

STATE OF NEW YORK
SUPREME COURT

COUNTY OF BROOME

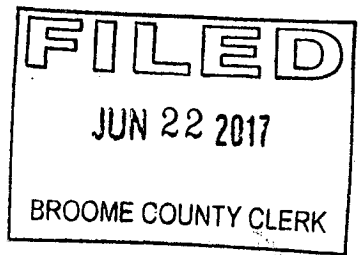
CHENANGO VALLEY CENTRAL SCHOOL DISTRICT,

Petitioner,

- against -

TOWN OF FENTON PLANNING BOARD; and
NG ADVANTAGE, LLC,

Respondents.



VERIFIED PETITION

Index No.: CA2017001388
RJI No.:

Petitioner Chenango Valley Central School District, by and through its undersigned counsel, hereby asserts the following:

1. This is a special proceeding brought pursuant to Article 78 of the New York Civil Practice Law and Rules ("CPLR") for a judgment to annul, vacate, and in all respects void the Town of Fenton Planning Board April 11, 2017 Negative Declaration of Significance determination under the State Environmental Quality Review Act ("SEQRA"); and to annul, vacate, and in all respects void the Town of Fenton Planning Board Site Plan Approval of May 23, 2017 in relation to the Fenton Trucking Terminal project application submitted by NG Advantage, LLC.

Jurisdiction and Venue

2. This Court has jurisdiction over this proceeding pursuant to CPLR § 7804.
3. Venue is proper in this Court pursuant to CPLR §§ 504(2) and 506(b).

Parties

4. Petitioner Chenango Valley Central School District ("CVCS") is a municipal corporation and school district in Broome County responsible for operating Port Dickinson Elementary School, Chenango Bridge Elementary School, Chenango Valley Middle School, and

Chenango Valley High School. Chenango Valley High School and Middle School are located in the Town of Fenton.

5. Respondent Town of Fenton Planning Board (“Fenton Planning Board” or “Planning Board”) is the board authorized under the Code of the Town of Fenton (“Fenton Code”) §§ 150-46 & 150-47 to review and approve Site Plans.

6. Respondent NG Advantage, LLC (“NG Advantage” or “Applicant”), is, upon information and belief, a Delaware limited liability company, authorized to do business in the State of New York, with a principal place of business at 480 Hercules Dr. #1, Colchester, VT 05446. NG Advantage is the lessee of 65, 69 & 93 West Service Road, Binghamton, New York in the Town of Fenton (the “Property”) and the recipient of the May 23, 2017 Site Plan Approval for a proposed natural gas compressor facility on the Property, also referred to as the Fenton Trucking Terminal (hereafter the “Project”).

7. Upon information and belief, NG Advantage extracts natural gas from pipelines, fills specialized trucks with compressed natural gas (“CNG”) under up to 4,000 sq.ft. pressure, and transports the CNG to commercial customers not located on the pipelines.

Standing

8. Petitioners have standing to bring this special proceeding pursuant to CPLR § 7801.

9. CVCSD is the municipal corporation responsible for operating the Port Dickinson Elementary School, the Chenango Bridge Elementary School, the Chenango Valley Middle School, and the Chenango Valley High School.

10. The proposed access and exit routes for the Project pass within very short distances of several of CVCSD schools and are located on major thoroughfares and bus routes

for the schools. Specifically, the likely exit route for CNG trucks and trailers, based upon the legal restrictions on surrounding roadways, will require the CNG trucks to use the main artery interchange adjacent to the Chenango Valley Middle School and High School.

11. Road weight limits in the Village of Port Dickinson will likely require the trucks exiting the planned facility to turn left at the Route 12A and I-88 interchange. This route directs truck traffic less than 500 feet from the entrance to Chenango Valley High School and Middle School, less than 200 feet (as the crow flies) to the school parking lots, and along the main artery for access and egress to the school for buses, young student drivers, parents, faculty and staff. A google maps photo of the interchange is annexed hereto as Exhibit A. This intersection is one of the more heavily traveled intersections in the Town, especially during peak travel times, including the opening and closing of the school day.

12. The increase in truck traffic at this interchange, especially by vehicles carrying compressed natural gas ("CNG"), a highly flammable substance, presents significant risk of injury in terms of both traffic congestion and safety to the students and staff for which the School District is legally responsible.

Facts

13. The Property is a total of 5.3 acres located in the Limited Industrial District of the Town of Fenton.

14. The Property is located in close proximity to a NYS Department of Environmental Conservation mapped wetland (Wetland ID CC-12). The Property is within the State Regulated Wetland "Checkzone."

15. In January 2017, NG Advantage applied for Site Plan Approval for a natural gas compressor station adjacent to the Millennium Pipeline to allow fueling of trucks for the transportation of CNG.

16. Upon information and belief, in March or April 2017, NG Advantage submitted a Full Environmental Assessment Form (“EAF”) Part 1 to the Fenton Planning Board. Completion of the EAF is required to allow a reviewing body to evaluate the environmental impacts of a project under SEQRA. A copy of the EAF Part 1 is annexed hereto as Exhibit B.¹

17. On April 11, 2017, the Fenton Planning Board held a meeting to review the Project. A copy of the meeting minutes for the April 11, 2017 meeting is annexed hereto as Exhibit C. The minutes note the following motions:

- Following the question and answer/comment session, Mr. Keough made a motion for the Planning Board to assume the role of lead agency for the purposes of the Full Environmental Assessment Form (EAF) for the Fenton Trucking Terminal at 65 West Service Road;
- Mr. Keough made a motion to declare a Negative Declaration [of environmental impact under SEQRA] with the belief that the Fenton Trucking Terminal will not have a significant adverse impact on the environment;
- Mr. Keough made a motion to approve the site plan dated March 31st, 2017, contingent on the 239 Review coming in affirmative.

All three motions carried unanimously. A review of the audio file for the April 11, 2017 meeting demonstrates that no comments were made by any member of the Planning Board in response to the motion for a negative declaration of significance prior to the vote thereon.

18. At the time of the April 11, 2017 Planning Board meeting, the Planning Board had not received the comments on the Project from the Broome County Department of Planning and Economic Development pursuant to § 239-l and -m of the General Municipal Law. The

¹ The EAF is dated March 17, 2017. However, the Planning Board minutes for March 28, 2017 indicate that “the most recent site plan and the EAF” had been provided to the Assistant Town Engineer, who is also a member of the Planning Board, but that “the Planning Board currently does not have a copy of to [sic] review.”

Fenton Planning Board had only submitted the 239 Review Submission Form to the County on April 3, 2017. The minutes note that the time for responding to the 239 Review had not expired as of the date of the meeting. A copy of the 239 Review Submission Form is annexed hereto as Exhibit D.

19. The Fenton Planning Board had also not received responses to the Project from the Town of Chenango or the Village of Port Dickinson as of the April 11, 2017 meeting.

20. The April 11, 2017 meeting minutes reflect separate motions and votes on lead agency status and issuing the Negative Declaration of environmental impact. The minutes do not describe any review of Parts 2 and 3 of the Full EAF; a determination as to whether the project is a Type I, Type II, or unlisted action under SEQRA; or a "reasoned elaboration" of the Planning Board's negative declaration.

21. A review of the audio file of the April 11, 2017 meeting reflects there was no discussion during the meeting of the EAF Parts 2 and 3.

22. On June 16, 2017, in response to a request pursuant to the Freedom of Information Law ("FOIL") the Town Clerk produced a Full EAF with completed Parts 2 and 3. The EAF Parts 2 and 3 reflect they were prepared by Richard Armstrong and are dated April 13, 2017. Mr. Armstrong is both the Assistant Town Engineer and a member of the Planning Board.

23. The minutes for the April 11, 2017 meeting do not reflect that Parts 2 and 3 were completed during the meeting.

24. The EAF was executed by John Eldred, the Planning Board Chair on April 17, 2017. A copy of the completed Full EAF is annexed hereto as Exhibit E.

25. Part 2 of the EAF states that there is “No” impact on transportation from the Project and did not identify any moderate to large environmental impacts to be further addressed in Part 3.

26. Part 3 does not include any explanation or citation to any documents supporting the Planning Board’s alleged decision that the Project would have no significant environmental impacts.

27. Part 3 of the EAF identifies the action as an Unlisted Action. There is no discussion in the April 11, 2017 Planning Board minutes of this determination. The audio file of the April 11, 2017 meeting does not reflect a discussion of the type of action the Project would be considered under SEQRA.

28. On or about May 16, 2017, the Broome County Department of Planning and Economic Development provided the Fenton Planning Board the County’s recommendation pursuant to § 239-l and -m of the General Municipal Law. The County provided a detailed fourteen (14) page review and “determined that the project as submitted would have significant negative county-wide and inter-community impacts within the intent of General Municipal Law Section 239-l . . . and for these reasons recommends denial of the project as submitted.” A copy of the County’s recommendation is annexed hereto as Exhibit F.

29. The County identified a number of other agencies to whom the County submitted the case file and provided an additional sixteen (16) pages of comments received including comments from the New York State Department of Transportation (NYSDOT), Broome County Health Department, and CVCSD. *See* Exhibit F. The County also listed a number areas where documentation from the applicant was inadequate or incomplete and identified numerous conditions that should be required “at a minimum” for approval of the Site Plan.

30. At the Fenton Planning Board meeting on May 23, 2017, the Planning Board again addressed the Project. The chair noted that the Planning Board had already approved the project site plan, but that approval had been contingent on an affirmative County 239. The Planning Board then reopened consideration of the Project and opened the floor to public questions (but did not allow comment) in light of the receipt of the County 239 recommending denial. A copy of the May 23, 2017 draft² meeting minutes is annexed hereto as Exhibit G.

31. At the conclusion of the May 23, 2017 Planning Board meeting, the Planning Board moved to rescind the prior Site Plan Approval, which carried unanimously. The Planning Board then moved to approve the Site Plan, without conditions, which carried 6-0 with one member abstaining.³ The Planning Board did not reopen, rescind or discuss its prior SEQRA negative declaration.

Count I

Article 78 to Nullify the Fenton Planning Board Negative Declaration of Significance for Failure to Comply with the Procedural Requirements of SEQRA

32. Petitioner hereby affirms and incorporates by reference as though fully set forth herein the allegations contained in paragraphs 1 through 31.

33. On April 11, 2017, the Fenton Planning Board reviewed the Project pursuant to the requirements of SEQRA. The Planning Board unanimously moved to declare itself lead agency under SEQRA.

34. The Planning Board minutes do not reflect that the Planning Board made any determination as to whether there were any other involved agencies.

² Final minutes of the May 23, 2017 Meeting will not be approved until the next Planning Board meeting, beyond the statute of limitations for bringing this proceeding.

³ That Planning Board member is also a member of the CVCSD School Board.

35. However, the Full EAF Part 1 identified the Town of Fenton Zoning Board of Appeals (“Fenton ZBA”), the Broome County Department of Planning and Economic Development (General Municipal Law § 239 review), and the New York State Department of Environmental Conservation (“NYSDEC”) (SPDES Construction Permit)⁴ as interested and involved agencies.

36. The minutes do not reflect that the Fenton Planning Board communicated with any other agencies, including, the NYSDEC and the Broome County Department of Planning and Economic Development regarding coordinated review or lead agency status prior to designating itself as lead agency.

37. To the contrary, the minutes note that under the 239 review process the Town of Chenango, the Village of Port Dickinson, and Broome County had been contacted, but that no responses had been received as of the April 11, 2017 meeting. As noted above, the 239 review process was initiated approximately one week earlier.

38. The Planning Board minutes for April 11, 2017 do not reflect a determination as to whether the project is a Type I, Type II, or an Unlisted action under SEQRA. However, the May 23, 2017 Planning Board draft minutes indicate that “[t]his is an Unlisted Action and was treated as such.”

39. Immediately following the motion to declare itself lead agency, the Planning Board moved “to declare a Negative Declaration with the belief that the Fenton Trucking Terminal will not have a significant adverse impact on the environment.”

⁴ Upon information and belief, the Project also requires a NYSDEC approved Stormwater Pollution Prevention Plan (“SWPPP”) and possibly a Freshwater Wetlands permit.

40. Upon information and belief, the Fenton Planning Board did not issue a formal written decision of “Negative Declaration” beyond the meeting minutes.

41. 6 NYCRR § 617.6 (a)(1) requires an agency to determine whether the action is a Type I, Type II, or an Unlisted action as soon as it receives the application.

42. The project is a Type I action pursuant to 6 NYCRR § 617.4(b)(10) as it is substantially contiguous to a publicly owned and operated parkland and recreation area – Port Dickinson Park – and involves the physical alteration of 5.3 acres.

43. The Fenton Planning Board did not make any public statement or finding pursuant to 6 NYCRR § 617.6(a)(1). It improperly treated the Project as an Unlisted Action and proceeded with the SEQRA review in that fashion.

44. A Type I action involving more than one involved agency requires coordinated review. *See* 6 NYCRR §§ 617.6(b)(2)(i) & 617.6(b)(3)(i). A coordinated review requires the agency proposing to be the lead agency to “as soon as possible, transmit Part 1 of the EAF completed by the project sponsor, or a draft EIS and a copy of any application it has received to all involved agencies and notify them that a lead agency must be agreed upon within 30 calendar days of the date the EAF.”

45. Upon information and belief, the Fenton Planning Board did not notify the Town of Fenton ZBA, the NYSDEC, or the Broome County Department of Planning and Economic Development of its intent to be the lead agency.

46. On March 7, 2017, the Fenton ZBA had conducted a review of NG Advantage’s application seeking a variance on the setback allowances at the site. However, the ZBA failed to issue the 239 request prior to approving the variance. On May 23, 2017, the Fenton ZBA conducted a “rehearing.” Following the public hearing, the ZBA voted unanimously to classify

the variance application as a Type II action under SEQRA. The ZBA then re-approved the area variance with stipulations. A copy of the ZBA decision dated May 24, 2017 is annexed hereto as Exhibit H.

47. The Fenton Planning Board and the Fenton ZBA conducted uncoordinated reviews in violation of the SEQRA procedures. As a result, the Fenton ZBA incorrectly classified the variance application as a Type II action. Upon information and belief, the Fenton Planning Board did not consider the area variance and associated impacts during its SEQRA review.

48. 6 NYCRR § 617.3(d) requires a lead agency to “make every reasonable effort to involve project sponsors, other agencies and the public in the SEQR process.”

49. Upon information and belief, the Fenton Planning Board failed to notify the NYSDEC of the project or give the NYSDEC an opportunity to be involved in the SEQRA process.

50. The SEQR Handbook states that “if a known involved agency is not given an opportunity to participate, there may be grounds to nullify any approvals subsequently made regarding the action because of failure to comply with SEQR procedures.”

51. The Fenton Planning Board also failed to take reasonable effort to involve other agencies and the public by moving forward with the SEQRA process despite not having received comments from the Town of Chenango and the Village of Port Dickinson.

52. The Fenton Planning Board also failed to make reasonable efforts to involve other agencies and the public by moving forward with the SEQRA process even after acknowledging in the minutes that “the other County agencies still have time to respond” to the 239 request.

53. 6 NYCRR § 617.7(b)(4) requires that a determination of significance must be set forth in a written form containing a reasoned elaboration and providing reference to any supporting documentation.”

54. The Fenton Planning Board’s motion for negative declaration does not provide a reasoned elaboration or reference any supporting documentation, including, but not limited to the allegedly completed EAF Parts 2 & 3.

55. The Fenton Planning Board’s SEQRA review was procedurally defective as it a) failed to conduct a coordinated review; b) failed to provide notice and an opportunity to participate to other involved agencies and the public; and c) failed to set forth its determination of significance in a written form with a reasoned elaboration.

Count II

Article 78 to Nullify the Fenton Planning Board Negative Declaration of Significance for Improperly Classifying the Project as an Unlisted Action Under SEQRA

56. Petitioner hereby affirms and incorporates by reference as though fully set forth herein the allegations contained in paragraphs 1 through 55.

57. 6 NYCRR § 617.6 (a)(1) requires an agency to determine whether the action is a Type I, Type II, or Unlisted action as soon as it receives the application.

58. On April 11, 2017, the Fenton Planning Board did not discuss whether the action is a Type I, Type II, or Unlisted action. No motion was made regarding the project’s classification and no explanation was provided for any such decision.

59. The May 23, 2017 Fenton Planning Board draft meeting minutes indicate that the Planning Board treated the project as an Unlisted action. However, it does not provide the reasoning for this determination.

60. Pursuant to 6 NYCRR § 617.4(b)(10) “any Unlisted action, that exceeds 25 percent of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks pursuant to 36 CFR part 62, 1994” is a Type I action.

61. The Property is located substantially contiguous to the Port Dickinson Park – a publicly owned and operated parkland and recreation area. Port Dickinson Park is located adjacent to the property, approximately 450 feet from the Property and the proposed area of disturbance. A google map with measurement is annexed hereto as Exhibit I.

62. 6 NYCRR § 616.4 (b)(6)(i) sets forth a threshold of 10 acres of physical alteration associated with nonresidential facilities for Type I actions. 25 percent of this threshold under 6 NYCRR § 617.4(b)(10) is 2.5 acres of alteration.

63. The Project involves the physical alteration of 5.3 acres according to the Full EAF Part I submitted by the Applicant.

64. Thus, the project should have been classified as a Type I action pursuant to 6 NYCRR § 617.4(b)(10).

65. The Fenton Planning Board incorrectly deemed the Project an Unlisted Action and proceeded with the SEQRA review in that fashion.

66. The determination by the Planning Board to identify the Project as an Unlisted action was arbitrary and capricious and contrary to law and should be nullified.

Count III
Article 78 to Nullify the Fenton Planning Board Negative Declaration of Significance as
Arbitrary and Capricious

67. Petitioner hereby affirms and incorporates by reference as though fully set forth herein the allegations contained in paragraphs 1 through 66.

68. As a Type I action, the Project is presumed to have a significant environmental impact and require an Environmental Impact Statement ("EIS") under 6 NYCRR § 617.4.

69. There was no discussion during the April 11, 2017 meeting regarding Parts 2 & 3 of the Full EAF.

70. The Fenton Planning Board April 11, 2017 meeting minutes do not reference any discussion of traffic, the Route 12A intersection, the Chenango Valley High School or Middle School or the route for trucks exiting the facility.

71. The only discussion regarding the "haul routes" delegated the review of the routes to the Town Highway Superintendent under Fenton Town Code § 123-20, which concerns the determination of concentrated traffic on Town highways and responsibilities for upgrades to existing Town highways to accommodate such traffic. This discussion focused on road wear and tear, not environmental or traffic and safety issues.

72. However, the March 2017 Planning Board minutes do indicate potential environmental concerns regarding traffic at the 12A intersection. A copy of the March 28, 2017 Planning Board meeting minutes are annexed hereto as Exhibit J. The minutes note several items that were "looked at environmentally" by NG Advantage's engineer, including:

- NYSDOT had concerns about the Route 12/12A corridor particularly during the peak hours of the day. It is usually crowded during that time of the day and they did not want a lot of maneuvers being done in that intersection. They did not have any problems with the trucks getting off the highway onto Route 12 to go to the Service Road but

they did not recommend the trucks returning via that route to make a left turn onto the highway. The recommendation was for the trucks to return to the highway by using Phelps Street.

