

Q. What, in detail, are the EPA violations for Anellotech from as recent as October and November 2014?

A: "Our Town" Newspaper investigated this question and reported detailed information about the specifics of the violations in a front page story in this week's edition. Story is available here: <http://www.pageturnpro.com/Our-Town-Newspaper/62373-20141126-Our-Town/index.html>

Q. Are local officials, including Town Supervisors from Orangetown and Clarkstown, County Executive Ed Day, Senator Carlucci, Congresswoman Lowey, and the Orangetown Planning Board now pushing to prevent this project from going forward?

A: I can't speak for the other elected officials you mention. As I mentioned in my e-mail to residents, I do not feel that the question of what exactly would be emitted from this facility has been answered to my satisfaction. Anellotech has claimed that their emissions would not pose any danger to the public, but obviously no one should be expected to simply take their assurances at face value without additional evidence. Unless I am completely convinced that their expansion poses no threat to public health I would not support it, though it is important to reiterate that neither I nor the other elected members of the Town Board have a vote on whether or not the project moves forward.

Q. What are the legal ramifications for the Town if they pull the Planning Board's preliminary approval?

A: The Town Board has no legal authority to reverse a Planning Board decision. Preliminary approval by the Planning Board, however, does not mean that final approval must follow. It depends on whether an applicant before the Planning Board has met the legal requirements for approval. Where legal

problems could arise is if the Planning Board denies an application without giving firm reasons, based in town law, for doing so. Also, if it appears that the Planning Board was improperly pressured by elected officials to approve or deny an application, a lawsuit could be possible.

Q. What does "preliminary approval" actually mean?

A: The Planning Board rarely completes its review of a proposed construction project in one meeting. An applicant may come in for an initial consultation, later receive a "preliminary approval" subject to review by another land use board, such as Zoning or Architecture. The Planning Board may even grant a "final approval" that is still contingent on an applicant complying with various approvals and restrictions that will be enforced by the Building Department.

Q. Will other chemical producing companies with emissions from smokestacks be welcomed into a highly populated area, by the Town Of Orangetown, if this company is allowed to build a toxic smoke stack on the Pfizer property?

A: Orangetown has not "welcomed" Anellotech—the town did not seek the company out, recruit, or encourage them in any way to locate here. As a private business, Anellotech on its own initiative entered into an agreement with Pfizer to lease space on their Pearl River site. Since this was a private contract between two private companies the town was not involved, except in as much as any facility is subject to fire and building inspection, sewer discharge permit, and other routine regulations.

The Pfizer site has for decades been zoned LI (Light Industrial) and the use proposed by Anellotech is a permitted "as of right" use in that zone, meaning it doesn't need a zoning variance from the Zoning Board of Appeals, or any action or approval from the Town Board. (Likewise, building a private home

on a residential property would be an "as of right" use that would not need approval from the Town Board since it is already allowed under current zoning).

It is worth mentioning that just because a site is zoned for light industrial use does not mean that every possible industrial use is allowable. Here, for instance, is a link to the section of the Town Code that outlines a number of industrial uses that are prohibited:

<http://ecode360.com/print/OR0091?guid=26867314>

I certainly would not encourage or support any companies locating in Orangetown that would produce dangerous emissions, and I know the rest of the Town Board feels the same.

Q. Has Anellotech given any money, or offered to provide services, to the Town of Orangetown?

A: No.

Q. What is the make up of the released "steam" or "smoke" emitted from the smokestack, and how high do those emissions rise before dissipating?

A: This is really the million dollar question. And I don't feel it has been answered to my satisfaction yet. Because Anellotech's research is apparently fairly cutting edge and their process is patented the company has been somewhat unclear about exactly what chemicals would be used in their facility, but of course, "we don't know" is not an acceptable final answer to this question.

Q. What is the actual diameter of the proposed smokestack? 2-4" was mentioned by Anellotech representatives at meetings on 11/19 and 11/20, but

no concrete answer, and were they referring to the width of the pipe being used, or the actual diameter of the pipe?

A: It appears, according to the most recent information submitted to the Town's land use boards by Anellotech, the "smokestack" is actually a stainless steel pipe less than 6 inches in diameter and about 15 feet tall that would be attached to the top of the company's proposed 84 foot tall expansion. It is possible that this pipe will be enclosed in some type of material, such as concrete or brick, to protect it from the elements.

Q. Why didn't any Planning board member of the Town of Orangetown at least raise any additional questions that may not have been listed on a standard town application, or propose another hearing or public forum when they knew they were dealing with an experimental pilot program involving toxic chemicals, before making a preliminary approval decision and moving ahead?

A: This is a question which would have to be raised directly to the Planning Board members. I can't speculate on their thought process.

Q: What are the "performance standards" that the Zoning Board of Appeals is reviewing?

A: Town code is pretty specific about performance standards. Here's a link: <http://ecode360.com/print/OR0091?guid=26867105> . As laws go, this one is reasonably clear even if you're not used to reading town code provisions.

Q. Why wasn't the proposal made public with the knowledge of smokestacks being built?

A: All normal public notification procedures appear to have been followed in this case. Owners of the 67 properties within a 200 foot radius of the property line were notified by the Town's Building Department when Anellotech's application went before the various land use boards, as is required by town code. Land use board agendas listing this application were posted on the town's website. All relevant state and county agencies were also notified.

Q. When will both the NYS Department of Health, and Rockland County DOH weigh in, and what questions will be posed to them by Town Officials?

A: The Zoning Board of Appeals has asked for the Rockland County Department of Health to review this application for possible impacts on public health. I am not aware of the specific questions being posed by the ZBA.

Q. Will there be an open meeting/hearing where the public can be spectators to questioning by State DOH officials and local officials of Anellotech's emissions, data, research, facts, etc?

A: All land use board meetings are open to the public, including the January 21, 2015 meeting of the ZBA, which as of now looks to be the next time this application will be before one of the town's land use boards.

Q. Is there an alternative way that Anellotech can produce their products without building a smokestack?

A: It's a good question, and one which Anellotech will have to answer.

Q. Does Pfizer have a say whether it moves forward or not?

A: It is my understanding that Anellotech is leasing space from Pfizer. I haven't seen the details of their contract, so I don't know what exactly the

two companies have agreed to in terms of whether Pfizer has any role in allowing or disallowing Anellotech's plans for the site.

Q: Did Anellotech consider any alternate locations before settling on Pearl River?

A: Not to my knowledge, but it would probably be best for Anellotech to answer this question.