

1 ZONING BOARD OF APPEALS

COUNTY OF SCHENECTADY

1

2 TOWN OF DUANESBURG

3 *****

4 A PORTION OF THE ZONING BOARD OF APPEALS MEETING
5 AS IT RELATES TO THE APPLICATION OF NG ADVANTAGE AND
6 CLEAN ENERGY FOR A USE VARIANCE AT SBL #74.00-1-11.2

6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY STRANG-VANDEBOGART, a Shorthand
9 Reporter, commencing on August 19, 2014 at 7:53 p.m.
10 at 5853 Western Turnpike, Duanesburg, New York 12056

11 BOARD MEMBERS:
12 NELSON GAGE, CHAIRMAN
13 JONATHAN LACK
14 WILLIAM WETZEL
15 ROBERT PAT PAYST
16 LEROY COLBY
17 KATHLEEN KOSINSKI
18 PAUL REVEAL, ALTERNATE

16 ALSO PRESENT:

17 Teressa Bakner, Esq., Counsel to the ZBA
18 Jennifer Friello, Clerk
19 Dale Warner, Enforcement Officer
20 Mary Elizabeth Slevin, Esq. Stockli Slevin & Peters, LLP
21 Troy Paionk, N.G. Advantage
22 Brian Cooper, PE, M.J. Engineering
23 Jay Parent, N.G. Advantage
24 Ken Bovine, GZA
25 Shelby Moore, N.G. Advantage
Chad Snyder, M.G. Engineering

23 Bobby Antonovich
24 Charity Bender
25 Jay Browning
Jim Cook
Matt Czajkowski

Gary Drizos
Leah Ellard
Art Fry
Dorothy Gallo
William Gallo
Anthony Gangeme
Matthew Ganster
Rose Ganster
Irene Hayes
Richard Murray
Keith Rapture
Terri Rapture
Stephen Tow
Scott Warner

1 CHAIRMAN GAGE: Now we're going to turn our
2 attention to the Clean Energy application. Hopefully,
3 we will have some visual aid and then we'll have the
4 folks from Clean Energy give a presentation to you as to
5 what they are going to do. We will then go through and
6 have people comment after the fact. Maybe some of the
7 presentation will answer those questions.

8 MS. SLEVIN: Good evening. My name is Mary Beth
9 Slevin and I'm here this evening on behalf of Energy
10 Advantage and Clean Energy. We appreciate your time and
11 we appreciate the time from the public to talk about
12 this project.

13 We had been before the Board a few times
14 before. We've had a couple of informational
15 meetings with some of the neighbors - the closest
16 neighbors.

17 This is a compressed natural gas distribution
18 facility on a site that is off of Route 7 on an
19 approximately 50 acre site. What you see in front
20 of you is a snap shot of the site plan. It does not
21 include the entire perimeter of the site. It's just
22 a small portion to show the portion of the site that
23 actually would be developed.

24 I have with me this evening a number of folks
25 who have worked on this project who are available to

1 both provide presentations to the Board and also
2 answer questions. That includes Troy Paionk, Jay
3 Parent from N.G. Advantage, Brian Cooper, Shelby
4 Moore and Chad Snyder from N.G. Engineering, Tim
5 Massey from OSPA and Ken Bovine from GZA. It's a
6 long list, but we thought that we should have
7 everyone here in case we need to be able to respond
8 to questions.

9 Just briefly, because a lot of the information
10 has been presented to the Board already, we don't
11 want to go through every iteration of it.

12 We are here for a use variance. A use variance
13 has four criteria that need to be satisfied in order
14 to be able to demonstrate an entitlement to it.
15 Those four criteria, as we have outlined in the
16 materials that we had submitted to the Board and
17 have been available at the Town Hall, include
18 looking at each and every permitted or specially
19 permitted use under the Town's Zoning Code for this
20 particular zone, which is residential/agricultural.
21 We need to demonstrate that we cannot realize a
22 reasonable rate of return, that the difficulty
23 presented which presents the need for the variance
24 is unique to the property, that it will not
25 significantly affect the essential character of the

1 neighborhood and that the need for the variance is
2 not self-created.

3 Again, as described in the materials that we
4 submitted, this property has been owned by the
5 current owner since 1976. It was purchased for
6 approximately \$26,000.00 by Albert Tiseo and his
7 sister who currently own the property. They have
8 had no income from the property in all the years
9 that they have owned it, except for in 1991 they did
10 receive \$2,500.00 for the placement of the Iroquois
11 Natural Gas easement across the property.

12 The property is also encumbered by a National
13 Grid easement and American Telephone easement. With
14 the three utilities across the property, it effects
15 the utility of the property in a dramatic way. The
16 Iroquois Gas easement not only encumbers the
17 property with its presence, but also with the deed
18 restrictions that are imposed for the use of the
19 property. Those deed restrictions have a dramatic
20 effect on the ability to use the property for any of
21 the listed permitted uses under the Zoning Code as
22 we have outlined in our materials. The proximity of
23 the gas line does create a unique opportunity for
24 this particular project which must be located
25 directly in proximity to the gas line in order to be

1 able to provide the service that it is designed to
2 do. That's really what goes to the unique character
3 of this particular property and the particular
4 project in that it is encumbered by the three
5 utilities. Under the permitted uses that becomes a
6 real deterrent, but for this particular property it
7 ends up being an advantage.

8 The essential character of the community will
9 not be adversely impacted as demonstrated by the
10 various studies that we presented; the visual impact
11 study, the noise study, the traffic study - all of
12 which will be discussed further this evening.

13 Additionally, there had been certain measures
14 outlined and designed within the project that
15 provide for significant mitigation of the project
16 from neighboring properties including berms,
17 vegetation, preservation of existing vegetation on
18 the property and location of the project in a manner
19 to ensure that it has the least visibility from both
20 neighboring properties and from the adjacent
21 community. All of those factors were considered in
22 the overall design of this project and that
23 significant effort was put into play to try to
24 ensure that the project would have diminimous
25 impacts.

1 Finally, the need for the variance is not
2 self-created. The fact that the Iroquois gas line
3 exists on the property is really what drives the
4 project. Iroquois Gas has the right of eminent
5 domain, so even if there was not cooperation with
6 Iroquois Natural Gas, they would have been able to
7 take as easement as a matter of law. That's
8 something that was beyond their control to determine
9 what was going to happen to the property. Once that
10 gas line was there, it really changes the character
11 of the property and the utility property forever.

12 We also wanted to just briefly talk about some
13 of the economic benefits of this project. The
14 property currently generates approximately
15 \$10,000.00 a year in property taxes. At the most
16 conservative, this project was assessed for
17 approximately \$500,000.00. It would generate over
18 \$11,000.00 in taxes, which is a ten-fold increase.
19 We think that the tax benefits will be significantly
20 above that, but that's just a conservative number to
21 look at.

22 There will be a number of jobs that will be
23 created with the project. There will be between
24 five and 10 new jobs on the site. The trucking
25 company that will provide the distribution will be

1 hiring local drivers, which will include another 12
2 to 20 employees who will be locally employed. Of
3 course there are the construction jobs which will be
4 generated from the construction of the project. All
5 of those relate to increased payrolls within
6 Duaneburg itself, within Schenectady County,
7 increased sales tax revenues and ultimately
8 increased property taxes with diminimous impacts on
9 services within the Town and within Schenectady
10 County.

11 With that, I'd like to turn it over to Troy so
12 that he can discuss a little more about Clean Energy
13 and also about the project.

14 CHAIRMAN GAGE: I'd like to ask that for the sake
15 of everybody that's here, it's clearly stated what the
16 function or the intent of this project is and what is
17 actually going to be going on.

18 MR. PAIONK: Sure. We're going to be going through
19 all of that.

20 Good evening. My name is Troy Paionk with
21 Clean Energy. I'm just going to go through a little
22 bit about Clean Energy and then I'm going to turn it
23 over to Brian with M.J. and he'll go through the
24 site layout. Then myself and Jay will go through
25 the functionality of the equipment. Jay will get

1 into the transporting of the fuel. Hopefully, that
2 will answer all of your questions.

3 CHAIRMAN GAGE: I guess what we are doing is we're
4 tapping off of the existing gas line and we're going to
5 compress the gas, and then load the vehicles that will
6 be distributed throughout the area.

7 MR. PAIONK: In a nutshell, yes. We'll go through
8 that, too.

9 CHAIRMAN GAGE: I know that you have presented that
10 to us here, but I just want to make sure that everybody
11 else understands.

12 MR. PAIONK: It's a private facility for Energy
13 Advantage, as previously discussed.

14 Clean Energy, was founded in 2001 and we have
15 approximately 1,000 employees throughout the United
16 States and Canada. We're currently operating in
17 excess of 500 natural gas fueling stations via a
18 combination of compressed natural gases and
19 liquefied natural gas. Clean Energy's main business
20 is designing, constructing, owning, operating and
21 maintaining natural gas fueling facilities. That's
22 what we are in the process of doing right now.
23 Again, we are at the design stage and hopefully
24 progressing to the next stages.

25 I don't want to take up too much time on the

1 Clean Energy side, so I'll turn it over to Brian
2 just to go into the site layout and we'll get into
3 the actual facility itself.

4 MR. COOPER: Hi, I'm Brian from M.J. Engineering.

5 The site enters Route 7 at this location
6 (Indicating) and then we have a 30-foot driveway,
7 two 15 feet each travel lanes from the connection to
8 the compound area. There are landscaped berms along
9 the side on both sides as well as this direction
10 (Indicating), as well at this direction and all the
11 way around this portion.

