



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF ENVIRONMENT & PLANNING

THOMAS R. HERSEY, JR.
COMMISSIONER

JOSEPH L. FIEGL, P.E.
DEPUTY COMMISSIONER

June 3, 2016

Mrs. Shelley Vos
42 Michael Anthony Lane
Depew, New York 14043

Dear Mrs. Vos,

The Erie County Division of Sewerage Management (ECDSM) is in receipt of your letter sent to County Executive, Mark Poloncarz that presented concerns about the construction of the Aurora North Pumping Station Elimination project. The ECDSM has been in contact with the County Executive's office regarding this correspondence and has been asked to reply. Although ECDSM staff has communicated verbally with your family since issuance of this letter, I wanted to formally respond in writing.

The ECDSM acknowledges that construction projects may disturb those in vicinity of the work and at times, these disturbances to normal life can be frustrating. The ECDSM also understands the difficulties that construction may place on people that are in the project area. We appreciate the patience your family has offered during the construction work in your neighborhood.

Prior to your family moving into your current home, there was a public meeting held at Lancaster Town Hall in February 9, 2015 to describe what would occur in the Michael Anthony Lane neighborhood during the construction period. Part of this meeting also included an explanation of the planning that went into this project. As your family was not in the neighborhood at that time, you were not afforded the information that your neighbors were provided about this project. Due to this fact, the following provides pertinent background information on this important public improvement initiative.

Planning for this project

The Aurora North Pumping Station Elimination project is one of the largest endeavors the ECDSM has advanced in the last decade. The engineering work took years to develop a plan that would accomplish the main goal of the project, which was to address what is now an almost 40 year old pumping station that is in need of a major investment to bring the facility and its service level up to current standards. This was not a simple goal to meet.

A report was developed that indicated elimination of the pumping station by installing a new gravity sewer was the most beneficial method of accomplishing this goal. The new sewer would need to be constructed from the pumping station on Aurora Street to an existing large diameter interceptor sewer located at the intersection of Losson and Borden Roads in Cheektowaga. Numerous routes over this roughly 2 mile distance were considered during the design phase. Due to the natural topography of the

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area, the location of existing structures, and the presence of existing utilities installed along the major thoroughfares in the vicinity, the only economically viable option necessitated crossing Michael Anthony Lane. The ECDSM investigated various ways to traverse through Michael Anthony Lane with the proposed infrastructure, but with the houses on each side of the street staggered in their alignment and the proximity of apartment buildings and garages to the south, there was no clear path for the new sewer to be installed.

The original alignment selected by the ECDSM's engineers to cross Michael Anthony Lane included a boring through an existing County owned easement between Houses 35 and 37. With the staggered nature of the houses across the street, an open cut excavation on the edge of the north side of the road was necessary to connect to what would be a second bore between Houses 36 and 40. The open cut excavation in the vicinity of the street was feasible; however, this excavation would have caused months of disruption to the road with a lane restriction needed and dump trucks, excavators, and other heavy construction equipment in the right of way. Blasting and mechanical busting of rock would have been necessary in the area as well. The drilling for the two borings would have been for several months.

The final alignment to cross Michael Anthony Lane included a single bore under House 36 and between Houses 35 and 37. To effectuate this, Erie County purchased 36 Michael Anthony Lane. Erie County's ownership of this house allowed for the elimination of the open cut excavation in the roadway, minimized the number of boring operation setups, and shortened the overall length of the piping to be bored.

In short, the impact to the neighborhood was considered at great length during the design phase. This final alignment was selected to minimize disturbances to the residents of Michael Anthony Lane, recognizing that construction in this area would impact the neighborhood. The County's purchase of a house to facilitate a construction project is atypical to say the least, but it was done so with the interests of the Michael Anthony Lane residents in mind.

Concerns documented in the letter

The following provides additional information on other concerns presented in your initial correspondence. As a means of reference, the organizational structure below corresponds to the numbering used in your letter.

