

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 20th day of June 2022 at 7:00 pm.

**Town of Moreau
Planning Board Meeting
Monday, June 20th, 2022**

Planning Board Members Present

John Arnold	Acting Planning Board Chairman
Meredithe Mathias	Planning Board Member
Ann Purdue	Planning Board Member
Mike Shaver	Planning Board Member
Erik Bergman	Planning Board Member
Adam Seybolt	Planning Board Member

Also, present

Jim Martin	Zoning Administrator
Katrina Flexon	Meeting Secretary
Kristin Darrah	Consultant for Applicant Mckenna Subdivision
Connie Murray	Town resident
Ryan McNaughton	Applicant for Stinky's Coffee Company, Great Fun LLC
Tara Stone	Applicant for Stone Realty Estate Group
Gavin Vuillaume	Consultant from EDP for applicant Stone Realty Estates
Luigi Palleschi	Consultant from EDP for applicant RASP
Tim Barber	Consultant from JAG for applicant RASP
Mike Close	Applicant for RASP
Raymond Apy	Applicant for Saratoga BioChar Solutions LLC
Matt Huntington	Consultant from Studio A for applicant Saratoga BioChar Solutions LLC
Bryce Meeker	Consultant for applicant Saratoga BioChar Solutions LLC

The meeting was called to order at 7:01pm by Chairperson Arnold

Approval of Minutes

Chairperson Arnold asks the Board if they have any questions on the December 13th, 2021, meeting minutes. Are there any additions, deletions, or corrections.

Ms. Purdue states she sent her comments to the meeting secretary for adjustments.

Mr. Shaver makes a motion to approve the Planning Board meeting minutes of December 13, 2021.

Ms. Purdue seconds the motion.

Chairperson Arnold asks the Board if all in favor say Aye

Results as follows:

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 20th day of June 2022 at 7:00 pm.

Erik Bergman	Aye
Adam Seybolt	Aye
Ann Purdue	Aye
Mike Shaver	Aye
Meredithe Mathias	Aye
John Arnold	Aye

All in favor, none oppose, motion carries

A motion was made to approve the Planning Board meeting minutes of December 13, 2021 by Mr. Shaver and seconded by Ms. Purdue.

Chairperson Arnold asks the Board if they have any questions on the December 20th, 2021, meeting minutes. Are there any additions, deletions, or corrections.

Ms. Purdue states she found 1 typo on page 6.

Mr. Bergman makes a motion to approve the Planning Board meeting minutes of December 20, 2021, as corrected.

Ms. Purdue seconds the motion.

Meredithe states she was not present, so she abstains from the motion.

Chairperson Arnold asks the Board if all in favor say Aye

Results as follows:

Erik Bergman	Aye
Adam Seybolt	Aye
Ann Purdue	Aye
Mike Shaver	Aye
John Arnold	Aye

All in favor, none oppose, 1 abstention, motion carries

A motion was made to approve the Planning Board meeting minutes of December 20, 2021 by Mr. Bergman and seconded by Ms. Purdue.

Chairperson Arnold asks the Board if they have any questions on the January 24th, 2022, meeting minutes. Are there any additions, deletions, or corrections.

Mrs. Mathias states she has 1 page from the planning board meeting minutes of January 24th, 2022, that need corrections. She will hand the meeting secretary her notes for adjustments.

Chairperson Arnold ask the Board if there is a motion.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 20th day of June 2022 at 7:00 pm.

Mrs. Mathias makes a motion to accept the Planning Board meeting minutes of January 24, 2022 as amended.

Mr. Bergman seconds the motion.

Chairperson Arnold asks the Board if all in favor say Aye

Results as follows:

Erik Bergman	Aye
Meredithe Mathias	Aye
Ann Purdue	Aye
Mike Shaver	Aye
John Arnold	Aye

Mr. Seybolt abstains from the motion

All in favor, none oppose, 1 abstention, motion carries

A motion was made to approve the Planning Board meeting minutes of January 24, 2022 as amended by Mrs. Mathias and seconded by Mr. Bergman

Chairperson Arnold asks the Board if they have any questions on the February 28th, 2022, meeting minutes. Are there any additions, deletions, or corrections

Ms. Purdue makes a motion to accept the Planning Board meeting minutes of February 28, 2022.

Mr. Seybolt Seconds the motion.

Chairperson Arnold asks the Board if all in favor say Aye

Results as follows:

Meredithe Mathias	Aye
Ann Purdue	Aye
Mike Shaver	Aye
John Arnold	Aye
Adam Seybolt	Aye

Mr. Bergman abstains from the motion

All in favor, none oppose, 1 abstention, motion carries

A motion was made to approve the Planning Board meeting minutes of February 28, 2022 as amended by Ms. Purdue and seconded by Mr. Seybolt

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 20th day of June 2022 at 7:00 pm.

SUB 3-2022
McKenna Subdivision
Shawn McKenna
444 Selfridge Rd
Public Hearing

Project Description: Applicant proposes a 4-lot subdivision of a 20-acre parcel to create building lots with a shared driveway located at 444 Selfridge Road, tax map no 77.-1-55.11.

Ms. Darrah introduces herself, she has received feedback from the Town engineer there are some. She explains there have been changes made to the driveway aspects to keep the fees down with stormwater regulations. She states the engineer is still working on those changes and they will be ready for the next meeting.

Mr. Martin states that is consistent with his notes, one outstanding item was resolving the SWPPP and the 1-acre disturbance limit, the applicant is trying to stay under 1 acres disturbance but given the need of the overall subdivision it's been difficult. There is no resolution on the stormwater yet.

Mr. Martin states the public hearing is scheduled tonight and the Town did receive a written comment, he will read into the record once the Public Hearing is opened.

