

APPROVED

CRAIG PAEPRER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS

RAYMOND COTE
ROBERT FRENKEL
VICTORIA CAUSA
JOHN NUCULOVIC

TOWN OF CARMEL
PLANNING BOARD



60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 – Ext.190
www.ci.carmel.ny.us

MICHAEL CARNAZZA
*Director of Code
Enforcement*

RICHARD FRANZETTI
P.E.,BCEE
Town Engineer

PATRICK CLEARY
AICP,CEP,PP,LEED AP
Town Planner

PLANNING BOARD MINUTES
SEPTEMBER 14, 2023

PRESENT: CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO,
RAYMOND COTE, ROBERT FRENKEL, JOHN NUCULOVIC

ABSENT: VICTORIA CAUSA

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Yankee Land Development	76.15-1-12	Resolution	1	Resolutions Adopted.
P & R Estate Corp	44.13-2-68	R. Site Plan	1-3	Planner to Prepare a SEQR Neg Dec.
Messina Family Trust	65.5-1-36	Site Plan	4-6	No Board Action.
Diamond Point Develop.	86.10-1-2 & 3	Site Plan	6-8	Public Hearing Scheduled.
Union Energy Center LLC	86.11-1-14	Site Plan & Sketch Plan	9-16	Lead Agency Declared.
Braemar at Carmel	55.10-1-3	Re-Approval	16-17	1 Year Re-Approval Granted.
Success Realty LLC (Weiss)	54.19-1-11	Regrading	17	Referred to the ECB & Public Hearing Scheduled.
Minutes – 7/26/23 & 08/10/23			17-18	Approved.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Rose Trombetta

YANKEE LAND DEVELOPMENT – BAYBERRY HILL ROAD & OWEN DRIVE – TM – 76.15-1-12 – RESOLUTION

Mr. Carnazza had no comments.

Mr. Franzetti had no comments.

Mr. Cleary stated you have two resolutions before you this evening to be voted on.

Mr. Cote moved to adopt Resolution #23-17, dated September 14, 2023; Tax Map #76.15-1-12 entitled Yankee Land Development Subdivision SEQOR Determination of Significance Negative Declaration. The motion was seconded by Mr. Frenkel with all in favor.

Mr. Cote moved to adopt Resolution #23-18, dated September 14, 2023; Tax Map #76.15-1-12 entitled Yankee Land Development Final Subdivision Approval. The motion was seconded by Mr. Frenkel with all in favor.

P & R ESTATE CORP – 122 GLENEIDA AVE – TM – 44.13-2-68 – RESIDENTIAL SITE PLAN

Mr. Carnazza stated it was a mixed-use building that they converted into a 4 family building. They are here to legalize the 4 units. We discussed putting an addition on and still keep 4 families, but he said they are not adding an addition, but keeping as a 4 family building. It's going to be original building footprint and still 4 families. He stated a use variance and area variances are required from the ZBA.

Mr. Franzetti read his memo which stated this currently supports four (4) apartments. For this submittal the applicant would like to be referred to the ZBA. This referral is acceptable to the engineering department. Based upon review of the plans provided the Engineering Department offers the following preliminary comments:

1. The following referrals are required:
 - a. New York State Department of Environmental Conservation (NYSDEC)
 - b. The Town of Carmel Environmental Conservation Board (ECB).
 - c. Carmel Fire Department
 - d. NYSDOT – driveway and sidewalk work along Gleneida Avenue.

Applicant has noted the need for these referrals

2. The following permits are required:
 - a. NYSDEC - for stormwater;
 - b. ECB for wetlands

Applicant has noted that they have the ECB permit and will need to be referred to the ZBA.

3. Referral Putnam County Department of Planning GML 239 M is required.

Applicant has indicated they will complete referral. This should be reviewed by Town Counsel

4. All curbs sidewalks, manholes and guiderails should be installed per §128 of the Town of Carmel Town Code

Applicant indicates they will meet or exceed town codes. The applicant must add a note added to drawing indicating that curbs sidewalks, manholes and guiderails should be installed per §128 of the Town of Carmel Town Code

5. Available sight distances and calculations should be specified on plan. Any clearing along the edge of the roadway right of way (R.O.W.) that may be necessary to assure appropriate sight distances are provided, should be identified.

All calculations must be provided.

6. All retaining walls great than 6 foot must be certified by a NYS licensed structural engineer.

7. Should any public improvements (i.e., stormwater controls, etc.) be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must be established for the work.

The applicant should note that a Performance Bond and associated Engineering fee is minimally required for the stormwater management practices, erosion and sediment control drainage features, landscaping etc. installed on the site. Please see §156-61 J and K of the Town Code for additional information.

8. The applicant is advised that a stormwater bond and maintenance guarantee, pursuant to §156.87 of the Town Code, may be required.

Mr. Cleary stated this application has been before us a few times. The project has evolved over time. There have been modifications to the layout configuration of the site. We spent a long time on the parking area in the back. That required a wetland permit. Since that time, the applicant has provided some updates. One of the issues we had was the curb cut in front of the property. We have a preliminary letter from DOT indicating they will grant the road opening permit. A report has been submitted for water and sewer. All other issues regarding site lighting and landscaping have been addressed. The next step is the referral to the ZBA. We do have to reach a determination of significance with respect to SEQR prior to that because of the use variance that's involved with the Zoning Board. Prior to the referral, we have to draft a negative declaration if you're so inclined.

Chairman Paeprer stated we want to remain as lead agency correct?

