

## PLANNING BOARD

Town Hall 1375 Ridge Road Lewiston New York  
Thursday – June 18, 2020

Present: Baker, Burg, Conrad, Craft, Lilly, Taczak, Waechter,

Presiding: Bill Conrad, Chairman

Conrad: I would like to welcome everyone out to the June Planning Board meeting.

The first item on the agenda was a Special Use Permit for Washuta, 1815 Ridge Road, SBL# 89.00-1-12.111, for a farm stand.

Patricia Susice, my husband John and myself would like to open a road side at 1815 Ridge Road to sell produce and vegetables.

Conrad: Are there going to be any changes to the building as it stands?

Susice: None at all.

Conrad: Could you just describe the activities?

Susice: It just would be set up with fruits and vegetables inside.

Conrad: Everything inside, nothing outside?

Susice: Maybe underneath the pavilion some corn or stuff like that. There is a pavilion on the side.

Conrad: Are you going to be growing anything?

Susice: No.

Conrad: Are there any questions from the Board? Anyone else in the audience.

Baker: I think it can be difficult in an automobile leaving that property because of the topography around there and the house. It might be a good idea to have a sign to say use caution when exiting. Vehicles travel pretty fast down 104.

Conrad: Tim, can you advise them on anything you could think of that they might need? What about signage?

Susice: I would like to put a sign up if possible, an open sign or something like that.

Conrad: You would have to comply with the sign law. Any other comments from the Board? I think there is someone on-line.

Lilly: Have you had a produce stand or road side stand in the past?

Susice: I've never had a road side stand but we go to the farmer's market in Niagara Falls and North Tonawanda every Saturday. We've been doing in for 35 years.

Sue: My question was, I think it was partially answered but it was hard to hear from this end, what do you have for the safety of vehicles? I've been watching the last 2 days cars serving off to the side, it's a dangerous situation.

Conrad: Are you talking about that location?

Sue: Yes. I live directly across the street. I'm not opposed to it I'm just asking is there a place for safety because I've lived here 30 years and I've seen a lot of accidents over there as they speed around the corner. Now there is only 1 way in and out right now which is fine but what is in place for safety?

Conrad: I think that's what we talked about as far as signage, maybe a warning sign of some kind, slow down....or something like that.

Seaman: Can you please identify yourself for the record please.

Suzanne

Conrad: They will be working with the Building Dept. to get things set up there. It's been operated before and I think we can probably figure it out with the applicant what needs to be done.

**A motion to recommend approval of the Special Use Permit was made by Lilly, seconded by Taczak and carried.**

The next item on the agenda was a Site Plan Review, Tom Shelberg, representing Craggs on Langdon Road, SBL#

Tom Shelberg, 183 Bathhurst, Tonawanda New York, 14150. I'm representing Tod Craggs. We're seeking site plan approval, a Planning Board recommendation to the Town for a 5,376

square foot metal sided commercial pole barn. The applicant proposes to use about .93 acres to do the parking lot and building and minor grading off his existing service road. There is a building in the back, half way back on the property. It is another cold storage building Tod built several years ago. We are looking forward to advancing this project and having approximately 4 bays in this commercial cold storage building. It's zoned some small areas in the back for rest rooms that will need Health Dept. approval for a septic system located on the property.

Conrad: Are there going to be any permanent offices in the building.

Schol: Maybe a landscape contractor.

Conrad: Are you going to be leasing space?

Craggs: Yes, that is the intention.

Conrad: Is your focus on landscaping, or anyone?

Schol: That was just an example.

Conrad: What other types of businesses could you see coming in there to lease space?

Craggs: The Town of Lewiston is having a hard time with small businesses in our Town, they can't work from their own property so they don't have a place to go. I'm willing to put up small spaces, about 1,400 square feet per bay with a small bathroom. The heating and plumbing guy, the landscaper guy, small businesses.

Conrad: Any questions from the Board on the project?

Lilly: Was there a question on the floor elevation was going to be below the crown of the road elevation?

Schol: Slightly lower but it's going to be even with the shoulder. If we put it up any higher, we would have to bring in a lot more fill and then matching of the finished floor to the existing service road we have.

Lilly: What is the measurement of that right now?

Shelberg: Probably 2' after .....a good 2'.

Lilly: The top of the floor and crown of road will be how much difference?

Shelberg: Probably 3". We're close. If it was a residential building, we would bring it up a foot but it's cold storage, slab on grade.

Lilly: Flooding is flooding.

Shelberg: Flooding is flooding but we are still 2' above. Has Langdon Road ever flooded?

Lilly: The road itself has not.

Shelberg: It's a gravel lot so the water will percolate down.

Conrad: Any other questions from the Board?

Waechter: I was wondering about anticipated traffic? What type of vehicles do you expect to come in?

Shelberg: The load on the road would be probably like a straight body van or truck and a landscaping type of truck. Nothing that is beyond....

Waechter: You're not expecting gravel trucks or anything like that?

Shelberg: No heavy-duty contracting type of vehicles.

Craggs: I'm looking for small business not tractor trailer business.

Conrad: A tractor trailer would be too big for you.

Seaman: I think the reason why the question was raised was because I think Langdon Road is weight restricted. You are aware of that right?

Craggs: Yes.

Seaman: I just wanted you to be aware your specialty is something that is a weight restricted road.

Craggs: It is commercial ground; it is light industrial.

Seaman: Yes, but the road has a weight restriction on it.

Craggs: It is light industrial ground so how do you, it's kind of a catch 22.

Conrad: I did talk to the Highway Superintendent just before the meeting and he said that area is going to be repaved. Some culvert work is going to be done in the area and they're not going to improve that area until that culvert work is done. What he had asked is that you follow the truck routes as best as possible and try to not drift off, just try to keep on the truck routes the best you can, if anyone is over-weight. The roads in that area that surround that industrial area are planned to be improved. There is no time frame as far as I know.

Craft: I think what we're thinking about is if you have landscaping or different small businesses there that may have product delivered by a larger truck. That's where you may run in to a problem.

Craggs: I am going to be very selective on what goes in there. I'm not just looking for anybody. I am looking for a quieter business, I'm not looking for mechanics. I'm going to be very selective. I have neighbors, I live not far from that location. We are planning on being very selective on what goes in there.

Craft: I think it's something that's needed.

Conrad: It's a unique idea. Any other members of the Board have questions or comments? Right now, the building is going to be 135' back from the right-of-way, is that correct?

Shelberg: Yes.

Conrad: Are you going to have any outside storage or any activities outside of the building itself?

Craggs: If somebody has a couple of pieces of equipment, I may clear an area where they could park a few pieces outside. I like things neat.

Conrad: That whole area back there is wooded?

Craggs: It is.

Shelberg: He might have a plan to expand the pad because we do have a future expansion.

Conrad: That was 72', the expansion?

Shelberg: Yes.

Conrad: Will that expansion be similar activities?

Craggs: The idea is to have an opportunity to grow it. I would like to have that opportunity. That's why we did it. Mr. Shelberg suggested putting that in the planning instead of waiting. It's a big nut to bite off what I'm doing now.

Conrad: Just so everyone is aware then, this site plan will include the 72' expansion as far as the proposal. Make sure you consider that. Just for the record cilva culture, could you just give us a little definition?

Shelberg: The brief history of it was Tod wanted to put the building back more and he cleared. He wanted to include some minor grading and I have done many SWPPP and storm water pollution prevention plans. If you have a small project that's 1.5 acres or ½ acre you want to keep it under an acre. Tod had changed his mind as he was grading, he wanted to go more towards the front. I said you have already cleared this, he said I'm just doing some minor grading work to get my land dry. That's a technical word where you can use when a property owner does it himself for minor maintenance without disturbing and building with the intent that he grows it back to the original nature of the property. I know that actual formal definition is if you're lumbering and logging and some work in commercial. Maybe that was an over step in terms of the definition.

Conrad: I had to google it. I think it had to do with native type trees or trying to keep things separate.....there was a lot to it but an interesting term. I just wanted it for the record. Any other questions from the Board? Is there anyone on-line that has questions? We need a motion for or against the site plan that is proposed.

**A motion to recommend approval of the site plan was made by Taczak, seconded by Craft and carried.**

The next item on the agenda was Ensol, Pletcher Road. Special Use Permit

Conrad: Is there anyone here representing the applicant? Please step to the mic and give us your name and address please.

John Battaglia, 915 River Road, Youngstown, NY.

Conrad: Can you please describe your project for us?

Battaglia: The project is basically a soil/recycling and yard waste composting facility. Back in 2019 NYS issued new regulations that require all soils from construction jobs be characterized and properly handled which opened up a market. Our client had been given some opportunities to, for instance when they drill in power poles and they have the soil coming out of the ground from the power poles, right now they really don't have a home for them so they land fill it when it's actually clean soil that may have some gravel on the top and some clay underneath. It's one example. There are all types of construction jobs now that have to characterize their soil and they have to pay for disposal. This facility offers them to bring it someplace that we can separate and screen out the rock, brick and stone from the soil and re-use those materials.

Conrad: Any one on the Board have any questions of the applicant?

Lilly: How much material do you anticipate will be coming to your site. Is this going to be Erie and Niagara County construction sites or all of Western New York?

Battaglia: Probably Erie and Niagara County. I don't think we will get it any further than that. It will be predominantly Niagara County.

