

TOWN OF HAMBURG PLANNING BOARD MEETING  
HILBERT COLLEGE - DANIEL SWAN AUDITORIUM  
5200 SOUTH PARK AVENUE  
HAMBURG, NEW YORK 14075  
COMMENCING AT 6 P.M.

PRESENT:

WILLIAM CLARK, CHAIRMAN  
KAITLIN MCGEE CHMURA, PLANNING BOARD MEMBER  
CYNTHIA GRONACHAN, PLANNING BOARD MEMBER  
DANIEL SZWEC, PLANNING BOARD MEMBER  
JENNIFER PUGLISI, PLANNING BOARD ATTORNEY

SPECIAL MEETING REGARDING AL ASPHALT, INC., PROJECT

CHAIRMAN CLARK: It's 6 o'clock, and we'll get started. Welcome to this special meeting with the Town of Hamburg Planning Board. Will everybody please rise for the *Pledge of Allegiance*.

(PLEDGE OF ALLEGIANCE RECITED.)

CHAIRMAN CLARK: So we have one item on our agenda today, and it's a public hearing concerning the AL Asphalt project.

I'm going to read a statement here about what we're doing tonight in general. So the planning board is the lead agency in the State Environmental Quality Review Act in review of the asphalt plant. As lead agency, the board determined that the project may have significant adverse effects on the environment and, as such, an Environmental Impact Statement must be prepared.

AL Asphalt submitted a draft of an Environmental Impact Statement to the planning board in August of 2022. The planning board determined the Draft Environmental Impact Statement was deficient, and requested that the applicant submit a revised

Environmental Impact Statement.

AL Asphalt submitted a revised Draft Environmental Impact Statement in April of 2023. Although the planning board believes the April of 2023 revised Draft Environmental Impact Statement remains deficient, the board accepted the revised Draft Environmental Impact Statement for its review in order to move forward to the important public comment process, which is what we're doing tonight, including the hearing. However, in accepting the Draft Environmental Impact Statement the board again identified all of the deficiencies that should be addressed in any final Environmental Impact Statement for the project. The deficiencies are described fully in the Notice of Completion as published on May 4, 2023, which is available on the town's website.

Tonight the board is asking for public comment on the Draft Environmental Impact Statement, as well as the comments on the deficiencies noted by the planning board. There will not be a question and answer session, or a back and forth, with either the board or the applicant. These comments will be addressed in a final Environmental Impact Statement.

We would ask everybody who would like to speak to sign in if you have not done so already. Josh and Annalyse will have the sign-in clipboards.

And how we're going to do this, we're going to have the people sign in, line up at the microphones, and we'll go back and forth. And I think that's the best way to get the most comments in the quickest amount of time. We're going to limit the comments tonight to three minutes. If you have something that you think is going to take longer than three minutes to say, please submit that in writing. We are going to be accepting comments in writing until the close of the public comment period, which is July 28. So the comments in writing should go to Josh Rogers, his e-mail address is: JROGERS@wnedelcompanies.com. A second public hearing is also going to be held on July 12, 2023, and that will be here.

We -- we are streaming this live on Facebook, but we're not going to be accepting any comments on Facebook. So anybody watching on Facebook please submit your comments to Josh Rogers at the e-mail that I just gave. There should be a post underneath the video that has a link to the e-mail address.

And with that, Cindy.

BOARD MEMBER CINDY GRONACHAN: Notice of featured hearings -- notice of featured hearing regarding Hot Mix Asphalt Plant Draft Environmental Impact Statement, May 18, 2023, project's sponsor AL Asphalt Corporation. Secret classification unlisted, location, 5690 Camp Road, Hamburg, New York.

This notice is issued pursuant to Part 617 of the Implementing Regulations pertaining to Article 8 of the Environmental Conservation Law State and Environmental Quality Review Act. The planning board, as lead agency, has determined that the purpose -- that the proposed development of the Hot Mix Asphalt Plant may have significant affect on the environment, including potential for adverse impact to the surrounding area by way of noise, odors, and pollution. Impact on water, air, plant, and animals, transportation, energy use, and the community, character, and aesthetic quality of the existing area.

As a result, a Draft Environmental Impact Statement, Draft EIS, was prepared by the project sponsor, revised and submitted on April 5, 2023, and

has been accepted by the planning board as the lead agency for public review and comment. Subject to the listed deficiencies regarding the Draft EIS Sections 4.2, Executive Summary; 4.3, Description of the Action; 4.4, Environmental Setting Existing Conditions; 4.5.1, Impact on Surface Water, Ground Water and Flooding; 4.5.2, Impact on Air; 4.5.3, Impacts on Plants and Animals; 4.5.4, Impacts on Aesthetic Resources; 4.5.5, Impacts on Historic and Archeological Resources; 4.5.6, Impact on Transportation; 4.5.7, Impact on Energy; 4.5.8, Impact on Noise, Odor, and Light; 4.5.9, Impact to Human Health; 4.5.10, Consistency with Community Plans; 5.0, Evaluation of Mitigation Measures; 6.0, Alternatives To Be Evaluated; 7.0, Accumulative Impacts; 8.0, Growth Inducing Impact.

And the tentative are all fully described in the Notice of Completion published on May 4, 2023. The Notice of Completion accepts the Draft EIS for public review, subject to the listed deficiencies described as the lead agency and project-sponsored effort to complete the Draft EIS, and outlines the fundamental disagreement between them, regarding the basic

content and analysis to be included in the Draft EIS.

The Notice of Completion invites public comments on the Draft EIS, in addition to comments on the disagreement between the lead agency and project sponsor regarding the content of the Draft EIS until Friday, July 28, 2023.

Secret hearings will be held at Hilbert College, Swan Auditorium, from 6 p.m. to 9 p.m., on June 14, 2023 and July 12, 2023. Comments on the Draft EIS and the listed deficiencies as indicated on the Notice of Completion are requested and encouraged by the planning board at these hearings and further written comments will be accepted until July 28, 2023.

For more information, please contact Josh Rogers, Town of Hamburg, Planning Department at 6100 South Park Avenue, Hamburg, New York 14075 or at 716-649-2023.

