

Town of Athens, NY & Town Council Meeting

Municipal Building, 2 First Street

Michael N. Pirrone, Supervisor

Tentative Agenda

Wednesday February 21, 2024 @ 6:00pm

Please Sign In, No Sign in-Not Included in Minutes.

- PLEDGE

Board Discussion

Town Council Members, Town Attorney, Delaware Engineering
Addressing Council Members concerns, Update on current events, proposed
direction in placing a moratorium on BESS facilities, Local Law Development.

- VOUCHERS: To Approve the Vouchers audited by the Town Board for payment.

Motion By 2nd By AIF

EXCEPTIONS NOTED:

- PRIOR MEETING MINUTES: To Approve the Minutes of February 5, 2024.

Motion By 2nd By AIF

EXCEPTIONS NOTED:

Departmental Narratives

- Highway Superintendent: Report Attached.
- Code Enforcement Officer: Report Attached.
- Assessor Report: Report Attached.
- Financial Report: Report Attached.

Supervisor Report: Legal Items

- Free Point Solar LLC. (Index 2023-571, Dtd. August 10, 2023) - CPLR Article 78
- versus Town of Athens, NY, Zoning Board of Appeals.
- APO Sleepy Hollow Lake, Inc., et al, Plaintiffs (Index No. EF2023-573, Dtd.
August 11, 2023) – vs Greene County Industrial Development Agency, et al.

- Cocksackie Athens CSD (Index EF2023-596, Dtd. August 17, 2023) - versus Flint Mine Solar LLC.; Greene County Industrial Development Agency; et al. Assigned to the Honorable Richard Mott, J.S.C.
- Palmateer (Index EF2023-2803, Dtd. November 24,2023) – CPLR Article 78 versus Greene County Industrial Development Agency, et al.
- Residents Appeal et al, Appeal to Zoning Board of Appeals, of Planning Board Site Plan Approval and Special Use Permit.

Supervisor Report: General Items

- Town Attorney schedule a meeting with Teamsters Local 294 Business Agent Michael Degano for February 28 @ 2:00 pm @Athens Town Hall.
- CEO Gasparini & Town Attorney McHugh schedule for Court Hearing on February 15, to address Code Violations.
- Ruth Parkins, Manager, Government relations Iroquois Pipeline Operating Company came in for a visit on February 6.
- Greene County Resolution No. 20-24, Authorizing Municipalities to Participate in County Highway Purchases.
- Funding Announcement, Severe Storms & Flooding Grant Program.
- Floodplain Management Webinars Training.
- Capital Bicycle Racing Club (CBRC) to stage its annual Trooper David Brinkerhoff Memorial Race Series. This will be held on April 20 and April 27.
- New Athens Generating Company Petition to NYS Public Service Comm. for Approval of Proposed Sale to Gate City Power-NE Generation LLC.
- Even Year Election Legislation, Proposed Public Hearing, Mandatory Referendum, Local Law, Change the Term of Supervisor, Town of Athens.
- Town Action: Resolution to Hold a public hearing to accept comments regarding the enactment of Local Law #_____, Moratorium pertaining to Battery Energy Storage System Facilities.

Motion By _____ 2nd By _____ AIF

EXCEPTIONS NOTED:

Town of Athens HWY.

Report for 2/21/2024

-The crew attend a webinar for NYMIR Harassment and Discrimination annual training on 2/14/24

✓ - Crew has done some tree work on South Vosenkill and Lake Forest Dr.

✓ -5 snow events in the last month

✓ -Washed trucks in between snow events

-Finished tree work on Thorpe Road

-The truck that we have on order has been pushed back until October.

-AFC grant to put back up cameras for 6 town highway trucks have been ordered and started to install them this week.

-I will have 2024 road agreement for next meeting

-Spring town clean up? April?

CHPS - decrease maybe in state Budget

3/7 highway Lobby day

TOWN OF ATHENS

Assessor's Monthly Report February 2024

We have been extremely busy with the exemption renewals, and exemption inquiries, from the mass mailing of the 2nd notice postcards. We will be making phone calls this week to the property owners, which have not filed to date, since March 1st is the deadline to file.

The Assessor's office will be open for business on March 1st 8:00-3:00. A more detailed report will be forthcoming for the March 2024 meeting.

We have received the Certified list from the Village - Athens Fire District for the Volunteer Firemen/Ambulance workers for the renewals from 2024.

All the school districts, Village and County have all the same income scale for the 2024 assessment roll.

Otherwise, conducting business as usual,

Thank you.

Dawn DeRose
Assessor

TOWN OF ATHENS
Building Department
Report for January 2024

Building Permits: 4 –

New Roof Shingles, New 40 X 60 Garage,

Install a used 14 Ft. by 54 Ft. Manufactured Home at Athens Holding, LLC property. Owned by Camp Catskill,

Build a 14 Ft. by 35 Ft. Shed,

Build Two 40 Ft. by 300 Ft. T Shed at Culpeper (Northeast Treaters)

Building Permit Renewal:

Building Inspections: 10

Building Permit Inquiries: Inquiries of parcels of land to build homes, Residential Solar Panels, Garage.

