

May 13, 2021

The Gates Town Board held (2) two Public Hearings during a Special Meeting on May 13, 2021 at the Town Hall Meeting Room at 7:00PM. Those attending the meeting were as follows:

Cosmo A. Giunta	Supervisor	
Lee A. Cordero	Councilman	
Christopher B. DiPonzio	Councilman	
Andrew M. Loughlin	Councilman	Via Zoom
Steve Tucciarello	Councilman	Via Zoom
Daniel G Schum	Town Attorney	
Veronica Owens	Town Clerk	

7:00PM PUBLIC HEARING

Supervisor Cosmo Giunta called the meeting to order at 7:05PM. He began with a moment of silent prayer and Pledge of Allegiance, led by Councilman Cordero.

CONSIDERING A CONDITIONAL USE PERMIT FOR DANIEL THOMAS JR TO CONSTRUCT AND OPERATE A TEMPORARY CONCRETE BATCH PLANT FOR THE DURATIONS OF (12) TWELVE MONTHS AT 2548 MANITOU RD (ALSO KNOWN AS 2550 & 2560 MANITOU RD)

Town Attorney, Dan Schum verified that in respect to tonight's Public Hearing, the Legal Notice was properly published in the Democrat and Chronicle as required by law.

Supervisor Giunta asked if the applicant was present to speak on project

Randy Bebout of T.Y. Lin International, the applicant, Northern Ready Mix, LLC is proposing to build a temporary concrete batch plant to serve the current construction project at 2600 Manitou Rd and potential future project at 90 Shepard Rd.

It takes about (3) three weeks to construct, but not proposing any earth disturbance activity, as part of the construction. This temporary construction it to sit down on the South-East corner of the southern parcel, which sits about (20) twenty-feet below other properties and is just North of the exit ramp from Rt. 531. It's tentative to be for (12) twelve-months. It's about (5-7) five-seven trucks that will serve the operation going between the (2) two sites mentioned.

Used a rendering to show

Mr. Bebout continued when all said and done will take (10) ten days to disassemble the operation. It's self-sufficient, there will be water on-site, a generator on-site, to serve the facility. Not proposing any new utilities, No roadway modifications. There is a defined entrance to property that is used, which can be gates at night.

Supervisor Giunta displayed the rendering on the big screen to show the location and the entrance, route and equipment placement. Storage bins to stockpile sand, stone & gravel.

Mr. Bebout this was recently done in Clay, NY and the person who ran it there is here to speak on any specifics. It was a very successful operation.

There was a noise study that was provided to the board, (Supervisor Giunta confirmed receiving it) done and it was determined to be (54) fifty-four decibels on the East edge on Manitou Rd of

the property. As a comparison range, (50) fifty decibels is considered an average residence with no children and (60) sixty decibels is conversation speech at (3) three-feet. So, it's the range they are in.

Councilman DiPonzio asked if the previous operation in Clay, NY had a generator as well and was at the (54) fifty-four decibels

Mr. Mark Grey replied, yes to both questions.

Mr. Rich Riccelli continued and said there was a previous question on hours of operation. They follow the hours of the construction project, it's sort of an on-demand type of operation and follows the same standards the Town gives the construction project. He believes there is an intent to do some work in extended hours.

Supervisor Giunta, being that this is being done in Clay, NY as well, could you give us roughly the schedule they are following there?

Mark Grey, they went from 6:00AM to 1:00/2:00PM, (5) five days-a-week, with an occasional Saturday and a rare Sunday, due to weather related issues.

Councilman Cordero asked if there would be a water tanker on-site or how would water be brought on?

Dan Thomas, does plan on having a water truck on-site for mixing the cement

Councilman DiPonzio, to piggy-back on that, would it also be used to water down the road to help contain dust. Mr. Thomas answered it would be use to spray down the dust and dirt on the road.

Councilman Cordero asked if Mr. Thomas owns the property this will be going on and he responded Yes, he does.

Councilman Cordero also asked about the (5-7) five to seven trucks on site, if that per hour, per day?? Is it determined on how much concrete???

Mr. Grey it'll be a (7) seven truck station, that plant is capable of (130) one-hundred and thirty yards per hour, with a couple runs per hour, if even that. (7) seven trucks staged there is the norm

Attorney Schum, there could be (14) fourteen trucks in and out in an hour, with (7) seven staged and (7) seven going in & out...it's important to understand the volume of trucks (7) seven as opposed to (14) fourteen.

