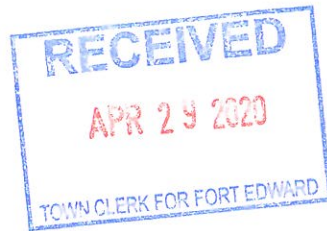




445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com



April 27, 2020

Neil J. Alexander
nalexander@cuddyfeder.com

By Email & Federal Express

Chairman Mark Belden and
Members of the Planning Board
Town of Fort Edward Town Hall
118 Broadway
Fort Edward, NY 12828

Chairman Tom Roche and
Members of the Planning Board
Village of Fort Edward
118 Broadway | P.O. Box 345
Fort Edward, NY 12828

Chairman Kenneth Lafay and
Members of the Zoning Board of Appeals
Town of Fort Edward Town Hall
118 Broadway
Fort Edward, NY 12828

Chairman Dan Durkee and
Members of the Zoning Board of Appeals
Village of Fort Edward Village Hall
118 Broadway | P.O. Box 345
Fort Edward, NY 12828

Re: WL Plastics New Pipe Manufacturing Facility
Premises: 446 Lock 8 Way
Tax identification: Part of 163.-2-20.1 (Town) and 163.15-1-4 (Village)
Zoning District: M-1 Industrial (Town) and IP Industrial (Village)
Municipalities: Town of Fort Edward and Village of Fort Edward, New York
Owner of Premises: Fort Edward Local Property Development Corporation
Joint Applications for Subdivision, Site Plan, Special Permit, and Area Variances

Dear Chairmen, Members of the Planning Boards, and Members of the Zoning Boards of Appeals:

This letter is respectfully submitted on behalf of WL Plastics Corp, one of the largest manufacturers of polyethylene pipe in North America, through its business affiliate WL Plastics Manufacturing LLC ("WL" or "Applicant") relative to its intent to construct a new, high-density polyethylene pipe ("HDPE") manufacturing facility on the grounds of the former General Electric PCB dewatering plant site currently owned by the Fort Edward Local Property Development Corporation (FELPDC), bringing 50 manufacturing jobs and 20 construction jobs to the area. WL intends to acquire from FELPDC a total of approximately 28.33 acres with approximately 15.6 acres in the Town of Fort Edward and 12.6 acres in the Village of Fort Edward (the "Premises"). FELPDC owns approximately 79 acres spanning the Town of Fort Edward ("Town") and the Village of Fort Edward ("Village") with approximately 51 acres in the Town and 28 acres in the Village.

The particular purpose of this letter is to respectfully request placement on the agenda for each of the Town and Village Planning Boards and Zoning Boards of Appeal during the month of May



April 27, 2020

Page 2

2020, by videoconferencing such as ZOOM, Webex Meet, or similar application, to commence the Coordinated Review of this Type I Action under the State Environmental Quality Review Act (SEQRA) and to discuss the Subdivision, Site Plan, Special Permit and Area Variance applications submitted herewith and discussed in greater detail below.

History of the Premises & Lock 8 Way

The Premises was improved as part of the Hudson River PCB Superfund Clean-Up. At that time, the owner of the Premises was WCC LLC. Its development, particularly as to access for ingress/egress through Lock 8 Way, was facilitated in part by the US EPA obtaining a June 4, 2008 Declaration of Taking and the July 28, 2008 Final Judgment as to Just Compensation and Order of Distribution in the Federal Courts for the Northern District of New York with the involvement of the NYS Canal Corporation. GE improved and used the Premises, pursuant to a lease entered into by GE and WCC, LLC, the then-owner of the Premises. It is our understanding that GE used the PCB Processing Facility it constructed on the Premises to remove the water from the PCB-contaminated sediment, and then the dewatered sediment was transported off-site for disposal, while the treated water was discharged into the canal. In 2016, GE partially dismantled the Processing Facility, and according to EPA, the PCB Processing Facilities were decontaminated in accordance with an EPA-approved December 2016 Sediment Processing Facility Decontamination Report that detailed a facility demobilization and restoration plan. WCC LLC transferred the Premises to FELPDC on or about December 2018. However, the EPA remains in title and control of almost all of Lock 8 Way headed north from the Premises in the Town of Fort Edward into the Town of Kingsbury to Lock 8 Way's terminus at the intersection with Route 196. EPA is in the process of transferring its ownership interest in Lock 8 Way to the Warren Washington Industrial Development Agency ("WWIDA"). It is also acknowledged that there are very small portions of Lock 8 Way owned by others, including WCC LLC, the Town of Fort Edward, and the NYS Canal Corporation, who also are working to transfer their respective interests to the WWIDA so Lock 8 Way will have one owner from Route 196 to the Premises. Further, it is WL's understanding that FELPDC is transferring the portion of its lands not being acquired by WL to WWIDA.

