

# *Town of Gorham*

4736 South Street  
Gorham, New York 1461

## **PLANNING BOARD**

**Monday, May 19, 2025 7:00 p.m.**

### **MINUTES—Approved**

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*The minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Town of Gorham Planning Board. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions.*

**Board Members Present:** Bob Farmer  
Richard Perry  
Andrew Hoover  
Gabrielle Harris  
Lynn Klotz  
Jon Willis, *Alternate*

**Board Members Excused:** Jeremy Stowe

**Board Members via Zoom:** Thomas Harvey, *Chairperson*

**Staff Present:**  
James Morse, Town of Gorham Code Enforcement Officer

**Applicant Present:**  
Marlin Horst  
Keith Horst

**Others Present:**

**Applicant Via Zoom:**  
Edward Zaydman – ECO Operations

**Other's Via Zoom:**

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## **1. MEETING OPENING**

The meeting was called to order at 7:01 p.m. by Mr. Harvey.

Mr. Harvey said I am remote and per the Town's policy as long as there is a quorum present at the Town Hall address we are legal and I obviously have the Chairman's permission to be remote. We definitely have a quorum present. We have two public hearings this evening. Before we open the public hearing the Board will conduct the environmental review that is required under the State Environmental Quality Review Act. If the Board makes a negative determination of significance or positive declaration needing an environmental impact statement that needs to be made those make the application complete and the Board can move forward with the public hearing on the application. I will open the public hearing after we do the environmental review. I will ask the applicant to explain the application. The Board members may ask questions. I will give anyone in the public or online the opportunity to ask questions or to make comments on the application. I will remind everybody to please address your comments and questions to the Board and not the applicant. If the Board feels they have enough information we will close the public hearing and we generally try to take action on the application.

## 2. APPROVAL OF MINUTES OF APRIL 28, 2025

■ A motion was made by MR. HOOVER to approve the minutes from APRIL 28, 2025 and the motion was seconded by MS. KLOTZ.

Motion carried by voice vote with all present voting aye.

## 3. LEGAL NOTICE

**NOTICE IS HEREBY GIVEN** that Public Hearings will be held by and before the Planning Board of the Town of Gorham on the 19<sup>th</sup> day of May 2025 commencing at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, in the Town of Gorham, Ontario County, New York 14461 to consider the following applications and to discuss all matters relevant to the environmental review under the New York State Environmental Quality Review Act:

**PB #9-2025: MARLIN HORST 4564 YAUTZY ROAD, STANLEY, NEW YORK, 14561:** Requests site plan approval to construct a 17,800 square foot warehouse and feed store with parking area. The project includes site improvements to grading, drainage and utilities. The property is located at 4660 Yautzy Road and is zoned FP Farming Preferred/Farmland Priority.

**PB #10-2025: ECO OPERATIONS 4611 DEWEY AVENUE, STANLEY, NEW YORK, 14561:** Requests site plan approval to operate a de-packaging facility. The project includes proposed outdoor storage with no changes to the existing structures. The property is located at 4611 Dewey Avenue and is zoned I - Industrial.

All persons wishing to appear at such hearing may do so in person, by attorney or other representative.

Thomas P. Harvey, Chairperson  
Planning Board

#### 4. NEW PUBLIC HEARING

**PB #9-2025: MARLIN HORST 4564 YAUTZY ROAD, STANLEY, NEW YORK, 14561:** Requests site plan approval to construct a 17,800 square foot warehouse and feed store with parking area. The project includes site improvements to grading, drainage and utilities. The property is located at 4660 Yautzy Road and is zoned FP Farming Preferred/Farmland Priority.

Mr. Harvey said everybody has a completed Part 1 and it is the Board's responsibility to complete Part 2 and 3 of the Short Environmental Assessment Form. I would propose the Board answer no or small impact may occur to Questions 1-11 on Part 2. On Part 3 we are going to note that Part 2 Question 4 there are no critical environmental areas that have been established within or approximate to the Town of Gorham. In regard to Part 2 Question 8 the Planning Board's answer is based upon the fact that the project site is not in an archaeological sensitive area according to the NYS Office of Parks, Recreation, and Historic Preservation and no buildings or sites are listed or are eligible for listing on the state register of historic places. In regard to Part 2 Questions 9 & 10 the Planning Board answer is based upon conditions the Planning Board anticipates placing on the site plan approval requiring stormwater mitigation facilities be incorporated into the plan based on engineering calculations and the diversion swale be installed and stabilized prior to any other site disturbance.

