TOWN OF PLATTEKILL

PLANNING BOARD

*P.O. BOX 45*

MODENA, N.Y. 12548

Minutes of: May 14, 2024

ROLL CALL: Chairman: Richard Gorres, Vice Chairman: Cindy Hilbert,

 Richard Dmytry, George Hickey, Nathaniel Baum

EXCUSED ABSENCE: Ernie VanDeMark, Darlene Eisenhardt

Planning Consultant: None

**CONCEPTUAL:**

Mission Clear Energy SBL# 101.2-2-19.92

Camp Sunset Road & Rabbit Run Road Proposed: Battery Storage System

Ms. Anna Conley was present to represent Mission Clear Energy. We are hoping to do a battery storage project that eventually helps stabilize the energy grid. All the energy that is coming through the town already as people come home at night and turn on the lights and air conditioners in the summers and heat in the winter the energy peaks. We are hoping to stabilize the energy grid to stabilize and store the energy that is not used during the day. It will release it in a slow and steady manor. NY has ambitus goals for this for 6 GW by 2030and are falling behind substantially. We are proposing a 300 MW project here.

Mr. Gorres: We need more the technology, how big is this going to be and the size.

Ms. Conley: We would be subdividing a lot that is currently 95 acres and we will be purchasing the 40 acres. The batteries themselves are like shipping containers but on a smaller size.

The project switching station to connect onto the connection line running though that and will look like a small substation.

There will be vegetation screening so when you drive by you don’t see as much. It should be a low impact. There are wet lands but we are not disturbing it.

We will be going through the State process as well with the SEQR process. So, we will be doing all the required studies, species, wet land, environmental concerns.

Mr. Baum: So, what protection are there in case the batteries catch fire. That is an issue.

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Mr. Paul Rogers, Fire Safety Consultant, (ESRG) stated he is retired from NYC Fire Company where he used to work on these batteries.

We have taken NYC Fire Code and NYS Code and have adapted them to our infrastructure addresses and tries to reduce the risk of a fire. If there is an event of a failure one thing we looked at in NYC if these things were to fail and catch on fire that these units would not spread. We worked with the department of defense and the Department of Energy to run a test.

Mr. Hickey: How did you prove yourself on the list? Was it done yourself or by a third party?

Frank: It had to be done by a professional testing company, Broad Scale testing is expensive in any industry its expensive. At first a lot of people could not pass the test because they could not contain the spread. The manufacturer had to go back re-design the systems. The validation is setting it on fire. It is a destruction testing.

Mr. Baum: What is the appropriate way to put the fires out?

Mr. Rogers: We do not have any new apparatuses to put the fire out.

Mr. Hickey: It would smolder.

Mr. Rogers: We looked at this in NYC and we have not ordered any new apparatuses.

Mr. Baum: NYC and here are two different infrastructures so I am trying to see what this is going to look like.

Mr. Rogers: I have testified throughout the country to small municipalities similar to this one who has a volunteered fire department. As I mentioned before what we are looking to do, what we are looking for the fire department to do is a take a hands-off approach or defensive stance. There is no special apparatuses needed to fight any event that may take place here.

Mr. Baum: So, it is more suppression?

Mr. Hickey: We will talk more about that in the future. So, what you are saying is our fire department will not need any other apparatuses but will need training.

Mr. Rogers: No department in the United States as had to get any new type of apparatuses.

Mr. Hickey: What is the composition of the battery?

Ms. Conley: They are mostly Lithium Ion Batteries. We are expecting that to be the on-going technology. We are expecting it to be operational in 2029. Since its so far out we do not have a specific battery in mind. Until we are closer to that date.

As of now the going battery is Lithium.

Mr. Hickey: What are the plans around chemical retention? Lithium Ion is not only highly dangerous it is veritable. Especially out in the open with this.

I expect these might get inspected periodically

Ms. Hilbert: As part of our Solar code, they are to have an annual inspection.

