

STATE OF NEW YORK : COUNTY OF ROCKLAND
TOWN OF STONY POINT : PLANNING BOARD

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IN THE MATTER
OF
NEW PLANET SUSTAINABLE FUELS

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Town of Stony Point RHO Building
Thursday
October 23, 2014
7:00 p.m.

MEMBERS:

THOMAS GUBITOSA, CHAIRMAN

PETER MULLER, VICE-CHAIRMAN

EUGENE KRAESE, BOARD MEMBER

ERIC JASLOW, BOARD MEMBER

GERRY ROGERS, BOARD MEMBER

MICHAEL FERGUSON, BOARD MEMBER

APPEARANCES:

JOHN FURST, ESQ., Special Counsel Planning Board

JOSEPH MCKAY, ESQ., Special Counsel Planning Board

MAX STACH, Town Planner

LINDA R. SHAW, ESQ., Co-Counsel for Applicant

STEPHEN MANDRACCHIA, ESQ., Co-Counsel for Applicant

JOHN CRUIKSHANK, New Planet Sustainable Fuels

DAVIS M. ZIGLER, P.L.S., Engineer

MARY PAGANO, Clerk to the Planning Board

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PROCEEDINGS

CHAIRMAN GUBITOSA: Please stand for
the Pledge of Allegiance.

(Pledge of Allegiance)

CHAIRMAN GUBITOSA: Mary, please call
the roll.

PLANNING BOARD CLERK: Mr. Puccio.

BOARD MEMBER PUCCIO: Here.

PLANNING BOARD CLERK: Mr. Muller.

VICE-CHAIRMAN MULLER: Here.

PLANNING BOARD CLERK: Mr. Jaslow.

BOARD MEMBER JASLOW: Here.

PLANNING BOARD CLERK: Mrs. Callaghan
is absent. Gerry Rogers.

BOARD MEMBER ROGERS: Here.

PLANNING BOARD CLERK: Mr. Kraese.

BOARD MEMBER KRAESE: Here.

PLANNING BOARD CLERK: Chairman
Gubitosa.

CHAIRMAN GUBITOSA: Here.

PLANNING BOARD CLERK: And Mike
Ferguson is the alternate.

BOARD MEMBER FERGUSON: Here.

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PROCEEDINGS

CHAIRMAN GUBITOSA: On tonight's agenda, the first item is going to be New Planet Sustainable Fuels. I know for this application Mike Puccio needs to recuse himself.

BOARD MEMBER PUCCIO: Yes. Michael Puccio recuses himself from this application.

CHAIRMAN GUBITOSA: Thank you. And what I'm going to do as the chairman is to appoint Mike Ferguson as the alternate to come in and sit in on this application. So Mike, come on up.

BOARD MEMBER FERGUSON: Thank you.

CHAIRMAN GUBITOSA: Just for the record, I'll designate -- Mike Ferguson will be designated as the alternate for this application and just for this application.

BOARD MEMBER FERGUSON: Correct.

CHAIRMAN GUBITOSA: So right now the items on the agenda for this application, there's three parts to it, the New Planet Sustainable Fuels, it's a new application.

There's also a referral from the Town Board on a Petition by the MBC Holding

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PROCEEDINGS

Company, LLC. to amend Chapter 215 of the
Town Code for Zoning District LI and LI-2.

3 is a referral from the Town Board on
a Proposed Zone Change Petition by MBC
Holding Company, LLC. for 30 Holt Drive SBL
20.02-11-28 from R-1 to LI-2 located on the
east end of Holt Drive 1,800 feet east of
Route 9W, Stony Point, New York.

Just reading into the record, we have a
letter from the Town Clerk on the 16th of
October and it's from, I guess, from the
Resolution from the Town Board. I just have
to read this. Yeah, at the October 14th,
2014 Stony Point Town Board meeting, the Town
Board voted its intent to serve as Lead
Agency with respect to the Map Amendment,
requests in the Text Amendment, requests that
the Map Amendment requests are hereby
referred to the Stony Point Planning Board.
So right now this will be in front of us for
that.

Give me one second.

(OFF THE RECORD DISCUSSION)

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PROCEEDINGS

CHAIRMAN GUBITOSA: At this point I'd like to make a motion or get a motion to be -- the intent to be Lead Agency. So right now I just need a motion.

BOARD MEMBER KRAESE: I make a motion.

CHAIRMAN GUBITOSA: Let me check. Just check in your package, you should have the Resolution for the Planning Board. We will check that. What I'm going to do, there's a Resolution before the Planning Board. I'm going to read it before I ask for a motion and a second.

This is a Resolution to the Town of Stony Point Planning Board in connection with the proposed waste to bio-fuel facility to be located at the end of Holt Drive.