12 Inside the area, the trucks will come in.
13 There is a security fence located all around the
14 compound. Trucks would come in, pull into their
15 station and be filled up here (Indicating). Troy
16 will go into that further. This right here is
17 parking for the office that's located right here
18 (Indicating). We have a potential well location at
19 this point that we are looking at to service the
20 building. This is trailer, temporary parking, I'll
21 call it.

22 The compound area itself which houses the
23 compressors - this location is the gas meter and
24 this is the access to that gas meter for maintenance
25 purposes (Indicating).

1 Through the site we have a number of stormwater
2 treatment areas to collect the stormwater and treat
3 that before entering back into the environment.
4 Those are our collection of level spreaders that are
5 located here, here a few back here (Indicating).
6 This is the main treatment area which is a pond that
7 is going to treat the quantity of the stormwater of
8 the site.

9 This is the location of the preferred septic
10 system that we are proposing for this area
11 (Indicating).

12 On these berms there is a number of landscaping
13 elements and Shelby will talk to that in a little
14 bit. Those are intended for a visual buffer and
15 noise buffer from the public. Those would be
16 described in greater detail when Shelby does her
17 talk about the noise assessment.

18 MR. PAIONK: Just to pick up where Brian left off,
19 these are the actual fueling dispensers themselves.
20 There are eight trailer dispensers and then in this area
21 (Indicating) there is actually a transit dispenser.
22 Those are for the M.G. vehicles themselves. There is
23 just one separate dispenser on this far end.

24 This up here is the equipment compound
25 (Indicating) and was mentioned earlier. We connect

1 to the existing pipeline. The gas is then routed
2 through the meter and then it enters into the
3 equipment compound area. At that point, the gas is
4 run through a dryer and that dryer essentially acts
5 as a filter and it takes out a debris and vapor that
6 might be present within the gas. At that point from
7 the dryer, the gas is routed through the compressor
8 units. The gas is compressed to approximately 4,600
9 psi. At that point, the gas from the compressors is
10 routed to priority panel and that is kind of again
11 what I would call the brains of the operations
12 telling the gas where to go, based on customer needs
13 and demands at that point in time. The priority
14 panel would direct the gas to the storage vessels at
15 which point we have that in that area there
16 (Indicating). We are proposing six storage vessels.
17 Those storage vessels hold the equivalent - each one
18 is about a 90 gasoline gallon equivalent. So, there
19 would be a total of 540 gasoline gallon equivalents
20 within those storage vessels. Again, the gas is
21 either routed to the vessels or it's routed directly
22 to the dispensers. Again, that's totally based on
23 customer demand and somebody waiting to fill. There
24 might be someone filling that is already taking
25 place.

1 Again, Brian had mentioned a couple of these
2 security measures based off of our last visit with
3 the Town. One is that we have added a fence around
4 the entire area. Normally the fencing is only
5 around the equipment compound for security reasons.
6 I have also mentioned that there are emergency shut
7 down devices throughout the facility. They are
8 within the equipment compound. They are in the
9 dispensing area. And based on our last meeting with
10 the Town, we have added another one near the trailer
11 where we plan on having staff members in there at
12 all times. So, there is an emergency shut-down
13 being planned in this area as well.

14 CHAIRMAN GAGE: That basically shuts down the power
15 to everything.

16 MR. PAIONK: What the emergency shut-down does is
17 it is an electrical and mechanical shut-down. It shuts
18 down the gas supply to the facility. There is actually
19 a valve located just downstream of the meter which you
20 will see is farther away from the equipment compound and
21 the dispensing. That valve is shut down once the
22 emergency shut down is pressed. That valve is activated
23 and shuts down all the gas supply.

24 There is also a complete electrical shut-down
25 to the dispensers and to the compressors.

1 FROM THE FLOOR: And that deals with all Homeland ¹⁴
2 Security; right?

3 CHAIRMAN GAGE: We'll get to your questions.
4 Those are manually activated?

5 MR. PAIONK: Yes.

6 CHAIRMAN GAGE: Are there any ones that would
7 activate automatically?

8 MR. PAIONK: Yes, there are detectors within the
9 facility itself, too.

10 I'll get on the safety aspect of the facility
11 right now. This site is monitored remotely 24 hours
12 a day, seven days a week by Clean Energy. We have a
13 remote monitoring center; also, with the on-site
14 staff. That is also what I would call a safety
15 measure and deterrent. I know that before we had
16 talked about the potential for vandalism or other
17 activities - mischievous activities that we don't
18 want to see at this facility.

19 I talked about the fencing and the emergency
20 shut-downs. There are methane detectors and again,
21 those carry the same function as the emergency
22 shut-downs.

23 In the event that the ESD is pressed or there
24 is methane detected or any kind of emergency at all,
25 this facility can only be restarted manually on-site

1 by a technician. It cannot be started back up by
2 somebody 500 miles away. You must be on-site,
3 figure out the problem and then start it up and make
4 sure that everything is running as it should be.

5 CHAIRMAN GAGE: The intent is to have somebody
6 there, 24/7?

7 MR. PAIONK: Yes. And it's monitored 24/7, as
8 well.

9 There are on-site portable fire extinguishers.
10 There are the required warning signs throughout the
11 site. Those are all required by code. All the
12 operators are trained. Everybody on this site must
13 have the appropriate training.

14 Following the commissioning of the site, Clean
15 Energy will hold a training session, again, with
16 operators, the fire department, any first responders
17 to go over fire risk areas, fire safety measures and
18 demonstrate the operations of those measures.

19 We've also submitted to you an emergency
20 response plan. We've also prepared and we can
21 submit to you whenever you would like a code
22 compliance document that goes through NFPA52 and it
23 runs through every requirement and talks about the
24 compliance and how this facility does comply with
25 that. So, we do have those and would be happy to

1 submit them.

2 At this time, I'm going to turn it over again
3 with Clean Energy and we've got a work cited about
4 this project because we are partnering with NG
5 Advantage on this. Clean Energy is the fuel
6 provider and N.G. Advantage is the fuel transporter.
7 As far as that goes with the actual filling of the
8 trailers and the distribution of it, I'll turn it
9 over to Jay Parent right now with N.G. Advantage to
10 talk about their operations.

11 MR. PARENT: Good evening. I'm Jay Parent and I'm
12 the Safety Officer for N.G. Advantage.

13 N.G. Advantage came to fruition in March of
14 2012 and we made our first delivery in March of 2013
15 to Soundview Paper in Putney Vermont. What we do is
16 compress natural gas into the rear of tractor
17 trailers. Each trailer has four cylinders. They
18 are eight by eight by forty. They are composite
19 cylinders and it's basically a pipeline on wheels.
20 That's the concept of our company. What we do is
21 deliver that gas to hospitals, asphalt plants and
22 some other manufacturing companies that are not on
23 the pipeline. Presently, most companies are seeing
24 30 to 40 percent savings from fuel oil. They do
25 have redundancy to be able to switch back to fuel

1 oil if there is an issue with their burners or an
2 issue with us getting a trailer to them on time.
3 So, they do have a dual fuel ability.

4 We're operating a compression site in Milton,
5 Vermont. We're operating a facility in Pembroke,
6 New Hampshire right now with Clean Energy. As Troy
7 said earlier, they deal with the majority of the
8 NFPA requirements at their compression sites. We
9 deal with those requirements as well at our customer
10 sites. The DOT requirements that the manufacturer
11 of the trailers which is Hexagon Lincoln -- they are
12 out of Lincoln, Nebraska and they manufacture the
13 trailers there. They deal with all the DOT
14 requirements and then pass them down to us as the
15 transporter. J.P. Noonan does all of our
16 transportation for us. They are widely known
17 throughout New England. I believe that west of the
18 Mississippi they are the largest fuel transporter in
19 that aspect.

20 Presently, our dispatchers - and we have two
21 dispatchers on staff at all times that are
22 monitoring customer data and that are monitoring our
23 fill station in Milton and fill station in Pembroke,
24 New Hampshire. They operate 24 hours a day. So,
25 from 6:00 in the morning until 6:00 at night we have

1 two people on staff that fill trailers and monitor
2 the data and then from 6:00 at night until 6:00 in
3 the morning we have another set of staff that come
4 in and do the same exact thing. We do have a
5 redundancy in that situation and all the remote
6 monitoring.

7 As I said earlier, we are feeding asphalt
8 plants that are on the pipeline. We are feeding
9 manufacturing plants, paper plants and hospitals.
10 That's part of our 16 customers right now that we're
11 serving in Vermont, New Hampshire and Massachusetts.

12 I'll turn it back over to Troy.

13 MR. PAIONK: At this time we have submitted a
14 number of reports and a lot of documents and information
15 to you. We're going to take Shelby Moore, also with
16 M.J. Engineering just to go over each one of those
17 report individually talking about the methodology and
18 the findings and the conclusions within each one of
19 those reports. Then, following that, we'll be open to
20 questions.

21 MS. MOORE: Good evening. My name is Shelby Moore
22 with M.J.

23 In May of this year, we completed a noise
24 survey in accordance with the DEC's program policy
25 for assessing and mitigating noise impacts. We

1 assumed that every piece of equipment that is shown
2 in the compound would be running. That would be six
3 compressors, a dryer and two chillers along with two
4 vehicles on-site which was an overestimation of what
5 they would expect to see. With that analysis we did
6 an analysis of the equipment of what it's
7 manufactured to run at. We did the analysis and
8 they would run at 85 dB which would be all of the
9 equipment combined at a distance of 50 feet. We
10 extrapolated that out to five different points along
11 the property; the northern boundary, east, west,
12 three boundaries along the southern and two on the
13 property boundaries and then one at the entrance
14 roadway. All levels came back at below 65 which is
15 the recommendation by the DEC and it is less than 70
16 dB which is the performance standard for the Town
17 Department.