CHAIRMAN CLARK: Thank you.

All right. At this time I will open up the public hearing. The first person to speak is David Niver, N I V E R.

DAVID NIVER: Yes, my name is Dave Niver. I live at the Franklin Park Townhouses, along with everyone

else in this row. It's a 20-unit complex that's nestled in between Camp Road and Legion Drive. We're about 200 yards downwind from the proposed-asphalt plant. So we're very concerned because we, primarily, are an elderly population, everybody but two unites are over 65 years old, including myself at 93. So we're, obviously, interested in the health issues involved and also the odor.

If you've ever gone by a road-paving project, I think that you can't help but notice the odor that emanates from the work, and there's no reason for us to believe that it will be otherwise from the plant.

So we're very concerned about property values as well, knowing the location is so close to the proposed planted. So we urge the planning board to continue to vote against the project.

CHAIRMAN CLARK: Thank you.

The next speaker is Dean Messing, M E S S I N G.

DEAN MESSING: I'd like to give you a little bit background about myself to show where my expertise is. I was the Erie County Emergency manager for 19 of my 31 years in Erie County. I taught at Erie Community College in Emergency Management and Fire

Protection Technology. I co-found the Southtown Hazmat Team back in '86, and that should be enough to show my background. And also -- I wrote up a speech, but I want it to be as short as possible.

The 20 years that I was on the hazmat team, we responded to various incidents involving many different chemicals, asphalt being one of them, and this is nasty stuff. And it's very difficult as a fire fighter. I also belonged to the Niagara Fire Company for 45 years; I still belong. This hazardous materials can break down and cause many different types of incidents. This means that an asphalt plant shouldn't be placed at where, or near, a residential area, which I live off of Sunset.

In closing, I have a video available, and I tried to download it, from an asphalt tank fire in New Jersey that shows the potential destruction that just one tank car could cause to property and loss of life.

In conclusion, put your asphalt plant where the old Bethlehem Steel Plant was in Lackawanna, if it has to go anywhere in Erie County.

Thank you.

CHAIRMAN CLARK: Thank you, sir. If you want to provide the written copy to Josh, that would be fine too.

Next person is Bob Mahoney, M A H O N E Y.

BOB MAHONEY: Good evening. My name is Bob Mahoney, town of Hamburg resident; taxpayer. I'm an ex-member of the Hamburg Planning Board, and I was one of the original planning board members when this project started. Now that I'm no longer on the planning board, I can tell you that I applaud this planning board for all of their due diligence with crossing the T's and dotting I's.

There's a lot of talk that the planning board is not following some of their directives. We received a lot of e-mails and a lot of information. This gentleman just spoke on the environment and the air quality, noise and traffic studies. These are all aspects of what the planning board has gone through. Some people asked me personally how come it's taking so long, and it's because this planning board is giving the applicant all of their rights due to them according to counsel, I'm not a lawyer, but their legal counsel. They have to follow certain

guidelines to give them all of their rights.

As a planning board member this was a very difficult project. I thought that it was over like the past supervisor stated when they went to another county to look for a different site. I thought that it was off our table and then it came back. So, I applaud this planning board, that's the reason that I'm here today. And you should also understand that they're only following the guidelines of the zoning, the codes, the variances, but it was hazardous, we've all known that. There's residents nearby. I believe personally now that it's not zoned right because of the school's within a quarter mile. There's a lot of impact that this project would have.

If you're not aware, the public record are -- the planning board can't consider certain things. They can't consider the value of your homes, which I don't know if they ever revealed that, or they can't reveal or consider if there's any debt owed by the applicant, which has been a lot of questions.

But as a resident, I'm opposed to it because of the environment. I don't think that its aesthetic is right.

BOARDMEMBER CINDY: One minute left.

DEAN MAHONEY: Thank you.

Also, if you're not aware, there was a Hamburg comprehensive plan coming in effect soon, thanks to the planning board recommendation, and their committee that researched it and the town board, who are going to go with that, and I don't know exactly that date.

But I just wanted the residents and the people here today to know that the planning board has done everything that they could do, and extended their -- in my opinion, their meetings so that the applicant could have their rights. Thank you.

CHAIRMAN CLARK: Thank you.

Just a reminder for anybody that wants to speak, please come up to the microphone to sign in. Analyse and Josh will be taking the sign ins, so for anybody who hasn't already signed in, please sign in.

Next person is Frances Schena, S C H E N A.

Did I get that right?

FRANCES SCHENA: You got it right.

CHAIRMAN CLARK: Did I get it right?

FRANCES SCHENA: You got it right.

Could you hear me?

CHAIRMAN CLARK: You have to have it closer to you; I learned that earlier.

FRANCES SCHENA: Oh, okay, it keeps going up and down. All right.

Frances Schena. At a meeting a few years ago the AL Asphalt owner said that she's just trying to make a living. Well, I'm just trying to live and also trying to protect the value of my home on Sunset Drive, my largest financial asset, which I worked hard and long to be able to purchase and maintain.

Therefore, I'm asking AL Asphalt owners to do the right thing and withdraw their application to build and operate an asphalt plant on their Camp Road/Elmwview Ave. property.

The following amplifies and stresses the need for them to do so: Health concerns from airborne and noxious odors, discharge for the elderly, people with disabilities. There's a group home on Sunset, and an apartment complex on Holiday Lane, which I believe has some disabled people there, and there are a couple of disabled vets living on Sunset. And it also impacts on the health of infants, pregnant

mothers, residents with asthma, residents with COPD requiring oxygen, and residents with immune system problems and there's more; above are just a few.

There's a daycare center nearby, which could be affected with unhealthy development of the preschoolers. There could be a negative impact on the health and wellbeing of those participating in sports and activities on the newly-improved sports complex, right around the corner on Legion Drive between the Village of Hamburg High School and Middle School.

What neighboring school districts would want to send their players to this Hamburg sports field for their competitive games? What parents from those neighboring school districts would send their sports-minded children to play in polluted and noxious air? What parents would want to sit and watch their children while experiencing fall out from the noxious odor?

BOARD MEMBER GRONACHAN: One minute left.

