

8-30-2023 – SPECIAL MEETING

Present:

Councilman Mike Domster
Councilman Leonard R. Hochadel
Councilman Matthew Krist
Councilman John D. Marsh
Supervisor Beverly A. Gambino

Also Present:

Town Clerk Jennifer L Bray
Town Attorney David DiMatteo
Approx. 9 guests

Supervisor Gambino called the special meeting to order at 6:31 PM with the pledge to the flag led by Councilman Hochadel. Supervisor Gambino asked Attorney DiMatteo to explain the purpose of the meeting. Mr. DiMatteo stated that there had been a public hearing held on August 10th to get the public's input on Waste Management's proposed expansion for area 7 & 8. Mr. DiMatteo stated that the Board would now need to consider issuing its own findings statement. Mr. DiMatteo then read the following resolution regarding the Town Board issuing its Finding Statement. Supervisor Gambino then asked for a motion on the following resolution. **Therefor following resolution, to be known as Resolution #15 of 2023, was moved for adoption on a motion by Krist, seconded by Hochadel:**

Resolution #15 – 2023

**TOWN OF SARDINIA
ISSUING FINDINGS STATEMENT
WITH REGARD TO WASTE MANAGEMENT
CHAFFEE LANDFILL AREA 7/8**

WHEREAS, the Town Board of the Town of Sardinia held a special meeting at the Town Hall located at 12320 Savage Road in Chaffee, New York on the 30th day of August, 2023 commencing at 6:30 p.m., at which time and place the following members were:

<u>Present:</u>	Supervisor	Gambino
	Councilman	Krist
	Councilman	Hochadel
	Councilman	Domster
	Councilman	Marsh

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, § 104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, Waste Management of New York, LLC ("WMNY") has applied for several approvals from the Town of Sardinia ("Town") in connection with the proposed Area 7/8 Development at its current landfill property located at 10860 Olean Road, Sardinia, New York, 14030 in the Town ("Landfill") to construct an additional 19.1-acre footprint contiguous with the existing Landfill and a 9.5 acre area over the southern side slope of the closed portion of the Landfill, increase the maximum height of the Landfill by 30 feet, and utilize certain areas adjacent to the current Landfill as borrow areas ("Borrow Areas") to provide soil for Landfill operations ("Project"); and

WHEREAS, Section 115-62(A) of the Zoning Ordinance provides that a municipal solid waste landfill regulated by the New York State Department of Environmental Conservation ("NYSDEC") shall be permitted in the BL-Business-Light Industrial Zoning District by Special Use Permit approved by the Town Board of the Town of Sardinia ("Town Board") and with Site Plan approval (issued by the Town Planning Board); and

WHEREAS, Article XIII of the Zoning Code authorizes the Town Board to amend the Zoning Code upon the filing of a petition to, *inter alia*, amend any zoning district as designated on the Zoning Map; and

WHEREAS, § 115-86(A) of the Zoning Code provides that the Town Board is vested with the power to issue special use permits; and

WHEREAS, the WMNY property on which the Project is located is zoned BL-Business-Light Industrial, with the exception of the Borrow Areas, which are presently zoned AR-Agricultural-Residential; and

WHEREAS, in 2019, WMNY submitted an application to NYSDEC to modify its 6 NYCRR Part 360 Solid Waste Management Permit and included a Full Environmental Assessment Form with respect to the Project; and

WHEREAS, the Town, as an involved agency, consented to NYSDEC acting as lead agency for the purposes of conducting a coordinated environmental review of the Project pursuant to the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, on January 8, 2020, NYSDEC adopted a SEQRA positive declaration with respect to the Project requiring the preparation of a Draft Supplemental Environmental Impact Statement ("DSEIS"); and

WHEREAS, on January 15, 2020, NYSDEC, as lead agency, distributed a Public Scoping Document to all interested and involved agencies; and

WHEREAS, on January 30, 2020, a public scoping meeting was held at the Town of Sardinia Town Hall to receive public comments; and

WHEREAS, public comments were received by NYSDEC through March 17, 2020; and

WHEREAS, on July 1, 2020, NYSDEC issued a final scope for the DSEIS; and

WHEREAS, on July 24, 2020, WMNY submitted a DSEIS to NYSDEC; and

WHEREAS, in May 2022, WMNY submitted an “Application for Re-Zoning Classification” of the Borrow Areas from AR to BL pursuant to Article XIII of the Zoning Code (“Re-Zoning Application”) and an “Application for Town Board Special Use Permit” pursuant to Article X of the Zoning Code with respect to the Project (“Special Use Permit Application”), along with the required Site Plan Approval request; and

WHEREAS, WMNY made subsequent revisions to the DSEIS and submitted the revised DSEIS to the NYSDEC in July 2022; and

WHEREAS, on September 7, 2022, NYSDEC issued a Notice of Acceptance of the DSEIS, Notice of Complete Application, and Notice of Public Hearing (collectively, “Notices”); and

WHEREAS, on September 14, 2022, NYSDEC published the Notices in the Environmental Notice Bulletin (“ENB”); and

WHEREAS, on September 28, 2022, NYSDEC held a virtual duly noticed public hearing on the DSEIS, at which WMNY appeared and commented, but no other person or party commented; and

WHEREAS, on January 17, 2023, WMNY submitted additional information to the Town in support of its Site Plan Review Application and Special Use Permit Application; and

WHEREAS, in April 2023, WMNY submitted to NYSDEC for its review a Final Supplemental Environmental Impact Statement (“FSEIS”)

WHEREAS, on April 19, 2023, NYSDEC accepted the FSEIS with respect to the Project and published notice of the same in the ENB; and

WHEREAS, on May 3, 2023, NYSDEC issued its SEQRA Statement of Findings (the “NYSDEC Findings”) with respect to the Project, determined that the Project is consistent with social, economic and other essential considerations and that, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating, as conditions to the decision, those mitigative measures which were identified as practicable; and

WHEREAS, on May 5, 2023, NYSDEC issued to WMNY its 6 NYCRR Part 360 Solid Waste Management Permit and Title V Air Permit; and

WHEREAS, on July 19, 2023, the Town Planning Board, following extensive review of the Project, adopted a SEQRA Findings Statement (annexed hereto as **Exhibit A**) concluding that the Project was consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating, as conditions to the decision, those mitigative measures which were identified as practicable (“Planning Board Findings Statement”); and

WHEREAS, on July 19, 2023, the Town Planning Board further issued a recommendation that the Town Board adopt the proposed local law re-zoning the Borrow Area parcels from AR to BL (Local law entitled, “Zoning Map Amendment Law of 2023”), and approve the Special Use Permit Modification application as submitted by WMNY a copy of said recommendations are annexed hereto as **Exhibit B**; and

WHEREAS, on July 19, 2023 the Town Planning Board approved the Site Plan (subject to the Town Board adopting the local law “Zoning Map Amendment Law of 2023” and issuing the Special Use Permit) Application of WMNY for the project, as presented, a copy of the Planning Board’s approval is annexed hereto as **Exhibit C**; and

WHEREAS, the Town Board held duly noticed public hearings on August 10, 2023 to solicit any public comment relative to the Re-Zoning Application and Special Use Permit Application.