18 FROM THE FLOOR: Miss, did you figure in the -

19 CHAIRMAN GAGE: Hold on a second. Let her finish
20 and then we'll go through and let her address questions.

21 MS. MOORE: Basically, it met the standards that
22 were required. To help mitigate, we suggested a
23 condition of approval where all the facilities and where
24 the facility is constructed -- all the vegetation to the
25 east, west and north would be maintained. So,

1 basically, everything along here, over and down would
2 all get maintained as a condition of approval meaning
3 that vegetation would never be disturbed or removed.

4 Additionally, when Brian talked about the
5 landscaping, we see all the different berms that are
6 installed. There are berms here that will have
7 evergreens. There is also berming all the way up
8 through here and here that will add to the
9 mitigation for the noise and it will also help with
10 the visual, which I'll talk about next.

11 The same thing goes for the visual. The visual
12 was conducted in compliance with the DEC's program
13 policy for assessing and mitigating visual impacts.
14 We also completed the visual EAF which is part of
15 the SEQRA process for DEC.

16 We did a view shed, a line of sight and also a
17 balloon assessment. That's where we fly weather
18 balloons at the estimated height of the future
19 highest structure on the site and we take pictures
20 at multiple locations, so that you can visually see
21 what you would see if you were there. This is the
22 height that this will be and we did some
23 calculations and some mock-ups of basically what the
24 facility would look like from those different
25 locations.

1 At the same time, like I said, we'll add the
2 berms with the vegetation that will also help with
3 the screening. The majority of the neighbors will
4 not visually be able to see based on the viewshed.
5 Most of the neighbors to the northwest, the north
6 and the west will have no impact. The majority of
7 the impact would be here, but we have mitigated that
8 with all of the berms and vegetation.

9 That's pretty much it. In addition to the
10 visual, we did do a photometrics plan. I know that
11 we will have lighting. Those little dots are the
12 proposed lights and there is also going to be lights
13 under the canopy, although they will downward
14 projections with shielding. They're not going to be
15 flood lights or anything that you would see
16 projecting outward. Everything will be a downward
17 cast. There was also a photometric plan done to
18 show the casting was not leaving the property.

19 The traffic will be completed by Chad Snyder.

20 MR. SNYDER: Good evening. My name is Chad Snyder.
21 I conducted the traffic impact study and the sight
22 distance analysis that was performed for the proposed
23 site.

24 For the traffic impact study we counted seven
25 intersections from 30A where it branches off and

1 goes north to Route 7 to the west of Exit 23, over
2 to State Route 395 over near the Town of Delanson.
3 We counted seven intersections which also included
4 the intersections around Exit 23. The results of
5 our analysis show that there was minimal impact to
6 any of those intersections based on the low number
7 of vehicles that would be traveling through here and
8 the frequency that they are traveling. The proposed
9 frequency will be two trucks per hour throughout the
10 day and there will be an addition of one to three
11 passenger vehicles for people who are working
12 on-site. Typically, the daily fluctuation of
13 traffic volume is depending on the area that you
14 live in and will fluctuate more than what this
15 facility is adding to the adjacent roadway network.

16 There were no level of service changes for any
17 of the intersections. There was a minimal delay
18 increase of tenths of a second - maybe two-tenths of
19 a second according to the whole intersection.

20 The other thing that we looked at was the sight
21 distance at this location. We did that according to
22 New York State DOT standards. They point to using
23 the American Association of State Highway and
24 Transportation Officials Standards. Per those, we
25 have ample sight distances in both directions at

1 this location. We also have all the documentation
2 to back this up.

3 MR. PAIONK: That concludes the presentation. We
4 appreciate your patience. You've heard this a number of
5 times already. We'd just like to open it up for
6 discussion or public questions at this time.

7 CHAIRMAN GAGE: A couple of things regarding the
8 public hearing: First, we only want your comments and
9 questions. We'll make note of them. We're not going to
10 render a decision tonight. Again, this is just trying
11 to get as much information as possible as we do this.

12 We've also given a deadline for additional
13 comments, if you would like, for September 4th. If
14 you haven't thought of something tonight then you
15 could submit that and we'll try to address that as
16 well.

17 If you would, when you're going to make your
18 comment, stand, state your name and your address and
19 then limit your comments to like three to five
20 minutes. Hopefully it will be in the form of a
21 question that we can answer. Whoever wants to go
22 first, you can start by raising your hand. I'll
23 have to choose among you.

24 MR. MURRAY: I'm Richard Murray and I live on Oak
25 Hill Road.

1 My first question is to Ms. Bakner of the
2 Planning Board. Can you explain to us how the
3 Planning Board thought that this was a good idea in
4 the first place, which is why we're here.

5 MS. BAKNER: Let me talk about the procedure. This
6 is the Zoning Board of Appeals.

7 MR. MURRAY: I know what this is, but they first
8 went before the Planning Board.

9 MS. BAKNER: Originally, they had gone to the
10 Planning Board seeking a determination as to what
11 approvals were necessary for the project. This happened
12 - I guess it was back in the fall of last year. So,
13 they came to the Town and they said this is what we
14 would like to build here. What approvals do we need?
15 Initially, there was some thought that it might be a
16 project that could be approved by a special use permit,
17 but everybody carefully looked at it and determined that
18 a use variance is required. So, what is in front of the
19 Zoning Board of Appeals is whether or not they meet the
20 standards for a use variance and one of the things that
21 the Zoning Board of Appeals looks at in making that
22 determination is the comments and thoughts of the people
23 who live near the site or live in the community. So,
24 that's why we are here tonight to get your comments.

25 As Nelson indicated, there is not going to be

1 any decision tonight. We're just hearing people's
2 comments.

3 Anybody can come to the Town and apply for
4 anything, and the Town has to then decide how this
5 could be processed and whether to approve it. We
6 don't invite people to come with projects.

7 MR. MURRAY: I understand that.

8 My next question is regarding the property.
9 She stated earlier that these people bought the
10 property when?

11 MS. SLEVIN: In 1976.

12 MR. MURRAY: Have they ever lived there?

13 MS. SLEVIN: No, no one has lived there.

14 MR. MURRAY: Have they ever farmed it?

15 MS. SLEVIN: No.

16 MR. MURRAY: So, how can they come before the Board
17 and say that it's a hardship when they bought the
18 property in 1976, speculating were I88 was going and
19 they guessed wrong? We shouldn't be paying for that
20 now. It's just something for you to consider because
21 that's what they did.

22 I own a cross-country ski place directly behind
23 this project and people come cross-country skiing
24 particularly for peace and quiet and the tranquility
25 of being out in the woods. This is going to pretty

1 much kill that aspect of coming to Duaneburg for
2 skiing out in the woods.

3 We did go to the meeting in February. The man
4 from Energy Advantage at that point told us that
5 they're going to have six 400-horse power
6 compressors. They're going to press the gas to
7 9,000 psi to put in these trucks. We keep getting
8 conflicting stories.

9 A week ago, this gentleman told us that there
10 were three holding tanks; tonight there is six. We
11 don't seem to be getting the straight facts anywhere
12 along the line here.

13 MS. BAKNER: Let's make sure that one person at a
14 time is commenting. We want to make sure that the
15 stenographer can take down your comments.

16 MR. MURRAY: We were also told that there was one
17 person per shift.

18 CHAIRMAN GAGE: Sir?

19 MR. DRIZOS: My name is Gary Drizos and I live at
20 548 State Highway 30. I believe, if I'm not mistaken,
21 my property either abuts this property or is in very
22 close proximity to it - to the northwest.

23 I know that you're asking for questions. I
24 guess my question is I can't believe that we're
25 doing this.

1 I'd like to start with Ms. Slevin. As Mr.
2 Murray mentioned, if the owners of this property
3 purchased the land in 1976, does it go down to Route
4 7, or is it totally landlocked?

5 MS. BAKNER: It goes down to Route 7.

6 MR. DRIZOS: So, the owners had an opportunity to
7 put a driveway in and build in the 54 acres.

8 Our property has a National Grid easement. Our
9 property has a Iroquois Gas easement and our
10 property, until we recently divested part of it, had
11 AT&T. We found a way to build a house within our,
12 at the time, 67 acres. Now we have 37. We sold our
13 property to our neighbor. Suddenly, this property
14 at 54 acres presents a hardship because of the very
15 same easements that are on that property. I, for
16 one, would say bunk. The easements were there when
17 they bought the property. They knew that they were
18 there and then suddenly it's a hardship.

19 Is the purchase price under this contract a
20 matter of public record?

21 MS. BAKNER: Yes.

22 MR. DRIZOS: What is the purchase price from the
23 gas companies to the applicants?

24 MS. BAKNER: Is your question what did they
25 initially purchase the property for?

1 MR. DRIZOS: No. What is the purchase price under²⁸
2 the existing contract? I assume that Clean Energy has
3 an option to get out of the contract if it's not
4 approved. What is the purchase price, should it be
5 approved?

6 MS. SLEVIN: The purchase price is \$55,000.00.

7 MR. DRIZOS: And Ms. Slevin said that it's
8 suggested that the property could be appraised at some
9 point after construction at about \$500,000.00. Our home
10 is appraised at \$350,000.00 and we pay just over
11 \$10,000.00 a year in taxes. I'd like a show of hands of
12 everyone who pays taxes in the Town of Duanesburg.

13 (Several audience members raised their hands.)

14 If you add up all these taxes we're probably in
15 the \$100,000.00 to \$200,000.00 range. We want to
16 thank you all for taking those properties and
17 putting them in the toilet.

