

A special meeting of the Planning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 7th day of March 2022 at 7:00 pm.

Town of Moreau
Special Planning Board Meeting
Monday, March 7, 2022

The special meeting was called to order at 7:03pm by Chairperson Jensen.

Planning Board Members Present

John Arnold	Planning Board Member
Erik Bergman	Planning Board Member
Meredithe Mathias	Planning Board Member
Ann Purdue	Planning Board Member
Mike Shaver	Planning Board Member
Adam Seybolt	Alternative Planning Board Member
Peter Jensen	Planning Board Chairmen

Also, present

Jim Martin	Zoning Administrator
Raymond Apy	Applicant for Saratoga BioChar Solutions
Bryce Meeker	President of Northeastern BioChar and Saratoga BioChar
Andrew Millspaugh	Consultant Sterling Environmental
Matt Huntington	Consultant from Studio A
Jeremy Tensen	Consultant from Casella Waste Management

Approval of Minutes

Chairperson Jensen passed over the reading of the minutes from the previous meeting due to the special meeting scheduled for the BioChar applicant. Therefore there were no minutes approved at this meeting.

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Saratoga BioChar Solutions
Raymond Apy
2-12 Electric Drive, Moreau Industrial Park Moreau NY 12828
Special Meeting

Revisit of entire presentation: Applicant is proposing the construction and operation of a carbon fertilizer manufacturing facility within the Town of Moreau Industrial Park. The facility will produce carbon fertilizer from biosolids delivered to the proposed manufacturing plant at a rate of 720 tons per day. The proposed facility will consist of a new 34,100 sq. ft. building which will fully enclose the manufacturing process. In addition to the manufacturing process, the proposed building will facilitate the receiving and handling of biosolid feedstock from which the carbon fertilizer will be produced. The proposed project will require the merging of two existing and adjoining parcels (tax map nos. 50.-4-16 and 50.-4-22)

Raymond Apy the applicant for Saratoga BioChar Solutions and his consultants Bryce Meeker, Andrew Millspaugh, Matt Huntington, and Jeremy Tensen present the Saratoga BioChar Solutions presentation for the Planning Board. Including the site plan design, site plan development, and all SEQR related topics and concerns.

Mrs. Mathias inquires about DEC bulk storage, whether or not a permit is needed and what their best practices are for this. She also asks if they have to keep records for the fire department.

Mr. Millspaugh responds to the bulk storage question stating there is not a registration, so there is no permit, but it is something that needs an application and requires DEC to make a site visit to look at and provide a certificate that has to be mounted on the wall with the other approvals. He confirms all records need to be kept and ready to reference.

Mrs. Mathias asks if the applicant has to inform the neighboring parcels of the chemicals on the property.

Mr. Millspaugh states they do not have to inform the neighboring properties, it would just be part of registration with DEC. He states the other facility in the Industrial Park has bulk storage and doesn't know if they had to notify neighbors but assures its not an uncommon occurrence to have bulk storage on the property.

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Mrs. Mathias brings up that the facility is proposing to use natural gas. She asks if they have an alternative plan if natural gas becomes difficult to get.

Mr. Meeker states the facility could go all electric, there is very minor gas involved so they don't anticipate gas supply issues.

Mr. Apy offers two options if there was a gas supply interruption, they could go all electric or if needed they could bring in trucked natural gas.

Ms. Purdue states that in the meeting packet they received an updated site plan, and EAF and states if the information has changed she is concerned about new details, such as water requirements which increased.

Mr. Meeker responds stating this was his error made due to inputting an hourly instead of daily figure. He mentions most of the usage is light within the scrubbers, the most used is for the ammonia scrubber which is used to help mitigate the odor.

Ms. Purdue brings the same concern regarding the wastewater usage, there was a substantial increase as well in the updated plans.

Mr. Meeker clarifies that this was a mistake, the figure was supposed to be a daily instead of an hourly. He apologizes and states it has been corrected from an hourly figure to the daily in the updated plans.

