

APPROVED

JOINT TOWN/VILLAGE OF CLAYTON

PLANNING BOARD

February 6, 2020

Board Members Present: Doug Rogers, Fred Bach, Therese Christensen, Duane Hazelton, Pat Dewey, Paul Heckmann, Dave Crandall

Absent: Kevin Patchen (alternate)

Also Present: Zoning Officer Richard Ingerson, Recording Clerk Susan Kenney

Townspople Present: Jennifer Manierre, Jeff Allan, Paul Rogers, Rachana Vidhi, Mithun Vyas, Greg Rossitti, Chris Barten, Craig Stevenson, Kathenu Stevenson, Ken Knapp, Josh Reonie, Donna Patchen, Mary Zovistoski, Jonathan Taylor, Jim Kenney, Allen Heberling, Pam MacDowell, Lance Peterson, TJ Jauans

The meeting was called to order at 7:00 pm by Chairman Doug Rogers with the salute to the flag. It was noted that a quorum of members is present. Chairman Rogers welcomed everyone and announced that there would be a slight change to the order of the evening's agenda: the discussion of the situation with Scott Piper's property would be moved to the final item. He also noted that the new alternate, Kevin Patchen, had not yet received any orientation for board membership, but would be able to get the needed orientation at the March local government conference.

At 7:03 pm, the minutes for the December meeting (there was no planning board meeting in January) were reviewed. No corrections were noted. **MOTION** was made by Fred Bach, second by Paul Heckmann, to accept the December minutes as submitted. Motion was carried with all in favor.

7:06 pm – Jeanne Newberry – Town – 39215 Birches Lane, Clayton – construction of a bunkhouse

Jonathan Taylor did the presenting for Ms. Newberry. This is a lot behind Zenda Farms, the old Birches cottages. There have been no changes since the pre-application hearing. The owner wishes to install a two-stall garage with an attached bunkhouse. The living area will be under 500 ft², containing a small living area, bathroom, and bedroom. Kitchens are not allowed in a bunkhouse. It meets the definition in the ordinance of a bunkhouse, with the only difference being it will be attached to the garage. The ordinance requires that the construction of any bunkhouse needs a special use permit. Because the bunkhouse will have a bathroom, it will have to be included in the septic system.

At 7:12 pm, **MOTION** was made by Pat Dewey, second by Duane Hazelton, to open the public hearing. Motion was passed with all in favor. There were no public comments or letters. At 7:13 pm, **MOTION**

was made by Paul Heckmann, second by Therese Christensen, to close the public hearing. Motion was carried with all in favor.

It was noted that the application as submitted is complete.

Chairman Rogers went through the short form SEQR, part 2. All of the answers were negative. At 7:16 pm. **MOTION** was made by Fred Bach, second by Dave Crandall, to name this a negative declaration. Motion was carried with all in favor. **MOTION** was made by Paul Heckmann, second by Duane Hazelton, to approve the application as submitted.

Aye: Rogers, Bach, Hazelton, Crandall, Heckmann, Christensen, Dewey

Nay: none

Abstain: none

Absent: none

7:18 – Presentation by Jennifer Manierre from NYSERDA (New York State Energy Research & Development) concerning making and adopting local laws or codes on solar storage batteries.

Ms. Manierre is on NYSERDA’s clean energy siting team, dealing primarily with commercial systems. She went through a power point presentation on model laws/applications/permits for solar storage systems. She noted that in Clayton’s comprehensive plan, the only comment concerning solar storage is that buildings with solar storage need to be fenced off. She encouraged the Board to consider whether that can be added to, and whether Clayton should amend their current law or have a stand-alone law.

She noted that solar storage can be used as an emergency back-up. The energy grid does not work well if the input and output of the entire system are not balanced. New York State is putting \$400 million behind incentives for battery energy storage, and is looking to have 3000 MW of storage by 2030. The state feels that these battery storage systems are essential to their overall energy goals. NYSERDA offers a solar guidebook and other resources, many of which are available on the NYSERDA website. There is a “Battery Energy Storage Model Law” which also includes a model permit for residential and smaller commercial use. There are other forms of battery storage systems, including pumped hydroelectric and electrochemical. The applicable codes include those for fire, building, and residential construction.

Ms. Manierre recommended that the town keep the battery storage law separate from the solar law. Solar storage batteries are generally smaller than solar collection arrays. Battery storage systems are essentially a lot of small batteries wired together into a module, then several modules stacked together. Some of the larger Tier 2 systems can get up to the size of a shipping container, or even multiple containers together.

