

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of July 20, 2016

MEMBERS PRESENT:

Robert Dingman, Chairman
Justin Fehl
David Gauci
Tim LaSarso
Todd Murphy

MEMBERS ABSENT:

Randy Getty (Excused)
Karen LaRose (Excused)
Randy Weaver (Excused)
Cheryl Hogan – Alternate (Excused)

Code Enforcement Officer

Francis Cortese

TOWN ATTORNEY

Jeff Meyer, ESQ.

The meeting was called to order by Chairman Dingman at 7:00 P.M.

Roll call of all Members and Officials.

Chairman Dingman entertained a Motion to Approve the Minutes of June 16, 2016.

ON A MOTION BY MR. LASARSO, seconded by Mr. Fehl, the minutes of the June 16, 2016 meeting were approved.

AYES: 5

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

1. **ANDY CORONA** owner of 3032 State Route 4, Kingsbury, located in Zoning District, Commercial / Com-1A and Tax Map # 146.19-1-36.1 is presenting a Preliminary Plan for construction of 2 new buildings for self-storage. This application was denied by the Code Enforcement pursuant to Chapter 280, Article VI, and Section 280-23 G of the Zoning Ordinance of the Town of Kingsbury.

Chairman Dingman introduced Tom Hutchins, Hutchins Engineering, who will be representing Andy Corona.

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
July 20, 2016
Page 2 of 14

Chairman Dingman stated to Mr. Hutchins and Mr. Corona all though it is not his position to apologize he will on behalf of the County. The County Planning Board did not meet on July 12, 2016 therefore this Board won't be able to take action on this project.

Chairman Dingman explained that we have to wait thirty days (30) from the time of submission for the county to respond. The 30 days will be up on Friday July 22, 2016. Chairman Dingman gave Mr. Corona the option to present the project tonight and have a brief meeting after the 30 days are up.

Mr. Corona stated they would present the project and then have a brief meeting next week if possible.

Mr. Hutchins stated he doesn't have anything to add to this project from the meeting on June 16, 2016.

Mr. Hutchins stated that they are proposing two storage buildings, one would be 20 x 200' and the second one would be 30 x 200'. There is a required 50 foot buffer to the adjoining residential property which was met. They are proposing the first building would be 50 ½ feet off that property line. However, this would be one side access only. The doors would be on the inside only of the drive. The backside would not have any access. Access will be from the northerly parcel. The second unit will be a two sided storage unit with a circular drive for access to both buildings. The new buildings will match the existing buildings.

Chairman Dingman opened the Public Hearing.

There were not any comments. The Public Hearing was closed.

2. **SKETCH PLAN REVIEW** - Robert Springer, R2M Holdings LLC, owner of Tax Map # 146.-1-6, commonly known as 100 Dean Road, Kingsbury, located in Zoning District, RA-1A is seeking Subdivision approval of one lot into four lots. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Chairman Dingman introduced Robert Springer, R2M Holdings LLC and Kristin Darrah, PLS, Darrah Land Surveying, PLLC to address the Board.

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
July 20, 2016
Page 3 of 14

Mr. Springer stated he would like to divide this property into four (4) lots. There is approximately 25 acres with 400 feet of road frontage. The lot sizes would be 7.94 +/- acres, 8.47 +/- acres, 5.0 +/- acres and 3.55 +/- acres. Each lot will have 200 feet of road frontage. Mr. Springer plans to build up scale farm houses on the lots. They would be serviced by municipal water line along Dean Road and on-site wastewater disposal systems. Mr. Springer stated the farm house and barns will remain on the site. He understands there is water and gas up to the farm house. Mr. Springer stated he would be giving the Town an easement to this property in order to have water. He will be moving the current driveway.

Jim Chase, Kingsbury Water Superintendent stated the he has spoken with Mr. Springer they would probably allow a 2 inch line off coming off the main. The main on Dean Road is extremely large. There are very few water customers on Dean Road and there is no needed to extend the main. The upper lot would be an elevated rise; any pumps to boost pressures or anything else that is needed would be the responsibility of Mr. Springer. Mr. Springer will have to pay for additional taps, and perform the work. Also there is a hook up fee Mr. Springer will responsible for.

Chairman Dingman questioned the driveway on Lot 2 being on Lot1. Mr. Springer stated he will be moving the driveway so that is only on Lot 2.

