# Town of Catskill Planning Board

Planning Board Meeting

October 11, 2022 6:30 PM

Town Hall 439 Main St. Catskill

**Present:** Chairwoman-Teresa Golden, Vice Chairman- Larry Federman (Zoom- Media) William DeLuca, Brittany Williams, Bridgett Hernandez ( Zoom Media), Angelo DiCaprio, Jay Lesenger (Alternate member), Secretary Patricia Case-Keel.

**Attendance : All Present**

**Also Present**: Adam Yageski, Ted Hilscher (Town Attorney)

Jay Lesenger will be voting at tonight’s meeting in place of Heather Bagshaw.

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

Ms. Golden gave a few opening remarks for tonight’s meeting. The Planning Board’s next regularly scheduled meetings will be October 25, 2022 and November 8, 2022.Due to the upcoming holidays the Planning Board will only be meeting once in the month of November and once in the month of December. For applications requiring a 239 Review, the Greene County Planning Board’s next scheduled meeting will be held on October 19, 2022 and any application requiring a 239 Review must submit all required materials including full size drawings 12 days prior to their scheduled meetings.

During the public meetings, 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. 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.

**NEW BUSINESS:**

**Sketch Conference Subdivision SUB-18-2022 The Nest, Mossy Hill Road Catskill**

Darren Elsom form Kaaterskill associates was representing the applicant in this major subdivision. The applicant is requesting the subdivision of a 26 acre parcel into 6 parcels .The applicant has conducted soil test indicating the site can support septic systems, 90% of the sites topography has been identified and the rest will be filled in later, and there will be a private road 785’ in length. The Town’s Highway Superintendent has given a verbal on the curb cut. As part of this subdivision approval the applicant will be obtaining approval from the CEO, for the septic system there will be a notice of intent filed with the State for the storm water, and it is expected the area of disturbance will be less than 5 acres. The applicant has submitted application, sketch plan, and full EAF.

The Board reviewed the plans.

Ms. Golden explained the requirements for Town Code 140-18D.

Mr. Elsom stated he will have to speak with his client regarding this requirement.

Mr.Yageski stated the applicant may want to indicate the actual construction lay out on the preliminary plat, in order to ensure there will not be more than 5 acres of disturbance.

Mr. DeLuca stated the driveways are required to be 100’ apart.

Ms. Golden stated the aces to the neighbor property accessing though the applicant land must be addressed by either a lot line adjustment or an RMA.

Mr. Federman asked if the applicant would consider a cluster development.

Mr. Elsom answered his client would like to have the houses on separate parcels for privacy reasons, and also the topography would make a cluster development very difficult.

Mr. Hilscher stated the applicants name and the name of the grantees on the deed does not match .

Mr. Elsom stated he will be submitting a corrected deed.

Ms. Golden stated the information required in order for this application to move forward the applicant will have to address the overlapping driveway, wetlands added to the plans, width of the cul-de-sac , address the open space requirement , visual site analysis, Items listed under Town Code 140-12(D), Notification to Central Hudson, basic SWPP, approval for curb cut, RMA, and a waiver for the HOA, road construction detail, septic design, establishment of an escrow account, determine if a performance guarantee will need to be established for the development of the road, Topography on the plans, confirmation for flag lots, notification to the local fire department.

The Board discussed conducting a site visit.

Ms. Golden stated the Board will coordinate a site visit with the applicant. When the applicant returns to the Planning Board the project will continue to be reviewed as a sketch plan.

**Sketch Conference Site Plan Review Catskill Grid LLC Barclay& Damon LLP 8006 Rt. 9W**

Catskill. Chris Coutu is the owner of the site located at 8006 Rt. 9W and was present at tonight’s meeting, also in attendance was Ari Goldberg from Barclay Damon LLP, along with Daniel Krzykowski from Barclay & Damon LLP, as well as Andrew Fabian also from Barclay & Damon LLP and Justin Adams from Catskill Grid LLC. The applicant is requesting this sketch plan conference in order to develop a standalone battery storage facility for the purpose of storage 100MW of energy. The 17.10 acre site is currently used for automobile salvage and storage, and is currently in 2 zones with the proposed project developing only in the industrial zone. The applicant has summited a sketch plan, application along with a written narrative.

The Board reviewed the plans.

Ms. Golden stated at this time battery storage is not permitted in an industrial Zone per the Town’s recently updated code, however it was permitted prior to the Town’s Code being updated so it is believed to be a typo.

Mr. Hilscher stated the Town is going to look into this matter and amend the code.

Mr. Federman asked what use the proposed battery array would fall under.

Mr. Goldberg answered the use falls under a public utility, and he had spoken with the Town’s Code Enforcement officer regarding this matter.

Mr. Federman stated the use cannot be a public utility if it’s a ~~corporation~~ private company that owns the project. The Town definition for public utility is defined as “ Uses operated by the government or a public utility include electric substations and water towers, municipal garages, firehouses and telephone substations”.

Mr. Hilscher stated with the prior battery facility having obtained approval under the use as a public utility, has set the precedence that this use is allowed under the definition as a public utility.

Ms. Hernandez stated this use does not offer and services to the public.

Discussion ensued.

Mr. Hilscher stated he Planning Board will have to make recommendations for the Town Board regarding this matter.