WHEREAS, MBC Holding, LLC ("MBC") and Patrick Magee ("Magee") are proposing a waste to bio-fuel facility ("the Facility") to be located at 30/45/50 Holt Drive in the Town of Stony Point consisting of Tax Lot(s) Section 20.04, Block 11, Lot 03, and Section 20.02, Block 11, Lots 25 and 28 ("the Property");

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PROCEEDINGS

and

WHEREAS, the proposed facility consists of over 400,000 square feet of building space spread out among 10 buildings on approximately 44 acres of land, including bio-fuel production areas and product storage areas; and

WHEREAS, on or about September 8th, 2014, the Town Board received a Petition from MBC Holding, LLC to change the zoning designation of lot 28 from R-1 ("Low Density Residential") to LI-2 ("Light Industrial") ("the Map Amendment Request") to allow a portion of the proposed facility on that parcel, and the Town Board initially declared its intent to act as Lead Agency under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, on September 17th, 2014, the Planning Board received a site plan application and concept plans for the proposed Facility (the "Site Plan Application") by MBC and Magee; and

WHEREAS, on October 14th, 2014, the

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PROCEEDINGS

Town Board of Stony Point received a Petition from MBC and Magee for a Zoning Text Amendment to allow the proposed Facility in the Town of Stony Point (the "Text Amendment Request") and

WHEREAS, the Map Amendment Request, Text Amendment Request and Site Plan Applications are collectively referred to as the "Applications"; and

WHEREAS, on October 14th, 2014, the Town Board revoked its intent to serve as Lead Agency pursuant to SEQRA in connection with the Map Amendment Request and referred the Map Amendment Request and Text Amendment Request to the Planning Board pursuant to 215-130 of the Town's Zoning Code; and

WHEREAS, on October 16th, 2014 the MBC and Magee submitted an updated package to the Planning Board that included information on all three Applications as well as an updated Environmental Assessment Form ("EAF") in accordance with SEQRA; and

WHEREAS, given the relationship between all three Applications and the proposed

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PROCEEDINGS

Facility, the Town Board and Planning Board feel it would be best to conduct one environmental review for the Applications; and

WHEREAS, the Planning Board would like to declare its intent to serve as Lead Agency under SEQRA and begin the review process of the Applications associated with the proposed facility.

Now, therefore, be it hereby resolved that:

1. The Planning Board classifies this proposal as a Type I action under SEQRA because (a) it involves the adoption of changes of allowable uses within any zoning district affecting 25 or more acres of the district; (b) involves a nonresidential project that calls for the physical alteration of more than 10 acres; and (c) involves the construction of more than 100,000 square feet of gross floor area for the proposed nonresidential facilities; and

2. The Planning Board wishes to assume Lead Agency status in connection with the

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PROCEEDINGS

SEQRA review of the Proposed Facility; and

3. The Planning Board directs that a Lead Agency coordination letter be circulated among the various involved agencies together with the distribution package including the updated EAF, site plans, site plan application materials and materials associated with the proposed petitions and such other information that has been prepared and submitted to date by the Applicants; and

4. The Planning Board authorizes the Planning Board Clerk to retain a stenographer for future meetings on the proposed Facility, when needed, and the cost associated with the stenographer will be paid by the Applicants; and

5. The Planning Board will conduct a site visit for the Planning Board members on I think we were looking at November 8th, 2014 -- (interrupted)

PLANNING BOARD CLERK: The 8th or the 15th?

BOARD MEMBER KRAESE: November 8th or the 15th?

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PROCEEDINGS

CHAIRMAN GUBITOSA: What was that?

PLANNING BOARD CLERK: November 8th or the 15th?

CHAIRMAN GUBITOSA: Yeah, either the 8th or the 15th. We will go with the 8th for right now. If there's a conflict we will change it later. Right now we will do November 8th.

Allow the Planning Board members to observe the site, collect more facts about the proposal, and therefore, is for informational purposes; and

6. The Planning Board authorizes the Chairman to correspond with the Town Board with respect to the following:

A. That the Planning Board plans to retain a specialized outside engineering firm(s) to assist the Planning Board, and ultimately the Town, in better understanding the proposed Facility and the waste to bio-fuel process.

B. That the Planning Board's report, required under Section 215-130, for the proposed Text Amendment Request and Map

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PROCEEDINGS

Amendment Request will follow within 60 days after completion of the SEQRA process.

C. That the Planning Board would like to hold a joint public meeting between the Planning Board and Town Board on Thursday, January 8th, 2014 wherein the Applicants' have offered to provide detailed information about the proposed Facility and the waste to bio-fuel process.

So right now I have this resolution, it's a little lengthy. Basically we are taking care of the Text Amendment, we are taking -- putting this as one application, so we will do one SEQRA application for the whole process and we are looking to get a stenographer for that. And we are also looking to have the Town Board let us go out and get a specialized engineering firm to handle this application. And we also want to in January hold a joint meeting with the Town Board and the Planning Board as a public information meeting. So in this one resolution we want to take care of as much as possible to get things rolling. So right now

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PROCEEDINGS

I have a resolution. I just need a motion to adopt it.

BOARD MEMBER KRAESE: I make a motion.

CHAIRMAN GUBITOSA: Second?

VICE-CHAIRMAN MULLER: I'll second.

CHAIRMAN GUBITOSA: Any questions?

Mary, poll the board.

PLANNING BOARD CLERK: Who seconded?

VICE-CHAIRMAN MULLER: I did.

CHAIRMAN GUBITOSA: Pete.

PLANNING BOARD CLERK: Mr. Ferguson?

BOARD MEMBER FERGUSON: Yes.

PLANNING BOARD CLERK: Mr. Muller?

VICE-CHAIRMAN MULLER: Yes.

PLANNING BOARD CLERK: Mr. Jaslow?

BOARD MEMBER JASLOW: Yes.

PLANNING BOARD CLERK: Mr. Rogers?

BOARD MEMBER ROGERS: Yes.

PLANNING BOARD CLERK: Mr. Kraese?

BOARD MEMBER KRAESE: Yes.

PLANNING BOARD CLERK: And Chairman Gubitosa?

