

**MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY**

Minutes of October 9, 2014

**MEMBERS PRESENT:**

Robert Dingman, Chairman  
Karen LaRose  
Randy Getty  
Ian Miller

**MEMBERS ABSENT:**

Michele Abbenante (Excused)  
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.

**TOWN OF KINGSBURY, NEW YORK  
NOTICE OF SPECIAL MEETING AND PUBLIC HEARING**

Pursuant to the provisions of Chapter 280, Article VI, Section 280-22 F 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 9<sup>th</sup> day of October, 2014 at 7:00 PM in the Town Hall, 210 Main Street, Hudson Falls, New York on the following matter. Request by The Quarry LLC, 35 Dean Road, Hudson Falls, NY Tax Map #'s 146.9-1-1, located in LDR 25 Zoning District to build 148 Senior Apartments and a 100 Bed Assisted Living Facility. Plans for proposal are available at Kingsbury Town Hall, 210 Main Street, Hudson Falls, New York during regular business hours.

Chairman Dingman stated Mr. Nikas will be responding to question's the Board had from the September 17, 2014 Planning Board Meeting.

Chairman Dingman advised the Board there had been a meeting with Mr. Nikas, Mr. Meyer, Mr. Cortese and himself. After receiving the narrative from Mr. Nikas dated September 21, 2014, there were still some questions. Mr. Nikas had another narrative dated October 5, 2014 and the memo was handed out to the Board at the meeting. Mr. Nikas will be answering the questions relative to that memo.

The Board was given the September 17, 2014 minutes. They will be addressed at the October 15, 2014 meeting.

Bill Nikas, The Quarry, LLC stated the peak of the assisted living facility will not exceed 55 feet; the roof pitch will be 5 on 12. For the lighting in the parking lot it will be the standard shoebox dark sky pole lights. To insure the safety for the residents the development will adhere to the recommended illumination levels established by the Illuminating Engineering Society of North America.

Mr. Nikas stated they would like door to door service for the mail. The Postal Service mandates how the mail will be delivered.

The amenity building will provide ancillary uses for the project residents, leasing office and/or maintenance equipment.

Mr. Nikas stated that there are a variety of garbage collection services available, for this reason the residents will be responsible for their own garbage removal rather than have big containers in parking lots where anybody would have access to them.

Mr. Nikas showed on the site plan map where the open space will be. There will be a map showing the landscaped, green areas consisting of grass to be maintained by the developer. The area the project outside of the 20 acres to be developed will be designated on the map for "No Future Development".

Mr. Nikas also showed where the storm water containment area is located. Mr. Nikas stated he gave the Board a copy of the letter from Joe Brilling Washington County Sewer District, confirming the connection of the Quarry Project to the sewer plant. The Quarry LLC, paid for the sewer district to do an evaluation of the entire corridor. They found that there is an issue with an 800 foot section of 8 inch sewer line which receives wastewater from a 15 inch line in the Feeder/Boulevard area, thereby creating a pinch point, impending sewer conveyance. Mr. Brilling recommendations are to replace the 8 inch sewer line with a 12 inch line.

Chairman Dingman questioned why a 12 inch line and not the 15 inch line to connect with the 15 inch line that is already there.

Mr. Nikas stated because the 12 inch line will work. They could get by with a 10 inch line but they went higher. Once they come into the construction time the developer will be replacing the line as part of the construction.

Mr. Nikas stated the last issue is the use of the right of way outside of the paved portion for parking. Mike Graham, Highway Superintendent, is satisfied with the layout of the roads, and requests that no parking areas should encroach on the 20 foot paved portion of the roads. Mr. Nikas further stated that, if parking were restricted to outside of the entire 50 foot right away, then an additional 30 feet of paving would be required in order for the resident to reach the parking area. By doing this it would cause a great loss of lawn area/open space and create unnecessary impervious areas which would exacerbate the stormwater runoff.

Mr. Nikas stated the proposal is leave it as it is so that they do not have to put another 30 feet of pavement in it.

Mr. Miller stated with the state highways it is the future use of the right of way it. With this project he does not see any significant improvements. Mr. Miller did not have any issues with the right of way.

Chairman Dingman stated if the Town Board does not accept the road, the Town may have an issue with the right of way and the developer would have to work it out with the Town.

Mr. Nikas stated whatever portion of the roads the Town Board accepts they will maintain. The development will be responsible for the parking area.

Mr. Miller questioned the lighting for this project.

