



## VILLAGE OF FORT EDWARD

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### ZONING BOARD OF APPEALS

Nasrene Haj, Chairperson

Bernie Taylor  
Doreen Rabine  
Tabitha Fish  
Samantha Walker  
Daniel Boucher  
Peter Amorosi

### ZONING BOARD OF APPEALS MEETING TRANSCRIPT

#### **Zoning Board of Appeals Meeting**

**April 14, 2026 - 6:00 p.m.**

**ESMI – Zoning Determination Appeal**

Nasrene Haj: All right. Should we begin with a pledge of allegiance?

Nasrene Haj: Oh, do you want to do roll call first?

Nasrene Haj: All right. Do I need to announce that we're opening the meeting. All right. We are going to begin the meeting. Thank you for the moment. Janel?

Janelle Rose: Roll call. Nazarene Haj. Here, Tabitha Fish. Here. Sam Walker, here, B Taylor. Okay. Stand for the pledge. I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, God, indivisible with liberty and justice for all.

Nasrene Haj: Okay.

Nasrene Haj: So, app the minutes to you. Okay.

Nasrene Haj: Hi, everyone. Well, I'm just going to say at the top that we are planning to end this meeting by 8:00. So, if we don't get through everything, we will continue at a later date. Approval of the minutes. Motion to approve.

Attorney Fuller: Do you want to deal with the transcription first?

Nasrene Haj: Oh, you're right. Okay. Great. So, sorry, we're starting something new. So, the minutes are going to be transcribed by AI. So, as anyone speaks, the first time you speak, if you can identify your name so that the voice recognition can pick you up, and we will start with that as well before we do the approval. So, I'll start and then we can go or, actually, do we all need to? Yeah. Go ahead. Yeah.

Nasrene Haj: Go ahead.

Janelle Rose: Okay. Janelle Rose, Clerk.

Dave Armando: Dave Armando, building inspector.

Attorney Fuller: Matt Fuller, Village Attorney.

Nasrene Haj: Nasrene Haj of the Zoning Board of Appeals.

Tabitha Fish: Tabitha Fish, Zoning Board of Appeals.

Doreen Rabine: Doreen Rabine, Zoning Board of Appeals.

Samantha Walker: Samantha Walker, Zoning Board of Appeals.

Bernie Taylor: Bernie Taylor, Zoning Board of Appeals.

Nasrene Haj: Okay. So, motion to approve the minutes from last meeting.

Bernie Taylor: I'll make a motion.

Doreen Rabine: I'll second that.

Nasrene Haj: All in favor. Aye.

Nasrene Haj: Okay. I think, yes, both of the other applicants are here. Sorry. I'm going to try and speak up. If you can't hear me or hear any of us, just raise your hand or something, and we'll it's a very big space. We're usually in a smaller room. So, I'm just going to outline the agenda because we do have three items on the agenda today. The first is going to be a public hearing for an adult Day center in the village. And then we will do a boundary line adjustment, and then we will do the public hearing for the appeal. Great.

Nasrene Haj: So, does everyone have the materials for this and Laura, I thought I saw you. Okay. Great. Would you do you want to come up here just so that we can make sure she identifies herself.

Nasrene Haj: Great. Okay.

Nasrene Haj: Yeah. You can you can grab a seat, or you can just come over here and talk. We just want to make sure that we can capture what you're saying. So, if you can just give a brief overview since many people here weren't here when you first came before us, and if you can say your name before you. I can speak.

Laura Niles: My name is Laura Niles. I represent Spark Adult Day Center that we are planning on putting on the corner of Broadway in Liberty. So, the Adult Day Center will be for adults aged 18 and over, people with developmental disabilities. We will be working with the Department of Aging, OPWDD, the health department, we're going to provide meals. So it's the place for people to come and socialize and, you know, just to get a, you know, to get a break, give the family members a break. They can be dropped off in the morning, picked up in the evening. We're reconfiguring the parking area so that people won't be dropped off on the busy street of Broadway, so they'll be dropped off in the back. We'll be changing the entrance so that they can, you know, come from the back area in the parking lot area. We'll be providing meals, and there we'll have a, you know, a scheduled, you know, day of activities, and we'll also do events on weekends. So we plan on having the facility, you know, we would like to have the facility to be able to use it seven days a week, but weekends will be only for events.

Laura Niles: The Monday to Friday will be for the day center programming.

Nasrene Haj: Great.

Mike Powers: That's pretty much it. Thank you. Could you repeat? Where is that going to be? On the corner of Broadway and Liberty.

Nasrene Haj: The address is 192 Broadway. Great.

Nasrene Haj: Okay so a motion to open the public hearing.

Tabitha Fish: I'll make a motion.

Bernie Taylor: I'll second that.

Nasrene Haj: All in favor. Aye.

Nasrene Haj: Okay. All in favor? Aye. Does anyone on the board have any questions or anything before we begin?

Board: No.

Nasrene Haj: Great. Does anyone in the public have any questions or comments? Okay. Great. So, then in that case, we should go through the seeker. Doreen, how do you feel about reading through it?

Doreen Rabine: I don't have a problem. Great. Okay. I'm going to review the short environmental assessment form.

BOARD REVIEW OF SEORA

Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No.

Will the proposed action result in a change in the use or intensity of use of land? No.

Will the proposed action impair the character or quality of the existing community? No.

Will the proposed action have an impact on the environmental characteristics that caused the establishment of the critical environmental area? No.

Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? No.

Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonable reasonably available energy conservation or renewable energy opportunities? No

Will the proposed action impact existing public or private water supplies? No.

Public, private wastewater treatment utilities? No.

Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? No.

Will the proposed action result in an adverse change to natural resources, for example, wetlands, water bodies, groundwater, air quality, flora and fauna? No.

Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems? No.

Will the proposed action create a hazard to an environmental resource or human health? No. Okay. And then Okay.

Nasrene Haj: So then we have to make a negative declaration. I will sign I have a copy here. Okay. Yes.

Nasrene Haj: Okay. So, a motion to close the public hearing.

Bernie Taylor: I'll make a motion.

Doreen Rabine: I'll second that.

Nasrene Haj: All in favor. Aye

Nasrene Haj: Motion for a negative declaration.

Tabitha Fish: I'll make a motion.

Bernie Taylor: Ill second that.

Nasrene Haj: All in favor? Aye

Nasrene Haj: Okay. Great. And then motion to approve the site plan.

Bernie Taylor: I'll make a motion.

Doreen Rabine: I'll second that.

Nasrene Haj: All in favor. Aye

Nasrene Haj: Okay. And I will sign this for you. All right. Thank you, Laura. Welcome.

Nasrene Haj: You're all set to our community. Thank you. How are you doing?

Nasrene Haj: Okay. Let's move on to the boundary line adjustment. Would you like to explain your boundary liners?

Ed Carpenter - Applicant: Sure. My name is Edward Carpenter. I live on 16 Thornwood Drive. I'm in the process of purchasing a 100 by 150 lot adjacent to me. And so basically, that would change my property to become 200 by 150, and it will be added onto that property. It won't be subdivided or anything like that. And we are on the dead end of that street, so it won't really make any changes at all or anything. And the lot is wooded as it is now, so.

Nasrene Haj: And has everyone reviewed the materials? Yes. Okay. Does anyone have any questions?

Nasrene Haj: There's no SEQRA or public hearing required. Just an approval. Okay.

Nasrene Haj: So there are no questions. Motion to approve.

Bernie Taylor: I'll make a motion.

Doreen Rabine: I'll second that.

Nasrene Haj: All in favor? Aye. All right.

Nasrene Haj: You got that Janelle? Okay. You're all set?

Nasrene Haj: Thank you very much. Okay. Is there anything he needs to do?

Ed Carpenter: Like, do you need to, like, fill out one of those big maps or anything? Eventually, I'll. Okay. We haven't done one of those in a while.

Ed Carpenter: Yeah. You'll enjoy getting the tax. I'm not going to change the tax. Actually, it'll go down.

Nasrene Haj: Great.

Nasrene Haj: Great. So, let us open the public hearing for the appeal.

Nasrene Haj: So, a motion to open the public hearing.

Bernie Taylor: I make a motion.

Tabitha Fish: I'll second.

Nasrene Haj: All in favor? Aye.

Nasrene Haj: A. Great. Okay. So, we'd like to hear from the appellant. If you can kind of speak about what's in these documents for everyone to hear, and if you can state your name and just speak loudly because there's a lot of people. Ideally, if you can come a little bit closer, that would be great because we are recording.

Matt Rimkunas: Good evening. My name is Matt Rimkunas. I am an attorney at the West Firm in Albany. We represent Environmental Soil Management of New York, the owner and operator of the soil recycling facility located at 3:04 Towpath Lane in the Village of Fort Edward. Before we get started, I do have a couple just housekeeping questions. Is the transcript from tonight going to be made available for everybody?

Janelle Rose: Yes.

Matt Rimkunas: And at the prior meeting, the board noted that they were going to be asking a few people, the witnesses to testify. Are they going to be, you know, providing public comment or are they going to be answering questions and from the board and providing testimony?

Attorney Fuller: It could be one or both. I think we need to see how it how this all plays out.

Matt Rimkunas: Understood. And will we have the opportunity to ask follow up questions if if the need arises afterwards for the three people who are being asked to testify tonight?

Nasrene Haj: To the board? You'd be able to ask the board questions.

Matt Rimkunas: Not of the witnesses?

Attorney Fuller: I don't see a cross examination. Is that what you're asking? Yeah.

