

Minutes of the Public Hearing held by the LaFayette Town Board on May 10, 2004 at 6:30 pm. In the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Gregory Scammell, Supervisor
Sandra Smith, Councilwoman
David Knapp, Councilman
Thomas Bailey, Councilman
William McConnell, Councilman

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent
Kevin Gilligan, Town Attorney
Jack Sutton, Dep. C.E.O.
Marshall Taylor, Assessor/Clerk
Tom Chartrand, Bookkeeper
Anne Smith, Historian
Brant Fagan, 2360 Ashburn Dr.
Frank Gordinier, Optimist Club
Jim Wolf, LaFayette School Board
Larry Raison, 6186 Applewood Dr.
Wayne & Kathy Amidon, 2280 Markland Rd.
Steven Meier, 2892 Everingham Rd.
Wayne Corcoran, 6175 Applewood Dr.

Supervisor Scammell opened the public hearing at 6:32 p.m..

The Town Clerk took the Roll. All present.

Pledge to the U. S. Flag led by Town Councilor Dave Knapp.

Councilman Knapp moved and Councilwoman Smith seconded the motion to accept the April 26, 2004, Public Hearing Minutes as submitted by the Town Clerk. Motion passed unanimously.

Councilman Knapp moved and Councilwoman Smith seconded the motion to accept the April 26, 2004, Regular Town Board Meeting Minutes as submitted by the Town Clerk.

Councilman McConnell had correction. On page 15, he didn't actually receive the calls with complaints about Festival Garden, the calls were from the police blotter.

Motion passed with above correction.

Supervisor Scammell advised this is a public hearing and anyone who wishes to comment on whether or not we should add animal crematories to Agricultural/Residential Districts is welcome to do so.

Kathy Amidon asked why do we need one and where are they going to put it?

Supervisor Scammell said they wish to put it on Everingham Rd.

Kathy Amidon asked why do we need one?

Supervisor Scammell said the closest one is in Skaneateles and there's one in Groton.

Kathy Amidon said the fellow in Skaneateles goes around to vets and takes care of their needs.

Councilman McConnell said the town didn't go out and look for this. Mr. Meier came to the town wanting to start his own business so the Town Board is looking at the zoning to see if he can operate this proposal on his property.

Kathy Amidon asked if there had been any studies on this as to what it puts into the air and how far it travels.

Steve Meier said the units in Skaneateles on Coon Hill Rd. are not regulated by the DEC as they are older units. The fumes from them would be greater than what his will be. His wife has a veterinary clinic and they would like to provide a service to other vets in the area to offer them an alternative. The DEC will monitor the discharge. The units are sold as odorless and fumeless. The unit will be subject to the regulations the DEC sets.

Councilman Knapp asked how often they inspect the unit.

Steve Meier said whenever they get around to it. It will at least be done annually but they can come in at any time to check the monitor. They will check the heat emissions level. There is an electric chart record which keeps a record of the temperatures as required DEC.

Kathy Amidon asked what the chances are of actually having enough people to do the inspection.

Steve Meier said they will at least do it one time on a yearly basis but can come in more often if they want to.

Councilman Knapp asked if they have to check it out once it's installed.

Steve Meier said there is a permit application process in which you must submit all the plans. You apply for permission to install the unit and then there is a facilities permit which you have to apply for which gives you the right to go ahead and operate it. The DEC comes out and is present at the time the unit is installed and set up to operate or before he begins the actual operation.

Wayne Corcoran asked where his wife's clinic is.

Steve Meier said in Brewerton but he is not limiting his business to just his wife's vet clinic.

Wayne Corcoran asked if it was run by electricity.

Steve Meier said no, it's propane.

Wayne Corcoran said we could use more business in the town. His only concern is when he moved to Syracuse and he worked on a railroad they served a rendering company which had a terrible terrible odor. If this would be something like that, he is against it.

Steve Meier said that was years ago. As with everything else, state and federal governments have gotten more involved. He lives on the property and if he thought there was going to be a problem with smoke and odor, he wouldn't locate it there.

Councilman Knapp asked Wayne Corcoran if the odor was from the crematoria or the corpses lying around.

Wayne Corcoran said they never saw any corpses.

Councilman Knapp said that was one concern, if the crematorium is allowed, would there be a way to preserve the corpses?

Wayne Corcoran believes Dan Stack has a crematoria. As many times as he's been there, he wouldn't have any problem with it.