18 If you're invited to my house on State Highway
19 30 to sit on my back porch with this 85 dB at 50
20 feet -- by the way I happen to be an electrical
21 contractor and smoke detectors are rated at 85 dB at
22 10 feet. Their function is to wake you up in a
23 fire. I'm wondering if the applicants would be
24 willing to post a \$10 million dollar bond to ensure
25 that everything that they said tonight comes to

1 pass. I'm asking for this Board to come to my house
2 after this project is in place with its six or so
3 400-horse power compressors and listen to what I get
4 to listen to every night. This Board lives
5 throughout the Town of Duanesburg, I'm sure,
6 whether it be Mansion Road or Carriage Hill or
7 Skyline Drive - everywhere except near this project.

8 On a night like tonight, would you like to go
9 to bed and maybe open your bedroom windows because
10 it's going to be cool? Would you like to listen to
11 six 400-horse power compressors about 1,200 feet
12 away from you house allegedly at 75 dB at the
13 property line? Would you like to do that?

14 We received notification of this public hearing
15 on or about August 6th. Forgive me for taking two
16 weeks vacation. We left on Friday night, August
17 8th. We had no time to prepare or go to the
18 informational meeting on the 13th. Most of the
19 neighbors have had almost no time to prepare their
20 discussions. Yet, the applicants have had several
21 months to try and convince the Town that this is
22 such a wonderful project.

23 I own an electrical contracting company. I
24 will stipulate in writing that I will hire six to 10
25 Duanesburg residents in my company if that's all

1 that this is about - in the next year.

2 Finally, my granddaughter came to visit us when
3 we were in Cape Cod yesterday and I had to tell her
4 that grampa has to rent a car and drive home to make
5 a meeting to save his house.

6 If you were to sit in my back yard and listen
7 to what we are about to listen to and watch the
8 quote, abated light levels - no more starry skies,
9 just light that is supposed to be cut off, but it
10 won't be. I'm an electrician and I know about site
11 lighting.

12 Listen to what is going on here, listen to the
13 trucks coming in and out all night long, would you
14 buy my house? It's probably worth about \$400,000.00
15 plus. That's what I have into it. So, what you're
16 going to do is shift the hardship from one person to
17 all of us. You ruined my vacation. I would
18 appreciate it if you wouldn't ruin my life.

19 MR. GANSTER: I'd like to introduce myself. My
20 name is Matthew Ganster. I'm here with my wife, Rose.
21 We live at 13818 Duanesburg Road. I have just a quick
22 comment and then a question. My comment is that we
23 moved here about a year ago from Huston, Texas after we
24 had both finished grad school. We were very excited to
25 move here. Huston is the land of no zoning and the land

1 of oil and gas, as many people know. We plan to stay ³¹
2 here forever. One of the things that really excited us
3 and comforted us was to read over what R2 zoning in
4 Duquesburg means. That was a great comfort. We like
5 our neighbors.

6 We believe that we have a beautiful property.
7 Our house is on the national register of historic
8 places. We have been putting a lot of work into it
9 and the barn and the property itself. It's situated
10 a little less than a mile east of this proposed
11 site.

12 It sounds like this 24-hour day truck traffic
13 is going to pass right by us, pretty much
14 constantly. Given everything that I've been able to
15 learn so far about the potential for noise, air,
16 light and water pollution, I would find that
17 devastating in fact that \$11,000.00 in tax and five
18 to ten jobs would be enough to make this sacrifice
19 worthwhile.

20 My question would be really for the Board to
21 consider all four aspects of what granting a
22 variance means. You need to take this seriously to
23 really be cautious in setting a precedent for the
24 kind of community that we are going to create. The
25 character of the neighborhood, the self-created

1 problem - there have been people that have eluded to
2 this difficulty that is unique to the property and
3 then the zoning should all be found equally and be
4 taken very seriously.

5 MS. GANSTER: My name is Rose and I had a question
6 to follow-up to the traffic report. You mentioned two
7 to three trucks an hour. Will that be 24 hours a day?
8 What routes would those be on? I'm assuming that they
9 are not all going down to I88.

10 FROM THE FLOOR: There is about 17,000 trucks a
11 year.

12 MS. BAKNER: Excuse me, but the stenographer has a
13 tough job and what she is trying to do is make sure that
14 we are getting everybody's comments. If we could just
15 have one person at a time speak, that would be great.

16 MR. SNYDER: The truck traffic is two trucks an
17 hour over a 24-hour period. So, it's about 45 a day.
18 The routes that were looked at were from I88 to the site
19 and back. We also looked at possible future routes
20 based on other criteria. We looked at the one over by
21 Delanson and also the one where 38 goes north off of
22 Route 7. We counted two intersections on the other side
23 of 88, 30 and 30A, intersections south of 88; 30A and 7,
24 7 and 30A on the west and then 395 and Route 7 also. It
25 really depends on a lot of different factors of where

1 they are exactly going to go, but those are the routes ³³
2 that we looked at.

3 MS. GANSTER: Thank you. That's way too many
4 trucks.

5 MR. GANGEME: My name is Anthony Gangeme and I live
6 on 174 Oak Hill Road. I own a \$400,000.00 house on the
7 corner. I am a Northeast Haz Mat Specialist. I work
8 for the freight railroad and I work for Amtrack. I deal
9 with Haz Mat. I know the security. I have been through
10 many classes. I know what is coming through Duanesburg
11 on the rails and now we're adding another aspect to our
12 neighborhood. We are adding one more aspect to our
13 neighborhood that is accessible to anybody. We live in
14 a day and age of something that we don't want to think
15 about. I can tell you what we already have going
16 through Duanesburg that would scare everybody in here,
17 but I'm not going to do it. We already have enough of
18 that going through here. Now, you want to add another
19 aspect of it. I'm not politically correct here, but I
20 did a little research.

21 The traffic guy said okay, 45 trucks a day to
22 start. Can anyone figure it out? That's
23 approximately 17,000 more 18-wheelers that will be
24 driving past our house on 7. How many deaths are we
25 going to have on 7 and 30? How many accidents do we

1 have there? How many people have died?

2 I have lived here three years. I came from
3 Marcellus, southern tier. I lived in the Marcellus
4 Shale thing.

5 How many more deaths are we going to have at 7
6 and 30 with trucks coming up? You want that on your
7 plate? I don't care. It's going to be on
8 somebody's plate and that's just part of everything
9 that you have to worry about. You all know that
10 it's a death trap at 7 and 30. How many things
11 happen there? I've lived there for three years and
12 there has been four or five deaths. My children go
13 across that intersection. Everybody says, here we
14 go; let's add more. You're talking seven days a
15 week, 24 hours a day for trucking coming up and down
16 7 and 30. Here we go. Now it's going to come up
17 Amsterdam and we're going to come up Route 30. It's
18 not only - let's go 88 or let's go 7. It goes
19 everywhere. It's great that you may not have to see
20 it and you may not have to hear it, but guess what,
21 it sounds good on paper but why did these guys try
22 to go to Charlton and other places and they shut it
23 down? Guess what? Maybe it's a realistic thing.
24 Why can't they put it in a place that's not near
25 residential? There are pipelines all over. Guess

1 where the pipeline goes? It goes underneath the
2 railroad. It goes underneath other parts. It's all
3 a part of something that could happen. If you guys
4 want it on your plate, go for it.

5 MR. WARNER: My name is Scott Warner. I live at
6 777 State Highway 30, Esperance, New York.

7 They're filing for a special use permit?

8 MS. BAKNER: No, a use variance.

9 MR. WARNER: One of the aspects of a use variance
10 is that they have to abide by is - is it going to affect
11 the value of the houses surrounding this; correct?

12 MS. BAKNER: No.

13 MR. WARNER: So, they can come in and just kill the
14 value of every house around me because who is going to
15 want to buy a house near a pumping station?

16 As far as the sound study goes, I don't believe
17 that they included the decibels levels of the 18
18 motors that back up which range from anywhere from
19 97 to 112 decibels. That's much higher than the 80
20 or 85 decibels that they said all the machines were
21 going to produce.

22 Two trucks per hour? How are we possibly going
23 to regulate two trucks per hour? It's not going to
24 happen. You're going to get a truck here and a
25 truck there. If we get snow, you're going to get 30

1 trucks lined up down the road. We'll be pumping 45
2 trucks a day right through an intersection where two
3 school districts have a bus route.

4 As far as the buildings go, they are putting
5 their balloons at the height of the building. I
6 don't believe a darned thing that they say and I'll
7 tell you why. The station on Westfall Road was
8 supposed to be one building. There are now three
9 buildings there and there's another pipeline coming
10 through. How many more buildings are going to go
11 there?

12 I don't know if there is any kind of category
13 that this is going to fall under. To me, this is
14 classified as heavy industrial. Heavy industrial is
15 Article 3 Definition 3.568 "a use engaging in the
16 basic processing and manufacturing of materials or
17 products predominantly from extracted or raw
18 materials or a use engaging in storage of or
19 manufacturing processes using flammable or explosive
20 materials, or storage or a manufacturing process
21 that potentially involves hazardous or commonly
22 recognized offensive conditions subject to
23 performance standards and terms by the Planning
24 Board in a manner that does not produce odor, smoke,
25 noise, gas, fumes, cylinders, vibration and glare or

1 liquor or solid waste which is offensive in is
2 determined by normally accepted standards."

3 Having said that there is a study done in 2005
4 where the residents of Duanesburg - 91 percent -
5 when asked the three most important issues facing
6 the Town over the next five to ten years, most
7 people indicated rural preservation. When asked
8 what types of businesses they would like to see in
9 town, small retail received most responses followed
10 by restaurants and professional offices. Warehouses
11 and manufacturing received the least support. It
12 says 95 percent of the response indicated that the
13 Town should encourage farming as a land use.

14 I'm going to suggest that the person who owns
15 this property never tried to see if a farmer was
16 interested in farming it. I know plenty of farmers
17 that would be happy o plant crops on there. Guess
18 what? They could also get AG Exempt on there.