Councilman Cordero, asked if the Shepard Rd facility was planned to be built at the same time as this warehouse, or finish one and continue with the other?

Mr. Grey, there have been discussions on multiple Ready-mix suppliers on the project and cannot answer that as of today.

Attorney Schum, clarified it wasn't about how many Ready-Mix suppliers, it's a question on how many sites will be supplied by this plant?

Mr. Grey as of today without having Town approval, there is no contract to supply the site. A contract could not be signed without having a site for the project.

Attorney Schum, the question is, if this site would serve both sites at the same time?

Councilman Cordero, if you get an approval tonight from the Town Board, you would then sign a contract for the Manitou Rd project

Mr. Riccelli that is the anticipation

Councilman Cordero, asked if they are in negotiations with the Shepard Rd project at the same time?

Mr. Riccelli, answered they have had conversations with them.

Councilman Cordero commented that they could be serving both projects at the same time according to the plan, if it all goes well

Mr. Riccelli, they would have the capacity to do that as long as their schedules allowed it.

Councilman Cordero asked if in fact if it goes according to plan the trucks could double?

Mr. Riccelli replied the plant capacity would not allow more than (13) thirteen loads per hour. Mr. Thomas' plant produces (10) ten or (13) thirteen, 10-cubic yards loads per hour and that is the maximum that could come out per hour from that plant. Whether all (13) thirteen loads went to Manitou Rd or (9) nine went to Manitou Rd. and (4) four went to Shepard Rd. That's the maximum that could come out of that plant.

Supervisor Giunta asked, in the Clay project how many cubic-yards total did they produce?

Mr. Grey, that plant has been dismantled, but it produces (80) eighty to (90) ninety thousand cubic-yards

Mr. Riccelli, they are still supporting that project with an off-site plant for the "exterior concrete" plant, like the sidewalks and others, when the plant was physically there it supplied (80-90) eighty to ninety thousand cubic-yards with (100) hundred total, over a (12) twelve-month period.

Councilman Cordero asked if they are expecting the same with project?

Mr. Riccelli replied about (80) eighty -thousand Cubic yards at 2600 Manitou Rd and (10) ten-thousand Cubic yards at Shepard Rd.

Supervisor Giunta, noticing there is fencing along the front of the property, will there be additional fencing go up around the property?

Mr. Riccelli has spoken with Mr. Thomas, the lease portion of the property will be fenced in, to keep separate from other operation on site.

Attorney Schum, asked if trucks will be parked on-site when in rest and if they will be washed on site as well? He also asked about sediment control?

Mr. Bebout replied yes, they will be parked on the upper plateau and the trucks will be washed out at the end of the day, when concrete production is done for the day. It's a standard concrete wash-out. It's done efficiently at the end of the production day, making for less waste. As far as sediment, they will do what they need to do, but not changing the surface of what's there.

Supervisor Giunta displayed the rendering on the big screen to show

Councilman Cordero, asked if they ever considered having this actually on the site of the project it's for?

Mr. Grey from the initial bidding process, the owner did not want on the construction site

Mr. Bebout added, it was considered on the Shepard Rd site, but Town Committee was not in favor.

Supervisor Giunta asked if the plant will serve any other customers

Mr. Riccelli, there is a probability that there's time off and time capacity that the plant would service another customer in the immediate location

Councilman Tucciarello thanked everyone that was present on all the information gathered, great job

Councilman Loughlin asked if there is any environmental impact from the project that we should be concerned with?

Mr. Bebout replied, there is no environmental impact, not creating impervious services, not changing grating, concrete will be contained,

Councilman DiPonzio, with the construction of the plant itself, what is the width, and more importantly the height?

Mr. Grey, the height is less than (50) fifty-feet. It will be sitting low

Councilman DiPonzio also asked about the depth of the pit, will people be able to see from the stack

Mr. Grey about (20) twenty-feet lower, there isn't a stack only horizontal drum will be seen as the silos dip into the truck.

Councilman DiPonzio also trying to figure out reasonable hours of operation

Supervisor Giunta commented it will need to coincide with the construction project, when they present timings of construction, he believes this would run about the same hours

Attorney Schum, both the days or the week and hours per day, as stated earlier it would basically be a (5) five-day a week process, but his understanding is the days could depend on weather or other things and could be a Saturday or Sunday, but not more than (5) days out of (7) seven

Mr. Grey, typically, not more than (5) five-days and only worked (1) one Sunday. For example, if they are scheduled to do (4) four quart and not done by Friday, they would be asked to come in on Saturday

Attorney Schum, as far as hours, it would need to be decided on how the process works and the time of when things need to get turned on to begin the process. The hours of this operation need to coincide with the construction project with a possible added hour earlier to set up

Mr. Grey, this needs to be turned on an hour before it needs to be on the construction site and then an hour after to clean up

Supervisor Giunta asked councilmen for any other questions or comments and then opened the hearing up to anyone from the audience.

