE Permit and a NYSDEC 401 Water Quality Cert permit are necessary for a federally regulated wetland within Hans Vosen Kill Watershed. Potential impacts to Hans Vosen Kill Watershed should be better described, particularly in case a spill or fire.

#### SWPPP

SWPPP required by GP-0-15-002 was not submitted as part of the referral.

#### Habitat

Does the possible presence of Indiana bat (Federal/State endangered) and Northern long-eared bat (Federal/State threatened) require a Part 182 Incidental Take Permit?

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 Catskill 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

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.*

Are the proposed costs/expenses of decommissioning sufficient?

**Motion to accept recommendation:** Carl Giangrande  
**Second:** Mitchell Smith  
**Vote:** Yes: 11 No: 0 Abstain: 0 Recuse 0

Motion carried 11-0.

**21-62 Mach-360 Vasyl Hotskio**

**Description:** Construction of 7200 sq ft warehouse for wholesale business.

**Location/Address:** Green Road & RT 32

**Parcel ID:** 169.00-3-20

**Type of Referral:** Site Plan Review

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

**Reason for Referral:** ROW NY RT 32

**Acreage:** 20.7(19.00) .96 disturbed

**Zoning:** H.C.

**Agricultural District:** No

**Date of Initial Submittal:** 11.17.21

**Date Referral Complete:** 11.17.21

Applicant is seeking approval to construct a 7,200 sf building for its use as a wholesale business system, with storage. Applicant is anticipating and having loading 8-10 employees. Site improvements will include the construction on an on-site sewage disposal system, water supply well, gravel parking and loading areas, paved access road, site lighting, landscaping and other site appurtenances.

**Recommendation:** Local Decision with Comments

According to the NYS DEC EAF Mapper the digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Is wetlands delineation needed and the development footprint may be encroaching on site wetlands?

The use of 'green' infrastructure technique such as rain gardens and bioswales is recommended for stormwater management

It is recommended that the planning board request more information regarding the traffic flow, ingress and egress.

**Motion to accept recommendation:** Bruce Haeussler  
**Second:** Thomas, Poelker  
**Vote:** Yes: 11 No: 0 Abstain: 0 Recuse 0

Motion carried 11-0.

**21-63 Zamen House Wine Bar-Village of Hunter**

**Description:** Proposed wine bar restaurant with two residential apartments.

**Location/Address:** 7590 Main Street

**Parcel ID:** 164.15-1-2

**Type of Referral:** Site Plan Review

**Referring Agency:** Village of Hunter Planning Board

**Reason for Referral:** ROW NY RT 23A

**Acreage:** 4.0

**Zoning:** Gateway Business District

**Agricultural District:** No

**Date of Initial Submittal:** 11.24.21

**Date Referral Complete:** 11.24.21

**Recommendation:** Local Decision with Comments

A conceptual sketch plan was received with this referral. The sketch plan does not show sufficient detail for local review. The Planning Board is encouraged to require more detailed site plans drawing from the Village’s Site Plan Checklist, and more complete project details. In this case, the site plan should include: a grading and drainage plan; location and design of outdoor lighting facilities; location and design of signs; and a general landscaping plan and planting schedule.

The stretch plan submitted with the referral is not sufficient for the County Planning Board to advise on project.

**Landscaping and Screening**

Careful attention to site design and a professionally developed landscaping plan is recommended to give an appropriate, orderly and “permanent” appearance to this development. A landscaping plan for the overall site should be required.

**Buffers**

The sketch plan shows an entrance drive along the border of the neighboring residential property to the west of the site. An appropriate buffer (such as densely planted trees) between this commercial use and the neighboring residential property should be incorporated in the site plan.

**Traffic and Access Issues**

The Planning Board is advised to carefully consider traffic and access issues (conflicts) associated with the adjacent properties

**Wetlands**

It is also recommend that wetlands be delineated and verification as the parking appears to be encroaching on wetlands.

**Motion to accept recommendation**

Lee McGunnigle

**Second:**

Thomas Poelker

**Vote:**

Yes: 10

No: 0

Abstain: 1

Recuse 0

Motion carried 10-1

**21-64 Kate Webb -Village of Hunter**

**Description:** Conversion of single story office building into two story restaurant/bar.

**Location/Address:** 7759 Main Street

**Parcel ID:** 164.10-2-37.1

**Type of Referral:** Site Plan Review

**Referring Agency:** Village of Hunter Planning Board

**Reason for Referral:** ROW NY RT 23A

**Acreage:** 4.0

**Zoning:** Gateway Business District



**Agricultural District:** No

**Date of Initial Submittal:** 11.24.21

**Date Referral Complete:** 11.24.21

**Recommendation:** Local Decision with Comments

The floor plans and elevations submitted to the county does not show sufficient detail for local review. The Planning Board is encouraged to require more detailed site plans drawing from the Village's Site Plan Checklist, and more complete project details. In this case, the site plan should include: a grading and drainage plan; location and design of outdoor lighting facilities; location and design of signs; and a general landscaping plan and planting schedule.

The floor plans and elevations submitted with the referral is not sufficient for the County Planning Board to advise on project.

