

### 'Back to square one' for asphalt project

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wishes to pursue it, there'd be a full opportunity both at the Planning Board and Town Board to submit new studies and new evidence against the project. So I put an item; I provided that all the approvals would be revoked and that any other approval actions that we took of any sort would be vacated, canceled, revoked, so that there be no question of what we're trying to do here. We're trying to get back to square one."  
Town Board member Samuel Gatto asked Risman whether the

town's decision to rescind leaves the municipality open to any litigation from the company behind the asphalt facility. Risman said he thinks it is "unlikely" the company would sue.  
"I've talked to their attorney and I think they realize that there's a legitimate issue there," Risman said. "They have some argument that I think they were trying to claim that the plant is more than 500 feet from the town boundary of Lewiston, rather than the entire parcel. But I think the stronger argument is ours. The most that could hap-

pen would be ... they could bring a lawsuit; but there's no potential claim for damages. We would have the support of the county planning department; I assume Niagara University and the Town of Lewiston. So, I'm not really concerned about a lawsuit."  
Risman then went on to indicate the project could potentially stall out due to an expired authorization notice.  
"I've heard anecdotally that the owner's contract to purchase the property may have expired," he said.  
Elsewhere, he noted, "It's my understanding that the pursuer might not have a viable current contract to buy the property still but ... I think it's a legitimate issue that we should send it to the (County) Planning Board and start from scratch. And that's why I thought we should do it as soon as possible; and that's why I asked that we have it expedited at a special meeting today."

Risman clarified his comments: "I don't have that for sure, but whatever happens ... I'm not really particularly concerned about a lawsuit."  
However, the Tribune/Sentinel reached out to Roseanne DiPizio, a consultant on behalf of the applicant for the project, 4660 Witmer Rd. LLC. While the comment was pointed and brief, she disputed Risman's claims.  
"The property owner needed to provide an authorization to 4660 Witmer Rd. LLC to go to the town and file the application. She did provide that and the authorization does not have an expiration date. Any negotiations beyond that authorization letter is private and will remain private," DiPizio said. She gave no indication the project was stalling outside of the procedural decisions the Town Board made during the meeting.  
"We don't control procedures; we didn't control them the first time. The application for 4660 Witmer Rd. has not changed at all, so the outcome should be the same."

While DiPizio reaffirmed her position to not comment on procedural matters, she admitted the company is certainly "not happy" it will be potentially missing out on the upcoming operating season and the effects will present a "difficult financial burden for the company."  
Per the town's work session rules, general public comment was not permitted. Supervisor Lee Wallace said public comments would be permissible at the upcoming regular Town Board meeting to be held virtually via Zoom at 6:30 p.m. April 20.  
However, Niagara University student Ellen Rajnisz was permitted to read an impassioned address on behalf of the student body pledging an ongoing com-

mitment to oppose not only the proposed facility, but any proposal that would, "Seek to further damage the local environment and the families that live (in the surrounding areas)."  
The statement read, in part: "We cannot prioritize profit and industrialization over the health of residents, both current and future. Though we speak today to strongly discourage one proposed plant, rest assured this is one moment in a much larger movement. Through the rapid mobilization of resistance over the past two weeks, the people of Niagara Falls and the Town of Niagara, and the community organizations that support us have made it clear that the environment and our health matter. We will rally against future proposals that seek to further damage the local environment and the families that live here. And we will work to build sustainable initiatives that support the communities and wellbeing of the Niagara Region. We hope we can count on you, the elected officials, to join us in this commitment to our future."  
On Thursday, Niagara University President the Rev. James J. Maher, C.M., released a statement applauding the town's decision to rescind, as well as indicating NU's willingness to continue to oppose the plans.

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**Winners!**  
All entries were amazing and tough choices for all of our judges.



Ages 4-6	Ages 7-9	Ages 10-12
1st - Dominic W.	1st - Lily W.	1st - Juliana W.
2nd - Cameron W.	2nd - Emme P.	2nd - Payten W.
3rd - Masie M.	3rd - Mia H.	3rd - Morgan G.



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