

MINUTES OF THE JOINT TOWN & VILLAGE PLANNING BOARD MEETING HELD ON WEDNESDAY, JUNE 10, 2020 AT 7:00 P.M. VIA ZOOM

The meeting was called to order at 7:00 p.m.

Pledge of Allegiance

PRESENT FOR TOWN PLANNING: Chairman Belden
Valerie Ingersoll
Donald Sanders, Jr.
Joe McMurray
Frank Wells
Max Fruchter
Zack Middleton (Recused)

PRESENT FOR VILLAGE PLANNING: Tom Roche
Bernie Taylor
James Brooks
Joe Carroll

OTHERS PRESENT: Matt Steves, Chris Keonig, Kara Lais, Peter Ives, Erik Balthrop, Todd Humiston, Dave O'Brien, Dave Armando, Dolores Cogan, Matt Fuller, Jim Houston, Terry Middleton, Lester Losaw, Matt Huntington, Therese Gillis, Neil Alexander, Mike Dahl, Aimee Mahoney and Janelle Rose.

APPROVAL OF MINUTES:

MOTION by Bernie Taylor, Seconded by Joe Carroll to approve the minutes of the Village Planning Board meeting held May 27, 2020 **ALL AYES**

The Town did not have a quorum on May 27th

BUSINESS:

**WL Plastics Site Plan Review
WWIDA/FELPDC Subdivision
Continued Public Hearing**

Tom Roche: I would like to ask that if you are not being addressed by the Board to please mute your microphones just to keep the background noise down. If everyone recalls, we tabled our public hearing last time we met; there were still some items that we were speaking about and we left the public hearing open. At this time I would like to speak to Mr. Houston if he is available. I know that we had communicated a bit about some items that you had brought up in the review and we want to present them this evening, we will still have the public portion of this meeting

whether it can be comments made but we want to start off with some communication items to address with the applicant. Are you prepared for that Jim?

Jim Houston: Yes, I have it in front of me and can read it off if you would like.

Tom Roche: That's great and then can I just ask if that information has been sent to the applicant or have they not received it yet?

Neil Alexander: We did get that information this afternoon although I think that our June 5th submission addressed some of the items on Jim's list and hopefully he received our memo.

Jim Houston: What I did was prepare a list of various items from what I have heard at previous meetings and should be presented on the plans. The 1st item was there are 12-14 silos proposed and only 3 tank pads shown on the layout plan to show where the silos will be placed. The 2nd item was the silos will reportedly be 40' tall, some justification as to why this does not require a variance should be included in the application materials as well as some information pertaining to the view shed of the structures. I think that is what Neil was referring to in the most recent submission on 6/5 included some justification as to why they felt a variance would not be required for the silos, it's not the building structure it's the silo that would store the HDPE pellets. The 3rd item I had on there was a storm basin shown on the WWIDA property, it should be clear who will own and maintain the basin and if any easements are needed. It appears that the storm basin that they plan on using straddles or goes off their property line onto property of WWIDA and the plans should clearly present that and maintenance agreements with WWIDA for who is going to own or maintain the basin. The next item is the rail spur access across WWIDA property, again it should be clear who will own and maintain this spur line and include any easements if they are needed. The next item on the list was the water line currently privately owned, there was mention of a third party Engineer to verify condition of the main before turning over to the water district for ownership and long term maintenance. A findings report of that investigation should be submitted for review. The next item was water use for fire suppression, insufficient flow in water main for firefighting purposes, possibilities discussed to date are a dry sprinkler system or an on-site water storage tank for firefighting purposes. The plans should indicate which one and site impacts of siting tank. Maybe they have already done this I am not saying they haven't I am just trying to list items that should be included on the final plans. The next item was noise, there are 2 primary noise generators, one was a vacuum pump to transfer the pellets from the rail cars to the silos and then the second was a blower to transfer pellets from the silos to the manufacturing plant. Documents should state what the anticipated noise levels are and which steps if any are proposed to mitigate the noise and down to what level. There was some information submitted in this regard in the most recent submission on 6/5 and it speaks to that and basically levels at a different plant that they have down south. The next item was particulate emissions, there are low levels of particulate matter being emitted and the application should include estimates of how much will be emitted relative to the DEC's thresholds and the need to obtain permit coverage just so there is some record of the fact that they are emitting so little particulate that it's under the threshold needed to obtain permit coverage. East St. access, there has been a lot of discussion about not having employee vehicle access or truck access out on that. The plans should clearly note or show what measures will be in place to make sure that non-emergency vehicles will not be able to access East St. directly. I

know there has been a lot of discussion about that and it should be clearly identified on the plans. The second to last item is SEQR, need to clearly define the proposed action, the definition of the action will determine if EAF for the WWIDA could be combined with WL Plastics and I think that's been resolved in the fact that a combined EAF has been submitted and we agreed that is the appropriate way to go. The last bulleted item I have is the plans should clearly show the site constraints that trigger the need for variances. I think they were showing that it's just they probably should be called out a little more clearly or precisely. The one that I am not clear on where it was is the 10' front yard setback and I wasn't sure where on the plans that is but otherwise I think the rest were pretty straight forward.