Ms. Purdue mentions the prior site plan had a total of 34,000 sq. ft and the new application submitted she noticed phase I is 32,000 sq. ft with a full built out resulting in almost 50,000 sq. ft.

Mr. Meeker states he believes the interior space is around 17,000 sq. ft, the extra outdoor area they've decided to increase is the size of the wood area and around the structure of the building, they have gone through the building process and refined it substantially.

Mr. Huntington states the square footage on the application is roof area, there are roofed outdoor space involved with the built.

Mr. Meeker describes the outdoor roof area being wood waste space.

Ms. Purdue states the site plan doesn't fit the dimensions for the proposed buildings.

Mr. Meeker states they are happy to give the Board any further dimensions needed. The area that has grown the most is for the structure of the building involving supports for a better snow load and some design aspects.

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Ms. Purdue asks what kind of dust control they have in place for the end product being placed into trucks

Mr. Meeker states they put moisture into the process to prevent dust at several points, there are sprayers to control the dust and the bagging system has its own dust control process.

Ms. Purdue asks if the applicant has an emergency response plan and or emergency response forecasting.

Mr. Meeker states they have a liquid nitrogen system specifically for the kiln area. If there was a fire the system would release the liquid nitrogen and ideally put out the fire. If there was a fire in the dryer system there is a sprayer that could put out that fire.

Mr. Apy states their mechanical engineers have designed a fire suppression system that meets code which will be supplied along with their construction facility permit.

Mr. Shaver asked if they have corresponded with the local fire department and hazardous material team to see what they need, like a proper apparatus incase anything happens on the site. He emphasizes the need for an emergency response plan for the site.

Mr. Apy confirms they will meet with the fire department and the county hazardous materials team.

Mr. Shaver asks if there are any similar plants like Saratoga BioChar.

Mr. Meeker states they have one competitor which is located in New Jersey, he states the biggest difference is the competitor will have a lot more emission than Saratoga BioChar.

Ms. Purdue reiterates her concerns on the potential environmental impacts.

Mr. Meeker reassures that they are doing their very best to make as little to no impact as possible.

Mr. Arnold addresses question 16 on the full EAF form part 2- Impact on human health stating the major concern was regarding air quality with CO2 emissions. He wants more details on review frequency for the DEC air permit.

Mr. Millspaugh states every ten years is the permit renewal process, there is emissions reporting annually as part of the permit compliance. The reports from Dec don't get distributed, but they are publicly available, he suggests that Saratoga BioChar can requests that DEC supply the Town with the reports.

Mr. Martin points out that the carbon threshold is not a health concern but an environmental concern.

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Mr. Meeker states the greenhouse gas emissions have never been regulated as a human health concern which is a fact that DEC reiterated on the special meeting between the Town, BioChar, and DEC on January 12th.

Mr. Arnold asks about the sulfuric acid tank onsite, what it's made out of how much it holds and if there is a containment system. He also asks about their drainage systems at the facility and where they lead.

Mr. Millspaugh response that the tank will probably be made out of poly, with a holding capacity of 5,000lbs and there is a secondary containment system on it. There are floor drains in the receiving area for the truck wash, which leads to the sewer. As far as inside the building all drainage is going to the sewer not the stormwater system.

Mr. Arnold asks the applicant to explain the bulk truck loading process and what it looks like.

Mr. Meeker explains the loading system will be outside, with open hopper trucks with a tarp cover, involving dust chutes coming down, and water sprayers are used to control dust.

Mr. Arnold explains in the loading area there will be some loss of product or shrink, he asks when the rain comes does the drainage system used outside in the loading area go to the stormwater treatment system on site and asks if the product is safe for that type of stormwater handling if so.

Mr. Huntington responds that the drainage is currently being conveyed across the parking lot to a sediment filtration quarry which shouldn't be an issue.

Mr. Arnold asks for the nutrient profile of the proposed product and asks if the profile will be standardized. He also asks what the in-soil breakdown period for the carbon.

Mr. Millspaugh response with 47.5 on the PK and .75 on the Sulfur.