Ms. Harris makes a motion to accept Part 2 and 3 of the Environmental Assessment Form and to make a negative determination of significance and the motion was seconded by Mr. Perry. The motion was carried with all present voting aye.

Mr. Harvey said now that the application is complete we will open the public hearing.

Marlin & Keith Horst presented the application.

Marlin Horst said we are currently operating a feed business and we need more room.

Mr. Harvey said what is going to happen to the old facility?

Marlin Horst said at this time we are going to continue to use the old facility for whenever there is overflow whether it's on the farm for storage equipment or whatever it may be.

Mr. Harvey said I looked at the submitted material. I have been out of town for a while so Jim Morse may have more updated information than I have when I took the agenda package with me. You added an infiltration trench up by the road, correct?

Marlin Horst said correct.

Mr. Morse said he picked up the calculations today from McCormick. Tom, he picked up from McCormick today what you asked him to pick up. He was in the hospital from what I understand but he was able to get it to him today.

Mr. Harvey said okay. I think the only issue with that is basically we will have the Town Engineer review it and if it gets the same amount of extra water at the same rate that the site is generating after construction and it deals with that then I think it will be good. Are there any other questions from the Board?

Mr. Farmer said what are the types of things that you are selling in the farm store? Just feed?

Marlin Horst said feed. Anything agricultural related like fish food or dairy food, etc.

Mr. Farmer said did the Town Board pass a no farm store moratorium?

Mr. Morse said no.

Mr. Harvey said they asked the Planning Board for a recommendation the last time and the Planning Board did not feel that it was necessary.

Mr. Morse said the Zoning Board made the same determination. The resolution is in front of the Town Board on Wednesday night and it sounds like, based on the Supervisor's opinion, it will not pass. They are not going to put a moratorium on it yet. They are going to let it go through the process of the code update.

Mr. Farmer said you got in under the wire it looks like.

Mr. Harvey said this will be one of the projects we look at and decide if what we have in place is adequate or if we are going to propose any changes. Are there any other comments or questions from the Board? Hearing none, are there any comments from anyone in the room or online? Hearing none, I think we have all the information that we need so I will close the public hearing at this time.

A motion was made by **MR. HARVEY** and the motion was seconded by **MR. WILLIS** to approve the site plan as submitted with conditions. The motion was carried with all present voted aye.

## **RESOLUTION OF THE TOWN OF GORHAM PLANNING BOARD APPROVAL OF SITE PLAN APPLICATION PB #9-2025 AT 4660 YAUTZY ROAD**

**WHEREAS**, The Town of Gorham Planning Board (Planning Board) is in receipt of an application for Site Plan Approval for a 17,800 Square Foot Warehouse and feed store

with parking area in the FP Farming Preferred/Farmland Priority District on property owned by Marlin Horst; and

**WHEREAS**, The Planning Board of the Town of Gorham completed an uncoordinated environmental review pursuant to the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as “SEQR”) as the only involved agency and determined the proposed project would not result in any significant negative environmental impacts; and

**WHEREAS**, A public hearing was duly noticed and held before the Planning Board on May 19, 2025 to hear public comment on said proposed Site Plan; and

**WHEREAS**, After due consideration of the environmental review, comments from the public, the site plan application, the Town of Gorham Zoning Local Law, comments from Town of Gorham staff and engineers, and such other information and materials the Board found pertinent and prudent to consider; now, therefore be it

**RESOLVED**, That the site plan application PB 9-25 is hereby approved with the following conditions:

1. As-built must be submitted to the Town once construction is complete showing the location of the utilities.
2. The applicant must submit storm water calculations for the project showing the difference in storm water runoff between current conditions and proposed future conditions based on the proposed site plan.
3. Based on said storm water calculations, the applicant must propose stormwater management facilities to deliver any increase in storm water runoff back into the ground.
4. All storm water calculations and storm water management facilities shall be subject to the engineering review and approval of the Town Engineer at the applicant's expense.
5. Upon approval of the Town Engineer of storm water calculations and storm water management facilities, storm water management facilities shall be added to the site plan presented to the Chairman of the Planning Board for signature.
6. The erosion control plan shall be modified to include a requirement to install and stabilize the storm water diversion swale prior to any other site disturbance.
7. All exterior lighting to be dark sky compliant.

