

WEST SENECA TOWN OFFICES
1250 Union Road
West Seneca, NY 14224

WEST SENECA PLANNING BOARD
Minutes #2012-07
August 9, 2012

Vice Chairman Donald Mendola called the meeting to order at 7:00 P.M. followed by the Pledge of Allegiance to the Flag led by Sergeant-at-Arms Joseph Sherman.

ROLL CALL: Present - Donald Mendola, Vice Chairman
Joseph Ciancio
Gerald Greenan
Anthony Nigro
Jim Rathmann
Joseph Sherman
John Gullo, Code Enforcement Officer
Shawn Martin, Town Attorney

Absent - Robert Niederpruem Jr., Chairman

Vice Chairman Mendola read the Fire Prevention Code instructing the public where to exit in case of a fire or other emergency.

APPROVAL OF PROOFS OF PUBLICATION

Motion by Ciancio, seconded by Rathmann, to receive and file the proofs of publication and posting of legal notice.

Ayes: All

Noes: None

Motion Carried

APPROVAL OF MINUTES

Motion by Rathmann, seconded by Nigro, to approve Minutes #2012-06 of July 12, 2012.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

2012-03

A request from Donald A Krempholtz for a special permit for property located at 2570 Seneca Street, being part of Lot No. 33, changing its classification from C-2 to C-2(S), for used car sales.

Donald Krempholtz submitted an updated survey as requested at the last meeting. He stated he has been in business as an automotive repair shop for 29 years and would like to sell cars for extra income.

2012-03 (continued)

Mr. Mendola commented on cars parked at Mr. Krempholtz business that were very close to the sidewalk on Kirkwood Drive.

Mr. Krempholtz stated the cars are not parked on the sidewalk, but there is a parking lot on that side of the building.

Mr. Rathmann questioned how many cars Mr. Krempholtz intended to have on display for sale and where they will be displayed.

Mr. Krempholtz stated he would like to display eight to ten vehicles for sale and there is parking on both sides of building.

Code Enforcement Officer John Gullo stated that NYSDMV will make Mr. Krempholtz separate the vehicles being sold from those that are to be repaired. As indicated on the drawing, the vehicles for sale will be on the Kirkwood Drive side. Employee vehicles and those in for repairs will be on the other side.

Mr. Greenan noted the lack of a 20' setback on Kirkwood Drive.

Mr. Gullo stated this business existed prior to adoption of the Zoning Ordinance.

Linda Toy questioned how Mr. Krempholtz will access the cars when there is grass on the side by the dairy.

Mr. Krempholtz did not see a problem accessing the parking from the front of the building.

Motion by Greenan, seconded by Sherman, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Greenan, seconded by Ciancio, to recommend approval of the request for a special permit for property located at 2570 Seneca Street, being part of Lot No. 33, changing its classification from C-2 to C-2(S), for used car sales.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

SPR2012-08

A request from Quasar Energy Group for site plan approval for property located on North America Drive for construction of a biomass based energy facility which includes land clearing, grading, construction of utilities, drives, parking and retention pond.

SPR2012-08 (continued)

Kristin Savard, owner and president of Advanced Design Group, stated she was retained by Quasar Energy Group to assist them with site plan approval. The basic site plan is in conformance with the M-1 zoning and includes a 1600 sf building and a number of other buildings, a parking area, driveway, and public water and sewer. The parcel is less than five acres and they will be disturbing just over one acre, so there is a stormwater detention system and a SPDES compliant stormwater design. They have been working with the Building Department and the request for a fire hydrant is being addressed. Ms. Savard also understood that SEQR has been taken care of.

Mr. Greenan questioned if the Planning Board is lead agency.

Code Enforcement Officer John Gullo responded that the Planning Board is lead agency since no Town Board approval is required except for a height variance for the holding tank.

Alan Johnson, Vice President of Project Management for Quasar Energy Group presented a rendering of the proposed facility, stating they are a waste to energy management company where waste organic materials are taken into a managed process that releases methane gas which is converted to electricity. Over the course of a year the facility will take in 50,000 tons of organic materials that would otherwise go into a landfill or wastewater treatment plant. Mr. Johnson explained the process and stated that enough electricity will be made to supply over 600 homes in the area. The company supports New York's initiative for landfill footprint reduction and is one more step in the idea of recycling. The plant will operate like a normal business, typically 7 AM – 4:30 PM, five days a week.

Mr. Sherman questioned if the methane could explode.

Mr. Johnson responded that the methane could not explode due to the atmospheric pressure in the membrane of the tank. Methane has to have more than 5 percent and less than 15 percent air to be combustible. It is almost impossible to make it burn, but if so, it would be a low impact type of fire.

Mr. Mendola questioned if there was any noise from the operation.

Mr. Johnson stated the mechanical equipment runs slowly and the only sound will be that of an electric motor. The inside of the container is louder, but the outside is less than 68 db at 10' away. Nothing will be heard from the street.

Mr. Mendola questioned if products will be brought in by tankers.

SPR2012-08 (continued)

Mr. Johnson responded there will be six to eight trucks per day transporting in and out of the property. Liquids will be in a tanker and solids will be in a semi type truck with a tarp cover over top.

Mr. Mendola questioned if there were other plants in the country.

Mr. Johnson stated there were seven other plants in existence and the one in Ohio has residential houses 400' from the plant.

Mr. Greenan questioned what the by-products of combustion are.

Mr. Johnson responded that water, carbon dioxide and energy are the by-products. The water is miniscule and the carbon dioxide will be controlled.

Mr. Mendola requested letters of recommendation from municipalities where other plants are located and Mr. Johnson stated he will provide the Planning Board with letters.

