

1       STATE OF NEW YORK                   COUNTY OF RENSSELAER  
2       TOWN OF SCHODACK  
3       \*\*\*\*\*  
4                   PLANNING BOARD MEETING  
5       \*\*\*\*\*  
6       THE STENOGRAPHIC MINUTES of a portion of the  
7       above entitled matter on June 7, 2021 at the  
8       Town of Schodack Town Hall, 5 Schuurman Road,  
9       Castleton, New York, as it pertains to Scannell  
10      Properties, by NANCY L. STRANG, a Shorthand  
11      Reporter at 7:13 P.M.  
12  
13      BOARD MEMBERS:  
14      DENISE MAYRER, CHAIRPERSON (RECUSED)  
15      WAYNE JOHNSON, ACTING CHAIRPERSON  
16      JAMES SHAUGHNESSY  
17      LAWRENCE D'ANGELO  
18      ANDREW AUBIN  
19      JOHN LAVOIE  
20      STEPHANIE LEONARD  
21  
22      ALSO PRESENT:  
23      CHRISTOPHER LANGLOIS, ESQ., SPECIAL COUNSEL TO  
24      THE PLANNING BOARD  
25      NADINE FUDA, DIRECTOR, PLANNING & ZONING

1       MELISSA KNIGHTS, PLANNING & ZONING SECRETARY  
2       DAWNE KELLY  
3       STEVEN BOISVERT, PE, MCFARLAND JOHNSON  
4       ADAM FROSINO, PE, MCFARLAND JOHNSON, (VIA ZOOM)  
5       DANIEL MADRIGAL, SCANNELL PROPERTIES, (VIA  
6       ZOOM)  
7       TERESSA BAKNER, ESQ., WHITEMAN OSTERMAN &  
8       HANNA, (VIA ZOOM)  
9       WILLIAM DEMAREST, ESQ., BIRCHWOOD ASSOCIATION  
10      MORGAN RUTHMAN, (VIA TELEPHONICALLY)  
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1           MR. BOISVERT: Good evening, I am Steve  
2 Boisvert with McFarland Johnson. I have here  
3 with me Daniel Madrigal with Scannell  
4 Properties, Adam Frosino with McFarland Johnson  
5 and Teresa Bakner from Whiteman Osterman and  
6 Hanna.

7           What we would like to do is just let  
8 the Board know again this exact property has  
9 seen two previously approved sale  
10 distribution centers on it. We have since  
11 submitted the updated plans that we  
12 presented at the public hearing last meeting  
13 in which we emphasized that we extended the  
14 noise wall all the way to the east and we  
15 also moved it a little bit north to allow  
16 for landscaping to occur between the wall  
17 and the property line - the entire length of  
18 the wall.

19           And if I could ask Adam Frosino to  
20 share the screen and share with the Board  
21 the updated landscaping plan?

22           While he's doing that, the additional  
23 plans that were submitted approximately a  
24 week and a half to two weeks ago included  
25 the corresponding grading plan,

1 corresponding to the wall extension and  
2 updated lighting plan that responded to a  
3 comment of lowering the light poles.

4 We also submitted the updated noise  
5 study, again, to reflect the additional  
6 length of the noise wall.

7 We also submitted as we spoke last  
8 time, the updated wetland delineation map.

9 We also responded to the DOT site  
10 distance comment in which they had asked for  
11 us to analyze a site distance at the three  
12 driveways based on the 85 percentile medium  
13 speed limit of 51 miles per hour.

14 So, what I just want to go back to  
15 share with the Planning Board is a revised  
16 landscaping plan and you can see along the  
17 south property line right where Adam's  
18 cursor is going - we have extended  
19 landscaping the entire length of the noise  
20 wall between the wall and our south property  
21 line, again, to help screen the wall itself.  
22 This is just a continuation of the wall to  
23 the west and we wrapped the landscaping  
24 around the truck parking to reflect the  
25 exact extent of the noise wall.

1           We have also submitted a detailed  
2       response to Acting Chairman's comment letter  
3       with regard to sight distance at the three  
4       intersection driveways. We have concluded  
5       with detailed backup horizontal and vertical  
6       alignment and calculations that the current  
7       driveway scenario works and satisfies New  
8       York State DOT sight distance requirements  
9       and that flipping the driveways and  
10      reversing the circulation because of the  
11      sight distance could not be met for the  
12      exiting trucks. The current configuration is  
13      what we are recommending and is approved by  
14      the site distance criteria set by the DOT.

