



Planning Board ★★★★★★★★

**6:00 PM: PUBLIC HEARING RE: APPLICATION BY RICCELLI NORTHERN, LLC
ASPHALT/CONCRETE PLANT AT SCHUYLER BUSINESS PARK**

The public hearing before the Planning Board of the Town of Schuyler was called to order by Chairman Paul Thomas at 6:01 PM. Other Planning Board members present were Vice Chair Donna Salamone, Victor Costanza, James Digristina, Michael Ritter, Jean Finster and Alternate Member Daniel Tripoli. Absent was David Fusillo. Since

the membership present constituted a quorum, Mr. Tripoli was not seated, but remained present in the audience.

Also present was Bette Szesny, who serves as Recording Secretary to the Planning Board.

Others present included Schuyler Supervisor Kenneth M. Dodge; Deputy Supervisor/Councilman Anthony J. Lucenti; Codes Officer Philip Green; Town Highway Superintendent Donald Sroka; Schuyler ZBA members JoAnn Mammone and Christine Proulx; Herkimer County Legislator V. James Bono; Herkimer Co. IDA President Stephen R. Smith; Riccelli Northern LLC President Richard Riccelli; Riccelli Northern LLC affiliate Robert Finkle; Kevin Roe, Esq., attorney representing Riccelli Northern LLC; Jason Kappel, Sr. Geologist, Continental Pacer Inc., and Bruce W. Letts, P.E, C&S Companies, both representing Riccelli Northern, LLC; Michael LaBrue, Clayville, NY; Schuyler residents A. Eugene Snyder (State Route 5), Bob Spellman (Graham Rd.), Kevin Otis (Drive-In Rd.); John Dylis (Newport Rd.); Patrick Gillespie (Newport Rd.); Dale Dodge and Rodney Dodge (Windfall Rd.); Ricky Proulx (Cosby Manor Rd.); Joseph & Pearl Serbaniewicz (Windfall Rd); Wilcor affiliates Karen Corrigan, Susan Corrigan Shawn Corrigan and Dennis Corrigan; Kyle Baunlich (Town of Russia resident); and Douglas H. Zamelis, Esq. (Attorney representing Wilcor International).

Others in attendance did not sign the attendance sheet and are therefore omitted from this listing.

Mr. Thomas led the Planning Board and audience in the Pledge of Allegiance to the Flag.

— PRESENTATION —

DESCRIPTION OF PROPOSED PROJECT BY APPLICANT & ASSOCIATES

Applicant Richard Riccelli, President, Riccelli Northern, LLC, stepped up to the podium. He provided an in-depth synopsis of the background of the family owned business, stating it was founded by his grandparents and continued by other family members. His father founded the Riccelli Northern LLC in 1976, and today the business has grown to include many plants, a trend which he hopes to continue. He has kept the same traditions since taking over ownership, striving to be a good neighbor to residents of the communities where his plants are located, the closest of which is in Rome, NY, with another located in Waterloo, along with a number of additional plants located throughout the northeast. He said none of the company's plants have generated any complaints from the residents or their communities. He concluded his presentation by stating the permitting process is awesome in that it provides every citizen the opportunity to have a voice in the process, yet noting his competitors have been strong opponents and have a history of actively gaining the public's ear in opposing the company's applications,

which is contrary to the government's sanction to allow and encourage competition. He said his company will be a good neighbor and he will ensure that neither the Town nor its residents will be harmed by their presence.

Mr. Bob Finkle then stepped up to the podium to discuss the function of the plant, stating that no asphalt will be manufactured at the plant; it will be manufactured elsewhere and shipped to the plant where it will be utilized to produce the end product. The process will create steam which will be emitted through a smoke stack, similar to that of the Pellet plant. He said the operations are monitored and enforced by the EPA's strict guidelines. He said all involved agencies' questions and/or concerns have been adequately addressed through the SEQR process.

This was followed by presentations by Bruce Letts, P.E., C&S Companies, Syracuse, NY and Jason Kappel, Sr. Geologist, Continental Pacer Inc., both of whom spoke on their work with regard to the site plan, civil engineering, archeological, and geological issues and resulting remediation of all design details of the project's plans to ensure all criteria mandated by the involved agencies has been met.