Mr. Cleary replied yes.

Chairman Paeprer asked how long has this been a 4 family house?

Mr. Robert Sherwood, applicant's architect representing the applicant replied about five years.

Chairman Paeprer stated one part of me struggles with the applicant making the house into a 4 family home illegally and the other part of me says we have a chance to fix up the site. I don't want to set a precedent.

Mr. Cleary stated the issue that we often had with these, in instances where we said go back to the original 2 family, even though it's been a 4 family. They go back to a 2 family and then 3 months down the road they go back to a 4 family. He said if you have an instance where the conversion improves the site, in terms of landscaping, appearance and architecture that's when you can make that judgement and perhaps it is a benefit.

Chairman Paeprer asked what are you going to do for the town? What are you going to do for curb appeal? He said they need a few variances and then they will come back to us. We would like you to come back to us with some “wows”.

Mr. Sherwood stated one of the biggest wows that we have on this site plan, is removing all the front parking that comes off of Gleneida Ave. I think that is the “wow” and we are putting the parking on the side of the property. We talked about putting shutters on all three sides of the building to dress it up. We also did some residential style landscaping in the front with lawn area. He stated it was a two family with a use of an office. They converted that one business use into apartment. It was a hybrid use when they purchased the building about 30 years ago.

Mr. Carnazza stated they are giving up a mixed-use for a 4 family unit. The only way they can clear up a violation is to come to this board.

Vice Chairman Giannico asked is this zoned mixed-use and not multi-family?

Mr. Carnazza stated our files shows 2 family over commercial.

Vice Chairman Giannico asked does the current zoning support 4 families?

Mr. Carnazza replied no and it doesn’t support the mixed-use either.

Vice Chairman Giannico asked if the four apartments have any safety violations.

Mr. Carnazza stated I don’t think so. My assistant has been there, because anything over 2 families we do an inspection.

Vice Chairman Giannico stated we need some assurances that this is going to be a safe environment.

Mr. Cleary stated 100%. Sometimes that’s the benefit we get out of conforming instead of a fire trap.

Vice Chairman Giannico asked if he had the elevations of the changes that were made and a landscaping plan.

Mr. Sherwood stated a landscaping plan was submitted, but I did not bring the elevations of the building, but we did discuss adding black shutters to the building to dress it. At which time, Mr. Sherwood displayed the landscaping plan and discussed the landscaping and parking changes to the site.

Mr. Cleary stated the next step is doing a SEQR Negative Declaration.

Chairman Paeprer stated we like you to come back to us on points we made regarding the elevations. We like this project.

Mr. Sherwood stated I will bring back the elevations on what it looks like now and what the proposed are.

Vice Chairman Giannico made a motion to have the Planner prepare a SEQR Neg Dec. The motion was seconded by Mr. Frenkel with all in favor.

MESSINA FAMILY TRUST – 174 WIXON POND ROAD – TM – 65.5-1-36 – SITE PLAN

Mr. Carnazza read his memo which stated the applicant is operating a commercial business in the Residential Zoning District. A Use Variance is needed for the non-permitted use.

- Variance is needed for lot area, 120,000 s.f. required, 79,507 s.f. proposed, 40,493 s.f. variance needed.
- The rear concrete slab over the property line is now labeled “to be removed”. The slab and the asphalt must be removed prior to issuance of a c.o. for this property.
- The pool house, shed and garage are in the rear setback. Variances required.
- There was a large amount of fill dumped on this property. That should be addressed at this time also. Provide topo before the fill was placed and the existing condition.
- PCDOH approval is required.

Mr. Franzetti read his memo dated August 28, 2023.

Mr. Cleary stated this is an existing business that has been on that property for a long time. It's legalizing the operation of the site. He stated Mr. Lynch's summary of the sub-surface investigation wasn't clear to me. There are some metals and pesticides on the site. They have been identified, but they are not clear to me in Mr. Lynch's summary. The concern is there is a house on the property, so if the level of contamination has indicated there should be no contact of those materials and someone goes and digs a plant we have a problem. We need to understand that a little better.

Mr. Paul Lynch of Putnam Engineering, representing the applicant addressed the board and stated he had a similar situation with the Town of Southeast, where an applicant is looking to build a baseball field. The site had been dumped on for over 40 years. He continued and stated how NYCDEP found materials that were contaminated. We agreed to do soil samples and there were some spikes that were asphalt related items, because there were millings on the property. If you get a piece of milling in your soil sample, you will get a spike. He stated NYCDEP said to contact the NYSDEC. The response from the DEC was if the DEP wants to make a complaint have them make a complaint to us directly. Ultimately, DEP would not make the complaint. According to the NYSDEC, that's historical soil, so we're not doing anything, it's staying in place, it's encapsulated. He said if I call the NYSDEC about this property, I will get the same response. If you want to pursue this further, maybe the Town Engineer can call the DEC and he has the conversation with them.

Mr. Cleary stated this is a little bit different. The materials on this site that have been identified such as lead, zinc, mercury, pesticides, etc., is not ash. It's a more significant concern. It may be historical. He said what Mr. Lynch submitted to us has documentation that tells us the level of that material. The DEC has set standards which is called restricted residential. If you exceed a certain standard, you can't have people interfacing with that material. He said a technical person could look at that and say it is below the standard or it exceeds the standard. If it exceeds the standard we have an issue because there is a residence on the property. That's my point, I can't interpret that data as well as environmental soil scientist could, so if the Town Engineer doesn't have that capability, we should have someone look at it. He said I don't think we should default to the DEC, because DEC will say it's not their job to interpret your property.