Lilly: This law was enacted when?

Battaglia: 2019. It was the new set of regulations.

Lilly: So, it's a fairly new law.

Battaglia: Yes.

Lilly: Is there any other site that is similar to this anywhere?

Battaglia: I'm not aware of any.

Lilly: This is New York law not a federal law?

Battaglia: Correct

Lilly: You're talking any construction site, the material that has to be removed from that site has to...any type of soil...

Battaglia: It has to be characterized and then if it has brick or stone mixed in with it then it has to go to a land fill.

Lilly: How will it be tested? When they drill for a telephone pole it might look fine but how do you know?

Battaglia: We have to test the material at their end.

Conrad: How is the testing regulated?

Battaglia: The criteria is in the regulation and it has a list of parameters that you have and then it has a list of allowable levels depending on the potential use. There are residential, restrictive residential, commercial, industrial, various levels of use that you are allowed. These all came out again as part of the new regulations.

Waechter: Just some clarification ....the materials being brought in.....(too much echoing)

Battaglia: It depends on where it's coming from. If it's obviously coming from a virgin piece of property then that testing would be after with knowledge and understanding of the source, we can decide whether or not we want to test it. If it's coming from a Brownsfield Site or a site that has any known contamination it will have to be tested before it's sent. There is a breakdown of screening requirements based upon knowledge and history of the sites.

Waechter: I have another question, the property in this similar area, those roads going in are weight restricted. I was just wondering what your anticipation was as far as the truck traffic as far as the weight of the vehicles coming in and out?

Battaglia: The original SEQRA for the property, it's included in the mine site property had a requirement of 50 loads a day or 50 trucks in and out a day. We're not going to exceed that. We combined the 2. We're not adding any addition traffic. We're within the same traffic that was allowed for the mine operation that was originally approved for the site. That being said, the answer to your question is we anticipate 20-30 at the maximum trucks a day. That's a maximum, I don't know if we will ever hit any of them.

Baker: She also asked if you were aware that the road is weight restricted to 10 tons gross vehicle weight?

Battaglia: The mine has been....

Baker: We're not talking about the mine now; we're talking about this project.

Battaglia: We are going to be utilizing the same traffic patterns as the mine.

Baker: Which were?

Battaglia: Which were Pletcher Road, Harold Road and then out Model City Road.

Baker: I guess if that's acceptable maybe it should become part of the .....

Conrad: That will be one of the things the Highway Superintendent had mentioned was the trucks should stay on the truck route. That one area, I think he said there a few 16ths of a mile he can change the signage so that the one area won't be an issue until that area is repaved down the road. He said that he would be okay with it because it is a project that is going to be taken care of in the future to meet the needs of that road since it's zoned as it is, industrial.

Baker: Are you going to screen for radio activity too?

Battaglia: We do quite a bit of that type of work. We're familiar with radio activity and screening. The sites that we take them from will be cleared for radio activity. Adding a radio activity monitoring as part of our program I'm not opposed to. It will protect us too.

Baker: It's right next door to a radioactive site.

Battaglia: Right now, the State doesn't require it, it does require the properties that we may be taking it from to have those types of monitoring, but that's typically done based upon the



history of the site and those types of things. We would be looking at that before we even allowed the material to come on to our property.

Baker: What are the drying pits for? What process happens there?

Battaglia: When they put in the power poles, they use a wet drill. It comes out muddy so when they deliver it will be muddy so we are drying up the soil before we screen it.

Baker: You're not going to be accepting any sludge?

Battaglia: No.

Baker: Dredging spoils or anything like that?

Battaglia: No.

Conrad: Any other Board members?

Craft: What did they do with the dirt before they passed this law?

Battaglia: There are still sites all over Western New York, anywhere and everywhere.

Craft: How many more in this State? Are we going to have more in this state, you're not the only one, right?

Battaglia: I don't know who else will get involved with it. They are still shipping material, illegally to sites all over the place.

Conrad: Dump sites, unprocessed.

Battaglia: We hope and anticipate that the regulations, when they institute these regulations, it just doesn't happen overnight. It takes time. What will happen is the larger owners or developers will say geeze are you following that rule? Then they will make their contractors follow it. That takes a while for those regulations to be implemented.

Conrad: Do you have federal or state monitoring?

Battaglia: NYS DEC monitoring.

Conrad: Any other questions from any of the other Board members?

Waechter: too much noise.....as far as an office is there going to be construction trailers and is there going to be a bathroom facility? Is that something that will be planned for the future?

Battaglia: If we expand the site but for the capacity, we are at it's really not a lot of material to handle from the tonnage point of view. We don't anticipate having anything larger.

Waechter: You're not on site a lot then?

Battaglia: Correct.

Baker: You're not going to accept any animal waste or processed human waste or anything like?

Battaglia: No, pretty much yard waste and soil.

Baker: The definition of soil leads a lot of latitude.

Battaglia: It's pretty clear in the regulations.

Conrad: When we talk about contaminated items, I know you talk about general construction debris with brick and mortar type things. What about petroleum or anything of that nature?

Battaglia: That's not.....those are not what we are talking about. This is construction soils, brick, stone, asphalt....

Conrad: Whatever material that you are screening out, what happens to that?

Battaglia: That will be a hard fill. We will have to make a hard fill out of that.

Conrad: That process would be what?

Battaglia: Screening.

Conrad: If you have big blocks?

Battaglia: We will ship those to swip river, anything large. We won't have the quantity necessary to constitute a crusher.

Conrad: You're just screening, you're not crushing at all.

Baker: Once you're up and running what are you planning on your average volume?

Battaglia: It would be nice to get 100 tons a day.

Baker: Do you think it's seasonal or all year?

Battaglia: It's going to be seasonal. Construction starts in the spring and ends in the fall.

Baker: I apologize, did you address dust control?

Battaglia: We have Vectra control and dust control as part of our planning.

Lilly: You mentioned yard waste, are you taking yard waste from local residents at no charge?

Battaglia: Residents can bring it in.

Lilly: In that category, leaves, their own spoil, how about brush?

Battaglia: It depends on the size of the brush because like I said we are not going to do any grinding on site.

Lilly: So, this material comes in, you're going to screen it and put it in separate piles and then it sounds like some of it was going to be made into compost. Is that correct?

Battaglia: That's correct. The question was what do I hope to get? The capacity is 500 tons a load. What I hope to get is 100-150 so I can pay the bills. The capacity is 500 tons a day. That's restricted by the State.

Berg: .....general fill opposed to restricted use fill?

Battaglia: 50/50, it's going to be a question of what comes in and how it's processed and what we get out of it. I don't really have an anticipated separation....

Berg: How much storage facility do you have?

Battaglia: It's on the plans, 20-30,000 tons I believe.

Baker: Anticipated maximum height of stock piles?

Battaglia: The compost is limited to 15'. The soil piles I believe is 30-35'.

Baker: This is all on the other side of the wooded buffer?

Seaman: Has the DEC already issued you a permit for this?

Battaglia: The DEC has reviewed it. They have given us one round of comments. We responded to those comments. It's not a permit, it's a registration. We're just waiting for them to issue the registration.

Seaman: Do you know when that might be coming?

Battaglia: They've been pretty responsive. Maybe within a couple of weeks to a month.

Conrad: Any other questions from the Board?

Craft: Is it still tabled on the Environmental Commission?

Masters: Yes.

Conrad: Tim can you go over exactly what...

Masters: Jerry Wolfgang called the other day they had too many unanswered questions so they are requesting that they come to the July meeting and then your approval and their approval or disapproval will all come to the Town Board at the same time. I don't have the comments yet.

Conrad: Can you give us and over all the different types of product that you produce to sell?

Battaglia: Hard fill, top soil compost mix and compactable back fill.

Conrad: You said its seasonal right?

Battaglia: Yes.

Conrad: When you say seasonal and you talk about the net max number of trips that would be max during that period correct?

Battaglia: The permit will be written for 500 tons a day for the year, 280 days a year. But really what is going to happen is there is no construction until the construction season starts. The practicality is we probably won't see anything until March or April. Then it will start picking up and the max will be the 500 and it will drop off in September or October.

Conrad: What type of dust control do you have?

Battaglia: Just water, a water truck. I believe that's the standard.

Conrad: Any of the sifting itself of the filtering of the material, is that all dry?

Battaglia: There will be some dust generated but it won't be huge dust clouds. Compost has a tendency to be kind of damp. If there is any dust being generated, we will handle that with water control.

Conrad: You are next door to that fish operation, aren't you?

Battaglia: The property is the Guard Mine, but that is pretty far away if you are talking about the fishery.

Conrad: Is there a creek that runs through?

Battaglia: 12 miles.

Conrad: How do you protect that from being contaminated with any of your operations?

Battaglia: We have a SWPPP prepared and submitted to the State.

Conrad: That's usually just during construction.

Battaglia: This one has permanent features.

Conrad: What will they be?

Battaglia: there will be set traps, small siltation basin. We are going to re-use a lot of water on site for the composting, so we will just take it right back in to the process for the most part.

Conrad: The Town Engineer had sent a letter, I just want to make sure that the provisions that were laid out in the Engineer's letter, did you get a copy?

Battaglia: Yes, we received the letter and responded. There was nothing that we had any issue with.

