

Town of Highland
Planning Board Minutes
April 4, 2018

Chairman Berry Hafkin calls the meeting to order.
Chairman states minutes are being recorded.

Pledge to the Flag

Attendance:	Berry Hafkin-Chairman
	Norm Sutherland
	Jeffrey Spitz
	Philip Johnson
	Julie Sherwood
Board Secretary	Monica McGill
Town Attorney	Michael Davidoff

Motion to approve March 14, 2018 minutes

Motion: Phil Johnson Second: Norm Sutherland
All in favor

Correspondence: Response of the 239M from the county. (Millennium)
Bi-weekly reports (Millennium)
Letter from John & Debra Conway (Millennium)

Application 2-2018 Linda Costello/Wayne Byrd

Berry Hafkin: I spoke with the County and another survey does not need to be done.

Linda Costello: We own (2) Lots and we would like to combine them into (1).

Motion to approve the combining of lots 14.-1-17.9 & 14.-1-17.10.

Motion: Phil Johnson Second: Julie Sherwood

All in Favor

Berry Hafkin: Michael Davidoff will draft a resolution and the board secretary will contact you when it is ready.

Application 5-2018 John Cambio

John Cambio: I would like to divide lot 27-9-4 by River Road Route 97. I have brought with me surveys, and tax maps of the property.

Berry Hafkin: How big is the lot?

John Cambio: One is .883 acres and the other is 1.13 acres. I am looking to sell the property that is .883 acres. I am in contact of sale with Mr. Julius Robinson.

Michael Davidoff: I will need a copy of that contract.

Berry Hafkin: Mr. Robinson will have to fill out an application for Lot Improvement to combine his two lots. Has he done that yet?

John Cambio: Not yet.

Michael Davidoff: We will need to schedule a public hearing.

Berry Hafkin: A 239M will need to be submitted to the County and the UDC (Upper Delaware Council), and you will need to complete part 1 (one) of the SECRA form.

Motion to hold a public hearing May 2, 2018 at 7PM.

Motion: Phil Johnson Second: Jeff Spitz

All in favor

Berry Hafkin: Mr. Cambio it will be your responsibility to notify all your neighbors within (500) five hundred feet of the property line. A copy of the letter should go to the Board Secretary for approval before you mail the letters.

Julius Robinson asks to speak to the board. The original parcel was made up of five individual parcels since 1853. For a tax conversion they were put into one tax parcel. My question is if there is a need for a sub division of the lots. I am looking to purchase the parcel with the natural boundary line on the river.

Berry Hafkin: Apparently in the county they are listed separately. We will have to re-subdivide them. You are going to have submit an application to combine the lots. The parcel you are purchasing can be combined with your current parcel.

Julius Robinson: In the future I will.

Berry Hafkin: You would have to do it now or it will not happen.

Jeff Spitz: You have 2 lots you can combine it with, and you can choose which ever it borders on.

Berry Hafkin: Being that the lot being purchased is less than allowable size, you would want to combine it with a parcel that could become one or more acres.

Michael Davidoff: We are faced with following what is on the tax map. Sub division is not a problem as long you are in agreement to do so. We would need a statement to that affect. For a resolution to be fully legal the combination has to occur.

Berry Hafkin: The secretary will supply you with an application to submit for a lot line improvement.

Motion to open the Public Hearing

Application #1-2018 Millennium Pipeline Company LLC

Motion: Jeff Spitz Second: Norm Sutherland

All in Favor

The secretary reads the Public Notice published in the newspapers.

Secretary certifies the mailings. There were eleven mailed and five returned.

Berry Hafkin: This is for site plan approval. FERC (Federal Energy Regulation Committee) had the right to approve this project. FERC supersedes our local town laws.

Mr. Palumbo from C.T. Male Associates/Representing Millennium Pipeline

Thank you, Mr. Chairman. Again, the project has been approved by FERC. They went through the Environmental process on a national level, and therefor supersedes SECRA on the county level.

A Storm Order Management was also done and submitted to the DEC (Department of Environmental Conservation) and was approved.

We have received from Barton & Logudice the firm hired by the Planning Board to oversee the project their initial comments to have for the public in reference to the questions that were brought up at the meeting last month. We spoke about Emergency Services. it would fall under the State Police and local Fire Districts. We are currently working with them on all procedures.

The total acreage of the site is 80(eighty) acres. The amount of acreage being disturbed is 27.8 acres.

There are three structures on the property and are all located at the upper portion of the site.

The elevation at the bottom of the property is 1170 and the top elevation is 1370.

The majority of the site is the driveway.

The three structures are as follows:

- An office warehouse 44X85

- Auxiliary Building 40X60

- Compressor Building 65X100

The height of the buildings was asked at the previous meeting, and we are still working on the answer.