Mr. Nikas stated they will meet the specs of the Illuminating Engineering Society of North America, no more, no less. There are formulas used to say how many lights will be needed. They will be a no glare and are enough for the safety of the parking lot. The lights on the buildings will be coach lights to light up the sidewalks.

Mr. Miller questioned if there will be sidewalks to keep the residents in a safe environment while walking.

Mr. Nikas stated they have sidewalks from the parking area to each unit. There was talk about a three foot paved area on the Town right of way.

Mr. Miller stated that was talked about before it was senior citizen housing. Mr. Miller stated he thought because of the nature of the people in this development it would be beneficial and they would have a designated area where they can walk and be safe and not next to traffic.

Mr. Getty stated then it comes to who maintain the sidewalks.

Mr. Nikas stated Highway Superintendent Mike Graham did not want curbs in that area.

Mr. Nikas stated the developer would maintain the sidewalks.

Chairman Dingman stated there are different kinds of curbs that can be used.

Mr. Nikas stated his argument would be this project will not be heavily traveled with traffic. Mr. Nikas stated on the main through he can understand sidewalks, the rest of the roads are all dead end.

Mr. Nikas agreed to put the sidewalk in with a buffer area on the main corridor.

Mr. Getty stated it would be a nice addition to have the sidewalks.

Mr. Getty stated he has concerns with the residents having different garbage companies coming in the project every day. He questioned if they could put it out to bid and have one company once a week.

Mr. Nikas stated they were worried that the public would come into the project and use the dumpsters.

Mr. Getty stated they can have their individual containers and have one company picking up the garbage verses having a different company there every day. You could put out to bid for a one year contract or 6 month contract.

Mr. Nikas suggested requiring pickups on the same day for the different companies.

Mr. Getty questioned Mr. Nikas if he would want 5 or 6 six different companies coming in to the project all on the same day.

Mr. Nikas stated that the developer would be taking care of how the garbage will be removed.

Mr. Cortese stated the NYS Property Maintenance Code requires the owner of a building/dwelling is responsible to provide the container.

Mr. Nikas stated they would provide the containers for the residents.

Mr. Miller stated he would like to see some kind of landscaping done where the bedrock is located other than grass.

There was discussion what could be used for landscaping with the Board suggesting planters in front of each building. It was agreed to have one planter for each two units. Some of the residents will want their own decorative items there as well.

Chairman Dingman introduced Cory Hurlburt, Fire Chief for the Kingsbury Fire Company.

Mr. Hurlburt stated he did not have any major concerns. One concern is to be able to have access to the senior housing three points on the corners. They can access the northeast and southeast corners. The northwest corner looks a little bit tight. Mr. Hurlburt explained clap zones and how they work with the fire apparatus should there ever be a fire. Corners are the safest place to put apparatus especially when you are talking about aerials. There were concerns from the fire company concerning access to the building.

Mr. Nikas stated there is a gravel road added to the site plans for this purpose. This road is not for public use.

Mr. Hurlburt had a concern that the hydrants could supply sufficient pressure to support the needs of the fire trucks.

Mr. Nikas stated he has been in contact with Jim Chase, Water Superintendent as to where the hydrants will be located.

Mr. Hurlburt stated if Mr. Chase is satisfied with the water system so is he.

The Public Hearing was closed at 7:45 pm.

Discussion ensued among the Board with questions addressed by the Applicant.

The Board then reviewed the proposed resolution.

ON A MOTION BY IAN MILLER, and seconded by Mr. Getty the Kingsbury Planning Board reviewed the long Environmental Assessment Form pursuant to SEQRA, a complete copy of the responses is attached here to and made a part hereof and having taken a hard look at the potential environmental impacts finds that there are no potentially significant environmental impacts anticipated from this project and the Board issued a negative declaration on the project and authorized the Town Attorney to send the requisite notices.

