

Meeting Minutes May 8th, 2024

At a regular scheduled meeting of the Planning Board of the Town of Mentz held in the municipal building, located at 14 Sponable Drive, Mentz, NY 13140 at 7:00PM, a public hearing was had to discuss the topic of the application for a site plan review regarding the transfer station submitted by Steve Morgan, the following were present:

Chairman: Fred Whiting

Member: Richard Burke
Member: Laura Torres
Member: Doug Wilson
Member: George Ackley

Clerk: Caitlin Bacon

Code Enforcement Officer (CEO): Jay Moose

Public Present: Barbara Clancy, Jennifer Rice, Richard Rice, Donna Trumble, Walt Trumble, Jacob DeCick, Steve Siracusa, Rebecca Siracusa, David Lipiska, Deb Applebee, Bill Applebee, Michael Gray, Thomas O'Brien, Leonard Zimmer, Joyce Decker, Sandra Loveless, Brandon MaGill, Taylor Stebbins, Michele Lakota, Roman Lakota, Martha Robinson, Heather Mahunik, Damon Ritter, Christine Dennis, Michael Shimer, Elisa Gray, Mark Ganthier, Todd Thomas, Steve Morgan, Don Goodrich, Tom Blair, Alex Urda, Lori Murnane, James Murnane, Rebecca Thomas, Robert Hadden, Rudy Zoma, Laurie Ritter, David Neilens.

Chairman Whiting called the meeting to order at 7:02PM, the Pledge of Allegiance was said by all present followed by a moment of silence.

Member Wilson entered the Planning Board meeting at 7:03PM.

Chairman Whiting explained that the purpose of this public hearing was for review of the site plan proposal submitted by Steve Morgan for an application of a transfer station located on State Route 31 about a quarter of a mile outside the Village of Port Byron.

Public present Michael Gray immediately stood up and announced that he had not heard about this topic until he saw an ad at Ed and Jeans. Mr. Gray stated he had EPA paperwork for the planning board to be reviewed followed by statements on classification type, service area, size, operating life, transfer technology, utilities, roadway compatibility, storm water quality, peak traffic time, vectors, litter, and how close proximity it is to the school and ball fields.

Public present Tom Blair, Attorney for Steve Morgan, announced that everything Mr. Grey has questioned has been submitted to the planning board, over two years ago, and wanted to remind the planning board and public that this is strictly a site plan review and most of what Mr. Gray questioned was SEQR related, and not a topic for this public hearing.

Mr. Blair handed each planning board member a letter of concern regarding the handling of this project and how long it has been in review. Mr. Blair stated that he and his client will be responsive to the planning board but will not be speaking to the public. Mr. Blair then introduced Steve Morgan to explain the site plan documents and information for review.

Public present Steve Morgan explained the site plan, in detail, including building placement, dumping bays, msw, c&d, recycling, covered storage, berms, repair shop, retention ponds, paved places, lot details, and fencing/gates.

Member Burke questioned the reclaimed water. Mr. Morgan explained that in a 2,000-gallon holding tank, water will be hauled away from a contracted company specializing in the proper treatment of wastewater.

Public present Rudy Zoma, a civil engineer employed by Mr. Morgan explained the design of public water, no sewer, but county approved septic, but permit cannot be given until they get a DOT contractor.

Public present David Neilens entered the planning board meeting at 7:24PM.

Mr. Zoma continued his presentation of the storm water piping and discharge, treated outflow, and outlining by the DEC. Mr. Zoma explained that the SWIPE has been prepared and submitted to the DEC. Member Wilson questioned if the water will be treated. Mr. Zoma answered stating that there is a matrix for treatment practices including special plants for the 10ftx10ft water reservoir.

Public present Alex Urda then gave his portion of the site plan details. Mr. Urda explained that he has been completing the permitting process with the DEC. Mr. Urda stated that the full permit has been filed. Mr. Urda explained the transfer station details including tipping location, 90% municipal waste and 10% recycling. Filing for a 50,000 tons max for the first year. Cayuga County law states that trash from outside the county cannot be hauled in, meaning; surrounding counties or anywhere outside Cayuga County cannot haul and dump their waste at this transfer station. Other details such as: trash should not stay over 24 hours, but recycling can stay a little longer, planned pest management, vents on the building for odor control, that inflation was not a requirement of the plan, but since the Town Board requested it, it was added to the plan.

Member Burke questioned if there were any drains in the building. Mr. Urda explained that there was not, that anything that goes in, goes out on a decade permit.

Member Burke questioned the filing for 50,000 tons per year. Mr. Urda answered by stating that this was a fixed max permitted amount. They could modify it during the permit process, but that would be communicated to the planning board and the DEC will review this portion heavily during SEQR along with odor, noise, traffic and the petroleum tank.