NOW ON MOTION OF Councilman Krist which has been duly seconded by Councilman Hochadel, be it hereby

RESOLVED, based upon a review of the Permit application and its related materials, the DSEIS, the FSEIS, public and legislative hearing transcripts, comments provided at the public hearings, other documents and submissions received during the public comment period, the comments of the Erie County Department of Environment and Planning and WMNY’s response thereto, the comments of the Town’s consulting engineer, the NYSDEC SEQRA Findings Statement, the Planning Board Findings Statement, and its own independent review of the Project, the Town Board, hereby:

- a) determines that the proceedings undertaken by NYSDEC as Lead agency with respect to the Project satisfy the requirements of SEQRA; and
- b) ratifies the proceedings conducted by the Lead Agency, including the adoption of the NYSDEC Findings Statement; and
- c) determines that all of the provisions of SEQRA that are required to be complied with as a condition precedent to acting on the Rezoning Application and Special Use Permit Application with respect to the Project have been satisfied; and
- d) adopts the State Environmental Quality Review Act Findings Statement with respect to the Project incorporated by reference and annexed hereto as **Exhibit D**.

DULY ADOPTED, this 30th day of August, 2023 by the following vote: Domster, aye, Hochadel, aye, Krist, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

Mr. DiMatteo then read the following resolution for approval of the proposed rezone and issuing of a Special Use Permit with regard to Waste Management Chaffee Landfill Area 7 & 8. Supervisor Gambino than asked for a motion on the following resolution. **Therefor following resolution, to be known as Resolution #16 of 2023, was moved for adoption on a motion by Domster, second by Krist:**

Resolution #16 – 2023

**TOWN OF SARDINIA
RESOLUTION APPROVING THE REZONE
AND ISSUING A SPECIAL USE PERMIT
WITH REGARD TO WASTE MANAGEMENT
CHAFFEE LANDFILL AREA 7/8**

WHEREAS, the Town Board of the Town of Sardinia held a special meeting at the Town Hall located at 12320 Savage Road in Chaffee, New York on the 30th day of August, 2023 commencing at 6:30 p.m., at which time and place the following members were:

<u>Present:</u>	Supervisor	Gambino
	Councilman	Krist
	Councilman	Hochadel
	Councilman	Domster
	Councilman	Marsh

WHEREAS, Waste Management of New York, LLC (“WMNY”) has applied for several approvals from the Town of Sardinia (“Town”) in connection with the proposed Area 7/8 Development at its current landfill property located at 10860 Olean Road, Sardinia, New York, 14030 in the Town (“Landfill”) to construct an additional 19.1-acre footprint contiguous with the existing Landfill and a 9.5 acre area over the southern side slope of the closed portion of the Landfill, increase the maximum height of the Landfill by 30 feet, and utilize certain areas adjacent to the current Landfill as borrow areas (“Borrow Areas”) to provide soil for Landfill operations (“Project”); and

WHEREAS, Section 115-62(A) of the Zoning Ordinance provides that a municipal solid waste landfill regulated by the New York State Department of Environmental Conservation (“NYSDEC”) shall be permitted in the BL-Business-Light Industrial Zoning District by Special Use Permit approved by the Town Board of the Town of Sardinia (“Town Board”) and with Site Plan approval (issued by the Town Planning Board); and

WHEREAS, Section 115-86(A) of the Zoning Code provides that the Town Board is vested with the power to issue and modify special use permits; and

WHEREAS, the WMNY property on which the Project is located is zoned as BL-Business-Light Industrial District; and

WHEREAS, in 2019, WMNY submitted an application to NYSDEC to modify its 6 NYCRR Part 360 Solid Waste Management Permit and included a Full Environmental Assessment Form with respect to the Project; and

WHEREAS, the Town, as an involved agency, consented to NYSDEC acting as lead agency for the purposes of conducting a coordinated environmental impact assessment of the Project pursuant to the State Environmental Quality Review Act (“SEQRA”), and

WHEREAS, on January 8, 2020, NYSDEC adopted a SEQRA positive declaration with respect to the Project requiring the preparation of a Draft Supplemental Environmental Impact Statement (“DSEIS”); and

WHEREAS, on January 15, 2020, NYSDEC, as lead agency, distributed a Public Scoping Document to all interested and involved agencies; and

WHEREAS, on January 30, 2020, a public scoping meeting was held at the Town of Sardinia Town Hall to receive public comments; and

WHEREAS, public comments were received by NYSDEC through March 17, 2020; and

WHEREAS, on July 1, 2020, NYSDEC issued a final scope for the DSEIS; and

WHEREAS, on July 24, 2020, WMNY submitted a DSEIS to NYSDEC; and

WHEREAS, on March 16, 2022, WMNY presented its Project plans at a regularly scheduled Planning Board meeting; and

WHEREAS, in May 2022, WMNY submitted an “Application for Re-Zoning Classification” of the Borrow Areas from AR to BL pursuant to Article XIII of the Zoning Code (“Re-Zoning Application”) and an “Application for Town Board Special Use Permit” pursuant to Article X of the Zoning Code with respect to the Project (“Special Use Permit Application”), along with the required Site Plan Approval request; and

WHEREAS, WMNY made subsequent revisions to the DSEIS and submitted the revised DSEIS to the NYSDEC in July 2022; and

WHEREAS, on September 7, 2022, NYSDEC issued a Notice of Acceptance of the Draft Supplemental Environmental Impact Statement (“DSEIS”) prepared by WMNY evaluating the potentially significant environmental impacts associated with the Project, Notice of Complete Application, and Notice of Public Hearing (collectively, the “Notices”); and

WHEREAS, On September 14, 2022, NYSDEC published the Notices in the Environmental Notice Bulletin (“ENB”); and

WHEREAS, on September 28, 2022, NYSDEC held a virtual duly noticed public hearing on the DSEIS, at which WMNY appeared and commented, but no other person or party commented; and

WHEREAS, on November 30, 2022, a full statement of the Project was referred to the Erie County Department of Environment and Planning (“ECDEP”) by the Town pursuant to General Municipal Law § 239-m; and

WHEREAS, on December 30, 2022, the ECDEP had confirmed that they had reviewed the referral and application for zoning reclassification and determined that no recommendation on their end is necessary as the proposed action is of local concern; and

WHEREAS, on January 17, 2023, WMNY submitted additional information to the Town in support of its Site Plan Approval Application and Special Use Permit Application, including a Maintenance and Traffic Plan, revised drawings providing for the relocation of dry hydrants on the northern Borrow Area and a proposal to modify the hours of operation of the Landfill; and

WHEREAS, on March 9, 2023, WMNY provided the Town with responses to ECDEP’s comments on the Project; and

WHEREAS, in April 2023, WMNY prepared a Final Supplemental Environmental Impact Statement (“FSEIS”); and

WHEREAS, on April 19, 2023, NYSDEC accepted the FSEIS with respect to the Project and published notice of the same in the ENB; and

WHEREAS, on May 3, 2023, NYSDEC issued its SEQRA Statement of Findings (the “NYSDEC Findings”) with respect to the Project, determined that the Project was consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating, as conditions to the decision, those mitigative measures which were identified as practicable; and

WHEREAS, on May 5, 2023, NYSDEC issued to WMNY its 6 NYCRR Part 360 Solid Waste Management Permit and its Title V Air Permit; and

