

Caledonia Town Board
January 8, 2015
Public Hearing Zoning Change
Valley Sand & Gravel
7:00 P.M.

Supervisor Pangrazio called the Public Hearing to order.

<u>PRESENT:</u>	Supervisor	Daniel Pangrazio
	Councilman	Mark Rothrock
	Councilman	Tim Anderson
	Councilwoman	Pamela Rychlicki
	Councilman	Todd Bickford
	Town Clerk	Laurie Sattora

OTHERS: Mark Schroeder Highway Superintendent, Tom Perkins Code Enforcement Officer, Peter Skivington Attorney, Several residents and business owners from the community and surrounding area, Members from the Planning and Zoning Boards, Valley Sand & Gravel Representatives.

Supervisor Pangrazio asked Town Clerk Laurie Sattora to read the Legal Notice that was published in the Livingston County News. The Legal Notice read as follows:

“PLEASE TAKE NOTICE, that the Town Board of the Town of Caledonia will conduct a Public Hearing on January 8, 2015 at 7:00 P.M. at the Caledonia Town Hall, 3109 Main Street, Caledonia, Livingston County, New York, to consider the application by Valley Sand and Gravel for a change of zoning, from (RR) Agricultural Rural Residential to (I-2) Heavy Industrial, for Tax parcel 23.-1-14 located at River Road and Route 5 in the Town of Caledonia. Petitioner is requesting that Section 130-5 of the Code of the Town of Caledonia Zoning Map be amended to extend the boundaries of the Heavy Industrial District (I-2) to include Tax Map Parcel No. 23.-1-14 in its entirety. The Petitioner seeks to develop sand and gravel mining facility on the Subject Parcel, which is immediately adjacent to the existing mining facility operated by the Petitioner. The existing facility is located in the I-2 District and the Subject Property borders the I-2 District. This request was referred to the Caledonia Planning Board and the Livingston County Planning Board. The Caledonia Planning Board and the Livingston County Planning Board both voted to recommend Approval of the proposed action. Let it be known at such time and place the Town Board will hear anyone who wishes to speak for or against such change of zoning.”

The Following Representatives gave a Presentation to the Town Board and those in Attendance:

Attorney James Coniglio with Underberg & Kessler and Attorney for Valley Sand and Gravel

Attorney Coniglio addressed the Town Board and those present regarding the long process that has been involved since 2001 for this project when this property was purchased. Valley Sand and Gravel first appeared before the Planning Board and the Town Board in 2008 and started the rezoning application process with the Town and New York State Department of Environmental Conservation for the DEIS (Draft Environmental Impact Statement). The Time Line for the Valley Sand and Gravel Project is as follows: This timeline is and excerpt from the Public Hearing handbook that was distributed to the Town of Caledonia Town Board.

December 2001 – Richard Ash purchased the property from Ted Zornow and is located on the North West corner of Route 5 and River Road in the Town of Caledonia. The property is located across the street from the currently permitted mine. The property was purchased with the intent to be mined at a future date.

January 2008 – Valley Sand and Gravel appeared before the Town of Caledonia Planning Board to present the project. Valley Sand & Gravel requested a Special Use Permit to use the land for a Sand and Gravel Operation. The Planning Board stated that the land was zoned R-R (Agricultural Rural Residential) and would need to be changed to Heavy Industrial. They also told Valley Sand and Gravel that a SEQR report was needed from the DEC prior to a Zoning Change.

February 2008 – A formal rezoning application was filed with the Town of Caledonia.

February 2008 – A mining permit is filed with the DEC and they have assumed position of Lead Agency for this Project.

September 2008- DEC issues a Positive Declaration and Publications instructions to Valley Sand and Gravel to proceed with the DEIS and a scoping meeting for public review.

October 2008 – A Public Hearing was held at the Caledonia Town Hall. John Hellert of Continental Placer Gave a presentation to the Town Board and guests. The DEC was present. Copies of publication of the presentation were sent out.

October 2008 – Terrestrial Environmental Specialist – Contracted by Valley Sand and Gravel to perform the environmental impact per DEC requirements.

October 2008 - Butterbaugh Archeological Consulting- Contracted by Valley Sand and Gravel to complete a Phase I study of the property because it was part of the Canawaugus Indian Reservation.

October 2008 – SRF Associates – Contracted by Valley Sand and Gravel to perform a traffic engineering study.

