

**MINUTES
SENECA COUNTY PLANNING BOARD
JULY 11, 2013**

**HEROES 9-11-01 CONFERENCE ROOM
COUNTY OFFICE BUILDING
WATERLOO, NEW YORK**

- MEMBERS PRESENT:** Keith Beck, Betty Berger, Gordon Burgess, William Dalrymple, Donald Denman, Edward Franzoni, Jack Freer, Sally Kenyon, Pam Kirk, Mark Lott, Linda Ochs, Michael Scaglione, Tom Scoles and John Swanson
- ABSENT WITH NOTICE:** Mary Kelleher
- ABSENT WITHOUT NOTICE:** Chuck Boehnke and Lawrence Kesel
- STAFF:** Harriet Haynes, Planner and Mary DeStefano, Staff Resources Asst., Department of Planning and Community Development
- GUESTS:** JoAnn Armstrong Bruch, Asst. General Manager, Finger Lakes Railway Corp.; Kyle Black; Edward Callahan; Laurel Callahan; Michael Coia, Chief Executive Officer, Seneca Bio Energy; Steve Craig; Donald Eichenhofer, Waterloo Resident; Don Gentilcore, Area Manager, Seneca Meadows, Inc.; Tom Hasek, Environmental Manager, Seneca Meadows, Inc.; Ed Lerkins, Waterloo Resident; Georgine Rosata, Waterloo Resident; Dave Shaw, Reporter, Finger Lakes Times; Glen Silver, Waterloo Resident; Mike Smith, President, Finger Lakes Railway Corp.; Michael R. Smith, Waterloo Town Planning Board; and Jim Szatkowski, Waterloo Resident

The meeting was called to order at 7:00 p.m. by Chairperson William Dalrymple.

Chairperson Dalrymple appointed Linda Ochs, alternate member, to sit in for absent member, Chuck Boehnke, for tonight's meeting.

The Minutes of the June 13, 2013 meeting were approved by a motion of Gordon Burgess and seconded by Donald Denman. Carried 14 – 0.

PUBLIC COMMENTS:

Mr. Glen Silver stated that he understood the proposed project for Seneca Meadows involving rail delivery would allow a large percentage of trash to arrive by train vs. truck. Mr. Silver stated that many concerns need to be addressed: the duration of idling locomotives, potential interference of emergency services, odor and noise from boxcars for nearby residents, further distance that trash will be arriving from, and a prelude to Seneca Meadows seeking an expansion beyond 2023. Mr. Silver stated that Seneca County still does not have a Solid Waste Management Plan as required by New York State, and that he is ashamed to be a citizen of Seneca County without having a Plan, especially relevant to the Landfill.

Georgine Rosata, Waterloo Village resident, stated that she and her husband have lived and worked in the area for 30+ years and has considered the Finger Lakes Region a beautiful place to live. She stated that she is concerned with the trash being transported by rail which will travel very near to homes, schools and lakes.

Chairperson Dalrymple advised the Board members that representatives from Seneca Meadows, Inc. and the Finger Lakes Railway Corp. were in attendance and offered to make a short presentation. By consensus, officials were given the floor to present the proposed project.

PRESENTATION:

Mr. Don Gentilcore, Area Manager of Seneca Meadows, Inc., introduced himself along with Mr. Mike Smith, President, of the Finger Lakes Railway.

Mr. Gentilcore referred to a rendering delineating the acreage that will be involved in the submitted application for Seneca Meadows to construct rail facilities, along with a rail spur off the tracks on North Road. Railcars carrying trash in sealed containers would be off-loaded at a transfer station onto trucks that will be driven to the working face of the Landfill for opening and deposit. There is a request for property which is currently owned by Seneca Meadows and Mr. John Marro to be rezoned from C-2 Highway Commercial to M-1 Industrial. After tonight's Preliminary Site Plan Review, the Seneca Falls Town Planning Board will be reviewing the proposed Site Plan. Mr. Gentilcore reported that transportation of trash by rail is becoming more and more popular as it is greener, reduces the truck traffic on the highways; thus, decreasing the wear and tear on the roads. Mr. Gentilcore reiterated the Operation's exemplary record in meeting standards for both safety and environmental protection compliance. He stated that the same regulations set forth by the New York State Department of Conservation (NYS DEC) for existing transfer stations will be followed for the proposed stations. The hours of operation at the Landfill will not be modified.

