

SPECIAL MEETING -BOARD OF TRUSTEES- OCTOBER 2, 18, 2018-6:00 P.M.

**PRESENT: MAYOR – FRANK TATUM, TRUSTEE JUDY WOOD-SHAW, TRUSTEE JUDY WOOD-ZENO, TRUSTEE JOHN MURPHY, TRUSTEE JOHN BASILE
ATTORNEY: JAMES PELUSO**

Public Attendance – 6

The meeting began with The Pledge of Allegiance

MOTION to open the Public Hearing to consider a Minor Subdivision Application by Michael and Sharon Rich, the owners of 17± acres of land at 1006 Hudson Avenue in the Village of Stillwater (Tax Map No.: 244.61-1-14) proposing to subdivide the property into three parcels containing 14.5520± acres (Lot 1), 0.4943± acres (Lot 2) and 1.9580± acres (Lot 3) whereby Lot 1 and Lot 3 will continue their present use and the construction of a single family home is proposed on Lot 2 made by Trustee Basile, seconded by Trustee Wood-Zeno

Motion carried 4-0

MOTION to close the Public Hearing to consider a Minor Subdivision Application by Michael and Sharon Rich, the owners of 17± acres of land at 1006 Hudson Avenue in the Village of Stillwater (Tax Map No.: 244.61-1-14) proposing to subdivide the property into three parcels containing 14.5520± acres (Lot 1), 0.4943± acres (Lot 2) and 1.9580± acres (Lot 3) whereby Lot 1 and Lot 3 will continue their present use and the construction of a single family home is proposed on Lot 2 made by Trustee Basile, seconded by Trustee Murphy

Motion carried 4-0

The Short Environmental Assessment Form was read by Trustee Wood-Zeno and agreed upon by the Village Board (On file)

MOTION to approve the following resolution to determine that the above proposed action does not have a significant environmental impact made by Trustee Basile, seconded by Trustee Wood – Zeno

Motion carried 4-0

RESOLUTION

**BOARD OF TRUSTEES
VILLAGE OF STILLWATER
October 2, 2018**

**Subdivision & Site Plan Application SEQRA Review
1006 North Hudson Avenue**

WHEREAS, the Village of Stillwater has received a subdivision and site plan application from Michael and Sharon Rich, the owners of 17± acres of land at 1006 Hudson Avenue in the Village of Stillwater (Tax Map No.: 244.61-1-14), proposing to subdivide the property into three parcels containing 14.5520± acres (Lot 1), 0.4943± acres (Lot 2) and 1.9580± acres (Lot 3) whereby Lot 1 and Lot 3 will continue their present use and the applicants propose to construct a single family home on Lot 2.

WHEREAS, on September 5, 2018, the application was referred to the County Planning Board pursuant to General Municipal Law §§ 239-m, 239-n; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action is an Unlisted action requiring SEQRA review; and

WHEREAS, pursuant to 6 NYCRR §617.6, the Village Board of Trustees has designated itself as the lead agency for SEQRA review; and

WHEREAS, the applicant has submitted a fully completed Short Environmental Assessment Form (EAF); and

WHEREAS, a public hearing was noticed and duly held on October 2, 2018 to consider the environmental significance of the proposed action; and

WHEREAS, the Village Board has duly reviewed the application materials and carefully considered and weighed the input by the public; and

WHEREAS, the Board of Trustees has duly reviewed the Short Form EAF and has considered the criteria contained in 6 NYCRR §617.7(c), to determine if the proposed action will have a significant impact on the environment;

WHEREAS, the Board of Trustees has considered the criteria set forth in 6 NYCRR 617.7(c), reviewed each of the eleven (11) factors contained in Part 2 of the EAF, and determined that the proposed action will have no, or only a small, environmental impact; and

NOW, THEREFORE, BE IT RESOLVED, that the Village of Stillwater Board of Trustees hereby determines that the proposed action by Michael and Sharon Rich, the owners of 17± acres of land at 1006 Hudson Avenue in the Village of Stillwater (Tax Map No.: 244.61-1-14) to subdivide the property into three parcels containing 14.5520± acres (Lot 1), 0.4943± acres (Lot 2) and 1.9580± acres (Lot 3) and construct the proposed single family home on Lot 2 will not have a significant impact on the environment.

