

**CHAIRMAN: JAMES PATTERSON**

**MEMBERS: WILLIAM OLSEN, JESSE GALLO, & KARL SCHEIBLE & KERRY BOLAND**  
**Alternate: Michael Dombrowski**

**VILLAGE OF WARWICK  
PLANNING BOARD MEETING  
AUGUST 11, 2020**

The monthly meeting of the Village of Warwick Planning Board was held on Tuesday, August 11, 2020. Present were: Jim Patterson, Bill Olsen, Kerry Boland, Village Engineer, Dave Getz and Planning Board attorney, Robert Dickover. Others present were: Jay Myrow, Robert Silber, Ben Silber, Kirk Rother, Ken Pinkham, Becky Koze, Nancy Sardo, Mr. and Mrs. Mahr and others.

The meeting was held in Town Hall.

The Board recited the Pledge of Allegiance.

The acceptance of the June 9, 2020 Planning Board minutes was tabled until the September 8, 2020 meeting due to lack of quorum.

A MOTION was made by Bill Olsen, seconded by Kerry Boland and carried to accept the minutes of the July 14, 2020 Planning Board meeting. (3 Ayes)

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**VILLAGE VIEW**

**ACCEPTANCE OF THE SEIS**

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**VILLAGE VIEW**

Mr. Myrow – We are here tonight for action on the SEIS.

Mr. Patterson – Yes, last month you were here, and we decided not to vote on it because we felt it was added on late onto the agenda. We felt that it would be appropriate to wait until tonight to vote. We appreciate the extra steps that your client has made trying to address some of the speeding and safety issues.

Mr. Myrow – I would like to point out that this has been a very very through process. I think we have answered all questions and comments. I believe the Board has done an excellent job in reviewing this and pointing out issues. I think we are at the point where we can take action on the SEIS and get to the Finding Statement and go from there.

Mr. Dickover – Since last month the SEIS document has been looked at again by your consultants and has been re-circulated to the Board members and in my opinion it is now a complete document and it is ready to be adopted by the Board if the Board should determine to do so. If you were to do that tonight the SEIS together with the previously adopted DEIS which will be incorporated together and as a combined document, they become your Final Environmental Impact Statement. Once that happens the document gets filed and then circulated to your involved agencies, they then have a period of 10 days after the filing in which to provide comments should they decide to do so. That 10 days period has to expire before the Board can adopt its findings and that would be the next step in the process. In anticipation of that happening we have started a Draft Finding Statement and so procedurally I did prepare for this evening a written Resolution by which you adopt the SEIS and the previously adopted DEIS and deem them to be your final FEIS and direct the filing and the circulation of the document.

Mr. Getz did not have any comments at this time.

Mr. Dickover – read the Resolution to accept the SEIS & FEIS as complete.

A MOTION was made by Bill Olsen, seconded by Kerry Boland and carried to adopt the Resolution prepared by the Planning Board attorney to accept the SEIS and FEIS as complete. (3 Ayes)

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28 CHURCH ST.

AMENDED SITE PLAN  
APPROVAL

CONVERGENT ENERGY

Mr. Pinkham – The area pad is 10,000 sq.ft. pad and is essentially for battery storage back-up for brown-outs and low voltage.

Mr. Patterson – Is this for the power over at Wisner?

Ms. Koze – Exactly. This project is proposed in response to an RFP put out through O&R so we are preparing an RFP response to them. This project is back-up to their substation, so it is putting off an upgrade to their O&R substation through energy storage and will interconnect to the O&R grid. The circuit that is in need is directly at Church St. so that is why this project is proposed in the Village.

Mr. Patterson – So it is actually in the right direction and doesn't have to head back towards Wisner.

Ms. Koze – Exactly. The circuits that come out of Wisner and the one that comes down Church St. is the circuit that is in need.

Mr. Getz – Can you explain what area that serves? Part of the Village or a wider area?

Ms. Koze – I would have to check on O&R maps, but I believe it is primarily the Village, but I can't say 100% for sure the exact area.

Mr. Getz – Is there a chance that there will be more of these facilities in the area?

Ms. Koze – There is 2 others that are proposed within the area but not within the Village but in terms of the Village, this is the only one that would be proposed.

Mr. Olsen – Is there a time when you will want to expand this facility?

Ms. Koze – Not at the current time. I don't know what their thoughts are in the future but this is sized to service the need that is there now.

Ms. Boland – Is there another set-up like this somewhere? It is hard for me to visualize what it is and I would like to see one but I was told there was not one in this area.

Ms. Koze – Convergent has 3 under construction in the Syracuse area and we have another operating in Albany. I am not sure how far you want to drive.

Ms. Boland – I am going to the Syracuse area.

Ms. Koze – Those are starting construction now, so they are not up and running at this time.