Board member, Gordon Burgess, stated that a tremendous amount of investment will be devoted to this project, and as a result, asked what commitment the Landfill has received from the DEC for expansion beyond 2023. Mr. Gentilcore stated that no commitment for further expansion has been received by DEC. Member, Mark Lott, questioned how many railcars there will be. Mr. Gentilcore stated that Phase I will consist of 12 railcars per day. Phase II, or at full build-out, 48 railcars will be able to provide daily service. It was explained that engines will not sit idle. While the railcars are being emptied and transferred to trucks during an eight-hour period, the engines will move to locations to be used for other purposes. Railcars will be unloaded the same day as arrival at the transfer station as done now. Until the train reaches the Landfill, the sealed containers being transported are under the jurisdiction of the Railway. Board member, Linda Ochs, questioned how the project is being funded and if it will receive money from the Seneca County Industrial Development Agency (IDA). Mr. Gentilcore stated that it is receiving private funding and no financial assistance from the IDA. Ms. Ochs stated that the Landfill being an end destination for freight transporting trash is not a good thing for Seneca County. Mr. Ed Callahan stated that he does not like the Landfill being in Seneca County but that he regards trash being transported by rail safer than by trucks traveling 60 to 70 mph with other traffic on the Thruway.

Mr. Mike Smith, President of the Finger Lakes Railway Corp., stated that the Finger Lakes Railway started in 1995, employing six and now 56 employees with high-paying salaries and full benefits. Eighteen years ago, the Railway serviced 24 customers which have grown to 87. Consumers include Guardian Glass, a steel mill in Auburn and a paper mill in Solway. Soybean and grain products are frequently transported by rail. Mr. Smith stated that Guardian Glass chose this area largely because of the rail option of transportation. Mr. Smith stated that the Finger Lakes Railway acquired from Conrail 118 miles of rail that is often referred to as the Geneva Cluster. He stated that the area was chosen because they were intrigued by the companies and facilities located here which shows an endorsement of solid economic growth. Mr. Smith stated that a ton of freight can be transported 450 miles on one gallon of diesel where trucks burn more diesel, are less efficient and emit more pollutants. Mr. Smith stated that at full rail capacity, approximately 150 trucks of trash per day could be displaced. Mr. Smith stated that area businesses are also supported by Finger Lakes Railway because they buy locally.

GML Reviews:

Ms. Haynes gave a statement regarding the County Planning Board's responsibility for review of local projects under General Municipal Law (GML) sections l, m, and n. Final action regarding any item that is forwarded to the County Planning Board is made by the local board of jurisdiction that will have to hold a public hearing.

Ms. Haynes stated that there are two requested actions coming tonight from the Town of Seneca Falls that originated from the same applicant, Seneca Meadows, Inc. The first is a request for a Zoning Map Amendment and the other is a request for a Preliminary Site Plan Review. They have been written up as two separate reports and will be handled as two separate actions.

Ms. Haynes stated that the Seneca County Planning Board has a policy that when applicants are in attendance at the meeting, their items are moved to the top of the Agenda.

1) John Swanson moved and Gordon Burgess seconded adoption of Resolution 22-13 which recommends approval for a Zoning Map Amendment in the Town of Seneca Falls. A Zoning Map Amendment is proposed such that parcel numbers 33-1-16.22, 33-1-16.112, 33-1-16.122, 33-1-16.4 and 33-1-73 be rezoned M-1, Industrial. Tax Parcel 33-1-16.2 is currently partially zoned M-1, C-2 Highway Commercial and A-2 Agricultural. All other parcels are currently zoned C-2. Parcels 33-1-16.22, 33-1-16.112 and 33-1-73 are located on the west side of Route 414 across the road from the area currently zoned M-1. The rezoning is to facilitate further development of the Renewable Energy Park which was established in 2008, and to further the proposed development of a rail facility for the receipt and shipping of products both from the Landfill Operation and the Renewable Energy Park. Ms. Haynes stated that under State Environmental Quality Review (SEQR), this is considered a Type I Action because it affects over 25 acres. It is

anticipated that the Seneca Falls Town Board will serve as Lead Agency. Ms. Haynes stated that while the potential for a Rail Facility at Seneca Meadows is controversial, those issues are more appropriately addressed in the review of the Preliminary Site Plan. Carried 13 – 0. Linda Ochs abstained.

