

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 6th day of June 2022 at 7:00 pm.

**Town of Moreau  
Planning Board Meeting  
Monday, June 6th, 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
Karla Buettner	Attorney for Town of Moreau
Katrina Flexon	Meeting Secretary
Matt Huntington	Studio A consultant for applicant Moreau Animal Clinic
Nick Outterson	Applicant Moreau Animal Clinic
Gianni Simone	Applicant Cerrone Construction
Ryan McNaughton	Applicant Stinky's Coffee Co
Ray Apy	Applicant for Saratoga BioChar Solutions LLC
Andrew Millspaugh	Consultants Sterling Environmental for Applicant Saratoga BioChar

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

**Approval of Meeting Minutes**

**Chairperson Arnold** asks the Board if they have any questions on the March 7th, 2022, meeting minutes. Are there any additions, deletions, or corrections. Ms. Purdue states she read these minutes and thinks they should be expanded on, she specifies adding the discussion she had about PFAS.

**Mrs. Mathias** noticed the minutes needed more details as well.

**Ms. Purdue** makes a motion to have the Planning Board meeting minutes of March 7th expanded with further details as previously indicated and resubmit them.

**Mr. Bergman** seconds the motion.

**Chairperson Arnold** asks for a roll call for this motion.

**Roll call results as follows:**

Erik Bergman	Yes
Adam Seybolt	Yes

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Ann Purdue	Yes
Mike Shaver	Yes
Meredithe Mathias	Yes
John Arnold	Yes

All in favor, none opposed, motion carries.

**A motion was made by Ms. Purdue and seconded by Mr. Bergman to have the Planning Board minutes for March 7th , 2022, expanded with further details.**

**SPR 1-2022  
Moreau Animal Clinic  
Nick Outterson  
1-3 Nolan Road Site Plan Review**

**Project Description:** proposed construction of a 4,853±sq. ft. building to house an animal clinic on an existing 1.48± acre parcel at 1-3 Nolan Road, tax map parcel no. 49.75-1-7. The proposed building will be connected to the public water system and include on-site wastewater septic system. The proposal includes an asphalt parking lot for 44 parking spaces.

**Mr. Huntington** introduces himself and explains the application was in front of the Board one month ago, at that time the Board had requested additional information such as a traffic assessment, he states they have gone through with this, and Creighton Manning provided their assessment. The other request was to further investigate the tying into the municipal sewer, they have looking into this and believe it will be cost prohibitive to do so.

**Mr. Martin** states the traffic study that was done, by their analysis it is indicating no drop-in service in the build out condition. He states it looks straight forward, and there is another outstanding issue which is the decision on a public hearing.

**Mr. Shaver** asks if they have received approval to hook up to the water.

**Mr. Huntington** states yes, they will be filling out a water service application.

**Chairperson Arnold** asks the Board if they feel they have the information they need to schedule a public hearing for Moreau Animal Clinic.

**Ms. Purdue** states she would like the traffic study to be reviewed and she would like to see LaBerge's response to the SWPPP comments. She states other than those items she feels this application is ready to schedule a public hearing.

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**Mrs. Mathias** makes a motion to schedule Moreau Animal Clinic for a public hearing on July 18, 2022, at 7:01pm.

**Mr. Shaver** seconds the motion.

**Ms. Purdue** adds to the motion that the Board would have LaBerge's response to the most recent comments on the SWPPP and they will be able to review Creighton Manning's traffic study.

**Chairperson Arnold** asks the Board if all in favor say Aye

**Roll call results as follows:**

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 by Mrs. Mathias to schedule a public hearing for Moreau Animal Clinic for July 18, 2022, at 7:01pm and seconded by Mr. Shaver.**

The Board will need to receive the LaBerge response to the SWPPP comments and the Creighton Manning traffic study prior to the public hearing.

The Board thanks and dismisses the applicant.

**Woodcreek Subdivision  
Cerrone Builders LLC  
Sandy Boulevard  
Lot Line Adjustment**

**Mr. Simone** introduces himself and gives the Board and overview of the lot line adjustment. They had the opportunity to purchase a land locked parcel, he brought with him a copy of a signed form from the owners of Lot 20 to allow a lot line adjustment. He explains the subdivision has a boulevard entrance roughly 300 feet in before you see corner lot 20. This home on lot 20 is angled away from Sandy Blvd.

**Mr. Martin** asks how many lots are in the subdivision now.

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**Mr. Simone** states 34 but they removed one with the Board's approval, now it's going to be 35. He adds these are 1 acre lots which are larger than the previous existing lots.