**RESOLVED**, That the Chairman of this Planning Board is hereby authorized and empowered to sign the site plan associated with said Site Plan Application within 180 days of adoption of this resolution upon the applicant producing the following items:

1. Two paper copies of said Site Plan, bearing the seal of a Professional Engineer, Surveyor, or Landscape Architect licensed to practice in the State of New York must be submitted to the Town for signatures;

**BE IT FURTHER RESOLVED**, That copies of this resolution be sent to the applicant, filed in the office of the Town Clerk and the Town of Gorham Planning and Zoning Office.

**PB #10-2025: ECO OPERATIONS 4611 DEWEY AVENUE, STANLEY, NEW YORK, 14561:** Requests site plan approval to operate a de-packaging facility. The project includes proposed outdoor storage with no changes to the existing structures. The property is located at 4611 Dewey Avenue and is zoned I - Industrial.

Mr. Harvey said before we do the environmental review on this one, Jim, let's talk about this application a little bit and what it involves.

Mr. Morse said they did ask to be withdrawn from tonight's agenda because they haven't had time to respond to the engineer comments and also address the DEC regulations and comments. We did ask Ed to sign in for tonight in case the public did show up tonight to make comment on the application. You can still have your discussion but I wouldn't do the environmental at all until we get a response from the DEC.

Mr. Harvey said perfect, that was kind of where I was going anyway. The discussion of what's involved? What DEC permits or approvals are needed, if any, because I know how the DEC is and they do not like to be the lead agency if they can avoid it. If there is more than one involved agency that needs a permit then they will want a coordinated review anyway.

Mr. Morse said the DEC has a meeting tomorrow with the attorney and the officer that responded and went over and discussed it with them, so we will not know their comments until Wednesday. I have a conference call with them on Wednesday.

Mr. Harvey said is it just a freshwater illegal discharge situation or is there a SPDES permit that is issued?

Mr. Morse said the permit they would need can't be issued until the issues are resolved. Ed may be able to help more but there is still a bit of confusion with the DEC on what is taking place there. There is question whether this is hazardous material. We feel as though, when the time comes, this will probably fall under an "H" occupancy because of the volume and the pure alcohol that's flammable. We need the decision from the DEC

before I spend much more time on it because if they do not approve the environmental part of all of it, it is a moot point for the Town to put all this time and effort into it.

Mr. Harvey said and again if the applicant is making progress and effort and there is a permit out there that is required by the DEC I just assume to start the environmental review process this evening by saying we wanted to be the lead agency. As the Board is probably well aware there is a minimum of a 30-day waiting period to coordinate a review anyway. So, if we wanted to get that started, I'd rather than wait another month. Mr. Zaydman would you like to shed some light on what is going on with the DEC and if there are permits involved.

Mr. Zaydman said yes. We started the operations with intent of installing alcohol recovery onsite which would require alcohol tobacco ATF permit. Essentially it will look like a little distillery. Our plan got deviated with all the tariffs because some of the equipment was supposed to come from overseas and it has gotten a little tangled in chaos. We are faced with taking more product than we were supposed to prior to processing and that got a little overwhelmed. We had to pull the plug on taking the materials and put the whole thing on pause. Essentially because of the whole confusion that a business like this doesn't exist in New York and we are operating under both State and Federal exemptions for what we are doing. It is spelled out exactly to the tee of what we are doing. We are de-packaging materials and everything is in a closed loop system. Nothing is being discharged. Nothing is going into the sewer or anywhere else. Every single part of this material is being sold for profit. The liquid is being sold to an ethanol plant for repurposing. The plastic or aluminum is baled and sold to Casella or Tomra or recycled within the 50 mile radius. All this craziness started when we had one employee that was discharged and he decided to make a scene and call the DEC. He claimed that we made him dump stuff on the ground which is absolutely absurd. The DEC came out and there was nothing dumped on the ground. I actually wrote a letter explaining that it is a rogue employee. It is our revenue so we wouldn't be dumping anything anywhere because we make money on the actual liquids. Secondly, a trucker came in bringing materials and pulled out too early and collapsed the pallet that was sitting between the forklift and created a mess and a bunch of bottles came out all over the place. We obviously mitigated the issue right away. We brought dumpsters and started cleaning up. Someone during the clean-up ended up throwing out a box with two bottles of sanitizers. They took a dumpster to Casella and the Casella employees said there were sanitizer bottles in there so he called the DEC. The DEC came in and found two sanitizer bottles and said we were doing illegal dumping. You are dumping your sanitizer which is hazardous waste which is solid waste. We went back and said here are exemptions that are spelled out by the DEC and the Federal Government and they are pretty much aligned on what we are doing. We had a big meeting with everyone on the DEC side which they basically said we don't know what kind of permit and if we need to give you a permit. What kind of permit to give you we have no idea. I said great I understand the dilemma but we hired people and now we have to let go of those people. We are planning to create 14-15 jobs onsite in the rural community. In fact, all we are doing is renewable and sustainable practice. We are providing multiple facilities with renewable products. We are selling these products to ethanol plants in Medina and Kings Ferry and a couple other plants in