Bob Lannon: I will send him another letter; it was actually dated yesterday saying the revisions they made are fine and good to go.

Conrad: Thank you Bob. Any other question from the Board before we go to the audience?

Lilly: What does that site need right now to get up and going? Could you be up and going this season?

Battaglia: Yes, we could, no problem.

Baker: Does your permit to operate from NYS, does that include some kind of financial security in case you decide to close the facility?

Battaglia: I would have to look at that. Usually registrations don't but they sometimes do that because they feel the need to. We haven't got the final approval. They have the option to do that. If they feel that is a risky situation then they will institute assuredly. Once we get the final application back from them, it may include that.

Conrad: Is it ok with the Board if I move on to the resident question. The first on the list is Dana Venne. Sir would you step to the microphone. Please give us your name and address.

Dana Venne, 996 Pletcher Road, Town of Lewiston. I have questions. The gentleman here mentioned that approximately 30 trucks would be coming in. he didn't mention how many trucks would leave and what material would be on those trucks. I would like an answer to that.

Battaglia: The 30 trucks are trucks in and trucks out.

Venne: You mentioned there would be liquid and it would be muddy.

Battaglia: We have one particular customer that has mud when they drill their telephone poles in so that may be one.

Venne: So that would drip off the trucks coming down?

Battaglia: No, they are in sealed trucks. Those trucks are not allowed to drip on the highway.

Venne: If they don't hold liquid then what?

Battaglia: They would get pulled over and fined. That's not a small issue from a transportation point of view. They use vac trucks. I don't know if you are familiar with them.

Venne: I'm very familiar.

Battaglia: They are required to have a secure vehicle, like brakes and securing any liquids from coming out of their vehicles. I really don't see a lot of problem with that. We have a facility in Tonawanda and they don't come in dripping.

Venne: That would also include any accidents on the road?

Battaglia: The truckers have a \$5million environmental policy that's part of their 364 permits to handle material.

Venne: The only thing that wasn't mentioned was the noise pollution and noise control. I don't know the noise level of that operation. Could you fill us in on that?

Battaglia: We did a noise analysis, NYS DEC and SEQRA both have standards for that. That's why the buffer you see on the drawing is in place to mitigate any potential noise. The maximum allowable noise on a property boundary, not at the home but at the property boundary is about 56-57 dBA. Our level in our study is about 51.

Venne: You mentioned dust control, I'm trying to visualize that in my mind, you mentioned water as a way of knocking down the dust.

Battaglia: That's a standard that's used on everything. There are several different methods, some people use salt. Just running water down on the surface packs the earth and creates a hard crust and controls dust and that's what we've been using on all of our construction sites.

Venne: We are residents of the road. We have many people that live near the operation. If dust was to leave your property what recourse do they have?

Battaglia: Make a phone call to the operator, just call our site. We are responsible for dust control.

Venne: If it gets on their building or vehicles would they clean that?

Battaglia: If it was that bad that it got on the vehicles, we would definitely clean it. The predominant wind direction is away from the homes.

Venne: The predominant is south/west. Lately we've been getting a lot of east/northeast for whatever reason. It can happen I was just wondering your preparation.

Conrad: Would you make your number available to them.

Battaglia: Definitely, it's in the application. I don't know if I brought cards.

Venne: Noise pollution you said 50-60 decibels at the property line. If it exceeds that what is the recourse?

Battaglia: The recourse is we would have to put up other mitigated measures or reduce the amount of sound coming from the equipment. I've done enough of these noise studies; we're not going to hit that noise level.

Venne: Who do we complain to?

Battaglia: NYS DEC is the primary holder of the registration.

Venne: If the Town okays and issues the permit aren't, they part of that?

Battaglia: That's up to the Town on whether they will enforce noise regulations.

Venne: If you okay the permit you are part of that.

Conrad: It's a process, we would all be a part of that.

Venne: I understand. Will you be also partly responsible for health and stopping that noise?

Conard: The Town would do what it could as far as the ordinances would allow us under the law to speak to the owner, ask them to take care of it. Certainly, we would do whatever we could. The residents of this Town are the most important things to the Town. We certainly would be as helpful as we could to help you rectify the situation.

Masters: Just so you know our Town does have a noise ordinance, a standalone chapter. It says hours of operation for construction material, machinery, you can't start your operation at 5:00 on a Sunday. It spells it all out. It's pretty specific.

Venne: You mentioned that you could get this up and running shortly, what are you actually going to put on that property?

Battaglia: grading, roadways.....not a lot of big machinery, a loader and a screener. There is not a lot of heavy equipment once it's operational. There will be bull dozers and excavators to create the space but after that a small amount.

Venne: Employees?

Battaglia: 3

Venne: Do you pay taxes?

Battaglia: Who doesn't. Yes, we pay taxes.

Venne: Our concern is naturally children in the area, people that live in the area. We don't want them to be sick. We have enough issues now, I myself have gone through several things. We don't want to add to those issues. What responsibility has your corporation taken to help resolve it?

Battaglia: We're operating the facility within the law. We're not handling hazardous or toxic materials. We're handling every day materials. I really don't see that we're causing any what I'm considering off-site environmental or health and safety related issues. We'll definitely, we have a criteria for any of our truckers that come in to make sure they are all safety trained on our site. We have site specific health and safety training requirements. Usually the biggest people at risk are the ones on site. Those are the ones that .....

Venne: They are right on top of it. They are usually there 8-10 hours a day where the residents are there 24/7.

Battaglia: If I thought there was anything emanating from that site that would cause environmental or health issues I would be done.

Venne: You answered most of my questions for now and I thank you very much. I appreciate it.



Lilly: Sir where do you live in relationship to this operation?

Venne: It's probably 575-600', to the west, on the south side.

Martin Kukovica, 1004 Pletcher Road, I also own 1003 Pletcher and recently I transferred some property to my daughter and son-in-law that live at 1043 Pletcher Road. I guess I have a strong interest in Pletcher Road, not any more than anyone else but I have a stake. I'm sure you'll be able to tell real soon I'm not for this project. I don't care if it's 30 decuples, if I have to listen to 30 decuples all day long it's ridiculous. It's still adjacent to a residential community. There will be dust. Putting water isn't going to contain the dust. There is a creek that runs right there, it runs right through my property that will contaminate my property pastures and pond and along with that everybody else that's along that tributary all the way to the lake. It will get in there. This noise, the dust will be air borne. That is a lot of telephone poles to generate 40-50 dump trucks a day. We're not talking telephone post poles. There is a lot of different material coming in to an area that already has a lot of issues and I just don't think it's a good idea. I know these are a lot of my opinions but I haven't heard enough information to make me comfortable or agree with anything that was said. It was just a lot of soft talk if you want to say it politely, I guess.

Conrad: When you say you see issues already, what issues, could you educate us a little as to what you're seeing already in that area that causes you grief?

Kukovica: I mean there is the tanker truck that is running up and down the road that's breaking the speed limit every day, every half hour on the half hour. Apparently, they don't know there is a speed limit on that road. It's becoming very disruptive in the community and now we're going to have more trucks, more issues and there is all the other stuff that's been placed there over the years where people thought it was safe to bring in and then found out later it wasn't. There are a lot of holes back there that was done from the clay mining, is stuff going to be ending up in those holes, then it becomes another landfill? It doesn't sound good.

Conrad: Do you want to answer any of his questions?

Battaglia: There wasn't anything specific I would be happy.

Conrad: The question about the clay mine. Is any material going to be thrown in the clay mine now?

Battaglia: The clay mine is a separate permitted facility governed by the mining group so we're not connected with that. It's not part of this application. The dust control we've been very successful with controlling dust at our other sites. We are adamant about doing that. We don't really generate dust, it's under control with moisture.

Kukovica: Trucks and equipment driving over dirt won't generate dust?

Battaglia: No.

Kukovica: A sifter won't generate dust?

Battaglia: We control, our dust control works on the roads. Our dust control when we spray our operations for screening, we control the dust so there is no offsite or measurable dust. The roads. Your issue with regards to screening, there will be a little dust generated but it won't be measurable. We've done dust analysis on a lot of construction sites. It's part of, it's a normal camp requirement on all Brownsfields. They have to maintain dust control on all the jobs that we work on. I doubt you will even hear the operation.

Kukovica: I'm pretty sure I will have to listen to it all day long.

Lilly: What is the distance, you are at 1004 Pletcher, the other fellow is 996. How far are you from the operation?

Kukovica: My son is 1003 and my daughter is 1043, so they are right next to it.

Battaglia: We maintained a 200' buffer.

Conrad: Any other questions sir? Thank you for your comments.

David Thompson: 1161 Pletcher Road. I am the closest neighbor. We can either make this a good thing or a bad thing. I'm really against the whole thing of course. I'm with Martin, any dust, I have collector cars, any dust at all that's created is going to create a lot of havoc in my world. I also do a little detailing on some cars. Any dust that is created at all is going to be a big mess for me. I'm worried about the noise. As you say the dust is not that high but believe me, I will hear it. In the middle of the night when it's quiet and that's why I moved out there, I will hear things. I hear things during the day. I hear the truck that goes by every half hour. I sit in my house and I hear that truck go by every half hour. I timed it; I know exactly what time it goes by.

Battaglia: We won't be operating....