Ms. Conley: They are always monitored remotely so we would always be monitoring them. If anything was ever to look incorrect or suspicious a technician would go out and immediately investigate. The containers are designed safe and strong so if anything was to happen it would be contained in the at container.

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Mr. Gorres: How long do these containers last? How long till the batteries need to be changed?

Mr. Jake Steinman, Associate Director of Development, the systems are designed to have about a 25-year life from start to finish. They are augmented. New batteries will come on line during its life. As the system slowly degrades itself in order to keep it up the manual lot that we need to get on the transmission line.

The system may be 25 years old but the whole system may not be 25 years old.

Ms. Conley: Like if you get a new iPhone after 5 years the battery does not last as long. You can replace the batter and it lasts longer. So, every so often we will be going in and replacing the batteries.

Mr. Dmytry: Have you ever heard of a vanadium flow battery? It is totally nontoxic and it does not cause a fire. Its on the pedagogic table basically if you go to Los Vegas its all over the ground. There is no derogation. This is an electrical contracting business by Albany air port has three batteries that originally put up from the company call cell cubbing. They are no longer in business. The thing of it is talking to the individuals up there they have almost thirty years of fully charged discharged no derogation, no possible fire.

Mr. Steinman: We want to go with what is presently on the market now.

Mr. Dmytry: What is on the market now may not be fool proof. Thirty years from now its going to have its limitations. This was developed by NASA late 60’s early 70’s. Lithium ion seems to be more volatile mix.

Mr. Steinman: I understand what you are talking about.

Ms. Conley: As Jake mentioned we will have to go with what’s on the market. It could be possible in five years that on the market. We have not seen many battery developers being able to implement something like that. The capacity and efficiency issue not necessarily being implemented at this time. It is possible it could be on the market in five years.

Mr. Baum: You said you would be looking to have if everything up and running in 2029?

Ms. Conley: Yes

Mr. Baum: So, a lot of infrastructure is going to go into this I am assuming.

Ms. Conley: A majority of our time line is going through the interconnection key. So, we are going through the utility. They monitor the whole grid. NY is on it own grid which is unique as many energy market. Until U.S. are broken up by either regions NY has its own specialized market. We are planning to submit the application this fall to the interconnection que and we are expecting to take multiple years for them to study the impact of the entire grid. There are thousands of projects that are going in at the same time requesting to interconnect with us. They have to study all that are on the grid already and all the ones that are requesting to connect as well. Then we have multiple stages.

That will be the bulk of our time frame. We are estimating six months to a year for the project. The main hurdle is the interconnection que.

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Mr. Gorres: Anybody else?

Ms. Hilbert: So, you would have to do two separate applications. You would have to do a subdivision application to break off the 40-acres and then you would need to do the site plan but we could do them simultaneously at the same time.

Ms. Conley: That is something we wanted to talk about. What is the time line for something like that could we separate them as well if we wanted to get the permit ahead of time than subdivide at a later date? Could something like that be possible?

Ms. Hilbert: I think your final approval would be contingent on the subdivision of 40-acres.

Ms. Conely: That makes sense.

Ms. Hilbert: Part of the site plan is a different part of the 40-acres and how it will be laid out and so.

It could be done all at the same time. We could do the Public Hearings at the same time. It’s just different applications.

Ms. Conley: Ok sounds good.

Mr. Hickey: As for setting a time line. I do not think we could set a guess on what that you are talking about a highly complex project. There are a lot of different variables.

Mr. Steinman: There is a lot of variables to consider here. We do not want you to make a decision without all of the information. We are more than happy to come back and chat with the community.

Ms. Hilbert: When you do come back with the project have all of the evaluations on here. These kind of projects have a habit of talking down the land and changing them substantially which is going to cause a lot of problems with the SWIFT. We are going through that with a couple of other projects currently. So, we want to make sure that all that stuff gets addressed.

Mr. Baum: One more question. The interconnections they are studying are they just for reginal or are they out putting to the State wherever is needed.