#1 Noise

Blasting was necessary on this project due to the type and amount of rock to be encountered. The contractor's blasting activities were limited by the ECDSM to twice per day – once in the late morning and once in the afternoon – to mitigate the number of times residents may hear the associated noise. The level of noise and vibration during the blasting activities were within the recommended guidelines and were for short durations each day. Letters were sent to nearby homes alerting them of these activities and pre-blast surveys were done within a number of houses, including your home. ECDSM staff spoke with many residents before the blasting occurred, during the times in which the pre-blast surveys were being completed, and during the blasting period itself.

In those various communications, the ECDSM attempted to articulate the noises that residents may hear; however, it is difficult to fully describe that type of phenomenon. The better indication of what the blasting would be like in the neighborhood would be what was perceived during the period when blasting started near Flix Theaters over 1500' away. As the blasting zone slowly moved towards Michael Anthony Lane over a several week period, the noise likely became progressively more noticeable and provided a good indication for what would be perceived once detonation occurred in the immediate vicinity. Once the blasting was in closer to the neighborhood, some residents asked that they be called

prior to detonation so they were aware of the exact timing. Subsequently, the ECDSM contacted nearby residents to alert them of the timing of the detonation in the vicinity of Michael Anthony Lane.

Regarding the noise associated with the boring activities, the contractor for this project is using a technology that has never been used on an ECDSM project. This technology, referred to as tunnel boring, includes motors located in the front of the machine to turn the bore head instead of the traditional method where an auger is turned by an engine in the bore pit. The traditional auger method brings the material from the front of the bore and out of the pipe, whereby the rock is typically removed by a backhoe. The tunnel boring technology, however, incorporates the use of a vactor truck to remove the finer particles of rock created by the tunnel boring operations. To be clear, the use of a vactor truck was not known to the County's staff prior to the contractor's mobilization of this equipment to the site. There were no attempts to omit this information; the presence of a vactor truck was not anticipated.

After receipt of your correspondence, the ECDSM started monitored the noise levels in the vicinity of the tunnel boring and vactor truck operations. The ECDSM has been registering approximately 65 decibels on the back deck of 36 Michael Anthony Lane and 50 decibels immediately within the house. We are uncertain why you have received higher readings. Please note that the tunnel boring technology was selected by the contractor in part because it will allow for the bore to be completed at a quicker pace. Estimates were that the bore would proceed at approximately 10 feet/day using traditional methods; the tunnel boring machine is presently installing 20 feet/day. This technology will lessen the duration of construction operations in the neighborhood.

Presently, it is anticipated that the bore will be complete by the end of the third week of June. At that time, the vacuum truck would not be needed and the bore machine would be removed. At that point, the sewer pipe would be inserted within the larger casing pipe that the bore machine installed. A section of sewer in the vicinity of the pond to the north of Michael Anthony Lane to the where the bore was completed has to be installed with an excavator. The ECDSM has requested that the contractor install this section right after the sewer pipe in the bore has been installed so that the backyard can be restored and future work be contained to other areas. The contractor will be looking into this to see if it is possible.

The boring commenced on Friday, May 20th. On Wednesday, May 25th Mr. Wos notified the County about the contractor's early start time. The ECDSM immediately put the contractor on notice that this start time is unacceptable and will not be allowed. The contractor has asked permission to work 12 hour days and weekends for the boring installation; both requests were denied by the County primarily due to concerns with further impacts to the local residents.

The ECDSM acknowledges that the noise from the construction activities is frustrating, particularly with a child at home that naps during the day. The County is working to minimize the number of days in which these activities will continue in the neighborhood, while being cognizant of the fact that working additional hours during the week brings its own additional disruptions.

#2 Environmental Impact

This project underwent a full environmental review pursuant to New York State law. The area of wetlands disturbance behind Michael Anthony Lane is minimal such that it did not require any additional remedial action. All activities of disturbance will be on County owned land or easements, none of which are directly behind your property. Once all work is complete, the area will be re-graded to its original condition. The backyard of 36 Michael Anthony Lane will be restored to original conditions with grass. Some vegetation will be planted behind 36 Michael Anthony Lane to serve as a temporary barrier to the commercial properties. At that point, nature will take over. That being said, do not expect whatever is planted to immediately be equal to the mature quality of the adjacent growth.

