

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of February 15, 2017

MEMBERS PRESENT:

Robert Dingman, Chairman  
Justin Fehl  
David Gauci  
Todd Murphy

MEMBERS ABSENT:

Randy Getty (Excused)  
Cheryl Hogan – Alternate (Excused)  
Karen LaRose  
Tim LaSarso (Excused)  
Randy Weaver

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 December 21, 2016.

Chairman Dingman asked to have the minutes of the December 21, 2016 corrected on pages 4 and 5 from the November 21, 2016 to the correct date of December 21, 2016.

**ON A MOTION BY MR. FEHL**, seconded by Mr. Gauci, the minutes of the December 21, 2016 meeting were approved as amended.

**AYES: 4**

**NAYES: 0**

**ABSTAIN: 0**

**MOTION CARRIED**

**1. PRELIMINARY - FOUR LEAF BUILDERS LLC**, (Rich Hogan, Tim Burke) contract vendee for 38 Ninth Avenue Hudson Falls, NY, Town of Kingsbury and Tax Parcel ID 147.17-2-2, seeking subdivision approval of 3 lots from one existing lot. Applicant is asking for relief from the minimum lot size requirement of 15,000 square feet on 2 lots. 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 Rich Hogan, of Four Leaf Builders who is representing Nancy M. Barnes and Barbara A. Oligny the owners of the property.

Mr. Hogan of Four Leaf Builders LLC stated they would like to subdivide this property into three lots. One lot would contain the existing house and the other two lots will be residential building lots. The owners have been trying to sell the entire property in whole, but have not been successful. Mr. Hogan stated Four Leaf Builders LLC was approached by a realtor inquiring if they would be interested in this property.

The owners have agreed to sell the property adjacent to their house, to be broken up into two building lots and then will attempt to sell their house at a reduced sale price.

The property on Ninth Avenue would have 150 feet road frontage and the lot on Tenth Avenue would have 100 feet of road frontage. The remaining lot where the house sits will have 149.22 feet road frontage.

Mr. Hogan stated there are different size lots in this area. Last year Four Leaf Builders LLC built a house on Ninth Avenue that is on a 100' x 100' lot. There others lots in this area that are 100' x 100'.

A discussion concerning the water and sewer for this project ensued.

Chairman Dingman stated after polling the Planning Board, there did not seem to be concerns and made a favorable recommendation that the project be sent to the Zoning Board of Appeals.

Chairman Dingman stated Four Leaf Builders will be going in front of the Zoning Board of Appeals on February 23, 2017. If they get the approval for the variances, they will then come back to the Planning Board March 15, 2017 for final approval.

**2. PRELIMINARY – STEVE KINLEY, REAL ESTATE REPRESENTATIVE FOR STEWART'S SHOPS CORP.** owner of 3765 Burgoyne Avenue, Hudson Falls, NY, Town of Kingsbury and Tax Parcel ID 146.19-1-1.1, is seeking Site Plan Review for a redevelopment of Stewart's Shops Convenience Store 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 Steve Kinley, Real Estate Representative who would be representing Stewarts Shops Corp.

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Mr. Kinley thanked the Board for allowing him to give a presentation about this project tonight.

Mr. Kinley stated the Stewarts Shop located at 3765 Burgoyne Avenue is approximately 2,428 square feet convenience store and canopy with 2 gas dispensers on approximately .4 acres.

They are in the process of finalizing a purchase contract to acquire .14 acres from the neighboring property (Advance Auto Parts Inc.) for a total of .54 acres.

They plan is to demolish the existing store and build a new 3696 square foot convenience store with canopy and three new multi-product gas dispensers.

Mr. Kinley explained due to the way the sewer is coming in Advance Auto Parts could not hook up to the sewer line and have a septic system. At this time they have a contract in place to purchase this area. They are proposing to build the new store behind the existing store. They will then demo the old store and then put the new gas pumps out front. They try to build a new store before taking the old store so there will not be any down time.

Mr. Kinley stated at the new store they will be going from two gas pumps to three pumps. The parking will go from 18 spaces to 23 spaces. They will be moving the curb cuts as well.

Mr. Kinley stated this project will have to go in front of the Zoning Board of Appeals for a variance on the State Route 4 side and for the back of the property. The curb cuts will be 100' from the intersection which meet the State DOT setbacks. At this location setbacks are extended instead of a 20' setback they are required to have an 80' setback. The setback on the front (Burgoyne Avenue) is no problem. On Route 4 they are at 8' setback. The required setback is 80 feet on a state road. This will be a significant variance they will need. In the back of the store they need 20' and only have 8' that will be a 12' variance needed there. Green space will go from 25% down to 11%. This will need a variance as well.

Jim Chase, Water Superintendent discussed the water service and the sewer line with Mr. Kinley.

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The Board reviewed the proposal and discussed various aspects of the project relative to size and spacing of building, parking areas, pumps and traffic circulation. Attorney Meyer advised Mr. Kinley that the overhang and table are considered part of the structure and would result in a zero setback along NYS Route 4. There was discussion about removing that portion of the structure or adjusting the location of the building to reduce the necessary variance.

Chairman Dingman stated he and Ross attended Fort Edward Planning Board Meeting on February 8, 2017 regarding the Dewatering Plant located at Lock 8.

Attorney Meyer addressed the Board regarding the contemplated WCC, LLC and rail car project that has been in the news. Attorney Meyer advised on what the likely approvals that would be necessary from the Town of Kingsbury and the status of the portion of the project located in the Town of Fort Edward as it spans both municipalities.

**ON A MOTION BY MR. MURPHY**, seconded by Mr. Gauci all in favor, the meeting was adjourned at 7:50 P.M.

Michelle Radliff  
Secretary