Mr. Letts provided a site plan, stating that Wilcor and the Pellet plant each consume 15% of the park, and the proposed Riccelli Northern will consume another 15%, with a total of about 45% of the 100-acre, 10 parcel (lots of various sizes) business park to be consumed with the addition of the Riccelli Northern operations; the proposed Riccelli

Northern operation will consume 4 parcels. Mr. Letts further stated that all concerns and questions posed by involved agencies during the SEQR process have been appropriately and adequately addressed and incorporated into the final plans & application. He said the park has public water but no public sewer, so a private sewage disposal system will be installed.

Mr. Kappel stated that the 2003-2004 Environmental Impact Statement's Negative Declaration at the inception of the business park had already addressed many of the permitting issues such as those involving cultural and archeological resources, and compliances were met at that time. Those specific to this project, such as EPA regulatory guidelines dealing with air and water quality, public health issues and traffic, have been addressed and satisfied through the current SEQR process.

PUBLIC COMMENT

Chairman Paul Thomas then opened the public comment period. It was noted that sign-up time ended at 5:55 PM, and those wishing to speak were required to print their name on the registry and take a number; each person will be called to the podium numerically, and will have 5 minutes' time to comment on the proposed application.

Public comment was elicited from the following persons, as follows:

1. Karen Corrigan (Wilcor International affiliate)
2. Joe Serbaniewicz (Windfall Rd., Town of Schuyler resident)
3. Kyle Baunlich (Town of Russia resident)
4. Douglas H. Zamelis, Esq. (Attorney representing Wilcor International)
5. A. Eugene Snyder (State Rte. 5, Town of Schuyler resident)
6. Shawn Corrigan (Wilcor International affiliate)
7. Bob Spellman (Graham Rd., Town of Schuyler Resident)
8. Kevin Otis (Drive-In Rd., Town of Schuyler Resident)
9. Dennis Corrigan (Wilcor International affiliate)
10. Susan Corrigan (Wilcor International Affiliate)

All above individuals spoke against the project, citing environmental and aesthetic concerns relating to air quality, water pollution, and health issues resulting thereof, and questioning the ability of governmental agencies to appropriately and adequately monitor and/or control these harmful effects; property devaluation; noise disturbances resulting from the operations of the plant; fire safety issues and the ability of the local Fire Company to adequately respond; and increased traffic on local roads within the Town of Schuyler, which may present a danger to motorists as well as undue wear and tear on the pavement. There were also comments alluding to lack of publicity relating to

the proposed plant.

Specific comments were as follows:

Ms. Karen Corrigan, along with the other speakers representing Wilcor and their residential and commercial neighbors, cited several objections with regard to environmental issues that they believe will lead to public health concerns, along with property devaluation and aesthetics issues of properties in the immediate area of the business park, which they believe will result from the presence of the Riccelli Northern company's presence.

Mr. Otis, who resides on Drive-In Road, cited several concerns with regard to air & water quality and other health related issues, as well as concerns about increased traffic and its effects on the neighborhood, all of which he believes will result in lowered property values.

Other Town residents who do not reside in close proximity of the proposed plant (including Mr. Spellman), expressed concerns about increased traffic they believe the proposed business will create throughout the town.

Town resident A. Eugene Snyder questioned how the sales tax revenue generated from products produced at the plant will benefit the Town of Schuyler and its taxpayers, and expressed his concerns about the company's intent and actual follow-through to complete all aspects of their agreement, such as planting berms and completing finishing work that will improve the aesthetics of their facility and grounds. Mr. Snyder also addressed several other concerns, most of which are listed above.

Mr. Zamelis (attorney for Wilcor) related several concerns questioning whether the application process with regard to SEQR was followed, as upon examination of the files, several items are missing; specifically, correspondences generated by the town to some of the involved agencies and their responses. He therefore questions whether the application before the Planning Board and Town is valid. He also stated he visited the proposed site when he observed numerous areas of concern that he believes will propagate into environmental and health related issues when/if the plant becomes operational.