73. Similarly, the Comprehensive Plan for the Town of Fenton notes

There is little traffic congestion on any of the roads in the Town. Exceptions include the interchanges with Interstate 88, particularly the eastbound off ramps in the afternoon peak period. While Interchange 2 is constrained by the NYS Route 12A bridge over I-88 and the Chenango River, the Town should consider this issue in relation to any potential redevelopment of the U. S. Medical Depot site that might be provided access to that interchange.

74. Despite these comments and concern from the NYSDOT and the Comprehensive Code, and the Applicant's acknowledgment that up to 125 trucks a day would be leaving the Project location, there is no record of any discussion of traffic or routing issues during the Fenton Planning Board's SEQRA review.

75. The Long Form EAF Part 2 prepared and signed after the April 11, 2017 SEQRA review stated that there were "No" environmental concerns related to traffic.

76. Traffic, including, but not limited to, the route for CNG loaded trucks exiting the facility to take is a relevant area of environmental concern and has a potential significant adverse environmental impact.

77. The Property is also located adjacent to a State Regulated Freshwater Wetlands and within the NYDEC "check zone" adjoining those wetlands. The Public Policy of the Town of Fenton is "to preserve, protect and conserve freshwater wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of the freshwater wetlands and to regulate the development of such wetlands in order to secure the natural benefits of freshwater wetlands, consistent with the general welfare and beneficial economic, social and agricultural development of the Town of Fenton." Fenton Code § 85-2.

78. The EAF Part 1 does not identify the wetlands. The records also do not indicate whether the NYSDEC was ever requested to delineate the 100-foot buffer zone for the wetland in order to confirm that no activity would occur within the wetland.

79. The Fenton Planning Board did not discuss the wetland and potential impacts on the wetland during the April 11, 2017 meeting.

80. The Fenton Planning Board failed to properly identify the relevant areas of environmental concern, including, but not limited to, traffic and route safety concerns and wetland impacts. *See generally* Affidavit of William FitzPatrick, P.E., P.T.O.E., dated June 21, 2017, filed herewith.

81. The Fenton Planning Board failed to take a “hard look” at the relevant areas of environmental concern, including, but not limited to, traffic and route safety concerns.

82. The Fenton Planning Board failed to provide a reasoned elaboration as to why the traffic associated with and produced by the Project was not a significant environmental impact.

83. The Fenton Planning Board’s determination of a negative declaration of significance is arbitrary and capricious and erroneous as a matter of law.

Count IV
Article 78 to Void Planning Board’s Completion of Parts 2 and 3 of the Full EAF in
Violation of the Open Meetings Law

84. Petitioner hereby affirms and incorporates by reference as though fully set forth herein the allegations contained in paragraphs 1 through 83.

85. The Fenton Planning Board received the Applicant’s Full EAF Part 1 between March 28 and April 11, 2017.

86. On April 11, 2017, the Fenton Planning Board held the first public meeting since receiving the Applicant’s Full EAF Part 1.

87. Fenton Planning Board meetings are usually held the last Tuesday of the month. The April meeting was originally scheduled for April 25, 2017.

88. Upon information and belief, the Applicant requested an expedited hearing on its application, which the Planning Board agreed to, setting the meeting for April 11, 2017.

89. The Fenton Planning Board did not complete the Full EAF Parts 2 & 3 during the April 11, 2017 meeting. Instead the Parts 2 & 3 appear to have been completed outside of a properly noticed public session after the Planning Board meeting by a Town employee. There was no discussion during the April 11, 2017 meeting of the contents of or reviewing the Parts 2 & 3 of the Full EAF.

90. The Open Meetings Law (Pub. Off. Law §§ 100-111) provides that “[e]very meeting of a public body shall be open to the general public. . . .” Pub. Off. Law § 103(a).

91. The Open Meetings Law requires public notice be provided for a planning board meeting at least seventy-two hours prior to a meeting scheduled a week or more in advance or, if scheduled less than a week in advance, a reasonable time prior to the meeting. Pub. Off. Law § 104(1)-(2).

92. Upon information and belief, the Fenton Planning Board did not provide public notice of the previously unscheduled Planning Board Meeting pursuant to Public Officers Law § 104.

93. Completion of Parts 2 and 3 outside of a public meeting violates the Open Meetings Law and, therefore, pursuant to Public Officers Law § 107, those actions should be declared null and void.

Count IV
Article 78 to Nullify the Fenton Planning Board's Site Plan Approval as Arbitrary and Capricious and Not Based upon Substantial Evidence

94. Petitioner hereby affirms and incorporates by reference as though fully set forth herein the allegations contained in paragraphs 1 through 93.

95. The Code of the Town of Fenton provides:

The Planning Board shall review the application and site plan, together with such other facts as shall be properly in evidence before it, and it may either reject or approve the application and site plan, subject to any conditions necessary to meet the following objectives and any other objectives required for a particular improvement or use by another subsection of this section:

...
(c) The potential generation of traffic by the proposed development and use will be within the reasonable capacity of the existing streets providing access to the lot, including streets contracted for by appropriate government agencies.

Fenton Code § 150-47(A)(2)(c).

96. The Property is located on the West Service Road in the Town of Fenton, which runs parallel to Interstate Highway 88 ("I-88").

97. Upon information and belief, initially the NG Advantage trucks will be transporting CNG east from the Property.

98. The trucks will access the Property from I-88 Westbound via Exit 2 and proceed across Route 12A (Chenango Bridge Road) and south along the service road to the Property on the right.

99. Initially, Applicant proposed having the trucks exit the Property and turn right to continue south along the service road. The trucks would then turn left onto Phelps Street in the Village of Port Dickinson and turn immediately left onto Route 7 headed north to merge onto I-

88 Eastbound. This course was initially recommended by the New York State Department of Transportation (“NYSDOT”).

100. The NYSDOT proposed this route “[d]ue to the current conditions in the vicinity of the Interstate 88/NYS Route 7 interchange with NYS Route 12A (Exit 2).” A copy of the NYSDOT April 7, 2017 letter is annexed to the County 239 response in Exhibit F.

101. However, the Village of Port Dickinson roads have a 5 ton weight limit. The NG Advantage trucks carrying CNG will significantly exceed this weight limit. The Mayor of the Village of Port Dickinson has advised that the NG Advantage trucks will not be permitted to travel this route.

102. As a result of the Village’s road limits, the NG Advantage trucks will have to turn left out of the Property and return back on the service road northbound to Route 12A (Chenango Bridge Road). The trucks will have to turn right onto Route 12A eastbound, proceed across the overpass of I-88, turn left onto Towpath Road and continue onto the on-ramp for I-88. This is the same route that the NYSDOT recommended against in its April 7, 2017 letter.

103. Route 12A continues directly past the Chenango Valley High School and Middle School, with the main entrance to the schools from Route 12A. Chenango Bridge Road is the main artery for access to and from the High School. *See* Affidavit of David Gill, Superintendent of Schools, dated June 21, 2017, ¶ 13, filed herewith.

104. The NYSDOT subsequently concluded that it could “not recommend any routing of vehicles in a manner where they would proceed in violation of traffic regulations.” The NYSDOT further advised that if the prior route is not available they “recommend[ed] that vehicles exiting the facility avoid the Interstate 88 Exit 2 area during peak travel times” including, but not limited to, “[p]eriods of peak travel to and from Chenango Valley High

School.” A copy of the NYSDOT’s May 15, 2017 letter is annexed to the County 239 response in Exhibit F.

105. The County 239 also included a letter from David P. Gill, Superintendent of Chenango Valley Central School District. Superintendent Gill noted his concern “with the increased traffic flow on a direct route within our district. . . . It currently can be challenging with truck traffic flow – for both our school buses and local traffic. Increased truck traffic will only exacerbate traffic issues.” Superintendent Gill encouraged a “review of the traffic flows, health impacts and safety issues of the proposed business on the community, the school and the public generally.” Gill Affidavit ¶ 16; Exhibit 1 to the Affidavit.

106. Superintendent Gill’s concerns and recommendations were reflected in the County 239. The County 239 recommended that the Applicant be required to provide an Emergency Response Plan and a Traffic Study.

107. The May 23, 2017 Fenton Planning Board draft meeting minutes note several comments and concerns from members of the public including:

- The Trucks using the access road that the children use going back and forth to Chenango Valley School; and
- The congestion it will cause on Route 12A in front of Chenango Valley School.

108. The Applicant was invited to address the issues raised in the County 239. The minutes reflect the following comment from NG Advantage:

Truck Routes – There is **still an outstanding issue with the truck routes**. NG Advantage has met with Chenango Valley Superintendent of Schools David Gill but has not met with Village of Port Dickinson Mayor Kevin Burke. Currently there is a weight limit on a road in Port Dickinson which poses a problem for the trucks leaving the project site. Gerry noted that the truck route that was chosen was chosen by the DOT. Getting into the site seems to be resolved **but getting out of the site is the big issue that needs to be resolved.**

(Emphasis added).

109. NG Advantage also stated during the May 23, 2017 Planning Board meeting that at full capacity the Project would involve up to 125 trucks per day processing through the compressor facility. This means that 125 trucks will be coming into the facility, and necessarily means that 125 trucks will be coming out of the facility on a daily basis.

110. The Fenton Planning Board did not require or obtain any traffic studies regarding the proposed access and exit routes for the CNG trucks and trailers. The only comment from the Fenton Planning Board or NG Advantage in the draft May 23, 2017 meeting minutes regarding the issues of traffic around Chenango Valley High School was a single comment that “Mr. Eldred thought about the routing issue but recently followed John Cole’s tractor trailer through the area and does not see it as a problem.”

111. No actual evidence supports the Planning Board’s conclusion that the “[t]he potential generation of traffic by the proposed development and use will be within the reasonable capacity of the existing streets providing access to the lot.” *See generally* FitzPatrick Affidavit.

112. The Fenton Planning Board approved the Site Plan on May 23, 2017 without any conditions or any resolution regarding the trucking routes and traffic concerns.

113. The Fenton Planning Board’s decision approving the Site Plan is, therefore, arbitrary and capricious and not based upon substantial evidence.

Count V
Article 78 to Void Planning Board’s SEQRA Review and Site Plan Approval in Violation of the Open Meetings Law

114. Petitioner hereby affirms and incorporates by reference as though fully set forth herein the allegations contained in paragraphs 1 through 113.

115. The Open Meetings Law (Public Officers Law § 100-111) provides:

1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given or electronically transmitted to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.
2. Public notice of the time and place of every other meeting shall be given or electronically transmitted, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.

Pub. Off. L. § 104(1)-(2).

116. In or about January 2016, the Town of Fenton designated the Press and Sun Bulletin as the Town's official newspaper for public notices.

117. The April 11, 2017 Planning Board meeting was rescheduled from the original April 25, 2017 meeting date. Upon information and belief, the meeting was rescheduled more than one week in advance of the April 11, 2017 date.

118. The May 23, 2017 Planning Board meeting was scheduled well in advance of one week prior. Upon information and belief, the Planning Board placed the Project on the agenda for the May 23, 2017 meeting more than one week prior to the meeting.

119. A review of the Press and Sun Bulletin website and archives did not produce any notices associated with the April 11, 2017 Planning Board Meeting or the May 23, 2017 Planning Board Meeting. It did not produce any notices from the Town of Fenton Planning Board associated with the Project at any time.

120. Upon information and belief, the Fenton Planning Board failed to provide public notice of the time and place of a meeting to the news media for the April 11, 2017 and May 23, 2017 meetings.

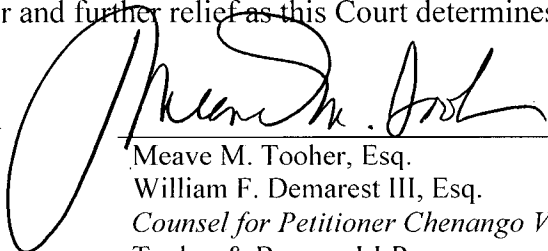
121. The Planning Board's failure to provide public notice is a violation of the Open Meetings Law and, pursuant to Public Officers Law § 107, those actions should be declared null and void.

Requested Relief

WHEREFORE, Petitioner Chenango Valley Central School District, respectfully requests the following relief:

- a) An Order voiding the Town of Fenton Planning Board's alleged completion of Parts 2 and 3 of the Full Environmental Assessment Form;
- b) An Order vacating and nullifying the Town of Fenton Planning Board's Negative Declaration of Significance under SEQRA;
- c) An Order vacating and nullifying the Town of Fenton Planning Board's Site Plan Approval dated May 23, 2017.
- d) An Order remanding this matter to the Town of Fenton Planning Board for further review of the application for Site Plan Approval under SEQRA and the local land use law;
- e) An Order enjoining NG Advantage from taking any action or construction pursuant to the May 23, 2017 Site Plan Approval;
- f) An Award to Petitioners of their costs, disbursements, and attorney's fees; and
- g) Such other and further relief as this Court determines to be just and equitable.

Date: June 22, 2017
Albany, New York



Meave M. Tooher, Esq.
William F. Demarest III, Esq.
Counsel for Petitioner Chenango Valley Central School District
Tooher & Barone, LLP
313 Hamilton Street
Albany, New York 12210
(518) 432-4100
(518) 432-4200 (Facsimile)

VERIFICATION

STATE OF NEW YORK }
 } ss.:
COUNTY OF ALBANY }

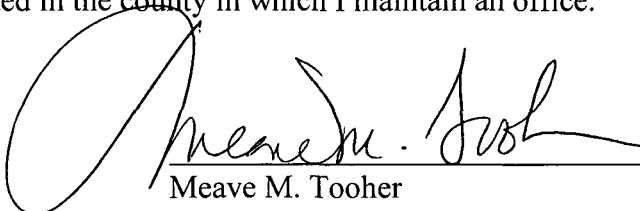
I, Meave M. Tooher, Esq. under penalty of perjury, state:

1. I am the attorney for the Petitioner in this action.

2. The foregoing petition is true to my own knowledge, except as to matters therein stated on information and belief and as to those matters I believe it to be true. The grounds of my belief as to all matters not stated upon my knowledge are my review of files associated with this proceeding and discussions with other persons with direct knowledge of these matters.

3. This Verification is being made by the attorney for the Petitioner, because the Petitioner's offices are not located in the county in which I maintain an office.

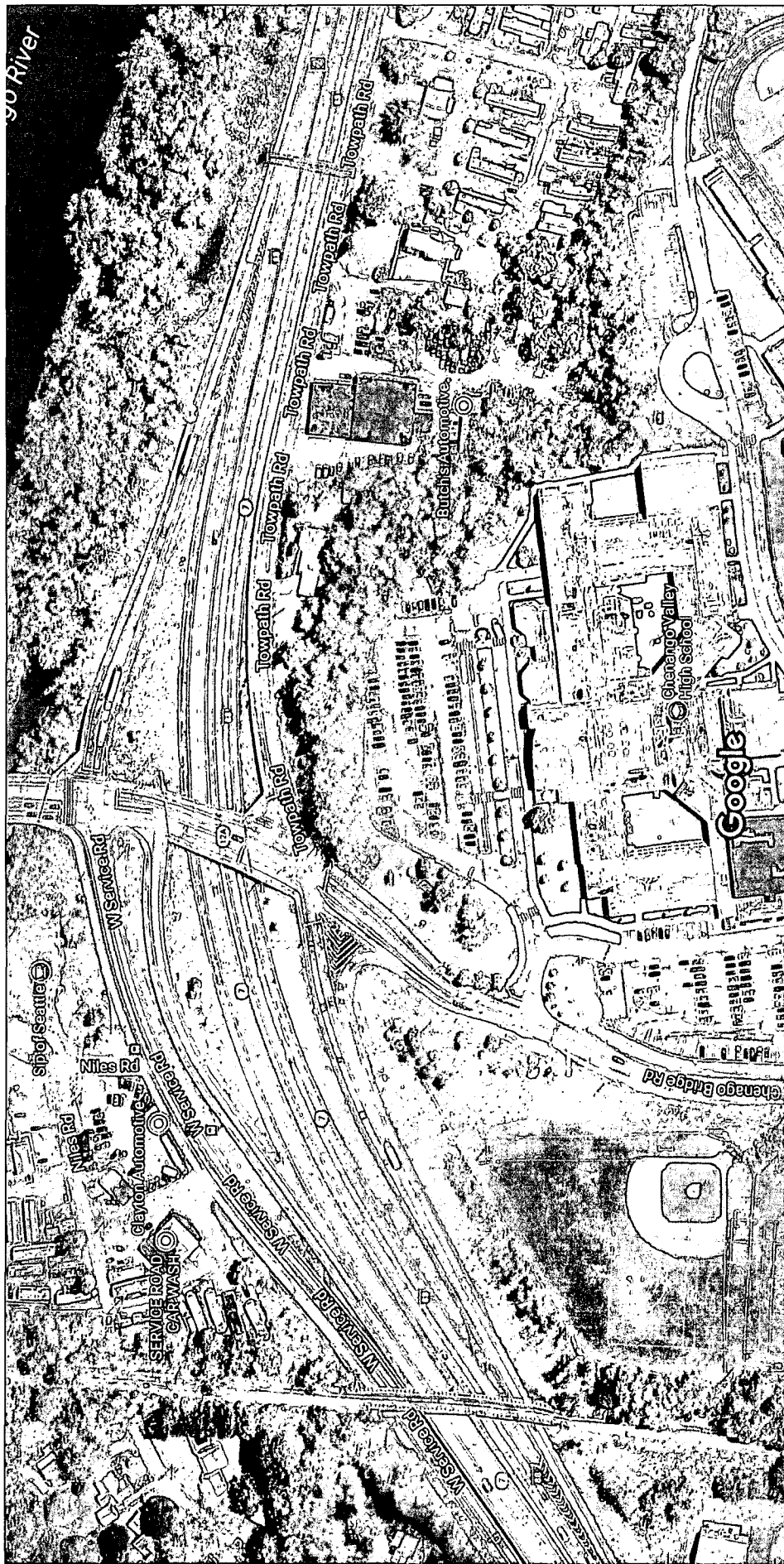
Dated: June 22, 2017



Meave M. Tooher



Google Maps



Imagery ©2017 Google, Map data ©2017 Google 50 m

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Fenton Trucking Terminal/ including Boland borrow area		
Project Location (describe, and attach a general location map): West Service Road, Binghamton (Town of Fenton) Broome County. Project includes a lease of a portion of a parcel(s) along West Service Road		
Brief Description of Proposed Action (include purpose or need): The proposed project is to develop a compressed natural gas facility adjacent to the existing Millennium Pipeline that will allow fueling and filling of trucks for the transportation of compressed natural gas to areas not served by natural gas facilities. Potential clients include hospitals, private industry, schools, colleges and universities, correctional facilities, communities and others. Proposed facility will be developed on a leased portion of lands owned by Kenneth's Fine Repairs, LLC and Michael Boland. The project will include electrical supply equipment, electrically powered compression equipment, fuel dispensing equipment, and site improvements. Facility would provide a tap on existing pipeline and truck access to allow for filling and fueling of natural gas transport vehicles. Trucks will utilize existing permitted driveways and traverse on existing roadways designed for truck traffic (West Service Road, and I-88). Operations will occur 24 hours per day / 7 days per week to allow for an equal distribution for an annual average of 50 trucks per day. Site construction is expected to include earth moving and placement of fill from adjacent floodplain parcel owned by Boland, including borrow areas.		
Name of Applicant/Sponsor: NG Advantage, LLC, Gerry Myers, C.O.O. or Steve Palmer, VP		Telephone: 802.760.1167
		E-Mail: gmyers@NGadvantage.com
Address: 480 Hercules Drive		
City/PO: Colchester	State: Vermont	Zip Code: 05446
Project Contact (if not same as sponsor; give name and title/role): Griffiths Engineering, LLC		Telephone: 607.724.2400 Ext. 224
		E-Mail: cstastny@griffithsengineering.com
Address: 13 S. Washington Street		
City/PO: Binghamton	State: NY	Zip Code: 13903
Property Owner (if not same as sponsor): Kenneth's Fine Repairs, LLC / Micheal Boland		Telephone: 607.343.4178 / 607.775.5030
		E-Mail: None / jbcauseican@aol.com
Address: 71 W. Service Road (Ken's) / 1305 Milburn Drive Conklin, NY 13748 (Boland)		
City/PO: Binghamton	State: NY	Zip Code: 13901

