

The Legislature of Rockland County



ILAN S SCHOENBERGER

Legislator – District 4

Chair, Planning & Public Works Committee
Second Vice-Chair, Budget & Finance Committee
Economic Development Committee

MINUTES PLANNING & PUBLIC WORKS COMMITTEE TUESDAY, MARCH 31, 2015 7:00 P.M.

MEMBERS PRESENT

HON. I. SCHOENBERGER, CHAIR
HON. A. WOLFE , 2ND VC
HON. A. PAUL
HON. P. MORONEY
HON. A. WIEDER

MEMBERS ABSENT

HON. M. GRANT , 2ND VC
HON. J. MEYERS

OTHERS PRESENT

N. DOLINER
HON. P. SOSKIN
HON. D. JOBSON
HON. C. CAREY
HON. A. GROMACK
A. MILLER
S. POWERS
D. SUDOLSKY
J. FLYNN

E. YEGER, ESQ.
HON. H. CORNELL
HON. L. HOFSTEIN
HON. J. HOOD, JR.
HON. J. MURPHY
HON. S. LASKER
J. SIMOS
H. HURLEY
M. GOLDEN

Chair Schoenberger called the meeting to order at 7:10.

ADOPTION OF MINUTES OF 3/10/15

**MOTION TO ADOPT
WOLFE/WIEDER**

UNAN

Chair Schoenberger stated that the County has no direct involvement in the approval or disapproval of the Anellotech Project. That ultimately the determination regarding the approval or disapproval of the project rests with the Town of Orangetown and its Planning Board.

At the request of Legislator Moroney the Town of Orangetown and the Planning and Zoning Board delay their determination until the Planning and Public Works Committee have a chance to address.

Chair Schoenberger stated that the Committee's time was limited for the discussion and out of necessity there would be a limit to the number of speakers.

Steve Powers, Director of Public Policy and Inter-Governmental Relations , Office of the County Executive , has requested to address the Committee on behalf of the County Executive .

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PPW/MIN
3/31/15

1. REFERRAL NO. 5906/
9325 APPROVING PURCHASES IN EXCESS OF \$100,000 WITH UNI-SELECT USA, INC. FOR AUTOMOTIVE PARTS AND SUPPLIES IN AN AMOUNT NOT TO EXCEED \$150,000 UNDER NYS OGS CONTRACT NO. PC65983 BY FORMAL PURCHASE ORDER FOR PERIOD FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 [DEPARTMENT OF GENERAL SERVICES-FACILITIES MANAGEMENT] (\$150,000) (**PAUL J. BRENNAN, CPPO, DIRECTOR, GENERAL SERVICES-PURCHASING**) (DL# 2015-00541)

Chair Schoenberger asked Mr. Powers what the County Executive's position was on Anolletech. Mr. Powers stated that they were not asked to present the County Executive's position at the meeting but he believed it was available on the County Executive's Facebook page. Chair Schoenberger asked that Mr. Powers text or call the County Executive so the Committee knew where he stood.

Arlene Miller, Rockland County Principal Planner stated that even if the County does not approve the Town can over ride with a Super Majority vote. New York is a home rule state and the final say rests with the Town but is subject to litigation. She provided the timeline of as it relates to the County Planning Review

1. Pre-preliminary/preliminary site plan review - received July 18, 2014 - review completed August 12, 2014
2. Performance standards review - received October 3, 2014 - review completed November 21, 2014
3. Final site plan review - received February 3, 2015 - review completed March 4, 2015

Chair Schoenberger asked if the towns request and the County's findings on line. Ms. Miller stated they were not. Chair Schoenberger asked that she look into posting on the County's website.

Legislator Moroney asked what was being monitored by the County Departments specifically the Health Department , Planning Department and Department of Law. He also asked what permits were required. Patricia Ruppert , Rockland County Health Commissioner stated that no permits were required that the facility would not be trucking in materials and out of hazardous waste however Anellotech materials are delivered via UPS or Federal Express and removed by Veolia which holds licenses and permits do so.