**Mr. Martin** clarifies the applicant is adding property, and by virtue of doing that 2 more lots are being added to the subdivision. Lots A and B are new.

**Mr. Simone** states that is correct.

**Mr. Martin** states that from a zoning perspective the proposed new lots are compliant. He adds as a condition of this adjustment approval he would like to see the location of the house indicated on the plans to make sure it conforms.

**Chairperson Arnold** asks the applicant where the septic systems are going to be.

**Mr. Simone** states that water and power runs right through the area, the septic field will be in their backyard.

**Mr. Martin** states the Board will need to modify the original mylar for the entire subdivision to reflect this change and have it re-signed.

**Mr. Bergman** makes a motion for conditional approval for the modification of the Woodcreek Subdivision. The applicant will need to submit the original mylars to reflect the changes proposed.

**Mr. Seybolt** seconds the motion.

**Chairperson Arnold** asks for a roll call.

**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 motion was made by Mr. Bergman to approve the modifications of Woodcreek subdivision with the condition that the original mylars reflect the updated changes. Mr. Seybolt seconds the motion.**

**Mr. Bergman** makes a motion to have the Chairperson and one other member of the Planning Board sign the mylars of the Woodcreek subdivision when they are delivered.

**Mrs. Mathias** seconds the motion.

**Chairperson Arnold** asks the Board if all in favor say Aye.

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**Results as follows:**

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 for the Planning Board Chairperson and one other member of the Board to sign the mylars of the approved Woodcreek Subdivision modifications.**

The Board thanks and dismisses the applicant.

**SPR 2-2022  
Stinky's Coffee Company Great Fun LLC  
Ryan McNaughton  
480 Fortsville Rd  
Sketch plan**

**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.

**Mr. McNaughton** Introduces himself and speaks about the project.

**Mr. Martin** explains he has met with the applicant a couple times it's a very basic business, there is one employee, and the only traffic would be having the beans delivered to the site.

**Mrs. Mathias** asks if the applicant is planning on bringing water to the garage.

**Mr. McNaughton** confirms he will be bringing a water line from the house to the garage.

**Mr. Martin** states the house is and will continue to be his grandmother's residence.

**Chairperson Arnold** asks why this is not considered a dual use on a commercial lot.

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**Mr. Martin** states the applicant would be in compliance, the residence would not, but the pre-existing non-conforming would be able to continue.

**Chairperson Arnold** asks if the deliveries become a traffic issue would the applicant be okay with creating a pull off.

**Mr. McNaughton** states they actually have an open spot where the delivery trucks can easily pull in or back in.

**Chairperson Arnold** asks if there is going to be a bathroom in the garage.

**Mr. McNaughton** states no, he will be using the bathroom inside the residence.

**Chairperson Arnold** asks if there are drains in the garage floor. He is assuming the roaster will need to be washed and is wondering how this will be accomplished.

**Mr. McNaughton** states there are currently no drains, he plans on running water lines from the home to the garage and as for the washing of the roaster it only needs to be wiped out every so often.

**Ms. Purdue** asks if the applicant will need to get Department of Health approval for this project.

**Mr. McNaughton** states he believes it's the Department of Agriculture and currently he is just roasting for himself.

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

**Mr. Bergman** makes a motion to schedule a public hearing for Stinky's Coffee Company, Great Fun LLC for the June 20, 2022, Planning Board meeting at 7:05pm.

**Ms. Purdue** seconds 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
Meredithe Mathias	Aye
John Arnold	Aye

All in favor, none oppose, motion carries

**A motion was made by Mr. Bergman and seconded by Ms. Purdue to schedule a public hearing for Stinky's Coffee Company, Great Fun LLC for June 20, 2022, at 7:05pm.**

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The Board thanks and dismisses the applicant.

**Chairperson Arnold** states at this time they have exhausted the June 6th agenda and they would like to now discuss the scope of work for possible outside consultants for the Saratoga BioChar Solutions LLC application.

**Mr. Martin** states that they are here to collectively discuss the potential scope of work and then agree upon as a Board which items are worthy of consideration for a third-party consultant.

They have to review a submission from Ms. Purdue and a response email from Saratoga BioChar Solutions LLC.

**Ms. Purdue** states she does not believe they have had a specific discussion on the independent review details on whether it was site plan specific or if it touched upon SEQR issues. She believes the reopening of SEQR was not discussed in the context of the independent review.

