

# Tyoga Container Special Use Permit Application Review

## Frequently Asked Questions

*[from June 3, 2020 Public Hearing]*

**1. Question:**

Who maintains the road (West Water Street)?

**Response:**

The Village Department of Works maintains West Water Street. The road will be monitored for defects or damage that may be caused from the increased traffic load. In the event of premature failure Tyoga will work collaboratively with the Village of Painted Post to remedy defects caused by increased traffic while also taking all actions necessary to maintain a very clean and proactive road maintenance program.

**2. Question:**

What is the size of the proposed trucks?

**Response:**

Trucks will typically be standard sized at 73.5' in total length.

**3. Question:**

How many shifts will there be? What will the operating hours be?

**Response:**

It is expected to have 60 to 65 employees at the facility. Operation will be 16 hours a day, 6 days a week, from 6:30 A.M. to 10:30 P.M. Two (2) shifts will operate daily for a total of 16 hours on an as-needed basis. Some weeks may require an additional shift on Saturdays. Shifts will be staggered appropriately to avoid high traffic times in the morning and in the afternoon. Shifts can be moved however necessary or rescheduled as recommended by the Village of Painted Post for special events.

**4. Question:**

Crossing to access Hodgman Park? Concern for pedestrian access to the park.

**Response:**

There are currently crosswalks located on West Water Street accessing the entrance to Hodgman Park. There is also a yield to pedestrian crossing sign located within the crossing. A traffic study performed for this project recommends the Village installing further crossing controls at this location, such as pedestrian crosswalk lights to further increase pedestrian safety.

**5. Question:**

What is the proposed construction timeline?

**Response:**

The projected duration of construction is 12 months and is anticipated to begin immediately following approval of Special Use permit.

**6. Question:**

What will the impact be to emergency services? How will emergency vehicles access the site in a timely fashion?

**Response:**

The building will have its own automatic fire suppression system. There will be a fire access road encompassing the perimeter of the building. Emergency services will access the site from West Water Street.

**7. Question:**

What types of jobs are Tyoga bringing to Painted Post?

**Response:**

<b>Job Title/Classification</b>	<b>Number of New Employees</b>	<b>Average Starting Annual Wage*</b>	<b>Expected Hire Date</b>	<b>Total Wages</b>
General Laborers	10	\$22,880		\$228,800
Administrative Assistants	5	\$23,180		\$115,900
Forklift Operators	30	\$24,960		\$748,800
CDL Truck Drivers	20	\$35,360		\$707,200
Supervisors	5	\$46,980		\$234,900
Totals	70			\$2,035,600

**8. Question:**

How will the increase in tractor trailer traffic impact the Village?

**Response:**

Currently, the Village uses a portion of the site for the Department of Public Works (DPW) where they stockpile construction refuse and store materials used in construction. Dump trucks and Village DPW vehicles frequently travel West Water Street to access the site.

At maximum operation, it is anticipated a tractor trailer will operate with 50 total trucks (50 trips into the site and 50 trips out). expects the volume of trucks to be approximately 100 trucks movements per day. As an added safety measure, the tractor trailers will follow reduced speed limit.

**9. Question:**

What is the status of the site as a Brownfield? Is there a certificate of completion?

**Response:**

Several site investigations have been performed on the site in the past, including an application for the Brownfield Cleanup Program. The property was not accepted into the Brownfield Program at that time. Tyoga is currently undergoing a geotechnical investigation with a geotechnical engineering firm. From the geotechnical investigation there will be recommended remedial approaches and soil management protocol. The property currently has deed restrictions placed on the property limiting disturbance of the soil without prior notification or consent from the New York State Department of Conservation (DEC). Tyoga will work closely with the DEC to ensure all proper permits and soil management protocols are in place prior to construction.

**10. Question:**

How will this affect the Colonial Days parade?

**Response:**

There will be minimal impact. Tyoga agrees that shifts and movement of trucks can be adjusted or rescheduled however necessary as recommended by the Village of Painted Post for special events.

**11. Question:**

What happens if there is an accident blocking access to the highway? What route will the trucks take?

**Response:**

In the event traffic is blocked at South Hamilton Street, trucks will travel north on North Hamilton Street until State Route 415 where they could either travel east or west until reaching Interstate 86. This would be an isolated event and trucks would not travel this route on a regular basis.

**12. Question:**

What value does Tyoga bring to Painted Post?

**Response:**

Tyoga Container is developing a long time vacant industrial property and bringing a successful local business to the area. The nearly 50-acre property is not currently on the tax roll; therefore, the property does not generate tax revenue for the Village. Development of the property will bring additional tax income to the Village that has not been realized for nearly 35 years. The lot has been vacant since 1985 and is zoned industrial. This project meets 100% of all codes and will require no variances. Since the onset of this discussion, Tyoga Container has worked hard to develop conceptual plans that are visually appealing to the site and has added several conceptual ideas to increase security to the area while also being good neighbors to property owners. Tyoga Container will bring up to 70 on-site jobs to Painted Post and will work cooperatively with the Village in order to be stewards of the community as well as good neighbors.

**13. Question:**

Does Tyoga have any other investment or commitment to the area?

**Response:**

Tyoga Container has been a part of the Twin Tiers for 50 years. Tyoga is committed to the area and sees value in developing in the Painted Post community.