The Village Board Members present were:

Voting:	Yes	No	Abstain	Absent
Trustee Basile	<u>X</u>	_____	_____	_____
Trustee Murphy	<u>X</u>	_____	_____	_____
Trustee Wood-Shaw	<u>X</u>	_____	_____	_____
Trustee Wood-Zeno	<u>X</u>	_____	_____	_____
Mayor Tatum	<u>X</u>	_____	_____	_____

I, Sheristin Tedesco, Village Clerk, do hereby verify that the foregoing is a true copy of a Resolution adopted by the Board of Trustees of the Village of Stillwater, Saratoga County, New York on October 2, 2018.

MOTION to approve the following resolution made by Trustee Basile, seconded by Trustee Murphy

**VILLAGE BOARD OF TRUSTEES
VILLAGE OF STILLWATER
October 2, 2018**

**Subdivision and Site Plan Application Approval
1006 North Hudson Avenue**

WHEREAS, the Village of Stillwater has received a subdivision and site plan application from Michael and Sharon Rich, the owners of 17± acres of land at 1006 Hudson Avenue in the Village of Stillwater (Tax Map No.: 244.61-1-14) are proposing to subdivide the property into three parcels containing 14.5520± acres (Lot 1), 0.4943± acres (Lot 2) and 1.9580± acres (Lot 3) whereby Lot 1 and Lot 3 which each contain a single family home will continue their present use and the applicants propose to construct a single family home on Lot 2.

WHEREAS, on September 5, 2018, the application was referred to the County Planning Board pursuant to General Municipal Law §§ 239-m, 239-n; and

WHEREAS, after due notice a public hearing was duly held before the Village of Stillwater Board of Trustees at the Village Hall on October 2, 2018 at 6:00 p.m. to consider the subdivision application and all persons interested in the subject thereof were duly heard;

WHEREAS, the Board of Trustees completed a SEQRA review and issued a negative declaration on the application; and

WHEREAS, the Board of Trustees has duly considered the application, including the survey and site plan submitted by the applicants; and

NOW, THEREFORE, BE IT RESOLVED, that the Village of Stillwater Board of Trustees hereby approves the application by Michael and Sharon Rich, the owners of 17± acres of land at 1006 Hudson Avenue in the Village of Stillwater (Tax Map No.: 244.61-1-14) to subdivide the property into three parcels containing 14.5520± acres (Lot 1), 0.4943± acres (Lot 2) and 1.9580± acres (Lot 3); and

NOW, THEREFORE, BE IT RESOLVED that the Village of Stillwater Board of Trustees hereby approves the site plan application by Michael and Sharon Rich to construct a single-family home on Lot 2 per the plans and specifications submitted.

The Village Board Members present were:

Voting:	Yes	No	Abstain	Absent
Trustee Basile	<u>X</u>	_____	_____	_____
Trustee Murphy	<u>X</u>	_____	_____	_____
Trustee Wood-Shaw	<u>X</u>	_____	_____	_____
Trustee Wood-Zeno	<u>X</u>	_____	_____	_____
Mayor Tatum	<u>X</u>	_____	_____	_____

I, Sheristin Tedesco, Village Clerk, do hereby verify that the foregoing is a true copy of a Resolution adopted by the Board of Trustees of the Village of Stillwater, Saratoga County, New York on October 2, 2018.

The Short Environmental Assessment Form, parts 2 and 3, were read by Trustee Basile and agreed upon by the Village Board that the action regarding the Battery Project will not have a large environmental impact.