Please see scans

MOTION TO APPROVE
WOLFE/PAUL

UNAN
TRANSFER TO B&F

ADDED SPONSORS SCHOENBERGER, WOLFE, PAUL, MORONEY, WIEDER, JOBSON

2. REFERRAL NO. 0107 APPROVING A CONTRACT IN EXCESS OF \$100,000 WITH MILCON CONSTRUCTION CORPORATION FOR FIRE TRAINING CENTER BUILDING AND INFRASTRUCTURE IMPROVEMENTS ROOFTOP REPLACEMENT IN AN AMOUNT NOT TO EXCEED \$548,000 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE UNDER CAPITAL PROJECT NO. 1864 [DEPARTMENT OF GENERAL SERVICES- FACILITIES MANAGEMENT] (\$548,000) **(ROBERT H. GRUFFI, DIRECTOR, FACILITIES MANAGEMENT) DL# 2015-00516**

MOTION TO APPROVE
PAUL/WIEDER

UNAN
TRANSFER TO B&F

ADDED SPONSORS SCHOENBERGER, WOLFE, PAUL, MORONEY, WIEDER, JOBSON

3. REFERRAL NO. 0107 APPROVING A CONTRACT IN EXCESS OF \$100,000 WITH HAUSER BROS. MECHANICAL FOR MECHANICAL CONTRACTING FOR THE FIRE TRAINING CENTER BUILDING IMPROVEMENTS AND ROOF REPLACEMENT IN AN AMOUNT NOT TO EXCEED \$493,744 AND AUTHORIZING THE EXECUTION BY THE COUNTY EXECUTIVE UNDER CAPITAL PROJECT NO. 1865 [DEPARTMENT OF GENERAL SERVICES- FACILITIES MANAGEMENT] (\$493,744) **(ROBERT H. GRUFFI, DIRECTOR, FACILITIES MANAGEMENT) DL# 2015-00511**

MOTION TO APPROVE
MORONEY/PAUL

UNAN
TRANSFER TO B&F

ADDED SPONSORS SCHOENBERGER, WOLFE, PAUL, MORONEY, WIEDER, JOBSON

4. REFERRAL NO. 1519 APPROVING AWARD OF BID AND CONSTRUCTION CONTRACT IN EXCESS OF \$100,000 TO CAL MART ENTERPRISES INC. FOR THE EMBANKMENT STABILIZATION PROJECT FOR NAURAUSHAUN BROOK LOCATED ON SICKLETOWN ROAD IN THE TOWN OF ORANGETOWN UNDER CAPITAL PROJECT NO. 7110 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [**DRAINAGE AGENCY, DIVISION OF THE DEPARTMENT OF HIGHWAYS**] **(\$800,000.00)**

MOTION TO APPROVE
MORNONEY/WOLFE, PAUL

UNAN
TRANSFER TO B&F

ADDED SPONSORS SCHOENBERGER, WOLFE, PAUL, MORONEY, WIEDER, JOBSON

5. REFERRAL NO. 2946

AUTHORIZING THE CLERK TO THE LEGISLATURE TO ADVERTISE FOR BIDS FOR A CONSTRUCTION CONTRACTOR FOR THE 264 NORTH ROUTE 9W EMBANKMENT STABILIZATION AND RETAINING WALL PROJECT ON THE MINISCEONGO CREEK , TOWN OF HAVERSTRAW CAPITAL PROJECT NO. 7112 (DRAINAGE AGENCY) DIVISION OF THE HIGHWAY DEPARTMENT **(CHARLES VEZZETTI, SUPERINTENDENT OF HIGHWAY) DL# 2015-00519**

MOTION TO APPROVE
SCHOENBERGER/PAUL

UNAN
TRANSFER TO B&F

ADDED SPONSORS SCHOENBERGER, WOLFE, PAUL, MORONEY, WIEDER, JOBSON

6. REFERRAL NO. 6394

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK , AUTHORIZING FINANCING FOR COSTS OF THE THREE YEAR EQUIPMENT REPLACEMENT PROGRAM FOR THE HIGHWAY DEPARTMENT (CAPITAL PROJECT NO. 3408), STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$6,000,000 , APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF **(CHARLES VEZZETTI, SUPERINTENDENT OF HIGHWAYS, HIGHWAY DEPARTMENT) LM# 2015-00540**

