CHARLES V. MARTABANO
Attorney at Law

9 Mekeel Street
Katonah, New York 10536
cmartabano@gmail.com
(914) 242-6200 Telephone
(914) 242-3291 Facsimile
(914) 760-9241 Cell

June 24, 2024

VIA HAND DELIVERY
Chairman Wayne Spector, and
Members of the Zoning Board of Appeals
Village of Mt. Kisco
104 Main Street
Mt. Kisco, New York 10549

Re: Application of Reliable Auto & Truck Repair for Variances as Described Herein
Owner: R. Scott Fisher, LLC
21 Cary Place, Mount Kisco New York
Tax Lot 80.56-2-1

Dear Chairman Spector and Members of the Zoning Board of Appeals:

Please be advised that the undersigned is counsel to Applicant R. Scott Fisher, LLC which is the owner of 21 Cary Place, Mount Kisco New York (Tax Lot 80.56-2-1) (hereinafter, "Subject Property"). As will be shown below, this application seeks to significantly improve a property upon which there is located a business which existed at this location for decades while providing essential services to individuals, businesses, police departments and municipalities. We therefore felt it imperative to advise the Zoning Board of the unique needs of this essential business and the manner in which the proposed changes will increase efficiencies and significantly upgrade the subject property. It should be noted in this regard that the Applicant has been prosecuting his application for site plan approval before the Planning Board commencing in February 2023 and has, in this regard, attended multiple meetings of the Planning Board and made multiple modifications to the proposed site plan prior to this submission to your Board.

The subject property is 0.45 acres located in the SC Zoning District at 21 Cary Place. The applicant's business, Reliable Auto & Truck Repair (hereinafter, "Reliable"), is a full automotive and truck repair business that has been servicing the community since 1991. Records of the Village confirm that the last site plan approval granted in connection with the subject property was issued in 1971 at a time during which the regulations applicable to this area of the Village were different from those which exist today. Accordingly, the subject property, as

previously approved in certain respects, does contain some components which are prior legal noncompliances as discussed below. Of the importance to the application at hand, the business currently occupies a 2,800 square foot service building with four (4) existing service bays and office space. Hours of operation are Monday – Friday 7:30 AM – 4:30 PM and the business is closed on weekends. Vehicles not under active repair are stored on site while waiting for necessary parts or the availability of a service bay.

While Reliable has occupied this site as a tenant for over twenty years, it only recently acquired the subject property through its real estate entity, R. Scott Fisher, LLC, the Applicant herein. Once the property was acquired by the principal of Reliable, Reliable was able to occupy it solely for its use. As a tenant on the property, Reliable did not have that ability and it should be noted that, prior to Reliable's acquisition of the subject property, other uses occupied and operated from the lower portion of the lot, including a towing and recovery facility. Reliable is not a towing or recovery facility and that use no longer occurs onsite and the entirety of the subject property will hereafter be utilized for Reliable's business purposes.

With respect to its essential inspection and repair facilities, it should be noted that New York State Department of Transportation classifies vehicles based on their Gross Vehicle Weight Rating (GVWR) and separates vehicles into light-duty, medium-duty and heavy-duty vehicles. The GVWR's are established as follows:

- Light duty: less than (<) 10,000 lbs.
- Medium duty: 10,000 to 17,999 pounds.
- Heavy-duty: greater than 18,000 pounds.

There are a limited number of service centers in the surrounding area which are certified or capable to work on and inspect medium and heavy-duty trucks. In fact, as pertains to heavy-duty trucks, the two closest inspection and repair facilities would be located in Briarcliff and Brewster New York. Able to service all vehicles referenced above, Reliable is one of those specialized centers and as such the majority of its clients consist of local municipalities, refuse haulers, highway departments, police departments, emergency services and fire departments. Reliable also provides crucial emission testing for medium duty and heavy-duty trucks, including diesel trucks. As these types of vehicles are often specialized and, in many cases, part of essential businesses/services, minimizing repair downtime is a critical component of Reliable's business and its service to the community.

Currently Reliable has four (4) vehicle service bays. By this application, the Applicant is seeking to construct a new 1,900 square foot building adjacent to the existing service center with two (2) new service bays which, as members of the Board might expect, must be sufficiently sized to accommodate the larger specialized vehicles serviced by Reliable. The new bays, if able

to be constructed in the manner shown by the proposed site plan, will be ideally suited to accommodate the large, heavy-duty truck repairs. The additional bays will also allow for longer duration repairs to remain at their workstation. In the vehicle service business, repair lengths vary from simple oil changes and services (short duration) to longer term repairs that are often dependent on parts availability and delivery to Reliable (such as engine/transmission changes, framework, etc.). Reliable is currently forced to move the vehicles for longer duration repairs into and out of service bays as parts become available and are delivered. As some of these vehicles are large in size and inoperable while being repaired, it is difficult to move them in and out of service bays. By adding the additional bays, there will be additional space for the longer duration vehicles to remain in a bay so they can be immediately worked on when parts arrive. Further, with the additional bays, the service technicians will be able to spend more time working on the longer duration repairs during down time between short duration services/repairs, thereby clearly enhancing efficiencies. The additional bays will also allow the long duration repairs to remain indoors where they are not exposed to the elements and improve overall site safety by minimizing the number of times vehicles are moved on the site.

As indicated above, Village records reflect that the last site plan approval for the property was approved in 1971 at a time when regulations were different than those which pertain today. As will be explained in detail by a representative of Insite Engineering at the public hearing, the Applicant's proposed site plan represents significant improvements to existing site conditions. As part of the proposed site plan, three existing sheds will be removed to provide space for the new building, and to remove an encroachment on a neighboring property. Existing asphalt and concrete will be removed to reconfigure the existing parking lot and create landscaped areas, ultimately reducing the amount of impervious surface on the property. The plan also proposes to improve the street scape along Cary Place and will add stormwater treatment to the site as currently none exists, a most significant improvement given the subject property's location. Further offsite landscaping will also be added to neighbor properties adjacent to the proposed building addition. A new chain link fence will be installed in the rear of the property to screen views from the Kisco River and to serve as a physical barrier between the site and the adjacent property. All of these features represent significant improvements over existing conditions.

The Requested Variances[1]

[1] Initially, in the Building Inspector's Memorandum of May 23, 2024, the Building Inspector cited the need to obtain a variance of Village Code §110-30 G (1) regarding distance of the driveway to any residential district. Current requirement is 200 feet. Current existing driveway separation distance is 25 feet (measured in the most conservative manner). This variance is identified in the Applicant's Application and was also identified in the Public Notice. Subsequently, through discussions with the Building Inspector, he agreed with my conclusion that as the location of the driveways represents a prior legal noncomplying condition unaffected by the current application, there was no need to obtain a variance of Village Code §110-30 G (1).

As an automotive service and repair facility, Reliable is a permitted use in the SC Service Commercial Zoning District. An analysis of the SC Zone Regulations has been provided on the project drawings, copies of which are being submitted herewith. As indicated above, the proposed site plan being submitted herewith has been reviewed by the Planning Board on multiple occasions and, following multiple iterations and revisions, has now been determined to be appropriate for referral to your Board for the granting of variances as herein requested. These variances, which have been identified by the Building Inspector in his comment memo[2] amended May 23, 2024, include the following:

1. A variance of Village Code §110-24.1 C (3) pertaining to maximum development coverage. Current requirement is 70%. Current development coverage is 98% and proposed is 90%, ***an actual reduction in development coverage***;

2. Three (3) variances of Village Code § 110-24.1 C (6) relating to setbacks including:

    a. Side yard abutting nonresidential district. Current requirement is 10 feet. Current setback is .1 feet (prior legal noncomplying setback). Proposed setback is 1 foot. The resultant variance is 9 feet;

    b. Side yard abutting residential district. Current requirement is 30 feet. Current setback is 56 feet. Proposed setback is 19 feet. Resultant variance is 11 feet;

    c. Rear Yard setback abutting nonresidential district. Current requirement is 10 feet. Current existing setback (to main building) is 55 feet. Proposed setback is 9 feet. Resultant variance is 1 foot.

Applicable Standard of Review

The Members of the Board are most familiar with the applicable standard of review where, as here, an Applicant seeks area variances, § 7-712-b 3 (b) of the Village Law provides as follows:

---

[2] As indicated above, as revised on May 23, 2024, the Building Inspector identified necessary variances. However, as this application for area variances is made in connection with a proposed site plan application, pursuant to §7-725-a of the Village Law, application for area variances in connection with a site plan application may be made without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations.

> In making its determination, the zoning board of appeals shall take into consideration the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the Applicant can be achieved by some method, feasible for the Applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

It is respectfully submitted, as detailed below, that under the unique facts and circumstances applicable to this property, the requested variances should be granted. In assessing and taking into consideration the bona fides of this application, it is respectfully submitted that members of the Board to take into consideration the unique location and unique configuration of the subject property. As set forth above, the property is located on Cary Place in the SC Service Commercial District. Additionally, this property is located at the extreme southern terminus of Cary Place. In connection with references to potential impact on the neighborhood or district, it is to be noted that a significant portion of the subject property abutting 21 Cary Place is property which is located in the PD Preservation District, such property being located on either side of the Kisco River. Accordingly, along this portion of the subject property there are not and will not be any neighboring residential property owners because the PD Preservation District does not permit residential development and uses set forth therein are essentially relegated to parks and open spaces. The other surrounding properties are, as aforesaid, located within the SC Service Commercial District and generally are approved for uses consistent with the purpose and intent of such district i.e. "to provide for a wide range of service, commercial and light industrial uses".[3]

Another most important factor for this Board to consider is the unique configuration of the subject property. As can be seen by reference to the submitted plans, the subject property is somewhat triangular in configuration and, as a consequence of same (and exacerbated by the setbacks referenced below), the unique needs of the applicant's business (to build an addition which can accommodate these large specialized service vehicles and also allow for proper turning radius to access the addition) are such as to necessitate the application for variances because of the necessary size and location of the addition and the unique configuration of the

[3] Notwithstanding the foregoing, there are a limited number of prior legal nonconforming residential uses and, as set forth below, with respect to one such abutting use, this Applicant has worked together with the owners to provide additional screening from the proposed addition.

subject property which causes difficulty in large vehicles accessing the new service bays. This will be explained in detail at the public hearing by representatives of Insite Engineering.

Dealing first with the variance of Village Code §110-24.1 C (3) pertaining to maximum development coverage, the current requirement is 70% while the pre-existing development coverage is 98%, it being understood in this regard that when the last site plan was approved, there was no maximum development coverage requirement in the Village Code. Under the current proposal, including all of the proposed improvements referenced above, we seek to ***decrease development coverage*** from the existing 98% to 90%. This does, however, represent a 20% variance being requested.

As set forth above and as will be evident from your Board's review of the proposed site plan with explanations provided by Insite Engineering, given the multiple improvements proposed for the subject property (last approved in 1971 as aforesaid), it cannot be said that the granting of the variance will produce an undesirable change in the character of the area or a detriment to nearby properties be created nor will it have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. In fact, as a consequence of the granting of the requested variances, the site plan will be markedly improved (including, with respect to development coverage, decreasing the nonconformity/increasing the conformity) as referenced above and will therefore actually constitute a benefit to nearby properties and an enhancement of environmental conditions in the neighborhood or district. This also represents an enhancement/improvement to conditions which existed decades prior to the enactment of the regulation, and as such, there is no self-created hardship. There is no manner in which the relief can be obtained other than through the granting of the requested variance. While the magnitude of the variance could be said to be somewhat significant, under these circumstances, I would submit that such factor in issue is not relevant to the requested relief where, as here, we are requesting that your Board grant a variance to allow development coverage which is less than that which currently exists.

The other requested variances are all variances of setbacks as governed by Village Code §110-24.1 C (6). The first such setback variance pertains to the side yard abutting a nonresidential district. The current requirement is 10 feet. The current setback (of the existing building) is .1 feet which again represents a prior legal noncomplying setback. However, as the proposed building addition will, of course, be attached to the existing repair shop, a variance is necessary with respect to the addition. With respect to the proposed site plan, the setback is 1 foot[4] and the magnitude of the requested variance is 9 feet. As will be explained by a representative of Insite Engineering at the public hearing, the Applicant worked very closely

[4] While it is acknowledged that the pre-existing setback is .1 feet and the addition will be attached to the pre-existing building, a review of the method by which setbacks are measured resulted in Insite taking a conservative approach and measure from the roof overhang which is 1 foot away from the northern property line, hence the request for a variance.

with the Planning Board to locate the building addition so as to locate same to provide proper turning radius so large vehicles requiring service could access the addition. Additionally, as referenced in the footnote above, the Applicant worked with the adjoining property owner to provide additional screening. The size and location of the addition and its ability to be accessed by the vehicles which will be serviced dictated the location of the addition thereby resulting in the need for the variance and, again, this will be explained by Insite Engineering at the public hearing. Again, referencing the standards applicable to the granting of the requested variance, the requested variance is necessary to allow for the addition to the building to be attached to the existing structure in a manner which actually works for the purpose of the addition to address existing on-site constraints. Considering all of the site benefits which will result from the granting of the requested variances and further considering the specialized needs of the Applicant's business, it is respectfully submitted that the granting of the requested variances will actually constitute a benefit to nearby properties and an enhancement of environmental conditions in the neighborhood or district. There is no way that the benefit sought by the Applicant can be achieved by some method, feasible for the Applicant to pursue, other than an area variance. While the variance might be viewed as substantial in magnitude, I believe that this factor is mitigated by the unique site conditions as well as the unique needs of the Applicant who again seeks to expand its business which performs an essential service as referenced above. Additionally, while it might be said that there is some element of self-created hardship, I believe that this is also addressed by the same factors of the unique site conditions and the unique needs of the Applicant who is involved in providing an essential service to the community.

With respect to the side yard abutting a residential district, as will be demonstrated at the public hearing, this is measured from the corner of the addition to the corner of the property next to the PD zone which, by reference to a map of the surrounding properties, represents a significant amount of property bordering 21 Cary Place. The current requirement is 30 feet. The current setback is 56 feet. The proposed setback is 19 feet and the requested variance is therefore 11 feet. Initially it is to be understood that the necessity for the variance is only brought about by the reason that a portion of the subject property is bordered by property owned by the Village of Mount Kisco which is zoned PD Preservation District. The irony is that although the PD zone is designated as a residential zoning district under the Mount Kisco Code and the required side yard setback is 30 feet (presumably for the protection of residential property owners), the fact is that the PD zone does not allow any residential use whatsoever so no neighbors could possibly be impacted by the granting of the requested variance. If the setback was, instead, be viewed more appropriately as being applicable to a nonresidential district, the site plan would illustrate that the setback complies with the 10 foot setback applicable to nonresidential districts. It is therefore respectfully asserted that where, as here, the very district that causes the increased setback applicable to residential districts does not allow residential uses, the need for the increased setback is obviated. Additionally, the building itself is located as far from the PD zone as possible.

Again, referencing the standards applicable to the granting of the requested variance, as set forth above, the requested variance is necessary to allow for the addition to the building to be attached to the existing structure in a manner which actually works for the purpose of the addition while addressing existing on-site constraints. Considering all of the site benefits which will result from the granting of the requested variances, it is respectfully submitted that the granting of the requested variances will actually constitute a benefit to nearby properties and an enhancement of environmental conditions in the neighborhood or district. This is especially true where, as here, as part of the application the Applicant is installing significant stormwater measures were presently known exist. Further, there are no residential neighbors/property owners who would be affected by the granting of the requested relief. There is no way that the benefit sought by the Applicant can be achieved by some method, feasible for the Applicant to pursue, other than an area variance. While the variance might be viewed as substantial in magnitude, I believe that this factor is mitigated by the unique site conditions as well as the unique needs of the Applicant who again seeks to expand its business which performs an essential service as referenced above. Additionally, while it might be said that there is some element of self-created hardship, I believe that this is also addressed by the same factors of the unique site conditions and the unique needs of the Applicant who is involved in providing an essential service to the community.

With respect to the rear yard setback abutting a nonresidential district. The current requirement is 10 feet. The current existing rear yard setback (to main building) is 55 feet. The proposed setback is 9 feet. The requested variance is 1 foot. Existing conditions are such that there is currently a shed and stockade fence that encroaches over the property line. The area itself is predominately concrete. The site plan calls for the removal of the encroachments and relocation of the stockade fence. In the rear yard setback resulting from the installation of the building addition, the existing pavement will be removed. Once again, referencing the standards applicable to the granting of the requested variance, as set forth above, the requested variance is necessary to allow for the addition to the building to be attached to the existing structure in a manner which actually works for the purpose of the addition to address existing on-site constraints and result in the construction and location of an addition which can serve the Applicant's specialized needs and present significant site plan upgrades to the subject property. Considering all of the site benefits which will result from the granting of the requested variances, it is respectfully submitted that the granting of the requested variances will actually constitute a benefit to nearby properties and an enhancement of environmental conditions in the neighborhood or district. There is no way that the benefit sought by the Applicant can be achieved by some method, feasible for the Applicant to pursue, other than an area variance. The requested variance cannot be said to be significant in magnitude. Additionally, while it might be said that there is some element of self-created hardship, I believe that this is also addressed by the same factors of the unique site conditions and the unique needs of the Applicant who is involved in providing an essential service to the community.

I apologize for the length of this narrative but I felt it necessary to emphasize the truly unique characteristics of the subject site and the Applicant's specialized needs while at the same time, with Insite Engineering's assistance, addressing the significant improvements which will be made to the subject property if the variances are granted. We look forward to appearing before your Board on July 16, 2024 to present further evidence in support of the requested variances.

Yours very truly,

Charles V. Martabano

cc: Building Inspector Peter Miley
Jan Johannessen AICP
Zoning Board Counsel Lisa Cobb Esq.
Insite Engineering
R. Scott Fisher, LLC

CHARLES V. MARTABANO
Attorney at Law

9 Mekeel Street
Katonah, New York 10536
cmartabano@gmail.com
(914) 242-6200 Telephone
(914) 242-3291 Facsimile
(914) 760-9241 Cell

June 27, 2024

VIA HAND DELIVERY
Michelle Russo, Secretary
Zoning Board of Appeals
Village of Mt. Kisco
104 Main Street
Mt. Kisco, New York 10549

Re: Application of Reliable Auto & Truck Repair for Variances
Owner: R. Scott Fisher, LLC
21 Cary Place, Mount Kisco New York
Tax Lot 80.56-2-1

Dear Michelle:

In connection with the above referenced matter please find attached hereto/submitted herewith the following:

1. Ten (10) copies of executed and notarized application of R. Scott Fisher, LLC for variances;

2. Ten (10) copies of the typewritten narrative statement of principal points of appeal by Charles V. Martabano, Esq.;

3. Ten (10) copies of site plans prepared by Insite Engineering;

4. Ten (10) copies of the deed to the premises;

5. Ten (10) copies of the Public Notice;

6. Ten (10) copies of the block diagram provided by the Village for notice purposes;

7. Ten (10) copies of a full list of the names and addresses of owners of all property shown on the block diagram located within 300 feet of the subject property;

8. Ten (10) copies of photographs showing conditions on both sides of Cary Place

9. Ten (10) copies of a floor plan of the subject building (by Joe Lazarchek, Architect);

10. Ten (10) copies of a longitudinal section of the building (by Joe Lazarchek, Architect);

11. My client's check in the amount of $750 for the application fee.

We have arranged for publication of the Public Notice and will provide the affidavit upon receipt. We will also attend to the mailings and will provide you with the affidavit of mailing upon completion.

As always, thank you for your assistance in connection with this matter. If you have any questions with respect to the foregoing or the attached, please do not hesitate to contact me.

Yours very truly,

Charles V. Martabano

cc: Building Inspector Peter Miley
Jan Johannessen AICP
Zoning Board Counsel Lisa Cobb Esq.
Insite Engineering
R. Scott Fisher, LLC

Date: _____ Case No.: _____

Fee: _____ Date Filed: _____

Village/Town of Mount Kisco
Municipal Building
104 Main Street, Mt. Kisco, NY 10549

Zoning Board of Appeals
Application

Appellant: R. Scott Fisher, LLC
Address: 21 Cary Place, Mt. Kisco, NY 10549
Address of subject property (if different): _____

Appellant's relationship to subject property: X Owner _____ Lessee ____ Other

Property owner (if different): Same as above
Address: _____

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken from the decision of the Building Inspector, not applicable, appeal is pursuant to §7-725-a of the Village Law dated _____ . Application is hereby made for the following:

_____ Variation **or** _____ Interpretation of Section ____ of the Code of the Village/Town of Mount Kisco, *See attached for requested variances

to permit the: X Erection; ____ Alteration; ____ Conversion; ____ Maintenance of The applicant proposes to build a 1,900 SF building on his property and decrease impervious surfaces on the property. The new building addition will house two additional auto repair service bays, in addition to the 4 existing bays.
for Property ID # 80.56-2-1 _____ located in the SC ___ Zoning District.
The subject premises is situated on the East side of (street) Cary Place
_____ in the Village/Town of Mount Kisco, County of Westchester, NY.
Does property face on two different public streets? Yes/No No
(If on two streets, give both street names) _____
_____
Type of Variance sought: _____ Use ___X Area

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property? __Yes

Is there an approved site plan for this property? No _ in connection with a __x__ Proposed or _____ Existing building; erected (yr.) _____

Size of Lot: _188____ feet wide ___150 __ feet deep Area _19,445 s.f.___

Size of Building: at street level _80'_____ feet wide _35'_____ feet deep
(45' proposed) (43' proposed)

Height of building: 15' (29'8" proposed) Present use of building: _Automotive repair
_____

Does this building contain a nonconforming use? No Please identify and explain: ___
While there is no use noncompliance, the building and site have prior legal nonconforming features

Is this building classified as a non-complying use? _No Please identify and explain: ___
While there is no use noncompliance, the building and site have prior legal nonconforming features

Has any previous application or appeal been filed with this Board for these premises? Yes/No? __No

Was a variance ever granted for this property? _No__ If so, please identify and explain:
_____

Are there any violations pending against this property? _No_ If so, please identify and explain: _____

Has a Work Stop Order or Appearance Ticket been served relative to this matter?
___ Yes or _X_ No Date of Issue: _____

Have you inquired of the Village Clerk whether there is a petition pending to change the subject zoning district or regulations? _____

I submit the following attached documents, drawings, photographs and any other items listed as evidence and support and to be part of this application:

The following items <u>MUST</u> be submitted:

a) **Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on _____ upon which this application is based.** not applicable, appeal is pursuant to §7-725-a of the Village Law

b) **Copy of notice to the administrative official that I have appealed, setting forth the grounds of appeal and have requested the application to be scheduled for a public hearing.** N/A

c) **A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.**

d) **Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).**

e) **A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.**

f) **A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.**

g) **A copy of the Public Notice for the public hearing of this application.**

h) **A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.**

NOTE: APPLICANT MUST CAUSE A TRUE COPY OF THE PUBLIC NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE VILLAGE <u>AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING</u>.

i) **A true copy of the filed deed and/or signed lease or contract for the use of the subject property.**

***j)** **At least two sets of unmounted photographs, 4" by 6" in size, showing actual conditions on both sides of street, between intersecting streets. Print street names and mark premises in question.**

***k)** **A floor plan of the subject building with all the necessary measurements.**

***l)** **A longitudinal section of the subject building and heights marked thereon as well as front elevations.**

*** Optional - As Needed**

I hereby depose & say that all the above statements and the statements contained in the papers submitted herewith are true. _____
(Appellant to sign here)

Sworn to before me this day of: June 27, 2024

Notary Public, Barbara J. Guest, County, NY

Barbara J Guest

BARBARA J GUEST
NOTARY PUBLIC STATE OF NEW YORK
NO. 01GU5085886
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRES SEPTEMBER 29, 2025

[TO BE COMPLETED IF APPELLANT IS NOT THE PROPERTY OWNER IN FEE]
State of New York }
County of Westchester } ss

Being duly sworn, deposes and say that he resides at _____ in the County of Westchester, in the State of New York, that he is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Village of Mount Kisco, County of Westchester aforesaid and known and designated as number _____ and that he hereby authorized _____ to make the annexed application in his behalf and that the statements contained in said application are true.