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

Adopted October 9, 2014

Introduced by Randy Getty  
who moved its adoption

Seconded by Karen LaRose

**RESOLUTION APPROVING SITE PLAN APPLICATION  
OF  
THE QUARRY, 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 and boundary line adjustments prepared in accordance with said Zoning Local Law; and

**WHEREAS**, William Nikas, Esq., as Member of The Quarry, LLC (hereafter the "Applicant"), has applied for a site plan approval by application dated March 26, 2014, for the construction of 148 senior apartments and a 100 bed assisted living facility, with appurtenant structures for roads and utilities, to be located on 75 +/- acres of land located off Dean Road in the Town of Kingsbury on a parcel identified as tax map parcel 146.9-1-1, which parcel is located in the LDR 25 zone as classified in Chapter 280 of the Code of the Town of Kingsbury, and which use requires site plan review by the Planning Board; and

**WHEREAS**, William Nikas, Esq., as Member of The Quarry, LLC (hereafter the "Applicant"), has also applied to amend the prior subdivision of The Quarry, LLC to amend the boundary lines of those certain lots as depicted on the map; and

**WHEREAS**, the Applicant has submitted to the Planning Board the following: sketch plans, descriptive narratives, and revised plans addressing comments of the Planning Board, and the Planning Board has considered the comments of the applicant and its agents, and also the Town of Kingsbury planning information on file with the Town of Kingsbury, all of the materials and representations made at public meetings shall constitute the "Application"; and

**WHEREAS**, the Proposal as reflected in the Application is located in the LDR-25 zoning district, as defined in the Zoning Local Law, and pursuant to Section 280-22, site plan approval is required for this development in the LDR-25 zoning district; and

**WHEREAS**, the Planning Board accepted the Application and the Washington County Planning Board has reviewed the Application and recommended approval with conditions 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 has been designated as Lead Agency in accordance therewith, 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; 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.

The Planning Board finds that the buildings as proposed are acceptable. The design plan for the housing units shall be of similar design as the perspectives submitted by the applicant. The Assisted Living Facility shall not exceed 55 feet in height and contain a pitched roof of no less than 5/12. The clustering of the buildings on the property and the spacing between building clusters preserves the remainder of the property for open space. As a cluster development the height and dimensions of the proposed structures are not required to meet the specific requirements and are approved as proposed. The design and appearance of the buildings fits well with the surrounding area.

All lights are to be downward facing cut-off style, which will help mitigate against any impacts that might arise from the lighting in accordance with the Applicant's memorandum dated October 5, 2014 to meet the lighting needs of the parking areas.

No signs have been proposed in connection with this project so this is inapplicable.

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

In reviewing the on-site road/street/driveway plans, the Planning Board finds that the proposed improvements are acceptable. The proposal provides adequate travel lanes to safely accommodate traffic.

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

Off street parking is sufficient for the project. The number of parking spaces is adequate to provide for the needs for this development, based on the plans submitted. The applicant may maintain a portion of the proposed parking area as landscaped grass where not needed. Determinations of need shall be confirmed by the Code Enforcement Office based upon use and occupancy.

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

The roads and driveways on site are adequate for pedestrian traffic between the buildings. Sidewalks shall be provided by the applicant and depicted as a condition of the final site plan approval. The Applicant shall include a dedicated sidewalk of not less than five (5) feet in width, set off the road with a buffer area between the road and the sidewalk of not less than three (3) feet in width, along the main loop road with tie-ins to the assisted living facility and walking trails.

- e. Adequacy of stormwater and drainage facilities.

The stormwater plans submitted by the Applicant shall receive final approval from the Town Engineer prior to any ground disturbance, and the Applicant will be required to submit a copy of its Stormwater Pollution Prevention Plan permit from NYS DEC.

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

The Applicant will be tying into the sewage disposal facilities of the Washington County Sewer District #2. Capacity has been confirmed by Joseph Brillling, Executive Director by letter dated October 1, 2014 pursuant to the conditions contained therein. The Planning Board finds this acceptable.

- 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.

Existing green space is to be preserved to the extent practicable and a substantial buffer is being maintained between the improvements and the neighboring properties. The Planning Board finds these plans acceptable in accordance with the Applicant's memorandum dated October 5, 2014. The Applicant shall also include decorative planters and/or shrubs to be installed for every two units.

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

The final location and number of fire hydrants proposed by the Applicant shall be submitted on the final set of plans. The Kingsbury Volunteer Hose Company has confirmed their ability to adequately address the firefighting needs for a 55 foot high assisted living facility. The gravel access drive located to the rear of the assisted living facility shall be kept clear at all times including but not limited to the removal of snow and ice. Adequate water volume serving the sprinkler system and hydrants shall be confirmed and approved by the Kingsbury Volunteer Hose Company.

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

The stormwater plans submitted by the Applicant shall receive final approval from the Town Engineer prior to any ground disturbance

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?

No variances were required due to the use of a cluster development design. The Planning Board's approval of this project is based on this design and they hereby waive the dimensional and height requirements where they do not meet strict compliance with the Zoning Local Law.

