

Code Enforcement Officer Schieber called the meeting to order at 9:30 A.M.

Present	Jeffrey Schieber Margaret Bebak David Johnson Chris Trapp Kate Newton Pat Weed Jeremy Wagner Joe Steinecher John Rupp David Knauss	Code Enforcement Officer Planning Board Chairperson Town Engineer Town Attorney Town Clerk Upstate Niagara Cooperative, Inc. Excel Engineering, Inc. Upstate Niagara Cooperative, Inc. Lehigh Construction Group, Inc Lehigh Construction Group, Inc.
Absent	None	

Code Enforcement Officer Schieber stated Update Niagara Cooperative, Inc., has applied for an expansion to the Dairy Culture Facility that will include a production and warehouse area, truck and trailer staging, employee parking, and stormwater management facilities. The property is zoned M-2, manufacturing, and permits warehousing and operations which fits the purpose of the Industrial Park.

Mr. Schieber asked the following questions:

- Will the facility operate 24 hours per day, 7 days per week - Mr. Weed confirmed this is correct.
- How many employees are currently at the facility and how many additional employees are expected to be added – Mr. Weed responded there will be additional employees, approximately 150.

Mr. Schieber explained that the application will go before the Town Board for an amended restricted use permit and height variance for the 70' building. Upstate Niagara Cooperative's application along with the environmental review and SEQR determination completed when the Industrial Park was formed has been provided to Erie County Department of Planning, the local fire company, NYSDEC, the Army Corps of Engineers, Erie County Water Authority, Erie County Sewer District No. 1, and SHPO. Mr. Scheiber requested the applicant provide details about the proposed project.

Jeremy Wagner, Excel Engineering, Inc., referred to the site plan and provided the following information:

- ✓ 3 core additions: office on the north side, a receiving addition to bring milk into the building, and a core plant addition to include a warehouse on the south side and production in the north area
- ✓ Additional truck trailer parking to the west
- ✓ Additional employee to the east

Mr. Schieber stated the plan includes an area for future expansion and questioned the applicant's intent. Mr. Weed stated that area is a place holder. Mr. Schieber stated the proposed parking plan is satisfactory for the additional employees. Mr. Schieber questioned what areas of the building will be 70' tall. Mr. Wagner stated the silos and SRS will be 70' tall. Mr. Schieber stated the silos appear to be 90' tall and questioned if 90" is the height of the existing silos. Planning Board Chairperson Bebak stated the silos on the plans appear to be taller than 90' and questioned what is 177'. Mr. Wagner clarified the first floor is 100' tall, the silos are 77' tall, and the SRS is 70' tall.

Mr. Schieber questioned how the larger areas of the proposed expansion will be utilized, for example, warehousing, manufacturing, storage, cold storage. Mr. Weed confirmed the space will be used in the ways Mr.

Schieber listed and explained there will be a receiving bay to receive milk, the milk will be stored in the silos and then transferred to the batch blending system where yogurt, cottage cheese, and sour cream are manufactured. Next, the products move to the process area to be pasteurized and stored in tanks, then to the next room where filling machines are located, commenting that the plan is to have six to eight new filling lines. The products then move to the case packing robotics where cases are palletized and from there to the AIS high rise. There will also be chill tunnels.

With regards to the fire department's accessibility, Mr. Schieber noted circulation on the site is 360 degrees. An additional hydrant may be required. Mr. Wagner confirmed additional hydrants are in the applicant's plans as well. Mr. Schieber stated the fire department will need access to the roof and details about the equipment and hazards can be discussed at a later stage noting there is a Knox box – rapid entry system. Mr. Wagner confirmed this is correct.

Mr. Schieber questioned the lighting for the building and site. Mr. Wagner stated the location of the light poles is being reviewed and noted the applicant requires adequate lighting for security and safety purposes. Ms. Greenan questioned if the facility is visible only from Route 400. Mr. Wagner confirmed this is correct.

Mr. Schieber stated the possibility of connecting to the private road behind the property was raised during prior discussions and noted that would require securing approval from the owner(s) of the road.

Mr. Schieber questioned the location of equipment. Mr. Wagner stated the HVAC equipment will be roof mounted and will mirror the existing building, as will the filling lines.

Town Engineer Johnson stated that the town does not have jurisdiction over the wetlands and water courses but must facilitate the applicant's navigation through the proper channels for approval. Mr. Johnson questioned if the applicant has contacted NYSDEC or the Army Corps of Engineers and stated the movement of the water course may not be allowed. Further questioning if there is an alternate plan. Mr. Wagner stated building and bridging over the swill was considered but decided this was not feasible. The applicant has not spoken with the NYSDEC but is communicating with the Army Corps of Engineers. Mr. Weed stated the Army Corps of Engineers appear to be amenable to moving the water course, if not, the project cannot go forward. Mr. Johnson stated the town will need the approvals and stated the situation is the same with the existing wetlands.