December 2009 – Studies have been completed and sent to the DEC. The archeological study did not show anything significant but Nancy Herter Program Leader and Native American Liaison of NYS Office of Parks, Recreation and Historic Preservation requested a second Phase I.

April 2010 – Hartgen Archeological Associates are hired to perform a Second Phase I on the property. Artifacts that were found were pre contact and not Canawaugus artifacts. The findings were submitted to the DEC.

February 2011 – Dave Bimber sends Valley Sand and Gravel a notice of Incomplete Application with notes on what needs to be completed.

February 2013 – Valley Sand and Gravel requests through Town Attorney Skivington to set a time for another Board Presentation. Valley Sand and Gravel received a favorable board opinion and have met Town's request for a berm.

April 2013 - Thomas Haley is the new Deputy Director at the DEC and reviews the DEIS. Sends Valley Sand and Gravel a new list of items for completion

April 2013- Nancy Herter Program Leader and Native American Liaison of NYS Office of Parks, Recreation and Historic Preservation also requested an additional Phase II archeological study done even though phase I did not show anything significant. After meeting with the Seneca Nations Nancy Herter is recommending that the land and entire area of the reservation be placed on the National Register.

May 2013 – Valley Sand and Gravel has meeting with Thomas Haley and the DEC Mining Team.

June 2013 – The Phase II archeological proposal from Hartgen Archeological Associates is submitted to Thomas Haley with a start date of July 22, 2013.

July 2013 – Thomas Murphy meets with Nancy Herter and reviews the information about the property and the Canawaugus Indians. This information includes the location of the Village (Not on Valley Sand and Gravel Property), the timeline of the Reservation, and evidence that the land was sold by Chief Cornplanter and not taken from the Indians.

July 2013 – The revisions of the incomplete DEIS are sent back to the DEC.

July 2013 – An invitation is extended to the Seneca Nation to visit the site during the Phase II archeological exploration. The Seneca Nation did not respond to emails or calls regarding the archeological dig. Nancy Herter also had not received a call back from the Seneca Nation and Chris Abrams of the Tonawanda Seneca Nation had not reviewed the proposal.

July 2013 – Hartgen Associates completed the field tests and no Seneca representatives showed up during the time. Valley Sand and Gravel received a final statement with recommendations from Hartgen Archeological Associates. Hartgen Associates feels that the cultural materials recovered are not considered National Register Eligible and no further investigation is recommended.

August 2013 – John Hellert has discussion with Nancy Herter about the findings. Nancy Herter and Thomas Murphy have conference call to discuss the findings. Nancy Herter spoke with Deputy Director Andy Beers and recommends that the findings be sent on to the Governor's Office.

August 2013 – Completed revision of the DEIS were sent back to the DEC office in Avon for review and to be approved for the Final Report to be submitted for the permit.

September 2013 – NYS Office of Parks sends a letter confirming that the Governor's office has reviewed the Archaeological findings and have released Phase 1, 2 and 4 for mining. Phase 3 will need to have a future study completed 24 months before mining starts.

October 2013 – Valley Sand and Gravel resubmits DEIS for review by DEC.

October 2013 – DEC sends letter regarding DEIS and states that a few things need to be corrected including a letter of resolution with the Seneca Nations. NYS Office of Parks and Seneca Nation have to agree on a letter.

November 2013 – Valley Sand and Gravel resubmits DEIS with corrections and requests a public hearing.

December 2014 – the DEIS is accepted by the DEC and a Public Hearing is to be set up with the Town of Caledonia. Public Hearing is set for January 8, 2014.

January 2014 – DEC hold public hearing at the Town of Caledonia. One person had a concern. There is a

30 day comment period, which had 2 comments, submitted that were addressed by Valley Sand and Gravel.

March 2014 – DEC and NYS Office of Parks release a Draft Letter of Resolution between the Parks, The Seneca Nation and Valley Sand and Gravel. A meeting is set to discuss and finalize.

April 2014 – The FEIS (Final Environmental Impact Statement) is accepted for review by the DEC with the permit to be issued when the Letter of Resolution is signed and agreed by all parties.

April 2014– The Letter of Resolution is signed by all parties contingent on a meeting to discuss the historical value of the site and a plan for Signage to explain the Canawagus Village and its importance to the area.