MOTION TO APPROVE
PAUL/WIEDER

UNAN
TRANSFER TO B&F

7. REFERRAL NO. 6394

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK , AUTHORIZING FINANCING FOR COSTS OF COUNTYWIDE ROAD RECONSTRUCTION FOR THE HIGHWAY DEPARTMENT (CAPITAL PROJECT NO. 3409), STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$6,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF. **(CHARLES VEZZETTI, SUPERINTENDENT OF HIGHWAYS, HIGHWAY DEPARTMENT) LM# 2015-00578**

MOTION TO APPROVE
SCHOENBERGER/WOLFE

UNAN
TRANSFER TO B&F

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8. REFERRAL NO. 6394 **AUTHORIZING THE AQUISITION OF A RIGHT-OF-WAY REQUIRING TWO (2) PERMANENT EASEMENTS FOR GRANDVIEW AVENUE CULVERT REPLACEMENT ON THE WILLOW TREE BROOK IN THE TOWN OF RAMAPO CAPITAL PROJECT NO. 3397 [HIGHWAY DEPARTMENT] (CHARLES VEZZETTI, SUPERINTENDENT OF HIGHWAYS, HIGHWAY DEPARTMENT) DL# 2015-00881**

**MOTION TO APPROVE
SCHOENBERGER/WOLFE**

**UNAN
TRANSFER TO B&F**

ADDED SPONSORS SCHOENBERGER, WOLFE, PAUL, MORONEY, WIEDER, JOBSON

9. REFERRAL NO. 6394 **AUTHORIZING THE CLERK TO THE LEGISLATURE TO ADVERTISE FOR BIDS-REPLACEMENT OF THE GRANDIEW AVENUE CULVERT ON THE WILLOW TREE BROOK, IN THE TOWN OF RAMAPO CAPITAL PROJECT NO. 3397 [DEPARTMENT OF HIGHWAYS] (CHARLES VEZZETTI, SUPERINTENDENT OF HIGHWAYS, HIGHWAY DEPARTMENT) DL# 2015-00920**

**MOTION TO APPROVE
SCHOENBERGER/WIEDER**

**UNAN
TRANSFER TO B&F**

ADDED SPONSORS SCHOENBERGER, WOLFE, PAUL, MORONEY, WIEDER, JOBSON

10. REFERRAL NO. 9187 **DISCUSSION ITEM: PROPOSED ANELLOTECH PLANT AT THE FORMER PFIZER SITE IN PEARL RIVER (HONS. ALDEN H. WOLFE, ILAN S. SCHOENBERGER, PATRICK J. MORONEY, ANEY PAUL, NANCY LOW-HOGAN)**

DISCUSSED

ACTION:

PLANNING DEPARTMENT IS REQUESTED TO FORWARD COPIES OF THE THREE REVIEWS COMPLETED BY PLANNING IN RESPECT TO THE ANELLOTECH PROPOSED PROJECT TO THE CHAIR OF THE LEGISLATURE.

COMMITTEE ALSO REQUESTED THE PLANNING DEPARTMENT TO POST ALL PROPOSALS ON COUNTY PLANNING DEPARTMENT WEBSITE.

**MOTION TO ADJOURN 9:00 P.M.
MORONEY/PAUL**

UNAN

Anellotech

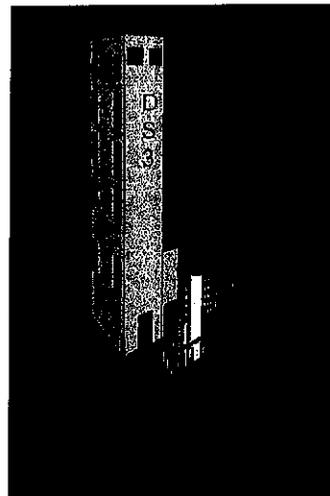


Safe Clean R&D Operations

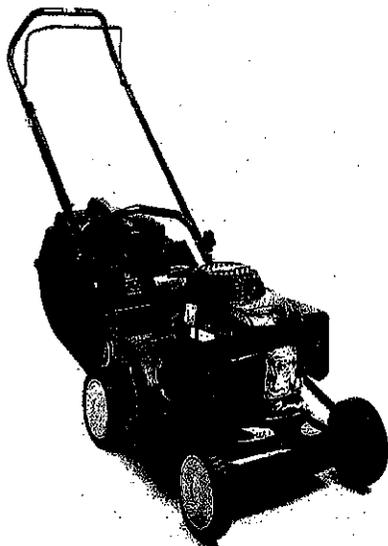
The First Pioneer -- New Test Facility -- Pearl River Campus