FRANCES SCHENA: Who would want to go to the farmers' market right around the corner from the AL Asphalt? The fresh veggies and other products could

all be subject to contamination and from attending there. My understanding is that a lot of people not from Hamburg who do shop there. It is in a location that is located in one of the gateways to the Village of Hamburg, totally opposite of the people -- semi-rural nature and character of the town and the village are using as a guiding principle.

And in closing, it would have an accumulative effect on noxious odors and dust falling into Lake Erie. What will the waterkeepers think when they're trying so hard to negate this?

And last but not least, what about the Bills stadium adjacent to our town? And what about the Pegulas investing all of their money, and Kathy Hochul giving all of our money for the Bills stadium? The Bills mafia would be very disappointed and, hopefully, we will not disappoint the Bills players and the Pegulas.

Thank you.

CHAIRMAN CLARK: Thank you.

Next we have Karen Robinson.

KAREN ROBINSON: Hello. I live at 303 Sunset Drive --

CHAIRMAN CLARK: Speak louder, please.

KAREN ROBINSON: -- a quarter of mile from the proposed plant. And my concerns I've already written, but I'll send them again, but they pretty much have been discussed already. I'm concerned about healthcare issues and the values of our homes, which I guess you don't have any input for, and the ground water that exits right out the back of the plant. We just replaced a covert on Sunset to accommodate all of the water that rushes through there.

I guess my main concern is that when I received the notice for March -- May 4, I kind of thought that the voting on that was accepting the revised draft, even with the deficiencies. So, please, vote against it, if you vote again on a final version. I don't know if this means the deficiencies are not going to be addressed, or I'm just confused about the whole thing. It's still -- anyway, please vote against it.

CHAIRMAN CLARK: As we stated in the beginning we will receive comments on the deficiencies at this meeting as well.

Next person is Douglas Hutter, H U T T E R.

DOUGLAS HUTTER: Good evening, and thank you for this opportunity. My name is Douglas Hutter, and I live at 34 Woodview Avenue in the Village of Hamburg.

I was surprised to hear about property values, because the first thing that will happen the property values will be reduced in our community for our own personal use, plus taxes will be reduced; therefore, anybody in this community their taxes will be increased in order to supplement the reduction of the adjacent property. That is a study by Blue Ridge Environmental Defense League. It's quite available on the internet.

I would like to talk a little bit about what my profession is, I'm an architect. I provided many years of support to the Village of Hamburg through my volunteerism. The aesthetics that we've talked about here as isn't an architect, we talk about how an application will increase the health, safety, welfare, joy in our community. We wonder how that will be created by this, because when they write a report the studies always defends how their actions will not harm the community. But how will they help? That is what we need to know here in this community.

I'm sure there's been traffic studies done, because we all know this could create a dangerous situations for traffic, with no left turning lanes available for vehicles there. I drive that road every day to go to work, and there's a lot of buses and other issues.

Adjacent to this property is a federal wetland, and it's probably already on the wetland. This property probably already is affected by the wetlands that are here. So I'm sure that there's been a wetland study performed as well.

Stockpile of material: They will have to stockpile gravel and sand in order to perform this work. How high will that be? Who will regulate that height? By the way, all sand and gravel has silicone. Silicone is a cancer-causing material, that is well documented. Who is going to perform the risk assessment for this community?

Who will want to come to this community driving past this to come to the village and visit a restaurant on a summer day and sit and enjoy their meal? Who, when this business goes out of business, because every business does at some point and time

goes out of business, who will cleanup the hazardous materials left behind? We all seen that with Bethlehem Steel. You know how much money they spent on brownfields, it's incredible.

Noise: Part of their work in order to take care of the gravel to make it asphalt into small tiny pieces that requires rock hammering. The decibel level is deafening. OSHA protects the workers that work there by requiring that the people who live next door or that live across the street -- oh, how I wish we didn't have to deal with that; it's so inappropriate.

I would like to add, also, there's something called fugitive emissions. What we know about smoke stacks is the contaminants go up the smoke stacks with scrubbers to eliminate toxins. It's all well documented in the report. But fugitive emissions are associated with those that leave under loading, trucking, and other methods that will be in our community without being resolved.

Zoning: As an architect I would like to conclude with what is really important in the zoning of the Town of Hamburg, Section 280.185. It's really

important to note that this board many, many years ago, long before this process started, that Camp Road is a transition area into the Village of Hamburg. It specifically states that this is an overlay area. So it includes a mixture of businesses that will be typical, small mom and pop stores, that do not -- do not interfere with businesses that are here, the families, and people who live here.

I would like to leave one component of site design conditions: All landscaping design shall include the provisions of pedestrian access to and from the site. That's a requirement of the zoning. I don't see anywhere in the application where they addressed this issue.

Architectural standards: Blank walls and other dead or dull spaces at the street level should be avoided. This is considered an activity that a sidewalk edge is to be maintained and/or established to engage pedestrian interests.

Building frontages: To be active with large, non-reflective, minimal-tinted windows, openings at the ground level.

Excuse me as I flip the page. I hope my time

hasn't run out.

New building elevations forms an elevation, these details articulate the district to strong patterns of shade and shadow. Large structures should be designed to reduce the perceived height and bulk by dividing the building mass into a smaller-scale component. New buildings greater than seven thousand square feet -- seven thousand square feet should be strongly discouraged in this area. The rear buildings shall be enhanced, where appropriate, to improve public access to and from the surrounding areas, especially the residential property.

The planning board may waive or modify any requirement of this section that's in the zone. It says: But must not diminish the intent and the purpose of the Camp Road/Village overlay district.

It's very clear what that is. This zoning board section alone allows denial of the building of this project.

Thank you.

CHAIRMAN CLARK: I want to note that some people who may have come in that might not have been here

the last time that I said it. If you want to speak, there's a sign-in clipboard next to both microphones. Please sign in before you speak.

As you may have noticed with the last speaker, because we only have five more people signed up to speak, I suspended the rule for three minutes and let him go on as long as that he wanted. I'm sorry if anybody that went before him felt rushed, but it looks like that we'll be able to get through everybody without limiting three minutes to speak.