Tom Roche: I appreciate and I am sure the applicant does as well being outlined that way. Neil I don't know if you have had enough time to look at it in detail but your thoughts on those items that Jim brought up?

Neil Alexander: Yes, we can definitely address either in order or I had a slightly different order if that's acceptable sort of starting with the outer aspect of SEQR and working back down to the site plan issues if that's okay with everybody. As Jim correctly pointed out we created a combined and revised EAF and the reason we titled it that way is not only did it combine it updated and added additional information and essentially what happened was we took the 79 acres FELPDC owns and controls and then it's roughly 21 acres the assemblage of what is known as Lock 8 Way across Kingsbury, the Town of Fort Edward and the Village of Fort Edward. Staying with the subdivision concepts as opposed to the site plan and special permit of WL what you had is FELPDC has 79 acres as you all know with 28 in the Village and 51 in the Town and the intentions with the subdivisions is to create 5 lots and I think this is a great framework to help folks as they drill down. The IDA will be left with what is shown on the drawings as Lot 1 in the Town which will be 35.3 acres approximately. The interior lot in the Town which is Lot 2 will go to WL and that's 15.6 acres. In the Village there is a Lot 2 that will go to WL which is about 12.6 acres and then the IDA is for the sake of the creation of Lock 8 Way creating 2 lots out of the 15.2 acres so there is an approximately 15 acre lot which is known as Lot 1 that will go to the IDA and then there is a tiny little lot that is going to be known as Lot 1A which is 2800sf or 100x69x69 foot triangle. It is essentially the end of Lock 8 Way in the Town and then it pumps into the Village for about 2800sf and so we are putting that as a separate lot in contemplation of dedication. Making it separate because it is going to be dedicated to the Village assuming the Village is willing to accept it. There is also a lot which is all the land of Lock 8 Way that is going to be assembled in Kingsbury but that is not a tax lot for either of your communities, it will probably just be a tax lot in Kingsbury. All of these lots in this 100 acres, by creating these lots we are not changing the existing condition as to the access issue but we are needing to create easements in order for all of them to have access because none of the Village land that Fort Edward currently owns and none of those 3 lots that will be created have frontage on a Village road and that's where we are negotiating an easement with WCC to get out to East St. When I say get out to East St. we are creating the easement for access in order to meet the access requirements of creation of a lot but there is no intention to actually improve it for purposes of WL's use or to my understanding the IDA's use. It will provide potentially a utility easement to the extent that some utilities we may try and still pull through that area. What I did was follow up with each of the ZEO's who have been fantastic in the past 2 weeks up until literally 15 minutes before the meeting some of them were e-mailing me to help address

questions and I'm really thankful across the board for that help because we started to drill down on the variances that we believe we need. I can talk a little bit about how we got into that and then get into the site plan because I think they dove tail really nicely. Matt Huntington do you think it might be easier to identify through the site plan and walk us through some of those issues?

Matt Huntington: Yes, that may be a good idea we have an updated site plan that we just completed earlier today. I will screen share the most recent plan. The last time you saw this we didn't have any information on our process, equipment area, parking area and we have had some changes in utilities from our last submission. We are going to continue to progress these in the upcoming weeks so there will be more sheets with more detail and as Jim continues to review it hopefully we will have answered more questions as they arise. We can start with the areas that have been updated; the main area is the area showing the process equipment. All the entrances and access remains the same as the previous plans that have been submitted. What we have updated here helps with Jim's first point regarding silos. The silos are 18' in diameter and we are going to try and fit 8 or so on these large concrete pads. The train shows up, there is a loader building here that essentially vacuums the pellets out of the train; they are vacuumed into the silos and then continued into the plant. This shows some of the areas if you follow from the rail to the silos to the process area where they are going to be manufacturing pipe. There will probably be an elevated bridge here so there is access fire and emergency access underneath to the building. These pipes will be on the ground in this area and where they are hashed they will be overhead. As we continue on regarding the utilities as Jim mentioned the insufficient fire flow, the intention is to have a fire suppression storage tank here and a pump house on this existing concrete pad and previous discussions we were toying on bringing in natural gas along the utility easement on East St. but we are going to pull that out from the plan and provide gas services by the liquid propane tanks that we can locate here also on that pad and feed the building for heating of the office space. The fire suppression silo can be supplied from the existing water line. One of the bigger changes regarding the utilities is upon investigating the time line and the cost to run a sewer line out to East St. we have decided to pursue an on-site septic system for this area. With only 50 employees the design flow coming out of this building for waste water are approximately 750 gallons/day which is the equivalent of a large residence. It is below the threshold for an individual DEC SPDES permit so we feel we have the area here, we show a proposed area that we are going to try to put it in and will most likely reach for an enhanced treatment system. It gives enhanced treatment on your waste water as well as cuts down the amount of footprint that you need for your on-site septic system. With that in order to put this up here we would like to reduce our parking area and this plays into one of the variances that we will be requesting from the Town as the Village does not have set parking requirements or allotted spaces but in the Town Code there is a requirement of 1 space per 1,000sf of building and then 1 additional space per 4 employees which gives us a total of a required 93 spaces. WL only employs 50 people and of those 50 they are not all going to be on-site at the same time. We would like to propose a parking lot accommodating 50 spaces with 3 additional accessible spots. The parking lot will be laid out here and the traffic flow to the parking lot will remain the same that we discussed in our last meeting; cars will come in on Lock 8 Way and continue down the one way road here and enter the parking area and then exit to the north and come back out to this additional exit that is going to be added near the process equipment. Above the parking area in the waste water area we still have to put some test pits out there however, early on in this process