A Community Perspective

Anellotech's test facility's footprint is 2500 square feet,
similar in size to a typical Rockland home...just taller



Emissions from 1 hour of the test facility's operations...

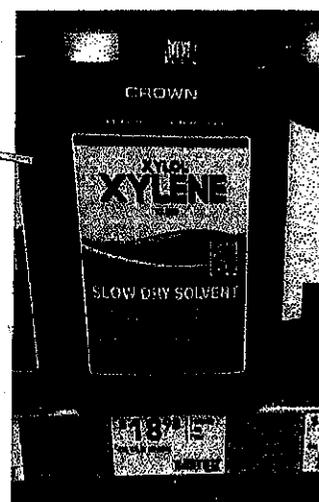


OR...



March 2015

BTX products safely sold by Rockland retailers

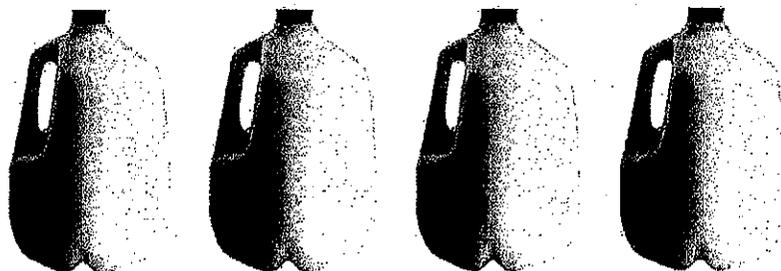


March 2015

25% of gasoline is benzene, toluene and xylenes
..... *Everyone is safely transporting BTX!*

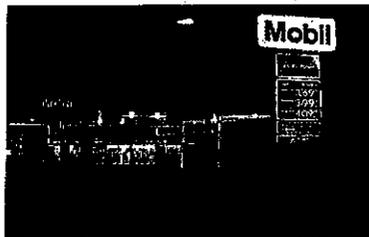


Amount of BTX in a typical 16 gallon gas tank in your car is ~ 4 gallons



March 2015

BTX is safely stored all over Rockland County at its 103 gas stations

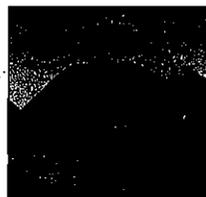
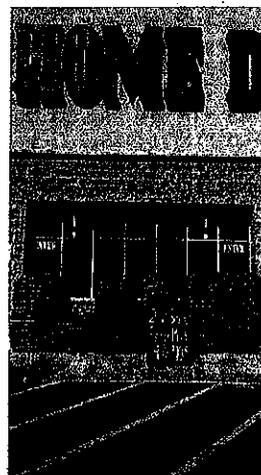


➤ **10,000 - 60,000 gallons of gasoline stored at every gas station**

➤ **213,000 Cars registered In Rockland County**

March 2015

Large amounts of biomass shipped and sold all over Rockland County



March 2015

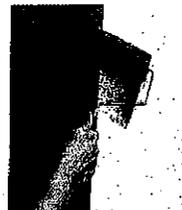
BTX emissions come from multiple common sources



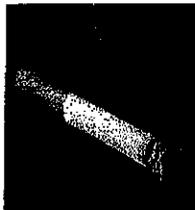
On the road



In the home and garden

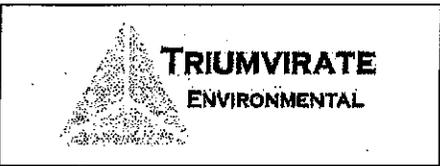
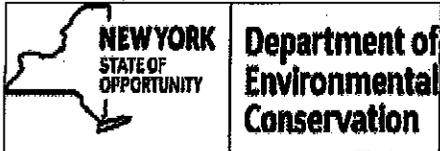