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Fenton - Floodplain Development	
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Town of Fenton - Site Plan Approval	
c. City Council, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	Town of Fenton - Variance	Approved Variance 3/1/2017
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Fenton MS4 Coordinator -Stormwater Adjacent villages & towns (239)	
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Act 239 Review-Broome County Planning	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Act 239 Review NYSDEC SPDES Construction Permit	Concurrent Prior to Construcion
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s): _____ _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s): _____ _____ _____	

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>Limited Industrial</u>	
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, i. What is the proposed new zoning for the site? _____	
C.4. Existing community services.	
a. In what school district is the project site located?	<u>Chenango Valley Central School District</u>
b. What police or other public protection forces serve the project site?	<u>Broome County Sheriff Department, NY State Police</u>
c. Which fire protection and emergency medical services serve the project site?	<u>Hillcrest Fire Department, also Port Dick Fire</u>
d. What parks serve the project site?	<u>Port Dickinson Park</u>

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>Industrial</u>	
b. a. Total acreage of the site of the proposed action?	<u>5.3</u> acres
b. Total acreage to be physically disturbed?	<u>5.3</u> acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>15.6</u> acres
c. Is the proposed action an expansion of an existing project or use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____	
ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will proposed action be constructed in multiple phases?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. If No, anticipated period of construction: <u>6</u> months	
ii. If Yes:	
• Total number of phases anticipated	_____
• Anticipated commencement date of phase I (including demolition)	_____ month _____ year
• Anticipated completion date of final phase	_____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____ _____	

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: <u>Stormwater Detention</u>	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify: _____	
Runoff _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: <u>see SWPPP</u> million gallons; surface area: <u>see SWPPP</u> acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	
Underground storage chambers. <u>see SWPPP</u>	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. What is the purpose of the excavation or dredging? <u>Excavated material will be used as fill material on the NG Site.</u>	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> • Volume (specify tons or cubic yards): <u>20,000 CY +/-</u> • Over what duration of time? <u>3 months or less</u> 	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.	
<u>Suitable fill materials will be hauled on-site within the borrow area to the NG fill area. Unsuitable material will be hauled off-site and disposed of outside of the floodplain.</u>	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ 1.7 acres	
vi. What is the maximum area to be worked at any one time? _____ 1.7 acres	
vii. What would be the maximum depth of excavation or dredging? _____ 17 feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: _____	
<u>Reclamation is to replace topsoil, then seed and mulch.</u>	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>Chenango River 100 Year Floodplain. Moving fill within same floodplain. No increase in volume.</u>	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
All work would be within the thresholds of the local Town of Fenton Floodplain Law. It is expected all fill shall originate from same floodplain. The adjacent property (between site and river) will be used as a source for fill materials. Materials will be moved within the same floodplain. Any deleterious material or overburden will be removed from the site/floodplain and will be placed on lands owned by Boland Excavating that are not in a floodplain.

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No
 If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☒ No
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No
 If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
 If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
 If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes: <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____	
<u>Use existing building facilities and septic</u>	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
If Yes: <ul style="list-style-type: none"> i. How much impervious surface will the project create in relation to total size of project parcel? <div style="margin-left: 20px;"> _____ Square feet or <u>< 1</u> acres (impervious surface) _____ Square feet or <u>15.6</u> acres (parcel size) </div> ii. Describe types of new point sources. <u>Additional impervious for gear</u> iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ 	
Runoff will be captured and conveyed to a closed system where it will be directed through pretreatment, treated for quality and quantity and reduction of runoff through infiltration and groundwater recharge. 10 yr and 100 yr discharges are direct to the respective Chenango River flood levels.	
<ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: <u>Chenango River</u> • Will stormwater runoff flow to adjacent properties? _____ 	
iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
If Yes, identify: <ul style="list-style-type: none"> i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ 	
Truck Delivery Fleet: <u>50 trucks per day anticipated as annual average</u>	
ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____	
Natural Gas Compression via electric driven equipment - No intended emissions	
iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
If Yes: <ul style="list-style-type: none"> i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? ☐ Yes ☒ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☒ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☒ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
35KW

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

NYSEG 3 Phase Power

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☒ Yes ☐ No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> Monday - Friday: _____ 7 am - 7 am Saturday: _____ 7 am - 7 am Sunday: _____ Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> Monday - Friday: _____ 7 am - 7 am Saturday: _____ 7 am - 7 am Sunday: _____ 7 am - 7 am Holidays: _____ 7 am - 7 am
--	---

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>Ambient Sound Levels sampled during peak times along property are 80 db at South End (adjacent to park) and 70 db on North end. Compressor and Fan data provided will not exceed these levels after construction. Supporting information submitted.</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: Plan improved to include a greater distance between compression equipment and park.</p>	
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>Project will utilize existing building and lot lighting. Additional pole and building lighting will be provided to supplement for safety and security. Light will be designed to not spill over on adjacent parcels or roadways.</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: Lights will be designed as not to cause light pollution.</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>Natural Gas is odorized during compression similar to all utility companies.</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation: _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☒ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☒ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☒ Aquatic ☒ Other (specify): Park, Gravel Mining Operation

ii. If mix of uses, generally describe: _____

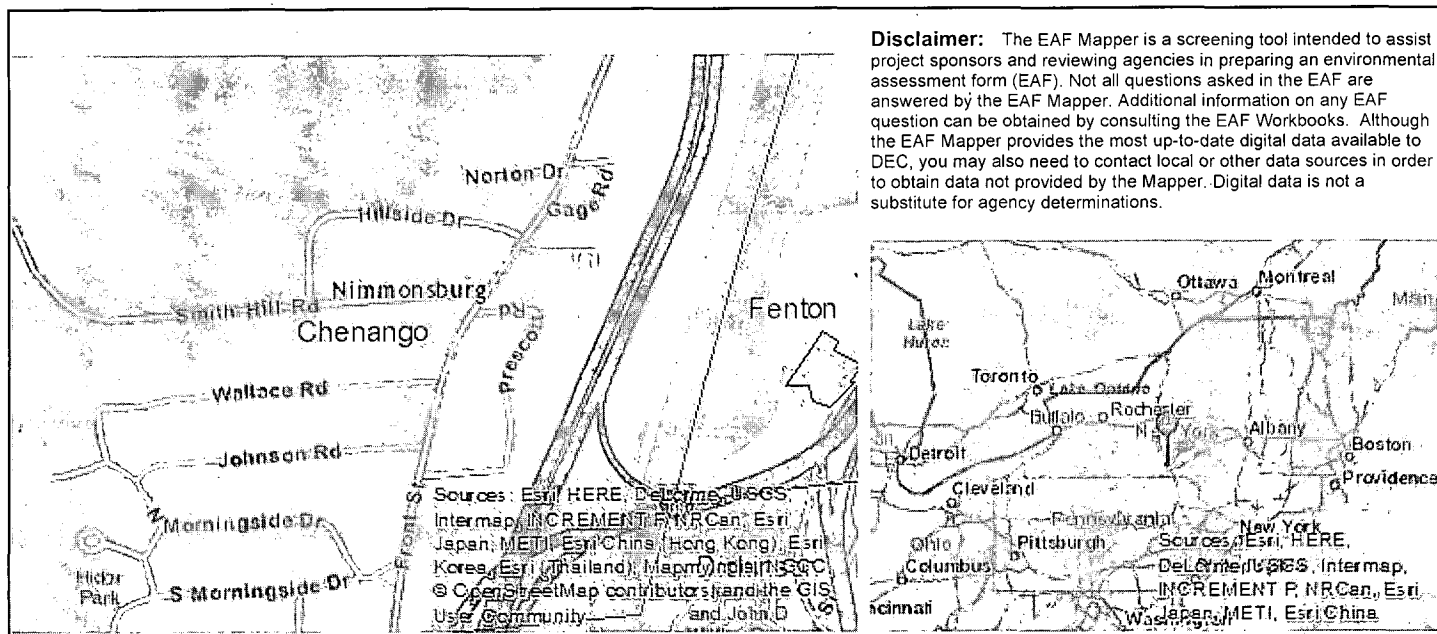
b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	5	6	< 1
• Forested	0	0	
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	2	2	
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	
• Wetlands (freshwater or tidal)	0	0	
• Non-vegetated (bare rock, earth or fill)	0	0	
• Other Describe: _____			

<p>c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: <u>Port Dickinson Park, Otsiningo Park</u></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ iii. Describe any development constraints due to the prior solid waste activities: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input type="checkbox"/> Yes – Spills Incidents database Provide DEC ID number(s): _____ <input type="checkbox"/> Yes – Environmental Site Remediation database Provide DEC ID number(s): _____ <input type="checkbox"/> Neither database ii. If site has been subject of RCRA corrective activities, describe control measures: _____ iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): <u>704015 , 704045, V00061 , C704045</u> iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>CLOSED _____</p>	

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ 10 ft + feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: <u>URBAN LAND-HOWARD-NIAGARA</u> 100 %	
_____ %	
_____ %	
d. What is the average depth to the water table on the project site? Average: _____ 10 feet	
e. Drainage status of project site soils: <input checked="" type="checkbox"/> Well Drained: _____ 100 % of site	
<input type="checkbox"/> Moderately Well Drained: _____ % of site	
<input type="checkbox"/> Poorly Drained _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input checked="" type="checkbox"/> 0-10%: _____ 90 % of site	
<input checked="" type="checkbox"/> 10-15%: _____ 10 % of site	
<input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____	Classification _____
• Lakes or Ponds: Name _____	Classification _____
• Wetlands: Name _____	Approximate Size _____
• Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No	
j. Is the project site in the 100 year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
k. Is the project site in the 500 year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Name of aquifer: Sole Source Aquifer Names: Clinton Street Ballpark SSA, Principal Aquifer, Primary Aquifer	

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <p><u>None</u></p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>i. If Yes: acreage(s) on project site? _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	704015 , 704045, V00061 , C704045
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes

E.2.i. [Aquifer Names]	Sole Source Aquifer Names: Clinton S Ballpark SSA, Principal Aquifer, Primary Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

The Town of Fenton Planning Board held a meeting on Tuesday, April 11th, 2017, at 7:00 pm, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

PRESENT: Planning Board Members

John Eldred, Chairman
Richard Armstrong, Board Member
Jason Aurelio, Board Member
James Keough, Board Member
Patrick Mullins, Board Member
Brian Randall, Board Member
Thomas Standard, Board Member
Tina Fernandez (Hinman, Howard & Kattell)
Melodie Bowersox

Legal Counsel
Town Clerk

OTHERS PRESENT: Zoning Board of Appeals Member Mike Ward, seven members of the General Public

MINUTES TO APPROVE

The Planning Board Members were either mailed or emailed the minutes from the Planning Board Meeting held on March 28th, 2017. With no corrections to be made to the minutes from the March 28th, 2017 Planning Board Meeting, **Mr. Randall made a motion to approve the minutes**, seconded by Mr. Mullins. **Motion carried.**

VOTE: Ayes 7 Armstrong, Aurelio, Eldred, Keough, Mullins, Randall, Standard
Nays 0

New Business

Binghamton Precast – West Service Road – SEQRA Review – In March of 2016 the Planning Board received information from Binghamton Precast and began reviewing the site plan for the plant on the West Service Road. At that time, Dick Bassler was still the Town Engineer. In July the site plan was approved but the Planning Board did not formally act on the Short Environmental Assessment Form. Recognizing that the Planning Board has reviewed it and copies were made available to the Planning Board, Parts Two and Three need to be completed then signed by the Planning Board Chairman. **Mr. Keough made a motion for the Planning Board to assume the role of lead agency for the Binghamton Precast plant on the West Service Road**, seconded by Mr. Standard. **Motion carried.**

VOTE: Ayes 7 Armstrong, Aurelio, Eldred, Keough, Mullins, Randall, Standard
Nays 0

Mr. Keough made a motion to declare a Negative Declaration with the belief that the Binghamton Precast plant will not have a significant adverse impact on the environment, seconded by Mr. Armstrong. **Motion carried.**

VOTE: Ayes 7 Armstrong, Aurelio, Eldred, Keough, Mullins, Randall, Standard
Nays 0

Mr. Eldred will sign the paperwork at the end of the meeting. The form will then be faxed to Binghamton Precast.

Old Business

Fenton Trucking Terminal (previously referred to as Natural Gas Compressor Station) – 65 West Service Road – Site Plan Review – Griffiths Engineering, with the assistance of Alex Urda, has provided additional materials associated with the Fenton Trucking Terminal. Adjustments have been made to the site plan, the Environmental Assessment Form (EAF) was updated, information was received on the noise levels and the lighting, and information from the State Historic Preservation Office (SHIPO) was received (they had no concerns). At this point there have been three questions asked from the County's review of the 239.

- The first question asked was if there would be fueling of trucks at the site, to which Mr. Armstrong had replied, "There is no intent to refuel vehicles at this time."
- The second question that was asked was if there would be any flaring or venting of the natural gas. Chief Operating Officer Gerry Meyers explained that the trailer has a fire protection system so if there was ever a fire, it would try to protect itself by venting the gas that is inside the trailer up into the air. It has happened three times in the four years of NG Advantage's business. NG Advantage meets with the Fire Companies so that they understand this process. Also, there are some maintenance procedures that can be done that would require them to get the rest of the gas out. This is done by letting it drain out into another tank until there are equal pressures and there will always be a residual; one of the ways of getting rid of that residual gas is to flare it. All of that maintenance will be done in Vermont. At this point there will be no maintenance flaring at the West Service Road site; it would only be in an emergency situation.
- The third question was actually a reminder that the project is within the Zone II of the Fenton Aquifer District. There are limitations as to what can occur in that Zone. Mr. Armstrong has reviewed what those limitations are in light of this project and there is no impact associated with it.

There has not been any response from the Town of Chenango or the Village of Port Dickinson yet. Also, the other County agencies still have time to respond.

Question and answer/comment session:

- Mr. Keough asked if a baseline was done on the noise at the site. Jim Tofte of Griffiths Engineering answered yes, that it was done at Kenneth LaDue's existing driveway, reading at around 80 decibels. Near the bridge it was around 90 decibels. Mr. Keough asked if they had checked it across the river at the County Park. They did not check it here. Jim replied that you lose six decibels every time you double the distance so he did not feel it would be a problem. There was a combined study done of all the equipment running with the maximum amount of output and the total at 50' was 78 decibels.
- Mike Ward – When they vent the gas, it cannot be ignited until so many feet in the air. So when you say flaring, it's not burning right as it comes out of the top of the tank, or is it? Gerry replied that flaring is a controlled exercise where they would reduce the pressure (through a pressure reduction valve on the trailer) so it would burn like a torch.
- Mr. Keough – Are you going to be fueling other trucks? Gerry said, "Not at this time."
- Mr. Armstrong – There has been additional discussion about the truck routes. Gerry had mentioned that the goal is to find other markets such as asphalt plants to keep the business going 12 months out of the year and one asphalt plant is in Norwich which

could make the truck route complicated. Gerry said they do not have any customers scheduled for December right now but they are looking at some in the Pennsylvania area and they will have to look at different routes if they gain customers from that area. There is a route plan developed for the drivers in a packet so they stay on that route and NG Advantage could have them approved by the Town if necessary; additional route plans could also be approved by the Town. Mr. Armstrong said a "Haul Route Declaration" could be obtained through Randy Ritter, the Highway Superintendent, as well. Gerry said the established route plans and any future additional route plans will be given to Randy.

- Mr. Armstrong said that there were adjustments made to the EAF from when it was originally submitted. The Town has been requiring applicants to place their structures above the 2010 preliminary floodplain to be approved in the near future. In the Town Code, work is allowed to occur in the special flood hazard area and in the floodway itself provided the applicant proves zero net impact to water levels associated with the anticipated flooding event. In this particular project, when we look at that 2010 preliminary, there is a fair amount of work that will occur in the proposed floodway associated with the construction and development of the compressor stations. There is also a fair amount of work that will occur in the floodway on the Boland parcel in an effort to draw material from that parcel to that site to elevate it to get things to the level we want. Alex Urda explained how they ran the models for the mitigation process. Alex spoke to the FEMA representative at NYS DEC who indicated that nothing would have to be filed with them.

Following the question and answer/comment session, Mr. Keough made a motion for the Planning Board to assume the role of lead agency for the purposes of the Full Environmental Assessment Form (EAF) for the Fenton Trucking Terminal at 65 West Service Road, seconded by Mr. Mullins. Motion carried.

VOTE: Ayes 7 Armstrong, Aurelio, Eldred, Keough, Mullins, Randall, Standard
Nays 0

Mr. Keough made a motion to declare a Negative Declaration with the belief that the Fenton Trucking Terminal will not have a significant adverse impact on the environment, seconded by Mr. Aurelio. Motion carried.

ROLL CALL VOTE:

PB Member Mr. Armstrong	Aye
PB Member Mr. Aurelio	Aye
PB Member Mr. Keough	Aye
PB Member Mr. Mullins	Aye
PB Member Mr. Randall	Aye
PB Member Mr. Standard	Aye
PB Chairman Mr. Eldred	Aye

Mr. Keough made a motion to approve the site plan dated March 31st, 2017, contingent on the 239 Review coming in affirmative, seconded by Mr. Aurelio. Motion carried.

ROLL CALL VOTE:

PB Member Mr. Armstrong	Aye
-------------------------	-----

PB Member Mr. Aurelio	Aye
PB Member Mr. Keough	Aye
PB Member Mr. Mullins	Aye
PB Member Mr. Randall	Aye
PB Member Mr. Standard	Aye
PB Chairman Mr. Eldred	Aye

Steve Palmer, Chief Engineer for NG Advantage, commented that he and Gerry have worked with a number of Boards at the Town level and that it is rare to have a Town Employee like Mr. Armstrong who is willing to go above and beyond to work with them to find solutions to a lot of hard problems.