19 Ninety-one percent of the Township discouraged
20 heavy industry which is what this category falls
21 under. So, 91 percent of your Town does not want
22 this here.

23 MR. ANTONOVICH: Bobby Antonovich, 465 Oak Hill
24 Road.

25 Just to follow-up to clarify, I was wondering

1 how we are going to regulate the two trucks per hour
2 and whether it would be written that they did not
3 exceed that and are we going to hire a cop and pay
4 him \$75,000.00 a year and sit there and monitor
5 this?

6 CHAIRMAN GAGE: My understanding is that it has
7 something to do with how many trucks can be filled at a
8 time. There are conditions that could be rendered that
9 would limit some of the activity.

10 MR. ANTONOVICH: You also mentioned that the gas is
11 dried. You want to point out that the gas that goes
12 through this 30-inch main pipe is not scented? They did
13 say that they were going to put some methane detectors
14 there, but there is nothing more sensitive than the
15 human nose to that sulfur stench. The neighbors could
16 be standing by and the kids could be playing with
17 matches nearby and there could be a leak with a faulty
18 methane detector that a human could pick up, but it's
19 not scented. There is definitely an extreme danger here
20 that I think should be noted and seriously looked at.

21 Also, they said that they're going to dry the
22 gas coming out of there. When there is moisture
23 exposed to a metal pipe -- I don't know what the
24 pipe is actually made of. I assume that it's some
25 sort of heavy metal. We all know that when you mix

1 moisture and heavy metals, you're going to leech off
2 whatever heavy metals are in there. There are a lot
3 of tests that the government will say that the EPA
4 regulates.

5 Well, the EPA regulated the PCBs and allowed GE
6 to put that into the Hudson. It was perfectly legal
7 at the time, but 50 years later and through many
8 lawyers, we have to go through lawsuits to finally
9 remove the PCBs. So, you might pass what law is in
10 effect at this time, but that's not saying that
11 they're not going to be not leeching off thing and
12 leaking into the atmosphere. I'm just talking about
13 what is going into the atmosphere.

14 I'm not really going to talk about what is
15 going to go into my well, which is actually downhill
16 from this place. I have three wells on my property
17 and water is pretty scarce sometimes. A lot of the
18 neighbors around us are drinking surface water and
19 bathing in the surface water and they don't have
20 drilled wells all the way down. They're relying on
21 the leech from the surface to bath in and they are
22 chlorinating it.

23 I am a Senior Research Scientist in the field
24 of analytical chemistry, so I know how difficult it
25 is to detect traced chemicals that are highly toxic,

1 leeching from these pipes and from various sources.

2 I know that people say that you have to get your
3 water tested. I always ask what are you going to
4 test for? You can test for 1,000 things and you
5 still won't know what's in that water. There are
6 trace levels and it is extremely expensive. We
7 charge sometimes \$10,000.00 to do one test. We
8 worked for 10 years in the pharmaceutical industry
9 to make sure that drugs are safe and you can never
10 guarantee with 100 percent certainty that there is
11 not some trace level compound in there that is
12 toxic. There is always a risk that you have to
13 assess. There is no way that they can tell us what
14 is being vented into the atmosphere, flowing down
15 wind and that also goes for whatever they are going
16 to push into the ground.

17 I just want to stress again that the pipeline
18 is not scented at that point and that represents an
19 extreme danger as well as the atmospheric releases
20 that cannot be monitored. Thank you.

21 MR. DRIZOS: Ingalls and Associates surveyed my
22 property, so they could tell me for sure whether or not
23 my house falls within the plume study report. A narrow
24 flammable vapor cloud extending approximately 985 yards
25 along the prevailing wind direction - I'm not the

1 luckiest guy in the world, but if the truck explodes or⁴¹
2 the gas leaks, 985 yards in a non-prevailing wind, it
3 puts it right over my house scorching my property, my
4 wife and myself to death.

5 My other question is in the event of a
6 catastrophe, which nobody seems to be talking about
7 tonight -- it's all roses. Did anybody do a study
8 to find out if a truck driver - even a local
9 Duquesburg truck driver fails to ground out the
10 truck when he's filling the gas, causes an explosion
11 with two other trucks sitting next to him - what is
12 the crater size and how many houses would be taken
13 out by that explosion? Can anybody tell anybody -
14 even the Fire Department what that crater would be,
15 if the unthinkable happens? We happen to live
16 within the bounds of the unthinkable.

17 MR. GANGEME: The Fire Department isn't equipped to
18 handle that type of incident.

19 MS. BAKNER: One at a time, please.

20 MR. ANTONOVICH: I am asking the Safety Officer
21 that came and gave the rosy picture of how safe this
22 thing was. Where did he go?

23 MS. BAKNER: We'll answer the questions once
24 everyone has commented. We'll invite them to answer
25 your questions once you have all commented.

1 MR. TOW: My name is Stephen Tow and I live at 749⁴²
2 Oak Hill Road in Esperance. We are about less than
3 one-half mile from the proposed facility.

4 I do have a concern. I just found out about
5 this. I didn't see anything in my mail about it.
6 So, my head is scrambling as far as everything that
7 could possibly be going on here. I'm very
8 concerned. I just kind of did a quick Google check
9 and saw their Vermont Facility where they had an
10 incident where one of their trucks about gave way.
11 I don't know too much about the details, but I know
12 that 80 residents in the area were evacuated. I
13 don't know how many people know about all this
14 stuff. This is the first that I'm finding out about
15 this stuff. It's in my backyard and my wife and I
16 are very concerned.

17 Can somebody answer the questions about this
18 incident?

19 MR. PAIONK: That was about a month into the
20 operation, the trailers were on-site. It was February
21 of 2013 and after filling a trailer, a system which is a
22 portion of the fire protection system was tensioned.
23 What happens is there was tension to about 10 pounds and
24 it was tensioned to 9.8 when it left the facility. When
25 the gas was loaded into it, it activated the system and

1 vented. I'm not aware of 70 to 80 people being
2 evacuated because we were in an industrial park. There
3 are no houses. There were three or four businesses that
4 were around. The fire department was there and they
5 actually ended up sending one of the representatives
6 from the manufacturer and the gentleman who invented the
7 fire protection system and that was what they came up
8 with is that it was sent from the manufacturer
9 mistensioned. There was one home that was next to it.
10 There is a business - Triangle Metal was next to that.
11 There is nothing to the north of it.

12 MR. TOW: I'm on the downwind side of the proposed
13 site.

14 CHAIRMAN GAGE: So, when that system actuates, it
15 basically vents the contents of the truck?

16 MR. PAIONK: It vents the contents of the trailer.

17 CHAIRMAN GAGE: There are different components of
18 the trailer? Did it vent everything?

19 MR. PAIONK: Yes. There were four cylinders and it
20 vented the entire contents of the trailer.

21 MR. TOW: How much of the stuff was vented?

22 MR. PAIONK: Eight by eight by forty; so, it's like
23 350 standard cubic feet.

24 CHAIRMAN GAGE: Is the venting of a entire trailer
25 the narrow flammable vapor cloud extending 985 yards

1 along the prevailing wind direction -- is that what you⁴⁴
2 are referring to?

3 MR. BOYBEN: My name is Ken Bovine and I prepared
4 that report that you're talking about?

5 FROM THE FLOOR: Do you live near a pumping station
6 Mr. Bovine?

7 MR. BOYBEN: There is one in the community next to
8 me and then there is one proposed in my hometown.

9 That 985 yard scenario was based on four
10 trailers releasing simultaneously. That particular
11 model was an EPA approved model. It's very, very
12 conservative. Because of its conservative nature
13 and the distance that's predicted, we used a more
14 sophisticated model to look at the site which
15 predicted a shorter distance, somewhere around 300
16 yards.

17 FROM THE FLOOR: Is it 985 or 300?

18 MR. BOYBEN: It contains both; 985 is a planning
19 distance produced by one model. The 300 is produced by
20 the more sophisticated model.

21 MS. BAKNER: I'm sorry, but as the attorney to the
22 Planning Board it's my job to make sure that when we
23 make a decision, whatever the decision is, that it's
24 well supported in the record. In order to do that we're
25 simply asking -- because we all live here and we all

1 want to hear what you have to say. We're asking that
2 you speak one at a time and we can then get all your
3 comment for the record. Everybody wants to hear what
4 you have to say. We're just asking that you raise your
5 hand so that we can call on you and that we can clearly
6 get your comments. That's all we're asking.

7 There is a lady in back who has been trying to
8 comment for awhile.

9 MS. ELLARD: My name is Leah Ellard and I live at
10 9139 Duaneburg Road. My question is about the New York
11 job economy. Are any of the companies involved - are
12 N.G. Advantage and Clean Energy New York based? Is the
13 company that's going to build this New York based? Is
14 it going to create jobs in New York? You said there
15 would be 10 to 12 jobs and 20 trucking jobs. That's
16 nothing. New York is a huge state and our economy is
17 failing. Why would we want to hire a company that isn't
18 going to get our economy moving?

19 MR. GALLO: My name is William Gallo and I live at
20 488 Oak Hill Road.

21 Apparently, everyone has forgotten about
22 Blenheim. That would be my first statement. I lost
23 a few of my friends there from gas.

24 The other thing is that on my property that I
25 love so dearly and worked so hard for 29 years, I'm

1 building a reserve for wildlife. I'm going to lose
2 it all. The noise - I call my neighbors up on a
3 Saturday or Sunday and ask them if I can drive my
4 equipment because I have big equipment. I don't
5 want the vibrations to send them to the roof of
6 their house.

7 It's a shame that I'm even here. Power Pallet
8 - do you remember that story? It's going to go the
9 same way.

10 I'm going to fight this with all the lawyers
11 that it needs to do because I love my neighbors. My
12 community is the bigger thing. Please don't take
13 that away. That would be enough for now.