before we were in front of the board we did some test pits on-site to see if it could accommodate an on-site septic, they were north of here and we had one out in the concrete paved area that will be the pipe storage area. The soils in that area appear as though they are going to be able to accommodate an on-site waste water system so our plan is to go back and confirm in this area that we will be able to do that as well but the surrounding soils look like they will be indicative that we have the ability. As we continue on the storm basin questions, we are in the process of preparing a storm water pollution prevention plan (SWPPP) for this. The majority of the water from the new development is going to be heading toward this southern basin over here and that will be on WL's property however there are existing drainage patterns in place from the catch basins to the north and the same thing on this side that convey storm water to these basins. As part of that report we will put some language in there in terms of drafting up an easement agreement for maintenance of that storm water basin. The particulate emissions question we are also in the process of preparing an emissions report that will be submitted to the Town. As of right now it appears that we are below 50% of the majority of thresholds set forth by the DEC so it looks like we are going to require an air registration and not an air permit for any emissions coming off of the site. That full report will be following shortly and will be available to the Town. With that I will leave it open to any additional questions you may have on any of the changes in site plan if anybody has any.

Tom Roche: Thank you Neil and Matt. Does that complete your discussion regarding Jim's presentation?

Matt Huntington: Noise was one of the other ones and we do have some data on that I can present and maybe Mike Dahl can chime in on it if that is acceptable with the Town unless Neil is going to jump ahead with something else at this point.

Neil Alexander: No, I was going to come in behind you about the rail stuff.

Matt Huntington: This drawing here is a Google image from their Statesborough facility showing decibel levels as you get further and further away. You can see that right near the facility you are about 74.4 decibels which is equivalent to about highway noise and as you start to get further away 1,000', 1,500' it goes to 55.2, 53 decibels is about the sound level of an average conversation. The process equipment doesn't generate a ton of noise as you get further away from the facility.

Chairman Belden: Matt, before you hand it over to Neil will all the silos be the same height or will there be a variance in height on the silos?

Matt Huntington: No, they are all going to be the same height.

Chairman Belden: and what is that number?

Matt Huntington: It's right around 40', it's the higher end of 30 and when you adjust it for footings and anchor bolts you are hitting right at 40'.

Chairman Belden: Okay, thank you.

Neil Alexander: The issue of the rail came up and you all may know this from other reasons but I just thought I would quickly let you know. SMS is the rail service that provides 24/7 service out there, WL is in the process of contracting with them to actually build that rail spur and SMS will be responsible for the repair and maintenance and that is going to be consistent with their Federal Transportation Board decision giving them the license for these 3 ½ miles of track that then connect to Canadian Pacific Railroad. No change there, it is consistent with the way rail has been handled with the same short line operator not only building it but operating it for WL and storing rail cars for WL as and where needed. We will wind up early next week probably getting a letter out to the ZBA's in talking with the ZEO's it looks like in the Town we will need the parking space variance we are showing to you for the first time and a height variance for existing 32' high portion of the building and then not to put Matt on the spot we can talk it out in a couple days is whether as he gets more information on these tanks we will need to figure out if he agrees with our notion as to how the Code addresses the silos with the definitions and exceptions or whether we need a height variance for those silos. Then obviously as we talked about with the subdivision we need the access. In the Village WL and the WWIDA needs the access as we talked about and then that little Lot 1 because it's so small we will need a series of variances for that lot because you have an 80,000sf minimum lot size in the IP Zone as well as a 250' lot width and a 75' lot depth none of which we will meet and I think the good news is that these variances will be in place as needed for hopefully a very short period of time as Lock 8 Way gets dedicated and completely into the ownership of the IDA and then the IDA is able to turn it over to the Town & Village of Fort Edward where that little triangle will come off the tax rolls anyway so it won't be a lot that anyone is ever contemplating building on, it will essentially be an extension of the roadway. That is where we are, we have made a lot of progress in 2 weeks and if you have other questions or other issues, Jim you will see more details when we get to the SWPPP and I think Matt had alluded to this. The storm water that we are going to capture and handle will go into basins and those are amongst the easements that we are dealing with in a comprehensive easement agreement with the IDA or FELPDC that we'll have to do in the Town in particular because obviously there are issues relative to ingress/egress for our vehicles across the IDA Lot 1 both rail vehicles, automobile vehicles and then obviously our storm water is going to go into a basin as part of the storm water system and we will need the right to do that.