Matt Rimkunas: Well, my question was, is, you know, are they going to testify on behalf of the board, or are they, you know, more providing public comment in the sense that everybody else is providing public comment?

Attorney Fuller: Yeah. I don't think anybody would be testifying on behalf of the board. The board is just gathering information about your appeal. But you could ask questions about the testimony somebody may give, and then the Board could ask them questions. I don't Yeah. That answers my question.

Matt Rimkunas: Yeah. Thank you. Well, I appreciate everybody's time tonight. You know, we we'll refer the board to our written submissions for, you know, the full basis for our appeal in the interest of time. But, you know, we're here tonight to discuss whether the code enforcement officers zoning determination was lawful, and the answer to that question is no. There's no authority for the code enforcement officers unilateral and retroactive restriction of what the Planning Board approved 35 years ago. There is no authority for the village to regulate discrete business operations after the initial land use is approved. The record before the board and the village's conduct for the past 30 years establishes that there were no material related restrictions on the zoning approval for this facility. It was always understood that DEC would regulate the facility's operations, and the Village trusted and relied upon DEC to 2000 the past three decades. In the foil documents that we received that were supplied by Ben Bramlege, there are minutes from a September 11, 1991, planning board meeting where the chairman at the time, proposed approving the soil recycling facility so long as it met or exceeded DEC standards.

Matt Rimkunas: Those terms a aligned with the village's conduct the past 35 years. To conclude otherwise would contradict the record before the Board and result in an arbitrary and unlawful outcome. So, for these reasons and the others that are set forth in our written submissions, we request that the Board reverse the code enforcement officers one determination.

Nasrene Haj: Thank you. Does anyone have questions in this moment? Okay. Can you say the name of the company that owns it?

Speaker: It's not Clean Earth, right? It's who owns Clean Earth?

Matt Rimkunas: Environmental Soil Management of New York.

Matt Rimkunas: Owns the property from owns En New York. Uh-. Okay. Okay. Where is the pin?

Nasrene Haj: Wait. Can we just hold until we have the public I'm going to open it for everyone else in a minute. I just want to and if you can direct the questions to us and then we can ask it back just so it's and also because when you speak, if you can come closer because we are recording. So we will get to all of the questions. Okay. Great. So, if you don't have any other questions yet, I actually did have I did want to go through the timeline document, actually, that you shared. Yeah. So let me just find that. Okay.

Nasrene Haj: So, just for everyone who was not here last time, one the one additional request that we had for the appellant was to provide a list of all of the materials that are have been processed or are being processed at the facility, and the start and end dates, just so we could get a full sense of what has been processed there. So, I just want to go through each of them, and I have a few questions. So, if you can just speak up when you answer or you can come up here, but you're welcome to speak up from there. Okay. So, the first one is just fuels, 1995 to present. Can you show me where in the original application it lists that substance?

Matt Rimkunas: The initial approval, el It references broadly the fuel contaminants that the facility is authorized to accept. And so included in that initial approval are several of the other items that are listed as 1995 to present. So fuel, light oil, lubricating oils, metal working oils, electrical oil, petroleum greases, industrial oils, PCVs on the initial approval, those items fall under the category of the initial group contaminants that were in lab as I DEC.

Nasrene Haj: Okay. So those are the fuel oil petroleum? Correct. Those all fall under that? Correct. Okay. So all the ones that are 1995 that start in 1995.

Matt Rimkunas: Separate PCBs. Those are listed separately in the initial DEC.

Nasrene Haj: Okay. So, fuels, white oil, lubricating oils, metalworking oils, electrical oil, petroleum greases, and industrial oils are all fuel oil petroleum within that category. Okay. So, I will go through the ones that are not that I did not just list. And before I go on, so for all of those, if they're all grouped together, you're saying, so did you have to go to DEC for approval for all of those collectively? Or individually?

Matt Rimkunas: They were they were encompassed in the initial 1995 DEC approval.

Nasrene Haj: Okay. And did you have to issue a public notice before processing these substances?

Matt Rimkunas: DEC would have issued one for the permit that they. The issue.

Nasrene Haj: Okay. The next one, so that would go to number six, is Petroleum Solvents. That's the year 2000 to present. Yeah. So can you show me where in the original application that one is listed?

Matt Rimkunas: And now, when you say original application, what are you referring to?

Nasrene Haj: So I am referring to the application from The original application to the Planning Board?

Matt Rimkunas: To the planning Board. Yeah. So, the initial application to the Planning Board was for approval for the property under the Village's zoning law at the time to confirm that it was an authorized land use and in compliant with the code. To be used as a soil recycling facility. And the approval from the planning board, which is borne out by three decades worth of conduct by the village, is that the facility was approved and authorized for a soil recycling facility generally. So, the land that the use of the land was approved by the Planning Board for use as a soil recycling facility. That approval authorizes ESMI to recycle these contaminants at at the facility. The understanding was always that DEC would oversee and regulate the specifics of what was being processed through their solid waste Management permitting

regulatory scheme. That oversight was always understood to be done by DEC. The zoning land use was regulated by the village, and that encompassed approval for a soil recycling facility, which is what the zoning covered.

Matt Rimkunas: The the zoning code doesn't get into the specifics, the details in this level of detail, that DEC does. That's why DEC oversees and regulates the specific materials that are accepted and processed at the facility.

Nasrene Haj: Okay. So, you said that the that ESMI, at the time, DA Collins, was approved for soil recycling generally? Correct. Okay. And where so, like, in the application, as we just discussed, it says, soil that has been contaminated with fuel oil, petroleum.

Nasrene Haj: So where does it say where where where does it say generally? Is it in the application or is it after the application?

Matt Rimkunas: No. So, the the application describes the soil recycling facility. One type of material that would be processed initially at the facility was petroleum contaminated soil. That was because at the time in 1990 or 1991, that was the the biggest need for soil recycling, for contaminant removal out of soil at the time. That was the be going to be the the first material to be processed at the facility. By no means was the application a limitation on what the facility would ultimately process. The understanding was that DEC would oversee that and they would approve, deny, condition, restrict, pursuant to their regulatory regulatory authority and the technical expertise that they have.

Nasrene Haj: And where where does it say in the application that this was initially what would be processed, but that additional substances could be?

Matt Rimkunas: Yeah. The the throughout the application, it's described as a soil recycling facility. The seeker Environmental Assessment form, reference to soil recycling facility, the public notice that the Village published, reference to soil recycling facility. There's nowhere in in any documents that we've been able to locate, we understand that the Village hasn't been able to locate no documents that contain any restriction or limitation on the materials that this facility was authorized to to handle beyond what DEC has included in their permit.

Nasrene Haj: So you mentioned that you so you don't have access to the you don't have a copy of the final determination and approval, correct?

Matt Rimkunas: And we understand that the village doesn't either.

Nasrene Haj: Okay. And so you're saying that what was put in the notices and that I guess I'm just trying to see where in the materials that we do have, it says that materials beyond fuel oil and petroleum, which are the ones that you initially said all the 1995 to present, where it says that additional materials could be processed?

Matt Rimkunas: Yeah. I I don't think that there was there's no document that says additional materials cannot be processed. And and the conduct of the Village in not requiring any additional approvals for 30 years, when they were getting notification from DEC, when they were getting notification from the prior operator of the facility, that more than just that controlling contaminated soil, the blood seeing process, that reflects that that there was no such limitation. And as I mentioned, the there's a 1991, September 11 meeting minutes that were supplied by Ben Bramlage in anticipation of this meeting. And the chairman of the planning board at the time suggested making a conditional resolution that the facility be for the application to be approved, subject to an outside both three plan to meet DEC regulations are better, which I think is a good indication of the planning Board's ultimate determination of the application. I

think without, you know, the the final document, the code enforcement officer is guessing, the Zoning Board of Appeals is going to be guessing. And so we're left to look at, you know, 30 years of conduct and what documents we can we have located. And I think that the only conclusion that has any rational basis is that the facility was initially approved as a historic recycling facility without any sort of material limitation.

Nasrene Haj: So you mentioned that the village, specifically the mayor, was copied on these e-mail correspondence with DEC. Did and I'm going to I'll say ESMI, knowing that it had gone through an evolution of different names, but just for the purposes of this, did ESMI ever go back to the zoning or planning boards at the time for additional approvals as new materials were being No, because it wasn't required.

Matt Rimkunas: We submitted a letter from the prior operator of the facility who was involved in it from 1991 until 2018. And in all of his involvement with the facility and all of his conversations with village officials, nobody requested additional approvals. There was a letter an additional letter that was supplied by Ben Bramlage, where the prior operator, Robert Mans, reached out to the mayor of the Village in, I believe, 1996, as they were applying for an RD and D permit application with DEC to ask if additional approvals were required. And there was never any indication from the mayor or the village that additional apps were were required.

Nasrene Haj: Okay. Did the mayor respond to that e-mail saying there was not, or were they just they sent the e-mail to the mayor is what you have It was a letter. It was a letter.

Matt Rimkunas: A letter. And and I I haven't located the response letter. And to my knowledge, you know, we we've submitted for requests to the village and didn't produce it. And I think others have, and I don't know that any responsive letter has been located.

Nasrene Haj: Okay. And you mentioned that there were village officials that had been notified. Who who are you referring to other than the mayor, which we know?