14 MS. HAYES: My name is Irene Hayes. I live at
15 14247 Duanesburg Road. I own the farm at the top of the
16 hill. That is 14435. My son lives there and I have
17 three small grandchildren; a three-year old, a five-year
18 old and a seven-year old who play outside.

19 One thing that I used to say is that there used
20 to be a sign and I still think that it's there. It
21 says "Town of Duanesburg, the last frontier." I
22 hope it's still there. I would like to continue to
23 see rural activity in our area. I am concerned
24 about odors and what they are going to add to this.
25 We live just east over the hill. I'm also concerned

1 about the blind hill there. People fly over that
2 hill and if there are trucks going in and out of
3 there, they're going to have to put on their brakes.
4 That is a blind hill and even if they lowered the
5 speed limit, no one is going to pay attention to it
6 because they're used to driving fast there.

7 I'm also concerned about that canopy - like
8 what you would see in a gas station with lights,
9 even though they are shielded. They're going to be
10 on all night long. There will be no darkness at
11 all.

12 I'm concerned about the smell, the traffic, the
13 school busses, the intersection of 7 and 30. I
14 don't know if these trucks would be traveling -- we
15 did go to the meeting last week at the lawyer's
16 office. They told us that these trucks would be
17 going 200 miles from there. It's 100 miles to
18 Binghamton. It's another 100 miles more. What
19 roads are they going to access? Are they all going
20 to go down Oak Hill in the wintertime or are they
21 going to head on 7 through Quaker Street, past the
22 school to Duanesburg and get on I99 there? Or are
23 they going to head over to Amsterdam? That's 200
24 mile radius is a big area. Living there personally,
25 I don't want this. Thank you.

1
2 MR. FRY: My name is Art Fry and I live at 105
3 State Route 30, which happens to be right on the corner
4 of Route 7 and 30.

5 I just want to reiterate on this traffic
6 impact. I don't know when they did their study, but
7 they're way off base when it comes to tractor
8 trailers going through that intersection.

9 They come off I88, they take a right onto 7,
10 they come east and they take a left on Route 30 to
11 go north. They see that sign that says 12-foot 10
12 and say oh God, I can't make it underneath that
13 bridge. They back right across the intersection.

14 I'm off Friday Saturday and Sunday. I've had
15 garage sales every weekend for the past month. I
16 can't count on all my fingers and my toes how many
17 trucks back across that road like that. Now you
18 want to add two more trucks every hour, 24-hours a
19 day? I don't think that is anywhere near
20 acceptable. I don't know when they did their study,
21 but they're more than welcome to come up to my house
22 any Friday, Saturday or Sunday and sit on the front
23 lawn with me. I'll even cook them supper to prove
24 my point. That intersection can't handle that much
25 traffic. There is going to be a whole lot more

1 traffic deaths there than you people ever imagined.
2 I hope that it's not one of us, or anybody for that
3 matter.

4 The other point that I had was the home value.
5 I work real hard and I've lived in this area for
6 over 30 years. I've lived in Duanesburg and I've
7 lived in Delanson and right now I live on the corner
8 of 7 and 30. I moved out there because of the tax
9 base. It's so much cheaper to live in Schoharie
10 County. I don't mean anything bad against
11 Duanesburg; don't get me wrong. That's why I live
12 where I live now. The only reason that I'm here is
13 for the traffic impact and to help these people out
14 in Duanesburg. You guys don't need this crap in
15 this Town; no one does.

16 My wife and I were prepared to retire in a few
17 years. We've lived at this intersection now for
18 about 10 years. We developed the property pretty
19 nice. I think that it looks pretty good and could
20 bring a nice price. It won't be if you guys put
21 this station up there. It won't be worth the powder
22 to blow it to hell. That's probably what will
23 happen to it.

24 MS. RAPTURE: My name is Terri Rapture and I live
25 at 334 State Highway 30.

1 When Irene was talking about the intersection, a
2 lot of people are talking about the intersection,
3 that's the exact intersection where our late bus
4 drops off the kids coming home from school. They
5 have to walk. My granddaughters walk. They live
6 just between my house and Irene's house. So, they
7 have to walk home. I was very concerned when I
8 heard about all these trucks because of my
9 grandchildren who are going to be on that road. I
10 believe that everyone of the Board Members - that if
11 it was your children or grandchildren walking on
12 that road -- and it's not only 24 hours a day. It's
13 365 days a year, which is what we were told in
14 February when only three of the people surrounding
15 went to the meeting at the Day's Inn in Schoharie.

16 There was a gentleman from Advantage there and
17 he told us that it was going to be one person
18 working at the facility and they said that it was
19 going to be one truck per hour, I believe, because
20 it takes 45 minutes to do the truck. All these
21 numbers are changing through the months that we were
22 here. They presented this to you back in the fall.
23 Why is it that none of us even heard anything and
24 only a few got invited to go to that in February?
25 Then, we get this letter from the lawyers saying

1 that okay, there is a meeting. It's very difficult
2 to have your schedule free when you don't know about
3 it and it's at 5:30 at night. How many people are
4 still working? It's down in Guilderland and not in
5 Duanesburg, where it would be local for people to
6 go.

7 In 1979 we built our house where it is and
8 we've only been in Duanesburg for a long period of
9 time. Why we picked that piece of property to build
10 our house is because of what everybody is saying; we
11 can go outside and listen to the peepers. We're not
12 going to hear compressors which is what we are
13 looking at hearing now. We don't have light. We
14 have dark and we can see the stars. We may not have
15 that anymore. This is very disturbing to me. I
16 really hope that the Board takes into consideration
17 all the people that have property around here and
18 the way that they are feeling. I don't hear anyone
19 in here saying that they are all for it. It's not
20 going to bring us a lot of tax money. If it's only
21 \$55,000.00 how come it wasn't posted? One of us and
22 maybe me and my husband would have bought it just so
23 that my husband can hunt there. Who knows?

24 MR. BROWNING: I'm Jay Browning. I'm at 535 Oak
25 Hill Road.

1 I'm a FEMA First Responder. I have two major
2 concerns. I think that they are somewhat addressed
3 here, but I would ask that the Board consider asking
4 for follow-up studies.

5 Your plume study report talks about plume and
6 venting gas and igniting of venting gas. Your
7 biggest threat, here and as you said earlier, is
8 that if you have an actual compressed tanker that
9 explodes - I understand the tankers per the Federal
10 guidelines are supposed to be protected from certain
11 things that are mitigated but that can happen and
12 have happened. You can look down into the southwest
13 and some of the gas explosions down that have
14 leveled some communities down in the southern
15 states. I don't want get into the details there,
16 but we ought to ask what is the impact if we have
17 that kind of event, not just the ignition of a
18 plume.

19 The second piece is we talked about the traffic
20 study. The traffic study focused on how long we're
21 going to be at the lights, etcetera. I think that
22 what you heard most of the community here talk about
23 is the accidents that have occurred at 7 and 30. I
24 believe that it's 7 and 30A where you access I88.
25 The concerns that I have is the accidents that have

1 occurred with construction vehicles and school
2 busses. We have that on a periodic basis with very
3 little construction traffic compared to what we are
4 proposing here. So, the traffic study, I find, is a
5 little faulty from that standpoint. We ought to
6 look at it from a safety standpoint and understand.
7 If we were to entertain this, what are we going to
8 do different? Right now all that's been done to
9 address the safety at 7 and 30A is that they created
10 a four-way stop sign. That's not the problem. The
11 problem is if you're coming down that hill, you lose
12 your breaks and you get the ice, you will slide
13 through the traffic that's stopped and thinking that
14 you're going to stop. That's been an issue with the
15 heavy rigs going through there and I ask that you
16 look at those two studies and make sure that we are
17 sound from a safety standpoint before you make your
18 decision.

19 MS. BENDER: Hi, my name is Charity Bender. My
20 address is 4261 State Route 7. I do not pay taxes to
21 Duanesburg. I live in Schoharie. However, I could
22 probably throw a softball to where this is located.

23 I have a couple of things to say. First, I
24 think that it's kind of shady that this is on the
25 very end of Schenectady County and the people who

1 live between this location and the I88 Exit which is
2 apparently where all these rigs are going to be
3 going - were not told about it and did not get any
4 of these letters and everything else. Obviously,
5 those people would try to come and fight for their
6 land and for anything that they own that they had to
7 work hard for.

8 I know the value of my property once this thing
9 goes in - I will be lucky if I get \$1,000.00 for it.
10 I have a pond and I can't guarantee that anything is
11 going to live in my pond after all of this happens.
12 I have woods behind my house and I have animals that
13 come out. They may not be worth a million dollars,
14 but they're pretty cool to be able to watch when you
15 have children. My children are the ones that get
16 dropped off if they have to ride the late bus at
17 that intersection, which is a dangerous intersection
18 anyways, but then you have all of these rigs going
19 up and down there and it makes it ten thousand times
20 worse. The intersection of 7 and 30A - eventually
21 there is going to be a rotary there. I don't know
22 how rigs do in a rotary. I have no idea. I've
23 never actually watched one go in it. I would like
24 to know how they work around something like that.

25 I want to know what the blast radius is. I

1 want to know if that blows, is my house going too?

2 If it does, I will move tomorrow. I know my tax
3 base doesn't help you in your town. I understand
4 that but I shop here, so my sales tax does. I come
5 to the grocery store. I come to your malls. I'm
6 here all the time. What happened in Bernheim, I
7 don't want to see happen around here.