Mr. Carnazza asked did you only test the new soil?

Mr. Lynch stated we tested the fill section.

Mr. Carnazza stated obviously it's not historical fill.

Mr. Lynch stated it is historical.

Mr. Carnazza stated how could it be historical if you just put it there.

Mr. Lynch stated it's been there for over three years.

Mr. Carnazza stated that makes it historical?

Mr. Lynch replied yes.

Mr. Frenkel asked if they have identified the contaminants and labeled them as restricted, do we understand what that label means?

Mr. Cleary replied I don't. That's my point.

Mr. Frenkel stated it doesn't sound like it's a prohibition of a residence on the property, it sounds like there is some restriction as to what you could do. Can we label the site plan with conditions on what you could do with that area?

Mr. Cleary stated the only way DEC would be involved in this is if the levels require them to do something on the site. Theoretically, the DEC would supervise the work that's being done to ensure that it is being done properly. They have a role to supervise work that's being done to remediate an environmental contamination.

Mr. Frenkel stated it doesn't sound like it's going to be remediated.

Vice Chairman Giannico asked with the soil samples that were taken, does it exceed the Board of Health limits?

Mr. Cleary stated Mr. Lynch's summary states it doesn't exceed the limits, but when you look at the numbers it raised questions to my non-technical eyes, that's simply why I'm asking the question.

Vice Chairman Giannico stated I would like to compare the results with the NYS Board of Health guidelines.

At which time, the board members and Mr. Lynch continued to discuss the soil samples, levels of contamination and what defines restricted versus unrestricted uses.

Mr. Lynch stated from my understanding, for clean-up objective for residential, if you had a high level you would want to get it down to .81 parts per million. For the mercury we are at point .22, so we are already under the level.

Mr. Frenkel stated I understand that we are below the level of clean-up, but we are in some restriction, we don't know what the restriction is.

Mr. Lynch stated I will contact the DEC and ask for some clarification on their definitions.

Mr. Charbonneau stated the applicant brought the fill to his own site and should bear responsibility for that.

Mr. Lynch stated as far as the NYSDEC is concerned, ownership doesn't matter.

Mr. Charbonneau stated it may matter to the board.

Mr. Lynch replied yes, but in terms of how the DEC looks at things, they don't make judgements one way or the other.

Chairman Paeprer asked if the concrete slab has been removed.

Mr. Lynch replied I don't know.

Chairman Paeprer said to update us on that when you come back to the board.

Mr. Cote asked how big of an area are we talking about with this fill?

Mr. Lynch replied approximately 1,000 square feet.

Mr. Carnazza asked about the depth.

Mr. Lynch replied about 4½ feet.

Chairman Paeprer stated we have some added concerns because it drains into a lake. He stated to Mr. Lynch to come back with some data and clarification.

DIAMOND POINT DEVELOPMENT – 4 BALDWIN PLACE ROAD – TM – 86.10-1-2 & 3 – SITE PLAN

Mr. Carnazza stated my comments are basically the same as last time. He asked if the 120,000 square foot storage building could be moved down a little? Would it make less massive looking?

Mr. Adam Thyberg of Insite Engineering, representing the applicant addressed the board and stated I think the closer you bring the building to the road, it will appear closer to you and more massive. He said the building is sited for a variety of reasons, mainly for the cut and fill. We also have stormwater and other things we need to do downhill. We have certain requirements for driveways. We will certainly take a look and see if there is a way we can nudge a little further forward to your comment. He said by bringing it closer, I don't think it makes it less.

Mr. Carnazza stated the architectural barn building rendering looks very nice.

Mr. Franzetti stated they haven't addressed any of my prior comments. The applicant wants to discuss the updated drawings and renderings with the board and provide responses in future submittals.

Mr. Cleary stated the applicant should be commended on the work they have done with the architecture of the building. That has been done in conjunction with the board's architectural consultant. They made it more barn like. My only suggestion is the central peak of the roof is a standard gable and there are two gables at the end. When I think of a barn, I envision a gambrel roof, which is a barn peak, not a typical peak. That's my suggestion, it's not a recommendation. The applicant has clarified the market viability of the project which describes a formula from the industry about square footage per capita.

Mr. Frenkel asked what will I see from Baldwin Place Road and Route 6? Will I only see just that fascia or the unfinished sides as well.

Mr. Thyberg stated one of the board's architect's comment was the primary focus of the front of the building.

Mr. Frenkel stated it's not the front facade that I'm asking about, it's the right side.

At which time, Mr. Thyberg displayed renderings of the buildings from Route 6 side (on angle) and Baldwin Place Road side.

Mr. Aaron Sommer addressed the board and stated to the right of the building (office) are substantial wetlands. He said if the wetlands weren't there you would be able to see the side of the building from Route 6, with the wetlands there I don't think you will be able to see that side of the building at all.

Mr. Carnazza stated if you paint the front in red that could make all the difference and then just put one of those x's on there with the fake door on the side. That could dress it up enough that you don't have to do another front but it'll give it that red dimension that it looks like the rest of it.

Mr. Sommer said we're certainly happy to do that.

Mr. Frenkel stated that would be helpful.

Mr. Carnazza you won't see that total contrast of red to almost white.

Mr. Sommer replied okay.