Matt Rimkunas: Yeah. The the mayor would have been involved. I imagine members of the Planning Board would have received copies of these documents. They certainly would have received or or been or been notified through the public notices that DEC put out, certainly would have been notified through the environmental notice bulletin that DEC put out when these permit applications were were going on. So, I think many village officials at varying departments, I imagine the code enforcement officer was involved, had had notice and had knowledge of what materials being processed at the facility for 35 years, and nobody ever requested that any additional approvals were required.

Matt Rimkunas: Did ESMI go directly to the planning board or to the code enforcement officer when there was a new material, or is it just assumed that they would have received this information through No, because it wasn't required. Okay. Does anyone else have questions on that or else I'm going to go through the rest of the materials? Okay. Okay. So, we did Petroleum solvents, and you're saying it was not in the original application. So, for petroleum solvents, which, again, we're the year 2000 to present, did you have to go to DEC for approval to process that new substance? Yes. Okay. And did you have to issue a public notice before processing this new substance?

Matt Rimkunas: Yes. DEC would have issued a public notice before Okay.

Matt Rimkunas: That approval that permit modification was authorized.

Nasrene Haj: Okay. And why did why does DEC issue a public notice about this new substance or To notify the public of a change in the permit. The next one is natural waxes, which was also the year 2000 to present. So, is could you show me where in the original application that one is?

Matt Rimkunas: And you're referring to the initial 1991 zoning application. That wasn't specifically referenced because the application was for a soil recycling facility, generally, not limited to any one or group of materials.

Nasrene Haj: Okay. And just to back up for 1 second, all of the materials from 1995 to present that you said were part of that original fuel oil petroleum, If you looked up fuel oil petroleum, those would all be listed as examples of fuel oil petroleum?

Matt Rimkunas: And even more than that, maybe. If you depending on the definition of petroleum that you use, it's a it's certainly more of a scientific question than, you know, I can explain. But if you use, you know, the definition of petroleum encompasses many of the materials that are handled at this time.

Nasrene Haj: Okay. So, that's my next question. So, we can continue going through them. But for all of the ones that were not 1995, so 2000 1996, there's one a couple. So 1996 or later. Are any of these additional and I'll just read through all of them, and then can you please tell me which of these would also fall under fuel oil petroleum? So, we have I'll just start from the petroleum solvents, 2000 to present, natural waxes, 2000 to present, Synthetic waxes and plasticizers, 2000 to present. Animal oils, 2000 to present, Vegetable oils, 2000 to present. Industrial oils, 1995 to present. Petrolatum, I've never pronounced that word.

Nasrene Haj: I'm sorry. 2000 to present. Am I pronouncing that correctly? How do I pronounce that? Is that correct? Okay. Thank you. Coal, 2000 to present. Coal tar, 1996 to present.

Nasrene Haj: PCB is 1995 to present, which you said, even though it was 1995, it was not part of that original application. Paper mill byproducts, 1996 to present. Biosolids and paper mill sludge, June 2018 to June 2020, and PFOs, September 2018 to September 2019, and then again, September 2021 to September 2023. So, of all of those, which of those fall under that fuel oil petroleum category that you just mentioned might be broader?

Matt Rimkunas: H. Lubricating oils, metalworking oils, electrical oil, petroleum greases, petroleum solvents, plasticizers, industrial oils, petrolatum, PCVs, oil and fuels.

Nasrene Haj: Okay. I think I got all of those. You said that very quickly. Can I I'm just going to read through the ones, which I think you did not say, and you can correct me. You did not include natural waxes, animal oils, vegetable oils, industrial oils, coal, coal tar, paper mill byproducts, biosolids, and paper mill sludge in Pfas, is that correct?

Matt Rimkunas: And then industrial oil. Now, we that.

Nasrene Haj: Sorry. Industrial oils is included in the original list? Correct. Okay. Thank you. I just wanted to make sure I got all that. Okay. Where did I leave off? We did Petroleum solvents and natural waxes. Okay.

Nasrene Haj: So, for synthetic waxes and plasticizers, I understand that that you're saying that that falls into fuel oil petroleum, which is in the original application, correct?

Matt Rimkunas: Plasticizer, yes.

Nasrene Haj: But not synthetic waxes? Got it. Okay. So is there a reason that they're combined there then?

Matt Rimkunas: It's the way it's listed on the DEC permit.

Nasrene Haj: Okay. So they were just approved within the same permit? Yeah. Got it. Okay. So for synthetic waxes, can you show me where in the original application it lists being able to process that substance?

Matt Rimkunas: It's it's able to be processed under the General Solar cycle facility approve.

Nasrene Haj: Okay.

Nasrene Haj: And did you have to go to DEC for approval for that substance? No. Does DEC need to approve and issue a public notice for every new substance?

Matt Rimkunas: It depends on the type of permit modification.

Nasrene Haj: Okay. Great. So then I will continue going down the list. So, for synthetic waxes, you said you had to go to DEC. Did DEC issue and DEC always issues the public notices or does the applicant?

Matt Rimkunas: No, DEC does.

Nasrene Haj: Okay. I just want to make sure I'm saying this correctly. So, did DEC need to issue a public notice for before you began processing synthetic waxes?

Matt Rimkunas: My understanding is, yes.

Nasrene Haj: Okay. Does anyone have any questions before I keep going?

Doreen Rabine: Do we have the permits for all of these DEC permits. Do you have the DEC permits for all of these items? We need we would need to see copies of all of those.

Matt Rimkunas: We can we can reach out to DEC, and we've we've done that. We can work on getting those to DEC. Their record keeping going back to the earlier 1990 s is not as good as recent, but we'll certainly reach out.

Nasrene Haj: So that one. Okay. Thank you. Okay.

Nasrene Haj: I'm just going to say, according to this, none of these things that you read were hazardous waste about?

Matt Rimkunas: Correct. No, this facility has never been permitted to handle anything that is considered hazardous waste or was ever considered hazardous.

Speaker 2: Who defines nonhazardous?

William Bramlage: The DEC. They have a definition for that, and they regulate and oversee and approve and deny what this facility can safely Okay.

Nasrene Haj: So sorry. Just go back a second when I asked this question. So, you're not sure if DEC needed to approve all of these and if DEC needed to post a public notice about all of these?

Matt Rimkunas: No. DEC was required to approve all modifications to the materials that kept at the facility.

Nasrene Haj: Okay. So, I think it would be great to see what you said, Doreen, the permits for all of them, just so we can look at those. So then I will skip those questions around DEC for the materials, but I do want to still go through them as it relates to the original application. Because again, I'm just going to read a sentence here. So, it says, Said plant would accept soil which has been contaminated with fuel oil petroleum, and process said soil to strip the petroleum from the soil, leaving a sterile and clean recycle recycled soil. Can you show me where in the application it says that these additional materials beyond the 1995, ones that fall within that category, are listed in here, or where it says that it could be expanded?

Attorney Fuller: The the Planning Board's initial approval, which is evident from the conduct from the village for the last 30 years, confirmed that there was no restriction on the materials that could be handled at the facility. The understanding was always that DEC would oversee that. There was never a restriction from the village on this facility that they could not handle certain materials. The only approval that was issued by the village was to authorize them, under the land use zoning code, to operate over so oversight facility at this location.

Nasrene Haj: Can you talk about PCBs because they were also added in 1995. Can you say I think you you started to touch on it. They're not part of the original fuel oil petroleum.

Matt Rimkunas: So was that a separate application from DEC in the same year or It was it was issued in the initial permit from DEC. They they allowed the PCB is up to a certain limit in the initial approval.

Nasrene Haj: What's the initial approval. What's the date of that initial approval?

Matt Rimkunas: June yeah, June a, 1995.

Nasrene Haj: Okay. That actually raised a question for me. Could you because I'm sure a lot of people might want to know the answer as well. Can you talk through the timeline of the approval process from, like, submitting the application, where DEC approval fits in, zoning board approval fits in, just so we all have a comment.

Matt Rimkunas: The initial application to the Zoning Board for approval under the land use zoning code was in August of 1991. There was a public hearing with the Planning Board in September of 1991. Based on the minutes that Mr. Bradge supplied, it it appears that the Planning Board was proposing to approve it so long as the facility met or exceeded DEC standards. Between September of 91 and 1995, there were delays with the construction and operation of the facility. Ultimately, that was approved by DEC in 1995, and there was no soil recycling activity at the facility before that.

Nasrene Haj: Okay. And you're saying that that DEC approval in 1995 encompasses everything on this list that says 1995 to present, including the PCBs? Okay. And so, when was when was it decided to add in PCBs? Was that around the time of the initial application or was that later on?

Matt Rimkunas: It would have been around the time of the initial application. There was a a few year period where DEC was reviewing the application, doing an environmental review. So it was it probably would have been it would have been included the initial application that was submitted probably around the 1991 time. And then the permit wasn't ultimately approved until June of 95.

Nasrene Haj: Okay.

Nasrene Haj: Does anyone have any questions? I don't want to take up all the time. I'm just looking through these copies of these permits that we have, and I'm not finding the initial one here. Okay.

Nasrene Haj: Okay. And so just quickly going back, you had said that you do not have a copy of the original decision, correct?

Matt Rimkunas: The initial approval Approval of the Planning Board. Beyond the meeting minutes from September 11, 1991, and beyond the village's, you know, knowledge and acceptance of the operation of that facility for the last 30 years, no. And and our understanding is that the code enforcement officer looked through the village's files as well and was unable to locate any document that would have included any limitation or restriction on that approval.

Nasrene Haj: Okay. And do you have anyone from your client that can testify to that as well? That that does not that you do not have access to that?