The Storm Management Plan was approved by the DEC and consists of three basins. Two retention area basins and one dry basin.

There will be an onsite well that is designed for 90 gallons per day. The criteria is to follow the DOH standards.

Answer to the amount of people on the site is (6) six at any given time, but not full time.

The project as I said is disturbing 27.8 acres out of the 80 acres. After the project is completed there will be 3.62 acres of impervious area. That is the asphalt driveway and some areas around the buildings paved.

On the map marked in purple is part of the 27 acres that is set up for temporary construction, and will be restored back to its original footprint.

I do not have the width measurements for the driveway. It is wide enough to allow trucks and machinery to enter. It is developed as a driveway and not a roadway.

The projected truck traffic is none at the completion of the project and during construction most of the Trucks entering the site are earth work trucks.

Jeff Spitz: You were going to get us an estimate of how many and their routes.

Mr. Palumbo: I do not have that information to date. I will have that for you by the next meeting. The construction will be intensive. It will be occurring (6) six days a week. That would be Monday through Saturday. The time would be anywhere between 7AM and 7PM to maximize the day light hours.

Jeffrey Spitz asks that Mr. Polumbo point out the closest properties to the site on the map.
Mr. Palumbo points out between four and five properties.

Steve LeFevre: Consultant for the town. Does the Sportsman Club have any structures on their property?

Mr. Palumbo: I looked and did not see where there are structures. I am not sure.

Chairman announces Steve LeFevre to the public. He was hired by the Planning Board as a consultant.

Mr. Palumbo: Questions were asked about the noise. The noise is minimal and we have technical data to support that.

Berry Hafkin: Phil and I went to visit the Minisink station. I did a decibel meter while I was standing outside the building on the driveway. The normal decibel reading is 75 decibels and my reading was 80 decibels. They have two compressors there and we were told that the station here is going to be one. Both compressors were running when we were at Minisink.

Mr. Palumbo: We did a study on the receptors and how it affects the outer properties.

Michael Davidoff: Let the record indicate that the letter Steve LeFevre sent requesting this information be put in the file.

Mr. Palumbo: I expect that there will be follow up questions. The lighting was discussed last month. There will be (12) twelve poles of LED lights and they are all about (20) twenty feet high. Our report shows that there will be no impact and we provided a copy of the study to Steve LeFevre. We can now move onto any questions you may have.

Jeff Haas: Is there any noise pollution?

Mr. Palumbo: The original assessment addressed that.

Philip Johnson: Are the lights facing down?

Mr. Palumbo: Yes. It will not be like a shopping center parking lot; the illumination is low level and follows the rule of safety purposes.

Norm Sutherland: On page (4) four of the report it states that you have 100 yards of material hauled in. Is that to date? I would say that there has been that much hauled in in the last two weeks.

Mr. Palumbo: They did do some crushing on site. It is the best analysis done since the start of the project. We can double check with the contractor on what has been brought in to date.

Norm Sutherland: Any resolve on the construction signs.

Mr. Palumbo: I am still working on an answer to that and hope to have it for you at the next meeting. One of the comments from the county was that we had to obtain a County Entrance Permit.

Chairman Berry Hafkin reads the response from the county regarding 239M.
The county's determination was: Incomplete

Mr. Palumbo: We do have a View Shed analysis that we can supply to the county.

Berry Hafkin: You will need to supply a copy for the board and the county.

Berry Hafkin: Other correspondence are the Bi-weekly reports. You can view them on the FERC website under Eastern System Upgrade.

The board secretary reads the letter from John & Debra Conway, to be put into public record.

Berry Hafkin: As I said earlier this project was given permission from FERC and that supersedes town laws.

Mr. Davidoff: That is correct. This application was approved by FERC. However, FERC does expect the applicant to work with the town to obtain the necessary site plan approvals. If this was just up to local law it would be denied. FERC trumps local law.

Chairman announces that the board will now hear the from the public.

Nancy Esposito: Barryville NY

How long is the driveway?

Mr. Palumbo: About 3000 feet, so a little more than half a mile?

Nancy Esposito: Is there an emergency turn around along the way?

Mr. Palumbo: No.

Nancy Esposito: Are the pipes above the ground or below the ground?

Mr. Palumbo: I will have to get an answer for you, but believe it is minimal.

Nancy Esposito: If a pipe springs a leak is there a system set up to show where the leak is?

Mr. Palumbo: That will be handled in the emergency plan I referenced earlier.

Nancy Esposito: I am not looking at the emergency plan, I am looking at the Trans-Atlantic Pipeline. If you have a leak it is important to us that you can identify where the leak is.

Mr. Palumbo: I will get an answer for you.

Phil Johnson: When we were at the Minisink Station they had computers that showed all that.

Nancy Esposito: I want to ensure that we will have that too. Was a wildlife study done?