WHEREAS, on July 19, 2023, the Town Planning Board, following extensive review of the Project, adopted a SEQRA Findings Statement (annexed hereto as **Exhibit A**) concluding that the Project was consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating, as conditions to the decision, those mitigative measures which were identified as practicable (“Planning Board Findings Statement”); and

WHEREAS, on July 19, 2023, the Town Planning Board further issued a recommendation that the Town Board adopt the proposed local law re-zoning the Borrow Area parcels from AR to BL (Local Law No. 1 of 2023), and approve the Special Use Permit Modification application as submitted by WMNY a copy of said recommendations are annexed hereto as **Exhibit B**; and

WHEREAS, on July 19, 2023 the Town Planning Board approved the Site Plan Application of WMNY for the project, as presented, a copy of the Planning Board’s approval is annexed hereto as **Exhibit C**; and

WHEREAS, on August 30, 2023, the Town Board duly adopted a SEQRA Findings Statement concluding that the Project was consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating, as conditions to the decision, those mitigative measures which were identified as practicable (a copy of the resolution issuing a Findings Statement is annexed hereto as **Exhibit D**); and

WHEREAS, the Town Board of the Town of Sardinia held a public hearing on the 10th day of August 2023, commencing at 6:30 p.m. at the Town Hall of the Town of Sardinia, to hear all interested parties and citizens for or against the proposed rezone (Local Law 1 of 2023” annexed hereto as **Exhibit E**); and

WHEREAS, the Town Board of the Town of Sardinia held a public hearing on the 10th day of August 2023, commencing at 6:45 p.m. at the Town Hall of the Town of Sardinia, to hear all interested parties and citizens for or against the proposed special use permit.

NOW ON MOTION OF Councilman Domster which has been duly seconded by Councilman Krist, be it hereby

RESOLVED, that the Town Board of the Town of Sardinia hereby adopts the local law entitled, “Zoning Map Amendment Local Law No. 1 of 2023” to add the borrow areas to the BL Business-Light Commercial District; and

RESOLVED, the Town Board of the Town of Sardinia finds it in the best interest of the Town of Sardinia to approve the rezone of the borrow areas from AR-Agricultural-Residential to BL-Business-Light Commercial, said borrow areas are described as follows:

North Parcel

All that tract or parcel of land situate in the Town of Sardinia, County of Erie and State of New York, being part of Lot 22, Township 7, Range 5 of the Holland Land Company’s Survey, bounded and described as follows:

Beginning at a point in the southerly line of Lot 22 and the center of Hand Road (being 49.50 feet wide) a distance of 2,113.00 feet easterly from the southwest corner of said Lot 22, said point being the southeast corner of lands currently or formerly owned by Josie L. Olympia by deed as recorded in the Erie County Clerk’s Office in Liber 10966 of Deeds at Page 1429;

Thence, N 01° 55' 44" E, at an exterior angle of 92° 23', a distance of 959.91 feet, to a point, said point being the south line of Parcel II, as described in land currently or formerly owned by Tracy Lynn Schaus Dzierzanowski and Trudy Ruth Gregory by deed recorded in the Erie County Clerk's Office in Liber 11388 of Deeds at Page 8986;

Thence, N 89° 32' 08" E, along the south line of Dzierzanowski and Gregory, being a line parallel with the south line of Lot 22, a distance of 675.00 feet, to a point being 938.00 feet, more or less, from the centerline of New York State Route 16 (also known as Olean-Buffalo Road) as measured generally at right angles from said roadway;

Thence, S 43° 36' 19" E, along a line parallel with and 938.00 feet, more or less from the centerline of said New York State Route 16 and through the lands currently or formerly owned by C.I.D. Landfill, Inc. as recorded in the Erie County Clerk's Office in Liber 9366 of Deeds at Page 572, Liber 9669 of Deeds at Page 436, Liber 10418 of Deeds at Page 429, and Liber 10629 of Deeds at Page 442, a distance of 1,314.40 feet to a point in the south line of Lot 22 (being the centerline of Hand Road), said point being 938.00 feet, more or less, from the centerline of said New York State Route 16 as measured generally at right angles;

Thence, S 89° 32' 08" W, along the south line of Lot 22 and the centerline of Hand Road, a distance of 1,613.70 feet to the point of beginning. Containing 25.20 acres of land, more or less.

Subject to the rights of the public in and to that portion of premises lying within the bounds of Hand Road.

South Parcel

All that tract or parcel of land situate in the Town of Sardinia, County of Erie, State of New York, being part of Lot 20, in Township 7, Range 5 of the Holland Land Company's Survey being more particularly described as follows:

Commencing at a point in the centerline of Allen Road (being 66.00 feet wide), a distance of 1,043.40 feet east of the west line of Lot 20, said point being the southeast corner of land currently or formerly owned by Waste Management of New York, LLC by deed as recorded in the Erie County Clerk's Office in Liber 11336 of Deeds at Page 9301, Parcel A;

Thence northerly along the east line of land conveyed to Waste Management of New York, LLC, a distance of 324.15 feet, to the point of beginning, said point being the northeast corner of Parcel A and the southeast corner of Parcel B, as described in said aforementioned deed recorded in the Erie County Clerk's Office in Liber 11336 of Deeds at Page 9301;

Thence, N 02° 33' 27" W, continuing north along said east line of Parcel B, a distance of 546.24 feet, to a point;

Thence, N 27° 01' 32" E, at an exterior angle of 150°-25'-01", a distance of 525.12 feet, to a point on the south line of lands currently or formerly owned by Chaffee Landfill Inc. by deed as recorded in the Erie County Clerk's Office in Liber 9234 of Deeds at Page 632;

Thence, N 89° 11' 56" W, at an interior angle of 63° 46' 32", along the south line of lands conveyed to Chaffee Landfill, Inc. and the extension thereof, a distance of 1,209.68 feet to a point on the division line between Lot 20 and Lot 28;

Thence, S 00° 48' 33" W, along said division line, a distance of 1,053.06 feet to a point, said point being the westerly extension of the south line of Parcel B as described in said lands conveyed to Waste Management of New York, LLC by deed as recorded in the Erie County Clerk's Office in Liber 11336 of Deeds at Page 9301;

Thence, N 88° 43' 14" E, along the westerly extension of said south line of Parcel B described in Liber 11336 of Deeds at Page 9301, through the lands currently or formerly owned by C.I.D. Landfill, Inc. by deed as recorded in the Erie County Clerk's Office in Liber 10877 of Deeds at Page 2409, a distance of 1,010.45 feet to the point of beginning.

Containing 24.69 acres of land, more or less.

; and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter the approval of said change in zoning in the minutes of this meeting, file the same in the Town Clerk's office for reference and make the appropriate changes to the Town Zoning Map to reflect the above noted parcels as fully part of the BL-Business-Light Commercial District; and be it further

RESOLVED, the Town Board of the Town of Sardinia hereby approves of issuing a Special Use Permit to WMNY, based on the following:

Section 1: The Town Board has reviewed the Standards for Issuance of a Special Use Permit for a Municipal Solid Waste Landfill contained in Section 115-62 of the Zoning Code and the Town bases its decision to APPROVE the WMNY application for a Special Use Permit based on the following FINDINGS which address the applicable factors as enumerated in the Zoning Code:

1. *The siting of such a facility does not pose a hazard to the health, safety and general welfare of the*

community.