15           We have also responded point by point  
16      to the balance of Chairman's comments with  
17      regard to the noise study, the additional  
18      trucks that would traverse between the two  
19      facilities and the detailed other comments  
20      in his letter.

21           So, with that, I would be happy to  
22      answer any questions from the Board. We will  
23      respond to all the public comments that we  
24      have received to date, including what  
25      received today and we do have a comment

1 letter from the Laberge Group that we will  
2 also respond to as soon as the public  
3 comment period has expired.

4 ACTING CHAIRPERSON JOHNSON: I have a  
5 couple of comments - Wayne Johnson.

6 In response to the question about the  
7 noise impacts on the Conlon property, you  
8 told me to look at the report. I have the  
9 report. I have a question about the noise  
10 impacts. You said in the report that you had  
11 an increase of 1 decibel. It doesn't look  
12 like you're addressing all of the truck  
13 back-up beepers and alarms that have been  
14 addressed and asked a number of times and  
15 other letters from residents and pretty much  
16 that was part of what I was asking - how do  
17 all these back-up alarms and truck exhausts  
18 and all this other noise including air  
19 conditioning fans on the roofs - how does  
20 that only add 1 decibel to the property  
21 adjacent to your facility? It doesn't make  
22 sense to me and I would like to better  
23 understand where that comes from.

24 MR. BOISVERT: Are you referring to the  
25 analysis before the wall is installed? Because

1 after the wall is installed, the wall actually  
2 attenuates the noise and the noise study did a  
3 combination of all noise sources combined into  
4 one including the rooftop units, the trucks  
5 traveling within the site and also the mule  
6 which is the vehicle that transports parked  
7 trucks either from their parking stall to the  
8 loading dock and vice versa. So, the  
9 attenuation of the wall results in either a  
10 decrease or only a 1 decibel increase along the  
11 south property line, but the wall attenuates  
12 all noise.

13 ACTING CHAIRPERSON JOHNSON: I'm sorry but  
14 I didn't see that in your response that the  
15 wall was going to be affecting the noise. I  
16 don't know where the wall came in.

17 It hadn't been in the plans until  
18 recently, Rich? I don't know.

19 MR. BOISVERT: No, the wall was always in  
20 right from the beginning and it was roughly 600  
21 feet. It extended so if we look at the plan,  
22 where the cursor is right where Adam is showing  
23 it, it was always on the original application  
24 drawings in that southwest corner.

25 ACTING CHAIRPERSON JOHNSON: I'm talking

1 about the house on the other side. The Conlon  
2 property is on the other side of your facility.  
3 They are within very close range to all of the  
4 truck parking and the bays for the trucks. So,  
5 you have back-up alarms ad nauseam - 40 trucks  
6 an hour at peak, both ways - in and out. I just  
7 don't understand. Did you also address the  
8 comments about using lower intensity back-up  
9 alarms during the lower noise times of the  
10 evening or day when the high intensity alarms  
11 are not required? I didn't see that.

12 MR. BOISVERT: Yes, that's in the report  
13 itself under the recommendation section where  
14 we will be recommending the lower decibel  
15 backup alarms basically at all times,  
16 regardless if it is at night or during the day.

17 ACTING CHAIRPERSON JOHNSON: So who do you  
18 recommend a lower decibel alarm to? Do you tell  
19 the truck driver to put a lower decibel alarm  
20 on his truck, or do you require it of all the  
21 trucks that comes into the facility?

22 MR. BOISVERT: So, Amazon would require it  
23 of all trucks that come onto their facility. It  
24 is an industry standard and if there's a  
25 noncompliant truck, there are certainly



1 full-time staff at Amazon that would make sure  
2 that truck gets equipped as soon as possible.

3 With regard to the neighbor that you  
4 are referring to, our noise study did  
5 analyze that particular residential property  
6 and you can see in the noise study that the  
7 noise does not increase over more than 3  
8 decibels and a 3-decibel increase is the  
9 limit that DEC has said that you could not  
10 hear any increase less than 3 decibels. So  
11 we did address that residential property in  
12 our noise study. We can clarify as a  
13 follow-up and respond to your comment  
14 tonight -

15 ACTING CHAIRPERSON JOHNSON: I don't  
16 understand when you have a wall built on the  
17 other side of the facility to protect what you  
18 call commercial property, which technically  
19 according to Mr. Ruthman isn't going to be a  
20 business. It's going to be residential. You  
21 have the wall to protect the noise levels  
22 there, but you don't have any need to protect  
23 noise levels at the Conlon property, which is  
24 within the same distance from the facility.