Chairperson Arnold opens the Public hearing for the McKenna Subdivision at 7:10pm.

Chairperson Arnold asks is anyone wishes to speak in regard to the project in front of the board.

Ms. Murray states she believes Mr. Martin has her written statement.

Mr. Martin offers to read the statement into the record. "Dear James Martin, I am a resident directly across the road from 444 Selfridge Road that is being considered to subdivide and build four residential homes. I am planning to attend the board meeting on 6/20/22. Although I am not opposed to subdividing and building to improve the area i am having a dilemma with the water drainage in the area already and would like to know who the landscape engineer is for this project and if there are designs for the water runoff. My property seems to be the low spot for that area in the road and I already have a problem with the snow melt and heavy rains running through a drainpipe that empties onto my property. it has been getting larger every year. With the underlying clay and lack of vegetation on a downwards slope across the road, I'm afraid this will make the already flooded area worse,
Connie Murray.
451 Selfridge Road"

Ms. Darrah states it's a requirement to keep the stormwater management onsite.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 20th day of June 2022 at 7:00 pm.

Chairperson Arnold clarifies any water runoff to the road due to clearing will also be dealt with on site.

Ms. Darrah confirms that is correct.

Mr. Shaver makes a motion to close the public hearing on the McKenna subdivision 444 Selfridge rd.

Mr. Seybolt seconds.

Chairperson Arnold asks the Board if all in favor say Aye

Results as follows:

Meredithe Mathias	Aye
Ann Purdue	Aye
Mike Shaver	Aye
John Arnold	Aye
Adam Seybolt	Aye
Erik Bergman	Aye

All in favor, none oppose, motion carries

A motion was made by Mr. Shaver to close the Public Hearing for the McKenna Subdivision located at 444 Selfridge Road and seconded by Mr. Seybolt.

The Public hearing was closed at 7:15pm

The Board thanks and dismisses the applicant.

SPR 2-2022

Stinky's Coffee Company Great Fun LLC

Ryan McNaughton

480 Fortsville Rd

Public Hearing

Project Description: The applicant is proposing operation of a coffee bean roasting business from within an existing 24 ft. x 13. Ft. (288 sq. ft.) garage at the referenced location (tax map parcel no. 77.1-1-7). The use will involve the roasting and production of coffee beans. The roasted beans will then be packaged and delivered to the end user. No retail sales are proposed from the site.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 20th day of June 2022 at 7:00 pm.

Mr. McNaughton introduces himself and gives an overview of the project.

Chairperson Arnold opens the public hearing at 7:17pm

Chairperson Arnold asks if there is anyone who wishes to speak in regard to the applicant in front of the board.

No one from the public wished to speak

Chairperson Arnold asks the Board if they have any further questions.

Chairperson Arnold asks if there will be a sanitary facilities in the garage.

Mr. McNaughton states he will be using the homes facilities.

Chairperson Arnold clarifies if the applicant hires any employees to work there will need to be a bathroom installed.

Mr. Shaver makes a motion to close the public hearing.

Ms. Purdue seconds the motion.

Chairperson Arnold states the public hearing is closed.

The Public Hearing was closed at 7:19pm

Mr. Martin states this is a type 2 action under SEQR

Mr. Bergman makes a motion to grant site plan approval for Stinky's Coffee Company, Great Fun LLC.

Mr. Shaver seconds the motion.

Chairperson Arnold asks for a roll call for the motion

Roll call results as follows:

Erik Bergman	Yes
Adam Seybolt	Yes
Ann Purdue	Yes
Mike Shaver	Yes
Meredithe Mathias	Yes
John Arnold	Yes

All in favor, none oppose motion carries

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 20th day of June 2022 at 7:00 pm.

A motion was made by Mr. Bergman to grant site plan approval to Stinky's Coffee Company, Great Fun LLC and seconded by Mr. Shaver.

Mr. Martin states to the Board every site plan should be signed.

Mr. Bergman makes a motion that the Chairperson and one member of the Planning Board sign the final site plans for Stinky's Coffee Company.

Ms. Purdue seconds the motion.

Chairperson Arnold asks the Board if all in favor say Aye

Results as follows:

Meredithe Mathias	Aye
Ann Purdue	Aye
Mike Shaver	Aye
John Arnold	Aye
Adam Seybolt	Aye
Erik Bergman	Aye

All in favor, none oppose, motion carries

A motion was made by Mr. Bergman to have the Chairperson and one member of the Planning Board sign the final plans for Stinky's Coffee Company, Great Fun LLC.

The Board thanks and dismisses the applicant

SPR 3-2022

Stone Real Estate Group

Tara Stone

1451 Route 9

Preliminary Review

Project Description: Proposal of construction of 4 self-storage buildings with a total of 26,500 sq. on a 3.0± acres. The project includes an existing one story 6,000 sq. ft. commercial building, a single full access driveway on Route 9. Thirty parking spaces are proposed. Site utilities include public water, an onsite septic system, and on-site stormwater management.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 20th day of June 2022 at 7:00 pm.

Mr. Vuillaume introduces himself as the applicant's consultant from EDP. He gives the Board an overview of the project's proposal.

Ms. Stone states she purchased the site two months ago and at this time they are looking to see what will fit best at the facility.

Chairperson Arnold asks how far back from the road are the proposed self-storage facilities going to be.

Mr. Vuillaume states it got to be more than 300 feet back.

Chairperson Arnold states as long as it is 300 feet away, it's not allowed with 300 feet of Route 9.

Mr. Martin asks how much area of disturbance is there going to be?

Mr. Vuillaume states they will certainly be over two acres of disturbance for sure.

Mr. Martin states this application will be subject to a SWPPP review, and the associated fee is 2,500.00 for the Town engineer to review.