3. **SKETCH PLAN REVIEW** - Robert Springer, R2M Holdings LLC, contract vendee Tax Map # 137.-1-69.11, commonly known as Casey Road, Kingsbury, located in Zoning District, RA-1A is seeking Subdivision approval of one lot into three lots. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Mr. Springer stated the survey is not completed on this project. He will have it by the August meeting. The property is 15.12 +/- acres and has 600 feet of road frontage. He would like to subdivide this parcel into three (3) lots with each lot having five (5) acres.

Mr. Springer stated it is his understanding municipal water is not far from this property as well as gas. The gas he believes is on the opposite side of the road from the property.

Mr. Chase stated the water is about 300 feet from this property and the gas is directly across the road from the property. Mr. Chase stated Mr. Springer will need to have his engineer draw up plans stating the water can reach this property. He would need a tap installed on the opposite side of the road. Mr. Chase stated any pumps, boost pressures or anything else that is needed will be the responsibility of Mr. Springer.

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
July 20, 2016
Page 4 of 14

Mr. Chase stated there is work to be done in that area. If you are going to develop in this area the highway department would be willing to dig trench across for the water line. The highway department is planning to repave Casey Road next year and this will save money for Mr. Springer and the Town. Mr. Chase stated there is a force main approximately 200 feet from this site that Mr. Springer may want to check into the cost of septic's verses municipal sewer system hookup.

Mr. Springer stated he will be looking into the water and sewer hookup. Mr. Springer stated he is planning on building upscale farm houses at this location as well. He feels people can have country living and still be close enough to Queensbury and Lake George.

Chairman Dingman questioned how far away Ferguson Lane was to this property. Mr. Chase stated it is about 200 feet.

Chairman Dingman stated there has been a number of people who have talked about country living and wanted Mr. Springer to be aware of how close he will be RWS Manufacturing Inc.

Mr. Springer stated he is under contract with the closing schedule for the week of July 25, 2016.

Mr. Cortese stated in order to set the Public Hearing, that, Mr. Springer will have to have a signature page from the property owner property.

Mr. Springer will be in contact with Mr. Cortese after the closing so we can publish the Public Hearing Notice.

Attorney Meyer stated Mr. Springer does need to submit a survey of this project.

4. Pursuant to the provisions of Chapter 280, Article VI, Section 280-23 G of District Regulations ordinance of the Town of Kingsbury, New York, notice is hereby given that a public hearing will be held by the Planning Board of the Town of Kingsbury, County of Washington and State of New York, on the 20th day of July, 2016 at 7:00 PM in the Town Hall, 6 Michigan Street, Kingsbury, New York on the following matter. Request by Schermerhorn Real Estate Holdings, LLC, contract vendee of Tax Map # 146.14-1-3, commonly known as 1189 Dix Avenue, Kingsbury, NY located in a Commercial Zoning District to construct One Three Story (100 units) Senior Housing Building. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
July 20, 2016
Page 5 of 14

Chairman Dingman introduced Joseph Dannible, R.L.A., Environmental Design Partnership, LLP who will be representing Rich Schermerhorn, Schermerhorn Real Estate Holdings, LLC to address the Board.

Mr. Dannible stated he is here tonight with an application for a 100 unit senior housing located on Dix Avenue, Kingsbury with a connection to Queens Drive. The parcel acre is 15.67 acres and zone Commercial and LDR-25. Senior housing and multi-family dwelling are permitted in these zones. The gross square footage of the building is approximately 140,000 square feet. They are within the constraints of the municipal density. At a future date they are looking too developed further into the property, at that time they will come before the Board. There are no plans at this time.

Mr. Dannible stated they were in front of the Planning Board on February 18, 2015 and received a very favorable response from the Board. The only outstanding item at that meeting was the developing of the septic system. They submitted to the Department of Health and Department of Environmental Conservation in March of 2015. In March of 2016 they received a response from the DEC. In the response they made some modifications and subsequently received a permit to allow the septic system for this development. Mr. Dannible stated the Town was provided with a copy. They are here tonight to get final approval for this project.

Chairman Dingman stated this Board is composed of different members than in February 18, 2015 meeting and asked Mr. Dannible to explain the septic system and how it was going to work.

Mr. Dannible stated they are going to have a large septic tank with dosing field. Essentially there are varying pumps that pump back and forth between one another. There will be four (4) individual lines run to the four (4) septic fields that will dosed periodically so that not all sewage is continuously flowing into one field. They are dosed and then have time to settle down before the dosed again at a later date.

Chairman Dingman questioned Mr. Dannible regarding the curb cuts going to Dix Avenue and Queens Drive.