Steve Meier said Dr. Stack's is nowhere near as sophisticated as the one he will be installing. Dr. Stack grandfathered in and is not under the strict regulations that he will be under. He explained about picking up animals. His plan is to deal directly with veterinarians. He will be going to the clinics that usually have freezers. He will be picking up the frozen animals and he will have two chest freezers where they will remain until he cremates them. Once they are cremated, there is only ashes and bones left. Those who wish to have the remains returned to them will receive the ashes and the bones will be ground up and returned with the ashes. For those that don't care to have them returned, the ashes and bones will be taken to the Rock Cut Road facility. This is required by the DEC. Nothing will be buried on site.

Wayne Corcoran asked if what he is proposing to build would be allowed in an Agricultural or Residential District.

Steve Meier said that is why he is petitioning this Board. The way the zoning reads now, a crematorium would not be allowed in an A/R District. He is petitioning the Board to include crematoriums in A/R Districts. The crematorium will be housed in a polebarn type building.

Wayne Corcoran asked if he had to contact the Onondaga Nation about this.

Steve Meier said it is his understanding that the Town Board has sent notification to them.

Supervisor Scammell said they have been sent a notice of the public hearing and we have not heard anything from them.

Steve Meier said wood stoves pollute the air much more than his unit will. The unit he is purchasing will actually have a 75# per hour limit which is 1/2 of what the amendment to the ordinance would allow.

Wayne Corcoran asked what's to stop him once the Town Board approves this from chopping up horses to incinerate? He would like to see something in the ordinance that would state there would be nothing bigger than a certain amount.

Councilman McConnell would agree but he advised the size of the incinerator would not fit a 150# animal.

Wayne Corcoran said he would still like something in the ordinance to deter this. He would like to see a fine if he exceeds the set limits. You have to protect the residents too.

Councilman McConnell said when they visited the crematoriums, the animals were frozen in a special package and treated with respect. The Town Board wanted to be sure the animals were not deposited on site but taken to an appropriate area.

Wayne Corcoran would just like to see a limit to the size of animals he can take.

Kathy Amidon asked if this goes through, does that mean that one could go in any A/R District without any more ado?

Supervisor Scammell said it could go into any A/R District which has 30 acres of land and if the applicant received specific permit approval. He asked for any other comments or questions from the public or the Board.

Councilman Knapp asked Steve Meier if there is a specified number limit that the proposed model can handle.

Steve Meier said it's O.K. to burn 75 # per hour with a batch lot of 300#. In a group cremation, he could put 300# in there at 75# per hour. At the end of 4 hours, the cremation would be completed.

Councilman Knapp asked what he anticipates the local vet's generate.

Steve Meier believes he will be doing about 400 animals a year. This is based on what they do at the clinic and if he picks up a couple other clinics. As with any business, he will be trying to do as much business as he can. It will be a 1-man operation.

Councilman McConnell said the one in Groton does about 1,000 animals a year.

Steve Meier believes the one in Skaneateles has 3 units and does a very large number. They do animals from research facilities such as universities and hospitals. They also do vet clinics and possibly road kill, etc.

Councilman McConnell said Dr. Stack in Manlius also has one. There was no odor or smoke when they visited the site and the system was older than the one being proposed.

Wayne Corcoran said he hasn't been by Bristol Lab's lately then.

Councilman McConnell said he has been by Bristol.

Wayne Corcoran said that is what they do with all their animals only probably about 10 times as many as he is proposing.

Supervisor Scammell said the applicant would have to go before the Zoning Board of Appeals for specific permit approval. He asked Kevin Gilligan to review that process.

Kevin Gilligan said a separate application with a site plan would have to actually be made to the Zoning Board of Appeals who would review it to be sure all the criteria was met, i.e. 30 acres of land, 500' to nearest residential property line, all required permits are in place, etc. Someone can't just buy a big piece of property and put an incinerator on it. They would have to meet all the criteria and have a public hearing on it.

Councilwoman Smith asked Steve Meier if when he applies for the permit from the DEC, does he have to specify the type of animals?

Steve Meier doesn't believe they ask for this. He advised there is a unit like his located in Watertown that he is sure the owner would let someone come to look at and see it in operation.

Wayne Corcoran asked what will stop the state, DPW, etc. from bringing the dead carcasses along the road to him.

Steve Meier said he would have to have a contract for that. That is not his intention. The reason he decided to do this was because the crematorium they are using doesn't provide them with the service they require so he decided to do this to offer vet's an alternative.

Wayne Corcoran doesn't have a problem with him doing this to answer his needs.

Councilman Knapp said the one they visited on Coon Hill Rd. is very close to the neighboring resident's. He would think if there were any odors or problems with it, the neighbors would be right after them.

Wayne Amidon believes the Onondaga Nation would be the first to have a problem with this.