Mr. Martin states this project is subject to a special use permit from the Zoning Board, so this will be a two-step review here, the submission date would be July 13 for a Zoning Board meeting on July 27th.

The applicant thanks the Board and dismisses themselves

SPR 4-2022

RASP

Tim Barber

8 Duke's Way / 1150 Route 9

Preliminary Review

Project Description: proposal of a 6,000 sq. ft warehouse/office building adjacent to an existing parking lot within the existing manufacturing facility. The new building will be serviced by a new septic system and the water service connection will be shared by an existing building. A 49-space parking lot, new sidewalk and lighters are also proposed.

Mr. Paleschi introduces himself and other consultants to the Board and gives an overview on the proposed project.

Ms. Purdue states that 86 parking spaces are required, and they are proposing 49.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 20th day of June 2022 at 7:00 pm.

Mr. Palleschi confirms per the Town code it required to have 86 parking spaces, he states the applicant has been occupying this site for some time now, and they don't use half that parking spaces that are out there today. He says having 32 including the 5 new employees they would hire still leaves plenty of room for future expansion on the facility.

Mr. Martin states the Planning Board cannot just waive the parking requirement. It is a Zoning Board Action.

Chairperson Arnold states he recalls that the Board okayed the plans because the parking was banked. The applicant had the spaces shown on the map, but they were not physically built.

Mr. Martin states if they can show the adequate parking on the plans it should suffice.

Mr. Barber states they will show the parking on the plan.

Mr. Martin asks if the Board is interested in scheduling a public hearing for the applicant.

Mr. Bergman makes a motion to schedule a public hearing for the RASP application on July 18, 2022 at 7:05pm.

Mrs. Mathias seconds the motion.

Chairperson Arnold asks the Board if all in favor say Aye

Results as follows:

Meredithe Mathias	Aye
Ann Purdue	Aye
Mike Shaver	Aye
John Arnold	Aye
Adam Seybolt	Aye
Erik Bergman	Aye

All in favor, none oppose, motion carries

A motion was made by Mr. Bergman to schedule a public hearing for RASP on July 18, 2022 at 7:05pm and seconded by Mrs. Mathias.

The Board thanks and dismisses the applicant

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 20th day of June 2022 at 7:00 pm.

Saratoga BioChar Solutions LLC
Raymond Apy
2-12 Electric Drive, Moreau Industrial Park
Review / Discussion

Project Description: The applicant is proposing to construct a new building consisting of 34,100 sq. ft. for a carbon fertilizer manufacturing facility on a two, existing and adjoining lots totaling 5.89± acres. A stormwater pollution prevention plan (SWPPP) is required. The following two permits from the NYS Department of Environmental Conservation are also required: A Solid Waste Management Facility Permit; and an Air State Facility Permit.

Mr. Apy Thanks the Board and explains they submitted 9 documents on June 6, 2022 for the Board to review. Including, a Good Neighbor Policy, Response to Public Hearing comments, an organic spill control plan, noise review letter, addition technical information on PFAS remediation, updated set of site plan drawings, a letter of explanation on the stack height and a copy of the comments from DEC and a response to those comments. He adds at this point he feels they have covered all the basis and their application is complete.

Mr. Martin asks if the updated site plan been formatted updated with a revision date? He would like to be able to track the evolution of the drawings from the beginning to where they are now. He would like to make sure there is a complete set of the latest revision date.

Mr. Huntington states he will have to check if there is a date on there.

Mr. Apy states they will make sure that happens.

Chairperson Arnold asks Mrs. Buettner to give an overview of the memo sent out to the Planning Board.

Mrs. Buettner she clarifies the memo is attorney-client privilege, in general she wanted to address the Board with the legal concerns. She states in the procedure they are at final site plan approval, and at the independent third-party consultant review.

The Board was deemed to have approved the project's site plan as the Board failed to act on the application by February 14

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 20th day of June 2022 at 7:00 pm.

She states she has voiced her concerns over the past couple meeting for a third-party review, she doesn't see the purpose. She explains going through the proposal Ms. Purdue put together, with some revisions by Mr. Martin and herself she still comes to the legal conclusion that there is nothing that an independent third-party review can provide to the Board that they do not already have. The three issues that were the most concerning were noise, odor, and air emissions. It's her understanding these items are not within the purview of the Planning Board. The idea of going forward with a third – party independent review does not in her opinion give the Board any additional information compared to the criteria that's in the Town Code. She states what the board has before them is an applicant who obtained preliminary site plan approval, had two public hearings, and at this point has presented the Board with all the criteria. She thinks it would be in the Town's best interest to make a determination either grant site plan approval or put in writing why you cannot grant site plan approval.

Ms. Purdue stated in response that the Board does have authority to consider these items as part of the site plan review, these should be considered as matters of concern within the meaning of the Town code.

She also disagrees with the position that the Board approved the site plan by February 14. She pointed out the project application as of mid-February was still incomplete, the board had discussed omissions and inconsistencies in the plan documents submitted to the Board as the meeting of January 24th. She added Mr. Martin later reported he conveyed those concerns to the applicant who provided additional materials by the end of February in anticipation of further discussion on review from the Board meeting in March. She asked Mr. Martin and Mrs. Buettner how this is possible for the Board to overlook a deadline for approval, she also asked what plans could be approved of as of February 14th with inconsistencies in submissions. She states there was no response.

Mr. Shaver states he needs clarification that if they have a problem with odor on the site that they will have the ability to make it stop.

Mr. Martin states he believes that would be to procedure, trucks entering the facility and depositing the biosolids are all subject to the same procedure.

Mr. Apy clarifies they are contractual bound to one hauler for the first phase of the project, there can be no other.

Mr. Meeker explains it a 10-year contract with 2 five-year extensions.