Thompson: I know you won't be going towards it, then every once in a while, we get a Modern truck that I follow that doesn't go where he should be going. He goes up Creek Road, instead of going where he should be going. Then he says it's a mistake, he didn't know where he was going. That happens on occasion. I'm sure one of your truckers will make a mistake and decide to go that way because it may be quicker from what he's picking up. That happens a lot. A lot more than you want to know. You don't see these things until you are there every day. I worry about all of that. The dust and the noise, I don't even know exactly where this is going to be. I don't have a map or anything. I have no idea where this will be placed at. I'm taking a guess by what you guys are telling me.

(looking at map)

Thompson: There is a question related to where the trucks are going in and out of the property, it's literally 100' from my house. So big dump trucks in and out, 50 a day, really? My foundation is going to shake in my house. It's going to crack.

Battaglia: We would consider moving the entrance to the current entrance of the mine and that looks like it wouldn't be too difficult to make that change. It's not going to change the application that much. I'm not opposed to it. That would definitely mitigate his .....

Conrad: Tim, do you have any comment on that?

Masters: I don't really understand where he's suggesting, would that be east or west of the existing road now?

Battaglia: The road that we are currently proposing is to the west of the mine road. He's suggesting we just enter the site at the mine road and just turn in to the site which is really not a problem.

(looking at map)

Thompson: Now that I've seen the footprint of this, I'm very concerned. This is 150' off the property line of my house. That's major. You are going to have trucks running in and out of there, 50 a day possibly. My house is going to be directly affected by that.

Battaglia: The amount of actual activity in that corner is we use the other entrance; it will only be a portion of the traffic. Regardless with that whole facility the portion at this end of the site is for the composting portion. At the other end we won't have all those trucks going right by the edge of that property. When you see these things, you feel like all the traffic is going to concentrate right there next to your house but that's not really how it works. Trucks some, maybe a couple will go over there, some will be up in the front. The material will be dropped and then they're gone. Then the material is screened once a week when it comes in. It's not a continuous noise generating operation.

Thompson: Besides the trucks coming in.

Battaglia: If we do 30 a day, that's 4 an hour approximately.

Thompson: For me that's a lot. It's nice and quiet out there now. It's going to change and a lot. When I have this mess that is being created by my house what drives me to even keep my house up at that point because no one is going to buy the house because I will have this mess going on behind it all the time. My property value is going to go way down. I'm dead against this. I don't know how to fight it but this is horrible.

Conrad: How you fight it is by being here.

Thompson: This is completely unacceptable.

Conrad: If you want to come back up here.

Venne: What are the proposed hours of operation?

Battaglia: It's in the application. It meets the Town's hours of operation requirements. I have to actually look.

Conrad: It's basically a normal work day.

Venne: It's a normal work day, how about days of the week, 5 days, 6 days of operation?

Battaglia: I don't keep that stuff in my head anymore.

Venne: My concern is hours of operation and days of the week?

Battaglia: I think it's 5.5 days but it's again regulated by the State and Town. I will get that information back to you. If you want, I can get it to you.

Conrad: You can get it to the Building Dept. too.

Kukovica: It's my opinion there will be dust pollution, noise pollution from the material that's brought in. He just said on an average 4 trucks an hour. There is a decuple level I don't care if it's below it or not, if it's all day long it's going to be annoying as it is. You have a lot of houses that have just been sold on that street, young families coming in, my grandson's will be napping and they will hear the back of a dump truck banging 4 times an hour and they're going to be napping. There is, it's not going to be a good environment in any way shape or form, environmental pleasant, whatever it is it's going to be bad. It's just not conducive I'm sorry. I have not heard enough information other than maybe ..... other than telephone poles being dug.

Conrad: We want to hear all your comments. You came to the meeting so we want to make sure we hear what you have to say.

Kukovica: The bang might not register on that deciple, but there is going to be banging and back up alarms, all kinds of stuff.

Conrad: Thank you. Mr. Martin?

Pat Martin, Fire Inspector: I spoke with Mr. Battaglia earlier this week about a couple of issues. One of the things that came up was the road going back in to the property which is less than ideal. The yard waste could require the fire department to come in and help distinguish it. There are employees that could be hurt necessitating an ambulance. Part of our discussion he sort of indicated he would be willing to do some improvements to the road going back in to the project. I would like to have that on the record if you wouldn't mind.

Conrad: If you were to change the location?

Battaglia: That is a much more improved road at the other location. That will upgrade it. In regards to the issue of fire control, that discussion we went back and looked at our operating plan and we added temperature monitoring in to our plan just to make sure. But if the pile heights and sizes that the NYS requires really makes it very unlikely. Those big chip piles are the ones that fire up. We are limited to the height and the width of those piles and we have to have a driving lane in-between the piles. They've done a lot to mitigate that. We've added temperature monitoring based on your suggestion.

Martin: I think you talked about putting millings down on to the dirt road to make .....

Battaglia: Right and we talked about improving the road with some millings to make sure we control the road access. That is correct.

Conrad: You are agreeing to this?

Battaglia: Yes, definitely, temperature and millings.

Conrad: Any other questions from the Board?

Craft: You don't know your hours of operation?

Battaglia: I will let you know. It's consistent with the Town operating hour requirements.

Craft: What I'm looking at are the regulatory requirements for your kind of business is regulated by the State.

Battaglia: We take the most restrictive.

Craft: For rural it's 7-10 PM, is 57 and 10-7 in the morning is 47.

Battaglia: That's the decibel requirements which is different from the hours of operation.

Craft: Yes, but we are talking about noise here too.

Battaglia: It says if you were allowed to operate after those hours that would be your noise limit.

Craft: Are we allowing you?

Battaglia: No, you're not. That's why I had the numbers, it's like 7-5 or something. It's a standard business hour.

Conrad: We will be able to determine that from the information once you provide the other information.

Battaglia: I will get that for you. It's normal operating hours.

Conrad: Any other comments from the Board? Any other questions from the Board?

Thompson: The last I saw of.....when I first moved there it was all wetlands behind my house, zoned wetlands?

Battaglia: There are portions of the property on the map that are wetlands that you can see on the map. The area I showed you is wetlands.

Thompson: You aren't moving the wetlands or anything like that?

Battaglia: No, we're not.

Conrad: Any other members of the audience, residents?

This is Patty from Lewiston Porter: You're about a half a mile from the back of our property. We are struggling with a lot of mice, rats, pigeons, seagulls you name it we have it on our property. The seagulls we believe are directly related to the dump behind us. I guess my question is do you have any plans .....if you bring in compost there are going to be more mice and birds and concerns from my staff. I'm wondering if they talk about that and also, we have a concern about the smell. How will they directly monitor that?

Battaglia: There is no bacteria issues with this type of operation. You're talking mice and rats. We're not going to be handling any food type of waste. Just yard type material. You don't have vermats living in a compost pile. Oxygen levels aren't adequate. The piles of soil are piles of soil.

Conrad: You said there is debris back there now that are causing an issue?

We have them on our property. There are coyote and deer back there as well. My bigger concern is where are these animals going to go? What is this going to smell like? How is it

being tested regularly because I can't.....if the VOC levels get really high,...i just can't close the school.

Conrad: As far as the VOC levels that are affiliated.....

Battaglia: We are not taking any petroleum contaminated materials with regards to VOC's. It's organic compounds.

Conrad: It's organic compounds, so it's construction debris but not....

Battaglia: it's really hard fill with some soil.

Conrad: She's talking about the composting.

Battaglia: If we keep the composting turning and from going anaerobic which is without oxygen where it generates some.....but that is why there is a routine to measure temperature and turn the piles. This is not a huge composting operation. It's relatively small and it's not going, it will be easy for us to maintain and turn the piles.

Conrad: So how often are you turning the piles?

Battaglia: Probably 3-6 months is how long it takes to compost it down.

Patty: My other question is if you're bringing in soil untested and bringing it to the property how will you determine it's not toxic soil? My understanding is that property was originally in a buffer zone but there....has anybody tested the soil there?

Conrad: On the actual operations on your site have you tested the soil?

Battaglia: I'm not aware of any disposal of soil on that site. That site is pretty virgin. It's been used for farming, there are farm fields back there. There was a small pit back there. I think when they had the moto cross races, they took some clay from that site so there is a whole back there from when they took the clay for the moto cross races. That's about it. There might be an old tractor or two back there but I think you'll find those all over the county.

Conrad: As are as your concern about the site itself and the soils, are you talking about when they clear the site and those?

Patty: They are bringing dirt in. I guess I have multiple concerns because they tested the soil that there putting there currently. When are they testing the soil they are bringing in, if they are bringing in contaminated soil how long will it sit there? How will they test it?

Conrad: This was spoken about earlier in the meeting. Do you want to go over again the type of materials you bring in. You don't bring in any material with petroleum? No lead no asbestos?

Battaglia: That is correct. It is basically construction, hard fill mixed with soil from excavations of construction.

Conrad: Bricks, rocks, wood....

Battaglia: Soil, dirt.

Patty: Are you testing it before you bring it in or after you're bringing it in?

Conrad: He did say before, any suspected sites that have any, if you're bringing in an old building....I work in this industry as well. There is testing that occurs in those soils and he said anything that would be suspect in that nature of construction would be tested off site.

Battaglia: It would be tested before.

