

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of July 19, 2017

MEMBERS PRESENT:

Robert Dingman, Chairman  
Justin Fehl  
Randy Getty  
Karen LaRose  
Todd Murphy  
Randy Weaver

MEMBERS ABSENT:

David Gauci (Excused)  
Tim LaSarso (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 21, 2017.

**ON A MOTION BY MR. GETTY**, seconded by Mrs. LaRose, the minutes of the June 21, 2017 meeting were approved.

AYES: 6

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

1. **Kristopher Johnston, Adirondack Precision Cut Stone**, Tax Map # 137.-2-41, commonly known as Queensbury Avenue, Town of Kingsbury, located in Zoning District, PIC-75 Park/Commercial District is seeking Site Plan approval to construct 13,500 + square foot Warehouse with a 10 foot + Canopy. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Chairman Dingman opened the Public Hearing.

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Chairman Dingman introduced Tom Center, Van Dusen & Steves Land Surveyors who will be representing Kristopher Johnston, Adirondack Precision Cut Stone and Tim Barber, Jag Construction to address the Board.

Mr. Center stated after the June 21, 2017 meeting they were able to meet with Tom Jarrett, Jarrett Engineering, the IDA's Engineer to review items of concern. One of the changes is they reduced the pavement in the front of the building and put in a sidewalk going to the front door. They also changed the runoff from the roof to go into eaves trench which then will go into a larger pond that was redesigned along the east side end of the parcel.

Mr. Center stated he has spent a lot of time with Mr. Jarrett going over different changes. This is the final design. They added detail regarding the Stormwater Report. All lighting will be down cast.

Mr. Center stated Mr. Johnston delivered the floor plan and elevations to Town Hall. At the previous meeting Mr. Johnston wasn't sure when he would be adding office space. Mr. Center stated talking with Mr. Johnston after the meeting they had decided to add the office space and bathrooms to the building at this time. There will be a small show room area. There will still be storage under the canopy.

Mr. Fehl questioned if there would be any signs.

Mr. Center stated the sign will be compliant with the Town Code.

Chairman Dingman stated the sign would be a Code Enforcement issue.

Mr. Cortese stated they would need to get a sign permit from his office.

Chairman Dingman questioned what changes were made to the Stormwater Report. The letter from Tom Jarrett, Jarrett Engineering states "We are comfortable with these plans being reviewed by each Board."

Chairman Dingman questioned if this was a sign off by Mr. Jarrett and why Mr. Jarrett did not sign off on the plans.

Mr. Center stated in speaking with Mr. Jarrett this morning Mr. Jarrett stated he was all set with the changes in the plans. Mr. Jarrett requested a copy of the final plans and he would put a letter together for both Boards.

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Chairman Dingman stated he was looking for a formal sign off from Mr. Jarrett.

Mr. Center stated the changes from the original site plan are a change to the pond in the rear to a forebay micro pool. The runoff from the roof will be guttered and directed to 3' wide by 3' deep eave trenches. The eave trenches will be located in fill material and will allow for some infiltration. Excess runoff will be collected in a perforated pipe in the eave trench and directed to the catchbasins at the east end of the parking area and then discharge into the stormwater pond forebay area. The new parking area will be pitched to the south and east where it will be captured in a paved wing swale and directed to catchbasins along the eastern edge of the pavement. The catchbasins will have deep sumps which will provide some pretreatment and then discharge into the pond forebay area.

Chairman Dingamn questioned how often this will have to be maintained.

Mr. Center stated there will be ground water in it all of the time. The edges may have to be brushed once a year depending on how fast the mold grows. This will be low maintenance if the trash is kept out.

Discussion ensued among the Board with questions address by the Applicant's Representation and the Applicant.

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

ON A MOTION BY MR. WEAVER, 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 July 19, 2017**

**SITE PLAN REVIEW** – Kristopher Johnston, Adirondack Precision Cut Stone, owner of Tax Map #: 137.-2-41 commonly known as Queensbury Ave in the Warren-Washington County Industrial Park, Town of Kingsbury, located in the PIC-75 Zoning District, is seeking Site Plan approval for the construction of a 13,500+ square foot warehouse with a 10 foot + canopy and associated site work, at this location. This action is pursuant to Section 280-23 (D) of the Code of the Town of Kingsbury.

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**ON A MOTION BY** Mr. Fehl, 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 outside storage will be permitted on the premises, outside of the canopy area.
2. The building shall be an earth tone color and the applicant shall plant and maintain low shrubs in the front of the building as landscaping.
3. In the event the Applicant wishes to hang any sign on the premises, additional approvals shall be required in accordance with the laws of the Town of Kingsbury.
4. This approval is contingent upon the receipt of the final approval from the Warren / Washington Counties Industrial Development Agency.
5. All information and representations contained in the materials submitted by the applicant and discussed at the meeting are incorporated herein as conditions.

2. **BEST SELECT AUTO** contract vendee of Tax Map # 154.8-1-26 commonly known as 3606-3614 Burgoyne Avenue, Hudson Falls, located in Zoning District COM-1A, Commercial District, for Site Plan Review for a proposal to operate a used Car Lot Display 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 Al Zito, Best Select Auto to address the Board.

Mr. Zito stated he will be Car Lot Display will be in front of the white building located on this property. The proposed starting number of vehicles is nine with a maximum of twenty.

Mr. Zito stated his average display has always been six to ten vehicles. He will not exceed the maximum of twenty vehicles. Mr. Zito will be the only employee.

Mr. Zito stated he will not be doing any service work on the vehicles.

At this time Mr. Zito is temporarily has an office in the building that the limousine business is in. Mark Reynolds, Estate of Henry Caputo is renovating the white garage building on the property for his office.