Mrs. Buettner explains that smell is subjective, and she doesn't think there is an actual objective value that can be placed on a plan to maintain a certain level of smell in the Town.

Mr. Shaver explains that is one of the reasons why he would like to have a consultant.

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 20th day of June 2022 at 7:00 pm.

Mr. Millsbaugh explains that DEC puts in their permits a nuisance odor condition, they acknowledge that it is a subjective aspect, but it is an enforceable permit condition. If someone files a complaint, that is an enforceable permit condition they can revoke the permit or impose additional permit measures. For all solid waste management facilities it is an enforceable condition.

Mr. Martin states from his vantage point, the teeth of enforcement on these higher-level matters rests within the state agencies. He adds from his standpoint he would like to see the resolution come from the Towns council.

Ms. Purdue reiterates her concerns in regard to what the risks are for the facility. She strongly believes they need an independent study done. She states the Board had a scope of work that was reviewed by Mr. Martin and Mrs. Buettner in anticipation of this meeting. She added her comments adequately reflected the Board's comments from the June 6th meeting regarding their concerns. She states as revised the scope of work is acceptable and should be sent to the consultants the Board has identified at the meeting on June 6th.

Chairperson Arnold asks the Board if anyone would like to make a motion.

Ms. Purdue makes a motion to proceed with the RFP as proposed by Mr. Martin and revised by Mrs. Buettner.

Chairperson Arnold asks if there is a second on that motion.

No second, motion fails

Chairperson Arnold asks the Board if anyone else would like to make a motion.

Mr. Bergman makes a motion to request Town council to draft a resolution of approval that incorporates all the features that have been discussed inclusive of environmental agency regulations, the Town of Moreau's codes and policies to be incorporated as an actionable condition of the site plan.

Chairperson Arnold asks if there is a second to the motion.

Mrs. Mathias seconds the motion.

Mr. Bergman asks Mrs. Buettner for an outline before the resolution is drafted.

Chairperson Arnold asks for a roll call for the motion.

Roll call is as follows:

Meredithe Mathias	Yes
Ann Purdue	No

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 20th day of June 2022 at 7:00 pm.

Mike Shaver	Yes
John Arnold	Yes
Adam Seybolt	Yes
Erik Bergman	Yes

5 in favor, 1 oppose, motion carries

A motion was made by Mr. Bergman and seconded by Mrs. Mathias to request Town council to draft a resolution of approval that incorporates all the features that have been discussed inclusive of environmental agency regulations, the Town of Moreau's codes and policies to be incorporated as an actionable condition of the site plan. Council will send out an outline to the Board prior to submitting the drafted resolution.

Chairperson Arnold asks if there are any other motions.

Mr. Shaver makes a motion to adjourn the meeting.

Mr. Bergman seconds the motion.

Chairperson Arnold asks the Board if all in favor say Aye

Results as follows:

Meredithe Mathias	Aye
Ann Purdue	Aye
Mike Shaver	Aye
John Arnold	Aye
Adam Seybolt	Aye
Erik Bergman	Aye

All in favor, none oppose, motion carries

A motion was made by Mr. Shaver to adjourn the Planning Board meeting of June 20, 2022 and seconded by Mr. Bergman.

Meeting was adjourned at 9:00pm.

Respectfully submitted,

Katrina Flexon

A meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 20th day of June 2022 at 7:00 pm.

Attached document: Draft Scope of Work for Third Party Review

DRAFT
Scope of Work
for the Independent/Third Party Environmental Assessment/Review Services
Town of Moreau Planning Board

of Saratoga Biochar Solutions, LLC Facility

Background

General:

Description of Need:

The Town of Moreau Planning Board under its authority to conduct site plan review of certain land uses as listed in the Zoning Chapter (149) of the Town of Moreau Code is requesting professional services from a qualified individual/firm to assist with the review of proposed project involving the manufacture of "Carbon Fertilizer™" from "bio-solids" and wood waste feedstock. Saratoga Biochar Solutions, LLC (SBS) is proposing to construct and operate a solid waste management facility (SWMF) totaling 34,100 sq. ft. to manufacture Carbon Fertilizer™ from biosolids and wood waste feedstock (the "Facility") with an annual throughput up to 235,200 wet tons of received biosolids and up to 35,280 tons of wood waste. The Facility is designed to be constructed in three phases with each phase consisting of a process line capable of processing up to 10 wet tons per hour of biosolids and up to 1.5 tons per hour of wood waste. Each process line is capable of manufacturing approximately 1 ton per hour of Exceptional Quality (EQ) Class A biosolids product (i.e., "Carbon Fertilizer™") in accordance with 40 CFR Part 503 and 6 NYCRR 361. The proposed selected location is on two existing and adjoining lots (Tax map Parcel nos. 50-4-16 (3.07 acres) and 50-4-22 (2.82 acres)) comprising 5.89 acres composed of Tax Parcels 50-4-16 (3.07 acres) and 50-4-22 (2.82 acres), on Farnan Road within the Moreau Industrial Park in the Town of Moreau, Saratoga County, New York, owned by Moreau Industrial Park, LLC.

~~Pertinent to the site plan review currently under consideration is the means by which the Moreau Industrial Park was established. The Moreau Industrial Park was established in 1991 by the Moreau Town Board to spur economic activity and increased employment opportunities in the Town. To achieve these objectives, an area was identified in the northeastern part of the Town where an industrial park would be established. To ensure the success of the Park through "shovel-ready development status", the Town undertook a series of procedural steps intended to build predictability into the park development process: Zoning over the area of the Park would be universally adopted to the General Manufacturing and Industrial (M-1) District; the area would be subdivided into preestablished lots; an access road would be installed with a truck route to and from the Park established; and utilities including municipal water and sewer service to the Park would be installed. As part of the Park's development, a draft and final generic environmental impact statement (GEIS) was prepared and completed, and findings statement adopted. The findings from the GEIS procedure established certain parameters and thresholds for future park occupants to follow.~~

~~Specific to the proposal referenced above, a~~ Authorization to operate the proposed facility is the subject of a Solid Waste Management Facility Permit application to the New York State Department of Environmental Conservation (NYSDEC) pursuant to 6 NYCRR Part 360 and a State Facility Air Emissions Permit application under 6 NYCRR 201-5. SBS has presented permit applications to NYSDEC for its review.