Mr. Meeker explains the profile is a little under the average profile that they anticipate getting the guaranteed minimum value. He also explains there are two types of carbon, what's not fixed is approximately broken down within a year. Fixed carbon, dry matter is about 30% and that doesn't leave the soil.

Mr. Arnold asks on the site plan, he inquires about the specified loading zone area. He also asks during phase II and III if they plan to have the same loading area, wood processing area.

Mr. Huntington states that area is specific due to Town code requirements for anything such as UPS packages or deliveries. It's not the actual facility operations loading zone, its just one of the requirements needed to meet code.

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Mr. Meeker confirms during the expansion phases II and III they will have the same loading and wood processing areas, those will not change. The only major item they are adding on are production lines.

Mr. Shaver asks what the truck traffic will be for this site per day.

Mr. Meeker states once they have had a full expansion build out there will be 50 total trucks per day.

Mr. Apy states in their agreement with Casella they cannot have trucks lined up on Farnan Road they must be spread out.

Mr. Arnold asks where is the product going off season.

Mr. Meeker states the product makes a great base for fertilizer in greenhouses, they also have a contract with Casella and their composting operations in the area.

Ms. Purdue asks the applicant if there is any PFAS.

Mr. Meeker states that is one of the things they help to remediate with their process. They thoroughly treat it at a higher temperature and thoroughly oxidize it, once its in gas form they destroy it.

Ms. Purdue asks if the applicant has heard back from Laberge in regard to the capacity for wastewater treatment. She is concerned about the number of gallons and refers to the GEIS for the entire build out which is 30% of the total capacity, taking up a large capacity which was allocated to the entire park she states this should be taken into account.

Mr. Huntington states the Town engineer requested a brief letter describing the process, the overall demand is lower than the estimated PSI.

Mr. Millspaugh replies that the GEIS does state that those per acre thresholds do contemplate some future industrial uses and a more intense use may be proven for a zone that has less of an intense use.

Mr. Arnold mentions the sewer and the volume that was discussed, the applicant states its within the original Industrial Park allowance, but since then the Town has had a lot of other tie ins to the line. He asks if they have checked to make sure the system as is outside the Industrial Park can handle the volume proposed by the applicant.

Mr. Martin states they need to receive feedback from Mike Mooney the Water Superintendent stating the collection system is there. He says he is relying on him in terms of the rate of utilization, the rate of supply, and the overall volume to tell the Planning Board if there will be

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problems or not. He states The City of Glens Falls has said they can accept the volume and they can treat what's in it.

Mr. Huntington says they are in the process of resolving this, they are working with Mr. Mooney now regarding this issue and will provide Laberge with Water and Sewer reports so they can receive a response.

Chairperson Jensen asks the board if they have further questions.

Mr. Martin Asks about information on the noise generation for the electric grinder, requests a copy of the information for the file.

Mr. Millspaugh informs the board there is a cut sheet with decibel levels.

Mr. Martin asks if they could send the numbers over, he states the cut sheet would suffice for now and help frame in the information better.

Mr. Meeker explains the chipper area is roofed but has openings to have ventilation flow through.

Mr. Arnold asks the applicant if there is any other mitigation and suggests enclosing the grinder in for noise control to decrease the noise level further.

Mr. Millspaugh responds that they did provide the sound study, which results in a minimum of sound attenuation that needs to be provided from the walls, and as part of the ongoing compliance the facility has to do physical noise testing at the closest property line zoned for residential use.

Mr. Meeker adds that the electric grinder will not be running outside their receiving hours.

Mr. Martin inquires about the applicant's reference made about third party testing and analysis. He asked if this testing will be done with the annual testing from DEC in regard to noise.

Mr. Millspaugh replies that the standard permit conditions in the DEC regulations quantify noise limits for daytime and overnight hours which has to be verified through an annual noise study with a report submitted to the department and a copy to the town.

Mr. Martin requests a summary sheet of the differences between Part I of July 22nd and the Part II of July 1, 2021 and February 22, 2022 There were some differences in terms of responses given. H noticed there might be a 35% increase of hard surface between parking and building between the two numbers. Looking for a quantification of the changes to see what they are and an explanation as to what contributed to that.