CHAIRMAN GUBITOSA: Yes. At this time I think we need a motion to, I guess, refer

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PROCEEDINGS

to the ARB.

VICE-CHAIRMAN MULLER: I'll make that motion.

CHAIRMAN GUBITOSA: Second?

BOARD MEMBER ROGERS: I'll second, Mr. Chairman.

CHAIRMAN GUBITOSA: Any questions?
All in favor?

(Board in favor)

CHAIRMAN GUBITOSA: Opposed? All right, we will go to the ARB. We'll start the process and this way any time they are ready they can get to the ARB.

We set the meeting for -- the meeting of January 8th, just to clarify, will be at this building at 7 p.m. And also the Town Board, so everyone knows, you know, we are going to get them a letter to look for the engineers for this application.

MR. SHEEHAN: Mr. Chairman, if I may say something?

CHAIRMAN GUBITOSA: Yeah.

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PROCEEDINGS

MR SHEEHAN: In case the Town Board doesn't want to participate, this will be a Planning Board meeting?

CHAIRMAN GUBITOSA: Yes. Let me clarify. It will be a Planning Board meeting with, I guess, an invitation to the Town Board, so whoever can make it from the Town Board will also be at the meeting, but it will be a Planning Board meeting that we will lead.

MR. SHEEHAN: In case we have to take up other business Planning Board-wise.

CHAIRMAN GUBITOSA: Right. It will be a Planning Board meeting, but it will involve the town board and then the public will also be invited because we will have some input.

UNIDENTIFIED SPEAKER: Is it a public hearing, Tom, or is it just an informational meeting?

CHAIRMAN GUBITOSA: No, I'll go over that.

UNIDENTIFIED SPEAKER: I just wanted to know.

CHAIRMAN GUBITOSA: Basically it's an

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PROCEEDINGS

informational meeting, a public hearing, so the public will be able to ask questions or submit questions, but we will go through that when we get to the next meeting.

UNIDENTIFIED SPEAKER: Okay.

CHAIRMAN GUBITOSA: For the site visit we will set the time at 8:00. We will do 8:00 or -- (interrupted)

MR. ZIGLER: Could you do it the 15th?

CHAIRMAN GUBITOSA: The 15th? Is that the following Saturday?

MR. ZIGLER: Right.

CHAIRMAN GUBITOSA: Does anyone have a problem if we change the site visit to the 15th? That's a Saturday.

MR. ZIGLER: That is a Saturday.

PLANNING BOARD CLERK: They are both Saturdays.

CHAIRMAN GUBITOSA: We will do the 15th.

UNIDENTIFIED SPEAKER: Maybe do a resolution.

CHAIRMAN GUBITOSA: What we will do is make it for the 15th and also make the change

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PROCEEDINGS

in our resolution to be -- we had it in the resolution as the 8th, but we will do the 15th. We will change that so it reflects to the 15th.

MR. ZIGLER: Thank you.

CHAIRMAN GUBITOSA: All right. So the site visit will be the 15th, 8 a.m. at the site. The January 8th meeting for the Planning Board hearing with the Town Board there and the public, that will be 7 p.m. in this building. I just need a motion to amend the resolution to change the site visit date from the 8th to the 15th.

BOARD MEMBER ROGERS: I'll make that motion.

CHAIRMAN GUBITOSA: Second?

BOARD MEMBER JASLOW: Second.

CHAIRMAN GUBITOSA: All in favor?

(Board in favor)

CHAIRMAN GUBITOSA: Opposed? All right, that change is in.

All right, I guess we will turn it over

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PROCEEDINGS

to -- one other thing is I need a resolution to -- did I do the extension of time?

MR. FURST: Yeah, that was in the resolution.

CHAIRMAN GUBITOSA: The extension of time was in the resolution.

PLANNING BOARD CLERK: Okay.

CHAIRMAN GUBITOSA: I just want to verify in the resolution we did the letter to the Town Board, Type 1, circulate the letters, retain the stenographer. Yeah, and requested an extension of 60 days and the joint public meeting. All right, so we are good with all that.

All right, I think Steve -- basically right now, just for everyone's information, the applicant is going to give a presentation to the board, just a quick update -- not a quick update, but an update of the project. Since this is a new application before us they will give the board an update on what they plan on doing and this information is for the board. It's not a public hearing. I can't take comments at this time or

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2 questions, but you will have your chance in
3 January. This is just -- this information
4 update is for the board just to get us up to
5 speed on this project, what they are trying
6 to do. They will probably do the same
7 presentation in January, maybe a little more
8 in depth and in that presentation the public
9 will be able to ask questions, make comments.
10 So for this one I just ask everyone let them
11 finish their application -- let them finish
12 their presentation and the board, if we have
13 questions, we will probably ask them. This
14 is just for the board right now. And I thank
15 everybody.

16 MR. MANDRACCHIA: Thank you very much
17 members of the board. My name is Stephen
18 Mandracchia. I'm here on behalf of the
19 applicants, MBC Holdings and Patrick Magee.

20 What we are here presenting to you
21 today is an introduction to the three
22 applications which are before the board
23 today. I'm going to give just a brief
24 explanation of what the application consists
25 of, what the substance is.

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PROCEEDINGS

We have John Cruikshank here from New Planet Sustainable Fuels who will give us some explanation of the process, what the operations is supposed to be.

We have Linda Shaw here, she will give us a discussion on the SEQRA process going forward and then we will proceed.