The contractor installed a temporary drain pipe earlier in the year to gain access to the site. That pipe collapsed and caused standing water, which was subsequently corrected with a steel drain pipe. This drain pipe will be removed and the natural drainage will be re-established once the work is complete.

Please note that the intended purpose of this project is to improve the environment. The elimination of this pumping station enhances the provision of sanitary sewer services, which ultimately protects the environment and protects public health. Additionally, the elimination of this pumping station decreases electrical loads and hence the associated carbon footprint.

#3 Inconsistent Information

The ECDSM has communicated through various means to keep the public informed of this project. The future of 36 Michael Anthony Lane was discussed at length during the public meeting held prior to your family moving into the neighborhood. At that meeting, the ECDSM stated that it is the County's intention to sell the house after completion of the project. The ECDSM further noted that the only way it could conceive demolishing the house would be if there was some sort of damage incurred during the boring operations.

Mr. Wos contacted the ECDSM via e-mail on November 11, 2015 regarding 36 Michael Anthony Lane and its potential demolition in the future. I personally spoke with Mr. Wos via phone the next day. My notes from that phone call state that I shared the ECDSM's intent to maintain 36 Michael Anthony Lane throughout construction, including boring the sewer pipe under the house, and to sell the property at the close of the project. My notes also indicated that I stated if something went wrong and the house needed to be demolished, the ECDSM would salvage reusable materials and the adjacent homeowners would be given a chance to purchase the lot for themselves (these were two (2) ancillary concerns presented in the November 11th e-mail).

We cannot control what others may say about the potential fate of this particular house, but the ECDSM has been consistent since the time of the February 2015 public meeting that it is the County's intention to sell 36 Michael Anthony Lane should the construction be successful. There were discussions prior to that point about the demolition option, but to maintain the long-term character of the neighborhood the ECDSM decided prior to bidding that it would take necessary measures to protect the structure for future sale. The County has had a high degree of confidence that the boring would not cause damage due to the presence of rock, the depth of the sewer, and the fact that borings are completed under facilities such as railroads where any shift due to the boring would prove problematic. That said, the ECDSM could never speak with absolute certainty. As the boring has now proceeded past the foundation of 36 Michael Anthony Lane, the ECDSM has further confidence that the house has not been damaged and that it will be able to be put on the market to sell at a later date.

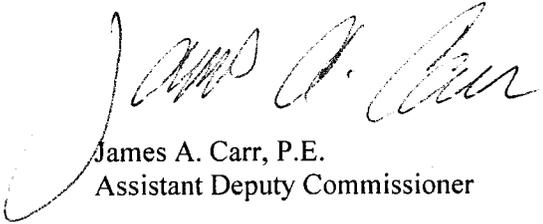
If there is confusion on a particular item, please contact us for clarification. As you know, the ECDSM has our field office at 36 Michael Anthony Lane with County staff members available for questions. Additionally, you have my contact information along with a number of other ECDSM staff members.

Closing

To update you on the construction, the sanitary sewer installation for the entire project is approximately 30% complete. The contractor is presently on William Street and will be working their way toward Michael Anthony Lane to connect to the bore. As noted previously, the ECDSM has requested that the contractor install the section immediately north of 36 Michael Anthony Lane ahead of time and is awaiting word on if that may occur. It is expected that the sewer will be past the backyards on the south side of Michael Anthony Lane by the end of summer and into the Park Lane apartments. The contractual completion date is April 2017 for the entire project.

The ECDSM has and always does take the impacts to homeowners and residents of major construction projects such as this project into consideration. As you mentioned, improving infrastructure is a very important endeavor. Balancing the impacts of construction and achieving the results of the project is difficult, but be assured that efforts have been taken to accomplish this balance. We ask for your patience as this project continues.