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Mr. Meeker explains the major contributor to the changes is they have moved the plant back in site, further from the road. They have trucks coming around the back side and increased space in the front. Since July they have altered the building design for and have put a lot of time and capital into the changes all to improve and help mitigate some of the issues.

Ms. Purdue asks if the SWPPP had to be updated due to the increase area disturbed.

Mr. Huntington in July they didn't have a SWPPP yet, they came in as a preliminary plan, he confirms the numbers submitted to LaBerge reflect the numbers the Board has now, the most current numbers, which are on the finalized site plan.

Ms. Purdue asks if LaBerge's comments from the SWPPP in December were for the updated numbers.

Mr. Huntington confirms that is correct.

Chairperson Jensen asks the Board if they have enough information to have a declaration on the EAF for the applicant.

Mr. Meeker believes the site plan does support a SEQR negative declaration, the applicant has identified many mitigations including air and odor site designs and mitigations, hazardous waste is not received at the facility at all, and mitigation is insured compliance checks by the DEC.

Ms. Purdue states her concern has always been the environmental impact from her perspective. She believes that there are things DEC and other agencies are overseeing in granting permits for solid waste and air emissions for projects, there are still impacts because of this she believes there should be an outside consultant who can make an assessment of what those are. She also states concern for the water and wastewater for this project which is another impact the Board should reconsider and look into more thoroughly.

Mr. Meeker states that all the water issues will be addressed shortly and from that prospective he would look for a conditional approval on that. He believes they have answered Part I and Part II of the EAF quite extensively and if the Town requires additional consultants, he asks what the specific questions are that the Board would like answered.

Mr. Arnold has a suggestion for a correction under the EAF, under section E 1. land uses on and surrounding the project site it was checked off forest and industrial he believes residential would have to be included and checked off due to the residential housing being relatively close.

Mr. Shaver asks how close the residential is to the project's property.

Mr. Millspaugh replies why it was checked forest and industrial, typically the application is focusing on the parcel and the immediate surroundings, it's to identify the land uses and what's right there. The land that is being used is not adjoining residential, There is utility right of way,

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other industrial park owned property, and then residential. Property line to property line the distance to the nearest residential area is approximately 750 feet. The purpose of the EAF is to draw your attention to areas that may have a potential impact, they have kept it up to date, it was revised and resubmitted with the current design.

Chairperson Jensen asks the board if they have enough information to declare a declaration on the EAF.

Mr. Arnold makes a motion that the Town of Moreau Planning Board declare a negative declaration for the EAF on Saratoga BioChar Solutions LLC located in the Moreau Industrial Park.

Ms. Mathias seconds this motion.

Chairperson Jensen ask the Board if there is further discussion.

Mr. Bergman remarks that he is in favor of the project, but its brand new and it's a lot to comprehend, conceptually its good, but in practicality it's an unknown he feels there is uncertainty of the final fit and finish and suggests the Town should consult a third party, someone with a little more insight into this type of facility.

Mr. Millspaugh comments it has been reviewed by a third party by the technical staff at the DEC. They monitor air permit conditions and are familiar with the type of equipment along with the emissions and modeling. They are going through review with not only the air emissions but also the solid waste they are separate divisions, and a separate set of reviews. There will be a constant person who will be assigned to the site for monitoring the site from the DEC. They are receiving an extensive third-party review right now which is underway concurrently. Since the Town of Moreau Planning Board is the lead agency, the DEC requires a negative declaration before they can finish their review. To have a complete application they need to have the SEQR completed.

Mr. Shaver agrees that the Town should have a third-party review, he also asks if Mr. Martin has started to look for outside consultants.

Mr. Martin states after having the meeting with DEC and discussing the updated submission and seeing the amount of information that came in he wanted to get through the meeting tonight to see where the Board wanted to go.

Chairperson Jensen states in his opinion, that DEC knows a lot better than he does, what is acceptable and what is not from an environmental standpoint and that everything the applicant does is going to go under the microscope every time with DEC.