25 MR. BOISVERT: But we did model - and the

1 reason is that we don't need a noise wall is  
2 because noise attenuates by distance, also. So,  
3 we have attenuated over distance the noise  
4 level at that particular property. Som, it was  
5 determined that a noise wall was not needed.

6 There is also a large elevation  
7 difference. The site is roughly 25 to 30  
8 feet higher than that residential property.  
9 So, that proper events analyzed and all the  
10 noise associated with this project was  
11 dissipated in the 360 degree radius around  
12 the project site and it was determined no  
13 noise while was needed for that property.

14 ACTING CHAIRPERSON JOHNSON: So, what do  
15 the Conlons do when all the trucks making  
16 back-up beepers and equipment on the roof and  
17 exhaust create noise and are above what is  
18 existing?

19 MR. BOISVERT: Is the question after the  
20 facility is up and running - if noise exceeds  
21 what our projected noise levels are?

22 ACTING CHAIRPERSON JOHNSON: Yes.

23 MR. BOISVERT: What is the course of  
24 action of a particular individual?

25 ACTING CHAIRPERSON JOHNSON: Yes.

1           MR. BOISVERT: I would assume that they  
2           would call the Code Enforcement Officer at the  
3           Town and the Code Enforcement Officer would  
4           come out and investigate the situation with  
5           either a noise meter or some type of recording  
6           device and then report back to Amazon - the  
7           facility owner - and appropriate corrective  
8           action would be taken.

9           Our noise consultant has done noise  
10          studies for Amazons all across the country  
11          and has a really good handle on all the  
12          noise generators from this exact type of  
13          facility and has modeled the noise  
14          associated with this facility and dissipated  
15          over a 360 degree radius and has determined  
16          that because of this particular individual's  
17          house is further away than the property to  
18          the south - it also has huge elevation  
19          distance -- the noise this particular  
20          facility would not impact that resident.

21          ACTING CHAIRPERSON JOHNSON: And why isn't  
22          that part of the final work of the project?  
23          When you build the project you open it and you  
24          start running the trucks on the property - why  
25          isn't there someone coming out and checking to

1 make sure that the noise analysis matches the  
2 report? Yes, the noise actual noise there would  
3 match the report.

4 MR. BOISVERT: Why isn't that done?

5 ACTING CHAIRPERSON JOHNSON: Yes.

6 MR. BOISVERT: Well, if it's a condition  
7 of approval, we would take that into  
8 consideration but is not normally done.

9 ACTING CHAIRPERSON JOHNSON: I also found  
10 that on the first Amazon, lighting isn't  
11 exactly what we thought we were going to get.  
12 So, we need to follow-up on that.

13 It seems that there is no follow-up  
14 after a project is built. You get promises,  
15 but you don't actually know that you're  
16 getting what you promised.

17 To change the subject, your response to  
18 my questions about the driveways - I'm not  
19 exactly sure that DOT agrees with you as far  
20 as the safety of the site distance. I would  
21 like to have you look into my suggestion to  
22 put in an acceleration lane, change the  
23 driveway configuration, put in an  
24 acceleration lane which would make it so you  
25 wouldn't have the issue that you have of

1 pulling out into morning traffic and also  
2 the possibility of changing the profile. You  
3 are saying that you have a June 1st  
4 deadline. I don't know that we were ever  
5 told that we had a June 1st deadline. It's  
6 not our deadline.

7 So, if is there some reason that you  
8 can't build the road to meet DOT's needs,  
9 maybe we can't do the project. Why don't we  
10 have somebody meet with DOT again because  
11 from our phone conversation we had a little  
12 meeting - a conference call - and I didn't  
13 understand or didn't believe that DOT said  
14 that they were happy with maintaining a  
15 driveway configuration and they definitely  
16 didn't say they were happy with the site  
17 distance that you were going. We need to  
18 have another meeting and come up with a plan  
19 for what we are going to do with the  
20 driveways. I really don't like the way they  
21 have traffic coming against each other. You  
22 have cars going around trucks to get to  
23 their driveway and you've got trucks  
24 competing with other trucks going in and  
25 out. If you do change the configuration, you

1 would eliminate all of that. Your issue is  
2 the profile. I don't think we have a problem  
3 with the profile.

