



Photos of construction work in progress at the Grand Island Welcome Center. (James P. McCoy/Buffalo News)

Grand Island Town Board approves ban on travel plazas and truck stops

By [Nancy A. Fischer](#) and [Harold McNeil](#) | Published April 2, 2018 | Updated April 2, 2018

Monday night's unanimous vote by the Grand Island Town Board to amend the town zoning code to effectively ban the construction of travel plazas or truck stops on the island was not unexpected. The issue had been a subject of debate for more than a month. From the beginning, Supervisor Nathan McMurray and the board were resolute in their opposition. "We can't predict the future, but we think this is a good law," said McMurray.

But will the amendment hold up in court? Town Attorney Daniel A. Spitzer answered the question with a question, saying, "Why wouldn't it hold up in court?" He added, "I can tell you in all my years working here, Grand Island has never been intimidated by people threatening lawsuits." But he said the town had a hearing and no representative from Love's Travel Plaza came to object. Spitzer also noted that zoning laws of this type are very common in New York.

Meanwhile, a proposed truck stop that the new zone code seeks to thwart and a new state Welcome Center under construction across the road may have little in common, other than geography. In fact, their names suggest what town officials generally think about them: One they welcome, the other they want to stop. However, now the two projects are connected in a less visible way: by sewers.

The Thruway Authority and the state Department of Environmental Conservation each confirmed that plans are in the works to connect the Welcome Center to the Town of Grand Island's sewer system. That plan contradicts earlier reports that the Welcome Center at Alvin and Whitehaven roads would use three large tanks for a septic system and is renewing worries among some residents that if sewers are available in that part of town, it becomes more likely that Love's Travel Plaza will move forward with plans to build on nearby land.

A report from the Erie County Department of Health said that a sewage holding tank was never seen as a permanent solution to the Welcome Center and it would have been temporary until a connection to the Grand Island sewers could be made. Health Department officials reportedly met with the town and the DEC and all agreed that a connection to the town sewer system would be preferable.



A rendering of the proposed Western New York Welcome Center, which New York State is building off of Interstate 190 on Grand Island. The \$20 million center is expected to open in August, 2018. (Provided image)

A few months later, Stantec, the state Department of Transportation contractor informed the county that it planned to bore under the I-190 and connect to the town sewer system rather than install the proposed holding tank, according to documents received by The News. Grand Island Town Board members Michael Madigan and Jennifer Baney brought that information out when the board met March 19.

During a debate last month about the truck stop, some board members and Supervisor Nathan McMurray denied that sewers were coming. Baney said last week that the change from a septic to sewer system has been discussed for months by town engineering, but not with the board or residents. "We've had to pull nails to get any information," Madigan said.

McMurray said he was unaware that a back-up plan for septic holding tanks would not be installed by the state, but he said sewers have been on the table for the past two years. "The whole problem with septic systems is that they are not clean. They are leaching all over the place," McMurray told The News. "I have no idea why we would not want sewers."

Madigan said this project was started without both a storm water management plan and permit, resulting in a halt in the project, and without a waste water management plan, which he said protects the community and environment. "You don't build and then try to create a plan." "We have been totally misinformed by New York State," he said.

Jennifer Givner, a spokesperson for the Thruway Authority said in response to a question from The News that it was working with the town to connect the Welcome Center to the existing sewer system on the island. "We firmly believe that this is the best long-term environmental solution and this approach is supported by the state Department of Environmental Conservation and Erie County Department of Health," wrote Givner.

McMurray said the town has the power to reject a sewer hook-up if officials determine that it hurts Grand Island. But he also said if the sewer plan goes forward, rates paid on a sewer line would be a money maker for the town. But he rejected concerns that a new sewer line would lead to unwanted development. He said the town will continue to control development through proper zoning.

"It's not a grand conspiracy," McMurray told the other board members at the last meeting. "We have control. They have to get permission from us to tie in."

McMurray said during the meeting last week that if the town says no, the state has to go back to the septic tank plan. But Madigan said Erie County and the DEC will not accept a long-term plan for tanks. DEC spokesperson Erica Ringewald said the only plans the department has seen are for a sewer extension; she said it had not rejected any plans for a septic system.

Madigan said one of his concerns about a sewer extension is that the town is under orders from the DEC to eliminate sanitary sewer overflows. He said the town does not have the capacity to add a new project such as the Welcome Center. However Ringewald said that order does not prohibit sewer extensions. She said the DEC reviews the project's downstream sewer capacity to make sure a new sewer extension doesn't hurt the sewers and cause additional sanitary sewer overflows.

Baney said she could not understand how a sewer extension plan has been in the works for months, yet the plans she had been told about were for a septic system. "There's not transparency," said Baney. "This is a very significant issue." But McMurray said that the plan to install holding tanks remains on the table until the town approves a sewer extension. "If you want to stop the sewers, just don't approve it," McMurray said at the public meeting last month.