Matt Rimkunas: Yeah, absolutely. And we can confirm that they've also searched their records and have not been able to locate it. We went to DEC and foiled all of the records going back as far as we can, haven't been able to locate it. We foiled the village looking for this document and haven't been able to locate it. So yeah, absolutely. We can certify on behalf of ESMI that they've searched their records and haven't been able to find it.

Nasrene Haj: Okay. That would be great. Thank you. So on that, because there is clearly a missing piece of the puzzle, and so there's some inferring that's happening in order to, you know, make a determination. So I just want to back up to the let me find the the list of partners at the who applied. Okay. So at the time, it was the application was submitted by Energy Park Associates, that's correct?

Matt Rimkunas: That's my understanding, yeah.

Nasrene Haj: Okay. And the three names listed under there that I I'm assuming are partners, but please tell me if they had different titles that I should be referring to them by, Robert Barber, William Nikas, and Thomas Long.

Matt Rimkunas: That would be better questions for one of those three individuals, but my understanding is that they they were partners and that there was a venture a joint venture with some.

Nasrene Haj: Okay. So, at the last meeting, we had asked for William Nikas, Bill Nikas, to be here as one of our witnesses to ask questions.

Tracy Frisch: Okay. Yes. Today, Bill Nikas sent me a letter. He he sent me the letter that you had Oh, can you please identify say your name? Sorry. Excuse me. My name is Tracy Frish. I'm the chair of Plein Air Action Network of Lens Falls. Bill Nikas said that he got this letter. He was planning to attend, but he got a call from the Clean Earth attorney saying that it would be a conflict of interest, and he did not want to venture into that mess.

Nasrene Haj: He would have asked the he said he would have asked for an opinion from the from the bar associate, whatever it is, but he was unable to because there was not enough time. He wanted to be here.

Nasrene Haj: Okay. We did receive that letter today as well. So, what What was Bill Nikas role in the original application?

Matt Rimkunas: My understanding is he represented the applicants in the initial 1991 approval based on the application.

Nasrene Haj: Okay. So the three names that are listed here, it doesn't mention that he's representing them as the attorney or that it's separate from the other two people listed here. So and let me find, I think on the next page, partners, where is it? Okay. On the environmental assessment form, it actually it does list Bill Nicks as a partner. So, it sounds like he was both a partner and represented the firm as the attorney?

Matt Rimkunas: It's possible.

Nasrene Haj: Okay. So with his name being one of the original three and having this missing piece of the puzzle, we thought it would be best to speak to him and hear from him. And then we did receive a letter where he was saying that he he couldn't he was told there was a conflict of interest. So are you telling Bill Nikas not to appear before this board?

Matt Rimkunas: No. My understanding is the letter that he received was from his former clients that he represented. We didn't send him.

Nasrene Haj: A, let me let me find the letter.

Speaker 1: Okay.

Nasrene Haj: I got it. So small. I know, but it doesn't have the copy. I have a copy. This is it? Yeah, that's what it is. Is this right? Yeah. It's so small. It's terrible.

Nasrene Haj: I can't read it. Okay.

Nasrene Haj: Give me 1 second. This is very small text.

Nasrene Haj: I am not seeing My understanding is that Tom Lange, who was one of the partners represented and Robert Manz, who was the representative of DA Collins, reached out to Mr. Nikas about his representation of them and advised I believe it was.

Nasrene Haj: Okay. I was looking for Bill Nicks e-mail, but I did find the email from the firm. So I'll just read the Who is the e-mail from? The e-mail is from Thomas West. Go. And this is to Bill Nicks. Bill, this will serve as a follow up to our telephone conversation this afternoon concerning the fact that you are planning on attending the Zoning Board of Appeals meeting for the Village of Fort Edward on April 14, 2026, to offer your position that you believe the determination of the building inspector is proper and should be affirmed. As discussed, we we represent ESMI. Coincidentally, we also regularly do work for DA Collins and Robert Manz. Based upon the history of this facility, I took the opportunity to contact DA Collins and Robert Manz about your prior representation concerning this facility.

Nasrene Haj: As is evident from the records before the village, it seems clear that you were the attorney of record for the partnership entity that created the industrial park and the three operations that were intended for that park, including the soil recycling facility being pursued by Robert Manz and DA Collins. You acknowledged your representation of the principals involved in that project, including DA Collins and Robert Manz. As discussed, there's some some more language. This can this is public, correct? Excuse me public. Okay. As discussed, your prior representation of this project gave you access to confidential information from DA Collins and Robert Manz, which implicates the rules of professional conduct. We understand that you may be seeking the advice of counsel. Please let us know whether you intend to participate in the upcoming public hearing concerning this project. Is that the letter the e-mail that you were that you were referring to?

Matt Rimkunas: No. My understanding is separate letters were sent by the client that Mr. Nikas represented in this expressing their concerns about his testimony.

Nasrene Haj: Okay. So, just to go back to my question. So, are you telling Bill Nikas not to appear before this board?

Matt Rimkunas: His professional obligations to his former clients are separate from the issue that we're here on behalf of with ESI.

Nasrene Haj: So, I would like him to be a witness, but he did receive something telling him that he could not and it was a conflict of interest.

Matt Rimkunas: That is between him and his former clients. That's not ESMI's fight.

Attorney Fuller: Well, if one of the things you can do is you can as the chair, not doesn't happen very often, but you could issue a subpoena for him to appear, if that's where you're heading.

Nasrene Haj: Yeah. I mean, I think that from the information that I'm hearing today and that there are some gaps, it seems essential that we hear from one of the original owners and partners. And Bill Nikas said he would want to.

Attorney Fuller: It's actually invested in you as the chair. Okay. So, as the chair, I would like to subpoena William Nikas. Then we'll prepare that and send it out.

Nasrene Haj: Okay. Great.

Nasrene Haj: Anyone have questions? No. So I'd just like to clarify. West Firm Law, is that your law firm?

Matt Rimkunas: I'm an attorney at that law firm, correct.

Speaker 2: Okay. So, letter that Nazrene read for the e-mail that is stating that the legal ramifications of you guys ask or saying that he couldn't come and testify. This is from your office.

Matt Rimkunas: It's from one of the partners in my office. Okay. You know, my understanding from that e-mail is not that Bill Nicks was told that he couldn't testify. He was advised of potential ethical concerns, and I think it sounds like Bill Nikas decided not to testify in light of those concerns.

Nasrene Haj: Can I read his letter?

Nasrene Haj: Okay. I'm going to read since my Internet is working, Bill Nikas the e-mail that he or the letter that he sent that we received today, that I believe is the one that you're referencing. So, Dear ZBA members, on March 26, I received a formal invitation from the Village of Fort Edward to be a witness at tonight's public hearing. The invitation asked me to address the topic of the introduction of any additional potential air pollution by PFOS. I consider it my civic duty to assist in any of our local communities in any manner that I can, especially when we are considering anything that may adversely affect the public health and safety. So, I gladly agree to offer my insight concerning the issue for whatever it would be worth to you.

Nasrene Haj: Shortly thereafter, I received a call from ESMI's Albany law firm. They reminded me that 35 years ago in 1991, I represented Energy Park Associates. That was the partnership that created the industrial park and which applied to your board to cite the petroleum contaminated soil processing

facility. Apparently, ESMI and or Clean Earth now own that facility. Although I've had no interest in the Industrial Park since 1995, the attorneys claim that I have a conflict of interest, which precludes me from discussing any aspect of the current issue before you. In my world, to defend against a claim of conflict of interest is very expensive and carries with it the risk of losing my license to earn a living. Unfortunately, there is no time to obtain a formal decision from the New York State Bar Association. Therefore, and with regret, I must refrain from providing any information or taking any position concerning the issue before you. I thank the ZBA members and the Village of Fort Edward for offering me the opportunity to speak to an important community issue. Sincerely, William Nicks.

Nasrene Haj: So that was his response to us after receiving the e-mail from the law firm for which you are an attorney. So just to confirm, is your law firm telling Bill Nikas not to appear before this Court?

Matt Rimkunas: We have no control over Bill Nikas, and his professional responsibilities to his former clients are between Bill Nikas and his former clients. It sounds like in light of those concerns, he decided not to testify.

Nasrene Haj: Okay. Well, I would, as the chair, like to subpoena Bill Nikas.

Attorney Fuller: I will draft it and get it to you. Okay.

Nasrene Haj: Tomorrow. Thank you. Great.

Nasrene Haj: Any other questions?

Nasrene Haj: Okay. We do have a lot of people here, so I would like the opportunity to hear from people who are here as well. I'm going to start with Ben because you wrote the initial letter to Dave. So if you can come up here or speak very loudly and state your name, and then Yeah, I think.

Ben Bramlage: I'm just going to stay here so I can spread papers out, so I'll speak as loud as I can so everyone can hear. Okay. I think we can move this a little closer? Ben Bram. I'm a resident, I, and I did the initial complaint to code enforcement regarding the land use issues that this board is hearing today. So, I actually had the same questions that you did regarding the process, and so I appreciate you clarifying that. I have a lot of material. I will get through it as quickly as we can, or we can break wherever you need to break so that we can make this as efficient as possible, but also as complete as possible. So basically, my thought process, I would like to read a opening statement. Then, however you want to do it, officially enter the documents that I've provided to the village, and I believe you received everything I've provided to the village.