4 MR. BOISVERT: It's horizontal and  
5 vertical. It's not just a vertical profile.  
6 Horizontally if we reverse circulation on the  
7 site, exiting trunks do not have enough sight  
8 distance to see not only over the crest but  
9 it's a vertical curve that works against the  
10 driver's eyesight. So, reversing the flow on  
11 site will not work even if we lower the road.  
12 We would have to lower the road over 8 feet and  
13 then you have much larger environmental impacts  
14 when you do that. Our plan is to meet DOT in  
15 person and go through that.

16 ACTING CHAIRPERSON JOHNSON: I would like  
17 to be involved with that. Rich would like to be  
18 involved with that.

19 I would also like you to look into some  
20 sort of an acceleration lane because he  
21 didn't address the acceleration. I don't  
22 know if that's kosher. It might not exactly  
23 be kosher, but it's strictly trucks coming  
24 out. An acceleration lane would allow them  
25 to come out and properly get up to speed

1 approaching the intersection and you would  
2 not have that conflict that you are so  
3 concerned about. You wouldn't need the site  
4 distance because it would be a dedicated  
5 acceleration lane for the trucks.

6 MR. BOISVERT: I'm not sure there's enough  
7 distance between their driveway and the  
8 intersection -

9 ACTING CHAIRPERSON JOHNSON: That's why I  
10 asked you to look into it and I don't think you  
11 did any of that.

12 MR. BOISVERT: I still don't think coming  
13 right out has enough sight distances if we flip  
14 driveways. That's the main concern there.

15 ACTING CHAIRPERSON JOHNSON: You own the  
16 property so you can lower those slopes that are  
17 blocking your view. We will look at that when  
18 we meet with DOT.

19 Are there any issues that we need to  
20 address tonight?

21 MS. FUDA: Rich may want to.

22 Rich, did you have anything to say?

23 MR. LABERGE: No, I don't have any. I came  
24 here to listen.

25 MS. FUDA: There is still public comment,

1 so we have to open it up to public comment.

2 ACTING CHAIRPERSON JOHNSON: Well, it was  
3 open for written comment. It was left open for  
4 written comments until tonight. I'm not exactly  
5 sure that we have to provide for public  
6 comment.

7 MR. LANGLOIS: My recollection is similar  
8 to Wayne's which is to be held open to receive  
9 additional written comment beyond the last  
10 meeting, but I don't think we held open the  
11 the public comment period open for comment.

12 ACTING CHAIRPERSON JOHNSON: Just to be  
13 accommodating, does someone in the audience  
14 have a short comment they would like to make  
15 tonight about this project because we did say  
16 that the initial public comment. As for  
17 anything that wasn't on the agenda.

18 Marci -

19 MS. LEONARD: Before they go, can I just  
20 say something?

21 My level of expertise with this is the  
22 landscaping portion of it. That's what I do  
23 for living. So, I am most interested in the  
24 plant list which may end up being irrelevant  
25 but I have some challenges with the sizes



1       and varieties that don't grow in our zone.  
2       So I would like to either talk to somebody  
3       about it, or get more information about the  
4       key and placement and things that are going  
5       to do well that I know I've made these  
6       mistakes in my career. For me, that's what I  
7       bring my value in on this. It doesn't have  
8       to be done now, but I'm going to pay special  
9       attention to this.

10           I pay special attention to the original  
11       Amazon facility. I think it's a little bit  
12       subpar on the size of the facility and what  
13       the signs look like and how poorly the trees  
14       are doing. I'm going to rattle your cage a  
15       little bit on this one.

16           MR. BOISVERT: Okay, and I welcome that.  
17       If you could just funnel your comments through  
18       either Rich or Nadine and then what I would  
19       recommend is we would bring our professional  
20       landscape architect to our next meeting.

21           MS. LEONARD: That will be fantastic. I  
22       want to be sure that whatever we do is going to  
23       be the best for not only the building, but for  
24       nature and then also the residents that are  
25       close.

