

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of August 19, 2015

MEMBERS PRESENT:

Robert Dingman, Chairman
Randy Getty
Cheryl Hogan
Karen LaRose
Randy Weaver

MEMBERS ABSENT:

Dave Gauci (Excused)
Tim LaSarso (Excused)

Code Enforcement Officer

TOWN ATTORNEY

Jeff Meyer

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

ON A MOTION BY MR. WEAVER, seconded by Mr. Getty, the minutes of the May 27 and June 3, 2015 meeting were approved.

AYES: 5

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

Chairman Dingman stated Ian Miller and Michele Abbenante have resigned from the Planning Board.

1. Phyllis Weaver owner of the property known as 323 Dean Road, Hudson Falls, NY, Town of Kingsbury and Tax Parcel ID 137.-1-55.1 is seeking an area variance to permit the creation of 3 lots from one existing lot. Lot one (1) will be 9 acres with 219 feet of lot width, lot two (2) will be 1 acre with 168 feet of lot width and lot three (3) will have 5-6 acres with 320 feet of lot width. This application was denied by the Code Enforcement Officer pursuant to Chapter 240, Article II and Section 240-5 of the Zoning Ordinance Code of The Town of Kingsbury

Mr. Randy Weaver recused himself from this project, as he will be representing the applicant.

Chairman Dingman introduced Mr. Weaver to address the Board on behalf of the Applicant

Mr. Weaver stated he is here for a conceptual approval for a three lot from subdivision from one existing lot at this location. Lot 1 will be 1+/- acre with road frontage of 168 feet, Lot 2 will be 6+/- acres with road frontage of 320 feet and Lot 3 will be 8.2 +/- acres and will wrap around Lot One with road frontage of 219 feet.

Chairman Dingman stated this project would have to go to the Kingsbury Zoning Board of Appeals. The Applicant will be asking for 32 feet of relief on road frontage width requirement of 200 feet on Lot 1.

ON A MOTION BY GETTY, and seconded by Mrs. LaRose 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.

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

Resolution No. 1 of 2015
Adopted August 19, 2015

Introduce by Karen LaRose
Who moved for its adoption

Seconded by Randy Getty

**RESOLUTION APPROVING THE MINOR SUBDIVISION APPLICATION
OF
PHYLLIS WEAVER**

WHEREAS, pursuant to the Land Subdivision Regulations of the Town of Kingsbury found at Chapter 240 of the Code of the Town of Kingsbury (hereafter the "Subdivision Regulations"), the Town of Kingsbury Planning Board (hereafter the "Planning Board") is authorized and empowered to approve plats showing lots, blocks, or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of Washington County and to conditionally approve preliminary plats within the Town of Kingsbury; and

WHEREAS, Phyllis Weaver (hereafter the "Applicant"), by application dated July 29, 2015 applied to the Planning Board for approval of the proposed subdivision of a 15.4 +/- acre parcel of land located at 323 Dean Road, Town of Kingsbury into three (3) lots with associated improvements (hereafter the "Proposal"); and

WHEREAS, on this meeting of the Planning Board, the Applicant appeared and the Proposal was discussed by the Applicant and the Planning Board; and

WHEREAS, on this meeting of the Planning Board, a public hearing was held and the public was given the opportunity to speak; and

WHEREAS, the Zoning Board of Appeals of the Town of Kingsbury has already granted the Applicant the requisite Area Variance from the road frontage requirements located in the Code of the Town of Kingsbury, thereby making the proposed lots conforming under the Zoning Ordinance; and

WHEREAS, the Proposal is a Type II action pursuant to Section 43-3 of the Code of the Town of Kingsbury, whereby minor subdivisions have been deemed not to have a significant effect on the environment, therefore no further review under the State Environmental Quality Review Act is required; and

WHEREAS, the Planning Board has studied the Proposal and is prepared to decide on the same in accordance with Chapter 240 of the Subdivision Regulations of the Town.

NOW THEREFORE BE IT RESOLVED:

Section 1. The Planning Board hereby approves the proposed subdivision and adopts the following findings:

- a. The Proposal, being the creation of 3 lots, is a Minor Subdivision under the Subdivision Regulations of the Town.
- b. The Proposal is in conformity with the Code of the Town of Kingsbury and the Zoning Ordinance located therein, which can be used safely for the proposed purposes without danger to the health, safety and general welfare of the community.
- c. The approval is hereby conditioned upon the eventual removal of the barn depicted on Lot 3 of the proposed subdivision, which shall not be reconstructed or rebuilt on the existing footprint. Upon the collapse or demolition of said barn, any structure, including replacement structures, shall conform to the setback requirements of the Town of Kingsbury and the NYS Building Code.

Section 2. This resolution shall take effect immediately.

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August 19, 2015

PRESENT:

Robert Dingman, Chairman
Randy Getty
Karen Larose
Randy Weaver
Cheryl Hogan

AYES: 4
NAYES: 0
ABSENT:
ABSTAIN: 1

Michelle Radliff, Secretary

ON A MOTION BY MRS. HOGAN seconded by Mrs. LaRose all in favor, the meeting was adjourned at 7:15 P.M.

Michelle Radliff
Secretary