

ZONING BOARD OF APPEALS MEETING

May 18, 2023

6:00 PM

The meeting was called to order by Chairperson Kathy Taylor at 6:00 PM. Roll call by Clerk, Cindy Schiminske, found the following Board Members present:

Kathy Taylor, Chairperson

Bob Faynor

Ernie Rivera

John Yurco

Also in attendance: Bill Gabak, Jr. Zoning Officer

Rich Krenzer

Angela Carnicelli

Robert Foxen

Jeff Stone

Scott Kehoe

Kerry Smith

Bob Faynor made a motion to approve the minutes of April 20, 2023, seconded by Ernie Rivera. All in favor.

The purpose of this meeting was to hear the following requests:

1. The variance request of Nancy Luckwaldt, 6132 West Lake Road, Tax Map #130.06-2-22.11, was tabled from the April meeting in order to allow the applicant to submit a revised set of plans. Rich Krenzer appeared before the Board on behalf of Nancy Luckwaldt with a revision in the layout of the steps, which has reduced the variance request. Applicant had originally requested a setback variance of 9.3 feet from the required 20 feet is now requesting a north side yard area variance of 14.7 feet. The Board had no issues with this revision.

Bob Faynor made a motion to vote on the variance request, seconded by Ernie Rivera.

Roll call vote was taken by the Board.

Ernie Rivera YES

Bob Faynor YES

John Yurco YES

Chairperson Taylor YES

MOTION GRANTED

At this time, Craig Coleman arrived.

2. Angela Carnicelli, 2730 Forest Hill Drive, Tax Map #130.05-1-45, submitted a Special Use Permit Application for a Reiki Center at her residence. Applicant explained that reiki is a form of hands on energy healing. The Board reviewed her submission and discussed hours, parking, number of clients, etc. The Board had no issues with her application and will inform the Town Board of the same.

3. Spruce Haven Farm – RNG Project, 5004 White Road, Tax Map #136.00-1-28, has submitted a Special Use Permit Application to amend their SUP to include transfer of compressed natural gas (CNG) via CNG trailer from Allen Farms (Town of Scipio) to an existing NYSEG natural gas uploading connection located at Spruce Haven Farms. One full CNG trailer (to Spruce Haven Farm) and one empty CNG trailer (to Allen Farms) are projected. Addition of a portable CNG decanting station at Spruce Haven Farm is also required.

Robert Foxen and Jeff Stone were present to explain the process. Mr. Foxen stated that Allen Farms is in the process of developing a dairy renewable natural gas (RNG) at Allen Farms located in the Town of Scipio. RNG developed from this project was intended to be transferred into the local NYSEG distribution system at the Fleming/Scipio border. Progress on the development of this line has been delayed. The Board asked if this line would definitely be happening. Mr. Foxen responded they would very much like it to happen but it's out of their control, as they have to go through NYSEG and PSC. They would like to initially transport the RNG developed at Allen Farms to Spruce Haven Farms via compressed natural gas (CNG) trucking. They would like to amend the SUP so that SHF can accommodate accepting the RNG produced from the Allen project and transfer it into the NYSEG local distribution system via the current SHF interconnect.

The Board's concerns are for safety and called on Scott Kehoe for his thoughts and whether the fire department has the capability to deal with it.

Compression will happen at Allen Farms. At Spruce Haven it will go through a regulator to decompress it down to the pipeline pressure. Inside the trailer are all the regulators for gas sensing equipment that lets them know if there's a leak or an emergency. It would shut everything down if there was a problem. The existing Spruce Haven site also has existing safety equipment on it.

The truck would pull in and hook up to the pressure reduction system. The requirements for fire and regulation are already in place. They are using it now but the pressure reduction system is not there.

The trailers are placarded. They use Certarus trailers, which is the largest transporter of RNG in the US. That company has the most trailers. The driver of the truck is also the operator of the compressor. It is a one man at a time system.

Scott Kehoe questioned if there should be a problem with leaks, such as seals, ice buildup, etc. and it doesn't hook up right, do they have a policy procedure notification process if that were to happen. He was told that the driver would be the first person to see if it is not hooked up correctly and he would stop operations and fix it. This would be decanting overnight so if someone else walks up and sees there's a problem, there will be an emergency shut down button. Their phone number is on the sign at the entrance and they will have to call that number. It is not manned the whole time. The truck is disconnected and the decanting would be unsupervised and the filling will be unsupervised. The driver would show up in the morning, grab the empty trailer from Spruce Haven, drive to Allen Farms, hook that one up to start filling and bring the full trailer back to Spruce Haven.

Scott asked if there was a notification if at 2:00 in the morning, if that started to leak and nobody is around, there must be some type of alarm. Jeff stated that it depends on where the leak is at – if it's inside the trailer and the gas detection system notes that there is a problem, it starts with an alarm and then will shut the system down. Now if the leak is outside and it is going into the atmosphere, it would probably take someone to walk up to notice because it is diluted into the atmosphere and the gas detection wouldn't pick it up. Unless it is a major leak.

Scott asked if there was a notification process where 911 would be notified of a gas leak. Jeff stated that they have nothing currently planned to notify 911 automatically. It would only notify his company automatically. If a gas detection leak was noticed, if it was bad enough, it would shut the whole plant down. It shuts down automatically. Odorization of this gas would happen at Spruce Haven.

The route of the truck would be that they come out of Allen Farms, follow Route 34 to Skillett Road, and then Skillett Road to White Road. This is a common practice for many farms that don't have pipeline access.

Bill Gabak mentioned that since they don't have a definite yes that NYSEG is going to put a line in, this could go on for the next 10 years or so. Mr. Foxen indicated that they would pay for the line, the issue being if there was a regulatory reason why the PSC won't allow them to extend it.

The Board recommended that they might want to ask for approval for 2 trucks in the event that 1 breaks down, and they have to do a double up, they wouldn't have to come back for approval for an additional truck.

Mr. Foxen stated that they don't have any control over whether they get approval for the pipeline. They are highly motivated to do this as it is expensive for them to be running the compression and bringing the trucks back and forth.

They are planning for hours of operation to be 8:00am daily, seven days a week. There is no noise issue other than tractor trailer noise. They added that Allen Farms' gas is going to max out to how much capacity the NYSEG system has. So, they won't be back in a year asking for three more trucks to come in there because the NYSEG system can't handle it.

The Board reviewed all the information and will make the following recommendations to the Town Board:

- a. Two trucks maximum per day in the event of a breakdown, etc.
- b. Fire Chief Scott Kehoe was at the meeting and is comfortable with the safety factors presented. Safety issues (trucking, hazmat) are regulated by government agencies.
- c. Consider road improvement access for emergency equipment on Spruce Haven Farm's property.
- d. Consider tax reassessment to ag business in order to maybe recoup some money for town road repair.

Chairperson Taylor made a motion to adjourn the meeting, seconded by Bob Faynor.

Respectfully submitted,

Cindy Schiminske, ZBA Clerk