

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of November 18, 2020

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Justin Fehl
Randy Weaver

Enforcement Officer

Todd Humiston

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 October 21, 2020.

ON A MOTION BY DAVID GAUCI, seconded by Mr. Getty, the minutes of the October 21, 2020 meeting were approved.

AYES: 6

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

1. 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 introduced Lora Bacharach and Brianna Rabine, North Country Paws for Obedience, to address the Board.

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Ms. Bacharach stated they are looking to expand their business TO 4202 State Route 4, in the Town of Kingsbury. There is 30 +/- acres at this location. They are in the process of buying the building. At the present time they are located at 1638 State Route 9, South Glens Falls.

Ms. Bacharach stated the new location will act as an obedience school and enrichment center. At this time, they are not looking to build or expand. This facility will be used to bring in some enrichment fulfillment and grooming services only. They will not be offering overnight services.

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

Chairman Dingman opened the public hearing.

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.

Chairman Dingman questioned Todd Humiston, Enforcement Officer if he had any questions or statements.

Mr. Humiston stated he has not heard back anything from the Washington County Planning Department.

Chairman Dingman stated this Board cannot make any approval tonight. If this Board does not hear back from the County with in (thirty) 30 days, they will be able to approve it.

Mr. Devine questioned if any of the Board members went to visit this site? He does not have any issues with this project. Mr. Devine questioned if the Board met with the applicant before the meeting.

Chairman Dingman stated he did go visit the site when it was the Stone Company and the Pumpkin Patch site. He also went by again to make sure it was the same place.

Chairman Dingman stated we do not meet with the applicants before the meeting. This a public meeting if we met separately there would be problems. Each member gets a packet before the meeting with all the information in it. They each have the opportunity to review it and ask any questions at the meeting.

Chairman Dingman stated the Public Hearing will remain open.

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2. **BILL SCHROEDER, DEVELOPMENT, LTD** contract vendee Tax Map # 146.19-1-3, commonly known as 3739 Burgoyne Ave, Hudson Falls, Town of Kingsbury, located in Zoning District, Com-IA / Commercial District is seeking Site Plan Review approval for construction of proposed 2,502 square foot with 1,000 +/- square foot pharmacy, retail building with a drive through and associated parking area at this location. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, NY during regular business hours.

Chairman Dingman introduced Steve Borgos, Howard Hanna Commercial Real Estate, who will representing Cocca Development tonight.

Mr. Borgos stated because of the Covid-19 Mr. Cocca could not be here tonight. His assignment is to leave this meeting with an approval as was presented. They can get started on this project right away. They would like to have the store opened February 2021. Mr. Borgos stated they are still waiting to hear from NYS DOT. Cocca Development has agreed to put the fencing in.

Chairman Dingman questioned where the stormwater will go.

Mr. Humiston stated he spoke the engineer and that is not an issue as drawn. Mr. Humiston is ok with it as it was presented. They will be putting a five (5) foot fence that sits on Division Street.

Chairman Dingman stated one thing that would be part of the approval is if NYS Dot needs something changed Cocca Development would need to come back to the Planning Board.

Mr. Humiston stated he has received all the paperwork for the building permit from Mr. Cocca. The problem is the applicant cannot move forward until this Board hears from NYS Dot. He cannot bring it to the County unless there is a conditional approval tonight.

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

Chairman Dingman closed the public hearing.

ON A MOTION BY MR LASARSO 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.

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Resolution No. 1 of November 16, 2020

SITE PLAN REVIEW – Cocca Development, Ltd, as contract vendee of Tax Map #: 146.19-1-3 commonly known as 3739 Burgoyne Ave, Town of Kingsbury, located in the COM 1A / Commercial Zoning District, is seeking Site Plan approval for the construction of proposed 2,502 square foot retail building, including a 1,000 +/- square foot pharmacy, with drive through and associated parking area at this location. This action is pursuant to Section 280-23 (G) of the Code of the Town of Kingsbury.

ON A MOTION BY Mr. LASARSO seconded by Mr. Gauci, 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) A five (5) foot stockade style fence shall be installed along the boundary with the adjoining neighbors.
- (2) This approval shall be contingent upon NYS DOT approval of ingress and egress as depicted on the site plan. Any modifications required by the NYS DOT will require a modification of this approval.
- (3) All exterior lighting shall be downcast.
- (4) All information and representations contained in the materials submitted by the applicant and discussed at the meeting are incorporated herein as conditions.

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.

Mike Daley will be representing Mr. Greene.

Chairman Dingman stated at the last meeting on October 21, 2020 he asked for something prior to the meeting, relative from the Sheriff's Department regarding the complaints that had been there as well something from the Liquor Authority. He did not receive anything.

Mr. Daley questioned what the Chairman was looking for.

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Chairman Dingman stated he wanted some kind of explanation from the Sheriff's Department as to the complaints the Board received from them.

Mr. Greene stated they were allegations. There were not any arrests.

Mr. Daley stated the letter from the State Liquor Authority dated September 23, 2016. In response to the letter, they called Attorney Wayne Judge, Attorney at Law. Attorney Judge called the Liquor Authority. When the Liquor Authority responded they said it was over to the local authorities. The motorcycle club has never heard anything from the local authorities. No fines or anything come of it.