What we have here is an application by New Planet Energy Sustainable Fuels. It's a joint venture with MBC Holdings and with ThermoChem Recovery International to put in place a process which converts municipal solid waste to bio-diesel fuel, renewable diesel fuel.

The application will consist of three parts. First is the Site Plan Application which has been presented to the board. The second one was the application to amend the zoning for 30 Holt Drive, residential to LI-2. And the third is an application of text amendments to zoning code in particular. The application focuses on three -- the second application is for 30 Holt Drive, 40 Holt Drive and 50 Holt Drive. The 30 Holt

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Drive being a residential property received into a change of zoning.

The Text Amendments are being provided because we are looking for clarification that the town code does, in fact, permit this application. The code was drafted many years ago. This application involves a process in which there wasn't a code at the time. It's new technology. And although we believe the code is sufficient for the basic use, it is capable of different interpretations.

There's a number of accessories which will be necessary for the operation and we feel it's necessary to provide clarification to the town to make it clear that this use will be clearly permitted as of right in the LI-2 zone.

We spoke to the town and the town is interested in the application and had asked if we could include the petition, the Code Amendments for the LI zone as well. We included that in the petition to allow this use to be done by special permit as well.

The idea is to try and take vacant

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PROCEEDINGS

parcels in the LI-2 zone which any revenue for the owners and not generate any tax revenues for the town and put that property to work with the zoning code amendments and make it clear that it's available and to generate revenue, generate jobs, and to have a clean environmentally sound process going forward.

 This is a state-of-the-art Green Industrial Facility. The end product will be renewable diesel. There will be some amount of clean ash waste which can be sold as is as a component to concrete and more as a fertilizer. It's not hazardous waste and will be subject to all of the New York State and federal permitting requirements for these type of operations and we will go into that a little bit further.

 So this is the schedule of the SEQRA process. This is the Lead Agency letter. The Town Board had recommended that this be represented to the Planning Board. The site plan application is here. This is the guts of the application. The zoning code -- the

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PROCEEDINGS

zone change of the one property and Zone Code Amendment are integral to the whole part of the operation. So rather than trying to piecemeal the application together and have a SEQRA process, have it all come before this body and have it done at one time, flesh out all the issues relating to everything and that's what's done here. So the Town Board has referred everything to the Planning Board who is comfortable with that idea, I think it makes a lot of sense. As part of the process it will be a draft, Environmental Impact Statement for the zoning code and amendments and Draft EIS for the actual process of specific applications.

So as part of that process, the generic impacts of the zone code, changes of the text will be explored. We have expanded the GEIS for the minutes to include future expansion sites which is not on the application, but are being presented on the plan as possible either additional alternative locations to this operation, so they will be included in the evaluation as the Generic Environmental

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Impact Statement moves forward.

At this point I'd like to introduce John Cruikshank who is going to make a brief presentation and explain to you the process that we hope to put in place here.

MR CRUIKSHANK: Good evening. My name is John Cruikshank. I'm co-founder and head of business development for New Planet Energy. We essentially develop waste to bio-fuels projects.

This is not our first project. Some of you may recognize me. I came in front of Stony Point more than a year ago when we started looking in New York to develop a project and we were looking in various communities and the long and short of it is we combed down to Stony Point as a community that we feel is a good fit for us and we hope we will be a good fit for the community.

Our approach is not to come here and say this is what we are going to do. It is this is what we'd like to do and work with you to make sure that we fit your criteria and we meet your standards.

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PROCEEDINGS

Over the last year plus we spent a lot of time with the DEC, Department of Environmental Conservation, with the Public Service Commission and a lot of the other regulatory agencies and others who are obviously interested in us meeting certain standards.

I am based in California. We are very familiar with environmental issues. We have the EPA versus your DEC here, but we are very familiar working with them on our project in Florida. We spent a great deal of time going through the motions and working with the community well in advance of developing our project down there.

First of all, I appreciate the opportunity to speak with you tonight. We are excited about the opportunity of working with you and developing a project in your community.

The project we are looking at for us is an investment of close to 600 million dollars. We obviously take it seriously, but as much as we take the project seriously we

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PROCEEDINGS

take your concerns and the DEC, all of your issues, concerns and desires very seriously. We spent a lot of time working with the community. This is one more step in what we consider a long journey toward gaining your trust and working through the aspects of our due diligence, our environmental studies and such like that.

We have completed initial environmental studies on the sites given it was a former Brownfield and Superfund site. We obviously wanted to make sure that was working and going to be something we could manage and if the state was interested in working with us. That passed with flying colors so we are very comfortable with that.

The technology is essentially a gasification technology. Some of you may be familiar with waste to energy. There's a legacy here in New York of waste to energy was synonymous with incineration. This is not incineration. This is a steam reformer type of process. It's a much lower temperature. Essentially, if I could be so

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2 straightforward, we take municipal solid
3 waste, we sort it, we take all the
4 recyclables out, we sell the recyclables, we
5 work with recyclers to properly recycle those
6 products. We take the residual municipal
7 solid waste. Usually a wet substance that we
8 put through a process and dry it into a
9 consistent material that's consistent
10 moisture-wise so that we could put it through
11 our process. Once it goes into the process
12 it's essentially a gasification system which
13 heats it to a certain temperature. By going
14 through that process it creates what is
15 called a syngas, which is like a synthetic
16 gas. That gas is then cooled. The cooling
17 creates a steam. The steam turns a generator
18 which creates our power.