1           MR. BOISVERT: Very good. We will bring  
2           our professional, too.

3           MS. LEONARD: Thank you, sir.

4           MS. FUDA: I'm just going to make a  
5           comment. We have received five written comments  
6           and actually just received one that I've  
7           emailed to everyone and I will print that also,  
8           but I did email it to all of you - a written  
9           comment.

10          I believe Marci is here to make  
11          comment.

12          It's up to you Chairman, if you want  
13          Morgan Grossman to read his letter to you.he  
14          can do his over the phone.

15          ACTING CHAIRPERSON JOHNSON: Marci, would  
16          you like to have a brief comment?

17          MS. BRUNNER: And I will try to be brief.  
18          I'm sorry.

19          In addition to concerns I raised on May  
20          3rd and May 17th during the public meeting,  
21          I also wanted to bring to your attention  
22          that on August 10, 2020 there was also a ZBA  
23          public hearing regarding signage for the  
24          current Amazon warehouse. At that meeting  
25          Chairman Calarco advised Scannell that they

1       were in violation of a temporary hiring  
2       banner that was in excess of 32 feet on that  
3       building. The banner is 150 feet and it is  
4       still there today. It is eight months later.  
5       It was told to Scannell and their attorney  
6       that Code stated 32 feet for temporary  
7       banner and it is 60 days only. The banner  
8       has been on this building for over 248 days.

9               I want to add, that is another concern  
10       I have that no one is following-up in terms  
11       of what is being told.

12              Also going back to the original Amazon  
13       - on June 18th Amazon rep Eric Murphy spoke  
14       in front of the Board to the public to  
15       describe the project. We had concerns at  
16       that time - we didn't know what was going to  
17       be stored in that warehouse. We were told  
18       that quote, the project is itself is what's  
19       known as a traditional non-sort. That  
20       facility will handle bulkier items. So,  
21       things like TVs and kayaks canoes and things  
22       that are large - from that perspective. I'm  
23       just curious if that warehouse has been  
24       looked at because recently there has been an  
25       article in the Times Union as well as the

1 news they are not storing large items in  
2 there. It is noted as cooking utensils,  
3 computer parts, small furnishings and even  
4 food. Again, my original question: Are there  
5 chemicals or flammable products being stored  
6 in there? We heard at the public hearing  
7 something different than what is happening.

8 I still have the same concerns that  
9 this newest proposal that we are being told  
10 one thing and something else will happen.

11 Again, I'm going to try to be brief. I  
12 have all this in writing and I will turn  
13 this in this evening.

14 I want to call to your attention that  
15 Amazon classifies a fulfillment center as a  
16 1st mile which is what that Amazon warehouse  
17 is on the side of us right now that is  
18 currently built. So, if they classify it as  
19 a 1st mile facility and we say it's a sales  
20 distribution center in this Town, it's a  
21 little confusing to me how this new proposal  
22 can also be a sales distribution center as  
23 they have two distinct purposes. So, this  
24 new project is not the same is original  
25 approved 1,000,000-square foot warehouse

1       which was categorized as a fulfillment  
2       center or 1st mile. This one is called a  
3       middle-mile Amazon facility.

4             The Amazon rep discussed and discloses  
5       on May 17th during the public hearing where  
6       he said this is a middle-mile truck terminal  
7       location to facilitate the inbound and  
8       outbound transfer of products to create the  
9       most efficient delivery routes or trucking  
10      and routes in and out of the site. Mr. Grigg  
11      in his own words stated that this is a  
12      middle-mile facility and no inventory is  
13      stored, therefore this location serves as a  
14      junction for delivery. If this project was  
15      to use the same methodology used to define a  
16      sales distribution center for the 1st mile  
17      Amazon, which is different, the project  
18      cannot be correctly categorized as the same.  
19      The Amazon rep stated on the record this is  
20      a truck terminal and serves a different  
21      purpose in the logistics network. Truck  
22      terminals are not allowed in PD3. If this  
23      middle-mile Amazon facility is not deemed a  
24      truck terminal, what does the Town consider  
25      a truck terminal? Similar middle and last

1 miles have been categorized as terminals as  
2 that is what they are. The sales  
3 distribution center products will not be  
4 stored on site, he said, but will be in the  
5 process in various arrangements.