Outside the home



March 2015

The NYSDEC and two independent environmental consultants hired by Orangetown confirmed emissions are well below regulated guidelines

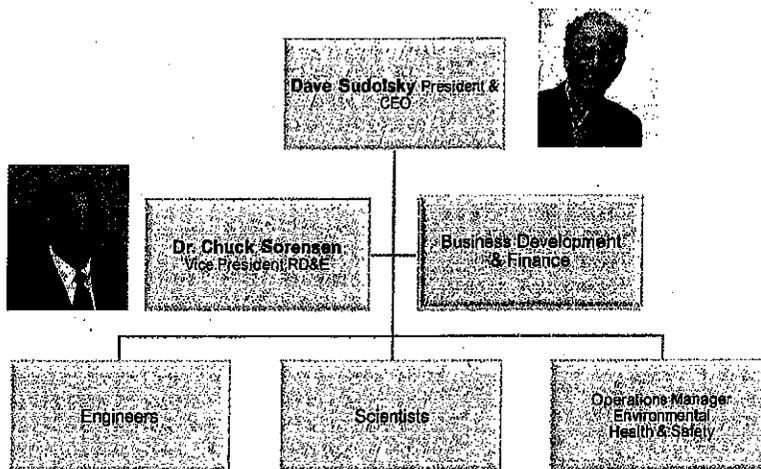


✓ 18X Less than DEC's emissions guidelines

rch 2015

9

Our Corporate HQ and R&D staff will all work at the test facility



**20 Scientists, Engineers, Technicians
.....and 3 Business Professionals today**

10

We will be the best neighbor possible



✓ Incorporating a catalytic oxidizer to reduce emissions dramatically below all regulatory levels



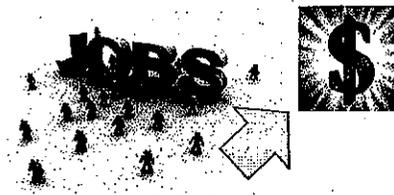
✓ Welcoming a monitoring plan administered by an independent, recognized air quality expert

March 2015

Benefits to Rockland County



Pearl River site growth



Let's emulate other successful R&D Centers

March 2015

Anellotech: safe R&D, long term economic development



✓ BTX containing products are a part of every day use by Rockland County citizens



✓ Safety is Anellotech's top priority – for our employees who work here, our neighbors and the environment

- Safe operations
- Safe transportation
- Safe storage



✓ Emissions: 18 Times Below All Federal and State regulations



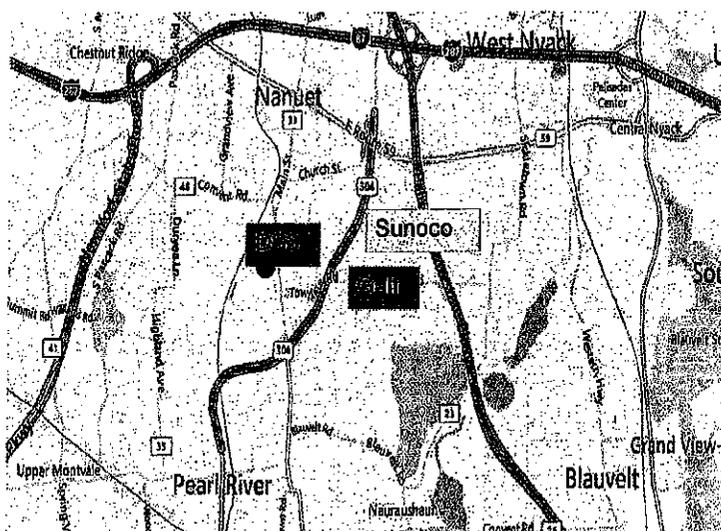
✓ New, highly skilled jobs for residents and their children

✓ Expanding the tax base

✓ Pioneering the way for other start-up companies to come to Rockland

March 2015

330 gallons BTX transported by a licensed, secure specialty hauler using the same roads as the 9,000 gallon gasoline delivery trucks



March 2015

Attachment 1

Alex Gromack

Good Evening. My name is Alex Gromack, Supervisor of the Town of Clarkstown. I am here to voice the Town's concerns regarding the expansion of Anellotech's operations into the production of Benzene, Toluene and Xylenes from renewable biomass. Clarkstown's apprehensions include the possibility of harmful air emissions and soil and water contamination.

