

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of April 16, 2014

MEMBERS PRESENT:

Robert Dingman, Chairman  
Dave Gauci  
Randy Getty  
Karen LaRose  
Ian Miller

MEMBERS ABSENT:

Michele Abbenante - Excused  
Randy Weaver - Excused  
Cheryl Hogan – Alternate - Excused

CODE ENFORCEMENT OFFICER:

Ross Cortese

TOWN ATTORNEY

Jeff Meyer, ESQ.

Chairman Dingman called the meeting to order at 7:00 P.M.

Roll call of all Members and Officials.

Chairman Dingman entertained a Motion to Approve the Minutes of March 19, 2014.

**ON A MOTION BY MR. GETTY**, seconded by Ms. LaRose, the minutes of the March 19, 2014 meeting were approved.

**AYES: 5**

**NAYES: 0**

**ABSTAIN: 0**

**MOTION CARRIED**

**RWS MANUFACTURING, INC**, lessee of tax map #137.-2-1.14 commonly known as 22 Ferguson Lane, Lots #13, 14, & 23 Warren-Washington Counties Industrial Park is submitting a Final as Built Site Plan application for the operation of an @ 20,000 sq ft manufacturing building and a change in hours of operation at this location. This action is pursuant to Section 280-25 G of The Code of the Town of Kingsbury.

Chairman Dingman introduced Mr. Student, Plant Manager for RWS. Mr. Student introduced his attorney, Dan Tuczinski Esq. of Tuczinski, Cavalier, Gilchrist & Collura, P.C. of Albany, NY.

Mr. Tuczinski gave an update of what RWS has been doing. He stated they have been working hard to try to solve the issues. They have a report and stated it does take a little time to generate them. The report itemizes some areas they can make significant gain in. Mr. Student will be giving a report on what he has done and items that have been ordered to mitigate the noise areas. He will also be speaking about where the operations are and how they need to generate revenues.

For the record Chairman Dingman stated he has seen the report referenced by Mr. Tuczinski in the form of a copy of a letter from David Alexander of Air Resources Group, LLC. The Board is seeing the letter for the first time tonight.

Mr. Student stated the one thing they are going to do is hang a sound barrier/curtain along the fence. He cannot extend the fence toward the building because it would block the fire access road. They have ordered the sound barrier/curtain and are in transit. It is an 8 foot wide and 195 to 200 feet long sound proofing material that will hang their fence and should reduce the noise 2-3 decibels.

Discussion continued where the sound proof barrier/curtain will be placed on the fence as well as extending the fence to the north so there is not a gap between the log yard.

Mr. Student stated they are following the report from Dave Alexander, Managing Principal, Air Resources Group LLC. Mr. Student stated they are willing to take the comments from the Board and try them. If they need to buy more of the sound proof barrier/curtain they will. The log pile will be 3 tiers, 3 rows within the next 2 weeks. Over the winter they depleted it and are now in the process of building it back up.

Mr. Student stated one of the recommendations they have is to relocate the storage trailers. They are moving three of them today/tonight. They will be adding more trailers in the employee parking area. It will help with some of the sound coming down along the side of the building. The trailers will be angled the way Mr. Alexander suggested in his letter.

Mr. Student stated that on the drum where the feed end is located they will be replacing the support beam that is in the ground when the weather breaks. They will take the old beam out and replace with a new beam that has harmonic sounds absorption units on them. They have had the oilers installed on the drum as well and has made a big difference. They have the automatic oiler in as well. The shaker building will be torn down. When the shaker building is rebuilt they will use sound proof material that will go all the way around that will isolate that building so they can collect the dust that is in there. Based on an OSHA recommendation they will collect the dust there with a dust collector. This work will be done between now and the first of June approximately. Along with realigning the trailers they are discussing a small sound wall in front of the transformer which will help them with the sound that is traveling from the shaker building. Mr. Student stated all of this work will be done by the end of the third quarter (the end of September 2014). Hopefully they will be sooner; the new dust collector should be here next month. He will have to shuffle manpower around with dust collector going outside and running pipe for that area.

Mr. Tuczinski stated has talked to Mr. Alexander. Mr. Alexander stated to him that he wanted to be thorough in terms of the over use and brought in Don Weekes, CIH, CSP from his company. They have looked at different angles to see what will work and what will not. In their report they sighted sections; internet and publications and information about what they would like RWS to order and how they would like these items placed. These are all listed in the materials that were given to the Board Members. They did opine with the implementation of this program and in their opinion will result significant reduction and also noise. The potential for buildings in the Industrial Park have to be evaluated because noise gets repelled in different ways and there will be other things going on in the park.

Mr. Tuczinski stated they are trying to bring comfort to the community with the noise. The expenses and programs are at no slight cost. They are trying to get there and keep the facility in operation.

The Board gave us an extra shift; they have done personnel evaluations internally. They are asking for an extra day one more shift on Saturday so that they can pay for the expenses that have occurred. They will continue to keep the Board updated on what works and what does not work. Once the programs for the noise are implemented they will have a better idea. They are confident they will reduce the noise level.

Chairman Dingman stated he does understand what the dilemma is. He will canvass the Board; and will be paying close attention to what was requested at the meeting of March 19, 2014. Chairman Dingman stated giving the things Mr. Tuczinski reported tonight he is comfortable with keeping the one shift they have. He personally is not comfortable with granting a second shift until we see the effect of some of the changes.

Mr. Miller stated he agrees with Chairman Dingman. He also would like to see some of the suggestions in effect before granting another shift. Mr. Miller asked to have the effectiveness of the plantings along the radius evaluated and examined if there are other alternatives to the plantings.

Mr. Student stated they would discuss this with Mr. Alexander.

Chairman Dingman stated the biggest concern the Board has is sound that leaves the property.

Mr. Getty had concerns with the heavy equipment and the loading and unloading of the logs in the log yard.

Mr. Student stated they tried one option. This option did not work and they are looking at other options. There are not a lot of options for this. As a general rule they are unloading the logs 7:00am to 7:00pm, that is when they have personnel there to unload the logs.

Mr. Student stated they are desperately in need of another shift to survive. Right now they are buying shavings from Canada and losing money because they can't run the extra shift. They would like to hire eight (8) positions if they can get the extra shift. They would be working four (4) 10 hour shifts right into the weekend. Because of wear and tear on the equipment there would be a one week shut down per month to do maintenance work.

Ms. LaRose had concerns as to if there was anything different in the warmer months with the doors or windows that are opened in summertime that are not opened in the winter time.

Mr. Student stated the only door they would open would be the door on the north side. That is opened to give the employees some relief from the heat. Mr. Student has had discussion with people questioning if they can use the same kind of blanket that is going on the fence. The company said yes he could buy it in strips and have them sewn them together. They would be able to hang them in front of the door. In the meantime Mr. Student stated he would keep the door closed and examine the use of exhaust fans, but doesn't want to create another potential source of noise.

Mr. Miller questioned what they wanted for hours with the extra shift.

Mr. Student stated it would be from 7:00am to 3:00pm on Saturdays.

Chairman Dingman opened the public hearing.

Dennis Kelly, 672 County Line Road, stated everything in the park has to be shielded, that was the intention of the trees. The trees were put there to shield the trailers. Also, Mr. Kelly stated the idea with the trailers does not work. They fill the trailers and move them out which leaves holes in the trailer line. He does not believe this is a fix. He did reach out to the sound engineer twice. He can see over the trailers to see that the shaver door is open and feels that is why the trailers do not work. They are too low. Mr. Kelly stated he spoke to Mr. Alexander two weeks ago regarding the sound. Mr. Kelly has not seen or heard from him.

Dan Colomb, 726 County Line Road stated he had noise from the shaver wake him up on Monday morning at 4:15.

Chairman Dingman stated he will not ask anybody to take away the shift already given to RWS. This was granted without prejudice.

Chairman Dingman questioned what the time frame would be for an answer on the exhaust fan or sound blanket.

Mr. Student stated he will put air movers inside the building to move fans around and be closing the door until further notice and he gets an answer whether an exhaust fan will add or subtract to the level. He does not want to put exhaust fans in the building and find out later he has more of a problem. As far as the sound barrier they are in transit and as soon as it gets here they will start hanging them.

Chairman Dingman questioned what RWS would have done by the next meeting on May 21, 2014.

Mr. Student stated they will have blanket up, have an answer with the fan, the trailers will all be realigned. They will have an answer from the sound engineer regarding the void area in the fence. The shaker table will depend on the weather. They will need to pour cement as well as submit a plan to the town before this can be done.

Mr. Miller stated he would like to see more progress heading in the direction of improvements before considering the extra hours. He would also like to hear what Mr. Alexander has to say about the perimeter where the trees are. He would also like to see the opening near Mr. Underwood property addressed.

Discussion ensued among the Board with questions addressed by the Applicant and the Applicants Representative.

Chairman Dingman stated Saturday until noon would not be considered unless and until blankets have been installed and Mr. Alexander or his partner has visited with Mr. Kelly. Also, he asked that Mr. Alexander touch base with Mr. Cortese and if possible, Mr. Cortese could attend the meeting with Mr. Kelly. We could have a special meeting once these items are corrected.

Mr. Miller stated he would like Mr. Alexander to evaluate the perimeter where the trees are on the radius and also would like Mr. Alexander to be at the next meeting so that the board can talk to him.

**2. THE QUARRY LLC**, owner of tax map #146-1-23 commonly known as 35 Dean Road is presenting a preliminary plan to modify existing 351 unit townhouse project into 148 Senior Apartments and a 100 Bed Assisted Living Facility.

Chairman Dingman introduced William Nikas, Esq. to address the Board.

Mr. Nikas stated he has had several inquiries from outside to do senior housing project. They feel seniors, 55 and older would rather be on a single floor. The seniors would also be able to get help with the rent. It would be a senior campus in that it also covers more than one variety of senior housing which is the market level portion there would be assisted living.

Mr. Nikas stated the original lay out of the road was done by an outfit in Washington D.C. The company had one road with a 103 degree turn and was like a point of a triangle. Mr. Nikas had his surveyor come in and do a new layout, cost efficient and doable certified layout. The units would be cut up in either 4 units or 8 units. The parking spaces were calculated with two spaces per unit. Instead of paving it all of the parking right up front they would bank it, make it green and if there then if there is a need to put more parking in they would pave it. There will be trails and forever green area. Water lines are already there and go as far as the north end. They are not sure if the sewer lines are there or not. Mr. Nikas does not believe so because the former owners did a lot of blasting. The blasting they saw could have been for the sewer lines or could have been for laterals or foundations. The water lines have not been upgraded. Every segment has to be uncovered and pass inspections.

Chairman Dingman questioned the timing of this project.

Mr. Nikas stated over the summer, they are not looking to pressure anybody into quick decisions. This will be a long term project. Mr. Nikas stated there is not any assisted living in the county, and does not believe there is any senior housing that assists with the rental fee.

They are hoping that the seniors living in the senior campus will be able to move into the assisted living if that is needed. Mr. Nikas is hoping the 28 lot subdivision that was approved have families of the senior campus move there to be closer to family.

Discussion ensued among the Board with questions addressed by the Applicant.

Mr. Nikas agreed to come back next month May 21, 2014 and give a brief description of this project again after it has been published in the Post Star newspaper as a Public Hearing.

**ON A MOTION BY MR. GETTY**, and seconded by Mr. Gauci all in favor, the meeting was adjourned at 8:30p.m.

Michelle Radliff  
Secretary