Mr. Thyberg stated if there aren't any other comments, obviously given that we've made a pretty big departure from the what was originally designed with the building, we do as was mentioned responses to some more technical comments and we'll certainly look to address them as completely as possible with our next submission. At this time, we would like to ask the board if you would consider scheduling a public hearing for the next meeting so we can continue to move this forward, being that it seems like we're in a pretty good place with the site and with the architectural design.

Mr. Cote asked have you given the architect samples of the materials?

Mr. Sommer stated I think he has a color board, I believe that's what he asked for I didn't know that he asked for samples of the materials. I know he asked for a color board specifically.

Mr. Thyberg stated we would be happy to bring something to a meeting.

Mr. Carnazza said at least for the public hearing.

Mr. Cote stated just to clarify you will be able to make both ends the same color as the front

Mr. Thyberg replied yes, and we could make that change for the next meeting.

Vice Chairman Giannico stated I personally would like to commend you. You did a great job, thank you very much for that. He stated I do like what Mr. Cleary stated about the center section regarding the gambrel roof. I think that would really solidify it. He stated the coupler looks a little small for the building. I'd like you to look at that and I think it could be a little bit larger.

Mr. Sommer replied we will take a look at that and talk to the architect about that.

Chairman Paeprer stated you did a great job with this so far.

Mr. Carnazza stated you still have some technical answers to give us, correct?

Mr. Thyberg replied yes. We owe you some information about parking projections and lighting things like that and like I said we want to substantively address those with our next submission.

Mr. Cleary stated typically we would have most of that material prior to scheduling a public hearing.

Chairman Paeprer stated I'm actually okay since it's been around for a while and they've done their due diligence to take a little bit of a risk here. He said I would never approve something with five pages of comments from the Town Engineer. I'd like you to work with Mr. Franzetti and I'd like to push this to a public hearing because I like to hear from the public, but I will not go any further than that until the comments have been addressed. I'd like to do things in parallel. I think the applicant has earned it by working with us, but I don't want to short step.

Mr. Cleary stated the applicant has demonstrated their sincerity in advancing the application so I'm sure we can schedule the public hearing and you can continue to work with us.

Mr. Franzetti asked did they do a negative declaration? Have they been to the NYCDEP yet. He asked don't we have to do a neg dec to get them to DEP. He said the public hearing is fine, but they still need to meet with the bigger agency here. The DEP is going to be the one that's probably going to take the longest.

Mr. Thyberg stated short of an approval resolution at the next meeting if we could do the public hearing and have a neg dec prepared that would help us facilitate moving forward with DEP and outside agencies.

Mr. Carnazza stated once we have the public hearing you only have 45 days to act.

Mr. Cleary stated we just have to manage this. We're doing this a little bit different so it just requires us to cooperatively manage the process.

Chairman Paeprer stated I would like the board to be a little agile on this project because I think it deserves. It's a gateway into our community and I do want to hear from the public.

Mr. Cleary stated I would suggest having the public hearing, and if the public hearing goes well we can then move to the neg dec resolution and perhaps keep the public hearing open while we create a neg dec.

Vice Chairman Giannico moved to schedule a public hearing. The motion was seconded by Mr. Nuculovic with all in favor.

UNION ENERGY CENTER, LLC. – 24 MILLER ROAD – TM- 86.11-1-14 – SITE PLAN & SKETCH PLAN

Mr. Carnazza read his memo which stated the applicant proposes to add a 116-megawattnm' 8765 24 battery energy storage system off Miller Rd., in Mahopac. This is a permitted use in the C-BP Zoning District. There is a submission for a subdivision submitted simultaneously to this application. The Subdivision must be approved prior to the approval of the Site Plan since the proposed lot does not exist in this configuration. There are wetlands on much of this parcel. The ECB, DEP, and DEC all need to put their input into this application. The Mahopac Fire Department should get this application early for comments as they will be the Fire Department dealing with any issues that may arise. The lot lines on this plat will be changing again from what was submitted. Once the lot lines are finalized, I will determine zoning compliance and any variances that might be necessary.

Mr. Franzetti read his memo dated September 12, 2023.

Mr. Cleary stated as you're hearing this is two actions, it's for the construction of a battery storage facility. It also involves the installation of substations to distribute the energy that's stored in those batteries. This is the first time we're seeing one of these in our town. Mr. Carnazza has done the first piece of this which is he's researched this and he's considered this a permissible use in this zoning district. He said hurdle number one has been achieved. The second issue relates to zoning compliance issues. The battery units themselves meet the setback requirements in this zone. The two substations however, I don't know how you define that. If you look at the map the edge of the fence around one of the substations encroaches into the side yard setback. That's not a structure, is it the fence, is it electrical equipment inside the substation that you would measure a setback from. I'm not sure, we have to learn more about it. The primary set of comments I have is learning more about this facility. Zoning compliance and the subdivision, fully compliant. we have no issues with the creation of the subdivision. Regarding the site plan most of the comments are explaining what this is all about. This is a facility that presumably would be accessed for maintenance. How often does that occur, what's involved in the maintenance, is it a guy and a pickup truck or is it 50 guys and they come there every day. There's no off-street parking that's provided. He said if it's a bunch of vehicles frequently, there should be parking for those vehicles so it's not obstructing emergency access to these facilities. One of the anecdotal concerns about battery storage is safety and fire hazards. They have submitted a report documenting some of that information but still our fire department should be involved in the review of this and ensure and they should be comfortable that their ability to access the site and to fight a fire is unencumbered in any way. It relates to the driveway, it's configuration and it's a gravel driveway there are some grades, perhaps the fire department wants it paved. It will relate to the equipment the fire department has that's specific to fighting an electrical fire, so the fire department big role with respect to this. He said there is electricity and a bunch of batteries, how is that distributed to the to the grid? How do they make money out of this? It's not a public utility it's a private company so how does that operation work? Hopefully they can explain that to us a little bit better. We need more details on the landscaping. The primary issue with respect to the installation is a giant wetland. There's really only one high and dry area which is where they're putting the battery storage, but the rest of the site is highly constrained by wetlands. They're State regulated wetlands. There are encroachments, they have to make crossings. They have to talk to DEC early. I don't know if DEC has any particular concerns about the proximity of a battery storage facility in the midst of a fairly substantial wetland area so we do need to hear from DC with respect to that. The Trailway is right next door so the visibility of this which are basically shipping containers that have batteries in them. That potentially could be a less than attractive aesthetic feature. What do they look like, is it screened, can you see it from the Trailway? There is a new driveway. He asked is there lighting that's