**Mr. Martin** states he thinks moving forward whatever topics of concern they will be reviewed.

**Ms. Purdue** states there has been an enormous amount of information to look at, it's not necessarily easy to grasp particularly without the assistance of a qualified expert that can say "yes, you need to worry about this or no you don't."

**Chairperson Arnold** states it's his understanding, when an applicant states they do not foresee a problem because they have provided mitigation for A, B, and C, it is his understanding that if they do not accomplish the mitigation offered for the issues they will be in violation if the Board has approved of the project based on these mitigations.

**Mrs. Buettner** states it is not a contract per say but they have an approval with conditions. In the event they do not meet their conditions then they are in violation of the approval, and it could be revoked. She Clarified that representations in the EAF itself did not represent conditions binding on the applicant.

**Ms. Purdue** states this is the first of its kind, the Town is not working lock step with DEC they are going through their own review to issue a permit. She does not see any indication of the deviation for the omissions that are projected, she is not comfortable not knowing the number of omissions that are coming out of the project.

**Chairperson Arnold** asks Mr. Martin to read Ms. Purdue's submission for the scope of work.

**Mr. Martin** reads the scope of work sent in by Ms. Purdue. A copy of the scope of work is attached to these minutes.

**Mrs. Buettner** clarifies with the Board that SEQR is complete, there was a motion at the last meeting by Ms. Purdue to reopen SEQR and it was denied. She states what the

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Board is looking for is what independent engineering consultant can help the Board with site plan issues.

**Ms. Purdue** Makes a motion to instruct Mr. Martin to send the RTF out to potential third-party consultants with the changes to Ms. Purdue's request for the scope of work an independent environmental assessment review of Saratoga BioChar Solutions LLC.

**Chairperson Arnold** asks the Board if someone will second this motion.

**Mrs. Mathias** seconds the motion for discussion

**Mr. Bergman** feels this scope needs to be worked on more before being sent out. Chairperson Arnold agrees and thinks the scope should be looked at more thoroughly

**Mr. Martin** offers to refine the scope of work and work in what he sees are new elements and send out a new scope for the Board's consideration.

**Ms. Purdue** withdraws her motion.

**Mr. Martin** states he can have the refined scope of work available to the Board by July 13th so they can have time to review the new submission before the next meeting.

**Mr. Shaver** makes a motion to adjourn

**Mr. Bergman** seconds

**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

Meredithe Mathias Aye

John Arnold Aye

All in favor, none oppose, motion carries

**A motion was made by Mr. Shaver and seconded by Mr. Bergman to adjourn tonight's Planning Board meeting of June 6, 2022.**

Meeting was adjourned at 9:22pm

Respectfully submitted,

*Katrina Flexon*



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# Attachment 1



**Scope of Work for the Independent Environmental Assessment/Review  
of Saratoga Biochar Solutions, LLC Facility**

**Background**

**General:**

Saratoga Biochar Solutions, LLC (SBS) is proposing to construct and operate a solid waste management facility (SWMF) 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 selected location is on 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.

Authorization to operate the 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.

The Facility is also subject to site plan review by the Planning Board of the Town of Moreau, which is the lead agency for purposes of SEQR review.

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.

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 I 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 SEQR assessment of the Facility.

#### Scope of Work

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

1. Conduct a review of the following documents:
  - a. Part 1 of the EAF, as updated by SBS, a copy of which is attached to this RFP as Attachment 1;
  - b. The Air Emissions Permit and Solid Waste Management Permit applications (most recent to be provided by SBS) attached to this RFP as Attachments 2 and 3;
  - c. The Facility Site Plan (Approval Set Documents) dated March \_\_, 2022 (or most recent proposed by SBS);
  - d. The Water Capacity Engineering Report dated March \_\_, 2022 and the Wastewater Capacity Engineering Report dated March \_\_, 2022;
  - e. Generic EIS dated \_\_, 1991, for the Moreau Industrial Park;
  - f.

2. Based upon the foregoing review, evaluate, and make a tentative assessment of the potential impacts of the Facility in accordance with the framework of Part 2 of the EAF, including:
  - 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,
    - 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.
3. 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.
4. 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.
5. 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.

**Qualifications of Consultant and its Team**

The Planning Board seeks 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 experience in biomass processing and handling (including gasification and pyrolysis of municipal waste) and in the conduct of SEQR reviews and assessments in the State of New York.

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

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

**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.

**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.