

**Village of Airmont
Zoning Board of Appeals
Village Hall
Thursday, September 9, 2021
In person meeting**

MEMBERS PRESENT: Arthur Katz, Chairman
Richard Berger (arrived 8:10pm)
Martin Kivell
Sheldon Mayer (arrived 8:15 pm)
Robin Luchins

MEMBERS ABSENT: Scott Meier, Member (Recused Himself)
Jacob Siminovits, Ad Hoc

PRESENT: Scott Ugell, Village Attorney (arrived 9:00 pm)
Louis Zummo, Building Inspector
Suzanne Carley, P&Z Secretary

OTHERS ABSENT: Dan Kraushaar, Deputy Village Attorney (Recused Himself)

The meeting was called to order at 8:05 pm by Chairman Katz which was followed by the pledge of allegiance and roll call. Martin Kivell made a motion to approve the minutes from June 10, 2021 were seconded by Arthur Katz. All in favor motion carried. Chairman Katz read the public hearing meeting notice into the record:

Application of V3 Real Estate requested an adjournment to the October 14, 2020 ZBA Meeting. Martin Kivell Made a motion continue the public hearing of V3 Real Estate to the October 14, 2021 ZBA Meeting at 7:30pm via Zoom under the Governor's Executive Orders which was seconded by Richard Berger. All in favor motion carried.

Application of **RWE Solar Development LLC** for a Battery Energy Storage System (BESS) in the Village of Airmont. The project is noted by applicant that it is needed as the O&R electric grid that serves the Village has reached capacity and no longer meets local energy demands, especially during peak times. The project will supplement the O&R transformer by releasing energy during peak demand times and recharging/storing itself when demand is low. The project will require a Special Permit as per Article III Section 210-20 and a variance from requirements of Article IV Section 210-28 for underground, surface or overhead utilities for developmental coverage 5% required; 49% proposed for installation of the BESS containers, gravel pad & access drives as set forth in 210 Attachment 10 Table 7 of the NS Zoning District Bulk Requirements. The property is located on the south side of Route 59 approximately 55 feet west of New County Road. The lot is designated as Section 56.09 Block 2 and Lot 20 on the Town of Ramapo Tax Map. The property is located in the NS zoning district and is comprised of 1.52 acres. The street address is 375 Route 59 Airmont, NY 10952.

Applicant's engineer Dwight Harrington provided an introduction of the project. Luigi Ciaverilli from O&R said why presenting load 4x faster than rest of the service from the territory. He explained that the end will grow each year local distribution are built to extend capacity to be requested. Building the battery storage is more economical than the traditional solution. Utilities goals & rules – Consumer Protection Act by 2030. Idea is to build one site vs. two. Which was the reason for selecting this particular site. He noted that there were about another 47 sites looked at not all in Airmont. They have several other similar projects as this one and there is a Battery Storage facility in Pomona. This project will serve both Monsey & Airmont and it will start at the Monsey substation 2 miles east of of Airmont on Route 59. Marty Kivell asked if they will supply the entire Village and is it the highest need? They explained that they are supporting a substation to cover two batteries in one site.

Applicant's attorney reviewed the five considerations in requesting the variance for an existing non-conforming to go from 31% to 49%. The project will bring the traffic down as it only has a 1x a month maintenance. The whole area will have less traffic and noise. The fence will make it look good and the site will be more aesthetically pleasing with the landscaping and it being quieter. It is not a substantial variance. Providing landscaping buffer and trees. He noted that the PB reviewed the SEQRA and they declared a negative declaration and it is classified as an unlisted action.

Read into the record: GML dated 6/21/2021; RC Health letter dated 6/21/2021, RC Sewer letter dated 6/30/2021; DOT email dated 7/22/2021; RC Emergency services email dated 4/30/2021; Letter from Tallman Fire Department dated 4/9/2021; RC Highway Department dated 6/8/2021; Letter and email from Esther Lubart 6 Laura Drive and petition dated 7/7/2021;

Marty Kivell opened the public hearing and Sheldon Mayer seconded it. All in favor.

Steve Wulfson 14 Eleanor Place sworn in - Interested in the safety and compared what could happen to that of a battery explosion in Arizona. The ZBA asked that he provide the information to the P&Z Secretary to distribute to the Board.