8 MR. COOK: I'm Jim Cook and I live at 4291 State
9 Route 7, Schoharie.

10 I, too, am about a quarter of a mile from the
11 proposed site. I agree with everything that all of
12 my neighbors have talked about. I think that the
13 biggest impact that will be definite will be the
14 truck traffic that will be on that road. The
15 intersection at 7 and 30 is a bad intersection. I
16 wasn't here two months and there was a death at that
17 corner. They are still going to be going down Route
18 7 from that site to Duanesburg or to Route 30 or
19 down to 30A. What is that going to do to our homes
20 with the vibrations from that amount of truck
21 traffic constantly? What is it going to do to the
22 road conditions?

23 MR. CZAJKOWSKI: I'm Matt Czajkowski and I live at
24 14606 Duanesburg Road. This is being put up in my
25 backyard. I bought this property to invest in a house

1 and live in it.

2 Were there any studies done for wildlife? How
3 are they going to react to the noise 24/7? There
4 are a lot of cute bunnies running around and
5 everything else right there. Where are they going
6 to go?

7 MR. GANGEME: Anthony Gageme. I have one more
8 question.

9 What tax benefit does it have for me or
10 Duanesburg? What kind of money are we giving them
11 in tax benefit? Also, you have people down on 7 all
12 in Duanesburg that have to deal with it and don't
13 know it. I live on Oak Hill. I never received a
14 notice because 500 feet is the radius that you had
15 to sent out, but to be conservative you did 1,000
16 feet. I live on the corner and I didn't get it.
17 There was this word of mouth and this word of mouth.
18 There are only 30 people that are here via word of
19 mouth. What about all the other word of mouths that
20 don't know about it? It has not been posted. The
21 first meeting was in Schoharie. This is
22 Schenectady. This is where it is in Duanesburg.
23 That was at the Days Inn -

24 MS. BAKNER: I would like to explain notice for the
25 information meetings that the applicant held -- these

1 were informational meetings that the applicant held.

2 We asked them to meet with the fire departments and to
3 hold informational meetings and that's what they did in
4 advance of this public hearing. The law in the Town of
5 Duanesburg provides for a certain amount of notice which
6 we vastly exceeded in terms of what we gave. Also, the
7 public notice is posted at the Town Hall and it is also
8 put in the newspaper.

9 MR. GANGEME: Was it on the website? I talked to
10 the Judge in Duanesburg - God bless her that she's on
11 vacation, but it's not on the website.

12 MS. BAKNER: It was in the newspaper.

13 MR. GANGEME: Well, this is where it gets sketchy.

14 MS. BAKNER: There is nothing sketchy about it.

15 MS. FRIELLO: The Clerk wasn't available and nobody
16 else has access to that site.

17 MS. BAKNER: The requirements of the law in terms
18 of the notice were fulfilled.

19 MR. GANGEME: Okay, well if they're going to open
20 for a vote, let's tell everybody in Duanesburg, the 91
21 percent, to turn this down. Let's open it up. You gave
22 us three days to come up and try to fight. After these
23 people came here because we had a little flyer that came
24 from the individuals that found out about it. There is
25 no other reason that we are here because you'd have five

1 to ten people here. You've been having these little
2 meetings about it the whole time.

3 MS. BAKNER: Sir, all these meetings are public
4 meetings which are noticed. There is an agenda that is
5 provided. So, anyone who wants to participate in town
6 government is invited to come here and see every
7 meeting. Everything is open. Everything is
8 transparent. All of the documents that they have
9 submitted to the Town are available at the Town for
10 anybody to review and anytime the Town is open, you can
11 even request a copy and get a copy. We do everything
12 open.

13 MR. GANGEME: Why was one meeting in Schoharie?

14 MS. BAKNER: That was a public informational
15 meeting set up by the applicant for the purpose of
16 informing people as to what is going on.

17 MR. GANGEME: In Schoharie, so we can invite
18 Schoharie people here?

19 MS. BAKNER: I think that there are some Schoharie
20 people here that are concerned.

21 MS. BENDER: I just have a quick question.
22 Schoharie County has a road preservation law. I was
23 wondering if Duanesburg has anything like that or if
24 they have done anything to bond in Schoharie County,
25 which they are going to have to do if they do this, by

1 the way, because they are using Schoharie County roads.⁵⁹
2 I was just wondering if Duanesburg had anything like
3 that. It's a rural road preservation law in Schoharie.
4 MS. BAKNER: I don't know off the top of my head,
5 but we'll check on that and get back to you.
6 MR. RAPTURE: Keith Rapture, 324 State Highway 30.
7 Say you approve this. I don't know the
8 lawyer's name, but is she going to buy my house?
9 I'm just wondering. I'd like to know where I can
10 sell it.
11 MS. HAYES: I grew up on that hill. I'm 62 years
12 old. It was about two years out of my life that I
13 haven't lived there. Being that we are close there, we
14 didn't even get notice of this meeting in February that
15 was held at the Day's Inn. It happened to be a blizzard
16 that night. Anybody knows that travels - you don't know
17 if you're going to get back up the hill again. My
18 sister happens to live kitty corner to the proposed
19 site. We wanted to go, but decided not to because of
20 the bad weather. As far as I know it was M.G. Advantage
21 that the first meeting was about in February. A lot of
22 people didn't go because of the weather.
23 MS. GALLO: My name is Dorothy Gallo and I'm at 488
24 Oak Hill Road. I think that talking about word of mouth
25 and letting each other know - when we had to go up

1 against the sawmill that was proposed about 10 years ago⁶⁰
2 it bonded our whole area. People on Oak Hill Road
3 didn't even know people on Route 7. Ever since that
4 time, every single thing that has transpired that we
5 have felt might be detrimental - we've all gotten the
6 word out to everyone else. I think that if you draw a
7 synopsis on what you're hearing as a Board tonight,
8 you're hearing that the people on Route 7, Route 30 and
9 Oak Hill Road do not want this project. I want to go on
10 record as saying that we are one of them. We want to
11 keep the integrity of where we live. We're bringing
12 this to you as Board Members because we hope that you
13 will listen. Thank you.

14 MR. DRIZOS: Three things: I'm still waiting for an
15 answer about the size of the crater and the blast.

16 CHAIRMAN GAGE: We don't have that in front of us.
17 You are posing questions and they're going to have to
18 get the information.

19 MR. DRIZOS: How long will that take?

20 CHAIRMAN GAGE: That, I don't know.

21 MR. DRIZOS: And how long are you giving us to have
22 written comment?

23 CHAIRMAN GAGE: September 4th.

24 MR. DRIZOS: Would the Board consider another 30 to
25 60 days for us to organize and put the questions

1 together? What's the hurry?

2 MS. BAKNER: We'll let the Board consider your
3 request, once the public hearing is closed.

4 MR. DRIZOS: Why can't you consider it now? I'd
5 like to know what the Board thinks about whether or not
6 we can have time to organize and pose questions.

7 CHAIRMAN GAGE: Let's stick to the September 4th
8 date and then we can go from there. It will depend on
9 how quickly we can answer some of these questions that
10 have been posed.

11 MR. DRIZOS: If the Board is predisposed to approve
12 this, will the Board require that energy post a \$10
13 million dollar bond to make sure that all the
14 representations that were made tonight come to pass and
15 are not exceeded?

16 MS. BAKNER: Just as a matter of law, it is not
17 possible to require a \$10 million dollar bond. As a
18 matter of law there is no basis in the Town of
19 Duanesburg Zoning Code to require a bond of that size.

20 MR. DRIZOS: Can this project be tabled until we
21 get together with our elected representative and have
22 them pass a law like that?

23 MS. BAKNER: That's a question to ask the Town
24 Board.

25 MR. DRIZOS: No, I'm asking you whether this Board

1 can table it long enough for us to -

2 MS. BAKNER: No.

3 MR. DRIZOS: Why not?

4 MS. BAKNER: Because there are rules about how you
5 process applications. You have a certain amount of
6 time. They're all set forth in the Zoning Code in terms
7 of how much time between closing a public hearing and
8 needing to make a decision.

9 MR. DRIZOS: And what is that time?

10 MS. BAKNER: I believe that the time is between 30
11 to 62 days.

12 MR. DRIZOS: So, why can't you table it for 62
13 days?

14 MS. BAKNER: Let the Board consider your request.
15 We'll do that after the public hearing.

16 MR. DRIZOS: In a closed session?

17 MS. BAKNER: Everything is open. I don't know how
18 many times I have to say this. Every meeting of the
19 Zoning Board of Appeals, of the Planning Board, of the
20 Town Board is open. It is a public open meeting.

21 MR. DRIZOS: So, we can sit here and listen to the
22 Board consider whether or not -

23 MS. BAKNER: Yes, absolutely and you're invited to
24 do so.

25 MR. DRIZOS: Thank you.

1 MS. RAPTURE: There are two things that I want to
2 bring up. When Irene was talking about the meeting in
3 February, my husband did ask M.G. representatives what
4 it would do to the value of our house. They said, oh,
5 that's a good question. Nobody has ever asked that. I
6 find that very difficult to believe. We have found that
7 since February, that's very difficult to believe.

8 We asked when did they think that the site
9 would be up and running and they told us fall of
10 2014. The fall of 2014 is upon us.

11 CHAIRMAN GAGE: Gentleman in the back.

12 MR. WARNER: I do want to thank the Board for being
13 here. You are our voice. You're listening to our
14 concerns. There are a couple of things that I'd like to
15 point out.

16 It seems like a lot of the information coming
17 before you is inconsistent. We're the people of
18 this Town. I don't know who these people are. Why
19 do I want to trust any of them? They have an
20 ulterior motive. They want to get their business in
21 here. They want to get their foot in the door into
22 a place where it shouldn't be. They're going to
23 present you with numbers, statistics, facts, just to
24 make themselves look better than they are. Once
25 they get in there, who is going to follow up on five

1 years down the road if they're off gassing their
2 fuel or whatever they have to do -- just like on
3 Westfall Road, they have baffles when they off-gas
4 their fuel. When they decide that they don't want
5 to use those things, it sounds like a jet plane
6 taking off. Who is going to be here to regulate
7 these guys?