Mr. Palumbo: The environmental review did have a section on that. There was an area marked to be preserved. We will get you a better analysis for all the wildlife on the property. If there is a shortfall we will discuss it.

Andy Boyer: Eldred NY

Andy Boyer: How many times have you met regarding this application?

Berry Hafkin: We had one meeting three weeks ago. That is when they made their initial presentation to us.

Andy Boyer: Are there still open items?

Norm Sutherland: The original meeting was scheduled for December of last year, but due to the weather we unable to meet until March of this year.

Andy Boyer: I feel that with 27 acres that is to be disturbed, the board go and see the site. There is a pile of stone bigger than this building there. It is a question of honesty and disclosure. I would like to know if this is phase one? Is there a phase two? You have a building that is 60X100 and two other buildings.

There is an awful lot of material being delivered. It is an enormous project and would like the board to go and see it.

What are the emissions?

Mr. Palumbo: We will get an answer for you.

Andy Boyer: Can you furnish a list of carcinogens?

What is the cost of this project?

Are you using the cheapest materials or the best materials?

I urge the board to go see the project. I feel construction should stop until you have given your Planning Board approval.

How many men were on site today?

I feel they are building something much bigger. If you have a phase two or three it needs to be put on the record.

George Ballard: Eldred NY

I would like to remind the board that your job is to stand up for the residents of the town.

Pertaining to the emergency verification, why have we not received it yet?

Mr. Palumbo: I don't know the answer to that and will look into it for you.

George Ballard: How big is the holding tank?

Mr. Palumbo: I am not sure, I will get the details on that.

George Ballard: I know that there are two filtrations. One dry and one wet, and all the waste will get sucked out twice a day.

How often do trucks come to clean the tanks, and where does the hazardous material go?

I believe the name of the company you use is Clean Harbor.

Mr. Palumbo: I don't want to give any mis-information. I am not avoiding the questions. I want to come back with more accurate information.

George Ballard: You build and they operate. There is a separation there. I think people should know what is sitting on the site and how it is cleared, and what the conditions are when it rains. Where does the run off go?

The next thing is immanent domain, has that been seized?

Mr. Palumbo: I am not aware of that.

George Ballard: Have trees been cleared on the upper side of the pipeline?

Mr. Palumbo: I do not know. We will investigate that.

George Ballard: Did you record low frequency tests?

Mr. Palumbo: Unknown at this time.

John Kamp: Yulan NY

In the past I think we have seen the arrogance of big energy. They said they were going to run lines right down the middle of the river, and there was nothing we could do to stop them. I would like to know how they could start building without the boards approval? Where is the gas going? Where is the gas going to be sold? FERC was created to take care of us. How is selling gas overseas benefitting us. It is depleting our resources.

How did they get permission to start this project?

Berry Hafkin: They were approved by FERC.

John Kamp: So, this is just a courtesy?

Berry Hafkin: Yes

Myra Rappaport: Yulan NY

It is my understanding that the town can do nothing to stop this project? You are saying that FERC has approved the project and there is nothing we can do?

Berry Hafkin: As the law stands now, they have been given permission from FERC. So far there has been no successful court challenge that overruled that. This planning board can turn down this site plan, but the project will still continue. It is up to your Town Board to challenge the project. The Planning Board cannot stop it and with the project moving forward we need to do what is best for the town and try to work with Millennium to resolve the questions being raised.

Dave Hulse: Barryville NY

I have done several stories on the subject of gas, and I have never found where FERC has been turned down. The project is funded entirely by its permit fees.

What kind of security do you have?

Mr. Palumbo: I will get you exact plans on where there be gates and fencing.

Dave Hulse: Are you going to have a security staff?

Mr. Palumbo: Again, I will get that answer for you. These are the type of questions that we want to be able to answer correctly.

Berry Hafkin: Mr. Boyar brought up a good point. Can the planning board go and see the site?

Mr. Palumbo: I will call Michelle in the county tomorrow and get back to you.

Mr. Davidoff: Andy Boyar spent a good part of his life when he was supervisor protecting the environmental rights of this town. Andy went out with a lot of help from the people in this room and put a stop to the threat of FRAC. There was an opening in state law that allowed this. Our town was one of the first towns along with a few others that was able to put a stop to FRAC. Unfortunately, this board has very limited authority to the regards of this project.

Steve LeFevre: The reason the site has started being cleared is they received permission from the DEC. The permit allows them to clear five or more acres.

Berry Hafkin: We still feel they should have come to us first.

Steve LeFevre: Absolutely.

Mr. Palumbo: We will still be addressing the local items regardless of the work that has been done. There are bigger issues that we will not be able to change, but we are here to hear your concerns and get you some answers.