2) Gordon Burgess moved and Linda Ochs seconded adoption of amended Resolution 23-13, recommending conditional approval for a Preliminary Site Plan Review for a multi-phase development of rail facilities.

The applicant, Seneca Meadows, Inc., is proposing a 32+ acre development north of the railroad on the west side of Route 414, and another approximately 700' to 2,000' east of Route 414. Phase I of the proposed Rail Facilities is the development of two tracks in the west unloading yard, and would be located on Tax Parcel 33-1-72 which is currently zoned M-1. These lines would connect to the Finger Lakes Railway, just north/east of the Waterloo Boundary and North Road crossing grade. The two tracks would be oriented in a north-south direction, perpendicular to the Finger Lakes Railway Line. Each of the tracks would accommodate up to six 95' railcars. The West Yard will consist of 25+ acres and will be considered Phase II West as the build-out of the remainder of the West Yard including the development of six additional tracks which would each accommodate up to six 95' railcars, and the East Yard will be 7+ acres. The area west of Route 414 is currently a part of the Seneca Meadows Landfill complex. The area east of Route 414 is part of the Renewable Energy Park. Phase II East is the development of a rail yard on the east side of Route 414 to develop rail sidings parallel to the existing rail lines to service the Renewable Energy Park and was a part of the original plans for that park. These rail spurs would be designed to service development with the park, and also to accommodate possible future acceptance of unit trains. The East Yard is designed to be the construction of four parallel spurs (connected at each end to the Finger Lakes Railway Line). Each track is to be approximately 1,200' in length and would accommodate 12 95' railcars. A full Environmental Assessment Form has been submitted.

As it is on the same EAF as the proposed Zoning Amendment, the Seneca Falls Town Board may serve as Lead Agency for both projects. Ms. Haynes stated that at the time of reviewing an application, it is to be taken into consideration the inter-municipal or countywide impact such proposals would have and impacts on state and county facilities. Ms. Haynes stated that there are concerns regarding the timing of rail arrival and departures which could impact the traffic flow on North Road, for both employees and the public at the County Office Building. Ms. Haynes stated that under General Municipal Law, the adjacent communities, Town and Village of Waterloo, must be notified by the Town of Seneca Falls of the project. Ms. Haynes stated that odor does become a concern in the transporting of solid waste. The applicant has made assurances that any waste transported by rail will be in sealed leak-tight containers. The containers are to be opened only at the working face of the Landfill. The volume of waste that Seneca Meadows can receive is established by the NYS DEC Permits under which the Landfill operates. There is no anticipated change with this proposal. The Operation can receive no greater volume without a modification of the DEC permit. The Landfill is currently receiving less than the amounts of waste which they are permitted to receive. Under the request by the Director of the Department of Planning and Community Development, Ms. Haynes was to look into the volume of waste which was accepted relative to the "Sandy" Storm. Ms. Haynes stated that they were granted temporary increases to receive waste relative to "Sandy" that carried manifest restrictions. The Operation never exceeded the amounts that are allowed under the current regular Permits. Ms. Haynes cited the conditions which were written in the report. Board member, Gordon Burgess, questioned two of the conditions listed, referring to #2 "have received assurances that trains will not deliver to the West Yard between 8 and 9 a.m., or 4:30 and 5:30 p.m." and #3 "have determined that the length of time delay for crossing of State Route 414 will be reasonable." Mr. Burgess stated that it was his opinion that condition #2 was written to accommodate Seneca County employees who work at the County Office Building, and asked for the definition of "reasonable" under condition #3. During discussion, Chairperson Dalrymple questioned the allowed duration of time for a train blocking traffic. Mr. Smith stated that under Federal Law, 15 minutes is the maximum allowed time for a train to block traffic; however, Mr. Smith stated because 15 minutes is quite a long delay, they prefer to use a common sense approach and allow traffic through as deemed necessary. Mr. Smith stated that the maximum length of the train is 4,800'. After much discussion, Resolution 23-13 was moved without conditions #2 and #3. It is recommended that the Site Plan Review should move forward with approval after the Town Planning Board: 1) has considered the impacts of rail traffic in the areas of the former Village of Seneca Falls and on the Village of Waterloo, 2) determined that assurances are received regarding the maximum length of time that containers will be stored in either yard, 3) advised the Town and Village of Waterloo of the proposed project and allowed for receipt of comments from them and 4) that the Town Board and Town Planning Board have made a final determination as to the lead agency for this action. Carried 11 – 3. Edward Franzoni, Linda Ochs and John Swanson voted nay.