**14. Question:**

Will the project generate additional noise pollution? Has a noise analysis been completed?

**Response:**

The existing ambient noise at the site consists of steady high-speed traffic noise from Interstate 86 and noise from the occasional train on the Norfolk Southern Rail. The large warehouse building should provide some level of noise barrier between the highway and some of the residential properties. The additional noise from slow moving tractor trailers and normal operations at the site in comparison to the existing ambient noise should be minimal. A noise analysis was not required; therefore, one has not been completed.

**15. Question:**

How will this effect real estate and property values?

**Response:**

At Chemung Street, the vegetated berm will eliminate the view of the vacant industrial remains while also blocking the view of the railroad spur where trains often park in the evenings. The vegetated berm and building will also provide a barrier from highway noise heard by the residents of Chemung Street. The project is expected to have minimal effect on the property value at Chemung Street.

On West Water Street, there are approximately 11 houses that have the potential be affected. Though we cannot accurately predict a change in market value, the project parcel has been an industrial site since the 1800s. The site has been vacant since 1985 but has remained zoned as industrial; therefore, the land use and potential use of this property has not changed.

**16. Question:**

Will this project generate additional air pollution from tractor trailer traffic? Has a study been completed?

**Response:**

It is expected, at maximum operations, a tractor trailer would travel West Water Street about every 10 minutes. Tyoga expects to operate at less than 100 trucks trips per day. Therefore, the frequency of trucks travelling on West Water Street will be less than every 10 minutes. Recent federal regulations have severely restricted the allowable emissions from diesel engines. All trucks utilizing this facility will be in compliance with these regulations. Air sampling has not been done.

**17. Question:**

Can there be a public referendum?

**Response:**

NYS Department of State has provided the following response regarding a referendum on the proposed project:

“In New York, it’s been determined that if an action is not subject to a referendum in statute, it is not permitted. The following is an excerpt of the Department of State publication ‘Adopting Zoning for the First Time,’ which references a landmark case and an Attorney General’s opinion:

The question often arises whether a local governing board may seek to gauge public opinion on the proposed zoning regulations by holding a referendum. There is, however, no statutory provision authorizing the submission of zoning to a referendum, regardless of whether the regulations are adopted via ordinance or local law. (Elkind v. City of New Rochelle, 5 Misc.2d 296 (Sup. Ct., Westchester Co., 1957), aff’d 4 AD.2d 761 (2nd Dept., 1957), aff’d 5 N.Y.2d 836 (1958); 1959 Op. Atty. Gen. 127.) These decisions have held that, under New York law, a referendum may only be conducted if a state statute authorizes it; otherwise a referendum cannot be held.

Sections 23 and 24 of Municipal Home Rule Law authorize referenda for specific actions, and zoning and approval of a project permitted under zoning are not among them.

<https://www.nysenate.gov/legislation/laws/MHR/A3>”

**18. Question:**

Has Tyoga considered alternate access routes to the site?

**Response:**

Alternate routes to the site have been considered; however, due to limitations of the Interstate, flood control levee, and the railroad, West Water Street is the only economical and viable access to the site.

**19. Question:**

Concern of fumes created by molded plastic from packaging manufacture.

**Response:**

Tyoga will not manufacture molded plastic on this site. The site is for storage and distribution only.

**20. Question:**

Have tax incentives been offered for this site?

**Response:**

Steuben County IDA is working cooperatively with Tyoga Container on a tax incentive plan.

**21. Question:**

What does dark sky compliant mean? Will lights be on all night?

**Response:**

Dark sky compliant means the chosen lighting will minimize light pollution, minimize light trespass to neighboring properties, and minimize glare. The majority of the site lighting will be located on the south side of the building and will not be visible to neighboring residential properties. There will be wall packs located on the back of the building (north side) though they will be shielded to mitigate impacts to neighboring properties. The lights can be placed on timers to be reduced outside of operating hours; however, some level of lighting must be maintained at all time for security purposes.

**22. Question:**

Is Tyoga considering using the railroad?

**Response:**

Tyoga is considering using the railroad in the future; however, there are no plans to use the railroad at this time. The Village of Painted Post will maintain control over the usage of the railroad siding.

**23. Question:**

How many spaces for parking both cars and tractor trailers?

**Response:**

There are 113 automobile parking spaces, 91 trailer parking spaces, and 60 loading dock spaces.

**24. Question:**

Will tractor trailers create any additional vibration?

**Response:**

Tractor trailers will be traveling at a limited speed. Vibration created by tractor trailers is not anticipated to affect residences.

**25. Question:**

The current speed limit of West Water Street is too fast. Will there be a safety initiative?

**Response:**

The safety of the Village residents is of Tyoga's utmost concern. Tyoga is willing to comply with a reduced speed limit if the Village wishes to change it.

**26. Question:**

What are the positives of the project?

**Response:**

The project would promote economic growth and development for the Village. The business will bring jobs to the community and will incorporate development of a longtime vacant industrial site. This project will add security to the site and will be monitored 24 hours/day with surveillance cameras.

**27. Question:**

What kind of stewards to the community will Tyoga Container be?

**Response:**

Tyoga Container has worked collaboratively with the Village of Painted Post in the development of conceptual ideas. Tyoga Container would continue to operate in an ongoing effort of collaboration and will remain open to all ideas and suggestions brought forward by the Village of Painted Post to be good neighbors.