Conrad: if it were contaminated you wouldn't be bringing it.

Battaglia: That's correct.

Conrad: The construction I'm familiar with is old buffalo schools, we had to do testing of the soils because we actually had to remove a lot that was.....required the soils to be removed from the site. That was tested on site by a third-party testing agency to verify the levels. Once it was determined that it was like that, I'm assuming it would be the same type of situation.

Battaglia: At suspect sites they will be required to be tested.

Conrad: What would be a suspect site?

Battaglia: Brownsfield would be a prime example of a suspect site. A previously used industrial site. A site that is potentially suspected of having contaminated soil.

Conrad: In general, what other type of sites would you bring spoils from?

Battaglia: If there is a construction site, they are building a subdivision in a farm area and they need to get rid of a bunch of their soils that has an old road. A lot of times they built the roads out of stone and brick and everything so they dig the road out and that now is contaminated with brick and stone, that would mix of material would be able to be brought in and screened to separate the hard fill.

Conrad: What about an urban area? On an urban site that was to be demolished?



Battaglia: Urban areas are typically tested on the site before it leaves their site.

Conrad: You're saying that the new laws regulate you from what you can and cannot accept.

Battaglia: That's right.

Conrad: Does that answer your questions or do you have more?

Patty: That answers my questions. The only other question I have I think was answered with the traffic pattern. We wouldn't want excessive trucks traveling down Creek Road during the time our buses were transporting children in and out.

Conrad: What would you say the times are that the buses run between?

Patty: 6:30-8:30 in the morning and then about 3:00-4:30 in the afternoon.

Patty Gruich, Assistant Superintendent for Administrative services

Conrad: Thank you. Any other questions?

Patty: I think that is it, thank you.

Conrad: Thank you very much. Are there any other residents on-line who have other questions?

Kukovica: The piles of dirt and compost will be 30' high even tho there is vegetation as a buffer, I don't think that vegetation buffer zone will prevent people from actually seeing the piles of dirt and compost and everything back there. It's all going to be visible too.

Battaglia: The trees in the area are at least 30'.

Thompson: Not in the back of my house.

Battaglia: The pile sizes come and go. The sizes will be continuously changing. Maybe 30' at one time but then it might be down to nothing.

Conrad: What about any additional screening? Would you be willing to do some additional screening in the areas that the residents are exposed to that?

Battaglia: Plantings possibly, maybe build a berm. Screening is usually vegetation or structures.

Conrad: There are various types. We're talking about something that's 30' high. It's a little outside the ordinary.

Battaglia: I would have to look at that to see what that visual would be. I can take a look at that.

Conrad: Would you please provide that information to the Building Dept.?

Battaglia: Yes, I will.

Craft: The bricks and stone you get in do you crush that?

Battaglia: We will separate it and send it out to Swift River or somebody to crush it.

Waechter: What type of equipment are you going to be running to move your piles?

Battaglia: Loaders, possibly an excavator, loaders are going to be the primary piece of equipment with a 5.5-yard bucket.

Waechter: How many?

Battaglia: Two would be the max.

Conrad: Have we exhausted the discussion or are there more questions?

Masters: John do you have anything to do with the clay pit and do you know anything about its life expectancy and restoration or anything about the pit itself?

Battaglia: I do engineering on the pits. It has a restoration bond on it. With regard to life I know they had additional clay out there but I don't know how long it's going to last time wise.

Conrad: That's still active though correct?

Battaglia: Yes, still active and permitted.

Waechter: I think the only other question that had come up from the work session was the long versus short form of the SEQR?

Conrad: I think Tim you had asked for that.

Masters: Bob Lannon suggested that because it was close to the acreage.

Battaglia: To be honest with you we usually don't do more regulatory requirements. It's pretty extensive as it stands right now, all the requirements that we have to follow. Requests to do more....if it's a requirement by the Town we will do it but it's additional cost and time. Most of the time the items on it are non-applicable because it's really designed for significant complex

projects, energy function projects, buildings. We look at that and say we're going to go through a lot of head ache to try to make the form fit the project that doesn't have enough substantial issues. We've addressed the primary issues is noise, odor, traffic, those are the issues.

Conrad: Bob Lannon are you still on line?

Lannon: I'm here.

Conrad: Can you just name your concerns were and why you want the applicant to do the long form?

Lannon: It's a suggestion due to the fact that its close to the threshold, the Town requested it. I agree with the engineer it is not a requirement, mostly just a consideration.

Conrad: Thank you Bob. Anything you want to say Tim?

Masters: Bob suggested to me that the applicant provide the long form. I reached out to them; he basically said the same thing he just said to you right now. I don't know how the Environmental Commission will respond to it. I was just trying to save a potential hiccup. I don't care one way or the other. It's the Environmental Commission that will weigh in on it. He can get to the Environmental Commission next month and they could say they want the long form.

Conrad: They tabled you, already right?

Battaglia: I guess. Quite frankly it's not that big of a deal to do. I don't have a problem doing it at all. We are heavily regulated so any time that you add to it just because.....

Conrad: It's additional paper work but it's really going to require you to do anything more. It may be 75% NA.

Masters: The Town fills out half of it.

Lilly: I think we are leading up to what is this Board going to do? What sort of motion? Do we table it or what have you? The applicant has met the requirements for the Town Engineer as well as Highway Superintendent. The truck traffic is going to follow an existing truck traffic route that is being presently done by Modern with exception of another 16<sup>th</sup> of a mile. We have an applicant who is applying to do something on industrial land, industrial property which he is able to do. We have a couple legitimate concerns with mostly Dave Thomas who is legitimately very close to you. I think his concerns have to be taken in to consideration which I think is moving that road to the far east as much as possible. I don't know what more can be done. I think your properties, are they rural residential? They are not industrial?

Thomas: They are not industrial.

Lilly: There is always that dilemma of the applicant saying I want to do something within my rights on industrial property. Unfortunately, we have a neighbor who is zoned something differently sharing the same property line.

Thomas: Whose rights are being infringed upon.

Lilly: That right ends at the property line. The biggest thing would be the noise and the dust control.

Thomas: Another point to make of course he's just talking about the trucks that are coming for noise and now we talked about motors and that type of thing during the day also. While I'm at work next year that's fine but I want to retire in a year and I will be home all day. I really don't want to hear it.

Lilly: I don't blame you because it's a difficult situation because the applicant is not asking to do something that he's not allowed to do on his property. The other thing that makes it difficult is NY State says we need to do this. If we need to do this where are we going to do it? That's where this gentleman comes in and has the ideal site for it. The applicants have some rights as well as you do. You two looked at the map and hopefully came up with something satisfactory. You don't want anything. Where do we go with this?

Conrad: If it were to move forward it's going to be compromised on both sides. There may be some mitigation on your side. That's if it goes forward. I don't know what the Board's tendency is as far as a vote or a motion. I would ask that you do the long form for your own benefit.

Battaglia: I have no problem doing the long form. We will do that. I think moving the road is a legitimate way to mitigate some issues on the property. The property is really zoned appropriately. It's in a location that's utilized for those types of activities. To me it's not something that is asking a long stretch to change any of your rules or requirements. We're fall in to them. We're taking care of our operation, noise, we're taking care of mitigating any environmental issues. I feel it's a strong application for the rights of the owner.

Conrad: Ideally there would be a different type of zoning in-between that residential property and the industrial. Unfortunately, the way the Master Plan has worked out.

Lilly: With some leveling or stepping.

Conrad: A little less intense in-between you and the residents. That's the way it's supposed to be but sometimes we are bound by history and the way things were laid out by our predecessors.

Masters: Something else to keep in mind when you read the zoning regulations, the zoning regulations say xy and z are allowed by right in the I-1 district. This operation is not allowed by right. This operation is allowed by special use permit. There has to be give and take, there has to be mitigation if the Town is going to issue the special use permit. Both sides need to be treated fair.

Conrad: Absolutely. I think we all agree on that. I would say at a minimum that you would move the road, that you have some sort of screening that would alleviate some of the visual impact on your neighbor.

Battaglia: If there is any direct visual a berm would eliminate any visual for the equipment. A structural berm right adjacent to the operating area.

Lilly: The first 30 loads could be used to make that berm.

Thomas: I have one more issue if you decide to do the berm, I already have a big Lewiston issue that everybody has drainage. If he puts a berm up there the water is going to mean the water is going to sit.

Conrad: The other thing that I would ask that you really would educate your drivers. Are they your drivers or are they drivers from....

Battaglia: They are third party. We know all the hauling companies pretty well. We've had the issue of banging tailgates and we've eliminated that on a lot of the sites. I understand that issue. We've trained the drivers. We have signs that go up so no tail gate banging. Every once in a while, a driver will get on it and will forget.

Conrad: They need to stay on the routes. They need to stay on the truck route. I know right now there is a small area that is non-compliant but.....it's a real concern and it happens all over the Town.

Battaglia: On other sites we kick companies off that came in the wrong way. With cameras now you can easily monitor what direction they are coming in. It wouldn't be difficult to validate what direction the trucks are coming from. It's not that much further to go down Model City.

Conrad: Anything else from the Board?

Waechter: I wasn't clear as far as the Environmental ruling? It was mentioned at the beginning but I didn't catch it?

Conrad: They tabled it.