Ms. Boland – Is this new technology Convergent's or is this something that other companies have done?

Ms. Koze – Convergent has been around since 2011. We have about 70 megawatts of assets throughout North America. We have some in Canada, New York, Maryland, and California, so it is a newer technology and Convergent is probably one of the largest energy storage developer in North America, but they are not everywhere. But I can get you locations of...

Mr. Pinkham – Their website is excellent if you want to get a really good idea. They have videos, still photography...

Ms. Boland – I did look at the website but I did not see any specific address except for Canada.

Ms. Koze – We have several in Canada. I could send you locations but we would have to be sure that it is okay with the owners. We do not advertise the addresses for obvious reasons but we could certainly try to arrange, if you are willing to make a trip.

Ms. Boland – What is the best way to get a record on safety on the ones that currently exists?

Ms. Koze – We have safety reports that we could provide. We have not had any incidents of fire at any of our operating assets which is probably the biggest safety concern that anyone would have. We have 24hr. monitoring on all of our facilities so if there is any changes in activity we are immediately notified and within 12 hrs. send out a technician.

Mr. Olsen – I know a letter was sent to the Fire Dept.

Secretary – We have not received a response from either the Fire Dept. or OCDP.

Mr. Getz – Letters were sent to the Planning Board, Fire Dept. and the Building Inspector by the applicant and his consultants and I don't believe we have heard back from the Building Inspector.

Secretary – Not to my knowledge, I know he asked a couple of questions.

Mr. Getz – And he reached out to the Village attorney.

Secretary – Yes and I believe he was asking if they had a contract or lease with O&R.

Mr. Getz – Can you explain how the ownership of this facility works?

Ms. Koze – Convergent would be the owner/operator if we selected for the RP and the contracts with O&R would have to be worked out and then they would be the sole user of any of energy. Convergent owns and operates and maintains leasing the land from owner.

Mr. Olsen – You are leasing the property.

Ms. Koze - Yes with a term of however long O&R would need the energy which is typically 20 to 30 years and then there is an agreement with the utilities for the purchase of the energy.

Mr. Olsen – There is a question about the height of the fence and whether a variance would be needed because 6.5 ft. is allowed.

Ms. Koze – 7 ft. is what the Electric Code requires. We would be happy to do 6.5 ft. if the Code Inspector was comfortable with that as well but I don't know because it is an electric code requirement and I don't know if the Building Inspector would be willing to reduce the fence height.

Mr. Dickover – Because it is a State Code it may preempt zoning. That is more of a question for the Zoning Board. You should probably write the Building Inspector asking for a determination from him regarding the height of the fence.

Mr. Getz – With regard to the site visit which was held on Sat., Aug. 1, 2020, they had marked out the corners of the proposed pad area and my own reaction is that I was surprised how wooded the area was and we found it to be very flat but very well screened from every direction. How far beyond that fence-line do you need to remove trees for safety purposes?

Mr. Pinkham – It would be quite a limited disturbance, but I believe it is 5 or 6ft. beyond that.

Ms. Koze – It looks like it could be 10.

Mr. Getz – Could you please clarify that...

Ms. Koze – And that is beyond the fence line so the actual equipment within the fence has the clearance that is required by code.

Mr. Getz – So within the fenced area you have already met the safety codes.

Ms. Koze – Exactly and that is 15ft. to the fence line.

Mr. Olsen – Page 2 you have .4 acres total clearing.

Mr. Pinkham – Yes but that is including the access road into the site and the swale...

Mr. Getz – If you could the code because if there is a large tree near the fence it could be overhanging into that 15ft. buffer. It is a code requirement that everything within that 15ft. vertically be removed and as vegetation grows it could encroach on the area.

Mr. Patterson – In a period of 20 to 30 years you obviously have something that would maintain it.

Mr. Getz – I pictured this as a large concrete pad and it is actually just small concrete pads under each piece of equipment.

Mr. Pinkham – Correct.

Mr. Getz – We asked about containment, is there a reason to have curbing around these?

Ms. Koze – The batteries inside are kind of like a solid gel and all of that would be in the container itself. There is a system to keep everything cool so what like a home air conditioning system and again within that container. The biggest thing that would be of any concern for spill would be the transformer and that has a spill pan that is sized for the amount of liquid within the transformer and that is the only liquid on site.

Mr. Getz – I am not sure whether that information was submitted to the Fire Dept. but if you could summarize that in a report...

Ms. Koze – Absolutely.

Mr. Pinkham – There is actually a Fire Prevention and a Spill Prevention in the documents I gave you but we can always send you a pdf.

Ms. Koze – As for fire protection, each container has thermal detection and smoke detection system so if anything trips the circuits it shuts down the system and notifies us through our 24 hr. monitoring and then someone goes out to check it. If it is an actual fire the fire protection would kick in which is a gas that fills in the container and turns into a foam when it hits air and it puts out the fire. All the containers are steel rated for fire so there is not a major concern of it spreading beyond the containers themselves.

