

**MINUTES OF THE REGULAR MEETING OF THE TOWN OF ELLICOTT
ZONING AND PLANNING BOARD HELD AT THE ELLICOTT
ADMINISTRATION BUILDING, 215 SOUTH WORK ST., FALCONER, NY
14733 ON FEBRUARY 14, 2018 AT 6:00 P.M.**

PRESENT: Chairman Dan Evans, Phyllis Belin, Ken Lyon, Patricia Martonis, Paul Volpe

ABSENT: Jean Holton

Chairman Evans opened the meeting at 6:00 PM and led in the Pledge of Allegiance. Secretary Pierce called the roll.

Chairman Evans opened the public for the application for Lake Shore Paving for a special use permit for the development of a surface mine for the extraction of sand and gravel products in an agricultural-residential zone located off Strunk Rd., Jamestown, NY on property they are leasing from Allen Peterson.

A notice of public hearing was published in the Jamestown Post Journal on 2/3/18.

Attorney William Duncanson swore in all who would be giving testimony before the Board.

Mark Lindstrom, from Lake Shore Paving and Andrew Johnson, consulting engineer, addressed the Board:

- they had provided complete binders with all of the information that needed to be provided concerning this permit
- they want to open a gravel mine off Strunk Road – a strategic location off the interstate
- they have permitted the gravel mine for 30 acres
- it is basically an agricultural field now that is going to be mined – then it will be reclaimed back to an agricultural field
- there will be no net loss in farming other than some of the side slopes
- they provided maps, a mine land use plan, cross sections, reclamation plans, noise studies and satisfied all of the NYS DEC mining rules and regulations
- they have received a notice of complete application from the DEC They have to do five year renewals to spot check to make sure they have not sold all of the topsoil that they need for reclamation and to see how much has been mined
- they have to do five year renewals to spot check to make sure they have not sold all of the topsoil that they need for reclamation and to see how much has been mined.

Chairman Evans asked if they would be reclaiming the land back to a certain elevation that is gradable for equipment. Mr. Johnson said they will do concurrent reclamation as they go and allow it to be farmed as they are using the mine. They bring nothing from off site for the reclamation. There will actually be three phases.

Attorney Duncanson had questions:

- about depth of the gravel and if there would be a sizable depression that might cause a lake
- about the storm water runoff – it is never allowed to leave the site- if it ever does they would need to get a multi sector industrial SPEDES permit for the storm water - they are containing it all on this site
- about if there is a contingency for ending up with a large amount of water entering - Mr. Johnson told the Board that there is a contingency that DEC has put in all of the plans. They would have to cease operations if that were to occur.

Ken Lyon asked about the hours of operation. They will be 7 – 5 Monday thru Friday and 7 - 12 on Saturdays. No operations on Sundays and the 7 major holidays.

The applicant provided letters from the neighbors that they had met with them and they were informed of this operation.

Attorney Duncanson said that his concern with this is that he is also the attorney for the Town of Gerry and they have a gravel pit for several years. They have ended up with quite a large lake or pond. There are also steep embankments making it almost unusable and hazardous. Mr. Johnson stated that there is a reclamation plan for that site. They just finished an expansion that is in the process. It took a couple of years. If they do not meet the requirements they will not get the bond money back.

Attorney Duncanson:

- asked if the traffic is strictly Strunk Road to Route 430 or I-86 - he stated that the Highway Superintendent said the Town is having issues with Moon Road - Mr. Lindstrom told the Board that they will have a sign inside the property they states “No right hand turn”.
- asked if this included a grate to remove mud from the 10-wheelers - Mr. Lindstrom said that are not allowed to track out - Mr. Johnson said that they did not put the grates in but if tracking becomes a problem they could do that
- asked about rock crushing - they will have a mobile screening plant on tracks and when the piles get larger they will bring in a mobile crusher
- asked if this is strictly for Lake Shore Paving – Mr. Lindstrom said that it will be for who ever would need gravel – even municipalities
- stated that the largest cost for municipalities for stone is the transportation so there could be more traffic than they have anticipated – he feels there will be heavy use by the local municipalities – Mr. Lindstrom said they would do their best to advise the users of the routes they should use
- said that the Town has plans for the Fluvanna Avenue area and that section of Strunk Rd for commercial development – they are working hard to get water out there – that has to be considered in the amount of truck traffic

Pat Martonis asked if it was zoned commercial across the road. It is zoned commercial all the way to the City line.