At 7:35 pm, **Mr. Eldred adjourned the meeting.**

Melodie A. Bowersox, Town Clerk

239 REVIEW SUBMISSION FORM

Submitted to: Broome County Department of Planning and Economic Development
Edwin L. Crawford Building
Government Plaza - P.O. Box 1766
Binghamton, NY 13902

Project Name: FENTON TRUCKING TERMINAL Date Submitted: 4/3/17

Pursuant to §239-l, -m and -n of General Municipal Law enclosed for your review and recommendation is the application for (check all applicable):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Site Plan Review
<input type="checkbox"/> Area Variance
<input type="checkbox"/> Use Variance
<input type="checkbox"/> Special Use Permit
<input type="checkbox"/> Planned Development | <input type="checkbox"/> Rezoning (Map Adoption or Amendment)
<input type="checkbox"/> Zoning Text Change (Ordinance or Local Law Adoption or Amendment)
<input type="checkbox"/> Comprehensive Plan Adoption or Amendment
<input type="checkbox"/> Subdivision Review
<input type="checkbox"/> Other _____ |
|--|---|

The application qualifies for review because the project tax map parcel is located within 500 feet of the following (check all applicable):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Municipal Boundary*
<input checked="" type="checkbox"/> State/County Road
<input type="checkbox"/> Farm located in Agricultural District | <input checked="" type="checkbox"/> State/County Park or Other Recreation Area
<input checked="" type="checkbox"/> State/County Drainageway/Watercourse
<input type="checkbox"/> State/County-owned land on which a public building or institution is located |
|--|---|

Project Sponsor/Applicant: NG ADVANTAGE LLC

Project Sponsor/Applicant Mailing Address: 480 HERCULES DR, COLCHESTER VT 05446

Project Location: 71 W. SERVICE RD. BINGHAMTON NY 13901

Tax Map Number(s): 128.02-1-6, 128.02-1-7, 128.02-1-9

Municipality: TOWN OF FENTON Zoning District: Limited Industrial

Brief Project Description: TRANSFER NATURAL GAS FROM MILLERIUM PIPELINE TO TRAILERS FOR OVER THE ROAD DELIVERY

The following public hearings and/or meetings are scheduled by the following board(s) (check all applicable):

	Public Hearing Date/Time	Meeting Date/Time
<input type="checkbox"/> City/Town/Village Board	_____	_____
<input type="checkbox"/> Zoning Board of Appeals	_____	_____
<input checked="" type="checkbox"/> Planning Board	_____	<u>APRIL 11, 17 / 2:00PM</u>
<input type="checkbox"/> Other	_____	_____

* Pursuant to General Municipal Law §239-mm, the legislative body or reviewing board of a municipality shall give notice of a public hearing for a proposed *Special Use Permit, Use Variance, Site Plan Review or Subdivision Review* to the Clerk of an adjacent municipality at least 10 days prior to the public hearing when the subject property is located within 500 feet of the adjacent municipality:

☐ Notice has been given to the Clerk of the Town of Chenango
Village of Port Dickinson

on _____

Date _____
Application submitted by: R. F. Armstrong
Signature

For office use only:

Date received: _____

Broome County Department of Planning and Economic Development will have 30 days from the date of delivery to provide comments.

REVISED: 8/2012

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Fenton Trucking Terminal/ including Boland borrow area		
Project Location (describe, and attach a general location map): West Service Road, Binghamton (Town of Fenton) Broome County. Project includes a lease of a portion of a parcel(s) along West Service Road		
Brief Description of Proposed Action (include purpose or need): The proposed project is to develop a compressed natural gas facility adjacent to the existing Millennium Pipeline that will allow fueling and filling of trucks for the transportation of compressed natural gas to areas not served by natural gas facilities. Potential clients include hospitals, private industry, schools, colleges and universities, correctional facilities, communities and others. Proposed facility will be developed on a leased portion of lands owned by Kenneth's Fine Repairs, LLC and Michael Boland. The project will include electrical supply equipment, electrically powered compression equipment, fuel dispensing equipment, and site improvements. Facility would provide a tap on existing pipeline and truck access to allow for filling and fueling of natural gas transport vehicles. Trucks will utilize existing permitted driveways and traverse on existing roadways designed for truck traffic (West Service Road, and I-88). Operations will occur 24 hours per day / 7 days per week to allow for an equal distribution for an annual average of 50 trucks per day. Site construction is expected to include earth moving and placement of fill from adjacent floodplain parcel owned by Boland, including borrow areas.		
Name of Applicant/Sponsor: NG Advantage, LLC, Gerry Myers, C.O.O. or Steve Palmer, VP		Telephone: 802.760.1167
		E-Mail: gmyers@NGadvantage.com
Address: 480 Hercules Drive		
City/PO: Colchester	State: Vermont	Zip Code: 05446
Project Contact (if not same as sponsor, give name and title/role): Griffiths Engineering, LLC		Telephone: 607.724.2400 Ext. 224
		E-Mail: cstastny@griffithsengineering.com
Address: 13 S. Washington Street		
City/PO: Binghamton	State: NY	Zip Code: 13903
Property Owner (if not same as sponsor): Kenneth's Fine Repairs, LLC / Micheal Boland		Telephone: 607.343.4178 / 607.775.5030
		E-Mail: None / jbcauseican@aol.com
Address: 71 W. Service Road (Ken's) / 1305 Milburn Drive Conklin, NY 13748 (Boland)		
City/PO: Binghamton	State: NY	Zip Code: 13901

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town of Fenton - Floodplain Development	
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Town of Fenton - Site Plan Approval	
c. City Council, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	Town of Fenton - Variance	Approved Variance 3/1/2017
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Fenton MS4 Coordinator -Stormwater Adjacent villages & towns (239)	
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Act 239 Review-Broome County Planning	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Act 239 Review NYSDEC SPDES Construction Permit	Concurrent Prior to Construction
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part I

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☒ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

Limited Industrial

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Chenango Valley Central School District

b. What police or other public protection forces serve the project site?

Broome County Sheriff Department, NY State Police

c. Which fire protection and emergency medical services serve the project site?

Hillcrest Fire Department, also Port Dick Fire

d. What parks serve the project site?

Port Dickinson Park

D. Project Details**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Industrial

b. a. Total acreage of the site of the proposed action? 5.3 acres

b. Total acreage to be physically disturbed? 5.3 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 15.6 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 6 months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☒ No
If Yes, show numbers of units proposed.

One Family Two Family Three Family Multiple Family (four or more)

Initial Phase _____
At completion _____
of all phases _____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☒ No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☒ Yes ☐ No

If Yes,

i. Purpose of the impoundment: Stormwater Detention

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☒ Other specify:

Runoff _____

iii. If other than water, identify the type of impounded/contained liquids and their source.

iv. Approximate size of the proposed impoundment. Volume: see SWPPP million gallons; surface area: see SWPPP acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

Underground storage chambers - see SWPPP

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☒ No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i. What is the purpose of the excavation or dredging? Excavated material will be used as fill material on the NG Site.

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

• Volume (specify tons or cubic yards): 20,000 CY +/-

• Over what duration of time? 3 months or less

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

Suitable fill materials will be hauled on-site within the borrow area to the NG fill area. Unsuitable material will be hauled off-site and disposed of outside of the floodplain.

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☒ No

If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ 1.7 acres

vi. What is the maximum area to be worked at any one time? _____ 1.7 acres

vii. What would be the maximum depth of excavation or dredging? _____ 17 feet

viii. Will the excavation require blasting? ☐ Yes ☒ No

ix. Summarize site reclamation goals and plan: _____

Reclamation is to replace topsoil, then seed and mulch.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☒ Yes ☐ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Chenango River 100 Year Floodplain. Moving fill within same floodplain. No increase in volume.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

All work would be within the thresholds of the local Town of Fenton Floodplain Law. It is expected all fill shall originate from same floodplain. The adjacent property (between site and river) will be used as a source for fill materials. Materials will be moved within the same floodplain. Any deleterious material or overburden will be removed from the site/floodplain and will be placed on lands owned by Boland Excavating that are not in a floodplain.

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No

If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☒ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

- proposed method of plant removal: _____

- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No • Will line extension within an existing district be necessary to serve the project? <input type="checkbox"/> Yes <input type="checkbox"/> No <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):</p> <p><u>Use existing building facilities and septic</u></p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p>_____ Square feet or <u>< 1</u> acres (impervious surface)</p> <p>_____ Square feet or <u>15.6</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>Additional impervious for gear</u></p>	
<p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p><u>Runoff will be captured and conveyed to a closed system where it will be directed through pretreatment, treated for quality and quantity and reduction of runoff through infiltration and groundwater recharge. 10 yr and 100 yr discharges are direct to the respective Chenango River flood levels.</u></p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: <u>Chenango River</u> • Will stormwater runoff flow to adjacent properties? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 	
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p><u>Truck Delivery Fleet. 50 trucks per day anticipated as annual average.</u></p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p><u>Natural Gas Compression via electric driven equipment - No intended emissions</u></p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____</p> <p>ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p>			
<p>vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>35KW</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>NYSEG 3 Phase Power</p> <p>iii. Will the proposed action require a new, or an upgrade to, an existing substation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7 am - 7 am • Saturday: _____ 7 am - 7 am • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7 am - 7 am • Saturday: _____ 7 am - 7 am • Sunday: _____ 7 am - 7 am • Holidays: _____ 7 am - 7 am </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7 am - 7 am • Saturday: _____ 7 am - 7 am • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7 am - 7 am • Saturday: _____ 7 am - 7 am • Sunday: _____ 7 am - 7 am • Holidays: _____ 7 am - 7 am
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7 am - 7 am • Saturday: _____ 7 am - 7 am • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7 am - 7 am • Saturday: _____ 7 am - 7 am • Sunday: _____ 7 am - 7 am • Holidays: _____ 7 am - 7 am 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>Ambient Sound Levels sampled during peak times along property are 80 db at South End (adjacent to park) and 70 db on North end. Compressor and Fan data provided will not exceed these levels after construction. Supporting information submitted.</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: <u>Plan improved to include a greater distance between compression equipment and park.</u></p>	
<p>n.. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>Project will utilize existing building and lot lighting. Additional pole and building lighting will be provided to supplement for safety and security. Light will be designed to not spill over on adjacent parcels or roadways.</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: <u>Lights will be designed as not to cause light pollution.</u></p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>Natural Gas is odorized during compression similar to all utility companies.</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation: _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☒ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- ☐ Urban ☒ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☒ Aquatic ☒ Other (specify): Park, Gravel Mining Operation

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	5	6	< 1
• Forested	0	0	
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	2	2	
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	
• Wetlands (freshwater or tidal)	0	0	
• Non-vegetated (bare rock, earth or fill)	0	0	
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: <u>Port Dickinson Park, Otsiningo Park</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ iii. Describe any development constraints due to the prior solid waste activities: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input type="checkbox"/> Yes – Spills Incidents database Provide DEC ID number(s): _____ <input type="checkbox"/> Yes – Environmental Site Remediation database Provide DEC ID number(s): _____ <input type="checkbox"/> Neither database ii. If site has been subject of RCRA corrective activities, describe control measures: _____ iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): 704015 , 704045, V00061 , C704045 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
CLOSED	

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<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <p><u>None</u></p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>i. If Yes: acreage(s) on project site: _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? If Yes: i. Identify resource: Port Dickinson Park LOCAL ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Park located under highway overpass and to the south. iii. Distance between project and resource: _____ miles.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

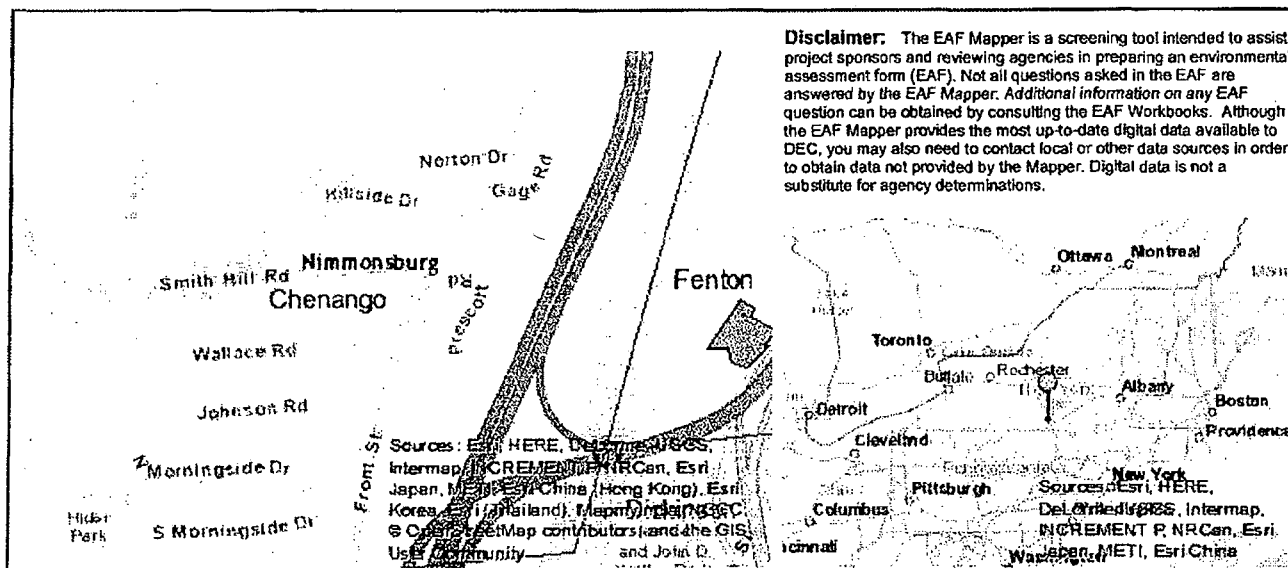
Applicant/Sponsor Name Griffiths Engineering for NG Advantage, LLC Date 3/17/2017

Signature *Cheryl Hedy* for NG Advantage Title Project Engineer

PRINT FORM

EAF Mapper Summary Report

Thursday, November 10, 2016 11:25 AM



B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	704015 , 704045, V00061 , C704045
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes

E.2.i. [Aquifer Names]

Sole Source Aquifer Names: Clinton Street Ballpark SSA, Principal Aquifer,
Primary Aquifer

E.2.n. [Natural Communities]

No

E.2.o. [Endangered or Threatened Species] No

E.2.p. [Rare Plants or Animals]

No

E.3.a. [Agricultural District]

No

E.3.c. [National Natural Landmark]

No

E.3.d. [Critical Environmental Area]

No

E.3.e. [National Register of Historic Places]

Digital mapping data are not available or are incomplete. Refer to EAF
Workbook.

E.3.f. [Archeological Sites]

Yes

E.3.i. [Designated River Corridor]

No

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]

Project: _____
 Date: _____

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>		

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

NA

g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) If "Yes", answer questions a - h. If "No", move on to Section 9.			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☒ NO☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 - 3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☐ NO☒ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.
(See Part 1. D.2.j)

☒ NO☐ YES

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.
(See Part 1. D.2.k)

☐ NO☒ YES

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.
(See Part 1. D.2.m., n., and o.)

☐ NO☒ YES

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part I. C.1, C.2. and C.3.)

☒ NO☐ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
(See Part I. C.2, C.3, D.2, E.3)

☒ NO☐ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

PRINT FULL FORM

Project : _____

Date : _____

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status:

☐ Type 1

☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1

☒ Part 2

☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the

Town of Fenton Planning Board

as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: NG Advantage Compressed Natural Gas Facility

Name of Lead Agency: Town of Fenton Planning Board

Name of Responsible Officer in Lead Agency: JOHN ELDRED

Title of Responsible Officer: Planning Board CHAIR

Signature of Responsible Officer in Lead Agency: John Eldred

Date: 4/17/17

Signature of Preparer (if different from Responsible Officer): Richard Armstrong

Date: 4/13/17

For Further Information:

Contact Person: RICHARD ARMSTRONG

Address: Fenton Town Hall 44 Park St. Port Crane, NY 13833

Telephone Number: 607 648 6223

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM



State of New York County of Broome Government Offices

Department of Planning and Economic Development
Jason T. Garnar, County Executive · Frank Evangelisti, Director

COVERSHEET

TO: Mr. Rick Armstrong
Assistant Town Engineer
Chair, Planning Board
Town of Fenton
44 Park Street
Port Crane, New York 13833
mdarm1@aol.com

Mr. John Eldred, Chair
Planning Board
Town of Fenton
44 Park Street
Port Crane, New York 13833

Mr. Dale Gregory, Chair
Zoning Board of Appeals
Town of Fenton
44 Park Street
Port Crane, New York 13833

FROM: Lora Zier, Senior Planner

DATE: May 16, 2017

NUMBER OF PAGES, INCLUDING COVER PAGE: 31

COMMENTS:



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May 16, 2017

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Planning Board
Town of Fenton
44 Park Street
Port Crane, New York 13833

Mr. Dale Gregory, Chair
Zoning Board of Appeals
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Port Crane, New York 13833

RE: Review Pursuant to Section 239-l and -m of the General Municipal Law

Dear Chair Eldred and Chair Gregory:

The Broome County Department of Planning and Economic Development has received your request for review of the below captioned matter:

Applicant: NG Advantage, LLC
Project: Site Plan Review and Area Variance: Transfer natural gas from millennium pipeline to trailers for over the road delivery at 65, 69, and 93 West Service Road
Municipality: Town of Fenton
Tax Map No: 128.02-1-6, 128.02-1-7, and 128.02-1-9
BC Case: 239-2017-050

The Planning Department has reviewed the above-cited case and has determined that the project as submitted would have significant negative county-wide and inter-community impacts within the intent of General Municipal Law Section 239-l as described below and for these reasons recommends denial of the project as submitted.

GML Section 239-l (a) Compatibility of various land uses with one another;

The Village of Port Dickinson, Town of Dickinson, and Chenango Valley Central School District have expressed grave concerns about the compatibility of the project with the residences, parks and recreation trails and facilities, little league field, and schools located within the vicinity of the project site and CNG truck haul route. Comments are summarized below and full comments are attached.

- **Village of Port Dickinson Mayor Kevin M. Burke and Village Board of Trustees** oppose use of Phelps Street/New York State Route 7 Interchange to access Interstate 88 eastbound because Mayor Burke wrote that it places these Propane Transports directly alongside the Port Dickinson Community Park, Port Dickinson Little League Field, Port Dickinson Little League Field, numerous homes.
- **Town of Dickinson Supervisor Michael Marinaccio** after visiting the project site supports all of the concerns that have been raised by Mayor Burke. This project will surely disrupt the park and those who visit the park. Noise, truck traffic will have a negative impact on not only the park but the Village of Port Dickinson as well.



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- **Chenango Valley Central School District Superintendent of Schools David P. Gill** wrote that he has concerns about the CNG trucks using the West Service Road in Chenango Bridge. He has concerns about the truck terminal operations on the West Service Road being in close proximity to the Port Dickinson Elementary School.
- **Creig Hebdon, Senior Public Health Engineer, Broome County Health Department** wrote that fugitive mercaptan odors have been a major quality of life issue at other natural gas facilities in Broome County. If released into the air of a community, mercaptans can be detected at significant distances away from the natural gas equipment and can persist for hours, depending on weather conditions.