Mr. Dannible stated there will be a curb cut going out to Dix Avenue. There was a traffic study done by T.R. Johnson Engineering. It was estimated there would be 24 to 26 trips during the AM or PM peak hours. That level of traffic has no impact to the surrounding network of road. There was a report delivered to the town last year. There will be a second curb cut to Queens Drive as well. There are two points of ingress and egress to the site. This will be very helpful for emergency vehicles.

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
July 20, 2016
Page 6 of 14

Mr. Chase stated he is in talks with Mr. Schermerhorn regarding water hook up. The current negotiations provide for the applicant to convey a water line easement along the eastern boundary of the property and to run a water line from Dix Avenue to Bonner Drive. The cost associated with water hook-up fees and expenses of laying the pipe are the items being negotiated presently. Regardless of expenses and in accordance with the prior meeting, the easement for the water line will be made a condition.

Chairman Dingman indicated that he understood that the traffic study indicated that this project would have little or no effect on traffic, but the general public will be skeptical due to the heavy traffic at various times of the days. This project will be blamed.

Chairman Dingman stated there was talk about sidewalks at this location.

Mr. Dannible stated they have sidewalks internal through the development and one the Queens Drive. The sidewalk along Dix Avenue will be rehabbed and connect to Queens Drive.

Mr. Fehl had concerns with the location of construction site and concrete washout area.

Mr. Dannible stated concrete washout area will be a small excavated area and lined. This area will be cleaned out periodically during construction when it gets to a certain level. This area will also have to be inspected by DEC.

There was a discussion concerning pedestrian access along Dix Avenue and whether it would be possible to provide direct access to Ginny Rae's Diner. The Applicant stated they would investigate whether access was feasible, but was unable to make any representations. The applicant stated that the sidewalk along Dix Avenue will be rehabbed and replace with concrete as necessary.

There being no comments from the public, Chairman Dingman closed the public hearing.

Discussion ensued among the Board with questions addressed by the Applicant

ON A MOTION BY MR. GAUCI, and seconded by Mr. LaSarso the Kingsbury Planning Board declares lead agency status and having reviewed the long form SEQRA submission and having taken a hard look at the potential environmental impacts finds that there are no potential negative environmental impacts anticipated from this project and the Board issued a negative declaration on the project.

The Board then reviewed the proposed Resolution.

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
July 20, 2016
Page 7 of 14

**PLANNING BOARD OF THE TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK**

Adopted July 20, 2016

Introduced by **Timothy LaSarlo**;
who moved its adoption

Seconded by **David Gauci**

**RESOLUTION APPROVING SITE PLAN APPLICATION
OF
SCHERMERHORN REAL ESTATE HOLDINGS, LLC**

WHEREAS, pursuant to Article VIII of the Zoning Local Law of the Town of Kingsbury contained in Chapter 280 of the Code of the Town of Kingsbury (hereafter the "Zoning Local Law"), the Town of Kingsbury Planning Board (hereafter the "Planning Board") is authorized and empowered to review and approve, approve with modifications or disapprove site plans prepared in accordance with said Article VIII of the Zoning Local Law; and

WHEREAS, Joseph C. Dannible, as Agent for Schermerhorn Real Estate Holdings, LLC (hereafter the "Applicant"), by application dated January 21, 2015 has applied for site plan review by the Planning Board for the construction of one three-story (100 unit) senior housing building, together with on-site roads, parking areas and driveways, and water and septic improvements to be located at 1189 Dix Avenue, Town of Kingsbury (hereafter the "Proposal"); and

WHEREAS, the Applicant has submitted to the Planning Board the following: site plans, layout landscaping, planting, grading drainage and sediment control plans, utility plans, traffic engineering report, and revised plans addressing comments of the Planning Board, and the Planning Board has considered the comments of the applicant and its agents (all of the above hereafter referred to as the "application"); and

WHEREAS, the Proposal as reflected in the Application is located in the COM-1A and LDR-25 zoning districts, as defined in the Zoning Local Law, and pursuant to Section 280-23, site plan approval is required for this development in the COM-1A zoning district; and

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
July 20, 2016
Page 8 of 14

WHEREAS, the Planning Board accepted the Application and the Washington County Planning Board has reviewed the Application and recommended approval with conditions and comments as noted on its recommendation, a copy of which shall be included in the record herewith; and

WHEREAS, the Application, having previously been determined by the Planning Board to be a Type I action under the State Environmental Quality Review Act, and the Planning Board having reviewed the EAF submitted for this Application and taken a hard look at the potential environmental impacts of the project and issued a negative declaration prior to taking up the review of the matter under Article VIII of the Zoning Local Law; and

WHEREAS, the Planning Board is prepared to review the application and make a final determination thereon in accordance with Article VIII of the Zoning Local Law.