Chris Koenig: This is Chris Koenig with CT Male; I have been working with Mr. Houston on this project. Matt could you identify for the board the front yard setback please.

Matt Huntington: In the Village or the Town?

Chris Koenig: Both I guess.

Matt Huntington: The front yard setback I don't believe we have a dimension on the plan right here, this would be the existing building on the Town lot. The front yard setback I believe for the Village lot would be coming off of this line.

Neil Alexander: I think it's a question of which lot and Chris we can do this off line. There are 5 lots.

Chris Koenig: For the one in the Town.

Neil Alexander: Right but there are 2 in the Town.

Chris Koenig: That needs the 10' of relief.

Matt Huntington: The Town I think is a side yard setback, this line goes through the middle of our proposed addition.

Neil Alexander: I think Matt French and I don't know if he is on the line or not and I don't mean to put him on the spot by any stretch but I think his sense was that the municipal boundary is not a zoning line from building standpoint. I believe that Matt has at least preliminary prior to tonight's flip flop on the parking spaces and the silo height issue that neither WL nor WWIDA needed any yard setbacks. We are going to ZBA anyway so if someone is interpreting the Code differently in consultation with Matt it's not a big deal to us to seek that relief. There is an obvious way to extend the building and that would be the way we extended it so we believe we would be able to get the relief that we need from the ZBA anyhow. I am not trying to be proprietary or positional in saying that.

Matt Huntington: To Jim's point in his review letter what we will do is we will add a table on this drawing that kind of lists out the variances that we think we need as we further our discussions with both the ZEO in the Town and the Village that will hopefully shed some clarity on it.

Chris Koenig: That would be great.

Tom Roche: I am glad to hear the communication going back and forth and you guys had prepared some response to those items that Jim had reviewed for us so thank you. Is there any more information you want to give on Jim's list or are we good with that?

Neil Alexander: I think we are good unless Erik or Mike have anything that they want to share.

Chairman Belden: Just a question for CT Male, at what point do you want to go ahead with a traffic study? Would you like more information before we go ahead with that or should we start that now so we don't run into a timeline later?

Jim Houston: I would think it would be good to get that going. The main truck access is out to the north so you are talking about impacts on that route out to the north and over to the Northway probably. That's what we had talked about in past applications to this site. I think it's worthwhile to at least get that on the radar.

Chairman Belden: If you want to ask for that Jim that would be one more thing we could get done ahead of time.

Neil Alexander: I haven't pulled up the AADT for the road in Kingsbury that we are headed into but, and this isn't meant as a pushback, I am just chatting it up. If we have 50 employees and maybe 40 truckloads going out, I am just thinking if we are going out onto a state highway or

county highway Route 196 I don't know what the AADT is I can try and pull it up now. I would think that the study doesn't need to be very broad in scope.

Chairman Belden: In the State of New York, members of Planning Boards are not allowed to do their own traffic studies. Our hands are tied on that Neil so that's why Tom and I talked about it earlier; the scope of the study is up to our Engineer to decide how big this should be. He's not going to ask you to follow it all the way to Connecticut obviously. He's going to be reasonable with it but I would rather ask for it now than wait until August and have it be a big deal that's why I reached out to Jim tonight, I understand your point but we do have to ask that question.

Neil Alexander: I get it, if you could just share the scope with us; I am not trying to play PTOE here. I get it we need to confirm.

Jim Houston: I don't think it has to be very elaborate but Mark is going to be asked as part of the Lead Agency to access whether there are traffic impacts and if there is no data it is tough to do that. We don't think there will be but there should be something in the record that demonstrates that this amount of traffic is negligible compared to what that road can handle id that's what the results are.

Chairman Belden: Thank you Jim.

Matt Huntington: Jim if you don't mind if it's possible and if the Town and the Village don't mind if possibly off line we could share an idea back and forth on what we think the scope needs to be of that traffic study and we can make sure that we provide it accurately.

Jim Houston: Yes, no problem.

Tom Roche: That works. Unless any Planning Board members have a direct question they would like to ask the applicant I am going to open it back up to the public comment.

Max Fruchter: The pad for the pump house, is that going to be an ESFR system? A fire extinguishing system because you are adding a tank because of the deficiency in water; can you handle an ESFR system with the tank?

Matt Huntington: I will have to get back to you, I am not the MEP Engineer for the site but we are working closely with them. I can relay that to them and provide an answer.

Max Fruchter: Also what the size of the tank is.

Matt Huntington: I don't think they have gotten that far with it yet.

Max Fruchter: What are the sizes of the LP tanks?

Matt Huntington: I am not 100% sure they have been sized yet.

Max Fruchter: You might want to check the requirement as far as being near a fire pump house and the storage of a certain quantity negates it. Last question Matt, on the proposed loading dock, was that at one time on the side or was it always on the bottom?

Matt Huntington: We bounced around with a few different options on where the best place to locate that for WL's needs would be. It was narrowed down to this location, it's going to be rare that it gets used but on the occasion that it is used for their purposes for the site and their traffic patterns we narrowed it down to this location.

Max Fruchter: Are you saying that your tractor trailer which is about 73' is going to go down that alley or back it down?

Matt Huntington: In this drawing we don't have it on there we have put the turning radius on that way they can make the turn without backing up.

PUBLIC COMMENT:

Tom Roche: Janelle or Aimee do we have any written questions or e-mailed questions?

Janelle Rose: No, nothing

Aimee Mahoney: No

Therese Gillis: I'm sorry this is Therese Gillis can you hear me now? I'm sorry I had to restart my computer so is this time for questions?

Tom Roche: Yes Mrs. Gillis if you would like to speak at this time feel free.

Therese Gillis: I do appreciate you coming back with some levels on noise from the site but if you go back to that map that was showing the dcb's at certain feet from the site there is 59.4 at 2,000 feet at one place and its 53 at 1,500 feet. Is this while this plant is just kind of humming and making pipe or is this at the same time we have back up beepers and trucks being loaded and unloaded that these noise levels were taken?

Neil Alexander: If you look at the exhibit that's up and you look at the various rings and what you will notice in spaces is that it is noted as ambient and then you also are seeing it's also noted where it's confluent with the highway noise that's there. When you mention noise you have to remember it's also about background. It's not only your noise and your dissipation rate but also what the background noise is in the area and whether we are operating over that noise and therefor become a contributor. When you take into consideration that we are in this Industrial Zone with other industrial users including the Pallet Company which has their own back up noise and forklifts and things of that sort going on; it is our belief that we are going to be very below your typical industrial zone of 80 dba, we are going to be below 70 dba. We did actually Mrs. Gillis take a look at where your property was.

Therese Gillis: I bet you did now that you met me, that's good you can come sit on my porch. It's difficult to see, your 2,000 foot circle from your plant probably puts you right in the middle of the canal is my speculation.

Neil Alexander: It is actually a little bit less, so that I can back up the board so they are on the same place that you and I are, If you are in the existing 40,000sf building looking at the Canal with the building at your back, Mrs. Gillis's property is about 1,000-1,200' away so you go through all of the Lock 8 Way, through the Canal Corp., through the Canal itself, through the properties that back up to the Canal that front on East St. and then she is on the east side of East St. north.

Therese Gillis: East Rd.

Neil Alexander: East Rd, thank you. You have about 30 acres there and then your home from what I saw from an aerial because I haven't had the chance to drive up is set back quite a ways, over 150' would be my guess so we clocked the nearest corner of our existing building to the nearest corner of your property about ¼ mile.

Therese Gillis: How many feet is that?

Neil Alexander: According to the GIS Tools it is 1,254'. But also remember we are putting an addition on our building that goes to the west and then our storage area is essentially west of that so.

Therese Gillis: But your silos and your pumps are on the east side of your building.

Neil Alexander: That is correct, the issue here to be candid and not trying to avoid you here is at that limiting distance so far away and with the other operators in the area, it's not something that any kind of prediction is going to show up and reveal. If there is a quirk of your topography because obviously

Therese Gillis: I like that I've never heard that described that way but I like that, a quirk of my topography because I'm sitting up on a hill.

Neil Alexander: Right, you are up on a hill and because of the Canal there may be a little bit more of something going on and then a noise would really project. As you had pointed out we are committed to doing something if and when it arises. Nothing from the studies and from the distances, it's not going to suggest that there is anything that we need to mitigate, it's just too far away and there is too much background existing noise.

Therese Gillis: There is none now but it's nice, it's sweet and I guess my concern, its dead quiet out here right now come sit on my porch. My concern, I understand the need of this but I also understand that I would like to get to know you so that I know exactly what 70 decibel noise limit sounds like from my porch to the corner of that site so that some of that was acceptable and of course we learned to live with that. If that begins to exceed that limit then am I able to get in touch with you to try to mitigate it?

Neil Alexander: That all sounds reasonable, let us

Therese Gillis: You know what I'm saying? At least with GE I had a contact person, I had DEC with me, I had people who had reached out to me so that we could address issues that came up if things got louder than what they started.

Neil Alexander: I think we are on the same page with you, I think the important part also for you to factor in as you are weighing everything is it's not our actual manufacturing process it's moving things with our forklifts and the noise that you would hear is the backup safety noise which is required.

Therese Gillis: Right but

Neil Alexander: Just let me finish, let me finish, the backup noise is required by OSHA because of workers safety. We don't want to put any of our workers at risk and we want to be consistent with the industrial community and we don't want to have you be unnecessarily disturbed so let us think a little bit more, I think we have got the whole triangulation of where your head is at and see what we can suggest as a contact point.

Tom Roche: Thanks, I appreciate that Neil and Mrs. Gillis. I have to apologize but typically during these public hearings I make an announcement that it's much more conducive if folks will address questions to the Board and then we can address the applicant so we can avoid the back and forth between the 2 parties which tends to

Therese Gillis: Because I am not really allowed to talk to him Tom?

Tom Roche: You are absolutely allowed to talk to Mr. Alexander

Therese Gillis: because I don't think I exceeded a 5 minute limitation.

Tom Roche: No, again you did not and I am not interjecting myself here for any other reason. We want to keep things moving, we want everyone to have the opportunity to speak so in order to address things a little bit more procedurally it's easier to address your concerns and questions to the Board we can have a statement and an answer by the applicant and kind of keep it that way.

Therese Gillis: Yes, he did a great job since the last meeting; I appreciate what he came up with. Thank you very much.

Tom Roche: Is there anyone else out there that would like to address the Board with a question or concern about this application?

Todd Humiston: I have a couple concerns if I could.

Tom Roche: Please state your name for the record.

Todd Humiston: Tom this is Todd Humiston, Planning and Zoning Administration for the Town of Kingsbury. We have some traffic concerns associated with the private road currently known as Lock 8 Way and I have been asked to address them to the Boards tonight. The first concern we have is the overall traffic onto State Rte. 196, it's my understanding that WL Plastics is proposing the possibility of over 100 vehicles coming on and off State Rte. 196 with the possibility of 40 of them being semi-trailers. Currently there is a flashing light at that location and visibility is limited at best coming from the bridge on 196. As I have heard yourself and Mark talking tonight it sounds like you are planning to have a traffic study conducted, we would just like to have your Engineer understand that one of our concerns as a Town is the traffic coming from the bridge direction of 196 so if we could just make your Boards aware that is a concern, the increased amount of traffic. We would also like the Boards to consider not just the traffic that WL Plastics is going to have but the park itself and the growth of that park. It's my understanding it's going to be 5 parcels with the other 35 acres going to possibly have some growth in the near future and if the Board could look at that we would greatly appreciate it. The second concern has to do with the private road in the IDA's plans, what is the plan going to be for traffic enforcement? Just a few years ago 2 young men had to be air lifted from that road due to injuries sustained while racing motorcycles on Lock 8 Way. Most recently the Sheriffs were called out to that site for similar activity. The concern is the road being open 24/7 and the Sheriff's Deputies not having jurisdiction over a private roadway. How is the IDA going to prevent these unsafe acts going forward? I would like to thank both the Town & Village Boards for their time and consideration of these concerns coming from the Kingsbury side of the project.

Tom Roche: Thank you Todd, I appreciate that and we have had the discussion about the traffic survey, those points are valid and I'm sure we can include that in the process as we go forward. Mark anything to add to that?

Chairman Belden: No, thank you for chiming in Mr. Humiston and it brings up again why we have to do the traffic study, any other comments from the public Tom?

Tom Roche: I am going to ask one more time is there is anyone else that would like to speak up just please address the Boards and state your name. I am going to ask Matt Fuller to give me some guidance here, I don't think we should close the public hearing yet because I don't think there is any further action we can take or please correct me if I'm wrong. Is there something else we can do because I know we are waiting for some ZBA updated applications on items that came up so where are we right now Matt Fuller?

Matt Fuller: That is a very good question, I think that some correspondence has gone on since the last meeting; Neil has worked with Dave Armando and Matt French to try to clarify what variances are needed. I think that certainly needs to be clarified so that the ZBA can rule once and for all on the whole package of variances. That has to take place before the Planning Boards can take any final action. We certainly need to hear from Matt French on interpretation of information that Neil sent in today, that needs to be clarified so if they do need to update their submission to the ZBA they can do that. If they don't then the ZBA can move forward on the information that it has now. To answer your question I would likely agree with you that we would leave the public hearings open on both Boards pending the determination from the Zoning Board of Appeals. The updated SEQR forms came in this week and Aimee was sending them out

to the other involved agencies to get that going. Your end question is going to be if there is any more information, you talked about traffic study, if there is anything you want to task the applicants with coming out of this meeting I would encourage you to do that so they can get that information together and get it back into you to keep that process moving. As you have probably gathered from past meetings you don't want to wait until the very end to ask the applicant for more information. If you have got ideas of things you want to see now by all means ask for them and have that discussion right now. I do also note that there was some discussion, Neil had sent some information about coordination of the review fees and the Engineering fees and that needs to be resolved with the Town's Engineer and the Town so we can get that back to the applicants so they can coordinate whatever deposits are needed.

Tom Roche: That is something that is not settled in this meeting correct?

Matt Fuller: Correct.

Tom Roche: Regarding the traffic study and things like that I think there was a conversation that is going to take place between the applicant and CT Male regarding the scope of that and that will happen off line as well but we will want to make sure is in motion the next time we meet.

Matt Fuller: I think what you want to do is just discuss parameters, if there is any information that you all think is needed you should certainly provide that thought and maybe that context to the Engineers so that it's just not on a complete deferral on what the Engineer asks. The Boards have to ask the questions and then we as the consultants go out and try to fulfill those wishes. Somebody brought up comments about intersections and things like that; if that is a question of the Planning Board you should certainly task your Engineers with coordinating that with the applicants so it's not just an unlimited scope so to speak.

Tom Roche: For our part I do believe what Mr. Humiston brought up is something that should absolutely be involved in the scope of that. Mark you guys perhaps had some similar study done back when the dewatering facility was done, is that true or do you have any experience with these types of things?

Chairman Belden: The EPA didn't have to do any traffic studies so they could do whatever they wanted whenever they wanted. There were some massive loads of stuff that went in there and nobody local had any say in it so I think we did a traffic study for the batch plant that WCC never built but that was seasonal use and a lot less traffic so I don't think it would apply at all here. I don't think it's a monumental task, C.T. Male is a huge organization they know who to reach out to who are the experts in traffic studies so I am pretty confident that if Jim wants some more input on that Jim and I can go down and stop at that intersection and make sure Jim knows what to ask for in that traffic study but I am always a fan of doing things early so let's get the traffic study started and not wait. There are a few applications that came in this week, Jim if you want to take a look at those and anything that's not complete get with the applicant. I guess my question for Tom and for Mr. Fuller is do we meet in 2 weeks or do we wait until we have more stuff complete before we meet.

Matt Fuller: Coming to the end here I have a note that says when is the next meeting and not to answer a question with another question I would ultimately put it back to you. Do you want to keep doing this every 2 weeks or do you want to wait until later in the month. The applicant may weigh in here on what their time frame is to get everything back to you. I am fine either way; this is purely a Board call. It is not a legal issue at all.

Chairman Belden: Unless someone from the Town Planning Board jumps in I think from our standpoint there is no need to meet in 2 weeks if we don't have more information. Tom I am not sure where you are at on the Village side.

Tom Roche: I love these get-togethers they are fantastic but I would like them to have some substance so I think if we had some new information to review and keep the communication open I am all for these meetings but I agree if there is nothing new that is going to happen in 2 weeks then maybe we push it off a week or something like that.

Neil Alexander: Yes I think we are aligned with you all on the 3 week, realistically what I'm hearing tonight is other than confirming the variances for the standpoint of getting that on a plan the only real open item is this traffic study which we should be able to bang out the scope of in less than a week and have the results of it done. I can't see Matt Huntington right now because his screen is being shared so I can't see if he's screaming at me no I can't turn it around that fast but I think by July 1st we could maybe not have C.T. Male have the chance to review it but at least a reason to regather and discuss the results of the preliminarily at a minimum the results of the hard traffic study.

Chairman Belden: Talk to Jim, normally there is a third party that does the traffic study. In our experience that's normally how they do it but work with Jim and as long as he is comfortable with the way the study proceeds we will be comfortable with that as well.

Neil Alexander: Excellent, I think July 1st makes much more sense; I appreciate the balance we are trying to have here of keeping focused on driving this project forward and giving you the materials you want but I don't think in 2 weeks we are going to have much relative to the traffic, there is effort that needs to go into that.

Chairman Belden: The second Wednesday in July would be the 8th, I am not sure where the ZBA's would be between now and then, Aimee or Janelle can speak up on that but if we met again July 8th then hopefully your ZBA stuff would be father along. The 1st is coming up on the Independence Day weekend which doesn't bother me but normally our meeting is the second Wednesday. We could go with the first Wednesday if that is okay with the Village but I think it's important to tie into the ZBA's and see where you would be at with those. Janelle and Aimee any comment?