_____
(sign here)

AFFIDAVIT OF MAILING

STATE OF NEW YORK }
} SS.:
COUNTY OF WESTCHESTER }

Richard Williams, Jr., PE being duly sworn, deposes and says:

I reside at Insite Engineering, Surveying and Landscape Architecture, PC
3 Garrett Place, Carmel, NY

On July 2 20 24 I served a notice of hearing, a copy of which is annexed hereto and marked Exhibit A, upon persons whose names are listed in a schedule of property owners within 300 feet of the subject property identified in this notice. A copy of this schedule of property owners' names is annexed hereto as Exhibit B. I deposited a true copy of such notice in a postpaid property addressed wrapper addressed to the addresses set forth in Exhibit B, in a post office or official depository under the exclusive care and custody of the United States Post Office, within the County of Westchester.

Sworn to before me on this:

8th day of July 2024

Alicia Hansen
Notary Public

Alicia Hansen
Notary Public, State of New York
Reg. # 01HA6086470
Qualified in Dutchess County
Commission Expires January 21, 2027

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 16th day of July, 2024 at the Municipal Building, Mount Kisco, New York beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

R. Scott Fisher, LLC
21 Cary Place,
Mount Kisco, New York 10549

pursuant to §7-725-a of the Village Law requesting area variances in connection with the Applicant's application for site plan approval. The property involved is known as 21 Cary Place Mount Kisco, NY 10549 and is described on the Village Tax Map as Section 80.56; Block 2; Lot 1; and is located on the east side of Cary Place in an SC Service Commercial Zoning District. Said appeal is being made pursuant to Village Law §7-712-b to obtain the following variances:

1. A variance of Village Code §110-24.1 C (3) pertaining to maximum development coverage. Current requirement is 70%. Current development coverage is 98% and proposed is 90%, an actual reduction in development coverage;

2. Three (3) variances of Village Code §110-24.1 C (6) relating to setbacks including:

    a. Side yard setback abutting nonresidential district. Current requirement is 10 feet. Current setback is .1 feet (prior legal noncomplying setback). Proposed setback is 1 foot;

    b. Side yard setback abutting residential district. Current requirement is 30 feet. Current setback is 56 feet. Proposed setback is 9 feet;

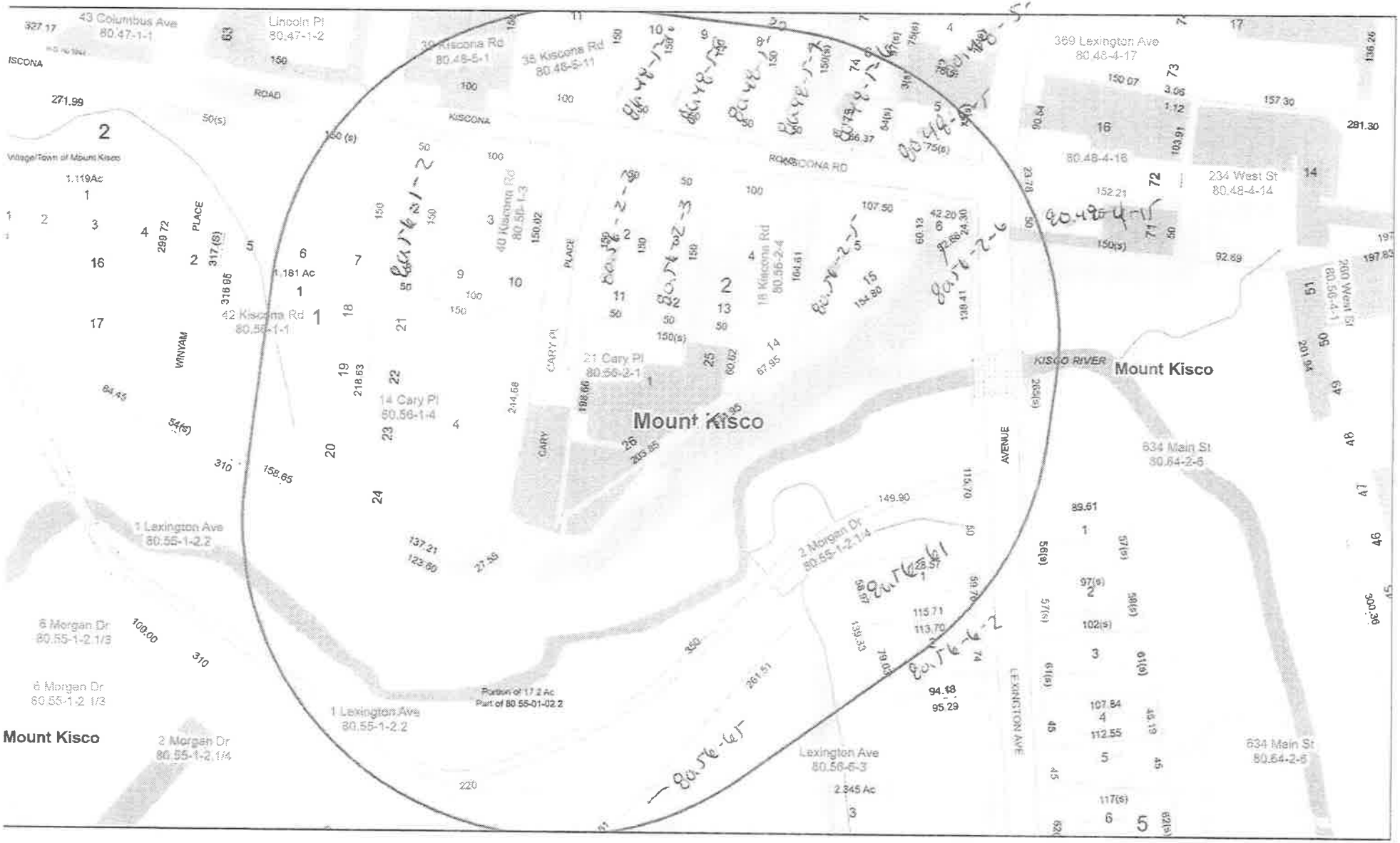
    c. Rear Yard setback abutting nonresidential district. Current requirement is 10 feet. Current existing (to main building) is 55 feet. Proposed setback is 90;

3. Variance of Village Code §110-30 G (1) regarding distance of the driveway to any residential district. Current requirement is 200 feet. Current existing is 25 feet.

Wayne Spector, Chair
Zoning Board of Appeals
Village/Town of Mount Kisco

OWNERNAME	PROPADDRESS	PROPCITY	PROPZIP	PROPPRINTKEY	C/O	Mailing Address	City	State	Zip
Rosemar Development LLC	42 Kiscona Rd	MOUNT KISCO	10549	80.56-1-1	Attn: Frank Rivera	PO Box 476	Bronx	NY	10455
25 Kiscona Road MK LLC	25 Kiscona Rd	MOUNT KISCO	10549	80.48-5-10	Attn: Pasquale Cardozza	39 S Church St	Bedford Hills	NY	10507
Lucadamo, Linda	14 Cary Pl	MOUNT KISCO	10549	80.56-1-4		149 Meadow Lane	New Rochelle	NY	10805
Ursino, Vittorio	8 Kiscona Rd	MOUNT KISCO	10549	80.56-2-5		12 Kiscona Rd	Mt. Kisco	NY	10549
CSMA, LLC	23 Kiscona Rd	MOUNT KISCO	10549	80.48-5-9		13 Wheeler Rd	North Salem	NY	10560
Rosemar Development LLC	42 Kiscona Rd	MOUNT KISCO	10549	80.56-1-2	Attn: Frank Rivera	PO Box 476	Bronx	NY	10455
408 Lexington Ave LLC	408 Lexington Ave	MOUNT KISCO	10549	80.56-6-2	Antonio Bueti	40 New Castle Dr	Mt. Kisco	NY	10549
440 Lexington Ave Mt Kisco Co	Lexington Ave	MOUNT KISCO	10549	80.56-6-3		27 Radio Circle Dr	Mt. Kisco	NY	10549
AGLA Realty Corp	356 Lexington Ave	MOUNT KISCO	10549	80.48-5-5	Agim Rexhas	829 Park Ave	New York	NY	10021
Lopez, Ramiro	354 Lexington Ave	MOUNT KISCO	10549	80.48-5-4		85 Manchester Dr	Mt. Kisco	NY	10549
Rosemar Development LLC	40 Kiscona Rd	MOUNT KISCO	10549	80.56-1-3	Attn: Frank Rivera	PO Box 476	Bronx	NY	10455
Kiscona Road Realty Corp	39 Kiscona Rd	MOUNT KISCO	10549	80.48-5-1		293 Dingle Ridge Rd	Brewster	NY	10509
Burns George	21 Cary Pl	MOUNT KISCO	10549	80.56-2-1	NA				
Cambareri, Carmelo	370 Lexington Ave	MOUNT KISCO	10549	80.56-2-6		42 Woodland St	Mt. Kisco	NY	10549
Cosentino Joseph C	22 Kiscona Rd	MOUNT KISCO	10549	80.56-2-3	Antoinette Carino	19 Sunderland Ln	Katonah	NY	10536
Fedele, Felice	18 Kiscona Rd	MOUNT KISCO	10549	80.56-2-4		64 Woodland St	Mt. Kisco	NY	10549
Village of Mount Kisco	634 Main St	MOUNT KISCO	10549	80.64-2-6		104 Main Street	Mt. Kisco	NY	10549
Marcos Mercedes	13 Kiscona Rd	MOUNT KISCO	10549	80.48-5-7					
Village of Mount Kisco	1 Lexington Ave	MOUNT KISCO	10549	80.55-1-2.2		104 Main Street	Mt. Kisco	NY	10549
Kiscona Road Realty Corp	35 Kiscona Rd	MOUNT KISCO	10549	80.48-5-11		293 Dingle Ridge Rd	Brewster	NY	10509
Diblasio, Yvonne	402 Lexington Ave	MOUNT KISCO	10549	80.56-6-1		PO Box 635	Mt. Kisco	NY	10549
Unden, John	19 Kiscona Rd	MOUNT KISCO	10549	80.48-5-8		19 A Kiscona Rd	Mt. Kisco	NY	10549
Kisco Radio Circle Assoc., LLC	40 Radio Circle Dr	MOUNT KISCO	10549	80.56-6-5		PO Box 266	Nanuet	NY	10594
Radio City Ventures, LLC	2 Morgan Dr	MOUNT KISCO	10549	80.55-1-2.1/4		1590 Troy Ave	Brooklyn	NY	11234
26 Kiscona Road Corp	26 Kiscona Rd	MOUNT KISCO	10549	80.56-2-2					
Mendelson Mark	385 Lexington Ave	MOUNT KISCO	10549	80.48-4-15					
Giardina, Anthony Jr	9 Kiscona Rd	MOUNT KISCO	10549	80.48-5-6		PO Box 158	Mt. Kisco	NY	10549

21 Cary Pl. ID: 80.56-2-1 (Mount Kisco)



May 9, 2024

Tax parcel data was provided by local municipality. This map is generated as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact local municipality assessor's office.

1:1,500

N

0 70 140 280 ft

Westchester County GIS

GIS

http://giswww.westchestergov.com

Michaelian Office Building

148 Martine Avenue Rm 214

White Plains, New York 10601

10325367, 1466226

AFFIDAVIT OF PUBLICATION

State of Wisconsin
County of Brown

Linda Tutt being duly sworn, deposes and says she is the Principal Clerk of **The Journal News**, Division of Gannett Newspaper Subsidiary, publishers of following newspaper published in Westchester and Rockland Counties, State of New York, of which annexed is a printed copy, out from said newspaper has been published in said newspaper editions dated:

07/01/2024

Linda Tutt

Subscribed and sworn to before me this 01 day of July, 2024

Kathleen Allen

Exp 1-7-25

Notary Public
State of Wisconsin, County of Brown

KATHLEEN ALLEN
Notary Public
State of Wisconsin

RECEIVED
JUL 08 2024
Zoning Board of Appeals
Village/Town of Mount Kisco

R. Scott Fischer ZBA Notice

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of
Mount Kisco, New York will hold a Public Hearing on the 16th day of July, 2024 at the Municipal Building, Mount Kisco, New York beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of
R. Scott Fisher, LLC
21 Cary Place,
Mount Kisco, New York 10549

pursuant to §7-725-a of the Village Law requesting area variances in connection with the Applicant's application for site plan approval. The property involved is known as 21 Cary Place Mount Kisco, NY 10549 and is described on the Village Tax Map as Section 80.56; Block 2; Lot 1; and is located on the east side of Cary Place in an SC Service Commercial Zoning District. Said appeal is being made pursuant to Village Law §7-712-b to obtain the following variances:
A variance of Village Code §110-24.1 C (3) pertaining to maximum development coverage. Current requirement is 70%. Current development coverage is 98% and proposed is 90%, an actual reduction in development coverage;

Three (3) variances of Village Code §110-24.1 C (6) relating to setbacks including:

Side yard setback abutting nonresidential district. Current requirement is 10 feet. Current setback is .1 feet (prior legal noncomplying setback). Proposed setback is 1 foot;

Side yard setback abutting residential district. Current requirement is 30 feet. Current setback is 56 feet. Proposed setback is 9 feet;

Rear Yard setback abutting nonresidential district. Current requirement is 10 feet. Current existing (to main building) is 55 feet. Proposed setback is 90;

Variance of Village Code §110-30 G (1) regarding distance of the driveway to any residential district. Current requirement is 200 feet. Current existing is 25 feet.

Wayne Spector, Chair
Zoning Board of Appeals
Village/Town of Mount Kisco

July 1 2024
LNYS0122421

State of New York)
) ss:
County of Westchester)

AFFIDAVIT OF POSTING

Gilmar Palacios Chin, being duly sworn, says that on the 9th day of July 2024, he conspicuously fastened up and posted in seven public places, in the Village/Town of Mount Kisco, County of Westchester, a printed notice of which the annexed is a true copy, to Wit: ---

Municipal Building – 104 Main Street	X
Public Library 100 Main Street	X
Fox Center	X
Justice Court – Green Street 40 Green Street	X
Mt. Kisco Ambulance Corp 310 Lexington Ave	X
Carpenter Avenue Community House 200 Carpenter Avenue	X
Leonard Park Multi Purpose Bldg	X

Gilmar Palacios Chin

Sworn to before me this 9th day of July 2024

Michelle K. Russo
Notary Public

MICHELLE K. RUSSO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RU6313298
Qualified in Putnam County
My Commission Expires 10-20-2026

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.

620563317DED002X

Westchester County Recording & Endorsement Page

Submitter Information

Name:	Thoroughbred Title Services, LLC	Phone:	914-644-6100
Address 1:	800 Westchester Avenue	Fax:	914-644-6159
Address 2:	Suite S514	Email:	recording@thoroughbredtitleservices.co
City/State/Zip:	Rye Brook NY 10573	Reference for Submitter:	46973 FISCHER

Document Details

Control Number: **620563317** Document Type: **Deed (DED)**

Package ID: 2022022500178001001 Document Page Count: **3** Total Page Count: **4**

Parties

☐ Additional Parties on Continuation page

	1st PARTY		2nd PARTY	
1:	GEORGE BURNS REVOCABLE LIVING TRUST	- Other	1: R SCOTT FISCHER LLC	- Other
2:	BURNS GEORGE	- Individual	2:	

Property

☐ Additional Properties on Continuation page

Street Address: 21 CARY PLACE Tax Designation: 80.56-2-1

City/Town: MOUNT KISCO Village:

Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: RP-5217 2: TP-584

Recording Fees

Statutory Recording Fee:	$40.00
Page Fee:	$20.00
Cross-Reference Fee:	$0.00
Mortgage Affidavit Filing Fee:	$0.00
RP-5217 Filing Fee:	$250.00
TP-584 Filing Fee:	$5.00
RPL 291 Notice Fee:	$0.00
Total Recording Fees Paid:	**$315.00**

Transfer Taxes

Consideration:	$720,488.95
Transfer Tax:	$2,882.00
Mansion Tax:	$0.00
Transfer Tax Number:	11507

Mortgage Taxes

Document Date:

Mortgage Amount:

Basic:	$0.00
Westchester:	$0.00
Additional:	$0.00
MTA:	$0.00
Special:	$0.00
Yonkers:	$0.00
Total Mortgage Tax:	**$0.00**

Dwelling Type: Exempt: ☐

Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK

Recorded: 03/11/2022 at 09:00 AM

Control Number: **620563317**

Witness my hand and official seal

Timothy C.Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

Thoroughbred Title Services
800 Weschester Avenue
Suite S514
Rye Brook, NY 10573

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the as of 28th day of ~~December~~ February, ~~2021~~ 2022

BETWEEN

GEORGE BURNS, TRUSTEE OF THE GEORGE BURNS REVOCABLE LIVING TRUST, dated June 29,2017
76 Fordington Drive
Poughquag, NY 12570

party of the first part, and

R. SCOTT FISCHER, LLC
21 Carey Place
Mt. Kisco, NY 10549

party of the second part,

WITNESSETH, that the party of the first part, in consideration of
$730,028.22 (seven hundred thirty thousand twenty eight and 22/100)..... dollars
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Village and Town of Mt. Kisco, County of Westchester and State of New York, described on Schedule A attached hereto and made a part hereof.

Being the same premises conveyed to the grantor by deed dated 6/29/2017 recorded 8/3/2017 in Control No. 571773360.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

_____

GEORGE BURNS, TRUSTEE of the George Burns Revocable Living Trust

_____

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Westchester, ss:

On the 25 day of February in the year 2022 before me, the undersigned, personally appeared George Burns,

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Georgianne M. Berte

NOTARY PUBLIC

Georgianne M. Berte
Notary Public, State of New York
No. 02BE4875234
Qualified in Westchester County
Commission Expires Oct 6, 2022

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of , ss:

On the day of in the year , before me, the undersigned, personally appeared ,

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE

State of New York, County of , ss:

On the day of in the year , before me, the undersigned, a Notary Public in and for said State, personally appeared ,

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in (if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

NOTARY PUBLIC

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

State of , County of , ss:

On the day of in the year , before me, the undersigned personally appeared ,

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

NOTARY PUBLIC

Bargain and Sale Deed With Covenants

TO

Title No. TTS 46973

COUNTY: Westchester

TOWN/CITY: Mount Kisco

PROPERTY ADDRESS: 21 Cary Place

SECTION: 80.56

BLOCK: 2

LOT: 1

DISTRIBUTED BY

JUDICIAL TITLE

T: 800-281-TITLE F: 800-FAX-9396

RETURN BY MAIL TO:

Thoroughbred Title Services

800 Westchester Ave, Suite S514

Rye Brook, NY 10573

THOROUGHBRED TITLE SERVICES, LLC
as Agent for
Radian Title Insurance Inc.

SCHEDULE A (Legal Description)

Title No.: TTS46973

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Mount Kisco, Village of Mount Kisco, County of Westchester, and State of New York, commonly known as Lots Nos. 25 and 26 on map entitled, "Map No. 1 of property belonging to Charles H. Banks, situate in the Village of Mount Kisco, Westchester County, New York" made by E.F. Darling, C.E. and filed in the Office of the Clerk of Westchester County, Division of Land Records, on April 14, 1914, in Volume 41 of Maps, page 14, being further described as follows:

BEGINNING at a point of intersection of the easterly side of Cary Place and the division line between Lots 25, 11, 12 & 13 on said map;

THENCE RUNNING from said point along the last mentioned division line, South 73 degrees 39 minutes 20 seconds East, 150.00 feet to a point on the division line between Lots 25 & 14 on said map;

THENCE RUNNING along the last mentioned division line, South 16 degrees 20 minutes 40 seconds West, 60.62 feet to a point on the division line between Lot 26 on said map and lands now or formerly of the City of New York;

THENCE RUNNING along the last mentioned division line, South 63 degrees 43 minutes 20 seconds West, 203.85 feet to a point on the easterly side of Cary Place;

THENCE RUNNING along same, North 16 degrees 20 minutes 40 seconds East, 198.66 feet to the point and place of BEGINNING.

FOR CONVEYANCING ONLY

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

PHOTOS FROM GOOGLE EARTH JUNE 2023

PROJECT: R. SCOTT FISCHER, LLC RELIABLE AUTO AND TRUCK REPAIR 21 Cary Pl, Mt Kisco, Westchester County, New York DRAWING: STREET CONDITIONS PHOTOS	PREPARED BY: INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C. 3 Garrett Place • Carmel, New York 10512 Phone (845) 225-9690 • Fax (845) 225-9717 www.insite-eng.com	GRAPHIC SCALE 0 10 20 40 (IN FEET) 1 inch = 20 ft.

DATE:	6-24-24
SCALE:	N/A
PROJECT NO.:	22122.100
FIGURE:	1

Z:\E\22122100 Fischer Mt Kisco\Misc Drawing Files\Street conditions photos.dwg, 6/25/2024 9:17:44 AM, nblau, 1:1

PHOTOS FROM GOOGLE EARTH JUNE 2023

PROJECT: R. SCOTT FISCHER, LLC RELIABLE AUTO AND TRUCK REPAIR 21 Cary Pl, Mt Kisco, Westchester County, New York DRAWING: STREET CONDITIONS PHOTOS	PREPARED BY: INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C. 3 Garrett Place • Carmel, New York 10512 Phone (845) 225-9690 • Fax (845) 225-9717 www.insite-eng.com	GRAPHIC SCALE 0 10 20 40 (IN FEET) 1 inch = 20 ft.	DATE: 6-24-24 SCALE: N/A PROJECT NO.: 22122.100 FIGURE: 2

21 CARY PLACE

PHOTOS FROM GOOGLE EARTH JUNE 2023

PROJECT: R. SCOTT FISCHER, LLC RELIABLE AUTO AND TRUCK REPAIR 21 Cary Pl, Mt Kisco, Westchester County, New York	PREPARED BY: INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C. 3 Garrett Place • Carmel, New York 10512 Phone (845) 225-9690 • Fax (845) 225-9717 www.insite-eng.com	DATE: 6-24-24 SCALE: N/A PROJECT NO.: 22122.100 FIGURE: 3
DRAWING: STREET CONDITIONS PHOTOS	GRAPHIC SCALE 0 10 20 40 (IN FEET) 1 inch = 20 ft.	