Ms. Conley: The transmission line we are interconnecting with its end point is by Kington and forget where the start point is they are both relatively close. It is the same energy you guys are using now but we have been storing it.

Mr. hickey: I’m sure you understand the transmission market and generator market, the end delivery. We can have power from Niagara or Ohio. Or at least that’s what they are saying it gets to us.

Ms. Conley: Yes.

**PUBLIC HEARING:**

RSR Legacy, LLC (Kevin Gagliano) SBL# 101.3-7-24 & 25.21

1162 Plains Road & Anderson Road Proposed: Lot Line Realignment

Mr. Gorres read the Public Hearing Notice.

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Ms. Patti Brooks: Cross Point Engineering, 13 Certified mailings went out and 2 were not returned.

Ms. Brooks: Stated that this is a lot line revision between two parcels of property located on Plaines Road and Anderson Road. Ms. Vennessa Stanton owns a 6.15-acre parcel of land that she currently has her residence on. She is purchasing a 11.07-acres from her neighbor to end up with 17.22-acre lot. The remaining lands at the intersection of Plains Road and Anderson Road just off of 208 will be 20.53-acres.

Mr. Gorres: Does anyone have any further questions?

Mr. Sean and Jennifer George: Is it just being added to her property?

Ms. Brooks: Yes.

Mr. George: Ok. That’s what we thought.

Ms. Lauren Warren: The vacant spot over there is it still vacant? Has it been sold yet? That was what was bought years ago for the subdivision.

Mr. Gores: Yes. DiMartino Subdivision. Yah, they went part ways through that thing and they never came back with the project.

Ms. Brook: DiMartino sold it to RSR Legacy back in 2022 and that who owns it now.

Ms. Warren: So, they surveyed back there. I guess its irrelevant to this lot line. They surveyed behind my property and I feel I need a new survey because it does not go with what I have when I first bought the property.

Ms. Brooks: I can definitely give you a business card and you can contact me.

Ms. Warren: Ok, good.

Ms. Brooks: They did find your property corners and they did match your subdivision map.

Ms. Flora Swanson: 1159 Plains Road: Just wondering where this is.

Ms. Brooks: You are right across the street from the existing of the Venessa’s family and she’s adding onto her parcel.

Mr. Gorres: Thar is the property that comes off of 208- Plaines Road.

Ms. Brooks: Yes. The Swanson party is down South.

**MOTION:** Mr. Hickey made a motion to close the Public Hearing with Mr. Dmytry seconding the motion. All ayes on the motion.

Ms. Brooks: We do not need SEQR because it is a Type II action. We may want to state that for the record. I would be seeking on the fact that we have addressed all of the public comments. It is a Type II SEQR action I would request the board to consider a resolution of final approval this evening contingent on maps, mylars and final fees.

**MOTION:** Mr. Hickey made a motion to pass Type II SEQUR with Mr. Dmytry seconding the motion. All ayes on the motion.

Ms. Hilbert: So, basically what I think you want to say is because this is a Type II action there is not further SEQRA review required. That doesn’t need to be part of the motion. I think it would t

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then better just to do a motion to grant final approval based on the payment, maps, and fees. Mr. Gorres seconded the motion.

MOTION: Ms. Hilbert made a motion to grant final approval based on the final payment, maps mylars and fees with Mr. Gorres seconding the motion. All ayes on the motion.

South Street Builders SBL# 102.1-6-22.110

688-692 South Street Proposed: Multi Family Residence

Mr. Gorres read the public hearing.

Ms. Brooks, Cross Point Engineering: We have a partial of land located on the South side of South Street. Where there is an existing single-family resident, a mobile home and a Quonset hut that used to be a residence but now is for storage. We are proposing to remove an existing improvement structure on the property and construct three more family dwellings each of the units will contain two bedrooms and about 1200 sq ft. each. The building dimensions are 80ft. x 30 ft. approximate height not to exceed 35 ft. We will retain the wooden buffer..

That is currently on the resort already on the property. We will utilize the existing driveway; Quonset hut and the other units will share the common driveway and the four family buildings on the parcel to the South side.