Ben Bramlage: Okay. Officially enter those into the record with a percentage of those documents, I want to discuss briefly because they do have specific information, and then essentially a closing statement. I'm hoping I can do this in about 20 minutes. So read throughs were in roughly that period of time. So but if there's questions or you feel like you need to stop or we need to take a break or whatever, please just interrupt me. Okay. So Okay. Good evening. My name is William Bralege, although I go by Ben. I know a lot of you in the room here.

Ben Bramlage: As we all know now, I did submit the complaint to Fort Edward Code Enforcement, Village Code Enforcement, that this hearing is being based on. I am a resident of the town of Fort Edward, along with my wife, Sarah. We've only lived in Fort Edward for about a year and a half, but I reject any characterization that I or we or some kind of outsider is stirring the pot. I have lived in the combination of Argyle, 40 Anne, Queensbury, and Fort Edward for almost 30 years. Sarah has lived in the combination of Grafton, For Anne, Skylville, and Fort Edward for 45 years. And her family is from Hudson Falls. They own Parkside Flowers. They own Watkins Garden Center. Members of her family are

on the wall of fame in the Hudson Falls High School, and her cousin is the high school football coach in Hudson Falls. Okay.

Ben Bramlage: Sarah and I have raised four children in this area. And unfortunately, we have had several members of our immediate family, really Sarah's immediate family, impacted by the extraordinarily high prevalence of rare cancers and rare diseases that are occurring in this area. In 2024, I retired from a 37 year career in local and state law enforcement. 27 of those years were with DEC Police. Approximately 15 of those years with DEC, I spent as a field conservation officer in Washington County, field supervisor in Washington and Warren Counties, and an environmental crimes investigator in DEC's Region five. The remainder of my career with DEC Police was spent working out of the central office in Albany, running statewide programs, first, the Statewide Bureau of Environmental Crimes Investigations, and then most of the last few years of my career were spent handling the DEC Special Operations and Emergency Response Unit. I'm currently working two part time jobs. Retirement is great. One with a small family owned timber harvesting company based in Greenfield Center. The other as a senior training technician with New York State Homeland Security.

Ben Bramlage: And with Homeland Security, I focus on the integration of artificial intelligence into public safety management and operations and UAS.

Ben Bramlage: Drone technologies to support public safety operations. Okay. Can you all hear me in back? Okay. Okay. So I became in local government and legal issues, including the ESMI Clean Earth issue, Wheeler Brader, and Borex. Literally by accident. I was sitting in my friend's brewery here in the village, and there was a flyer on the on the bar advertising meeting regarding this particular issue. And that's how I got involved. This was never part of any plan or goal of mine whatsoever.

Ben Bramlage: And it's it's exhausting and it's overwhelming at times. But seeing the number of people in the room, it's obviously very important. My complaint, which I hope everybody has read at this point, is focused on three components, all three of which are addressed by Clean Earth's Appeal. If you haven't read it, it's been on the Village website, a link posted under upcoming meetings. And I don't know, is that still on there? It is. So that has my complaint, the code enforcement determination, and Clean Earth's Appeal. So there's a lot of really good background information there. For clarity's sake, it's I think it's important to understand that the facility began as a DA Collins project. By 1995, it had changed to ESMI.

Ben Bramlage: ESMI was eventually purchased by Clean Earth. So I'm going to use those terms somewhat interchangeably, mostly based on date, but they all refer to the same same facility over on Topath Road. Okay. So the first thing that I want to address is the applicability of the Village code of Fort Edward and the authority of the Village in regards to land use regulation. These are key legal tenets that Clean Earth is choosing to dispute. Obviously, I leave the resolution of those questions to the lawyers in the room. However, I do feel, based on my own legal background and experience with the very complicated intersection overlap of DEC and local regulation, that the Village clearly does have the authority to regulate Clean Earth's industrial operations, at least to a reasonable extent. And that belief, for me, is rooted in the fact that New York State is a home rule state, and local authority under home rule has been upheld repeatedly in the courts. If I didn't hold firm in that belief, quite honestly, I never would have filed the complaint. The second thing I want to touch on is the sheer number of times the operational changes have taken place at the facility and been permitted by DEC over the 30 year operating span, and what some of those changes have been.

Ben Bramlage: Obviously, there's been a lot of discussion of that already. I think I my the documents I have, I can provide some clarification to some of the questions the board had, and probably people in the room are also somewhat confused. Hopefully, I don't confuse your ws. So the numbers that I cited in my complaint come from FOIA responses to DEC, and those include renewals, so permit renewals, permit modifications, buds, and RD and D permits that have been granted by DEC. It does not count applications

or draft permits, only what has actually been issued. Does anyone on the board require a description of what a bud or an RD and D permit is?

Nasrene Haj: G, please.

Nasrene Haj: I think it wouldn't hurt.

Ben Bramlage: Okay. So the RD and D is a research, demonstration, and development permit. So it's still a DEC permit. It doesn't go through typically as extensive of a renewal or a review process as a full permit because typically, they are for a shorter period of time with a smaller volume of material and potentially less environmental impact than a full operating permit would be. The bud is a beneficial use determination, which is similar to a permit, but typically attached to a permit from DEC, which essentially takes a material that would fall under a DEC regulation of a solid waste. And if that solid waste is processed or handled or used for certain applications, DEC is willing to look at it as no longer being a solid waste, but actually being reused for beneficial use. So, for example, the material on the back end of the processing stream at the facility is distributed further downstream through a bud. So it's something that came in as a regulated waste, was processed, and is now, at least theoretically, a reduced level of waste and can be theoretically reused for certain applications. Does that help? Yes.

Ben Bramlage: Okay. Great. So clearly, there's a discrepancy between the minimum of 18 that I cite in the complaint and the approximately 50 permits that Clean Earth cites in the appeal. This would indicate, as we've already discussed, that various entities either don't have the records, DEC doesn't have the records, they can't locate the records. It's possible DEC misunderstood some of the records or where they fit in the FOL requests, or they simply failed to provide them. In any case, that's a problem, and it's a problem with this entire process, which we're already seeing because there are major gaps in the records. And I don't think we're ever going to find a full accounting of what has all transpired there over the years because, as you have discussed, DEC's records are lacking. The villages records at times are lacking. I presume some of, you know, Plain Earth's records don't go back that far. So I think we just have to kind of stipulate on some of that and accept that it's somewhere in that number, and some records are going to be lacking.

Ben Bramlage: If Clean Earth does have more complete or more comprehensive records, I think it's important that those also end up in this record so that they can be reviewed. You have everything that I have. So for the time period that we're discussing, this is it for us or for me. So Okay. I really want to focus my testimony on the third component, which is what the records that I have been able to review look like for the local approval process that occurred between 1991 and early 1996. So this is the only time period that apparently the Village of Fort Edward, through the FOL request, has been able to locate, again, admittedly incomplete records of a local approval process. The one exception to this, there we did or I did review a record from 2004 regarding the building expansion of the property, which did go through the local village approvals, and that is cited in the code determination. So it is my understanding that no corresponding approvals have ever been issued or sought by Clean Earth for the portion of the facility that is cited in the town of Fort Edward. I don't know that's if that's correct or if that's something that you can provide clarity on down the road at some point. But I've seen nothing indicating that any approvals were ever sought for the part of the facility that cited in the town.

Ben Bramlage: So for the sake of full transparency, my my intention is to enter a total of, and I'm sorry for this, 37 documents. 24 of them came from the village, the remainder came from DEC. A significant sort of challenge that I ran into is that I received a large foil response from DEC on Friday, April 3 of this year, four days before documents were due for this hearing. Thousands of pages. So, I intentionally they covered January 95 through August of 2000. Because the village's records end in late 95 and or early 96, I also chose to end any review or discussion of the DEC records at that same point because after that point, the initial permits had already been issued. The facility had already been at least in the construction and startup phase. So, it seemed it seemed important to put a hard stop on that. There are a couple of DEC

records that go into early 1997, which I do believe are relevant, which I would also like to enter. Some of the documents are more relevant than others in my opinion, so I'll point those specific documents out and briefly describe what they are, why they're relevant.

Ben Bramlage: And I'm going to keep this in as close to chronological order as possible. There is one document that is 250 pages long, which I believe I did submit electronically, and you should have it electronically. I don't have a printed copy because there's a lot of material in there. So how do you want me to do this in terms of entering these? Just run right through the list and stop at the ones I want to do.

Ben Bramlage: Does that sound good yeah.

Ben Bramlage: Okay. Does that seem reasonable? Okay. So we'll start with the ones from the Village, which is the larger file. And these are going in the same order as they were on the electronic version that I submitted. So the very first one is undated, but it appears to be 1991 era. It's the first document that I can find that I believe was submitted to the Village regarding the proposal for the project. Presumably, but I can't verify it. It's also the first document that would have been submitted to DEC. It is from DA Collins and it is titled, Proposed Petroleum Soil Recycling Facility, Village of Fort Edward, New York.

Ben Bramlage: In this document, and you're going to see a pattern here, the word petroleum contaminated soil is referenced 21 times. The word soil recycling facility, or it's not tied directly back to a reference to petroleum, is cited once. So that's the first one. The second one is Planning Board meetings, Village of Fort Edward Planning Board meetings from August 19, 1991. On it in the minutes is a note of DA Collins Construction Company, Petroleum Soil recycling facility, Thomas Long, which I think is how that's pronounced from DA Collins, outline the steps involved in the soil process, removing petroleum products from the soil. So it appears to be that's the first record that I've seen of this coming before the Village Planning Board. That's August of 1991. So you had referenced the document, More Planning Board meeting minutes from September 11, 1991. And that's the one where I think we're going to have to, at least for a moment, agree to disagree on this, where you had said it's the one where they appear to give essentially car launch approval. I'm going to read two basically, there's a number of questions asked and answered.