40 KISCONA ROAD

PHOTOS FROM GOOGLE EARTH JUNE 2023

PROJECT: R. SCOTT FISCHER, LLC RELIABLE AUTO AND TRUCK REPAIR 21 Cary Pl, Mt Kisco, Westchester County, New York	PREPARED BY: INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C. 3 Garrett Place • Carmel, New York 10512 Phone (845) 225-9690 • Fax (845) 225-9717 www.insite-eng.com	DATE: 6-24-24
DRAWING: STREET CONDITIONS PHOTOS	GRAPHIC SCALE 0 10 20 40 (IN FEET) 1 inch = 20 ft.	SCALE: N/A PROJECT NO.: 22122.100 FIGURE: 4

Z:\E\22122100 Fischer Mt Kisco\Misc Drawing Files\Street conditions photos.dwg, 6/25/2024 9:18:56 AM, nblau, 1:1

40 KISCONA ROAD

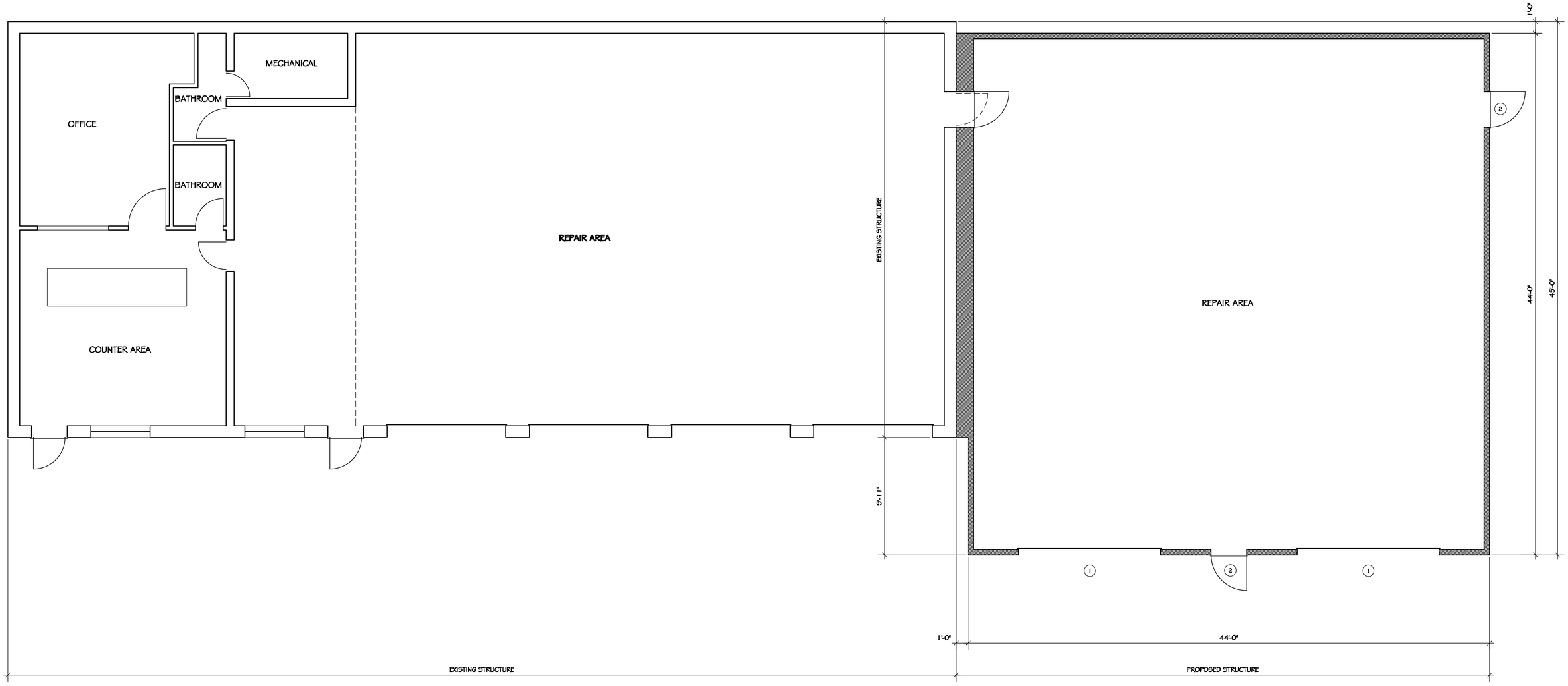
PHOTOS FROM GOOGLE EARTH JUNE 2023

PROJECT: R. SCOTT FISCHER, LLC RELIABLE AUTO AND TRUCK REPAIR 21 Cary Pl, Mt Kisco, Westchester County, New York DRAWING: STREET CONDITIONS PHOTOS	PREPARED BY: INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C. 3 Garrett Place • Carmel, New York 10512 Phone (845) 225-9690 • Fax (845) 225-9717 www.insite-eng.com	GRAPHIC SCALE 0 10 20 40 (IN FEET) 1 inch = 20 ft.	DATE: 6-24-24 SCALE: N/A PROJECT NO.: 22122.100 FIGURE: 5

14 CARY PLACE

PHOTOS FROM GOOGLE EARTH JUNE 2023

PROJECT: R. SCOTT FISCHER, LLC RELIABLE AUTO AND TRUCK REPAIR 21 Cary Pl, Mt Kisco, Westchester County, New York DRAWING: STREET CONDITIONS PHOTOS	PREPARED BY: INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C. 3 Garrett Place • Carmel, New York 10512 Phone (845) 225-9690 • Fax (845) 225-9717 www.insite-eng.com	GRAPHIC SCALE 0 10 20 40 (IN FEET) 1 inch = 20 ft.	DATE: 6-24-24 SCALE: N/A PROJECT NO.: 22122.100 FIGURE: 6



1 LOWER LEVEL PLAN - EXISTING & PROPOSED

1/4 INCH : 1 FOOT

SYMBOLS

- NEW PARTITIONS
- EXISTING CONSTRUCTION TO BE REMOVED
- EXISTING PARTITIONS
- (1) DOOR MARK
- (1) WINDOW MARK

DO NOT SCALE DRAWING

project
proposed addition
reliable auto & truck repair
21 cary place
mount kisco , ny 10549

north arrow

seal

jpl architects
30 faber knolls, pawling new york 12564, 845 855 3042
po box 311, somers new york 10589, 914 277 7232

job no 316
date 05/23
scale as noted
scale as noted
drawn by jpl
checked by jpl

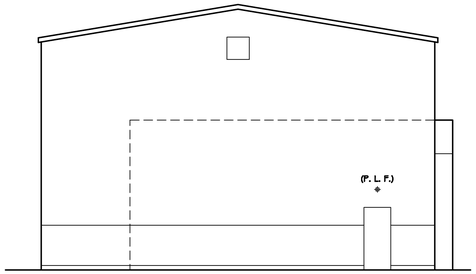
sheet no
A 101
plan

revisions

FILING PRINT
JUNE 30, 2023

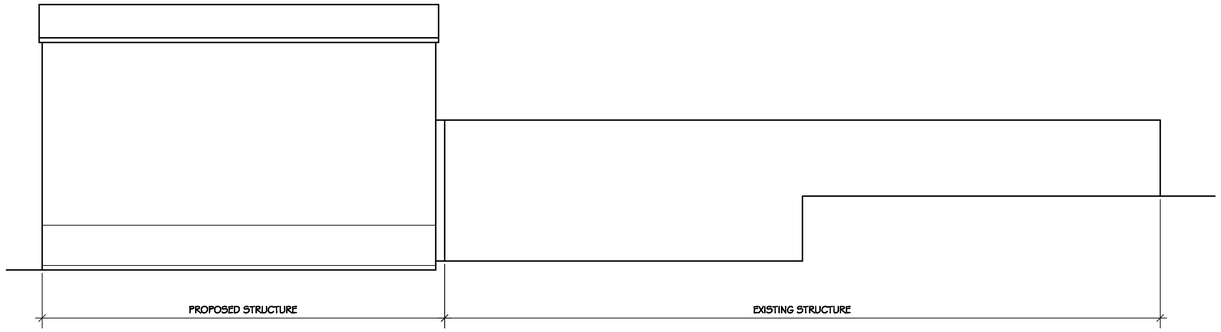
issue dates

zoning filing june 30, 2023
arb filing
building permit filing
estimating
construction



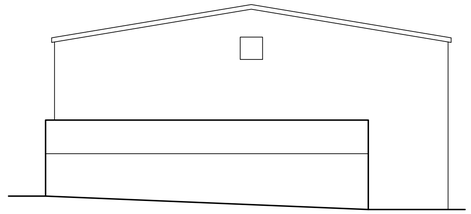
2 RIGHT SIDE ELEVATION - PROPOSED

1/8 INCH : 1 FOOT



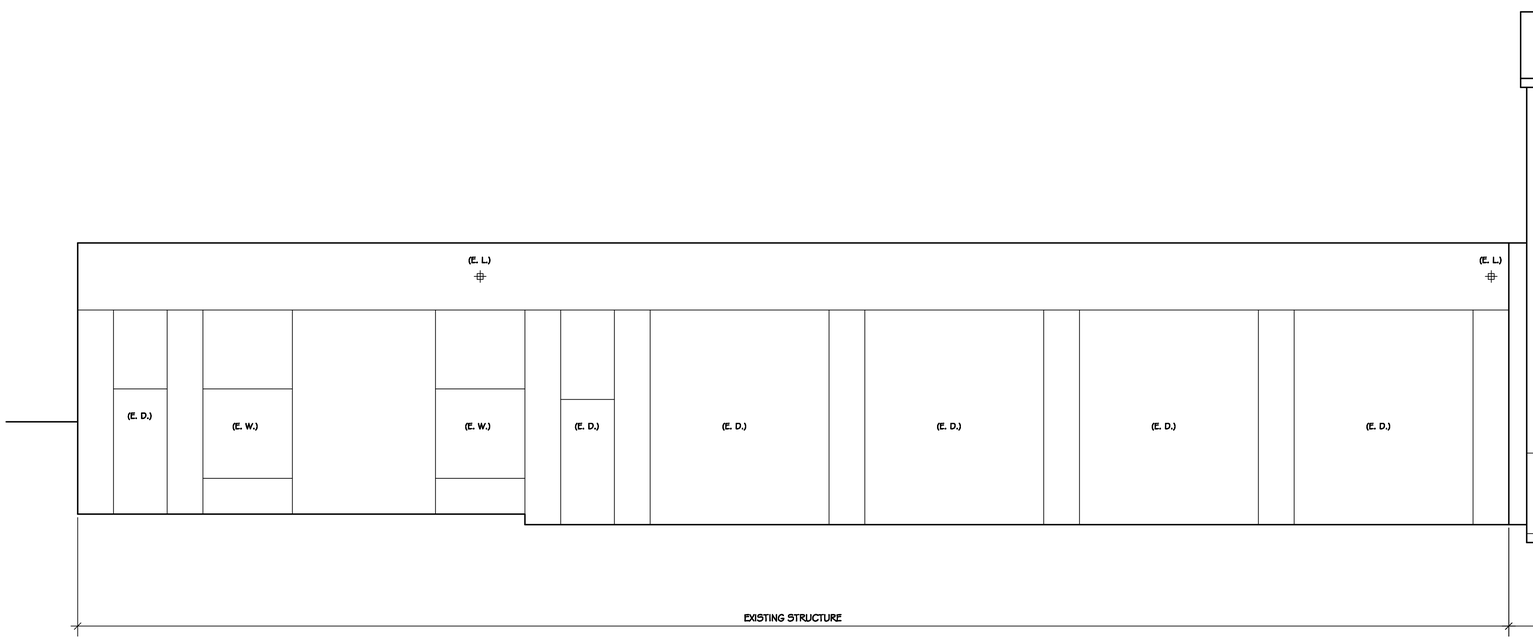
3 REAR ELEVATION - PROPOSED

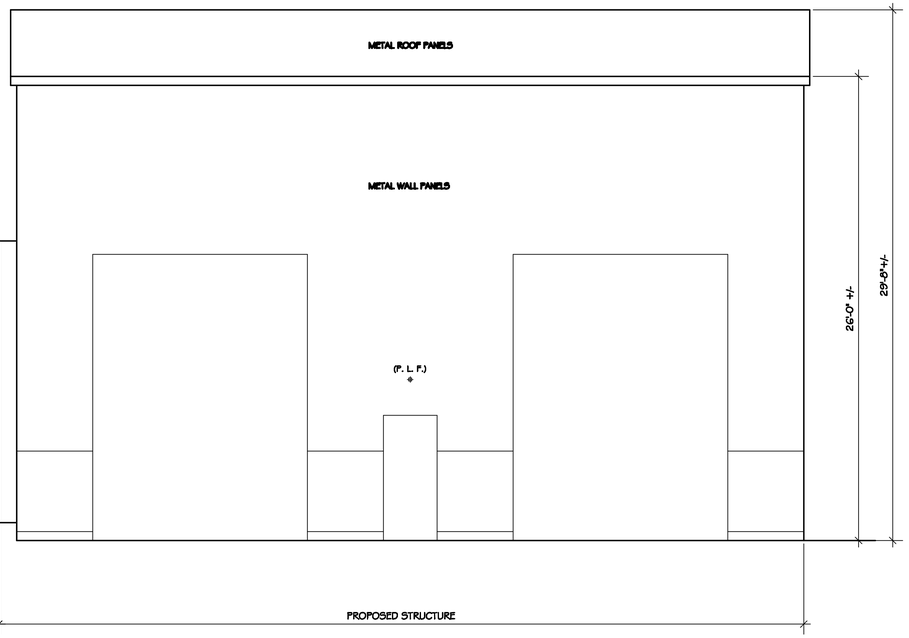
1/8 INCH : 1 FOOT



4 LEFT SIDE ELEVATION - PROPOSED

1/8 INCH : 1 FOOT





1 FRONT ELEVATION - EXISTING & PROPOSED

1/4 INCH : 1 FOOT

SYMBOLS

(E)	EXISTING
(E. W.)	EXISTING WINDOW
(E. D.)	EXISTING DOOR
(E. L.)	EXISTING LIGHT FIXTURE
(F. L. F.)	PROPOSED LIGHT FIXTURE

DO NOT SCALE DRAWING

project
proposed addition
reliable auto & truck repair
21 cary place
mount kisco , ny 10549

jpl architects
30 taber knolls
pawling new york 12564
845 855 3042
po box 311
somers new york 10589
914 277 7232

north arrow

seal

job no 316
date 6/5/23
scale as noted
scale as noted
drawn by jpl
checked by jpl

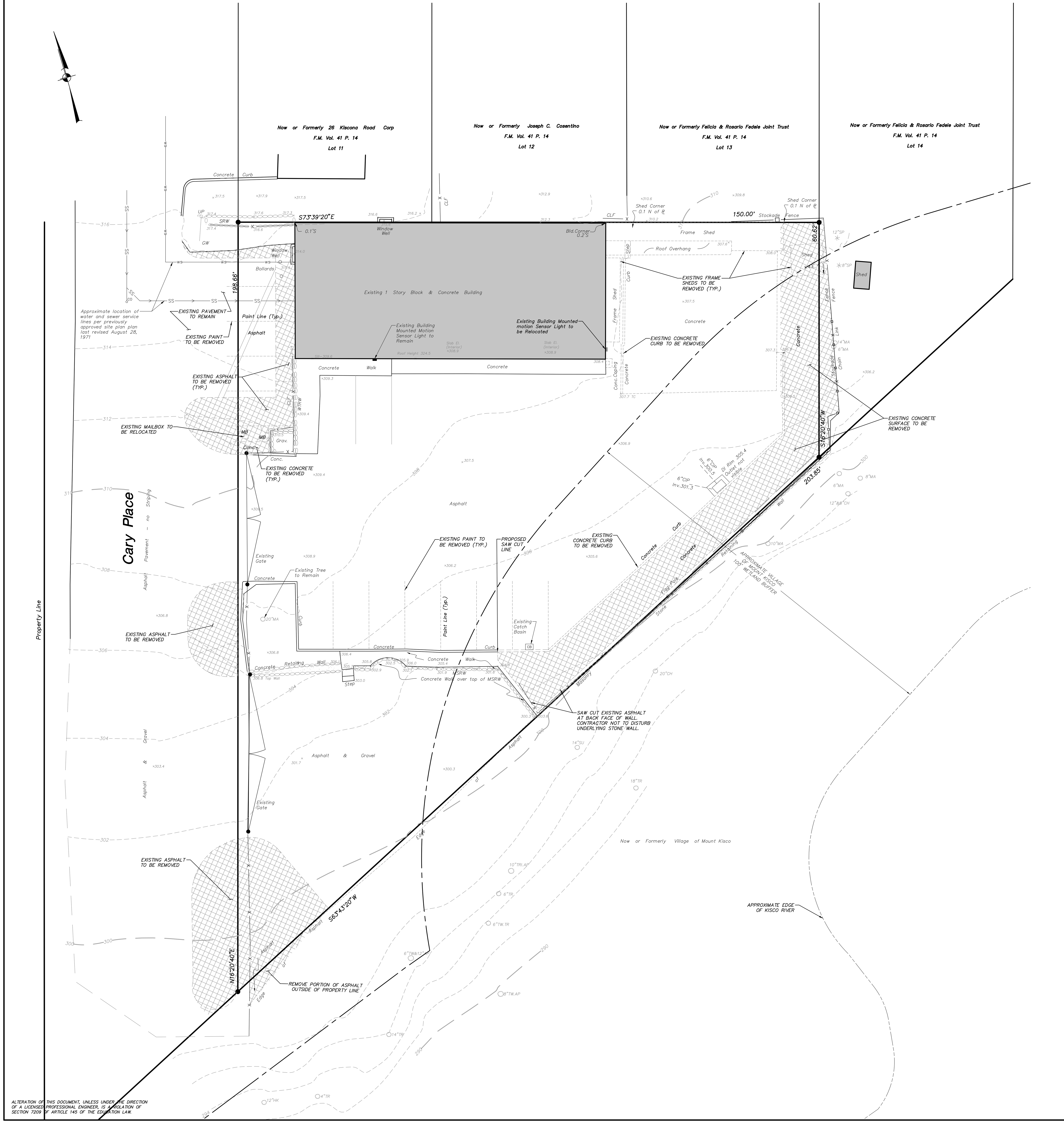
sheet no
A 200
elevations

revisions

FILING PRINT
JUNE 30, 2023

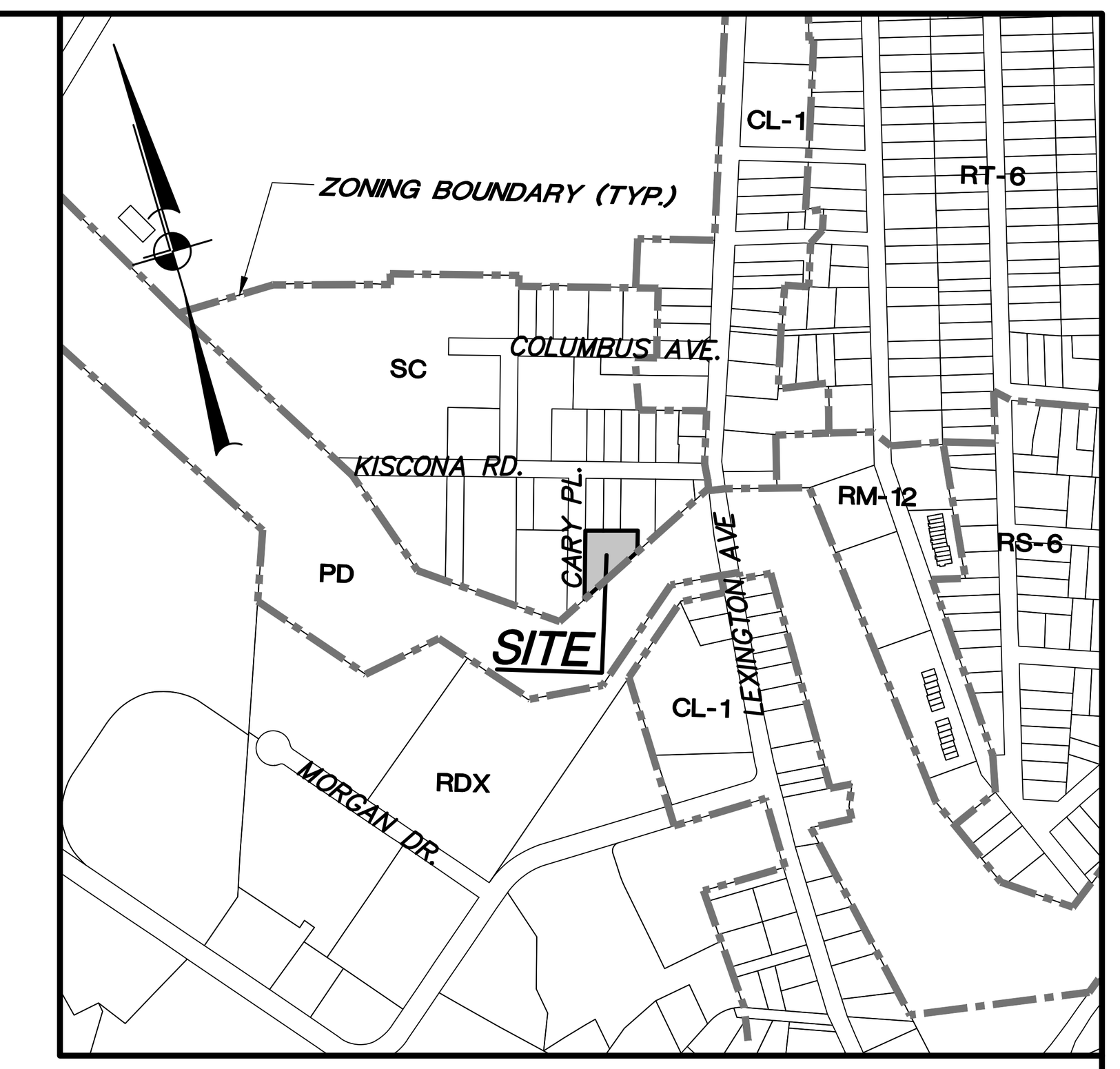
issue dates

zoning filing june 30, 2023
arb filing
building permit filing
estimating
construction



LEGEND

	EXISTING PROPERTY LINE
	EXISTING EASEMENT
	EXISTING BUILDING TO BE REMOVED
	EXISTING STONE & MASONRY RETAINING WALL
	EXISTING STONE RETAINING WALL
	EXISTING STONE WALL
	EXISTING CHAIN LINK FENCE
	EXISTING CONCRETE CURB
CB	EXISTING CATCH BASIN
CO	EXISTING CLEAN OUT
	EXISTING EDGE OF WATER
100	EXISTING 10' CONTOUR
	EXISTING 2' CONTOUR
698.6 ×	EXISTING SPOT GRADE
18"TR	EXISTING DECIDUOUS TREE
	EXISTING SURFACE TO BE REMOVED



LOCATION MAP — SCALE: 1" = 500'±

OWNER/APPLICANT:

R. SCOTT FISCHER, LLC
21 CARY PLACE
MT. KISCO, NY 10549

SITE DATA:

Zone: SC
Total Acreage 0.45± AC
Tax Map No.: 80.56-2-1

GENERAL NOTES:

1. Property line, existing conditions and topography shown hereon taken from topographic survey prepared by Insite Engineering, Surveying and Landscape Architecture, P.C. for R. Scott Fischer, LLC dated: September 2, 2022
2. Proposed features are labeled as such. All other features are existing.
3. Approximate edge of Kisco River taken from New York State GIS Clearinghouse Orthoimagery, dated 2021.

GRAPHIC SCALE
0 5 10 20
(IN FEET)
1 inch = 10 ft.