Chairman Whiting questioned the process of the dumpsters, asking if the dumpsters are taken into the site and dumped on the floor. Mr. Urda stated that there were ledges to dump into.

Member Burke questioned the trailers hauling and tonnage daily. Mr. Morgan explained that it was not 10 trucks doing 10 loads a day, that they had mini packers, pick up trucks and 75% were packing trucks. The topic of traffic surfaced.

Many concerns were voiced regarding the peak hours of truck commuting time parallels with school buses and school traffic. Mr. Zoma stated that national peak hours are 4-6am and 7-9pm.

Chairman Whiting explained that the school hours, a quarter of a mile down the road are within those peak hours. Mr. Morgan recognized that school lets out at 2pm and noted that not every truck is going to be leaving right at 2pm, however would work with the planning board to anticipate traffic congestion and not run trucks during those peak times, to alleviate safety of pedestrians, children, and car traffic along 31.

Motion to open the public hearing to discuss the topic of the application for a site plan review regarding the transfer station submitted by Steve Morgan was made by Chairman Whiting at 7:46PM.

Motion was seconded by Member Wilson.

All in favor: 5-0

Public Present Rebecca Thomas started the public comments. Ms. Thomas explained that this is a community built on farms, the dairy community, farm equipment and heavily employed officers with the prison. Ms. Thomas noted that she runs every day and sees the buses out at 5:30AM and if this project goes through, she will leave, people will leave. Ms. Thomas stated that she will move to Weedsport or Skaneateles, but it is not fair to the people that don't have the means to move that this project might be legal, but it's not right. Ms. Thomas stated that Mentz will get a tax break but wanted to think about conquest or Throop, that trash is needed but this was not a great site. Ms. Thomas noted the details of State Route 31 noting that you cannot pass and can't go around and it's a heavily trafficked bike route. Ms. Thomas stated that this will be really hard on the community and that they shut down the cannabis farm due to public health so let's do the same to this one.

Public present Rebecca Thomas exited the planning board meeting at 7:56PM.

Public present Mark Ganthier voiced concerns regarding speeds and the winter on the hill along that corridor of 31. Mr. Ganthier expressed understanding that the planning board was in a tough position and the zoning is difficult, mixing commercial with residential, but no one wants to live next to a solid waste facility. That the people in ground zero are getting sacrificed for a tipping fee and it will wipe out the property values.

Member Burke noted that the commercial corridor was created in 2015 per the comprehensive plan adopted by the Town Board.

Mr. Blair wanted to point out that, so far, all the public comments have been directed toward SEQR and not site plan. Mr. Blair stated that he has no problems with people asking questions but wanted it to stay relevant to site plan.

Public present Todd Thompson voiced that he hopes the planning board will remember broken past promises, such as the poop pit. Asking to keep in mind that promises fade, however, believes this is a done deal.

Public present Todd Thompson exited the planning board meeting at 8:02PM stating this was a done deal.

Member Burke and Chairman Whiting assured the public that this is being considered all by the book and would like to continue to only focus on site plan review.

Public present Damon Ritter stood and posed questions such as noise abatement wall, substation, odor vent path, heating.

Public present Mr. Blair exited the planning board meeting briefly and returned at 8:05PM.

Mr. Ritter continued questioning such as the usage of the other acreage of the lot if there were to be future planning of solar panels or wind turbines. Mr. Ritter also questioned the building usage and making sure all trailers were covered on the road.

Public present Martha Robinson questioned the change in hauling from other counties and she stated Mr. Morgan had commented before he would be bringing refuse from other counties. Chairman Whiting stated that it is a Cayuga County law that no refuse is to be brought into this county.

Chairman Whiting stated that public comments and questions should be directed to this public hearing for site plan review only.

Public present Jennifer Rice stood and thanked the Planning Board for their unbiased legal minds because of the position they are in. Mr. Rice continued to question future use of the land as the site plan states that the transfer station accounts for 16 acre lot, eight acres utilized, however, the total lot is 81.2 acres.

Mr. Morgan answered her question stating that he had considered a mixed use, like other locations he owns. He would build a building like his other, 80ftx400ft and rents out bays for businesses that need a location. He mentioned that in one of his other locations, businesses such as a steam cleaner, wood worker, and caterer rent a bay for their business.

Public present Dave Lipiska questioned the quantity, size, and weight of the hauling trucks and their frequency through the day. Mr. Lipiska questioned leaking and doubted the remark of not having any leaching. Mr. Lipiska stated that the Planning Board has the power to accept or deny this project because it is a special use permit and believes it will change the community. Mr. Lipiska questioned Mr. Morgan about who his DEC contact was. Mr. Morgan stated it was Richard Stevens. Mr. Lipiska commented that name is not one of the two DEC engineers in this area.