Ben Bramlage: Loni was back explaining the project. So let's see if I get the right ones here. What page are we on. Okay. So a board member, no name, asked, where will the soil come from, and Barber, which would I would presume would be Bob Barber, who was one of the principals at the time, explained that the contaminated soil will be coming from underground gas and oil tanks. On the third page, John King, who was a board member at the time, said that it is our obligation as the planning board. So I want to be very clear on this. The board members said, it is our obligation as the planning board to go above DEC regulations for the protection of our community. Nicks and Barbara respond, they are concerned, too, and they are using the best technology available to make this a showcase for the rest of the country. I see nothing in here regarding any carte blanche approval or approval without restriction or limitation.

Ben Bramlage: So, again, we're just going to have to agree to disagree on that one. I.

Ben Bramlage: All right. The fourth one is a project summary from DA Collin. I get my notes. This was this was prepared for the Planning Board at the request of the Planning Board. It also includes the original short form secret application. So the same basically earlier version of the same form you read off on the first two hearings tonight. So the title of the document is Petroleum Contaminated Soil Recycling Facility. Uh. And this is submitted by DA Collins to the board. We are providing Clow Harbor and Associates with which is an engineering firm, with the Petroleum Soil recycling facility summary project proposal, okay?

Ben Bramlage: And then it goes on to mention petroleum contaminated soil 17 times. Now, the last page is the original short form, SECR and there is an argument in here from the applicants at the time. So Energy Park Associates, Robert Barber, Bill Nicks, William L. Nicks, Thomas Lange, asking for a negative declaration for SECR and attaching a short form where they did use the phrase soil recycling project instead of soil yeah, soil recycling, soil recycling project. The word petroleum soil is never mentioned in this short form, which was in support of their argument for the negative declaration. So okay. Moving on. And these first ones are going to be a little bit more complex. We'll get easier as we go. This is a October 25, 1991, emissions estimate prepared for DA Collins by Environmental Science and Engineering, which is the apparently the engineering firm that was hired to do this out of New Hampshire.

Ben Bramlage: And it's the emission estimates from the proposed Fort Edward Petroleum Contaminated Soils recycling facility. That's the title. In this document, there are 61 references to PCS or petroleum contaminated soil, and literally zero references using any other language. Okay. So moving on, let's see. I've got six, seven, and nine, so I'm going to end up out of order here. These are these I'll discuss together. What these are, apparently, the Village contracted Clow Harbor, so a different engineering firm, to conduct independent reviews of potential emissions estimates and noise levels. So this is the title is air emissions, and I'm I'm paraphrasing, but air emissions review and noise level estimates for the proposed Petroleum Soil recycling facility, Fort Edward, New York. And there are three different documents here with air emissions and noise noise estimates.

Ben Bramlage: Once again, Petroleum recycling facility or PCS or Petroleum contaminated soil res I don't have the number, but numerous times, and there's no references to any other type of facility. So number eight, so again, slightly out of order, is the original, I believe, and only, I believe, full environmental assessment form, which North American Recycling Corp, which I think was a name change from the original whatever was it National, I don't know, whatever the original applicant was. This is from December 6 of 1991, submitted to DEC. Interestingly, this was in the village records, and I did not get it from DEC. So in some instances, the village records are better than DEC's records on this. So North American Recycling Corp, this is the full environmental impact assessment form. Part one, project information. The name of action is Petroleum Contaminated Soil recycling facility. And the description of action is request to construct and operate a facility to process petroleum contaminated soils. So that's what the original, and again, I believe, only full EAS form.

Ben Bramlage: It's the only one I've seen. Moving on, we will stop at number 12. So what ended up happening is By my read of it, the partners, the principals in this project had requested a negative declaration. The full EAS form went to DEC. On February 12 of 1992, DEC pos decked it, and so essentially denied the request from the partners for a negDck. The description of the action, again, is to construct and operate a facility which would process up to 1,360 tons per day of petroleum contaminated soil. And that's what the ne or I'm sorry, that's what the pos deck was on. So that's what the SR review was conducted on on that one topic and that one topic only. So moving right along, there's a draft environmental environmental impact statement for soil recycling facility submitted by North American Soil Recycling Corporation. Once again, this was prepared for DEC, and it was in the village's records, but not DEC's records.

Ben Bramlage: It contains 84 references to petroleum contaminated soil or PCS, three references to a soil recycling facility. But a comprehensive read of this clearly shows that the CCR review was conducted for petroleum contaminated soils. That's what this facility was being proposed for. And I agree with your position completely. That was the contaminant of emerging concern at that time. So from a business standpoint, it makes perfect sense. This is your waste stream coming in that you're going to process and in a in a perfect world, reuse in a less contaminated state and make money. So again, this all makes perfect sense from my standpoint. Let's see. 14 is April 4, 1995.

Ben Bramlage: So this we go from April 20, 1992, to April 4, 1995, with no records, no DEC records, no village records, no records. And if you again, if you guys have access to records, especially in that time period, that would be really helpful for me to.

Nasrene Haj: Can you say the time frame please one more time. Yeah. It would be great.

Ben Bramlage: The it was April I'm sorry, the date of submittal was March 3 of 1992. That was the draft EIS.

Narene Haj: I'm sorry. I'm just saying this, you just mentioned a range. Yeah. There was.

Ben Bramlage: The range, yes. So the range was March 3, 1992 to April 4, 1995. So there's a long gap there. But once again, this is the notice that DEC produced. And again, this is from Village records, not DEC records. It is the notice of completion of the final EIS, and the description of the action, once again, is up to 85 tons per hour of nonhazardous petroleum contaminated soil. So I'm just making an argument here that the only SCR review that was ever done, at least full SCR, was for petroleum contaminated soil only. And again, I agree with your description of what that can mean because petroleum there's a various range of petroleum products. So that was April 4 of 1995.

Ben Bramlage: So things start moving quickly again. On June a, 1995, the initial permit, the very first DEC permit that I've seen, was issued to Mr. Robert D. Manz, National Soils Incorporated, which later, shortly thereafter, I believe, became the SMI. And this permit, is for the construction and operation of a solid waste management facility that will treat up to 1,400 tons per day of non hazardous petroleum contaminated soil. That's it. And in this permit, in the special conditions, it specifically excludes hazardous waste, which I can clarify the hazardous waste question here in a second. Coal tars, coal tar purifiers, infectious waste, radioactive free liquids, compressed gases, and municipal garbage. So it specifically denies that

Ben Bramlage: Discussions or the request from ESMI to be handling those, PCS, which may be accepted, and this is the original 95 permit, gasoline, jet fuel, diesel fuel, kerosene, fuel oils, numbers two, four, and six, and lubricating oils. Again, that was expanded to other petroleum products later. And I have no I take no issue with the fact that some of what you described absolutely petroleum contaminants. And in soil, they certainly would meet at least the direction that this permit was headed. So the other I just want to see if I can find it in this one. I don't see it in this one. It's in here somewhere, or we'll come back to it. And then we get into some back and forth between the mayor and BEC. August 21, 1995, handwritten notes from the planning board. And there's just a handwritten note.

Ben Bramlage: Mr. Manz gave a verbal and visual presentation on both the proposed plant and the process involved at the proposed plant, 80 decibels of sound of the property line. The takeaway from this is this is August 21, 1995. Mr. Manz is presenting this, or at least it's being noted as a proposed plant, but DEC has already issued the permit two-and a half months earlier. So now we get some more back and forth. The last thing out of the village stuff that I or yeah, stuff. The foil that I want to talk about is the first research development and demonstration project that I've seen a record for at the facility. And this was for managing paper sludge from Encore in South Glens Falls as part of the process at the plant here in Fort Edward. It's not clear in here anywhere how it was actually processed other than it was being added to the post processing material as a soil amendment. And then there was discussion about how well it would grow grass and so on and so forth in test plots. Point here being that this facility was permitted by DEC in 1995.

Ben Bramlage: Somewhere in late 95 to 96, they were in the startup final construction and startup phase. And by August of 96, they were already applying for. That was August 1 of 96, they applied for, and the RD and D permit appears to have been issued nine days later, eight days later by DEC. So within a year of

operation, this facility was already expanding outside of the original soil petroleum contain that in the soils. It happened really quick. Now, there's some more documentation of this back in the DEC documents. Do you want me to get into those at this point?

Nasrene Haj: Can you say that one more time?

Ben Bramlage: Yeah. There's some more documentation of this in the DEC documents, if you want me to get into those at this point?

Nasrene Haj: I think I think in the interest of time and wanting to give an opportunity to some people from the public Yeah. I think we can reserve That's fine.

Nasrene Haj: Is that for next time? Yeah.

Ben Bramlage: We can it's a good stopping point so we can we can take a break there. Yeah. Yes. Do we have copies of all those. Is that the information that you emailed and everything that is there?

Ben Bramlage: Yeah. Everything every one of these documents I'm talking about was on that thumb drive that I gave to the clerk. So you you all have records of them. You all have records of them.

Attorney Fuller: So, Mr. Bramlage, is there a way that you could compile them, even within the context of that flash drive into a separate file or something so that the documents basically, we're just trying to create a good record. Right. Right? To put them in an order that you just went through them. It looked like you had I was looking around the table. You got a list or something with it that those documents that you just mentioned can be together in one because I Yeah. If I recall, you submitted a lot of documents. Right. So it's going to be tough for us to search through and figure out what you. Yeah.

