

TOWN OF HAMBURG PLANNING BOARD MEETING
HILBERT COLLEGE - DANIEL SWAN AUDITORIUM
5200 SOUTH PARK AVENUE
HAMBURG, NEW YORK 14075
JULY 12, 2023
COMMENCING AT 6 P.M.

PRESENT:

WILLIAM CLARK, CHAIRMAN
KAITLIN McCORMICK, VICE-CHAIRWOMAN
KAITLIN McGEE CHMURA, PLANNING BOARD MEMBER
DENNIS CHAPMAN, PLANNING BOARD MEMBER
CYNTHIA GRONACHAN, PLANNING BOARD MEMBER
DANIEL SZWEC, PLANNING BOARD MEMBER
JENNIFER PUGLISI, PLANNING BOARD ATTORNEY

SPECIAL MEETING REGARDING AL ASPHALT, INC., PROJECT

CHAIRMAN BILL CLARK: So, welcome to the special July 12 meeting of the Town of Hamburg Planning Board. However, please rise for the "Pledge of Allegiance."

("Pledge of Allegiance" Recited.)

CHAIRMAN BILL CLARK: We have one item on the agenda today, that is the continuation of the public hearing for AL Asphalt. Before we get into that, I do have a brief statement that I read last time, that I will again, explaining where we are in the process.

The planning board is the lead agency to the state and Environmental Quality Review Act, to review for the proposed asphalt plant. As the lead agency, the board determines that the project may have a significant adverse effect on the environment, and as such, an Environmental Impact Statement must be prepared.

AL Asphalt submitted a Draft Environmental Impact Statement to the planning board in August 2022. The planning board determined that the DEIS was deficient and requested the applicant to provide

a revised DEIS. AL Asphalt submitted a Revised DEIS in April 2023, although, the planning board believes the April 2023 DEIS remains deficient. The board accepted the Revised DEIS for public review in order to move forward to the important public comment process, including this evening's hearing. However, in accepting the DEIS, the board identified all of the deficiencies that must be addressed in any Final Environmental Impact Statement for the project. Those deficiencies are described fully in the Notice of Completion as published May 4, 2023.

Tonight the board is asking for public comments on the DEIS, as well as the deficiencies noted by the board. There will not be a question-and-answer session, or a back and forth, for the board or the applicant. The comments will be addressed in a final impact statement.

We would ask everyone who would like to speak to sign in, if you have not already done so, and please keep your comments to three minutes. Comments may also be submitted in writing. We have turned off the comments on the Facebook page so we could make sure that we are tracking and captioning all of the

comments received. So, please, submit any written comments to JRogers@Wendelcompanies.com. Public comments will be accepted until July 28, 2023.

So that's the statement I have before we start. I'm going to ask Cindy to read the public notice.

BOARD MEMBER CINDY GRONACHAN: Notice of featured hearing regarding Hot Mix Asphalt Plant Draft Environmental Impact Statement, May 18, 2023, project's sponsor AL Asphalt Corporation. Secret classification unlisted, location, 5690 Camp Road, Hamburg, New York.

This notice is issued pursuant to Part 617 of the Implementing Regulations pertaining to Article 8 of the Environmental Conservation Law State and Environmental Quality Review Act. The planning board, as lead agency, has determined that the purpose -- that the proposed development of the Hot Mix Asphalt Plant may have significant affect on the environment, including potential for adverse impact to the surrounding area by way of noise, odors, and pollution. Impact on water, air, plant, and animals, transportation, energy use, and the community, character, and aesthetic quality of the existing

area.

As a result, a Draft Environmental Impact Statement, Draft EIS, was prepared by the project sponsor, revised and submitted on April 5, 2023, and has been accepted by the planning board as the lead agency for public review and comment. Subject to the listed deficiencies regarding the Draft EIS Sections 4.2, Executive Summary; 4.3, Description of the Action; 4.4, Environmental Setting Existing Conditions; 4.511, Impact on Surface Water, Ground Water and Flooding; 4.5.2, Impact on Air; 4.5.3, Impacts on Plants and Animals; 4.5.4, Impacts on Aesthetic Resources; 4.5.5, Impacts on Historic and Archeological Resources; 4.5.6, Impact on Transportation; 4.5.7, Impact on Energy; 4.5.8, Impact on Noise, Odor, and Light; 4.5.9, Impact to Human Health; 4.5.10, Consistency with Community Plans; 5.0, Evaluation of Mitigation Measures; 6.0, Alternatives To Be Evaluated; 7.0, Accumulative Impacts; 8.0, Growth Inducing Impact.

And the tentative are all fully described in the Notice of Completion published on May 4, 2023. The Notice of Completion accepts the Draft EIS for public

review, subject to the listed deficiencies described as the lead agency and project-sponsored effort to complete the Draft EIS, and outlines the fundamental disagreement between them, regarding the basic content and analysis to be included in the Draft EIS.

The Notice of Completion invites public comments on the Draft EIS, in addition to comments on the disagreement between the lead agency and project sponsor regarding the content of the Draft EIS until Friday, July 28, 2023.

Secret hearings will be held at Hilbert College, Swan Auditorium, from 6 p.m. to 9 p.m., on June 14, 2023 and July 12, 2023. Comments on the Draft EIS and the listed deficiencies as indicated on the Notice of Completion are requested and encouraged by the planning board at these hearings and further written comments will be accepted until July 28, 2023.

For more information, please contact Josh Rogers, Town of Hamburg, Planning Department at 6100 South Park Avenue, Hamburg, New York 14075 or at 716-649-2023. Thank you.

CHAIRMAN BILL CLARK: At this time what I'm going to do, if you signed up to make a comment I'm going

to read your name. If you can, please, come to the microphone over here so our stenographer could hear you. If you want to make a comment and you haven't signed one of the sign-in sheets yet, Josh and Analyse, they have the sign-in sheets so that you can. There's one over there too.

So we're going to start with Kevin Cody.

KEVIN CODY: Hello. My name is Kevin Cody. I'm a lifelong resident of Forest Glenn in the village. Thank you for the opportunity to address this travesty. Make no mistake, that is what this is. Any rational human being considering building something like this, fifteen hundred feet from the school, hosting thousands of children, is nothing short of absurd.

The fact that AL Asphalt thinks that they could rightfully submit woefully, inadequate documentation, some of which is not even relevant to this site, but simply copying from a failed attempt to poison another community. That's down right insulting.

Forest Glenn residents, do you remember the little creek that runs from the proposed site underneath Sunset Drive, through your neighborhood

and eventually into our lake? AL Asphalt refuses to even plan how to keep runoffs from this disaster out of it. AL Asphalt admits that noxious odors from this plant will travel beyond the M3 heavy manufacturing zone, which violates the Hamburg zoning code. Remember what is contained in that odor: Arsenic, benzine, formaldehyde, just to name a few. That's all going to be floating right into my neighborhood and right over our schools.

AL Asphalt neglected to inform the required analysis on traffic impact. Maybe that's because the answer is obvious, it will be an unmitigated disaster. Truck traffic in and out of the plant will make Camp Road a nightmare, which in turn will force thru traffic onto residential streets like Sunset, which will impose increased danger to pedestrians.

AL Asphalt did not bother to address the aesthetic concerns, nor consistency with the community plans. Let me cover that for them. We just invested millions in the shared athletic complex for the middle and high school. A few steps down Legion Drive from the proposed-poison plant. Watching a softball game there will be rather

unpleasant with plumes of smoke in the background.

Running on the track there will be a little difficult while asphyxiating on formaldehyde.

The planning board has exactly one responsibility in this matter, to send this project packing by any and all legal means. These and other deficiencies in AL Asphalt plans, too numerous to name in three minutes, should be more than enough to do so.

Thank you for your time.

CHAIRMAN BILL CLARK: Thank you. If you have a copy of what you read you could give it to Josh to make sure that the minutes are accurately reflected.

KEVIN CODY: I will e-mail him.

CHAIRMAN BILL CLARK: Thank you.

The next up is Amanda Cody.

AMANDA CODY: Thank you. I'm a resident here. I'm a registered nurse, and I have lots of concerns. My biggest concern is that the asphalt plant will be emitting toxic chemicals into the air, especially cancer-causing chemicals, including mixtures of arsenic, benzines, formaldehyde. These cancer-causing toxin plumes will be about 15 hundred

feet away from the Hamburg Middle and High School where our youth will be, as well as -- we have an elderly population, and all of our other residents as well. This will have a huge impact on all of our residents, especially our young and our elderly populations.

Also the odors as well will be impacting all of us, and this is a direct violation of the M3 zone as well. So think about this in our health when we are deciding about this, board.

Thank you very much.

CHAIRMAN BILL CLARK: Next we have Patricia Blake Cody.

PATRICIA BLAKE CODY: Good evening. My name is Patricia Blake Cody. I have been a 64-year long resident of this community and very proud to be here. And at my age, and my experience as a 37-year practical, pediatric registered nurse and certified asthma educator, I know that I have to give back and speak against this -- this plant being built here.

I'm here to request that any legal effort to block this asphalt plant to be supported and taken by our entire community. We have only to look at the

most recent air quality issues from the devastating wildfires in Canada to illustrate the importance of protecting the air that we breathe, especially the need to protect our young students learning in our nearby middle school, high school, also to protect our senior residents that are nearby, to protect two nearby nursing homes, the students, faculty and staff of this college, residents of a nearby group home for developmentally disabled adults, people utilizing the Hamburg swim center and nearby playgrounds, as well as the countless residences in multiple subdivisions that are at risk in both the town and village of Hamburg.

I always knew that Hamburg was the town that friendship built. The residents of our community care very deeply about each other and, most importantly, the need to protect our most vulnerable.

Finally, as I understand it, hot asphalt could be a volatile substance. In the event of an emergency, how could we protect ourselves and our most vulnerable? How could six people employed at that asphalt plant possibly be expected to give us any protection?

Please, think about my comments. Thank you.

CHAIRMAN BILL CLARK: Thank you.

Next up is Donna Eckman.

DONNA ECKMAN: Hi. My name is Donna Eckman, and I've been a resident of this area for 60 years. I'm a grandma and a great grandma. And I hope that this thing never works; that it gets turned down. It's just a travesty.

This is kind of an emotional thing because my grandson suffers from asthma and a good day is tough for him. To introduce an industry that will pollute, that will throw toxins in the air and create more pollution and more trouble for anybody who suffers from air quality is just -- it's unthinkable.

If you drive thru our beautiful village and the whole Town of Hamburg, it's lovely. It's -- it's just picturesque, and it's full of young people trying to make life better. So I'm here in an effort to try to keep things good for them by speaking out against this travesty. How you could even consider this is beyond comprehension.

Think about it. Do you want another Tonawanda here? Drive through Tonawanda. Have you done that?

This will happen to us; that's a fact. And you can fine them, you could do anything that you want to them, they'll just disregard it, and they'll keep on polluting and maybe pay a fine, but they will keep doing it, and this will be for years to come. Years to come. And it's on your shoulders. So I hope that you do the right thing.

Thank you for your time.

CHAIRMAN BILL CLARK: Thank you.

Next up is Dean Messing.

DEAN MESSING: Hi. My name is Dean Messing. I'm a resident of the Village of Hamburg, 59 Birkshire, five years now. I'm a lifetime resident of the Town of Hamburg.

I was, until I retired, Erie County Disaster Coordinator, which -- when my last project was a mitigation plan, which prevents -- mitigation means to prevent or lessen a potential disaster from occurring. This is a disaster -- potential disaster waiting to happen if it comes into place.

I'm also the deputy coordinator -- disaster coordinator for the Village of Hamburg. Mitigation again means to plan for, implement sustainable

cost-effective measures designed to reduce the risk to individuals and properties from future potential disasters, which this may be. This means essentially to not build a potential hazard in our community.

