

Town criticized for playing favor to waste industry interests

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clean soil, sand, gravel or rock mixed with other uncontaminated non-soil constituents such as brick, concrete, etc.

"Each facility associated with the above registrations will be constructed and operated as separate and distinct areas.

"The project will also obtain Site Plan Approval from the Town of Lewiston. The project will not require a special use permit from the Town as it is located in the Town's I-1 Industrial District."

If approved, the En-Sol facility would operate from 7 a.m. to 6 p.m. weekdays and 9 a.m. to 1 p.m. Saturdays during spring, summer and fall. There is a possibility of 30 to 50 trucks per day, possibly more, utilizing the Pletcher Road site. According to the EnSol project description, trucks would access the site via Harold Road to reach a newly planned driveway on the eastern end of the property.

As noted, attending residents from the Pletcher Road neighborhood were not at all thrilled to learn of this proposal. Donning masks and maintaining social distance over the course of nearly an hour, one by one they

let their feelings be known – and then some.

Residents John and Jean Penzotti, who live across the street from the proposed site, said the EnSol plan, "could very possibly endanger the environment of the Town of Lewiston, its natural beauty and the well being of its residents."

John continued, "It appears that they would be allowed to bring in construction debris, wood, including painted and treated; home improvement waste, including shingles, plastics and empty buckets, with residual products and lawn and landscaping waste.

"On the soil recycling side, it is my understanding that they will be able to bring in soil with some level of PCBs, metals and VOCs.

"En-Sol has led us to believe that this project will have zero affect on us – no dust, no noise and no odor. As far as the noise goes, they report that their model shows the use of a frontend loader and excavator as auxiliary equipment, shredders and backed-up trucks with back-up alarms and slamming tailgates for delivery of raw materials and off-loading of finished products, will not create any decibels over that of a normal conversation."

The Penzottis were joined by a number of Pletcher Road residents, including Dave and Sally Thompson, Martin and Jamie Kukovia, and Colleen Jackson. Also joining them was Lewiston resident Amy Witryol. All were highly critical of the proposal they said would destroy the quality of life in the largely rural neighborhood that's bordered on the east by Modern Disposal operations and the federal gov-

ernment's Niagara Falls Storage Site. Of particular issue was the truck traffic concerns. Aggravating matters further was the residents' past experiences of the property in question and of what they called failed promises by its owners.

"As a community that has been at odds with truck traffic for as long as I can remember, we've aggressively worked to curtail it. Why would we even entertain a proposal that would potentially put over 17,000 additional trucks a year past our residents' homes?" John Penzotti asked.

"We were sold a bill of goods many years ago from Chris Guard to gain our support for what turned out to be, unbeknownst to us, a clay mining project," he continued, recalling a past project at the site that was approved by the town. "We were told of glorious plans for a beautiful fishing club, with lakes. Once the clay was removed, the project stopped and there it sat vacant for years."

Dave Thompson told the board his property would be the most affected by the proposal. He questioned the value of the facility to Lewiston versus the three jobs it would create and the neighborhood impact. Like John Penzotti, he also raised issue with zoning, urging the town to deny any request for a special use permit.

Martin Kukovia, whose property borders the proposed facility to the west, was likewise critical. Recalling his recent experiences at town Planning Board and Environmental Commission meetings on the EnSol plans, he commented, "It was very disconcerting by the information I heard from board members. It made me sick, to be honest with you, that they actually sat there and said, 'People can do anything they want on industrial property without any regard to the community,' and telling residents, 'Your rights stop at your property line.'"

Noting Chapter 360-114 of the town's zoning laws covering the Pletcher Road site, he continued, "An I-1 area is a district

that supports light industry use, and serves as a transition zone between heavy industry nature – I-2 – and the residential district. It's exactly what we have ... a buffer zone. Why is it there? For protecting the residential properties from unreasonable, adverse impacts associated with the uses of I-2.

"Chapter 360-114 specifically states, 'Under I-2, (it's) the only place (where waste, recycling) is permitted with a use permit.' So this project still requires a special use permit, but it has to be in I-2. Right in the laws.

"And what's prohibited in I-1? Odor, dust, smoke, refuse matter, gas, fumes, noise and vibrations. Sounds like everything that this operation is going to generate."

"I really don't see how, in good conscience, that this board could approve such a ridiculous request," he added. "The quality of life will be destroyed for the immediate residents and everyone along the truck route."

Kukovia said he tried to sell his property for several years and gave up. Instead of paying taxes, "Someone should pay me to live there," he told Broderick and board members.

Witryol also questioned the handling of the EnSol matter before both the town's Planning and Environmental boards, where it continues. Of particular concern was the issue of a special use permit for the project that was recommended by Planning only to be nixed by Environmental, she said.

"If I submitted an application for a fishing license to the Department of Motor Vehicles, would they process it as an application for a driver's license? Of course not; they would reject my application immediately and tell me to apply for a driver's license," Witryol said. "So ... I'm asking how's it after two meetings of the Planning Commission and being told that this requires a special use permit, that I find that (at) the Environmental Commission ... En-Sol hands them a package that says this does not require a special use permit. SEQR, of

course, requires a hard look; but I've seen nothing in writing from any town commission to En-Sol, saying, 'This requires a special (use) permit application, you have not filed a special (use) permit application, this is rejected. Please come back with a special (use) permit application if you want to pursue this.'"

She continued, "After two months, this thing is still here and the board hasn't written a letter saying, 'This requires a special use permit.'"

"... We got a broader problem in leading the impression somehow that the Town of Lewiston is receptive to the waste industry. And I ask you to do everything you can to dissuade and discourage that, and be aggressive in trying to put these people out of their pain and misery now and not let this drag on to September."

Witryol received applause from residents.

Later in the session, Broderick told attendees, "I appreciate everyone on the residents side. ... I wanted to assure you, it's not on the agenda tonight; there will be no more conversation on the EnSol project. ... Basically, the only thing on it is what you guys brought tonight. ... I believe it's going to a ways away from this board. ... I appreciate it; I just wanted to let you know there is going to be no more discussion."

It was learned late Wednesday afternoon that EnSol did, in fact, withdraw its application for the Pletcher Road facility.

Town Building Inspector Tim Masters confirmed the same on Thursday. "They sent an email to the Planning Board chair, the Environmental chair, asking to be off the agenda," he said. "It's officially off the agenda; it will not be coming before the Planning Board or the Environmental Commission for their August meetings."

Masters said the EnSol application was requested to be removed due to "misinformation" circulating in the community.

"Due to the misinformation out in the community, we are withdrawing our application," the letter stated, according to Masters.

Commenting on the latest move by EnSol, Witryol said, "Now, if their application were credible, misinformation in the community would not be cause to withdraw it. The only misinformation being disseminated I've seen is in their application and the only misinformation I've heard has been Mr. Battaglia's remarks to the commissions and boards."

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