# Town of Catskill Planning Board

Planning Board Meeting

July 25, 2023 6:30 PM

Town Hall 439 Main St. Catskill

**Present:** Chairwoman-Teresa Golden, Vice Chairman- Larry Federman Jay Lesenger, William DeLuca, Bridgett Hernandez,Secretary-Patricia Case-Keel.

**Absent:** Laurie Sprague –Schmidt, Angelo DiCaprio,

**Also Present**: Ted Hilscher ( Town Attorney)

Chairwoman Teresa Golden opened the meeting with the Pledge of Allegiance to the flag.

Ms. Golden stated the next planning board meetings will be held on August 22nd and September 26. Due to the number of applications at tonight’s meeting the Board will be limiting each applicant presentation to ten minutes Town attorney Ted Hilscher will be the timekeeper.

 For those applications that require referral to the Greene County Planning Board, their next meetings are scheduled for August 16and September 20th. Please note that Greene County requires all referrals with supporting documentation (including full-sized drawings) to be sent 12 days prior to their meeting.

As is our practice, I’d like to remind everyone that during our public meetings (including public hearings), the board respectfully asks that all public comment speakers give their name, address, and organization (if any) and limit your remarks to three minutes if possible and keep true to the purpose of the public hearing. The Town Attorney will be the timekeeper. Remarks should be addressed to the entire planning board and not to any specific member. Speakers should present their remarks in a courteous manner and observe accepted rules of decorum, dignity and good taste and may not make personal comments unrelated to the public meeting agenda about public officials, town residents, or other members of the public. Speakers who disregard these rules, disturb the peace at a meeting, make impertinent or slanderous remarks, or generally conduct themselves in an inappropriate manner, shall be barred from further participation and will forfeit any balance of time remaining for their comments. Thank you.

**Continuation of Public Hearing at 6:35 PM.**

**Subdivision SUB-9-2023 Michael Roberts Pennsylvania Avenue Palenville**

Gary Harvey was representing the applicant at tonight’s meeting. The applicant is requesting a subdivision of an 11.5 acre parcel creating a 1.7, 2.5, 2.9 and 3.2 acre parcels. The applicant submitted a waiver request for a shared driveway, and revised plans identifying contours, a drainage stream on the lands, and the relocation of the proposed dwelling on lot 4.

Board members had conducted a site visit.

The Board reviewed the plans.

Ms. Golden asked 3 times if there were any questions or comments regarding SUB-9-2023.

There were no questions or comments.

Mr. DeLuca made a motion to close the Public Hearing for SUP-7-2023, seconded by Mr. Federman

Ayes 5, Nays 0, Absent 2, Abstained 0 **Motion Carried.**

**Public Hearing Closed at 6:40PM**

**OLD BUSINESS:**

**Subdivision SUB-23-2023 Henry Mahnken Mountain House Road, Catskill (Reclassify)**

Gary Harvey was representing SUB-23-2023 at tonight’s meeting. The applicant has submitted revised plans identifying the topography of the lands and a change in the plans with an additional access for parcel # 2, along with a letter from the applicant’s attorney indicating the right of way accessing Mountain road is still considered a public road.

The Board reviewed the plans.

Mr. Federman stated he has concerns with the access through the first parcel; the road would have to go through a creek on the land. Also some of the topography is very steep

Mr. Harvey stated the applicant would have to obtain approval from DEC for the stream crossing, and the construction of the driveway will require switchbacks.

Mr. Federman stated there is a concern whith the locked gate and emergency access.

Mr. Harvey stayed he believes Kiskatom Fire Department has a key for the gate.

The Board discussed concerns with both proposed accesses for parcel #2.

Mr. Hilscher stated the proposed project offers 2 separate accesses, and the issue with the construction of the access granted as a right of way through the first parcel, would be a Code Enforcement issue.

Mr. Federman stated the Board may want to consider an acknowledgment from the Kiskatom Fire Department regarding the ability for emergency vehicle having a key to access the DEC gate.