8 We're talking about a facility then dispensing
9 an explosive material right in our backyards. Let's
10 not sugar-coat this. They have a lot of safety
11 features because it's dangerous. It's freaking
12 dangerous. Why would anybody want that in their
13 backyard? Please listen to us. We're telling you
14 that we don't want this here.

15 Another question that I have: What is the Board
16 looking to hear? What would it take for them to
17 hear from us that we do not accept this? Is this
18 going to change the character of the community? Of
19 course it is. The noise - we don't have noises like
20 that now. At night, it's quiet. Traffic shuts
21 right down to nothing. I can pee in my front yard
22 and nobody would ever see me. When it's dark out,
23 there is no glow. This is going to change the
24 character of our community, without a doubt. Thank
25 you, very much.

1 CHAIRMAN GAGE: You're welcome.

2 MR. MURRAY: I have a question that I asked in
3 February and I asked it this past week. First, what are
4 these compressors? Are they rotary piston? Are they
5 going to sound like a railroad locomotive in the
6 backyard? Are they going to sound like a jet engine in
7 your back yard? I couldn't get an answer and I can't
8 get an answer last week. Keep in mind how many
9 communities have passed ordinances against trains
10 running in your backyard all night long. That's what
11 this thing is going to sound like.

12 MR. GANSTER: All the questions - where, in what
13 form and to whom we address these comments by the fast
14 approaching September 4th deadline? I just want to be
15 clear about that.

16 MS. BAKNER: Address them to the Zoning Board of
17 Appeals at the Town Hall address here and please say the
18 address clearly for everybody.

19 MS. FRIELLO: That's 5853 Western Turnpike,
20 Duaneburg, New York 12056.

21 MR. GANSTER: Can we drop them off?

22 MS. FRIELLO: Absolutely.

23 CHAIRMAN GAGE: The website is functioning, but we
24 weren't able to put the public notice on it.

25 MS. FRIELLO: There is only one person that

1 operates that site and she was not available.

2 MR. MURRAY: But they could get the website and get
3 information.

4 MS. FRIELLO: Yes, email address, phone number,
5 mailing address, etcetera.

6 MS. BAKNER: Why don't you give them an email
7 address in case they want to email?

8 MS. FRIELLO: It would be planning@duanesburg.net.

9 CHAIRMAN GAGE: I guess we'll close the public
10 hearing at this point. Like I said on the onset, we're
11 not making a decision tonight. Tonight was to give us
12 things to think about.

13 MS. KOSINSKI: I'll make a motion that we extend
14 the public hearing to the meeting of September 16th for
15 this application, at the same time.

16 MR. LACK: Second.

17 MS. BAKNER: I was thinking that you should also
18 put in a motion that people have until September 16th to
19 submit written comments. That gives people more time.

20 (The roll was called by the Clerk. Ayes were
21 recited. The motion passed unanimously.)

22 CHAIRMAN GAGE: So, the public hearing has been
23 extended to the 16th of September. That will give you
24 an opportunity to submit any questions you have in
25 writing.

1 MR. DRIZOS: If the questions that we ask tonight ⁶⁷
2 aren't being answered, will they for sure be answered
3 on the 16th, or can you extend the public hearing again
4 if they still refuse to answer them.

5 CHAIRMAN GAGE: No one is refusing to answer. They
6 just don't have the information.

7 MR. DRIZOS: You think that they're refusing since
8 they are not out there.

9 CHAIRMAN GAGE: We'll take care of that.

10 MR. DRIZOS: My question is that if the answers
11 have not been given tonight to our questions and they
12 still are not given on the 16th, will you then extend
13 the public hearing another month?

14 CHAIRMAN GAGE: Let's stick with the 16th and then
15 we'll go from there.

16 FROM THE FLOOR: Would you consider a larger venue
17 on the 16th because I'm sure that there is going to be a
18 lot more people here. Maybe the Duanesburg Fire Hall?

19 CHAIRMAN GAGE: Again, we've extended through the
20 16th of September and we'll stick with that and go from
21 there.

22 FROM THE FLOOR: Will you consider a larger venue?

23 CHAIRMAN GAGE: If we feel that it's necessary.
24 I'm not so sure about that.

25 FROM THE FLOOR: How will we know? Will we all get

1 here and decide that it's not big enough and then we'll⁶⁸
2 all have to get up and move?

3 MS. FRIELLO: No, then they recess until they can
4 find a greater venue and they postpone it again.

5 CHAIRMAN GAGE: Let me ask you this: Is the gas in
6 the existing pipeline scented?

7 MR. PAIONK: My understanding is that it is.

8 CHAIRMAN GAGE: That's critical because that was
9 one of the concerns that was raised.

10 MR. PAIONK: That's my understanding in
11 negotiations with Iroquois Pipeline is that it is
12 scented per standard requirements to be scented.

13 FROM THE FLOOR: Can you confirm that?

14 MR. PAIONK: Absolutely. We'll get it from the
15 pipeline company themselves and we'll have the absolute
16 answer from them.

17 MS. BAKNER: This is an opportunity for the
18 applicant to respond to questions that have already been
19 asked. If there are any issues that they do want to
20 address tonight that have been raised, we'd like to give
21 you an opportunity to do that.

22 MS. SLEVIN: Thank you. I appreciate that. There
23 is obviously been a lot of information that has been
24 presented to the Board. We're certainly going to have
25 to take the opportunity to review the questions that

1 have been asked and provide responses to those. We
2 certainly will try to provide responses prior to the
3 next Board Meeting so that both the Board and the public
4 have an opportunity to review that.

5 There is one thing that I do want to
6 specifically address. There have been several
7 comments about inconsistency of the information.
8 The project has been evolving. There certainly have
9 been changes from the time that this project was
10 initially proposed to the Town last October to now.
11 Some of those changes include the benefit of having
12 Clean Energy as a partner in the project. So, yes,
13 there have been changes in some of the equipment
14 that is going to be used. Yes, there has been
15 changes in some of the problematic approach to the
16 project but the project, nonetheless, remains the
17 same.

18 What is before the Town now with respect to the
19 site plan and all the other studies that have been
20 presented within the past month are consistent with
21 what is proposed by Clean Energy and N.G. Advantage
22 for the project for its development, for it's
23 proposed operational methodology and that's what we
24 ask the Board to consider when they are reviewing.
25 I just don't want to leave with the impression that

1 somehow there had been changes that were proving
2 there was inconsistent information. It's really an
3 evolution as a project.

4 CHAIRMAN GAGE: We don't expect it to evolve
5 anymore than that it has.

6 MS. SLEVIN: No.

7 CHAIRMAN GAGE: We have that information here at
8 the Town Hall, so anybody can come down and see Jennifer
9 or Dale and you can see exactly what we are looking at.

10 MR. DRIZOS: If the project has evolved in scope,
11 especially if it's gotten more dense, why don't you make
12 them reapply? Why do you let it evolve?

13 MS. BAKNER: During the process of reviewing the
14 project there are always project changes. Often those
15 project changes are as a result of mitigation. For
16 instance, the landscaping berms that they are proposing
17 - they may be a result of change in equipment because of
18 change in technology which happens frequently. So,
19 there are going to be changes for a project. The thing
20 that they are applying for is the same, which is the use
21 variance. You don't have people reapply anytime they
22 make a minor change to a project they're applying for.
23 That's just not the way that it's done.

24 CHAIRMAN GAGE: As it stands, the project is not
25 going to evolve any further from this point; correct?

1 MS. BAKNER: That's correct. What the Board has
2 been spending time doing is asking questions, getting
3 questions answered, getting documents submitted,
4 evaluating noise, air, visual impacts and the Board's
5 Engineer has been reviewing it. Ingalls works for the
6 Board from an engineering standpoint.

7 MR. MURRAY: As far as the changing statistics
8 here, they still have not addressed what the compressors
9 are going to sound like, but the 18-wheelers -- I'm
10 telling you the back-up beepers are above the decibel
11 levels that they are presenting to you. So, you are not
12 being presented with all the facts.

13 CHAIRMAN GAGE: What I'm going to recommend is that
14 you put these in writing and get it to us.

15 Is there anything else?

16 MS. SLEVIN: No, we have a list of the questions.
17 We'll provide responses to those questions rather than
18 kind of piece-mail it. To go through my notes would
19 probably be torturous. We'll get those responses. We
20 will do an analysis of the economic benefit for the
21 benefit of the Board and the benefit of the public and
22 try to get some estimates of what the full value of the
23 property will be so you can take a look at that. Thank
24 you.

25 FROM THE FLOOR: Can the gentle lady include in the

1 questions what the hardship is? They could have sold ⁷²
2 the property. They could have built on it. It has
3 access to Route 7. What is the hardship?

4 MS. BAKNER: You should come into the Town and read
5 the application. That information in terms of their
6 justification for the hardship is included in the
7 application.

8 FROM THE FLOOR: All the easements that were in the
9 hardship were present before they bought the property.

10 CHAIRMAN GAGE: That you all for coming. I
11 appreciate hearing your comments.

12
13 (Whereas the above entitled proceeding was
14 concluded at 9:52 p.m.)
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CERTIFICATION

73

I, NANCY STRANG-VANDEBOGART, Shorthand
Reporter and Notary Public in and for the State of
New York, hereby CERTIFY that the record taken by me
at the time and place noted in the heading hereof is
a true and accurate transcript of same, to the best
of my ability and belief.

NANCY STRANG-VANDEBOGART

Dated August 22, 2014