

CHAIRMAN: JAMES PATTERSON

MEMBERS: WILLIAM OLSEN, JESSE GALLO, KERRY BOLAND & THOMAS McKNIGHT

Alternate: Bryan Barber

VILLAGE OF WARWICK  
PLANNING BOARD MEETING  
DECEMBER 8, 2020

The monthly meeting of the Village of Warwick Planning Board was held on Tuesday, December 8, 2020. Present were Jim Patterson, Jesse Gallo, Bill Olsen, Kerry Boland, Thomas McKnight, Bryan Barber, Village Engineer, Dave Getz and Planning Board attorney, Robert Dickover. Others present: Robert Silber, David Griggs, Becky Koze, Simi Falase, Vinnie Galligan, Mark Zeevat and others.

The meeting was held in Town Hall.

The Board recited the Pledge of Allegiance.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo, and carried to accept the minutes of the November 10, 2020 Planning Board meeting as corrected. (5 Ayes)

VILLAGE VIEW

EXT. 28 LOT SUBDIVISION  
APPROVAL

VILLAGE VIEW

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A MOTION was made by Jesse Gallo, seconded by Bill Olsen and carried to grant an extension until March 10, 2021. (5 Ayes)

WARWICK COMMONS

EXT. OF SITE PLAN

STERLING BANK

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A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to grant an extension until March 10, 2021. (5 Ayes)

**PUBLIC HEARING**

28 CHURCH ST.

AMENDED SITE PLAN  
APPROVAL

CONVERGENT ENERGY

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Mr. Getz – We received a letter from O & R that confirms the Boards question regarding the use. The letter confirms that this facility will be used for public use, so I believe that completes the investigation on that issue. We have also received safety records with a letter stating that they have had zero safety incidents since their inception. The applicant has revised the site plan in response to our comments. They have added light locations and the plan indicates that the light will not spill out any significant distance pass the facility. They have updated their Emergency Response Plan and they have provided an updated Decommissioning Plan. They have added an estimated amount for the decommissioning work which could be 30yrs or so and that amount in current dollars is estimated at \$32,000.00. My reaction is that it seems like a lower amount than I would have anticipated. Can the applicant provide some back-up information on how that was estimated?

Ms. Falase – Convergent’s purchase agreement with the battery supplier (GE/LG-Chem in this case) includes reclaiming and recycling the battery cabinets and modules upon decommissioning of the facility, meaning that a majority of the decommissioning cost is effectively accounted for at commissioning of the project which is why the amount given may appear to be underestimated. Some information on the removal and recycling of the batteries is provided in Section 2.1 of the Decommissioning Plan, with an understanding that the batteries comprise a majority of the facility, the decommission costs provided were determined based on the current estimated costs to have other ancillary equipment at the site (such as described in the Decommissioning plan Sections 2.2, 2.3, 2.4) removed by a contractor, and for site restoration. Just as a note, most of the ancillary equipment will retain some residual/second-hand/scrap value that is not even accounted for at this time but may balance some of the cost for decommissioning.

Mr. Getz – The Village needs to make sure we cover ourselves in the event that the applicant does not address it. I believe we would like more information.

Mr. Dickover – In your prior presentations it was indicated that you had provided municipalities a decommissioning bond in the past. It might be helpful if you could get a copy of that bond that was submitted so we can review it. This Board probably will make a recommendation to the Village Board in respect to the bond and the amount of it. If we can come to a number that the Board feels comfortable with then I can see us recommending to the Village Board that they accept the bond in the form that you are presenting.

Ms. Falase – We can certainly provide examples of other bonds and letters of credit that we have used in other municipalities.

Mr. Patterson – I see from the letter from O&R that there is another location in the Town of Warwick owned by the Warwick Valley School District which is twice the size as the one in the Village. Are you at the same stage with that application?

Ms. Koze – Yes.

Mr. Patterson – Do you have a number for the decommissioning of that particular location?

Ms. Koze – I don't know if we have provided a decommissioning plan at that facility yet but we will be preparing something similar.

Mr. Olsen – Has the Fire Dept. received, or will they receive this information?

Ms. Koze – Yes, we did do a safety presentation.

Mr. Olsen – Where will this be kept? In their files?

Ms. Koze – Yes and one on site.

Mr. McKnight – We spoke last time that the life span of the batteries was potentially 20 years and the batteries will probably be replaced in 10 years. So, the decommissioning cost is estimated on 30 years? What is relevant about 30 years?