The Town Board has determined that the siting of the Project will not pose a hazard to the health, safety and general welfare of the community. The Town's review of the Project's potential effect on health, safety, and the general welfare of the community included a review of the DSEIS, the FSEIS, the NYSDEC Findings Statement, [the Planning Board Findings Statement], the Town Board's Findings Statement, the comments of ECDEP and WMNY's response thereto, comments provided at the public hearings, and other documents and submissions received on the Project. The Project is regulated by and requires a solid waste management facility permit under 6 NYCRR Part 360-1.11a(1), which states that a permit issued pursuant to this part "must assure, to the extent practicable, that the permitted activity will pose no significant adverse impact on public health, safety or welfare, the environmental or natural resources." Because the Project can only be undertaken in accordance with a Part 360 Permit, and because NYSDEC has issued its Part 360 Permit with respect to the Project, the Town Board has determined that the Project will not pose a hazard to the health, safety, and general welfare of the community.

In addition, WMNY has addressed the concerns of the Planning Board with respect to Fire Department access to water on the Property by relocating dry hydrants on the northern Borrow Area and ensured that the on-site pond will be available for firefighting purposes in the event of a fire.

There will be increased truck traffic crossing Hand Road from the proposed Borrow Area to the WMNY Property. However, the approved design capacity of the landfill is not changing, and WMNY has provided the Town with an appropriate Management and Traffic Plan. As a result, there will be no significant change in truck traffic or risks associated therewith as a result of the Project.

WMNY will continue to conduct groundwater and surface water monitoring and continue to submit the results to NYSDEC on a quarterly basis. The Project is designed to protect groundwater quality by utilizing a double composite liner, leachate collection and storage systems, surface water drainage and landfill gas collection, environmental monitoring, leading NYSDEC to conclude in its Findings Statement that no adverse impacts to groundwater quality or quantity are expected to result from the Project.

Based on the DSEIS, FSEIS, NYSDEC Findings Statement, issuance of the NYSDEC Part 360 Permit and the DEC's Air Pollution Control Permit, and the "Property Protection Program for the Neighborhood of the Chaffee Landfill" contained within Exhibit A of the Host Municipality Agreement by and between WMNY and the Town of Sardinia (the "HMA" as further described in item (7) below) the Town Board has determined that the Project is designed, located and proposed to be operated in such a manner to ensure no adverse impacts to groundwater or surface water, to minimize and manage odor issues, to account for fire safety issues, to minimize traffic issues, and to provide property value protection as per the HMA thereby ensuring the health, safety, and general welfare of the community will be protected. The Town is therefore satisfied that this requirement is met.

2. *The establishment of such a facility is consistent with the requirements of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Part 360.* NYSDEC issued WMNY its modified Part 360 Permit on May 5th, 2023. As such, NYSDEC has determined that construction and operation of the Project is consistent with a 6 NYCRR Part 360 Permit. The Town Board is satisfied that that this requirement is met.

3. *The landfill facility is on a site with a minimum of 400 acres so that adequate buffers can be established to protect nearby lands.* The Site Plan Drawings show the current property boundary of the Project and adjacent properties owned by WMNY. The facility encompasses these areas, consists of approximately 499.8 acres. The Town Board is satisfied that this requirement is met.

4. *Such site has access on a state highway.* Site Plan Drawings show that the Project Site has access to State Route 16. The Town Board is satisfied that this requirement is met.

5. *The proposed landfill area is a minimum of 1,500 feet from a regional or state highway.* Site Plan Drawings show that the Project is located approximately 3,000 feet from State Route 16. The proposed landfill development has adequate buffer distance from regional and state highways. The Town Board is satisfied that this requirement is met.

6. *The facility recaptures methane gas for beneficial reuse or will provide a mechanism to recapture such gas and establish a time frame acceptable to the Town Board to implement the reuse of such methane gas.* The facility has historically recaptured methane gas for beneficial reuse and will continue to do so with the proposed Area 7/8 Development. The Town Board is satisfied that this requirement is met.

7. *A host municipality agreement is offered to, and approved by, the Town of Sardinia.* There is an approved HMA between the Town and WMNY, dated as of March 10, 2004, which will remain in effect. The Town Board is satisfied that the requirement has been met. The First Amendment to the HMA is dated December 14, 2009, and the Second Amendment to the HMA is dated July 1, 2023

8. *The facility is operated by an organization with an established business history in the operation and maintenance of solid waste handling and can provide monetary security guarantees for the maintenance of the facility, including monitoring of groundwater inspection wells and remedial work for breaches which may pose a health hazard to the community.* The facility has historically been operated by WMNY and will continue to be operated as such. Operations of the proposed Project are regulated by NYSDEC under 6 NYCRR Part 360 and 6 NYCRR Part 201. NYSDEC has issued permits for the Project with respect to these regulated activities on [May 3rd, 2023], thereby establishing operation, maintenance, monitoring and reporting requirements. The Town Board is satisfied that this requirement has been met.

9. *Guarantees are provided for workforce levels at the landfill facility.* Direct job creation will not change significantly from current levels as a result of the development. The Town Board is satisfied that this requirement has been met.

10. *A management plan to control nuisances created by the facility is established which includes, but is not limited to, mitigation for: (a) increases in noise, (b) noxious odors, (c) windblown debris, (d) airborne sediments/dust,*

(e) increases in truck traffic, and (f) vector nuisances. The landfill operates under a NYSDEC Facility Manual which addresses operations such that potential nuisances are mitigated. Landfill gas impacts are mitigated by the design and operation of a Gas Collection Control System. There will be no significant change in truck traffic associated with the acceptance of waste. In addition, when necessary during dry periods, a water truck will be used to mitigate any fugitive dust conditions that may be present. Based on a review of the DSEIS, FSEIS, NYSDEC Findings Statement, and based on the independent review of the proposed Project, the Town Board has determined that management plans to control noise, odors, windblown debris, air-borne sediments/dust and vector nuisances have been adequately established. It has been determined that the Project will not have significant impacts with respect to these issues.

11. *Visual impacts associated with the proposed facility will be evaluated by a visual impact assessment utilizing visual simulations and proposed mitigation measures, including but not limited to the planting of vegetative screens on the premises, as well as vegetative line-of-sight interferences off the premises (with permission of landowners) are provided. Such vegetative screens shall be maintained as required by the landscaping sections of this chapter.* Potential visual impacts are thoroughly addressed in the DSEIS, FSEIS and SEQRA for the Project. A visual resource assessment was performed to determine whether the Project would have a significant impact on nearby sensitive visual receptors. The Project will extend to approximately 30 feet above the currently permitted landfill elevation. This will increase the Landfill visibility, but this is approximately equal to the limitation of 200 feet specified in the 6 NYCRR Part 363-5(e) requirements. The proposed Project represents a continuation of existing visibility of Landfill operations with a limited area of new visibility. The visual patterns and composition of the proposed Project will be substantially consistent with what is already seen. In most areas, the effect of the proposed action on the surrounding landscape is a nominal change in the degree of exposure rather than a new or visually different impact. Adequate buffering and landscaping exists or will be put into place. The Town Board is thus satisfied that the Project will not have any adverse visual impacts.