19 We will be self-sustaining with regard
20 to our power in the community. The remaining
21 gas after its cooled goes through a cleaning
22 processing system and it ultimately goes
23 through a process where we convert it into a
24 renewable diesel. It's a very clean diesel,
25 it's a nearly sulfur-free diesel compared to

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a diesel you see otherwise. It's highly marketable, it's highly advantageous for a lot of communities and it's very efficient both technology-wise with vehicles and it's an improvement from the standpoint of comparing it to diesel fuel and air emissions.

It's a straightforward process. It's not rocket science. It's simply a better way to do a process. It's been around for a long time. It's a proprietary process. We work with our technology partners and our engineering company is Abengoa. They are a world-class engineering construction company that's built dozens of these projects around the world, these types of projects.

From the standpoint of working with the community, we welcome all questions. We are not here to defend ourselves or to say this is what we are going to do. It's simply a matter of this is a process we recognize we are going through with the community. We realize there will be more meetings in the future. We look forward to being responsive

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PROCEEDINGS

to your questions and working through the permitting process for the DEC and the board and other leadership in your community.

I think that's probably it. If there are any questions now or should I wait to the end?

CHAIRMAN GUBITOSA: You can do it next step. Thank you.

MS. SHAW: So as John has mentioned, this is going to be an integrated bio-fuels project enterprise. That's sort of the official name that TRI, which is another joint venture partner for this project has utilized with the Department of Defense. They won a very big grant several years ago and this technology that will be here in Stony Point if this project proceeds was a finalist out of a hundred projects, 2, it was 1 of 2 projects that actually won the grant. The project has proceeded to the point where this is demonstrated technology actually producing jet fuel which is even a harder process than what will be the initial product for this plant which is renewable diesel.

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PROCEEDINGS

That project is now proceeding to the larger scale in Reno, Nevada. That essentially -- well, actually this is one of their other existing plants in Ontario, Canada with the steam reformer technology that they had in place.

One of the slides that we glossed over is the reason that the government, the federal government is investing in these projects is because the government feels that it's a matter of national security that we make our own petroleum, that we have our own sources of petroleum, not just from under the ground, but from actual renewable products such as our waste.

It's extremely green even though it sounds like it's not. It's green in the sense that you're taking what otherwise creates methane when you put it in landfills and it's actually creating fuel from what we normally throw away and which also causes greenhouse gases.

What we are planning to do at the January 8th meeting is actually show you what

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PROCEEDINGS

it looks like, show you the waste products, show you the entire process in more details on a power point like this. This is obviously just an overview.

The TRI representative could not be here tonight, but the essential process is laid out here in one slide. The plant uses a highly automated feed stack intake process. The trucks will be sealed trucks with the waste and so, you know, there won't be odors, nobody will be seeing garbage and sea gulls and any of that. The trucks will be sealed, they will go inside a building and there is state-of-the-art technology now which has magnets that pull out the metals and that's partially how the recycling gets done before the wet part of the garbage is what actually makes the fuel. Then it goes into the steam reformer gasifier technology. It essentially takes a solid and making it into a gas and then back into a liquid again. That's what the chemical process is doing. That's very simplified terms, but that's sort of what happens in this thing called gasifier

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technology.

It's not burning because it's an oxygen-free environment. To have burning you need to have oxygen. When you hear about fires you're not supposed to open the door because the oxygen rushes in and that makes the fire go higher. It fuels the fire, oxygen. This is an oxygen-free technology. So in other words, there's no burning. It is a temperature controlled process, so it is heating the material, but it is not burning it.

There's a big hurdle for educational purposes in facilities like this at this time. The environmental groups are struggling frankly with this kind of technology, but they are also, you know, faced with greenhouse gases from landfills and the fact that we're running out of landfill space. So what are we going to do with all this garbage? Even in this county the facility that is being used is going to be closing. The Albany facility is closing in four years. We used to have 2,700

1
2 landfills in the state. We have 27 left.
3 They are becoming these gigantic mountains of
4 garbage. So these technologies are
5 relatively new, but as I mentioned earlier,
6 the federal government is investing in them
7 because we really need to create our own
8 sources of energy and fuel. This facility
9 will also make its own energy to be able to
10 sustain the electrical means of the facility
11 to run the plant.

12 The syngas process then goes into a
13 Fischer-Tropsh liquid process and that's the
14 building block for making the transportation
15 fuels. These are what are called drop-in
16 diesel products. In other words, the idea is
17 so that these products are actually able to
18 be used in existing vehicles and there's no
19 other types of things that have to happen at
20 the pump. They are actually usable with
21 existing infrastructure that's out there in
22 the regular gas station.

23 There will be storage at the facility.
24 You actually have to store the product before
25 it's shipped off site so there will be some

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PROCEEDINGS

storage tanks. The air emissions will obviously be minimized. We never would get a DEC permit if this wasn't state-of-the-art technology to control any of the emissions that are produced at the plant.

Grey water can also be used, sanitary sewage water. This town does have some issues with that, that type of water. This facility can actually use that type of water in its process.

TRI has collected six years of realtime data. I know I tried to get other facilities like this permitted in the past. These European companies come here and say it works in Europe. I say where is the data? You have to have the data. So this company has been vetted through the federal process now. It has gone through its own EIS type process at two different facilities, so they have the data that will hopefully convince DEC that this project is entitled to a Title V Air Permit which is one of a number of permits that this project is going to need from the DEC.

