

January 19, 2022

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on January 19, 2022 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/81889343639>

There were present the following members of the Planning Board:

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

Absent: Jesus Lopez, Member

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 CONTINUED**

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. Ms. Corina Solis, Project Developer, Borrego Solar was in attendance. Ms. Solis gave a brief overview of the plan to the audience and the Board. Ms. Monastra submitted a draft Resolution of Approval titled Borrego Solar Systems Inc., dated January 19, 2022 to the Board and the Applicant for review and approval. Dr. Hougham asked if there were any additional comments from the Board or anyone from the public.

Ms. Sharrett asked the applicant about the lighting plan and if they were in agreement with some of the recommendations from the last meeting of putting the lights on motion sensor, using a Kelvin number, 2700K or less, if possible, and using soft white or yellow color light. Ms. Monastra recalled that the applicant indicated in an earlier plan that lights were not going to be on sensor but low lighting for security purposes, only very low to the ground. Dr. Hougham asked that a condition be added to the resolution that there be yellow lights and motion controlled only. Ms. Zalantis noted that the resolution would have to be amended. Dr. Hougham noted that if the Building Inspector indicates that this doesn’t work for safety purposes, the Board could come back and amend the resolution.

Ms. Monastra found something in her notes that the applicant said there'd be no continuous lighting for the system or parking lot. The battery containers will have 18 Watt LED switch control lights on opposite sides, the battery container and the external pad will contain a single dark sky compliant light and all fixtures are low incident angles to reduce light pollution to the abutting properties. At this time, Ms. Solis said they are designing lights to be on motion sensor using a warm light less than 3500 Kelvin. The applicant will research exactly what was proposed.

Ms. Sharrett also recommended some minor adjustments to the planting plan. There should be no fertilizer used in the lawn area and on the plantings. On the illustration of the typical deciduous tree planting, the note that the root ball should be right on the undisturbed subgrade, this should be handled the same way as the evergreen. Also, where it says all planting areas should receive clean topsoil compost mix as necessary. This isn’t necessary.

### **Borrego Solar Continued**

The plan calls out putting three inches of mulch down which should not be near the trunk of the trees and branches or near the plants at all and the notes about pruning then treating the pruned areas, this is something that hasn't been done in 30 years. It's not an acceptable practice. Ms. Solis agreed to change the plan. Mr. Ciarcia will finalize the SWPPP Acceptance Form with the Building Department.

Dr. Hougham asked if there was anyone from the audience or further comments from the Board on this Public Hearing. There was no one from the audience with questions or comments. There were no further comments from the Board.

**A motion was made by Mr. Bossinas, seconded by Ms. Stevens and unanimously passed by the Board to close the Public Hearing for Borrego Solar 381 North Highland Avenue Battery Energy Storage Facility.**

**A motion was made by Ms. Sharrett, seconded by Ms. Stevens and unanimously passed by the Board to adopt the Resolution of Site Plan Amendment for Borrego Solar, 381 North Highland Avenue Battery Energy Storage Facility, dated January 19, 2022, contingent on changes discussed this evening.**

### **MGM Design and Construction Group LLC, 5 Hawkes Avenue Request for Extension of Resolution Items**

Mr. Ed Gemmola, Architect, was in attendance. A letter from Site Design Consultants, dated December 28, 2021 was on file. The letter noted that in January 2021, the Board granted a 90-day time extension on this approval. Unfortunately, the time has elapsed and they are now requesting four retro-active 90-day time extension of the approval for the Subdivision, Wetlands Permit and Tree Removal Permit as noted in Resolutions all dated December 18, 2019. They are in the process of now finalizing the plan with the Health Department and will be submitting the final subdivision plat to the Board for signature.

Mr. Gemmola noted that he is aware that the project has to be re-noticed. There have been no changes to the original plan. Ms. Zalantis said this approval has to be re-noticed because the Board cannot grant four retroactive extensions. Dr. Hougham said he understood that the delay was partly due to Board of Health Approvals. Mr. Gemmola said test holes were done on the property. Mr. Ciarcia noted this was for the Stormwater Plan and the property is on Town Sewer. Dr. Hougham asked for a motion to deny four retroactive extensions and set a public hearing to re-notice the plan.

**A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously agreed to deny the request for four retroactive extensions of Resolution of Approval for MGM Subdivision, Wetlands, and Tree Removal Permit dated December 18, 2019 and to set a public hearing to re-notice the project for February 16, 2022.**

### **Miscellaneous**

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Ms. Sharrett recommended developing a set of recommendations/guidelines using best practices for planting and landscape plans to assist applicants when presenting to the Planning Board. Mr. Bossinas suggested a planting site plan, in general concept. Dr. Hougham asked Ms. Monastra to research if Nelson, Pope, Voorhis Landscape Consultant could put something together for the Board to review. Ms. Monastra agreed.

**Minutes**

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**A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed to adopt the minutes of Planning Board Meeting November 3, 2021.**

**A motion was made by Ms. Sharrett, seconded by Ms. Stevens and unanimously passed to adopt the minutes of Planning Board Meeting November 17, 2021.**

**A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed to adopt the minutes of Planning Board Meeting December 15, 2021.**

**Adjournment**

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**A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn the Planning Board meeting to February 2, 2022.**

Time Ended 8:17 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: February 16, 2022**