3) Sally Kenyon moved and Linda Ochs seconded adoption of Resolution 24-13 which recommends approval for a Special Use Permit request submitted by Seneca Bio Energy in the Town of Romulus. The property is located at the former Seneca Army Depot with existing zoning of Industrial / Warehousing. Since October of 2008, the Industrial Facility has been used for oilseed production with a portion of the building leased out for a hay drying operation. This request for a Special Use Permit will allow construction and operation of an Anaerobic Digester as part of an Alternate Fuel Facility. The Digester Plant will process agricultural and food waste and then will cogenerate electrical power with the resultant gas. The process will use from local farms dairy manure, dairy whey and other agricultural waste along with food processing waste. The project will use approximately 3,000 tons per year of

waste food which would otherwise be landfilled. As a result, the methane gas will then be used to generate electrical power. The facility will be located south of the Law Enforcement Center and north of Five Points Correctional Facility. Mr. Mike Coia, Chief Executive Officer of Seneca Bio Energy, stated that it is anticipated that those two facilities will use the methane gas which will then be used to generate electrical power. Mr. Coia stated that NYSEG currently provides electric service to the facility. Mr. Coia stated that Bio Energy is one of ten projects which has been approved for working with the New York State Energy Research and Development Authority (NYSERDA). Mr. Coia stated that farms with 100 or so dairy cows have problems with elimination of dairy whey and manure which creates tremendous biomass. This process will solve problems for such farms within a 45-mile radius. Carried 14 – 0.

4) Gordon Burgess moved and John Swanson seconded adoption of Resolution 25-13, recommending adoption of the proposed Right to Farm Law from the Town of Junius. Ms. Haynes stated that the Seneca County Agricultural Enhancement Board has recommended adoption of Right to Farm Legislation by every Town in the County. The Towns of Fayette, Lodi, Ovid and Romulus have adopted Right to Farm Laws. In 2009, the Town of Junius adopted a Farmland Protection Plan and it recommended adoption of Right to Farm Legislation. Through adoption of the Law, a local voluntary mediation board will be set up to handle local land disputes. It is unclear under requirements for review under GML 239 if the proposed Legislation is required to come before the County Planning Board; however, the New York State Department of State recommends that they be reviewed by County Planning Boards as they impact land use. Carried 14 – 0.

5) John Swanson moved and Gordon Burgess seconded adoption of Resolution 26-13 which the County Planning Board reaffirms its action of passing Resolution 16-13 on May 9, 2013. At the May 9, 2013 County Planning Board meeting, an application for Subdivision Review and Area Variance was submitted by Kathleen Rossignol in the Town of Seneca Falls. The same review was resubmitted with modifications to the proposed lot to be created. It does not meet the conditions. Carried 14 – 0.

OLD BUSINESS: None.

NEW BUSINESS:

Meeting Date and Time:

Ms. Haynes informed the Board that under the current Bylaws, the date and time of County Planning Board meetings should be determined for August 2013 through July of 2014. Donald Denman moved to keep the second Thursday of each month at 7:00 p.m. the established day and time of meetings. John Swanson seconded. Carried 14 – 0.

Receipt of Meeting Agendas and Minutes:

In an attempt to create cost-saving measures, the Department of Planning and Community Development will be sending the meeting agendas and minutes in the future via e-mail address. For those members who do not have e-mail, you will continue to receive mail through the U.S. Postal Service.

The meeting adjourned at 8:36 p.m. by motion of John Swanson.

Respectfully submitted,

Mary DeStefano
Staff Resources Asst.