In addition, this department finds that, the application does not adequately document that the project would not result in impacts on land uses, including residential and non-residential uses, and sensitive receptors (Hillcrest residences, Village of Port Dickinson residences, I-88 Exit 2 on-ramp (Towpath Road) mobile home park, Chenango Valley Central School District schools, Children's Home of Wyoming Conference, Village of Port Dickinson Town Hall, Village and County parks and recreation trails and facilities, Little League Field, places of worship, and other sensitive receptors) located near the project and CNG truck haul route as described below. Similar uses in Broome County have caused noise, air quality, and traffic safety concerns for residences living within one-half to three-quarters of a mile.

Noise

The Ambient Noise Observations and Projections of March 22, 2017 does not adequately demonstrate that "the proposed project will not have any adverse impacts related to noise" or that noise levels from construction and operation of the project under the current proposal and future phases of development would be compatible with the residential and non-residential uses, including sensitive receptors located in the vicinity of the project site and truck haul route for the following reasons:

- It does not document before and after noise levels from construction and operation of the proposed project under the current proposal and future phases of development taken from residential and non-residential uses, including sensitive receptors located in the vicinity of the project site and CNG truck haul route.
- It does not document before and after night time noise levels from construction and operation under the current proposal and future phases of development taken from residential and non-residential uses, including sensitive receptors located along the CNG truck haul route.
- It does not document before and after noise levels during peak operations and non-peak operations from filling a specified multiple number of trailers at one time under the current proposal and future phases of development taken from residential and non-residential uses, including sensitive receptors located in the vicinity of the project site and CNG truck haul route.
- It does not document the cumulative noise levels from operation of compression equipment and dispensing units simultaneously 24/7 under the current proposal and all future phases of development.



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- It does not document before and after low frequency noise levels under the current proposal and future phases of development taken from residential and non-residential uses, including sensitive receptors located in the vicinity of the project site and CNG truck haul route.
- It does not document before and after noise levels taken during other weather conditions.
- It does not document after noise levels from construction and operation under the current proposal and future phases of development with and without mitigation.
- It does not describe the "insulated enclosures" or other mitigation to reduce sound levels or document whether the compressors would be housed in enclosed buildings under the current proposal or future phases of development.
- It does not document that the project would use noise mitigation technology during construction 24/7 and operation 24/7 under the current proposal and future phases of development and that noise mitigation technology would keep current with industry standards.
- It does not provide drawings and specifications of the mobile and non-mobile noise generating sources and noise mitigating equipment.
- It does not include heights of non-mobile sources under the current proposal and future phases of development that might affect noise levels.
- It does not provide for noise monitoring at residential and non-residential uses, including sensitive receptors during construction and operation under the current proposal and future phases of development.

Air Quality

The application does not provide adequate documentation that construction and operation of the project under the current proposal and future phases of development would not cause adverse air quality impacts on the residential and non-residential uses, including sensitive receptors located in the vicinity of the project site and CNG truck haul route for the following reasons:

- The application lacks documentation to support SEQR Full EAF page 6 responses to the following questions:
 - Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?
 - Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?
 - Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?



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- The application does not include an air quality study that documents the potential air quality impacts, mitigation, monitoring, drawings and specifications for all critical equipment, and compliance with all applicable federal and State air quality regulations to address the following issues under the current proposal and future phases of development:
 - fugitive mercaptan odors
 - odorized compressed natural gas
 - air emissions from critical equipment, including compressor blowers
 - CNG air emissions from CNG truck trailers
 - fugitive gas emissions expected during the compression and loading process
 - particulate matter air emissions during construction and operation, including during peak construction and operation
 - fugitive dust during construction
 - air emissions from stationary sources during construction
 - air emissions from mobile sources
- It does not document compliance with or exemption from State and federal air quality regulations.
- It does not document that the project would not generate or emit air pollutants from open-air operations of processes.
- It does not provide specifications for mobile and non-mobile sources of potential air emissions and the mitigation equipment installed to prevent air emissions.
- It does not document that the project would use air emissions mitigation technology during construction and operation under the current proposal and future phases of development and that air emissions mitigation technology would keep current with industry standards.
- It does provide for baseline air quality measurements and long-term air quality monitoring at sensitive receptors.



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GML Section 239-I (b) Traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities;

- The project does not provide an acceptable CNG truck haul route due to traffic safety concerns, added stress on the roadway, and violation of the 5-ton weight limit on the local roadway per the comments from the New York State Department of Transportation and Village of Port Dickinson.
- **Village of Port Dickinson Mayor Kevin M. Burke e-mail comments of May 12, 2012 to Tony Signorelli of NYSDOT following his conference call with Tony Signorelli regarding NYSDOT comments of April 7, 2017** are summarized below and full comments are attached:
 - Per consultation with Village Attorney and Port Dickinson Police Chief Douglas Pipher: The 5-ton weight limit applies and the tankers will not be allowed to enter the Village of Port Dickinson on the West Service Road to enter I-88 east bound at Phelps Street.
- **New York State Department of Transportation comments of May 15, 2017:**
 - The Region will not recommend any routing of vehicles in a manner where they would proceed in violation of traffic regulations, and we strongly advise the applicant to ensure that transportation to and from the site conforms to all traffic laws.
- The project does not document compliance with or exemption from Federal Energy Regulatory Commission (FERC), Federal Highway Administration, United States Department of Transportation for the CNG truck haul route. 6 NYCRR Part 570 Regulation of Liquefied Natural Gas Facilities requires that intrastate transportation occur only along approved routes.

570.4 Transportation of LNG states:

(a) The intrastate transportation of LNG is prohibited unless the route has been certified by the New York State Department of Transportation.

(b) Transportation of LNG within the State shall be conducted in accordance with all applicable State and Federal requirements for the transport of hazardous materials, including the requirements of the New York State Department of Transportation and the New York State Department of Motor Vehicles. The interstate transportation route of LNG within the State does not require certification by the New York State Department of Transportation.



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- The application does not include a traffic study, does not adequately document the CNG truck and trailer fleet in terms of numbers, CNG capacity, truck and trailer specifications, and safety features under the current proposal and future development phases during non-peak and peak operations on the site plan or in the SEQR Full EAF.
- The application does not document whether the project would include higher capacity trailers under the current proposal and future phases of development, provide specifications, and document whether use of higher capacity trailers would mean fewer trips or more trips.
- The site plan shows excessively wide driveway opening and no directional signage. The driveway openings do not meet NYSDOT and Broome County Department of Public Works (DPW) standards for driveway design.
- The project does not document how the CNG truck fleet would safely maneuver along the West Service Road. As described below:
 - The West Service Road from Chenango Street at the east end to Chenango Street at the west end has no shoulder pavement and no street lighting. The I-88 Exit 2 Eastbound On-Ramp (Towpath Road) has no shoulders. The CNG truck haul route includes stop lights at Exit 2 westbound off-ramp, Exit 2 eastbound on-ramp, and West Service Road/NYS Route 12A/Chenango Bridge, and stop signs along the West Service Road.
 - The poor vehicular access management, wide driveway openings, and lack of curb cuts along the West Service Road increase the chance for traffic accidents and pedestrian and vehicle conflicts along the West Service Road.
 - The West Service Road, NYS Route 12/Chenango Bridge, and I-88 Exit 2 on-ramp and off-ramp encounter heavy commuter traffic, school bus traffic, school faculty traffic, and public transit bus traffic during peak traffic hours and during school sporting events, and considerable delays at the traffic lights.
 - The application does not document how the CNG trucks would safely maneuver along the roadway in close proximity to residences, schools, and park and recreation facilities.

Safety and Security

- The site plan does not document that separation distances under the current proposal and future phases of development comply with applicable State and federal regulations, including buffering between the project site and adjacent property and roadway, and clearance and separation distance between onsite structures, equipment, and vehicles, and between onsite and offsite structures, equipment, vehicles, and roadway, and adequate clearance and maneuvering for emergency vehicle access.
- The site plan does not include heights of all critical equipment under the current proposal and future phases of development.

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- **Michael A. Ponticiello, MPA, CEM, EMT-P, Director, Broome County Office of Emergency Services** wrote the Fire Coordinator reviewed this project and spoke with the local fire department. The company will need to provide training to the local fire department and the county Hazardous Materials Teams regarding their operations at the site.

GML Section 239-I (e) Drainage;

- The project site is located almost entirely within the Existing FEMA Special Flood Hazard Area and almost entirely within the Preliminary FEMA Special Flood Hazard Area and partially within the Preliminary FEMA Special Flood Hazard Area Floodway which causes serious concerns for the project, the community, and the environment. The Town Planning Board needs to exercise caution in approving a project located within the Floodway and Special Flood Hazard Area. The applicant needs to be informed of the risks of placing the project within the Floodway and Special Flood Hazard Area.

It is approval of these types of projects and impact within floodplains and floodways that increase flooding hazards and impacts all along our rivers and streams. The proposed substantial filling within these areas proposed by this project runs counter to efforts to make Broome County a flood smart community.

- The site plan does not document that the retaining wall would withstand a flood event.
- The application does not include geotechnical study, site feasibility study, structural safety report, and engineer certification documenting that the project site under the current project proposal and future phases of development including all critical equipment, retaining wall, fencing, and compressor station pad, would withstand ground settling from a flood event.
- The grading and utility plan does not show all critical equipment (future phase dispensing units) and secondary containment waste oil tank elevated above the Preliminary FEMA Special Flood Hazard Area base flood elevation.
- The site plan does not show the required floodplain permit and code requirements (such as anchoring and strapping) for critical equipment.
- The application does not document the effects of the retaining wall and fencing on a flood event. The site plan does not adequately show how rising floodwaters at the base of the retaining wall and fencing would be addressed.
- The site plan does not include the specifications for the oil water separators and the maintenance and monitoring plan for the oil water separators or indicate how to address contamination that would occur when these oil water separators are underwater during a flood event.
- The site plan does not show NYS DEC wetlands and Federal NWI wetlands located on the project site and in the vicinity. The application does not document coordination with the New York State Department of Environmental Conservation and United States Army Corps of Engineers.

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- The application does not include the Stormwater Pollution Prevention Plan (SWPPP). The Town Planning Board minutes of March 28, 2017 state that two (2) SWPPPS will be completed, one for each site. The project and site plan should include:
 - one (1) SWPPP that addresses both the development area and borrow area
 - SWPPP long-term maintenance and monitoring plan
 - calculations for filling in the floodplain
 - dimensions of excavated area and filled area
 - effect of retaining wall and fencing on floodwaters, adjacent sites, and river during flood event
 - tax map boundaries of the development area and borrow area in their entirety

GML Section 239-I (f) Community facilities;

The application does not adequately document the community facilities located in the vicinity of the project or CNG truck haul route or demonstrate that the project would not result in adverse noise, air quality, traffic, and safety impacts to these community facilities.

- The New York State Department of Transportation wrote in their comments of April 7, 2017: The applicant should coordinate with the Chenango Valley School District, as the routing for the trucks using this facility passes closely to both Chenango Valley High School and Port Dickinson Elementary School, to ensure that truck traffic to and from the site will not create a hazardous condition for students, faculty, and other visitors. The applicant should ensure that truck movements do not occur at times of peak traffic to and from these facilities.
- The SEQR Full EAF page 3 does not document the Village of Port Dickinson Little League Field located adjacent to the CNG truck haul route or Broome County Otsiningo Park located less than 700 feet from the project site.
- The SEQR Full EAF page 10 does not document the elderly population living in Hillcrest and in the Village of Port Dickinson, the Port Dickinson Little League Field, and all public and private schools located within 1500 feet of the project site and truck haul route, including Chenango Valley Central School District Schools (Chenango Valley High School and Village of Port Dickinson Elementary School), and the Wyoming Conference Children's Home in Hillcrest.
- The SEQR Full EAF page 2 does not document that the project is located in the Susquehanna Heritage Area, State Heritage Area.
- The application does not include State Historic Preservation Office documentation that the project site and truck haul route would not result in adverse impacts to historic resources and archaeological resources.
- The application does not document the Village of Port Dickinson Town Hall located within approximately 500 feet of the CNG truck haul route.



State of New York County of Broome Government Offices

Department of Planning and Economic Development
Jason T. Garnar, County Executive · Frank Evangelisti, Director

Mr. John Eldred, Chair
Planning Board, Town of Fenton
Mr. Dale Gregory, Chair
Zoning Board of Appeals, Town of Fenton
May 16, 2017
Page 9 of 14

GML Section 239-I (g) official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and

- The application does not adequately document compliance with the Limited Industrial District permitted uses.
 - The Town Planning Board should determine whether the project requires a Zoning Board of Appeals interpretation that the project meets the definition of "truck terminal" as a permitted use in the Limited Industrial District.
 - The Limited Industrial District permitted uses include "other uses of a light manufacturing nature, reasonably free from odor, air pollutants, dust, dirt, vibration, noise and conditions which may create an unusual fire or explosion hazard."
- The application does not adequately document compliance with the Aquifer Protection District regulations. The project is located Zone II of the Aquifer Protection District which was established to protect the water quality of the Hillcrest residences.
 - The application does not document compliance with or exemption from Town Code Chapter 57 Aquifer Protection, Section 57-8 New Development Permits and Section 57-9 Application for New Development Permits, including statement of all toxic or hazardous materials used or stored on the premises and provision for containment of potential spills. All chemical and hazardous material storage, handling, and disposal, and potential leaks and spills, and air emissions and residual from the compressed natural gas process should be included in this documentation.
 - The application does not document that storm-water runoff from the project site and flow to "underground storage chambers see SWPPP" referenced on page 4 of the SEQR Full EAF will not result in contamination of the Hillcrest water supply, or how contamination will be avoided when this system becomes submerged during a flood event.
 - The site plan does not show how the project would prevent hazardous spills or leaks from seeping into the ground via the crushed rock surfacing in the equipment area.
 - The application does not address whether baseline groundwater quality testing and water quality monitoring would be required for the protection of the Hillcrest Aquifer and water supply.
 - The application does not adequately document whether the dispensing of compressed natural gas into trailers is an allowed use in the Limited Industrial District and in Zone II of the Aquifer Protection District.



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- The Town of Fenton Comprehensive Plan of 2007 states:
 - The Brandywine Highway Corridor is a major gateway to the community encompassing I-88 and the East and West Service Roads. The area along the West Service Road is occupied by industrial uses including an old gravel mine, trucking terminals, construction yards, and warehouse, truck sales and distribution facilities. [Survey] respondents were given six possible redevelopment options for the I-88 East and West Service Roads. Over 80 percent (85 percent) of those surveyed want to restrict businesses to protect groundwater because of the proximity to Hillcrest water wells. Another two thirds (69 percent) want to establish a beautification/redevelopment plan for the corridor and 62 percent want to provide recreational activity in the corridor possibly including trails, walkways, vista points, river access. Of the three areas, industrial development faces the least opposition along the Brandywine Highway with 51 percent stating they do not want industrial uses along the West Service Road.
- Federal and State Permits and Approvals
 - The project submittal, including site plan and SEQR Full EAF page 2, does not document whether Federal permits and approvals are required for the project.
 - The project does not document the Federal permits and approvals required for connections or placement of the critical equipment in relation to the Millenium Pipeline.
 - The project does not document compliance with or exemption from Federal Energy Regulatory Commission, Federal Highway Administration, United States Department of Transportation, and National Fire Protection Association (NFPA), United State Homeland Security, and National Environmental Protection Act (NEPA) (Environmental Justice, Section 4(f) Parklands, and Alternative Analyses) requirements.
 - The site plan shows the applicant leasing 2,600 square feet of the existing metal building but does not document the proposed use and occupants of the remainder of the building which raises safety and security concerns.
 - The site plan does not document compliance with National Fire Protection Association (NFPA) buffer standards. The area variance approval of the zero (0) setback does not address the violation of the NFPA setback requirements.



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Mr. Dale Gregory, Chair
Zoning Board of Appeals, Town of Fenton
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In summary:

- The application does not include the necessary technical studies and reports to address potential impacts, mitigation, and mitigation monitoring and to make an informed decision about this project.
- The Town of Fenton and applicant e-mail responses to comments do not provide the necessary analyses of potential impacts, mitigation, mitigation monitoring, or the necessary specifications for all critical equipment, or demonstrate compliance with all applicable federal and State regulations as a project of this scope necessitates.
- The full statement that is submitted to the Town Board, Planning Board, and Zoning Board of Appeals prior to taking action on the project, and to Broome County Department of Planning and Economic Development for 239 Review should include at a minimum the following:
 - Project Summary that documents the construction scenario and project scenario under current proposal, and future phases of development
 - Documentation of the scope of the current site plan review and approval
 - Technical Studies and Reports
 - Stormwater Water Pollution and Prevention Plan and Monitoring and Maintenance Plan
 - Emergency Response Plan, Emergency Response Times, and Training Program
 - Flood Plain Elevation Certification
 - Traffic Study
 - Noise Study
 - Air Quality Study
 - Geotechnical Study
 - Site Feasibility Study
 - Structural Safety Report
 - Engineer Certification
 - Engineering Feasibility Study
 - Exterior Lighting Plan and Photometric Study for the current proposal and future phases of development
 - Spill Prevention Plan
 - Baseline water quality sampling and monitoring
 - Appropriate State and Federal environmental documents, including applicable alternative analyses and supporting studies
 - Documentation of compliance with all applicable State and Federal Regulations
 - Documentation of all applicable State and Federal Review, Approvals, and Permits, Monitoring, and Inspections



State of New York County of Broome Government Offices

Department of Planning and Economic Development

Jason T. Garnar, County Executive · Frank Evangelisti, Director

Mr. John Eldred, Chair
Planning Board, Town of Fenton
Mr. Dale Gregory, Chair
Zoning Board of Appeals, Town of Fenton
May 16, 2017
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- Applicable local, state, and federal approvals of CNG Truck Haul Route
- Appropriate provisions for maintenance, inspections, and monitoring, and audits, including critical equipment and CNG truck and trailers
- The site plan drawing of March 31, 2017 does not clearly distinguish between the current proposal and future phases of development and it is not clear whether the current site plan review and approval includes the future phases of development. Actual numbers of critical equipment and CNG trucks and trailers under current proposal and future phases of development should be provided in a table.
- The site plan should be revised to include at a minimum:
 - parcel boundaries of the development area and borrow area shown in their entirety
 - excavation and fill area dimensions
 - adjacent land uses
 - critical equipment and CNG truck trailer numbers during peak and non-peak operations under the current proposal and future phases of development
 - proposed use of the unleased portion of the existing building
 - All critical equipment, dispensing equipment, electrical, waste oil, Millenium Pipeline connections shown elevated above the 2010 base flood elevations and 2010 Floodway (site plan references 1981 Floodway)
 - flood anchoring equipment
 - DEC Wetlands
 - NWI Wetlands
 - Septic system leach field
 - maximum number of trailers that could be filled at one time per dispensing unit under current proposal and future phases of development
 - required and proposed setbacks and separation distances from property boundaries, critical equipment and non-critical equipment, buildings, structures, CNG trucks and trailers, and parking spaces located onsite and offsite
 - Heights of critical equipment
 - Temporary parking and staging areas for CNG trucks and trailers at dispensing units and elsewhere onsite as necessary under current proposal and future phases of development
 - Driveway directional signage
 - Critical equipment specifications
 - Oil water separator specifications, maintenance, and monitoring
 - Waste oil containment specifications
 - CNG truck and trailer specifications under current proposal and future phases of development
 - Any onsite truck repair
 - Any onsite truck fueling stations
 - Any outdoor storage and stacking of CNG trucks and trailers and equipment
 - Any washing area and sediment trapping for CNG trucks and trailers and critical equipment



State of New York County of Broome Government Offices

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Jason T. Garnar, County Executive · Frank Evangelisti, Director

Mr. John Eldred, Chair
Planning Board, Town of Fenton
Mr. Dale Gregory, Chair
Zoning Board of Appeals, Town of Fenton
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- The conditions of approval should require the following, at a minimum:
 - Limits on truck idling
 - Limits on number of CNG trucks and trailers that can occupy the site at any given time
 - Limits on dispensing - on the numbers of trailers to which CNG can be dispensed at any given time per noise study
 - No gasoline or diesel fueling onsite
 - No truck repairs onsite or refilling with motor lubricants and oils
 - Implementation of mitigation measures, monitoring, and inspections
 - Emergency Response Plan and Training Program that includes the local fire departments and Broome County Hazardous Materials Teams regarding their operations at the site
 - Emergency alarms that ring to Broome County Emergency Services and local emergency responder stations
 - Approval of any future route CNG truck trailers take to any future offsite repair and maintenance shop

The case file was routed to the following agencies for review:

- Binghamton Metropolitan Transportation Study (BMTS)
- New York State Department of Transportation (NYSDOT)
- Broome County Department of Public Works (DPW)
- Broome County Health Department (BCHD)
- Broome County Emergency Services
- Hillcrest Fire Department
- Village of Port Dickinson Fire Department
- Chenango Bridge Fire Company
- Chenango Forks – Chief David Perry
- Chenango Valley School District

Enclosed are comments from NYSDOT, BCHD, EMS, and Chenango Valley Central School District that need to be addressed. BMTS and DPW had no comments.