12. *Potential diminution in property values of contiguous neighboring off-site lands or lands within 1/2 mile of the proposed landfill are mitigated by the landfill operator/owner or his/her successors.* As noted above, a Property Protection Plan is included within the HMA between the Town and WMNY. The Town Board has determined that this standard has been satisfied.

Section 2: The Town Board has also reviewed the Standards for Issuance of Special Use Permits contained at Section 115-86 of the Zoning Code and bases its decision to APPROVE the Special Use Permit Application based on the following FINDINGS which address the applicable factors as enumerated in the Ordinance:

1. *The use is designed, located and proposed to be operated so the public health, safety, welfare and convenience will be protected.*

The Town Board finds that this requirement is met for the reasons set forth in Section 1, paragraph 1, above.

2. *The use will not cause substantial injury to the value of other property in the neighborhood where it is located.* Based on the Findings Statements issued by the NYSDEC and the Town Board, and the mitigative measures employed by WMNY, the Town Board concludes that the Project will not cause a substantial adverse injury to the value of other property in the neighborhood of the project. To the extent that the value of such property might be affected, a limited property protection program is included in the HMA between the Town and WMNY.

3. *The use will be compatible with adjoining development and the character of the neighborhood where it is located.* Because the impacts associated with the project will be minimal and/or insignificant, but in no case be additive to those associated with the existing WMNY landfill operations, the Town Board has concluded that the use will be compatible with adjoining development and the character of the neighborhood where it is located.

4. *Adequate buffering, including landscaping and screening, is provided to preserve the character of the neighborhood and adjacent land uses.* Landscaping was completed around the property, including along Hand Road, as part of the Western Expansion in 2006. No additional landscaping is planned for this part of the development, but the existing landscaping will continue to provide adequate screening of the Landfill operations. Final covers of the landfill will be seeded with various grass mixtures. Based on the above, the Town Board concludes that adequate buffering will be utilized to preserve the character of the neighborhood and adjacent uses.

5. *Adequate off-street parking and loading are provided, and the special use will not substantially interfere with traffic on abutting streets.* Based upon review of the Special Use Permit Application, DSEIS, and FSEIS, there are no off street parking issues are not associated with the Project. Based on these findings, the Town concludes that the special use will not substantially interfere with traffic on the abutting streets.

Section 4: The Town of Sardinia Town Board hereby APPROVES, and orders the Town Zoning Officer to issue the requested Special Use Permit to Waste Management of New York, LLC to operate the Area 7/8 Development pursuant to the following conditions:

1. The hours of operation of the landfill shall remain the same and be limited to Monday through Friday from 7:00 AM to 5:00 PM and Saturday from 8:00 AM to 1:00 PM.

DULY ADOPTED, this 30th day of August, 2023 by the following vote: Domster, aye, Hochadel, aye, Krist, aye, Marsh, aye, Gambino, aye. So resolved, 5 ayes, 0 noes.

There being no further business to come before the Board, on a motion by Marsh, seconded by Domster, the August 30th Special Meeting was adjourned at 6:50 p.m., carried, 5 ayes, 0 noes.

Respectfully Submitted,

Town Clerk

Exhibits A, B, C, D
& Exhibit E Local Law 1 of 2023

Exhibit A:

Resolution #1 – 2023 (Findings Statement acceptance Planning Board)

WHEREAS, Waste Management of New York, LLC (“WMNY”) has applied for several approvals from the Town of Sardinia (“Town”) in connection with the proposed Area 7/8 Development at its current landfill property located at 10860 Olean Road, Sardinia, New York, 14030 in the Town (“Landfill”) to construct an additional 19.1-acre footprint contiguous with the existing Landfill and a 9.5 acre area over the southern side slope of the closed portion of the Landfill, increase the maximum height of the Landfill by 30 feet and utilize certain areas adjacent to the current Landfill as borrow areas (“Borrow Areas”) to provide soil for Landfill operations (“Project”); and

WHEREAS, Section 115-75 of the Town Zoning Code requires Site Plan review and approval prior to the development of individual parcels for commercial activities; and

WHEREAS, Section 115-87(A) of the Zoning Code requires that applications for a new or modified Special Use Permit be accompanied by an application for Site Plan approval; and

WHEREAS, Section 115-77 of the Zoning Code provides that the Planning Board review all site plans in compliance with Article IX of the Zoning Code; and

WHEREAS, in 2019, WMNY submitted an application to the New York State Department of Environmental Conservation (“NYSDEC”) to modify its 6 NYCRR Part 360 Solid Waste Management Permit and included a Full Environmental Assessment Form with respect to the Project; and

WHEREAS, the Town, as an involved agency, consented to NYSDEC acting as lead agency for the purposes of conducting a coordinated environmental review of the Project pursuant to the State Environmental Quality Review Act (“SEQRA”), and

WHEREAS, on January 8, 2020, NYSDEC adopted a SEQRA positive declaration with respect to the Project requiring the preparation of a Draft Supplemental Environmental Impact Statement (“DSEIS”); and

WHEREAS, on January 15, 2020, NYSDEC, as lead agency, distributed a Public Scoping Document to all interested and involved agencies; and

WHEREAS, on January 30, 2020, a public scoping meeting was held at the Town of Sardinia Town Hall to receive public comments; and 7/18/2023 15803473.1 4/13/2023

WHEREAS, public comments were received by NYSDEC through March 17, 2020; and

WHEREAS, on July 1, 2020, NYSDEC issued a final scope for the DSEIS; and

WHEREAS, on July 24, 2020, WMNY submitted a DSEIS to NYSDEC; and

WHEREAS, WMNY made subsequent revisions to the DSEIS and submitted the revised DSEIS to the NYSDEC in July 2022; and

WHEREAS, in May 2022, WMNY submitted an “Application for Re-Zoning Classification” of the Borrow Areas from AR to BL pursuant to Article XIII of the Zoning Code (“Re-Zoning Application”) and an “Application for Town Board Special Use Permit” pursuant to Article X of the Zoning Code with respect to the Project (“Special Use Permit Application”), along with the required Site Plan Approval request; and

WHEREAS, on September 7, 2022, NYSDEC issued a Notice of Acceptance of the DSEIS, Notice of Complete Application, and Notice of Public Hearing (collectively, “Notices”); and

WHEREAS, on September 14, 2022, NYSDEC published the Notices in the Environmental Notice Bulletin (“ENB”); and

WHEREAS, on September 28, 2022, NYSDEC held a virtual duly noticed public hearing on the DSEIS, at which WMNY appeared and commented, but no other person or party commented; and

WHEREAS, on January 17, 2023, WMNY submitted additional information to the Town in support of its Site Plan Review Application and Special Use Permit Application; and

WHEREAS, in April 2023, WMNY submitted to NYSDEC for its review a Final Supplemental Environmental Impact Statement (“FSEIS”); and

WHEREAS, on April 19, 2023, NYSDEC accepted the FSEIS with respect to the Project and published notice of the same in the ENB; and

WHEREAS, on May 3rd, 2023, NYSDEC issued its SEQRA Statement of Findings (the “NYSDEC Findings”) with respect to the Project, determined that the Project is consistent with social, economic and other essential considerations and that, to the maximum extent practicable, adverse environmental

effects revealed in the environmental impact statement process will be minimized or avoided by incorporating, as conditions to the decision, those mitigative measures which were identified as practicable; and

WHEREAS, on May 5 th, 2023, NYSDEC issued to WMNY its 6 NYCRR Part 360 Solid Waste Management Permit and Title V Air Permit;

Now on Motion OF Aaron Root, which has been duly seconded by Dan Szustakowski,

BE IT RESOLVED, to ADOPT THE FINDINGS OF THE TOWN OF SARDINIA PLANNING BOARD PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE WASTE MANAGEMENT OF NEW YORK, LLC CHAFFEE LANDFILL AREA 7/8

Duly Adopted, this day of July 19th, 2023 by the following vote: Spink, aye, Reynolds, aye, Root, aye, Salmon, aye, Szustakowski, aye. So resolved, 5 ayes, 0 noes.