People will also ask: What are the hazards associated with asphalt? There are two main hazards associated with asphalt: Fire and explosion hazards, and health hazards associated with skin contact, eye contact, and inhalations of fumes and vapors. Since asphalt produces products that are often stored and handled at elevated temperature, fire prevention is extremely important.

Is asphalt a hazard? Asphalt can effect you, and breathe, and extracts of certain asphalts have been showed to cause cancer in animals. Asphalt fumes could irritate the eyes on contact. Breathing asphalt fumes can irritate the nose, throat, lungs, coughing and wheezing and/or shortness of breath.

What our workers are exposed to from asphalt? Tons of effects. Exposure to asphalt fumes: Headaches, skin rash, sensitization, fatigue, reduced appetite, throat and eye irritation, coughing and

skin cancer.

And, by the way, the owner of this property owes a million five hundred fifty-two thousand six hundred eleven dollars and fifty-eight cents, according to the town tax -- town clerk as of Monday on this property. There's five pieces of property on this site. That's what she owes.

Also, I have a document here called Local Mitigation Planning and Policy Guide. According to our disaster coordinators in the Village and Town of Hamburg, the places to evacuate to in case of a disaster are in the Hamburg School District: The Hamburg High School, the middle school, and those areas. As well as, you got an evacuation of a nursing -- a couple nursing homes. You have daycare centers. You got all kinds of businesses along that area that would have to be evacuated. Where are you going to evacuate them to?

Thank you.

CHAIRMAN BILL CLARK: Thank you.

Next up is Wendy Waldorf.

WENDY WALDORF: Hi. My name is Wendy Waldorf. My husband and I lived in Hamburg for 44 years. Our

home is less than a half mile from the proposed-asphalt plant property. We're both opposed to the construction of the hot-mix plant in our neighborhood.

For the following reasons I believe that the proposed-asphalt plant threatens the quality of life and puts the health of our citizens in jeopardy. Number One, a wide range of cancer-causing toxins will be released into the air. Number Two, nuisance odors will be created. They would not be contained and could travel up to two miles or more from the site. Summers are short in New York and are meant to be enjoyed. Odors will force us to keep the windows closed and stay inside from April until November.

The Town of Hamburg has a noise ordinance that prohibits disturbing noises between the hours of 11 p.m. to 7 a.m. Erie County roadwork is done mainly at night. It would be unacceptable for AL Asphalt to be operating in the late evening and early morning hours.

The updated Town of Hamburg Comprehensive Plan has promised to protect residential areas from potential adverse effects from industrial uses. It

also ensures that environmental assets in the town will be protected. This includes creeks and streams that are part of the Lake Erie watershed and the stormwater management.

With the wishes from the community, in January of 2023, town representatives voted to ban asphalt-producing plants anywhere in the Town of Hamburg. Everything considered, I see no benefit to the community to entertain this proposition.

I'm putting my trust in the Hamburg officials to do what is right for our beautiful and thriving town and village. Please vote no to this proposal.

CHAIRMAN BILL CLARK: Thank you.

Next up is Sandy Wade.

SANDY WADE: Thank you very much. I don't have a prepared comment. But I grew up south of Hamburg, and I remember growing up watching Hamburg in its height and in its low period. And over these years, I traveled, and now I find myself back in Hamburg at a time when the town seems to be at its peak. We have restaurants and companies and organizations that are attracting people from outside of this area. I would think that the owners of shops and others are

hot on this topic, not to have an asphalt plant here.

My husband and I lived in Texas, where we all look at Texas as one of the states not to be lauded. We lived there in just about 2001. This asphalt company was trying to put an asphalt facility next to a school, just as this is. And in Texas, in those days, they vetoed it down to protect their children. I find that the state of this country at the moment, I'm not telling you anything that you haven't seen or know, is in chaos and for us to be talking about this, somebody who is pushing, not paying her taxes, pushing us and pushing us with the law, supposedly, to pollute our town, to pollute our children, to pollute the development that this community has developed.

I find that -- I feel like that we're in 1950s. Any questions that I would ask you, I don't expect to have an answer now. But are you looking and talking to the lawyer who won the case I understand, in Niagara Falls? Are you talking to any of those lawyers who have won the case to find out how they got through what we're going through over and over here? I mean, our country and our world is polluted,

and we're fighting this issue here in a small town. A community that thrives to live together and could do something that is really special.

I mean, I find it dejavu. And I would ask the board to find these lawyers, what have they used to win their cases because we can't keep talking about this over and over, and she's winning. Someone that doesn't pay her taxes. Doesn't care if the community is polluted.

Dr. Melgar spoke at one of the meetings, an asthma specialist. I mean, it is evident? What else do we have to do to someone that wants to continue to pollute our earth.

Thank you very much.

CHAIRMAN BILL CLARK: Thank you.

Next up is Pam Boehler, is it?

PAM BOEHLER: Boehler. The E is silent.

CHAIRMAN BILL CLARK: Boehler, B O E H L E R.

PAM BOEHLER: I'm Pam Boehler, as everyone now knows. Okay. Last meeting it was brought up by an architect, not only air pollution which we are all aware of, but noise pollution from drilling the raw materials needed for asphalt. The high school

science teacher mentioned groundwater contamination. There are protected wetlands in that area, and we all know Lake Erie down the road, and we need water for life, and that's becoming more and more of an issue in this country right now.

I did some research of my own, and I found out asphalt plants give off a mild scent of sulfur that could travel for quite a distance, obviously, depending on winds. Now, I live in the area, but if I wasn't here tonight I would be sitting on my patio sipping iced tea or maybe an adult beverage. But I don't want to smell sulfur, that would be gross.

The emergency service management retiree, he talked about a fire. Even a less traumatic event, you know, some kind of leak or something, evacuating those two schools -- I know the high school attendance -- the high school enrollment is eleven fifty-nine, and then you add the middle school, all of that staff, you're over 21 hundred people. And if you had children in school or grandchildren, it takes two weeks in September to get the buses down and on time. Or if you ever been there with the traffic, especially with the high school, you got kids that

drive and don't know even what bus to be on. It could be a disaster and bad things do happen.

We saw the train derailment in East Palestine, Ohio. The trucks pluming fumes of smoke on I95 in Philadelphia, and that was the last couple of months.

But, also, I think that Hamburg needs to be proactive with the zoning. Anything in this town that is not occupied and designated as heavy industry or heavy manufacturing, needs to be changed to light industry and light manufacturing. And what we really would need is, like, those things that 43 North that do the technology, that some of us are not really sure what it is, but it doesn't cause pollution. So, I think the zoning needs to be looked at.

Sixty-one thousand some people live in Hamburg. Almost everybody -- there's apartments and houses everywhere. If it is a heavy industry -- steel plant Ford, obviously, is there, but anything that isn't occupied, you said no asphalt plants. My concern is that there should be no heavy industry.

Lastly, I think this is -- every project should have trees. They cut down the trees to build the Amazon warehouse. And any project that is being

built where there's homes and apartments, should have a berm and have to have trees because there's other things on the table coming up. Look at the Amazon warehouse, there were trees and now there's not.

I live in the neighborhood, so I drive down Elmview from -- actually from 1980 to 1988, I lived in Sunset Court apartments, and lot of you remember rolled up windows, right? When those trucks were leaving Riefler Concrete, you didn't cut down Elmview in the summer because there was dust, and that will happen again being kicked up.

So -- but now, Elmview, actually getting back to trees, looks good; they've grown up. There's businesses there. And I think planning needs to be done for the future. No heavy manufacturing any more in Hamburg. Too many of us live here, and I'm no spring chicken anymore, and I don't want to be breathing in that stuff.

CHAIRMAN BILL CLARK: Thank you.

Next up is Frances Schena, S C H E N A.

FRANCES SCHENA: Hello. I'm Frances Schena. 79 Sunset Drive.

CHAIRMAN BILL CLARK: Speak up, Frances, please.

FRANCES SCHENA: Frances Schena, 79 Sunset Drive.

I feel that it is in the best interest of the residents of the Town and Village of Hamburg for AL Asphalt to withdraw their application to install and operate an asphalt plant on their Camp Road/Elmview property. At this point in time, the town and village have built an excellent quality of life for the residents to stay healthy and thrive. It attracts people from all over which helps our local economy.

The Village of Hamburg promotes its historical relevance. It's a walkable community. It is home to the Palace Theater, one of the few locally-owned theaters.

The Town of Hamburg encompasses the Erie County Fairgrounds, which attracts large crowds and provides a variety --

CHAIRMAN BILL CLARK: You still need to speak up, Frances. Our stenographer is having trouble hearing you.

FRANCES SCHENA: The Erie County Fairgrounds, which attracts large crowds and provides a variety of entertainment and family-involvement activities. The

Hamburg Casino, which also offers live musical entertainment and a place for people to gather, especially, senior citizens. Don't laugh at that, senior citizens do enjoy that environment.

A town beach which accommodates windsurfing, longboards, and boat-launch facilities, volleyball and other recreational opportunities.

Also, we have a state park within the town. We don't need dust particles floating around the lake and contaminating Lake Erie like the steel plant did. And what about the contamination to the adjacent wetlands? Also, it pollutes the groundwater running into Lake Erie and it kills off the wildlife, deer, fox, rabbits, and so on, needed for an ecologically well-balanced area.

Dust particles would be floating over and dropping on the food of the farmers' market around the corner on Church Street. And I have learned that many people from areas outside of Hamburg shop at the Hamburg farmers market; they would definitely stop coming. Local residents, as well as those coming from other areas, would not want to shop there any longer. Who would ever eat and serve contaminated

food to their families?

The asphalt plant is definitely not consistent with the planning board's guiding principles, nor with the nature character or attributes of the Hamburg community. If the asphalt plant owners really want to get an okay for their plant, it appears to me if -- they would have submitted the requested information quite some time ago. So it puzzles me why they have not submitted the required information. Is it because they are holding off on the fact that they have no justification for their application, and to get something by the planning board? You simply can not put an asphalt plant in the middle of a thriving community.

Last, but certainly not the least, as we all know, a new Buffalo Bills stadium is being built adjacent to the Town of Hamburg. What do you think the Pegulas -- the Buffalo Bills owners -- would think of toxic dust falling onto the stadium and onto the family, fans, and players? Of course they would not sit or play in a contaminated stadium. Would the asphalt plant owner sit there?

AL Asphalt is in both denial in attempting to

minimize the effects that the dust would have on the health, safety, and wellbeing of the residents and visitors to the village, town and surrounding areas, just like Bethlehem Steel and cigarette companies did.

We must all have the courage, inner strength, and perseverance to speak out against the asphalt plant. It is a contaminator of past times. Please let this dinosaur rest in peace.

CHAIRMAN BILL CLARK: Please come over to this mic so it makes it easier for the stenographer to hear you.

Next up is Jonathan Vollmer, V O L L M E R.

JONATHON VOLLMER: Good evening. My name is Jonathan Vollmer, and I'm a Hamburg resident. So I'm concerned about this proposal here, so I did a little bit of research. I was trying to read online exactly the risks, the hazards associated with these asphalt plants. I came across something that is called the EPA Emission Lesson Reports for Hot Mix Asphalt. It is a pretty dry document, but it is information on what the specific hazards are on asphalt, and I'll read a couple exerts from it and then comment on

them.

One says that the gaseous emissions associated with the HNA production, the criteria for sulfur dioxide, nitrogen oxide, CO₂, and volatile organic components and COCs. And COCs are, I think, like benzene. They're hydrocarbons like benzene, ethal, xylene, formaldehyde. Benzene in particular. So that's what the hazards are. There's some statistics in the document that there's emissions for these typical plants. Things like VOC, the volatile organic compounds, are about 10 thousand pounds per year. Sulfur dioxide, about 10 pounds year. The total hazards, which are hazardous pollutants, which are about two thousand per year. And that has me, I guess, concerned.