The Project

WL is looking to acquire from FELPDC approximately 28.33 acres of FELPDC's approximately 79 acres with approximately 15.6 acres in the Town of Fort Edward and 12.6 acres in the Village of Fort Edward (the "Premises"). As such, WL is seeking to subdivide Town Parcel 163.-2-20.1 into 2 lots with approximately 35.3 acres remaining with FELPDC and approximately 15.6 acres going to WL as the Town portion of the Premises. Similarly, WL has applied to subdivide Village



April 27, 2020

Page 3

Parcel 163.15-1-4 into 2 lots with approximately 15.2 acres remaining with FELPDC and 12.6 acres going to WL as the Village portion of the Premises.

Contemporaneous with these subdivisions, WL seeks to improve the Premises beyond the existing structures and other improvements on the Premises from its former use as a Dewatering plant for WL's proposed HDPE pipe manufacturing facility (the "Facility"). In particular, WL intends to repurpose the existing, pre-engineered metal building of approximately 41,280 square feet and to construct an approximately 42,000 square foot addition as well as build an associated employee parking lot with 80 new parking spaces of which 4 will be ADA compliant.

It is anticipated that the total outside limit of disturbance is 4.6 acres. WL will adjust the existing perimeter fencing to align with the new improvements and lot configurations in order to maintain security and to control access. WL also anticipates operating the Facility in a series of workforce shifts on a 24-hour basis where daily traffic will entail not only employee vehicles coming to the site but also approximately 20 trips by semi-trailers daily between 8:00 AM and 7:00 PM. It is important to note that truck traffic will occur primarily from finished HDPE pipe leaving the facility, while grey goods, such as the plastic pellets, will primarily arrive by rail. To that end, SMS Rail Lines will remain the short-line rail operator on the Premises and as part of the Facility will construct an addition of approximately 900 lineal feet of rail spur expansion that will connect to existing Rail Track #8.

Given that the Premises is completely improved, almost exclusively with impervious surfaces, no landscaping improvements are proposed. However, there will be additional lighting provided through dark sky compliant, downward facing, pole mounted light fixtures with the nearest pole being approximately 1,000 feet from the nearest occupied structure. Overall, the Facility operates through the receipt of the plastic raw materials, storage, conveyance, blending, preheating, extrusion, finishing and shipping. The Facility is capable upon commissioning to process around 40,000 tons annually of plastic polyethylene pellets at maximum capacity, converting them to piping.

The Land Use Entitlement Process

In view of the above-described Project, it is contemplated that the following approvals are necessary from the Town and/or the Village:



April 27, 2020

Page 4

Town Planning Board

As noted above, it is WL's understanding that the Town Planning Board will likely serve as the Lead Agency in the Coordinated Review of this project under SEQRA. WL is also seeking Subdivision Approval per the Town Subdivision Ordinance (Chapter 87) and NY Town Law Section 276 to create a new 15.66 acres lot in the Town. Further, WL requires Site Plan Approval per the Town Site Plan Review Code (Chapter 81), the Town Zoning Law (Chapter 108) and NY Town Law Section 274-a as well as a Land Use Permit.

Town Zoning Board of Appeals

The development of the Facility on the Premises also necessitates Area Variances as to Side Yard Setback (20 feet required/0 feet proposed), Front Yard Setback (30 feet required/10 feet proposed) and Building Height (30 feet allowed/32 feet proposed). WL is seeking those area variances contemporaneously with the other noted approvals in accordance with NY Town Law Section 274-a(3), which provides that where a proposed site plan contains one or more features which do not comply with the zoning regulations, application may be made to the zoning board of appeals for an area variance pursuant to NY Town Law Section 267-b without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations. Additionally, WL is seeking a Special Use Permit for Outdoor Storage per Town Zoning Law Section 108-12C(1) and NY Town Law 274-b relative to the M-1 zoning district. Moreover, WL requires a variance from NY Town Law Section 280-a as to Access. As previously noted, the EPA as part of the Hudson River PCB Superfund Clean-Up took the land that is now improved and known as Lock 8 Way. Portions of Lock 8 Way are also owned by others, including WCC, LLC, the Town of Fort Edward, and the NYS Canal Corporation, who are working contemporaneously with EPA to transfer their respective interests to the WWIDA so Lock 8 Way will have one owner – the WWIDA - from Route 196 to the Premises. WL is currently negotiating an Easement Agreement with WWIDA for Lock 8 Way and has a verbal commitment. It is also important to note that WL's Subdivision application does not exacerbate the existing, landlocked nature of the Premises.