NOW THEREFORE BE IT RESOLVED:

Section 1. The Planning Board hereby adopts the following findings in accordance with §280-34(C) of the Zoning Local Law:

a. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.

Are acceptable as designed.

b. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

Are acceptable as designed.

c. Location, arrangement, appearance and sufficiency of off-street parking and loading.

Are acceptable as designed.

d. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian access.

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
July 20, 2016
Page 9 of 14

Are acceptable as designed, pursuant to the conditions contained herein with the inclusion on a concrete sidewalk along Dix Avenue, suitable ADA compliant pedestrian accessibility to Queens Drive, and the Applicant reexamining the feasibility of providing direct pedestrian access to the adjoining commercial property. The Applicant has agreed to install said access where feasible.

- e. Adequacy of stormwater and drainage facilities.

Are acceptable as designed.

- f. Adequacy of water supply and sewage disposal facilities.

Are acceptable as designed.

g. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including maximum retention of existing vegetation.

Are acceptable as designed.

h. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

Are acceptable as designed. Additionally, the Fire Company has confirmed that the additional building height will not create any issues and that they are capable of safely responding to an emergency on site.

i. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

Are acceptable as designed.

Section 2. Based on the review of all of the Application materials, and based on the findings contained above, the Planning Board hereby adopts the following findings in accordance with §280-35 of the Zoning Local Law:

a. Does the use comply with all other requirements of the Zoning Local Law, including the dimensional regulations of the zoning district in which it is proposed to be located?

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
July 20, 2016
Page 10 of 14

Yes, the building complies with the zoning requirements. The exception to the compliance is the building exceeds the height requirements, but said requirement is hereby waived based upon the report of the fire company.

b. Will the use be in harmony with the general purpose and intent of the Zoning Local Law, specifically taking into account the location, character and size of the proposed use and the description and purpose of the district in which such use is proposed, the nature and intensity of the activities to be involved in or conducted in connection with the proposed use, and the nature and rate of any increase in the burden of supporting public services and facilities which will follow the approval of the proposed use?

Yes, the use is in harmony with the Zoning Local Law.

c. Will the establishment, maintenance or operation of the proposed use create public hazards from traffic, traffic congestion, or the parking of automobiles or be otherwise detrimental to the health, safety or general welfare of the persons residing or working in the neighborhood of such proposed use or be unduly detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the Town?

The proposed use will not create traffic issues. The applicant submitted traffic studies confirming that while the Dix Ave corridor is congested and this will contribute to it, it will not be to the detriment of the neighborhood nor Town.

d. Will the project have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the town or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project?

The project will not have an undue adverse impact.

Planning Board shall take into account the following factors contained in §280-36 of the Zoning Local Law?

- a. Water. No.
- b. Land. No.
- c. Air. No.
- d. Noise. No.
- e. Critical resource areas. No.

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
July 20, 2016
Page 11 of 14

- f. Wildlife. No.
- g. Aesthetics. No.
- h. Historic site conditions. No.
- i. Site development considerations. No.
- j. Governmental service and control factors. No.

Section 3. County Planning Board:

The County Planning Board requested the local board to review and investigate the following items:

Consider asking the applicant if changes to the architecture of the proposed structure can be made.

Planning Board Meeting
July 20, 2016
Page 11 of 13

- 1) Consider asking the applicant about the possibility of providing walking trails through the undeveloped portion of the property
- 2) Consider reexamining the wastewater system design in light of rapidly percolating soils and the DEC regulations pertaining to such situations.

The DEC has approved the design, a copy of which was submitted by the applicant.

Where the decision of the Planning Board is contrary to the County Planning Board's recommendations, the determination by the Planning Board shall control provided the approval has been granted by a vote of a majority plus one of all of the members.

Section 4. Approval and Conditions.

Based on all of the foregoing, and all of the evidence and materials submitted by the Applicant, the Application is hereby approved with the following conditions:

- a. The Applicant shall dedicate a 20 foot water line easement along the western boundary extending to Bonner Drive. The Applicant will negotiate in good faith with the Town concerning infrastructure costs and hook-up fees concerning the infrastructure to be located therein.