Mr. Daley stated they have applied for an LLC and a CL 243 at 3504 State Route 4, Kingsbury, NY, 12839 for a Notice to Club License under our LLC which is called Kingsbury Twin Cams Club, LLC. The Town has not been notified at this time because they are waiting for State Department of State to send their lawyer, Wayne Judge, Attorney at Law to hear back from the State. They are waiting for their Federal ID number as well.

Mr. Daley stated per Attorney Judge the 49 entries most of them are allegations. Two entries are related to club members. As far as the rest of the allegations no one has been arrested or convicted of anything or any crime. They have gotten rid of the bad guys.

Mr. Dailey stated he did not know what else the Board is looking for. They have explained the allegations already.

Chairman Dingman stated he wanted to avoid this by having them go to the Sherriff's and getting something in writing that said there is not a problem with True Order Motorcycle Club. This is why he asked for something prior to the meeting so that the Board could see it before the meeting tonight. The police report and the liquor authority were the two main concerns the Board has.

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

The public hearing will remain opened.

4. PRELIMINARY - 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.

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Chairman Dingman introduced Bill Nikas, The Quarry, LLC and Brandon Ferguson, Environmental Design Partnership, LLP to address the Board.

Mr. Ferguson stated they first presented this project in September 2018 to create 148 senior apartments and a 100 unit assisted living facility. In 2019 they were before the Board with changes the existing proposal and proposed a 252 apartment units housed within 9 buildings, three (3) 24 Unit Buildings and six (6) 30 Unit Buildings. October 2019 they were before the Board with concerns with the Town engineer regarding the stormwater and sewer capacity with Washington County Sewer District.

Since that October 2019 meeting, they received a letter from the Washington County Sewer District stated it was approved with a conditional acceptance with the flows. They have received an email form NYS Department of Transportation and Department of Health they are ready to sign off on this project.

Mr. Nikas has been in contact with the Kingsbury Town Board with regards to the road. The road will be privately owned for now and will be built to Town specs for a possible turn over to the Town in the future.

This project is basically the same as before with the only difference being the road will not connect to the single family section. The entrance will be at the north end of the property with a cul-de-sac at the end.

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

5. PRELIMINARY – BURGOYNE AVE. APARTMENTS – contract vendee of tax map #154.11-6-7 commonly known as a vacant land on Burgoyne Avenue located in Zoning District, LDR25/Low Density Residential 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.

Chairman Dingman introduced Joe Dannible, Environmental Design Partnership, representing Schermerhorn Holdings LP.

Mr. Dannible stated he is here tonight on behalf of Schermerhorn Holdings to propose an apartment project to be located on the corner of Martindale Avenue and Burgoyne Avenue. Previously this site was before the Board with an application for Cumberland Farms store. That application was tabled and did not come back to this Board. Mr. Dannible stated they are looking to develop this site to a residential community. He is proposing to have 88 one bedroom units located throughout the site, there will be 11-8 unit buildings.

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The residential community will be provided with individual septic systems, connection though the Village of Hudson Falls water supply and stormwater would be managed on site. There will be 176 parking spaces, each unit will have 2 parking spaces. There will be two points of access both of which will be on Martindale Avenue.

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

6. PRELIMINARY – SCHERMERHORN REAL ESTATE HOLDINGS, LLC – contract vendee of tax map #146.14-1-3 commonly known as a vacant land on 1189 Dix 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.

Chairman Dingman introduced Joe Dannible, Environmental Design Partnership, representing Schermerhorn Holdings LP.

Mr. Dannible stated this project was previously before the Board and received an approval for a 100 unit building on this site. They would like to modify this approval from a 3 story, 100 unit building. They are proposing to create a 96 unit apartment complex. The apartments will have 2 bedrooms units, one car garage, two cars outside the garage. This proposal is similar to the previous approval. They will be more of a town house style.

Previously they had a traffic study done with no impact.

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

7. The following residents attended the meeting with concerns of the approval for Geer Road Solar.

David & Lorraine Forcier, 318 Geer Road
David & Colleen Allen, 304 Geer Road
Sharon Kay, 243 Geer Road
Michael Cleveland, 189 Geer Road
Greg Couture, 282 Geer Road
Glenn Miller, 86 Geer Road
Renald & Claudia Devine, 321 Geer Road
Dave Fleury, 66 Wood Road
Joe & Jamie Derway, 116 Underwood Road
Lisa Catalfamo, 71 Geer Road

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Lorraine Forcier, spokesperson stated they would like the Board to reconsider their approval for this project. They have five (5) points of interest they feel should be reviewed again:

1. Questions regarding the April 15, 2020 meeting during the Covid-19 pandemic.
2. A solar farm next to an active mining pit.
3. The issue of not being contacted about this project.
4. Concerns for the balloon festival.
5. Question on the Full Environmental Assessment Part 2 with some of the answers from the Board.

Chairman Dingman requested a copy of their concerns before the next meeting so that the Board can review and research the concerns and what the Board's legal obligation will be. This will become part of the public record. When Chairman Dingman receives the copy, he or Mr. Humiston will respond directly with Mrs. Forcier

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

ON A MOTION BY MR. GETTY and seconded by Mr. Gauci, all in favor, the meeting was adjourned at 9:00 pm.

Michelle Radliff
Planning Board Secretary