Village Planning Board

WL is also seeking Subdivision Approval per the Village Subdivision Ordinance (Chapter 285) and NY Village Law Section 7-728 to create a new 12.6 acres lot in the Village. Further, WL requires Site Plan Approval per the Village Zoning Law (Chapter 350) including its Site Plan regulations in Article IX and NY Village Law Section 725-A as well as a Land Use Permit.



April 27, 2020

Page 5

Village Zoning Board of Appeals

WL also requires an Area Variance per Village Law Section 7-712-B from the Side Yard setback in the IP Industrial zoning district (5 feet required/0 feet proposed). In addition, it needs a Variance or an Exception from Village Law Section 7-736 as to Access. Although WL's proposed Subdivision in the Village does not exacerbate the existing condition, the proposed WL parcel in the Village does not have direct access to East Street. WL is currently negotiating an Easement Agreement with WCC as the owner of Village Tax Parcels 163.19-1-21 and 163.19-1-1, and WL has a verbal commitment with WCC for an easement as shown on the Drawing Sets from Van Dusen & Steves Land Surveyors and from Studio A Landscape Architecture + Engineering DPC. WL is seeking these area variances contemporaneously with the other noted approvals in accordance with NY Village Law Section 7-725-A(3), which provides that where a proposed site plan contains one or more features which do not comply with the zoning regulations, application may be made to the zoning board of appeals for an area variance pursuant to NY Village Law Section 7-712-B without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations.

Provision of Utilities and Other Infrastructure

WL has designed the Facility to take into consideration the existing infrastructure in the vicinity of the Premises as follows:

Wastewater/Sewer

The wastewater discharged from the Premises will go to the Washington County Sewer Plant. The Washington County Sewer District already serves the vicinity and the wastewater treatment plant has capacity to serve the Project for the Premises. Further, it is WL's understanding that sewer lines already serve the Premises, albeit an extension of the Sewer District is likely required. It is also worth noting that the manufacturing process water is neutralized and held separately. It is hauled by a licensed carrier and is not sent through the wastewater system.

Water

There is an existing water line serving the Premises that comes from East Street over the 2 WCC parcels in the Village noted above. Yet, it is WL's understanding that a formal extension of the Village Water District may be required. Kindly note that this water system will also provide fire suppression.



April 27, 2020

Page 6

Storm Water

The existing stormwater control devices on-site from the prior use of the Premises as a Dewatering Plant will be used to treat storm water runoff from the proposed development through a series of catch basins, culverts and pipes that will ultimately convey stormwater runoff to existing infiltration basins located on-site and on the adjacent property to the north of the Premises.

Electric

There are existing overhead and underground lines from National Grid entering the Premises and the substation is located on a portion of the Premises. WL will own and operate the substation as well as the transformer serving the Premises.

Natural Gas

WL anticipates that gas will come from the existing lines in East Street across the 2 WCC parcels and into the Premises.

Telephone/Broadband

There is presently broadband from Prime Link installed along the RR tracks, and it is intended to bring this service to the Premises by way of existing utility trenches.

The State Environmental Quality Review Act (SEQRA)

Given the scope of the Project and the contemplated land use entitlement process, WL is enclosing a Full Environmental Assessment Form prepared in accordance with Article 8 of the NY Environmental Conservation Law (i.e., the State Environmental Quality Review Act ("SEQRA")) relative to the Coordinated Review of this Type I Action, and respectfully requests that the Town Planning Board circulate Notice of Its Intent to Serve as Lead Agency to the Involved and Interested Agencies.

Coordination with NY State Agencies

WL is also cognizant that, as part of the SEQRA process and development of the Facility, consultation with certain NY State agencies is required as follows and reports that those interactions are on-going:



April 27, 2020

Page 7

SHPO/NYS Office of Parks Recreation and Historic Preservation

The NYS DEC EAF Mapper noted as an Eligible Property the East Street Bridge over Barge Canal and that the Enlarged Erie Barge Canal was nominated by NPS circa 2014. As such, WL has contacted NYS OPRHP.

NYS DEC

The Facility for the Premises has taken into consideration NYS DEC's standards and requirements relative to SPDES as well as SWPPP permit coverage for storm water discharges during construction and for coverage with the Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) that discharge stormwater to surface waters of the State from a point source. WL is also investigating whether it will need to Register or seek an Air Permit given the low level release of particulate matter and VOCs and the fact that the Premises is not located in an air quality non-attainment area. WL does not believe that a source operating permit is required here.

Potential Order of Planning and Zoning Board of Appeals Meetings

In view of the above-enunciated SEQRA and land use permitting processes, WL foresees a benefit in the Town and Village Planning Boards and Zoning Boards of Appeals holding meetings and public hearings in a specific order in order to facilitate the greatest opportunity for a thorough and timely entitlement review. In particular, WL thought that the Town of Fort Edward Planning Board should hold the first public meeting given WL's understanding that the Town Planning Board intends to serve as the SEQRA Lead Agency. If the Town Planning Board could do this on May 5th or 6th, it could Declare its Intent to Serve as Lead Agency and Circulate Notice of its Intent to all Interested and Involved Agencies, receive the Town Planning Board Applications, and schedule a public hearing for later in May 2020. Thereafter, in the following week, the Town and Village Zoning Boards of Appeals could hold public meetings to receive the Variance and Special Permit Applications, Consent to the Town Planning Board serving as Lead Agency, and schedule public hearings for the first half of June 2020. Similarly, it would be appreciated if the Village Planning Board would hold a meeting either the second or third week in May to similarly receive the Subdivision and Site Plan Applications, Consent to the Town Planning Board serving as Lead Agency, and schedule a public hearing for the third week of June 2020. WL's thought process is that this prescribed order is important for SEQRA to conclude first, then the Zoning Boards of Appeals to act on variances, and the Planning Boards to be in the position to act on the Subdivisions and Site Plans with the variances in place, all in order to minimize the conditions of approval needing to cross-reference other Board approvals.



April 27, 2020

Page 8

Contemporaneous WWIDA Application for Lock 8 Way Subdivision

As noted above, WWIDA is in the process of obtaining from FELPDC all of its land holdings in the overall industrial park minus the Premises being acquired by WL from FELPDC. WWIDA also has submitted and has pending a separate and distinct Subdivision application before the Town and the Village relative to assembling the lands comprising Lock 8 Way from EPA, Canals Corp, WCC and the Town of Fort Edward. Approval of that subdivision is a precedent action toward the public dedication of Lock 8 Way whereby WWIDA would turn over portions of Lock 8 way to the Town of Fort Edward immediately and to the Town of Kingsbury subsequently. Further, it is WL's understanding that WWIDA is repositioning a small triangle of Lot 1 in the Village to become part of Lock 8 Way dedicated with the remainder of Lock 8 Way. As noted above, WL is currently negotiating an Easement Agreement with WWIDA for Lock 8 Way and has a verbal commitment, which easement would continue until formal dedication of these lands as a highway/road. As such, WL notes its full support for this WWIDA subdivision application.

Materials Submitted by WL in Support of This Project and its Various Applications

Please find the following materials submitted electronically in furtherance of this Application and in accordance with the Town and Village Zoning Laws and Subdivision Regulations with hard copies available upon request:

- * Completed Application Forms for Subdivision, Site Plan, Special Permit, and Variances.
- * SEQRA Full Environmental Assessment Form.
- * Drawings Sets from Van Dusen & Steves Land Surveyors and from Studio A Landscape Architecture + Engineering DPC.

WL recognizes that there are various application fees for these myriad of applications as well as public hearing notice fees and the need to establish expert consultant review escrow accounts. As such, WL respectfully requests that it be provided by each municipality with a W-9 and a list of the Application Fees as well as initial deposit amounts required for the Project Review Escrow accounts.

Conclusion

WL Plastics is excited about the Project and looks forward to appearing before the Town of Fort Edward Planning Board as soon as May 5, 2020 to commence the SEQRA process and land use entitlement review with appearances immediately thereafter will all the other Boards during May 2020.



April 27, 2020

Page 9

Should any Board or Staff members have any questions or comments in the interim, please feel free to contact me. Thank you in advance for your cooperation and consideration in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Neil J. Alexander".

Neil J. Alexander

cc: US EPA R2 (Regional Administrator Lopez & Walter S. M. Sainsbury)
NYPA/NYS Canal Corporation (Peter Casper & Javier Bucobo)
NYS Senator Elizabeth Little
NYS Assemblywoman Carrie Woerner
Governor Cuomo's Office, Regional Affairs (Jeff Quain)
New York State Empire State Development (Mike Yevoli)
Warren-Washington County IDA c/o Chairman David O'Brien
Town of Fort Edward Supervisor Lester Losaw and Members of the Town Board
Mayor Matthew Traver and Members of the Village of Forth Edward Board of Trustees
Town of Kingsbury Supervisor Dana Hogan and Members of the Town Board
Matt Fuller, Esq., Special Counsel to the Town & Village Planning Boards and ZBAs
Zachary Middleton, FELPDC
John Davidson, WCC LLC
Michael Dahl and Erik Balthrop, WL Plastics
Matt Steves, PLS, Van Dusen & Steves Land Surveyors
Matt Huntington, PE, Studio A Landscape Architecture + Engineering DPC
Michael Katz, Eon Nichols, Amy Natsoulis & Kristen Motel, Cuddy & Feder LLP