

Town of Caroline
Planning Board Meeting
July 15th, 2021

Minutes

- (1) New member Patrick Braga joined the Planning Board.
- (2) New York State “Combatting Sexual Harassment in the Workplace” Webinar (requirement for all committee members) is being held Tuesday, July 20th at 10 am or it can be viewed at another time using <https://www.ny.gov/combatting-sexual-harassment-workplace/employers>. The Town will show it on the large TV at the Town Hall at 10 am on the 20th.
- (3) Highlights from NYSERDA Battery Energy Storage System (BESS) Permitting and Zoning Webinar and the Decommissioning Webinar:
 - A BESS co-located with a large-scale renewable generator is permitted by ORES (i.e. it is not under local jurisdiction)
 - All other BESSs, regardless of size, are permitted at the local level (under SEQR, of course) and any other local requirements.
 - Decommissioning means:
 - Shutting down and removing from service
 - Disassembling, removing, and transporting system components
 - Disposal, reuse and/or recycling of components
 - Site restoration and remediation
 - We have the recommended pieces in our law (requirement of a Decommissioning Plan and a Decommissioning Fund, a mechanism for estimating the cost of decommissioning, how to handle ownership changes, and what qualifies as abandonment).
 - Some key considerations are how much structure can be left behind (particularly for BESS’s housed in buildings, which means foundations, etc.). In general, our law asks for everything to be removed but gives the Review Board discretion to have some structures remain on a case-by-case basis.
- (4) Upon completion of the Battery Energy Storage System law the Planning Board members not already assigned to the Zoning Commission will join the Zoning Commission.
- (5) Mark-up of Battery Energy Storage System law:
 - Purpose Section: Approved language citing additional benefits of battery energy storage systems.
 - Applicability Section: Approved language stating that the law applies to BESSs that are part of generating stations except when superseded by NYS.
 - Definition Section: Added definition for “Fire Official” as the Fire Chief of the appropriate Fire Protection District.
 - Section 5.4: Added requirement that expansion of a facility triggers a reassessment of the amount set aside for decommissioning and site restoration.

- Section 7.2(b)(iii)a. Added that the Emergency Operations Plan should specify procedures for safe start-up after an emergency condition has been cleared.
- Section 7.2(b)(iii)c. Took out “when provided” because battery monitoring systems are required by code.
- Section 7.2(b)(iii)g. Added that the Emergency Operations Plan should describe what personnel and equipment the owner or operator would provide in the event of an emergency and how soon that help would arrive.
- Section 7.2(b)(vi) Decided to give the option of either a one- or three-line electrical drawing rather than specifying one or the other.
- Section 7.2(b)(ix) Tightened up wording to clarify that minor issues that don’t cause a safety concern will not prevent approval of commissioning but that such issues must be resolved on an agreed-upon timetable or approval will be revoked.
- Section 7.3(a) Added that the Code Officer must approve the key box setup for gates and other locked areas.
- Section 7.3(f) Decided to stick with the quieter noise limits (as used in the solar energy system siting law) rather than the louder 60dB limit suggested in NYSRDA’s model battery energy storage system siting law.
- Section 7.3(k) Added that use of field evaluation for system certification must be approved by the Fire Official.
- Section 7.5(a) Clarified that the completed and signed commissioning report should be submitted to the Town Clerk.
- Section 7.5(b) Added that the location of the Emergency Operations Plan posted on-site should be approved by the Fire Official.
- Section 7.5: Added a requirement that the system must be recommissioned after any significant emergency event.
- Section 8.4: Changed “decommissioning and removal” to “decommissioning and site restoration”.

(6) Action Items:

Patrick will:

- Create some wording to add to Section 7.2(a) along the lines of the Review Board creating (and keeping record of) a list of the “additional materials deemed necessary” as they gain experience with what additional materials are helpful. This would not be an exclusive list, but would improve the process for future applicants and future Review Boards.
- Look for some sort of guidance or listing of best practices for environmentally sensitive areas to reference in Section 7.2(b)(viii).
- Look for some sort of guidance or listing of best practices for storage of hazardous materials to reference in Section 7.4(b).

Wil will:

- Come up with some additional wording for Section 8.1
- Ask NYSERDA folks about the meaning and importance of clause 8.2(i).

Bill will:

- Check that all the recommendations from the Fire Chiefs have made it into the law

- Create some wording options for issues we punted on this time (Section 7.3(i) Screening and Visibility; Section 7.3(j) Site Access).
- Ask the Town lawyer about whether the law can require that various logs (of safety inspections, of noise and light testing, etc.) be made available to the Town for review upon request and about the legality and advisability of making the decommissioning plans available to the public or other applicants.
- Fix up and send out a draft of the “Tier 1 Battery Energy Storage System Permit Application”

Please send all new wording to Bill by August 5th so that it can be incorporated and sent out in a draft over the weekend of Aug 10/11.

- (7) Wil created a new folder and added two documents related to telecommunications siting to the Planning Board Google Docs. One (from Tennessee) is an up-to-date, good, short overview (a few state-specific laws aren't applicable, of course). The other is from New York State, is longer and more detailed, but dates from 2001.