Certificate of Occupancy:

Temporary Certificate of Occupancy:

Certificate of Compliance:

Certificate of Occupancy Search Request: 3

Complaints:

Demolition Permits:

Septic Permit:

Sign Permits:

Short Term Rental Certificates:

Fire / 911 Calls: -

Fireworks Permit:

Violations: On going,

- (Contractor called our office 2/9/24 inquiring about a building permit for interior work)1540 Leeds Athens Road, Violation of Property Maintenance Code of New York State, Chapter 3 General Requirements, 304.7 Roofs and drainage, 305.3 Interior surfaces. Red Tagged as Dangerous and Unsafe.
- 1030 Leeds Athens Road, the house has been vandalized and is vacant and is Red Tagged as Dangerous and Unsafe.
- N.Y.S. Property Maintenance Code Section 308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. N.Y.S. Fire Code SECTION 311 - VACANT PREMISES
See attached email information.
- Court date changed to March 7, 2024: For 500 Vosenkill Road, Illegal junkyard, kitchen appliances, construction debris.

Court Hearing: Luigi DiStefano vacant land Schoharie Turnpike.
Information on attached sheet.

List of Violations with Remedy
at Vacant Land on Schoharie Turnpike, Town of Athens
Property Owner Luigi DiStefano
Tax Map ID: 104.00-2-24.2

February 8, 2024 Court agreement.

Violation - VOL23-20 (Dismissed) It was agreed that the current code allows the of placing of fill on land for up to 1,000 cubic feet.

[Land was excavated, and no precautions were taken to control the erosion or runoff of soil on the property or neighboring property that has a pond near the excavated land.]

Property owner needs to remove downed trees and have Erosion Control Silt Fence with wooden or metal Stakes to prevent the erosion of soil to neighboring property.

- Silt Fence is the most commonly used fabric for erosion control in residential and commercial construction.
- Made of woven polypropylene yarns, which are designed to block the sediment while letting the water slowly flow through the fabric.
- If properly installed, it can control sediment from being washed into streams and rivers.

Violation – VOL23-21- (Commercial Equipment to be removed by October 1, 2024)

- [The storing of Commercial equipment is prohibited in the Rural Residential zoned area.]

Property owner needs to have the Commercial equipment removed from the property.

Violation – VOL23-22 (Litter on property to be removed by July 4, 2024)

- [Property is littered with Scrap metal, household appliances, plastic barrels]

Property owner needs to have the litter on the property removed.

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**“TOWN OF ATHENS BATTERY ENERGY STORAGE SYSTEMS FACILITIES
MORATORIUM LAW”**

LOCAL LAW OF 2024

SECTION 1. PURPOSE AND INTENT.

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Town of Athens and to maintain the status quo as to certain Battery Energy Storage Systems facilities and uses, as the present zoning regulations in the Town do not adequately address this type of use. The moratorium will stop the processing of applications for, and the issuance of any permits, certificates of occupancy and approvals for certain land uses relating to Battery Energy Storage Systems facilities. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Athens Zoning Code concerning this use.

SECTION 2. LEGISLATIVE FINDINGS.

The Town of Athens Town Board does hereby find that without a temporary halt on the processing, permitting, and approvals for certain Battery Energy Storage Systems facilities and uses there is the potential that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of and lack of proper dimensional regulations for, such uses would have materially adverse and irreversible impacts on the Town.

The Town Board also finds that it is in need of time to perform the necessary analysis of the potential types of Battery Energy Storage Systems facilities and uses that could be located in the Town. By maintaining the status quo regarding such uses the Town Board can provide for the planned orderly growth and development of the Town.

SECTION 3. MORATORIUM IMPOSED; APPLICABILITY.

For a period of time of six (6) months following the effective date of the adoption of this Local Law no application may be processed, and no permits, certificates of occupancy, approvals, denials, determinations or interpretations may be issued or granted for any land uses relating to Battery Energy Storage Systems.

The term "land uses relating to Battery Energy Storage Systems (BESS)" shall be broadly construed to include any facility designed to be a rechargeable Energy Storage System comprising Batteries, Battery chargers, controls, power conditioning systems and/or associated electrical equipment designed to provide electrical power. A BESS can be used to provide standby or emergency power, an uninterruptable power supply, load shedding, load sharing, or similar capabilities. Not included within the scope of this moratorium are batteries in consumer products or motor vehicles solely powered by combustion.

This Local Law shall be binding on the Town Board, Planning Board/Zoning Board of

Appeals, Building Inspector, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy or approval in the Town of Athens.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of Athens Code. During the period of the moratorium, no applications will be accepted, nor permits, certificates of occupancy or approvals issued, which would authorize development within the Town for land uses relating to Battery Energy Storage Systems facilities as described above.

SECTION 4. TERM.

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date.

This Local Law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution(s) of the Town Board.

SECTION 5. EFFECT ON OTHER LAWS.

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special-use permit, site plan, building permit and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law ordinance, rule or regulation.

SECTION 6. WAIVER.

Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers to its applicability. However, the Town Board may, but is not obligated to, promulgate regulations by a Resolution of the Board authorizing a hardship waiver process to this moratorium.

SECTION 7. SEVERABILITY.

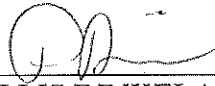
If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule Law.

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2024 of the Town of Athens was duly passed by the Town Board on Feb 21, 2024, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.



PHYLLIS DINKELACKER – TOWN CLERK

Date: _____

2/21/2024