6 So again, I just want to ask the Board  
7 to kind of consider this of how can two  
8 distinct Amazon facilities perform different  
9 functions and both be categorized as the  
10 same? It's evident they are different and  
11 therefore zoning needs to be clarified. At  
12 the very least, the same methodology should  
13 be used to properly classify the middle-mile  
14 facility as proposed as noted at the time of  
15 the 2018 project in New York where the term  
16 is not defined in the Zoning Code, it should  
17 be interpreted by its ordinary meaning  
18 and/or dictionary definition. Therefore,  
19 this proposal should be classified as truck  
20 terminal, as it falls under the dictionary  
21 definition.

22 I know you are all very smart and  
23 educated people, so I'm just asking you to  
24 ask more of these questions and think about  
25 this.

1           I would also like to submit a letter  
2           and supporting documentation on behalf of my  
3           husband Adam Brunner, and I would also like  
4           to include 26 signed letters from Schodack  
5           residents who have concerns over items  
6           ranging from traffic, noise pollution as  
7           well as long-term effects on water and air  
8           quality from warehouses and truck terminals.  
9           Do these facts, as indicated by the Amazon  
10          rep at the May 17, 2021 public hearing -  
11          this proposal is in fact a warehouse/truck  
12          terminal and is not an allowable use in a  
13          PD3 zone and are requesting denial of this  
14          application. Thank you.

15           ACTING CHAIRPERSON JOHNSON: Thank you.

16           Yes, sir, in the back.

17           MR. DEMAREST: Good evening. My name is  
18          William Demarest. I'm with the law firm of  
19          Tooher and Barone. We were retained by  
20          Birchwood Association which is made up of  
21          residents in the Birchwood Estates residential  
22          neighborhood.

23           I think that there was some  
24          miscommunication or misunderstanding  
25          regarding whether there was going to be oral

1 comment this evening. I will try to keep my  
2 comment brief. I had prepared lengthier oral  
3 comments. The minutes were obviously not  
4 posted to the Town's website and nothing was  
5 on the agenda limiting it to just written  
6 comments, so we have not submitted that at  
7 this point. I would ask for a brief  
8 extension on that to potentially expand upon  
9 these comments and provide written  
10 submission that we weren't prepared to  
11 submit at this point.

12 Just briefly, the comments that I  
13 wanted to provide were that the cumulative  
14 impacts between the existing Amazon facility  
15 and the potentially forthcoming Amazon  
16 facility support looking at this project in  
17 closer detail in an environmental impact  
18 statement and study process through SEQRA to  
19 really go through all of the details of what  
20 this will actually cause from both  
21 facilities, especially when we are talking  
22 about traffic.

23 One thing in relation to traffic that's  
24 not addressed in the traffic report is  
25 trucks going between the two facilities. It



1 estimates and assumes 90 percent of the  
2 truck traffic will go the opposite direction  
3 towards Interchange 11, but with the two  
4 facilities - one being a first-mile facility  
5 and the other being a middle-mile facility,  
6 it's logical to assume that trucks will be  
7 going between the two facilities. What kind  
8 of a cumulative impact will that have on the  
9 residential neighborhood along Route 9? It  
10 also doesn't address safety in that area.

11 The Birchwood Estates residents have  
12 noticed significant issues regarding traffic  
13 at that Interchange, but specifically,  
14 safety when you're talking about 18-wheel  
15 trucks traveling at 55 miles per hour on  
16 that stretch and whether or not there are  
17 sufficient sight lines for the drivers of  
18 those trucks to make sure that they are  
19 seeing vehicles pull out from that  
20 Interchange.

21 There was an accident earlier this year  
22 and I believe that it involved potentially  
23 an employee of the Amazon facility and a  
24 resident. It wasn't a truck, but it raises  
25 the concern what would happen if it did

1       involve a truck? So, that type of an issue  
2       hasn't really been examined in the traffic  
3       study and it should be looked at - what  
4       those sight lines are. The possibility that  
5       the applicant could be required to seek a  
6       reduction in the speed limit in that section  
7       from 55 to 45, notably where their own entry  
8       and exit is - is on a 45-mile an hour  
9       stretch, but this portion of the road is a  
10      55-mile per hour zone. So, regardless of  
11      whether this is a truck terminal, a  
12      warehouse facility or a sales distribution  
13      facility - there has been a lot of  
14      discussion about what should apply to that.