So, I went through and I read -- I read through the AL Asphalt Draft Environmental Impact Statement. It's a technical document. It's very long. There's lots of numbers and figures and calculations that sort of address the concerns. And, I guess, if I could distill it for anybody that hasn't read it, the main idea is, yes, we're going to pollute. Yes, we're going to have emissions. Yes, we're going to

produce scents. But we've done a bunch of calculations, and if the minimum threshold, or the legislative requirement is one, we'll be a .8. So it's fine, what are you worried about?

My concern is, is that whether the law for land allows that or not, I don't think that's acceptable for me. I think it doesn't address the core question. The core question is: Is this an acceptable use of the property consistent with the community and the vision of Hamburg? To me, the answer is pretty clear no. It is not an appropriate place to put it there. It has pollutants right there, near the school and thousands of properties like my own, it's not.

So I read -- the next thing I read was the Hamburg Comprehensive Plan, which was updated fairly recently, in the last couple of years. And there's a lot to that as well. But there's six guiding principles that sort of dictate what this document is, what the vision is for the town going forward. And the first two I'm going to read. The first one: To protect and enhance our environmental assets, that's actually the second. And the first one is:

Cultivating and protecting our strong and healthy neighborhoods. And, certainly, I don't think that the impact statement has addressed these things. It hasn't addressed things like water run~off, and I don't think that it's adequately addressed. It's basically trying to run the numbers and we're under the threshold.

Within this comprehensive plan it says that thing about health, and it doesn't say anything about the town wants to produce more asphalt or breathe more benzenes, or any of those things. That's not what we're trying to do here. To me, it's very inconsistent. This proposal is inconsistent. That's what the direction of the town is, and it is especially stated in that comprehensive plan.

So, I guess I'm against it, obviously. And I would ask on behalf of my wife, my four sons, myself who lives a half a mile away in a larger community. I would ask that the tenant, Ms. DiPizio, to reconsider her plans for the site, and I would like to ask the planning board and the local politicians to reject this plan as planned. And to work towards something that is more acceptable and consistent with

values to the community.

Thank you.

CHAIRMAN BILL CLARK: Jessica Reyna, R E Y N A.

JESSICA REYNA: Hi. Good evening, my name is Jessica Reyna. I'm a 12-year resident of the Village of Hamburg. I'm also a mother of four. My youngest struggles with asthma. I'm also very active in our community and all of those efforts are centered around our kids. I'm a coach for the boys running program, Boys on the Right Track, that operates every fall and spring at Charlotte Avenue Elementary.

STENOGRAPHER: Could you please slow down.

JESSICA REYNA: Oh, sure.

COURT STENOGRAPHER: Charlotte Elementary.

JESSICA REYNA: Yes, Charlotte Elementary. And it also operates at other schools in and around Hamburg, in the village and in the town.

In addition, I'm also really involved with our school district. Most recently I was the vice-president of the Charlotte Avenue PTSA, and this fall I'll be taking over the Hamburg district PTSA president.

I tell you this to give you some context to know

that I'm not only here on behalf of my children and my family and my nieces who live in the village. But I'm here on behalf of all of the kids that I get to know and spend time with, and I'm so lucky to do so throughout my involvement with the school and community.

I do have many concerns about this asphalt plant. But I'm most concerned about the chemicals that will be emitted into the air and the effect that it will have on our residents, specifically our children. This is a very active and vibrant community. We want to be outside. If you live in this village, and you look out your window, rain or shine, June or December, you will see people outside, running, walking, enjoying their surroundings.

We have so many unique outdoor events that are specific to Hamburg and unique to Hamburg, and they run all throughout the year. This Saturday Hamburg will host the Character Chase 5K, and myself along with a dozen children, ages eight to 11, will be running together. We do not want to run this race in the future worried about the air that we're breathing in. We want to enjoy each other, support each other

and work our hardest to do the best things that we learn to do together every week.

Last month when the air in Hamburg was effected by the Canadian wildfires, and we had to cancel practice twice because of air quality, when we got back together my boys were so concerned. Why did this happen to us? How did this happen? So I explained it to them. It's no one's fault. Things like this could happen. It's an act of nature. Unfortunately, we can't stop it. And that's what the air pattern was doing.

I could not imagine if we built this plant and those boys were impacted, or any of the kids were impacted, and they came to us and said, why did this happen? Because the only reason that we will have, is that we did not work hard enough for them, and that is unacceptable.

So, I would just describe this village to anyone as something out of a movie. We moved here 12 years ago, and we said we'll give it a try. I'm never leaving. My children have something here that we will not find somewhere else, and I want to keep that for them and for all of the kids that I know. Let's

keep the charm, and let's work hard for all of our residents, young or old, village or town. But let's make sure that we're protecting them and doing the best for them so that we can keep this village what it is, something out of a movie.

CHAIRMAN BILL CLARK: Thank you.

I have do a brief reminder, if everyone could please silence their cell phones. And when you come to make comments, speak clearly and at a medium pace. We have a stenographer who is recording everything that is being said. The reason we're doing that is because everyone's comments are important, and we have to make sure that we get them recorded accurately. Please help us do that.

The next person up is Kathleen McHugh, M C H U G H.

KATHLEEN McHUGH: I'm not prepared, but I vote against the building of this asphalt plant.

CHAIRMAN BILL CLARK: Okay. Thank you.

Next is Marie Kurtzhalts, K U R T Z H A L T S.

KATHLEEN KURTZHALTS: Good evening. I live at 4543 Camp Road, Hamburg, New York. I am here to implore the planning board, the town board,

politicians, whomever is involved in this. And from the information that I hear is that -- and correct me if I'm wrong -- that there is a fear that exists if this is voted down or against. That whoever this person is that's in arrears of over one point five million dollars, is going to sue the town. There is no price that you could put on life. The wonderful town that we live in. And it's not this person that all of the -- like I said, the politicians, the planning board, town board, or whoever may be involved in this, that it's not just this one person. They have accountability to uphold our constitution, and all were sworn on the Bible and to answer to our heavenly father for the decisions that you make and the price of what is going to be paid by everyone from animals to humans.

Please, deny any type of approval. And if it means going to a lawsuit, regardless of the cost, you know -- you know that the people are behind you, and this is something that we do not want. Listen to your constituents and please vote and do the right thing.

Thank you for your time.

CHAIRMAN BILL CLARK: Thank you.

Next up is Jim Hewitt, H E W I T T.

JIM HEWITT: Well, my name is Jim Hewitt. You probably recognize me. I was there speaking to the planning board when you held meetings back at the town hall, pre-COVID. I have been to most every meeting imploring the planning board not to go ahead with the asphalt plant plans.

I live in the vicinity. I live where -- right behind the middle school, where I would be adversely effected. I told you last time we moved to this area because Hamburg's planning board was making Hamburg a great place to be. It is still a great place to be. But the minute you allow an asphalt plant to come in here, you would have destroyed the community. You will take away everything that you've done to this point, because you'll have people, industries, and you might need to relocate schools in order to avoid permanent toxic disabilities to the kids who will be forced to breathe that air from that asphalt plant.

I want you to think of the catastrophe it will cause when people can't sell their houses, because nobody will buy them in a toxic environment.

You'll have a catastrophe because these kids will then take that illness with them. They'll develop cancers later in life. This will be a long -- long-term process where those kids, our most vulnerable, will suffer the rest of their lives because they were forced to be at school when this plant puts toxins in the air.

You might even kill off the residents of nursing homes, daycare centers, our vulnerable community, the elderly that live in the neighborhoods nearby. That's the kind of calamities it will cause. I also ask you to think of the type of calamity that was the asphalt plant's environmental impact study. Do you really trust a person that supplies you with a faulty impact study to provide a safe environment to the rest of the community with six people at a plant? Sorry, when all hell breaks loose when they explode, do you think that we are going to evacuate schools, nursing homes, daycare centers, community, residential areas, shopping centers, businesses, restaurants, all of that in a very tight-knit well-managed community? With a flick of a switch when things go bad, do you trust her? I certainly

don't. Because if she'll give you faulty impact studies over and over again, when there's something wrong with the plant, she may not even tell us, and then we're doomed. The community -- Hamburg as a town and village, will be doomed.

Please don't do that. I love it here, and I want to stay here. My health would be adversely effected as many others. I'm not a very qualified individual like some of the other people that you had here, Dr. Melgar, you who had people that talked about the pollution from other environmental agencies, who talked about people in planning -- for the disaster planning. You had so many, many people come to tell you this is not the right thing to do.

I have one more ax, I speak for the trees. Please, do not allow this company to set up shop here.

Thank you.

CHAIRMAN BILL CLARK: Thank you.

Next up is Erin Faryna, F A R Y N A.

ERIN FARYNA: Hi. My name is Erin Faryna. I'm a Hamburg village resident and also a school counselor in a neighboring area. I'm here to discuss the human

health impact and advocate for the Hamburg community, including the nearly two thousand students that attend the schools within 15 hundred feet of the proposed plant.

This past April the American Psychiatric --

STENOGRAPHER: Could you speak louder, please?

ERIN FARYNA: Sure.

The American Psychiatric Association published an article which discusses air pollution impact on mental health. The article notes a recent review of more than 100 studies, on the effects of outdoor air pollution on mental health and the regions of the brain that regulates emotions.

The researchers found that many of the studies reported higher mental health symptoms and behaviors in humans and animals after exposure to higher than average levels of air pollution. A doctor concluded that people who breathed polluted air experienced changes within the brain that controls emotions, and as a result they may be more likely to develop anxiety and depression than those who breathe cleaner air.

The article highlighted another study that looks

at potential impact on children and adolescents who may be especially vulnerable as they experience critical periods of brain development. The review of research found evidence that air pollution is associated with an increased risk of depression symptoms and suicidal behaviors. The article stated: Exposure to air pollution may also intensify existing mental health conditions among children.

A study published in the *Environmental Health Perspective* found an association between even short-term exposure to elevated levels of air pollution and increased emergency room psychiatric visits among children.

As I see it, my duty is to advocate for the children and the community. It is your responsibility and duty as a planning board to advocate and to protect the community's right to clean air. Thank you.

CHAIRMAN BILL CLARK: Thank you.

Diana Patton.

DIANA PATTON: Hi, I'm Diana Patton. I moved here when I was about 13. A little history: I lived in the Love Cancel in Niagara Falls. You want to know

about environmental impact? Just go about 40 minutes to the next city over, and you'll see what happens when people don't pay attention to environmental impact. Or, better yet, just drive down here on Rt. 5 along the lake and watch Bethlehem Steel and look at the impact to the land there that can't be used for God knows how many years.

They still haven't done studies on kids that lived in the Love Canal back when I lived there. They still don't know what happened to us.

The EPA started right there in Niagara Falls, and the woman's name who started all of that is Lois Gibbs, and she's still active, and that would be the first number that I'd call if this plant gets put in.

Thank you.

CHAIRMAN BILL CLARK: Thank you.

Next person up is Trish Fernstrom, F E R S N S T R O M.

TRISH FERNSTROM: Hi, my name is Trish Fernstrom. I'm very upset about this. I'm a transplant from Seattle, and I came to Hamburg. I love this town. I have family here. I live right across from the high school itself. So, this will effect me because I

have a deviated septum. I get about 60 percent of the oxygen that most people get. I cough a lot already with the wildfires and everything.

It may be more selfish that I'm here, but it is going to impact me hugely. And I look at this beautiful town, and why would anyone want an asphalt plant in a beautiful town like this? It's not something that is going to bring people in.