NO.	DATE	REVISION	BY
5	6-27-24	REVISED FOR ZONING BOARD APPLICATION	NFB
4	3-7-24	REVISED FOR PLANNING BOARD SUBMISSION	SMR
3	3-5-24	REVISED FOR PLANNING BOARD SUBMISSION	KJK
2	8-22-23	REVISED FOR PLANNING BOARD SUBMISSION	KCK
1	5-23-23	REVISED FOR PLANNING BOARD SUBMISSION	SMR

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
3 Garrett Place
Carmel, NY 10512
(845) 225-9690
(845) 225-9717 fax
www.insite-eng.com

PROJECT:
R. SCOTT FISCHER, LLC
RELIABLE AUTO AND TRUCK REPAIR
21 Cary Pl, Mt Kisco, Westchester County, New York

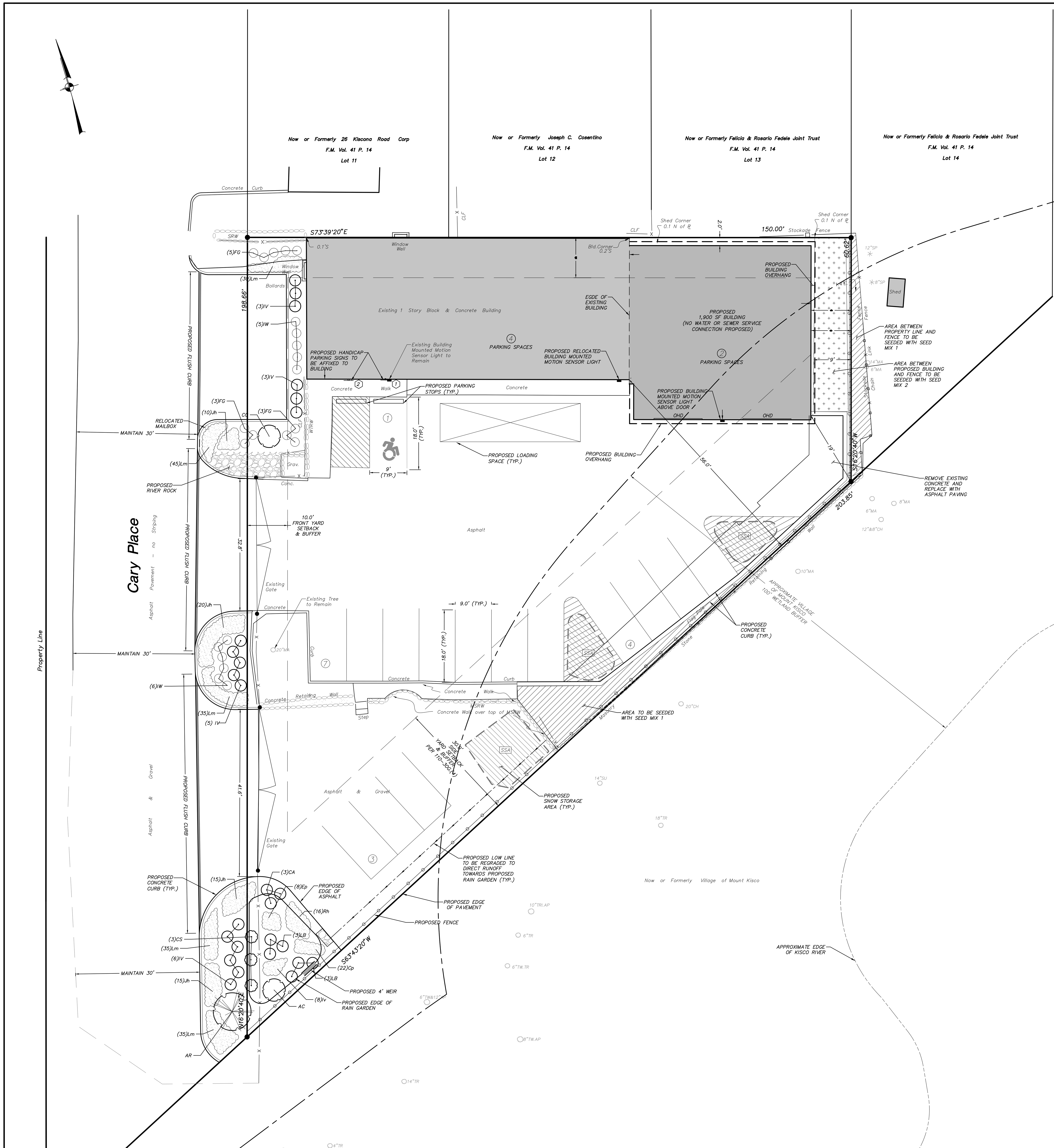
DRAWING:
EXISTING CONDITIONS PLAN

STATE OF NEW YORK — RICHARD D. WILLIAMS, JR. — 085866 — LICENSED PROFESSIONAL ENGINEER

PROJECT NUMBER	22122.100	PROJECT MANAGER	R.D.W.
DATE	2-8-23	DRAWN BY	D.S.W.
SCALE	1" = 10'	CHECKED BY	S.M.R.

DRAWING NO. EX-1
SHEET 1 / 4

Z:\E\22122100 Fischer Mt Kisco\01 EX-1.dwg, 6/27/2024 9:05:18 AM, nblau, 1:1



ALTERATION OF THIS DOCUMENT, UNLESS UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, IS A VIOLATION OF SECTION 7209 OF ARTICLE 145 OF THE EDUCATION LAW.

PLANT LIST

QTY.	KEY	BOTANICAL/COMMON NAME	SIZE	ROOT
		SHADE TREES		
1	AR	Acer rubrum 'October Glory' / Red Maple	3" CAL.	B&B
		FLOWERING TREES		
1	AR	Cercis canadensis / Redbud	6' HT.	B&B
1	AR	Amelanchier canadensis / Serviceberry	6' HT.	B&B
		SHRUBS		
3	CA	Cornus amomum / Smooth Dogwood	18" – 24" HT.	#3 CONT.
6	FG	Fothergilla gardenii / Fothergilla	18" – 24" HT.	#3 CONT.
17	IV	Itea virginica / Virginia Sweetspire	18" – 24" HT.	#3 CONT.
11	IW	Ilex verticillata / Winterberry Holly	18" – 24" HT.	#3 CONT.
60	JH	Juniperus horizontalis "Bar Harbor" / Creeping Juniper	12" HT.	36" O.C.
6	LB	Lindera benzoin / Spicebush	18" – 24" HT.	#3 CONT.
		PERENNIALS/GROUND COVERS		
22	Cp	Carex Pensylvanica / Pennsylvania Sedge	#2 CONT.	12" O.C.
8	Ep	Echinacea purpurea / Coneflower	#2 CONT.	18" O.C.
8	Iv	Iris versicolor / Blue Flag Iris	#2 CONT.	12" O.C.
185	Lm	Liriope muscari / Liriope	#2 CONT.	12" O.C.
16	Rh	Rudbeckia hirta / Black Eyed Susan	#2 CONT.	18" O.C.

SEED MIX LEGEND

▨ SEED MIX 1

+ SEED MIX 2

See Planting and Seeding Notes on D-1 for Seed Mix details.

LEGEND

- EXISTING PROPERTY LINE
- EXISTING EASEMENT
- EXISTING STONE & MASONRY RETAINING WALL
- EXISTING STONE RETAINING WALL
- EXISTING STONE WALL
- EXISTING CHAIN LINK FENCE
- EXISTING CONCRETE CURB
- EXISTING EDGE OF WATER
- 18"TR EXISTING DECIDUOUS TREE
- ⑦ PROPOSED # OF STALLS TO BE STRIPED
- PROPOSED DOOR
- PROPOSED CONCRETE CURB
- PROPOSED EDGE OF SIDEWALK
- ♿ PROPOSED PAINTED HANDICAP PARKING SYMBOL
- ▨ PROPOSED STRIPED ISLAND
- ①② PROPOSED SIGN
- OHD PROPOSED OVERHEAD DOOR LOCATION
- PROPOSED LANDSCAPING
- SSA PROPOSED SNOW STORAGE AREA

SC ZONE REQUIREMENTS:

	Required/Permitted:	As Proposed on 1971 Site Plan	Currently Existing:	Proposed:
Min. Lot Area:	10,000 sf	19,445 sf	19,445 sf	19,445 sf
Max. Building Coverage::	45%	19%	19%	24%
Max. Development Coverage::	70%	66%***	98%	90%**
Min. Lot Width:	75'	188'	188'	No change
Min. Lot Depth:	75'	150'	150'	No change
Min. Yards:				
Front (abutting nonresidential):	10'	14'	14'	14'
Front (abutting residential):	10'	N/A	N/A	N/A
Side (abutting nonresidential):	10'	0.1'*	0.1'*	0.1' (existing) and 1' (proposed)**
Side (abutting residential):	30'	56'	56'	19'**
Rear (abutting nonresidential):	10'	55'	0' (based on existing shed to be removed)	9'**
Rear (abutting residential):	30'	N/A	N/A	N/A
Min. Buffer:				
Front (abutting nonresidential):	10'	14'	14'	14'
Front (abutting residential):	10'	N/A	N/A	N/A
Side (abutting nonresidential):	10'	0.1'*	0.1'*	0' (existing) and 4' (proposed)****
Side (abutting residential):	30'	10'*	10'*	0'****
Rear (abutting nonresidential):	10'	9'*	0' (based on existing shed to be removed)	10'
Rear (abutting residential):	30'	N/A	N/A	N/A
Max. building height:	2.5 stories or 35'	16'	16'	26'

* Pre-existing Non-conformance.
** Variance required.
*** No requirement for coverage in 1971 code.
**** Planning Board Waiver required.

ZONING NOTES:

1. Per Section 110-30G(6):
   (a) All repair work is to be carried on indoors.
   (b) All automobile parts, wrecked or damaged motor vehicles or similar articles shall be completely stored within a building.
   (c) Outdoor storage of vehicles is not permitted, except when necessitated by unavoidable delays in effectuating needed repairs.
   (d) All multiple uses shall be subject to unified control and management.[5]

PARKING SUMMARY

Automotive use, including service repair:

1 space for 300 SF for office/administration:

900 SF/300 = 3 Spaces Required

3 spaces per service bay or work station:

6 bays * 3 spaces = 18 Spaces Required

Total Spaces Provided = 21 Spaces

SIGN DATA TABLE

LOCATION NO.	TEXT	M.U.T.C.D. NUMBER	SIZE OF SIGN (s.f.)	DESCRIPTION
1	RESERVED PARKING ♿ VAN ACCESSIBLE	NY R7-8	12" x 18"	Green on White Blue Symbol
2	NO PARKING ANY TIME	R7-1	12" x 18"	Red on White

GRAPHIC SCALE

0 5 10 20

(IN FEET)
1 inch = 10 ft.

NO.	DATE	REVISION	BY
5	6-27-24	REVISED FOR ZONING BOARD APPLICATION	NFB
4	5-7-24	REVISED FOR PLANNING BOARD SUBMISSION	SMR
3	3-5-24	REVISED FOR PLANNING BOARD SUBMISSION	KJK
2	8-22-23	REVISED FOR PLANNING BOARD SUBMISSION	KCK
1	5-23-23	REVISED FOR PLANNING BOARD SUBMISSION	SMR

INSITE
ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
3 Garrett Place
Carmel, NY 10512
(845) 225-9690
(845) 225-9717 fax
www.insite-eng.com

PROJECT:
R. SCOTT FISCHER, LLC
RELIABLE AUTO AND TRUCK REPAIR
21 Cary Pl, Mt Kisco, Westchester County, New York

DRAWING:
LAYOUT AND LANDSCAPE PLAN

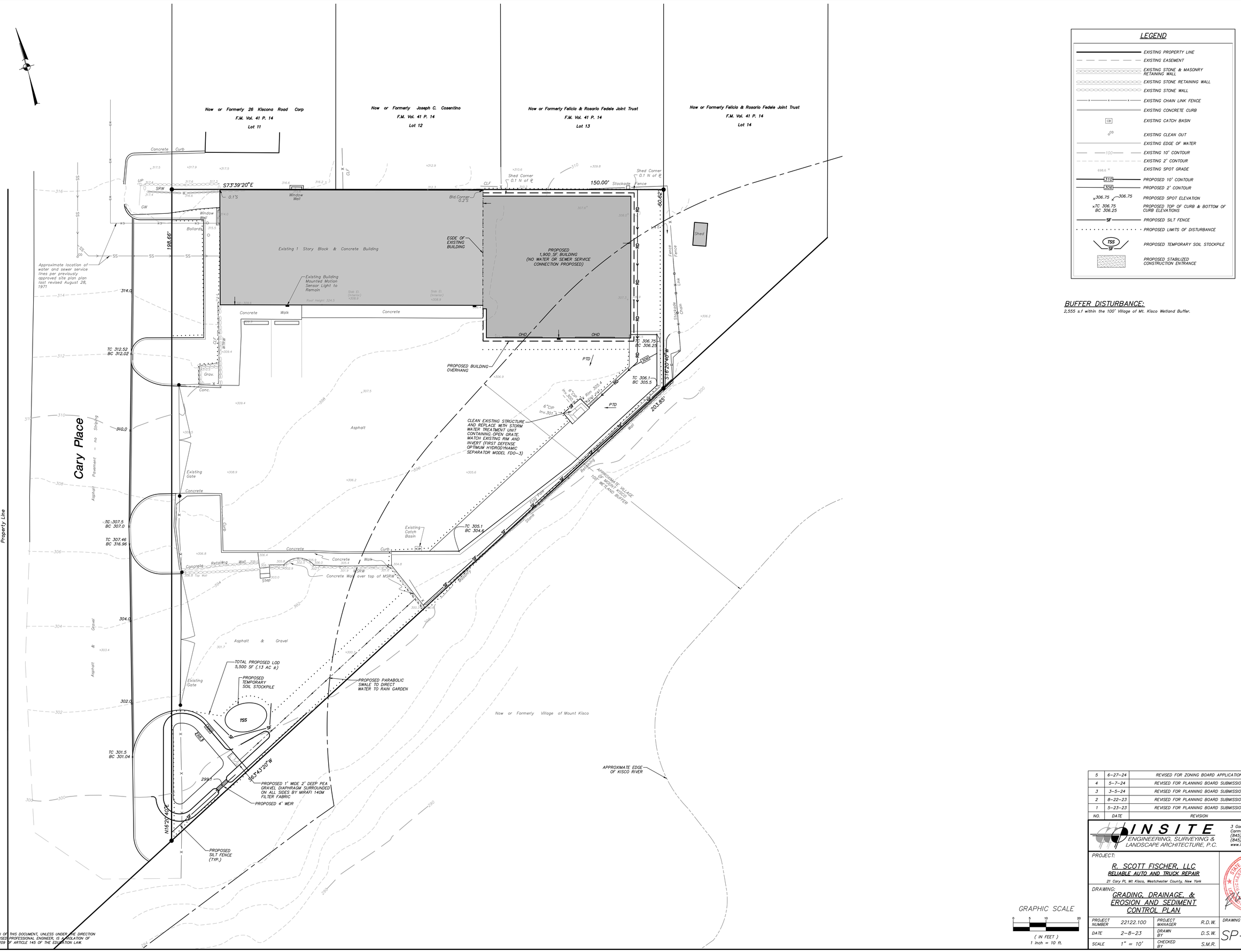
STATE OF NEW YORK · RICHARD D. WILLIAMS JR. · 085866 · LICENSED PROFESSIONAL ENGINEER

[illegible]

PROJECT NUMBER	22122.100	PROJECT MANAGER	R.D.W.
DATE	2-8-23	DRAWN BY	D.S.W.
SCALE	1" = 10'	CHECKED BY	S.M.R.

DRAWING NO. SP-1

SHEET 2 / 4



LEGEND

- EXISTING PROPERTY LINE
- EXISTING EASEMENT
- EXISTING STONE & MASONRY RETAINING WALL
- EXISTING STONE RETAINING WALL
- EXISTING STONE WALL
- EXISTING CHAIN LINK FENCE
- EXISTING CONCRETE CURB
- CB — EXISTING CATCH BASIN
- EXISTING CLEAN OUT
- EXISTING EDGE OF WATER
- 100 — EXISTING 10' CONTOUR
- EXISTING 2' CONTOUR
- 698.6 × — EXISTING SPOT GRADE
- 110 — PROPOSED 10' CONTOUR
- 106 — PROPOSED 2' CONTOUR
- 306.75 306.75 — PROPOSED SPOT ELEVATION
- TC 306.75 BC 306.25 — PROPOSED TOP OF CURB & BOTTOM OF CURB ELEVATIONS
- SF — PROPOSED SILT FENCE
- PROPOSED LIMITS OF DISTURBANCE
- TSS / SF — PROPOSED TEMPORARY SOIL STOCKPILE
- PROPOSED STABILIZED CONSTRUCTION ENTRANCE

BUFFER DISTURBANCE:

2,555 s.f within the 100' Village of Mt. Kisco Wetland Buffer.

GRAPHIC SCALE

0 5 10 20

(IN FEET)
1 inch = 10 ft.

NO.	DATE	REVISION	BY
5	6-27-24	REVISED FOR ZONING BOARD APPLICATION	NFB
4	5-7-24	REVISED FOR PLANNING BOARD SUBMISSION	SMR
3	3-5-24	REVISED FOR PLANNING BOARD SUBMISSION	KJK
2	8-22-23	REVISED FOR PLANNING BOARD SUBMISSION	KCK
1	5-23-23	REVISED FOR PLANNING BOARD SUBMISSION	SMR

INSITE
ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
3 Garrett Place
Carmel, NY 10512
(845) 225-9690
(845) 225-9717 fax
www.insite-eng.com

PROJECT:
R. SCOTT FISCHER, LLC
RELIABLE AUTO AND TRUCK REPAIR
21 Cary Pl, Mt. Kisco, Westchester County, New York

DRAWING:
GRADING, DRAINAGE, & EROSION AND SEDIMENT CONTROL PLAN

STATE OF NEW YORK — RICHARD D. WILLIAMS JR. — 085868 — LICENSED PROFESSIONAL ENGINEER

PROJECT NUMBER	22122.100	PROJECT MANAGER	R.D.W.
DATE	2-8-23	DRAWN BY	D.S.W.
SCALE	1" = 10'	CHECKED BY	S.M.R.

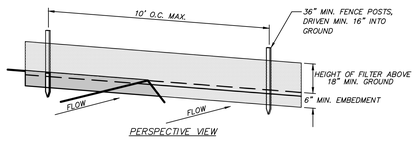
DRAWING NO. SP-2 — SHEET 3 / 4

EROSION & SEDIMENT CONTROL NOTES:

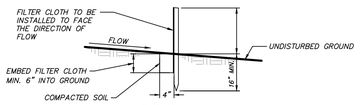
1. The Erosion and Sediment Control Plan is only to be referred to for the installation of erosion and sediment control measures. For all other construction related activities, including, but not limited to, grading and utilities, refer to the appropriate drawings.
2. Each contractor or subcontractor responsible for soil disturbance shall have a NYSDEC trained contractor onsite during soil disturbing activities. The NYSDEC trained contractor will be responsible to comply with the stormwater pollution prevention plan and for the implementation and maintenance of erosion and sediment control measures on this site prior to and during construction. The NYSDEC trained contractor shall sign a certification statement required by GP-0-20-001.
3. All construction activities involving the removal or disposition of soil are to be provided with appropriate protective measures to minimize erosion and contain sediment disposition within. Minimum soil erosion and sediment control measures shall be implemented as shown on the plans and shall be installed in accordance with "New York Standards and Specifications For Erosion and Sediment Control," latest edition.
4. Wherever feasible, natural vegetation should be retained and protected. Disturbance shall be minimized in the areas required to perform construction. No more than 5 acres of unprotected soil shall be exposed at any one time.
5. When land is exposed during development, the exposure shall be kept to the shortest practical period of time, but in no case more than 7 days after the construction activity in that portion of the site has ceased. Disturbance shall be minimized in the areas required to perform construction.
6. All construction vehicles shall be kept clear of the watercourses and wetland control areas outside the areas of proposed development. Silt fence and orange construction fence shall be installed in the areas where the grading is in close proximity of the watercourses or wetland control areas.
7. The stabilized construction entrances, silt fence, and orange construction fence shall be installed as shown on the plans prior to beginning any clearing, grubbing or earthwork.
8. All topsoil to be stripped from the area being developed shall be stockpiled and immediately seeded for temporary stabilization. Ryegrass (annual or perennial) at a rate of .30 lbs. per acre shall be used for temporary seeding in spring, summer or early fall. "Aristook" Winter Rye (cereal rye) shall be used for temporary seeding in late fall and winter.
9. Any graded areas not subject to further disturbance or construction traffic shall, within 7 days of final grading, receive permanent vegetation cover in combination with a suitable mulch. All seeded areas to receive a minimum 4" topsoil (from stockpile area) and be seeded and mulched between March 21 and May 20 or between August 15 and October 15 or as directed by project representative, with specified seed mixes as shown in the General Site Seeding Notes.
   - Mulch: Salt hay or small grain straw applied at a rate of 90 lbs./1000 S.F. or 2 tons/acre, to be applied and anchored according to "New York Standards and Specification For Erosion and Sediment Control," latest edition.
10. Grass seed mix may be applied by either mechanical or hydroseeding methods. Seeding shall be performed in accordance with the current edition of the "NYSDOT Standard Specification, Construction and Materials, Section 610-3.02, Method No. 1". Hydroseeding shall be performed using materials and methods as approved by the site engineer.
11. Cut or fill slopes steeper than 2:1 shall be stabilized immediately after grading with Curlex I Single Net Erosion Control Blanket, or approved equal.
12. Paved roadways shall be kept clean at all times.
13. The site shall at all times be graded and maintained such that all stormwater runoff is diverted to soil erosion and sediment control facilities.
14. All storm drainage outlets shall be stabilized, as required, before the discharge points become operational.
15. Stormwater from disturbed areas must be passed through erosion control barriers before discharge beyond disturbed areas or discharged into other drainage systems.
16. Erosion and sediment control measures shall be inspected and maintained on a daily basis by the NYSDEC Trained Contractor, to insure that channels, temporary and permanent ditches and pipes are clear of debris, that embankments and berms have not been breached and that all straw bales and silt fences are intact. Any failure of erosion and sediment control measures shall be immediately repaired by the contractor and inspected for approval by the site engineer.
17. Dust shall be controlled by sprinkling or other approved methods as necessary, or as directed by the trained contractor or site engineer.
18. Cut and fills shall not endanger adjoining property, nor divert water onto the property of others.
19. All fills shall be placed and compacted in 6" lifts to provide stability of material and to prevent settlement.
20. The NYSDEC Trained Contractor shall inspect downstream conditions for evidence of sedimentation on a weekly basis and after rainstorms.
21. As warranted by field conditions, special additional erosion and sediment control measures, as specified by the site engineer, the Wetlands Inspector, the Town Engineer and/or NYCDEP shall be installed by the contractor.
22. Erosion and sediment control measures shall remain in place until all disturbed areas are suitably stabilized.
23. After completion of the site improvements, the owner will assume responsibility for maintenance of the roads, parking lots, drainage systems and stormwater facilities. Each spring the paved areas shall be cleaned to remove the winter accumulation of traction sand. After this is completed all drain inlet and catch basin sumps should be cleaned. All pipes should be checked for debris and blockage and cleaned as required. During the cleaning process, the drain inlets, catch basins and pipes should be inspected for structural integrity and overall condition. Repairs and/or replacements should be made as required.
24. Inspection of the stormwater basins should be performed every 6 months and after large storm events. These inspections should, at a minimum, check the outlet pipes for blockage and the general overall integrity of the basin and appurtenances.
25. Maintain basin vegetation including removal of trees and replacement of vegetation that should die. Remove any litter which accumulates as necessary. Typically, the accumulated silt will be required to be removed every 10 to 20 years. Any accumulated silt shall be removed from the stormwater basins once the site has been stabilized.
26. Refer to the Stormwater Pollution Prevention Plan for additional details regarding long-term maintenance of the storm drainage facilities.
27. Cover all soil stockpiles on asphalt areas with tarps in lieu of silt fence.

GENERAL PLANTING AND SITE SEEDING NOTES:

1. All proposed seeded areas to receive 4" min. depth of topsoil. Soil amendments and fertilizer application rates shall be determined based on specific testing of topsoil material.
2. Upon final grading and placement of topsoil and any required soil amendments, areas to receive permanent vegetation cover in combination with suitable mulch as follows:
   - select seed mixture per drawings and seeding notes.
   - fertilizer applied at the manufacturer's recommended rate using phosphorous-free fertilizer or equivalent. Soil test shall be performed prior to using any fertilizer on site.
   - mulch: salt hay or small grain straw applied at a rate of 90 lbs./1000 s.f. or 2 tons/acre, to be applied and anchored according to New York State Standards and Specifications for Erosion and Sediment Control, August 2005.
   - If the season prevents the establishment of a permanent vegetation cover, the disturbed areas will be mulched with straw or equivalent.
3. Seed Mixes to be planted between April 1 and May 15, or between August 15 and October 15, or as directed by project representative as follows:
   a. Seed Mix #1 for lawn areas at a rate of 50 lbs. per acre:
      Kentucky Bluegrass 20%
      Creeping Red Fescue 40%
      Perennial Ryegrass 20%
      Annual Ryegrass 20%
   b. Seed Mix #2: Areas to be seeded at a rate of 25 lbs. per acre: Partially Shaded Roadside Mix from New England Wetland Plants, Inc. of Amherst, MA.
4. All proposed planting beds to receive a 12" min. depth of topsoil. Soil amendments and fertilizer application rates shall be determined based on specific testing of topsoil material.
5. All plant material to be nursery grown.
6. The location and layout of landscape plants shown on the site plan shall take precedence in any discrepancies between the quantities of plants shown on the plans and the quantity of plants in the Plant List.
7. Provide a 3" layer of shredded mulch (or as specified) over entire watering saucer at all tree pits or over entire planting bed. Do not place mulch within 3" of tree or shrub trunks.
8. All landscape plantings shall be maintained in a healthy condition at all times. Any dead or diseased plants shall immediately be replaced "in kind" by the contractor (during warranty period) or project owner.
9. All landscape and mitigation plantings shall be installed by hand. No mechanical equipment shall be permitted.