proposed for these facilities? Finally, decommissioning, just like our cell facilities when the batteries run out and the flashlight goes dark what happens, who decommissions it and what's involved? A decommissioning plan should be submitted as part of the application. He said this is an unlisted action with respect to SEQR, so tonight you should designate your intent to be lead agency and we can start the SEQR as well.

Chairman Paeprer stated I have a question for Mr. Charbonneau.....

Mr. Charbonneau interrupted and stated before you ask the question, I've recused myself with respect to this matter. If the board does need legal counsel, the town will provide other council for that.

Chairman Paeprer asked Mr. Cleary does the decommissioning involve bonding?

Mr. Cleary stated typically it is bonded, so if they blow it off, we have the resources to remove it.

Mr. Franzetti stated being it's on the border of Somers. Their fire department should probably be advised of this and any other local Westchester Counties. He said they are a lot of wetlands. They are putting in stormwater features and treatment systems. It's going to go through the rigorous review of the DEP.

Mr. Frenkel stated I recognize under our current zoning laws this is a permissible use, but I did go back to our draft comprehensive plan and zoning code and the draft code distinguishes between tier one and tier 2. Anything that's over 600 kilowatts is tier 2, and that would be prohibited anywhere in the town. This is 116 megawatts, that's a substantial difference. Should that affect how we think about this?

Mr. Cleary stated it's not current law, they are not bound by it at the moment. How we deal with grandfathering applications has yet to be determined with respect to the comprehensive plan. You can't hold them to a standard when it's not current law.

Mr. Frenkel then discussed fire risk. In the materials that were presented there were three towns, East Hampton, Town of Warwick and Town of Lyme that had fires in their facilities this past summer. One on May 31st one on June 26th and one on July 27th and my understanding is that this has now been referred to a newly formed task force that the governor has set up to determine the root cause and how to deal with it. In all those fires, the East Hampton fire, if I am correct was a five-megawatt facility the Town of Warwick was a 12-megawatt facility and I'm not sure what the Town of Lyme was. When the Town of Lyme fire was declared, surrounding residents were told to shelter in place. In terms of the fire risks of these facilities they are still figuring it out. This is 116-megawatts, so it's substantially larger than the facilities that have had these issues. How do you respond to that?

Mr. Adam Thyberg of Insite Engineering, representing the applicant addressed the board and stated we have provided a detailed fire safety analysis and plan. The applicant is working with a fire safety consultant. They have already reached out and connected with the local volunteer fire department and is also going to be offering specific training for these safety procedures and how to deal with fires in this nature related to these battery storage facilities.

Mr. Scott Connuck, Senior Project Developer with East Point Energy addressed the board and stated I could address the fire part first or I can save it for my overview.

Chairman Paeprer stated I just heard you mention the five minute overview, that might save a lot of questions from the board and if you don't mind giving it now.

Mr. Connuck stated my colleague Tyler Klein is going to share a brief PowerPoint that gives an overview of the project. I'm not going to walk through all of this, it's for your reference and it doesn't introduce any new information. He continued and stated I work for East Point Energy we are a grid scale energy storage project developer owner and operator. These are essentially large batteries that connect to the grid to utilities and help them manage electricity. We are a subsidiary of a company called Equinor which is a Norwegian historically oil and gas company, but also does a lot of offshore wind including in New York and has a really robust history in developing projects and safety. The project itself is 116-megawatt four-hour duration battery. Essentially what it does is it charges from the grid the New York wholesale market of electricity during periods of low demand and puts it back on the grid when it's most in need. These types of projects have been compared to the Swiss army knife for the grid, because they can provide a number of services to utilities including capacity, energy and a host of ancillary services like frequency regulation and maintaining the voltage of the grid so that people's equipment are not being harmed.

Chairman Paeprer asked is there any way you could describe the 116 megawatts into layman's terms?

Vice Chairman Giannico stated I could give you a perspective. One World Trade Center the backup generators there are eight megawatts in total to run one World Trade Center.