Like I said, I came here from Seattle. I lived all over the country. I lived in England. I love this town more than anything, and I want to stay here. And I'm glad that these people are all here and care about this town because it is phenomenal.

CHAIRMAN BILL CLARK: Thank you.

Next up is John Scheer, S C H E E R.

COURT STENOGRAPHER: What was the first name?

CHAIRMAN BILL CLARK: John.

JOHN SCHEER: Pardon?

CHAIRMAN BILL CLARK: She asked what your first name was.

JOHN SCHEER: Oh, John Scheer.

Again, I didn't know about this meeting until about two hours ago. I live closer to the proposed

asphalt plant than where the school is. Lifelong resident, graduate of Boston/Baily Hamburg Middle School, Hamburg Senior High, and I live right on Spring Road.

I didn't prepare anything, but some of the comments made, a lot of these comments, there's nothing based on fact. And the people that have an issue with it, do you have an issue when you have you have -- when your roads are getting paved? Do you know that blacktop emits more emissions and toxic fumes during the application process than the manufacturing process? Are you guys all okay with nobody fixing your streets? Your roads?

You talk about the Pegulas. You talk about Hamburg High School. What are they doing there? They're doing renovations. It's all going to be blacktop. You could do all you want, but it's common sense. They're going to blacktop the entire parking lot of the stadium. The high school -- the woman that lives across the street from the high school, I sympathize with you, with your health issues. But what is going to happen when they pave the streets, the Hamburg track --

MALE: It's not 24/7.

JOHN SCHEER: I'm just saying.

CHAIRMAN BILL CLARK: Hold on. Hold on. Please, don't interrupt. Everyone is entitled to give their opinion.

JOHN SCHEER: It makes absolutely no sense. And I don't even know the owner of this plant. My only point is, you're talking about a -- and then I hear about the traffic issues. That was Riefler Concrete, which was a huge corporation for years. I didn't hear anybody complaining about that.

Not in my neighborhood is what all you people are saying. But it's okay -- but it's okay to bring it in from West Seneca. It's okay to bring it in here, but not in my -- that plant, and I live closer to it. Again, you're going to get more toxins. The roads are being paved all of the time.

The Town of Hamburg, as far as the Bills stadium, all of the renovations going on at the high school, this makes absolutely no sense whatsoever, and you people are all hypocrites.

Thank you.

CROWD: Boo. Not in my backyard.

CHAIRMAN BILL CLARK: Just as a reminder, we are using a stenographer to record. So, please, any background noise makes it very difficult to actively record what is happening at the meeting.

Next up is Leela Mascia, M A S C I A.

LEELA MASCIA: That will be Mascia.

CHAIRMAN BILL CLARK: Mascia.

LEELA MASCIA: Hello, my name is Leela Mascia. I just turned 15, and I'm a lifelong resident of 209 Highland Avenue.

COURT STENOGRAPHER: Wait. Wait. Slow down, honey. What is your address, please?

LEELA MASCIA: 209 Highland Avenue.

STENOGRAPHER: Thank you.

LEELA MASCIA: I spoke at the previous meeting. At that time I mentioned the devastating Canadian wildfires. During one of the first nights of the Canadian crisis, my brother, a strong, healthy young man went for a run not knowing how bad the air was. When he came back he told us that he had cut his run short, as he described it as feeling like he was going to die. He said that he quickly had gotten out of breath and begun to cough up phlegm. This was

caused by smoke and fires at least 560 miles away.

Imagine the consequences of breathing in thick, disgusting, artificial carcinogenic-filled smoke within feet of your community, 24 hours a day. This is what we're all facing.

Some people don't worry about the plant because they don't live in Hamburg. Well, guess what? It is not just us. Orchard Park, West Seneca, East Aurora, all of these places will be effected. There's no barrier between Hamburg and these places. There is no futuristic force field or magical bubble. If this factory passes, we're all at risk. Our entire region will be impacted.

My family and I are all quite outdoorsy. My dad and brother enjoy going for daily runs, my brother participates in various sports, my mom loves going for walks and tends to her beautiful garden, and I, myself, bike to the library a few days a week and almost every day in the summer. We have two adorable dogs who love to take lots of walks and hang out in our yard.

What will this plant mean to my mother's health with her asthma, to my father's runs, to my brother's

outdoor sports, to my daily trips to the library, to other people like us in Hamburg, Orchard Park, and East Aurora, for our pets and the wildlife? In 25 years, what will the cancer rates look like in Southern Erie County?

I was 11 years old when talk of this plant began. Back then I thought that it was horrible, and I was willing to fight tooth a nail to suppress it. Ten days ago I turned 15. My feelings have not changed. I have complete faith in my community and all of you to continue fighting. We will go down swinging. We will not rest until this asphalt plant is gone for good.

Thank you.

CHAIRMAN BILL CLARK: Thank you.

Next, Jeanette Koncikowski. When you get up there, pleases spell it.

JEANETTE KONCIKOWSKI: Sure.

CHAIRMAN BILL CLARK: Thank you.

JEANETTE KONCIKOWSKI: Hello, my name is Jeanette Koncikowski, K O N C I K O W S K I.

I'm a parent of children in the Hamburg School District, which is why I have a vested interest in

this issue and speaking to you again today.

While I appreciate the board's continued diligence to ensure that AL Asphalt gets their due to the legal process regarding the application of the proposed plant, I want to open up by reminding you that this community has continued -- that this company has continued their disregard for our community, as well as their proposal over the last four years.

AL Asphalt has never proactively engaged our community and our concerns. They have never invited transparency or been accountable for their poor business practices. In fact, if anything, the behavior only continues to support reasons why this board should reject their plan in its entirety. I implore you to end this once and for all.

The onus has been placed on this community, to continue to speak out against this proposed plant. We have done our homework. We have engaged our neighbors and we have engaged you. What exactly has AL Asphalt been doing? I can tell you what they have not been doing. Number one: They have not been taking the time to address the deficiencies found in

the DEIS. This board found 18 deficiencies in the DEIS submitted in August of 2022 by AL Asphalt. When given the chance to address the deficiencies, the company barely answered two of the deficiencies in the revised June 2023 report.

The very fact that there are 18 deficiencies, and 16 that continue to be neglected, in response should be sufficient evidence that this company has no real plan to address the environmental impact. Even so, the company tries to ensure us that it's being environmentally responsible when it is clear on Page 19 of the Revised DEIS, that there will be a reduction of travel distance from the town to source our asphalt, which will result, quote, a decrease in mobile source of emission, thus lessening our carbon footprint. This amounts to gaslighting and brainwashing.

Number two: They have not done their homework regarding the site on Camp Road in relation to air pollution, mitigation of fumes, or how the plant fits within the town plan. Instead, they're trying to transfer an air permit for a site that never existed in the Town of Niagara Falls, because the Town of

Niagara Falls did the right thing and shut them done.

This applicant is either arrogant enough, or perhaps careless enough, to assume that the wind patterns for a vastly different site, 33 miles away, in a different county and municipality, will equate to the proposed site here on Camp Road in Hamburg.

On Page 44 of their Revised DEIS, they state in regards to site differences. Quote, All air calculations shall remain the same as the proposed equipment has not changed.

Need I remind you that this site, as others have said, is only 15 hundred feet from the middle school and high school grounds. As well as there are vulnerable infants and children in a daycare nearby, and the elderly residents housed at Elderwood.

The applicant notes the vulnerable population on Page 22 on their own application. While the equipment may not be the same, the sites are not. They're certain that the Hamburg site is further in distance from the property line and, therefore, a safer site from the one that they never operated in. Niagara Falls is not based on any actual evidence. So, there is the evidence.

Surely the recent days spent indoors due to the Canadian wildfires is a reminder enough to us that smoke and fumes do indeed travel in the wind. It is preposterous to believe that the fumes from the smokestack will not leave the Camp Road property.

Furthermore, AL Asphalt's own application states that the odor will have an impact within a half mile of the zone, which means it will supercede the town's M3 limits. Several chemicals that are odors in the production of hot mixes and other toxic carcinogens, including benzene, masolene* and formaldehyde. In fact, the DEIS specifically states that there are no controls available to stop the formaldehyde fumes which is another M3 violation. All the while maintaining on Page 19 of the application that, quote, there will be little, if any, adverse impact to the environment and public.

Number three: The lack of concern for substantial emergency protocols and procedures in case of a fire at the proposed plant. You've already heard tonight from some people that had concerns about that. The only thing that I want to add to that, is that there's concerns about the six jobs

that this will create. Well, there was an asphalt plant in Albany in 2017 where two workers lost their life in an explosion at that plant, and the next year there was another fire at that plant, and the town was not equipped to handle that. So, again, what are we going to do?

Number four: They have not been paying their taxes. I heard that this board and study can't take into consideration, the impact of real estate value on the property taxes. I would like to challenge that notion. The applicant herself, on Page 19 of the Revised DEIS, claims the plant will, quote, also be adding value to the property, thus increasing the property assessed tax value. More dollars for the town and school district. You know what else could add more tax dollars to the town and school district? Paying your back taxes.

I think they're at one point seven million as of today. It was at one point three million at the end of 2022.

So what could possibly lead us to the conclusion that the business owners care about their community and monitoring their environmental impact when

they're not even in compliance with paying their property taxes? I'd like to know why the county hasn't put this business in foreclosure yet. Why should the community continue to be held hostage by the proposed plant for another year or four years, when there's a good chance that they're going bankrupt.

In conclusion, I implore you to shut down AL Asphalt's proposal once and for all. It's bad for Hamburg's children, for teachers, for the land, the waterway, the bees, and even our traffic. You have ample evidence to do so, and this community behind you that is standing against it. Our resolve has not wavered. I hope yours does not either.

Thank you.

CHAIRMAN BILL CLARK: Thank you.

Monica Stringham, S T R I N G H A M.

MONICA STRINGHAM: My name is Monica Stringham. I speak as a new resident of the Town of Hamburg. My family and I moved here from Harrisonburg, Virginia, on June 10. I just learned of the proposed asphalt plant, and I would like to share about my experiences as an educator who worked in close proximity to an

asphalt production plant.

In Harrisonburg I taught at a middle school that was a few 100 feet away from several asphalt plants operated by a regional construction company. Unlike Hamburg's case, the school was built after the plant was established. As a result, the school's HVAC system pumped toxic air through the entire building whenever the plant was running. Do you remember the way that the air in Western New York looked a few weeks ago due to the wildfires? That image may help you to imagine what it looked like to peer out the window of our school on days that the plant was producing.

As a teacher who taught in one room all day, with no control over that room's HVAC system, there were many days that I went home with a sore throat and a migraine headache because of the fumes being pumped in the rooms and the hallway. Perhaps obviously opening the window for relief made it worse, not better.

It is not an exaggeration to say that I used to pray for rain because I noticed the asphalt was not produced on days that there was bad weather. My

colleagues and I used to rate the smell and note how it was tied to classroom behavior. Students often reacted in two ways on those smelly days, either they were lethargic and had little energy to learn or they were irritated and agitated. Neither response contributed to a productive learning environment.

It got so bad that one day I made my way to my principal's office and told him that I needed a new classroom, or I would think about resigning.

Thankfully he was receptive and moved me to an upstairs room, interior room, that was near the end of the HVAC circuit. I still had smelly days, but they were greatly reduced. I began to wear a KN95 mask on bad days. It probably goes without saying that another teacher ended up with my old classroom. It took years for my district to improve the air filters in the HVAC system, not to mention seals on exterior doors and windows.

Permitting this plant will have several deleterious effects. It will create the need to overhaul HVAC systems from mitigation of poisonous fumes, presumably at taxpayers' expense. More importantly, however, toxic air from the asphalt

plant will impact children for the years they attend Hamburg schools, as well as any employee of the school for the duration of their career. Negative consequences of exposure to asphalt production by-products are well documented.