The next person is Michael Murray.

MICHAEL MURRAY: Good evening. I'm Michael Murray. I'm a longtime resident of Hamburg.

There are many environmental issues with this. I'll focus on air quality.

We've all had recent negative impacts on our air quality with the fires coming from Canada. It has forced many people, including myself, to stay indoors some days that impacted our lifestyles. This will do the same thing on a recurring basis. I have been impacted by air quality even when blacktopping is being performed on roads and streets; this impacts me. I don't have to hang out in those areas, but now

it's going to be in an area where we all live and that's a problem.

I like to run on the high school track and ride my bike in the village. This will impact my lifestyle and lifestyle of many others.

This is a terrible location, and it will negatively impact people's health and property. It's a neighborhood of schools, neighborhoods, nursing home, athletic fields, and playgrounds.

There's no upside to this. From what I read it will provide for six seasonal jobs that are not high paying. The economics of this thing, it's not like a steel plant where we overlook the environmental issues because it's employing 30 thousand people with good paying jobs.

Niagara County, which has a long history of accepting many environmental disasters doesn't even want this. Why should we?

Lastly, let me just add, the investors in this have a history of working at Canal Side, and I suggest that that be investigated.

Thank you.

CHAIRMAN CLARK: Thank you.

The next speaker we have Leela Mascia, M A S C I A.

LEELIA MASCIA: Hello, my name is Leela Mascia. I'm 14 years old, and I live at 209 Highland, in the Village of Hamburg, and I would like to focus on pollution.

So, as the person before me mentioned we know about the devastating wildfires, the impact that it even had here from the winds, the pollution. So think about that in your own town. If, from Canada, the smoke could travel into America and effect us, what does this mean for our town? What does it mean for your playgrounds, your nursing homes, and your daycares and your schools, your regular homes? What does that mean for the people -- people with breathing issues of asthma? People in my own family could be effected.

I was at the farmers market this past Saturday helping with two other women to speak out against the asphalt plant, and one of them told me that she moved away, to get away from the steel plant, she moved here, and now she's facing -- we're all facing this asphalt plant. And some people think they might just

move away from it, but no one is going to want to buy your house. No one is going to want to come here to live here. So we will be trapped here.

Four years ago in September of 2019, I just started fifth grade, and I went to a protest at town hall to protest against the asphalt plant. My last day of eighth grade was yesterday, and I will protest for as long as that it takes. Thank you.

CHAIRMAN CLARK: Thank you.

Next speaker is Sandra Gullo, G U L L O.

SANDRA GULLO: Hello. First off, my name is Sandra Gullo, and I live closer to Hamburg beach. Anyone that is out there that knows me, knows that I love to talk. I absolutely hate public speaking. So if my voice cracks, I apologize.

And I'm doing this from a different angle. Everyone is talking about the health effects and environmental effects. I'm kind of throwing it differently because I'm a single mom, and I went to family court. And I noticed a lot about court where people seem to cherry pick the data that they like to present. So the fact that we have all of these discrepancies, and there were numerous times to

address those and that has not happened. Is it accidental? Is it out of potential, purposely misleading? Purposely trying to manipulate stuff? To me, it is still lies. So I take that very seriously, because it does effect people that are not educated, that don't know the legal jargon or environmental or health jargon. So I want to throw that out there for all of those people.

I've been working a lot. I actually just got back in town from marrying a friend this past week. So I haven't been able to look at a lot, but I know that people are talking about Article 78, if we're not very careful with this -- I don't know anything about that, the whole legal jargon stuff. But if she goes for that, then it would be like she doesn't have to plan this. She doesn't have to do this. She doesn't have to do fencing. So it could be a lot worse than what we could potentially have to even protect us. Again, I'm not trained in that, but I wanted to put it from a different perspective instead of everybody just doing health and environment. Like I said, cherry picking that is just as bad, because you don't even know what you're up against.

So, not to make it lighthearted, but do we really need another asphalt plant in the area? There are other ones. We got other ones that could do our roads, and it's not necessary. And that's all I kind of have.

CHAIRMAN CLARK: Thank you.

Next is Dan Byles-Smith. Spell that for the record, please.

DAN BYLES-SMITH: Sure. My name is Dan Byles-Smith, B Y L E S S M I T H.

I appreciate you guys doing this. I know that it's not an easy thing to go through.

A lot of stuff that we've seen in the past has really been us saying this is going to be a bad pollutant for the Town of Hamburg. I'm a Town of Hamburg resident, I live on Windover Drive. I actually have a small farm on Windover Drive. So, you know, I'm a local, and I'm part of this team in a way.

I think their -- their reports that they put through are saying, that everything that the town is saying, or the people in the town are saying, is not true. So you could go back and forth on those facts.

And, again, it goes back and forth with attorneys.

So, I guess my biggest concern is more of a contingency plan for a catastrophe, right? So forget that there's neutral on the pollution, there's neutral on the air, and there's neutral on everything else, which I disagree with. I believe it's going to be a bad situation.

Madison, North Carolina, had an asphalt plant fire in March of this year. It was an asphalt plant fire like what this gentleman was pointing out. The local fire department was not prepared to fight this fire, right? So if we have an asphalt plant, we have to invest in a fire department that could fight that asphalt plant. Fire trucks, they're like a million dollars apiece per fire engine. You have to train the individuals as part of the team to fight it and respond quickly.

Other things that happened during these other fires, like Ohio is another one, not asphalt, but similar to Madison, North Carolina. Evacuations, right? So these hazards happened, big fires, and there's evacuations that have to happen. In North Carolina there was an evacuation, and there was one

person that was paralyzed and needed help getting out.

If you think about an evacuation where there's Hamburg High School and Hamburg Middle School, 200 yards downwind. How do you perform massive evacuations of both of those schools with limited bus drivers? How do you do it in good weather let alone bad weather or a snowstorm if there is a big asphalt fire. And all of a sudden there's a fire, crews can't respond, the school is getting polluted, you can't get the kids out of school. It's a potential catastrophe of that by approving the plant, which right now there is zero chance of that happening. The approval basically moves it to a chance of substantially higher than zero. So that alone, just an inability to respond to a catastrophe is reason enough to say that there's no reason for it.

