

**FREEZER WAREHOUSE FACILITY (AMERICOLD)  
PUBLIC HEARING  
MAY 4, 2021**

**PRESENT:**

Supervisor Richard A. Purol  
Councilman Robert Penharlow  
Councilman Henry Walldorff  
Councilman Juan Pagan  
Councilman Jay Bishop (via zoom)

**OTHERS PRESENT:** Town Clerk, Rebecca Yacklon, Deputy Clerk, Kyle Coughlin, Jim Crowell, Code Enforcement Officer, Jay Warren, Carl Brandt, Bob Price, Lisa Vanstrom, Representing Senator Borrello's office, Larry Lantero, and Mark Auer, representatives of Americold.

Supervisor Purol opened the regular meeting at 6:15 p.m. and began with the pledge to the flag.

**PROOF OF PUBLICATION, RECEIVED BY THE TOWN CLERK**

The Town Clerk read the proof of publication that was presented in the Observer on April 22, 2021. "PLEASE TAKE NOTICE that the Town Board of the Town of Dunkirk will hold a Public Hearing on May 4, 2021 at 6:15 p.m. at the Town Hall, 4737 Willow Road, Dunkirk, New York on the application of the ROM REAL ESTATE HOLDINGS LLC., for Site Plan Review of its proposal to construct and operate a Cold Storage Warehouse Facility at West Williams Street and Arrowhead Dr. in the Town of Dunkirk, New York. The property is further described as SBL 96.02-2-1 and on the Chautauqua County Tax Map.

The entire application is on file in the Town of Dunkirk and may be reviewed there.

The Site Plan Review and Approval by the Town Board is required under Article XII of the Zoning Law of the Town of Dunkirk.

IN ACCORDANCE WITH NEW YORK STATE EXECUTIVE ORDER THEN PREVAILING, THIS PUBLIC HEARING SHALL BE HELD REMOTELY. INTERESTED PARTIES MAY ALSO SUBMIT WRITTEN COMMENTS PRIOR TO THE HEARING DATE BY DELIVERY TO THE TOWN CLERK. LOG-IN AND CALL-IN INSTRUCTIONS FOR THE PUBLIC HEARING CAN BE OBTAINED BY CONTACTING THE TOWN CLERK'S OFFICE, TOWN OF DUNKIRK."

**REFERAL FROM PLANNING BOARD**

The Town of Dunkirk Planning Board met on March 31, 2021 to review the site plan application of Americold Corporation. Supervisor Purol read the letter of recommendations from the Planning Board for the Town Board to review.

"The Town of Dunkirk Planning Board met on March 31, 2021 to review the site plan application of Americold Corporation to construct a cold storage freezer facility at 4053 Williams Street in the Town of Dunkirk. The site plan was approved by the board with conditions by a 3-1 vote. The following are the conditions:

1. The applicant shall address the concerns, and implement the recommendations, of the New York State Department of Transportation (NYSDOT) spelled out in an email from Edward S. Rutkowski, DOT SEQR/Site Plan Coordinator dated March 31, 2021. The DOT has concerns that the proposed project may have an impact on traffic operations at the intersection of Williams Street and NYS Route 60. The DOT has requested that *"a traffic analysis should be prepared for their review that includes a capacity analysis, truck turning templates, and a signal warrant*

*analysis. If any mitigation is required as a result of the proposed project, then it will be the responsibility of the applicant to design, construct, and obtain a NYSDOT Highway Work Permit for the improvements. Also, the applicant will be responsible for all costs associated with any needed improvements”.*

