

December 15, 2021

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on December 15, 2021 at 7:30 p.m. by Zoom video conference.** Members of the public were able to view and join the meeting via computer or mobile app as follows:

<https://us02web.zoom.us/j/83971901763>

There were present the following members of the Planning Board:

Gareth Hougham, Chairman
Jim Bossinas, Member
Carolyn Stevens, Member
Donna Sharrett, Member
Jesus Lopez

Also Present:

Kathy Zalantis, Attorney, Silverberg, Zalantis LLP
Valerie Monastra, AICP, Nelson, Pope & Voorhis, LLC
Daniel Ciarcia, PE, Consulting Town Engineer
Sandy Anelli, Secretary
Margaret Conn, Secretary

Borrego Solar Energy Storage Facility, 381 N. Highland Avenue (St. Augustine Property) Site Plan Amendment PUBLIC HEARING

Borrego Solar Systems Inc. (the “Applicant”) has an approved plan to construct a standalone energy storage system that would be used to supplement power to the local power grid at peak hours, by utilizing New York State’s Value of Distributed Energy Resources (VDER) mechanism. The system will be enclosed by a 7 ft. chain-link fence. The system will be unmanned, and a gravel access road will be installed for occasional vehicle access. The amendment proposes an area for future expansion. The area inside the fence is proposed to change from 6,505 square feet to 7405 square feet to accommodate potential future augmentation for decreasing battery life.

Dr. Hougham opened the public hearing to the audience and the Board. Mr. Greg Gibbons and Ms. Corina Solis of Borrego Solar were in attendance. Application materials including an updated Environmental Assessment form, letter from Hartgen Archeological Associates dated December 2, 2021, revised Site Plan by Borrego Solar dated December 2, 2021 and letter from Office of Parks, Recreation and Historic Preservation dated December 6, 2021 were on file. Mr. Gibbons gave a brief explanation for the amendment to the Audience and the Board.

The reason for expansion is to address the slow degradation of energy capacity of the battery cells, over time and to be able to calibrate the system back to its original capacity. Most of the new area that's identified in the plans for augmentation is space reserved for the addition of new cells. Comparing this with the previous plan, the fence is the same, the road is the same and the battery system itself hasn't changed. They have updated their stormwater plan and are currently working on review with Mr. Ciarcia. Mr. Gibbons said they will provide a detail showing crushed stone beyond the pad. The need for a wetlands permit, as discussed in earlier meetings, has changed. Currently this new change will not impact the wetland. The hundred foot horizontal buffer is farther away than 100 feet. Also, because of the archaeologically sensitive areas, they were not able to add trees to the river side, instead they added trees to the west side. The Board is in agreement with this which eliminated the need for a wetlands permit. The applicant will put this change in writing and update their final plan. Also, the plan will show revised planting notes per Ms. Sharrett’s recommendation of modifying the landscape mitigation plan to put the root ball or roots right into the native soil, rather than new soil. Mr. Gibbons agreed. Also, Ms. Sharrett thanked the applicant for doing an amazing job.

There were no comments from the audience for this public hearing. There were no further comments from the Board.

A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to direct staff to draft a resolution of site plan amendment for Borrego Solar, 381 North Highland Avenue Battery Energy Storage Facility and to adjourn the public hearing to January 19, 2022.

Rose Lodge, LLC, 83 Somerstown Road, Wetland, Fill & Grade Permit Review

Rose Lodge, LLC (“Applicant”) is seeking Wetland and Filling and Grading Permits to build a 0.46 acre sandy beach within the property which is 17.91 acres in size. The project is located at 83 Somerstown Road in the R-40 One-Family Residence District and is identified on the Town of Ossining Tax Map as Section, Block and Lot 90.06-1-13.1.

Application materials dated November 30, 2021, short environmental assessment form dated November 22, 2021 and Site Plans by Engineering and Surveying Properties dated November 19, 2021 were on file. Mr. Barry Terach, Architect, BTA Designs and Mr. Jay Samuelson were in attendance. Mr. Terach gave a brief overview of the project to the audience and the Board. The property received an order to remedy violation from the Building Department for disturbing and working in a wetland area without a permit. Also, sand and fill were brought onto the property without a proper filling and grading permit. Mr. Terach explained before he was retained by the property owner, landscape contractors were looking to create a sandy beach area and other miscellaneous landscape improvements around the property. Mr. Terach asked if they could have time to re-submit a proper mitigation plan to restore the area around the wetland rather than develop it as a beach.

Ms. Monastra reviewed memo items with the applicant and the Board. Her memo dated December 13, 2021 was submitted to the applicant in advance of the meeting. The applicant can review items and prepare their mitigation plan and restoration accordingly. Mr. Ciarcia noted that the applicant also needs to provide erosion controls for proper mitigation and restoration. Mr. Terach said he will need additional time to prepare a proper plan and put together their narrative for the Board. Also, they pulled as much sand away from the shoreline as possible and have put up an erosion control fence to which they will be adding a second erosion fence. They plan to completely remove all of the sand as a first step.

Dr. Hougham recommended the applicant hire a wetland or lake restoration engineering consultant firm to develop plans with. Specifically, a firm that specializes in aquatic restoration. Dr. Hougham knows of some that are familiar with the area for reference if the applicant is interested. Mr. Terach said yes, and at this time, they will do everything they can to stabilize the shoreline per Mr. Hamilton’s direction and until further information for the Planning Board becomes available. Dr. Hougham and the Board were in agreement with this.

Ms. Monastra noted this is an unlisted action, the Board can declare lead agency under State Environmental Quality Review Act (SEQRA). More information will be required before a referral can be made to the Environmental Advisory Committee (EAC). Dr. Hougham asked for a motion to declare the Planning Board as lead agency.

A motion was made by Mr. Lopez, seconded by Ms. Stevens and unanimously approved by the Board to declare lead agency status under SEQRA for the Rose Lodge LLC, 83 Somerstown Road Wetlands, Fill and Grade application.

Executive Session

A motion was made by Ms. Stevens, seconded by Mr. Bossinas and it was unanimously passed by the Board to go into executive session to discuss litigation at approximately 8:15 pm.

At approximately 8:45 pm, the Board reopened the meeting. A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to accept the stipulation on the Picucci Matter and Authorize its Execution.

Minutes

Minutes were not available at this time.

Adjournment

A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn the Planning Board meeting to January 19, 2022.

Time Ended 9:00 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: January 19, 2022