CHAIRMAN CLARK: Thank you.

Next up we have Laurie Mancuso, M A N C U S O.

LAURIE MANCUSO: Yes. Hi, my name is Laurie Mancuso. I live off Sunset. I'm a mom and a teacher. I may not be a Hamburg native, but we

relocated here due to my husband working at the school about 22 years ago, and I love this community.

I don't have scientific data like the other speakers, but when I think about this project I'm just heart broken.

In the past weeks games were postponed, schools were forced to closed their doors and shut their windows, fine grit and dust on most of our outside patio furniture.

I myself am an asthmatic with autoimmune issues, and as you probably noticed I can't stop coughing from last week's air quality and that was hundreds of miles away. I live on Sunset and this is going to be just a mile or two from me. If you turn on the TV all you hear are lawsuits against the steel plant and the other plants in this area. Is that going to be us in 25 years?

The village just spent a large amount of money connecting Sunset Drive to the village walking plan, and taxpayers have pledged millions to recreate recreation facilities at Hamburg Central and throughout the village, all of the new gardens that have just gone in in the village, all of the

activates that we're having in the village. This community has become a destination place to live and raise families, but not only that but to shop and eat. When I tell people where I live they're, like, Hamburg. That is my favorite place to be. And the first thing that people are going to see when they come to our village, if they come that way, is going to see that plant. And nothing has changed in the last three years.

And, unfortunately, I was at the farmers' market on Saturday helping out, and it's insane to me the amount of people who don't know that this is back up. People that we talked to just said, oh, I thought that we killed that three years ago. I hope our friends and the media, I hope everybody here, could get it out to their neighbors so that we pack this place, like we packed town hall three years ago, because it's not over.

The town and village, it's not the place for this facility.

CHAIRMAN CLARK: Thank you.

Shannon Zdrojewski. S T R I F S K I Z B R O J E  
W S K I.

SHANNON: Okay, I'll tell you how to pronounce it, it's Zdrojewski. I tried to put it phonetically on top.

CHAIRMAN CLARK: Oh, I get it now.

SHANNON ZDROJEWSKI: I don't know anything number-wise or anything. I have been a town resident my whole life. I love this town, and anybody here that knows me, I love this town.

Let's start off with the pollution. Everybody has touched everything that I really wanted to bring up with the pollution. You have the schools. You have the new Fischer Field going in, which is supposed to be grand. Where, like, 20 steps away if I walk it. It's only two minutes, at tops. You're going to have this asphalt plant right there. Everybody knows the schools, it's not just the schools that we have, you have the nursing home, you got daycares, you got businesses.

If we're thinking about this as a tax promotion for us, it's not going to help because all of the businesses and homeowners are going to pull out and your taxes, the base is going to go down.

We -- you have Woodlawn. You have the sewer

plant right there. You know how that wind wafts, and if it blows the right way, and if it goes to the village, it's going to stink. And it's not even a matter of stinking, it's called poison. You're going to be sitting there on the patio -- we finally, my whole life, I've seen this town from nothing to being brought back, and we're finally at the cusp of bringing in businesses. People wanting to be here. Housing markets are skyrocketing. People are paying triple to buy houses here. If that asphalt plant comes, you're going to see the demand drop. People aren't going to want to be here anymore. People aren't going to want their kids going to school here, and it's really sad to see.

And I know that you guys are just doing your jobs. The town board is just doing their jobs. I love all of you guys. You know, we are a community, we want to see this place better. But if we put this asphalt plant right there, I'm sorry, it's in the town, it's awful. It's right in the village, and it touches. You have parks there. You have Glenn Meadows there. You have a whole community there.

And touching base, if there's a fire, our fire

departments are already hurting. They're getting more fire calls in just to help people, and they can't keep up with it now, and they can't even afford to keep up with the normal call. And if there's an emergency, I can't imagine what is going to happen. We don't even have enough fire support in our companies to do what we already need to be done. If you put it there and there's an emergency, we're done for. He's right, you know, if we have an emergency evacuations, that school is going to be done for. Not only that, you have the nursing home and daycare centers and businesses.

I know that she has no heart for this village or the town. She's thinking of it just as an income base. She doesn't love this town like we all love this town and want to see it grow, aspire and businesses come in. That's all I really have to say, it's just that.

When Hamburg High -- I said this before at the town hall, when they blacktopped that -- my kids went to Hamburg, and I went to Hamburg -- when they blacktopped that driveway, my son went to football practice, I got a call from the coach three days in a

row that he threw up. He threw up. What was that from? It was from the smell from repaving it. Imagine that, constantly being there. We have the high school there with no air-conditioning, and the windows being up, you know, they're not going to be able to breath. Those classrooms get to be 200 degrees on top.

So -- but it's just a shame to see this even happening. I thought that it was a done deal, three years ago. We were told that it was a done deal three years ago. I was trying to go through the town records to go through the notes; I can't get to them.

We need to think about it as quality of life, our health, and even money, because our taxes -- people are going to pull out, and businesses won't want to be here. That's all I have to say.

CHAIRMAN CLARK: Thank you.

Next is Jim Hewitt, H E W I T T.

JIM HEWITT: Good evening. Twenty-five years ago, after two years of due diligence, my wife and I researched where should we send our kids. We were living in the city. We wanted to grow our kids happy, healthy, and prosperous. We found after two

years of due diligence Hamburg to be the ideal community to be settled in. So my wife and I moved here to raise two healthy daughters who did very well for themselves.

But a few years ago I hear that there's an asphalt plant that wants to move in just west of my house. Just west of my house, also Elderwood Nursing Home, and a school, which my daughters attended. I know from experience that the winds will travel from the west to the east, blowing all of that stench to my backyard. Not only my backyard, but the nursing home and the school as well.

You heard many people here reiterate time and time again, that there is that nursing home, there is that school. You have two vulnerable populations there. When those old folks get wind of that stench from just the regular production, much less God forbid a fire or an accident of some kind, who is going to move them all out of there? Is that the town that we want to live in where we do that to our elderly? When this wafts over to the middle school, and many children will suffer the rest of their lives because they have inhaled noxious fumes. Do we want

to be the community that put them in that situation by allowing an asphalt plant to move in? We don't want to be that community. I don't want to be a part of that community, but I will be forced to move.