Ms. Falase – The decommissioning is referring to the end of life.

Ms. Koze – The whole facility would be removed but the batteries have a potential 10-year life and would be swapped out and that would be augmenting of the facility not decommissioning.

Ms. Boland – Thank you for the Safety Report. In sec. 9.1 and 9.2, Small Battery Fire Response - it says that the site shall be periodically monitored by Convergent for re-ignition for 24 hrs. after the initial fire has been suppressed. I don't know what periodically means, especially if there was just an event at the site. I think I would be more reassured if there was a clarification about what will happen after a fire whether it is a small or large battery.

Ms. Koze – The idea is that it will be visually monitored. We constantly have somebody watch the site. If we need to specify the times and hrs. that is fine but if there is an incident, we will have someone constantly monitoring those sites.

Ms. Boland – Can this say that then?

Ms. Koze – Yes.

Ms. Boland – In ( I ) it says “Due to the composition of gas vented during a Li-ion battery fire, the air in the surrounding area of the facility should be considered potentially corrosive, toxic, and/or flammable”. What surrounding area does it mean?

Ms. Koze – That would be the perimeter of the battery site, so within the fence line of the battery system.

Mr. Patterson read the public hearing notice.

Mr. Patterson opened the meeting to the public.

Mr. Mark Zeepvat, 56 Colonial Ave. – Is there any type of noise or humming that might be produced? Does it need to be cooled, is there air conditioning noise that could be an issue?

Ms. Falase – There is not expected to be any noise. There are no motors or generator equipment in the battery system. As far as venting, it is to make sure that the gas levels in the battery containers are maintained at a safe level but there is not going to be anything noticeable to you from our experience.

Mr. Getz – They have added a note on their plan indicating that the fence line is at its closest about 750ft. to the nearest home.

Mr. Dickover – During this Boards environmental review of this project, we made an inquiry with respect to noise and the venting and air conditioning and I believe the applicant's response was that the air conditioning was equivalent to the sound of an average household air conditioning unit.

Mr. Griggs – That is correct.

Ms. Koze – Yes.

Mr. Dickover – Any reason to believe it was in excess of that?

Ms. Koze – No.

A MOTION was made by Kerry Boland, seconded by Bill Olsen and carried to close the public hearing. (5 Ayes)

Mr. Patterson – I would like to point out that everything has a fire suppression built in, in all of the individual units, so the alarm systems notify the applicants off-site and depending on the severity of the condition is what will activate it. Is the fire suppression a chemical system?

Ms. Falase – Yes, it is a chemical system but it is a clean agent so it should not have any major environmental impact.

Mr. Patterson – So no real clean-up. If it were to activate individually on the particular unit and not on the whole system.

Ms. Falase – Yes.

Ms. Boland – Throughout the Emergency Document there is an emergency telephone number and I called it and it is active. I imagine that it will be posted on the fence somewhere and provided to the Fire Dept. Should signage be put somewhere else too, maybe the building at 28 Church St.

Ms. Falase – Yes and we are working very closely with the Fire Dept. we plan to have a Knox box close by. We will work with them once this and the Knox box placement is finalized. Once that is done everyone involved will be notified any aware.

Mr. Olsen – Can you put it on the map?

Ms. Falase – Yes.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to grant final approval to the site plan application of Convergent Energy & Power located at 28 Church St. with the following conditions:

1. The Applicant is to provide a decommissioning bond in form and context acceptable to the Planning Board attorney and Village Board and shall post with the Village Clerk a decommissioning bond in a sum satisfactory to the Village Engineer. Said bond shall be maintained for the life of the battery storage system. In the event the applicant or its successor in ownership shall fail to decommission the facility pursuant to the Plan submitted to the Planning Board and made a part of this application, the Village may utilize the bond to complete the decommissioning.
2. The applicant or current owner of the facility shall at all times maintain the vertical clearance of the project site free and clear of foliage.
3. The applicant shall provide “as built” plans to the Building Department prior to issuance of a certificate of occupancy.

4. The applicant shall revise its Emergency Response Plan in accordance with the requests made by members of the Planning Board at the meeting held December 8, 2020.
5. The applicant shall revise its site plan set to include an approval block providing the signature by the Applicant, property owner, Village Engineer and Planning Board chair.

A MOTION was made by Kerry Boland, seconded by Jesse Gallo and carried to adjourn the meeting. (5 Ayes)

Respectfully submitted,

Maureen J. Evans,  
Planning Board secretary