

Town of Pomfret  
Zoning Board of Appeals  
Pomfret Town Hall  
9 Day St.  
Fredonia, NY 14063

**June 4, 2024**  
**6:30 P.M.**

Public Hearing #04-24  
Minutes

APPLICANT:

Carbon Graphite Materials  
9491 Rt 60  
Fredonia, NY 14063  
SBL: 131.17-1-31  
Special Use Permit

OWNER:

Andrew Card  
PO Box 56  
Otto, NY 14766

PRESENT: Dave Fridmann (Chairman), Ruth Eckstrom, Michaelene Comerford, Alex Moon, Ray Lewandowski, Jonathan Townsend (Alternate), Nicole Waite (Zoning Clerk)

PUBLIC PRESENT: Ryan Walker, Charles Dispenza

- 1. CALL TO ORDER:** Chairman Fridmann called the meeting to order at 6:30 P.M.
- 2. ACCEPTANCE OF MEETING MINUTES:** Ruth Eckstrom pointed out that the spelling of Eunice Abel's last name needed to be corrected in the draft minutes. A motion to accept the amended minutes of Public Hearing #3-24 Greg Frazita was made by Ruth Eckstrom and seconded by Ray Lewandowski. The motion carried unanimously.
- 3. NOTIFICATION OF MEETING:** Chairman Fridmann read the Public Hearing Notice aloud.

**“NOTICE IS HEREBY GIVEN** that a Public Hearing (#04-24) will be held by the Pomfret Zoning Board of Appeals on the **June 4, 2024** at the Pomfret Town Hall, 9 Day Street, Fredonia, N.Y. 14063 at **6:30 P.M.** to consider the appeal of: **Carbon Graphite Materials**, for property located at **9491 Route 60 Fredonia, N.Y. 14063**. For a: Special Use Permit  
This property is described on the tax map as **SBL: 131.17-1-31**. The proposed action is the receiving, storage, repackaging, and shipment of graphite. The Building Permit denial

was based on failing to meet the Town of Pomfret regulations for B2 Highway Business District “Use by Right” under the Town of Pomfret Zoning Code.

This application for a Special Use Permit is open to inspection at the office of the Town of Pomfret, 9 Day Street, Fredonia, N.Y. 14063.

**PLEASE TAKE FURTHER NOTICE** that the environmental significance of the proposed request will be reviewed by the Board at said hearing.

Any person may appear in person or by agent or attorney. Please contact the Zoning Office at 672-7496 Ext. 7 with any questions. Communication in writing in relation thereto may be filed with the Zoning Board of Appeals or at such hearing. All interested persons shall be heard.”

4. **CORRESPONDENCE:** The only correspondence received regarding this application was the decision of the Chautauqua County Planning Board that this is a matter of local concern.
5. **SEQR PART 1 REVIEW:** The board reviewed the Part 1 SEQR submitted by the applicant. The applicant only selected ‘Rural (non-agriculture) for #4, however the board agreed it would be appropriate to also mark Industrial, Aquatic and Other: Educational. The project site is set up for industrial use, it is located directly adjacent to Canadaway Creek, and it is adjacent to Boards of Cooperative Educational Services (BOCES) property.

#7 should be ‘No’, as Canadaway Creek is not a state listed Critical Environmental Area. #9 will be changed to ‘Yes’ as all new features will at least meet state energy code requirements.

6. **PROJECT DISCUSSION:** Charles Dispenza and Ryan Walker provided an overview of the proposed use of the property. Carbon Graphite Materials currently operates out of their facility in Brocton, NY. They receive graphite that is mined in Madagascar, shipped to Baltimore, then transported to their plant. The graphite is then blended on site based on their customer’s specifications then put in a holding bin. When ready, the product is automatically bagged, palletized, wrapped, and stored until shipment. Flatbeds pick up their shipments and deliver them to construction sites. Their customers use the graphite when drilling geothermal wells. Due to limited storage at their current plant, pallets are being stored outside. The expansion into 9491 Route 60 would provide the company with enough space to process and store the product. The company expects steady growth based on trends in green energy, and customer commitments. The only anticipated signage is removing the current lettering on the building and changing it to the name of their company. All signage will adhere to the Town of Pomfret’s sign regulations. When discussing proposed lighting, the board agreed that it needs to not interfere with traffic along Route 60, or the surrounding neighborhood.