Berry Hafkin: In reference to the emission tanks. We asked them about the tanks and they were not very forthcoming. They did not say what was in the tanks and how the tanks were disposed of. This is one of my concerns. I do hope that it is being removed by a licensed contractor. They also told us that our station was going to have catalytic converters.

How will that affect the air quality?

Steve LeFevre: We reviewed that and we can provide you with the results.

Nancy Esposito: Historically they couldn't stop it, but they can be forced to provide additional information.

George Ballard: That has already been done.

Nancy Esposito: Will the compressor station have a retention pond?

Mr. Palumbo: There are three ponds.

Nancy Esposito: Were they tested.

Mr. Polumbo: I do not believe that the state requires that. The DEC has approved them.

Nancy Esposito: Is this the same design they used in PA?

Mr. Palumbo: Those were used for Fracking. That is a different pond entirely.

Nancy Esposito: So, the water that touches the gas will go into the retention pond?

Steve LeFevre: The compressor station is where the gas goes through the pipeline to be compressed. When it is not compressed it will not flow through the pipeline. The gas is going to go through the pipeline into the facility to be compressed. The gas never leaves the pipeline. I believe what you are referring to is drilling a gas well, and there is no drilling related to this project.

Nancy Esposito: How are we protected from a leak getting into the ground water?

Mr. Palumbo: That does not pertain to this project.

Dave Jones: Eldred NY

My property abuts in two areas of this project. I recommend that the board go to see the project. We left in January and all the purple area on the map was completely clean. It is a very large area for a compressor station.

Berry Hafkin: We made the request to go and see the site. Mr. Polumbo will let us know.

Dave Jones: Take a look, the project is much further along than what has been said.

Andy Boyar: Bring your yardstick. I think there has been more than 27 acres cleared.

Alan Shadt: Eldred NY

I am a member of the Sportsman Club. I was a previous president of the club for 27 years. I have been a long-time member of the town, supervisor for 10 years and councilman for 6 years. Myself and one hundred others fought this compressor station even though it was going to happen anyway. Ten to twelve years ago Millennium came through to install the pipeline and it will be here for the next forty years.

Unfortunately, with the gas prices the way they are they need to send it to the city.

I stood on the town line yesterday which is over a mile and a half away, and I could hear the construction.

Does that fall in the parameters of noise?

Mr. Palumbo: Yes

Alan Shadt: I have not gotten my meter to actually test it.

Will the DEC be called in the event of a spill, and who else will be called?

Mr. Palumbo: Technically I do not know.

Alan Schadt: That is something I feel the town would need to know. I was glad to hear that the town board hired a consultant, and that we have an overseer for the town.

Will all the questions brought up tonight be answered at the next meeting?

Will there be a meeting every month until all the questions are addressed?

Berry Hafkin: The only guarantee is there will be a meeting next month. There will be no decision made tonight. The concerns on the County form 239M will have to be addressed as well. We will continue the Public Hearing next month.

Alan Schadt: Can I get a copy of the Form 239M?

Berry Hafkin: Sure

Patrice Johnson

I own a piece of property adjacent to the project site. Our house is actually the closet to the compressor site. I was surprised that you were not willing to talk about the part that juts out. It obviously was obtained through immanent domain. If you are familiar with the map, they had to obtain that section a different way.

Mr. Palumbo: When it was first brought up, there were discussions on eminent domain. I am not aware of that process. I would like to go back to Millennium and find out before I give you any mis information. We wanted the public hearing tonight so we could hear your questions and get you answers. You may not be happy with all the answers, but we will get answers to the questions heard tonight.

Patrice Johnson: I want to compliment you on obtaining an address, because in January for four straight days all the deliveries came into my driveway including a Fed Ex envelope. My husband was kind enough to deliver it to them.

Berry Hafkin: Are there any more question or comments from the public?

Motion to recess the public hearing until May 2, 2018.

Motion: Phil Johnson Second: Julie Sherwood

All in favor

Berry Hafkin: The applicants for Catskill Mountain Resorts were in a car accident and unable to make tonight's Public Hearing. They are requesting to reschedule for April 18, 2018 at 7PM.

Employee from Catskill Mountain Resorts: What paperwork is needed for that meeting.

Berry Hafkin: Mr. Zaccari will have to have his plans for the project. He will have to notify all the property owners within 500 feet of the property line by registered mail, return receipt requested. He will have to mail them no later than April 6, 2018 in order to hold the public hearing on April 18, 2018.

Once the mailings are complete the secretary will republish the public hearing notice.

We will recess Millennium Pipeline until May 2, 2018 at 7PM, and we hold a special meeting for Catskill Mountain Resorts to take place on April 18, 2018 at 7PM, and the notify all the newspapers.

Motion to hold special meeting for Catskill Mountain Resorts on April 18, 2018.

Motion: Phil Johnson Second: Norm Sutherland

All in favor