Frank Farsace , past resident of 2526 Manitou Rd, approximately (2) two doors to the North of the proposed plant. He currently does not reside there, his mother does and has for (60) sixty-years. His main concern and objections are; directly across the street is all residential. This address and the next-door neighbor are labeled Limited Industrial Zoning. He feels limited, doesn't mean large plants and factories and is questioning the zoning and the term "limited". He continued that for years this area has really never been monitored and the hole at that location is the size of the Grand Canyon and goes from trucks going in and out all day....20-25 trucks, as well as the road being caked with dirt....no set hour, could that mean running at 2:00am and start at 1:00am? So, #1. if this goes through there should be set hours, # 2 environmental (he presented paperwork he researched) of, pollution, particles in the air, lung cancer, and others. Studies were done #3 Safety, the road being backed-up and not being able to see clearly to get out of driveway.

He is asking the board to consider all of it, the traffic hazards, neighbors, pollution and that maybe there is another are in Gates to do this, and also possibly have someone go and actually see all this happening.

Supervisor Giunta added that this is zoned as Limited Industrial which makes it an allowable use of this type of business with a Conditional Use Permit, which is why they are here presenting this. They are looking at this being temporary, which if approved is for a year, but they need to follow the conditions set forth.

Mr. Farsace asked the supervisor, if he would want to live next to something like this

Supervisor Giunta replied he couldn't answer because he has never been in this situation

Mr. Farsace understand he can't, but is concerned and remembers being in front of the board with his Dad years ago on something else coming in

Supervisor Giunta replied he would need to look into back records to see that, but each proposal is looked at. A traffic study could possibly warrant a traffic light that could help, but doesn't know. Manitou Rd is rated for trucking and is a county road and is one of the reasons it was constructed initially.

Supervisor Giunta referring to the rendering on the big screen to show the house location

Mr. Thomas added they are in compliance and is enrolled with the D & C as the new owner as of a few months ago. Mr. Thomas wanted to create a good relationship, actually went to the neighbors to introduce himself and let them know and explain their plans, and address any issues they had in the past and gave them his business card in case there were any issues to contact him directly to stay on top of it.

Mr. Farsace is not debating this, he's just looking at the environment, the traffic and the noise as well as resale value down the road, but nothing personal.

Councilman Cordero asked Mr. Thomas if they are screening top soil, but not actually digging for it?

Mr. Thomas replied, just screening, there's nothing to dig

Supervisor Giunta clarified that concert is non-hazardous

Mr. Thomas agreed non-hazardous and has received permits DEC

Supervisor Giunta asked if anyone else wanted to speak on this

Anthony Perrotta, 711 Pixley Rd. asked what happen to application #1, the 837 Buffalo Rd site?

Supervisor Giunta replied that will be heard next after this location.

Mr. Perrotta added he and his family own a lot of the acreage near the Manitou location and has worked with the Brongo's in the past. He approves the use for this site and knows there will be trucks going in and out of there, but this permit application is for (1) one year and if they don't follow the town's conditions it can get shut down.

Supervisor Giunta it can get shut down at any point if not following the conditions set forth.

Mr. Perrotta added that there was no sign posted on the Buffalo Rd location

Supervisor Giunta didn't himself see if the Buffalo Rd location had the sign, but did see the Manitou Rd. location did have it posted, and added it was posted properly in the paper

Mr. Bebout added it was put up by an associate, it was on sandwich boards.

Mr. Perrotta added at it looks like there could be a sign laying on the grass. Being his neighbors and himself are opposed to this for this location and haven't had a chance to get together to put all their complaints in writing and wants this to be tabled till the sign gets posted, including the neighbors being notified.

Supervisor Giunta added that there was a letter sent to the homes of everyone who is within (300) three-hundred feet of the property notifying them of this hearing, but needs to conclude the first hearing before getting into this one.

Attorney Schum asked Mr. Bebout to address the SEQR and environmental questions asked prior.

Mr. Bebout, cannot speak to concrete production or the hazards if any.