Ms. Golden stated there are two issues regarding this matter : the first is amending the use from being in advertently overlooked on the list of approved uses, and then the second issue is determining if this use is considered a public utility or not .

Mr. Goldberg stated he will submit correspondence from the Town’s Code Enforcement Officer.

Mr. Hilscher stated he believes the Planning Board can continue with this sketch conference, but he is concerned because at this time the Town’s Code does not have a definition for the use of a battery and energy storage unit, so he will contact the Association of Town’s to find out the best way to address this matter.

Mr. Federman asked if the applicant has been in contact with Central Hudson regarding this project.

Mr. Adams answered they are in the process of discussion an interconnection with Central Hudson.

Ms. Golden stated the Board cannot move forward with this project until both of these matters are addressed, but at this time the applicant can review with the Board this current sketch plan.

Mr. Adams gave a brief review on the details of the project. The project will consist of 100 MW and will function as a 2 MW hour system. There will be 62 self-contained battery cabinets, and will be 20’ L 9’ H and 8”W.The cabinets are climate controlled, with each one having its own battery system. Along with the battery containers will be 30 converters. The site includes an area for the ~~derogation~~ storing of the batteries and medium transformers to manage oscillating power. The site will also consist if a substation with a .15 MVA transformer for the collection of power and from there the power will be sent to a ~~three ring~~ box, constructed by Central Hudson. Currently has company (EOLIAN Energy) has battery storage installations in Texas and California.

Ms. Hernandez asked why the applicant would want to put a battery facility in the Township of Catskill.

Mr. Adams answered the State of NY has set a goal for battery storage, and his company had sent an application to Central Hudson 3 years ago.

Ms. Golden asked if the units will have fire suppression.

Mr. Adams answered there will be aerosol fire suppression in the containers, and also the site will be supplied with hydrants.

Mr. DeLuca asked what source will service the site for water.

Mr. Fabian answered as part of this project the fire department had been consulted, and it was indicated the site can hook into the hydrant on 9W.

Mr. Yageski stated as part of the review the applicant will have to find out what the fire department will require for the site and the effect on the infrastructure if there was a critical event.

Ms. Golden asked what will prevent the fire suppressant from contaminating the grounds on of the site.

Mr. Adams answered the containers are self-contained.

Mr. Federman stated the board will require nontoxic fire suppression, and also the site will have to be contained from any water runoff into the surrounding area especially with a stream nearby.

Mr. Goldenberg stated the application has been sent to the Army Corps of Engineers for initial contact regarding the waterbody.

Ms. Golden asked what would be the distance affected from the smoke if there was a fire.

Mr. Adams answered it would be the same as any fire.

Ms. Golden stated the applicant will have to inform the emergency services and fire department on the specifics regarding the facility having a fire, and will have to prepare an emergency plan. Ms. Golden asked what will be the response time from any personnel who will be monitoring the site.

Mr. Adams stated at this time he is not sure.as the review moves forward an emergency response plan will be submitted.

Ms. Golden asked if there will be a fence around the facility.

Mr. Adams answered there will be an 8’ high fence.

Ms. Golden asked what the life expectancy of a battery is.

Mr. Adam answered in general 20 years.

Mrs. Golden stated in order for this project to move forward the application will be require a full site plan, Long Form EAF, copy of the deed, landscaping plan and the plans for management of the landscaping, escrow established with Delaware Engineering, storm water plan, private road will have to be developed to Town Road specification, a decommission plan and performance guarantee, emergency response plan. Letter of interconnection with Central Hudson, and the applicant may want to consider an informational meeting with the neighbors. Once the issue with the Town Code has been addressed, depending on what toe determination is, The Board can move forward with the review of this project.

**OTHER BUSINESS:**

 **Board discuss request for the Kaaterskill Rebuild.**

Ms. Golden sated the Planning Board approved a special use permit for a wedding venue but the motel was preexisting and was not part of the review. The motel recently was in a fire and had burned down, and now the applicant would like to rebuild and has requested an extension on the special use permit, so the question is whether the Board extend the special use permit granted for the wedding venue, for the rebuilding of the motel and or would the motel require a special use permit.

Mr. Hilscher stated the Planning Board Clerk can compose a response, indicating the applicant will be required to obtain a special use permit, and send it to his email for review prior to sending out to applicant.

Ms. Golden stated as an update, the Town Codes are still being reviewed.

Ms. Golden stated the preexisting subdivision on Underhill may still come back to the Planning Board as a subdivision amendment, in order to address the relocation of the private road.

Ms. Golden stated the issue regarding the requirement fora performance guarantee for ground mounted residential solar arrays is still being reviewed.

Planning Board members were informed to submit proof for harassment training and if required, they will have to obtain training through the Town.

Mr. DeLuca made a motion to approve the Planning Board September 13, 2022 meeting minutes as amended , seconded by Mr. Lesenger

**Roll Call Vote**

Mr. DeLuca Aye

Mr. DiCaprio Aye

Mr. Federman Aye

Ms. Hernandez Aye

Ms. Golden Aye

Brittany Williams Abstained

Jay Lesenger Aye (Voting in place of Heather Bagshaw) Motion Approved.

Meeting Minutes of September 20, 2022 and September 27, 2022 were tabled

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

 Planning Board meeting ended at 8:30 PM

Respectfully Submitted,

Patricia Case-Keel

Planning Board Secretary

Approved as Amended 11/8/2022