The Town of Hamburg is risking the wellbeing of the students, teachers, administrators, and other staff in the middle and high school buildings, not to mention school and community members to participate in outdoor functions surrounding either of those buildings, should choose to allow this proposed plant to advance.

I hope that you will consider doing everything in your power to stop the plant's proposal.

CHAIRMAN BILL CLARK: Thank you.

Another reminder, if you have written comments that you're reading from, please submit those to either Josh or Analyse so that way the record could accurately reflect your comments. And if you haven't signed up to speak and you still wish to do so, please see Josh and Analyse. They have the sign-up sheets.

Next up we have Francis Ophelia, O P I E L I A.

FRANCIS OPEILIA: My name is Francis Opielia. I live on Franklin Street, which is right across the street from where this asphalt plant wants to be. I live in a townhouse area, and there are 20 town houses on that street, and there are 31 residents.

Last week we sent a letter to the town hall, which is supposedly going to the planning board and the town board, so you already have that notice. But I will read it, what we wrote down.

The Franklin Park Homeowners Association, 20 units, would like to express opposition to the proposed-asphalt plant on Camp Road for the following reasons: Number one: Our health and wellbeing will be adversely effected. The plant will produce air pollutants, bad odors and airborne soot, all of which are unhealthy. Asphalt contains carcinogens which has been linked to some cancers. We have an older population, and we would -- should not be forced to live in such a foul environment.

Number two: The plant will result in the loss of our property values. Tax assessments would most likely not be lowered, and our financial estates will be negatively effected.

Number three: The plant would increase traffic and noise on Camp Road and adjacent streets, which are already extremely busy. More traffic hazards are not needed nor desirable. And there was a significant accident just the other day on that corner.

In addition, the proposed plant is very close and up wind of the high and middle schools. Significant costs are currently being expended for the improvement of the school's athletic fields. This work and cost would be a complete waste if the nearby asphalt plant is approved. It effects the health of the students and visitors using that athletic grounds.

We would like the Hamburg town board to consider the above and request and recommended that the asphalt facility to be disapproved.

Thank you.

CHAIRMAN BILL CLARK: Thank you.

Next up is Stan Radon, R A D O N.

STANLEY RADON: Hi, good evening. My name is Stanley Radon. I live on Kenton Place.

STENOGRAPHER: What place?

STANLEY RADON: Kenton Place.

STENOGRAPHER: Thank you.

STANLEY RADON: K E N T O N. I did go through the DEIS. I'm going to be submitting numerous written comments, and I just want to note that there's a lot of unsupported, misleading conclusions throughout the report. I don't know who for the town is going to be reviewing that DEIS, but it needs to be reviewed with a fine-tooth comb.

There was a statement, something along the lines, overall the project will be a benefit to the community. I don't think that anybody really agrees with that.

We focused a lot on the plant site, which we should be doing. And in the report we talked about reduced emissions with new technology, which is -- you know, we have to. Reduced emissions is not as good as no emissions, which is obvious. The conclusion is, that no emissions should be in the selection for the town board.

Also, there wasn't a lot of emphasize on what I consider a bigger -- lots of asphalt plants, which will be the trucks going through the community on hot

days. So all of those mobile emissions, when they're stopped at a red light or in a traffic jam, will be emitting the same stuff that the plant is doing, except they are integrated throughout the community.

And, yes, we do have to pave the roads. It's not a question of doing the roads, it is a question of siting. This should not be sited in this community in a densely populated area. We do need asphalt plants, that's unequivocal, just not here.

What else do I have here? Like I said, submitting.

So, I'm not going to go over lots of the wonderful comments tonight, but there's something that no one has brought up yet. Since the time of the last meeting in 2019 to today, there was a law passed. Some of you may have voted for it. Has anybody voted for the green planet, a couple years ago? That puts the onus on the town board to protect and ensure -- it's in the New York State Constitution as of 2022, I believe -- that we all have a right to clean air and safe environment and clean water. And it allows lawsuits against town boards or any municipalities, or state governments, that are going

to be supplying permits, or allowing something that they know will in fact harm the community. That's specifically why that law was created. We voted. I think over two thirds of New Yorkers voted for that, and you guys have to follow that law. I get it, it's complicated. You now actually have a really good law that really makes the decision quite easy for you, I think in my humble opinion.

That's all I have.

CHAIRMAN BILL CLARK: Thank you.

Somebody lost their keys. Analyse has them.

Next up is Alison Lovern.

ALISON LOVERN: Hello. Again, my name is Alison Lovern. I live on Elizabeth Street in the village. I grew up in Hamburg, left for quite awhile and moved back to raise a family here about seven, eight years ago. I have three kids. I'm an active member of the Hamburg community. I run a girl scout troop that meets at the community center in the village, just around the corner from the site.

We also enjoy many outdoor activities in the area. Both of my boys are in boy scouts. Their troops meet outdoors in the village for most of the

year during nice weather whenever they can. All of these scouts across the board and so many more, have spent so much of their time helping to beautify our lovely village here, and opening an asphalt plant here would do the exact opposite.

My kids are all students in the Hamburg School District. Two currently go to Charlotte and one goes to the middle school. My middle schooler is asthmatic. All of my kids play sports. And I just can not imagine our community investing in that beautiful new complex only to allow an asphalt plant to open just a stone's throw away.

I have many, many friends who could not be here in person tonight, because we all lead very busy lives with many kids in sports and activities. They all feel exactly as I do.

We bought the house in the village as our forever home, but I would be looking to leave the area if this asphalt plant is allowed to open in our backyard, and that would truly break my heart.

Thank you for your time.

CHAIRMAN BILL CLARK: Thank you.

Next up is Matt Jackson.

MATT JACKSON: Could you hear me ok? All right. I am Dr. Matt Jackson. I'm a boomerang resident. I grew up here. I spent my teenage years in Hamburg and moved to another state, and then I moved back, and I started a young family here. I pay my taxes here. Our oldest daughter will begin middle school, a few yards away from this proposed plant.

It's really difficult to be here again, but I'm not surprised. My deepest fear is that if this plant is defeated, the property is sold, and we do this again with the next owner. We have a problem here, that's systematic in nature which relates to the zoning of the area.

Now, I'm going to digress for a moment for the gentleman that spoke earlier. I'm going to state the obvious, that no one is against the concept of pavement. This is often framed as what we are against. I would like to be very firm in asserting that this community is for responsible citizenship, industry, and commerce. I enjoy steak, but I do not need a cow yard in the middle of a residential community.

There is a certain level of valid concerns

saying that there's a hypocrisy here if we go nimby on this and we push this to another community. No one is trying to do that. The suggestion is not if this site does not exist in Hamburg, it ought to belong to X, Y, and Z. That is unfair to those other communities as well. I think that we can all agree to that point.

If you want to like, give me a thumbs up.

All right. So, I'm not going to try to appeal to your heads. We have had a parade of experts. Literal experts talk about the hazards and health risks. They know things. Please take them seriously. I would be presumptuous if I could say that my internet search was any better than the gentleman here that is in charge of emergency evacuations. Similarly, I could try to appeal to your heart, but I don't think that I have to. We have heard infinite comments and suggestions related to the impacts that this plant will have on the vulnerable residents of our community, namely our elderly and our children.

Instead, I'm going to say three points. One, this is very important to me. I ask that the

consideration of objections made from three years ago through now, are still valid and ought to be weighed in addition to tonight's comments and the comments from a few weeks ago.

This is not like a sequel or a multiverse or some other nonsense. This is the same franchise. We didn't like it then. We don't like it now. That needs to be compounded into the objection that we're hearing now, presently. A lot of people gave up a lot of time for that, that can not be disregarded.

My next point comes after taxes. There's a lot of hearsay on this. We've had heard direct figures. There's some consideration that may be that can't be weighed into this objection. I don't know how one divorces the concept of failing to pay taxes and your corporate citizenship from your ability to be a responsible and environmental citizen. Those are not mutually exclusive. I find negligence in one area, the likelihood of negligence in another, it's just kind of obvious, right?

Okay. My third point here, is that we have a town comprehensive plan, and my hope again and my fear, is that, even if this is struck down, we find

ourselves still with the systematic problem of a zoned area for commercial -- I'm sorry, heavy industrial use. I ask that we think about the land and think about the comprehensive plan so that we can solve this issue systematically. We can not rely on the ad hoc citizenship stuff because, guys, we're tired, all right. Go with the laughter.

I'm going to conclude here. The hardest part about this, is that as a community we feel vulnerable. That's a really yucky feeling that no one especially wants. As citizens, we don't know what the solution is. We don't know how many meetings we have to attend. How many signs need to be in our yards. How many signs need to be in our streets. How many nights we have to get disrupted. We have to hustle, give our kids some weird dinner, because we have to drive for a thing and try to be polite, like this. This is nuts. What is the metric? What's the barometer here? What are we aiming for here? None of us know. We're spending days at farmers markets, and there's words upon words, upon words, coming from our heads and hearts. How many words is this going to take?

Thank you.

CHAIRMAN BILL CLARK: Thank you.

Next up is Colleen Rahill-Beuler, R A H I L L -
B E U L E R.

COLLEEN BAHILL-BEULER: There has been some smart people talking tonight. I would like to say ditto to all of them.

So my name is Colleen Bahill-Bueler. I want to thank the planning board because Mr. Jackson spoke about all of the time that many of you have spent, but I know how much time and energy the board of towns put into these things. So thank you for your time.

I live at 53 Oliver Place in the Village of Hamburg. My family has lived in the Village of Hamburg at the corner of Center and Long since 1976. I personally first lived in my current home, which is about one point five miles from the proposed asphalt plant since 2019. In early June of this year, the Buffalo News ran a really cool article about the Village of Hamburg and its tremendous growth in its popularity. It indicated that Hamburg is a robust destination for food, drinks, entertainment and

shopping. They also described how private businesses and municipal officials worked together to increase tourism and welcome new commerce throughout the area. Long-term plan and decisions made by boards, such as this board, played a role in helping this area to become a highly sought-after place to raise and live as a family.

Just in the past weeks we had a music fest, the garden walk, the chalk and art walk, and this weekend the burger fest. Every Saturday we have a bustling farmers market, which I might note the asphalt plant is in the backyard of the proposed plant, where the market is held. Dozens of our hard-working farmers, vendors, and craft people sell all sorts of goods: Fruit, flowers, food, fabulous food. That's a lot of Fs in one sentence. All of them family friendly Fs. Every other Friday is an artisan market in the Alchemy Wine parking lot. All summer long there's weekly concerts at Memorial Park on Wednesday nights, and music outside the Spot Cafe on Saturday mornings. I mean, the town and village are just outrageously awesome. It's a destination not to be missed.

Countless entrepreneurs have opened up shops in

Hamburg in the past three and four years, recognizing the support and creativity for businesses within this community. I suspect that they're counting on the continued growth and good decisionmaking by bodies, such as the Hamburg Planning Board. With the -- well, when I wrote this, this is what I thought. With the exception of Ms. DiPizio and her family, I doubt that there's anyone in this room having an asphalt plant in the center of our beautiful town would support having that as a good decision, but Mr. Scheer proved me wrong.

Again, I agree with what Mr. Jackson said. Of course, we need an asphalt plant and, of course, we did have Riefler's here for a long time. It was a different town. It was a different place when Riefler's was here, and I don't recall odors coming from Riefler's. I could be wrong, but I don't recall it. And like I said, it was a different town and place.

I'm sure that Ms. DiPizio is frustrated that she can not find a community that is welcoming her asphalt plant with opened arms. I'm sure as a business person that's aggravating. However, her

frustration and failed attempts in Niagara County should not result in health problems, business failures, and residential plight in Hamburg, New York.