Public present Joyce Decker stood up and read a prewritten letter aloud. Mrs. Decker started by stating the history of the project including locations and recycling. Mrs. Decker continued talking about the past locations and questioned why other locations were not considered, like in conquest. Mrs. Decker stated that even though the current location is commercially zoned, and Mr. Morgan has met all the requirements and felt Mr. Morgan has been treated unfairly by the Town of Mentz, it is not an ideal location.

Public present Brandon MaGill stood up and questioned daily truck traffic. Asking if Mr. Morgan can guarantee "10 trucks a day". Mr. Morgan stated that he could not use the word guarantee, but its project to do about that, some days might be less, some a little more. Mr. MaGill questioned third party garbage, as contractors can utilize this transfer station for demo jobs. Mr. Morgan answered by stating that this is a difficult one to project because he has no knowledge of when someone may demo their property but stated that there are scales for third party trucks, and they are only from this county. Mr. MaGill questioned the usage of the land, as wastewater storage overflow will be seeping into the ground in the field where soybean or corn may be planted. Mr. Rudy, with Mr. Morgan, stated that these retention ponds are designed to handle storms and tests will be completed continually so that it does not infiltrate. Mr. MaGill question winds and speculations on the guarantee that the ground will be clean and litter free. Mr. Morgan stated that is staff is required to clean the grounds. Mr. MaGill stated concern regarding litter, seepage, and wastewater contamination in residential wells and asked Mr. Morgan if he could still guarantee this would not happen, because his kids play 200 feet from the property. Mr. Blair, with Mr. Morgan stated that the property is going to be fenced and they will have crews committed to driving down 31 looking for trash, that he is not going to let his client answer guarantees and would like to keep the discussion to site plan review. Mr. MaGill questioned if the doors will be closed all the time. Mr. Morgan stated "no". Mr. Magill stated that the site plan says "yes". Mr. Magill also commented on emissions and the environment and questioned if he would change the hours of operation to accommodate the school hours. Mr. Blair states that they are not here to amend the application.

Mr. Lipiska stated this was a multimillion dollar to bring 10 trucks a day, deny and let them sue us.

Mr. Gray questioned what happens to the ponds in the winter, if they are frozen over, they cannot catch the leaching. -Mr. Zoma stated you don't get runoff if everything is frozen.

Ms. Robinson asked if the pond was fenced in. -Mr. Zoma said the whole place was fenced in, not the pond because it's surrounded by fencing. Mrs. Robinson stated that people could drown in that amount of water.

Chairman Whiting made a motion to close the public hearing to discuss the topic of the application for a site plan review regarding the transfer station submitted by Steve Morgan at 8:24PM.

Motion was seconded by Member Burke.

All in favor: 5-0

Mr. Blair questioned if the planning board had plans on voting on the site plan tonight or take some time. Chairman Whiting stated that they would take some time, as they have 62 days from the public hearing.

Most of the public exited the planning board meeting at this time. Mr. Magill, Mr. Lipiska, Mr. and Mrs. Siracusa, Mr. Gray, Mr. Neilens, Mr. and Mrs. Murnane and Ms. Clancy remained.

Public present Thomas O'Brien and Leonard Zimmer approached the board with a subdivision. After reviewing the new information, Chairman Whiting stated that this needs to go to the Zoning Board of Appeals first. Chairman Whiting stated that he would talk to Town Clerk Charleen for contact info for the ZBA Chairman to get this on their agenda.

Public present Thomas O'Brien and Leonard Zimmer exited the planning board meeting at 8:44PM.

Public present Mr. MaGill approached the planning board to give them paperwork studies. Chairman Whiting stated that they already have that packet.

Chairman Whiting proposed a motion to accept the meeting minutes from prior Planning Board meeting, April 10th, 2024, to be approved.

After reviewing the minutes, a motion to approve meeting minutes dated February 14th, 2024, with one correction regarding a typo, a capital on "Whiting", was made by Chairman Whiting.

Motion was seconded by Member Wilson.

All in favor 5-0.

Chairman Whiting said that a petition for the solar project on Main Street has been turned in, but due to number of signatures, 121, it was not enough to revisit.

Chairman Whiting stated that the next future meeting is compromised based on a county training. The planning board members are required annual training hours to comply, and this is a priority. Due to the date and time of the county training on June 12th, 2024, the planning board meeting will need to be changed.

Future planning board meeting will be June 19th, 2024. Clerk Bacon will submit advertisement for the Town of Mentz approved paper to Clerk Charleen.

Clerk Bacon stated that she will be able to attend the July meeting date.

Chairman Whiting questioned the Planning Board if there was anything else to discuss. Nothing else to discuss.

Next scheduled Planning Board meeting is June 19th, 2024.

Motion to adjourn the regularly scheduled Planning Board Meeting on May 8th, 2024, was made by Chairman Whiting.

Motion was seconded by Member Burke.

All in favor 5-0.

Meeting Adjourned: 8:55PM

Caitlin Bacon

Planning Board Clerk Bacon