2. The applicant shall submit to the town a revised set of design drawings and specifications for the proposed storm water plan for the project that meet New York State Department of Environmental Conservation requirements and acceptable industry standards. The drawings must be signed and stamped by a professional engineer licensed to practice in New York State.
3. The applicant shall provide clarification of the project engineer’s report regarding storm water run-off calculations along with documentation that the size of the retention pond will be of sufficient capacity to meet the requirements for storm water discharge from the project site.
4. The applicant shall provide a geometric study and demonstration of truck traffic as truck traffic enters and exits Williams Street from NYS Route 60 from the north and south, making both left- and right-hand turns, with a full-size tractor trailer and the potential of a sleeper tractor attached to a trailer.
5. The applicant will provide fencing of adequate durability and height around the entire perimeter of the sediment and retention ponds. The design for fencing shall be reviewed and approved by the town code enforcement official.
6. The applicant shall show the location of snow removal areas on the submission of the revised site plan drawings.
7. The applicant will submit a new site plan application to the Town of Dunkirk Planning Board for their review in the event the applicant decides to proceed with Phase II of this project. New drawings and specifications must be submitted and approved before construction of Phase II can begin. It should be noted this review is only for Phase 1 as presented by site plans dated March 16, 2021 and architectural drawings dated March 12, 2021. It has been conveyed that final landscaping plans are not complete.”

### **BOARD DISCUSSION**

After reviewing the letter of recommendations from the Planning Board, the Town Board disagreed with some of the stipulations that the Planning Board had set.

#### **Stipulation 1:**

Councilman Pagan felt that this is an issue with the DOT. He stated that the new traffic pattern the DOT granted made a huge difference. The DOT denied the last light that was requested. He further explained that this was an ongoing issue and he feels it should not be their burden.

Councilman Bishop stated he felt that it was New York States duty to take care of the traffic issues occurring at Bennett Rd and Williams Street. He stated that it was not reasonable to expect the company to take care of the ongoing problem experienced in that area. He also disagreed with this stipulation.

Councilman Penharlow felt that the state was unreasonable to ask a company coming into the area having known that this was something that has been an issue for a number of years. He stated that he believes it was up to the state to correct the traffic issue not the company.

Councilman Penharlow disagrees with this stipulation.  
Councilman Walldorff agreed with all the above.

**Stipulation 2:**

Larry from Americold informed the Town Board that a stamped document was submitted from a licensed engineer of New York State along with a document from the State of New York that has approved the storm water drainage.

With that being said the Town Board felt that they are fine with documents stamped and presented and felt that should not be a stipulation.

**Stipulation 3:**

The Board felt that this stipulation falls under stipulation 2 and did not think it was necessary.

**Stipulation 4:**

The Board felt this stipulation was a DOT issue and therefore did not think that it needed to be included in the Town Board approval.

**Stipulation 5:**

Larry informed the Board that this is all taken care of and it was added to the second set of drawings to reflect this change and was reviewed by Jim Crowell, the Code Enforcement Officer.

**Stipulation 6:**

Supervisor Purol asked if they would add a spot on the Site Plans to show where the snow removal would go. The Board decided to keep this as part of the Town Board's approval.

**Stipulation 7:**

Mark Auer with Americold, stated that they do not object to Stipulation 7. The Board kept this stipulation as part of their approval.

**CORRESPONDENCE**

Supervisor Purol read a written comment of concern submitted to the town from Ronald Szymanski who resides at 5169 West Main Rd., Fredonia, NY 14063. In this letter Mr. Szymanski stated he was against the Warehouse Facility going in on Williams St. and Arrowhead Dr.

**PUBLIC COMMENT**

Lisa Vanstrom, a representative from Senator Borrello's Office commented that her office is working with DOT to work on a solution to the traffic issues on Bennett Rd. and Williams St. She stated that Mr. Borrello was for the project and would assist the Town in the process in any way he could.

**REVIEW OF PART 2 SEQR**

The Town Board Reviewed Part 2 of the SEQR application and filled it out.

Section 1. "Impact on Land" was marked yes.

"a. The proposed action may involve construction on land where depth to water table is less than 3 feet." was marked "no, or small impact may occur."

"b. The proposed action may involve construction on slopes of 15% or greater." Was marked "no, or small impact may occur."

"c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface." Was marked "no, or small impact may occur."