Mr. Connuck stated another metric that we use in every part of the country is a little bit different, but on the hottest day of the year typically, one megawatt can generate enough electricity for about 500 homes. Again, it depends if you're in Texas or in Maine. It varies a little bit but that's a rule of thumb. The project consists of four major things. The first one is battery enclosures which are metal structures on a concrete pad where the batteries will be held and that's the main component of the project. There will also be transformers, inverters and substations. One substation for our project and then one substation to connect to the utility NYSEG. In our view this site is uniquely situated for this type of project and our view it is the highest and best use for this site. One of the reasons is you have to be adjacent to electrical infrastructure. This site has the transmission lines that we need. That rules out about 95 percent of properties where we could feasibly build a project. In addition, it's in a region of critical need. The lower Hudson Valley and this region has a lot of load and obviously New York City is close by. There are a lot of electrical needs. Putnam County according some of the research that was done ahead of the meeting has only one grid scale, electric generator in the whole County which is about two megawatts in the northeast corner. Which could power maybe a bit over a thousand homes at a time. The security of the grid is at risk. A lot of things are changing, there's a lot of vulnerabilities on the system and these sorts of projects help provide a lot of the reliability that is required - you know and I know in some parts of the Hudson Valley folks say when the wind blows the power goes out. While these projects are not going to stop every outage that happens they can reduce the number that come especially as the grid changes. Part of the reason why we wanted to focus in this area is because of the retirement of Indian Point. There is obviously a much greater need here than in some other locations. We also selected this property because of the zoning, it is a commercial and business park location. The Building Inspector has told us that this falls under general business or commercial use and fits into the zoning. It's isolated. This property is about 95 acres and we are using a fraction of that property mostly in the center of the property. It's isolated from the commercial properties, it's isolated from homes both in Carmel and in Somers and is mostly going to be out of sight, not heard and out of mind. Another benefit of this site is that it's has a large relatively flat portion of the property which is obviously not very common in in this area. It

has minimal impacts to the environment. As proposed we are impacting I think about one-tenth of one acre of wetland and should have no impact to cultural resources, contaminated soils and as long as we cut trees in the winter, no impact to any protected species. This project will help facilitate clean energy throughout the region and through New York. The sun isn't always shining wind is not always blowing, you need this sort of firm electricity to keep the lights on. And it will have a number of benefits, one being a major tax increase for the property. As it pertains to fire we understand that fire safety is critical. As Mr. Thyberg mentioned we have had two meetings with Mahopac fire department. We actually have a third one tomorrow morning. We are joined by our fire consultant with The Fire and Risk alliances, former FDNY, and is an expert in this field and part of our objective is to work out exactly what the fire department needs to make sure that they can respond to any and every problem should that ever happen. Also, to get them comfortable with this concept and be able to relay to you that this project is safe. He stated if at some point the Planning Board would like to walk the property and visit it and see and feel how isolated it is we'd be happy to facilitate that.

Vice Chairman Giannico stated I think there is going to be a lot of technical questions and conversations. I don't think now is the time until we get the agency clearances that they have to get. He said first we need to focus on our agency approvals before we get any deeper into this.

Chairman Paepre said we need to declare ourselves as lead agency so we can start that process. I'm not sure if it's appropriate to talk to the Somers fire department or is it premature to do.

Mr. Cleary stated I would suggest go through the Mahopac fire department to talk to someone.

Mr. Carnazza said you mentioned something about noise. Do you know what kind of noise this generates? Or will that be on the map somewhere?

Mr. Connuck stated each battery unit has an air conditioning unit depending on which system you use and that's what will make the most noise. Fortunately, the property is pretty isolated and we will comply with the noise ordinance at the property lines.

Mr. Cleary asked how does the business model work? He asked you're producing your energy; do you control its distribution into the grid? Or is NYSEG? How does that work?

Mr. Connuck stated we control when we flip the switch. Essentially there is a wholesale market for electricity in New York. It's run by the New York Independent Service Operator (NISO). They send price signals to every generator in the state and says if you generate electricity at this time in this amount at this location in this manner then you get paid this amount. What we do with these price signals from NISO to charge the battery when there's the least impact on the grid and put it back on the grid when it's really needed. They are how we interface financially and then those costs and those cost savings get passed along to the utilities and then to payers.

Mr. Cote stated if I'm understanding you, you buy the electricity from NYSEG and then sell it back to them?

Mr. Connuck stated it's not from NYSEG but from NISO the wholesale Market.

Mr. Cote stated but the lines where you're going to be attaching, aren't those NYSEG lines?

Mr. Connuck replied yes.

Chairman Paeprer asked how does this provide stability for Putnam County.

Mr. Connuck stated the grid is interconnected, but if there is an outage in a neighboring town, neighboring county that has the ability to knock out electricity for a wider area, our project in those cases assuming that it's charged which it may not always be the case can generate that 116 megawatts for four hours and help keep the lights on for several hours. It allows time for the utility crews to resolve the issue. It's not going to stop every outage and obviously if you had a several day problem with a hurricane for example, it's not going to completely stop that either.

Vice Chairman Giannico stated it's not going to help in the event of a storm.

Mr. Carnazza stated that's correct.

Vice Chairman Giannico stated it's the capacity and we have the luxury of living up here in Putnam where New York City is always looking at a brown out this would enhance that. It's not going to help in the event of a storm.

Mr. Cleary stated you are controlling your distribution of electricity into the grid and NYSEG probably has something to say about that. They may not because of some condition in their grid, they may not want to accept that energy. Do you have to ask permission, how does that work?

Mr. Connuck stated we are doing a series of studies with NYSEG and NISO to make sure that we can interconnect to their facilities and if there are any parameters about when we can charge or when we cannot charge those get worked out in those studies. Those studies take typically four years or so and we're more than halfway through that process.

Mr. Cleary stated conceivably NYSEG's system isn't of an adequate capacity to accept 113 megawatts. Are you upgrading their system? What could come out of that study that might affect this plan?

