

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of August 17, 2016

MEMBERS PRESENT:

Robert Dingman, Chairman
David Gauci
Tim LaSarso
Todd Murphy
Randy Weaver

MEMBERS ABSENT:

Justin Fehl
Randy Getty (Excused)
Karen LaRose (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 July 20 & 28, 2016.

ON A MOTION BY MR. LASARSO, seconded by Mr. Fehl, the minutes of the July 20 & 28, 2016 meeting were approved.

AYES: 5

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

Chairman Dingman introduced Robert Springer, R2M Holdings LLC to address the Board.

1. **Site Plan Review - Robert Springer, R2M Holdings LLC**, owner of Tax Map # 146.-1-6, commonly known as 100 Dean Road, Kingsbury, located in Zoning District, RA-1A is seeking Subdivision approval of one lot into four 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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Mr. Springer stated he would like to divide this property into four (4) lots. There is approximately 25 acres with 1200 feet of road frontage. The lot sizes would be 7.94 +/- acres, 8.47 +/- acres, 5.0 +/- acres and 3.55 +/- acres. Each lot will have 200 feet of road frontage. Mr. Springer plans to build up scale farm houses on the lots. They would be serviced by municipal water line along Dean Road and on-site wastewater disposal systems. Mr. Springer stated the farm house and barns will remain on the site. He understands there is water and gas up to the farm house. Mr. Springer stated he would be giving the Town an easement to this property in order to have water. He will be moving the current driveway.

Mr. Springer is proposing to build small colonial and medium size ranches on the three remaining lots.

Mr. Weaver question if Mr. Springer had done any perc tests on the lots.

Mr. Springer stated that he has done about 6 test holes and went down about 6 to 7 feet and did not have any problems with the area.

Mr. Weaver stated the property next to lot one is typically wet 4 to 5 months a year.

Mr. Springer stated on lot one he plans to bring in a lot of fill in to build the lot up. He has an engineer working on the drainage and he will be putting any drainage in that is required. There will be full basements sump pits installed to be safe.

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

ON A MOTION BY MR. WEAVER, and seconded by Mr. Gauci the Kingsbury Planning Board having reviewed the short form SEQRA submission and having taken a hard look at the potential environmental impacts finds that there are no significant 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 August 17, 2016

SITE PLAN REVIEW – R2M HOLDINGS, LLC, owner of Tax Map # 137.-1-6 commonly known as 100 Dean Road, Town of Kingsbury, is seeking subdivision approval for a four (4) lot residential subdivision at this location. This action is pursuant to Section 240-3 of the Code of the Town of Kingsbury.

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ON A MOTION BY RANDY WEAVER, seconded by TIMOTHY LASARSO 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) Access, driveway and fencing as they may exist for proposed Lot 2 be relocated so there are no encroachments on proposed Lot 1.
- (2) All stormwater runoff shall be contained within each individual lot.

AYES: 5
NAYES: 0
ABSENT: 2

2. **Site Plan Review - Robert Springer, R2M Holdings LLC**, contract vendee Tax Map # 137.-1-69.11, commonly known as Casey Road, Kingsbury, located in Zoning District, RA-1A is seeking Subdivision approval of one lot into three lots. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Chairman Dingman stated the Board received Mr. Springer's information today. The plans do not show the elevations or where the homes would be located on each lot, as the Board had requested last month.

Chairman Dingman opened the Public Hearing.

Mr. Springer stated there were problems with the title to this property and therefore, they have had to delay the closing.

Mr. Springer stated the property is 15 +/- acres with 600 +/- feet of road frontage. He is proposing to subdivide this parcel into 3 lots each having 5 acres, with 200 feet of road frontage. Municipal water is available. He is in negotiations and has an engineer working with him to be able to get the water to these lots. Mr. Springer stated any underground work he has to do will be done before the Casey Road construction begins next year. He is hoping to have natural gas to these 3 lots. He has been trying to get in contact with National Grid. If he can't get the natural gas put in he will have propane or fuel oil for the houses.