15             The impact from the project is clearly  
16      similar to a warehouse truck terminal, even  
17      if it is classified as a sales distribution  
18      facility. We can infer because the code  
19      doesn't permit those types of facilities:  
20      warehouses, truck terminals in the PD3 zone,  
21      the impacts from those projects are such  
22      that they are not appropriate for this area,  
23      especially associated next to a residential  
24      development. So, that would support, even if  
25      it is a permitted use, denial of the project

1       for the health, safety and welfare of the  
2       residents in that community. Certainly it  
3       supports looking in detail, those issues,  
4       with an EIS.

5             Birchwood associates would also suggest  
6       that the wall, while it has been increased  
7       horizontally - and that is excellent - it  
8       should be increased vertically. The wall, at  
9       15 feet doesn't address impacts that are  
10      above that from the building itself, from  
11      lighting, lights on the building, the HVAC  
12      systems that are on the roof - none of that  
13      is addressed by that 15-foot wall. None of  
14      that will be addressed by trees that will  
15      take 15, 20, 30 years to reach those types  
16      of heights. So, we would urge that the wall  
17      should also be increased vertically and not  
18      just horizontally.

19            With that, we would ask that the Board  
20      deny the project for the impacts, but  
21      certainly if it goes forward, review the  
22      impacts and the environmental impact  
23      statement process and put in place  
24      mitigation for those impacts and put those  
25      in as conditions of the approval in the

1 Resolution, on the site plans and not rely  
2 upon the applicant's promises that haven't  
3 always followed through or the future  
4 resident operating facility, Amazon, to  
5 follow through with promises that were made  
6 here, but not written down. So, make sure  
7 that any conditions and mitigation measures  
8 are put forward in the Resolution. Thank  
9 you.

10 MS. FUDA: I have Morgan Ruthman.

11 ACTING CHAIRPERSON JOHNSON: We have one  
12 adjacent owner who wants to speak. So I will  
13 ask him to briefly -

14 MS. FUDA: He has to call in.

15 All members and the applicant have his  
16 letter.

17 MR. RUTHMAN: Hi, good evening. Thanks for  
18 the opportunity to call in. I understand the  
19 public hearing for the proposed Scannell  
20 facility is still open this evening.

21 I submitted a letter earlier today to  
22 Nadine addressed to the attention of the  
23 Chairwoman of the Planning Board regarding  
24 the application in the updated studies that  
25 were submitted to the Town. The gist of the

1 letters and the nature of my remarks tonight  
2 is limited to the acoustical study performed  
3 by OAA Associates, the consultant retained  
4 by Scannell.

5       There were a number of remarks that  
6 were made by myself and the Town and other  
7 individuals at the last meeting on May 17th  
8 and as I noted in my letter, there was an  
9 updated study prepared by OAA Associates  
10 following that meeting. The revised study  
11 contained additional context and analysis on  
12 the potential acoustical impacts of the  
13 proposed project to our property, which is  
14 immediately adjacent to the proposed sales  
15 distribution facility. The study - the OAA  
16 study does not contain any meaningful  
17 analysis that will allow the Planning Board  
18 to make a determination on the potential  
19 impacts of the project. It contains a number  
20 of assumptions that are mistaken that I have  
21 enumerated in my letter. I think upon  
22 further review would require some further  
23 attention.

24       I would request the Planning Board to  
25 keep the public hearing open so that some

1 additional information can be brought to  
2 bear on the potential acoustical impacts of  
3 the project.

4       There was no remark made regarding the  
5 potential sound mitigation for the HVAC  
6 systems. There was no analysis to support  
7 the assumptions made in the report with  
8 regarding the ambient sound levels at the  
9 receptor locations along the property  
10 boundary. There was no supporting analysis  
11 contained in the revised report relating to  
12 the height of the receptor locations. There  
13 was no analysis in the report relating to  
14 the variety of approved uses in the PD3  
15 district and the sound sensitivity of those  
16 uses. There was no analysis contained in the  
17 revised report regarding how those impacts  
18 on those diverse approved uses under the  
19 Town Zoning Code would have an impact or  
20 rather would be impacted by 24/7 trucking  
21 facility.

22       So, I appreciate the opportunity to  
23 provide comment this evening. I would  
24 respectfully request the Planning Board to  
25 incorporate my letter which I had emailed to

1 the Town and mailed to the attention of the  
2 Planning Board into tonight's remarks and  
3 would also respectfully request that the  
4 public hearing be held open so that other  
5 individuals and stakeholders have an  
6 opportunity to benefit from a thorough  
7 meaningful and relevant analysis of the  
8 potential acoustical impacts of this  
9 project.