MOTION to accept the Short Environmental Assessment Form, Part 2, for Stillwater Energy Storage, LLC made by Trustee Basile, seconded by Trustee Murphy
Motion carried 4-0

RESOLUTION

**BOARD OF TRUSTEES
VILLAGE OF STILLWATER
October 2, 2018**

**Resolution Adopting SEQRA Negative Declaration
Special Use Permit Application
Stillwater Energy Storage, LLC - 982 Hudson Avenue**

Motion By: Trustee Basile
Seconded By: Trustee Murphy

WHEREAS, the Board of Trustees of the Village of Stillwater previously designated itself as the Lead Agency pursuant to the State Environmental Quality Review Act (SEQRA), 6 NYCRR § 617.6, in the consideration and review of the Special Use Permit and Use Variance application by Stillwater Energy Storage, LLC (SES) to lease property at 982 Hudson Avenue (Tax Map # 244-1-8) to install and operate a lithium-ion powered battery energy storage system (BESS); and

WHEREAS, pursuant to NYCRR Part 617, the proposed action is an Unlisted Action requiring SEQRA review; and

WHEREAS, by resolution dated August 21, 2018, the Board referred the application to the County Planning Board pursuant to General Municipal Law 239-m; and

WHEREAS, the Board circulated the necessary lead agency notification for coordinated review to the Zoning Board of Appeals, who consented to same; and

WHEREAS, the Village's engineers have reviewed the application and provided recommendations to the Village Board by letter dated September 5, 2018; and

WHEREAS, a public hearing was noticed and duly held on September 18, 2018 to consider the environmental significance of the proposed action; and

WHEREAS, the Village Board has carefully considered and weighed the input by the County Planning Board, and members of the public; and

WHEREAS, pursuant to SEQRA, the applicant has prepared and completed a Short Environmental Assessment Form (EAF); Wetland and Stream Delineation Report, and Phase 1 Environmental Site Assessment; and

WHEREAS, the Village Board has reviewed the environmental findings and recommendations of the Village's engineers and planners with respect to the proposed action, and has duly reviewed the EAF and has considered the criteria contained in 6 NYCRR §617.7(c) to determine whether the proposed action will have a significant impact on the environment;

NOW THEREFORE, BE IT RESOLVED, that the Village Board hereby determines that the proposed SES application for the BESS at 982 Hudson Avenue will NOT have a significant adverse impact on the environment; and

NOW THEREFORE, BE IT RESOLVED, that the Village Board adopts the findings

and conclusion relating to probable environmental impacts contained within the attached Environmental Assessment Form (EAF) and Negative Declaration and authorizes the Village Clerk to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law.

The Village Board Members present were:

Voting:	Yes	No	Abstain	Absent
Trustee Basile	<u>X</u>	_____	_____	_____
Trustee Murphy	<u>X</u>	_____	_____	_____
Trustee Wood-Shaw	<u>X</u>	_____	_____	_____
Trustee Wood-Zeno	<u>X</u>	_____	_____	_____
Mayor Tatum	<u>X</u>	_____	_____	_____

I, Sheristin Tedesco, Village Clerk, do hereby verify that the foregoing is a true copy of a Resolution adopted by the Board of Trustees of the Village of Stillwater, Saratoga County, New York on October 2, 2018.

**VILLAGE OF STILLWATER
BOARD OF TRUSTEES**

**RESOLUTION APPROVING
SPECIAL USE PERMIT**

**Stillwater Energy Storage, LLC
October 2, 2018**

WHEREAS, Stillwater Energy Storage, LLC (herein “Applicant”) has filed an application for a Special Use Permit to lease property at 982 Hudson Avenue (Tax Map # 244-1-8) to install and operate a lithium-ion powered battery energy storage system (BESS). The property is located in the V-4 Mixed Use transect zone. Battery storage systems are permitted in said district subject to a special use permit; and

WHEREAS, the Board of Trustees of the Village of Stillwater acting on said application duly noticed the same in The Express, posted a notice at the premises and held a public hearing on said application at the Village Hall, 1 School Street, Stillwater on September 18, 2018; and all persons interested in the subject had the opportunity to be heard; and

WHEREAS, members of the Board of Trustees are familiar with the property and surrounding neighborhood; and