Mr. Gorres: Opened the Public Hearing

**MOTION:** Mr. Hickey made a motion to close the public hearing seconded by Mr. Baum. All ayes on the motion.

Ms. Hilbert: Did you send in the proof to the Board of Health regarding the wells and septic?

Ms. Brooks: The maps were sent to the Board of Health March 2nd. I think everyone is away. Ms. Carol Smith left the Board of Health and Rose is the acting commissioner They are extremely short staffed up there and have not reviewed the plans.

We have the comments, the deceleration of restrictive confidence easement agreement, strong water control facility maintance agreement and easement agreement and the maintance agreement. So, Pats suggestion was that they all had to be sent to the town attorney for review.

We have the board declared lead agency back in February the board has not made a SEQR determination.

**MOTION:** Mr. Gorres made a motion to grant anUnlisted Action seconded by Ms. Hilbert. All ayes on the motion.

Ms. Brooks: At this point I want to make sure that all of the documents need to be approved by the attorney. We need final sign off by Pat Hines, he had three comments: infiltration testing, and the engineer responded to all of them and made some changes in the SWIFT and the plans so I just want Pat to sign off on that.

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Mr. Hickey: I think we got to wait for the Board of Health to come through.

Ms. Brooks: And the attorney.

Mr. Hickey: I think these two things are going to hold things up.

**OLD BUSINESS:**

Anson Family Trust & Robert Morse SBL# 95.9-4-30 & 95.1-4-1.11

789 Route 44-55, Clintondale Proposed: Lot Line

Mr. Gorres: I would like to address the folks here for the Anson Family Trust. I have not heard anything from the attorney.

Ms. Brooks: Yes, we did. An e-mail stating he had no issue continuing the application.

Ms. Stryker: Originally, he did then and then at the last meeting there was issue with them agreeing on the map. So, I sent another e-mail to Mr. Cordisco in regards to it.

Mr. Gorres: Ok, so we are waiting on a answer back on him.

Ms. Brooks: So again, this is a situation where the adjoining land owners are party to this have not agreed with the survey map since day one. That is a legal issue that their attorneys are dealing with. Mr. Cordisco recommendation knowing that there was a problem said you can legally go ahead and processes this application. Any issues that are legal issues need to be handled by the attorneys. Not by this board.

Mr. Hickey: I still want to make sure we get a conformation. We sent back a second question I would like to get back clarification.

Ms. Brooks: I was not aware that another e-mail was sent.

Mr. Hickey: Let us clear that then we can move forward.

Ms. Brooks: So, this is off the agenda for the evening?

Mr. Gorres: When I walked in, I asked Ms. Stryker that because Mr. Cordisco has not responded to something else.

Mr. Hickey: I understand the inconvenience. We did send him a second one. Let him respond to it that way everyone is covered on the process.

Ms. Brooks: I would like it written into the record that the reason this is being post poined this evening is because the co-applicants are contesting the survey map. This is a court order that this move forward and if this is obstructing the availability for this to be processed that is a court issue.

Joseph Galm SBL# 94.4-5-4 & 5

481 South Ohioville Road Proposed: Lot Line Realignment

Mr. Bill James, A. Diachishin and Associates, P.C., was present to represent his client. This is a lot line revision of 481 South Ohioville Road. There is a small mobile home park involved. Mr. Galm has recently built this house.

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We are essentially taking part of his lot (showed original line on the map and the encroaching of the mobile home park).

Ms. Hilbert: The new line will bring it in compliance with all of the setbacks?

Mr. James: That was part of the later deed in 2017 which post dates all of the stuff that went on here.

This is approximately a 100ft but I will double check.

Mr. Gorres: We will need to know that for sure.

Mr. James: The separation from the well to the septic. I will look at Mr. Paul Meles plans.

The barn structure is actually a big shed.

Mr. Galm: A tree hit it.

Mr. James: Showed pictures of the barn with the tree on it.