Mr. Meeker states that DEC is one of the few permitted agencies nationally that has experience with the pyrolysis process technology, the Town is not going to find many other subject matter

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experts on it, they have codes, bylaws, and regulations for a pyrolysis facility. They have gone through this before and know what they are looking at. If the Town was to go through SEQR and declare a negative declaration now, the DEC would perform their analysis. The Town has another round of approval after the DEC completes their analysis, so there is not a real benefit of having a third party that isn't as educated in this as DEC.

Mrs. Mathias inquires if the DEC has issued any review comments and if so, can the Board see them so they can get some insight on where DEC stands in their review process.

Mr. Meeker responds that the applicant has only received comments on the solid waste permit, but not on the air treatment side.

Mr. Bergman states his concerns are not on the health and safety side, his concern is more on the public nuisance side specifically odors. He is looking for some insight into that side of the matter.

Mr. Meeker states they are designing the facility similar to any other drying biosolids facility and are going above and beyond policy with odor control as much as possible with negative air pressure, processing it, using a particulate scrubber, ammonia scrubber, and a bio scrubber, they avoid odors as much as possible.

Ms. Purdue states the applicant should have a new EAF done.

Chairperson Jensen states it looks like they are at the end of their discussion, there is a motion on the floor which was seconded. He requests a roll call.

Roll call vote results as follows:

Mr. Shaver	No
Ms. Purdue	No
Mr. Bergman	No
Mrs. Mathias	Yes
Mr. Seybolt	Yes
Mr. Arnold	No
Mr. Jensen	No

5 in the negative, motion defeated.

Chairperson Jensen asks the Board if they want to open a public hearing in the near future. There was one started in December which was not done due to an incomplete SEQR which is required to be completed before a public hearing

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Mr. Arnold comments that if the Board is to make a declaration it should be on the current updated SEQR. He inquires if there is any reason why the Board cannot move forward and review the new SEQR and if not if the Board can do so now.

Mr. Martin states there is no reason why it cannot be done, and he recommends that the Board does move forward with the review.

The Town of Moreau Planning Board reviews the EAF Part I of the updated SEQR form for Saratoga BioChar Solutions LLC.

Mr. Martin summarizes the quantitative differences between the prior SEQR form and the updated SEQR form to be reviewed. Under project details response to **D1b**. Total acreage to be physically disturbed the prior answer indicated was 2.35 the updated number is 4.64 acres. He asks if this is due to the prior answer focusing on phase I and they updated SEQR is for the full build out.

Mr. Millspaugh explains the increase in disturbed acreage might be associated with stormwater work. The wastewater increase was supposed to be a daily use estimate and they wrote down and hourly use, so it was a mistake on their part. He adds they are applying the information for all 3 phases of the project.

Mr. Martin continues with his summary for quantitative differences. He addresses the question, Will the proposed action generate liquid solid waste, if yes indicate the anticipated liquid waste generation per day. The prior response was 1,512 gallons per day, the updated response is 29,456 gallons a day.

Ms. Purdue points out discrepancies regarding use of water, the prior use was 10,584 gallons and the updated response is 30,079 gallons.

Mr. Arnold states he recalls the applicant covering that answer, that they put in an hourly instead of daily number.

Mr. Meeker confirms Mr. Arnolds comment is correct. He said its 1,500 gals per hour not per day and he adds they came in under that estimate.

Mr. Arnold comments there were minor differences in the structural size.

Ms. Purdue adds proposed heated space has increased as well.

Mr. Martin states under paragraph **G** proposed amount of space being heated or cooled the dimensions are the same 303 x 222 but the overall approximate building space to be heated or cooled the prior response was 2,860 sq. feet the updated response to 8,060 sq ft.

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Mr. Meeker indicates that the only space being heated and cooled is their office area and that is approximately 2,000 sq. ft.

Mr. Martin states for the record the applicant is going with 2,860 sq. ft, the prior response to the heating a cooling question. He lists his remaining summary of quantitative differences.