Steve Meier said he has researched this for 2 years before deciding to get involved with it.

Councilman Knapp asked if he has talked to his immediate neighbors.

Steve Meier said there are 4 people who have property which borders his and none of

them have any problem with this.

Councilwoman Smith asked if he has to keep any documentation about where the animals come from.

Steve Meier doesn't think he is required to by the state but he will be doing it for billing purposes. He does have to keep a record of what he is cremating.

Councilman Bailey asked if besides dealing with the DEC, is there any criteria by the County Health Dept.?

Steve Meier said no. It's all mandated by the NYS DEC Air Quality Dept.

Supervisor Scammell asked what we do with animals that are killed and are on the side of the road.

Leon Cook said they are buried. The state buries them in a wide area on Route 81.

Wayne Amidon said on 481 they have an area to bury them too.

Leon Cook said the county contracts with someone to take care of them.

Supervisor Scammell asked if the list of items Kevin Gilligan read off seemed adequate or did anyone feel something should be added to them?

Councilman Knapp believes it should state you must be living on the property and this is an accessory use.

Supervisor Scammell asked about many of these are in Onondaga County.

Steve Meier couldn't say exactly. There is one on Onondaga Hill, one in Skaneateles, one in Fayetteville, one at the SPCA, etc.

Supervisor Scammell said he believes there is some demand for these and at most you might see one other in the town. There has to be some kind of demand for them to start up. He noted Mr. Meier's plan is not to be burning animals at 2:00 a.m. He plans on operating during regular work hours of the day. That might be something the Board wants to put in the ordinance.

Councilman McConnell would also recommend putting something in regarding domestic animals and weight.

Steve Meier said if you set a limit of 120#, the Board must be careful as it might eliminate his ability to pick up a Newfoundland, etc.

Councilman McConnell said he would like something in there to prevent it from being a cow.

Councilman Knapp asked Steve Meier for his suggestion.

Steve Meier said he has seen a dog weigh 200#.

Councilman McConnell believes the proposal Mr. Meier presented was for cats and dogs which would be domestic pets.

Wayne Amidon would recommend spelling out what would be allowed.

Steve Meier said he has no interest in carving up dead animals.

Wayne Amidon said his wife's clinic is approximately 30 miles from here. Why did he come way out here? Was it because he owned the land?

Steve Meier said it's convenient for him.

Wayne Amidon asked if he had tried to get a permit in Brewerton to do this.

Steve Meier said no as he is not just looking at his wife's practice but other practices as well. The land where his wife's clinic is located is leased and he would have to go through the landowner, etc. Here, he owns the property and it's more convenient.

Kathy Amidon said she's a former 911 supervisor, if you use the domestic animal definition, it excludes cats as they are not considered domestic animals.

Supervisor Scammell asked for any other comments or questions.

Kevin Gilligan asked if the Town Board would want to exclude farm animals. Is that a category you would like excluded? He doesn't know if there is a way to categorize this with domestic/household or farm animals or how to distinguish these from road kill. He thinks it might be better to go with pound limits.

Supervisor Scammell would recommend saying anything less than 200# as this would cover the larger dog and it would exclude most things the resident's have expressed concern about.

Kevin Gilligan said in our draft we put 150#/hour capacity, does the Board want to decrease this to 75#? If the Board wants to keep the animals smaller, maybe it wants to move their limit from 150# to 75#. Maybe the Board wants to add the 300" batch capacity. He asked if this was a standard capacity.

Steve Meier said it varies.

Kevin Gilligan said the Town Board might want to key this into the use of smaller animals.

Councilman Knapp was thinking maybe 100#/hour and 350#. He doesn't want to see one too small to have the safeguards.

Steve Meier said any unit purchased would have to be regulated by the DEC.

Kevin Gilligan asked about the hours of operation.

Steve Meier said it's an automatic operation and it burns according to the amount of pounds you have in it.

The Town Board was in agreement for the hours of operation to be 7:00 a.m. to 11:00 p.m.

Councilwoman Smith would recommend trying to keep the size down.

Steve Meier said at 150#/hour, he believes the maximum you could load would be about 500#.

Supervisor Scammell asked if 30 acres seemed adequate as well as the 500' from the neighboring property lines.

Mary Jo Kelly asked if there was any noise.

Steve Meier said there's a blower on it. It's loud from the inside of the building but on the exterior you barely notice any sound.

Wayne Amidon said what if someone wants to build one of these and doesn't want to put it in an enclosed area?

Councilman McConnell said the one in Groton is in a lean-to and the owner said it only made a hum noise when operating.

Wayne Amidon said what if someone wants to build one and just erects it outside?