The case file was forwarded to the following municipalities: Town of Chenango, Town of Dickinson, and Village of Port Dickinson. Enclosed are comments from the Village of Port Dickinson and Town of Dickinson that need to be addressed.

This Department recommends that all local emergency responders and schools located in the vicinity of the project site and along the CNG truck haul route in Broome County should be informed of the project and be included in the Emergency Response Plan and Training Program.



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Page 14 of 14

Please submit a copy of your decision in this case within seven (7) days of taking action so it can be included in the case record.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Evangelisti", is written over a horizontal line.

Frank Evangelisti
Director

FE/lmz

cc: Mr. Rick Armstrong, Assistant Town Engineer, Town of Fenton
BC file copy

Zier, Lora M.

From: Brink, Ron
Sent: Tuesday, April 04, 2017 2:19 PM
To: Zier, Lora M.
Subject: RE: 239-2017-050 Fenton SP NG Trucking Terminal W Service Road FW: 239 review for Fenton Trucking Terminal

Hi Lora –

This project falls within Zone II of the Town of Fenton aquifer district. There are certain restrictions on land use activities in this Zone.

Will there be truck maintenance or refueling activities here? Will flaring or venting of the natural gas be necessary?

Ron Brink
Broome County Health Department
607-778-2806

From: Zier, Lora M.
Sent: Tuesday, April 04, 2017 12:10 PM
To: Gascon, Cassandra L. <CGascon@co.broome.ny.us>; Yonkoski, Jennifer L. <JYonkoski@co.broome.ny.us>; 'sean.murphy@dot.ny.gov' <sean.murphy@dot.ny.gov>; 'Scott.Vergason@dot.ny.gov' <Scott.Vergason@dot.ny.gov>; Gowe, Brenda L. <BGowe@co.broome.ny.us>; Boulton, Leslie G. <LBoulton@co.broome.ny.us>; Brink, Ron <RBrink@co.broome.ny.us>; Burke, Kevin <kburke7@stny.rr.com>; Snopek, Hal W. <supervisor@townofchenango.com>; Carl, Tami A. <payroll@townofchenango.com>; Aurelio, Diane M. <ordinance1@townofchenango.com>
Cc: 'mdarm1@aol.com' <mdarm1@aol.com>
Subject: 239-2017-050 Fenton SP NG Trucking Terminal W Service Road FW: 239 review for Fenton Trucking Terminal

Hello Everyone:

Please see the 10 attachments and the e-mail below for a proposed trucking terminal in the Town of Fenton. Per the Broome County GIS the property addresses are 65, 69, and 93 West Service Road. I copied the Village of Port Dickinson and Town of Chenango because the project is located within 500 feet of their municipal borders. Please copy Rick Armstrong if you need more information. If you can send comments or preliminary comments before the Town Planning Board meeting on April 11, 2017 we will forward them to the town before the meeting. Thanks
Sincerely,

Lora M. Zier
Senior Planner
Broome County Department of Planning and Economic Development
Edwin L. Crawford County Office Building
44 Hawley Street
P.O. Box 1766
Binghamton, New York 13902
Telephone: (607) 778-2114
Fax (607) 778-2175
lzier@co.broome.ny.us



State of New York
County of Broome Government Offices

Broome County Health Department • Environmental Health

Jason T. Garnar, County Executive • Rebecca A. Kaufman, MS, Director of Public Health

225 Front Street, Binghamton, NY 13905

Phone: (607) 778-2887 • Fax (607) 778-3912 • www.gobroomecounty.com

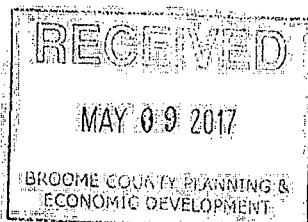
INTEROFFICE MEMO

TO: Lora Zier, Senior Planner
FROM: Creig Hebdon, Senior Public Health Engineer *CAH*
DATE: May 5, 2017
SUBJECT: Part 239 Review – Fenton CNG Delivery Project

The Broome County Health Department has reviewed plans, emails and other documents related to this project and has the following questions and comments:

- (1) It appears from the Fire and Vapor Protection Plan map that the septic system for the existing on-site building is west of the structure. While the septic tank appears to be unaffected by the planned new construction, the leaching area of the septic system looks as if it will be paved over and subject to truck traffic. If this is the case, the leach field should be relocated to an area that is free of vehicle traffic to avoid future damage.
- (2) Fugitive mercaptan odors have been a major quality of life issue at other natural gas compression facilities in Broome County. If released into the air of a community, mercaptans can be detected at significant distances away from the compression equipment and can persist for hours, depending on weather conditions. Will the gas being loaded into the trucks be odorized and are fugitive gas emissions expected during the compression and loading process? If so, are there plans in place to minimize such emissions?

K:\EnvHlth\Brink Letters\Part 239 Review\Fenton CNG Delivery Project.docx





1 FIRE AND VAPOR PROTECTION PLAN

Zier, Lora M.

From: Ponticiello, Michael A.
Sent: Thursday, April 27, 2017 4:34 PM
To: Zier, Lora M.
Subject: Fwd: Fenton CNG Delivery Project

Lora,

Below are additional questions from OES. As stated before, we would need the company to provide training to local first responders.

I would also want their participation in the Local Emergency Planning Committee.

Thanks,
Michael

Michael A. Ponticiello
Director
Broome County Office of Emergency Services
153 Lt. VanWinkle Drive
Binghamton, New York 13905
Phone: 607-778-1178
Fax: 607-778-1150
mponticiello@co.broome.ny.us
Communications Center (24/7/365): 607-778-1918

----- Original message -----

From: "Winchell, Jeffrey C." <JWinchell@co.broome.ny.us>
Date: 4/27/17 15:12 (GMT-05:00)
To: "Ponticiello, Michael A." <MPonticiello@co.broome.ny.us>
Subject: Fenton CNG Delivery Project

Director,

I reviewed the emails you sent to me regarding the above mentioned project. I have a few concerns regarding the project and without plans;

1. Is the building, any unprotected piping with gas and the actual transfer point above the flood plan? With several hundred storage containers just up stream at Abbey Crane and Storage, any flood could bring them down to the facility and impact the building and transfer point.
2. I agree with Mayor Burke's concern about the NYS DOT suggesting that the trucks come into the Village and use Phelps Street to access I 88 East. Traveling up the west service road keep the trucks from the population and schools at a safer distance. If you follow the DOT plan, a truck will be within 300 feet of the Port Dick Elementary School and travel into the path of the busses leaving that school facility.
3. Has the Insurance Company for the business had an underwriters assessment for the facility? This would usually result in a review of national, state regulations including NFPA and other codes.

Jeff Winchell, Deputy Fire Coordinator/ Sr. Fire Investigator
Fire Investigation Unit
Broome County Emergency Services
C- 607-343-6971
O- 607-778-1179
F- 607-778-1205
Email - Jwinchell@co.broome.ny.us

Zier, Lora M.

From: Ponticiello, Michael A.
Sent: Tuesday, April 18, 2017 7:28 PM
To: Zier, Lora M.
Subject: RE: 239-2017-050 Fenton SP NG Transfer Truck Terminal West Service Road

Hi Lora,

The Fire Coordinator has reviewed this and spoke with the local fire department. He has some apprehension, but not enough that we would want to stop this. The company will need to provide training to the local fire department and the county Hazardous Materials Teams regarding their operations at the site.

Thanks,
Michael

Michael A. Ponticiello, MPA, CEM, EMT-P
Director
Broome County Office of Emergency Services
153 Lt. VanWinkle Drive
Binghamton, New York 13905
Phone: 607-778-1178
Fax: 607-778-1150
mponticiello@co.broome.ny.us
Communications Center (24/7/365): 607-778-1918

Be prepared. Stay informed. Sign-up for NY-Alert: <https://users.nyalert.gov/>



From: Zier, Lora M.
Sent: Tuesday, April 18, 2017 11:51 AM
To: Ponticiello, Michael A.
Subject: RE: 239-2017-050 Fenton SP NG Transfer Truck Terminal West Service Road

Mike – Thank you, did you get the e-mail and attachments that I sent yesterday, too. Lora Zier

From: Ponticiello, Michael A.
Sent: Tuesday, April 18, 2017 11:47 AM
To: Zier, Lora M. <LZier@co.broome.ny.us>
Subject: RE: 239-2017-050 Fenton SP NG Transfer Truck Terminal West Service Road

Thanks Lora,

We will review and get back with you.



Department of Transportation

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

JOHN R. WILLIAMS, P.E.
Regional Director

April 7, 2017

Ms. Lora Zier, Senior Planner
Broome County Department of Planning and Economic Development
Edwin L. Crawford County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13901

Dear Ms. Zier:

**RE: SITE PLAN REVIEW – WEST SERVICE ROAD TRUCK
TERMINAL
65, 69, & 93 WEST SERVICE ROAD (NEAR INTERSTATE 88)
TOWN OF FENTON, BROOME COUNTY
NYSDOT CASE #16-270**

We have reviewed the site plan for the above-referenced proposal. Please note the following comments:

- Due to current conditions in the vicinity of the Interstate 88/NYS Route 7 interchange with NYS Route 12A (Exit 2), truck traffic leaving the facility should utilize the Phelps Street/NYS Route 7 interchange to access Interstate 88 eastbound. Inbound truck traffic from the east, however, may use Exit 2 to reach West Service Road;
- The applicant should coordinate with the Chenango Valley School District, as the routing for the trucks using this facility passes closely to both Chenango Valley High School and Port Dickinson Elementary School, to ensure that truck traffic to and from the site will not create a hazardous condition for students, faculty, and other visitors. The applicant should ensure that truck movements do not occur at times of peak traffic to and from these facilities;

If you have any questions, or need further assistance, please contact Sean Murphy at (607) 772-7335.

RECEIVED

APR 11 2017

BROOME COUNTY PLANNING &
ECONOMIC DEVELOPMENT

Sincerely,

A handwritten signature in dark ink, appearing to read 'Tony Signorelli', written in a cursive style.

Tony Signorelli, P.E.
Regional Traffic Engineer



Department of Transportation

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

JOHN R. WILLIAMS, P.E.
Regional Director

May 15, 2017

Ms. Lora Zier, Senior Planner
Broome County Department of Planning and Economic Development
Edwin L. Crawford County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13901



Dear Ms. Zier:

**RE: SITE PLAN REVIEW CLARIFICATION – WEST SERVICE ROAD
TRUCK TERMINAL
65, 69, & 93 WEST SERVICE ROAD (NEAR INTERSTATE 88)
TOWN OF FENTON, BROOME COUNTY
NYSDOT CASE #16-270**

The Village of Port Dickinson has recently advised the Region regarding a five-ton weight restriction applied to vehicles traveling on Village-owned streets. As the Village owns West Service Road between Chenango Street and the boundary between the Town of Fenton and the Village of Port Dickinson, this restriction will impact the use of the routing recommended by the Region in our letter of April 7, 2017 for vehicles exiting the site. We encourage the applicant and the Town of Fenton to coordinate with the Village for clarification on this matter.

The Region will not recommend any routing of vehicles in a manner where they would proceed in violation of traffic regulations, and we strongly advise the applicant to ensure that transportation to and from the site conforms to all traffic laws. Please see the *New York State Vehicle & Traffic Laws*, § 1640.a.20 for more information regarding exclusions of vehicles on village-owned streets.

If the applicant determines that the initially proposed route is not advisable, we recommend that vehicles exiting the facility avoid the Interstate 88 Exit 2 area during peak travel times, including:

- AM peak travel period (7:00 AM to 9:00 AM);
- PM peak travel period (4:00 PM to 6:00 PM);
- Periods of peak travel to and from Chenango Valley High School (please direct the applicant to coordinate with the Chenango Valley School District regarding this information);
- Any time frame where traffic congestion is present in the Exit 2 area;

If you have any questions, or need further assistance, please contact my office at
(607) 721-8060

Sincerely,

A handwritten signature in dark ink, appearing to read "Tony Signorelli", written over the printed name.

Tony Signorelli, P.E.
Regional Traffic Engineer

Zier, Lora M.

From: Kevin Burke <kburke7@stny.rr.com>
Sent: Friday, May 12, 2017 10:16 AM
To: Signorelli, Tony (DOT)
Cc: Zier, Lora M.
Subject: TOWN OF FENTON PROPOSED GAS PUMPING STATION

Tony, after our conference call I took your recommendations and consulted with Village Attorney Jeff Jacobs (Coughlin and Gerhart) and Port Dickinson Police Chief Douglas Pipher regarding the use of the West Service Road in the Village of Port Dickinson for the Tankers as they exit the proposed gas facility.

Most certainly the "5 TON WEIGHT LIMIT" does apply and those tankers as they are all considerably more than 5 tons will not be allowed to enter the Village of Port Dickinson on the West Service Road to enter I 88 East Bound at Phelps Street.

The Port Dickinson Police Department is currently notifying ALL TRUCKS that exceed the 5 Ton Weight Limit to no longer use the West Service Road in the Village of Port Dickinson. And will provide a grace period of warning prior to issuing summons.
So you are aware this is going to put additional stress on the I 88 Exit 2 interchange.

Based on this I will ask you if you plan to reissue your letter of April 7, 2017 where you stated that
"DUE TO CURRENT CONDITIONS IN THE VACINITY OF THE INTERSTATE 88/NYS 7 INTERCHANGE WITH NYS ROUTE 12 A (EXIT 2),TRUCK TRAFFIC LEAVING THE FACILITY SHOULD UTILIZE THE PHELPS STREET / NYS ROUTE 7 INTERCHANGE TO ACCESS INTERSTATE 88 EASTBOUND. INBOUND TRAFFIC FROM THE EAST, HOWEVER, MAY USE EXIT 2 TO REACH WEST SERVICE ROAD;."

As was pointed out to me that you as a representative of the NYSDOT have recommended an illegal direction / procedure in your letter by stating that trucks use a road that they are not legally permitted on.

It will be important that your corrected letter be received by Lora Zier at Broome County Planning prior to May 17 as that is the day that she will issue her final recommendations.

I await your reply.

Kevin M. Burke, Mayor
Village of Port Dickinson

Zier, Lora M.

From: Kevin Burke <kburke7@stny.rr.com>
Sent: Thursday, April 27, 2017 3:53 PM
To: Zier, Lora M.
Cc: Jeff Jacobs; Vroman, Thomas J.; Ponticiello, Michael A.; cash2888@stny.rr.com; 'Aagre Bob'; Harding Chuck; Jim @ AF&V DeGennaro
Subject: FENTON PROPANE GAS PLANT

Lora, here are my notes from our conversation of this date.

These comments are in relation to the NYSDOT comment on the April 7, 2017 letter that came from the NYSDOT with Sean Murphy as a contact person.

THE NYSDOT's comments on that letter were:

"DUE TO CURRENT CONDITIONS IN THE VACINITY OF THE INTERSTATE 88/NYS 7 INTERCHANGE WITH NYS 12A (EXIT 2) TRUCK TRAFFIC LEAVING THE FACILITY SHOULD UTILIZE THE PHELPS STREET/NYS 7 INTERCHANGE TO ACCESS INTERSTATE 88 EASTBOUND".

In order to utilize Phelps Street a truck will have to proceed South on the West Service Road from the propane facility in the Town of Fenton and enter the Village of Port Dickinson.

That section of the West Service Road was abandoned by the DOT during the I88 construction and now it is a Village Road.

The Village of Port Dickinson has a 5 ton weight limit on Village Streets and well knowing that these trucks will weigh considerably more than 5 Tons so subsequently they will not be legal on Village of Port Dickinson Roads.

After speaking to Mr. Sean Murphy at approximately 3:15 PM today I relayed this to him also.

He also informed me that their current review of this site has been moved up in the NYSDOT for higher consideration.

Kevin M. Burke, Mayor
Village of Port Dickinson

Zier, Lora M.

From: Kevin Burke <kburke7@stny.rr.com>
Sent: Wednesday, April 26, 2017 12:21 PM
To: Zier, Lora M.
Cc: "Jeffrey M. Jacobs"; ronbert18@stny.rr.com; MESCOTT@stny.rr.com; cash2888@stny.rr.com; Jim @ AF&V DeGennaro
Subject: RE: 239-2017-050 Fenton SP NG Trucking Terminal W Service Road FW: 239 review for Fenton Trucking Terminal

Lora please forward to all concerned.

The Village of Port Dickinson has a 5 ton weight limit on Village Streets. Phelps St where the trucks will only travel a few feet off of the Ramp/West Service Road on to the ramp to I88 east will not be allowed.

Is the Federal Highway Administration aware that there will be this potentially explosive site adjacent to the I88 Bridge over the Chenango River?

The Feds wouldn't allow a pedestrian walkway to be attached to underside of the I88 Bridge between Otsiningo Park and PD Community Park years ago so I am sure they would like to know about a pumping station on a 36 inch propane transport line adjacent to this bridge.

Why were the residents of Port Dickinson not made aware of the Fenton Meetings, these are the residents that will have to listen to the 24 hour compressors running?

The Residents of Hillcrest along Chenango Street will definitely be hearing these compressors are they aware of this facility?

From the extremely low attendance at the planning board meeting I have a feeling that this was not a well published event.

Lora, Tom Vroman the Broome County Fire Coordinator contacted me as he was with me on the 2 Propane Fires we had at the TEXGAS facility on Phelps Street in the Village and he more than anyone knows that this is not a location for this type of facility.