Mr. DeLuca made a motion to schedule a Public Hearing for SUB-23-2023 to be held on August 22, 2023 at 6:35 pm, seconded by Mr. Lesenger

Ayes 5, Nays 0, Absent 2, Abstained 0 **Motion Carried.**

**Subdivision SUB-9-2023 Michael Roberts, Pennsylvania Avenue, Catskill (Board Review EAF)**

Mr. Deluca reviewed part 2 of the EAF aloud.

Mr. Lesenger made motion to declare a negative declaration for SUB-9-2023, seconded by Mr. DeLuca

Ayes 5, Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. Federman made a motion to approve the Waiver request for a shared driveway, seconded by Mr. Lesenger

Ayes 5, Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. DeLuca made a motion to accept the plat as final, seconded by Mr. Lesenger

Ayes 5, Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. Federman made a motion to accept the resolution approving SUB-9-2023, seconded by Mr. DeLuca

Ayes 5, Nays 0, Absent 2, Abstained 0 **Motion Carried.**

**Special Use Permit SUP-5-2022 Catskill Grid LLC 8006 Rt. 9W, Catskill**

Ari Goldberg from Barclay Damon was representing this application at tonight’s meeting along with Justin Adams from Eoliannene, Andrew Mavin and Justin Chiara from E.D.R. The applicant had submitted revised plans on July 10, 2023. Mr. Goldberg stated he has been in contact with the Town’s Attorney and the Town’s engineer and was working with both Town officials on refining this project. The site development for a battery energy storage facility is based on zoning district, public utility structure, and a site that is in character with an industrial use, and this site conforms to these requirements. The site is within duel zones; both of the zones are currently being used as a junk yard, but would be completely cleaned up to DEC specific standards, with minimal tree clearing.

Ms. Hernandez stated there are a lot of single family homes surrounding the proposed site.

Mr. Goldberg stated as part of the submittal there is a noise analysis regarding the facilities operation and all of it falls under 60 decimals.

Andrew Marvin stated since the April submittal, the plans are now proposing to use an existing well on the site to supply water to a water storage pond, that will be connected to a hydrant system in case of an emergency. The roads will all be 20’ wide to accommodate emergency vehicles. The site will consist of 130 battery containers, which may not be there all at one time but it will have the capacity, 34 inverters, with a 3 substations.

The Board reviewed the plans.

Ms. Golden asked what the plans will be for training emergency responders.

Mr. Adams answered before the site begins its actual operation, they will integrate annual training with yearly updates. He has spoken with emergency responders and reviewed the plans with them. He would recommend any approval to include any issues with the emergency response plans.

Ms. Hernandez asked what Central Hudson response is to this project, and shouldn’t they be part of this review.

Mr. Adams answered, at this time, they are in the middle of an interconnection application, but could be part of this conversation.

Ms. Hernandez asked if Central Hudson will have to upgrade their system for the interconnection.

Mr. Adams answered he is not sure at this time, but if it is required that Central Hudson has to upgrade their system, it will be at Catskills Grid LLC expense.

Mr. Federman asked if the applicant has a copy of the application submitted to Central Hudson.

Mr. Adam answered he will submit a copy of the application that is currently in queue position.

Mr. Lesenger asked who will be responsible for cleaning the junk yard.

Mr. Adam answered Mr. Couto, the current owner, in conjunction with Catskill Grid LLC with the DEC closure procedure. Also they have already preformed a phase1 study which had shown no contamination.DEC has been testing the waters quarterly because it is a junk yard.

Mr. Federman asked if a retaining wall would help protect the stream from storm water.

Mr. Marvin answered the storm water catch will protect the stream from storm water flow.

Ms. Hernandez asked if there will be any contamination in any of the storm water, if any fire suppression is used.