- Increase tons per year of carbon dioxide from 34,164 to updated response of 96,232 tons per year.
- Change in tons of air pollutants from less than 25 tons per year to 12.7 tons per year.
- Increase to impervious surfaces from 2.27 to 3.07 which includes all impervious surfaces building after project completion.
- Decrease of forest area acreage after completion prior response 1.5 and is now .38 acres after project completion.
- Meadows, grassland or brushlands – the prior response was 2.12 acres, and the updated response is 2.44 after completion.

Ms. Purdue inquires about the checked no response for question - The proposed action would result in air pollution or air pollutants from open air operations from processes such as landfill operations. She's wondering in terms of dust and handling the final product would be a potential issue.

Mr. Meeker states he doesn't believe its classified as open as far has dust handling equipment. Per product quality they have to maintain a certain moisture amount in the final product. Through design they have mitigated any dust issues involved with the air quality throughout the operation.

Mr. Millspaugh adds the box was check no due to the question being more directed to a quarry or landfill operation and neither of those are associated with the facility operations.

The Town of Moreau Planning Board reviews the EAF Part II of the updated SEQR form for Saratoga BioChar Solutions LLC.

Mr. Martin reads the entirety of Part II as the Board responds, they will discuss the moderate to large impacts for review.

Mr. Martin recaps the identified items with moderate to large impact from the Environmental Assessment Form review of Part II. They are as follows.

6.) Impacts on air- specifically question **a. i.** - More than 1,000 tons of Carbon Dioxide. **C.** The proposed action may require a state air registration or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour or may include a heat source capable of producing more that 10 million BTUs per hour.

14.) impact on energy - he states nothing was indicated other than the initial question which the Board voted on yes.

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15.) impact on noise, odor, and light - the response was yes with the focus on question c. The proposed action may result in routine odors from more than one hour per day.

Mr. Martin request the applicant offer a specific detailed explanation as to the mitigation offered for air emissions as indicated under the considerations of moderate to large impact. More than 1,000 tons per year of Carbon Dioxide.

Mr. Millspaugh Responds to the moderate to large impact may occur regarding more than 1,000 tons of Carbon Dioxide per year. The mitigation for this measure is through the air facility permit and that Carbon Dioxide is regulated per greenhouse gas emissions and not for human health, though the NYS DEC permit review for compliance with the climate leadership community protection act protecting greenhouse gases.

Mr. Martin asks Mr. Millspaugh to explain what action the permit will lead to, what DEC will actually do.

Mr. Millspaugh states the DEC will do the review in terms of greenhouse gas emissions, which has to demonstrate that this new emissions source is consistent with the states goals to achieve the target and reductions of greenhouse gas emissions. It has to show that this emissions source does not prevent the State from meeting those objectives.

Mike Shaver removed himself from the meeting at this time. There is still a quorum for the Planning Board to continue business..

Mr. Martin asks what an estimate of what the applicant thinks the net Carbon Dioxide emission is, if this plant didn't exist and the trucks of biosolid go through the normal route, taking it to a facility and it gets landfilled. What is the net comparison of Carbon Dioxide in the environment.

Mr. Meeker states they are working on those numbers, they are completing an analysis right now in terms of what the actual net Carbon Dioxide emissions are for the applicant. He can confidently say they have less emissions than the best landfill which should be concluded that it's less than what is being emitted today by a long shot.

Mr. Arnold comments that it would be nice to see a chart that shows the exact numbers on that, so the Board has some basis other than the applicant's word.

Mr. Meeker A life cycle analysis takes several months to do, they are engaging that now, and doesn't believe it should hold up the SEQR review, he suggests they could make it a conditional approval.

Mr. Meeker states if DEC determined that the applicant was a net increase then he doesn't believe they would give the project a permit.

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Mr. Martin suggests the Board should be polled in terms of whether they believe mitigation has been offered to offset the potential moderate to large impact.

Poll vote results as follows:

Mrs. Mathias	Yes
Mr. Seybolt	Yes
Mr. Arnold	Yes
Chairperson Jensen	Yes
Mr. Bergman	Yes
Ms. Purdue	No

5 in the affirmative, 1 opposed.