10 Thank you for the opportunity to call  
11 in this evening and I appreciate the  
12 Planning Board's time.

13 MS. FUDA: Thank you, Morgan.

14 ACTING CHAIRPERSON JOHNSON: We had a  
15 public hearing in May and extended it. We were  
16 intending to extend for 10 days for written  
17 comment so it was extended for three weeks for  
18 written comments until tonight and we had  
19 additional speakers tonight. I think everyone  
20 understood that the written comments were to be  
21 in by this time. So, I don't see any reason why  
22 we can't close the public hearing.

23 Rich, do you have a comment?

24 MR. LABERGE: No, I think that the issues  
25 need to be discussed between the Board, and the

1 applicant's team and fully vetted. Unless  
2 there's new issues -- that's a good point.  
3 Nadine was just saying that the Planning Board  
4 - Planning always accepts letters, which I know  
5 this Board always gets distributed. Even though  
6 the public hearing may be closed, comment is  
7 available and the file is available. I think as  
8 a matter of course, I don't see new information  
9 that wouldn't be discussed publicly. Knowing  
10 this Board would follow-up on all of these  
11 issues and will have further discussion at the  
12 next meeting that the applicant appears.

13 ACTING CHAIRPERSON JOHNSON: How long does  
14 the applicant have to respond to all of the  
15 comments that have been made?

16 MR. LABERGE: We don't have a time limit  
17 on how long. It's really up to them. You made  
18 mention of some schedule which is their  
19 schedule so it's really up to them to reply -  
20 again, a complete reply is always appreciated  
21 in a timely manner.

22 MR. BOISVERT: Our intent is to  
23 immediately provide responses to all the public  
24 comments and Rich Laberge's comments within the  
25 next week or so and then we would like to



1 present our responses at the very next Planning  
2 Board meeting.

3 MS. FUDA: Which is June 21st.

4 MR. BOISVERT: June 21st, correct.

5 ACTING CHAIRPERSON JOHNSON: So, that's  
6 two weeks and we are respecting the responses a  
7 week ahead of that meeting. So, you have a  
8 week.

9 MR. BOISVERT: Sure.

10 MR. LABERGE: I can't guarantee that we  
11 could work through all of the responses and  
12 make sense by the meeting, but the point is - I  
13 think the open discussion of those issues is  
14 good even if it takes our firm a little longer  
15 to analyze and recommend.

16 ACTING CHAIRPERSON JOHNSON: So, we expect  
17 to see you again in two weeks.

18 MR. BOISVERT: That's correct and assuming  
19 the comment period ends tonight, we will  
20 provide responses in a week.

21 ACTING CHAIRPERSON JOHNSON: You have  
22 other letters, or will be getting all of the  
23 letters by tomorrow.

24 MS. FUDA: He's got them all.

25 MR. BOISVERT: We have them.

1 MS. FUDA: The one we got tonight - I have  
2 already sent that to him.

3 ACTING CHAIRPERSON JOHNSON: Okay. So, can  
4 we close the public hearing?

5 MR. LAVOIE: So moved.

6 ACTING CHAIRPERSON JOHNSON: Can I get a  
7 second?

8 MS. LEONARD: I will second; Leonard.

9 ACTING CHAIRPERSON JOHNSON: All in favor?

10 (Ayes were recited.)

11 Opposed?

12 (There were none opposed.)

13 Okay, that public hearing has been  
14 closed.

15 If you set up a meeting with DOT, make  
16 sure that everybody is aware of it so that  
17 we can participate if we are available.

18 MR. BOISVERT: Yes, absolutely. We will  
19 keep everyone informed.

20 ACTING CHAIRPERSON JOHNSON: To me that's  
21 a critical factor. You say that's a critical  
22 factor for our schedule, so I say it's a  
23 critical factor for my information. Let's try  
24 to make the two meet.

25 MR. BOISVERT: We understand. Thank you.

1           (Whereas the above entitled proceeding  
2       was concluded at 7:55 PM)  
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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter  
and Notary Public in and for the State of  
New York, hereby CERTIFIES that the record  
taken by me at the time and place noted in  
the heading hereof is a true and accurate  
transcript of same, to the best of my  
ability and belief.

Date:\_\_\_\_\_

Nancy L. Strang  
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Niskayuna, NY 12309

