

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of December 16, 2020

MEMBERS PRESENT:

Robert Dingman, Chairman
Randy Getty
Karen LaRose
Tim LaSarso
Todd Murphy
Randy Weaver

MEMBERS ABSENT:

Justin Fehl
David Gauci

Enforcement Officer
Todd Humiston

TOWN ATTORNEY
Jeff Meyer, ESQ.

For the record, this meeting is virtual and is being recorded.

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 November 18, 2020.

ON A MOTION BY MR. WEAVER, seconded by Mr. LaSarso, the minutes of the November 18, 2020 meeting were approved.

AYES: 6

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

1. THE QUARRY APARTMENTS owner of tax map #146.-1-23 commonly known as 35 Dean Road is proposing to change the existing site plan approvals to allow for the construction of 252 apartment units housed within 9 buildings, (3) three 24 Unit Buildings and (6) six 30 Unit Buildings. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Chairman Dingman stated for the record Mr. Nikas ask to have this project tabled. The Town engineer and Mr. Nikas' engineer need to work on the storm water plan. The public hearing will remain opened.

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Mr. Humiston, Enforcement Officer, stated public comments can be reached by email at officer@kingsburyny.gov, or at ATTN: Enforcement Office, 6 Michigan Street, Hudson Falls, NY 12839. If you have concerns specific to your property, please include your contact information. He would like to go to your property and address your concerns and possibly bring the Town engineer if needed.

Chairman Dingman stated any responses Mr. Humiston receives will be forwarded to each Planning Board member.

2. NORTH COUNTRY PAWS FOR OBEDIENCE, LLC contract vendee of Tax Map # 121.-1-17.4 commonly known as 4202 State Route 4 Hudson Falls, Town of Kingsbury, located in Zoning District, Com-1A/Commercial District is seeking Site Plan approval for an obedience school and enrichment center 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 stated this project was basically approved at the November 18, 2020 meeting with the SEQRA already completed. The public hearing is still opened.

Chairman Dingman stated the Board has heard from the County and confirmed with Mr. Humiston that this project is a matter of local concern.

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. MURPHY and seconded by Mr. Getty the Kingsbury Planning Board declares lead agency status and having reviewed the short 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.

Resolution No. 1 of December 16, 2020

NORTH COUNTRY PAWS FOR OBEDIENCE, LLC contract vendee of Tax Map # 121.-1-17.4 commonly known as 4202 State Route 4 Hudson Falls, Town of Kingsbury, located in Zoning District, Com-1A/Commercial District is seeking Site Plan approval for an obedience school and enrichment center at this location. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

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ON A MOTION BY Mr. Weaver, seconded by Ms. LaRose, based on all of the evidence and materials submitted by the Applicant and the representations made at the meeting, the Application is hereby approved subject to the following conditions:

1. No boarding of animals on premises.
2. Any exterior lighting for the premises must be downcast.
3. All information and representations contained in the materials submitted by the applicant and discussed at the meeting are incorporated herein as conditions.

Ms. Bacharach and Ms. Rabin thanked the Board and are looking forward to being a part of this community.

3. VERNON GREENE, TRUE ORDER MOTORCYCLE contract vendee of Tax Map # 138.-1-68 commonly known as 3503 State Route 4, Town of Kingsbury, located in Zoning District, Com-1A/Commercial District is seeking Site Plan approval for a proposed private motorcycle club. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, NY during regular business hours.

Chairman Dingman introduced Vernon Greene to address the Board.

Mr. Greene stated they have contacted Sheriff Murphy and he has no problem with the club or any of the members in the club. Sheriff Murphy was surprised his name was brought up regarding this project.

Chairman Dingman stated for the record at this point and for the record and if she is here, the Planning Board has received:

- a letter from Jane Havens, the Safety Committee of the Town of Kingsbury,
- a number of letters indicating the charitable things done over the years by True Order Motorcycle Club,
- a specific letter from Mike Archambault came separate from Ms. Haven's letter,
- a number of other letters came in around 3:00 as well and I did not have time to copy them all. I have copies as well as the Board Members do.

Mr. Humiston stated the violations against the motorcycle club have already accumulated according to the nuisance law.

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Ronnie Hedrick, True Order Motorcycle Club, spoke in defending True Order Motorcycle Club.

Ms. LaRose asked Mr. Humiston to explain the nuisance law again.

Jane Havens, Public Safety Committee on the Kingsbury Town Board read the following statement to the Planning Board.

"The Town of Kingsbury has enjoyed the presence of a motorcycle club in this Town for decades. We have a zero tolerance for public nuisance. Chapter 192 of the Town Code was adopted to prevent public nuisance from disrupting residence qualities of life. With the recorded violations True Order has had at their previous location they have exceeded the allowable points for the past 3 years and would have been subject to enforcement. In light of recent events, they have continued to prevent public safety to our residences and have burden our Code Enforcement Office, therefore this Board must vote against their request."