Mr. Connuck stated that happens all the time with interconnection studies and we are at a point in the process where you know we've cleared several hurdles already and we think 116 is likely what's going to work. Sometimes they do get reduced in the final study, but we have a lot of engineering reasons to believe that this is about the right size.

Mr. Cleary stated that's reassuring. Conceivably when we get to an approval we would impose a condition that says you have to do what NYSEG tells you to do. Could you accept a condition that says you'll live with what NYSEG says.

Mr. Frenkel asked does NYSEG have a financial interest on top of your financial interest. You're basically arbitraging the electricity cost on the way into your battery and on the way out of your battery. How does NYSEG make money off of that?

Mr. Connuck replied NYSEG is not really interfacing with us from a financial perspective other than if there's any upgrades required we are paying for those upgrades. However, we participate in the New York ISO and those costs get passed along to the utilities for whatever region and if we're helping them save money by buying low and selling high, then that helps them with their rate payers and helps the locals as well.

Mr. Cote asked how long has East Point Energy been doing projects like this?

Mr. Connuck replied since 2018. However, prior to that our founders worked in wind and solar and they did about a billion and a half dollars worth of wind and solar projects going back I think to the early 2000s.

Vice Chairman Giannico stated that I'd like to point out that we prefer a battery system rather than wind and solar here.

Mr. Cote asked is there any plan down the road to introduce in this property solar panels or anything?

Mr. Connuck replied we have no plan to do that.

Mr. Frenkel asked to articulate the before and after financial impact on the town through taxes.

Mr. Connuck replied we met with the IDA today to have an introductory conversation. The short answer is I don't know precisely how much, but right now the town is getting very little revenue off of the property. This project is very capital intensive and it's going to be north of 150 million dollars of investment in the equipment and structures. There would be a substantial increase in tax revenue.

Mr. Frenkel stated we would eventually like to see the actual numbers of the beneficial tax impact for the town.

Chairman Paeprer stated at this point we need a motion to declare ourselves as lead Agency.

Mr. Franzetti stated they mentioned that they do training for the local fire departments. I think the board should consider that training has to be either annually or at infinitum because volunteer fire departments rotate their personnel. What kind of assurances will this be provided that that training will be there. Ultimately, as far as the report with NYSEG, I think a copy of that report once it's completed if it's allowed to be given to us. I don't know if it's going to be confidential or not but it should be given to the town as part of our records for this whole thing.

Mr. Connuck stated I think we probably can eventually provide that. It is very technical, but we can do that. As far as fire training is concerned our request is that we defer to the fire department on the cadence that they want training done. in addition, we usually film the training as we do it, so that the fire department can refer back to it at any time that they want.

Mr. Frenkel asked what happens, for example, if the Governor's task force, hypothetically let's assume this project gets approved next year you go build it and then two years from now the Governor's task force says we have to do X Y and Z. The building standards have to change the fire equipment necessary to fight fires. How do we deal with that ongoing shift in circumstances?

Mr. Connuck stated this project is not about to be built. We still have that last study to do and it is very slow. I expect that the task force will be done before we're buying equipment.

Mr. Connuck asked Mr. Fink do you think it's going to take more than 18 months?

Mr. Brian Fink stated I work for Fire Risk Alliance. I retired from New York City Fire Department last year as a Battalion Chief in the Bronx. I'm working on these systems since I retired. I was involved in training in the New York City Fire Department as well and a big part of that was dealing with batteries. As far as the Governor's Task Force, I don't have any inside info on that. I did speak to the agency who's running that task force and right now, I don't think they really know what they want to do. I think they're kind of lost they don't have a lot of expertise in this. It's a fairly new field. I think from a firefighting point of view what we're finding and what I recommend to fire departments and I've been around the country teaching a lot of different fire departments is most times it's better not to do anything do not put water on them. You can't extinguish them easily if you do extinguish them and you leave any kind of residual charge in the battery, that's where you get reignition so you're far better off just letting that one container burn get rid of its content and it's the safest outcome. The fire department doesn't put anybody at risk. There is off-gassing involved with these units, but all the test results that I've seen from the UL studies from studies that we've conducted ourselves in our own labs we've burnt these large containers full of batteries and recorded the gases that are emitted from these things and it's roughly the same as a car fire. Electric car fire is similar, but any car fire emits a tremendous amount of gases that you don't want to be breathing but these particular gases that come off these units that I've seen they dissipate very quickly. They're all lighter than air. The number one gas that comes out of these things is hydrogen. It's lighter than air it dissipates quickly. Carbon monoxide is the other one carbon dioxide is the other. Those are the three main gases that off gas when they have fires in these things. The bottom line is for the fire department to put water on one of these things. He said it is very difficult to put out the fires because when they go into thermal runaway, the pressure's coming out of those batteries are over 100 PSI so you can't get any kind of extinguishing agent into the cell to put it out. He said once you leave a battery with any kind of state of charge in it, it can reignite and that's where you hear about them. They tow these cars away that have been on fire and put them in the yard and they reignite on them. He said let it burn out get rid of the state of charge and it's your safest option. It's a little annoying because it's a long duration fire, typically it'll burn actively for eight to ten hours and it'll off gas for maybe 36 hours. He said if you had a Home Depot burning next to your house it's far worse than anything you're going to get out of one of these things. I can show you pictures of what it looks like. We lit one on fire ourselves and we caused it to go into thermal runaway and burned the entire container. It looks like a dumpster fire basically. It's just a long duration dumpster fire.

Mr. Frenkel asked what causes them to have this thermal runaway to begin with?