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Mr. Springer stated he is looking to build three larger colonial homes at this location. Each home will be 2,500 to 3,000 square feet. He is looking for more upscale house for this area and feels this location will be good for people who want a little bit of country living, yet being close enough to the shopping centers.

Mr. Springer stated they have tested the soil and it is very good. The houses will be placed about 100 feet from the road for the natural gas. If he puts the houses further back on the property it will be very expensive due to the fact that National Grid would use more piping for the gas. That charge would be Mr. Springer's responsibility.

Mr. Springer stated he feels this is more of a farm area and realizes the industrial park is close by.

Jerry and Jolene Caruso, 90 Casey Road; Mr. Caruso stated they own the neighboring property. They read from a letter their concerns.

Mr. Springer stated he will not be removing any trees that are more than a 150 feet off the road or will they be touching the tree line.

Mrs. Caruso had concerns for horses being allowed on this property.

Mr. Springer responded he is trying to be a good neighbor and understands people want their privacy.

Chairman Dingman questioned what kind of the soil Mr. & Mrs. Caruso had as they have a mound system their septic system.

Mr. Carsuo responded the soil is clay.

Mr. Cortese questioned if Mr. Springer has done any hole testing for the soil located at this site.

Mr. Springer stated they have done the testing and found no mottling. He went approximately 6 feet down and 10 holes. He will have an engineer do the official the testing.

Chairman Dingman stated the Board does need more detail in what you want to do, elevations, drainage septic stem. There were a number of concerns mentioned tonight that neighbors have and would like to see if we can work with them by the time you come back next month and a possibly have an approval, though there may be conditions with the approval, it appears that the request meets the Code of the Town of Kingsbury.

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Chairman Dingman stated there have been in the past problems with RWS Manufacturing Inc. with sound buffers and would not like to more problems at this site.

3. **Site Plan Review - Joseph Locke, Joe's Super Auto Clean and Light Mechanical** contract vendee of Tax Map # 154.8-1-26 commonly known as 3606-3614 Burgoyne Avenue, Kingsbury, located in Zoning District COM-1A, Commercial District, for Site Plan Review for a proposal to operate Joe's Super Auto Clean Business with light mechanical 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 Joseph Locke, contract vendee to address the Board.

Mr. Locke stated he would like to open Joe's Super Auto Clean and Light Mechanical at this location. His business would be located in the back of the building at 3606-3614 Burgoyne Avenue. Mr. Locke stated he would be doing auto detailing for one dealership and 2 wholesalers. As a rule, he doesn't have more than 3 cars at a time that he is detailing. There is room for 6 cars.

Chairman Dingman then reviewed statements from Mr. Locke at the meeting of July 20, 2016 concerning what he would be doing at this location.

Mr. Locke stated he would like to have hours of operation from 8:00 am to 5:00 pm. There may be times when is there until 6:00 pm.

Chairman Dingman stated the hours of operation will be set from 8:00 am to 7:00 pm.

Chairman Dingman questioned Mr. Locke if there were permits he would need from Department of Motor Vehicle.

Mr. Locke responded he has paper work all filled out for these permits. He needs an approval from the Board before he can apply for the permits.

Chairman Dingman asked Mr. Locke or the owner of the property to contact Department of Environmental Conservation concerning any permits that may be needed to wash the cars. There will be waste water treatment with washing the cars.

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Mr. Locke responded the water dissipates during the day being he only has two cars a day as a rule. Mr. Locke indicated he has spoken with DEC and stated they do not have an issue with this.

Attorney Meyer stated Mr. Locke is very close to needing permits. If Mr. Locke does everything exactly the way he is stating, in theory, he will be fine. The second you start making changes or expanding the business you run the risk of needing a lot of permits. DEC monitors this property very closely.

Attorney Meyer provided Mr. Locke with a contact at DEC.

