

PLANNING BOARD
Town of Kirkwood
70 Crescent Drive
Kirkwood, NY 13795

August 10, 2020
Meeting Minutes

Present: Mike Maciak, Associate Member Bob Heary, Attorney
 Kevin Balachick, Member Chad Moran, Building & Code Inspector
 Dan Wasson, Member
 Jim Bukowski, Member

Absent: Marchie Diffendorf, Chairman
 Gordie Woolbaugh, Member

Jim Bukowski called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES:

Motion by Mike Maciak and second by Dan Wasson to approve the minutes of the June 8, 2020 meeting as submitted.

All voted in favor. Motion Carried.

E.A.F. – EMPIRE STANDARDS, LLC:

Mr. Heary stated that question #14 was left blank, which is identify the typical habitat types that occur on, or are likely to be found on the project site. The answer should be Urban.

Mike Maciak asked if they were going to bring the containers in to house this for the clean room and Mr. Castetter explained that the container is the size of a shipping container. It is not mobile, it is on stilts. It will be sitting in one place. Inside that is an automated bottling line, pump filler, capper, a shrink machine and a labeler. The container is a clean room and the products that go through it have NYS stamp of approval with the highest standard of production before pharmaceutical grade. Jim Bukowski asked if it was self-contained with its own air and ventilation system and Mr. Castetter stated yes. Mr. Fiacco explained the HVAC system turns over the air every 90 seconds. It goes through two sets of filters and exhausts the air accordingly with zero emissions. Jim Bukowski asked if the emissions are exhausted to the exterior of the building and Mr. Fiacco stated yes, it goes out on the roof top unit.

Kevin Balachick asked if the container will be inside the building and Mr. Fiacco stated yes. Mr. Castetter stated the northwest side of the building, bordering Colesville Road.

Kevin Balachick asked how the raw materials are handled and what size capacity are they in, 55-gallon drums and Mr. Castetter stated 55-gallon drums but also pallets. It depends on the ingredient. The major ingredient comes from coconuts and that arrives in 55-gallon drums with a shelf life of two years. They are in locked containers so they can't be tampered with. A little product goes along way. A liter pale can create up to 10,000 units of product and these products are in one to two-ounce bottles. They will have a racking system for storage.

Jim Bukowski asked what is the quantity of product that can be produced in a months' time and Mr. Castetter explained if producing every single day, it is 2,000-4,000 units per shift, 20,00 – 50,000 units per month and in the next 60 days they plan on 35,000 units. This line is very versatile with creams and oils. They require four people total to operate the line.

Jim Bukowski asked if in the future they would see the need for extraction or are you always going to bring in product already extracted and Mr. Castetter explained there are a number of good processors in New York State and they have partnerships with various ones. They don't plan on doing any extracting, it is complicated and expensive.

Mike Maciak asked how many containers are there now and Mr. Castetter stated one. Mike asked if they were expected to bring more in and Mr. Castetter stated in the next coming year they hope to expand with a modular system so they can add a dedicated line for one product that is very popular. Jim Bukowski stated to clarify this hearing now is specifically for this container alone. In the future, as you bring those in, you will have to go through the review process as you are tonight. Mr. Castetter agreed.

Mr. Heary reviewed Part 2 with the Board Members and the Members answered no to all questions.

Jim Bukowski stated in Part 3 the second box should be checked. A copy of the complete Short EAF is included in the file.

SITE PLAN REVIEW – EMPIRE STANDARD, LLC:

Mr. Heary explained that back in 2006 this entire building was subject to a site plan and now they are piecing out a part of the building to use for this particular project. A lot of the site plan requirements that we usually look for such as landscaping plan, architectural wouldn't be necessary for this. Obviously, you can decide otherwise. Jim Bukowski asked if there was a floor plan for this and Chad Moran stated yes. Mr. Heary asked where the container would be located within the building and Chad Moran explained it is in the old Fed Ex building on the corner of Colesville and Industrial Drive. The container was pushed in through the garage doors.

Jim Bukowski asked Mr. Fiacco as you add on these modules are they connected or are they individual and Mr. Fiacco explained they are individual with their own little environment. Jim Bukowski asked if they had an overall floor plan for expansion as this continues and Mr. Fiacco stated they don't have a floor plan for expansion now.

Mr. Heary, referring the Broome County comments, asked from his understanding there will be no hazardous materials handling, storage or disposal on site and Mr. Castetter stated no, nothing hazardous. Jim Bukowski asked if they had a hazard mitigation plan such as a spill or a fire and Mr. Castetter explained anything that they use is non-caustic, it is coconut based.

Mr. Heary asked if they would be storing any fuel on site and Mr. Castetter stated no. Mr. Heary stated we talked about the solid waste, safety and security. For parking, they said they would have 10 parking spaces. Technically under the code you need one for each employee plus two additional and you said you would have up to 10 employees which would make 12 parking spaces that you would need. The Board can waive that. Jim Bukowski stated there is a lot of parking around that building. Mr. Castetter stated they have ample parking. Most employees at Modern Marketing Concepts are working from home at the moment.

Mr. Heary asked for receiving is there a loading dock at the building for those type of things and Mr. Castetter stated yes, on the northeast side of the building. Mr. Heary stated one of the code requirements is if they have trucking they are supposed to have a plan for how they go around.

Jim Bukowski reviewed the comments from Broome County with the Board and the applicants and are included in the file.

Jim Bukowski commented this is a modification to an existing use. He suggested that if they come back in for expansion they give us a floor plan that shows the location of where the containers are and the proximity of the building so we have a good idea of where they are located and how they are situated. He went on to say we have covered the conditions other than make it be known that they have to comply with state and federal emissions standards and comply with the Town's documentations of Article 5 with no toxic emissions on site. Mr. Heary suggested that the Planning Board include in addition to the permitting, the licensing and the law, regulations related to the manufacturing of hemp related products due to how heavily regulated the industry is. Jim Bukowski asked if Chad gets a copy of the licensing and Chad stated they have to go through the state for that. Mr. Heary stated it would only come back to the Town if their license got pulled for some reason.

Motion by Kevin Balachick and second by Dan Wasson that the Planning Board, as lead agency in this Unlisted Action, declare a negative declaration for the purpose of SEQR, since based on the review of the short form EAF and the updated site plan, the proposed action will not result in any significant adverse environmental impact in the Town of Kirkwood.

All voted in favor. Motion Carried.

Motion by Dan Wasson and second by Kevin Balachick to approve the site plan.

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| Roll Call Vote: | Kevin Balachick | Yes |
| | Dan Wasson | Yes |
| | Mike Maciak | Yes |
| | Jim Bukowski | Yes |

Motion Carried.

LES SIEDEL – CONTINUED FROM PREVIOUS MEETING:

Mr. Heary explained we have the 239 review comments back from Broome County. We approved the application with the condition that if there was something in the 239 comments that wasn't addressed that they would be incorporated. Mr. Heary stated that nothing could go in the right-of-way and the two driveways there may be an issue with that. The driveway issue was discussed at part of the last meeting.

Motion by Dan Wasson and second by Kevin Balachick that the comments received from Broome County were addressed as part of the original site plan and no further action is required.

All voted in favor. Motion Carried.

Motion by Mike Maciak and second by Kevin Balachick to adjourn the meeting. The meeting was adjourned at 7:31 pm.

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board

cc: Planning Board Members
Gayle Diffendorf
John Finch, Jr.
Katie Legg

Dan Griffiths
Scott Snyder
Bob Heary
Code Department