"d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material." Was marked "no, or small impact may occur."

"e. The proposed action may involve construction that continues for more than one year or multiple phases." Was marked "no, or small impact may occur."

"f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides)." Was marked "no, or small impact may occur."

"g. The proposed action is, or may be located within a Coastal Erosion Hazard area." Was marked "no, or small impact may occur."

"h. Other impacts" was marked "no, or small impact may occur."

Part 2 "Impact on Geological Features" was marked "no."

Part 3 "Impacts on Surface Water" was marked "no."

Part 4 "Impact on groundwater" was marked "no."

Part 5 "Impact on Flooding" was marked "no."

Part 6 "Impacts on Air" was marked "no."

Part 7 "Impacts on Plants and Animals" was marked "no."

Part 8 "Impact on Agricultural Resources" was marked "no."

Part 9 "Impact on Aesthetic Resources" was marked "no."

Part 10 "Impacts on Historic and Archeological Resources" was marked "no."

Part 11 "Impacts to Open Space and Recreation" was marked "no."

Part 12 "Impacts on Critical Environmental Areas." Was marked "no."

Part 13 "Impact on Transportation: was marked "yes."

"a. Projected traffic increase may exceed capacity of existing road network." Was marked "no, or small impact may occur."

"b. The proposed action may result in construction of paved parking area for 500 or more vehicles." Was marked "no, or small impact may occur."

"c. The proposed action will degrade existing transit access." Was marked "no or small impact may occur."

"d. The proposed action will degrade existing pedestrian or bicycle accommodations." Was marked "no, or small impact may occur."

"e. The proposed action may alter the present pattern of movement of people or goods." Was marked "no, or small impact may occur."

"f. Other impacts." Was marked "no, or small impact may occur."

Part 14 "Impact on Energy" was marked "yes."

"a. The proposed action will require a new, or an upgrade to an existing substation." Was marked "no, or small impact may occur."

"b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single- or two-family residences or to serve a commercial or industrial use." Was marked "no, or small impact may occur."

"c. The proposed action may utilize more than 2,500 MWhrs per year of electricity." Was marked "no, or small impact may occur."

"d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed." Was marked "no, or small impact may occur."

"e. Other Impacts." Was marked "no, or small impact may occur."

Part 15 "Impact on Noise, Odor, and Light." Was marked "yes."

"a. The proposed action may produce sound above noise levels established by local regulation." Was marked "no, or small impact may occur."

"b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home." Was marked "no, or small impact may occur."

"c. The proposed action may result in routine odors for more than one hour per day." Was marked "no, or small impact may occur."

"d. The proposed action may result in light shining onto adjoining properties." Was marked "no, or small impact may occur."

"e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions." Was marked "no, or small impact may occur."

"f. Other impacts." Was marked "no, or small impact may occur."

Part 16 "Impact on Human Health" was marked "no."

Part 17 "Consistency with Community Plans." Was marked "yes."

"a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s)." was marked "no, or small impact may occur."

"b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%." Was marked "no, or small impact may occur."

"c. The proposed action is inconsistent with local land use or zoning regulations." Was marked "no, or small impact may occur."

"d. The proposed action is inconsistent with any County plans, or other regional land use plans." Was marked "no, or small impact may occur."

"e. The proposed action may cause a change in the density of development that is not supported by the existing infrastructure or is distant from existing infrastructure." Was marked "no, or small impact may occur."

"f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure." Was marked "no, or small impact may occur."

"g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action.) was marked "no, or small impact may occur."

"h. Other" was marked "no, or small impact may occur."

Part 18 "Consistency with Community Character" was marked "no."

This concluded the review of Part 2 of the SEQR application.

**ADJOURNMENT**

With no further comments from the public a motion was made by Councilman Pagan to close the Public Hearing and seconded by Councilman Walldorff .The motion was carried unanimously, and the meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Rebecca Yacklon  
Town Clerk