

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of December 21, 2016

MEMBERS PRESENT:

Robert Dingman, Chairman
Justin Fehl
Randy Getty
Tim LaSarso
Todd Murphy – Alternate

MEMBERS ABSENT:

David Gauci (Excused)
Karen LaRose (Excused)
Randy Weaver (Excused)
Cheryl Hogan (Excused)

Code Enforcement Officer
Francis Cortese

TOWN ATTORNEY

Mary-Ellen Stockwell, Esq., Meyer & Fuller, PLLC

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 16, 2016.

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

AYES: 5

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

1. Jeff Walker, Affordable Auto Sales Inc., contract vendee of Tax Map # 154.8-1-26, commonly known as 3606-3614 Burgoyne Avenue, is seeking site plan approval to operate a Car Display Lot Business at this location. This action is pursuant to Section 280-23 G of the Code of the Town of Kingsbury.

Chairman Dingman introduced Steven Brown, Affordable Auto Sales, who would be representing Jeff Walker, Affordable Auto Sales and ask him to address the Board.

Mr. Brown stated they are proposing to display cars at 3606-3614 Burgoyne Avenue. Affordable Auto Sales Inc. is located at 1132 Dix Avenue, Hudson Falls. They would like to display up to 20 late model used cars at this site. The display lot will have a 4' X 8' sign with Affordable Auto Sales Inc., name, address and phone number to call. They will not be staffing this lot.

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Mr. Brown stated they have submitted new drawings as requested by the Board at the November 16, 2016 meeting.

Chairman Dingman stated the street view that was submitted was fine but what he was looking for was the overview. Chairman Dingman stated he printed one out and made copies for the Board. The street view you are looking at the property only. The overview (from Google Earth) shows clearly the markings of the whole property.

Chairman Dingman stated he is assuming that from the drawing the cars facing Burgoyne Avenue and the trucks facing County Route 41 are from the request of Nelson "Butch" Chase, Kingsbury Fire Chief. The Chairman stated that Mr. Chase had requested the higher vehicles not be parked on the corner of this property for sight visibility at this intersection. The applicant stated that this was agreed upon and how the drawing should be interpreted, that only the larger and taller vehicles would be parked in the back.

Chairman Dingman stated the Washington County Planning Board approved this with the matter being one of local concern.

Discussion ensued among the Board with questions addressed by the Applicants Representative.

The Chairman requested that the Planning Board Attorney read aloud Part II and III of the Short Form SEQRA. Attorney Stockwell read aloud the Short Form SEQRA form. The Board answered "No to small Impact May Occur" on all questions 1 through 11.

ON A MOTION BY MR.FEHL, 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.

ON A MOTIION BY MR. GETTY, seconded by Mr. Fehl the Public Hearing was closed.

After further discussion among the Board the following resolution was put forward.

Resolution No. 1 of December 21, 2016

SITE PLAN REVIEW - Jeff Walker, Affordable Auto Sales Inc., contract vendee of Tax Map # 154.8-1-26, commonly known as 3606-3614 Burgoyne Avenue, is seeking site plan approval to operate a Car Display Lot Business at this location. This action is pursuant to Section 280-23 G of the Code of the Town of Kingsbury.

A regular meeting of the Kingsbury Town Planning Board was held on December 21, 2016 at 7:00 PM at the Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, NY 12839. The following resolution was passed as pertains to the above referenced matter.

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ON A MOTION BY JUSTIN FEHL, seconded by Randy Getty based on all of the evidence and materials submitted by the Applicant, including but not limited to the fire safety analysis, updated plans, and the representations made at the meeting, and the Washington County Planning Board deeming the matter one of local concern, the Application is hereby approved subject to the following conditions:

1. The lot shall be used purely for advertising and display purposes only;
2. There shall be no office, no staffing and no lighting on the display lot;
3. The Applicant shall maintain traffic sight distance on the corner of County Route 41 and Burgoyne Avenue;
4. Any vehicles parked on the corner shall be of standard sedan height for sight purposes and any and all larger vehicles shall be placed in the back row not causing any sight limitations for traffic;
5. Any and all signs to be placed on the property shall be subject to the permitting process through the Town of Kingsbury Town Code and the Town's Code and Building Department; and
6. No vehicles shall be allowed to park on Burgoyne Avenue when viewing cars in the display lot and shall pull in to the lot for viewing purposes.