April 2014 – Both DEIS and FEIS are posted on Continental Placers Website for a 30 day comment period and for all parties to review. After 30 days DEC will review any comments and notify Valley Sand and Gravel. Both DEIS and FEIS will stay on website for 1 year for further review.

April 2014 – The Seneca Nation, NYS Parks, DEC, and Valley Sand and Gravel representatives meet at the DEC office in Avon to discuss signs, information and location.

May 2014 – All parties meet at the Parks entrance to the Greenway trail on North side of Route 20 just East of the current permitted mine of Valley Sand and Gravel. Both trails are walked and it was discussed what type of sign or historical landmark could be placed there.

May 2014 – Tom Haley of the DEC notifies Valley Sand and Gravel that due to the flooding in the area all personnel have been busy and have not been able to review the FEIS.

June 2014 – DEC is satisfied that NYS Parks, Seneca Nation and Valley Sand and Gravel are working together for a final resolution for a landmark to be completed by spring of 2015 and a Mining Permit is issued to Valley Sand and Gravel.

June 2014 – Valley Sand and Gravel Attorney James Coniglio notifies Town of Caledonia Attorney Peter Skivington that Valley Sand and Gravel has received its Mining Permit. Attorney Coniglio requests to be placed on the June Agenda for the Caledonia Town Board. Attorney Skivington notifies Valley Sand and Gravel that the Town Board requests that Valley Sand and Gravel go to the Planning Board first.

July 2014 – Valley Sand and Gravel appears before Town of Caledonia Planning Board. The Planning Board is in favor of the rezoning and requests that the application is sent to Livingston County Planning Board for review.

August 2014 – All proper paperwork regarding the rezoning is filed with the Town. The Town Engineer is contacted with all information on the rezoning project.

September 2014– Valley Sand and Gravel requests that the Town Board set a date for the public hearing on rezoning. Town Board request more time to work out agreements between the Town and Valley Sand and Gravel.

October & November 2014 – Meetings take place between Valley Sand and Gravel representatives, Town Supervisor, and the Attorneys to discuss moving the project forward.

December 2014 – At the December Town Board meeting the public hearing date is set for January 8, 2015.

John Hellert Geologist with Continental Placer

John Hellert reviewed in detail the Mining Plan Map, the Berm drawings and what the people will see as they travel down Route 5 and River Road, and the Mine Reclamation Maps along with reclamation pictures of the Estes property.

Phil Brooks Chairman of the Board of Power & Construction Group a subsidiary of Valley Sand and Gravel

Phil Brooks spoke about Valley Sand and Gravel and the good jobs it provides in our Town and County and region. Valley Sand and Gravel is very supportive and give back quite generously to the community. Mr. Brooks stated that Valley Sand and Gravel is One Hundred Percent Locally and American Owned.

Scott Engels – President Valley Sand and Gravel

Scott Engels stated that he has been with the Company since 1983. Valley Sand and Gravel has been in the Caledonia Community over 95 years. If rezoning approval is given Valley Sand and Gravel will be investing over Five Million Dollars into the expansion, which will greatly help our local economy. Many local companies and local municipalities use Valley Sand and Gravel.

Thomas Murphy “Murph” – General Manager Valley Sand and Gravel

Thomas Murphy has been with Valley Sand and Gravel since 2007. Valley Sand and Gravel’s first day of business was April 20, 1920. It is the oldest Sand and Gravel Operation in New York State. Valley Sand and Gravel has been in the top 15 % for Safety in the United States for Gravel Pits for over six years straight and over the past ten years they have had no loss time on the job. This is due to the eight great employees that are employed by Valley

Sand and Gravel. Thomas Murphy reviewed letters of support for the rezoning project and expansion of Valley Sand and Gravel from the following:

- **Julie Marshall Director of Livingston County Development.**
- **Livingston County Town Highway Superintendent's Association**
- **NYS Association of Town Superintendents of Highways, Inc.**
- **David Hamling President and CEO of New York Construction Materials Association**
- **Karen Jaus President of Jaus Trucking, Inc.**
- **John Wilson Operations Manager Silvarole Trucking Inc.**
- **Brian Sampson President of the Associated Builders and Contractors, Inc.**
- **Michael J Elmendorf II President and CEO of AGC of NYS, LLC**
- **David Bernacki President Safe Driver Solutions**

Supervisor Pangrazio asked if the Public had any comments or questions.