~~Regarding municipal review, as referenced above, the proposed project is wholly within the M-1 District. As such, all proposed land uses in the M-1 District are~~ The Facility is also subject to site plan review and approval from the Planning Board of the Town of Moreau. As per §149-35 of the Town's Zoning Chapter (see <https://ecode360.com/6823825>), the Planning Board is authorized to review, approve,

Formatted: Line spacing: single

Formatted: Justified, Line spacing: single

Formatted: Justified, Space After: 0 pt, Line spacing: single

Formatted: Justified, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Formatted: Font: Bold

Formatted: Justified

Formatted: Justified

Formatted: Justified, Space After: 0 pt, Line spacing: single

approve with modification, or disapprove all site plans as required by the Town's Zoning Law. The purposes of such site plan review and approval procedures are to ensure adequate adherence and conformance to the various provisions of the Town's Zoning Law, and to ensure that proposed uses of land are of such a design and that the proposed development that will protect the health, safety, and general welfare of town residents.

7, which is the lead agency for purposes of SEQR review.

The site plan review of the application has been ongoing since July of 2021 with the review progressing as more project information is accumulated and more details of the proposed manufacturing process are shared. To this point in the review process the following information has been submitted by SBS as the applicant:

- A site plan review application, inclusive of a site plan set of drawings (most recent version dated 3/30/2022): A cover sheet, an erosion and sediment control plan, a layout plan, grading and drainage plan, utilities plan, construction details, planting plan, and lighting plan.
- A copy of the revised Air Emissions Permit application dated June 13, 2022 – with the completion of the SEQR assessment, the application is currently under review by NYSDEC.
- A copy of the Solid Waste Management Facility Permit application, also currently under review by NYSDEC.
- A complete Part I of a full environmental assessment form under the New York State Environmental Quality Review Act (SEQRA).
- A stormwater pollution prevention plan (SWPPP) in accord with DEC regulations.
- A water capacity engineering report and a wastewater capacity engineering report. These reports are currently under review by the Town's Water and Sewer Superintendent.
- Numerous transmittal letters and narratives which are inclusive of process and material handling descriptions and basic project-related information.

Additionally, the Moreau Planning Board –in their duly authorized capacity as the lead agency for purposes of conducting an environmental assessment under SEQRA has completed the environmental assessment (Part II and Part III of a full environmental assessment form) of the proposed project. After thorough assessment of proposed project and after taking a hard look at the potential for adverse impacts, the Planning Board made a negative declaration on March 7, 2022. As a result, SEQRA review has been completed, and the Planning Board is at the point of reviewing only site plan criteria.

To obtain public input on the proposed project, the Planning Board has opted to conduct two public hearings: The first was duly publicized and conducted on December 13, 2021, and the second was duly publicized and conducted on May 12, 2022. Comments were made and recorded with questions and concerns relating to a variety of topics concerning the nature of the proposed technology and the overall process to manufacture carbon fertilizer from biosolids. Some of the specific concerns mentioned by commentors were as follows:

- The nature and makeup of the biosolids feedstock;
- The application and handling of chemicals used in the process manufacturing of the carbon fertilizer;
- The proposed air emissions mitigation and adequacy of the proposed measures to keep air emissions within acceptable levels;
- The potential for odor to escape the plant to the detriment of surrounding residences;
- The potential for noise beyond acceptable levels as described in the Noise Chapter of the Town Code (Chapter 100 found at <https://ecode360.com/6821553>); and

Formatted: Justified

Formatted: Justified, Add space between paragraphs of the same style

Formatted: Justified, Add space between paragraphs of the same style

Commented [KW81]: I thought this was already dealt with by Mike Mooney. If so, we don't need this last sentence and instead say that the Water and Sewer Superintendent has opined that there is sufficient capacity for the project.

Formatted: List Paragraph, Justified, Bulleted + Level: 1 + Aligned at: 0.25" + indent at: 0.5"

Formatted: Justified

Commented [KW82]: Why is it pertinent to include this section?

- Relevance of the 1991 GEIS – Given in consideration of the age of the GEIS and the new technology associated with the proposed nature of the Facility and its apparent impacts involving considerations on matters such as traffic and water and wastewater capacity, are the thresholds and mitigation measures established by the GEIS still pertinent? there may be issues as to the reliability of the GEIS in connection with the SEQRA assessment of the Facility.

Formatted: List Paragraph, Justified, Bulleted + Level: 1
+ Aligned at: 0.25" + Indent at: 0.5"

In consideration of these concerns, the Planning Board in the context of the site plan review procedure, seeks the assistance of a qualified independent expert to review the adequacy of the information submitted by the applicant to date, and ensure that best practices will be utilized in the proposed manufacturing process to protect the health, safety and general welfare of town residents. Facility plans submitted by SBS during 2021 were not complete at the time of the first public hearing held by the Planning Board in December 2021. However, the Board reviewed the Environmental Assessment Form as then presented to the Board and made determinations of moderate to large negative impacts with respect to a number of items. To better assess those impacts, the Board determined to retain an independent expert to assist in its review.