Mr. Patterson – Each one is independent?

Ms. Koze – Yes. In the almost 10 years of operating we have not had a fire.

Mr. Getz – Have you had a lightning strike?

Ms. Koze – Not that I am aware of, but they are all grounded.

Ms. Boland – What about something blowing up?

Ms. Koze – The thing that is of mechanical nature is the transformer, but we have not had any events of that nature.

Mr. Getz – You mentioned remote notification, who will be monitoring the operation of these batteries?

Ms. Koze – Convergent and our battery supplier, GE and both monitor the systems.

Mr. Getz – During normal hours, encountering any kind of emergency or accident, the way I understand it is the batteries are all disconnected similar to car batteries. How does it work, the users in the vicinity attempt to draw more power than the grid can supply?

Ms. Koze – Exactly. If there is an event associated with a sub-station that is when the power is drawn from the batteries and it can be set at a time to draw the power.

Mr. Patterson – Is it automatic or manual?

Ms. Koze – It would be automatic.

Mr. Olsen – Is this for emergency power in case of a blackout?

Mr. Koze – It could be for that circuit.

Mr. Getz – Can you estimate how many hours or days that it would be effective?

Ms. Koze – The system is a 3.4-megawatt system or just under 25 megawatt hours. In terms of your average household, one uses about 900 kWh monthly or 10,800 kWh annually which would roughly be powered by 8kW. So, the 3.4 MW theoretically could power about 400+ homes.

Mr. Olsen – For how long?

Ms. Koze – Annually.

Mr. Olsen – So if there was a significant outage caused by trees or something this could provide that circuit for a week or so?

Ms. Koze – Theoretically, yes but it is not as simple as plugging it into the circuit.

Mr. Getz – At the last meeting we spoke about decommissioning.

Ms. Koze – We decommission, we come in and take out all of the equipment, the pads and fencing and restore it to as close to pre-existing conditions as possible.

Mr. Dickover – Do you run the benefit of that contract with the municipality in terms of the decommissioning? The municipality's concern is that it happens and there is not a potential dangerous site sitting there unattended.

Ms. Koze – In terms of the decommissioning plan or decommissioning bonds, which we have done before, is that what you mean?

Mr. Dickover – A bond perhaps or making an agreement with the Village that you will decommission.

Ms. Koze – We can certainly do that. We have done that in the past.

Mr. Patterson – Do you see any issues if the owner of the property were to sell?

Mr. Dickover – I am sure that their lease would survive the sale of the property.

Ms. Koze – Yes.

Mr. Olsen – Are you going to show us what the real parking lot looks like? Are you putting the new electrical underground?

Mr. Pinkham – I have a draft copy that I gave to Mr. Getz with the new parking layout but I will put it on the new map. There is a condition there that we will have to discuss because we don't want to be doing any trenching, we have a deep restricted area out front where we might have to set some aerials, set some poles and go aerial from that point on.

Ms. Koze – There is some contaminated deed restricted areas on the front of the property.

Mr. Olsen – You were saying that you were connected to a pole somewhere on the corner of the building.

Mr. Pinkham – That pole has been removed but I have a proposed pole where we are going underground and then to the proposed utility pole and then we will be going aerial there. I will be submitting this for the next meeting.

Mr. Patterson – Can you speak to the fact about the deed restrictions. Do you know what those are?

Mr. Pinkham – That is set forth by the DEC. We can get the language of the deep restriction for this but no excavation, it is essentially a dead zone, so they can't have any excavation going on there and that was one of the conditions with, say, if we went subsurface with the utility so if we can go aerial from that point because we do have existing poles.

Mr. Patterson – Did you reach out to the DEC about this project?

Ms. Koze – Yes, it was part of our phase 1 and the landowner is very much aware of the deed restricted areas

Mr. Patterson – Mr. Getz, can you double check those to make sure they are accurate?

Mr. Getz – Yes. Does this project rely on O&R or some other entity making off-site improvements?

Ms. Koze – No.

A MOTION was made by Bill Olsen, seconded by Kerry Boland and carried to declare the Village of Warwick Planning Board Lead Agency under the SEQR process with an Uncoordinated Review and type this as an Unlisted Action. (3 Ayes)

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93-95 MAIN STREET

DISCUSSION OF  
ROOF BAR

KENNEDY COMPANIES

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The applicant was not in attendance.

The Board determined that there was not enough information for a discussion without the applicant present.

The application was tabled until the Sept. 8, 2020 Planning Board meeting.

A MOTION was made by Bill Olsen, seconded by Kerry Boland and carried to adjourn the meeting. (3 Ayes)

Respectfully submitted;  
Maureen J. Evans,  
Planning Board secretary