He believed the board has something from the contractor to work certain hours, which will dictate what these guys can or cannot do. He acknowledges there will be some visibility from Route 531 at a low point. Regarding the residents, he wants to note, the physical plant itself is (543) five-hundred and forty-threes feet from the west-edge of the plant to the east property-line, adding (60-80) sixty-eighty feet will be well over (600) six-hundred feet to the center line road. He believes it's a fair distance, with plenty of vegetation alongside of Manitou Rd. Also, as far as the road, this or any construction has the responsibility to maintain the roadway and preventing it from getting on the roadway, using stone path as well as having a water truck on site. The applicant understands that and will control limiting the debris on the road, but if it does happen will get it cleaned.

Councilman DiPonzio asked, with the supplies needed to make the concrete, is the anticipation that most of the trucks will be coming from the North of Manitou Rd. or utilizing Route 531 more

Mr. Riccelli, 100%, there is basically (3) three products that come in, sand, stone and cement and all of the trucks will come in from 531, turn right and then right into the plant. No Ready-Mix trucks will come from the North.

Supervisor Giunta confirmed the trucks would travel IN from Route 531, turn right onto Manitou Rd then right into plant and then traveling OUT, left from plant and left onto Route 531

Councilman Cordero asked since there will be a water truck onsite will they spray down and keep damp so there is no dry dust or mud when it rains.

Attorney Schum, that could be added as conditions to keep the roadway maintained

Mr. Thomas, they do have a better plan to keep the roadway clean and maintained

Mr. Farsace, as far as the dust on Manitou Rd. It's a very busy road and to have a water truck or sweeper could be a potential danger. It's a busy road all hours till late in the evening. He also thinks there should be set hours of operation.

Supervisor Giunta, hours will be set, once Amazon gets the construction going and meets with the Town and that concern will be addressed.

He asked if there were anyone else in the audience to speak on this. None

Councilman DiPonzio is concerned with the hours of operation, to not start too early and need to maintain a point of control. He appreciates they added the noise level together and getting it the board prior to the meeting.

Councilman Cordero added keeping the water truck on site, which will help keep the dust level down.

Attorney Schum added, when Amazon comes in with for the pre-construction meeting, the hours of operation will be part of the discussion, which will control the hours of production

Councilman Cordero the hours will need to include the prep time and clean up after as well as weekend

RESOLUTION 107-21: Motion by Councilman Tucciarello who moved into adoption:

Resolved that the Gates Town Board hereby approves the Conditional Use Permit for Daniel Thomas to Construct and Operate a temporary Concrete Batch Plant, at 2548 Manitou Rd (Also known as 2550 and 2560 Manitou Rd) in a (LI) Limited Industrial District.

Hours of Operation:

Monday – Friday	5:00AM-6:00PM
Saturday	7:00AM-3:00PM
Sundays/Holidays	NO Operation

No Truck Traffic, No Mixing before 5:00AM weekdays or 7:00Am on Saturday

Maintain Manitou Rd: Clean, swept, free of debris and mud (kept wet to limit dust on a daily basis)

Supplies: Travel from Route 531 into Site and Out to Route 531 from Site

Seconded by Councilman DiPonzio

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

Motion Carried.

Attorney Schum clarified that the permit is a period 12 month is does exclude the setup and teardown. It starts when you actually start making the concrete mix.

Mr. Riccelli thanked the board for taking the time to hold this Special Public Hearing. He stated it says a lot about this Town. They need to take some extra time to confirm whether the second site would even be needed.

Attorney Schum, the minutes need to reflect and adjournment date.

CONSIDERING A CONDITIONAL USE PERMIT FOR DOMMINIC ANTONUCCI TO CONSTRUCT AND OPERATE A TEMPORARY CONCRETE BATCH PLANT FOR THE DURATIONS OF (12) TWELVE MONTHS AT 837 BUFFALO RD

Michael Fogel, attorney for the applicant is requesting this application be tabled until the next regular Town Board Meeting

RESOLUTION 108-21: Motion by Supervisor Giunta who moved that this be public hearing be tabled to the June 7th 2021 regular town board meeting.

Resolved that the Gates Town Board hereby **TABLES** the public hearing for a Conditional Use Permit for Daniel Antonucci to Construct and operate a temporary Concrete Batch Plant, at 837 Buffalo Rd to the next Regular Board Meeting in Old Business.

Seconded by Councilman Cordero

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

Motion Carried.

Supervisor Giunta adjourned the meeting at 8:17 PM.

Town Clerk