Exhibit B:

Resolution #2 – 2023 (Zoning change recommendation from Planning Board)

WHEREAS, Waste Management of New York, LLC (“WMNY”) has applied for several approvals from the Town of Sardinia (“Town”) in connection with the proposed expansion and modification of its current landfill property in the Town (“Landfill”) to construct an additional 19.1-acre footprint contiguous with the existing Landfill and a 9.5 acre area over the southern side slope of the closed portion of the Landfill, increase the maximum height of the Landfill by 30 feet, and utilize certain areas adjacent to the current Landfill as borrow areas (“Borrow Areas”) to provide soil for Landfill operations (“Project”); and

WHEREAS, the Project requires rezoning portions of the parcels on which the proposed Borrow Areas are located from AR (Agricultural-Residential) to BL (Business-Light Industrial) (“Re-zoning”), a modification of WMNY’s Special Use Permit (“Special Use Permit Modification”) and Site Plan approval for the construction of the proposed modifications (“Site Plan Approval”); and

WHEREAS, the Re-zoning will require adoption of a local law by the Town Board amending the Town Zoning Map and the Special Use Permit Modification will require approval of the Town Board; and

WHEREAS, pursuant to Zoning Code § 115-107(B), the Planning Board is tasked with making an advisory report to the Town Board on the proposed amendment to the Zoning Code, including any amendment to any zoning district as designated on the Town Zoning Map; and

WHEREAS, pursuant to Zoning Code § 115-87(B), the Planning Board is tasked with making a recommendation to the Town Board on any application for a Special Use Permit; and

WHEREAS, the Planning Board has reviewed the Project, including the applications for Re-zoning, Special Use Permit Modification and Site Plan Approval at numerous meetings over an approximately one-year period; and

WHEREAS, the Project has also been subject to extensive review by the New York State Department of Environmental Conservation (“NYSDEC”), as lead agency pursuant to the State Environmental Quality Review Act (“SEQRA”), the Erie County Department of Environment and Planning, pursuant to General Municipal Law § 239-m, and MRB Group (collectively, “Reviews”), and the Planning Board has reviewed and duly considered the comments and recommendations made as part of such Reviews;

Now on Motion OF Dan Szustakowski, which has been duly seconded by Steve Salmon;

BE IT RESOLVED, that, pursuant to Zoning Code § 115-107(B), the Planning Board hereby recommends to the Town Board that it adopt a local law re-zoning the Borrow Area parcels from AR to a BL for the following reasons:

- The parcels, or portions of parcels, to be rezoned, while currently zoned AR, are currently owned by WMNY and are not used for either agricultural or residential purposes;
- The Borrow Areas are a necessary component of the proposed Project to provide a source of clean soil cover for the ongoing and expanded Landfill operations;
- The utilization of these areas to provide such soils is a low-intensity use that will allow these parcels to be put to productive use while not negatively impacting surrounding properties;
- WMNY has made requested modifications to the northern borrow area to relocate the location of dry hydrants along Hand Road and provided a Maintenance and Traffic Plan for the crossing between the existing Landfill and the northern Borrow Area;
- The re-zoning of the Borrow Areas is consistent with the Town’s Comprehensive

Plan, which recognizes that the Landfill is an established permitted land use within the Town and, as most recently amended in 2021, acknowledges the proposal to re-zone the borrow areas as part of the planned expansion and modification of Landfill;

Duly Adopted, this day of July 19th, 2023 by the following vote: Spink, aye, Reynolds, aye, Root, aye, Salmon, aye, Szustakowski, aye. So resolved, 5 ayes, 0 noes.

Exhibit C:

Resolution #3 – 2023 (Special Use Permit Recommendation from the Planning Board)
Now on Motion OF Steve Salmon, which has been duly seconded by Dan Szustakowski;

BE IT FURTHER RESOLVED, that, pursuant to Zoning Code § 115-87(B), the Planning Board hereby recommends that the Town Board approve the Special Use Permit Modification application as submitted by WMNY for the Project, as said Project conforms to standards for issuance of a Special Use Permit for a Municipal Solid Waste Landfill set forth in Zoning Code § 115-62 and § 115-86(B), specifically:

- The expansion and modification of the Landfill, which will not increase the volume of waste deposited annually over present levels and has received all necessary approvals from NYSDEC following an extensive environmental review, will not pose a threat health, safety or general welfare of the community as required by Zoning Code § 115-62(B)(1)-(2) and § 115-82(B)(1);
- The Landfill will continue to conform to all of the dimensional requirements set forth in Zoning Code § 115-62(B)(3)-(5);
- The Landfill will continue to recapture methane gas for beneficial reuse as required by Zoning Code § 115-62(B)(6);
- The operation of the Landfill will remain subject to terms of the [reviewed and revised] Host Municipality Agreement (“HMA”) required by Zoning Code § 115-62(B)(7);
- The Landfill will continue to be operated by WMNY, an entity with an established history of satisfactorily operating the Landfill and providing the financial security required by Zoning Code § 115-62(B)(8);
- The Project will not reduce the existing workforce levels at the Landfill and thus will not impact the requirements of Zoning Code § 115-62(B)(9);
- The Landfill will continue to operate pursuant to the NYSDEC approved Facility Manual which addresses the requirement for an adequate management plan required by Zoning Code § 115-62(B)(10);
- Visual impacts related to the Project were thoroughly evaluated, as required by Zoning Code § 115-62(B)(11), as part of the SEQRA review process, including the completion of a visual resource assessment, which concluded that the relatively modest proposed expansion of the existing Landfill will not cause a significant change in the visual impacts of the Landfill;
- The Property Protection Plan included in the HMA will continue to ensure that any potential diminution of property values are mitigated as required by Zoning Code § 115-62(B)(12) and § 115-86(B)(2);
- The relatively modest expansion and modification of the existing Landfill, will remain compatible with existing use of the Landfill and surrounding properties as required by
- Zoning Code § 115-86(B)(3) and adequate buffering and landscaping will continue to be maintained as required by Zoning Code § 115-86(B)(4);
- Overall truck traffic will not significantly increase as a result of the Project, WMNY has provided an adequate Maintenance and Traffic Plan, and adequate off-street parking and loading will continue to be provided as required by Zoning Code § 115-86(B)(5).

Duly Adopted, this day of July 19th, 2023 by the following vote: Spink, aye, Reynolds, aye, Root, aye, Salmon, aye, Szustakowski, aye. So resolved, 5 ayes, 0 noes.