PERSPECTIVE VIEW



SECTION

CONSTRUCTION NOTES FOR FABRICATED SILT FENCE

1. FILTER CLOTH TO BE FASTENED SECURELY TO POSTS AT TOP AND MID SECTION.
2. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED.
3. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

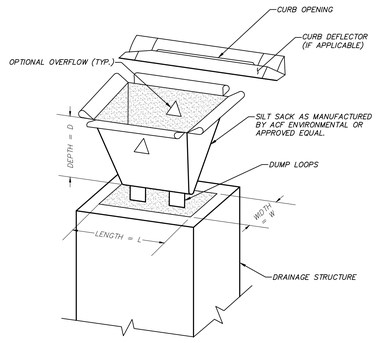
POSTS: STEEL EITHER T OR U TYPE OR 2" HARDWOOD

FILTER CLOTH: FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUAL

PREFABRICATED UNIT: GEOFAB, ENVIROFENCE, OR APPROVED EQUAL

SILT FENCE DETAIL

(N.T.S.)



SIZE = L" x W" x D"

EXPLODED ISOMETRIC

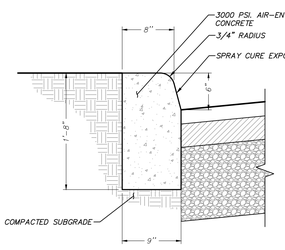
ELEVATION

NOTE:
FABRIC FOR INSERT SHALL MEET THE FOLLOWING:

FABRIC PROPERTIES	MINIMUM ACCEPTABLE VALUE	TEST METHOD
Grab Tensile Strength (lbs)	110	ASTM D 4632
Mullen Burst Strength (PSI)	300	ASTM D 3786
Puncture Strength (lbs)	60	ASTM D 4833
Minimum Trapezoidal Tear Strength (lbs)	50	ASTM D 4533
Flow Through Rate (gal/min/sf)	25	ASTM D 4491
Equivalent Opening Size	40-80	US Std Sieve ASTM D 4751

MANUFACTURED INSERT INLET PROTECTION DETAIL

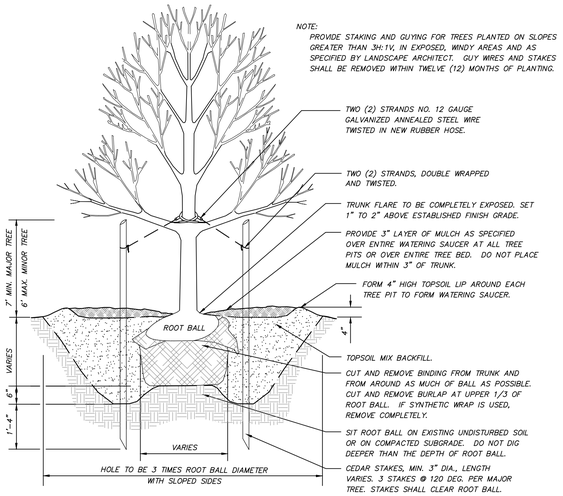
(N.T.S.)



NOTE:
TRANSVERSE JOINTS 1/2" WIDE SHALL BE INSTALLED IN THE CURB 10'-0" APART AND SHALL BE FILLED WITH CELLULAR COMPRESSION MATERIALS AS SPECIFIED, RECESSED 1/4" IN FROM FRONT FACE AND TOP OF CURB.

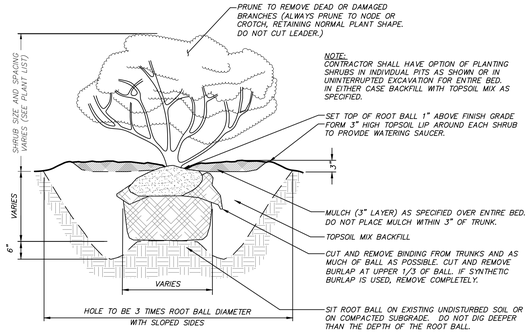
CONCRETE CURB DETAIL

(N.T.S.)



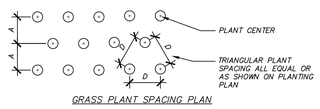
TREE PLANTING DETAIL

(N.T.S.)



SHRUB PLANTING DETAIL

(N.T.S.)

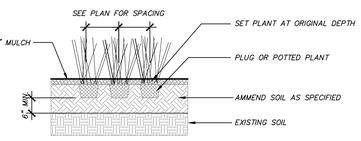


GRASS PLANT SPACING PLAN

SPACING "D"	ROW "A"	PLANTS PER SQ. FT.
36" O.C.	31.2"	0.13
24" O.C.	20.8"	0.29
18" O.C.	15.6"	0.50

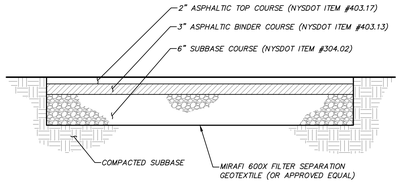
NOTES:
PLANT QUANTITIES WERE DETERMINED BY MULTIPLYING AREA (SQ. FT.) BY NUMBER OF PLANTS PER SQ. FT. FOR REQUIRED SPACING

QUANTITY OF PLANTS AND SPACING AS NOTED IN PLANTING SCHEDULE



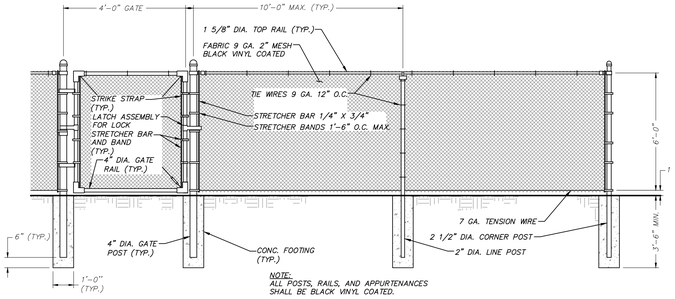
PERENNIAL / ORNAMENTAL GRASS PLANTING DETAIL

(N.T.S.)



ASPHALT PAVEMENT DETAIL

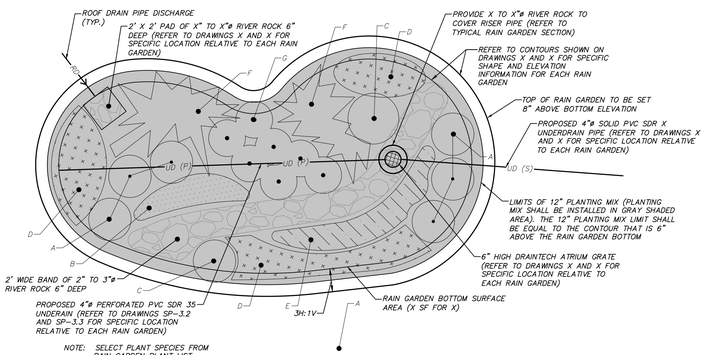
(N.T.S.)



NOTE:
ALL POSTS, RAILS, AND APPURTENANCES SHALL BE BLACK VINYL COATED.

CHAIN LINK FENCE DETAIL

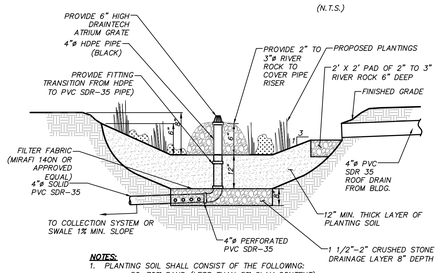
(N.T.S.)



NOTE: SELECT PLANT SPECIES FROM RAIN GARDEN PLANT LIST

TYPICAL RAIN GARDEN LANDSCAPE PLAN

(N.T.S.)



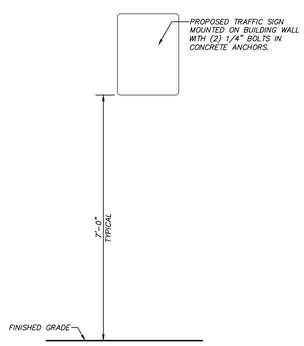
NOTES:
1. PLANTING SOIL SHALL CONSIST OF THE FOLLOWING:
   - 50-70% SAND (LESS THAN 5% CLAY CONTENT)
   - 30-50% TOPSOIL WITH AN AVERAGE OF 5% ORGANIC MATERIAL
2. DEPTH OF THE PLANTING SOIL SHALL BE APPROXIMATELY 4" FROM THE BOTTOM OF THE DEEPEST ROOT BALL.

TYPICAL RAIN GARDEN SECTION

(N.T.S.)

RAIN GARDEN MAINTENANCE NOTES:

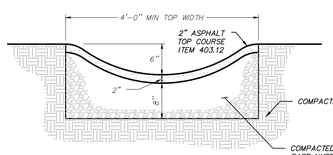
1. No fertilizer shall be added in Rain Garden plantings. Nutrient requirements to be met by incorporation of acceptable organic matter.
2. All plantings shall be maintained in a healthy condition at all times. Any dying, dead or diseased plants shall immediately be replaced "in kind" or with suitable substitute from the Rain Garden Plant List on this drawing (or as may otherwise be subsequently approved by the Planning Board) by the project owner.
3. Rain Garden plantings shall be mulched in the spring and monitored for weeds and invasive species, which shall be removed as necessary.



NOTE: FOR HANDICAP PARKING SIGNAGE, SIGNS SHALL BE INSTALLED AT A CLEAR HEIGHT OF BETWEEN 5'-0" AND 7'-0" ABOVE GRADE OF PARKING SPACE AND SUCH THAT SIGNS SHALL NOT BE OBSCURED BY A VEHICLE PARKED IN THE SPACE.

BUILDING MOUNTED SIGN DETAIL

(N.T.S.)



ASPHALT SWALE DETAIL

(N.T.S.)

NO.	DATE	REVISION	BY
5	6-27-24	REVISED FOR ZONING BOARD APPLICATION	NFB
4	5-7-24	REVISED FOR PLANNING BOARD SUBMISSION	SMR
3	3-5-24	REVISED FOR PLANNING BOARD SUBMISSION	KJK
2	8-22-23	REVISED FOR PLANNING BOARD SUBMISSION	KCK
1	5-23-23	REVISED FOR PLANNING BOARD SUBMISSION	SMR

INSITE
ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
3 Garrett Place
Carmel, NY 10512
(845) 225-9690
(945) 225-9717 fax
www.insite-eng.com

PROJECT:
R. SCOTT FISCHER, LLC
RELIABLE AUTO AND TRUCK REPAIR
21 Cary Pl, Mt Kisco, Westchester County, New York

DRAWING:
DETAILS

RICHARD D. WILDER 095866 LICENSED PROFESSIONAL ENGINEER STATE OF NEW YORK

PROJECT NUMBER	22122.100	PROJECT MANAGER	R.D.W.
DATE	2-8-23	DRAWN BY	D.S.W
SCALE	AS SHOWN	CHECKED BY	S.M.R.

DRAWING NO. D-1 SHEET 4/4

LAW OFFICES OF
SNYDER & SNYDER, LLP
94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591
(914) 333-0700
FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

rgaudioso@snyderlaw.net

NEW YORK OFFICE
445 PARK AVENUE, 9TH FLOOR
NEW YORK, NEW YORK 10022
(212) 749-1448
FAX (212) 932-2693

LESLIE J. SNYDER
ROBERT D. GAUDIOSO
DOUGLAS W. WARDEN
JORDAN M. FRY

DAVID L. SNYDER
(1956-2012)

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

TARRYTOWN OFFICE

June 27, 2024

Honorable Chairman Wayne Spector
and Members of the Zoning Board of Appeals
Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

Re: 333 North Bedford Road ("Property")
Public Utility Battery Energy Storage Facility
New Leaf Energy

Honorable Chairman Spector and
Members of the Zoning Board of Appeals:

We are the attorneys for New Leaf Energy ("New Leaf" or "Applicant") in connection with its application to develop a public utility battery energy storage facility ("Facility") at the above captioned site.

We respectfully request that the Zoning Board reconsider its straw poll and vote to grant the requested Zoning Code interpretation that the Facility is a "public utility facility" as defined under Section 110-59 of the Village Code. Simply put, the Facility: (1) is not a personal wireless service facility; and (2) is "necessary for the provision of electricity." No other inquiry or factor is legally relevant to the Zoning Board's determination, and consideration of any issue beyond the definition of "public utility facility" as defined in the Zoning Code would be arbitrary and capricious.

The undisputed evidence in the administrative record herein confirms that the Facility is necessary to provide electricity to the electric grid. Battery energy storage facilities are necessary based on the laws of New York State and the Orders of the Public Service Commission. The Facility itself has been reviewed and approved by Con Edsion, and New Leaf has entered into an interconnection agreement with Con Edison to supply electricity to the grid, all in satisfaction of the legal requirements of New York State.

In fact, on June 20, 2024, the State of New York Public Service Commission ("PSC") issued a critical new Order in Case 18-E-0130, entitled "In the Matter of Energy Storage

Deployment Program: ORDER ESTABLISHING UPDATED ENERGY STORAGE GOAL AND DEPLOYMENT POLICY" ("Energy Storage Roadmap Order"). A complete copy of the PSC Energy Storage Roadmap Order, incorporated by reference herein, may be found at: https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=55960 and the Introduction and preliminary sections are attached hereto as **Exhibit 1** for your convenience.

As stated in the Introduction to the Energy Storage Roadmap Order:

"New York State is committed to developing a zero-emission electric grid. Over the next five to ten years, large, planned increases in the amount of intermittent renewable generation at both the bulk and distribution level, primarily in the form of on- and off-shore wind and photovoltaic (PV) solar, **will require new methods and resources to balance supply and demand, including the use of energy storage**. As discussed in more detail below, energy storage technologies are a key piece of the solution to ensure the reliability of New York's electric system during this historic transition.

On December 13, 2018, the New York State Public Service Commission (Commission) issued the Order Establishing Energy Storage Goal and Deployment Policy (Energy Storage Order). The Energy Storage Order, among other things, outlined a framework of programs intended to spur the development and deployment of 3 gigawatts (GW) of energy storage projects in New York through the creation of competitive solicitations by each of the State's investor-owned utilities. Since the issuance of the Energy Storage Order, the Climate Leadership and Community Protection Act (Climate Act or CLCPA) has become law. The CLCPA requires 70 percent of New York's electricity generation to come from renewables by 2030 and 100 percent by 2040. Additionally, in 2022, New York announced a new goal of 6 GW of energy storage by 2030. **The enactment of the CLCPA and the new energy storage goal only further accentuate the need for increased development of energy storage in New York. . . .**

In the Roadmap, Staff indicates that New York will need approximately 12 GW of energy storage by 2040 to support a decarbonized and reliable electric system. The target of 6 GW by 2030 is an important steppingstone to achieve the amount of energy storage that will ultimately be needed, and makes it clear to developers that New York values investments in energy storage. Through the Commission's continued collaboration with NYSERDA, the Long Island Power Authority (LIPA), the New York Independent System Operator, Inc. (NYISO), the New York Power Authority (NYPA), the New York Green Bank (NYGB), the New York State Department of

Environmental Conservation (DEC), New York's investor-owned utilities, and other stakeholders, New York is poised to effectively transition to an emissions-free energy future.

By this Order, the Commission adopts an updated statewide deployment goal of 6 GW of energy storage resources by 2030, with an interim goal of 1.5 GW by 2025. As further discussed below, with consideration for the numerous stakeholder comments, the Commission adopts many of the Staff recommendations from the Roadmap. The successful implementation of the programs and recommendations contained herein will move the State closer to reaching its climate goals. . . .

Role of Energy Storage

The development, installation, and operation of energy storage in New York is imperative to meet the emission reduction targets outlined in the CLCPA, and codified in the [Environmental Conservation Law]. As the State's electric grid transitions from one historically dominated by large, fossil-fueled baseload generation to one comprised of DERs and intermittent renewable generation, energy storage is one of the key ingredients to ensure this transition takes place in a reliable manner. . . .

Analysis completed for the Climate Action Council projects that over 60 GWs of solar capacity, 16-19 GWs of offshore wind, and 16-17 GWs of land-based wind could be added onto New York's electric system by 2050. These large, projected increases in renewable generation highlight the need for energy storage deployment in order to keep pace. **The analysis completed for the Roadmap indicates that 12 GWs of short-duration energy storage by 2040 and more than 17 GWs by 2050 are needed to decarbonize the grid in a cost effective and reliable way.** This projected amount of installed energy storage is a multi-fold increase compared to the current amount of energy storage in the state; as such, a more aggressive goal of **6 GW by 2030, double the current mandate of 3 GW, is not only prudent but necessary to ensure that sufficient resources are online and available by 2030."** (Emphasis supplied).

The Energy Storage Roadmap Order places specific focus on the need for battery energy storage facilities downstate, including in Mount Kisco (being in Zones H), requiring that:

"Bulk and off-site retail energy storage can help reduce emissions in disadvantaged communities and therefore the Commission directs that a minimum of 35 percent of procurements for bulk and off-site retail energy storage projects be located in NYISO's G-K Capacity Zones, as they are most likely to benefit disadvantaged communities and reduce peaker plant emissions. The Commission

expects Zone J to be the largest source of potential peaker plant replacement and disadvantaged community benefits. Therefore, the Commission further specifies that of the minimum of 35 percent of energy storage procurements allocated for bulk and off-site retail energy storage projects in Zones G-K, at least 30 percent of total procurements shall be in Zone J and at least 5 percent shall be in Zones G, H, I, and/or K. These carveouts recognize that the largest potential pool of peaking plant replacement is in New York City, while also acknowledging that other areas of the State are deserving of energy storage investment based on benefits to disadvantaged communities and associated emission reductions."

In adopting the Energy Storage Roadmap Order, the PSC expressly approved the New York State Department of Public Service and the New York State Energy Research and Development Authority ("NYSERDA") Energy Storage Roadmap ("Roadmap"). A complete copy of the NYSERDA Roadmap, incorporated by reference herein, may be found at: **https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Programs/Energy-Storage/ny-6-gw-energy-storage-roadmap.pdf** and a copy of the Executive Summary and Introduction are attached hereto as **Exhibit 2**.

The Executive Summary from the Roadmap explains as follows:

"Energy storage will play a critical role in supporting New York's decarbonized electric grid by integrating large quantities of variable renewable energy, reducing curtailment, and storing renewable generation for the times it is needed most. On January 5, 2022, New York Governor Kathy Hochul announced in her *State of the State* address an intention to double the state's 2030 energy storage deployment target, from the currently legislated 3 gigawatts (GW) of storage to 6 GW of storage by 2030. This nation-leading storage target, in addition to an interim goal of 1.5 GW by 2025 established through the 2018 Storage Roadmap process, is motivated by the rapid growth in renewable energy expected over the next decade and the role that electrification of transportation and buildings is expected to play in achieving New York State's future carbon neutral economy. These directives are outlined in New York's *Climate Leadership and Community Protection Act* (Climate Act), which calls for New York to achieve 70% renewable electricity by 2030 and 100% zero-emissions electricity by 2040. To accelerate the deployment of storage and support the transition to a clean electric grid, Governor Hochul directed the Department of Public Service (DPS) and the New York State Energy Research and Development Authority (NYSERDA) to update New York State's Energy Roadmap to double deployment, achieving at least 6 GW of energy storage deployments by 2030."

Attached hereto as **Exhibit 3** is the Governor's press release summarizing the necessity of battery energy storage facilities such as the Facility. Support for the State's actions as

detailed in the press release include statements from the Chair of the Public Service Commission, the President and CEO of NYSERDA, the Executive Director of NY-Best, the Director of the Alliance for Clean Energy, the President of the New York State Building and Construction Trades Council, and the President of the New York League of Conservation Voters.

As New Leaf has previously detailed, the PSC Orders have established the required procedures and Con Edison has issued requests for proposals for battery energy storage facilities. By way of example, attached hereto as **Exhibit 4**, is a letter from Con Edison dated May 24, 2024 submitting for filing with the PSC a redacted version of an executed Energy Storage Service Agreement. Con Edison notes that, pursuant to a PSC Order dated December 13, 2018, Con Edison is required to conduct future RFPs to seek to procure additional bulk energy storage rights to obtain a minimum of 300MW of such rights. Con Edison continues to support the State's efforts to advance energy storage deployment. See letter from the Joint Utilities, which include Con Edison to the PSC, dated May 20, 2024, attached hereto as **Exhibit 5**.[1]

The Zoning Board is strictly limited to the four corners of the Zoning Code definition, which the Facility meets on its face. However, any ambiguity in a local zoning code compels a favorable determination for the applicant. New York's highest court, the State Court of Appeals, has held that "[s]ince zoning regulations are in derogation of the common law, they must be strictly construed against the municipality which has enacted and seeks to enforce them" and "[a]ny ambiguity in the language used in such regulations must be resolved in favor of the property owner." *Matter of Allen v. Adami,* 39 N.Y.2d 275, 277 (1976). Any determination not based on the strict language of the Zoning Code would be arbitrary and capricious.[2]

We thank you for your consideration and look forward to discussing this matter with the Zoning Board of Appeals at the July 16, 2024 continued public hearing.

If you have any questions or require any additional documents, please do not hesitate to contact me at 914-333-0700.

Snyder & Snyder, LLP

By: Robert D. Gaudioso/cre
Robert D. Gaudioso

---

[1] See also the opinion piece published in the Examiner News on June 18th, 2024, attached hereto as **Exhibit 6**, supporting the request to deem the Facility as a public utility facility and noting that battery energy storage systems are "key to a more resilient electric grid, lower electric bills and cleaner air."

[2] In response to a comment at the last meeting, please see the Mount Pleasant Zoning Board of Appeals resolution dated December 10, 2020, approving a similar facility as a public utility substation under the Mount Pleasant Zoning Code, attached as **Exhibit 7**.

Exhibits
RDG/cae
cc: New Leaf Energy
Peter Miley, Building Inspector (by email)
Z:\SSDATA\WPDATA\SS3\RDG\New Leaf Energy\Mount Kisco\ZBA Letter 2024.6.27.rtf

Exhibit 1

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 18-E-0130 - In the Matter of Energy Storage Deployment Program.

ORDER ESTABLISHING UPDATED ENERGY STORAGE GOAL AND DEPLOYMENT POLICY

Issued and Effective: June 20, 2024

TABLE OF CONTENTS

LIST OF ACRONYMS

BTM	-	Behind-the-meter
BTW	-	Bridge-to-Wires
CAF	-	Capacity Accreditation Factors
CES	-	Clean Energy Standard
CLCPA	-	Climate Leadership and Community Protection Act
CRF	-	Cost Recovery Fee
CSR	-	Co-located Storage Resource
DEC	-	Department of Environmental Conservation
DER	-	Distributed Energy Resource
DPS	-	New York State Department of Public Service
EV	-	Electric Vehicle
FDNY	-	Fire Department of New York
FERC	-	Federal Energy Regulatory Commission
GHG	-	Greenhouse gas
GW	-	Gigawatt
HSR	-	Hybrid Storage Resource
ICAP	-	Installed Capacity
IRA	-	Inflation Reduction Act
ISC	-	Index Storage Credit
ISO	-	Independent System Operator
ITC	-	Investment Tax Credit
kW	-	Kilowatt
LDES	-	Long Duration Energy Storage
LIPA	-	Long Island Power Authority
LSE	-	Load Serving Entity
MW	-	Megawatt
MWh	-	Megawatt hour
NNYESP	-	Northern New York Energy Storage Project
NYGB	-	New York Green Bank
NYISO	-	New York Independent System Operator
NYPA	-	New York Power Authority
NYSERDA Authority	-	New York State Energy Research and Development
PSL	-	Public Service Law
PV	-	Photovoltaic
RCP	-	Reference Capacity Price
REAP	-	Reference Energy Arbitrage Price
REC	-	Renewable Energy Credit
RES	-	Renewable Energy Standard
RFP	-	Request for Proposals
RTE	-	Round Trip Efficiency
RTO	-	Regional Transmission Organization
SGEIS	-	Supplemental Generic Environmental Impact Statement
UDR	-	Utility Dispatch Rights
VDER	-	Value of Distributed Energy Resources

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held in the City of Albany on June 20, 2024

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
James S. Alesi
David J. Valesky
John B. Maggiore, concurring
Uchenna S. Bright
Denise M. Sheehan, recusing

CASE 18-E-0130 - In the Matter of Energy Storage Deployment Program.