Ben Bramlage: The only thing so the only thing I didn't do because I didn't want to make any modifications to those documents. I didn't number them. But again, they were out chronological as best I could with and each one of you has a copy of, essentially, it's a table of contents. That's your best cross reference. I can try to tighten that up if you.

Janelle Rose: Or even just a it looks like you have stuff there, a scan of what you've got right there. This everything I have here, you have. But in a it strikes me that what you submitted is okay. Far bigger than just that, right?

Ben Bramlage: No. This is everything. Oh, that's it.

Attorney Fuller: Yeah. Are you saying having So I'm just thinking of in terms of anybody in this room can challenge whatever's going on here. Yeah. So, one of my roles is to make sure that record is clean if Janelle has to reproduce it.

Ben Bramlage: Okay. So, does that make sense? Yes. So, you're asking if I can essentially combine these into a single document? A single scan?

Attorney Fuller: Yeah. Or just one file that is in some sort of order of what you just did.

Ben Bramlage: Is it do you does anyone have an issue if I just talk to Janelle directly about that?

Attorney Fuller: As long as that applicant gets a copy and it's Okay. Available to the public, I really don't have to say. Yeah.

Ben Bramlage: Because if the if the Board or Janelle has a better way Or you can appeal. I don't know what they're going to do appeal. Right. So if they can? Yeah. So, I will if you're okay if everyone is okay with it, I'll discuss that with Janelle next week, and if there's a better system of organizing. Do we to just give notice to Matt? Yeah, absolutely. Yeah. Yeah.

Ben Bramlage: You'll have a copy whatever wants everything that I created. Appreciate it. So. The one thing I do before we Yeah. Because I think I know there's questions in the room, and it's the DEC documents will help clarify that. But there's a lot of confusion about what hazardous waste is. And there are numerous definitions floating around about hazardous waste, hazardous material, regulated waste, toxic substances, hazardous substances. And that creates a lot of challenges because they get used, they get intermingled. So, in regards to this facility, some of the materials that they are permitted to process do not meet the DEC, which is typically also the EPA definition of a hazardous waste. They typically, if they don't meet a hazardous waste definition, then with DEC, they become what's known as a regulated waste.

Ben Bramlage: So they still require permits to transport, handling, limitations, processing limitations, so on and so forth. I agree 100% that the facility, based on everything I've seen, has never been permitted to process hazardous waste. So I think that's an important point. Now, I I don't want to go into the weeds about whether PFOS is or is not because that's honestly, it's undetermined at the federal level right now. But that's not relevant to this hearing anyway. The PCB question, at the time, and we're going back to there are DEC documents in the application process, and part of it's in that 250 page document, there was discussion between DEC and ESMI about the level of PCB contamination that DEC would allow ESMI to receive. The federal cutoff at the time, and I believe still is, was 50 parts per million. So 49 parts per million was not a hazardous waste. 50 parts per million was a hazardous waste. So certain materials, once you hit a threshold, it's no longer a regulated waste or a hazardous substance or a toxic material, a toxic substance.

Ben Bramlage: It is now legally a hazardous waste. Initially, ESMI sought a level of five parts per million. And my read of it is essentially dealing with potential co-contaminants in the material coming in. If a material coming in had up to five parts per million PCV contamination in addition to the petroleum contamination, ESMI was seeking to be able to take that legally under the DEC permit. DEC initially, and if you look at it in the initial permit, cut that back to one part per million. So it is accurate to say that that original permit did allow ESMI to receive and process PCB contaminated material up to one part per million. And I believe that would be as a co-contaminant, as opposed to something that came out of the Hudson River where the primary contaminant was PCBs. Does that help? Do you have any am I you solid on that one? Not that I have.

Nasrene Haj: Okay. Thank you. Okay. That's probably good.

Nasrene Haj: Okay. Thank you. And I think I think we definitely want to have a lot of information. We had a lot of time with the appeal since it came in sooner. So I think we would love to have the opportunity to read through the documents and Y. And then ask some questions. But I want some time to review them before I dive into any questions. If anyone has anything, I want to stop anyone. I have no questions. Thank you.

Nasrene Haj: So, we have about ten more minutes, but I do want to get to some public comment really quickly, maybe not really quickly, but being as a code enforcer, I want to give you the opportunity to if there's anything you want to add related to what we've heard so far?

Dave Armando: Well, I just want to touch on the letter that I wrote, December 15 of 2025, to Rob Mart. Basically, with that letter, it was based on Ben Bramlage's complaint to the village. I knew something was based on his complaint, I knew something may or may not be going on over at E SMI that had not previously been approved. So I wrote the letter, basically wanting to know what are you doing? What are

you going to propose to do? I just wanted a list of the substances and the products that were going to be burned. But we finally got that. And a letter dated April 7 of this year. With that letter now, I can make an actual zoning determination as to whether or not we need to modify the original approval from the early 90 s. And I'm still reviewing that letter and the determination should be forthcoming.

Dave Armando: That's all.

Nasrene Haj: Okay. Thank you. Okay. Let's have if you can raise your hand if you want to speak. I know there might be many people. I'm okay going for 15 minutes so a few people can speak. Is it okay. Okay. That, ma'am. And.

Nasrene Haj: On the appeal. Yes. Yes. Okay. So sorry. A couple of things, and then I'll tell you to raise your hands because I'm getting distracted. So, if you can keep your public comment to 5 minutes max, and keep the comment to the focus of the appeal. I said this last time. I'm just going to say it out loud again because there's many more people here. The appellate process is solely regarding Dave's determination.

Nasrene Haj: The SMI is appealing his determination, and it is the role of this board to hear from all parties and determine if Dave's determination is correct or not. So, please keep your comments to that. Please state your name. Ideally come up here because the we're recording up here. And there was one more note that I had. No, I think that was it. Okay. Go ahead. Okay.

Tracy Frisch: My name is Tracy Frish, Clean Air Action Network of Glen Falls, resident of Argyle. And I want to read two sentences. An attorney who I believe wishes to remain anonymous, but is very familiar with the planning board process. She says, The requirements of the code cannot be waived by the failure of the code enforcement officer, planning Board, or ZBA to act unless otherwise provided by applicable law. The only provisions that would permit tacit approval approval for failure to act, is contained in Section 7-725 A of the New York State Village law, which provides that site plan approval is deemed given if the Planning Board fails to approve a site plan under its review following a public hearing or its receipt of a complete site plan application if no public hearing is held. As Clean Earth has never initiated the appropriate review of its changed operations, there is no waiver. And I could provide that information. I'm going to ask if you can please provide that to Janelle. Okay. And I want to tell a very brief story.

Tracy Frisch: There there is a couple, and I'll be really fast. There is a married couple, Jane and John Doe, and they apply to the Planning Board to build and operate a vegetarian restaurant with a folk singer. They're approved. It's near a school. They they have an LLC called Food and Fun. Then they get divorced. They operate for, like, 20 years. They get divorced. They have a new restaurant. It's a barbecue pit with a rock and roll band.

Tracy Frisch: Still the LLC Farm and Food F and F. And then John has a midlife crisis, and he decides to close the barbecue pit, which is hard to operate in the winter. And he he opens a juice bar with adult entertainment. And everyone knows what's going on. It's a it's a, you know, public place, and people complain. And there's and there and John's attorney says, oh, it's the outside agitators. It's those feminists and vegetarians, but it's it's the public. It's people's families, it's parents. They don't want adult entertainment near the school. But, you know, they argue we were approved to have a food establishment with entertainment.

Tracy Frisch: So, that's all I wanted to say.

Nasrene Haj: Thank you. Thank you. If you could please provide that to Janelle. Sure. Sure. Thank you. Yes.

Jessica Donnelly: Jessica Donnelly. I'm a Village of Hudson Falls resident. I would like to present a petition that we had signed by residents digitally for the Zoning Board in codetermination support.

Jessica Donnelly: So this just says, to Fort Edward, New York Zoning Board of Appeals, VBA. We urge Fort Edward Village, VBA, to uphold the Village code enforcement officer CEO decision about ESFI Clean Earth's land use permit. In his determination letter written on December 15, 2025, the CEO wrote, Until any applicable approvals under Village zoning ordinance zoning law are obtained, no uses other than a plant to accept soil which has been contaminated with fuel oil petroleum and process said soil to strip the petroleum from the soil, leaving a sterile and clean recycled soil may be conducted at this facility at 3:04 Topath Road in the Village. So we had over 230 residents sign this and people are continuing to sign it. So we just wanted to give this to you. If you can imagine those people being here to support this hearing, that's what we'd like you to imagine. So Thank you. Thank you. Yeah. M is the Jael for.

Speaker 6: Yeah.

Rick Fisher: I'd like to make a statement first and then ask two questions. What's your name. Can you state your name? My name is Rick Fisher, a lifelong resident of Fort Evern. We're talking about Bill Nikas and not being able to get here. Things are going back and forth. I asked for the truth. That's all I, you know, that's what I want to be here, find out the truth so I can make decisions. And it seems to me you guys don't want to hear the truth. If your company contacted Bill Nikas and said not to come.