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

Chairman Dingman stated he is willing to table this proposal until they get the information the Board is looking for. Chairman Dingman stated not having a liquor license is the biggest concern.

Mr. Hedrick stated they are not selling liquor at this location and will move forward with getting a liquor license.

Chairman Dingman suggested to have the motorcycle club's attorney contact the Attorney Jeff Meyer, Planning Board to discuss what is needed to get an approval and there will be no activity until this is resolved with the liquor authority.

Mr. Hedrick questioned if they could have their monthly meetings at this location.

Mr. Humiston stated that property is in a commercial zone and needs a certificate of occupancy to operate. At this time, this commercial property only has a c/o for a restaurant, not a club house or any other type of business. It is not on a residential property; you can be on the property to improve it or get prepared/fixed it up to get your liquor license. Mr. Humiston suggested to table this until they have a liquor license.

ON A MOTION BY Mr. LASARSO, seconded by Mr. Weaver this project has been tabled.

AYES: 6
NAYES: 0
ABSTAIN: 0
MOTION CARRIED

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Chairman Dingman stated the next item on the agenda is the Geer Road Residence. They had come to the meeting last month. They were asked to send the Board the petition and the five points of interest at the November 18, 2020 meeting with an area explanation of why they have those concerns.

Last month we asked Attorney Meyer to determine what options this Board had. At one point the Board thought they could simply reopen and revisit the approval. Unfortunately, this is not an option. Attorney Meyer would be able to explain this. Also, according to Town Code Solar Arrays are an approved use in an Agriculture zone. At this point the major concern of the Planning Board and from the Chairman Dingman stated the people he has spoken with have the same concern he does. The major concern is Mr. Doud's misrepresentation, the key fact in that he indicated he had contacted the neighbors. We found out later Mr. Doud did not contact any of the neighbors.

Additional questions surround the impact of blasting near the solar panels and what appears to be the lack of reduction visual effect from the solar panels.

Between meetings Chairman Dingman has spoken to other people and Mr. Meyer; we are planning to send a letter to Matrix with a copy to Peckham requesting that Matrix address these concerns. What the impact of the letter will be he is not sure.

Lorraine Forcier, 318 Geer Road stated this project is impacting every party here; the Town, Peckham's, Matrix, and the Geer Road Residents. All of the meetings occurred during Covid-19. We were on lockdown from the State, so people were not attending the meetings, not everybody has internet capability out in the rural areas.

Mr. Meyer responded the open perspective is the Planning Board essentially did everything that is required and went above and beyond where it could. Despite things being on lockdown the virtual meetings were held with the comment period left open beyond holding the actual meetings, trying to encourage additional comments. The approval was granted June 17, 2020 and the applicable statute of limitations that is something we would weigh in on as the Town. If you are considering filing an action against the Town and/or Peckham and Geer Road Solar, I would recommend you consult with your attorney in making applicable statute of limitations. From an Open Meetings law perspective, the Planning Board went above and beyond what is actually required by law as was we extended and opened up the availability to have this meeting is by virtue of Executive Orders from Governor Cuomo Office. The Planning Board is doing what it can.

Ms. Forcier questioned what the consequences for Mr. Doud will be for not contacting the neighbors.

Attorney Claudia Braymer stated she is representing Lorraine Forcier. Ms. Braymer recently retained her and is getting up to speed on this case. Ms. Braymer stated she was not representing Ms. Forcier when this project came before the Board.

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Ms. Braymer stated she does agree with Attorney Meyer the Planning Board did not do anything do anything improper as far as the meetings themselves. They are not looking to overturn from that perspective.

Ms. Braymer stated the zoning code for the Town does have a provision in it; Section 280-57 (E) and feels it applies to this situation. She feels this is a provision that the Board could rely upon when the letters are sent.

Chairman Dingman asked Attorney Braymer to forward the request to Attorney Meyer.

Attorney Meyer stated this matter should be discussed in Executive Session.

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

Greg Couture 282 Geer Road questioned the construction site.
Lisa Catalfamo, 71 Geer Road questioned the property worth.
Mike Cleveland, 189 Geer Road questioned their property values.

A motion by Mr. LaSarso seconded by Mr. Weaver and carried by a vote of 6 ayes to enter into an executive session at 8:20 pm to discuss potential legal issues.

A motion by Mr. LaSarso seconded by Mr. Weaver and carried by a vote of 6 ayes to exit the executive session at 8:59 pm.

ON A MOTION BY MR. WEAVER and seconded by Mr. LaSarso, all in favor, the meeting was adjourned at 9:05 pm.

Michelle Radliff
Planning Board Secretary