AYES: 5

NAYES:

ABSENT: 4

2. ROBERT SPRINGER, R2M HOLDINGS LLC, owner of Tax Map # 137.-1-6, commonly known as 100 Dean Road is seeking subdivision modification for a 4 lot subdivision at this location. This action is pursuant to Section 240-3 of the Code of the Town of Kingsbury.

Chairman Dingman introduced Robert Springer, R2M Holdings LLC and asked him to address the Board. The applicant stated that he was coming back to the board for a boundary line adjustment on the previously approved subdivision due to the fact that when they started building on the lots they determined, due to terrain, that the lots needed to be reconfigured slightly.

Chairman Dingman stated there is concern with the survey map as proposed by the applicant which outlines a previously approved four lot subdivision. There is a deed line showing on Lot 3, in which it makes this subdivision appear to be 5 lots rather than the approved 4 Lot subdivision. The applicant agreed that this line was confusing and seemed to reflect something other than what he intended and that he would contact his surveyor to change this line depiction.

Mr. Springer stated he is here tonight to propose a modification to on the property line on lot 4.

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Attorney Mary-Ellen Stockwell stated she would like to see the line depicting “deed line” which is currently encompassed within the survey showing lot three to either be changed to a different delineation and noted on the key with a note in “map notes” and/or simply removed. Attorney Stockwell stated that if the applicant contacted their surveyor, this would likely be able to be changed on their computer program and reconfigured to meet this request.

The Chairman stated that this clarification would make it easier for future owners as well.

The modification Mr. Springer is proposing Lot 3 will be 7.49 +/- acres and not the original 8.74 +/- acres and Lot 4 will be 9.87 +/- acres and not the original 7.94 +/- acres. Revised Lot 2 will be 4.04 +/- acres and not the original 5.01 +/- acres. Existing Lot 1 will remain at 3.55 +/- acres.

The applicant requested that the board consider waiving the requirement for the public hearing.

The Chairman requested that the Planning Board Attorney read aloud Part II and III of the Short Form SEQRA. Attorney Stockwell read aloud the Short Form SEQRA form. The Board answered “No to small Impact May Occur” on all questions 1 through 11.

ON A MOTION BY MR.MRPHY, 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.

After further discussion among the Board the following resolution was put forward.

Resolution No. 2 of December 21, 2016

SITE PLAN REVIEW - ROBERT SPRINGER, R2M HOLDINGS LLC, owner of Tax Map # 137.-1-6, commonly known as 100 Dean Road is seeking subdivision modification for a 4 lot subdivision at this location. This action is pursuant to Section 240-3 of the Code of the Town of Kingsbury.

A regular meeting of the Kingsbury Town Planning Board was held on December 21, 2016 at 7:00 PM at the Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, NY 12839. The following resolution was passed as pertains to the above referenced matter.

ON A MOTION BY RANDY GETTY, seconded by Justin Fehl 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. The Public Hearing is waived due to the fact that this is a previously approved subdivision which the Board had spent several meetings reviewing and held a public hearing on same and that this request was a simple line adjustment between Lots 3 and 4.

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2. Authorize Chairman Dingman to sign the applicant's Mylar outside of this meeting contingent upon Attorney approval of her satisfaction to the modification of the map of the deed line submitted by the applicant to her.

AYES: 5

NAYES:

ABSENT: 4

ON A MOTION BY MR. GETTY, seconded by Mr. Fehl all in favor, the meeting was adjourned at 7:30 P.M.

Michelle Radliff
Secretary