ORDER ESTABLISHING UPDATED STORAGE GOAL AND DEPLOYMENT POLICY

(Issued and Effective June 20, 2024)

BY THE COMMISSION:

INTRODUCTION

New York State is committed to developing a zero-emission electric grid. Over the next five to ten years, large, planned increases in the amount of intermittent renewable generation at both the bulk and distribution level, primarily in the form of on- and off-shore wind and photovoltaic (PV) solar, will require new methods and resources to balance supply and demand, including the use of energy storage. As discussed in more detail below, energy storage technologies are a key piece of the solution to ensure the reliability of New York's electric system during this historic transition.

On December 13, 2018, the New York State Public Service Commission (Commission) issued the Order Establishing

Energy Storage Goal and Deployment Policy (Energy Storage Order). The Energy Storage Order, among other things, outlined a framework of programs intended to spur the development and deployment of 3 gigawatts (GW) of energy storage projects in New York through the creation of competitive solicitations by each of the State's investor-owned utilities.[1] Since the issuance of the Energy Storage Order, the Climate Leadership and Community Protection Act (Climate Act or CLCPA) has become law. The CLCPA requires 70 percent of New York's electricity generation to come from renewables by 2030 and 100 percent by 2040.[2] Additionally, in 2022, New York announced a new goal of 6 GW of energy storage by 2030. The enactment of the CLCPA and the new energy storage goal only further accentuate the need for increased development of energy storage in New York.

In compliance with the periodic review requirements of the Energy Storage Order, to update previous analyses, and to respond to New York's expanded 6 GW energy storage target, New York State Department of Public Service Staff (DPS or Staff) and the New York State Energy Research and Development Authority (NYSERDA) jointly filed "New York's 6 GW Energy Storage Roadmap: Policy Options for Continued Growth in Energy Storage" (Roadmap) on December 28, 2022, in this proceeding. The Roadmap makes several recommendations aimed at achieving the 6 GW goal, discussed in detail below. Broadly speaking, the Roadmap proposes general program design considerations, market rule

---

[1] New York's investor-owned utilities are: Central Hudson Gas & Electric Corporation (Central Hudson), Consolidated Edison Company of New York, Inc. (Con Edison), New York State Electric & Gas Corporation (NYSEG), Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), Orange and Rockland Utilities, Inc.(O&R), and Rochester Gas and Electric Corporation (R&G) (collectively, the Joint Utilities).

[2] CLCPA §66-p(2).

changes, and procurement strategies, with specific considerations for both bulk and retail/residential storage in order to meet the 6 GW target.

In the Roadmap, Staff indicates that New York will need approximately 12 GW of energy storage by 2040 to support a decarbonized and reliable electric system. The target of 6 GW by 2030 is an important steppingstone to achieve the amount of energy storage that will ultimately be needed, and makes it clear to developers that New York values investments in energy storage. Through the Commission's continued collaboration with NYSERDA, the Long Island Power Authority (LIPA), the New York Independent System Operator, Inc. (NYISO), the New York Power Authority (NYPA), the New York Green Bank (NYGB), the New York State Department of Environmental Conservation (DEC), New York's investor-owned utilities, and other stakeholders, New York is poised to effectively transition to an emissions-free energy future.

By this Order, the Commission adopts an updated statewide deployment goal of 6 GW of energy storage resources by 2030, with an interim goal of 1.5 GW by 2025. As further discussed below, with consideration for the numerous stakeholder comments, the Commission adopts many of the Staff recommendations from the Roadmap. The successful implementation of the programs and recommendations contained herein will move the State closer to reaching its climate goals.[3]

[3] Codified in the Environmental Conservation Law (ECL), the CLCPA established the target of reducing greenhouse gas emissions 40 percent by 2030 and 85 percent by 2050, compared to 1990 levels. ECL §75-0107.

BACKGROUND

Enacted in 2017, Public Service Law (PSL) Section 74 required the Commission to establish a statewide energy storage goal for 2030 alongside a deployment policy to support this goal. In response, DPS Staff and NYSERDA filed the "New York State Energy Storage Roadmap and DPS/NYSERDA Recommendations" (2018 Roadmap) on June 21, 2018, in this proceeding. The 2018 Roadmap made several recommendations for Commission consideration that were intended to help spur the growth of the energy storage market in New York. Those recommendations focused around seven areas: (1) retail rate actions and utility programs; (2) utility roles and business models; (3) direct procurement; (4) market acceleration incentives; (5) soft-cost reductions; (6) clean peak actions; and (7) wholesale market actions. The Energy Storage Order adopted many of the recommendations specified in the 2018 Roadmap.

In the years since the Commission issued the Energy Storage Order, there has been a tremendous effort to effectuate the ambitious energy storage deployment, coordination, and market rule changes needed to successfully build out the robust storage network that is crucial to New York's energy transition. Energy storage procurement programs include a combination of NYSERDA market acceleration incentives and utility dispatch rights (UDR) contract solicitations.

The Energy Storage Order directed NYSERDA to implement an Energy Storage Market Acceleration Bridge Incentive (Bridge Incentive) using uncommitted ratepayer funds capped at $310 million.[4] The purpose of the Bridge Incentive is to provide revenue certainty for a predetermined timeframe, by providing a fixed, upfront incentive rate in dollars per kilowatt hour (kWh)

[4] Energy Storage Order, p. 65.

of energy storage capacity during the nascent stage of energy storage development, to make projects economically viable. As the energy storage market matures and incentives are no longer required, the level of support declines.

The Energy Storage Order also directed the Joint Utilities to issue a Request for Proposals (RFP) in 2019, and subsequent RFPs as-needed on an annual basis, to competitively procure dispatch rights for bulk-level energy storage projects.[5] The selection of projects is intended to address the local needs of the area in which the projects are located, including local reliability needs, load relief, environmental benefits through the reduction of use of peaking plant units and associated emissions, and wholesale market services such as Frequency Regulation, Spinning Reserves, Energy, and Capacity.[6] The Commission directed the Joint Utilities to procure a total of 350 megawatts (MW) of energy storage projects statewide, broken down into utility-specific goals with 300 MW targeted for Con Edison and 10 MW for each of the other five investor-owned utilities.[7] The Energy Storage Order required any projects procured in the RFP to be in-service by December 31, 2022, with a seven-year maximum dispatch rights contract.[8] Subsequent petitions and orders modified the in-service date of contracted projects to December 31, 2028, and increased the maximum dispatch rights contract term length to fifteen years for any future solicitation rounds.[9]

---

[5] Energy Storage Order, p. 53.

[6] Energy Storage Order, p. 54.

[7] Energy Storage Order, p. 55.

[8] Energy Storage Order, p. 54.

[9] Case 18-E-0130, Order Directing Further Modifications to Energy Storage Solicitations (issued March 26, 2023) (2023 Modification Order).

In addition to direct storage procurement strategies, the Commission also encouraged actions in the wholesale market to facilitate the integration of storage onto New York's bulk power system.[10] These actions included eliminating the application of buyer-side mitigation rules for public policy resources, including energy storage resources, and development and deployment of a distributed energy resource (DER) aggregation model. Since the issuance of the Energy Storage Order, the NYISO has implemented tariff revisions filed with the Federal Energy Regulatory Commission (FERC) to eliminate buyer-side mitigation for energy storage and other public policy resources, as well as launched its DER Participation Model.[11]

In parallel to the actions taken at the NYISO, Staff has lead the development of distribution and wholesale market coordination protocols for DERs by way of the Market Design and Integration Working Group.[12] The working group efforts will help define the clear delineation and establishment of coordination procedures for the dispatch of DERs, including energy storage resources, which is critical to ensuring both the reliability of the electric system and to maximize the benefits and services that energy storage can provide.

Thereafter, on December 28, 2022, DPS and NYSERDA jointly filed the Roadmap, which recommends updates to the programs established in the Energy Storage Order and examines how to best achieve the increased energy storage goal. The

---

[10] Energy Storage Order, p. 94.

[11] On May 10, 2022, FERC issued an Order accepting NYISO's tariff revisions related to the elimination of buyer-side mitigation, New York Independent System Operator, Inc., 179 FERC ¶ 61,102.

On April 15, 2024, FERC issued an Order accepting NYISO's tariff revisions related to DER Participation, New York Independent System Operator, Inc., 187 FERC ¶ 61,022.

[12] Energy Storage Order, pp. 102-103.

Roadmap looks at necessary market reforms, procurement mechanisms, research and development needs for long duration storage, and optimal approaches to energy storage deployment in addition to summarizing progress made since the issuance of the Energy Storage Order. The Roadmap also analyzes the current market for energy storage in New York State, thereby serving as the basis for the Commission's triennial review of storage markets, policies and programs as required in the Energy Storage Order.[13]

The analysis used to inform the recommendations contained within the Roadmap shows a large need for energy storage in the future, with approximately 12 GWs required by 2040 and more than 17 GWs by 2050. The Roadmap concludes that updating the current 3 GW goal to 6 GW is necessary to ensure that the pace of development for energy storage is sufficient to meet the State's future energy needs.

On March 14, 2024, DPS and NYSERDA filed an update to the Roadmap. The update accounts for increased costs related to inflation that were not present at the time the Roadmap was filed in 2022.

NOTICE OF PROPOSED RULE MAKING

Pursuant to the State Administrative Procedure Act (SAPA) §202(1), a Notice of Proposed Rulemaking (Notice) was initially published in the State Register on January 18, 2023 [SAPA No. 18-E-0130SP13]. The time for submission of comments pursuant to the Notice expired on March 20, 2023. Moreover, in the Secretary's Notice Announcing Webinars and Soliciting Comments, issued on February 6, 2023, stakeholders were invited to submit written comments by March 20, 2023, and reply comments by April 3, 2023.

---

[13] Energy Storage Order, p. 12.

A Notice of Revised Rulemaking (Revised Notice) was published in the State Register on April 3, 2024 [SAPA No. 18-E-0130SP13]. The time for submission of comments pursuant to the Revised Notice expired on May 20, 2024.

In response to the Notice, the Secretary's Notice, and the Revised Notice, numerous comments and reply comments were filed by organizations and individuals. A complete summary of these comments is included in the Appendices, and responses to specific comments are addressed in the relevant sections of the discussion below.

LEGAL AUTHORITY

The Commission has broad jurisdiction, power, and duties over the "[m]anufacture, conveying, transportation, sale, or distribution of ... electricity ...." Furthermore, PSL §5(2) instructs the Commission "[t]o encourage all persons and corporations subject to its jurisdiction to formulate and carry out long-range programs ... with economy, efficiency, and care for the public safety, the preservation of environmental values and the conservation of natural resources." The Commission's supervision of electric corporations includes the responsibility to ensure that all charges made by such corporation for any service rendered shall be just and reasonable. Public Service Law §66 empowers the Commission to "[p]rescribe from time to time the efficiency of the electric supply system." The Commission may exercise this broad authority to direct regulatory standards to execute the provisions contained in the PSL. Additionally, the Commission has the authority to direct the treatment of DERs by electric corporations.

Pursuant to PSL §74, the Commission is required, by December 31, 2018, to establish, in consultation with NYSERDA and LIPA, a statewide energy storage goal for 2030, and a deployment policy to support that goal. As prescribed therein,

the energy storage deployment policy shall address the following:

1) avoided or deferred costs associated with transmission, distribution, or generation capacity;
2) minimization of peak load in constrained areas;
3) systems that are connected to customer facilities and systems that are directly connected to transmission and distribution facilities;
4) cost-effectiveness;
5) the integration of variable-output energy resources;
6) reducing GHG emissions;
7) reducing demand for peak electrical generation;
8) improving the reliable operation of the electrical transmission or distribution systems; and
9) any other issues deemed appropriate.

The Commission is also required to submit annual reports on the achievements and effectiveness of the policy to the Governor, the Temporary President of the Senate, and the Speaker of the Assembly.[14] The actions directed by this Order are within the Commission's regulatory authority indicated above, and fulfill the requirement that the Commission establish a statewide energy storage goal and deployment policy.

STATE ENVIRONMENTAL QUALITY REVIEW ACT

On September 15, 2023, in compliance with the State Environmental Quality Review Act (SEQRA), the Commission accepted, as complete, a Draft Supplemental Generic Environmental Impact Statement (SGEIS) which analyzed the possible environmental impacts related to potential actions

[14] PSL §74(4).

recommended in the Roadmap.[15] A Notice of Completion of the Draft SGEIS was issued by the Secretary on September 15, 2023, the Notice announced that comments on the Draft SGEIS will be accepted until October 27, 2023. Additionally, a Notice was posted in the Environmental Notice Bulletin (ENB) on October 4, 2023. Two parties submitted comments in support of the Draft SGEIS and suggested the Commission consider additional topics in the Final SGEIS. The Final SGEIS expanded upon, and responded to, the topics recommended by the commenters. The Commission accepted the Final SGEIS as complete on December 14, 2023. A Notice of Completion of the Final SGEIS was posted in the ENB on December 27, 2023.

The Commission has considered the information in the Final SGEIS with respect to the decisions made in this Order, and hereby adopts the SEQRA Findings Statement, attached to this Order as Appendix C, prepared in accordance with Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617.

TRIENNIAL REVIEW

The Commission conducts this triennial review to help provide certainty to market participants, as directed in the Energy Storage Order. Based on this review, and the recommendations in the Roadmap, the Commission expands the energy storage goal and policies supporting that goal, as discussed below.

Current Progress and Market Overview

It has been more than five years since the Energy Storage Order was issued. Since that time, New York has made

[15] Case 18-E-0130, Order Accepting Draft Supplemental Generic Environmental Impact Statement as Complete (issued September 15, 2023).

significant strides towards achieving its energy storage targets. The Bridge Incentive, which was created in the Energy Storage Order with the goal of providing revenue certainty to the energy storage market for a defined period and deployment level, accounts for 811 MW of the total energy storage contracted, with the rest coming from a variety of sources including the utility bulk storage dispatch rights procurement process and projects that resulted from the Renewable Energy Standard (RES).

Today there are more than 40 GWs of energy storage projects that are in either wholesale or distribution interconnection queues in New York. Over 38 GWs of these proposed projects seek to interconnect into the bulk power system. Although it is possible that many of these proposed projects will not progress to the construction and operation stage, the large number of projects that developers are seeking to construct signals that New York has established itself as a place where energy storage is highly valued and desired.

The Energy Storage Order established numerous programs, as discussed above, including the Bridge Incentive and RFP process for UDR contracts. Each program came with its share of successes and shortcomings. As of April 24, 2024, the Bridge Incentive has procured 400 MW of bulk storage projects. Revenue certainty on the part of developers remains a critical prerequisite for bulk storage projects to come to fruition. Through this Order, the Commission aims to maintain this certainty in the face of challenges such as supply chain issues and changing market forces.

On the retail side, the Bridge Incentive proved successful with 320 MW procured on the distribution system

statewide using a declining block structure.[16] Even with this success, there remains room for improvement by providing longer-term certainty for funding allotments and block incentive levels, as discussed in the procurement section below.

The Long Island Residential Incentive is a pilot residential energy storage incentive program administered by NYSERDA.[17] This program is intended to spur the deployment of solar PV coupled with energy storage for use in the LIPA's Dynamic Load Management (DLM) program. In addition to the benefits related to load management, the residential energy storage incentive provides direct resiliency benefits for the household during blackout events. After two blocks of incentives, a total of 1,125 residences on Long Island installed 25.3 megawatt hours (MWh) of energy storage projects.[18] Though small on an individual level, continued residential adoption of energy storage on Long Island and all areas of New York will undoubtedly improve resilience for those homes and the grid in general.

LIPA has also been in the process of procuring bulk storage projects. It currently has 10 MW of 8-hour duration battery storage at two installations on the South Fork of Long Island.[19] In addition, LIPA has an active bulk energy storage

---

[16] Roadmap, p. 14.

[17] NYSERDA, Incentives for Long Island Residents, available at: https://www.nyserda.ny.gov/All-Programs/Energy-Storage-Program/Energy-Storage-for-Your-Home/Incentives-for-Long-Island-Residents.

[18] Roadmap, p. 15.

[19] LIPA, 2023 Integrated Resource Plan, IRP Summary Guide, available at: https://www.lipower.org/irp/.

solicitation for at least 175 MW that was issued in 2021.[20] Currently, contract negotiations are nearing the final stages for three projects (79 MW at Kings Substation, 50 MW at Shoreham Substation, and 50 MW at West Babylon Substation) totaling 179 MW of 4-hour duration energy storage capability. LIPA board consideration of the final contracts is expected in June 2024 for the Kings project, November or December 2024 for the Shoreham project, and March 2025 for the West Babylon project.[21]

As discussed above, the UDR contract procurement process has been refined in order to better attract competitive bids from developers, through subsequent Commission actions, resulting in more contracted energy storage MWs and ultimately built projects.[22] Over time, as the market matures and projects can expect predictable market revenues, the cost of bids from developers will likely decrease, increasing the chances of a successful dispatch rights contract. The dispatch rights contract framework allows for both new bulk-level energy storage projects to be deployed in a timelier manner than otherwise would happen, as well as gives the utility hands-on experience in operating and dispatching the energy storage resource.

The RES established the requirement that NYSERDA administer annual solicitations that allow for the pairing of energy storage resources with large-scale renewable generation

---

[20] PSEG Long Island, 2021 Bulk Energy Storage RFP, available at: https://www.psegliny.com/aboutpseglongisland/proposalsandbids/2021bulkenergystoragerfp.

[21] LIPA Board Meeting Presentation, Briefing on Energy Storage RFP, May 22, 2024, available at:

https://www.lipower.org/wp-content/uploads/2024/05/4.-Briefing-on-Energy-Storage-RFP-1.pdf.

[22] See Case 18-E-0130, Order Directing Modifications to Energy Storage Solicitations (issued April 16, 2021) (2021 Modification Order); see also 2023 Modification Order.

to increase the value of the proposed project.[23] As of April 1, 2024, the RES awarded a total of 20 MW of energy storage projects, primarily solar and energy storage facilities. The current solicitation seeks proposals for energy storage and offshore wind facilities to help integrate the thousands of megawatts of offshore wind generation that is expected to come online over the next fifteen years.[24]

A New York-sponsored investment fund, the NYGB works to accelerate the deployment of clean energy in the State by working with the private sector to transform energy financing.[25] Through this collaborative effort, the NYGB has invested $25 million of its committed $50 million to support energy storage projects statewide as of December 31, 2023.[26] The primary finance method utilized by developers so far has been a project loan where a lender relies on the revenues of the individual project as the means of repayment and security of the loan. The NYGB offers alternative finance methods depending on which stage of development a storage project is in. Products offered by the NYGB include equipment financing and interconnection loans, tax equity and incentive bridge loans, and senior term loans. Combined, these tools help to spur the energy storage market in New York. This alternative strategy recognizes that a vetted creditworthy developer, with a long-term contracted project that

---

[23] Case 15-E-0302, et al., Large-Scale Renewable Program and a Clean Energy Standard, Order Adopting a Clean Energy Standard (issued August 1, 2016) (CES Framework Order).

[24] NYSERDA, Solicitations for Large-Scale Renewables, available at: https://www.nyserda.ny.gov/All-Programs/Large-Scale-Renewables/RES-Tier-One-Eligibility/Solicitations-for-Long-term-Contracts.

[25] New York Green Bank, available at: https://greenbank.ny.gov/.

[26] Case 13-M-0412, NY Green Bank, Metrics, Reporting & Evaluation Quarterly Report No. 38 (filed February 29, 2024).

is operational, presents less risk than a proposed project early in its development that will rely primarily on merchant revenues in a market that is not yet well tested.

The FERC issued Order No. 841 in February 2018, requiring Independent System Operators (ISOs) and Regional Transmission Organizations (RTOs) to revise their tariffs to enable energy storage resources to participate in the wholesale markets.[27] Later on, as part of the NYISO's effort to reform capacity accreditation values for all resources, FERC approved its capacity accreditation changes which determine the capacity value of 4-hour energy storage resources and other 4-hour duration limited resources based on their marginal capacity contribution. This new capacity accreditation methodology was implemented starting in May 2024. Each resource is assigned its applicable Capacity Accreditation Factor based on its resource classification.

In addition to the actions the NYISO has taken to comply with Order No. 841, the NYISO has also implemented a co-located storage resource (CSR) participation model that allows an energy storage resource to pair with an intermittent solar or wind resource behind a single point of interconnection.[28] Each of the resources operate and are compensated under their respective participation model, but both are allowed to proceed in the interconnection process under a single interconnection request, which saves interconnection costs. The CSR participation model allows storage and renewables to efficiently

---

[27] Electric Storage Participation in Markets Operated by Regional Transmission Organizations and Independent System Operators, Order No. 841, 162 FERC ¶ 61,127 (2018).

[28] FERC Docket No. ER21-1001, New York Independent System Operator, Inc., Proposed Tariff Revisions to Implement Co-located Storage Resources (filed January 29, 2021).

interconnect and maximizes the benefits of both energy storage resources and renewable generation effectively.

Building off the CSR model, the NYISO developed a hybrid storage resource (HSR) model in its stakeholder process.[29] The HSR model design is intended to allow an energy storage resource and intermittent power resource to participate in the NYISO markets under a single point identifier, bid, schedule, and settlement and effectively act as one single resource. Like the CSR model, the HSR model will allow this combination of resources to share a single interconnection request.

The NYISO further advanced the integration of energy storage resources into the wholesale market through FERC's acceptance of its DER participation model in January 2020. This model enables DER aggregations between 100 kW and 20 MW, including aggregations that contain energy storage, to participate in the market as one resource. The model also specifies that each individual resource within a DER aggregation must be a minimum of 10 kW. FERC also issued Order No. 2222 in 2020, which requires all ISOs and RTOs to revise their tariffs to allow for the full participation of DERs in the wholesale market to the maximum extent of their capabilities.[30] As a result of FERC Order No. 2222, the NYISO was required to revise its already accepted DER model in order to fully comply with FERC's directives. Deployment of the NYISO's DER model occurred

---

[29] NYISO, Co-located Storage Resource Model Updates (March 20, 2024), available at: https://www.nyiso.com/documents/20142/43713211/4%20Co-located%20Storage%20Resource%20Model%20Updates%20032724%20mc.pdf/f6247348-5c8d-8f90-9691-9aa2ea013ad4.

[30] Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators, Order No. 2222, 172 FERC ¶ 61,247 (2020).

in April 2024. Full implementation of an aggregation model compliant with Order No. 2222 is estimated in 2026.

On the distribution side of the electric system, the Commission issued the VDER Order in March 2017.[31] The VDER Order created a new compensation structure for DERs 5 MWs or smaller, including energy storage, termed the Value Stack. The Value Stack is comprised of several components which use price and locational signals to incent desired operation of the resource. These components include Energy and Capacity Values based on NYISO pricing, Demand Reduction Value, Environmental Value, and Locational System Relief Value. A Market Transition Credit and Community Credit are also available for Community Distributed Generation (CDG) projects, although at present each utility has fully utilized their respective credits. Energy storage projects benefit from the VDER Order's compensation structure by incenting a shift in their output to higher priced hours.

In August 2022, President Biden signed the Inflation Reduction Act of 2022 (Inflation Reduction Act) into law. Embedded within this wide-ranging piece of legislation is the modification of the existing investment tax credit (ITC) that will help drive development of stand-alone energy storage projects.[32] Previously, only energy storage projects paired with solar were eligible to receive the credit. Now, qualified

---

[31] Case 15-E-0751, In the Matter of the Value of Distributed Energy Resources, Order on Net Energy Metering Transition, Phase One of Value of Distributed Energy Resources, and related Matters (issued March 9, 2017) (VDER Order).

[32] "The Investment Tax Credit is a tax credit that reduces the federal income tax liability for a percentage of the cost of a qualified system that is installed during the tax year." Department of Energy, Overview of Inflation Reduction Act Incentives for Federal Decarbonization, available at: https://www.energy.gov/femp/overview-inflation-reduction-act-incentives-federal-decarbonization.

stand-alone residential and commercial storage systems are eligible for the ITC, which is equal to 30 percent of the cost of the installed equipment for the energy storage project. Projects are eligible to receive more than the 30 percent credit under certain circumstances, such as if the project is located near a brownfield site or if the energy storage project is paired with renewable generation and benefits a low-income community or Native American territory. Further guidance from the Department of Treasury is forthcoming regarding the specific use cases where a credit of more than 30 percent is available, which in turn will inform developer investment decisions in New York.