I'm an asthmatic. Stenches like that will set me off. I may end up in a hospital, as I may have been several times before for unknown problems with my asthma. I found out that it's scent and cold. I can deal with the cold, but I will not be able to get rid or evade the smells that will be coming into my residence no matter what I do. I won't be able to tend the garden, because my garden will be adversely effected. I will not be able to eat the fruits and vegetables that I plant in my yard. Is that the kind of town that we want to live in? Is that what we want Hamburg to be known as? The town that ruined it for our elderly, our young, and the residents.

Thank you.

CHAIRMAN CLARK: Thank you.

Next up we have Frances Schena, S C H E N A.

FRANCES SCHENA: Just a few closing comments because I was under the three-minute mandate. What I want to finish saying is that if this woman really

wants to have her plant approved, it begs me to ask the question: Why has she not forwarded all of the information that she needs to answer the questions you folks had out of the SEQR. I mean, if anyone of us applied for something and that is the requirements for something, wouldn't we supply the information? I mean, I'm just really baffled over that.

And, also, I'm wondering -- I have heard that she has already removed and dismantled some of the equipment necessary to operate the plant. So, if this is true, why has she done this? Is she really serious, or is she toying with the Town of Hamburg to have you folks deny her application and then sue? Is that how she wants to make her living?

Also, let's remember about the noxious fumes being carried away. Some people have spoken about that. What about our treasures, Hamburg Town Beach and the state park that is adjacent to our town? These are treasures that not a lot of communities have.

And, in conclusion, again, I'm asking that the AL Asphalt owners to withdraw their application for a plant in Hamburg, on the Camp Road/Elmview location.

And if not, I'm asking the Town of Hamburg to deny the application to operate an asphalt plant in this prime village gateway location.

Please, AL Asphalt, don't threaten us with a lawsuit. Our health, financial wellbeing, and a healthy, adjacent home to the Buffalo Bills stadium depends upon your withdraw. Given the primary gateway location, I'm certain the town planning board can help you with great ideas of alternate options that would be a contribution to the Town and Village of Hamburg.

Thank you very much.

CHAIRMAN CLARK: Thank you.

I'm waiting for the list of new people who signed in.

Next up is Nancy Leone, L E O N E.

NANCY LEONE: Hello. I'm a resident of Hamburg. Basically, I agree with everything.

CHAIRMAN CLARK: Speak louder, please.

NANCY LEONE: I'm sorry?

CHAIRMAN CLARK: Speak louder, please.

NANCY LEONE: Okay. Is that loud enough?

I agree that this is a really bad idea.

My comments are to the planning board. I was a member of the board of 501-C3 that was international, and I understand that you have to go through your hoops that you have to deal with, but I also understand that you may have agendas that we know nothing about. I wanted to let you know if this gets approved, that I'm personally now paying attention and will not be back again, and I don't know what could be done to deal with that. And I hope that you do the right thing.

Thank you.

CHAIRMAN CLARK: Thank you.

Next is Jan Flanigan.

JEANNE FLANIGAN: Jeanne.

CHAIRMAN CLARK: Jeanne, I'm sorry.

JEANNE FLANIGAN: I appreciate hearing, you know, the backup that the planning board has gotten here from some of the people. It's good to know those things.

I remember years ago, and I think that it was five years ago, when -- she's a property owner and hopefully paying taxes. I would like her to be able to use her land for, say, why didn't we work with

her? She wanted a hotel up. It was just like she got turned down and that was it.

Like Nancy said, we're a town friendship built. Let's see if we can work with her but not with an asphalt plant, absolutely not. I'll be out of here, and I know a lot of other people and our property values will suffer.

CHAIRMAN CLARK: Thank you.

Next is Craig Van Tine, V A N T I N E.

CRAIG VANTINE: Hi, everyone. I'm a lifetime resident of the village. I can't believe that we're back here. This is absolutely insane to me for us to even be talking about this, really sort of breaks my heart.

I moved back after living here all of my life in 2012, and I was -- I worked for Riefler Concrete since I was 15 years old. So I know everything that went on at that plant at the time. Which, you know, as hardworking as the Riefler family was, they couldn't mitigate all of the environmental issues that came from it. If you ever walk out back behind that plant, there is literally green and orange liquid everywhere. The amount of remediation that it

would take to remediate this site, it's in the -- I don't want to say it's as bad as the steel plant, but it's pretty bad.

Point number two: As a developer and real estate enthusiast, I guess they never had any realistic expectation for sale price for that property. They listed it for six and a half million dollars, which I would say a developer would probably pay two for that property in its current state because of the brownfield, etc., etc. So, the estimates, it always seemed like that they were just trying to shoot for the moon, and then this is just another scenario for that.

And then, lastly, I want to say, let's look at the people who would be putting this project on. They're terrible citizens. They owe millions of dollars to Erie County, our local tax department, and give excuses in everything I read about why something is not getting paid. If you or I had a million dollars in taxes that were due to the county, you would be out of here in a heartbeat.

So I just want to say as stewards of this community, don't let somebody that who is going come

in, fail a business, right? Great Lakes came in in 2006, by the time I moved back that was closed, and the same thing happened to the other plant that was up on Transit Road. They're going to come in, they're going to build an asphalt plant, and it's going to fail inside of 10 years, and we're going to be left with the shit to clean up.

Thank you.

CHAIRMAN CLARK: Next we have Patricia George.

PATRICIA GEORGE: I'm a lot shorter than he is.

Hi, my name is Patricia George. I'm a Hamburg resident. I served our country for the last 34 years in the army. After the 34 years my husband and I decided to move back home in November of this year to Hamburg, New York, where we grew up, for safety.

I served two tours, one in Iraq and one in Afghanistan during my timeframe. During those times I didn't have a say on what I was exposed to. But I can tell you within one of year of me being in Iraq I was diagnosed with asthma and a thyroid disorder. But now I'm back home, and I thought that I would be safe, and my family would be safe and be protected, and now we're faced with this. So I'm coming to ask

you to consider that.

