

The Town of Fenton Planning Board held a meeting on Tuesday, May 23<sup>rd</sup>, 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 11<sup>th</sup>, 2017. With no corrections to be made to the minutes from the April 11<sup>th</sup>, 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 31<sup>st</sup>, 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 and recently followed John Cole's tractor trailer through the area and does not see it as a problem. The 52' truck went south on the West Service Road, turned right onto Route 12A, crossed Route 88, and then turned left onto the Route 88 ramp leading toward Port Crane.

**Mr. Armstrong made a motion to rescind the approval of the site plan dated March 31<sup>st</sup>, 2017, contingent on the 239 Review coming in affirmative, which was made at the Planning Board Meeting on April 11<sup>th</sup>, 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