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April 2, 2024

Via Mail and E-Mail: rtrombetta@ci.carmel.ny.us

Town of Carmel Planning Board Members
60 McAlpin Avenue
Mahopac, NY 10541

Re: Proposed Lithium Battery Storage Facility
Off Miller Road, Mahopac NY

Dear Chairman Paepfer and Members of the Carmel Planning Board,

I am writing to express the Town of Somers concerns about the proposal to construct a Lithium Battery Storage Facility off Miller Road in Mahopac, NY. The project has sparked significant opposition and apprehension among the residents of Somers and Carmel, and my office has been inundated with countless calls from both towns in the past few weeks. As the neighboring town's supervisor, the safety and well-being of the residents of Somers and Carmel must take precedence. The people's questions, fears, and concerns must be addressed, and transparency must be provided to those seeking an understanding of why this project makes sense for the area. Despite the project falling under different towns and counties, with different zoning, it will directly affect all residents and business owners. You are responsible for ensuring their safety and well-being, as you can approve or deny this project.

Energy storage systems have the potential to make a significant contribution to New York's transition to a greener future. These advanced systems offer many benefits, including enhancing grid reliability, supplying electricity to meet consumer demands, and acting as backup energy sources for homes, businesses, communities, and the electric grid. Additionally, energy storage systems can result in economic and environmental benefits, such as reducing peak energy demand and facilitating the integration of more renewable energy into the grid. However, it's essential to carefully evaluate the suitability of the location for the project, especially since it's near a residential area and the Muscoot Reservoir Basin.

The proposed facility is an enormous 116-megawatt battery storage system that will be one of the largest in the area if approved. The project site is situated in the Muscoot Reservoir drainage basin of New York City's Water Supply, which means that any water quality impacts resulting from pollutant-laden runoff must be prevented or mitigated. Before granting approval, the Carmel Planning Board must ensure that the facility meets industry standards and significantly minimizes the risk of spills or leaks. It

is essential that the design incorporates a secondary containment system and that the facility has a concrete emergency response plan to handle fire incidents and hazardous material releases. Moreover, the project must comply with all environmental regulations and up-to-date current industry standards. The New York State Energy Research and Development Authority (NYSERDA) has issued model laws, permits, and tools for code enforcement officials, which the Town should adopt as a basis for reviewing this project. The Town of Carmel lacks the recommended regulatory framework for facilities of this kind. Therefore, the Town of Carmel must proactively establish the appropriate regulatory tools before permitting this use.

The fire districts in the area have a mutually beneficial agreement that allows them to provide aid to their neighbors when needed. However, numerous concerns exist, and the Somers Bureau of Fire Prevention opposes this proposed project. The main issue is the uncertainty about who will bear the necessary training and equipment costs, which could burden taxpayers. One of the most significant concerns is the need for more adequate training available to firefighters when dealing with Battery Energy Storage System (BESS) fires. The current approach is to let the fire burn while keeping the other units cool with water, as seen in the Warwick, NY, incident in 2023. This approach led to the fire smoldering for weeks, a worrying prospect for any community. In case of an emergency at the proposed facility, the fire department would need a massive water supply to control the fire effectively. However, it is unclear where this water supply would come from and if it has been discussed or planned for.

Furthermore, since the departments in question are volunteer-based, it is uncertain where the workforce required to fight the fire for days would come from. Additionally, coordinating efforts during such an emergency is a crucial aspect that must be considered. Another significant concern is the recommended setback for firefighters in case of a fire, which is 150'. However, the corner on the proposed site plan closest to the property in Somers is 200', and there is no roadway around the facility at the recommended distance to provide access to firefighting equipment. This raises questions about how the volunteer departments could remain at a safe distance while effectively fighting the fire. It is important to keep in mind that 2.9% of all BESS systems experience a fire within the first 18 months, and there is no data available beyond that timeframe. This lack of information raises concerns about the potential risks and hazards of BESS systems, making the probability of fire relatively high. With 72 proposed BESS units at this facility and a 2.9% chance of a fire occurring in the first 18 months, there is a 1 in 35 chance of a fire or explosion incident occurring in one or more units.

I will highlight a written statement by East Point Energy during the Planning Board meeting held on **September 14, 2023**. According to the backup material provided by the company, this project will not be approved until the Fire Department has signed off on it. However, the fire department they are referring to needs to be clarified. Somers does not favor the proposal, indicating potential concerns regarding its safety. The New York Inter-Agency Fire Safety Working Group issued recommendations for updates to the Fire Code and Uniform Code that were issued earlier this year, with public comments due this month. This facility should comply with the recommended code changes.

The Department of Environmental Protection has recommended that the Carmel Planning Board issue a Draft Environmental Impact Statement (DEIS) to address the thirty-five concerns raised in their letter. Rushing this decision could negatively affect residents and business owners. Therefore, it is crucial that the Carmel Planning Board comprehensively and transparently addresses these concerns, taking into account the potential risks and benefits of the project. I strongly urge the Carmel Planning Board to carefully consider the concerns of the Somers and Carmel communities and conduct a thorough environmental impact assessment before approving or denying this project.

In conclusion, let it be known that the Town of Somers strongly opposes the proposed project and has expressed our concerns regarding the potential risks and challenges it may bring to our communities. Before any facility like this is established, transparency and careful consideration must be observed, and the necessary safety standards and codes must be put in place to safeguard our communities' well-being. The public must be thoroughly engaged in the project review process, and everything must be transparently disclosed. While we appreciate the DEP's recommendation for a DEIS, it should only be conducted once all local laws and land use permitting processes are in place. We thank you for your attention and urge you to consider our concerns seriously.

Sincerely,



Robert Scorrano
Supervisor

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cc: Mike Lawler, NYS Congressman
Pete Harckham, NYS Senator
Matt Slater, NYS Assemblyman
George Latimer, Westchester County Executive
Kevin Byrne, Putnam County Executive
Vedat Gashi, Westchester County Legislator
Michael Cazzari, Carmel Town Supervisor
Somers Town Board
Ariye Zohar, Chairman Somers FD BOFC