Mr. Fink stated there are three main causes and these systems are pretty good in that it prevents some of that. Let's talk about scooters and e-bikes. Physical damage can cause them to go into thermal runaway, you think about a scooter or a bike banging around the streets they're jumping curbs and it damages the separator plate inside the cells. Once that happens it can allow the cell to go into thermal runaway. Once one cell does it, it spreads to the next cell. Thermal conditions, if you leave these bikes sitting on a hot sidewalk that can happen. These containers have air conditioning units and keeps that from happening. He said there could be a problem with the way a battery was manufactured and that can be an issue.

Chairman Paepre asked where are they disposing these batteries?

Mr. Fink stated it depends on the state of charge left in the battery. If there's no state of charge left in the battery, basically they're just garbage. There's no hazard left in them. If they have a state of charge left in them then they have to get a recycler to come in and take those batteries and deal with them. Typically, they can get rid of the state of charge, they

can draw it off after the fact. Once the state of charge is out of there, they're no longer a hazard.

At which time, a discussion ensued regarding the elements of the batteries.

Mr. Carnazza stated if we lose power is there alternate power to keep the air conditioners going?

Mr. Fink replied they are regulated by NFPA 855 and the New York State fire code as well and they have to have backup power to supply those systems and it's a separate system.

Chairman Paeprer asked if the power to the air conditioning units goes out, you have a backup generator that would keep the air conditioner running?

Mr. Fink replied that would keep the air conditioner running, correct. If they were to lose power and there was no backup power for whatever reason those units basically isolate themselves and stop charging or discharging.

Mr. Carnazza stated that's when the heat happens when they're either charging or discharging correct?

Mr. Fink replied typically yes. He stated if the board wants a more in-depth education, feel to ask, I'll be happy to run you through it.

Chairman Paeprer asked if there were any more questions from the board, otherwise we need a motion to declare lead agency.

Vice Chairman Giannico moved to declare the planning board as lead agency. The motion was seconded by Mr. Nuculovic with all in favor.

Mr. Carnazza stated we're doing the sketch plan and site plan together. He said once we get the final layout of the lot that we could do our tabular information.

BRAEMAR AT CARMEL – 49 SEMINARY HILL ROAD – TM – 55.10-1-3 – REAPPROVAL OF FINAL SITE PLAN

Mr. Carnazza had no objection to the re-approval.

Mr. Franzetti stated he had no objection to the re-approval as long as no changes has been made to the project.

Mr. Cleary had no objection to the re-approval.

Mr. Cote asked what is the status of the project?

Mr. Adam Thyberg of Insite Engineering, representing the applicant stated we don't have a groundbreaking date, but I think within the next 12 months is not an unrealistic assumption. The board is probably aware when this was originally approved it was very shortly before the outbreak of the Covid-19 epidemic and I don't need to explain what happened with senior housing and these types of facilities during that time, and that certainly slowed things down for quite a while. Most recently the banking industry disruption that happened in the last year. Their lending partner was apparently

mixed up in that and they're in the process of the paperwork of signing on a new lender for the project. They're still fully dedicated to the project as designed as approved and plan to move forward with it.

Mr. Cote moved to grant re-approval of final site plan for 1 year. The motion was seconded by Mr. Frenkel with all in favor.

SUCCESS REALTY LLC – (WEISS) – 11 SUNSET BLVD – TM – 54.19-1-11 – REGRADING APPLICATION

Mr. Carnazza had no comments.

Mr. Franzetti read his memo which stated the board should be aware that the applicant has already has performed site work and has received a notice of violation for the work performed. The Board should not that work was performed in the 100 ft wetland buffer and will need to be referred to the Environmental Conservation Board. The overall disturbance for the project as submitted is ~15,000 sq-ft which is above the threshold criteria of disturbance for New York State Department of Environmental Conservation (NYSDEC) stormwater regulations. The development of Stormwater Pollution Prevention Plan (SWPPP) is required; however, erosion and sediment controls are required for the site. This Department reviewed the documentation provided and offers the following comments:

Mr. Cleary had no comments.

Chairman Paeprer stated to clarify the applicant regraded with what was there, no new soil or dirt was brought into the property. Correct?

Mr. Michael Calise, applicant's engineer addressed the board and stated there was no fill brought into the site. It was just top dressing and cleaning up within the area. There's no plan for new construction in any of the areas. From years of neglect there were ruts and runoff and they just wanted to clean it up so it'd be more pleasant to look at. Now they're looking to finish that area. There're a few areas where it appeared to be an old chicken coop that might have collapsed over time and they'd like to get rid of that. In the area that is left they would like to clean up the forest litter, the branches, leaves and then topsoil seed and perhaps do some landscaping.

Chairman Paeprer asked this has to go to the ECB, correct?

Mr. Cleary replied yes.

Mr. Frenkel moved to refer the application to the ECB. The motion was seconded by Mr. Cote with all in favor.

Vice Chairman Giannico moved to schedule a public hearing. The motion was seconded by Mr. Frenkel with all in favor.

MINUTES – 07/26/23 & 08/10/23

Mr. Frenkel moved to approve the minutes of July 26, 2023 as amended. The motion was seconded by Mr. Nuculovic with all in favor.

Mr. Frenkel moved to approved the minutes of August 10, 2023 as amended. The motion was seconded by Mr. Nuculovic with all in favor.

Vice Chairman Giannico moved to adjourn the meeting at 8:45 p.m. The motion was seconded by Mr. Cote with all in favor.

Respectfully submitted,

Rose Trombetta