Mr. Gorres: Not much of a structure with the tree on it.

Mr. James: Do you think it will be a zoning or subdivision issue?

Mr. Gorres: I do not think so. You are not using it and are not going to use it.

Mr. James: The building inspectors’ comments Lot #2.

Mr. Gorres: According to the 2019 building inspectors’ determination everything is fine.

Ms. Hilbert: Mr. Hines wants to reach out to the building inspector and see if there are any further comments on the compliances.

Per Mr. Hines comments he wants you to do a review with comments on Lot #2. This is where the pre-existing mobile home is so it is not going to be in compliance with the current code is because it is pre-existing. He just wants you to do a comment with everything.

Mr. Gorres: They are making the Mobil home bigger but the park is not in compliance now for size but they are adding this to this to make it less non-compliant.

Ms. Hilbert: Just have your consultant make sure that the well and septic are separate.

Minard Farms LLC SBL# 102.1-6-25.11 & 102.1-7-11.2

730 South Street Proposed: 4 Lot Subdivision

Ms. Brooks: The last time we were in front of the board was in March. The board granted the wavier for 110-48 G2 to allow 25% rather than then 20% of the lots. I think I asked that Mr. Hines comments were just going to be we will just address the March comments. Andy Willingham is almost done with the design. I did speak with DEC because the wet land delineation to expire in June or July.

At this point in time, we will be submitting and Andy is almost done. He is tweaking a couple of the lot lines, storm water pond. Bob Wager (Highway Superintendent) looked at the driveway. I received an e-mail approval.

Ms. Hilbert: Please send us a copy of the e-mail.

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Ms. Brooks: I am not a 100% sure but did this go back to Mr. Domonick Cordisco (Planning Board Lawyer)? We waiting for comments?

Ms. Stryker: I sent you the comments he sent back in April (gave Patti a copy).

Ms. Brooks: Now we have recommendation from Mr. Cordisco what does the board feel? Comfortable with the deed restrictions?

Mr. Gorres: That is why we hired the attorney.

Ms. Brooks: As soon as I get everything from Mr. Willingham; I want to make sure it is a complete package. We will have all of Mr. Hines questions answered.

Ms. Hilbert: Will Mr. Willingham be presenting a new map?

Ms. Brooks: Yes.

**DISCUSSION:**

Ms. Brooks: Quaker Street. The subdivision that was done by Dennis Chasen. It is like 14 lot subdivision. Someone reached out that wants to build it out. I e-mailed Mr. Hines and Mr. Wager (Mr. Hines did not respond). Mr. Wager said what usually happens is the supervisor will set up an escrow account and will meet at the site.

Mr. Depew (Supervisor): They do not understand that building the road they have to start up at top and work there way down. When they do it they want to do it in three phases. They done understand if they put a letter of credit for the who build of construction that could potentially take three years. To get it started it makes since to get that letter of credit work it off and use that in a phase kind of process.

Ms. Brooks: My concern is that when a subdivision is approved in 2014 and approved with the rules and regulations of 2014 with DEC. If it has not been built yet when it does get built in 2024, ten years later does the entire thing need to be re-designed.

Mr. Depew: I think at the very least the sanitary codes have to updated. At the very least looked at and signed off again.

Ms. Brooks: That’s why I was hoping that Mr. Hines would weigh in at least on that aspect. If something is approved in 2014, does it adhere to the 2014 regulation or no construction has started and your back to square one.

Mr. Hickey: This is not an active application.

Mr. Baum: We have invested time.

Mr. Depew: At best it is as an initial subdivision. There was nothing else going on.

Mr. Depew: If the applicant has not proceeded and has addressed interest, so to speak, I would have to say everything has to be re-done.

Ms. Brooks: Yes, someone has been paying taxes on fourteen building lot for all these years.

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Ms. Hilbert: There is something in real property tax law that id a subdivision does not get developed after certain time it could go back into one.