Mr. Adams answered batteries for energy storage are designed not to catch fire, but if a fire did occur, the units are designed so a fire won’t spread and therefore there is no need for fire suppression.

Ms. Hernandez asked what chemicals would be emitted if any of the units were to catch on fire, and then asked what type of batteries will are used for battery storage.

Mr. Adams answered, based on particulates found in past fires, its comparable to plastic burning or a car fire. The advisement for residents would be to close their windows. The batteries are lithium iron phosphate batteries.

Ms. Hernandez asked if the batteries can explode.

Mr. Adams answered if a battery did explode in a cabinet it would vent and the units are air conditioned. The most reaction from an explosion would be the doors open on the unit; it would not react like a bomb.

Mr. Lesenger asked if Catskill Grid LLC has any battery storage centers in operation, if so where are they located, and what is the life of a battery

Mr. Adams answered there are 2 facilities one is in Texas and the second one is in Massachusetts, and usually batteries last 20 years.

Ms. Hernandez asked what happens to the batteries when they die.

Mr. Adams answered the batteries are recycled.

Mr. Deluca asked in regards to a decommissioning plan.

Mr. Goldberg answered he will submit the decommissioning plan.

Mr. Federman stated recently there were 2 battery storage facilities that had caught on fire and they did evacuate the residents.

Mr. Adam if there are sensitive receptors near the facility it requires evacuation. The emergency response plans may require evacuation plans, at this time he cannot say for sure.

Ms. Golden stated the emergency response plan is not completed enough, for a conditional approval.

Mr. Goldenberg answered if the Board was prepared to grant a special use permit it would be conditional for the plans to be reviewed by the Town attorney, CEO, and fire service, before the granting of a certificate of occupancy.

Mr. Hilscher stated regarding the emergency plan and decommissioning plans, the site plans would have to be 97 percent complete before the Planning Board would grant a special use permit.

Mr. Adam stated the decommission plan cannot be completed until the site has been completely engineered.

Mr. Federman made a motion to declare this project as a type 1 action, coordinated review and the Town of Catskill Planning Board lead agency, seconded by Mr. Deluca

Ayes 4, Nays 1, Absent 2, Abstained 0 **Motion Carried**

**Lot Line Adjustment SUB-12-2023** **Evan Hall Cauterskill Road , Catskill.**

Christian Denniston from Kaaterskill Associates was representing the applicant at tonight’s meeting. The applicant is requesting a lot line adjustment in order to convey .10 of an acre to his neighbor who inadvertently built a shed encroaching on Mr. Hall’s boundary lines. This application had been before the Planning Board on May 23, 2023 but was referred to the Zoning Board in order to obtain a Variance. On June 29, 2023 the Zoning Board had granted Mr. Hall a 5’ side yard.

The Board reviewed the plans.

Ms. Golden stated the Board will need approval from the neighbor who the lands are to be conveyed to.

Mr. Federman made a motion to approve SUB-12- 2023, seconded by Mr. Lesenger

Ayes 5, Nays 0, Absent 2, Abstained 0 **Motion Carried.**

**Lot Line Adjustment SUB-14-2023 Danial Ellet 5290 & 5294 Rt. 32, Catskill**

Brie Meisler from Colliere Engineering & Design was representing this application at tonight’s meeting. The applicant is conveying 106.5 acres to adjoining neighbor leaving a remaining 8.26 acre parcel to add availability and open space. The applicant submitted revised plans.

The Board reviewed the plans.

Mr. Lesenger made a motion to approve SUB-14-2023 with the condition for the plans to be amended and indicate Town Code 140-16, seconded by Mr. Federman

Ayes 5, Nays 0, Absent 2, Abstained 0 **Motion Carried.**

**Special Use Permit SUP-1-2022** **ELP Catskill Solar 555 Cauteskill Road , Catskill ( Request SUP extension )**

William Bliss form East Light Partners was representing this application at tonight’s meeting. The applicant was granted a special use permit by the Planning Board on September 13, 2022, but due to issues with lead times from suppliers, was unable to complete the project in the 1 year time frame, and now is requesting an extension for another year.

