

## MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of May 29, 2014

### MEMBERS PRESENT:

Robert Dingman, Chairman  
Michele Abbenante  
Randy Getty  
Karen LaRose  
Ian Miller

### MEMBERS ABSENT:

Dave Gauci – (Excused)  
Randy Weaver - (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.

**1. RWS MANUFACTURING, Inc. PLEASE TAKE NOTICE** that, a special meeting and public hearing will be held by the Town of Kingsbury Planning Board on May 29, 2014 at 7:00 p.m. at the Offices of the Town of Kingsbury, 210 Main Street, Hudson Falls, New York, to discuss and receive public comment on the site plan application of 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 modification to the 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, Dan Tuczinski, 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. Student thanked the Board for having this meeting. He presented the Broad with the as built as well as a letter from Nace Engineering that indicated where they will be storing some of the log wall. There would be no ill effect on the storm water. Mr. Student stated with the letter and the approval they will be starting the wall and will have it built within a week. This weekend they will start hanging the sound proofing material. Mr. Student asked to keep in mind the new building for Glens Falls Labels and where is going to be located.

Therefore he does not think they need the sound barriers in that area. If they find they do need them will put them in. Also this weekend they are taking the drum down and putting a new support beam in, mixing with a new oiler system. One end of the drum will be done and then in a couple of weeks the other end will be done. Mr. Student stated any crushing, grinding noise that Mr. Kelly is hearing should go away. Mr. Alexander did spend some time with the Mr. Kelly. Mr. Alexander will be addressing the Board as to how the meeting went.

Mr. Alexander stated he spent about an hour and half with Mr. Kelly on Wednesday, May 28, 2014. Mr. Alexander stated he tried to air every issue possible with Mr. Kelly. He gave him the opportunity to ask any question, any comment and Mr. Alexander offered his opinion back. Mr. Kelly showed Mr. Alexander locations on the property where he thought he had good visibility on his property. Mr. Kelly should him where he could see the door is opened and Mr. Alexander agreed with Mr. Kelly.

Mr. Alexander presented the Board drawings where exactly the elevation and line of sight from Mr. Kelly's property. As long as the trailers stay in the positions they are they are a good block but are not the complete. After seeing this he recommended to RWS a highway style wood wall to block the line of sight at the Kelly property. By blocking the line of sight this wooden wall on top of the berm where the trees are located will alter the direction of the noise. By blocking that we do essentially the same thing the Federal Highway Administration does with their designs.

Mr. Miller questioned the height of the wall and the height of the berm.

Mr. Alexander stated the wall be 12 feet high. Mr. Student stated the berm is between 3 and 4 feet. Mr. Alexander stated the trailers would basically invisible from the other side of the wall. Mr. Alexander explained the different types of sound barrier walls. By installing the wall it will reduce the sounds Mr. Kelly is hearing. Everything he hears around his property is the sum of all of sounds of everything it should make a significant difference. The likelihood of people hearing little or no basic plant operation of the shaver table when the door is opened, he should probably not hear at all. He may still hear the trucks because they are on the outside of the wall on Ferguson Lane. This is the best solution Mr. Alexander sees and also is the suggestion that Mr. Kelly ask for.

Mr. Student stated today to Mr. Alexander owner ship has accepted this suggestion to build a highway style wood wall defining that line sight for the Kelly's.

Mr. Student they would run a balloon test or marker test, go over to Mr. Kelly's and make sure his line of sight and the balloons or markers are covering the area. Mr. Alexander stated Mr. Student will go over to Mr. Kelly's and take a photo and see where the balloons line up with Mr. Kelly's property. By doing this they will know which way to put the fence.

Mr. Miller question if the fence is only for Mr. Kelly's property. Also, questioned about Mr. Colomb property.

Mr. Alexander showed the Board where the fence would go. This will be effective for sound emanating from the side of the building facing Mr. Kelly and Mr. Colomb.

Mr. Alexander stated you have to start the wall to see how much is needed. They can build walls but until they find out if they are effective why would they build a wall if it was not effective? This wall for the Kelly's is a starting point. If in a month from now when Mr. Student is finished with the wall he will sit down with Mr. Kelly for an hour or so and pay attention to what they hear. He will be there observing to see what kind of reduction they are getting.

Discussion ensued where the trailers were going to be placed.

Mr. Kelly stated Mr. Colomb hears a lot of noise and has a line of sight to the shaver doors. They are also getting noise out of the yard from the trucks going back and forth. Mr. Kelly stated if the fence was extended to the entrance it would block Mr. Colomb's view and block more noise coming out of the yard and wouldn't look so goofy. It would do dual purpose. It would block more of the yard and Mr. Colomb's line of site to the doors.

Mr. Colomb question if the trucks would be running in the evening.

Mr. Student stated they would run their own truck to bring logs in but a lot of trucks don't come in past 7:00pm.

Mr. Kelly stated again that the fence should be extended to the entrance way and it would block a lot of the noise from the log truck going back and forth. .

Mr. Alexander stated Mr. Kelly might be right and that is something they may have to talk about down the road.