The following items were then submitted to the Planning Board by members of the public:

✓ Typewritten request on Wilcor Outdoors letterhead requesting a 2-month extension on action of the application by the Town of Schuyler for a complete examination of the data concerning the proposed plant to address their concerns regarding health, safety, property values, uncomfortable odors and ground contamination that may jeopardize the company's growth in its current location.

✓ A packet of several photos that appear to have been taken at or around the proposed area of the Schuyler Business Park and in close proximity of the proposed site of the Riccelli Northern LLC asphalt and concrete plants.

✓ A petition against the project submitted by Wilcor International, which was later withdrawn so that additional signatures might be obtained in advance of a final decision by the Town of Schuyler on the application.

Mr. Thomas closed the public comment period at 6:50 PM.

In response to members of the audience who continued to request to be heard, they were informed that public comment sign-up period ended at 5:55 PM, as was posted on the wall, along with the protocol to be followed at this Public Hearing; however, that they are welcome to submit written comments and petitions for or against the project to the Town Board, who will be making the final decision at a later date. In response to requests for copies of documents and other published information on the project, members of the audience were informed there are none available for public distribution at this time.

**POST-HEARING PRESENTATION BY KEVIN ROE, ESQ.,
— ATTORNEY REPRESENTING RICCELLI NORTHERN —**

Kevin Roe, Esq., attorney representing Riccelli Northern, LLC, then asked to address the Planning Board. He proceeded to address each concern posed by the public in attendance during the public comment phase of this public hearing. Specifically, these included air and water quality and traffic issues, as well as the purported failure of the Town to adequately complete the application process by neglecting to file lead agency status correspondence with all involved agencies. He additionally stated the truck traffic guidelines have not changed since the 2003-04 EIS issued at the inception of the business park, and the Riccelli project's projected traffic flow falls well below that level; furthermore, feedback from the DOT re: this project reflects no changes in criteria have been instituted since that time. Additionally, new traffic studies were undertaken for this project, with approval attained from the DOT. Mr. Roe further stated that all EPA / DEC environmental issues have been addressed, including those concerning possible ground water issues, with no negative impact forthcoming; furthermore, compliance with all regulatory agencies has been obtained. As well, the SEQR process was followed to the letter of the law, with all involved agencies having been contacted and their responses received and recorded. He stated local fire companies and departments are not equipped or permitted to handle asphalt fire calls; therefore, the company must and will provide its own fire protection safeguards and equipment, although the chances of fires

breaking out in an asphalt plant is very low. With regard to concerns expressed about sales tax revenue benefits for the Town, Mr. Roe stated "sales tax" is dictated by "dominion control." He described the process in great detail, stating that sales tax is assigned to the locality where the product is delivered or purchased; municipalities are tax exempt, regardless of the location of the supplier; furthermore, Riccelli does not deliver mortar; rather, it will be delivered by a sister company; therefore, sales tax will be issued at the plant and assessed to the delivery company, with the revenue to be sent to Herkimer Co. However, ready-mix will delivered by Riccelli, and the sales tax will be charged at the rate of the municipality/county of the residence/point of delivery. Addressing some additional concerns relating to lack of knowledge/publicity on the application, Mr. Roe stated the information has been published on the Town of Schuyler's website for four months.

A lengthy Q/A period followed, with Mr. Roe answering additional questions posed by the audience. Mr. Joseph Serbaniewicz was a key speaker during this extended presentation, with additional members of the audience joining in, posing several questions with regard to traffic, with regard to planned delivery routes & frequency; public health/environmental issues; and frequency of periodic agency review, which were addressed by Mr. Roe, when possible (i.e.: frequencies of delivery and routes cannot be determined until the business becomes operational). In answer to some specific concerns regarding health related issues, Mr. Roe also stressed that chances of cancer-causing agents generated by the proposed plant are virtually next to zero.