Ms. Brooks: It’s a general go on subdivisions themselves would that be a simple Domonick question? We have a subdivision it has been however many years ago. I can get you the paperwork.

Ms. Hilbert: I think not so much a Dominick more like a Pat.
Have him send in a request and we will contact him.

Ms. Brooks: Can I do it for him?

Ms. Hilbert: Have it go through the town first and set up an escrow and they can send it to us if it needs to be re-opened.

Mr. Depew: You are talking about reaching out to the attorney, correct?

Ms. Brooks: Reaching out to Mr. Hines.

Ms. Hilbert: Start with the engineer first then possibly the attorney.

Mr. Depew: Rather than having them replenish, I was thinking Two Thousand Dollars ($2000.00) sound good?

Ms. Brooks: Its going to cost something to find something out. Maybe he will go back to the current owner and say you don’t even know what you have to sell.

Mr. Gorres: It is going to cost him something to be informed. Which then he will be informed. Tell him to fill out an application and set up an escrow account.

**VOUCHERS:**

MHE Consulting Engineers, D.P.C Amount: Applicant: $314.30 Innovation Homes

**MOTION:** Mr. Gorres made a motion to approve the voucher for Innovation Homes with Ms. Hilbert seconding the motion. All ayes on the motion.

MHE Consulting Engineers, D.P.C. Amount: Applicant:

 $166.50 Libolt

**MOTION:** Ms. Hilbert made a motion to approve the voucher for Libolt with Mr. Gorres seconding the motion. All ayes on the motion.

MHE Consulting Engineers, D.P.C Amount: Applicant:

 $226.50 David Ale

**MOTION:** Mr. Gorres made a motion to approve the voucher for David Ale with Mr. Hickey seconding the motion. All ayes on the motion.

MHE Consulting Engineers, D.P.C Amount: Applicant: $213.50 United Pump & Tank

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**MOTION:** Mr. Gorres made a motion to approve the voucher for United Pump & Tank with Mr. Dmytry seconding the motion. All ayes on the motion.

MHE Consulting Engineers, D.P.C. Amount: Applicant:

 $207.10 Plattekill Library

**MOTION:** Mr. Gorres made a motion to approve the voucher for Plattekill Library with Mr. Dmytry seconding the motion. All ayes on the motion.

MHE Consulting Engineers, D.P.C Amount: Applicant:

 $1495.34 Ohioville Solar A&B

**MOTION:** Mr. Gorres made a motion to approve the voucher for Ohioville Solar A&B with Mr. Dmytry seconding the motion. All ayes on the motion.

MHE Consulting Engineers, D.P.C Amount: Applicant: $265.30 SPF Holdings II LLC

**MOTION:** Mr. Gorres made a motion to approve the voucher for SPF Holdings II LLC with Mr. Dmytry seconding the motion. All ayes on the motion.

MHE Consulting Engineers, D.P.C. Amount: Applicant:

 $232.80 Modena Development

**MOTION:** Mr. Gorres made a motion to approve the voucher for Modena Development with Mr. Dmytry seconding the motion. All ayes on the motion.

MHE Consulting Engineers, D.P.C Amount: Applicant:

 $310.40 Nursing Home

**MOTION:** Mr. Gorres made a motion to approve the voucher for the Nursing Home with Ms. Hilbert seconding the motion. All ayes on the motion.

MHE Consulting Engineers, D.P.C Amount: Applicant: $245.90 Minard Farms

**MOTION:** Mr. Gorres made a motion to approve the voucher for Minard Farms with Mr. Hickey seconding the motion. All ayes on the motion

**MINUTES:**

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Mr. Gorres made a motion to approve April 23, 2024 minutes as amended with Mr. Hikcey seconding the motion. All ayes on the motion with Mr. Baum abstaining.

**ADJOURMENT:**

**MOTION:** Mr. Baum made a motion to adjourn with Mr. Hickey seconding the motion.

 All ayes on the vote.

The meeting adjourned at 8:30 p.m.

 Respectfully submitted by

 Janice Stryker, Planning Board Clerk