Just in one year of being in a burn pit in Iraq and Afghanistan, within six months I was diagnosed with that. I can't imagine our children, our families, being exposed to it for years and what would that long term be? What would the long term effect would that be? So I ask you to consider not to let it happen and fight against that for us and for your families -- I know each of you live here -- for each one of your families and friends, and that's all I ask.

Thank you.

CHAIRMAN CLARK: Thank you.

Anybody else that wishes to speak?

SHEILA HERRMANN: I just to say --

CHAIRMAN CLARK: Hold on. Hold on. Please state your name and spell your last name for the record.

SHEILA HERRMANN: Hi, I wasn't planning to speak but I feel compelled. My name is Sheila Herrmann, H E R R M A N N. I bought a house in Hamburg 38 years ago. I liked it so much I bought another one, and I moved across the street once. I had four houses, and I just bought my last one in the town two years ago.

And I raised my kids here and convinced my sister to move here. I love Hamburg. I appreciate all of your efforts.

I want to say to these people, I thought this was a done deal. I thought that it was dead in the water. I was appalled to see it now. I'm on social media alot. Reach out to me. I want a sign for my lawn. I want to support. Tell your neighbors. Talk to everyone that you know in Hamburg, and let's get this back on the radar, because it makes me really nervous that it has gone by the wayside. Nobody wants it here. It doesn't belong here.

So, reach out to me. Tell me how to get a sign, tell me how to get involved and support it, and talk to all of your neighbors. Let's get this back on the radar right away.

Thanks.

CHAIRMAN CLARK: Thank you.

Anyone else that wishes to speak?

AVA BLUNDELL: Hi, everyone. My name is Ava Blundell. I live at 64 Oliver place.

CHAIRMAN CLARK: Could you spell your last name, please.

AVA BLUNDELL: Sure. It's B like boy, L U N D E L L. Again, I live at 64 Oliver Street.

Some of you and I met at the farmers' market. I help and administer the Hamburg Residents Against the Asphalt Plant Facebook page. Anyone that is interested and they want to talk about tonight, and wants to connect with other residents that care and are committed to working towards a healthy Hamburg, please join the Facebook page.

I would like to commend the planning board, and the town leadership tonight for creating an accessible meeting at a sizable auditorium that everybody is comfortable in and could access easily. It's really refreshing to have the space that the elderly and people with limited mobility could access easily. And I would like to thank you for that change in accommodating us and for hearing our comments.

This has been a really lengthy community fight to keep what we care about safe: Our bodies, our children, our community, our investments, our air. As we all experienced with the Canadian wildfires and we got a taste, unfortunately, of what happens when

we don't take care of our environment.

And in my conversation with our community at the tabling event at the farmers' markets, I have met wonderful people and everyone is concerned. There is confusion about where we stand on this issue. Why it's still an issue. We're working hard to really bring people up to pace on the process. And, again, I appreciate your summary at the beginning of this meeting to help clarify some of those issues, that was helpful.

Going forward, I think that we really need to work together as a community to put the process -- the understanding of the process of how this works to the forefront so that we all can access our part of doing the right thing in helping the government to help businesses make decisions that works for all of us. Because that land is valuable, and not just financially to the owner, but to our community. And it has a lot of potential, and this is not, to me, a good use. And I also appreciate Farrell, and the other members of the town board, who did spearhead the comprehensive plan and for bringing those plans to a moderate understanding for us.

So, in summary, I feel like that we need to get together as a community, help our government partner and have a future that works for us, works for our health, works for our kids, works for our community development.

Anybody that attends the farmers' market could see how vibrant the community is, and there's so many people that want to invest in businesses. Hamburg is pro-business. We can have a really healthy, functioning, successful something at that site. It's not an asphalt plant. We're going to work together to prevent that.

Please check in on the Facebook page, and please consider all of the time, as I know that you have been, and we thank you for your due diligence in making sure that the process is solid to protect our town for the future.

And I'm sorry, my son is running through.

I want to thank you so much for all of your work. Thank you everyone who has made an effort. Thank you every person that is sitting here tonight. I know that there are 100 people that couldn't be here in your seat. So, for you to take the time to be

here, it really means a lot to all of this. There are parents that were bringing their children to the town fire hall open house tonight and wrapping up things at school tonight.

And I'm sure that when we reconvene in July, and I hope that you consider coming back again and bring more neighbors with you. And this is a great way for us to build a community.

Thank you so much to everyone.

CHAIRMAN CLARK: Thank you.

Anyone else that wants to speak?

Hold one. We have other people.

WOMAN: Could you just give the Jay Rogers' e-mail address again.

CHAIRMAN CLARK: Jrogers@WendelCompanies. I'll spell that too. That's: W E N D E L C O M P A N I E S dot com.

WOMAN: Thank you.

CHAIRMAN CLARK: No problem. Thank you.

FRANCES SHENA: The e-mail address that you gave this lady is different than the one that we have on the flyers. So it was JoshuaRogers -- JRogers@TownofHamburg.gov. Is that one still

applicable?

CHAIRMAN CLARK: That one will work, too.

FRANCES SCHENA: Okay, fine.

And in conclusion to my previous comments. I'm just so glad that I decided to come tonight, because I really second everything that everyone has said, especially the person that -- who just came in front of me that complimented the board for organizing this tonight and giving us an opportunity to speak, and it's in a very comfortable and accessible setting.

Also, just all of the information that various people gave, I never had any inclination that so many people had so much knowledge about these technical aspects. So, thank you again for helping to keep us informed.

CHAIRMAN CLARK: Thank you.

State your name and spell the last name, please.

TOM FERRO: My name is Tom Ferro, F E R R O.

CHAIRMAN CLARK: Speak up, please.

TOM FERRO: Ferro, F E R R O.

I'm a science teacher at Hamburg High School, not very far. Everybody knows this site. Prior to me being a teacher I studied ecology -- aquatic

ecology. I have a masters degree in aquatic ecology and --

CHAIRMAN CLARK: Could you speak up louder.