Sincerely,



James A. Carr, P.E.
Assistant Deputy Commissioner

Cc: J. McMahon – County Executive’s Office
Legislator Morton
Senator Gallivan
Assemblywoman Wozniak
Supervisor Coleman
Erie County Sewer District No. 4 Board of Managers
J. Fiegl/T. Batt/J. Russell/4.3.3.40RB
J. Desjardins/M. Matesic

J. Hagg | T. Batt | J. Russell | J. Carr
4.3.3.40 RB
ECSD No. 4

Shelley E. Wos
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Dear Mr. Poloncarz,

I am writing to share some concerns and complaints about the Aurora North Pumping Station work being done in Lancaster, specifically the construction happening on Michael Anthony Lane. I reside at 42 Michael Anthony Lane, and this construction is happening one yard away. Simply put, this project is unacceptable. I am a big supporter of improving infrastructure in this country, but this project is not like the mild inconvenience of roadwork, etc. It is a long-term project that impacts my family's lifestyle. That anyone thought a project of this magnitude and length belonged literally in the backyard of a quiet, residential neighborhood is unfathomable. This was very poor decision making by all involved. I am copying this letter to other elected and appointed officials. I am not naïve enough to believe anything will improve the situation in my neighborhood, but I do hope that homeowners are taken into account while planning future projects. No one should have to be subjected to this kind of construction for this length of time. Our backyard has been a construction zone for this entire calendar year. We are told it will continue to be that way through September.

I want to outline a few key concerns and complaints so you know exactly what it's like living through this.

1. Noise. This is the biggest and most dramatic issue. Currently this project is in a drilling phase. We have already dealt with blasting and digging. We were told the blasting would be no more than a mere thump. That was a lie. We were told the drilling would be no more than a generator sound. That was a lie by omission – the engineers failed to mention the sound of the vacuum truck involved with the drilling. On Monday May 23, 2016, the noise level in my backyard was 90 decibels. This noise was sustained for hours that day. I am a part-time stay-at-home mom to our two year-old. Sometimes he cannot nap through this noise. We cannot go outside to play. He's scared to live in his own home. I cannot hear my son when he's talking to me unless he is right next to me. On the chance he does nap, I cannot hear him through our baby monitor. The noise begins around 6:30am, which is a violation of Lancaster's code. I do not need an alarm clock anymore – I am woken by the noise of diggers being backed up on a regular basis. It also wakes my son. The noise is constant, often for over ten hours a day. The drilling phase is expected to last several weeks. That's several more weeks of constant noise that disrupts my family's lives. This is not a mild inconvenience. This is an unacceptable disruption of residential life.
2. Environmental impact. The construction has led to the loss of trees and vegetation in a designated wetlands space. This space is the home to many animals, including deer, fox, ducks, rabbits, turkeys, and birds. No one is able to tell us if the trees will be replanted and green space restored. This wetlands also serves as a barrier between our neighborhood and commercial properties nearby. Its loss – even of part of it – would be very upsetting. The work performed has also impacted drainage for several houses which leads to standing water.
3. Inconsistent information. We moved into this neighborhood after the project was announced (but had no knowledge of it) but before work started. Since learning of this project, we have received quite a bit

- of inconsistent information. I gave two examples in bullet point #1. We have been told that 36 Michael Anthony Lane will be sold; we have told it will be demolished. We have been told the blasting would only last a week; it continued for another three weeks. When work is being done in a residential neighborhood mere yards from where families live, eat, sleep, and play, there needs to be absolute, concrete information. While we appreciate the availability of engineers and workers to answer questions, the fact remains that we have been given inconsistent information on more than one occasion. We live not really knowing what happens next with the construction, what more we will have to handle, or what the end of this project looks like. As homeowners and taxpayers, it is troubling.

I am disappointed and frustrated that the needs of current homeowners in established neighborhoods were obviously not taken into account while planning this project.

I hope you hear the concerns I have presented. I hope that the next time a major project is planned that the homeowners are taken into account. I hope that other homeowners or residents in Erie County do not have to live in an active construction zone for months and months.

Sincerely,

Shelley E. Wos

CC: Ted Morton, Jim Carr, Erie County Division of Sewer Management, Erie County Sewer District Nos. 1, 4, 5, Johanna M. Coleman, Angela M. Wozniak, Patrick M. Gallivan