As recommended to the Orangetown ZBA and Planning Board, we again suggest that Anellotech be required to post funding in escrow for periodic air quality monitoring by an independent expert hired by Orangetown. This would help to ease residents' worries while demonstrating Anellotech's confidence in their proposed operation and show their commitment to the health and wellbeing of the surrounding community. Air monitoring would also provide concrete, independent data over time to definitively answer the question regarding possible air pollutants.

In an effort to fully understand the impact of Anellotech's operations on our community, we have requested information regarding the materials being used and their planned routes of transport either to or from the facility. This information should include exactly what materials are being transported, including biomass, BTX and any residual waste; their quantities, containment measures and the likelihood of a spill and/or subsequent contamination. We also request that Anellotech provide their spill prevention procedure and response plan to any accidental spillage occurring either at the site or during transit. Anellotech's location will likely result in these materials being transported via the NYS Thruway and traversing roads in Clarkstown en route to and from the facility. As a neighboring community, Clarkstown needs to formulate their own emergency response in case of a spill on our roadways and a plan to prevent injury to our residents.

There has been some confusion regarding Anellotech's proposed biomass source. We have heard reports that sawdust or corn stover would be used by the company as their biomass source. We request that Anellotech disclose exactly what biomass material is to be used and its source. The possibility that these materials will be obtained from chemically treated wood, waste wood or corn that has been treated with pesticide is a real concern. What happens to these chemicals when introduced into Anellotech's production process?

It is my understanding that NYS DEC has been made aware of the environmental concerns surrounding this project and has commented regarding potential air emissions. We are requesting that Orangetown obtain a definitive answer from NYS DEC regarding any required permits for the facility and especially whether a Part 360 Permit will be required. A NYS DEC Part 360 Permit allows for the operation of a solid waste management facility, which requires its own application process and raises a different set of concerns.

Many questions remain regarding the safety of the materials and their impact on the surrounding area. Unfortunately, little opportunity to raise these questions was afforded prior to the issuance of a negative declaration by the Orangetown Planning Board on September 10, 2014, which was based solely on the physical addition to the building. However, the most critical issues relate to the operation of the facility, which have not been fully addressed as required by the State Environmental Quality Review Act. The importance of openness and transparency in this process cannot be understated, and we respectfully request that Anellotech and the Town of Orangetown take these concerns under serious consideration in order to move forward in a productive and positive manner. Thank you.

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Good evening Legislators, Commissioner Ruppert, Mr. Powers...The members of Stop Anellotech would first like to thank you for addressing our concerns and listening to us speak at the meeting on February 24. Members of Stop Anellotech are here tonight to provide vital information to the public and the Legislators regarding the proposed Anellotech expansion plan on the Pfizer campus in Pearl River. We are not a group of crazed anti-business environmental zealots, we are a concerned group comprised of parents, grandparents, doctors, attorneys, educators, police officers, firefighters, nurses, students, artists, business owners, and RESIDENTS who are deeply concerned and alarmed about the prospect of this expansion proposal which includes manufacturing an unknown amount of carcinogenic chemicals with emissions in the middle of a residential community that does not want it, and does not need it. We are equally as concerned to learn that several articles in the Rockland County Sanitary Code were rescinded in April 2014, including Article XII regarding Air Pollution control. In addition, codes that remain in place are not even being followed by this company, law 3.51 in the RC DOH requires companies that transport hazardous waste to obtain hauler permits. They transported over 5800 pounds of hazardous waste from January 2014-February 2015, yet there is no hauler permit with the County on file that would detail what harmful chemicals and waste they are hauling through the county.