Exhibit D:

Resolution #4 – 2023 (Planning Board Site Plan Approval)

WHEREAS, Waste Management of New York, LLC (“WMNY”) has applied for several approvals from the Town of Sardinia (“Town”) in connection with the proposed Area 7/8 Development at current landfill property located at 10860 Olean Road, Sardinia, New York, 14030 in the Town (“Landfill”) to construct an additional 19.1-acre footprint contiguous with the existing Landfill and a 9.5 acre area over the southern side slope of the closed portion of the Landfill, increase the maximum height of the Landfill by 30 feet, and utilize certain areas adjacent to the current Landfill as borrow areas (“Borrow Areas”) to provide soil for Landfill operations (“Project”); and

WHEREAS, Section 115-75 of the Town Zoning Code requires Site Plan review and approval prior to the development of individual parcels for commercial activities; and

WHEREAS, Section 115-87(A) of the Zoning Code requires that applications for a new or modified Special Use Permit be accompanied by an application for Site Plan approval; and

WHEREAS, Section 115-77 of the Zoning Code provides that the Planning Board review all site plans for compliance with Article IX of the Zoning Code; and

WHEREAS, in May 2022, WMNY submitted a Site Plan Approval request (the “Site Plan Application”) pursuant to Article IX of the Zoning Code with respect to the Project as part of an application to modify its current Municipal Solid Waste Landfill permit pursuant to § 115-62 of the Zoning Code (“Special Use Permit Application”); and

WHEREAS, on November 30, 2022, the Town referred a full statement of the Project, including the request for Site Plan approval, to the Erie County Department of Environment and Planning (“ECDEP”) pursuant to General Municipal Law § 239-m, which returned certain comments to the Town on December 30, 2022; and

WHEREAS, on December 14, 2022, at the request of the Planning Board, WMNY submitted a revised drawing depicting temporary and final location of the dry hydrant well as a Maintenance and Traffic Plan for Hand Road for consideration at the Planning Board’s December 21, 2022 meeting; and

WHEREAS, on January 17, 2023, WMNY submitted additional information to the Town of Sardinia in support of its Site Plan Application and Special Use Permit Application; and

WHEREAS, on March 9, 2023, WMNY submitted responses to ECDEP’s comments to the Town; and

WHEREAS, the Project was reviewed by the Planning Board over the course of numerous meetings; and

WHEREAS, the Planning Board has reviewed the Site Plan Application as well as the Draft Supplemental Environmental Impact Statement (“DSEIS”), Final Supplemental Environmental Impact Statement (“FSEIS”), the NYSDEC Findings Statement, ECDEP’s comments and WMNY’s responses thereto, analysis of the Town’s consulting engineer, and other relevant documents and information concerning the Project and, on July 19, 2023, adopted its own Findings Statement pursuant to SEQRA concluding that the Project is consistent with social, economic and other essential considerations and that, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating, as conditions to the decision, those mitigative measures which were identified as practicable; and

WHEREAS, on July 19, 2023, the Planning Board adopted a resolution recommending to the Town Board that the Borrow Areas be re-zoned from AR – Agricultural-Residential to BL – Business-Light Industrial and it approve the Special Use Permit Application;

Now on Motion OF Aaron Root, which has been duly seconded by Keith Reynolds;

BE IT RESOLVED BY THE MEMBERS OF THE PLANNING BOARD AS FOLLOWS:

Section 1: Based upon review of the Site Plan Application and its related materials, the Planning Board hereby determines that all of the provisions of the Zoning Code have been complied with in regard to said application.

Section 2: The Planning Board has reviewed the Standards for Issuance of a Site Plan approval contained in § 115-80 of the Zoning Code and the Town Planning Board bases its decision to APPROVE the Site Plan Application based on the following FINDINGS which address the applicable factors as enumerated in the Zoning Code:

A. *Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.* With the exception of the Borrow Areas (discussed below), the WMNY property on which the Project is located has long been utilized as a municipal solid waste landfill, and the Project will not change that use. No additional buildings, lighting or signage is proposed. Rather, the site changes proposed will expand the existing use of the property as a landfill and are thus consistent with that existing use. With respect to the Borrow Areas, subject to those parcels being re-zoned as recommended by the Planning Board, those parcels will be properly zoned. Moreover, the use of the Borrow Areas, which are currently unimproved, will be limited to the excavation of soil for use on the Landfill, and no buildings or other improvements are proposed to be constructed. Overall, the Planning Board finds that the Site Plan as designed will utilize the Project site resources in the most appropriate manner under the circumstances.

B. *Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.* Potential transportation

and traffic impacts resulting from the construction and operation of the Project were evaluated in the DSEIS (incorporated into the FSEIS) and thoroughly addressed in the Planning Board's SEQRA Findings Statement. As noted therein, there will be increased truck traffic crossing Hand Road from the proposed northern Borrow Area to the Landfill. However, the number of trucks hauling solid waste to the landfill is not expected to increase compared to those historically entering the site since the approved design capacity of the landfill is not changing. WMNY will continue to limit truck traffic and has provided the Town with a satisfactory Maintenance and Transportation Plan to ensure truck traffic crossing Hand Road will be conducted safely. The Planning Board, as well as the Town Highway Superintendent, finds that, with these measures, the proposed Site Plan adequately and appropriately addresses traffic and circulation on the Project site.

C. *Location, arrangement, appearance and sufficiency of off-street parking, loading and drive-through lane stacking.* Based upon review of the Site Plan Application and related materials, no changes are being proposed with respect to parking or loading on the Project site, and therefore the Planning Board concludes that approval of the Site Plan satisfies this criteria.

D. *Adequacy and arrangement of pedestrian traffic access and circulation, pedestrian walks and walkway structures, control of intersections with vehicular traffic and overall pedestrian mobility and convenience.* The Project is not anticipated to impact pedestrian traffic access and circulation to the surrounding area. The nature of the existing and proposed expanded Landfill operations do not generate pedestrian traffic, and the area surrounding the Project site is not characterized by significant pedestrian activity. Nevertheless, as noted above, WMNY will continue to limit truck traffic entering and exiting the Landfill and has provided a Maintenance and Transportation Plan to ensure safe crossings of Hand Road from the northern Borrow Area to the Landfill, which measures will help ensure that what little pedestrian activity may exist may safely continue.

E. *Adequacy of stormwater and drainage facilities.* As addressed in the Planning Board's SEQRA Findings Statement, the Project has potential to cause increased runoff and erosion on the Project Site, but such impacts will be minimized due to the Project's adherence to WMNY's SPDES Multi-Sector General Permit for Stormwater Discharges from Industrial Activities ("SPDES Permit") and its Stormwater Pollution Prevention Plan ("SWPPP").

F. *Adequacy of water supply and sewage disposal facilities.* No issues with water supply or sewage disposal are anticipated with the Project.

G. *Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between adjoining lands, including the maximum retention of existing vegetation.* As analyzed in the Planning Board's SEQRA Findings Statement, the Project is not expected to result in any significant impacts to visual or aesthetic resources, and adequate buffering and landscaping will be put into place to minimize any such impacts.