In comparison the TEXGAS facility fires would be 1 gallon gas can compared to a petroleum refinery disaster. And Texgas was a near disaster with 10 and 20 pound propane tanks exploding and landing in the Port Dickinson School Playground over 500 yards away.

If we knew then what we now know about Propane Fires we would have evacuated Hillcrest and Port Dickinson instead of fighting that fire

These facilities do have accidents and fires, we know this very well in Broome County.

I feel we need to make the news services aware of this project to let the public know what is happening here.

This is not a location for this type of extremely dangerous facility

I will wait for a response from you

Kevin M. Burke, Mayor
Village of Port Dickinson

Zier, Lora M.

From: Kevin Burke <kburke7@stny.rr.com>
Sent: Monday, April 24, 2017 8:23 PM
To: Zier, Lora M.
Subject: RE: 239-2017-050 FW: NG Advantage Trucking Terminal

Lora, once again I apologize for my tardiness on replying to this issue but I want to make comment on the April 7, 2017 letter that came from the NYSDOT with a Sean Murphy as a contact person.

I and the Village of Port Dickinson Board of Trustees are vehemently opposed to the NYSDOT suggestion that listed in the first bullet stating "DUE TO CURRENT CONDITIONS IN THE VICINITY OF THE INTERSTATE 88/NYS 7 INTERCHANGE WITH NYS 12A (EXIT 2) TRUCK TRAFFIC LEAVING THE FACILITY SHOULD UTILIZE THE PHELPS STREET/NYS 7 INTERCHANGE TO ACCESS INTERSTATE 88 EASTBOUND".

This places these Propane Transports directly alongside of the Village of Port Dickinson Community Park, Port Dickinson Little League Field and the rear of the Port Dickinson Little League Field along with numerous homes.

There is no recognizable benefit to directing these dangerous transports into the Village when they could simply proceed on the West Service Road and enter I88 East Bound at Exit 2

Kevin M. Burke, Mayor

Village of Port Dickinson

-----Original Message-----

From: Zier, Lora M. [mailto:LZier@co.broome.ny.us]
Sent: Monday, April 17, 2017 4:32 PM
To: Gascon, Cassandra L.; Yonkoski, Jennifer L.; 'sean.murphy@dot.ny.gov'; 'Scott.Vergason@dot.ny.gov'; Gowe, Brenda L.; Boulton, Leslie G.; Brink, Ron; Burke, Kevin; Snopek, Hal W.; Carl, Tami A.; Aurelio, Diane M.
Cc: tfernton-clerk@stny.rr.com; tfernandez@hhk.com; mdarm1@aol.com
Subject: 239-2017-050 FW: NG Advantage Trucking Terminal

Please see the three attachments and the e-mail below from Rick Armstrong for your review and comment. I also plan to send the project materials to Broome County Emergency Services and to Chenango Valley School District Attorney Cheryl Sacco this afternoon.

Thanks,

Lora M. Zier
Senior Planner
Broome County Department of Planning and Economic Development Edwin L. Crawford County Office Building
44 Hawley Street
P.O. Box 1766
Binghamton, New York 13902
Telephone: (607) 778-2114
Fax (607) 778-2175
lzier@co.broome.ny.us

From: mdarm1@aol.com [mailto:mdarm1@aol.com]
Sent: Monday, April 17, 2017 3:56 PM

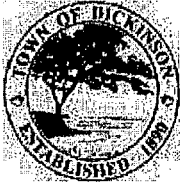
Zier, Lora M.

From: Michael M. <mmarina191@aol.com>
Sent: Tuesday, May 09, 2017 2:50 PM
To: Zier, Lora M.
Cc: Evangelisti, Frank J.; Burke, Kevin; OBlaise@cglawoffices.com
Subject: Re: 239-2017-050 Fenton SP AV NG Truck Terminal West Service Road

Lora:

As a followup to my voice message that I left you today, I am sending you this email. After I visited the site of this project, I support all the concerns that have been raised by Mayor Burke. This project will surely disrupt the park and those who visit it the park. Noise, truck traffic will have a negative impact on not only the park but the Village as well. Also, and I am not sure if this has been addressed, but is this project within the flood plain? The concerns raised by the Broome County Health Department also lend to additional concerns of the project.

Michael Marinaccio, Supervisor, Town of Dickinson



-----Original Message-----

From: Zier, Lora M. <LZier@co.broome.ny.us>
To: 'mdarm1@aol.com' <mdarm1@aol.com>
Cc: tfernandez <tfernandez@hkh.com>; tfenton-clerk <tfenton-clerk@stny.rr.com>; Hamlin, David <tfenton-supv@stny.rr.com>; 'Gregory, Dale' (Dgregory@threearrows.com) (Dgregory@threearrows.com) <Dgregory@threearrows.com>; Signorelli, Tony (DOT) (Tony.Signorelli@dot.ny.gov) (DOT) (Tony.Signorelli@dot.ny.gov) <Tony.Signorelli@dot.ny.gov>; Romanosky, Ron (DOT) (DOT) <Ron.Romanosky@dot.ny.gov>; 'sean.murphy@dot.ny.gov' <sean.murphy@dot.ny.gov>; 'Scott.Vergason@dot.ny.gov' <Scott.Vergason@dot.ny.gov>; Gowe, Brenda L. <BGowe@co.broome.ny.us>; Boulton, Leslie G. <LBoulton@co.broome.ny.us>; Brink, Ron <RBrink@co.broome.ny.us>; Ponticiello, Michael A. <MPonticiello@co.broome.ny.us>; Winchell, Jeffrey C. <JWinchell@co.broome.ny.us>; Vroman, Thomas J. <tvroman@co.broome.ny.us>; Rogers, Charles M. <CRogers@co.broome.ny.us>; Snopek, Hal W. <supervisor@townofchenango.com>; Carl, Tami A. <payroll@townofchenango.com>; Aurelio, Diane M. <ordinance1@townofchenango.com>; Burke, Kevin <kburke7@stny.rr.com>; 'Jeffrey M. Jacobs' (JJacobs@cglawoffices.com) <JJacobs@cglawoffices.com>; Carol M. Hovencamp <CHovencamp@cglawoffices.com>; Michael M. <mmarina191@aol.com>; OBlaise <OBlaise@cglawoffices.com>; 'Cheryl Sacco' (CSacco@cglawoffices.com) <CSacco@cglawoffices.com>; David Gill - Chenango Valley Schools <dgill@cvcgsd.stier.org>; ronbert18 <ronbert18@stny.rr.com>; MESCOTT <MESCOTT@stny.rr.com>; cash2888 <cash2888@stny.rr.com>; jdegennaro <jdegennaro@afvusa.com>; cbfcchief39 <cbfcchief39@stny.rr.com>; jnear <jnear@stny.rr.com>; dave <dave@dblweb.com>; Jeff Corey <mvi29998@stny.rr.com>; dperry <dperry@chenangoforksfire.com>; hillcrestchief55 <hillcrestchief55@gmail.com>
Sent: Tue, May 9, 2017 12:10 pm
Subject: 239-2017-050 Fenton SP AV NG Truck Terminal West Service Road

Rick:

Chenango Valley Central School District

Mr. David P. Gill
Superintendent of Schools



221 Chenango Bridge Road, Binghamton, NY 13901
Phone: (607) 762-6800 * FAX: (607) 762-6890
Email: dgill@cvcslstier.org
Website: www.cvcslstier.org

May 3, 2017

Mr. Frank Evangelisti, Planning Division Director
Ms. Lora Zier, Planning Division Senior Planner
Edwin L. Crawford County Office Building
60 Hawley Street, 5th Floor
PO Box 1766
Binghamton, NY 13902

Dear Mr. Evangelisti and Ms. Zier:

It is with grave concerns that I write you regarding the proposal from Fenton Trucking Terminal for the West Service Road in Chenango Bridge. As the Superintendent of Schools for Chenango Valley Central School District, the safety and security of our students and staff are a priority. If I understand the proposal correctly, Fenton Trucking Terminal will begin operations on the West Service Road in close proximity to our Port Dickinson Elementary School. Aside for the concern of hauling propane, a serious substance, I am also concerned with the increased traffic flow on a direct route within our district. My understanding is that during a given day throughout the school year there may be an increase in traffic of up to 50 trucks a day; 100 during the summer months. It currently can be challenging with truck traffic flow – for both our school buses and local traffic. Increased truck traffic will only exacerbate traffic issues.

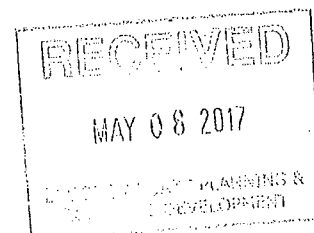
Please do not take this letter as opposition to new businesses. New business creation is important to New York, to the Town of Chenango and to the Chenango Valley Central School District. I do ask that land use approvals only be given where major impacts are mitigated, to minimize negative effects. As such, I would encourage a serious review of the traffic flows, health impacts and safety issues of the proposed business on the community, the school and the public generally.

Thank you for this consideration.

Sincerely,

David P. Gill
Superintendent of Schools

cc: Mr. David Hamlin, Town of Fenton Supervisor
Mr. John Eldred, Town of Fenton Planning Board Chairperson
Mr. Dale Gregory, Town of Fenton Zoning Board Chairperson



The Town of Fenton Planning Board held a meeting on Tuesday, May 23rd, 2017, at 7:38 pm, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

PRESENT: Planning Board Members

John Eldred, Chairman
Richard Armstrong, Board Member
Jason Aurelio, Board Member
James Keough, Board Member
Patrick Mullins, Board Member
Brian Randall, Board Member
Thomas Standard, Board Member
Albert Millus, Jr. (Hinman, Howard & Kattell)
Melodie Bowersox

Legal Counsel
Town Clerk

OTHERS PRESENT: approximately 65 members of the General Public which included some members of the Town Board, ZBA, and CAC, Officials from adjoining Towns, News Media, Dan Griffiths and Chris Stastny of Griffiths Engineering, Representatives of NG Advantage

MINUTES TO APPROVE

The Planning Board Members were either mailed or emailed the minutes from the Planning Board Meeting held on April 11th, 2017. With no corrections to be made to the minutes from the April 11th, 2017 Planning Board Meeting, **Mr. Aurelio made a motion to approve the minutes**, seconded by Mr. Armstrong. **Motion carried.**

VOTE: Ayes 7 Armstrong, Aurelio, Eldred, Keough, Mullins, Randall, Standard
Nays 0

New Business

White Knight Storage (Nelson Ellis Realty Corp. Building) – 136 East Service Road –

Terry Deamer is proposing an indoor and outdoor combined storage facility called White Knight Storage at the old Nelson Ellis Realty Corporation Building, located at 136 East Service Road. The building would be a multi-use facility, as Phil's Gift Shop wishes to remain in the building. Terry would like to provide a secure, safe storage facility for valuables. The facility would be a combination of an indoor temperature controlled storage area and an exterior drive up storage arrangement behind the building. The back portion would be fenced in. The building would basically stay the same except that he hopes to take care of the neglect that it has seen over the recent years; there is a lot of history with the building and he would like to bring it back to its former glory. Preliminary plans have been shared with the Town's Engineering Department and were made available at the meeting. Mr. Armstrong told Terry if he would like to pursue site plan approval, he could meet with him on Thursday when he will be in the office.

Old Business

Fenton Trucking Terminal (previously referred to as Natural Gas Compressor Station) – 65 West Service Road –

Mr. Eldred explained that the Fenton Trucking Terminal's site plan, dated March 31st, 2017, was approved contingent on the 239 Review from Broome County Department of Planning and Economic Development, at the Planning Board's Meeting in April, 2017. The 239 Review was received back from Broome County Department of Planning

and Economic Development but 2/3 of it had already been addressed by the Planning Board. Mr. Eldred said there are some items that have not been approved by the Planning Board.

At 7:43 PM, Mr. Eldred opened the floor for questions to be asked about the project.

- Joel Luchan – Joel asked questions about the number of compressors and number of trucks to be run per day, including what would be the maximum number of trucks run on the Service Road when 12 compressors would be up and running. Chief Operating Officer Gerry Meyers replied 125 but the average would be more like 60-80 per day.
- William Huston – Is this a Type I SEQRA Action? Mr. Eldred replied yes. So you are going to do a full environmental review? Mr. Eldred said it was already done. Mr. Armstrong stated it was a Type II SEQRA Action. (Mr. Armstrong since admits an error here. This is an Unlisted Action and was treated as such.)
- Gerry Wiley – How does this (project) mitigate methane so that we can buy time in order to solve the CO2 problem? Their customers have realized that CO2 emissions have been reduced by over 415 million pounds by replacing their fuel oil with methane. Their customers have seen all of their emissions drop with the use of natural gas.
- Resident of the Village of Port Dickinson – What about liability? Clean ups and spills? The company is fully insured and owned by PNG Fuels. They only hire professional drivers; they use a trucking company, JP Noonan, out of western Massachusetts. There are no clean ups or spills.
- Joyce Gioia – Will the people who own the land be paid or will their land be taken under eminent domain? Who will be responsible for the roads? Mr. Eldred replied that NG Advantage has leased two parcels of property; they are not taking the land. Town of Fenton maintains the roads and they will be paying taxes.
- Vera Scroggins – Do you have a noise ordinance in your Township? Mr. Armstrong said yes, the Town does have a noise ordinance and referred Vera to the Town Code, Section 150-39, which is available on-line. The applicants did provide an initial noise assessment and have since had a second noise assessment done. Gerry shared that a third party provided the second noise assessment and he distributed this to the Planning Board Members. The chart below was discussed with the audience:

TABLE 1: Projected and Measured Noise Levels				
Description	Location	Measured Nighttime Noise Level (dBA)	Measured Daytime Noise Level (dBA)	Projected Noise Level due to Compressors (dBA)
Phase 1 (4 compressors)	Nearest Residential Property Line	49	61-65	47
Phase 2 (12 compressors)	Nearest Residential Property Line	49	61-65	52
Phase 1 (4 compressors)	PDC Park	N/A	60	53
Phase 2 (12 compressors)	PDC Park	N/A	60	58

- Vera Scroggins – Do you have an air emissions ordinance? Mr. Keough said no, we do not have anyone to enforce that so we let the State do that.
- Gentleman – In case there was an emergency, who is responsible? Mr. Eldred responded that three Fire Departments are being specially trained for emergency situations.
- Walter Hang – Are the documents for this application available on-line and are you accepting written comments if you cannot comment verbally? Mr. Eldred replied no to both questions. Mr. Armstrong added that you can request the documents for the project.
- Resident of Chenango Bridge – Does the Town have a Road Use Agreement? Mr. Armstrong stated that the Town does have one associated with construction and significant activities, which was primarily put into place associated with the potential for fracking and the truck traffic that comes with it as well as logging operations. Does the Town have a Comprehensive Plan and if it does, how does this project align with the goals of that Plan? Mr. Armstrong said the Town does have a Comprehensive Plan. The Plan has different zones within the Town and within each of those zones we have acceptable uses; this application has been determined to be an acceptable use in our Limited Industrial Zone. Have any of the Planning Board Members looked into the scientific research that has been conducted on the impact of air pollutants, particularly compressor stations, on children's lung development, on increase in asthma, along with other health impacts? To homes? Mr. Eldred answered no. Mr. Keough asked her what type of compressor stations. She said both electric and gas, ones particularly associated with this project.
- Joyce Gioia – How many have homes impacted by this? Mr. Keough asked her to define "impacted". Joyce said they (the Planning Board Members) are making decisions on this project and it was not put out to the Public until there was an article in the paper about it. Mr. Eldred replied that the applicants will receive a permit, if approved, to proceed with the project and it is zoned in an area where the project is an accepted use. The Town does not have to notify the Residents every time a building is being built when it is an acceptable use in the zoned area it is being placed in.
- Gentleman – Do you have a system that monitors the amount of methane release and the transfer to the pipeline to the compressors to the trucks? The system is a completely closed system and there is no gas leakage.

There were comments and concerns expressed by Joel Luchan, William Huston, Gerry Wiley, an unidentified gentleman, and Cindy Cook about the project. These included:

- The trucks using the access road that the children use going back and forth to Chenango Valley School.
- The congestion it will cause on Route 12A in front of Chenango Valley School.
- Notification about the project should have been mailed out to Residents.
- The project should be treated as a SEQRA I Activity and a Public Hearing should be held on it.
- More research should be done due to the unanswered questions.

Mr. Armstrong asked NG Advantage to share questions and concerns, in summary, that were associated with the 239 Review that was done by the Broome County Department of Planning and Economic Development. Chief Operating Officer Gerry Meyers distributed a packet of information to the Planning Board Members in which NG Advantage detailed responses to the

comments received from the Broome County Department of Planning and Economic Development. Gerry read the cover letter. He thanked the business community which included the Bolands, Mirabitos, property owner Mr. LaDue, the entire Board, and primarily Mr. Armstrong. Gerry explained that NG Advantage has been attending meetings since January and has been meeting with several other organizations, including the Port Dickinson Fire Company, Hillcrest Fire Company, and Emergency Services. They have 27 base customers who receive their product and two other compressor sites, one in New Hampshire, one in Vermont, with no incidents in 4 ½ years. Gerry then proceeded to summarize the detailed responses outlined in the packet that was distributed.

- Air Quality – Electric compressors are used. A closed state of the art odorizing system to introduce mercaptan is used. There was a malfunction of the system in Vermont but it was resolved. The bottom line is there are no fusion of emissions from an air quality perspective and by definition they do not need and are not subject to Federal or State air quality permits.
- Noise – Everything they have is electric. Initial readings were given from the equipment manufacturers. The noise at the park and the closest residence is not discernible from the background noise that already exists in those areas. A second Noise Study was completed by a third party, SM&W, and submitted to the Planning Board Members at the meeting.
- Safety and Security – NG Advantage began discussions with Emergency Services back in January. Natural gas is not any more flammable compressed than it is in the pipeline or in homes. Because everything they do is outside and it is lighter than air, it is safer than the gases inside your buildings and industries. Also, training will be done with all of the Fire Departments locally. All along the routes, Fire Companies will have the opportunity to view the trailers so they are fully trained as well. Safety is their first priority.
- Flood Hazard and Stormwater – All of the questions have been answered. The base level is being raised up to the 500 year flood level. Gravel is being borrowed from an adjacent site to offset the floodplain.
- Community Facilities – The site has no adverse effect on community facilities.
- Truck Routes – There is still an outstanding issue with the truck routes. NG Advantage has met with Chenango Valley Superintendent of Schools David Gill but has not met with Village of Port Dickinson Mayor Kevin Burke. Currently there is a weight limit on a road in Port Dickinson which poses a problem for the trucks leaving the project site. Gerry noted that the truck route that was chosen was chosen by the DOT. Getting into the site seems to be resolved but getting out of the site is the big issue that needs to be resolved.

At this point in the meeting, the Planning Board Members were given the opportunity for comments and/or questions pertaining to the project.

