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July 2, 2020

Neil J. Alexander
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By Email

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

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

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

Chairman Dan Durkee and Members
of the Village Zoning Board of Appeals
Village of Fort Edward
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 Belden, Roche, Lafay, and Durkee, and Members of the Town and Village Planning Boards and the Town and Village Zoning Board of Appeals:

This letter is respectfully submitted on behalf of WL Plastics Corp, through its business affiliate WL Plastics Manufacturing LLC ("WL" or "Applicant") in furtherance of its applications for Subdivision, Special Permit, Site Plan, and Variance Approvals in the Town of Fort Edward ("Town") and the Village of Fort Edward ("Village") relative to the development of 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").

Status of SEQRA Review

As previously agreed, the Applicants are collectively for SEQRA purposes and individually as to the respective land use permits the Warren Washington Industrial Development Agency ("WWIDA"), and WL Plastics Corp, through its business affiliate WL Plastics Manufacturing LLC ("WL").



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WL hereby respectfully submits on behalf of the Applicants a Traffic Impact and Access Study, prepared by VHB, dated June 30, 2020, in furtherance of the previously submitted June 2020 Revised & Combined Full EAF Parts I and II that builds upon the Environmental Assessment Form Part I (dated April 27, 2020) and Part II (dated May 27, 2020) prepared by Matt Huntington, PE, Studio A Landscape Architecture + Engineering DPC. Reference to the VHB Traffic Study reveals that VHB undertook an evaluation of the peak hour trip generation anticipated with the proposed project and assessed the available sight distance at the existing site access. As detailed therein, VHB concluded most saliently, that: (i) the existing roadway network can accommodate the low magnitude of traffic and does not result in the need for off-site mitigation; (ii) the sight distance analysis, prepared in conformance with guidelines of the American Association of State Highway and Transportation Officials ("AASHTO"), at the existing NY Route 196/Lock 8 Way intersection confirmed compliance for both stopping sight distance ("SSD") for traffic approaching Lock 8 Way and intersection sight distance ("ISD") for vehicles turning to and from Lock 8 Way, subject to trimming some trees north of the site driveway overhanging NY Route 196 within the public right-of-way, which can be readily accomplished in coordination with the NYSDOT, and the directing of heavy vehicle traffic to the east on NY Route 96 when exiting the site; and (iii) the 200-foot one lane segment of Lock 8 Way is not expected to adversely impact travel to and from the site.

WL also notes that the Washington County Sewer District #2 ("WCSD") has concluded, based on its review of the revised plans, that the installation of a septic system to handle all the sanitary sewer needs for the Premises is best for both WL Plastics and the WCSD. A copy of the June 29, 2020 letter from WCSD Executive Director Joseph B. Brillung evidencing this determination is enclosed.

Further, WL has confirmed through its consultants - Plumley Engineering - that its manufacturing process will only require New York State Department of Environmental Conservation Air Facility Registration, which filing is in-process. Plumley has concluded, based on comparison of the estimated emissions to the thresholds for High Toxicity Air Contaminants (HTACs) and Persistent, Bioaccumulative and Toxic substances (PBTs), that emissions of these compounds were either shown not to be present or estimated to be less than the applicable thresholds.

Consequently, the adoption of a SEQRA Negative Declaration is warranted at this time. The implementation of the Project/Action as currently proposed will not result in any significant adverse environmental impacts and would have an overall positive fiscal impact.



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Status of WWIDA Assemblage of Lock 8 Way

On June 18, 2020, the U.S. Environmental Protection Agency (“EPA”) issued a press release as to the transfer of its portion of Lock 8 Way to the WWIDA. A copy of that press release is annexed to this letter. It expressly provides that EPA has completed its work to transfer ownership of Lock 8 Way to the WWIDA. Moreover, WL Plastics Corporation CEO Mark Wason clearly enunciated in the press release that “[w]e appreciate the considerable efforts of the EPA and Warren and Washington Counties Industrial Development Agency to expeditiously transfer the access road that will lead to the redevelopment of the site for commercial businesses.” Mr. Wason further noted that WL is “excited to be the anchor business for redevelopment efforts, and believe this community is a great fit for WL Plastics, and vice versa.”

Restatement of Variances Required and Special Permit for Outdoor Storage

In view of the additional maturation of the site plan and the precise placements for the process equipment, WL has confirmed its need not only for a Special Use Permit from the Town ZBA for Outdoor Storage per Town Zoning Law Section 108-12C(1) and NY Town Law 274-b relative to this use in the M-1 zoning district, but also the following below noted variances for each lot:

Town Lot 1 (WWIDA) – Part of 163.-2-20.1 totaling approximately 35.3 acres + Lock 8 Way

No variances are necessary. This lot will also include the merging of the WWIDA’s Assemblage of Lock 8 Way into this 35.3 acres lot WWIDA is acquiring from FELPDC forming in the Town a sort of over-sized and large “flag lot”.

