



**BOROUGH OF STATEN ISLAND
COMMUNITY BOARD #3**

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**Land Use Committee
Public Hearing Report**

DATE: September 14, 2022

TIME: 7:00PM

IN PERSON: Yes

VIRTUAL: No

SPEAKER: Yes

Committee Members Present

Frank Morano, *Chairman of the Board*

Thomas Barlotta, *Chair*

Patrick Donahue

Jeffrey Geary

Celia Iervasi

Andrew V. Poznanski

Owen Reiter

Wayne Rosenfeld

Danny Venuto

Committee Members Absent

Gary Fleming

Board Members Present

John Felicetti

Staff Present

Charlene Wagner, *District Manager*

Stacey Wertheim, *Community Coordinator*

Susan LaForgia, *Community Coordinator*

Guests

Frank Rapacciuolo, Rep. Council Member Joseph Borelli

Dylan Fossella, Rep. Council Member Joseph Borelli

Eric Vath, GoldmanHarris LLC

Mike Schauffert, New Leaf Energy

Lisa Appadu, New Leaf Energy

Public Contact Speakers – none

Agenda

BSA Cal # 2022-66-BZ, 405 Arthur Kill Road; The applicant seeks a special permit pursuant to Sections 73-03 and 73-14 of the NYC Zoning Resolution, in connection with the development of a battery energy storage system (BESS) at 405 Arthur Kill Road (BI 5550, Lot 17). The BESS consists of six battery containers that will be enclosed within a 6,878 sq ft fenced in site.

- Site is located in an R3-2 residential district within the Special South Richmond Development District and a Lower Density Growth Management Zone.
- Public service establishments, including battery energy storage systems, are not permitted on an as-of-right basis.
- Serves the local grid.
- Difficult to find sites that serve residential neighborhoods and are also as-of-right.
- This location can easily connect to the grid.
- Energy is pulled from the batteries to meet times of high demand.
- Batteries help even out fluctuation of supply and demand by providing consistent and stable electricity for homes and businesses.

ZR 73-14 Special Permit Requirements

- Applies to certain small (<10,000 sf) public service establishments in residential districts.
 - DOB classifies battery energy storage systems as Use Group 6D public service establishments and determines the amount of lot area occupied by such facility as the part of the site that is enclosed/fenced in. The proposed facility has a 6,878 square foot fence enclosure.
 - The site is located in an R3-2 residential district.
- BSA must make the following findings:
 - That such use will serve the residential area within which it is proposed to be located; that there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such use within a Residence District; and
 - In the case of such electric or gas utility substations or potable water pumping stations, that the site for such use has a minimum lot area of 4,500 square feet.

Discussion

Extensive discussion focused on the following concerns:

- Noise
- Residential area
- Effectiveness

- Security
- Maintenance
- Safety
- No site manager
- There aren't any built yet- no studies available
- Being built in a wetlands buffer
- Widening lines on the map for Arthur Kill Road and its effect on Holtermann's parking
- Rationale for siphoning power only to give it back
- Electrical fires should not be put out with water
- Toxic fumes emitted in the event of a fire
- No guarantee that the energy will remain local
- Area is already over-taxed
- Too many unknowns

MOTION

Whereas, representatives from GoldmanHarris and New Leaf Energy presented their application for a special permit pursuant to Zoning Regulation ZR 73-14, to develop a battery energy storage system at 405 Arthur Kill Road; and

Whereas, based upon the information provided, the Land Use Committee vehemently opposes this project and put forth a Motion to Deny the application.

Now, Therefore Be It Resolved Staten Island Community Board 3 Land Use Committee *unanimously passed the Motion to deny* the application.

Vote: In Favor 10; Opposed 0; Abstentions 0

Morano Y; Barlotta Y; Donahue Y; Felicetti Y; Geary Y; Iervasi Y; Poznanski Y; Reiter Y; Rosenfeld Y; Venuto Y

Old Business:

In 2005, an application for a sidewalk shed at IS34 was approved. It is 2022 and it still is not complete. Can we demand SCA to provide an answer on when this will be done? Nothing was done during Covid. It should have been completed by now.

New Business:

The City Planning application for 1 Nassau Place will be coming before the Board in October.

Respectfully submitted,



Thomas Barlotta, Chairman
Land Use Committee