Formatted: Justified

In March 2022, SBS submitted complete site plan set for the Planning Board's review, along with a revised EAF, which was again reviewed by the Board and found to have presented a number of moderate to large negative impacts. At that time, the Board also discussed with SBS the manner in which SBS proposed to mitigate such impacts. SBS generally asserted that the issuance of the permits by the NYSDEC constituted mitigation. Based on those assertions, the Planning Board issued a negative declaration.

Thereafter, prior to the next public hearing on May 12, 2022, SBS submitted additional materials to the Planning Board, including a revised Air Emissions Permit Application, which included attachments not previously provided, and a water capacity engineering report and a wastewater capacity engineering report. A cursory review of these additional materials revealed matters that had not been previously considered in the Board's review of the EAF, including the on-site storage of liquid nitrogen, the potential emissions of up to 100 tons of Nitrous Oxide per year, the extent of the water and wastewater capacity to be used by the Facility, fire risks associated with the Facility, and modifications that NYSDEC might require, such as increase in the height of the stacks from 75 to 100 feet.

In addition, during the public hearing, many residents spoke about their concerns that the Facility would adversely impact their health and safety, by virtue of emissions, odor, increased truck traffic, noise and other aspects of the Facility's operations.

Applicability of Article 92 of the Town Code

One resident also pointed out that the Town's code Article 92 prohibits the disposal of, or processing of prohibited waste in the Town of Moreau. Prohibited waste is defined as "waste or waste material not originating within the boundaries of the Town of Moreau and generated by or from sources or locations outside the boundaries of the Town of Moreau, irrespective of whether the waste material is located or deposited in the Town of Moreau, and defined as toxic, ignitable, reactive, hazardous or corrosive by the United States Environmental Protection Agency and/or the New York State Department of Environmental Conservation, including any commercial or industrial waste as those terms are defined in § 91-2 of Article 1 of Chapter 91 of the Town of Moreau Code (hereinafter "commercial or industrial waste"). The definition of prohibited waste includes polychlorinated biphenyls and trichloroethylene, and includes materials which may contain petroleum or oil, as well as any dredge or excavated material removed from the Hudson River. The definition of prohibited waste also includes any medical waste and

regulated medical waste as that term is defined in Title 6, Part 360 of the Official Compilation of Codes, Rules and Regulations.”

It is not clear whether the dewatered municipal sewage that will be transported to the Facility constitutes prohibited waste. Data presented by SBS in its permit applications may not be sufficient to make this determination.

Reliance on 1991 GEIS

The Town conducted a Generic Environmental Impact Study (GEIS) in 1991 with respect to the Moreau Industrial Park. Given the age of the GEIS and the nature of the Facility and its apparent impacts on matters such as traffic and water and wastewater capacity, there may be issues as to the reliability of the GEIS in connection with the SEQRA assessment of the Facility.

Scope of Work

The Planning Board wishes to retain a qualified, independent consultant to assist it in the review the following aspects/potential environmental impacts of the proposed SBS Facility, as follows:

1. ~~The~~ Conduct a review of the following documents ~~are provided as part of the background for the review:~~
 - a. ~~The site plan review application, inclusive of a site plan set of drawings (most recent version dated 3/30/2022); A cover sheet, an erosion and sediment control plan, a layout plan, grading and drainage plan, utilities plan, construction details, details, planting plan, and lighting plan.~~
 - a.b. ~~Parts 1, 2 and 3 of the full EAF, as completed by the applicant (Part I and II) and the Moreau Planning Board (Parts II and III) and the negative declaration resolution, updated by SBS, a copy of which is attached to this RFP as Attachment 1;~~
 - b.c. ~~The NYSDEC Air Emissions Permit and Solid Waste Management Permit applications as filed (most recent to be provided by SBS,) attached to this RFP as Attachments 2 and 3;~~
 - e. ~~The Facility Site Plan (Approval Set Documents) dated March __, 2022 (or most recent proposed by SBS);~~
 - d. ~~The most recent copies of the Water Capacity Engineering Report dated March __, 2022 and the Wastewater Capacity Engineering Report as submitted by SBS as part of the site plan review application, dated March __, 2022;~~
 - e. ~~The Findings Statement (and to the extent needed – the Draft GEIS and Final GEIS) from the aforementioned 1991 GEIS process completed for the establishment of the Moreau Industrial Park, Generic EIS dated __, 1991, for the Moreau Industrial Park;~~
 - f. ~~Other available elements from the SBS site plan review file – supporting information, process descriptions, Planning Board meeting minutes and/or minutes from the two project related public hearings.~~
2. ~~Utilizing the documents provided, based upon the foregoing review,~~ evaluate, and make a tentative assessment of the potential impacts of the Facility in accordance with the ~~framework~~ Town’s site plan review procedures specifically as stated in the General Provisions in §149-35, and Criteria for Review in §149-38 (see <https://ecode360.com/6823852>) paying attention to the following:

Formatted: List Paragraph, Justified, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + indent at: 0.5"

Formatted: Justified, Add space between paragraphs of the same style

Formatted: Normal, Justified, Indent: Left: 0.75", No bullets or numbering

Formatted: Justified, Add space between paragraphs of the same style

3. (1) Plan of vehicular and pedestrian traffic flow and the impact of traffic generated on adjacent properties and roads.
4. (2) Arrangement proposed for the parking of vehicles, including loading areas.
5. (3) Location, arrangement, size, area, percent of coverage of parcel or lot, permeable areas, lighting and signs.
6. (4) Proposed landscaping, noise-detering buffer zones, screening or buffer zones and open space for recreation or other purposes.
7. (5) Adequate provisions and means for complete disposal of stormwater, sanitary wastes, water supply for fire protection and consumption, solid waste disposal and snow removal.
8. (6) Impact and effect created by flooding, ponding or erosion as it applies to structures, roads, landscaping and any other improvements included in the site parcel.
9. (7) All conditions to which adjacent properties might be subjected, such as but not limited to noise, glare, lights and odors.
10. (8) Retention of existing trees to as great a degree as is possible.