Also, that tax issue really should be cleared up. I understand the planning board can not consider it, but as we heard here tonight the rest of us really can't get that out of our minds.

There are two other areas that I wanted to touch upon before I close. At the last public meeting which I did attend, several people mentioned vulnerable places or spaces that will be victimized by this plant. That includes the nursing home across the street, daycare center across the street, a beautiful sports complex being built at the high school, that's less than a half mile from the proposed site, where the town and village will be hosting schools and others, not only from Western New York but throughout the state, and who knows other areas of the northeast. I imagine our local taxes will be supporting those events, and our schools will be very vulnerable to toxins, etc., from the plant. But no mention at the last meeting that I recall was

made of the splash pad, is that because of issues it's not opened yet? The pickleball court at Glen Meadows Park or the village pool. Granted, the water facilities are late in opening this year due to circumstances beyond their control. However, these three facilities are integral in the enjoyment of the residents of this community and would be effected by an asphalt plant that was spewing, at a minimum, foul odors into our air. And studies have given us every indication that it will be emitting more than just unpleasant smells.

Then finally, not once, twice, three times, but four times I personally effected by the poor air quality that we experienced due to the wildfires. I was unable to participate in planned activities. And I'm not a Goddess, but I'm in relatively good shape, and I could not go out. The air quality was simply hitting me bad. This was an unusual event that we experienced, thank God, but this was a lesson in it for us. How could having an asphalt plant in our community and subsequent daily consequences of it will not be unusual. They will become usual. Most of them unwelcomed, most of them unpleasant, but

sadly very, very usual. We don't want that. We don't deserve that. And, mostly, we know better. Please don't allow that to happen.

Thank you.

CHAIRMAN BILL CLARK: Thank you.

Next up is Joe Pacillo, P A C I L L O.

JOE PACILLO: Thank you for letting me speak. My wife wasn't able to come today, so I'm speaking on her behalf. I live on Lake Street, not too far from the plant -- the proposed plant. My family and I moved to Hamburg about five years ago with the idea that we would stay here forever. My wife grew up in Hamburg. I'm from Kenmore, and my daughter was born in the city. But we were looking for a forever home. My daughter was just over a year when we purchased our home, and we were looking to get out of the city because of the noise and the air pollution. We wanted to move into an area with good schools, welcoming neighbors and being able to develop a sense of pride. We found all of those needs met here and then some, in this village. The village I'm proud to call my home, Hamburg.

The house that we found seemed to be something

of a dream. It's a beautiful stone house with room to grow. My daughter is now nearly six. She and I are both transplants here and fell in love with Hamburg, as my wife did when she was growing up. There's a lot of good things about the village and the surrounding areas: Community activities, festivals, people, the stores, close to family and friends, and so much more that make Hamburg an amazing area to live. We have to deal with the extra snow, but I think it's worth it.

Not included in that list of good things is an asphalt plant immediately adjacent to a very populated, residential area. How many people here would have passed on a home had an asphalt plant already existed when you were looking to purchase? I would not have purchased a home here if there was an asphalt plant here, and I don't think that many of you would have either. It's not just the smells, it's also the particulates and other pollution produced there that isn't going to help people to live longer or breathe better. It's going to be the opposite.

My father grew up with Bethlehem Park in the 40s

and 50s. He would gala stories about how he would wake up and there'd be orange dust all over all of the roofs on the homes nearby. Smokes Creek used to produce smoke because it would start on fire. Yet, we don't have pollution like that anymore, but that doesn't mean that this plant to going to produce clean air that we can bottle and sell to people across the world.

My family has a history of cancer. I don't know if that's brought on by the pollution that was produced at Bethlem Park. My grandmother lived to be 97. My uncle lived to be 56. My aunt lived to be 64. So, it's not genetics, it's the pollution. Something like this isn't really going to help them.

We were hoping to have my parents and mother-in-law move in with us, but if this plant goes ahead we're not going to do that. But we have to do it quickly because my mother-in-law isn't doing so well, and we want her to live with us so we could care for her. So if we make the investment now, that will be wasted money. I could not in good conscience have my parents and mother-in-law move in with us. I wouldn't want to live here.

Six jobs mentioned in the proposal. Six jobs that are not guaranteed to go to Hamburg residents, are they? Six jobs onsite that would require some form of PPE.

STENOGRAPHER: Excuse me. Six jobs onsite that would require what?

JOE PACILLO: Some form of PPE, personal protection equipment, to conform to many safety regulations; otherwise, the job would be hazardous to their health. Are we also expected to wear PPE if we live close by to this plant? We pay taxes. I pay taxes. A lot of taxes. But it's worth it because this community is amazing. They don't have a good track record paying taxes.

So, I mean, how does the community benefit from this? So to me we have air pollution, six jobs, late or nonexisting tax payers. If this plant gets approved, to me it would show only one thing, promises from someone that is showing themselves to be tax delinquent outweigh the concerns and wishes from the people that you are supposed to represent.

Thank you.

CHAIRMAN BILL CLARK: Thank you.

Next up we have John Sullivan.

JOHN SULLIVAN: My name is John Sullivan. I live in the village on Kenton.

I just want to present some facts which I did at town hall awhile ago. These are numbers initially taken from the report that was submitted.

So, the proposal suggests -- I work with numbers a lot, I'm a clinician scientist. So let's -- let's go through the numbers from on the table there. One hundred and 30 thousand tons -- tons of material is going to be released. Now they suggest that 98 percent of this material could be scrubbed, assuming that is the correct number of the available current technology. All right? So if we take 130 thousand tons and we, say -- all right, give them the benefit, two percent of that is released. Okay? So, that gives us 26 hundred tons per year. Now a ton is two thousand pounds. All right. So that gets us to five million 200 thousand pounds of material per year. So that is just starting off.

Now let's assume that we have the plant in the center of a circle, and there's a point five mile radius, so basically a mile around the plant. So you

could use the area of a circle and calculate how much surface area that number is, and you could come up with that number, and then take the total amount of pounds and divide by the surface area, in a one mile diameter around the plant. And now take just a typical lot, let's say 100 by 75 feet, and then calculate how much of that particulate matter settling uniformly over that one mile diameter circle. What is that going to mean? So for a typical lot like that of 100 by 75 feet within that one mile radius, 18 hundred pounds of material per year. That's just the particulate material. It doesn't speak to the solvents or the gas and materials.

The risk that this presents, I think, to the community, the vibrancy, the health of the children and adults in this community, people with asthma -- my wife has a reactive airway disease -- I think that you need to seriously consider how this, such a detriment it is to health and how this could happen.

I love this community, and we enjoy living here for many years to come.

Thank you.

CHAIRMAN BILL CLARK: Thank you.

After standing here for a few hours this time and the last time, I'm going to give the vice-chairwoman, Kaitlyn McCormick, a chance to stand at the mic for awhile.

VICE-CHAIRWOMAN KAITLYN MCCORMICK: Ashley Rapinski.

ASHLEY RAPINSKI: Hello. My name is Ashley Rapinski. I am a -- about a five-year resident in Hamburg. As many people mentioned we were drawn to Hamburg by the charm. We are from out of state. We are transplants, and we find it simply ideal here. However, if we allow the asphalt plant to be built that will ruin the entire charm of the village, and it will drive away the families and not attract new ones. Nobody would want to be here if that was the case.

There's so many concerns that was expressed, so I'm going to try to speak to my bullet list on my phone.

I'm a parent, and I have one child in our school district, and I have huge concerns about the plant being built, not only in our town but in close

proximity to the schools. The number one priority of our town is to protect our vulnerable and valuable assets.

STENOGRAPHER: Could you please slow down? The number one priority --

ASHLEY RAPINSKY: The number one priority should be to protect the vulnerable and our valuable assets and, which in my opinion, is our children. And in order to do so we must put a stop to the plant from being built. I stand against this plant for so many reasons, and I'm going to summarize this. The odors that will travel beyond the M3 zone, which violates the town building code. The noise from equipment within one half mile from the site, which is a violation of the existing M3 zone limitation. And, again, my biggest concern is the emissions in the plant of the release of toxic chemicals.

So in the DEIS report it says there will be chemicals that are released. There's no way to stop those from getting in the air. And those chemicals are known carcinogens.

Now, this is near our schools, near our homes. The outcome of breathing these chemicals for eight

hours a day, five days a week, 180 days a year for seven years, for the children who attend the middle school and high school, there has been studies. And these kids don't just only stay at school, they're out of school and we live there. These need to be considered as we move forward and consider what to do with this. I lost my place here.

In my opinion the short and simple answer to this plant being built should be no. So, to summarize the effect of the air, the environment, the noise, the odor, the quality of life to the nearby daycares, homes, recreation areas, schools, nursing home, and just simply all of residents is unacceptable. There is no plan to protect any of us from the fact that we're entertaining an application which is deficient in so many areas is disappointing, and it is beyond my comprehension how it could go on.

This plant needs to be shutdown. And please, planning board, consider what I had to say.

VICE-CHAIRWOMAN KAITLIN McCORMICK: Next up is Casey Marcella.

While she's walking up here, Josh is located over here with a clipboard.

CASEY MARCELLE: Hi, I'm Casey Marcelle. I live at 134 Foxcroft, and I'm a second grade teacher. I talk to seven and eight year olds all day long, and I'm not used to talking in front of a bunch adults. I wasn't actually going to speak because I'm a little hesitant that way, but I've been attending meetings since 2019 when this began.

I moved into my home in 2018. My husband is from Albany, went to UB, wanted to live in the north towns, and I won the north town/south town battle with him in Hamburg. It's a wonderful community to live and work here. I feel truly blessed.

So I've been coming since 2019 to these meetings, and since then I have gone from zero children to two. So already I feel like life is flying by, and I am, like, why are we still fighting this? I can't fathom this. I was fighting for my hypothetical children, my students and my community as a whole. And now I have two children that will attend the schools, and it makes me that much more invested to deny this project.

I left them chalk-covered and all to be here and just make a couple points, and also to be here on

behalf, like Alison said, for all families that can't be here, because they have children doing sports, doing activities, and we're tired. We, like Mr. Jackson said, we're tired. I have parented through the Corona Virus and the wildfires. I'm so tired of the mental strain of trying to figure out what to do -- what is best to do, especially for my children.

Teaching in a school we have had to deal with the wildfires, and not being able to go outside. My students are used to two recesses a day. When we are not in recess we try to go outside to our community garden. Each of our schools has a community garden, as well as the middle school and high school, that we use to get our kids outside. We know nature. We know fresh air. We know how important it is for our kids. We have invested in having learned spaces for our children to go outside and enjoy. I can not help but think about how the odors and the asphalt plant will effect that.

When we couldn't go outside due to the wildfires, holy hannah, you should have seen how wild those kids were. And they don't learn as well when we can't access the outdoors or even have our windows

open.

I wanted to address the relocation. Schools do practice relocation drills. That is one more thing we will have to practice. We already have them do a lockdown drill and relocating to new buildings in case of an emergency, how we would have to do it. How much more are we going to expect of this young generation because us adults can't get ourselves together and make changes for them? I'm tired of trying to explain this to kids, and this is something that we could prevent. So I just implore you to please do so.

Thank you.

VICE-CHAIRWOMAN KAITLIN McCORMICK: Next up is Shannon Zdrojewski. Last name is spelled Z D R O J E W S K I.

SHANNON ZDROJEWSKI: My name is Shannon Zdrojewski. I'll try to make it short. I live at 4822 Meadow Lane in Hamburg, which is in the armor area. Nobody -- everybody knows me, it's quite clear. My thing is why would we put this in the heart of the community? I understand, like everybody said, we do need the roads. But how many people here

actually have attended Hamburg High School? Anybody? When I was a kid -- I've been at Hamburg my whole entire life. I went to the middle school. I went to the high school.