NYPA is responsible for generating and transmitting zero-carbon power to several commercial, industrial, municipal, and governmental customers. To support this effort, NYPA built a 20 MW energy storage project in Chateaugay, New York.[33] The Northern New York Energy Storage Project (NNYESP) takes advantage of the wind energy in the North Country and St. Lawrence hydropower plant and has the capacity to power approximately 3,000 homes. The NNYESP further demonstrates how storage can help maximize the integration of renewable generation into New York's grid. The project became operational in summer 2023.

The Roadmap recognizes the value and importance of long-duration energy storage (LDES) in helping maintain a reliable system. To help spur the development and demonstrate the efficacy of LDES, NYSERDA has made over $33 million

---

[33] Governor Hochul Announces New York's First State-Owned Utility-Scale Energy Storage System Now Operating in North Country, August 25, 2023, available at: https://www.governor.ny.gov/news/governor-hochul-announces-new-yorks-first-state-owned-utility-scale-energy-storage-system-now.

available in funding for LDES demonstration projects, through its Innovation Program. Currently, four projects that are aimed at renewable integration and emission reductions have received funding.[34] NYSERDA conducted an additional solicitation to contract with LDES projects with the aim to highlight cost, performance, siting, and renewable integration difficulties.[35]

Role of Energy Storage

The development, installation, and operation of energy storage in New York is imperative to meet the emission reduction targets outlined in the CLCPA, and codified in the ECL.[36] As the State's electric grid transitions from one historically dominated by large, fossil-fueled baseload generation to one comprised of DERs and intermittent renewable generation, energy storage is one of the key ingredients to ensure this transition takes place in a reliable manner.

Currently, the peak demand for electricity in New York usually occurs in the summer months on hot and humid days, when consumers are maximizing air conditioning use. Over the next 20 years, as electric heat pumps and electric vehicles (EV) become more prevalent, this historical consumption pattern is expected to shift towards a winter peak. This shift in demand, coupled with the expected retirement of high-emitting peaking power plants downstate, further highlights the need and role for

---

[34] NYSERDA, Nearly $15 Million Awarded to Four Demonstration Projects to Advance Long Energy Duration Energy Storage Technology Solutions, August 17, 2023, available at: https://www.nyserda.ny.gov/About/Newsroom/2023-Announcements/2023-08-17-Governor-Hochul-Announces-Nearly-15-Million-in-Long-Duration-Energy-Storage.

[35] NYSERDA Long Duration Energy Storage Technology and Product Development, Product Opportunity notice 5472, available at: https://portal.nyserda.ny.gov/servlet/servlet.FileDownload?file=00P8z0000034APIEA2.

[36] ECL §75-0107.

energy storage.[37] With the retirement of peakers, energy storage will help meet future peak demand statewide, regardless of the season, especially in load pockets in New York City and Long Island.

The transition of the fleet of generation in New York, from one that can be dispatched for long durations to one in which there are large quantities of intermittent renewable generation, requires solutions, such as energy storage, to fill in the generation gaps. Short-duration energy storage can help to manage this intermittency on an hourly basis, as well as store renewable generation and inject it back onto the grid during high demand and priced hours, or the ability of LDES to shift renewable generation across days, weeks, or seasons.

Analysis completed for the Climate Action Council projects that over 60 GWs of solar capacity, 16-19 GWs of offshore wind, and 16-17 GWs of land-based wind could be added onto New York's electric system by 2050.[38] These large, projected increases in renewable generation highlight the need for energy storage deployment in order to keep pace. The analysis completed for the Roadmap indicates that 12 GWs of short-duration energy storage by 2040 and more than 17 GWs by 2050 are needed to decarbonize the grid in a cost effective and reliable way. This projected amount of installed energy storage is a multi-fold increase compared to the current amount of energy storage in the state; as such, a more aggressive goal of

---

[37] In 2019, DEC established the "Peaker Rule" which requires owners or operators of simple cycle and regenerative combustion turbines that are electric generating units with a nameplate capacity of 15 MW or greater (peaking plants) and that inject power into the transmission or distribution systems to comply with emission limits by either retrofitting controls or shutting down. Six NYCRR Part 227-3.

[38] New York Climate Scoping Plan, Chapter 13, p. 221, available at: https://climate.ny.gov/resources/scoping-plan/.

6 GW by 2030, double the current mandate of 3 GW, is not only prudent but necessary to ensure that sufficient resources are online and available by 2030.

It remains the case that the pattern of energy storage deployment in New York will vary by region, duration, and over time. Downstate, in New York City and Long Island, energy storage will help to integrate offshore wind onto the grid and help solve local reliability needs as decades-old peaking plants retire. In upstate New York, land is cheaper and more plentiful for land-based wind turbine development which will drive the need for energy storage. Through 2030, most energy storage is expected to be installed downstate, with increasing amounts located upstate over time; more than half of the projected needed 17.2 GW of energy storage is expected to be sited upstate by 2050. Over time, the importance of LDES will grow as the ability to discharge stored energy across all peak hours is necessary to help maintain reliability, with the Roadmap's analysis indicating that over 70 percent of energy storage projects will be located in New York City and Long Island.

The size and scope of energy storage projects, associated development lead time, and interconnection complexity vary depending on whether the project is residential, retail, or bulk. Each of these market segments exist at different scales and provide unique benefits to New Yorkers. Residential energy storage is usually small, at an average of less than 10 kW, and can be developed and installed quickly, giving the customer added resiliency during black outs and the ability to participate in utility demand response programs. Retail projects, sized under 5 MWs, have a considerably longer development time, averaging three years; despite the long development time, attrition in retail projects is low. Bulk projects, considered 5 MWs and larger, are expected to make up

the most installations in the state on a capacity basis, highlighting the need for this critical resource, with development and installation timelines of bulk projects taking up to six years; these bulk storage facilities can replace peaking plants and integrate a large amount of renewable generation.

Storage Deployment Barriers

New York made it clear in the CLCPA that encouraging the development and installation of energy storage is paramount to transiting the electric system from one primarily fueled by fossil fuels to one powered by zero-emission resources. In furtherance of the policy goals in the CLCPA, progress towards storage deployment in New York is underway, with a number of energy storage projects coming online and many more in the interconnection queue. Despite this progress, there are certain barriers remaining that prevent energy storage from reaching its full potential.

One barrier that has hindered the timely development of energy storage resources is the rise in supply costs for lithium-ion batteries since 2022. The materials that are used in battery manufacturing are in high demand as battery use in all facets of society has proliferated, such as increased battery demand for EVs. Supply and demand dynamics are impacting the ease and speed with which energy storage developers can move energy storage projects from the design phase to the construction phase. While New York cannot control all the factors that go into construction costs, by remaining technology neutral in energy storage deployment and funding, the State can encourage a variety of technology types to compete for project incentive awards, which may potentially drive down costs.

Currently, the revenues available to energy storage resources in the wholesale electricity markets are not adequate for merchant storage resources to be economic.[39] The continued replacement of retired fossil generation with intermittent, renewable energy on the bulk power system may lead to periods of low or even negative prices, giving energy storage an opportunity to charge cheaply and then discharge into the grid later when energy prices are higher. On the capacity market side, the final values for capacity accreditation will impact how much capacity revenue an energy storage resource can expect to receive. The NYISO's recent implementation of an Operating Reserve requirement in New York City provides energy storage resources with a locationally specific price signal and provides an opportunity for additional market revenue that energy storage resources are well situated to compete for. The NYISO is currently evaluating the need for other geographic specific Operating Reserve requirements for load pockets in the state. The Operating Reserve requirements may provide further wholesale market revenue opportunities to energy storage resources.

Obtaining adequate financing terms for energy storage projects remains a challenge for developers and impacts the viability of those projects. The uncertainty of revenue available under wholesale and distribution tariffs makes incentives and funding programs critical to getting energy storage projects from concept to reality. Over time, as revenue predictions become more accurate due to historical performance and availability of data, the level of incentives required for energy storage resources should decrease.

Based on this triennial review, the Commission finds that while we have made progress, there is a significant amount

---

[39] Merchant storage resources are those that are developed without receiving subsidies or other outside support.

of work before us. The Roadmap has provided us with many options to consider that will help us to build upon our success and to achieve our clean energy targets. We address those options and next steps forward below.

DISCUSSION

Bulk Energy Storage Procurement Program Design

As the Roadmap notes, bulk scale energy storage is expected to play the largest role in terms of nameplate capacity in New York achieving the 6 GW by 2030 goal. The Roadmap describes six potential paths towards achieving 3 GWs of bulk level energy storage needed by 2030. These six options are summarized below.

Bulk Program Design Summary

Upfront Rebate/Standard Offer Incentive: The Upfront Rebate/Standard Offer Incentive would offer payments to developers on a per kW or kWh of installed capacity basis. Projects would receive a contract for a fixed dollar amount over the contract term length.

Index Storage Credit: The Index Storage Credit (ISC) would function similarly to the Index Renewable Energy Credit (REC) approach used in the large-scale renewable procurements.[40] Storage developers would bid in a "Strike Price" which reflects the developer's assumption of revenue for the energy storage project and compare that to a "Reference Price" which would be calculated based on price indices representing expected revenue from the NYISO's Energy and Capacity Markets. The ISC would be

[40] Case 15-E-0302, supra, Order Adopting a Clean Energy Standard (CES Order) (issued August 1, 2016). More information on RECs can be found at: NYSERDA, FAQs for Load Serving Entities, available at: https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Standard/LSE-Obligations/FAQs-for-Load-Serving-Entities.

Exhibit 2

NEW YORK STATE OF OPPORTUNITY. | Public Service Commission

Three Empire State Plaza, Albany, NY 12223-1350
www.dps.ny.gov

Public Service Commission
Rory M. Christian
Chair and
Chief Executive Officer

Diane X. Burman
James S. Alesi
Tracey A. Edwards
John B. Howard
David J. Valesky
John B. Maggiore
Commissioners

December 28, 2022

Via Electronic Mail

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Agency Building 3
Albany, NY 12223-1350

Re: Case 18-E-0130 – In the Matter of Energy Storage Deployment Program.

Dear Secretary Phillips,

On behalf of the New York State Department of Public Service and the New York State Energy Research and Development Authority (NYSERDA), please find the attached "New York's 6 GW Energy Storage Roadmap: Policy Options for Continued Growth in Energy Storage," for filing in Case 18-E-0130. Please feel free to contact me should you have any questions.

Sincerely,

/s/ Stephanie S. McDermott
Stephanie S. McDermott
Assistant Counsel
Department of Public Service
3 Empire State Plaza,
Albany, NY 12223
(518) 408-1441|
stephanie.mcdermott@dps.ny.gov
www.dps.ny.gov

Attachments

Department of Public Service | NYSERDA

New York's 6 GW Energy Storage Roadmap:

Policy Options for Continued Growth in Energy Storage

CASE 18-E-0130

In the Matter of Energy Storage Deployment Program

December 28, 2022

Table of Contents

List of Figures

List of Tables

Executive Summary

Energy storage will play a critical role in supporting New York's decarbonized electric grid by integrating large quantities of variable renewable energy, reducing curtailment, and storing renewable generation for the times it is needed most. On January 5, 2022, New York Governor Kathy Hochul announced in her *State of the State* address an intention to double the state's 2030 energy storage deployment target, from the currently legislated 3 gigawatts (GW) of storage to 6 GW of storage by 2030. This nation-leading storage target, in addition to an interim goal of 1.5 GW by 2025 established through the 2018 Storage Roadmap process, is motivated by the rapid growth in renewable energy expected over the next decade and the role that electrification of transportation and buildings is expected to play in achieving New York State's future carbon neutral economy. These directives are outlined in New York's *Climate Leadership and Community Protection Act* (Climate Act), which calls for New York to achieve 70% renewable electricity by 2030 and 100% zero-emissions electricity by 2040. To accelerate the deployment of storage and support the transition to a clean electric grid, Governor Hochul directed the Department of Public Service (DPS) and the New York State Energy Research and Development Authority (NYSERDA) to update New York State's Energy Roadmap to double deployment, achieving at least 6 GW of energy storage deployments by 2030.

This document represents an updated Storage Roadmap, augmenting the 2018 Storage Roadmap, developed by NYSERDA and DPS Staff to meet the directive laid out by Governor Hochul. Specifically, this Roadmap assesses needed market reforms and cost-effective procurement mechanisms to achieve the increased storage target, identifies research and development needs to accelerate technology innovation, particularly for long-duration energy storage, and recommends approaches to storage deployments in a manner that furthers the state's efforts in replacing New York's most polluting fossil fuel facilities.

This updated 2022 Roadmap also analyzes the current market for energy storage in New York State, including the progress to date toward achieving the existing 3 GW target. It also serves as the Triennial Review of storage markets, policies and programs as required under the Public Service Commission's (Commission) 2018 Energy Storage Order.[1]

To serve the needs of a carbon neutral economy, analysis developed to support this Roadmap indicates that about 12 GW of energy storage by 2040 and 17+ GW by 2050 would be part of a cost-effective decarbonized electric grid, offering critical benefits in terms of grid reliability and integration of renewable generation. A new 2030 target of 6 GW will play a critical role in achieving the order-of-magnitude growth increases needed to put New York on a path towards these longer-term storage levels. A target of 6 GW of storage by 2030 is projected to reduce the projected future electric system costs by approximately $2 billion, in addition to public health benefits resulting from reduced exposure to harmful pollutants from fossil fuel resources that would otherwise operate during peak demand periods. NYSERDA and DPS Staff therefore recommend adopting an increased deployment target of 6 GW of energy storage by 2030.

A total of 1,301 megawatts (MW) of storage, representing about 87% of the 2025 target, has been awarded or contracted as of October 2022, with over 130 MW installed. Approximately 12,000 MW of proposed energy storage projects are presently in either distribution-level or wholesale-level

[1] Case 18-E-0130, In the Matter of Energy Storage Deployment Program, Order Establishing Energy Storage Goal and Deployment Policy (Energy Storage Order), issued December 13, 2018.

interconnection queues in New York. These metrics convey the rapid growth of the storage industry's interest in the state since the 2018 Roadmap. However, notable barriers to deployment persist and, to some extent, have even increased recently.

Over the past year, supply chain constraints, material price increases, and increased competition for battery cells have driven up the cost of energy storage technologies, particularly lithium-ion batteries. Many of the drivers of cost increases are expected to persist until at least 2025. These cost increases may impact the cost of any new programs designed to procure storage to be installed by 2030. In addition to cost increases, difficulties in the timely completion of interconnection processes, high interconnection costs, and downward pressure on capacity revenue create a challenging environment through the development and operational lifecycle of a storage project. Financial support will therefore be crucial for the state to achieve the 3 GW and 6 GW deployment goals.

To reach the proposed 6 GW deployment goal by 2030, roughly 4,700 MW of new projects will need to be procured and deployed in the coming years. To maximize the feasibility of these procurements, diversify technology options, and take advantage of the unique benefits provided by different market segments, NYSERDA and DPS Staff recommend new programs be developed for bulk, retail, and residential storage projects across the state.

Based on a review of procurement options, market conditions, and past programs for bulk storage resources, NYSERDA and DPS Staff recommend a two-pronged approach to bulk storage deployment. First, 3,000 MW of bulk storage projects should be procured through a new Index Storage Credit mechanism, which is anticipated to provide long-term certainty to projects while maximizing value to ratepayers. Second, NYSERDA and DPS Staff recommend that the Joint Utilities of New York (JU) be directed to study the potential of energy storage to provide non-market transmission and distribution services and identify projects that provide cost-effective services when compared to traditional alternatives, and that any storage projects developed as a result should count toward the 6 GW target.

The existing retail and residential storage programs have proven successful, and NYSERDA and DPS Staff propose to extend their funding following a design of region-specific blocks of funding similar to that used to date. New programs should include 1,500 MW of program blocks for retail projects and 200 MW for residential storage programs.

The total cost of these proposed procurement programs is estimated at between $1.0 billion and $1.7 billion. This equates to an estimated increase in customer electric bills of 0.32% – 0.54% (or $0.34 – $0.58 per month for the average residential customer) on average across New York for the 22-year period during which these programs would make payments to awarded projects. The range of these projections reflects future uncertainties, most notably those associated with energy and capacity prices.

While most of the storage projects procured through 2030 are expected to provide 4- to 8-hours of duration, long-duration storage (capable of 10+ hours of duration) is expected to become an important component of the long-term energy system. It is therefore recommended that NYSERDA programs focus on supporting research, development, and demonstration of technologies that can provide reliable, zero-carbon supply and reach commercialization in the first half of the 2030s.

This combination of storage programs provides a feasible and cost-effective pathway to achieving the goal of deploying 6 GW of storage by 2030 on a trajectory that will support full decarbonization of the electricity system by 2040.

1 Introduction

1.1 Purpose

On January 5, 2022, New York Governor Kathy Hochul announced as part of her *State of the State* address an intention to double the state's energy storage target, from the currently legislated 3 GW of storage to 6 GW of storage by 2030. This nation-leading storage target is motivated by the rapid growth in renewable energy expected over the next decade, and the role that electrification of transportation and buildings is expected to play in achieving New York State's future carbon neutral economy. These directives are outlined in New York's *Climate Leadership and Community Protection Act* (Climate Act), which calls for the state to achieve 70% renewable electricity by 2030 and 100% zero-emissions electricity by 2040. To accelerate the deployment of storage and support the transition to a clean electric grid, Governor Hochul directed the Department of Public Service (DPS) and the New York State Energy Research and Development Authority (NYSERDA) to update New York State's Energy Roadmap to double deployment, achieving at least 6 GW of energy storage deployments by 2030.

NYSERDA and DPS Staff submit this 2022 Storage Roadmap to the Public Service Commission (Commission) to update and augment the 2018 Storage Roadmap and to meet the directive laid out by Governor Hochul. This document analyzes the need for an increased 6 GW target and the barriers to storage deployment today. It provides policy recommendations to help the state achieve 6 GW of energy storage deployment by 2030.

This 2022 Storage Roadmap also serves as the Triennial Review Report, as required by the 2018 Energy Storage Order.[2]

1.2 New York's 2018 Energy Storage Roadmap Findings

The 2018 Energy Storage Roadmap initiated a process of developing policies, market mechanisms, and funding programs to support energy storage projects in New York State. Specifically, the 2018 Roadmap consisted of a statewide study to identify optimal storage buildouts under various scenarios, looking out to 2030 and incorporating the programs and policies in place at the time. The study found a heavy preference for storage deployment in downstate New York, along with synergies with deployment of solar power.[3] The study also quantified the benefits provided by storage under multiple use cases, from behind-the-meter to front-of-the-meter distribution-connected projects, and bulk storage resources.

The results of the 2018 Roadmap led to the creation of the 1.5 GW by 2025 target, as well as the goal of 3 GW by 2030, which were supported by a set of Market Acceleration Bridge Incentive programs administered by NYSERDA. Since the publication of the 2018 Roadmap, a number of changes have taken place. Firstly, and most importantly, the Climate Act was passed in 2019, codifying the 3 GW storage target and directing full decarbonization of the electricity sector, including a focus on utilizing storage for the

---

[2] Regarding this review, the Energy Storage Order states, "...the Commission will conduct a review of the progress towards achieving the energy storage deployment goals and the effectiveness of the energy storage deployment policies and actions in meeting those goals." Case 18-E-0130, supra, Energy Storage Order, p. 113.

[3] Downstate New York is defined as Zones G-K in the New York Control Area, including the lower Hudson Valley, New York City, and Long Island.

integration of renewables and offsetting highly polluting peaking facilities. Furthermore, other resource-specific targets have impacted the value and need for storage resources, including the 9 GW offshore wind target, the 70% by 2030 renewable energy target, and the expansion of the NY-Sun program to 10 GW. Finally, the recent passage of the Inflation Reduction Act has created a new support mechanism for standalone energy storage projects in the form of an Investment Tax Credit. The recommendations put forth in this Roadmap consider the impact of these changes on the goal of achieving at least 6 GW of energy storage by 2030.

1.3 Organization of this Document

The 2022 Energy Storage Roadmap is organized as follows:

- Section 2 presents an overview of the current market and progress toward New York's previous storage goals. This section includes a status update on New York's bulk and retail energy storage programs and serves as the Triennial Review required by the 2018 Storage Order.
- Section 3 provides an overview and analysis of the role of New York's energy storage targets in creating a zero-emissions electricity system by 2040. It also provides recommendations on allocation of procurement efforts between the retail, residential and bulk storage market segments and the trajectory towards achieving the target.
- Section 4 details market barriers currently impacting energy storage and examines the market rules that apply to energy storage.
- Sections 5 and 6 assess options available for procurement of energy storage in the bulk and retail/residential market segments respectively, and offer recommendations.
- Section 7 considers procurement program design issues applicable across the range of storage procurement programs.
- Section 8 provides projections of the program and administrative costs associated with the proposed target and procurement amounts, together with recommendations for the mechanisms to be used to fund these programs.
- Section 9 discusses storage innovation and the role of long-duration storage.

Exhibit 3

For Immediate Release: 6/20/2024 **GOVERNOR KATHY HOCHUL**

GOVERNOR HOCHUL ANNOUNCES APPROVAL OF NEW YORK'S NATION-LEADING SIX GIGAWATTS ENERGY STORAGE ROADMAP

Comprehensive Roadmap Expands State's Successful Energy Storage Programs to Unlock the Rapid Growth of Renewables and Bolster Grid Reliability and Customer Resilience

Storage Deployments Expected to Reduce Projected Future Statewide Electric System Costs by Nearly $2 Billion

Supports the Climate Leadership and Community Protection Act Goals to Generate 70 Percent of State's Electricity from Renewables by 2030 and 100 Percent Zero Emission Electricity by 2040

Governor Kathy Hochul today announced that the New York State Public Service Commission approved a new framework for the State to achieve a nation-leading six gigawatts of energy storage by 2030, which represents at least 20 percent of the peak electricity load of New York State. The roadmap is a comprehensive set of recommendations to expand New York's energy storage programs to cost-effectively unlock the rapid growth of renewable energy across the state and bolster grid reliability and customer resilience. The roadmap will support a buildout of storage deployments estimated to reduce projected future statewide electric system costs by nearly $2 billion, in addition to further benefits in the form of improved public health because of reduced exposure to harmful fossil fuel pollutants. Today's announcement supports the Climate Leadership and Community Protection Act goals to generate 70 percent of the state's electricity from renewable sources by 2030 and 100 percent zero emission electricity by 2040.

"Expanding energy storage technology is a key component to building New York's clean energy future and reaching our climate goals," **Governor Hochul said.** "This new framework provides New York with the resources it needs to speed up our transition to a green economy, while ensuring the reliability and resilience of our grid."

In finalizing plans for the roadmap, the Department of Public Service staff and the New York State Energy Research and Development Authority (NYSERDA) carefully assessed potential market reforms and cost-effective procurement mechanisms to achieve six gigawatts, and identified research and development needs to accelerate technology innovation, particularly for long duration storage. The agencies also considered approaches to energy storage development in a way that advances the

elimination of the state's most polluting fossil fuel power plants, as proposed by Governor Hochul in her 2022 State of the State address.

The roadmap kicks off programs toward procuring an additional 4.7 gigawatts of new storage projects across the bulk (large-scale), retail (community, commercial and industrial), and residential energy storage sectors in New York State. These future procurements, combined with the 1.3 gigawatts of existing energy storage being procured or already under contract with the State and moving toward commercial operation, will allow the State to achieve the six-gigawatt goal by 2030.

Public Service Commission Chair Rory M. Christian said, "Governor Hochul has long been a staunch supporter of energy storage development in New York State, and with her steadfast support, we have been able to develop this roadmap to guide New York away from fossil-burning power plants to a clean energy economy."

New York State Energy Research and Development Authority President and CEO Doreen M. Harris said, "Energy storage is crucial as New York works to decarbonize our electric grid, manage increased energy loads, and optimize the integration and use of clean, renewable energy. The roadmap approved today by the New York State Public Service Commission allows NYSERDA to expand our collaborations with partners and implement key strategies to safely deploy energy storage at scale in support of Governor Hochul's goal to install six gigawatts by 2030."