1
2 So the DEC will be our friends
3 hopefully and they will -- we will be in
4 constant contact with them on all these
5 various permits. There's an air permit,
6 solid waste permit, water permit, a fill
7 permit, wetlands permit and all the other
8 ones on the bottom. Bulk storage type
9 permits.

10 So the team has already met with DEC as
11 John had mentioned on the waste issues and
12 also on the filling issue. The filling issue
13 is actually fairly well on its way. The only
14 issue holding that up at the moment is that
15 one of the sites was a Superfund site.
16 Obviously in our opinion it would be better
17 to fill a Superfund site rather than just
18 leave it with a big hole in the ground next
19 to it and actually make that site more
20 usable. The Superfund gentleman who has been
21 monitoring that twenty-year clean up has to
22 just put his rubber stamp on it and then that
23 will actually continue to proceed. You will
24 obviously see the site soon and you will see
25 what I'm talking about in terms of the big

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PROCEEDINGS

hole that's still there in between the sites that clearly should be -- for whatever the use is going to be of this land, it should be filled. And the Solid Waste Division has already approved that. We are just waiting for the project manager who has been managing the clean up all these years to agree with that. There's still a little bit of clean up left on the site. So the filling has to start at the northern end and then work it's way this way. That's the company that is still the responsible party for cleaning that up.

The wetland issue may be the most sensitive issue on the project in terms of the fact that there is part of this land that we want to use for this project is a wetland. We do think that what is currently designated as a wetland some of it is not wetland. So we are going to be hoping to work through that type of issue with DEC. Part of right now designated as wetland is a sloped area which really can't be a wetland because to have a wetland you really have to have all

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three criteria. It has to be wet obviously, there has to be a certain type of soil on the property and there also has to be certain type of plants. We don't think everything that's right now designated wetlands actually meets those three criteria, so as a result of that we hope there will be some compromise there with the DEC and working through that issue.

The town also has a storm pipe -- a storm sewer pipe -- excuse me, sanitary storm water discharge pipe that runs through the wetland. So this is a wetland that has been already impacted by a pipe, a very large pipe that is not in good shape. This project can help fix that pipe and solve an issue that unfortunately this town has right now with that pipe.

As I already mentioned, the company that is one of the partner companies on the project has significant air data to hopefully get that very difficult to get air permit and hopefully that will really move along the process since that's already been vetted in

1
2 another project setting like this.

3 Involved agencies, Mary gave me a
4 longer list than I have up here. So we have
5 lots of involved agencies for you to send
6 your Lead Agency notice letter to. There's
7 only some of them listed up here. I would
8 say these are probably the key ones, but
9 there's obviously a bit more that you
10 normally send your applications to which I
11 learned of today. So don't completely go by
12 this list. This is at least some of the
13 agencies that we do have to deal with; Army
14 Corps of Engineers being really the only
15 federal agency that we think that is involved
16 and, of course, the DEC. Department of
17 State, Division of Coastal Resources, since
18 you have a coastal zone plan, and also
19 obviously county, State DOT since there
20 are -- there will be trucks that will be used
21 at this facility for at least a period of
22 time and also the County Highway Department.
23 And the Town of Haverstraw, Village of West
24 Haverstraw are obviously interested in this
25 project as well.

1
2 So the schedule that at least we are
3 hoping to -- that the SEQRA process can
4 proceed through is that following this
5 meeting you already declared yourself as Lead
6 Agency, you would send out the Lead Agency
7 letters to the involved -- the final involved
8 agency list. There would be -- there's going
9 to be on November 20th a TAC meeting to
10 obtain more of your comments to have more of
11 a dialogue on the project. And also at that
12 meeting it's possible the scoping document
13 will be ready by that meeting to share with
14 you, but at least by December 11th which is
15 your next Planning Board meeting since you
16 don't have one in November that's when you
17 would be able to decide Lead Agency status
18 having heard back from all the involved
19 agencies.

20 You know, we are fully expecting a
21 positive declaration on this project because
22 of the -- because it's obviously a large
23 project and so that night we would be
24 expecting that positive declaration and
25 sharing the draft scoping document to the

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PROCEEDINGS

involved agencies and the interested parties.

At this January 8th meeting that you voted on tonight, we are hoping to have a more detailed technical presentation about the process with, as I mentioned, more pictures, visual, actual demonstrations of the product.

January 22nd would be a scoping session on the actual scoping document with final comments due about ten days after that and on February 26th the final scoping document would hopefully be adopted so that way we can proceed with the environmental impact statements that were mentioned earlier.

Just to reiterate, it would be one document, but the generic impacts of the zoning amendments since they are impacting other zones in the town will be analyzed. Using this project, because this project will obviously illustrate the kind of impacts projects like this will have in those other zones, but they may be a little bit different, so it will be a more generic analysis of what a project like this, the

1
2 impacts of projects like this could have
3 compared to the sections that will be project
4 specific that will actually analyze the
5 impacts from this specific project and this
6 technology.

7 So if you have any questions, I know
8 the team would be perfectly happy to answer
9 them.

10 BOARD MEMBER KRAESE: Miss Shaw, would
11 you just introduce yourself to the public and
12 your firm.

13 MS. SHAW: Yes. I'm sorry. I'm Linda
14 Shaw. I'm an environmental attorney that
15 will be helping with the SEQRA process from
16 the law firm of Knauf Shaw, LLP. K-N-A-U-F
17 Shaw. Shaw is the easy part.