Mr. Roe stated the business park was designed to provide a shovel ready-venue at its inception, when EIS studies were completed and agency approvals were issued. A resident commented that she believes the number of new residences/households in Schuyler has increased since that time.

Mr. Thomas then closed the Public Hearing on a motion by Victor Costanza, seconded by Donna Salamone. Time was 7:28 PM.

This concluded the Public Hearing to receive public comment on the application on the proposed Riccelli Northern LLC Asphalt and Concrete Plant at the Schuyler Business Plant.

The Board then dispensed for a 10 minute recess before reconvening for Board discussion on the Riccelli Northern application.

PLANNING BOARD REGULAR MEETING — JUNE 7, 2017

The meeting was called to order at 7:41 PM by Chairman Paul Thomas. All seated Board members, the alternate member and other Town officials present at the Public Hearing remained present. Since the membership present at the meeting again constituted a quorum, Mr. Tripoli was not seated, but remained present in the audience.

Also present were Donald Ehre, P.E., Boulder Consultant's, and CMI Homes' local manager, Robert Bushey.

MINUTES — MAY 3, 2017 REGULAR MEETING

Motion by Jean Finster, seconded by Victor Costanza to approve the minutes of the May 3, 2017 regular meeting as presented; all in favor. Motion carried.

BOARD DISCUSSION — RE: RICCELLI NORTHERN APPLICATION

After a brief discussion among members of the Planning Board, Mr. Thomas announced that it was decided to postpone Planning Board action on the application until the Planning Board can meet in a workshop session to further discuss the Riccelli Northern LLC application, along with the public comments received at this public hearing.

It was noted that the Planning Board's authority on this project is limited to rendering a recommendation to the Town Board, who in turn will be charged with issuing a final decision on this project.

It was decided to hold the Workshop Session on **Wednesday, June 21st at 6:00 PM.** (Note: The meeting date was later changed to 6/29/17 at 7:30 PM.)

STATEMENTS BY TOWN ATTORNEY & BOARD

Town Attorney Michael Misiaszek then spoke, apprising the audience that although the workshop meeting will be open to the public in compliance with the NYS Freedom of Information Law, there will be no resident comment. He said members of the public are welcome to attend, but no input from those present will be accepted, so as to allow the Planning Board an opportunity to carefully study and weigh the information generated from the public and the applicant and his team at tonight's public hearing.

In response to questions posed by members of the audience as to their legal rights in the event the Town ratifies the application, Mr. Misiaszek stated their options include engaging the services of an attorney.

Mr. Ritter then addressed the audience, pointing out that the proposed location of the project is positioned in a business & industrial park, and as such, it should be expected that industrial operations will locate there. He also elaborated on the applicant's and their experts' testimony provided at tonight's public hearing, in that they are bound by governmental agencies' strict mandates that will protect the environment and the health of the Town's residents and the employees of the business park.

This concluded the discussion on the application by Riccelli Northern, LLC. A large portion of the audience then left the meeting.

APPLICATION BY CMH HOMES FOR PROPOSED WESTGATE HEIGHTS SUBDIVISION

— PRESENTATION BY DONALD EHRE, P.E., BOULDER CONSULTANTS —

Mr. Ehre stated he was asked to attend this meeting to discuss possible alternative options to creating an additional access road to provide egress to and from the subdivision for emergency vehicles.

Mr. Ehre provided some alternative options to the Board, one of which would require purchasing land from a private concern. He said the land is not up for sale, but the property would provide the best solution. Also discussed was creating a "Emergency Use Only" roadway in another section of the development, which would be restricted to emergency access for fire, ambulance, police, etc.

Mr. Ehre stated the Board can immediately move forward with the SEQR process without making a decision on this one point. The secretary will therefore commence with the SEQR process, and send the applications and related project information, studies, maps, etc., to the involved agencies.

Mr. Ehre thanked the Planning Board and left the meeting.

ADJOURNMENT

There was no further business to come before the Planning Board. Motion by Victor Costanza, seconded by James Digrisina to adjourn the meeting; all in favor. Motion carried. Adjournment commenced at 8:30 PM.

- Bette Szesny, Recording Secretary