WHEREAS, the Board has determined that the proposed action is an Unlisted action pursuant to the New York State Environmental Quality Review Act (SEQRA) that will not have a significant impact on the environment; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees makes the following Findings of Fact and Conclusions of Law in the matter:

FINDINGS OF FACT

The applicant Stillwater Energy Storage, LLC (SES) has filed an application for a Special Use Permit to lease property at 982 Hudson Avenue (Tax Map # 244-1-8) to install and operate a lithium-ion powered battery energy storage system (BESS). The property is located in the V-4 Mixed Use transect zone. The property is located in the V-4 Mixed Use transect zone the proposed use requires a Special Use Permit pursuant to Article VI of the Village of Stillwater Form Based Code.

Representatives from NYSEG attended a Village Board meeting and advised that an electric transformer that serves the Village and Town of Stillwater has reached capacity and no longer meets local energy demands, especially during peak times. NYSEG proposes to contract with SES whereby the BESS will store energy to supplement the NYSEG transformer by releasing energy during peak demand times and recharging itself when demand is low. Representatives from SES attended Village Board meetings and advised that due to technical requirements, the BESS must be located within a specific geographical limit of the NYSEG transformer, and that the proposed project site at 982 Hudson Avenue was selected after review of numerous potential sites, including several that were not feasible.

The proposed project will occupy less than one-quarter (1/4) acre of land on the ±1.72 acre parcel located at 982 Hudson Avenue. The BESS will include two (2) battery storage containers, one (1) transformer to be placed on concrete pads. One of the concrete pads will be constructed to serve for one (1) additional future battery storage container. The battery containers are pre-engineered metal structures that are 8 ft. (w) x 38 ft. (l) x 9.5 ft. (h). Each battery container includes an HVAC unit. The battery container concrete pads are 342 sq. ft. each. The transformer concrete pad is 49 sq. ft. The project site will be enclosed by an eight (8) foot-high chain link fence for which a variance is required by the Zoning Board of Appeals. The fenced area will be approximately 3,335 sq. ft. (0.07 acres). Each battery unit will contain an OSHA compliant light. The fence will be marked with "Danger High Voltage" signage. An existing gravel driveway will be used to access the project site. The access is adequate for emergency fire, police and EMS vehicles. The BESS will be unmanned and monitored remotely. No water or sewer facilities will be used. The site will be graded for drainage, including a drainage swale (660 sq. ft.) on the north side of the site. The applicant estimates noise levels from the site equipment as follows: On site residence – 54dBA; south residence 47 dBA; north residence 43 dBA. Landscaping vegetation will be used to screen the project consisting of 3 inch caliber trees along the areas not bordered by existing tree lines.

Notice of the public hearing on the special use permit application and invitation for public comments, in person or by written submission, was published in the Express, posted at the Clerk's Office, posted on the property at 982 Hudson Avenue, and mailed to adjoining residents.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board of Trustees has taken into consideration the public health, safety and general welfare of the Village; the electrical energy needs of the community; the feasibility of alternative project sites; the comfort and convenience of the public in general and the surrounding properties in particular; and concludes that permitting the proposed lithium-ion powered battery energy storage system (BESS) at 982 Hudson Avenue will be in compliance with the Performance Standards set forth in Article VI of the Zoning Law.

Accordingly, the Board of Trustees hereby grants the applicant's request for a Special Use Permit to install and operate the BESS at 982 Hudson Avenue identified by Tax Map No. 244-1-8 in accordance with the plans and provisions set forth in the special use permit application filed with the Village, and with all other applicable laws, rules, and regulations, provided that the following additional conditions shall be and continue to be observed, kept, and satisfied by said applicant, to wit:

1. Approval is conditioned upon the applicant obtaining any federal, state, local or other permits/approvals as may be necessary, including but not limited to the requested use variance for a fence from the Zoning Board of Appeals;
2. This special use permit shall expire if project construction has not been commenced within one (1) year, and has not been completed within two (2) years of the date special use permit approval is granted.
3. This special use permit shall expire if the special use shall have ceased for more than twelve (12) consecutive months for any reason.
4. This special use permit shall expire on a date to be determined ten years after the battery is declared in service (unless it should expire sooner by reason of conditions 2 or 3 above). Extensions may be granted at the discretion of the Village Board of Trustees.
5. Approval is conditioned on the battery project not exceeding 10 dBs above the baseline ambient sound. Prior to placing the battery project into service, an ambient baseline sound survey shall be distance of 25 feet from the nearest fence point toward each residence. It shall ignore noise emanating from passing vehicles. The parameters of the baseline survey shall be agreed to by the Village Engineer. Upon placing the project into service and after the landscape screening is installed around the fencing, the sound survey shall be repeated. If the sound in decibels is greater than 10 dB above the baseline, additional sound attenuation shall be made by the applicant until the ambient sound increase is equal to or less than the 10 dBs; and
6. Approval is conditioned upon the applicant submitting an amended site plan showing the revised location of the battery project behind the residence at 982 Hudson Avenue, which amended site plan shall be subject to acceptance by the Village Mayor; and

7. Approval is conditioned upon the Village Mayor's acceptance of mutual agreement between Stillwater Energy Storage, LLC and the Village for a Public Benefit Fee and/or a Payment In Lieu of Taxes; and
8. Approval is conditioned upon the Village Zoning Board of Appeals approval of a use variance for the proposed eight foot high fence; and
9. Prior to installation of a second battery module, the Village reserves the right to impose additional conditions.

In the event of a violation of any of the aforesaid conditions, this permit may be revoked, provided, however, that once activities under this permit have been properly commenced, there shall be no such revocation until substantial evidence of such violation is presented to the Board of Trustees at a meeting thereof called for the purpose of hearing such evidence on notice to the applicant.

Voting:	Yes	No	Abstain	Absent
Trustee Basile	<u> X </u>	_____	_____	_____
Trustee Murphy	<u> X </u>	_____	_____	_____
Trustee Wood-Shaw	<u> X </u>	_____	_____	_____
Trustee Wood-Zeno	<u> X </u>	_____	_____	_____
Mayor Tatum	<u> X </u>	_____	_____	_____

I, Sheristin Tedesco, Village Clerk, do hereby verify that the foregoing is a true copy of a Resolution adopted by the Board of Trustees of the Village of Stillwater, Saratoga County, New York on October 2, 2018.

MOTION to amend the following Resolution Paragraph 5 from "Approval is conditioned on the battery project not exceeding 10 dBs above the baseline ambient sound. Prior to placing the battery project into service, an ambient baseline sound survey shall be performed at a distance of 25 feet from the nearest fence point toward each residence. It shall ignore noise emanating from passing vehicles. The parameters of the baseline survey shall be agreed to by the Village Engineer. Upon placing the project into service and after the landscape screening is installed around the fencing, the sound survey shall be repeated. If the sound in decibels is greater than 10 dB above the baseline, additional sound attenuation shall be made by the applicant until the ambient sound increase is equal to or less than the 10 dBs; and" to read "Approval is conditioned on the battery project not exceeding 10 dBs above the baseline ambient sound. Prior to placing the battery project into service, an ambient baseline sound survey shall be performed including the three nearest points of the adjacent residences. It shall ignore noise emanating from passing vehicles. The parameters of the baseline survey shall be agreed to by the Village Engineer. Upon placing the project into service and after the landscape screening is installed around the fencing, the sound survey shall be repeated. If the sound in decibels is greater than 10 dB above the baseline, additional sound attenuation shall be made by the applicant until the ambient sound increase is equal to or less than the 10 dBs at the three nearest points of the adjacent residences; and made by Trustee Basile, seconded by Trustee Murphy
Motion carried 4-0

MOTION to approve the Resolution as amended made by Trustee Basile, seconded by Trustee Murphy.
Motion carried 4-0