H. *Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.* WMNY has addressed the Planning Board's comments concerning the potential impacts of the development of the northern Borrow Area on the existing fire water pond on that by confirming that that area will revert to being a pond upon completion of reclamation and agreeing to relocate the fire water pond standpipe on the parcel. The Planning Board, as well as the Fire chief, are satisfied that this condition is satisfied.

I. *Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.* As noted above, the Project has the potential to cause increased runoff and erosion, but such impacts will be minimized

by adherence to WMNY's SPDES Permit and SWPPP. During the construction, operation and closure phases of the Project, erosion and sediment control techniques and procedures will be employed to reduce and control erosion and the transport of sediments from excavated areas or stockpiles. The proposed landscaping, and interim grading, to be utilized will help reduce erosion, and where appropriate, sediment control devices, such as sedimentation basins, silt fences, and rock dams in drainage channels, will be installed to control sediment transport. The Planning Board is satisfied that this provision has been adequately addressed.

J. *Overall impact on the neighborhood, including compatibility of design considerations.* The WMNY property on which the Project has long been utilized as a municipal solid waste landfill, and the Project will not change that use or otherwise introduce any incompatible development to this area of the Town.

K. *The provision of open space within multifamily and manufactured home parks for the recreational needs of the residents of such developments.* This criteria is not relevant to the Project.

Section 4: Based upon the above Findings, the Planning Board hereby APPROVES the Site Plan Application of Waste Management of New York, LLC for the Project as presented.

Duly Adopted, this day of July 19th, 2023 by the following vote: Spink, aye, Reynolds, aye, Root, aye, Salmon, aye, Szustakowski, aye. So resolved, 5 ayes, 0 noes.

Exhibit E Local Law 1 of 2023

**LOCAL LAW ENTITLED "ZONING MAP AMENDMENT LAW 1 OF 2023"
OF THE TOWN OF SARDINIA TO ADD SPECIFIC PARCELS TO
THE BL BUSINESS-LIGHT COMMERCIAL DISTRICT**

Be enacted by the Town Board of the Town of Sardinia as follows:

SECTION 1. STATUTORY AUTHORITY; TITLE

This Local Law shall be referred to as, "Zoning Map Amendment Law 1 of 2023".

SECTION 2. PURPOSE

The purpose of this Local Law shall be to amend the Zoning Maps in Attachments 4 and 5 of Chapter 115 to reflect approved rezoning of parcels within the Town of Sardinia.

SECTION 3. REZONE SPECIFIC AR PARCELS TO BL PARCELS

The "Zoning Map of the Town of Sardinia" referenced in Section 15 of Chapter 115 of the Town Code, and included as Attachments 4 and 5 of said Code, is hereby amended to change the district classification of the following properties and/or portions of properties from AR Agricultural-Resident to BL Business-Light Commercial (Please see the surveys attached hereto as Exhibit A):

North Parcel

All that tract or parcel of land situate in the Town of Sardinia, County of Erie and State of New York, being part of Lot 22, Township 7, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the southerly line of Lot 22 and the center of Hand Road (being 49.50 feet wide) a distance of 2,113.00 feet easterly from the southwest corner of said Lot 22, said point being the southeast corner of lands currently or formerly owned by Josie L. Olympia by deed as recorded in the Erie County Clerk's Office in Liber 10966 of Deeds at Page 1429;

Thence, N 01° 55' 44" E, at an exterior angle of 92° 23', a distance of 959.91 feet, to a point, said point being the south line of Parcel II, as described in land currently or formerly owned by Tracy Lynn Schaus Dzierzanowski and Trudy Ruth Gregory by deed recorded in the Erie County Clerk's Office in Liber 11388 of Deeds at Page 8986;

Thence, N 89° 32' 08" E, along the south line of Dzierzanowski and Gregory, being a line parallel with the south line of Lot 22, a distance of 675.00 feet, to a point being 938.00 feet, more or less, from the centerline of New York State Route 16 (also known as Olean-Buffalo Road) as measured generally at right angles from said roadway;

Thence, S 43° 36' 19" E, along a line parallel with and 938.00 feet, more or less from the centerline of said New York State Route 16 and through the lands currently or formerly owned by C.I.D. Landfill, Inc. as recorded in the Erie County Clerk's Office in Liber 9366 of Deeds at Page 572, Liber 9669 of Deeds at Page 436, Liber 10418 of Deeds at Page 429, and Liber 10629 of Deeds at Page 442, a distance of 1,314.40 feet to a point in the south line of Lot 22 (being the centerline of Hand Road), said point being 938.00 feet, more or less, from the centerline of said New York State Route 16 as measured generally at right angles;

Thence, S 89° 32' 08" W, along the south line of Lot 22 and the centerline of Hand Road, a distance of 1,613.70 feet to the point of beginning. Containing 25.20 acres of land, more or less.

Subject to the rights of the public in and to that portion of premises lying within the bounds of Hand Road.

South Parcel

All that tract or parcel of land situate in the Town of Sardinia, County of Erie, State of New York, being part of Lot 20, in Township 7, Range 5 of the Holland Land Company's Survey being more particularly described as follows:

Commencing at a point in the centerline of Allen Road (being 66.00 feet wide), a distance of 1,043.40 feet east of the west line of Lot 20, said point being the southeast corner of land currently or formerly owned by Waste Management of New York, LLC by deed as recorded in the Erie County Clerk's Office in Liber 11336 of Deeds at Page 9301, Parcel A;

Thence northerly along the east line of land conveyed to Waste Management of New York, LLC, a distance of 324.15 feet, to the point of beginning, said point being the northeast corner of Parcel A and the southeast corner of Parcel B, as described in said aforementioned deed recorded in the Erie County Clerk's Office in Liber 11336 of Deeds at Page 9301;

Thence, N 02° 33' 27" W, continuing north along said east line of Parcel B, a distance of 546.24 feet, to a point;

Thence, N 27° 01' 32" E, at an exterior angle of 150°-25'-01", a distance of 525.12 feet, to a point on the south line of lands currently or formerly owned by Chaffee Landfill Inc. by deed as recorded in the Erie County Clerk's Office in Liber 9234 of Deeds at Page 632;

Thence, N 89° 11' 56" W, at an interior angle of 63° 46' 32", along the south line of lands conveyed to Chaffee Landfill, Inc. and the extension thereof, a distance of 1,209.68 feet to a point on the division line between Lot 20 and Lot 28;

Thence, S 00° 48' 33" W, along said division line, a distance of 1,053.06 feet to a point, said point being the westerly extension of the south line of Parcel B as described in said lands conveyed to Waste Management of New York, LLC by deed as recorded in the Erie County Clerk's Office in Liber 11336 of Deeds at Page 9301;

Thence, N 88° 43' 14" E, along the westerly extension of said south line of Parcel B described in Liber 11336 of Deeds at Page 9301, through the lands currently or formerly owned by C.I.D. Landfill, Inc. by deed as recorded in the Erie County Clerk's Office in Liber 10877 of Deeds at Page 2409, a distance of 1,010.45 feet to the point of beginning.

Containing 24.69 acres of land, more or less.

SECTION 4. SEVERABILITY/VALIDITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Town Board of the Town of Sardinia hereby declares that it would have passed this Local Law of the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 5. REPEAL

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately and shall be filed in the Office of the Secretary of State.