Mark Callan – Resident of Caledonia and owner of Callan Farms. Mr. Callan stated that for the past 24 years he has worked closely with Valley Sand and Gravel and they are great people to work with. He is currently farming ground that was reclaimed and has had no issues with farming the ground that was previously mined. Callan Farms currently spends approximately \$40,000 a year in purchasing sand from Valley Sand and Gravel for his cows. If Valley Sand and Gravel was to close down it would be quite costly for Mr. Callan's farm due to the distance he would have to travel to purchase sand and gravel for his farming needs.

Ellen Smith – Resident of Caledonia. Ellen Smith asked if the rezoning for Valley Sand and Gravel would have an effect on what their home is zoned. Supervisor Pangrazio stated that it would not have an affect on how their home is zoned.

Todd Leatherstich – Resident of Caledonia. Todd is a third generation family member to be employed at Valley Sand and Gravel. He is in full support of the Rezoning and would like to keep his job.

Karen Jaus – Karen Jaus is President of Jaus Trucking and enjoys working with Valley Sand and Gravel. They are like family and she hopes to be able to continue to business with this great company and great people that run the business.

Mark Schroeder – Mark Schroeder is the Town of Caledonia Highway Superintendent and Resident of the Town of Caledonia. Mark stated that "Murph" gave a presentation to the Highway Superintendent's Association and on behalf of the Association, they are in full support of the rezoning for Valley Sand and Gravel.

Bob Sturm – Bob Sturm is the Town of Caledonia Planning Board Chairman and a Resident of the Town of Caledonia. Bob spoke as a taxpayer for the Town of Caledonia he feels that this is a good business opportunity that the Town Board can't let slip by and leave the Town of Caledonia. He is in full support of the rezoning for Valley Sand and Gravel.

Russ Barber – Russ is a member of the Town of Caledonia Zoning Board of Appeals and Resident of the Town of Caledonia. Russ stated that he thinks that the rezoning for Valley Sand and Gravel is really a great idea and he urges the Town Board to find in favor of the project. Russ stated that the representatives of Valley Sand and Gravel gave a great presentation explaining the proposed mine expansion and have spent a lot of time and money. Russ stated that it would be a crime and insult to turn them down and send them away as they have been very upstanding in our community.

Eric Gott – Eric Gott is the Town of Livonia Supervisor and Chairman of the Livingston County Board of Supervisors. Eric stated that Valley Sand and Gravel is near and dear to the heart of the owners as they have been in the Caledonia community for so many years. Valley Sand and Gravel are very supportive of its employees and the Caledonia community. Eric stated that he hopes the Town Board will approve the rezoning application so that Valley Sand and Gravel can continue in Caledonia and Livingston County.

Councilman Tim Anderson- Councilman Anderson asked Thomas Murphy

How many employees does Valley Sand and Gravel have and will that number increase if the rezoning is approved and they can expand?

Thomas Murphy stated they currently have 8 employees but if approval is given they would have the opportunity to expand and offer more job opportunities.

Councilman Mark Rothrock – Councilman Rothrock asked Thomas Murphy the following questions:

Is Valley Sand and Gravel out of Gravel?

Mr Murphy stated that currently have a stockpile but may be out between February and April.

Where would you go if Valley Sand and Gravel were no longer in business for your sand and gravel?

Mr. Murphy stated that you would have to go to Bloomfield or Phelps.

Councilman Rothrock had questions about the reclamation of the mine and the length of time it takes for the reclamation process and what happens when it is not a gravel pit anymore. Could it be used as a lake or a recreational area?

John Hellert stated that it takes about 20 to 30 years for reclamation. A lake could be a great amenity to the area but the DEC'S objective for reclamation is that the area that was mined to return to Agriculture.

Scott Engels stated the current mine is viable with only approximately 30 years left. The water that is at the current site is used for training opportunities with local Law Enforcement.

Karen Jaus stated that some pits that are no longer active are used as ponds for boating and camping with a park like setting.

CLOSE PUBLIC HEARING

Supervisor Pangrazio asked if anyone else would like to speak on the Proposed Zoning Change for Valley Sand and Gravel. As there were no other comments or questions, Supervisor Pangrazio thanked those who were in attendance and closed the Public Hearing. Supervisor Pangrazio stated that the Board will take action on this matter at the Town Board Meeting on January 15, 2015.

Respectfully Submitted,

Laurie Sattora
Town Clerk