**VILLAGE OF STILLWATER
BOARD OF TRUSTEES**

**RESOLUTION APPROVING
SPECIAL USE PERMIT**

**Stillwater Energy Storage, LLC
October 2, 2018**

WHEREAS, Stillwater Energy Storage, LLC (herein "Applicant") has filed an application for a Special Use Permit to lease property at 982 Hudson Avenue (Tax Map # 244-1-8) to install and operate a lithium-ion powered battery energy storage system (BESS). The property is located in the V-4 Mixed Use transect zone. Battery storage systems are permitted in said district subject to a special use permit; and

WHEREAS, the Board of Trustees of the Village of Stillwater acting on said application duly noticed the same in The Express, posted a notice at the premises and held a public hearing on said application at the Village Hall, 1 School Street, Stillwater on September 18, 2018; and all persons interested in the subject had the opportunity to be heard; and

WHEREAS, members of the Board of Trustees are familiar with the property and surrounding neighborhood; and

WHEREAS, the Board has determined that the proposed action is an Unlisted action pursuant to the New York State Environmental Quality Review Act (SEQRA) that will not have a significant impact on the environment; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees makes the following Findings of Fact and Conclusions of Law in the matter:

FINDINGS OF FACT

The applicant Stillwater Energy Storage, LLC (SES) has filed an application for a Special Use Permit to lease property at 982 Hudson Avenue (Tax Map # 244-1-8) to install and operate a lithium-ion powered battery energy storage system (BESS). The property is located in the V-4 Mixed Use transect zone. The property is located in the V-4 Mixed Use transect zone the proposed use requires a Special Use Permit pursuant to Article VI of the Village of Stillwater Form Based Code.

Representatives from NYSEG attended a Village Board meeting and advised that an electric transformer that serves the Village and Town of Stillwater has reached capacity and no longer meets local energy demands, especially during peak times. NYSEG proposes to contract with SES whereby the BESS will store energy to supplement the NYSEG transformer by releasing energy during peak demand times and recharging itself when demand is low. Representatives from SES attended Village Board meetings and advised that due to technical requirements, the BESS must be located within a specific geographical limit of the NYSEG transformer, and that the proposed project site at 982 Hudson Avenue was selected after review of numerous potential sites, including several that were not feasible.

The proposed project will occupy less than one-quarter (1/4) acre of land on the ±1.72 acre parcel located at 982 Hudson Avenue. The BESS will include two (2) battery storage containers, one (1) transformer to be placed on concrete pads. One of the concrete pads will be constructed to serve for one (1) additional future battery storage container. The battery containers are pre-engineered metal structures that are 8 ft. (w) x 38 ft. (l) x 9.5 ft. (h). Each battery container includes an HVAC unit. The battery container concrete pads are 342 sq. ft. each. The transformer concrete pad is 49 sq. ft. The project site will be enclosed by an eight (8) foot-high chain link fence for which a variance is required by the Zoning Board of Appeals. The fenced area will be approximately 3,335 sq. ft. (0.07 acres). Each battery unit will contain an OSHA compliant light. The fence will be marked with "Danger High Voltage" signage. An existing gravel driveway will be used to access the project site. The access is adequate for emergency fire, police and EMS vehicles. The BESS will be unmanned and monitored remotely. No water or sewer facilities will be used. The site will be graded for drainage, including a drainage swale (660 sq. ft.) on the north side of the site. The applicant estimates noise levels from the site equipment as follows: On site residence – 54dBA; south residence 47 dBA; north residence 43 dBA. Landscaping vegetation will be used to screen the project consisting of 3 inch caliber trees along the areas not bordered by existing tree lines.

Notice of the public hearing on the special use permit application and invitation for public comments, in person or by written submission, was published in the Express, posted at the Clerk's Office, posted on the property at 982 Hudson Avenue, and mailed to adjoining residents.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board of Trustees has taken into consideration the public health, safety and general welfare of the Village; the electrical energy needs of the community; the feasibility of alternative project sites; the comfort and convenience of the public in general and the surrounding properties in particular; and concludes that permitting the proposed lithium-ion powered battery energy storage system (BESS) at 982 Hudson Avenue will be in compliance with the Performance Standards set forth in Article VI of the Zoning Law.