Comment regarding the SEQR EAF submitted

Q 2 – Will a NYSDOT permit be required?

Q 7 – Critical Environmental Areas, is answered 'Yes' – should be 'No'

Q12a – 'National or State Register of Historic Places' is answered 'No' – should be 'Yes'

100-floodplain should be considered in design and site plan approval.

**Motion to accept recommendation:** Robert VanValkenburg

**Second:** Lee McGunnigle

**Vote:** Yes: 10 No: 0 Abstain: 1 Recuse   

Motion carried 10-1.

**21-65 Stay Lokal LLC, Town of Catskill**

**Description:** Lodging Cabins and motel unit, requesting to construct 30 cabins. Town Code only allows 20 units per parcel.

**Location/Address:** 875 County RT 23B

**Parcel ID:** 138.11-4-10

**Type of Referral:** Area Variance

**Referring Agency:** Town of Catskill Zoning Board

**Reason for Referral:** ROW CR23B

**Acreage:** .42

**Zoning:** HC/RA

**Agricultural District:** No

**Date of Initial Submittal:** 12.2.21

**Date Referral Complete:** 12.2.21

The proposed use is cabin lodging; similar to the existing property conditions. This use does not appear to be explicitly listed within the Town's Zoning Code. The closest use listed in the Code is "motel" which has a group of buildings with individual sleeping units. The definition also states that there shall be no more than 20 units and 31 units are proposed.

While the exact use proposed is not listed within the Zoning Code, it has been determined that the closest use listed is a "motel". The definition of a "motel" states there are to be no more than 20 units and 31+/-cabins are proposed.

Correction on Presentation and Staff Memo: Referring Agency Town of Catskill Zoning Board, not Village of Hunter

**Recommendation:** Local Decision with comment

If 'area' variance is approved, site plan should come back to County Plan Board for review.

**Motion to accept recommendation:** Bruce Haeussler  
**Second:** Carl Giangrande  
**Vote:** Yes: 10 No: 0 Abstain: 1 Recuse  
 Motion carried 10-0.

**21-66** Town of Prattsville Site Plan Review Law  
**Description:** Amendments to the Town of Prattsville Site Plan Review Law  
**Location/Address:** Town of Prattsville, NY - Town-wide  
**Parcel ID:** Town of Prattsville, NY - Town-wide  
**Type of Referral:** ROW NYS Route 23  
**Referring Agency:** Prattsville Town Board  
**Reason for Referral:** Local Law Site Plan ROW CR23B  
**Acreage:**  
**Zoning:**  
**Agricultural District:** Yes  
**Date of Initial Submittal:** 12.2.21  
**Date Referral Complete:** 12.2.21

The Town of Prattsville is amending Local Law 1 of 2015, Town of Prattsville Site Plan Review Law, including, but not limited to improving the law's commercial design standards and requirements.

**Recommendation:** Local Decision with Comments

Regarding section 1.03 (1) "site design and architectural characteristics" it is suggested that the updated law further define architectural review/ standards and perhaps consider an architectural review board?

Clarification is needed between a 'sketch' plan and a 'site plan'

*Site plan checklist:*  
 Add:

- Boundaries of the property plotted to scale;  
 Existing water courses, wetlands, FEMA floodplains, landscaping and vegetative cover;
- All existing and proposed means of vehicular ingress and egress to and from the site and onto public streets;
- No. 19: Native planting preference

Under  
**Article V Public hearing and planning board decision**

Add

Consultants

The Planning Board shall consult with officials or consultants it believes necessary to provide a sound review of the proposal. The Board may charge a fee to the project Applicant for the cost of such review provided that the fee charged reflects the actual cost of the assistance to the Planning Board.

Referral to the County Planning Board

Prior to taking action on the preliminary site plan application, if applicable, the Planning Board shall refer a copy of the application to the Greene County Planning Board for its review in accordance with Section 239m of the General Municipal Law.

No action shall be taken by the Planning Board on such application until a review has been received from the County Planning Board or 30 calendar days have lapsed since the County Planning Board received a completed referral.

A site plan referral will be required if the property where the action is taken is located within 500 feet of a:

- Boundary of the Village or Town
- Boundary of this existing or proposed county or State Park or recreation area.
- Right-of-way of the following existing or proposed state or county highway or road.
- Existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines.
- Existing or proposed boundary of state or county owned land on which a public building/institution is located.
- Boundary of a farm operation in an agricultural district.

Compliance with the State Environmental Quality Review Act The Planning Board shall comply with the requirements of the State Environmental Quality Review Act (SEQRA) in reviewing the proposal. If the time schedule for SEQRA is different, the schedule should be modified for SEQRA for projects that are subject to an Environmental Impact Statement.