Mr. Ciancio suggested an abandonment clause be part any motion to approve.

Mr. Greenan disagreed with an abandonment clause, noting it will be useless if the company goes bankrupt.

Mr. Sherman questioned if the tanks are required to have a monitoring system and if the employees are trained in emergency procedures.

Mr. Johnson stated there is lots of monitoring and the tanks are controlled by equipment in the building as well as offsite computers on a 24/7 basis. The generator also has an automatic shutdown mode. Employees are trained for emergency situations.

Mr. Mendola questioned if Mr. Johnson had been in contact with the local fire company.

Mr. Johnson responded that he had not been in contact with the fire company but had talked to Mr. Gullo about placement of a fire hydrant on the other side of the road and will be meeting again on this issue.

Mr. Greenan questioned the SEQR requirements and if the Planning Board had to be designated as lead agency.

SPR2012-08 (continued)

Town Attorney Shawn Martin stated that by nature of the application the Planning Board is designated as lead agency.

Mr. Gullo stated that comments were received from the DEC concerning permits and the Division of Sewer Management concerning keeping everything on site.

Mr. Johnson stated there will only be one bathroom and sink and it will not be connected to the sewer; it will be managed internally through the digester.

Mr. Rathmann referred to the "future gas upgrade area" on the site plan and questioned what will be located there.

Mr. Johnson responded that President Obama's stimulus program provided an opportunity for a tax credit on renewable energy projects. This project qualifies and will receiving funding, but one of the conditions is that they must make electricity. Mr. Johnson stated that making electricity is the worst thing they could do from a revenue standpoint. A much better use of the energy opportunity is to make vehicle fuel, but they can't do that for five years due to the stimulus program. After the five years they will begin developing a market for vehicle fuel and then will not make electricity.

Mr. Rathmann noted that the SEQR form says approximate acreage for forested and meadow, but there is nothing about future development.

Ms. Savard requested a recess so she could calculate the numbers.

Motion by Greenan, seconded by Sherman, to adjourn the hearing until the end of the meeting.

Ayes: All

Noes: None

Motion Carried

SPR2012-09

A request from Jonathan Schmid for site plan approval for property located at 1777 Union Road for construction of six (6) new steel framed self storage units on existing (former) dealership lot.

Attorney Ralph Lorigo represented Jonathan Schmid and stated his proposal for the former Gillogly property at 1777 Union Road. The parcel is 7.95 acres zoned C-2(S) and M-1(S). Mr. Schmid intends to put climate controlled self storage inside the existing building and offices in the 8000 sf upper level. The 10,000 sf front portion of the existing building, upper level, and two other buildings are in the first phase of the project and the other buildings will be phased in. Mr. Lorigo presented inside storage

SPR2012-08 (continued)

Motion by Greenan, seconded by Sherman, to issue a negative declaration with regard to SEQR for the Quasar Energy Group project located on North America Drive for construction of a biomass based energy facility which includes land clearing, grading, construction of utilities, drives, parking and retention pond.

On the question, Mr. Rathmann questioned the numbers as adjusted by Ms. Savard on the SEQR form.

Ms. Savard stated that after completion the meadow & brushland is 2.29 acres, forested is 0.5 acres, water surface area 0.6 acres, and 1.4 acres for roads, buildings and other paved surfaces.

Ayes: All

Noes: None

Motion Carried

Motion by Ciancio, seconded by Nigro, to approve the site plan for the Quasar Energy Group project located on North America Drive for construction of a biomass based energy facility which includes land clearing, grading, construction of utilities, drives, parking and retention pond.

On the question, Mr. Rathmann referred to the lower left corner of the grading plan where underground liquids receiving tanks will be located and noted that this is the lowest point where most of the water drains.

Ms. Savard stated that with the green infrastructure regulations they have to reduce the volume of water for SPDES, and that is one of the benefits of this site. The water will drain into the chamber and provide liquid for some of the solids to mix. The water becomes part of the process.

Mr. Rathmann questioned the detail for the gravel and where the water goes that gets into that area.

Ms. Savard responded that it will be a compacted gravel surface, 8" or 12", and it was treated as impervious in the calculations. There will be no catch basins and the water will all drain to the northeast.

Mr. Rathmann questioned the need for such large detention basins on the south and north sides and noted that the plans do not reflect what trees will be saved.

SPR2012-08 (continued)

Ms. Savard responded that the south is not a detention basin; it just indicates the way the flow is going. They are trying to retain as many of the existing trees as possible and they could put a clearing limit on the construction document, but the area is very flat. If it currently exists in a state of swampiness, they may want to grade it to prevent that. The north detention basin will be a standing water body and after construction will be about 9' deep. Ms. Savard stated it has to be this big because of stormwater regulations.

Motion by Ciancio, seconded by Nigro, to amend the motion and approve the site plan for the Quasar Energy Group project located on North America Drive for construction of a biomass based energy facility which includes land clearing, grading, construction of utilities, drives, parking and retention pond, and further, direct Town Attorney Shawn Martin to develop an abandonment clause for the facility.

On the amended motion,

Ayes: (3) Mr. Ciancio, Mr. Nigro, Mr. Mendola

Noes: (3) Mr. Greenan, Mr. Rathmann, Mr. Sherman Motion Denied

On the original motion,

Ayes: (4) Mr. Greenan, Mr. Rathmann, Mr. Sherman, Mr. Nigro

Noes: (2) Mr. Mendola, Mr. Ciancio Motion Carried

ADJOURNMENT

Motion by Sherman, seconded by Rathmann, to adjourn the meeting at 8:00 P.M.

Ayes: All Noes: None Motion Carried


JACQUELINE A FELSER
TOWN CLERK/PLANNING BOARD
SECRETARY