Chairman Dingman stated we should start with this but it is opened ended in terms if there is still an issue we can address it. We are not asking you to do more than necessary but we do expect you to do as necessary.

Mr. Student stated they will have the wall up if they get approval and if there is a little give and take they will have it done in thirty days.

Mr. Tuczinski questioned the Board if they put a design together and have everything else together, they are trying to move quickly, and the Board is in agreement and RWS get an approval they will come back and see where they are at with what has been done.

Mr. Student stated he would like to understand what Mr. Kelly is looking for.

Mr. Kelly stated he would like to shoot the grade from the edge of his property. From this you would know the height of the door.

Mr. Getty stated to Mr. Kelly your property has different height also. Do you want it from the ground floor of your house, window height?

Mr. Kelly stated they would be pretty close.

Mr. Student questioned Mr. Kelly if they took a shot at the edge of his deck and one at the door and then the height of the door.

Mr. Alexander suggested putting flags on one of the trucks and on the shaver room door where you can see, you would not have to shoot it but you will be able to take a photo of that line.

Mr. Kelly agreed to this.

Mr. Miller stated it is great they are looking at Mr. Kelly's property but he thinks they should be looking at Mr. Colomb's property as well. If they are going to build a wall he feels RWS should extend the wall a little bit further you could kill two birds with stone.

Mr. Alexander stated he thinks that might be something they have to look at. He is not sure how far the fence will be that Mr. Student indicated on the drawing because it gives the Board the wrong impression. Whether or not that is the fence length they would have ended up with he does not know and would like to see what they will be doing. Mr. Alexander would like to run a visibility check first.

Mr. Miller still had concern with the length of the wall.

Mr. Alexander stated they don't know how long the wall will be until they actually put up flags and flag the line of sight. The wall will age over time and will actually acquire an appearance of a log, which will acquire a natural appearance which you may find attractive.

Paul Bromley, 270 Kingsbury Road, stated he thinks this is a great idea. Mr. Bromley questioned if the W/W IDA needs to approve the changes. Mr. Bromley stated he feels the IDA should be included due to they are the ones who required the trees as buffers.

Mr. Student stated he has spoken to Tom Nace, Nace Engineering regarding this. Mr. Nace will contact the IDA engineer if they get their approval tonight.

Chairman Dingman stated he would like to see a list of items of things to be done with dates on them. He recommend to the Board temporarily allow operation on Saturday's from 7:00 am until 12:00pm. We will revisit if you nail everything down by the June meeting and we can close the public hearing and make a final decision.

Mr. Tuczinski questioned if the Board would consider allowing them to work until 3:00pm on Saturdays as they are already working until 7:00 am. Mr. Tuczinski stated they Chairman Dingman stated he is will to give them five hours on Saturday and they are asking for eight hours. They will not be working every Saturday. They will need to be shut down at least one weekend a month.

Mr. Alexander stated after speaking with Mr. Kelly he told Mr. Student this is a relationship issue. The company needs to be a part of the community. Mr. Student agreed to this.

Chairman Dingman stated for the record talking to the neighbors will be part of the stipulation.

Chairman Dingman stated he would like to have a resolution put together for the June meeting. Mr. Student agreed to this request.

Chairman Dingman asked the Board for their opinions.

Ms. Abbenante stated she feels if RWS is going to work until noon Saturday s , why not let them work until 3:00pm and have a normal shift if they are doing to live up to their end do everything they are supposed to do.

Mr. Student stated he understands the extra shift can be stopped at any time the Board does not think they are complying.

Mr. Kelly stated he appreciates the move forward; it is coming along quite well. One issue he does have is from the time they have been coming here to get to this point they haven't technically gotten anything done. He feels that if you give RWS extra hours they still will not get anything. He feels if you do not give them the extra time it will speed them up getting other things done. He would like to see the Board say when you get the work done then you can have the extra hours.

Chairman Dingman stated he understands Mr. Kelly's and doesn't disagree with him a hundred percent although that has not been effective in the past; the bigger club is being able to pull the rug if we have to.

Mr. Student stated there was a meeting today with both owners being here and there is a changing of the guard happening. The two owners will be participating significantly less in the day to day and month to month operation of the plant. There is a new ownership coming into the company. They want to be proactive and not reactive. Mr. Student believes this is a positive change.

Chairman Dingman stated he would like to see some progress being done. There have been a number of things that were supposed to be done that have not.

Mr. Student stated he has permission to start on the wall unless any of the Board decides he cannot build the log wall. All sound barriers that were purchased are here. Mr. Student is going to start installing them on the weekend. He will put the first two up to make sure they function properly. He will be tearing fences down as he puts the sound barriers up.

Chairman Dingman stated he did not think anybody would object to building the wall as long as the drainage is ok.

Chairman Dingman stated he would like dates as to when the projects will be done and hopefully this can be resolved at the June meeting.

**ON A MOTION BY MR. GETTY**, and seconded by Mr. Miller all in favor, the meeting was adjourned at 8:10 pm.

Michelle Radliff  
Secretary