**Motion to accept recommendation:** Carl Giangrande

**Second:** Robert VanValkenburg

**Vote:** Yes: 10 No: 0 Abstain: \_\_ Recuse \_\_

Motion carried 10-0. (One member had to step out of the meeting and was not present for this vote)

## 21-67

**Description:** Enactment of two local laws regulating Solar Energy Facilities and Battery Energy Storage Facilities

**Location/Address:** Town of Prattsville, NY - Town-wide

**Parcel ID:** Town of Prattsville, NY - Town-wide

**Type of Referral:**

**Referring Agency:** Prattsville Town Board

**Reason for Referral:** Local Laws ROW CR23B

**Acreage:**

**Zoning:**

**Agricultural District:** Yes

**Date of Initial Submittal:** 12.2.21

**Date Referral Complete:** 12.2.21

**Recommendation:** Local Decision with Comments

### Proposed Solar Law

Be sure the specific needs of your community are incorporated into the law.

Being there is increasing concern about the use of agricultural lands perhaps the Town may want to Add definition such as 'Farm operation' to make sure it is consistent with Site Plan law

Be sure that all sections of the law are relevant and applicable to your community – for example

6. Permitting Requirements for Tier 1 Solar Energy Systems

All Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the following conditions for each type of Solar Energy Systems:

7. Permitting Requirements for Tier 2 Solar Energy Systems

All Tier 2 Solar Energy Systems shall be permitted in all zoning districts as accessory structures and shall be exempt from site plan review under the local zoning code or other land use regulations,

Being the Town does not have zoning it is recommended that this language be changed.

Also in Number 7 the NYSERDA mole also suggests: *To avoid being overly restrictive, municipalities in rural or less dense areas may elect to remove the Model Law's requirement that Tier 2 Solar Energy Systems in residential districts must be installed in the side or rear yards. These systems might not be visible from the street in less dense areas.*

Several Sections (identified below) in the draft Solar Law refer to an Appendix, however no Appendices are part of the draft law or were submitted as part of the referral.

6. Permitting Requirements for Tier 1 Solar Energy Systems A. Roof-Mounted Solar Energy Systems

3) Height: All Roof-Mounted Solar Energy Systems shall comply with the height limitations in Appendix

3.

7. C. Height: Tier 2 Solar Energy Systems shall comply with the height limitations in Appendix 3.

8H. Decommissioning.

2) A decommissioning plan (see Appendix 4) signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant, addressing the following:

8J. Special Use Permit Standards.

1) Lot size

a. The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements in Appendix

1.

2) Setbacks

a. The Tier 3 Solar Energy Systems shall meet the setback requirements in Appendix 2.

3) Height

a. The Tier 3 Solar Energy Systems shall comply with the height limitations in Appendix 3.

Does the Town intend on using the Appendices provided in the NYSERDA model law or amend tailor these appendices to be consistent with other local Town law?

Decommissioning

While not part of the NYSERDA model local law there is increasing concern for what happens to batteries at the end-of-life. Therefore it is suggest that as part of a decommission plan a narrative be included that outlines how the battery modules will be removed and materials recycled to the greatest extent feasible and other non-recyclable material be salvaged or disposed of properly. A decommissioning plan should advance the full lifecycle management and tracking of batteries, and develop additional recycling and re-use options for end-of-life modules.

9. Safety – was the following language from NYSERDA's Model Law intentionally left out?

*If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the [Village/Town/City] and any applicable federal, state, or county laws or regulations.*

**Proposed Battery Energy Storage**

Based on the NYSERDA Battery Energy Storage System Model Law

1. Before enacting this Model Law, a comprehensive plan outlining the goals and policies for the installation, operation, maintenance, and decommissioning of battery energy storage systems must be adopted by the local governing board (city or common council, town board, village board of trustees). Some local governing boards can satisfy this requirement by updating an existing comprehensive plan while others must adopt a new comprehensive plan.

NYSERDA provides several suggestions on how local governing boards can develop and adopt in existing or new comprehensive plans battery energy storage system friendly policies and plans that provide local protection.

As with the Solar Law be sure the specific needs of your community are incorporated into the law.

For example in 5. B. Issuance of permits and approvals by the [Reviewing Board] shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”)].

H. 12 Prior to the issuance of the building permit or final approval by the [Reviewing Board], but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer

Who will be the [Reviewing Board] for the Town?

**G. Decommissioning**

While not part of the NYSERDA model local law there is increasing concern for what happens to batteries at the end-of-life. Therefore it is suggest that as part of a decommission plan a narrative be included that outlines how the battery modules will be removed and materials recycled to the greatest extent feasible and other non-recyclable material be salvaged or disposed of properly. A decommissioning plan should advance the full lifecycle management and tracking of batteries, and develop additional recycling and re-use options for end-of-life modules.

**H13. g**

g. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.

Add Greene County Emergency Serves

**10. Enforcement**

Any violation of this Battery Energy Storage System Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the Site Plan Review Law and other land use regulations of the Town. It is suggested that the local law to leave in “provided for in land use regulations”

**Motion to accept recommendation:** Mitchell Smith

**Second:** Bruce Haeussler

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

Motion carried 11-0

**Motion to Adjourn:**

**Motion:** Mitchell Smith

**Second:** Robert VanValkenburg

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

The meeting was adjourned at 7:55 PM

**Next Meeting**

January 19, 2022 6:30pm, most likely a hybrid meeting again, 411 Main Street Catskill and via Zoom

Respectfully Submitted,

Rich Schiafo, Secretary