Accordingly, the Board of Trustees hereby grants the applicant's request for a Special Use Permit to install and operate the BESS at 982 Hudson Avenue identified by Tax Map No. 244-1-8 in accordance with the plans and provisions set forth in the special use permit application filed with the Village, and with all other applicable laws, rules, and regulations, provided that the following additional conditions shall be and continue to be observed, kept, and satisfied by said applicant, to wit:

10. Approval is conditioned upon the applicant obtaining any federal, state, local or other permits/approvals as may be necessary, including but not limited to the requested use variance for a fence from the Zoning Board of Appeals;
11. This special use permit shall expire if project construction has not been commenced within one (1) year, and has not been completed within two (2) years of the date special use permit approval is granted.
12. This special use permit shall expire if the special use shall have ceased for more than twelve (12) consecutive months for any reason.
13. This special use permit shall expire on a date to be determined ten years after the battery is declared in service (unless it should expire sooner by reason of conditions 2 or 3 above). Extensions may be granted at the discretion of the Village Board of Trustees.
14. Approval is conditioned on the battery project not exceeding 10 dBs above the baseline ambient sound. Prior to placing the battery project into service, an ambient baseline sound survey shall be performed including the three nearest points of the adjacent residences. It shall ignore noise emanating from passing vehicles. The parameters of the baseline survey shall be agreed to by the Village Engineer. Upon placing the project into service and after the landscape screening is installed around the fencing, the sound survey shall be repeated. If the sound in decibels is greater than 10 dB above the baseline, additional sound attenuation shall be made by the applicant until the ambient sound increase is equal to or less than the 10 dBs at the three nearest points of the adjacent residences; and
15. Approval is conditioned upon the applicant submitting an amended site plan showing the revised location of the battery project behind the residence at 982 Hudson Avenue, which amended site plan shall be subject to acceptance by the Village Mayor; and
16. Approval is conditioned upon the Village Mayor's acceptance of mutual agreement between Stillwater Energy Storage, LLC and the Village for a Public Benefit Fee and/or a Payment In Lieu of Taxes; and
17. Approval is conditioned upon the Village Zoning Board of Appeals approval of a use variance for the proposed eight foot high fence; and
18. Prior to installation of a second battery module, the Village reserves the right to impose additional conditions.

In the event of a violation of any of the aforesaid conditions, this permit may be revoked, provided, however, that once activities under this permit have been properly commenced, there shall be no such revocation until substantial evidence of such violation is presented to the Board of Trustees at a meeting thereof called for the purpose of hearing such evidence on notice to the applicant.

Voting:	Yes	No	Abstain	Absent
Trustee Basile	<u> X </u>	_____	_____	_____
Trustee Murphy	<u> X </u>	_____	_____	_____
Trustee Wood-Shaw	<u> X </u>	_____	_____	_____
Trustee Wood-Zeno	<u> X </u>	_____	_____	_____
Mayor Tatum	<u> X </u>	_____	_____	_____

I, Sheristin Tedesco, Village Clerk, do hereby verify that the foregoing is a true copy of a Resolution adopted by the Board of Trustees of the Village of Stillwater, Saratoga County, New York on October 2, 2018.

MOTION to enter executive session for legal consultation for contractual issues made by Trustee Basile, seconded by Trustee Murphy
 Motion carried 4-0

MOTION to exit executive session for legal consultation for contractual issues made by Trustee Murphy, seconded by Trustee Wood-Shaw

Motion carried 4-0

The Mayor appointed Judy Wood-Shaw and John Basile to negotiate with Stillwater Energy Storage, LLC for a public benefit fee or payment in lieu of taxes.

MOTION we request Stillwater Energy, LLC to increase the Escrow amount by \$1000.00 made by Trustee Basile, seconded by Trustee Murphy
Motion carried 4-0

MOTION to adjourn made by Trustee Murphy, seconded by Trustee Wood-Shaw.
Motion carried 4-0

Meeting adjourned 7:00 PM

Respectfully submitted,

Sheristin Tedesco
Clerk/Treasurer