Mr. Johnson stated the SPDES, State Pollution Discharge Elimination System, newest update is in place and the applicant is required to follow this as well as the town's stricter retention requirement for the reduction of the 25-year post-developed storm to 10-year pre-development rates making the basin larger. The bi-retention is acceptable but will have a retention component added to the SPDES requirement. Mr. Johnson stated once the environmental issues are in order he anticipates approving the proposal noting the water, sewer, and lighting will be reviewed and recommended the lighting be dark sky compliant. Mr. Schieber stated the sewer will be Erie County District No. 1.

Ms. Greenan requested an explanation on the process the applicant utilizes, noting the application indicates much water use and waste. Mr. Weed stated the existing plant is 18 years old, the latest technology that would be installed lessens the amount of waste produced; based on the performance of the new system, the current lines will be updated. Ms. Greenan questioned if odor has been an issue. Mr. Weed stated Upstate Niagara has not received any complaints about odor. The company reclaims and recycles corrugated cardboard and plastic. Other waste is barreled and taken to places such as pig farms. Mr. Steinecher stated the wastewater that goes down the drain is enclosed, there are no open outdoor tanks. Ms. Greenan stated the capacity looks to be very large and questioned if the applicant anticipated any issues with the waste that will go through the system. Mr.

Weed stated waste and water use are being studied. Mr. Steinecher confirmed the study as well as ways to reduce water use. Mr. Weed stated the company is reviewing the ability to reclaim water that results from the processes to be reused.

Ms. Greenan referred to the elevations and questioned the location of the silos. Mr. Weed stated the silos are on the north side and trees hide much of the business from view from Route 400. Ms. Greenan stated it was not clear if many trees would be cut down. Mr. Weed stated Upstate Niagara does not own the property along the railroad track. Ms. Greenan noted the Planning Board makes comments on the elevations and colors, requesting darker colors for the exterior when possible. Mr. Weed stated the cooler panels are traditionally white with the balance being stone colored.

Mr. Schieber questioned Town Attorney Trapp if he had any comments or concerns. Mr. Trapp stated he does not.

Mr. Schieber stated the town will anticipate the applicant's:

- Correspondence with Erie County Sewer District No. 1 and ECWA
- Correspondence with and approvals from the Army Corps of Engineers and NYSDEC
- Engineering reports and documents

Mr. Schieber stated once he has received the information and documents, he will forward them to the involved parties within the town for review followed by the applicant appearing before the Town Board. Mr. Schieber asked the town representatives present at the meeting if they agreed, except for engineering documents and outside agency approvals, the project could move forward to the Town Board for a restricted use permit and height approval. Ms. Greenan confirmed. Mr. Trapp agreed and requested any agreement for use of the private road be forwarded as well.

Mr. Steinecher questioned if the town could or would move forward with reviewing the applicant's engineering documents before approval has been granted by the Army Corps of Engineers and NYSDEC. Mr. Johnson confirmed the town can review the engineering documents. Mr. Wagner questioned if the applicant can begin clearing the land outside of the wetlands area. Mr. Johnson stated they cannot.

Mr. Rupp questioned if approval could be granted for just the intake building. Mr. Johnson stated this is dependent on SPDES and the SEQR. Mr. Schieber stated the town can look into this request. Mr. Wagner questioned if the applicant could provide two separate plans and submittals. Mr. Schieber stated there is a provision for small changes through a site plan waiver. The following are the criteria for a site plan waiver: less than 10%; less than 1,000-sf; same or similar use; and not visible from the road. This option can be reviewed with Mr. Trapp.

Mr. Wagner questioned when full engineering plans would be required for the applicant to be heard at the August 26, 2024, Town Board Meeting. Mr. Schieber confirmed with Town Clerk Newton that the legal notice must be submitted by August 7, 2024. Mr. Trapp stated approval from the Army Corps of Engineers and NYSDEC must be secured before the Town Board gives their approval. Mr. Steinecher indicated the applicant is more than willing to work with the town to obtain approval for the project.

ADJOURNMENT

Code Enforcement Officer Schieber adjourned the meeting at 10:03 A.M.

**WEST SENECA CAUCUS ROOM
1250 Union Road
West Seneca, NY 14224**

**INDUSTRIAL PARK COMMITTEE
Minutes #2024-01
July 2, 2024**

Kate Newton

KATE NEWTON, TOWN CLERK