Waechter: The DEC? There was no issue as far as that goes?

Conrad: It's not a permit it's a registration from the DEC. They are in the process of doing that now. It hasn't been issued.

Waechter: I missed that earlier in the conversation and just wanted to be clear.

Baker: The DEC monitors the operation as well? Do they have an on-site monitor?

Battaglia: They will have a monitor that comes by occasionally and checks our paper work, looks the site over, checks the drainage. They have a standard inspection form they use.

Conrad: Is it a regular inspection or is it unannounced?

Battaglia: They are never announced. Usually we get them every quarter.

Baker: Do they automatically share the report if it's generated with the Town?

Battaglia: Yes, that's no problem.

Baker: It's automatic?

Battaglia: If you ask for it I'm sure they will give it to you.

Baker: We asked for a lot of things and they never answer the phone.

Battaglia: We could automatically be giving you a copy of our inspection report. I'm not opposed to that.

Conrad: That would probably be a good idea too.

Battaglia: We've done that with other communities.

Conrad: Anything else from the Board? Does anyone want to make a motion either way to table, to move forward?

Seaman: Just so you all know, from a legal point of view, your options are essentially you're making a recommendation to the Town Board and you can add conditions to that. One thing you could do is make a motion to approve with conditions and add a series of conditions, you could make a motion to table it with a series of things we're asking for, that you've been asking for and bring it back on another month and review it or your third option would be a motion to deny it or not approve it to the Town Board. Those are probably your three legal options as you can proceed.

Conrad: What is the pleasure of the Board?

**A motion to table the request was made by Waechter, changes of the road, noise and the Environmental Commission not ruling on the site plan, seconded by**

Modified road,

Battaglia: We are below the requirements for noise. We are comfortable with the noise. There is not going to be continuous noise on this site as well. I really feel we've exceeded the expectations and requirements. Then the Long Form EAF.

Consideration for fire safety protection, also address the stormwater. Was made by Burg,

Venne: Odors that emanate from the property we can smell down the road.

Conrad: We talked when the school district called in. She had asked that question about the odors and because of the type of material that is being handled there, the only thing that would produce any odors is if it were unattended or unmanaged is the compost. Which he says they have a regular cycle of rotating and by doing that it keeps the odors down so it doesn't go anaerobic.

**Motion seconded by Lilly and carried.**

Seaman: From a legal point of view the way the code is written to table something and extending it out giving an answer a yes or no from the Planning Board requires the applicant to also consent to it. In other words, you're supposed to give an approval or recommendation for disapproval within 39 days from when it's submitted to the Planning Board. However, the applicant and you can agree to extend that.

John Battaglia: I consent to an extent.

The next item on the agenda was Mount St. Mary's Hospital, PUD/Special Use Permit – Military Road – Public Information Meeting

Ned Perlman: Good evening, on the company side Janet Falhaber from Catholic Health. As you are aware from our application Catholic Health has been particularly, Mount St. Mary's Hospital and Care Center in-conjunction with Mercy Flight wishes to construct a helipad at grade on ground level in a parking lot on the south east portion of the property. We don't have to get in to the reasons for it but it's for stroke care. In conjunction with Catholic Health Systems, South Mercy Hospital which is a stroke center, most of the flights would be not coming in to St. Mary's but leaving from St. Mary's to South Mercy Hospital. We anticipated there would be somewhere between 1-4 flights a month from the helipad. The way it's going to work is when the helicopters are approaching a notification will be given of course to the air reserves command center. There is a set flight pattern both in and out. If a helicopter there will be personnel from the hospital, a stationary engineer and also somebody from security will come

out and will close the gates. There are two gates. They will be closed, the helicopter lands, turns off its motor, the propellers will stop about 30 seconds later, at that point the gates are re-opened again. While the helicopter is there. It's a drop and run operation. The helicopter is not going to be maintained at St. Mary's. They will pick up the patients and then on its way. I know there is concerns of .....i've had opportunity to have conversations with Mr. Martin and Mr. Masters within the last week as to the concerns. I think we are prepared to address them. We've made by revisions to the plans but I know the Board has a series of questions regarding those issues. I think you understand what the project is so we will open it up to questions that you have.

Conrad: Questions from the Board? As far, I don't know if you can answer this question as far as Mount St. Mary's future plans, do you know, do they intend to increase their capacity to handle this type of patient for stroke care? What is the future?

Janet: The main purpose of us doing the helipad is because Mount St. Mary's, they want to build a stroke program at St. Mary's in conjunction with the joint commission accredited stroke program and the comprehensive stroke care center that is at South Buffalo Mercy. We get by-passed because if a patient does come in and present with a stroke and it is determined that they need a higher level of care, the only means we have to transport them is South Buffalo Mercy ambulance. It's a lengthy process to do that. If there are issues with the bridge, if there are issues with weather, it can be a duration and one of the major components with stroke care is time is brain matter. You lose so many brain cells for every minute you're not being treated. The option to have Mercy Flight in the instances that it is a stroke that requires a higher level care, Mercy Flight is an 8 mile flight from Mount St. Mary's to Mercy Hospital in south Buffalo where they could be treated. The majority of our patients would probably stay and be treated up at Mount St. Mary's, there are numerous technologies, we now can access our stroke, our neurosurgeons via phone apps, we can send scans, they can make the determination on the fly right at their phones whether they are at home or dinner, wherever and they can say treat them this way at Mount St. Mary's or no they have to be transported to Mercy and I will meet them at the hospital. That's the impotence of this project.

Conrad: As far as the air base and NFTA flight patterns and all that is obviously an issue beyond here. What have been your latest discussions with the air base and NFTA?

Perlman: Cornol Larson was in charge of the air base and he took a retirement. He is in the process of retiring. The contact there is Kimberly Powell. There are a series of questions that were presented by cornel Larson and we responded to it. We forwarded it to, they wanted to know if this was going fix based operation. The flight pattern is shown on the drawings. I realize the drawings were initially black and white and now we have added color so you can see where the flight patterns are. The air base has been provided, we are not in their space but we are required to notify them if there is going to be a helicopter in use and we will of course do that and let them know. We will follow the same exit pattern and same flight in to the hospital pattern every time. As you can see it's not flying immediately over any residential areas. As it leaves it's going to head towards the river, and then head south and by that time the elevations



will be 1,000'. Decible levels, near the ground the helicopter is about 95 decibels, once it hits 1,000' its decreases to about 70 decibels which isn't much louder than me speaking at a louder voice here. That is the pattern and we are going to follow that pattern every time. We got the pattern from Mercy Flight. This is probably the same pattern they use from Upper Mountain presently I would think. Mercy Flight told the hospital, this is what's approved, this is the flight pattern. We're just following the same flight pattern.

Conrad: When you talk about the flight pattern itself, does the flight pattern right at the hospital, is that something that is of concern to the NFTA and air base?

Janet: I think as they are approaching, they are going to hover along the edge of restricted air space around Niagara Falls International Airport and the air base. If you've ever attended an open house for Mercy Flight, their head quarters near the Buffalo Airport, they have a dispatch center there that handles and is flight control for them. If you ever have the opportunity it's really an interesting operation. They will contact the hospital, if there are incoming patients, hospitals are notified 20-40 minutes before the patient arrives that there is an incoming helicopter. We've done construction projects that we had cranes in the air right next to the helipad. They called us and notified us and we dropped the crane, they orchestrate their operations very well. They would have contact with the air base when they are coming in that area. Just to.. the normal flight rules you need to speak to the towers when you're in and around the restricted air space. That's normally.....

Conrad: How long would the helicopter actually be on the ground? I know you said it would land and it would take 30 seconds for the rotors to shut down.

Janet: The helicopter itself would be there for various lengths of time. However, once they've set the helicopter on the ground they can shut down in...their new helicopters, the rotors will stop turning 30 seconds after shut down. At that point we could open up the gate and re-open the fire lane that the helipad partially sets on and they can transport the patient in to the hospital.

Conrad: Can you say it again because I think I may have missed it. You're bringing patients in to the hospital?

Janet: We will most be taking them out of the hospital. Mostly transporting out. I misspoke.

Pearlman: If it's an emergency care a lot of times Mercy Flight will take them right to ECMC.

Janet: Mount St. Mary's is not a trauma center and we are not set up to handle traumas. Anybody who is injured that severely would go right to ECMC.

Conrad: How long does that process take to load the patients from the emergency room?

Janet: The emergency room, this pad is going to be if you are familiar with the hospital, there is the ramp that goes up to the emergency ambulance ramp to the emergency room doors on the south east corner of the hospital, the pad is going to be just to the east of that base. Our intention is to put the pad near the base of the ramp just to the east so we don't block the ambulance ramp.

Perlman: That parking lot needs to be restriped. The parking lot is in a state of disrepair in certain areas. The plan overall is to redo portions of that parking lot, restripe it. I know there are concerns with the fire lane especially in the south west corner where it makes a 90 degree turn. You can see the fire lane, then it has a little semi-circle. It looks like the semi-circle is there because there is a fire hydrant in the middle. That is a tough turn for vehicles. Even though it's really not part of our project, we would acknowledge that fire lane is narrowing as it heads to the south west corner. That has to be redone. That fire hydrant has to be removed and the semi-circle has to be eliminated to provide more of a rounded turn so that emergency vehicles and fire trucks can make that turn. The fire connections are on the north side of the property, the north west corner of the property is the fire connections. We've acknowledge that the parking lot has to be done as part of this. It's going to be restriped because you're going to be eliminating certain parking spots because of the construction of the pad. They have to be replaced. Part of the replacement parking spaces, they are on the drawings. You have the drawings in front of you. If I can show you where they are because even though they are in a semi-circle....where it's L-shaped right here (map) that's where 42 parking spots are going to be constructed in this area through here. It shows dotted, it doesn't say new parking spots.

