The Chenango Valley Central School District (CVCSD) has filed an appeal with the Town of Fenton Zoning Board of Appeals (ZBA) challenging the determination of the Town Building Inspector who concluded that "the NG project would fall under the description of a truck and freight terminal, and is compliant with the zoning located in the Limited Industrial area."

The appeal maintains that the complex nature of NG Advantage's business model and the addition of chemical odorant and compression of the natural gas pose safety risks and concerns that are not presented by a "truck and freight terminal". Moreover, the risks associated with the Project do not end at the facility as each of the CNG trucks and trailers pose their own risk of CNG release, structural failure, and gas leaking. Since the CNG trailers will have to pass through the Route 12/I-88 interchange in front of the Chenango Valley Middle and High Schools, any emergency event at that location will certainly result in the closure of the only means of access to and from the Schools and likely evacuation of students and faculty.

CVCSD maintains that the question of whether the Project is appropriate for the Limited Industrial District is one that the full Town Board or the ZBA should address in subsequent proceedings with proper review and consideration of all of these unique safety concerns.