When Riefler's was there, the windows were opened. It was hot. There was no air-conditioning there at that time. Yes, we did smell, but you heard the trucks all of the time, boom boom boom. Boom boom boom. I don't know why this wasn't rezoned after Riefler's moved out, and then we had Great Lakes come in. When they left they should have been, after that, rezoned. This is in the heart of not just the town, this is in the heart of the village. Has anybody said if we put this asphalt plant right in the heart, it is going to kill us? Its cancer is going to strangle us.

Even if we don't smell the fumes, we all know there's hidden poisons in things that we can't smell. We brought this up many, many times. The high school -- okay, since a lot of people did not raise their hands because they didn't go to Hamburg, how many people have kids there now who have been at meetings in the beginning of year when it is 80 to 90

degrees in that room and the windows are open and the fans are on? You're ready to pass out. These kids will be learning in these conditions constantly and, yet, we hit on this a thousand times. But it is in the heart of our community.

I have been raised here. It was just a farming community. There was hardly any -- the mall wasn't even there, but now we have grown. I have seen the heart of this community become alive. I'm a part of many committees. I'm on the Hamburg Move Committee, and we're working on walkable/bikeable trails for our committee to get places. Guess what? We put that asphalt plant, as you said, people aren't going to want to move here. People aren't going to be -- like on burger fest to be here. People aren't going to go to the local markets.

If she would like, why doesn't she put a place to live there? Why doesn't -- an apartment complex -- why doesn't she put an apartment complex there? She could make money elsewhere, and being a part of the community and not destroy our community.

The other thing with studies. We all know how big corporations could hide their studies and

manipulate it and make it worth it for their business. Look at Erin Brockovich. In years to come, I don't want fight this. I don't want to have a lawyer come and fight because my grandkids have cancer, I have cancer, my neighbors have cancer, just because things were skewed to make it so a business could run.

We all know what the water runoffs are. Not even that, the rain. Somebody said that it was better in the rain. This stuff is up in the air. We have more snow, we have more rain just because we have the lake by us, we have the mountains. And the -- I know somebody that worked for the National Weather Association, this is the hardest place to predict weather because we are trapped, and we are dealing with the lakes.

What else was I going to say? We were all at -- I mean, when the Bethlehem Steel fire let loose, the plumes of smoke and the debris that came across the lake and depending on how the wind blows and dropped right there. If something happens, it's in our community. Not to say that I don't want it to be by my house, but asphalt plants should be away from

communities and away from people. It shouldn't be in the heart and soul of communities. It will kill our town. I like it when I go in the city, it's the city that smells like Cheerios. People are going to say, hey, we're the town that smells like -- nobody is going to want to live here. Nobody.

Everybody knows that I have a mouth. I love my community so much, and I don't want to see it killed. But as the gentleman says, I lived here in the 70s when the steel plant came. I used to -- my uncle used to work there, and I used to think that he made clouds for a living. But driving through there, you held your nose. Every building was brown. And I tell my kids that there used be smoke stacks that lit on fire at night and the whole area bloomed in the dark, things like that. For six jobs? Six people for working. I'd rather have stores there that could do, you know, six -- in different areas. Provide more work for our area. Let it thrive. She can think of other businesses.

And like I said, if this does not go through, I pray -- I pray that you guys rezone this so we don't have to deal with this issue in the heart of our

community again. I know that everybody here would rather be outside watching their kids. I would rather be outside. I have an aunt coming from DC. You guys work your buns off. This is the last place that you want to hear over and over the same scenarios, and we have to find a solution.

Like I said, if she wants to be a part of our community, then she needs to rethink this. But we need to vote this down because otherwise it will kill the town that friendship built.

Thank you.

VICE-CHAIRWOMAN KAITLIN McCORMICK: Ulrike Laubner-Kellehner. Would you mind spelling that for our court reporter?

ULRIKE LAUBNER-KELLEHNER: Hello, everybody. My name is Ulrike, U L R I K E, Laubner, L A U B N E R hyphen Kellehner, K E L L E H N E R.

So I'm from Lake View Road, just a half mile away from this proposal plant. And, actually, it was only four years ago that I came to Hamburg, and I came from a very beautiful country called Switzerland. It was not an easy decision to come from a beautiful nature to pretty much the same

weather, but we have blue sky, very beautiful fresh air, and I like to live in Hamburg. I like the nature here, and I love -- really love it.

I'm a business owner. I'm now a mother of two stepchildren who actually grew up here and who want to raise their kids in this area, and I'm also a nature lover.

So let's see the three points: As a business owner, what will the plant do for me? Will I pay less taxes? I assume not because from what I heard, because they're not trusted right now. How are they going to be trusted in the future to help us reduce taxes, which is actually what these people would do.

And then, the second part is, being a step-mother we have kids that are 30 and 21, who are actually outdoor lovers. They bicycle. They hike. They run. And I see a lot of people since the pandemic in Hamburg running, walking, bicycling. I love this change from all of this being in the car to going outside. How can they do that when there's pollution in the air, and thousands and thousands of toxic emissions that will be there every second that we are outside?

Cancer one is one thing, but we don't fun, because there's a gray or a red or whatever sky, we can not breathe. It's itching in our eyes and our lungs. It's no fun and not helping. And there is no pill against that. And it will not be there in 10 or 15 or 100 years, because not all of the emissions are already researched. So that covers the business aspect. My kids won't be here.

And the nature aspect. And if there is an asphalt plant my husband and me are very likely to leave because we like the nature, we like to grow all of our vegetables in the garden, and go on Saturday to the farmers market. But I don't want to eat lettuce, carrots, or any apple that is absolutely toxic for me, my body, and I don't have any grandchildren, but maybe your grandkids.

So, please, to the board, don't allow a company that is not profitable, who only thinks about themselves and probably six people, to put something in our neighborhood and in our lungs that could be absolutely more beneficial far away when there's not so many people living in this area.

Thank you.

VICE-CHAIRWOMAN KAITLIN MCCORMICK: Douglas Hutter.

DOUGLAS HUTTER: Good evening. My name is Douglas Hutter, H U T T E R, and I live in the Village of Hamburg. I've been a resident here quite awhile. Sorry about that. I will try to speak loudly. Generally, these mics scare me, and I prefer to speak out loud this way. I'll do my best.

I'm an architect. I was here last time, and I made a few comments about very specific items, details about asphalt plants, and all kinds of other things. But in general today I want to speak about architect, beauty, and joy that it brings to your community. I had some great opportunities actually to present to this board in the past and years ago, for other projects that I worked on, and I presented in many other communities about projects. It gives me great pleasure when a community such as Hamburg has within its own zoning board has its aesthetic requirements.

This property is located within the Hamburg Overlaying District. That district has very specific purposes that uses words such as harmony, improved

visible character, protect adjoining residential uses, enhance the character of an area as important as the Gateway to the Village of Hamburg. For those who are interested, it's Section 281.185 of the town board zoning ordinance; it's one of the last things in the ordinances. It's very important to note because this has been part of your community, our community, for quite a long time.

I had an opportunity to do a building in the past, over 20 years ago, that was effected by this. I had to meet certain standards that this board said you're not quite there yet. Let's give it another shot.

So let's talk about what an asphalt plant is. Think about the aesthetic of what it is. It's an industrial building, so were the grain silos. When they were built in the City of Buffalo, they're appreciated now. There's many things such as Bethlehem Steel, that those aesthetics were torn down, they're gone. They talked about fires and other issues in the plants. City of Lackawanna had a problem a couple years ago with the fire.

Let's talk a little bit about joy. The Village

of Hamburg is a community that is invested in itself, grown small businesses, and is truly a positive environment. Main Street actually has a historic district that is on the National Historic Registry and that is what our forefathers brought to our community that we live in. Let's leave our children something, to bring joy to them in the future.

As an architect I had the responsibility to administer contracts. During the pandemic I got phone calls about, well, this item is a long leave. I can't get it. It's not available. They don't make it anymore. It comes from Switzerland, perhaps. We can't get it here. Asphalt never, ever was an issue to get. They paved roads all during the pandemic. They paved the parking lots that I specified all during the pandemic. Why? Because it's quite available in this community. There's plenty of sources available. There's no need from a business standpoint to add another one in this specific community to service it.

Joy. That's what we all have to think about in our lives. When we talk about community comment, let's talk about something that the City of Buffalo

does. When I present to the City of Buffalo I have to go to the councilperson of that district and ask for their input on a project. Basically, what they're trying to do is get the people who have been voted, elected officials to support a project. I don't think any of our elected officials will publicly support this project, and I don't think that they have, but I would like to have their opinion on it.

You're also required in the City of Buffalo as an applicant to go to an individual group. Everybody's heard of the Elmwood Business District. They have a wonderful association. When I present a project I have to go to that group and ask for their approval. I have to give them a daily report on design, the aspects, the engineer, listen to their comments, and address their comment needs. I have yet to hear the applicant tell us how they're bringing joy to our community.

This property is a really unique piece of property. The Riefler family did bring a wonderful business to this community that had quite a few employees. They provided concrete blocks to so many

buildings around this community. I used to call the folks up there to get specifications for things when we were doing our designs. It's unfortunate that that business has gone away.

Let's work together to find a developer who we can work with, who will meet the goals of the comprehensive plan that this town has instilled, the Camp Road Overlay District that is here today. And for that purpose alone, this project can be denied.

I welcome the board to address that matter, and I challenge them to deny this project.

Have a great day everyone. Thank you.

VICE-CHAIRWOMAN KAITLIN McCORMICK: Next up is David Miller.

If there is anybody else who would like to speak, there is a board located on the table next to the microphone. Please feel free to sign it.

DAVID MILLER: Good evening, ladies and gentlemen. My name is David Miller, and I live on Creek View Drive in Hamburg. I'm old. I'm 65 years old, and I lived in the town my entire life. I've seen a lot of good things. This is not one of them.

I challenge you people, and everyone here in the

audience, do you know where the nearest blacktop plant actually is? Anybody? Have you visited? Take a ride on Rt.5, go in the city, and get off on Ridge Road, go up about thousand 500 feet and look to the left. I went there with my brother. I was aghast what a filthy, disgusting place that really was. I couldn't believe Lackawanna would put up with it. And then I think about what it is going to be like in the Town of Hamburg, it was incredible.

One of the good things that I did see is, actually, and I'm sorry to say it, the closing of the steel plant. I grew up on Lake Avenue at the blinking red light. And every day tractor trailers would come out of the steel plant with their load of steel, get to the light, stop, put the truck in first gear, let the clutch out, and step on the accelerator. And we had a smoke -- black smoke, 10 inches in diameter, coming out of the truck.

Living on that street I got the privilege of painting my house every year, for 30 years, until I finally gave up and the steel plant closed. I went through college. I, too, am an engineer. I went through college, and I worked in the chemical

company. I have a whole new respect for chemicals and what they can do for you. It's nothing good. It really is nothing good at all.

Next I want to talk about a new thing that has been presented to this board. Maybe something that nobody else here has already considered. When this project first started I heard an estimate of how many trucks were going to come in and go out with finished product, or let me clarify, come out with finished products. I asked one of the board members where are you going to get the raw materials. They had no answer. Clearly, if you're going to send a truckload out with finished product, you must have had at least one truckload to go in with finished product. That is going to double all of their numbers for daily truck traffic.

Now here's a new problem you people are going to be working on. Benderson's been asking for a warehouse situation at the thruway exit. I heard the numbers for that for trucks. It's going to be incredible how many trucks and how much traffic we're going to have on Camp Road. Camp Road was not designed for that, and the numbers are going to be in

the hundreds per day. No consideration has been made to that.