To this day, Anellotech has not answered crucial questions posed by both the

Orangetown Planning Board and the public. Misleading statements have been made regarding the role of the New York State Department of Environmental Conservation, and Anellotech, along with several elected officials, have led the public to believe that truly independent firms and the DEC have conducted independent studies and analysis that determined this project to be safe, when in reality, these reports are only reviews of information provided solely by the company. A January 15th correspondence from the NYS DEC to the Town of Orangetown has been deemed a "letter" by officials at the DEC, and it is not considered a "report" which is what Anellotech is claiming they issued. As of March 24, 2015, Anellotech is still under review with the Materials Management Division and as of has not been granted any permits, nor applied for any permits. Any outside emission testing has not occurred, and the analysis and data that they have been developing in their lab for the last 2 years at Pfizer was conducted using a thermal oxidizer, not a catalytic oxidizer which is what is proposed to be used to trap emissions. How ^{can} that data on emissions even be comparable? And according to Chuck Sorensen, Anellotech's lead engineer, they are still having issues with the pressure drop in their design.

Anellotech is using biomass in their manufacturing process. But what exactly that biomass will be comprised of is still a mystery. At various times, they have stated that they will be using sawdust, wood flour, pelletized wood, corn stover, sugar cane bagasse, newspaper pellets, tree bark, switchgrass and pine chips. Their patent application states that the 10 major components could include metabolic

wastes and cellulosic urban waste. A wood source could be from construction and demolition waste and treated wood, yet Anellotech has not answered questions as to where their supplies are coming from, if their biomass is classified as adulterated or unadulterated, and if the agricultural waste they are using for their biomass will be from genetically modified crops, thus leading to the possibility of those crops being saturated with pesticides and herbicides such as glyphosate, an herbicide whose ability to biodegrade has been challenged. The World Health Organization even recently announced that glyphosate is probably carcinogenic, yet Anellotech has stated that glyphosate would "wash off in the rain".

On March 11th, Anellotech and their attorney, Donald Brenner, assured the Orangetown Planning that if they decide to use biomass other than wood flour, then they would obtain any and all required permits with the DEC and notify the town. But what they failed to tell the public is that the NYS DEC does not issue permits for Specific feedstock conversion to biofuel. This information was provided by John W. Petronella, Deputy Regional Permit Administrator in the Division of Environmental Permits.

Anellotech also submitted a Material Safety Data Sheet to the Town of Orangetown about the sawdust they would be using, yet the company whose letterhead appears on that MSDS has never heard of Anellotech, they only sell to companies that drill oil and gas wells, not to companies involved in catalytic Fast Pyrolysis, and stated that the sources for sawdust could come from different sources, including waste wood and those sources would have a separate MSDS form for that. Where did Anellotech's samples go that were

produced between January 2014 and February 2015? They have stated that 4-6 samples were made, yet did not disclose where and how those samples were shipped. Anellotech has also stated that they can use 1,129 pounds of biomass per day, yet they have failed to answer specific questions as to how much chemical product is made from that amount of biomass, and how much hazardous waste is created from that amount.

On March 11, Anellotech's CEO David Sudolsky answered that the other chemical emissions are "trace materials, and were all disclosed to our discussions under confidentiality with the regulatory authorities that we interacted with". The public will not accept confidentiality of these emissions in a residential area.

Why is the Town Code of Orangetown being overlooked and interpreted in Anellotech's favor when these codes were designed to keep chemical companies out? Code 4.41 prohibits the manufacturing of coke, tar, gas, plastic materials, yet this company has described how their manufacturing produces coke. And in code 4.42 in Prohibited uses includes the distillation of wood and the refining of petroleum products. Their application to the town includes distillation equipment and Anellotech has referred to benzene, toluene, and xylene as "distillation products" that they will be making from wood, and they have stated that their product will be identical to petroleum products. We need to evaluate the decisions that are made to ensure the safety and health of the community. Nearly 3000 residents signed our petition. Our representatives in government need to be detailed, intelligent, diligent, and careful in the decisions going forward. The health, safety, and welfare of the community, as well as the

future of the Pfizer campus depends on it, and the community is depending on you.