Currently a decommissioning plan is required in the fire code. It is recommended that a decommissioning funding plan be included, as well as an emergency operations plan that would include training for local first responders on how to handle any problems. This should also include fire safety protection methods for the various stages of “thermal runaway battery failure.” New York State is the first state in the nation to put these measures in the state fire code. Checklists are available for training first responders, and NYSERDA offers free workshops. In September 2019, New York State put the IFC

(International Fire Code) 2021 standards into the state fire code. The NYS fire code can be found in a chapter of the NYSERDA guidebook.

Ms. Manierre noted that even if a fire is put out, the batteries still contain energy and can re-ignite. The owner of the storage system is required to send someone to watch for possible re-ignition, relieving the local first responders of that additional task. There may be toxic fumes and potential explosions to prepare for.

Fire suppression is very situation-specific. Paul Rogers, of the NFPA (National Fire Prevention Association), formerly of the NYC fire department and an expert on incident management, talked about various types of fire suppression. In some cases the best option might be to allow the batteries to continue to burn, depending on the particular situation. Sometimes heat will travel from one battery to the next in a process called propagation, causing separators to begin to deteriorate. In that case the response should be to not try to save anything but to contain the fire and keep it from propagating further. Board members expressed concerns about potential corrosive runoff or electrical leakage, and what is the best way to avoid getting these into the ground water. At present, there is no solid answer on how to do that. Other concerns expressed were whether there are local benefits to put in such a potentially hazardous set-up, and whether there are any statistics on what has happened elsewhere with other solar battery storage systems.

At 8:08 pm, Greg Rossetti, of Oya Solar, and Rachana Vjidhi and Mithus Vyas, of NextEra Energy, which has now taken over the project, presented concerning an actual proposed BESS (Battery Energy Storage System) in the Town of Clayton. Mr. Rossetti has come before the Board in a previous meeting about a proposed project, but since NYS now has stricter requirements, this is an add-on. For the project, NextEra hopes to add two storage units, 12' x 40'. They are planning how they can account for possible run-off, e.g. putting each unit on a concrete pad with walls, or possibly routing all the run-off into a tank. They are willing to pay for training firefighters, and are happy to be compliant with any requirements. They hope to be done by the end of the month. They will then tie into National Grid. They will put in a smoothed, graveled access road for firefighters to get to the units. The company has experience in designing these systems, e.g. on Long Islands in the Hamptons, and will pull in any new available information. The wait for a battery is now about 6-9 months; battery life is around 15 years, but the batteries are modular, with parts that can be switched out and therefore potentially prolong the life of the battery.

Board members expressed further concerns and posed questions. Plans for containment are considered vital. This type of storage is not necessary for the current system, but the state is looking to add solar battery storage, to balance out the energy available and to store wasted energy for later use. NextEra's engineer noted that they will put 10 feet between each container, so there is less chance of propagation, and there is plenty of detection built in as standard practice, also making propagation less easy. The system will be under constant supervision from a remote monitoring facility. Mr. Rogers from NFPA noted that some US government agencies are looking into potential fire and explosion hazards with these systems. The focus now is on safety, both for the public and for first responders. General practice now is to let bad situations go without interference. He stressed that a plan for

decommissioning should be set up. Mr. Rossiter asked for a checklist from the Board so that they can make sure they have covered all the requirements; they will be compliant with whatever the local law is, before that law is adopted. Zoning Officer Ingerson said a new law would take several months to be implemented.

The Board and Mr. Lance Peterson, town supervisor, discussed how to proceed. The suggestion of an ad hoc committee to discuss the matter in greater detail was put forth but later discarded. One of the biggest concerns is possible contamination of the St. Lawrence, so NextEra was asked to work to alleviate the Board's concerns, and Mr. Rossiter was asked to give a list..... as soon as possible. Decommissioning will be included in the containment plan.

At 9:07 pm, the Board agreed to go with Mr. Rossiter's checklist.

9:08 pm – Scott Piper – Town

Mr. Piper owns a farm on County Route 9. He has around 60 cars which he ultimately plans to sell stored on the farm, visible from the road. In the meantime, until the cars are sold, the site fits the definition of a junkyard. Junkyards are permissible in that district as long as a site plan is filed. Mr. Piper's concern is that a junkyard requires a fence, but since the farm lies on bedrock, anchoring a fence is not possible. The suggestion was made that he stack some of the larger hay bales, in lieu of a fence, to hide the cars. Mr. Piper will need to come to the Planning Board with a site plan.

At 9:12 pm, the question of requiring engineered plans for septic systems was brought. Zoning Officer Ingerson confirmed that a building permit cannot be granted without engineered plans.

At 9:16 pm, **MOTION** was made by Duane Hazelton, second by Pat Dewey, to adjourn the meeting. Motion was passed with all in favor.

Respectfully submitted,

Susan Kenney, Recording Clerk.