Mr. Martin asks the applicant for an explanation on the mitigation procedure for question **6c**. The proposed action may require a state air registration or require a reduced emissions rate of total contaminants the exceed 5 lbs. per hour or a heat source capable of producing more than 10 million BTU's per hour.

Mr. Millspaugh explains the only emission exceeding 5lbs per hour, is NOx which has an establish ambient and air quality standard that this facility is required to achieve by law through the air permit issued by DEC.

The Planning Board is polled in terms of whether they believe mitigations have been offered to offset the potential moderate to large impacts.

Poll vote results as follows:

Mrs. Mathias	Yes
Mr. Seybolt	Yes
Mr. Arnold	Yes
Chairperson Jensen	Yes
Mr. Bergman	Yes
Ms. Purdue	No

5 in the affirmative, 1 opposed.

Ms. Purdue replies that she believes these kinds of impacts should be better assessed, she states the DEC permit process does not replace the Boards environmental assessment, which is why she is voting No.

Mr. Martin states for question **6d**. The proposed action may reach 50% of any thresholds in "a" through "c". above. If **6** and **6 c** have already been agreed to be mitigated then this question has been mitigated as well so the Board can move on. He asks the Board if they agree with this.

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The Planning Board agrees.

Mr. Martin asks the applicant for an explanation on the mitigation procedure for question **6 e**. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.

Mr. Millspaugh explains this is mitigated by the solid waste permit issued by DEC.

The Planning Board is polled in terms of whether they believe mitigations have been offered to offset the potential moderate to large impacts.

Poll vote results as follows:

Mrs. Mathias	Yes
Mr. Seybolt	Yes
Mr. Arnold	Yes
Chairperson Jensen	Yes
Mr. Bergman	Yes
Ms. Purdue	No

5 in the affirmative, 1 in the opposed.

Mr. Martin asks the applicant for an explanation on the mitigation procedure for question **15 c**. The proposed action may result in routine odors for more than one hour per day.

Mr. Meeker explains the mitigation is facility design, and the air treatment system.

Mr. Martin requests a more specific answer.

Mr. Meeker states the entire facility is under negative threshold, they are only receiving biosolids indoors, trucks get washed out indoors. The trucks dip into a pit in the ground which is only open when receiving the biosolids. The negative pressure is operated by a system that operates 24/7 7 days a week with a back up generator. The pit and building itself all have air outlets that are all going to the air treatment system. They keep everything under negative pressure that could possibly have an odor. They also have 3 scrubbers that help with odor, the CO₂, ammonia, and bio scrubbers.

Mr. Bergman inquires if odors are part of any of the DEC permits.

Mr. Millspaugh replies yes, similar to noise being a perimeter, nuisance odors are also a permit condition based on regulation so there can't be nuisance of odors outside the facility limits property line.

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Mr. Arnold asks for a further explanation of how the odor is measured.

Mr. Millspaugh replies that typically it doesn't get measured, it's going to come from the outside monitors inspection, if they notice odors during the inspection they will bring it up in the report or its going to come from complaints. Through the DEC permits the threshold for odors is enforceable.

Mr. Martin asks if the air within the facility is within a certain range of control, will there be any chance of air escaping during warmer days due to air temperature conditions inside the building.

Mr. Meeker states that the air induction system fans are very strong, it's a high-volume system they are confident there will not be any issues maintaining the air pressure.

Mr. Martin asks the applicant if there are any other points of mitigation to offer on this topic.

Mr. Meeker states he doesn't think there is anything more that they can do beyond what they are doing in regard to mitigating odor.

Mr. Bergman states if it is enforceable by the DEC and DEC writes it in the permit, he will be comfortable with it.

Mr. Martin request as a general mitigation to have a copy of the finalized plans on file with DEC as part of the permits for the Town, specifically a copy of the emergency response plan to be filed with the fire department and the emergency squad.

Mr. Meeker Agrees they can do that.

The Planning Board is polled in terms of whether they believe mitigations have been offered to offset the potential moderate to large impacts.