- 2-11 (9) Suitability of soils to support the proposed use. Particularly regarding:
- Air emissions and the capability to achieve and sustain forecast levels of emissions, and the degree to which the DEC air emissions permit will aid in protecting the surrounding community.
 - Content and makeup of the proposed biosolids feedstock; the associated methods for handling and containment of biosolids; and the likelihood of health adverse elements persisting in the emissions or wastewater from the proposed facility and the means by which the DEC solid waste permit will aid in protecting the surrounding community of Part 2 of the EMT, including:
 - ⇒ Reporting, monitoring, and testing of biosolids brought to the facility;
 - ⇒ Reporting, monitoring, and testing of air emissions from the facility;
 - ⇒ Reporting, monitoring, and testing of wastewater from the facility;
 - ⇒ Reporting, monitoring, and control of odor;
 - ⇒ The adequacy of proposed emergency response plans;
 - ⇒ The adequacy of proposed safety and training plans for employees of the facility.

12. Meetings: Attendance at a minimum of two joint meetings with the Planning Board and the applicant are required. The first meeting will be to engage in a dialogue to gain additional information as to the proposed project and any related items to enhance understanding of the desired final report; and a second meeting to present the final report and related findings.

13. Deliverables. Two deliverables are requested/anticipated:
- A. Using the outline presented in item #2 above, develop a responsive and informative written report detailing the findings from the assessments and evaluations performed. The intent is to provide a plain language accounting of the information reviewed and an evaluation of the

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Commented [KWB3]: I would propose removing all of these and just asking them to provide an opinion on the requirements under the site plan

Formatted: Space Before: 9 pt, After: 9 pt, Don't add space between paragraphs of the same style, Line spacing: At least 12.75 pt, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Field Code Changed

Formatted: Font: (Default) Arial, 10.5 pt, Font color: Black

Formatted

Formatted: Bulleted + Level: 3 + Aligned at: 1.75" + Indent at: 2"

Formatted: Normal, No bullets or numbering

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Commented [KWB4]: Why require the consultant to appear at Planning Board meetings? You generally don't require Laberge to attend when they are reviewing documents. Also, FYI, the Code requires a decision on the preliminary site plan no later than 45 days from the public hearing. If 60 days, it is deemed an approval. "Submission shall be within 45 days of the close of the public hearing or within 60 days of the receipt of a complete application if no public hearing is scheduled. Failure to act on the preliminary site plan within the prescribed time period shall constitute approval of the site plan."

Formatted: Normal, No bullets or numbering

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Indent: Left: 0.75", No bullets or numbering

proposed manufacturing process and the effectiveness of the mitigative measures suggested by the applicant to eliminate or mitigate anticipated adverse impacts or risks to the surrounding neighborhood and town residents in general. It is desired that the report be plainly worded, concise, and to the point.

Commented [KW85]: This sounds like you are asking the consultant to give an opinion regarding the internal manufacturing processes. That is not the purview of the planning board - that is the applicant. The planning board does not have the authority to tell the applicant how to manufacture its product, but rather how to do so within the terms of the site plan review criteria.

Formatted: Indent Left: 0.75", No bullets or numbering

B. The Planning Board is interested in the provision of "real world" utilization of the findings from the findings of the report referenced in Item 4. A. above. The intent is to take these findings and apply them in the form of a post construction, operational monitoring program consisting of standards for ongoing monitoring of the proposed facility so that confirmation of the forecast condition as stated throughout the site plan review are in fact achieved should the facility be built and become operational. Therefore, it is requested that report findings be formatted into a set of quantifiable conditions that could be used in a resolution of decision relating to the proposed project. These quantifications will be the basis for a comprehensive monitoring program that will be conducted on a regular and ongoing basis. The elements of the monitoring programSuch conditions may include, but are not limited to:

- Elements ofRegularly the monitoring program shall include:
 1. Monitoring of the contents comprising biosolid feedstock;
 2. Monitoring of operating noise levels at the property line;
 3. Monitoring of the elements and levels comprising the air emissions from the proposed facility. The monitoring program for air emissions should consider methods above and beyond the basic requirements associated with the NYSDEC Air Permit;
 4. Monitoring of odors and related content that may be contributing to the odor, intensity, duration, etc.;
 5. Monitoring of the frequency of truck traffic;
 6. Monitoring of wastewater content and volume, etc.
 7. Other project elements that are relevant considerations to the protection of public health and safety.Other m

Commented [KW86]: I understand that the Board is sensitive to the public's concerns regarding noise and odor, but I am uncertain how someone "monitors" odor (4) Additionally, the air emissions will be monitored under the DEC permit and the Town would not be involved (3) The wastewater content and volume is not something that will already be monitored by the water/sewer department of the town (6) Truck traffic is a possibility as is noise, but (7) is too general.

- The monitoring format proposed shall consider the reasonableness of intervals and varying conditions, and seasonality under which the monitoring should effectively be done. For example, noise levels can be highly variable and such variation is subject to the exact nature of the noise source, climatic conditions, seasonality, and the associated vegetative state. Therefore, the monitoring format proposed should consider alternative approaches variation to accurately capture the noise levels under varied conditions.The same accommodations for alternative solutions to monitoring should be presented for each operational aspect of the overall monitoring program.