18 BOARD MEMBER KRAESE: Thank you.

19 CHAIRMAN GUBITOSA: Max?

20 MR. STACH: You mentioned a term
21 positive declaration which is sort of a term
22 of art, I think.

23 MS. SHAW: You want me to explain that?

24 MR. STACH: Yes. If you could just
25 explain that to the public. It almost sounds

1
2 like an approval.

3 MS. SHAW: Yeah, yeah, that's true,
4 but it's not. What we presented with these
5 applications is what's called an
6 Environmental Assessment Form. It's a form
7 that was just recently actually updated by
8 the state using a planning firm and some
9 other outside advice as to how to make the
10 SEQRA process easier. It actually made the
11 form like, I don't know, six pages longer,
12 but it does cover more impacts that are
13 possible for projects like this. So once
14 someone submits a form like that, what the
15 Planning Board did tonight is declare
16 themselves the agency that will actually look
17 at the impacts that are disclosed on that
18 form and then they will -- they will decide
19 based on predescribed impacts that were
20 listed in the resolution tonight. Any
21 project that impacts more than twenty-five
22 acres of land and for a nonresidential
23 project, ten acres, it's sort of
24 automatically written in the SEQRA
25 regulations that that is a project that is

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presumed to have impacts that trigger what is called a positive declaration. In other words, we will positively declare that this project will have impacts. And from that we are going to make the applicant look at those impacts in more detail in what is called an Environmental Impact Statement which is a very significant document in the sense that every impact of the project from the air emissions, which are minor for a facility like this compared to, you know, a nongreen version of a facility like this, but still exist, traffic, whatever the impacts are, will be analyzed and then the town will have as you heard tonight its own engineering firms, probably a traffic firm, you know, a division of an engineering firm, that will look at what our project experts will describe as the impacts and have a second look on behalf of the community to determine whether those impacts were fairly analyzed or not and then the town can make a decision after that analysis is fully vetted. And all of that is analyzed and described at meetings

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PROCEEDINGS

such as this during the process. Is that fair?

MR. STACH: Thank you.

CHAIRMAN GUBITOSA: Just to clarify something for the public so they know. Tonight's presentation was just a quick overview for the board. This is the first time it's in front of us so we get an understanding of what they are actually going to do and when they give their presentation in January it's going to be for the Planning Board, the Town Board will be here and the public, so at that time the public will be able to make comments. It's not really going to be a question and answer period. At that time the public is going to be able to ask -- I mean comment, put their comments in and take it at that time. Tonight just so everyone understands, this is a presentation since this is the first time this is in front of us so that the board has an understanding, you guys have an understanding, they come back in January, give a full presentation and after the presentation then we will take

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PROCEEDINGS

input from the public, any comments or concerns and we will relay them in. Steve, is there anything else?

MR. MANDRACCHIA: No. I just wanted to clarify one thing. The facility sewer line she referred to is a sanitary sewer line. It runs down right here (indicating). Right now it's in a very serious state of repair. It needs to be repaired. There's no access to it right now at all. Part of the thing this application will also do is it allows us to repair and address that permanent main sewer line on the property. Right now it's a liability for the town, not just to the wetlands, but also to the property owner who owns the property. So we've been working with the DEC to try to get approval to do this type of work. This will provide a permanent solution for that. The proper way to fix this would be to sure it up and that in and of itself would likely limit it to wetland anyway. This is just proposing a way to fix the property. As Linda was saying, a lot of wetlands really don't

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PROCEEDINGS

qualify as wetlands anyway. That's a very important aspect from the town's point of view. This is a long-term solution for a very big potential liability for the town.

CHAIRMAN GUBITOSA: Thank you. Max, would you just identify yourself just in case anybody doesn't know.

MR. STACH: Yes. I'm the planner for the Town of Stony Point. I have been in receipt of the materials submitted by the applicant. It's typically the process in SEQR to take an Environmental Assessment Form Part 1 that is prepared by the applicant and go ahead and just send that out to the agencies since it's their responsibility to prepare. In this instance I've reviewed that and I think what I'd like to ask the Planning Board is to request that the applicant make several revisions to the draft that was submitted. I don't think we need to go into detail here, but, for example, on the first page they actually identify the Town of Stony Point as the applicant. We are your reviewing authority here, the Lead Agency.

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PROCEEDINGS

You are the applicant.

There's a number of approvals on page 2 that need to be added. And there's some information here that's not quite clear in terms of the town does have an LWRP, that is a special local plan and also there is some answers further on in the document that weren't answered at all. I would think that it's good for the involved agencies to have a full accounting, so what I'm going to suggest to the Planning Board, if it makes sense to you, is I'd like to be able to give them a call to go over what I think are the -- along with the special counsels to the Planning Board, to go over these items to make sure that it's as accurate an accounting as possible before it goes out to the involved agencies.

CHAIRMAN GUBITOSA: Yeah.

BOARD MEMBER KRAESE: When you resolve these issues, Max, are you talking about -- would you give us a detailed sheet?

MR. STACH: Yeah. I think what the result of this will be an actual final

1
2 version of EAF will be provided to you.
3 Again, this is normally a document that's
4 prepared by the applicant. The Planning
5 Board just mails it out. In this instance I
6 think this is an important and large enough
7 project that I think the Planning Board
8 should ask them to make some revisions before
9 sending it out.

10 CHAIRMAN GUBITOSA: Thank you, Max.

11 MR. STACH: You're welcome.

12 CHAIRMAN GUBITOSA: At this time we
13 just want to set some meetings. November,
14 December planning board meeting dates. We
15 will set -- Bill.

