Members Present:	Mark Esposito (C), Brittany Fumarola, David Smith
Members Absent:	Eric Gonzalez, Joseph Calandra (VC),
City Representatives:	Garret Wyckoff, James Rizzo, Danielle Salisbury
Petitioners:	Drew Curran, Byron Elias
Others:	

PLANNING BOARD AGENDA

1. Board Chair Esposito called the meeting to order at approximately 7:00 PM

2. **Agenda Item 1:** Review and approval of the July 14th, 2026 meeting minutes.

3. Board Member Fumarola made a motion to approve Agenda Item 1. It was seconded by Board Member Smith. A vote was taken and the motion was passed unanimously (3-0).

4. **Agenda Item 2:** Upcoming Meetings: September 1st and October 6th.

5. Informational only. No action was taken.

6. **Agenda Item 3:** Tabled - Environmental Review (SEQR) of a request by Tarpon Towers III, LLC and Verizon for the construction of a 190’ telecommunications tower facility with associated accessory equipment at 6507 Lowell Road (State Route 26).

7. **Agenda Item 4:** Tabled - Site Plan Review of a request by Tarpon Towers III, LLC and Verizon for the construction of a 190’ telecommunications tower facility with associated accessory equipment at 6507 Lowell Road (State Route 26).

8. Board Member Fumarola made a motion to remove Agenda Items 3 and 4 from the table. It was seconded by Board Member Smith, a vote was taken and the motion was passed unanimously (3-0).

9. Drew Curran, representing the petitioner, came forward to provide an update on the project and answer questions from the Board.

10. Deanna Corio, of Colliers Engineering and Design, came forward to present the results of the third-party engineering review of the project requested by the Planning Board and answer questions from the Board.

11. Board Chair Esposito asked if any members of the public wanted to comment on the proposed project. No members of the public came forward.

12. Board Chair Esposito asked for comments from the Department of Community and Economic Development.

13. Staff Comment: *The 30-day SEQR Comment Window for this project has closed and no comments were received raising substantial concerns about the project.*

    Per Planning Board standard practice, a third-party engineering review of the applicant's submitted materials was performed by Collier's Engineering & Design. The results of their review are outlined in the memo dated August 4th in your binder. The review did not turn up any substantial issues with the proposal, however there were a handful of corrections and revisions identified as necessary.

    A previously approved site plan for the construction of the concrete batch plant on site included a condition to construct berms to be planted with trees to provide landscape screening. The berms were established but it appears at least some of the berm plantings were not completed. This should be rectified as a site plan condition.

    We therefore recommend the Planning Board issue a SEQR Negative Declaration for this project and issue conditional approval for the site plan.

    Recommended conditions: Revise site plan and supporting documents per August 4th third-party review memo for inclusion in final site plan package and/or building permit application as appropriate.

    Complete berm tree plantings as per 2017 site plan.

14. Board Member Fumarola made a motion to issue a SEQR Negative Declaration for Agenda Item 3. It was seconded by Board Member Smith. A vote was taken and the motion was passed unanimously (3-0).

15. Board Member Smith made a motion to conditionally approve the proposed site plan for Agenda Item 4, subject to addressing the comments raised in the Colliers third party engineering report dated August 4th, 2026. It was seconded by Board Member Fumarola. A vote was taken and the motion was passed unanimously (3-0).

16. **Agenda Item 5:** Environmental Review (SEQR) of a request by Demeter Land Holdings, LLC for the construction of an approximately 4.97 MW battery energy storage system at 600 Canal Street.

17. **Agenda Item 6:** Site Plan Review of a request by Demeter Land Holdings, LLC for the construction of an approximately 4.97 MW battery energy storage system at 600 Canal Street.

18. Board Chair Esposito noted that Agenda Items 5 and 6 were remaining on the table to allow the applicant time to make revisions to their site plan.

19. **Agenda Item 7:** Recommendation to the Common Council regarding Ordinance No. 9884 – Amending Rome Code of Ordinances Chapter 80 to Prohibit the Establishment, Installation and Construction of Battery Energy Storage Systems Within the City of Rome.

20. Board Chair Esposito read the following statement he prepared into the record:

21. *"Before we vote on the recommendation we will be making to the Common Council regarding Battery Energy Storage Systems (BESS), I would like to put my position on the record.*

    After considering this issue, I believe the Planning Board should recommend that the City not adopt an outright prohibition on Battery Energy Storage Systems, or BESS. Instead, I believe the City should establish reasonable, comprehensive, and enforceable regulations that address the legitimate concerns associated with these facilities.

    I want to be clear that I am not suggesting that BESS facilities are without risk or that every proposed facility should be approved. There are legitimate concerns that deserve serious consideration, including fire safety, emergency response, setbacks, noise, security, visual impacts, and the compatibility of these facilities with surrounding land uses.

    My position is simply that those concerns should be addressed through regulation rather than through an outright ban. I believe that approach is consistent with the way this City has addressed other land uses that have generated community concerns.

    Our code contains provisions governing adult entertainment establishments, meat processing facilities, and solar projects. Each of those uses can create legitimate concerns for neighboring property owners and the community.

    The City's response to those concerns was not to prohibit those uses altogether. Instead, the City established realistic requirements intended to regulate and mitigate their potential impacts. I believe BESS should be approached in the same manner.

    The City has the ability to establish specific standards for battery energy storage systems. Those standards could address appropriate zoning districts and locations, minimum setbacks, site access, fencing and security, noise, landscaping and visual screening, fire protection, emergency-response planning, inspection and maintenance, monitoring, and decommissioning.