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
July 20, 2016
Page 12 of 14

b. The Applicant shall repair and/or replace the concrete sidewalk, with concrete sidewalks located along Dix Avenue extending the full width of the property. The Applicant shall also provide ADA compliant sidewalks and crosswalks connecting the apartment building with the existing sidewalks located on Queens Drive.

c. All representations made by the Applicant and the agent to the Planning Board shall also be a condition hereto.

Section 5. This resolution shall take effect immediately.

PRESENT:

Robert A. Dingman, Chairman
Justin Fehl
David Gauci
Todd Murphy
Timothy LaSarso

AYES: 5

NAYES: 0

ABSENT: 2

ABSTAIN: 0

5. **SKETCH PLAN REVIEW** Joseph Locke, Joe's Super Auto Clean and Light Mechanical contract vendee of Tax Map # 154.8-1-26 commonly known as 3606-3614 Burgoyne Avenue, Kingsbury, located in Zoning District COM-1A, Commercial District, for Site Plan Review for a proposal to operate Joe's Super Auto Clean Business with light mechanical at this location. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Chairman Dingman introduced Joseph Locke, contract vendee and Mark Reynolds, Agent Executor, Estate of Henry J. Caputo to address the Board.

Mr. Reynolds stated he does not have an actual drawing from his surveyor for tonight's meeting. He had a floor mark plan of the East Side property at 3606-3614 Burgoyne Avenue.

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
July 20, 2016
Page 13 of 14

They came before the Board a little over a year ago with a project for Chris Cook, Platinum Transportation Group, for the front half of the building. Mr. Reynolds stated they have the back half of the building that they have rehabbed. Joe Locke would like to operate a car detailing business and light repairs at this location. He primarily does work for two (2) wholesalers. He doesn't generally do work for the general public, so there would not be general public traffic at this location.

Chairman Dingman stated he had asked for more details prior to this meeting showing exactly what Mr. Locke would be doing there. These were not provided.

Chairman Dingman asked Mr. Locke to explain what he planned to do with the space and advised him that a detailed written statement is required as part of the application.

Mr. Locke stated auto detailing from start to finish. He does this work for two (2) wholesalers and one dealership.

Chairman Dingman questioned if people came to the door and wanted their car detailed would Mr. Locke do the work.

Mr. Locke stated no he would not be.

Mr. Locke stated he does light mechanical work. Some of his customers want him to get the vehicles fixed to pass inspection. Examples of the work would be brakes, wheel bearings, nothing major. No oil changes, no engine changes, no fuel jobs.

Chairman Dingman stated that would be part of stipulation in granting this project.

Chairman Dingman questioned Mr. Reynolds if he has spoken to DEC.

Mr. Reynolds stated he did not speak to DEC; he spoke to NYS Attorney General on July 19, 2016 to find out what news there was being James Marro passed away on June 24, 2016. They are looking at a couple of different avenues.

Chairman Dingman stated there are new members on the Board that were not here when Chris Cook came before the Board. Chairman Dingman explained to the new members that there were some concerns among the Board relative to prospective tenants becoming liable for pre-existing contamination and the impact of any future remediation on site by the DEC and/or Eastside as it would impact the proposal.

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
July 20, 2016
Page 14 of 14

The interpretation of the letter from the attorney indicated that, since the area had not been deemed clean, a tenant could potentially be held responsible for the cleanup of the area. Due to the history of the property and the known contamination, the Town typically requires applicants to notify the DEC of their proposal in order to receive confirmation as to whether there are any concerns or if DEC has jurisdiction relative to the proposal.

Mr. Reynolds asked Mr. Locke to speak to the Board as far as what his requirements are to be a tenant.

Mr. Locke stated no outside cars; all cars have to be inside the building and absolutely no spills of any kind. There is room for 6 cars, at any given time the most he has is 3 cars at a time.

Attorney Meyer stated we need a new letter from the Attorney General or DEC relative to this project.

Discussion ensued among the Board with questions addressed by the Applicant. The Applicant stated that there would not be cars stored outside of the facility. Additionally, the Applicant confirmed there would be no spills since no fluids will be changed or handled on site. There are no floor drains and no water runoff, all waste will be shoved away and fluids contained.

Chairman Dingman stated a Public Hearing will be held on this project providing Mr. Reynolds or Mr. Locke submit in a timely manner a more detailed rendering of this project including map & drawing with a detailed narrative of what was to be done so that it can go to Washington County Planning Board. The County submission date is July 29, 2016.

ON A MOTION BY MR. FEHL, seconded by Mr. Murphy all in favor, the meeting was adjourned at 8:30 P.M.

Michelle Radliff
Secretary