Formatted: Don't add space between paragraphs of the same style, Bulleted + Level: 1 + Aligned at: 1" + Indent at: 1.25"

3.

a. the nature of adverse impacts underlying the findings of negative impacts, such as effects on:

- i. air quality;
- ii. health and safety of the community;
- iii. transportation;
- iv. odor;
- v. noise;
- vi. water and wastewater capacity;

Formatted: Normal. Justified. No bullets or numbering

Formatted: Justified. Add space between paragraphs of the same style

- vii. the consequences of the presence of PFAS, dioxins and metals in the biosolids that are processed by the facility (i.e., impacts via air emissions and wastewater discharge);
 - viii. the risks associated with operations of the facility, such as the storage of biochar, sulfuric acid, liquid nitrogen, and unauthorized waste on site; and
 - ix. any other matters, whether or not specifically called out by the EAF, but that are appropriately considered in connection with this Facility, such as property values and implications for future development of the Park and the community.
- b. the magnitude (none, small, moderate or large) of those negative impacts that the consultant identifies;
 - c. whether and how the NYSDEC permits mitigate any of the identified negative impacts;
 - d. whether and how the GEIS addresses those impacts; and
 - e. the adequacy of the means or methods proposed by SBS, as well as others that are available and should be implemented, to mitigate those impacts, including:
 - i. reporting, monitoring and testing of biosolids brought to the Facility;
 - ii. reporting, monitoring and testing of air emissions and wastewater;
 - iii. monitoring and control of odor;
 - iv. reporting, monitoring of compliance with other federal, state and local requirements;
 - v. the adequacy of proposed emergency response plans;
 - vi. the adequacy of proposed training plans; and
 - vii.
4. With regard to compliance with Article 92 of the Town Code:
- a. Assess the data provided and determine whether the feedstock to be transported to the Facility constitutes "prohibited waste" within the meaning of the Town Code Article 92; and
 - b. Provide guidance as to whether the Town needs to implement practices to ensure that the feedstock does not constitute "prohibited waste" if the Facility becomes operational.
5. With regard to the 1991 GEIS, provide guidance as to:
- a. Whether the Town and the Planning Board can rely upon its findings with respect to transportation and other impacts and forego more current assessments of impacts of the Facility; and
 - b. Whether the GEIS warrants other studies or assessments as a consequence of potential impacts of the Facility.
6. Prepare a written report regarding the consultant's findings and meet with the Planning Board to discuss those findings and next steps, if any, including any follow-up assessments or studies that the consultant recommends.

Formatted: Justified, Space After: 0 pt, Add space between paragraphs of the same style, Line spacing: single

Formatted: Justified, Add space between paragraphs of the same style

Formatted: Justified, Space After: 0 pt, Add space between paragraphs of the same style, Line spacing: single

Formatted: Justified, Add space between paragraphs of the same style

Formatted: Justified

Formatted: Justified, Add space between paragraphs of the same style

Formatted: Justified

Timeframe to Complete the Work

~~The preferred timeframe to complete the work scope as described above is 90 days from the date of selection. The proposers bidders must provide a detailed schedule for the completion and submission of the two deliverables conduct of its review and report to the Planning Board in its response to this e Board's Request for Proposals. As the Planning Board wishes to have the work done in an expeditious manner, the timeliness of the bidder's schedule shall be considered in the Board's evaluation of each bidder's proposal.~~

~~As a point of reference, the Board hopes that the selected consultant will be able to provide its report to the Board by _____, 2022, and to meet with the Board to discuss the consultant's findings by _____, 2022.~~

Formatted: Justified

Fee Structure and Selection Process

~~The fee proposal should be listed as a "lump sum, not-to-exceed" amount. The source of funds for the paying for the services provided will be an escrow account funded by the applicant. Therefore, the review of proposals received, and the selection of the successful proposal will be the result of a joint review by the Planning Board and the applicant. Interviews are not anticipated but may occur. It is anticipated that the selection of the successful proposal will occur after the review of proposals received is complete. It is further anticipated that selection of the successful proposal will be made at the July 18, 2022 meeting of the Planning Board.~~

Formatted: Font: Not Bold, No underline

Formatted: Justified

Qualifications of Consultant and its Team

~~The Planning Board seeks responsive proposals/submittals from environmental engineering and consulting firms, with experience in environmental compliance, air quality, environmental health and safety, acoustic engineering, and risk assessment and risk aversion, with specific E experience in biomass processing and handling (including gasification and pyrolysis of municipal waste) is pertinent and a description of the type and level of experience is also requested, and in the conduct of SEQR reviews and assessments in the State of New York.~~

To supplement their experience, ~~proposers/bidders~~ may engage subcontractors for portions of the work who meet the qualifications necessary to accomplish that work.

~~Proposers/Bidders'~~ proposals will need to set forth the qualifications of their firm and their team members.

Description of Project Approach

In its response to the Planning Board's RFP, bidders must delineate their proposed approach to the project, including the specific tasks to be performed, along with interim milestones and completion dates. ~~The bidder may propose breaking the work into phases, with the view toward expeditiously completing its work. The description of project approach should be responsive and concise.~~

Proposal Due Date

~~Ten (10) copies of the proposals in response to the is request are required to be submitted to and received by the Building Dept. at the Town of Moreau Town Hall by Friday, July 8, 2022. The submission may be mailed or hand-delivered by the time and date listed above. The address for the submission:~~

Town of Moreau Building Dept.
Town Hall
351 Reynolds Road

Formatted: Indent: Left: 0.5"

Moreau, NY 12828
Attn: Jim Martin, Zoning Administrator

Thank you for interest.

Timeframe to Complete the Work

~~The bidders must provide a schedule for the conduct of its review and report to the Planning Board in its response to the Board's Request for Proposals. As the Planning Board wishes to have the work done in an expeditious manner, the timeliness of the bidder's schedule shall be considered in the Board's evaluation of each bidder's proposal.~~

~~As a point of reference, the Board hopes that the selected consultant will be able to provide its report to the Board by _____, 2022, and to meet with the Board to discuss the consultant's findings by _____, 2022.~~

Formatted: Justified

Formatted: Justified