- 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 area is zoned LDR-25, and the applicant has proposed to cluster the development providing as much open space as possible. The Planning Board feels that the nature and intensity of the proposed use is reasonable, particularly given the reservation of open space lands, and that the increase in services required by this plan is reasonable.

- 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?

No. The Planning Board does not feel that the proposed use will create traffic hazards or congestion. The potential traffic impact was previously studied and reviewed pursuant to the Dickinson Approval from 2006.

- 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?

No. The Planning Board finds that the project will not have an undue adverse impact on the natural, scenic, aesthetic, ecological, wildlife, historic recreational or open space resources of the Town. The recreational impacts will be minimal as the property is currently private and open areas will remain for the use of the residents.

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

- a. Water. Water will be municipally supplied and this is acceptable to the Planning Board.
- b. Land. The impact to land is acceptable. While this project will convert land previously undeveloped, this is acceptable to the Planning Board, and is in standing with the Town's Zoning Ordinance.
- c. Air. No air impacts are noted.
- d. Noise. Noise impacts include those usually associated with residential development. This property being in the residential zone, normal noises associated with residential use are acceptable. No other adverse noise issues are noted.
- e. Critical resource areas. No impacts to critical resource areas are noted.

- f. Wildlife. While the project is removing land that could be used for wildlife habitat, the land is located near the commercial and residential Dix Avenue corridor. There are numerous commercial buildings, BOCES is not far from the property, and residential structures are located nearby. This is acceptable to the Planning Board.
- g. Aesthetics. The Planning Board feels that the project will blend in with its surroundings, and does not find aesthetics to be a concern for this development.
- h. Historic site conditions. No impacts to historic conditions are noted.
- i. Site development considerations. Site development is well planned, and the improvements work well with the site.
- j. Governmental service and control factors. While additional services can certainly be associated with development such as this, the Planning Board finds that current service levels are sufficient to meet the needs of this development.

Section 3. County Planning Board Comments:

The Washington County Planning Board approved the application with the following Conditions:

- The Town Engineer to review and approve final stormwater (SWPPP) and wastewater plan.

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. All improvements are to be made as per the plans submitted. Any significant changes to the plans, including any improvements to be omitted, shall require Planning Board approval as a modification of this site plan approval.
- b. The approval shall be conditioned upon the final approval of the plans by the Town's engineer and the payment of their invoice for review work associated with this project.
  - b. The approval shall be conditioned on the approval of the Stormwater Pollution Prevention Plan by the Town's Engineer or DEC in the event they wish to retain jurisdiction on this property. Applicant will submit a copy of all DEC approvals and any reports filed thereunder and shall remain in compliance with same.
- d. The Applicant shall provide waste disposal services for the residents. If a centralized collection facility is required site plan review shall be required.

- e. The fire hydrants shall be inspected and deemed in working order, with sufficient access and capacity as required by the Kingsbury Volunteer Hose Company, Inc.
- f. All lighting to be downward facing, cut-off style designed to minimize light emissions from the property.
- g. The Applicant is proposing individualized mail delivery. In the event the US Post Office requires centralized mail distribution, site plan approval shall be required.
- h. The road construction shall be in compliance with the Town specifications and approved by the Superintendent of Highways. Any requests for dedication and ultimate decision to accept the highway is subject to the Approval of the Town Board.
- i. Final approval of the Washington County Sewer District II, including the release of all conditions contained in the October 1, 2014 letter from Joseph Brilling, Executive Director.
- j. No future development shall occur in the open space areas, particularly the area to the north and east of the Niagara Mohawk easement.

Section 5. The proposed boundary line adjustment is hereby approved as presented for the lots contained in the original Quarry subdivision and as they adjoin the premises being approved herein. The Chairman shall have the authority to sign the official Mylar to be filed with Washington County thereby amending the boundaries as depicted.

Section 6. This resolution shall take effect immediately.

PRESENT:

Chairman Robert Dingman  
Randy Getty  
Ian Miller  
Karen LaRose

AYES: 4

NAYES: 0

ABSENT: 3

ABSTAIN:

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Michelle Radliff, Planning Board Secretary

**ON A MOTION BY MRS. LAROSE**, and seconded by Mr. Getty all in favor, the meeting was adjourned at 8:30p.m.

Michelle Radliff, Secretary  
<http://www.kingsburyny.gov>