Pennsylvania. They utilize the product in a renewable alcohol processing of industrial products. That's kind of where we ended up in this debacle and unknown situation where we obviously had to pull the plug on everything. We remain right now with a skeleton crew of three people. We have been kind of fixing the property inside and fixing outside some of the roof leaks. We had a bit of an issue with the sewer system and it kept overflowing and we couldn't figure out what was going on underneath there. I think we finally did, which is fantastic. In our site plan, what I've sent, our proposal wasn't more towards that we ended up keeping a lot of product in different places on the property. Again, that was never our intent and we are not planning on doing that in the long term. From the reality of the site plan and from what we proposed from the storage perspective onsite the parking lot got effected because we placed stuff in the parking lot. Other than that we have materials pretty much in the exact same place where the materials were before by the previous occupant. He did a lot of the sales of the product that he grabbed from the store closeouts, so he had materials really in the same place. In fact, I think he finally picked up one trailer on the property and we are talking to him about getting another one out as well. Some of the materials are sitting on the property where the building used to be back in the day and the building was removed prior to our purchase. In reality we have extra material sitting in the parking lot where the parking was supposed to be. I think right now it is roughly 3000 square feet of that space. We are planning 100% to remove that, clean it up, and bring that inside. We have been repairing quite a bit of floor inside as well because there was quite a bit of floor that gave in during a long period of time and we addressed that. We fixed an additional of almost 30,000 square feet inside. We are going to be moving product inside and continue cleaning up the property and make sure that we move inside as much as possible. Hopefully once everything is cleared up we can go back to de-watering processing and get that product out of there. Our intent was to never create this situation where we ended up with product sitting on the ground. That was never our intent and we will definitely remedy.

Mr. Harvey said thank you, Ed. We really at this point don't have any idea until the DEC makes a determination whether or not they are going to require you to have some type of permit of not.

Mr. Zaydman said correct.

Mr. Harvey said it kind of leaves us in limbo, I think.

Mr. Zaydman said I know, unfortunately. Also, I received comment from your engineer about our site plan and we are working on getting those points addressed. That should be done within a couple of weeks.

Mr. Harvey said just looking at what I picked up and brought, my only comments were to walk us through how vehicles come in and how you foresee them moving through the site.

Mr. Zaydman said we created a flow which is pretty much the same as it was. The vehicles come in from the southeast side coming in from Town. We just reenforced and fixed



the concrete in that area. We laid new blacktop. The vehicle will come in and pass through the loop and backs it into three back docks. This is where the product will be uploaded and they leave in a straight line downhill. We also reenforced that with additional gravel and we are planning to add more gravel to the loop around the property as well to make sure it will sustain the traffic. When we go back to normal operation we are not planning to receive any more than nine trucks a week from the product coming in. The product coming out is a lot easier. There is less traffic there. From the liquid perspective there is 1-2 tankers a week that takes the product out and 1 truck every other week taking the plastic and aluminum. In the whole month we are looking in the ballpark of about fifty trucks a month.

Mr. Harvey said so you have your own baler as well as the extraction equipment?

Mr. Zaydman said yes we have our own extraction equipment. Our own baler equipment. Obviously the key in all this process is to recover the alcohol onsite. That was the whole plan because then you don't need to deal with moving tankers to another facility. Industrial ethanol is quite desirable in multiple places in Rochester and Syracuse in the automotive industry and they have been buying that. In fact there is no production of this product in New York. Everything is hauled in from the Midwest. The idea is that we entered into this market and we provide this renewable material to local operators. We got held up with all the tariffs because we have some equipment that was supposed to come from Asia and some from Turkey that turned out to be in a bit of a crazy position with tariffs. We paid quite a bit of money to manufacture that equipment that is now sitting kind of dormant just because we are facing over 50% in tariffs to bring that back, which is quite sizable unfortunately. We are hoping it calms down and we will be able to bring that equipment in finally. That is the plan.