Ralph Bracco 30 New County Road– sworn in, noted he was against it as it was detrimental to families living behind the project. He noted that the Town of Ramapo rejected it. Its not the proper location too small and it's really not going to help Airmont, and that we have no brown outs.

Syed Amvery 4 Laura Drive - sworn in, very against the project. Worked with Solar batteries and there is electromagnetic material. It should be put in an isolated area. The Ion corroding is not good. The value of the homes will decrease quickly.

Esther Lubart 6 Laura Drive -Sworn in and wrote the letter that was read into the record that says it all. Appreciative that the Board is looking at everything, but this services Airmont and Monsey. Scared for her children. There is no hard data proving that it is not harmful so why would we add on a substation? Very concerned about noise and would like to know or hear a sample of what it sounds like and the timing of when a technician detects an issue until the Fire Department is notified. She asked if anyone was making money off this project.

Barry Rosenblum 1 E. Blossom Road. Sworn in noted that he is against the project. Biggest issue is the land use, sewer, water and land and what a potential fire could do to it all besides the fire explosions of these types of systems and will send documentation to the ZBA.

Marty Kivell made a motion to close the public hearing Arthur Katz seconded it. All in favor. Motion carried.

Concerns are blackout, safety, toxicity, noise, lighting. Think that they should look into industrial property locations. Did they look at safety issues which were legitimately raised? Marty Kivell inquired about the cooling fans, the decibel level and how long they operate. He again noted that was also interested in understanding how much what percentage, of this project will serve Airmont vs. Monsey. Chairman Katz raised concerns that if there was a fire/explosion that the batteries could vent noxious gases. He inquired about a safety plan for any filters for any noxious gas emissions. He did not see that there is any warning system or lights for any pending explosion either. He noted that there is an extreme concern for the safety of the neighbors and residents.

Applicant's Fire representative explained how the URL's work, but that Sparc is the fire consultant expert and provided all the information to the PB. It was at the request of the PB to hire them to do the review. A copy of the Sparc report was provided to the ZBA and it noted that there were incomplete areas in the report, but the applicant's attorney explained that it's because the report was for the PB and they are not at those stages of the project yet. It was requested that Sparc be present at the next meeting to answer any questions that the ZBA may have.

Applicant explained that the reason for the selection is that there are two lines in this one area so the use of the one project will serve two locations. It's an optimal location and there is a cost benefit analysis. Chairman Katz noted that for the safety and welfare of the residents there is a concern with residences being 140 ft. away and it fronts Route 59 a major through-fare. What information is available if toxins are release and what are the consequences? Has a concern with §210-158(c) of Airmont's Code - secure public safety and welfare and do substantial justice. Chairman read into the record the section of the Zoning Code. Applicants Attorney noted that they have a factor of all standards. Chairman Katz asked the applicant if they wanted to return to the ZBA to answer further questions. Applicant's Attorney noted that this is an area variance and that the use is permitted with a Special Use of Utilities from the Planning Board. He wanted a better understanding of what could they provide to the ZBA. Chairman noted that it would be good to hear from their fire consultants especially when it came to the explosion in Arizona, UK, Wisconsin, Korea etc. that were brought up. It was explained that there are systems in the enclosure that RWE provided that may not have been provided in Arizona and it was a different type of enclosure. ZBA wants a better understanding of the differences and the safety measures.

Other concerns from the ZBA when do they get charged and energized and when to they get additional heat requiring cooling? Need an understanding of when the cooling is required and how often. They wanted to hear about the vent gases and have a review and discussion on it. Chairman Katz inquired as to whether or not an EPA Permit would be a requirement. The ZBA would like to see the applicant return and comeback with criteria for the variance, area variance and special permit for utilities. Applicant's attorney noted that some of their requests are arbitrary, but he would provide as much as possible.

Sheldon Mayer made a motion to continue the application to Tuesday November 9th, 2021 at 7:30pm via Zoom. Arthur Katz seconded the motion. All in favor motion carries. Robin Luchins made a motion to adjourn the meeting. Marty Kivell seconded it. Meeting adjourned at 11:06pm.