Poll vote results as follows:

Mrs. Mathias	Yes
Mr. Seybolt	Yes
Mr. Arnold	Yes
Chairperson Jensen	Yes
Mr. Bergman	Yes
Ms. Purdue	No

5 in the affirmative, 1 opposed.

Mr. Martin indicates those were all the questions that needed to be addressed in the EAF Part II that were potentially moderate to large impacts.

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The Town of Moreau Planning Board reviews the EAF Part III of the updated SEQR form for Saratoga BioChar Solutions LLC.

Chairperson Jensen asks the Board how they would like to declare Saratoga BioChar Solutions LLC review of the EAF. Negative, Positive, or conditional.

Mr. Arnold makes a motion that considering the mitigation as stipulated by the applicant in the minutes of this meeting that the impacts that are possible should be mitigated and therefore declaring a negative declaration on the EAF for Saratoga BioChar Solutions LLC.

Mrs. Mathias seconds the motion.

Chairperson Jensen asks for a roll call vote.

Results as follows:

Mrs. Mathias	Yes
Mr. Seybolt	Yes
Mr. Arnold	Yes
Chairperson Jensen	Yes
Mr. Bergman	Yes
Ms. Purdue	No

5 in the affirmative, 1 opposed, motion carries.

A motion has been made to declare a negative declaration for Saratoga BioChar Solutions LLC by Mr. Arnold and seconded by Mrs. Mathias.

Mr. Martin states on the record that the public hearing for Saratoga BioChar was opened and closed on December 13, 2021.

Chairperson Jensen states that an EAF review must be completed before a public hearing is to be done, so there should be a scheduling for a public hearing.

Mr. Martin points out based on the discussion had, there are still a couple items that are still outstanding in terms of the overall application. There are clear differences in the submissions of the application, with that being said he recommends there be a second public hearing held so the Board have an accurate account of the project to the public.

The outstanding issues are as follows.

- A condition of the approval would be to share any complaints to the DEC with the Town.

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- The applicant would need to touch base with the local fire department and Saratoga County hazardous materials team with a written response back, acknowledging the discussion and are in agreement.
- Resolve discussions with Mike Mooney the Water Superintendent over all water issues discussed, along with an associated letter from LaBerge with a response to the SWPPP review.
- Formally request a waiver on the parking.
- Provide a cut sheet regarding noise.

Chairperson Jensen asks the applicant if they are confident they can completely resolve the outstanding issue list by the next meeting.

Mr. Huntington asks if there is a possibility on a conditional approval, when LaBerge responds. The water and sewer report will not be completed in two weeks, the review with LaBerge takes longer than that.

Mr. Martin states a quality submission is more important than a speedy review.

Mr. Arnold asks the applicant if they would like to have a public hearing in April?

Mr. Apy states they should be able to get all the information together by March 21st.

Mr. Arnold makes a motion to schedule a public hearing for Saratoga BioChar Solutions LLC for April 18, 2022, at 7:01pm.

Mr. Seybolt seconds the motion.

Chairperson Jensen directs the Board all those in favor say Aye.

Results are as followed:

Mrs. Mathias	Aye
Mr. Seybolt	Aye
Mr. Arnold	Aye
Chairperson Jensen	Aye
Mr. Bergman	Aye
Ms. Purdue	Aye

All in favor, motion carries.

A motion has been made by Mr. Arnold to schedule a public hearing for Saratoga BioChar Solutions LLC for April 18th, 2022, at 7:01pm and seconded by Mr. Seybolt.

Mr. Arnold makes a motion to adjourn at 11:00pm.

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Mr. Bergman seconds the motion.

Chairperson Jensen asks the Board all in favor say Aye

Results are as follows:

Mrs. Mathias	Aye
Mr. Seybolt	Aye
Mr. Arnold	Aye
Chairperson Jensen	Aye
Mr. Bergman	Aye
Ms. Purdue	Aye

All in favor, motion carries.

A motion was made by Mr. Arnold for the Town of Moreau Planning Board to adjourn the meeting of March 7, 2022 and seconded by Mr. Bergman.

Meeting was adjourned at 11:03pm

Respectfully submitted by,

Katrina Flexon

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