Ken Lyon asked about how much traffic comes out of Boyle's everyday. Attorney Duncanson told the Board the Town had just passed a local law restricting the truck traffic on some of the Town roads.

Attorney Duncanson stated that the Board can impose any reasonable conditions on a special use permit. He feels that the Board will have to revisit this application within a year from when they start this project.

- Pat Martonis had some concern about the hours of operation. Mr. Johnson said that this was only 6 to 8 months out of the year. There will be no winter mining except maybe a little stockpiling. It will mainly be from April to October. There will be no operations after 5.

Mr. Lindstrom stated they hope to be operational by the end of April.

Pat Martonis asked if they could reclaim the land for anything else but back to agricultural. Mr. Johnson said that they are locked into reclaiming it to farmland. The only way he could change it would be if he did a re-modification. DEC would come to the Town for their input.

Also they are just leasing the land and not purchasing it. Dan asked if it were a long term lease. Mr. Lindstrom said he thought it was 20 or 30 year lease.

There is only one entrance/exit. There is a culvert and they will not be changing that.

There will be no lighting.

The only signage will informational sign only with the mine number and name.

Attorney Duncanson listed the conditions that will be placed on this special use permit:

- no hours of operation before 7 AM or after 5 PM Monday thru Friday and no operations before 7 AM or after 12 PM on Saturday – no operations on Sundays or major holidays
- there will be barbed wire fencing – to separate the animals from the mining operation
- there will be grates/mud removers for the trucks exiting the property
- no standing water (Mr. Johnson said the only standing water would be the wash plant sediment ponds) - there will be no offsite water discharges (there is a contingency built in if that were ever to occur)
- there will be a one year review after the operations commences (Mr. Lindstrom requested March 2019)
- no extraneous soil
- entrance/exit will be the same
- no lighting
- informational signage only

- standard compliance with NYS DEC
- copy of the lease on file – if there is a change in ownership there would be a permit transfer required to be filed with NYS DEC – Town would need to be notified within 30 days of any mining permit transfer - the special use permit goes with the operator not with the land
- the existing trees/vegetation on the southwest side will stay

No referral is needed to the County Planning Board.

Motion made by Ken Lyon, seconded by Phyllis Belin to approve the special use permit for Lake Shore Paving for a surface mine on property owned by Allen Peterson on Strunk Road, Jamestown, NY with the conditions stated above.

Carried Ayes – 5 Noes – 0 Absent – 1

Chairman Evans opened to public hearing for SBA Communications for the renewal of their special use permit for a telecommunications tower located at 3108 Eckman Rd., Jamestown, NY.

Dave Rowe said that everything was provided and there were no changes in the tower or occupants on the tower. He said that SBA has always renewed on time and provided the necessary information. They did update their bond. The last time they were in to renew they were required to update the structural analysis.

Motion made by Paul Volpe, seconded by Pat Martonis to approve the special use permit for SBA Communications for their telecommunications tower located at 3108 Eckman Road Jamestown, NY based on Code Enforcement Officer David Rowe’s report and review of the application. No concerns were sited.

Carried. Ayes – 5 Noes – 0 Absent – 1

There was discussion on the scheduled day and time of the Board’s regular meetings and also for the meeting next month. The Board decided to schedule their meetings on the third Thursday of each month at 6:00 PM.

Motion made by Pat Martonis, seconded by Phyllis Belin to adjourn the meeting at 6:55 PM.

Carried. Ayes – 5 Noes – 0 Absent -1

Valerie Pierce, Secretary