- Mr. Aurelio – Mr. Aurelio is a member of the Chenango Valley School Board. He stated that he is in support of the project as long as the company continues to address the routing concerns of the School District.
- Mr. Armstrong –
 - In Phase One the intent is to pave access from both curb cuts. Does changing the haul route that causes the trucks to go east on the West Service Road have impact on those large curb cuts? No. Also, are you willing to see to it that there

- is pavement at both curb cuts and pretty much all of your operation will occur on pavement? Yes.
- Are there pieces of equipment or different means to reduce the noise level other than what comes with that stock compressor? Yes, you can insulate the cabins if necessary. Is there an opportunity, should this become an issue downstream, to reduce that decibel level if necessary? Yes.
 - Mr. Standard – Where are the diesel engines refueled at? A refueling vendor has not been chosen yet but they are working with local companies. In the long term they may want to fill these vehicles with the same natural gas.
 - Mr. Keough – No questions/comments.
 - Mr. Mullins – Mr. Mullins asked if NG Advantage could share anything about the routing issue and whether or not the trucks would be using the intersection near Chenango Valley High School. Gerry said that after the Chenango Valley Superintendent and Village of Port Dickinson Mayor made their comments on the routing issue, the DOT said to work it out amongst the Towns, which hopefully would include NG Advantage. If they went with the original suggestion of DOT to go through Port Dickinson, they would travel on approximately 300' of Phelps Street at the most. Chenango Valley Superintendent of Schools David Gill spoke and said they his main concern is the safety of the students.
 - Mr. Randall – No questions/comments.
 - Mr. Eldred – Mr. Eldred thought about the routing issue but recently followed John Cole's tractor trailer through the area and does not see it as a problem.

Mr. Armstrong made a motion to rescind the approval of the site plan dated March 31st, 2017, contingent on the 239 Review coming in affirmative, which was made at the Planning Board Meeting on April 11th, 2017, seconded by Mr. Randall. Motion carried.

ROLL CALL VOTE:

PB Member Mr. Armstrong	Aye
PB Member Mr. Aurelio	Aye
PB Member Mr. Keough	Aye
PB Member Mr. Mullins	Aye
PB Member Mr. Randall	Aye
PB Member Mr. Standard	Aye
PB Chairman Mr. Eldred	Aye

With benefit of the 239 Review responses of the applicant and input from individuals this evening, **Mr. Armstrong made a motion to approve the site plan**, seconded by Mr. Randall. **Motion carried.**

ROLL CALL VOTE:

PB Member Mr. Armstrong	Aye
PB Member Mr. Aurelio	Abstain
PB Member Mr. Keough	Aye
PB Member Mr. Mullins	Aye
PB Member Mr. Randall	Aye
PB Member Mr. Standard	Aye
PB Chairman Mr. Eldred	Aye

DLA – Hillcrest – Mr. Keough asked if there was any new information in regard to the DLA in Hillcrest. Atty. Millus said that a 239 Review has been sent to Broome County Department of Planning and Economic Development associated with the rezoning of the property and the Town is waiting for their response.

At 8:42 pm, **Mr. Eldred adjourned the meeting.**

Melodie A. Bowersox, Town Clerk

DRAFT

**TOWN OF FENTON
ZONING BOARD OF APPEALS**

IN THE MATTER OF
NG ADVANTAGE, LLC

DECISION

65 – 69 & 93 WEST SERVICE ROAD
TOWN OF FENTON
BROOME COUNTY, NEW YORK

Members Present: Dale Gregory, Chairman
Timothy Brown, Cynthia Cook, Mikel Lidell, Michael Ward

FACTS

A hearing by the Town of Fenton Zoning Board of Appeals was held in the Town of Fenton Town Hall (Gymnasium) on Tuesday, May 23, 2017 to consider issuance of an Area Variance requested by NG Advantage, LLC, hereinafter “NG”. This “Rehearing” addressed a procedural issue raised given the prior decision rendered prior to the completion of the 239 l & m by Broome County Planning. The ZBA voted unanimously to reopen the matter per §150-45-C(13).

The Town of Fenton Planning Board had suggested that a Variance would be required to satisfy the restriction cited within §150-10 D (6) d that would obligate a five foot rear setback. The (minimal) distance has effectively been achieved by securing a lease with Michael J. Boland yet the parcel limitations create the need for an Area Variance. Considerations involved separation from neighboring park areas and traffic flow. The cover letter from Griffiths Engineering and the initial application were considered to be relevant documents. The requested Area Variance was granted on March 7, 2017 conditional upon stipulations cited in the decision.

Notice of a Public Hearing was published in the Press & Sun Bulletin.

Gerry Myers, COO of NG Advantage, gave a limited overview of the project and operations of NG Advantage as well as site design and considerations.

Residents and concerned citizens were given an opportunity to comment. Joel Luchan, Mr. Bennedetto, Vera Scroggins, Becky Smith, Walter Hang, Joyce Gioia, Tim O’Hare and Tom Homa expressed concerns regarding noise, traffic congestion, health and safety issues and Mr. Hang, of Ithaca, introduced studies produced by his firm – Toxic Targeting – that highlighted several previously identified hazardous material sites or spills or matters under other consideration within close proximity. Victor Furman, Jamin

Boland and Mike Grasso spoke in support of the project and pointed out that the ban on pipeline expansion in NY has led to transport methods involving the compression of natural gas such as this facility will accomplish. Similar activity is taking place in Pennsylvania and the feeling was that the jobs and favorable property taxes generated would be a welcome boost to the local economy. They felt the concerns raised by others had been addressed or mitigated. The posted weight restriction presented by the Village of Port Dickinson seemed to be selective obstruction since vehicles in excess of the stated five ton limit have used that section of both the West Service Road and highway access for many years. A letter was submitted in the initial hearing from Ruth Pierpont, Deputy Commissioner for Historic Preservation the NYS Office of Parks, Recreation and Historic Preservation (OPRHP), who found that this project would have no impact on archeological and/or historic resources.

E-mails or letters were submitted by Gerri Wiley (Owego), Linda Best, Tom and Theresa Tiffany and Christine Tyrell that expressed concerns related to pollution, noise and traffic congestion. Notably, letters by David P. Gill, Superintendent of Chenango Valley CSD were received which primarily highlighted concerns regarding traffic flow, health and safety issues and proximity to school properties and the potential dangers posed to students and residents. Comments (some of which are duplicated) are also included in the lengthy and detailed GML 239 l & m review (ref. BC Case# 239-2017-050) by the Broome County Department of Planning and Economic Development which recommended denial of the project as submitted.

DECISION

Pursuant to Town Code §150-45, The Town of Fenton Zoning Board of Appeals hereby approves the Area Variance with noted stipulations.

The Area Variance is approved in accordance with drawings/plans as submitted to the Town of Fenton Planning Board conditional through the life of the lease with Boland. The approval is subject to satisfaction of the further concerns and requirements cited within the 239 l & m review by BC Planning or those of the Town Planning Board.

The Board voted unanimously to classify this as a Type II action under SEQR.

While the ZBA gave due consideration to the substantial objections and subsequent recommendation for denial by BC Planning, those voting in favor based approval on the merits of the Area Variance as requested. The project was viewed as having addressed critical areas pertaining to health and safety and was not detrimental to the essential character of the area. The Variance, as granted, allows the application to proceed within the Site Plan approval process through the Town Planning Board. The many concerns and issues pertinent to the overall site plan and facility operation along with any necessary conditions to be imposed are left to the Town of Fenton Planning Board as lead agency.

Members in Favor: Timothy Brown
Mikel Lidell
Michael Ward
Dale Gregory
Members Opposed: Cynthia Cook

Dated: May 24, 2017

Google Maps 65 W Service Rd



Imagery ©2017 Google, Map data ©2017 Google 100 m

The Town of Fenton Planning Board held a meeting on Tuesday, March 28th, 2017, at 7:00 pm, at the Fenton Town Hall, 44 Park Street, Port Crane, New York.

PRESENT: Planning Board Members John Eldred, Chairman
Richard Armstrong, Board Member
Jason Aurelio, Board Member
Patrick Mullins, Board Member
Brian Randall, Board Member
Thomas Standard, Board Member
Tina Fernandez (Hinman, Howard & Kattell)
Melodie Bowersox
Legal Counsel
Town Clerk

ABSENT: Planning Board Member James Keough, Board Member

OTHERS PRESENT: CAC Member Patricia Podrazil, Zoning Board of Appeals Member Mike Ward, 11 members of the General Public

MINUTES TO APPROVE

The Planning Board Members were either mailed or emailed the minutes from the Planning Board Meeting held on January 31st, 2017. With no corrections to be made to the minutes from the January 31st, 2017 Planning Board Meeting, **Mr. Aurelio made a motion to approve the minutes**, seconded by Mr. Standard. **Motion carried.**

VOTE: Ayes 6 Armstrong, Aurelio, Eldred, Mullins, Randall, Standard
Nays 0
Absent 1 Keough

Old Business

Brewery – Brendan Harder – 197 NYS Route 369 – Revised Building Plans received from Dick Bassler and Site Plans from Alex Urda were either mailed or emailed to the Planning Board Members prior to the meeting. Brendan Harder explained that the biggest change they are making is the addition of 20' to the brewery. After going over the layout with the Equipment Manufacturer, they found they really did not have enough room to lay everything out properly. This will not affect the SWPPP or any of the disturbed area. The pond will be extended a little bit more towards the south which will increase the volume from 1/2" to zero, reducing flood impact (based on the HEC-RAS study that was done). Mr. Armstrong asked if there was any additional change to the elevated space with the addition of the 20'. Brendan replied from where it is today, yes, but from our plans, no; they are not finished with the site work. **Mr. Aurelio made a motion to accept the minor changes to the site plan**, seconded by Mr. Mullins. **Motion carried.**

VOTE: Ayes 6 Armstrong, Aurelio, Eldred, Mullins, Randall, Standard
Nays 0
Absent 1 Keough

Natural Gas Compressor Station – 65 W. Service Road – Chief Operating Officer Gerry Meyers attended the January Planning Board Meeting. He introduced Steve Palmer again, who is the Chief Engineer, and also the Project Manager and the Health and Safety Officer (Jay).

Property Owner Kenneth LaDue was also in attendance as well as Jim Tofte and Dan Griffiths of Griffiths Engineering.

Gerry gave an overview of NG Advantage again for those who may not have attended the January Planning Board Meeting. Basically NG Advantage serves two types of customers. The first is industries that do not have a pipeline. They are also serving a lot of the public (example: hospitals). One of their models is they take gas from a pipeline, compress it, put it in the back of a truck, and take it to the customer. Another model is they can take gas from the pipeline here and deliver it into a pipeline in Massachusetts. They are an alternative to building more pipelines.

Jim Tofte said that NG Advantage came to them last year looking for a site for their operation. They needed compressed natural gas (millennium pipeline) and an area that was going to be in harmony with the project. This site is on the pipeline, is accessible, is an Industrial Zoned area, and is a trucking route and has been for years. The concept plan that was shared at the January meeting involved a trucking terminal and a way to get the natural gas out of the pipeline into the trucks. The compressor station is electric powered equipment to compress the natural gas enough to transport it in the vehicles. Initially the station was located in the southern portion of the site near Port Dickinson Park but the station has now been moved to the back of the site. (These plans were mailed to the Planning Board Members prior to the meeting.) Doing this required them to make a lease agreement with property owner Mr. Boland. The compressor station straddles the property line so because of setback requirements, an appeal was made to the ZBA for an area variance and that was granted. Jim explained the basic process through the use of the large site plan that was on display. Jay has met with the local First Responders and they do safety training on the process. Jim mentioned there is going to be an upcoming meeting with Hillcrest Fire Chief Rick Larson. An EAF form has been done and Jim gave some insight as to what was looked at environmentally.

- NYSDOT had concerns about the Route 12/12A corridor particularly during the peak hours of the day. It is usually crowded during that time of the day and they did not want a lot of maneuvers being done in that intersection. They did not have any problems with the trucks getting off the highway onto Route 12 to go to the Service Road but they did not recommend the trucks returning via that route to make a left turn onto the highway. The recommendation was for the trucks to return to the highway by using Phelps Street.
- A simple noise study was done. Noise samples were done of the ambient noise. Average readings between 70-80 decibels were received from the highway noise in front of Kenneth's driveway near the building. At the corner of the property line near the park, the readings were 80-90 decibels.
- There is data provided on the fans in the compressors which are the loudest parts of the equipment. (Hearing protection is not required on the NG Advantage sites.)
- The project has been reviewed with SHIPO (State Historic Preservation Office) and they had no artifactual or historical concerns.
- There are wetlands on Mr. Boland's property that they are staying away from.
- The property is in the 100 year floodplain. The base flood elevation of the proposed flood mapping is 852' and they are elevating at least two feet above that. The dispensing area which looks like a traditional fueling port comes down from the top so the cabinets will be located 3-4' high; they will also be above the flood stage. They will be filling the site to accomplish this with about five feet of fill on the entire site. They

are taking the fill from the adjacent floodplain (Mr. Boland's property) to mitigate a zero increase. A HEC-RAS Study will be completed as well as two SWPPP's, one for each site. They will be adding less than one acre of impervious and they do not anticipate any flood impacts. They are working with Mr. Armstrong on the stormwater issues.

- Due to the operation running 24/7, there will be a well-lit site and a security system. Jim submitted an updated Photo Metric Plan to Mr. Armstrong.
- Detector equipment (methane and flame) is also shown on the plans. They are working closely with the Fire Departments to make sure they are comfortable with them for coverage purposes.

A question and answer/comment session followed the presentation.

- Mr. Mullins – How long does the compressor sequence last? How long does it take to load a truck? It depends on the pipeline pressure. It is a two stage process that they are hoping will take less than 1 ¼ hour per truck.
- Mr. Randall – This is one of how many stations on this line? This is the first of its kind on this line that takes the gas out of the pipeline and delivers it to a customer.
- Mr. Randall – And this is going to manufacturers, hospitals? In 2013 they started delivering to a failing paper plant that was able to continue operating because of their service to them. Depending on their growth, they hope to create 75-100 jobs which will include the hiring of Plant Supervisors locally.
- Mr. Ward – Rest facilities were mentioned at a previous meeting. Jim responded that originally there was going to be a special modular building for rest facilities but Kenneth bought out his tenant's lease and they are going to occupy the space of the building where he was which includes restrooms and extra shop space.
- Mr. Eldred – Mr. Eldred suggested that evergreens planted along the road might cut down on the noise. Jim said there are no shoulders along the road and they are working with Mr. Armstrong on the possibility of having a drop curve, so it would be difficult for landscaping there. They could possibly put landscaping in another area.
- Mr. Standard – Do customers anticipate one to two deliveries per day? Gerry said one customer expects 18 deliveries per day. What happens to the operation if the Town is shut down, for example, as we were shut down due to the recent snow storm? Gerry replied that all of their customers have a backup fuel supply.
- Mr. Mullins – Who manufactures the cylinders? 95% of their cylinders come from Hexagon Lincoln in Lincoln, NB.
- Barbara Eldred – Does the business fall off in the summertime? Yes and no. We are looking for a seasonal load where we would serve asphalt plants in the summertime and heating and thermal businesses in the wintertime.

Additional comments were made by Mr. Armstrong.

- Mr. Armstrong explained to the Planning Board that he reviewed the most recent site plan and the EAF, which the Planning Board currently does not have a copy of to review. There have been at least four iterations of documents, so Mr. Armstrong went through all the documents and provided comments to the design team. Mr. Armstrong shared that the Planning Board would not be in a position to approve a site plan this evening but that they are looking forward to making progress.
- The site plan needs to reflect the three properties that are involved, two for Kenneth and one for Mr. Boland. The site plan also needs to show the different components of

the flood plain, the floodway, and the special flood hazard area. Mr. Armstrong noted that the entire borrow area and about 50% of the compound is in the floodway (preliminary 2010) not in the 100 year area. He determined this by looking at the Broome County GIS website. He believes information will be forthcoming to reflect this. Our Town Ordinance does allow for construction in the floodway provided the necessary studies have been done and recognizing that there will be a net zero impact to the water levels.

- Mr. Armstrong also said that there are still some issues with the EAF that need to be addressed. The Planning Board will probably assume lead agency role, as they will want to be as informed as possible.
- This is one project and this is a greater than five acre project. There are two SWPPPs. The borrow area and the development area are interdependent – one does not happen without the other so the project is impacting greater than five acres. Dan Griffith of Griffith's Engineering responded that he has been discussing this issue with Alex Urda and they are trying to get the project, which is currently around 5.3 acres, under five acres.
- Mr. Armstrong does not anticipate any issues related to noise. The information that was provided was in regard to single fans rather than multiple running at one time so he suggested that the design team address this when sharing with the Town Boards in the future.
- The new lighting plan will help. Mr. Armstrong asked if there were lights near the compressor station; Jim said there is and he will go over this with Mr. Armstrong.
- The ZBA did allow for the project to go for a zero setback but only for the life of this project.
- Mr. Armstrong asked, "Might a trucker come in, drop off a trailer, and then step over to something that is full? Is there a time when the trailers might outnumber the tractors?" Gerry replied, "Eventually yes." The trailers and the trucks will do two trips/day; the drivers will do one round trip. The point of origin will be from here; they will always leave with a full and return with an empty.
- Mr. Armstrong will meet with the Highway Superintendent, Randy Ritter, to discuss what the appropriate asphalt for those aprons will be.
- Mr. Armstrong asked to see the results of the archaeological and SHIPO summaries that were done.
- Mr. Armstrong asked if the retaining wall was 16' in some areas. Jim said it is along the pipeline. Binghamton Precast is providing the retaining wall. Mr. Armstrong suggested moving the north retaining wall so that it aligns itself more with the flow of the river.

Gerry said that they are trying to get this project operating by the first of December, 2017. He asked if there was a way to get a conditional approval. He needs to order trailers, compressor parts, etc. several months in advance and the bankers will not allow him to order without the Planning Board's permission. Planning Board Chairman Mr. Eldred responded that the decision was up to our Assistant Town Engineer, Mr. Armstrong. Mr. Armstrong said that the Planning Board has been repeatedly told that the project was not in the floodway and hence this is causing alterations to the SWPPP and other issues. He hopes that by the end of the week to have the updated plans in the hands of the Municipal agencies to review who will then have 30 days to respond. Gerry said that he has some deadlines of April 15th, 2017. Jim asked if the Planning Board would entertain a special meeting instead of waiting until the regular scheduled

Planning Board Meeting on April 25th to meet with them again; Mr. Eldred said they certainly would.

Updated information will be brought to Mr. Armstrong this Thursday at 1 PM. He will then need to distribute the material for review to the Planning Board, CAC, Town of Chenango, Village of Port Dickinson, and the County for a 239 Review.

Information

DLA – Hillcrest – Mr. Armstrong shared that one of the concerns with the DLA project is that if it is rezoned to Limited Industrial then any form of Limited Industrial activity could be on that parcel moving forward. There are provisions in Municipal Law and in our Town Ordinance that allow us to place limitations on a parcel if there are good reasons to do so based on the surrounding area(s). In this case the Town does have the opportunity to impose limitations and restrictions on the activities due to the surrounding neighborhood so the parcel may be rezoned at some point in time. Until that occurs, anything that is being proposed is not compliant because it does not support Residential B activity. Resident Jerry Sabato commented that an internet line has been brought in, the gates have been closed, and he has seen guys in there "doing stuff."

At 8:06 pm, **Mr. Eldred adjourned the meeting.**

Melodie A. Bowersox, Town Clerk