Rick Fisher: And, you know, and I I understand where you're coming from, but it hurts because it takes away some information that I need. So that's that. The other one is in your appeal, you stated that ESMI is permitted by the original land use approval and understood by all parties. To authorize the processing of nonhazardous contaminated soils without limitations. Scary. Can you produce the documents? I don't think you can because of what was going on tonight, but I'm going to ask that, can you produce the documents with the words in order to support that statement?

Rick Fisher: Can I just sorry, can I briefly interrupt that the last thing I meant to say earlier was to direct the questions at not. No, no. Yeah. You're right. Sorry. No, I forgot to say it also.

Rick Fisher: So anyway, you got that question. This one is, the previous statement uses the term without limitation. Can you define clearly what that means? I mean, what does that mean? Scary. Thank you.

Nasrene Haj: Thank you. Would you like to answer those two questions? No. Okay. Go ahead.

Matt Rimkunas: You go ahead. It's up to you. However you want to go.

Nasrene Haj: Okay. I I think we should keep a train of thought. So if you could you can respond. Keep it going or respond? No, you can respond.

Matt Rimkunas: Yeah. The first point about, you know, Bill Nikas, we we don't control Bill Nikas. Bill Nikas want to speak tonight. He was free to do it. If he felt like he did not have a conflict of interest, he could have been here tonight to speak. I won't speak for Bill Nikas. On the second point about the the approval, the application in 1991 to the Village was for an approval under the land use zoning code that a soil recycling facility was approved was an approved use. The the Village of Fort Edward, as we understand it, approved that application. And to your point, nobody has been able to find a document that contains a limitation that the village is trying to impose on this facility that would restrict it to patrolling me can read facility.

Amanda Durkee: If you take one S. My name is Amanda Durkee, and I will take my full 5 minutes. I'll go as quick as I can. I will stay on form. Good evening. My name is Amanda Durkee, and I'm a resident of the Village of Fort Edward. I am here to respectfully urge the Board to uphold the code enforcement officers determination regarding the ESMI Clean Earth facility. At its core, this appeal raises a fundamental land use question, whether a facility may expand the type and risk level of materials or processes over time without clear and specific local authorization, based largely on the absence of prior enforcement or incomplete historical records. I've read the appeal. It is a document filled with dates, exhibit references, and repeated emphasis on nearly 35 years of operation.

Amanda Durkee: Stripped of legal language, the argument rests on a troubling premise. Because the village did not challenge aspects of the facility's activities over the decades, the company now claims the right to continue expanding its activities without limitation and without restriction. In other words, silence is being treated as permission. But silence and a historical lack of objection is not a permit. Over the years, the facility's waste streams have evolved. Operations reportedly began with petroleum contaminated soil. Later came the coal tar, the biosols, the paper sludge, and PCB contaminated materials. Now, the company seeks to process soil containing PFOs, some of the most persistent chemicals known. Each step in that progression represents a meaningful escalation in environmental and public health risk. While the company describes this as routine business operations, residents see something different.

Amanda Durkee: A steady expansion of risk to the surrounding community. Every new waste stream raises new questions about potential impacts on our air, water, soil, and longterm health. Another argument raised in the appeal concerns gaps in the village's historical records. Because certain files are incomplete, including missing meeting minutes from 1991, the company argues it should receive the benefit of the doubt. But when the historical record is unclear, the benefit of the doubt should favor protecting the community and the public health, not expanding industrial activity. The appeal also suggests, I, that the village's longstanding awareness of and indifference effectively effectively amounts to tacit approval of the facility's operations. That reasoning should concern anyone who values responsible governance. A lack of enforcement in the past does not create a permanent license to expand operations indefinitely. Administrative gap should not become a loophole that allows increasing risk without proper review. If anything, the opposite conclusion should be drawn.

Amanda Durkee: When a facility operated for decades amid incomplete records and unclear approvals, that history should prompt careful scrutiny, not automatic approval of future expansion. The appeal further argues that processing PFOS is merely a business operation and therefore not a proper subject of land use regulation. But land use is fundamentally about protecting communities and determining how property is used in ways that affect the people who live nearby. When the materials being brought into a community shift from oil contaminated soil to some of the most persistent chemicals known, the nature of that land has clearly changed. Processing PFOS contaminated soil is not a minor operational adjustment. It represents a substantial escalation in the type of risk a community is being asked to accept. The appeal maintains that the fundamental character of the facility has not changed. For residents, however, the evolving contaminated material is significant. The scale and nature of the risk matters. The Village's code enforcement officer reviewed the concerns and issued a determination, recognizing an important principle.

Amanda Durkee: A facility should not be able to continually redefine the level of risk it brings into a community simply by invoking changing market demands. Our community is not a testing ground for evolving waste streams. Residents, myself included, who have raised concerns are dismissed in the appeal as pursuing a political agenda. In reality, many residents have spent the last 16 months reviewing documents, attending meetings, and trying to understand complex regulatory processes while balancing job and family responsibilities. That is not politics. It is civic responsibility. The appeal boldly states, what changed in 2025 was not the facility's operations, but the political environment. In truth, what

changed was awareness. Once residents became aware of the permit application, many began educating themselves about the facility's history and regulatory status. As understanding grew, so did concern.

Amanda Durkee: Protecting our homes, water, soil, and health is not arbitrary and capricious. Fort Edward's future should not be determined by missing paperwork from 1991 or assumptions about what the village failed to challenge throughout the years. It should be guided by what we know today about environmental risk and our responsibility to protect the people who live here. As the ZBA considers the appeal, residents deserve transparency, careful oversight, and decisions that prioritize public health above all else. Fort Edward deserves nothing less. Thank you for your time.

Kris March: Re quick. One more. Kris March, I own SlickFin Brewing Company at 147 149 Broadway. I don't know how to follow that, but I'm specifically just bringing up the question of, like, I went in front of the Village Review Board and the site Planning Board back in 2017 to open up my business, and I plan on making some changes to that business, hopefully within the next month, month and a half. I know, even as a small business, that I have to go back in front of that site plan review Board and the Village Board to get those variances for my business. It's just very cut and dry. It's very black and white. There's no, you know, open to interpretation of it. I'm changing the method of operation for my business, and I simply know I need to go in front of you guys to get that approval.

Nasrene Haj: Simply it. Thank you, everyone. I know we didn't get through all of the public comments. And I think we need to wrap up. All right. Unfortunately. I think we need to. To minutes then Less than 2 minutes. 1 minute.

Christopher Schmidt: Okay. Good evening. Thank you for this extra 2 minutes. You time.

Nasrene Haj: Can you yeah. Can you just come over here and face that way so we can hear in.

Christopher Schmidt: It's okay. Good evening. Thank you very much for your time. My name is Christopher Schmidt, and I'm a resident of this community. I want to address the idea that public input is political pressure. When decisions affect a community's health, environment, and future, it's expected that the community will show up. That's not improper, that's participation. This board represents the people who live here and the people who are here tonight. I understand your responsibility to apply the law as existing when use permits. That's exactly why I'm asking to apply the code clearly, consistently, and without exception, not under legal pressure or assumption of what the permit says.

Christopher Schmidt: These are proposals that will expand both the type and volume of material brought into this community. This is not a small change. It carries real longterm consequences and deserves to be treated that way. This community has already carried the burden of past industrial decisions, and people here are paying attention because they don't want to carry that burden again. Once these decisions are made, they don't just go away. The impacts stay here. I urge this board to follow the permit as written and ensure that any future permits are approached with full transparency and full consideration of environmental and health impacts.

Nasrene Haj: Thank you. Thank you. Okay. I'm going to close my eyes because I'll keep wanting to say yes. So, thank you all for being here. We are, of course, not going to close the public comment because we have much more to discuss and hear from additional people. The most important thing right now is that we set a date for the next and determine, were you keeping track, general, of the documents, the different documents that people were saying they would submit, or can we follow up with people directly after you have to say?

Nasrene Haj: I guess. Who's the We are going to table the public hearing. Yeah. Video. Okay. I was just wondering, we're not done yet.

Nasrene Haj: We're almost done. Hold on. If you guys can even if you're leaving, if you cannot speak, we are not done. You have to close the meeting and set a date. Okay. One more. One more. One more. Thank you. Table the public hearing.

Nasrene Haj: Yeah. Motion for that, right?

Nasrene Haj: Are you going to go to the next? Do you want to go to the Wednesday? Yes. I.

Nasrene Haj: So I cannot do that next Wednesday. I cannot do the 20th. Okay. Is the board can I offer a date? Is the board available the next day? So it was originally May 20 would be our next meeting. Is the board available the Thursday, the 21st, May 21, as well as Matt. Thursday Thursday, May 21, at the usual 6:00 P.M. Does that work for everyone?

Attorney Fuller: It looks good to me.

Nasrene Haj: Dave, does that work for you? Janelle, does that work for you? Yeah. Okay.

Nasrene Haj: So motion to table it to May 21 2026. Are you guys good? What was the date? May 21, 6:00 P.M. If not, no. We're good. Okay. Great.

Nasrene Haj: So motion to table. Okay. If everyone, even if you're leaving, if you can please be quiet because we are recording the rest of the meeting. We're trying to conclude our meeting.

Nasrene Haj: So motion to table the public hearing until Thursday, May 21, at 6:00 P.M. All in favor. A motion to. Oh, sorry.

Doreen Rabine: I'll make a motion. Okay.

Bernie Taylor: I'll second that.

Nasrene Haj: All ayes. Motion carried.

Nasrene Haj: I think it made it to most people. That's right. That's good. You. Thank you.

Respectfully submitted,

Janelle Rose

Zoning Board of Appeals Clerk