    The code could also require an applicant to demonstrate compliance with applicable fire and electrical codes and provide local emergency responders with the information necessary to understand and respond to an incident at the facility.

    Those are practical tools that allow the City to address the actual risks and impacts associated with a particular project. An outright prohibition, however, treats every potential BESS project exactly the same. It does not distinguish between a facility located immediately adjacent to residential properties and one located in an appropriate industrial area with substantial setbacks. It does not distinguish between different facility sizes, technologies, designs, or safety systems.

A well-written code gives the City the ability to make those distinctions.

I also believe this is an important consideration as we look toward future development. Technology continues to change. Battery storage is one example, but it will not be the last. Data centers are another emerging land use that is not currently addressed in our code.

Data centers can present their own legitimate concerns, including substantial electricity demand, cooling-system noise, water usage, backup generation, traffic, and demands on electrical and other infrastructure. If the City's response to every new or unfamiliar technology is to prohibit it because our existing code does not adequately address it, we will continually find ourselves in the same position.

I believe a better approach is to establish a regulatory framework that allows the City to say: "This use may be permitted, but if you want to operate here, you must meet these standards and mitigate these impacts."

That approach also provides greater predictability. Residents understand the standards a proposed project must meet. Property owners understand what uses may be permitted on their property. Developers understand the City's requirements before making substantial investments. And the City has objective criteria by which to evaluate proposals.

It also provides the City with an opportunity to address extraordinary impacts created by particular developments. For example, if a future data center creates an unusually large demand for electricity or other infrastructure, the City should consider legally permissible mechanisms to ensure that the extraordinary costs associated with serving that development are appropriately addressed or offset, rather than simply being passed on to existing residents and taxpayers.

I want to emphasize that I am not advocating for unrestricted development. There may be locations where a BESS facility is simply incompatible with surrounding land uses. There may be proposed facilities that cannot satisfy reasonable safety or performance standards. There may be projects whose impacts cannot be adequately mitigated. A properly written code gives the City the ability to say no to those projects based upon objective standards and demonstrated impacts. That is very different from saying no to the entire category of development.

For those reasons, I intend to support a recommendation to the Common Council that the City regulate Battery Energy Storage Systems rather than prohibit them outright, and that the City consider establishing appropriate regulations for other emerging land uses, including data centers, that are not currently addressed in our code. In my view, the fundamental principle should be straightforward: Regulate the impacts and address the concerns – don't ban the existence of a class of projects. If a proposed development can meet reasonable standards, protect neighboring properties, address legitimate safety concerns, and appropriately mitigate the impacts it creates, I believe the City should have a regulatory framework that allows that project to be considered on its merits. That is the position I wanted to place on the record before we take our vote."

22. Board Chair Esposito asked if there were any other thoughts or comments from members of the Board.

23. Board Member Fumarola made a motion to recommend that the Common Council reject the proposed zoning code amendment and that the recommendation have attached to it a copy of Board Chair Esposito's statement. It was seconded by Board Member Smith. A vote was taken and the motion was passed unanimously (3-0).

24. **Agenda Item 8:** Public Hearing of a Request by First Source Federal Credit Union for a Two-Lot Minor Subdivision 5781 Rome-Taberg Road.

25. Board Chair Esposito opened the public hearing.

26. Board Chair Esposito called three times for any members of the public wishing to comment on the proposed subdivision. No members of the public came forward.

27. Board Chair Esposito closed the public hearing.

28. **Agenda Item 9:** Environmental Review (SEQR) of a Request by First Source Federal Credit Union for a Two-Lot Minor Subdivision 5781 Rome-Taberg Road.

29. **Agenda Item 10:** Subdivision Review of a Request by First Source Federal Credit Union for a Two-Lot Minor Subdivision 5781 Rome-Taberg Road.

30. Board Member Fumarola stated that she was recusing herself from consideration of Agenda Items 9 and 10 due to a potential perceived conflict-of-interest.

31. Petitioner Byron Elias, representing the applicant, came forward to present the project and answer questions from members of the Board.

32. Board Chair Esposito noted that with Board Member Fumarola recusing herself and two Board members absent, there was a lack of quorum to rule on Agenda Items 9 and 10.

33. Board Member Fumarola made a motion to table Agenda Items 9 and 10. It was seconded by Board Member Smith. A vote was taken and the motion was passed unanimously (3-0).

34. **Agenda Item 11:** Request by the Department of Community and Economic Development for a Historic District Opinion for a project located at 1004 N. George Street.

35. Petitioner Dale Ackerman, applicant, came forward to present his project and answer questions from members of the Board.

36. Board Chair Esposito asked if any members of the public wished to comment on the proposed project. No members of the public came forward.

37. Board Member Fumarola made a motion to recommend approval of the proposed work for Agenda Item 11. It was seconded by Board Member Smith. A vote was taken and the motion was passed unanimously (3-0).

38. **Agenda Item 12:** Request by the Department of Community and Economic Development for a Historic District Opinion for a project located at 502 N. George Street.

39. Petitioner Hon. John C. Gannon (Ret.) came forward to present his project and answer questions from members of the Board.

40. Board Chair Esposito asked if any members of the public wished to comment on the proposed project. No members of the public came forward.

41. Board Member Fumarola made a motion to recommend approval of the proposed work for Agenda Item 12. It was seconded by Board Member Smith. A vote was taken and the motion was passed unanimously (3-0).

42. The meeting was adjourned at approximately 7:30 PM.