Ray Lewandowski asked about truck traffic. According to Mr. Dispenza they'll average 3 trucks per day, with a maximum of 5. There are a few weeks between receipts. Those in between weeks will only have shipments. Michaelene Comerford inquired about hours of operation, and whether or not there would be noise disturbances very early in the morning. Mr. Walker responded that they only work 1<sup>st</sup> shift, mostly Monday-Friday. Ideally, they would like to run 4 days a week with 10-hour days. Mr. Dispenza added that unloading takes place at 8:00am and loading from 11:00am to 3:00pm. All processing is handled inside the building, with minimal noise.

Chairman Fridmann asked how many employees would be working at this facility. Mr. Dispenza replied they would have 5 to start, with hopes of expanding to 10. Some of the 5 are current Brocton employees that would need to be replaced at that facility. Jonathan Townsend asked if any product would be stored outside, and for how long. The answer is that long term storage would be inside the building. Shipments are staged outside the day of pick up, however if unforeseen circumstances delayed pick up by a day or two the shipment would remain staged outside until then. This limits the amount of and chances of damage or flow into the nearby creek in the event of a flood or other disaster.

Mr. Dispenza explained that any dust from blending is collected and reused. The exhaust system flows back into the building, virtually eliminating any leakage into the surrounding air.

There was some confusion about whether the property has a septic system or was connected to public facilities. The real estate listing, and Chautauqua County GIS listed the property as 'Comm/public' for water and sewer. However, further investigation led the board, and the applicant to believe it has a septic system, which would need to be inspected by the Chautauqua County Health Department.

The board agreed it would accept an executed copy of the lease/purchase agreement as proof of the current property owner's knowledge and consent for the suggested use.

**7. PUBLIC COMMENTS:** None

**8. SEQR DECLARATION:** Alex Moon made a motion to declare a Negative Declaration under the State Environmental Quality Review Act with respect to the Special Use Permit application submitted by Carbon Graphite Materials, because the building footprint will not change, and graphite is a naturally occurring mineral. The motion was seconded by Michaelene Comerford and carried unanimously by roll call vote.

ROLL CALL VOTE:

1. Ray Lewandowski – AYE
2. Alex Moon – AYE

3. Ruth Eckstrom – AYE
4. Michaelene Comerford – AYE
5. Jonathan Townsend (Alternate) – AYE
6. David Fridmann – AYE

**9. DECISION:** A motion was made by Ruth Eckstrom, seconded by Jonathan Townsend, to grant a Special Use Permit for the receiving, storage, repackaging, and shipment of graphite to Carbon Graphite Materials, at 9491 Rt 60 Fredonia, NY 14063 SBL: 131.17-1-31 located in a Highway Business District (B2) with conditions. The motion carried unanimously by roll call vote with the following conditions:

- All signage must comply with Town of Pomfret’s sign regulations
- All lighting must not interfere with road traffic or neighboring properties
- A copy of the executed lease/purchase agreement must be filed with the Town of Pomfret Planning & Zoning Clerk
- Septic system review must be conducted by the Chautauqua County Health Department

**ROLL CALL VOTE:**

1. Ray Lewandowski - AYE
2. Alex Moon - AYE
3. Ruth Eckstrom - AYE
4. Michaelene Comerford - AYE
5. Jonathan Townsend (Alternate) - AYE
6. David Fridmann - AYE

**10. ADJOURNMENT:** Michaelene Comerford made a motion to adjourn, seconded by Ray Lewandowski at 7:37 P.M. The motion carried unanimously.

Respectfully Submitted,

Nicole Waite  
Zoning Board of Appeals Clerk  
Town of Pomfret