

MINUTES OF THE JOINT BOARD MEETING, APRIL 25, 2024 – TOWN OF KINGSBURY

**Town Board Members Present:**

Supervisor Dana Hogan

Dan Washburn

Jim Lindsay

Bill Haessly

**Planning Board Members Present:**

Chairman Bob Dingman

Luke Getty

Les Macura

**Zoning Board of Appeals Members Present:** Jim Ross

**Planning/Zoning Administrator:** Todd Humiston

**Planning/Zoning Board Secretary:** Alie Weaver

The meeting was called to order by Chairman Dingman at 6:30 PM.

Mr. Humiston suggested that the members and officials in attendance review each proposed change as listed and each item will be open for discussion as presented.

***A copy of the Draft Code Updates that were discussed is annexed hereto at the end of the minutes.***

**280-19 Provisions applicable in all districts.**

**Public Utilities** – Mr. Humiston stated that single family homes are calculated at 110 gallons of water per bedroom. He noted, for instance, that a new four-bedroom single family home, regardless of acreage, would be exempt.

Discussion ensued regarding the ability to not connect to public utilities in the Town, inclusion of in-law apartments, and changing the wording from “over 500 gallons” to “more than 500 gallons”.

**A286 COM1 Metes and Bounds** – Mr. Humiston stated that the wording has been adjusted regarding the Commercial Zoning on State Route 4, noting that it does not include the Hamlet.

**280-23 Com-1A Commercial District:**

**D. Permitted Uses** - The recommendation to remove new single-family dwellings from the Commercial District was discussed. Conversation ensued regarding housing developments disliking the activity of nearby businesses and the potential of Commercial property being populated by residences. On contrast, the ability for a farmer to subdivide unused fields for housing or a homeowner having a business in their house or on their property was also discussed.

It was decided to keep **Section D16, Single-family dwellings** included as a permitted use.

**F. Minimum Requirements** – Mr. Humiston explained additional recommendations of:

**3. Having only the first 800 feet of frontage for Commercial use.** He gave examples of Hannaford having a setback of 450 feet, Falls Farm and Garden having a setback of 325 feet, and Quality Hardware having a setback of 730 feet.

Mr. Haessly suggested adding the clause that any remaining property beyond the 800 feet shall be used as Residential/Agricultural.

**4. Commercial areas facing Residential areas having solid screening.** Discussion ensued regarding the type and height of screening, the maintenance of the screening, and distance from buffer and/or setback.

It was decided that solid and maintained screening at 6 feet in height from road grade is sufficient.

**5. A buffer area of 50 feet shall be maintained in Residential zones.** Mr. Humiston stated that the buffer area extends from the setback and shall remain untouched. He noted that he will be removing the words “side yard” when referring to the setback.

#### **280-26 Traditional Zoning:**

**Section B.** - Mr. Humiston recommended removing the word “COM” (Commercial) from Section B and all concurred.

**Section D5.** – Mr. Humiston recommended adding the word “IND-75” District for further clarification and all concurred.

#### **Chapter 235. Streets and Sidewalks, Article III. Snow and Ice Removal**

**235-8 Removal from sidewalk required; time limit** – Mr. Humiston proposed the request of property owners to remove snow within 24 hours of the cessation of every snowfall or formation of ice on Town sidewalks. He noted this is a request only and acknowledged that this cannot be enforced by the Town and the Town will clear the sidewalks after 24 hours.

**235-11. Installing a sidewalk** – Discussion ensued regarding Town responsibility of snow/ice removal on privately installed sidewalks. It was decided to table this item until further notice.

#### **All Current Code Fines**

**65-7 Agriculture** – Noncompliance fines to increase from not exceeding \$100 to not exceeding \$1,000, and all concurred.

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**80-6 Mass Gatherings** – Noncompliance fines to increase from not exceeding \$250 to not exceeding \$2,500, and all concurred.

**95-15, C1. Civil Penalties** – Noncompliance fines to increase from not exceeding \$950 to not exceeding \$1,000, and all concurred.

**145-8 Flood Damage Prevention** – Noncompliance fines to increase from not exceeding \$250 to not exceeding \$1,000, and all concurred.

**162-4 Hazardous Wastes** – Hazardous Waste, as defined by the Town Code – Noncompliance fines to increase from not less than \$500 to not less than \$1,000, and all concurred.