Janet: There are several parking spots that are excessively wide and they vary in width throughout the campus. By restriping and going to a consistent parking spot, we can bring some spots back and then actually we did submit a revised drawing this morning with the parking calculations. If you do review it you will see that we are going to have more. I think we will exceed by 25 additional spaces than more than what we need by doing what we are showing.

Conrad: Are they compliant right now Tim?

Masters: I don't know because I don't know how many employees and how many patients and how many beds and all that stuff.

Janet: We are currently compliant because currently we have 730 and we calculated we need 696.

Masters: I asked her to verify that what she said but I didn't have time.

Janet: We sent that information to Tim this morning. I apologize I looked at it this morning, I may be off by a few numbers.

Perlman: Getting back to the fire lane, so the fire lane would be blocked off temporarily but if there is a situation where there was fire trucks present at the time the helicopter is coming, the helicopter can hover until those emergency vehicles, if that was ever, the chance of that happening the helicopter coming in the same time as the fire, I think you have to consider that as a possibility as remote as it may be is a possibility while the emergency vehicles go through, if they come in the south driveway or south entrance in to the hospital. There is also the north entrance in to the hospital where the access is. If they came in the south and the helicopter was present, the gates are only closed as the helicopter is landing. Once the helicopter lands the blades off then the gates are opened again. That period of time is probably somewhere between less than ten minutes where the gate would be closed if there was that emergency and a fire truck had to come in from that entrance. I know that is part of Mr. Martin's concern and is certainly a legitimate concern any time you're blocking a fire lane, even if it's temporary you have to have a plan and I think we have contingency plans either by having the helicopter hover or having a quick response where it lands, the gates are opened back up.

Martin: Are these manual gates?

Janet: They are manual gates.

Perlman: That's why I want to have an operating engineering as the third person out there as the helicopter comes to man the gates and be there in case anything happens.

Janet: Hospital personnel will be out at the helipad any time a helicopter is taking or coming in.

Conrad: How many locations on this site have you explored as far as possible options?

Janet: We've looked at areas more in the center of the parking lot so that we wouldn't be impacting the fire lane. The problem that is we're going to have difficulty meeting our parking spots then. It's not just the immediate 115' safety area that's the fenced off area for the helipad, there's also from the initial take off and landing which is the inner most 40x45 foot square in the middle of the helipad, there is an approach pattern that for every 8' out 1' of height has to remain clear. That's why we only have a 3' fence because anything higher than the 3' fence at that 115' square is actually in the approach and clear space that's required by the FAA for the helipad. This all comes directly out of an FAA manual. It's about a 200-page manual that is very descriptive as what we have to do for clearances for helipads. So, you can't park cars directly right next to that 3' fence, you can't put a truck next to it, a 6' tall truck because it's blocking. That's why we have areas that's striped out by that fence that are no parking areas.

Waechter: The fence around it is 3' high?

Janet: Yes it's 3'.

Conrad: There has been some discussion about the wash from the blades and debris, stone....casting out to the side.

Janet: It will.

Perlman: The parking lot has to be kept clean.

Janet: You will get a level of rotor wash and you will get some debris and dust kicked up when they are coming in and out.

Conrad: There is no mitigation measures that you can entertain for that?

Perlman: Every helicopter is going to create them.

Janet: Right now they are using Upper Mountain Fire Department and I'm sure they are having the same issues at the Fire Dept. That's why we are keeping away as far as we can but we also can't clear the parking lot.

Conrad: Can the fence itself have a mesh or anything?

Janet: We could add mesh.

Conrad: I don't know if that would even help.

Janet: We could add some screening on the fence that would make it more, either mesh or slats or go to a fence that would hold it a little bit.

Conrad: Any questions from the Board? The intent is to not go directly over the homes?

Janet: One of the additional drawings that was submitted this morning was the flight path superimposed on an aerial view that was showing about ½ mile out from the hospital. There was another one today that was sent out even farther. Basically the intent would be coming over the Bridge Commission building, crossing Military right over into the hospital property.

Conrad: The immediate properties surrounding the hospital, Fairway Drive....

Janet: We won't be going over there. They would be coming over Military from the Bridge Commission. Then they would go out over the highway and the Bridge Commission to the gorge and heading down the scenic parkway.

Perlman: There is that development just to the south of the 190 near the cemeteries, we would go around that.

Conrad: Tim, as far as the plans that have been submitted are you satisfied with the quality and detail of the plan?

Masters: The scale is not right on the plan. I showed you before the meeting it says 1=40 but you put 1=40 on there, it's closer to 1=50. There is something messed up with the scale.

Perlman: I took the drawings to Office Depot and had them enlarged, so that may be the result of the way the engineer initially prepared them and then me having them....

Masters: It makes it hard for me to review them. Me and Pat were trying to go over the fire lanes and the 150' rules and everything and it was hard to figure it out.

Janet: I can verify what the original sheet size was the engineer plotted this at. I'll have him reprint them. As we all know in the business PDF is never really true to scale it's always slightly off.

Conrad: Hard copies are always better.

Masters: When I scaled off the day care it was off by 12'. It's definitely off.

Janet: The base plan that was given to C&S Engineers is the legal survey given to us when we purchased the hospital. We didn't realize the survey is that far off.

Conrad: It may have been intended for a 30x42.

Masters: I personally would like a better plan. I would like a better plan that shows more detail on access in. I know Pat has a ton of issues with the fire lane. I don't know how they're going to mitigate that.

Conrad: Pat, do you want to get in to the issues you have so we get them out on the table?

Martin: Unfortunately the way this is being proposed is to make it convenient for the emergency room. In reality what you're proposing is totally against the Fire Code. The Fire Code indicates that fire lanes have to be open all the time. Not somebody is going to slide gates, somebody is going to do this. You're talking about moving fire hydrants then do that and get back to us. Don't give us pie in the sky things of how we're going to make this thing work.

Janet: There are a couple different options.

Martin: Those options come to me and get approved along with Mr. Masters. But they are being approved by Catholic Health with no discussion with anybody. That's the problem. Catholic Health does not want to follow the rules.

Janet: Have you and I had the opportunity to sit down yet?

Martin: Somebody come to me, call me. Do something.

Janet: We will sit down with you.

Martin: Your plans right now, your location is bad. It doesn't fit the fire code. Your parking is terrible. You can say what you want, if you drive up there on a Monday or Tuesday afternoon you can't find a parking spot anywhere. You used to have a helipad and then somebody decided they wanted to put a day care center in. That helipad was gone. You had another helipad that was in the back of the hospital and then got wiped out for some other reason. The hospital needs to start paying attention to what they are doing as opposed to....

Janet: I'm unaware that there was previous helipads on this campus. It was prior to Catholic Heath ownership. We may not know that history.

Martin: You talk about having security people and people to move these gates, I had a conversation with Upper Mountain's Fire Chief the other day who said he waited for 20 minutes for the lone security guard to come down and tell him why the fire alarm was going off. That's not the way we do things.

Janet: This would be manned, there would be procedures in place.

Martin: You tell me that but you show me nothing. Everyday I'm seeing more and more issues. I'm going to get back to the fact it doesn't meet the Fire Code. You can't do what you want to do. You need to find a better location. You need to talk with....who is going to land the helicopter? Mercy Flight wants a ground crew there which is usually the Fire Dept. You've not even had a discussion with bringing the Fire Dept. in there.....

Janet: We would not need the Fire Dept. We don't have the Fire Dept. in Mercy Hospital when we land helicopters. Mercy Flight....

Martin: The doing in Lockport, they do in Buffalo.

Janet: We don't at Mercy and we're in Buffalo.

Martin: I don't know that is your decision.

Janet: No, it's not our decision. Mercy Flight actually is the one who selected that site. That site was picked by Mercy Flight.

Martin: I'm rejecting it. It doesn't fit the Fire Code I'm sorry. There is no other way to say it. You've got to discuss these issues with the fire lanes, valet parking is still an option or is that gone under the new administration?

Janet: They do have valet parking yes.

Martin: Do you see an issue with that where the cars are stacked up?

Janet: I have never seen cars stacked up at Mount St. Mary's front door. Has anybody witnessed cars stacked up there? At what times of day?

Martin: Usually in the afternoon.

Perlman: It sounds like you have a lot of different issues. As a town resident I respect your diligence and I know you're experienced. It's comforting to know you have these concerns.

Masters: Just to give you a good example it's like stark on the plan, if you look at the enclosure for the helipad, and you look at the center of the enclosure, immediately north there is a fire hydrant. That enclosure will not allow the fire company to get to that fire hydrant. It's right in front of the helipad. If I pull in how will I get to it if that fence is there? That is an example.

Martin: You're talking about two gates. The last plan I saw had four gates because we were starting all the way out, hasn't some of that been eliminated?