Roadmap details include:

- 3,000 megawatts of new bulk storage, enough to power approximately one million homes for up to four hours, to be procured through a new competitive Index Storage Credit mechanism, which is anticipated to provide long-term certainty to projects while maximizing savings for consumers;
- 1,500 megawatts of new retail storage, enough to power approximately 500,000 homes for up to four hours, and 200 megawatts of new residential storage, enough to power 120,000 homes for up to two hours, to be supported through an expansion of NYSERDA's existing region-specific block incentive programs;
- Utilization of at least 35 percent of program funding to support projects that deliver benefits to Disadvantaged Communities (DACs) and that target fossil fuel peaker plant emissions reductions, with program carve-outs for projects sited in the downstate region, given its high concentration of DACs and peaker plants;
- Requiring electric utilities to study the potential of high-value energy storage projects toward providing cost-effective transmission and distribution services not currently available through existing markets;
- Continued prioritization by existing programs on investing in research and development related to reliable long-duration energy storage technologies; and
- Payment of prevailing wage as a programmatic requirement for energy storage projects with a capacity of one megawatt and above, demonstrating the state's continued commitment to driving family-sustaining jobs in clean energy.

Energy storage plays a critical role in supporting New York's zero-emission electric grid by enabling the integration of large quantities of renewable energy, helping to smooth generation, reduce curtailment, and shift renewable generation to where and when it is needed most. As of April 1, 2024, New York has awarded about $200 million to support

approximately 396 megawatts of operating energy storage in the state. There are more than 581 megawatts of additional energy storage under contract with the State and moving towards commercial operation. As New York electrifies buildings, transportation and industrial end uses, accelerating energy storage deployment will provide a flexible solution to help meet these additional demands on the grid and support the retirement of downstate fossil fuel generators near their end of life.

NY-BEST Executive Director Dr. William Acker said, "NY-BEST applauds Governor Hochul and the Public Service Commission on the approval of New York State's 6 GW Energy Storage Roadmap, which establishes nation-leading programs to unlock the rapid deployment of energy storage, reinforcing New York's position as a global leader in the clean energy transition. Energy storage plays a critical role in decarbonizing the grid, reducing electricity system costs and improving reliability while supporting clean energy jobs across the state."

Alliance for Clean Energy Director of Membership Services & Policy Analyst New York Kyle Rabin said, "ACE NY applauds Governor Hochul, the New York State Public Service Commission, and NYSERDA on this important step to achieving a greater deployment of energy storage across the state. Battery energy storage plays a pivotal role in improving grid reliability, stabilizing electricity prices, harnessing the full power of renewable energy, reducing New York's reliance on fossil fuels, and transitioning to a modernized electric grid and is an important part of reaching our clean energy and climate goals."

The New York State Building and Construction Trades Council President Gary LaBarbera said, "A critical part of building New York's green infrastructure is laying out a framework for establishing an efficient energy storage system that will not only bolster our grid resilience, but also create thousands of family-sustaining union careers for hard working people. This new plan from the New York State Public Service Commission will play a major role in expanding our storage program, enabling us to achieve the goals set out by the CLCPA and deliver reliable renewable energy to more New Yorkers, all while giving more tradesmen and tradeswomen the opportunity to pursue the middle class. We applaud Governor Hochul for continuing to push forward these key initiatives that will improve the lives of all New Yorkers."

New York League of Conservation Voters President Julie Tighe said, "To unleash the full potential of renewable energy, we need the ability to store all the wind, solar, and hydro power that is being built across the state so we can distribute it back to the grid when power demand is greatest and replace dirty 'peaker' fossil fuel plants. We applaud Governor Hochul and the Public Service Commission on the energy storage roadmap, which puts us on a path to better air quality and fewer greenhouse gas emissions."

New York State's Nation-Leading Climate Plan

New York State's climate agenda calls for an orderly and just transition that creates family-sustaining jobs, continues to foster a green economy across all sectors and ensures that at least 35 percent, with a goal of 40 percent, of the benefits of clean energy investments are directed to disadvantaged communities. Guided by some of the nation's most aggressive climate and clean energy initiatives, New York is advancing a suite of efforts – including the New York Cap-and-Invest program (NYCI) and other

complementary policies – to reduce greenhouse gas emissions 40 percent by 2030 and 85 percent by 2050 from 1990 levels. New York is also on a path to achieving a zero-emission electricity sector by 2040, including 70 percent renewable energy generation by 2030, and economywide carbon neutrality by mid-century. A cornerstone of this transition is New York's unprecedented clean energy investments, including more than $28 billion in 61 large-scale renewable and transmission projects across the State, $6.8 billion to reduce building emissions, $3.3 billion to scale up solar, nearly $3 billion for clean transportation initiatives and over $2 billion in NY Green Bank commitments. These and other investments are supporting more than 170,000 jobs in New York's clean energy sector as of 2022 and over 3,000 percent growth in the distributed solar sector since 2011. To reduce greenhouse gas emissions and improve air quality, New York also adopted zero-emission vehicle regulations, including requiring all new passenger cars and light-duty trucks sold in the State be zero emission by 2035. Partnerships are continuing to advance New York's climate action with more than 400 registered and more than 130 certified Climate Smart Communities, nearly 500 Clean Energy Communities, and the State's largest community air monitoring initiative in 10 disadvantaged communities across the State to help target air pollution and combat climate change.

Exhibit 4

SUSAN J. LOFRUMENTO
ASSOCIATE COUNSEL
LAW DEPARTMENT

May 24, 2024

VIA ELECTRONIC DELIVERY

Jessica Vigars, Esq.
Records Access Officer
Office of the General Counsel
New York State Department of Public Service
Three Empire State Plaza
Albany, NY 12223

Re: Case 18-E-0130: In the Matter of Energy Storage Deployment Program
Con Edison Energy Storage Services Agreement – Request for Trade Secret Protection

Dear Ms.Vigars:

By transmittal letter dated today, a copy of which is included herewith, Consolidated Edison Company of New York, Inc. ("Con Edison") has submitted to the Public Service Commission (the "Commission") for filing a redacted version of an executed Energy Storage Services Agreement (the "Agreement"). The redacted portions of the Agreement contain confidential commercial information, as further described below. Con Edison requests trade secret protection of the redacted information and includes an unredacted copy of the Agreement with this request.

The information redacted from the Agreement meets the requirements for trade secret status set forth in 16 NYCRR 6-1.3. The redacted information consists of project specific trade secret, confidential commercial information that pertains to negotiated pricing, legal and business risk allocation and other financial and commercial terms governing the transaction between the contracting parties. Disclosure of such information would hinder Con Edison's ability to negotiate similar transactions for additional purchases from other parties on more favorable terms and, thus, could cause Con Edison "substantial injury to [its] competitive position" in such negotiations. Con Edison notes that, pursuant to the Commission's December 13, 2018 Order in this proceeding, Con Edison is required to conduct future requests for proposals (RFPs) to seek to procure additional bulk energy storage dispatch rights to obtain a minimum of 300MW of such rights. Disclosure of the redacted information – which is nonpublic and not capable of being independently ascertained – could adversely affect Con Edison's receipt of bids and award of contracts pursuant to such RFPs, the next of which will occur later this year.

Please feel free to contact me should you have any questions or need any additional information.

Very truly yours,

/s/ Susan J. LoFrumento

Susan J. LoFrumento

Consolidated Edison Company of New York, Inc.
4 Irving Place New York, New York 10003
Tel: (212) 460-1137 lofrumentos@coned.com

Exhibit 5

Nikolai Albert T. M. Wolfe, Esq.
Staff Attorney | Law Department

May 20, 2024

VIA ELECTRONIC MAIL

Honorable Michelle L. Phillips
Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

Re: 18-E-0130 – In the Matter of Energy Storage Deployment Program

JOINT UTILITIES' COMMENTS ON REVISED ENERGY STORAGE ROADMAP UPDATED COST ESTIMATES FOR THE SOLICITATION, PROCUREMENT, AND/OR INSTALLATION OF QUALIFIED ENERGY STORAGE SYSTEMS

Dear Secretary Phillips:

Enclosed for filing in the subject proceeding, please find comments by the Joint Utilities[1] on Department of Public Service Staff (Staff) and the New York State Energy Research and Development Authority's (NYSERDA) revised Energy Storage Roadmap.[2] Should any questions concerning this filing arise, please contact me.

Very truly,

Nikolai Albert T. M. Wolfe

[1] The Joint Utilities are Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange & Rockland Utilities, Inc., and Rochester Gas and Electric Corporation.
[2] Case 18-E-0130, *In the Matter of Energy Storage Deployment Program*, New York's 6 GW Energy Storage Roadmap: Policy Options for Continued Growth in Energy Storage (posted March 15, 2024).

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

In the Matter of Energy Storage Deployment Program	))	Case 18-E-0130

JOINT UTILITIES' COMMENTS ON REVISED ENERGY STORAGE ROADMAP UPDATED COST ESTIMATES FOR THE SOLICITATION, PROCUREMENT, AND/OR INSTALLATION OF QUALIFIED ENERGY STORAGE SYSTEMS

I. Summary

On March 15, 2024, the Department of Public Service Staff (Staff) and the New York State Energy Research and Development Authority (NYSERDA) filed a revised Energy Storage Roadmap[1] (Revised Roadmap), which reflected revisions to estimated program costs and budgets as the result of "factors such as inflation and wholesale capacity price forecasts."[2] The Joint Utilities[3] support the State's efforts to advance energy storage deployment. The upward revisions of cost estimates raise the importance of a diverse and flexible "all-hands-on-deck" approach. This is particularly true in densely populated urban and suburban environments like those served by Con Edison and O&R, where the revised cost estimates in the Revised Roadmap reflect higher downstate costs. Moreover, future storage costs over time are uncertain and may

---

1 Case 18-E-0130, *In the Matter of Energy Storage Deployment Program* (Energy Storage Proceeding), New York's 6 GW Energy Storage Roadmap: Policy Options for Continued Growth in Energy Storage (posted March 15, 2024) (Revised Roadmap).

2 Energy Storage Proceeding, Revised Roadmap, Cover Letter.

3 The Joint Utilities are Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc. (Con Edison), New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange & Rockland Utilities, Inc. (O&R), and Rochester Gas and Electric Corporation.

vary due to external factors that are hard to control such as inflation, supply chain, health, trade tariffs, and interest rates. Given these considerations, the Joint Utilities urge the Commission to recognize that:

1. An all-hands-on-deck approach that provides many paths toward achieving the State's storage goal, including previous proposals made by the utilities, is needed;

2. Utility deployment of storage as an integral part of the transmission and distribution (T&D) system enhances reliability, provides critical value to customers, and contributes to cost effectiveness;

3. There are other models for utility ownership of storage (UOS), including through requests for proposals (RFP) to third parties, which can benefit developers and customers, as well as control costs; and

4. There should be multiple paths, including through this proceeding, by which utilities may seek authorization to develop storage projects and recovery associated costs.

II. All-Hands-On-Deck Approach

The Revised Roadmap indicates that to achieve the State's goal of deploying 6 GW of energy storage by 2030, "roughly 4,700 MW of new projects will need to be procured and deployed," assuming all contracted and awarded storage projects become operational.[4] This means that projects that are deployed, contracted, and awarded currently account for about 22 percent of the deployment goal.[5] Based on the 2024 DPS State of Storage report, only 396 MW (or 6.6%) of the 6 GW target of cumulative deployed storage has been built statewide as of March 2024.[6] Moreover, the Revised Roadmap notes that the third-party incentive-driven

---

4 Energy Storage Proceeding, Revised Roadmap, p. 2.

5 *Id.*

6 New York State Department of Public Service. "State of Storage in New York," at 1. April 1, 2024. Note that in addition to deployed storage, the State also has 581 MW in awarded/contracted storage. The contracted amount is not included in the figure cited above due to historically low success rate of contracted storage actually reaching deployment.

approach to develop the market has been challenging due to project attrition.[7] To overcome these challenges, an all-hands-on-deck approach is needed that includes Utility Dispatch Rights (UDR), Bridge to Wires (BTW), and a utility administered Behind the Meter (BTM) retail program, as well as utility storage ownership paths.[8] The Commission should build in this flexibility to address uncertainties in cost variability as the programs evolve.

III. Utility Ownership of Storage for T&D Services

Utility ownership of storage for T&D services is an increasingly important and efficient pathway that enhances reliability and provides critical value to customers, performing similar functions as other utility infrastructure that serve customers reliably.[9] The Joint Utilities urge the Commission to authorize this path toward achieving the State's 2030 goal.[10]

IV. Storage as a Utility Infrastructure Asset

An all-hands-on-deck approach to deploying energy storage provides developers the opportunity to work with the incumbent utility to efficiently plan, design, develop, and construct energy storage projects, with ownership and operation of the project upon the commercial operation date transferred to the utilities. This could be facilitated by developers directly approaching the subject utility with a project proposal or through the issuance of RFPs by the utility. These new paths forward would clear the way for developers not interested in owning and

---

7 Energy Storage Proceeding, Revised Roadmap, pp. 2, 9.

8 Energy Storage Proceeding, Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.'s Comments on New York's 6 GW Energy Storage Roadmap: Policy Options for Continued Growth in Energy Storage (posted March 21, 2023) (Con Edison/O&R Comments), pp. 2-5.

9 Energy Storage Proceeding, Indicated Utilities' Comments on New York's 6 GW Energy Storage Roadmap: Policy Options for Continued Growth in Energy Storage (filed March 30, 2023) (Indicated Utilities Comments), pp. 5-11; *see also* Con Edison/O&R Comments, pp. 17-19.

10 *See* Energy Storage Proceeding, Indicated Utilities Comments, pp. 3-5; *see also* Con Edison/O&R Comments, p. 7.

operating storage assets or participating in the incentive programs contemplated in the Revised Roadmap, to contribute to the State's 2030 goal, while also providing customers the benefits of utility ownership that both the Revised Roadmap and the Commission have recognized.

V. Storage Development in a Timely Manner

The Joint Utilities urge the Commission to consider ways of providing greater flexibility in the manner storage projects are developed. In particular, the Joint Utilities encourage the Commission to (1) allow utilities to propose utility deployed storage projects or portfolios, potentially through a use-case-based framework established in coordination with the Department of Public Service, through this proceeding, and (2) provide flexibility to recognize cost uncertainty in deploying storage for all pathways, including utility ownership. The Commission should establish an expedited process, as discussed above, that enables utilities to develop and recover the costs associated with projects that are: (a) integrated with T&D services, or (b) turn-key projects.[11] This will allow greater cost certainty given an evolving and uncertain cost environment for storage projects as reflected by updates to the Revised Roadmap, and allow utilities to procure necessary services and materials (*e.g.*, batteries, switchgear) in a timely manner, reducing cost volatility for these projects.

While the Coordinated Grid Planning Process and the work within the Advanced Technologies Working Group are anticipated to provide avenues for the development and cost recovery of storage projects supporting the transmission system, the Commission can provide

---

[11] Defined as contractually developed projects by third parties (with ownership transferred to the utility upon commercial operation) outside of the rate case process and through this proceeding.

further support for utility storage projects for T&D services by establishing an expedited process for reviewing all types of storage projects and providing a pathway for cost recovery.

VI. Downstate Considerations

Con Edison and O&R (the Companies) provide these additional comments to support the development of storage and related infrastructure in densely populated urban and sub-urban environments. The Companies reiterate the principles they submitted in comments to the Commission on March 20, 2023, to highlight the need for multiple pathways to acquire storage, as well as the flexibility required within such pathways to support the development of projects in areas of need.[12]

The Companies proposed pathways to implement storage include: (1) continuation of the UDR initiative beyond the previously set target amounts (310 MW for Con Edison and O&R), as these UDR solicitations begin to deliver greater amounts of storage, building on lessons from solicitations of past years;[13] (2) development and implementation of utility integrated energy storage projects that are fundamentally similar to traditional infrastructure and used for reliability, but which can meet different grid needs as loads grow and generation mixes evolve;[14] (3) development and implementation of a new BTW program that allows for storage to be deployed in an accelerated manner to meet rapid electrification of load as the delivery system is built to meet load growth;[15] and (4) development of a BTM retail incentive program to directly address individual customer needs such as resiliency, alongside grid needs, as appropriate.[16]

---

12 Energy Storage Proceeding, Con Edison/O&R Comments, pp. 1-2.
13 *Id.*, pp. 2-3
14 *Id.*, pp 4-5
15 *Id.*, pp. 3-4
16 *Id.*, p. 4.

These multiple pathways are particularly important downstate where storage deployment is diverse in:

1) Its cost structure due to variable land and interconnection costs;
2) The needs of the storage marketplace that comprise developers of varying resource availability and differing business models;
3) Grid needs such as:
    a. non-synchronous wholesale and local peaks;
    b. high levels of local generation requirement at the wholesale level; and
    c. combined underground network and overhead delivery systems with substantial variability in interconnection costs.
4) Other drivers of local costs including size, land type, zoning, interconnection requirements, and necessary and evolving fire mitigation needs (many of these constraints are also experienced Upstate).[17]

Having distinct pathways to participate in the development of storage that accommodate such diversity in participants and needs is critical for policy success. Incorporating flexibility in these initiatives, so they can evolve with both the marketplace and the unique grid needs downstate, will be key to deploying storage there. As such, the Companies urge the Commission to preserve and approve these multiple pathways to complement NYSERDA initiatives, maximizing the probability of successful outcomes for storage deployment.

---

[17] A recent press release from NYSERDA requesting public comments on the New York State Fire Safety Working Group draft recommendations named the New York City Fire Department (FDNY) as a "leading fire safety organization." Therefore, many fire safety standards for projects in New York City may not be applied to projects elsewhere in the state. NYS Inter-Agency Fire Safety Working Group Request for Public Comment, Draft Fire Code Recommendation Report, NYSERDA, (posted February 6, 2024) p. 1.

VII. Conclusion

The Joint Utilities appreciate the opportunity to respond to the Revised Energy Storage Roadmap.

Dated: May 20, 2024

Respectfully submitted,

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. and ORANGE AND ROCKLAND UTILITIES, INC.

By: */s/ Sebrina M. Greene*

Sebrina M. Greene
Associate General Counsel
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, New York 10003
Tel.: (646) 689-1276
Email: greenes@coned.com

CENTRAL HUDSON GAS AND ELECTRIC CORPORATION

By: */s/ Paul A. Colbert*

Paul A. Colbert
Associate General Counsel –
Regulatory Affairs
Central Hudson Gas and Electric Corporation
284 South Avenue
Poughkeepsie, NY 12601
Tel: (845) 486-5831
Email: pcolbert@cenhud.com

NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID

By: */s/ Carlos Gavilondo*

Carlos Gavilondo
Assistant General Counsel
National Grid
300 Erie Boulevard West
Syracuse, New York 13202
Tel: (315) 428-5862
Email: carlos.gavilondo@nationalgrid.com

NEW YORK STATE ELECTRIC & GAS CORPORATION and ROCHESTER GAS AND ELECTRIC CORPORATION

By: */s/ Amy A. Davis*

Amy A. Davis
Senior Regulatory Counsel
180 South Clinton Avenue
Rochester, NY 14604
Tel: (585) 866-9675
Email: amy.davis@avangrid.com

Exhibit 6

Friday, June 21, 2024

Latest: **P'ville Boy Scout Troop**

THE Examiner NEWS

LETTERS

Proposed Mt. Kisco Energy Storage System Key to a More Resilient Grid

June 18, 2024 Examiner Media

Opinion

We are part of The Trust Project

The article "Proposed Mt. Kisco Energy Storage Facility Raises Safety Concerns," (June 10) details the deliberation surrounding the potential development of a battery energy storage facility (BESS). While town officials grapple over the village's zoning code and whether developments of this sort should be permitted as a type of public utility, residents express concerns over safety.

If battery energy storage facilities are not yet considered public utilities, they should be. They are the cornerstone of a cleaner, smarter, more resilient power grid. In America, we have enough power plants to generate nearly twice as much energy as we need. But our current electrical grid has no way of storing the extra energy that is generated.

Battery storage systems change all that, placing what are effectively backup generators in our towns, so that when the line to the power station goes down in one of our increasingly frequent violent storms, the power stays on.

Battery storage systems are also safe. They adhere to strict federal, state and local safety requirements. Each system is equipped with automatic fire suppression equipment, and its own cooling system to ensure it operates within the ideal temperature range. BESS developers work with local fire departments to ensure they have adequate training and equipment to respond to any safety issues that may arise.

BESS are key to a more resilient electric grid, lower electric bills and cleaner air. State officials and residents alike should learn more about the systems and integrate their development into zoning codes.

Bridget McFadden
Sleepy Hollow

Examiner Media

DIANA THE BETTER CHOICE IN THE YORKTOWN SPECIAL ELECTION

ASKING VOTERS TO CONSIDER LO NGTIME SERVICE TO YORKTOWN, COUNTY DEMS

Related News Stories

- Celebrate National Waiter/Waitress Day Every Day
- A Bill Before the State Legislature Would Build Election Integrity into System
- Levenberg Has the Most to Offer 95th Assembly District Residents

Recent Posts


Examiner Media Ethics Code

Examiner Media Privacy Policy

Examiner Media
PO BOX 611
Mount Kisco, NY 10549

Exhibit 7

ACTION OF ZONING BOARD OF APPEALS
TOWN OF MOUNT PLEASANT
One Town Hall Plaza, Valhalla, New York 10595
914-742-2327

TO: Hawthorne Reformed Church
Mrs. Susan Marmol, Town Clerk
Sal Pennelle, Building Inspector

ZBA Case No. #20-57
Bldg. # 20-3576

NOTE: THIS IS NOT A ZONING OR BUILDING PERMIT. CONTACT BUILDING DEPARTMENT FOR PERMITS.

This is to certify that the following is a copy of the order fully made by the Zoning Board of Appeals in the matter of the appeal and application of Mt. Pleasant Energy Storage 1, LLC., (Applicant) for Hawthorne Reformed Church (Owner) of property located on 65 Broadway, Hawthorne, NY., which appeal is from Site Plan Application SP#20-07 currently seeking approval before the Planning Board of the Town of Mount Pleasant, Premises located on the west side of Broadway, immediately north of its intersection with NYS Route 141, and Cross Street, Hawthorne, NY., and is designated on the Tax Assessment Maps of the Town of Mount Pleasant as Section 112.9, Block 3, Lot 1. This proceeding was commenced by an application filed on November 19, 2020, and on which hearings were held remotely on December 10, 2020.

FINDINGS AND ORDER

WHEREAS, the premises are shown on the Tax Maps of the Town of Mount Pleasant as Section 112.9, Block 3, Lot 1 in the CGC Zone and is otherwise known as property located on 65 Broadway, Hawthorne, NY., and

WHEREAS, the above described premises is a legal standard parcel (1.124 acres) in the CGC Zone; and

WHEREAS, the applicant seeks and requests the Proposed Special Use Permit requested for the installation of a 5MW Battery Storage Facility at an existing church location, on a legal parcel (1.124 acres) in the CGC Zone; and

WHEREAS, pursuant to *Town of Mount Pleasant Code § 218.48: Public Utility Substations*; the Zoning Board of Appeals may permit the use of the site for such purpose…; and

WHEREAS, the Board has determined that based on the facts specific to this application that the requested Special Use Permit will not have an adverse effect on either the physical or environmental conditions of the premises; and

WHEREAS, the granting of the proposed Special Use Permit will not be a detriment to the neighboring properties; and

WHEREAS, the Board members having conducted a physical inspection of the premises; and

NOW, THEREFORE, BE IT RESOLVED that this application be and the same hereby is ***approved with the following condition;***

1. The applicant shall install a screening fence surrounding the battery storage facility as proposed and granted by the Board, in ZBA Application #20-54 for the same property, and subject to, and in compliance with, all conditions required in the approval of such application, including, but not limited to that the fence shall be twelve (12) feet in height and shall be a near-full privacy design such as, but limited to, a chain link fence with vinyl slats such as depicted on the plans submitted.

Condition Approved by a vote of 5-0.

The Zoning Board of Appeals duly made this order on the 10th day of December 2020.

ZONING BOARD OF APPEALS,

Ronald Prezner, Chairman