Supervisor Scammell said that is a good question. Should a requirement be that it's in an enclosed structure?

Councilman Knapp said the gentleman in Groton said the reason he did a lean-to is that these units are loaded with electronic sensors and if one of them goes down, it shuts the entire unit down and he didn't want to be faced with that.

Steve Meier said these units aren't cheap.

Kevin Gilligan would recommend putting it in a fully enclosed, sound insulated structure.

Wayne Corcoran asked if 16 hours a day isn't too lengthy. It seems like an awfully long time to him.

Steve Meier said if you restrict it to run from noon to 4:00 pm., it would limit him as he must pick the animals up from the vet's.

Wayne Corcoran asked what the hours he would have the furnace running were.

Steve Meier said between 7:30 a.m. and 11:00 p.m. He would run it as much as he needs to be able to take care of the animals he has. He will not be burning animals one at a time unless the owner requests the ashes back. The majority of the time he will be loading it to capacity as often as he can to maximum the efficiency of the unit. It will take 4 hours for the unit to run. Just because his hours of operation state between 7:30 a.m. and 11:00 p.m., it doesn't mean he will be operating that total amount of time.

Supervisor Scammell asked if the 30 acres and 500' seems sufficient. No one was opposed to this. He recommended adding an enclosed structure.

Jack Sutton asked if this would operate 7 days a week.

Steve Meier said yes.

Kevin Gilligan asked about the sound proofing.

Steve Meier said he proposes to do this but he doesn't think it's an issue with the units he's seen.

Wayne Amidon believes it's an issue. The neighbors about 500' away with their windows open and trying to watch TV might have a problem.

Wayne Corcoran asked if there would be filters on his exhaust so the emissions will be clean.

Steve Meier said it's essentially a smokeless unit. There are two chambers where burning takes place. There is no need for filters. Any emission is being reburned in the second chamber.

Kevin Gilligan asked if the Town Board wanted to put anything in here regarding regulating burning any other kind of waste in this. Does the Board want restrictions on burning things other than the animals?

Steve Meier said the DEC does allow the cremation units to burn hazardous materials but it must be limited to a certain percentage of the overall burn.

A resident asked if people who have allergies will be affected by this in any way, i.e. pet dander.

Steve Meier wouldn't think so. He is 99.9% sure this wouldn't affect them.

The resident said his wife has allergies to cats and dogs and they would be downwind of this.

Councilman McConnell believes if there were going to be any affect, it would be nominal.

Wayne Corcoran just wants to be sure the standards are there for the future if more crematoriums want to come to the Town of LaFayette. The standards we set tonight must be the standards for the next one that might come up. Everyone he knows that has these things has filters on them. To him no filters means it's going right up and out.

Steve Meier said the design of the unit is such that it doesn't require a filter. He can't compare it to other areas as he doesn't know what they have. The DEC is the controlling party that regulates these units.

Wayne Amidon asked if everyone would buy units like this one.

Steve Meier said any units sold in New York State must be regulated by the DEC. If it's a new unit never sold in New York State, the DEC goes out to the unit and monitors everything on it. If they decide the unit doesn't meet their requirements, the unit cannot

be sold in New York State. The reason he went with this unit is because there are several other ones already in the state. The DEC determines what they feel is reasonable to keep the residents of New York State safe from the pollutants.

Councilman McConnell would add the electrical monitoring device that is attached to this is critical. It's reviewed by the DEC when they come to inspect the site.

Wayne Corcoran asked if he would bring his medical waste home and burn it.

Steve Meier said no. Right now it costs them about \$25 every other month to dispose of their medical waste. At that cost, it would not be worth his while to bring it home and burn it. The DEC says you can, but he will not be doing this.

Supervisor Scammell asked if the Board would want to limit this.

Councilman McConnell would recommend limiting it to what his proposal was and not to include medical waste.

Supervisor Scammell asked for any further comments or questions.

Kevin Gilligan said something will be added stating no medical waste.

Supervisor Scammell said an alternative would be to say only animals rather than thinking up a list of all the things we can exclude.

Councilman McConnell asked if this would be something the town would need to inspect regarding the restrictions the Town Board puts on it.

Jack Sutton said yes.

Kevin Gilligan asked Jack for any thoughts or input from the codes office regarding enforcement.

Jack Sutton thinks whatever the Town Board decides it wants, when they inspect the site they can determine whether or not he's complying with and whether or not it's O.K.

There were no further questions or comments.

Councilmen McConnell moved and Knapp seconded the motion to close the public hearing. Motion passed unanimously.

The public hearing closed at 7:45 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk