

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of May 21, 2014

MEMBERS PRESENT:

Robert Dingman, Chairman
Michele Abbenante
Dave Gauci
Karen LaRose
Ian Miller
Randy Weaver

MEMBERS ABSENT:

Randy Getty (Excused)
Cheryl Hogan – Alternate (Excused)

CODE ENFORCEMENT OFFICER:

Ross Cortese

TOWN ATTORNEY:

Jeff Meyer, ESQ

The Meeting was called to order by Chairman Dingman at 7:00 Opm.

Roll Call of members and Officials.

Chairman Dingman entertained a Motion to Approve the Minutes of April 16, 2014.

ON A MOTION BY MR. GETTY, seconded by Ms. LaRose, the minutes of the April 21, 2014 meeting were approved.

AYES: 6

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, Plan Manager for RWS. Mr. Student introduced his attorney, Andrew Gilcrest, ESQ of Tuczinski, Cavalier, Gilchrist & Collura, P.C. of Albany, NY and Dave Alexander, Managing Principal, Air Resources Group LLC. Mr. Alexander is the noise and air consultant for RWS.

Mr. Gilchrest stated Mr. Tuczinski could not be here tonight due to a conflict in scheduling. Mr. Gilchrist briefly addressed several of the sound mitigations. There have already been some implemented and some of which will be implemented. Mr. Gilchrest stated for the record there was a submittal by Mr. Alexander. Mr. Gilchrest stated Mr. Alexander is here tonight and will be able to address any technical questions. He then asked Mr. Student to show the Board on the map what RWS has been doing.

Mr. Gilchrest stated there have been plant and yard operations addressed. As Mr. Alexander stated in his letter they are addressing truck movements on site. There are certain log storage areas that have been sighted on the property to address potential noise mitigation while they are jockeying and moving equipment on the site as well as for storage of logs on the site. There is an existing sound barrier fence, the log wall they are completing. It will be 12 feet high. That is designed to be noise mitigation as well.

Also in Mr. Alexander's letter it is stated that there is also an existing wood slot fence. Mr. Gilchrest stated what you can do in this situation is purchase a sound curtain which can be applied that would absorb some of the sound and also reflect some of the sound. These can be incredibly effective. The sound curtains were ordered and when they arrived they were the wrong size. (see attached)

Mr. Gilchrest stated in Mr. Alexander's letter he addressed the strictness of the sound levels. Mr. Gilchrest stated based on his experience, the sound limits are incredibly low for either heavy industrial or an industrial operation.

Chairman Dingman stated RWS agreed to these limits with their Engineer, the Town's Engineer, and the IDA's Engineers.

Mr. Gilchrest introduced Mr. Student to address what has been done on the sight and what they plan to do.

Mr. Student stated the first thing they did was relocated some of the trailers as Mr. Alexander suggested. Mr. Student purchased noise blankets that are hung on the inside of the shaker room and have hung them on the outside of the building. These blankets will be left there until the shaker building is torn down and a new building is up with sound insulation inside it. The new building will be totally enclosed in the future. This building will go along with the new dust collection system they will be putting in. Hopefully this will be done in late June or July. They have increased the log storage area to the back corner and will continue to increase it. The log wall will stay there permanently. It will be 12 feet high and one solid wall wide as they had there before. The fence will remain where it is. There will be 6 8 x 10 sound panels that are set up for outdoors. These sound panels will be placed on the wall presently in place.

Mr. Student stated they have had two complaints about the doors being opened. The door has to be opened at least once a shift in order for them to remove by products of the operation. Mr. Student stated he has told his employees he does not want the door opened from 11:00 pm to 7:00 am.

There was also talk about the trees that are there and replacing them with bigger trees. This will not be happening. There are a lot of different ideas that could be done. They could put a fence there but Mr. Student does not see what benefit that would be.

They went out and did some sound testing today near Mr. Kelly's property. They were at 42 dB with the plant running. They did another sound test at near the former Lowell property and were in the mid 40's dB range. He is not sure what more can be done after the upgrades are done.

Mr. Miller questioned Mr. Alexander the effectiveness of the plantings along the radius of the property.

Mr. Alexander stated the problem with plantings is the velocity. They would have to be at least fifty feet deep. They need to be mature plantings. The plantings will not be effective but the truck bodies will be very effective if maintained at an angle where they disrupt the sound levels. The log is very similar to a highway barrier that is made out of wood. Mr. Alexander stated a log wall would be better than a highway barrier. The material is hard wood and very dense. As long as the height of the log wall is maintained it should be very effective. The nature of wood is an absorbing material for sound waves.

Chairman Dingman stated he does appreciate what has been done to date. He questioned if anyone has met with the Kelly's.

Mr. Alexander stated had there been a meeting two weeks prior he would have spoken to the Kelly's then. He was not going to travel here if there was not a meeting.

Chairman Dingman stated one of the requests from the Board was for someone to have met with Mr. Kelly and/or Mr. Underwood for a special meeting. The other concern is the direction of the trailers going towards Mr. Kelly's.

Mr. Alexander stated the elevation has a big effect on the sound. You want to deflect propagation as you can.

Dennis Kelly stated the trailers are not permanent they are moved around leaving gaps. They are customer's trailers and when they fill them there is a twenty foot gap. He does not believe this is a fix. It is a blind to a fix. The trailers are in and out all of the time.

Chairman Dingman stated to avoid the gaps is there something else that can be put in there.

Mr. Student stated they have eight storage trailers in those locations. The storage trailers are used to store their bags in.

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

Dan Colomb stated he believes the height of the trailers and the elevation of his house and Dennis's house will not fix the problem. He would like to the elevation at both houses checked.

Chairman Dingman stated he thought Mr. Alexander had met with Mr. Kelly and Mr. Colomb. Chairman Dingman has looked at the report and feels Mr. Alexander does need to go to the properties to check the elevations.

Bill Underwood stated RWS should be commended, he can sleep nights and that is a good thing. The nights he has been out he is still getting the grinding noise, shaver noise, loader noise and the clanking noise but it has not gone above the noise levels. During the day it is not as bad. Mr. Underwood believes they are making progress. It's getting better.

Chairman Dingman addressed the issue of getting the submissions here before the meetings and not the day of the meeting. The submissions need to be here a week before the scheduled meeting.

Chairman Dingman stated we are trying to work with you. One of the concerns is the noise levels. There were three engineers involved with the noise levels. For the record whether RWS should have been put in the IDA Park or not he does not know. But it is there and we got to work with it too. There has been a lot of discussion on cost. Chairman Dingman questioned how much of this cost is driven by OSHA.

Mr. Student gave an update on OSHA. They are negotiation with them on the fines. They feel confident with all of the changes they have made and the ones being proposed they will come out of this very positive.

Chairman Dingman stated we need to see the changes. We are in a position that we are here month after month and again what changed? We have a report but we have been told before those things would be done that have not. You will contact Mr. Kelly and Mr. Underwood to look at the elevations, maintenance of the wall, we need the as built drawings, and Mr. Cortes needs to check the storm water and make sure that is as built.

Mr. Miller would like them to look at the feasibility of doing something with the door.

Mr. Student stated they will look at keeping the door closed. Maybe they could use totes, they have bought fans. They will consider keeping the door closed.

Chairman Dingman stated he would like to bring this to a close by the end of the June meeting. He believes everything the Board has asked for could be done.

Mr. Gilchrest stated they would only ask that the Board grant them another shift on Saturdays. The hours would be from 7:00 am until 3:00pm.

Chairman Dingman stated this would not happen until Mr. Alexander spoke with Mr. Kelly and Mr. Underwood and we get some kind of resolution or something that is reasonable. Chairman Dingman and the Board ask for this over a month ago to speak to the neighbors.

Mr. Gilchrest proposed allowing the shift subject to making sure within thirty days if Mr. Alexander has not met with the neighbors and there are no as built, and we are back in a month you stop that shift. It is very important for the company to have this shift.

Mr. Alexander stated he promised he would meet with the neighbors next week, if it is convenient for the neighbors.

Chairman Dingman stated he would be willing to meet again after Mr. Alexander meets with the neighbors and that way you would not have to wait a month.

Mr. Student stated he would like to set it up for next Wednesday and guarantees Mr. Alexander will be in touch with the neighbors.

Mr. Kelly stated he needs to get it through to the Board, when you stand at his house you are over the trailers, so there fixes are not correct.

Chairman Dingman stated this is what Mr. Alexander is going to see when he goes there. This is what we are looking for.

Mr. Kelly stated if they have a special meeting for a temporary fix, this is not a fix.

Mr. Gilchrest stated he does not want to be argumentative he is sitting next to a fellow with 30 years' experience, when he hears in his professional opinion this will mitigate noise, I think it is worth expiration, installation and allow it to work. With all due respect to the neighbor he will listen to the expert.

Mr. Alexander corrected Mr. Gilchrest stating he has 41 years' experience.

Chairman Dingman stated he wanted the expert's opinion after Mr. Alexander has spoken to the neighbors.

Mr. Alexander stated he needs to see the three projects completed and Mr. Student promises him that these are happening as quickly as they can. These three projects are accumulative and when they are done hopefully people are going to be happier. If we can deal with the height issue in the yard he will come up with something for that. He has to see the net effect first.

Chairman Dingman stated he would like to see Mr. Alexander meet with the neighbors, he is does not know if the trailers will work but he does understand what Mr. Kelly is saying but does not know if that is necessarily feasible but there has to be something that can be done.

Mr. Meyer questioned the placement of the trailers and the access for the fire trucks.

Mr. Student stated the placement of the trailers will not affect the access roads.

A special meeting was scheduled for Thursday, May 29, 2014 at 7:00pm.

2. DAVID BRINDLE, contract vendee of Tax Map # 137.-2-24 commonly known as 22 Park Road, Town of Kingsbury, wants to discuss the possibility of outdoor storage. His approval on November 20, 2013, prohibits outdoor storage.

Chairman Dingman introduced David Brindle, Dean Column Co. Inc. to address the Board.

Mr. Brindle stated he is here tonight to discuss outside storage. He has been trying with his best effort to get everything inside the building. This will not be happening. They have had problems with the fork lifts they were using to move things around. He is here to see what the Board thinks of putting up a fence.

Chairmen Dingman questioned Mr. Brindle where he was at with purchasing the building.

Mr. Brindle stated according to his lease he cannot purchase the building until November. In November if he can purchase the building the problem of storage would be taken care of. At this time he would like to install a fence to enclose that area.

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

Mr. Brindle will be back before the Board on June 18, 2014 with a modified plan.

3. MATT TOUGAS, owner of tax map# 146.-2-19.4 commonly known as 3157 State Route 4 is presenting a conceptual plan to convert a garage into a cafe

Chairman Dingman introduced Matthew Tougas to address the Board.

Mr. Tougas stated he is here tonight to discuss with the Board the possibility of turning a garage into a café. The original plan was to turn the garage in to a café and then Mr. Tougas had the opportunity to by a miniature golf course and added this to the list.

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

Issues such as a lot line change and Department of Health responses were brought forth.

ON A MOTION BY MR. GAUCI, and seconded by Ms. LaRose all in favor, the meeting was adjourned at 9:05 p.m.

Michelle Radliff
Secretary