And, finally, I'm sorry, I just don't understand how could the people of East Aurora say no to Walmart, and it's no, and the whole thing gets dropped. This thing has been going on for four years, that's ridiculous. Tell them no. Tell them no.

Thank you.

VICE-CHAIRWOMAN KAITLIN McCORMICK: Alex Reske.

STENOGRAPHER: Could you repeat that.

VICE-CHAIRWOMAN KAITLIN McCORMICK: Alex, the name is Reske, R E S K E.

ALEX RESKE: Hello. How is everyone this evening? My name is Alex Reske. I live at 151 East Main Street right in the Village of Hamburg. I have two little girls, ages five and two. One has a severe respiratory distress. I know that the addition of the asphalt plant will absolutely make things a lot worse.

I grew up in Hamburg and attended Hamburg Middle School and High School. I don't think any of us would want to have this place anywhere near the

village. There is -- and I speak for my wife who is home with my daughter, and all of our friends and neighbors, and I don't think that anybody wants this here. And I came in a little bit late because I was putting my daughter down to bed, and I don't think that anybody wants it here. And everyone has spoken, and I don't think that we need it here.

Thank you.

VICE-CHAIRWOMAN KAITLIN MCCORMICK: Christopher Mascia, M A S C I A.

CHRISTOPHER MASCIA: Hello, everyone. My name is Christopher Mascia. I reside at 209 Highland Avenue in the Village of Hamburg.

First, I would like to introduce myself as the proud father --

STENOGRAPHER: Could you speak a little louder.

CHRISTOPHER MASCIA: A little louder?

STENOGRAPHER: Yes, please.

CHRISTOPHER MASICA: The proud father of the outspoken, passionate, enthusiastic young lady who spoke not only tonight, but she spoke at the last meeting. So, thank you.

I'm a practicing physician. I'm a pediatrician.

Part of the patient population I care for resides in the communities of Grand Island and Tonawanda. And there are parts of these communities that have been significantly, adversely effected by their exposure to toxins, chemicals to pollutants in nearby industries, in their communities and neighborhoods adjacent to that. So I care for these patients. I have seen the adverse-health effects and outcomes related to these exposures. This is one person's experience with that.

So, there is also a study that was published in 2013. It was conducted by the New York State Department of Health, and it looked at health risks, health outcomes for people in these communities. And it looked at it related to their exposures -- or their community levels of exposure, to specific environmental toxins produced by these industries and one was benzenes and the other was formaldehyde. And these are both chemicals that are produced by the by-product of asphalt production. What they found retrospectively during that study period, that individuals living within that area, around those industries including Tonawanda Coke, were at a higher

risk of developing particular types of cancers.

Additionally, they found that there was a significantly greater lifetime risk of developing cancer as compared to residents of other areas of Western New York and Upstate New York. That's an eyeopener. That's in our backyard. If anyone is interested in seeing this study, it's called Tonawandastudyarea:healthoutcomesreview. So knowing the results of that study almost 10 years ago, it's somewhat shocking to see that among the deficiencies, to me probably the most glaring deficiency in the environmental impact study that was brought on by the project sponsor. It's a lack of a specific plan -- mitigation plan to address emissions from the production of asphalt. To me, that alone would be a nonstarter for having a business like this -- an industry like this so close to our neighborhoods, our communities and our homes.

I think worldwide we're learning that there may be no safety level of exposures to toxins in general. We're learning this from lead, arsenic, mercury, other toxins that we don't really know much about yet. So, given the result of that study, even with

the best -- the most thorough mitigation practices and policies, just the presence of having an industry that produces a by-product of these chemicals, automatically increases all of our risks -- our lifetime risks of developing cancer. It's not just for us, but I think about the potential contamination of water and soil and how that might impact future generation.

So, I think that all of us have -- we know what the right thing is, we stated the obvious. But I think that this study lent some factual evidence to my concerns and deficiencies in the environmental impact study.

FEMALE: Could you say that again, the study?

CHRISTOPHER MASICA: The study, Tonawanda study area: health outcomes review.

FEMALE: Thank you.

CHRISTOPHER MASICA: Thank you.

VICE-CHAIRWOMAN KAITLIN McCORMICK: Next up is Erin Walsh.

ERIN WALSH: Hello, my name is Erin Walsh. I live at 57 Janice Place in the village. I was born in Hamburg, went through Charlotte up through the high

school. And I've recently moved back to the area. We have family here. We have friends here. We wanted to have a beautiful home. We wanted to live in a town that cared about things, and have fun events and gave you a reason to be in their town.

I certainly agree with a lot of things that other people have said. I have three children under the age of eight. My oldest is currently playing in the Hamburg Monarch Soccer League, and we lost two weeks of practices because of the smoke. We can't stop that, but it gave us a good example as to what happened with children -- what happens to children when the environment around isn't safe. They don't get to have fun. They don't leave the house or understand why.

I think that there's a lot of excellent points. I think that two of the biggest things that stick out in my mind are sort of based on the perception of what our town has. Right now we're -- when you think the cutesy houses, like your Ellicottville and your East Aurora, Hamburg is now up there.

When I was a kid there were so many things to do as a kid in Hamburg, you could go to the Palace. But

there was also a lot of things that didn't bring you to the downtown. And Hamburg has worked so hard over the past, say 20 to 30 years, to do things like put in the rotaries, to make the traffic flow easier. I know that you could probably remember driving on the Legion and Clark intersection from the high school, and it was a nightmare. We have put in a lot of new stores. There's restaurants and coffee houses. There are playgrounds. All things that were worked on. The perfect example of trying to put care and attention into our community.

I think that it's really important to recognize the resources that we have and to protect them. I know that one of the big things about Buffalo, the criticism is that we don't appreciate what we had until we lost it; when they knocked down a Martin building. Some people would argue that you didn't put the stadium in the right place. You didn't put UB in the right place. There's always something to argue about, and I don't want to see that happen to Hamburg if we have a chance to change something or make it better and not to do that.

I think the other thing is we need to learn the

lessons from past communities. We're not that are far from Love Canal. The people that brought up the steel plant. People have brought up a lot of things that were effected by industrial and commercial decisions that had a big impact on families, to the schools, how good are they to the property values. And I think that we need to be really conscience of protecting our community, doing the right thing for the generations that are coming and making sure that we're a safe and lovable place that brought so many of us here and keeps us here.

So thank you for your time.

VICE-CHAIRWOMAN KAITLIN McCORMICK: Do we have any other speakers? Anybody else that would like to speak? We are here until 9 o'clock. Put your name on the list and they'll pass it up.

Michael Murray.

MICHAEL MURRAY: First, thank you to the entire planning board for making this available tonight and to take the time for this important matter. I spoke at the last meeting, and I spoke mainly about air quality, and we had a lot of that discussed tonight.

And I would just say when you go by where paving

is being done, the smell is terrible. If you have asthma, you can't breathe. Now, you don't have to live where they're paving every day, but if they're producing the stuff and trucking stuff through the village, you do live with that every day. And I don't think that makes us hypocritical that we don't want the plant in our village location.

Just a few things. We have a very good volunteer fire department, but we don't have a paid, fully staffed 24/7 fire department, if there should be a, God forbid, problem or explosion at a hot asphalt plant. And I think that's a concern.

In addition to air quality, there's many environmental issues to this. There's been talk of water run~off and water pollution, and I've read a lot about this. I'm not a marine scientist, but I do know that our future is much more tied to clean water, Lake Erie, and what that brings to the Town of Hamburg than this asphalt plant. And while I'm not a marine scientist, we -- that certainly should be researched.

The economics of this are interesting. So we get six modest, seasonal jobs out of this. There's been

a lot of talk about the owners don't pay their property taxes, and these owners have had a long history of working at Canal Side. And when they didn't like -- reportedly, when they didn't like the way that they were supposed to do something they brought litigation and that became very expensive. So, our economics are six modest, really low paying, terrible jobs on a seasonal basis with not -- with property taxes not being paid. And get your lawyers ready because there's going to be litigation.

So, bottom line is, the economics makes no sense. The environmental matters makes no sense. The quality of life makes no sense. Niagara Falls doesn't even want this, why would we?

VICE-CHAIRWOMAN KAITLIN McCORMICK: Thank you. If anybody else would like to make a statement, you could fill it out on the sign-in sheet and you could make your comment.

CHAIRMAN BILL CLARK: Just a reminder, public comment period is going to close on July 28. If you have a written comment you have to get them in before then. JRogers@WendelsCompany.com. Send them to Josh or Annalyse at --

STENOGRAPHER: I didn't hear Annalyse's.

ANNALYSE: APaulson@TownofHamburgNewYork.gov.

VICE-CHAIRWOMAN KAITLIN McCORMICK: Our
stenographer is still available.

Christina Worth.

CHRISTINA WORTH: The public comment ends on the July 28 date. And I did hear at a planning board meeting the applicant asked for time to respond to our comments. I feel like that they had several chances, and we're actually responding to their lack of comment. So I don't know if there was anything said, if it was going to happen.

But that's all I really wanted to say. I wanted to bring that up. I don't think that they deserve the chance. Maybe this cocky fella was their chance.

Thank you.

VICE-CHAIRWOMAN KAITLIN McCORMICK: Thank you. If there is anybody else that would like to speak, you can sign up.

Kathy Hevaern, H E V A E R N.

KATHY HEVAERN: This is just a very quick comment. In recent -- doing some research, this is a news article that I came across, it is from Texas.

An unexpected turn, Austin Bridge and Road to close asphalt plant and jobs of this month. Company to voluntarily cease operations June 26, and remove equipment. A huge win for a long-polluted community. In a huge win for the pollution-plagued residents of Joppa, and that is J O P P A, Texas, Austin Bridge and Road, will permanently close its asphalt plant in this predominately black community, six miles southeast of downtown Dallas. The company will cease all operations June 26 and begin removing equipment from the site.

So these plants are not safe. This poor community has been polluted for years. And they finally, after years, got the community to get the plant closed. So is that what we want to do to our community, which is already beautiful?

That's all I have to say.

VICE-CHAIRWOMAN KAITLIN McCORMICK: At the table, we don't have names, but we have at the table: Kaitlyn Chmura, Dennis Chapman, Dan Szwec, Bill Clark, and Cindy Gronachan was at the end down there. I'm Kaitlyn McCormick.

We still have about 20 more minutes if anybody

else who is here that would like to speak. You could submit comments by email to Josh at JRogers@Wendelcompanies or Analyse, APaulson@townofhamburg.gov, or you could mail them into the town clerk.

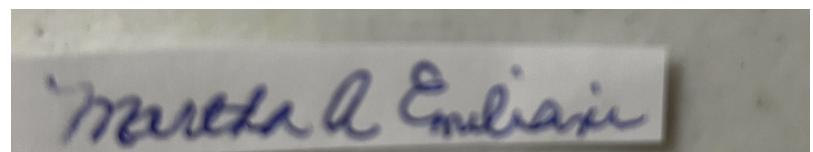
It is 8:59 p.m. There are no other speakers. We're going to adjourn the public hearing. I'm closing the public hearing, but the public comment period remains open until July 28.

Thank you, everyone, for coming.

CERTIFICATION

I, MARTHA A. EMILIANI, court reporter, hereby certify that the foregoing 109 pages are a true and accurate translation of said court reporting notes from the Town of Hamburg Planning Board Meeting with respect to AL Asphalt Plant, Inc., on July 12, 2023, commencing at 6 p.m.

Martha A. Emiliani, Court Reporter

A handwritten signature in blue ink that reads "Martha A. Emiliani". The signature is cursive and appears to be on a piece of paper with a textured background.