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Mr. Cortese stated Mr. Reynolds will need a building permit for the plumbing in this building.

Discussion ensued among the Board with questions address by the Applicant's Representation and the Applicant.

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

**ON A MOTION BY MR. FEHL**, and seconded by Mr. Weaver 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. 2 of July 19, 2017**

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

**ON A MOTION BY** Mr. Fehl, seconded by Mr. Weaver, based on all of the evidence and materials submitted by the Applicant and the representations made at the meeting, and the Washington County Planning Board deeming the matter a matter of local concern, the Application is hereby approved subject to the following conditions:

1. The lot is to be used for purely advertising and display purposes as well as a small office with no more than 20 vehicles permitted on the premises.
2. No service or automotive work may be performed on the premises.

**PRELIMINARY - AVIATOR WAY SOLAR, LLC**, contract vendee of Tax Map # 127.-1-27 and 127.-1-26.3 commonly known as 40 Aviator Way, Queensbury, NY, located in Zoning District, Residential Agricultural RA-1A District is seeking Site Plan approval to develop a 2 MW Solar Energy Facility 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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Chairman Dingman introduced Bryan Stumpf, Cypress Creek Renewables, Zoning & Outreach Manager- Development, Daniel Band and Marisa Scavo, Cypress Creek Renewables Zoning Managers and Jacob Oldenburger, from Langan Civil Engineering to address the Board. Also in attendance was Francis Giroux, owner of the property on Aviator Way.

Mr. Stumpf stated Cypress Creek Renewables is an owner operator of Solar Farms with operating farms located in 15 states. They focus on a community based solar on parcels of land in the range of 15 to 20 acres. Typically generating 2 MW Solar Energy Facility per project and is enough to power 300 to 400 homes

Mr. Stumpf stated this location is 2 lots with a total of 56.5 acres area of disturbance will be 29 acres and the actual Solar Arrays will be 7.5 acres of disturbance.

Attorney Meyer stated the two lots would have to be combined in order for approval. By having the lots combined the setback regulations will be met.

Chairman Dingman stated the majority of disturbance is for the roadways for maintenance and service.

Mr. Stumpf stated yes this is where most of the disturbance will be and then explained the road way setup.

Mrs. LaRose questioned where the next closest solar farm would be to Kingsbury.

Mr. Stumpf stated they have the solar farms all over NYS and have recently received approval approximately 10 more farms.

Ms. Scavo stated the next closest solar farm would be in Halfmoon, NY.

Mr. Stumpf stated the property at this location is mostly forested area and flat. There are some wetlands located on this property.

This area will to be cleared and will have perimeter fence eight feet high with barbed wire around the top. There is a gated entrance near the turn around. They hire maintenance crews to come in for snow removal so that all emergency vehicles have access to the road.

Bryan King II, Kingsbury Fire Chief questioned if the fire company will have access to the solar farm.

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Mr. Stumpf stated there will be a lock box at the gate.

Mr. King stated the fire company does not have any training when it comes to solar.

Mr. Stumpf stated they do have an emergency response plan and he is often in charge of the training. Mr. Stumpf is a volunteer fire fighter. There is training during the construction period and also training for the operational period. The panels have zero toxicity.

Chairman Dingman questioned if this project would be visible from the road.

Mr. Stumpf stated there is plenty of natural buffering from the road.

Mr. Weaver questioned the visibility from Dean Road.

Mr. Giroux stated there is a couple of hundred feet of forest between his back property line and Dean Road.

Mr. Stumpf stated the highest panel would be twelve feet if at a tilt.

Mr. Stumpf stated Cypress Creek Renewables has a 25 year lease with Mr. Giroux. The life expectancy of the panels is 25 years as well. After the 25 years they will review this project for possible replacement. They can recondition the panels but the company is not interested in this.

Mr. Weaver questioned the length of the panels.

Ms. Scavo stated the panels 3' x 4' orientated in portrait; the panels are 8 feet long. There will be 9,000 +/- panels for this project. The panels will be lined up next to each other and will take up about 5 acres.

Mr. Getty questioned the time frame before they will be up to full build.

Mr. Stumpf stated the construction can be done in 2 months once everything is approved.

Mr. Geroux stated the actual acreage that will be used for the solar panels is 20 acres rather than 7.5 acres because of the space between the panels.

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Mr. Stumpf stated there is at least 75 feet to 125 feet of buffer around the entire array. This area will be clear area so that trees do not put shade on the panels. There is 20 to 30 feet of space between each pole that will be gravel road to the gate for vehicles. These areas will be maintained as well.

There will not be any buildings or storage area on the site. There will be maintenance on the panels once every four months.

Chairman Dingman stated with this parcel having wetlands on it the key will be DEC permitting.

Discussion ensued among the Board with questions address by the Applicant's Representation and the Applicant.

**ON A MOTION BY MR. GETTY**, and seconded by Mr. Fehl, now be it

RESOLVED, the Town of Kingsbury Planning Board hereby deems the proposed action as a Type I action under the NYS Environmental Quality Review Act; and be it further

RESOLVED, the Town of Kingsbury Planning Board hereby declares itself to be the lead agency subject to no other involved agency contesting the same; and be it further

RESOLVED, the Town of Kingsbury Planning Board hereby authorizes the Planning Board Clerk, Attorney for the Planning Board and/or the Code Enforcement Officer to send out the requisite notices to all other involved agencies, including but not limited to the NYS Department of Environmental Conservation, New York State Energy Research and Development Authority.

Chairman Dingman stated there will be a Public Hearing on this project at the August 16, 2017 Planning Board meeting.

**ON A MOTION BY MR. GETTY**, seconded by Mr. Murphy all in favor, the meeting was adjourned at 8:15 P.M.

Michelle Radliff  
Secretary