Aimee Mahoney: We have ZBA on June 17th.

Matt Fuller: If you did kick it to the 8th hopefully the discussion of what variances needed will be resolved by that ZBA meeting but even if for whatever reason the ZBA needed to meet again

before your meeting on the 8th that might be a calendar possibility here. It would keep that option open.

Neil Alexander: I think that's good for us as an applicant, I think a little bit of a pause right here makes good sense because the traffic study is a longer lead time and it sounds like something Kingsbury is going to want to have input on as well given that the outlet is in their community. A little extra time is fine with us there especially because July has 5 Wednesdays this year so if we had crunch time for a reason on the back end there is the extra Wednesday in July. Barring me getting a text from Mike Dahl right now saying I am way over my leash here I think that works.

Chairman Belden: Tom, are you okay with the 8th?

Tom Roche: Yes that works for us.

Chairman Belden: Okay so we will continue the public hearing on July 8th and that will be the next time we get together. I would encourage the applicant to work with Jim Houston and Jim if you have any questions about the traffic study reach out to myself or Tom or we can check with the Zoning Administrator but that seems the critical path right now.

Tom Roche: Do any of my members have anything before we enter into the latter part of our meeting?

Chairman Belden: Anything on the Town side?

Valerie Ingersoll: They are talking about now 50 parking spaces for employees; there is no chance of future expansion so they will need more in the future?

Chairman Belden: That is a question for the applicant, is there any chance that you would expand?

Neil Alexander: let us talk about that amongst ourselves off line, fair point to make.

Valerie Ingersoll: I don't want you to go for a variance for 50 parking spaces and eventually down the road you are going to think about a little bit of expansion and then you don't have enough parking spaces for what you are looking at.

Neil Alexander: That is a good question, let us take this off line I think that is much bigger than most of our facilities to begin with so I don't believe there is that much of a concern on that but it is a more than fair question and let us think about that. We will wind up talking about that in front of the ZBA as a basis for the variance. WL has numerous facilities like this around the country so it has experience and the 50 is something they really believe strongly in but the expansion question is a great question. Let me find out more about that.

Valerie Ingersoll: Thank you

Mike Dahl: This is Mike Dahl with WL Plastics. The equipment that is being deployed in this building will pretty much max out at a 50 employee footprint. I just don't see us coming back and altering this building in the future to accommodate more manufacturing capacity so I think 50 is a really good number based on our operating history. By the way talking to the traffic study a little bit, if this plant is running at capacity we will ship 8 truckloads a day on average during any given months. I am not sure that everybody is vectored in on the scale of the operation; this is not a huge logistical kind of business.

Chairman Belden: Thank you for that number because that is really important for us moving down the road to understand, so that's 8 trucks within a 12 hour time period basically.

Mike Dahl: Almost all the trucks are from 7:00am-7:00pm.

Chairman Belden: that's huge for our traffic study, thank you Mr. Dahl.

Neil Alexander: Just to put that in context, the AADT is 7,833 vehicles pursuant to 2016 DOT study for that segment of which there are 425 trucks daily, 104 of which are tractor trailer size. I was just pulling that off DOT's website. I am feeling much more confident that we can turn around that traffic study fairly quickly and thoroughly so that by the 8th that's not an open item.

Chairman Belden: Just one question and I really don't care one way or the other but I have just never done it before; Jim and Matt, the primary portion of the building is obviously in the Town, the waste water is in the Village. I know traditionally on 2 different lots we have had a lot of people come to us and want to adjust a lot line because they put the septic on the neighbors by accident. Just so we don't get hung up in the future there is nothing against that right? From my perspective I don't see a problem with it but just as long as there is nothing crazy in the codebook that says it can't happen; I would hate to hang that up in the future as being an issue.

Matt Fuller: the parcel is actually 1 large parcel bisected by jurisdictional bounds not necessarily by property bounds. To your ultimate point yes we are going to need something from Joe Brilling and the Sewer District on that. I have that jotted down as one of the items that has to be followed up on is just the question of in district septic usage. There are limitations on when a septic system can be installed inside the district and that Village line is the district so you are installing a septic system inside the district for use outside the district. We are still going to need something in writing from Joe Brilling on that.

MOTION by Bernie Taylor, Seconded by Joe Carroll to table the public hearing until July 8, 2020 at 6:00pm **ALL AYES**

MOTION by Donald Sanders, Jr., Seconded by Valerie Ingersoll to table the public hearing until July 8, 2020 at 6:00pm **ALL AYES**

ADJOURNMENT:

MOTION by Max Fruchter, Seconded by Valerie Ingersoll the adjourn the meeting at 8:22pm
ALL AYES

DATED: June 17, 2020

Aimee Mahoney, Clerk