**168-11 Health and Sanitation** – Reconfiguration of verbiage regarding the maximum fine of \$1,000 but no changes to the fines, all concurred.

**185-16 Mobile Homes** – Noncompliance fines to increase from not exceeding \$250 to not exceeding \$1,000 and fines for violation of the same noncompliance penalty to increase from the sum of \$50 increase to the sum of \$250, all concurred.

**210-38 Sewers** - Noncompliance fines to increase from not exceeding \$100 to not exceeding \$1,000, and all concurred.

**222-14 Solid Waste** – Noncompliance fines to increase from not exceed \$250 to not exceeding \$1,000, and all concurred.

**230-32 Stormwater Management** – Noncompliance fines to increase from not exceeding \$350 to not exceeding \$1,000 and decrease from not exceeding six months imprisonment to not exceeding one month imprisonment for the first offense.

For the second offense, fines to increase from not less than \$350 to not less than \$1,000 and from not to exceed \$700 to not to exceed \$2,500. Imprisonment to decrease from not exceeding six months to not exceeding three months.

For third or subsequent offenses, fines to increase from not less than \$700 to not less than \$2,500 and from not to exceed \$1,000 to not to exceed \$5,000. All concurred these changes.

**240-26 Subdivision of Land** – Noncompliance fines to increase from not exceeding \$100 to not exceeding \$1,000, and all concurred.

**248-8 Taxation** – Noncompliance fines to increase from not exceeding \$100 to not exceeding \$1,000, and all concurred.

**260-5 Vehicles and Truck exclusions** – Noncompliance fines to increase from not exceeding \$100 to not exceeding \$500 for the first offense.

For the second offense, fines to increase from not less than \$100 to not less than \$500 and not to exceed \$250 to not to exceed \$1,000.

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For the third and subsequent offenses, fines to increase from not less than \$250 to not less than \$1,000 and from not to exceed \$500 to not to exceed \$2,500. All concurred these changes.

**270-9 Water:**

**Section C.** - Noncompliance fines to increase from not to exceed \$250 to not to exceed \$500.

**Section D1.** – Noncompliance fines to increase from not to exceed \$250 to not to exceed \$500.

**Section D2.** – Noncompliance fines to increase from not to exceed \$500 to not to exceed \$2,500.

**Section D3.** – Noncompliance fines to increase from not to exceed 500 to not to exceed \$5,000.

All concurred these changes.

Mr. Humiston stated that the Water Department reviewed and concur with the proposed fine increases.

**Hobby Farm** – Discussion ensued regarding the proposed addition of an exception to allow one chicken (no roosters) per 5,000 square feet of land to be kept in a coop or pen on property under 2 ½ acres.

It was decided to not add this exception to the Hobby Farm codes.

**280-19 Provisions applicable in all districts.**

**C. Height** – Proposed change to include the word “Distance” included with building regulations.

**C2.** – Proposed change to add the words “rear or side” property line. All concurred these changes.

**D2. Planning Board Filing of Decision**

Proposal to include verbiage regarding expiration of Planning Board approvals. Discussion ensued regarding pre-existing approvals, abandoned projects, and timelines for completion of projects.

It was decided to include a clause stating projects with no progress twelve months after site plan approval will need to come before the Planning Board prior to extension of approval.

Mr. Humiston will meet with Town Counsel to determine appropriate verbiage for this clause.

**280-19 Provisions applicable in all districts.**

**Section 3.** – Proposal to remove the word “uncovered”, referring to porches, and all concurred.

**Essential Services** - Proposal to include essential services to require a special use permit. Discussion ensued regarding cell tower installation versus solar fields and cell battery bank buildings. All concurred with the special use permit requirement for essential services.

**280-24 Ind-75 Industrial District**

**D10.** – It was determined to removed Section D10 regarding nonresidential uses.

**New Zones for Consideration**

**Add to IND-75** - Discussion ensued regarding the Vaughn Road area to be added as IND-75 including concerns of infrastructure, residential property value, agriculture infringement, and possible additional solar farms. This item was tabled.

**Zone Change** - Discussion ensued regarding the Bly Avenue area to be changed from COM1 to Light Commercial due to the small lot sizes hindering COM1 requirements.

There being no further business to discuss, Supervisor Hogan adjourned the Kingsbury joint Board meeting at 8:15 pm.

Alie Weaver

Zoning/Planning Board Secretary