Town Lot 2 (WL) - Part of 163.-2-20.1 totaling approximately 15.6 acres

For its Town of Fort Edward lot, WL requires an Access Easement per NY Town Law Section 280-a as well as a Variance for minimum lot frontage of 100 feet on town road with 0 feet proposed under Town Zoning Law Section 108-14. As previously noted, the existing FELPDC property and WL’s proposed 15.6 acres lot are landlocked. Yet, WL has a verbal commitment with WWIDA as the anticipated sole owner of Lock 8 Way while it is currently negotiating a formal Easement Agreement with WWIDA for Lock 8 Way. In addition, WL requires a Building Height variance for the existing building which is 32 feet where 30 feet is allowed under Town Zoning Law Section 108-13 in the M-1 Industrial zoning district. Similarly, WL’s plastic pellet storage tanks exceed the 30-foot height limit in the Town’s M-1 Industrial zoning district at approximately 40 feet tall. WL has asserted that these storage tanks/domes are not subject to the 30 foot maximum height limitation stipulated in the M-1 zoning district due to the language in Town Zoning Law Section 108-15 entitled “Height” and/or because Zoning Law Section 108-2 defines Building Height as the “vertical distance measured from the mean level of the ground surrounding the



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building to a point midway between the highest and lowest point of the roof, *but not including chimneys, spires, towers, tanks and similar projections.*" In the alternative, WL requests a height variance from the 30-foot height limit permitted under Town Zoning Law Section 108-13 in the M-1 Industrial zoning district for these 8 storage silos/tanks. Further, WL requires a parking variance as to the number of spaces per Town Zoning Law Section 108-23 with 93 required and only 37 spaces provided in the Town with another 13 spaces in the Village such that these 50 parking spaces meet the needs of the 50 employees working in 30 person day shifts and 20 person night shifts. Lastly, WL is seeking a front yard setback variance for the existing northernmost building where Town Zoning Law Section 108-13 requires 30 feet and the existing building will have a front yard setback of approximately 10 feet once WL's property has been created. WL does not require a Rear Yard setback variance from Town Zoning Law Section 108-13's 30-foot requirement for its new building because the Town/Village municipal boundary line is not a property boundary line from which a structure needs a setback.

Village Lot 2 (WL) – Part of 163.15-1-4 totaling approximately 12.6 acres

With respect to its Village of Fort Edward lot, WL requires variances/exceptions as to Access per Village Subdivision Ordinance Section 285-9, the IP (Industrial Park) zoning district's 250-foot Frontage standard set forth in Zoning Table 2's Dimensional Limits, and NYS Village Law Section 7-736. It is important to underscore that WL's proposed Subdivision in the Village does not exacerbate the existing condition. Even though 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.

Village Lot 1 (WWIDA) – Part of 163.15-1-4 totaling approximately 15.1 acres

Similar to WL's Village of Fort Edward Lot, the WWIDA's Village of Fort Edward approximately 15.1 acre primary lot requires variances/exceptions as to Access per Village Subdivision Ordinance Section 285-9, the IP (Industrial Park) zoning district's 250 foot Frontage standard set forth in Zoning Table 2's Dimensional Limits, and NYS Village Law Section 7-736. The WWIDA is, alongside WL, currently negotiating an Easement Agreement with WCC as the owner of Village Tax Parcels 163.19-1-21 and 163.19-1-1, and has a verbal commitment with WCC for an easement.

Village Lot 1a (WWIDA) – Part of 163.15-1-4 totaling approximately 0.1 acres

The WWIDA's Village of Fort Edward approximately 0.1 acres minor lot also requires variances/exceptions as to Access per Village Subdivision Ordinance Section 285-9, the IP



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(Industrial Park) zoning district's 250-foot Frontage standard set forth in Zoning Table 2's Dimensional Limits, and NYS Village Law Section 7-736. It is anticipated that the WWIDA will offer for cession as part of the overall Lock 8 Way assemblage this approximately 2400.8 square foot, triangular shaped WWIDA Lot 1A as shown on the attached Road-S4 drawing by Matt Steves. Notwithstanding this contemplated offer and expected acceptance by the Village of Fort Edward, this Lot 1A is so undersized as to require several variances from the IP standards in the Village (<https://ecode360.com/attachment/FO0976/FO0976-350c%20Table%202,%20Dimensional%20Limits.pdf>), including Minimum Lot Size of 80,000, Minimum Lot Width of 250 feet, and Depth of Lot of 75 feet, for its contemplated, short-lived existence as a distinct lot prior to offer and acceptance as part of the Lock 8 Way assemblage. This size also renders the lot practically and virtually undevelopable for a building or structure.

Kingsbury Lot "6"

There is no need for variances given those previously approved unanimously for the WCC lot by the Town of Kingsbury Planning Board during 1Q2019. Similarly, the EPA lands transferred to the WWIDA do not require subdivision approval given the definition of Subdivision in the Kingsbury Subdivision Regulations, the definition of a Realty Subdivision under NYS Real Property Law, and NYS DOH guidance as to what constitutes a Subdivision. Similarly, site plan approval is not required under Article IX of the Kingsbury Zoning Law because no land use or development is proposed for this land beyond the existing access activities along Lock 8 Way and the WCC lot.

Kindly also note that in the next few days under separate cover, WL will submit Revised Area Variance Application Forms consistent with these specified variances.

Conclusion

WL Plastics looks forward to appearing before the Town and Village Planning Boards on July 8, 2020 as well as the Town and Village ZBAs on July 15, 2020 to conclude the SEQRA process and the Variance/Special Permit review, respectively, on each of those nights. 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 blue ink that reads 'Neil J. Alexander'. The signature is fluid and cursive, written in a professional style.

Neil J. Alexander



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cc: Aimee Mahoney, Town Clerk Town of Fort Edward
Janelle Rose, Deputy Clerk Village of Fort Edward
Matt Fuller, Esq., Special Counsel to the Town & Village Planning Boards and ZBAs
Matthew French, Town of Fort Edward Code Enforcement Officer
Dave Armando, Village of Fort Edward Code Enforcement Officer/Building Inspector
James Houston, PE @ CT Male, Town Consulting Engineers
Todd Humiston, Town of Kingsbury Enforcement/Planning/Zoning Administrator
Warren-Washington County IDA c/o Chairman David O'Brien & Kara Lais
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
Wendy C. Holsberger, PE, PTOE, VHB
Michael Katz, Eon Nichols, Amy Natsoulis & Kristen Motel, Cuddy & Feder LLP