16 MR. SHEEHAN: If I may, Mr. Chairman?

17 CHAIRMAN GUBITOSA: Yes.

18 MR. SHEEHAN: Max, I agree as far as
19 revisions. We are a little bit on a -- going
20 back to the timetable that the applicant has
21 presented to the board. We only have until
22 probably approximately two weeks to make the
23 thirty days, so we would have to make sure we
24 get the circulation out by the first week of
25 November to get the thirty days.

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PROCEEDINGS

I also discussed this with Joe and John I think today or yesterday, I'm a little concerned -- not concerned, but since an EAF was submitted by the applicant and not a Draft EIS we kind of got to go through some procedures even to get to a positive dec. I don't know if that's feasible to be done by December 11th.

MR. STACH: To get to a pos dec?

MR. SHEEHAN: Yeah. I think we have to look out for Part 2 and there's certain criteria we have to meet with the EAF before you can even get a pos dec.

MR. STACH: As soon as you identify a single environmental impact that's significant or likely to occur, you can pos dec it. You can kind of abandon the EAF process and say, guys, you're doing an EIS. It sounds like the idea is that they are already working on a draft scope. So they've already sort of tossed in the towel on the idea that this is going to be a negative declaration.

MR. SHEEHAN: I agree with that.

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MR. STACH: So I would imagine that if they can get to December 11th, if they can get to December 11th with a scope, a draft scope, I don't see there's any reason why having circulated the Part 1 which is the piece that you have to give to all the involved agencies, that we can move directly from the Part 1 to the positive declaration.

MR. SHEEHAN: Isn't it correct that we can't get into the scope until we are the Lead Agency?

MR. STACH: Yeah. By then the thirty days will have run on the Notice of Intent.

MR. SHEEHAN: You want to be the Lead Agency, scope, positive dec, everything in one meeting?

MR. STACH: You would actually assume Lead Agency thirty days from your notice.

MR. SHEEHAN: Which is the 11th, December 11th.

MR. STACH: The thirty days?

MR. SHEEHAN: The meeting we have, the next meeting.

MR. STACH: Right.

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MR. SHEEHAN: The thirty days will be up.

MR. STACH: Right.

MR. SHEEHAN: But we would have to do all the paperwork and everything all in one night is what I'm saying.

MR. STACH: Right. The Planning Board will formally call themselves Lead Agency that day, but they actually assumed that status thirty days assuming there's no -- (interrupted)

MR. SHEEHAN: Assuming nobody wants to grab it.

MR. STACH: If somebody else wants to be Lead Agency, then on the 11th we can't do it anyway because there will be about a two-to three-month process where the DEC has to make that decision for us. This time frame assumes that that will happen, that nobody else will claim it. I think there's no problem doing the Lead Agency -- like I said, assume the Lead Agency, formally classifying the action and doing the pos dec. Remember, the pos dec is saying this is going to be

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PROCEEDINGS

impactful and we are going to take a hard look. All the steps that we normally go through to do the opposite, to say this is not going to have an environmental impact. So that being said, I don't see a problem with that.

MR. SHEEHAN: I just don't want to miss anything because I think we are all in agreement here, I think we agreed prior to tonight, the applicant has submitted that it's going to be a pos dec. I just don't want to miss any of the steps needed to get to that point. I don't want to rush it.

MR. STACH: I don't see why there's any reason why myself working with special counsel couldn't get the applicant our comments by Wednesday of this week upcoming so that they can mail out that document as early as Thursday.

MR. SHEEHAN: Along with the list, the circulation list.

MR. STACH: The circulation list. I already got Mary some additional addresses to that. There's some unique things in Rockland

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PROCEEDINGS

County. We do our own fuel oil storage reviews here. We are one of two counties in the entire state where DEC doesn't do that, but the county does that. So that's something you probably weren't aware of. There's a couple of other drainage agencies. We have a drainage agency that exercises jurisdiction here, so we'll add those to the interested agency list. And again, I don't see why we can't get all that done by Wednesday.

UNIDENTIFIED SPEAKER: I have a question on the process.

CHAIRMAN GUBITOSA: Not right now. This is not really a public input. Thank you, Max.

We will set the November, December meetings. November 13th we will make it the deadline if everyone is okay with that. November 20th will be the TAC meeting. And then December 11th will be our next meeting, so our next meeting will be December 11th if the board is okay with that. Are there any objections?

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PROCEEDINGS

VICE-CHAIRMAN MULLER: No.

BOARD MEMBER KRAESE: No.

CHAIRMAN GUBITOSA: Before we adjourn,
we will just have to go into executive
session for five minutes with our attorney.
When we come back we will adjourn. We are
not going to do any more business.

MR. MCKAY: Just for the record, it's
actually closed session to meet with counsel.

CHAIRMAN GUBITOSA: All right, so it's
a closed session, not an executive session,
I'm sorry. We are going to close the
meeting. Motion?

VICE-CHAIRMAN MULLER: Motion.

CHAIRMAN GUBITOSA: Second?

BOARD MEMBER JASLOW: Second.

CHAIRMAN GUBITOSA: Thank you.

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THE FOREGOING IS CERTIFIED to be a true
and correct transcription of the original
stenographic minutes to the best of my
ability.

X Patrick DeGiorgio



PATRICK M. DEGIORGIO

Dated: October 29, 2014