TOM FERRO: And I owned my own environmental company where we've gone through environmental impact statements and looked at many projects working and funded by the EPA, US Fishing and Wildlife Service, including the US Fishing and Wildlife Service fishery office right here in Western New York. And one of the things that hasn't been brought up is -- since I've been here, I came late to the meeting here -- people have made very valid points about air quality and the particulates -- particles, actual particles in the air that really is part of what smoke is and what the smell -- the aroma is. Particulate matter being breathed in.

When I was a graduate student one of the first projects that I first worked on was looking at non-point source pollution that is secondary, unregulated sources of pollution into the environment.

One of the basic laws of the ecology, when you're dealing with pollution, it ends up in water.

We here in Hamburg quite literally, and some of our backyards, not in the village but certainly in the town, live on Lake Erie -- very close to Lake Erie, and the watershed that is associated with Lake Erie. There is unregulated, non-point source pollution potential for any type of factory like this, including run~off. You can listen to the rain when -- it's raining very hard right now -- the ground is dry, meaning that there's a lot of water running off, carrying pollutants from the storage that is on-site into the local watershed, polluting -- what is the creek there that goes through Forest Glenn -- it's right on the cusp of the boundaries there.

My concern certainly has been brought up with air pollution and so on, but quality of water is something that I haven't really heard much of today. But it's all interrelated with storage pollution that could run~off.

Thank you.

CHAIRMAN CLARK: Thank you.

Anybody else? There's a microphone right there. You don't have to walk over there.

WAYNE BIELER: I'm Wayne Bieler. I'm not up to speed --

CHAIRMAN CLARK: Get really close to the mic.

WAYNE BIELER: I'm Wayne Bieler, B I E L E R. I'm sorry, I'm not up to speed on everything. Has the town pursued brownfield grants to help cleanup this property or a development grant? That is an option. Maybe suggest a win-win committee to be formed, include developers and civil engineers, if they have an interest in this, to kind of help the property to be developed in a more positive way for the people.

Also, has the town retained an air quality consultant, and how is that regarding these topics? Also, a planner. There's several planners out there that are looking for internships from colleges and may assist with the win-win situation in planning for the site.

That's all I have.

CHAIRMAN CLARK: Thank you.

So unlike last time before we decided that there was adverse environmental impacts, we had to go through the process, back then it was just tape

recorded. This time we have a stenographer and that's why I keep asking people to speak up or slow down so she could actually type everything that everyone is saying here.

Anyone else that wants to speak?

All right. I do want to reiterate what some of the people said. I want to thank the town board and lot of the town employees for helping us get this venue. Those of you who were around for the pre-positive dec of this project, remember being crammed in the town hall basement. Back then we didn't have the technology to stream this live on Facebook, and we have people standing in the back holding up cell phones to stream it. And now we have this comfortable place and microphones, and we have it streaming live to Facebook, and we have a stenographer.

For a town to be able to put that together, it's actually a lot more difficult than you people could imagine. It's a lot of people moving and working together. So I want to thank everyone that helped out with that.

Anybody else want to speak because we did notice

this until 9? So at least I have to stand here until then.

Yes, come up and state your name.

IRMA: Hi. My name is Irma. I lived in Hamburg for 62 years, and I lived on Life Road off of Willett. There was a factory called Electro Factory, Farrell Factory, and Matucci's\*, I think that it was pronounced, I'm not sure. But it stunk up our neighborhoods bad, and we would call the town and they would come and get -- talk to them, and a few days later we would call them back. They would come and talk to them again. But we put up with that stunk for 62 years. And the best thing that ever happened was the day that they tore it down, and everybody was so happy. We never had that smell again. And we're going to have that same problem when they put up that asphalt plant, and it is going to stink our neighborhoods.

And I moved from that street, and I built a brand new home on Lake View in Hamburg, not too far from the village, and I'm happy that I'm living there. And I sure hope that we don't put it in because it is going to stink.

Thank you.

CHAIRMAN CLARK: Irma, you didn't say your last name. We need that for the record, please.

IRMA WILKENING: Wilkening, W I L K E N I N G.

CHAIRMAN CLARK: Thank you.

CHELSEA CHIODO: My name is Chelsea Chiodo, C H I O D O. I live off of Sunset. I want to thank everybody -- everybody who brought up the physical health, the environmental impacts. What about the mental health? Mental health not only impacts ourselves, but our children. You know what that could do? We, as neighbors, see our friends walking their dogs, beautiful flowers out, people gardening. And what if those neighbors are not outside because they don't want to be, they don't like the smell. They're scared. That is an impact as well.

Mental health is important, just as important as physical. So please consider that as well.

Thank you.

CHAIRMAN CLARK: Thank you. Anybody else?

GUISEPPI GULLO: Hello, My name is Guiseppi, my mom is Sandra. My last name is Gullo. We know that the wildfires came all of the way from Canada, and I

know that we live in Hamburg. So in school we have the windows open so air could get in, and I don't feel like breathing that all day when trying to work. So please vote no.

CHAIRMAN CLARK: Thank you.

Anyone else? I guess that's it everybody.

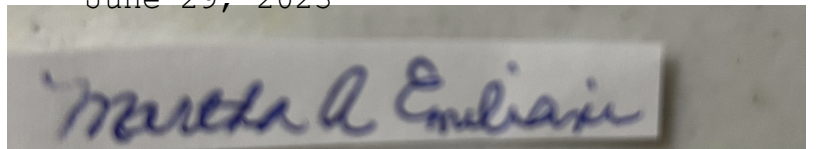
Thank you.

## CERTIFICATION

I, MARTHA A. EMILIANI, court reporter,  
hereby certify that the foregoing 57 pages are a true  
and accurate translation of said court reporting  
notes from the Town of Hamburg Planning Board Special  
Meeting regarding **AL Asphalt, Inc.**, held on June 14,  
2023, at Hilbert College, Daniel Swan Auditorium,  
5200 South Park Avenue, Hamburg, New York 14075.

Martha A. Emiliani, Court Reporter

June 29, 2023

A rectangular stamp containing a handwritten signature in blue ink. The signature reads "Martha A. Emiliani".