Perlman: I think there are just 2 gates now Pat.

Janet: It's 2.

Taczak: There are 3 listed on this one.

Conrad: Victor O'Brien is on-line. Victor go ahead please.

Victor O'Brien, consultant: There are 2 gates to the helipad but there are other gates in the parking lot that need to be closed to prevent vehicles from entering the approach space. So if you look at the isle to the south you will see there are 2 gates in the parking lot. There is also gates as you first come in at the first driveway there is a gate to stop people from driving right up to the helipad. To also keep them out of the .....surface. So, there are more than 2 gates. Regarding the plans. These are conceptual level plans. We're not at the point where we're doing final design plans. Otherwise we would spend a lot of time and money if we had to re-do it. There are definitely things on here that need to be addressed. The fire hydrant is a good example. We can move a fire hydrant. These aren't insurmountable things. This is conceptual to start the conversation. There are also things we can probably do with the fire lane. Maybe we can move it, have a different access way in to get to the front of the building. I don't know that the fire lane has to be right up along where it is now. Could it come around a different way in to the front of the building? You also have your fire lane on the north side of the building that comes all the way around. There could be a loop there in front of the building which gets you access on 3 of the 4 sides. I think you could make something like that work. It definitely opens up the conversation to see what we can do. We did about 7 different concepts moving

this thing all around the parking lot. This really is the best location as far as impacting the parking lot itself. If we move it any more than that we impact many more spaces, many more .....it gets further away from the building which isn't a good thing for them operationally. I think this is literally the 7<sup>th</sup> iteration that we've done. I just wanted to add those couple things. About the scale, there are 2 scale bars on here and I apologize for that. Maybe that's the problem. We used an old survey as a back ground for this. That graphic scale is showing up. There is another scale in the lower corner. It should be more 1" = 50'. But not the one that says 1" = 80'. It still could have been printed on the wrong size sheet. That can throw it off as well. I apologize for that. We should have clipped that out. That came from the original survey. We haven't done a detailed survey for the whole site yet. We used the oldest survey that the hospital had to lay this out on. Obviously when we get in to detail design and get some topographic survey and we have to measure heights of any construction out there, light poles and things like that, that's all in the detail design.

Conrad: So maybe this is a conceptual plan.

Martin: If you want to move hydrants, if you want to move fire lanes, that needs to be presented to us first and then approved. That is part of the fire code also. If that's the things you want to do to make this plan work, we're willing to do that but you have to get to that part.

Janet: Part of the issues coming up with that southwest corner which is an existing condition which is not being....but now that the concern has been brought to our attention by submitting this we are willing to sit down and work to resolve that as part of this project. This area is not necessarily affected but we want to address it. Maybe we can find a way that we can move it back closer to the building and do something different with that first row of handicap parking that would allow that.

Martin: To be honest with you all that parking I think was added previous to Catholic Health coming in to it and none of it was approved. It just materialized.

Janet: Unfortunately I can't speak to that.

Martin: It's an effect on this project now. But if you want to move fire hydrants, if you want to do things that maybe will improve this landing zone we're willing to entertain it but we just can't say we're going to do this and we're going to have five people that are going to shut gates or whatever because the past is showing that does not happen.

Perlman: That is kind of unfair.

Janet: I can't speak to it Catholic Health did not own the facility. I can only speak to the last 5 years when Catholic Health owned the facility. We will have to have people on the ground when the helicopter is coming in or taking off. There is no doubt about that. There is policy that is going to be written and there is going to be standard operating procedure put in place for reception of the helicopter and for loading and taking off. Those are still in development.



At this point in time we don't have them fully written. We do know we have to have people out there. It's not going to be an un-manned thing.

Martin: The plan I was told there will be somebody at the back door on the ground level off the maintenance room to meet the Fire Dept. when they're arriving is in place, yet the Fire Chief is outside for 20 minutes waiting for somebody to let him in?

Janet: Do you know when that incident happened?

Martin: I can find out the date.

Janet: I would appreciate that.

Martin: Do you know what I'm saying?

Janet: Understood.

Martin: It's very good that somebody wants to do policy but if policies aren't followed, we're just getting ourselves in deeper and deeper problems. Unfortunately, St. Mary's is a very well kept hospital but it's 60 years old. Problems are starting to develop on the inside of it. I don't want to have things get in to this collapsing mode where things are going bad bad bad.

Janet: We don't want that either. That's not Catholic Health's intent. That is not how Catholic Health operates their facilities. We are addressing them and we are chipping away at it and we are making adjustments in the hospital to address some of the things we are finding. One of the issues now that has been brought to our attention is the fire lane in fact has issues at the southwest corner that's something they need to address. It's something we are will to address. If it means we move a hydrant or we somehow get the fire lane back to where it belongs up against that curb line, that then puts that corner off and we don't have to move that hydrant. Those are all options that we would be willing to sit down and discuss as to how we can make that work. We would have to have our engineer do some layouts to see how we can accommodate and not lose an entire row of parking because again, our parking numbers are tight. We don't want to give up to much parking because we will have issues. Typically what happens unfortunately is the front parking to the south fills up. That is the first parking that fills up. The parking to the west side typically is not used. It's a farther walk. That is meant to be employee parking but even employees don't park back there. So maybe there needs to be better policing so our employees park where they should.

Conrad: I would think at the very least there has to be some sit down discussion about the issues that are raised on fire access alone.

Perlman: It seems like fire access is the main concern.

Conrad: So far.

Janet: What other issues are there?

Waechter: My major concern is the fire lane access and then also the debris. I think as far as if there are people that are going to be walking when the helicopter is landing. I'm worried that they may get struck. I worry more about the people.

Jim Thompson, 522 Fairway Drive: I've lived behind the hospital for 33 years. We moved there in 1987. I love Lewiston, I love the neighborhood. There has been some issues with the hospital. First thing I hear helicopters coming late at night. I always thought you had a helipad up top now. I don't know where they are coming from but they are hovering above the house, above the hospital. I don't know what's going on with the helicopters now. Then I don't know if you were a part of it when they built the nursing home?

Janet: No, we were not.

Thompson: Noise is atrocious. Like the gentlemen that were speaking earlier about the other issue out there, truck traffic is day and night. The peace and quiet is gone. I understand it's a necessity but when we have 100', the hospital tried encroaching on that to get a variance years ago. They tried creeping in on us even more. I'm just a little concerns with the intentions of the hospital maintaining the buffer zone and the noise levels.

Janet: Understood. The buffer zone at this point in time I know of no plans and we do know that that buffer zone is there at the request of the residents. We do not have intentions of encroaching on that buffer zone.

Conrad: There was an issue that came before us just recently where there was a possibility of the impact on the buffer zone and this Board and the Town Board made sure that the buffer zone was maintained. Catholic Health altered their plan to accommodate the intent in a different manner to maintain the buffer zone. They do have to come here before they can....the intent is to never let that happen. It's there for a reason.

Thompson: You have to hear the trucks, I know it's a necessity, Modern has to come in. They have deliveries for patients. We understand that.

Janet: That is not our intent. Part of putting it on the south side does use the hospital building itself and the medical office building does serve as the buffer between the helipad and the residential.

Thompson: Right now there is no way for the helicopters to land at the hospital now? I always thought they land up on the roof.

Janet: We have no accommodations. Right now they use Upper Mountain Fire Dept. which then adds additional time is lost because it's up to 45 minutes to call an ambulance to come pick up

a patient to transport them to Upper Mountain. That is part of the reason why we are looking at the hospital property to eliminate that step.

Conrad: Do they land anywhere around, can you think of any instance where a helicopter would be.....are they landing?

Thompson: You can't tell. I'm down behind the nursing home.

Craft: It's probably Border Patrol going along the gorge. I hear them at my house.

Thompson: That's a good possibility. We always thought it was the hospital.

Janet: We cannot accommodate Mercy Flight on our campus at this point in time.

Conrad: Thank you for coming to the meeting. I appreciate it. Did we get any written correspondence from anybody?

VanUden: No.

Conrad: Any other questions or comments? The intent here is the PUD and you're here for a special use permit and recommendation to the Town Board. There are a lot of questions.

Perlman: I think we understand the questions. If the Board is inclined to table pending further submissions and responding to questions that Mr. Martin might have, the applicant has no objection to extending the time within which the Board has to make it's recommendation.

**A motion to table the request fire lane, fire hydrants, parking be readdressed and the plans be updated to the proper scale, fencing and dust control by Taczak, seconded**

Burg: Are we tabling the approval of the concept plan or are we voting no on the concept plan?

Conrad: We are tabling it. They would bring forth the information we're looking for. It will also be helpful to the Environmental Commission.

Perlman: We've already been approved by Environmental and Niagara County. Now we understand the concerns and we will work with Mr. Martin and Mr. Masters to revise the concept and take in to consideration the fire lanes, parking, appropriate scale of the drawings, dust mitigation with some fencing or addition to the fence.

**Motion seconded by Burg and carried.**

A motion to approve the minutes of May 2020, was made by Lilly, seconded by Taczak and carried.

A motion to adjourn was made by Taczak, seconded by Waechter and carried.

The next meeting will be July 16, 2020, at 6:30 P.M.

Respectfully submitted,



Sandra L. VanUden  
Planning Secretary



William Conrad  
Planning Chairman