

DEC public comment period for proposed Town of Niagara asphalt plant

BY MICHAEL DEPIETRO
Tribune Editor

The New York State Department of Environmental Conservation is holding a public comment period regarding an air quality permit filed on behalf of a proposed asphalt plant for 4660 Witmer Road in the Town of Niagara. Written comments may be sent to Kerri L. Pickard-DePriest at DEC Region 9 Headquarters, 270 Michigan Ave., Buffalo, NY 14203. The deadline for comment recently was extended to May 3.

The Planning Board and Town Board approved the site plan in July. A negative declaration was given following SEQR review, meaning the project was determined to be consistent with DEC guidelines. The property had already been zoned as H-1 (heavy industrial).

Per DEC applications, the asphalt facility is connected to AL Asphalt, whose proposal for a similar facility in 2019 in the Town of Hamburg was met with pushback from residents. Opponents at the time criticized the plan's location for being too close to a residential area.

Supervisor Lee Wallace said, "From purely a zoning point of view, we saw it as a good fit. It required no variances. A lot of times when we have a business going to an area that is already established, they have to have variances. ... So now it's up to the DEC to determine whether they feel it's OK for it to go in that spot."

Wallace also noted the Town of Niagara has another asphalt facility, a point that echoed comments by Building Inspector Charles Hasely, per July meeting minutes.



"We have one over on Miller Road – it's been there for years and there are a few residents that live nearby, and we've never had one complaint," Wallace said. According to the company's

DEC application, the facility will produce a maximum of 150,000 tons of hot mix asphaltic cement (HMA) every year in order to maintain carbon monoxide and VOC emissions below the major source thresholds of 100 tons per year and 50 tons per year, respectively.

Particulate emissions from the asphalt dryer are controlled by a fabric filter baghouse with a 99% particulate removal efficiency.

In July's Planning Board minutes, the company reported an odor analysis concluded there would be no detectable odor off the property itself. A noise level analysis reported similar findings. A traffic analysis showed peak hour for the facility will generate only 11 to 12 vehicle trips.

Wallace said these studies are available for the public to view.

NT driver killed in Williams Road accident

New York State Police from SP Niagara on Witmer Road are continuing their investigations into a one-vehicle fatal collision that occurred Wednesday evening on Williams Road in the Town of Wheatfield.

Police said a 2016 Jeep traveling southbound exited the roadway on the west shoulder and struck multiple trees.

The operator and only occupant, identified as Jeffrey S. Santersero, 49, of North Tonawanda, was pronounced deceased at the scene. Santersero was taken to Erie County Medical Center for an autopsy.

The Bureau of Criminal Investigation is assisting in the investigation.

Lewiston Town Board approves local flood law, adopts police reform policy

BY TERRY DUFFY
Editor-in-Chief

Overall, the workload was light Monday evening for the Lewiston Town Board, as two public hearings opened the regular meeting followed by limited board discussion and approval on various routine matters.

Leading off was a proposed local law covering flood damage prevention. No comments came from the public either at the sparsely attended Town Hall session or online from Zoom.

Responding to a question by Councilman Bill Geiben on how the general public might know whether or not they are in a federal government-designated flood zone and would thus need to acquire mandated flood insurance on their property, Engineer Robert Lannon offered an explanation.

"My understanding is if you have a mortgage and are in one of these FEMA zones, the bank would notify you that you need it," Lannon said.

Building Inspector Tim Masters said impacted property owners would likely hear of any government concerns regarding flood control when they decide to do a project.

"They won't find out really until they go to do a project down by the water and they have more hoops to jump through with regard to the flood plan code," he said.

"It didn't affect the Town of Lewiston a whole lot," Masters said of the flood plain law. "It was all about the coastal flood

(measures). We have some updates with that."

He explained there could be "a little impact down by the Niagara River. The only people it might affect (would be) if you're going to put in a deck or something very close to the water. It might affect how you build it, and the size of your footings, etc. It's not really a lot of impact for the Town of Lewiston."

The Town Board went onto approve the preliminary negative declaration and, in turn, the flood prevention local law. It took effect immediately.

Police Reform

The second public hearing addressed the state-mandated Police Reform and Reinvention Collaborative in response to Gov. Andrew Cuomo's 2020 executive order No. 203.

Over past months, the Lewiston Police Department met with local leaders, presented a community survey and developed "a plan that reinvents and modernizes police strategies and programs," based on community input.

As reported in the March 12 Tribune/Sentinel, the LPD survey revealed strong community support for the department. (See www.wnypapers.com.)

"I have already been aware of the unique relationship, the unique support, that we have in this community for police," Chief Frank Previte said of the survey. "This is a good thing."

Limited comments came during the LPD policing reform public hearing.

In her remarks on the measure, Village of Lewiston Mayor Anne Welch, who was a member of committee, wrote, "After many meetings with the police chief, town and village officials, chamber of commerce, school administrators and community input, we agree with adoption of the Policing Reform Plan."

Soon after, the Lewiston Town Board went on to unanimously approve the LPD policing reform measure.

The document needs to be submitted to the state by April 1.

In other news,

- The board took no action on a public health emergency operations plan mandated by New York state. Supervisor Steve Broderick said the plan had been reviewed over the past year by town attorneys and officials, and was currently awaiting input for representatives of the town's labor unions.

- Wrapping up, Lannon presented an update on the Kiwanis Park basketball court reconstruction project.

"There were five bids received, ranging from \$153,750 up to \$195,110," Lannon said.

He went on to recommend the low bid, from paving contractor Louis Del Prince & Sons of Cheektowaga, for \$153,750.

Soon after, the board lent its approval.

Construction on the Kiwanis Park project is expected to begin this spring.





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