Mr. Harvey said are there any more questions or discussions from the Board? Jim, do you have any comments?

Mr. Morse said no I am just waiting for the response to the MRB Engineer letter. He said he should have those comments in a couple weeks.

Mr. Farmer said how do you get the material out of the containers? What type of plastic or garbage are you creating? Are the containers clean?

Mr. Zaydman said the containers have sanitizer in them so by default they are pretty clean. We have a massive shredder dewatering machine and what happens is the plastic enters the machine and the machine cuts them open and shreds them into smaller pieces. The liquid drops down by gravity and by pump being sucked out from the bottom of the machine. Then it goes into a filter and any solids or paper waste gets captured and all the liquid goes through the pump into the silo. Once it's pumped into the silo and the silo is full a truck comes in, a stainless steel tanker we don't really deal with full grade tankers, everything gets pumped out and the liquid goes to further processing. We recover all the plastics. The plastic is being baled into cubes, similar to cardboard, and once we have a

full truck of them around 48 bales those bales are shipped to Casella or Tomra for further processing.

Mr. Harvey said there is no distillation separation of the types of fluids that goes on in this facility?

Mr. Zadyman said none of that, no. We were planning to do that because it would actually be a cleaner process than hauling that stuff out. In ethanol recovery verses full blown distillation there is no waste liquids.

Mr. Harvey said there is no air ventilation or anything?

Mr. Zadyman said no because sanitizer is basically 70% ethanol and 30% water. While water is being operated with we don't have interest in collecting that water. We can collect it as compensate and it's going to be clean cut and saves water. There is no need for that because we aren't using water anywhere.

Mr. Farmer said what do you do with that water?

Mr. Zadyman said there is no water. We aren't using water. There is no process right now utilizing water. It is plainly de-packaging everything.

Mr. Farmer said but you are removing it from the process, right?

Mr. Zadyman said we are removing the actual product that is in the package and that liquid is being hauled out but there is no water involved. There is no city water, in other words, involved in the process.

Mr. Harvey said right now you are going to be transporting it someplace else.

Mr. Zadyman said correct.

Mr. Farmer said if you had a large spill will services were required or will you handle that yourself or will fire and police be required?

Mr. Zadyman said the tanks are self-contained so it's a tank inside of a tank, however I think we are well protected because we never keep the silos full. There is no danger. It is not really flammable because its 30% water. It is very difficult to lite that up. You have to have talent to do that. From a packaging perspective, right now, it's anywhere from 8oz. and as small as 2oz. It's not really kept in large containers, so there is really no danger of any kind. From the small spill perspective we kind of covered that with the DEC. I don't know if they were satisfied with that or not that is yet to be determined. Sanitizer is just by nature if you have used it in the past or still today by default it should evaporate in 30 seconds or less. There is no opportunity if the sanitizer goes on the ground for it to seep into the ground and be picked up by water and carried into the creek. Literally there is no chance in that. We explained that as well and whether that is

accepted or not remains to be seen but that is indeed the case. From the chemistry perspective there is no danger to the creek of any kind.

Mr. Harvey said okay. Are there any other questions? Hearing none, we are in a holding pattern until the DEC tells us what is going on. I appreciate you spending some time with us this evening to tell us what your plans are. Thank you.

Mr. Zaydman said absolutely. Thank you very much.

**5. MISCELLANEOUS**

None

**6. NEXT MEETING**

The next regular meeting of the Planning Board will be held on Monday, June 23, 2025, at 7:00 p.m. at the Gorham Town Hall, 4736 South Street.

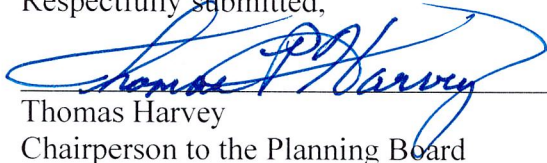
**7. ADJOURNMENT**

■ A motion was made by MR. HOOVER, seconded by MR. FARMER, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 7:42 p.m.

Respectfully submitted,



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Thomas Harvey  
Chairperson to the Planning Board