Mr. Lesenger made motion to approve a 1 year extension for SUP-1-2022 to the date of September 13, 2024, seconded by Mr. Federman

Ayes 4, Nays 1, Absent 2, Abstained 0 **Motion Carried.**

**Special Use Permit SUP-5-2023 Stewarts Shop Inc, 700 Rt. 23B Leeds**

Ms. Golden gave a brief overview of the project to date

Marcus Andrews was representing this application at tonight’s meeting. The applicant is requesting a special use permit in order to develop a Stewarts Shop at the new location recently developed by the IDA. The site will consist of a 3,900 sqft Stewarts Shop with a fueling canopy, and in the future the potential for a vehicle charging station.

The Board discussed memo submitted by the applicant dated July 14, 2023 addressing comments submitted by the Town Engineer.

Mr. Federman made a motion to accept the plans as final, seconded by Mr. Lesenger

Ayes 5, Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. DeLuca made a motion to accept the resolution approving SUP-5-2023 with the amendment of condition #1 and #7, seconded by Mr. Lesenger

Ayes 5, Nays 0, Absent 2, Abstained 0 **Motion Carried.**

 **Site Plan Review SPR-5-2023** **Lauren& Richard Hendricks,69 Allen St, Catskill**

Kevin Conklin was representing the applicants at tonight’s meeting, both Lauren and Richard Hendricks were present as well**.** The applicant is requesting a site plan review for the construction of a 30’x 50 metal building for the use as an existing motor vehicle repair shop. The applicant submitted revised plans, lighting, response from SHPO, and explained all of the N/A on special use permit checklist.

Mr. Lesenger made a motion to classify this project as a type 2 action, uncoordinated review and declare the Town of Catskill Planning Board as Lead Agency, seconded by Mr. DeLuca

Ayes 5, Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. Lesenger made a motion to accept the plans as preliminary, seconded by Mr. Federman

Ayes 5, Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Ms. Hernandez made motion to schedule a Public Hearing for SPR-5-2023 to be held on August 22, 2023 at 6:40 PM, seconded by Mr. DeLuca

Ayes 5, Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Ms. Golden stated this project will be sent to the County for a 239 Review.

**NEW BUSINESS:**

**Lot Line Adjustment SUB-15-2023** **Mayone & Wolicki 105 Ufferts Road, Catskill**

Al McDonald from Santos Associates was representing the applicant at tonight’s meeting. The applicant is requesting a Lot Line Adjustment in order to convey .0556 acres of land to a 1.04 acre parcel with a remaining 1.596 acre parcel and a 1.581 acre parcel. The applicant is requesting this Lot Line Adjustment for the purpose of improving ability of the parcels to comply with setbacks and standards. The applicant submitted an application and plans.

The Board reviewed the plans.

Mr. Federman made a motion to approve SUB-15-2023, seconded by Mr. Lesenger

Ayes 5, Nays 0, Absent 2, Abstained 0 **Motion Carried.**

**OTHER BUSINESS:**

**Edward Rodgers – Zaxkill**

Mr. Hilscher stated the resolution for this subdivision references under condition #8 storm water emission plans, but he could not find the plans in the folder, the procedure for conveying required information to the Code Enforcement Office needs to be improved as well as the Board articulating what a condition is.

The Board discussed closing out application procedures

**OTHER BUSINESS:**

Mr. DeLuca made a motion to approve the May 25, 2023 meeting minutes as amended, seconded by Mr. Lesenger

Ayes5 Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Meeting minutes for June 27, 2023 were tabled

Mr. DeLuca made a motion to close tonight’s meeting, seconded by Mr. Lesenger

 Planning Board meeting ended at 8:37 PM

Respectfully Submitted,

Patricia Case-Keel

Planning Board Secretary

Approved as Amended 10/10/2023