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

ON A MOTION BY MR. MURPHY, and seconded by Mr. Gauci the Kingsbury Planning Board having reviewed the short form SEQRA submission and having taken a hard look at the potential environmental impacts finds that there are no significant 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 August 17, 2016

SITE PLAN REVIEW – Joe’s Super Auto Clean and Light Mechanical, contract vendee of Tax Map # 154.8-1-26 commonly known as 3606-3614 Burgoyne Avenue, Town of Kingsbury, is seeking site plan approval to operate an automotive detailing and light auto repair business at this location. This action requires site plan approval pursuant to Section 280-23G of the Code of the Town of Kingsbury.

ON A MOTION BY DAVID GAUCI, seconded by Timothy LaSarlo 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) Applicant shall obtain and submit copies of any and all permits as the same may be required by the NYS Department of Environmental Conservation. The Applicant shall speak with DEC about specific plans prior to commencing any work on site and update the Code Enforcement Office.

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- (2) Applicant will not perform oil changes, engine changes, fuel jobs, or perform any mechanical work that will result in the creation of waste automotive fluids, including but not limited to, oil, antifreeze, brake fluid, transmission fluid, power steering fluid and the like.
- (3) Applicant will not store waste oil nor waste automotive fluids on the premises.

AYES: 5

NAYES: 0

ABSENT: 2

4. **SITE PLAN REVIEW – Casey Owens**, owner of Tax Map # 121.-1-17.4 commonly known as 4202 NYS Route 4, Town of Kingsbury, is seeking site plan approval to operate a commercial farm-stand, selling food and agricultural products not grown on site, pumpkin patch, animal rides, petting zoo, and wagon rides at this location. This action requires site plan approval pursuant to Section 280-23G of the Code of the Town of Kingsbury.

Chairman Dingman introduced Casey Owens, Pumpkin Valley Farm to address the Board.

Mrs. Owens stated she is the owner of Quality Stone Works. This project is considered a partnership DBA Pumpkin Valley Farm. As you are looking from State Route 4 there is a right away/driveway into Quality Stone Works. There will be parking on both sides of this area which is 270 feet in length from State Route 4. She will be able to park approximately 30 cars here, allowing 9 feet for each parking space. The cars will be parked horizontal. Once you drive into the actual property there will be handicap parking available. All Quality Stone Works vehicles and equipment will be stored behind a fence. They will be growing their own pumpkins as well as selling pumpkins and pick your own pumpkins. She is would like to a have petting zoo consisting of Donkeys, Goats and Alpacas.

In the future she wants to have a corn maze, hay bowling with pumpkins and hay wagon rides. There will be port a potties and washing stations on the premises. They are also planning to have a concession stand.

There will be activities for the children to do. For this season advertising will be word of mouth. Next year there will be more advertising. They would like to open the pumpkin patch to the schools as well.

Chairman Dingman questioned if there were any permits that would be required.

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Mrs. Owens stated at the County Planning Board Meeting they were told any food they would like to have would have to be permitted from the Department of Health.

Mr. Cortese stated the Owens are here for approval for everything and not have to come back next year.

Chairman Dingman questioned if they would have to come back next year in order to have the food concession.

Mr. Cortese responded that would all be done through DOH.

Chairman Dingman opened the Public Hearing.

Mrs. Caruso was in full support of this project.

The Public Hearing was closed.

ON A MOTION BY MR. WEAVER, and seconded by Mr. LaSarso the Kingsbury Planning Board having reviewed the short form SEQRA submission and having taken a hard look at the potential environmental impacts finds that there are no significant 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. 3 of August 17, 2016

SITE PLAN REVIEW – Casey Owens, owner of Tax Map # 121.-1-17.4 commonly known as 4202 NYS Route 4, Town of Kingsbury, is seeking site plan approval to operate a commercial farm-stand, selling food and agricultural products not grown on site, pumpkin patch, animal rides, petting zoo, and wagon rides at this location. This action requires site plan approval pursuant to Section 280-23G of the Code of the Town of Kingsbury.

ON A MOTION BY RANDY WEAVER, seconded by Timothy LaSarso 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:

- (4) Applicant shall submit copies of all Department of Health permits prior to locating and serving food on the premises.

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AYES: 5
NAYES: 0
ABSENT: 2

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

Michelle Radliff
Secretary