

## MINUTES OF THE PLANNING BOARD SEPTEMBER 15, 2021 – TOWN OF KINGSBURY

### MEMBERS PRESENT:

Robert Dingman, Chairman  
Randy Getty  
Karen LaRose  
Tim LaSarso  
Les Macura

### MEMBERS ABSENT:

Todd Murphy – Alternate  
Randy Weaver  
David Gauci

### OTHERS PRESENT:

Todd Humiston, Enforcement Officer  
Jeff Meyer, ESQ., Town Attorney

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 August 18, 2021.

ON A MOTION BY TIM LASARSO, seconded by LES MACURA, the minutes of the August 18, 2021 meeting were approved.

AYES: 5 NAYS: 0 ABSTAIN: 0

MOTION CARRIED

Chairman Dingman noted that two projects have been withdrawn:

- Sweet Rice Associates, 31 County Route 41
- Schermerhorn Real Estate Holdings, LLC, 1189 Dix Ave (will be moving forward with the originally approved senior housing project)
- **The Dix Avenue Town Home Cottages project submitted by Schermerhorn Real Estate Holdings LLC on or about November 20, 2020, has been withdrawn. The group will however move forward with the previously approved Senior Housing Project.**

**1. SCHERMERHORN REAL ESTATE HOLDINGS, LLC** - owner of tax map #154.11-6-7 commonly known as a vacant land on the corner of Burgoyne Avenue and Martindale Avenue located in a Commercial Zoning District, is seeking site plan approval for the construction of a multi-family residential project at this location. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Joseph Danible, Environmental Design Partnership, on behalf of Schermerhorn Real Estate Holdings, LLC, stated he received a letter from Washington County. The traffic study was provided to the County. The Town's engineer submitted a few comments to Schermerhorn. The first comment was regarding the traffic survey. Mr. Danible states the data provided on the survey is current. Subsoil service investigation was dug to a depth that enabled to identify that the proposed project won't interfere with ground water. They need to have additional conversation with Town's engineer to confirm exactly what he needs Schermerhorn to do. Mr. Danible stated that additional subsurface investigation comments received from Jarrett Engineering are a building permit issue. And, if there are non-adequate soils, Schermerhorn can provide a series of different construction methodologies for building footings and

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foundations – a building permit issue. Mr. Danible believes all stormwater has been adequately addressed at this time.

Mr. Danible requests the Planning Board start the coordinated review process. Chairman Dingman stated that he has more questions regarding water, sewer, and soil quality that need answers before he is ready to move forward with coordinated review process. Chairman Dingman asked if anything has yet been done with the water process and the Department of Health. Mr. Danible replied that Schermerhorn first needs to petition the Town of Kingsbury for the formation of a new water district. Typically, that can't happen until a negative declaration on the SEQR has been issued.

Tim LaSarlo stated the county has concerns about the traffic. Does the Town want to do an independent traffic study? Todd Humiston said he spoke with Jarrett Engineering and they said it could go in front of a 3<sup>rd</sup> party review board. He will follow up on this. Mr. Danible stated that they already provided a traffic study and are not interested in paying for an additional study. They are willing to have a 3<sup>rd</sup> part review of the study that was already provided. Chairman Dingman stated that there are issues with the time period the traffic study was performed because of reduced traffic during the COVID shutdown.

Randy Getty stated he is concerned about safety and sidewalks/crosswalks, specifically crossing Martindale and/or sidewalk on Burgoyne. Mr. Danible replied that it is something that has been discussed regarding putting a sidewalk in front of their property on Martindale. It would be within the Town's right-of-way. The Town would ultimately retain ownership and responsibility for maintenance of the sidewalk. They will not be building a sidewalk in front of property on Burgoyne because this is within the State's right-of-way.

Lilian LaFrance, 1058 State Route 196, requests the Board deny application outright. She believes it is not appropriate for the area. Let the masterplan get updated before moving forward. Mac Edward, 199 Matindale, does not believe the traffic study is accurate. He also noted that the proposed sidewalk extends to the end of the Schermerhorn property and asks about the distance from there to the school.

Chairman Dingman asks Dan Ward, Hudson Falls School Superintendent, if there has been any mention of this project impacting the school's population. Mr. Ward said that this concern has not been brought to him and it is not a concern he currently has. He is more concerned about the safety of the students. Traffic and sidewalks are his biggest concern related to this project. The lack of sidewalk from the end of Schermerhorn's property extending to the school will have students and parents walking in the road. Also concerned about the water table.

Les Macura read a comment from a resident regarding concerns with the traffic study. The resident believes the traffic measurement is grossly underestimated. Les stated he has serious concerns regarding the traffic. Mr. Danible replied that the study was performed by the Institute of Traffic Engineers. This is an acceptable formula. Placement of the recorders can be discussed with the engineer. He again urges having a 3<sup>rd</sup> party review. Mr. Danible also noted

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that concerns related to the traffic and sidewalks is an existing issue and a town-wide issue and school issue that cannot be relied upon one project to resolve. The proposed project is contributing what is possible toward the solution.

Discussion ensued with questions addressed by the Applicant.

Jim Chase, Kingsbury Water Superintendent, provided a brief outline on the process for forming a water district. Mr. Danible stated that NYS Department of Health won't even issue comments on the water district until they first have a negative declaration for SEQR. Chairman Dingman stated he is not ready to go through the SEQR process. He has more questions that he wants answers to first such as the timing of the formation of a water district and the impact of the septic systems and the aquifer. He will address these concerns with Jarrett Engineering. Mr. Danible stated he is not yet asking the Board to make a determination on SEQR, he is only asking the Board to start the process for lead agency. Chairman Dingman said he does hope to have answers to his questions by the next meeting.

Tim LaSarlo asked why they can't hookup to the sewer. Chairman Dingman stated the county has a moratorium on new sewer hookups. Chairman Dingman wants more answers from the county about the sewer.

The Dix Avenue Town Home Cottages project submitted by Schermerhorn Real Estate Holdings LLC on or about November 20, 2020, has been withdrawn. The group will however move forward with the previously approved Senior Housing Project.

The public hearing will remain open. The Board will proceed with a 3<sup>rd</sup> party traffic review. Mr. Danible voiced his concern that the project is not moving forward.

ON A MOTION BY TIM LASARSO, seconded by KAREN LAROSE all in favor, the meeting moved into executive session to discuss potential litigation at 8:00 p.m.

ON A MOTION BY TIM LASARSO, seconded by KAREN LAROSE all in favor, to exit executive session at 8:45 p.m. No action was taken.

ON A MOTION BY KAREN LAROSE, seconded by TIM LASARSO all in favor, the meeting was adjourned at 8:45 p.m.

Rebecca Pomainville  
Interim Secretary