

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of May 17, 2017

MEMBERS PRESENT:

Robert Dingman, Chairman
Justin Fehl
Tim LaSarso
Todd Murphy
Randy Weaver

MEMBERS ABSENT:

David Gauci (Excused)
Randy Getty (Excused)
Cheryl Hogan – Alternate (Excused)
Karen LaRose (Excused)

Code Enforcement Officer

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 19, 2016.

ON A MOTION BY MR. LASARSO, seconded by Mr. Weaver, the minutes of the October 19, 2016 meeting were approved.

AYES: 5

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

Chairman Dingman entertained a Motion to Approve the Minutes of March 15, 2017.

ON A MOTION BY MR. MURPHY, seconded by Mr. Fehl, the minutes of the March 15, 2017 meeting were approved.

AYES: 5

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

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1. **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 Stewart's Shops Corp.

Chairman Dingman stated the Board is in receipt of the Storm Water Calculation to review. He stated Mr. Cortese and Attorney Meyer have seen the report. Mr. Cortese doesn't have any concerns at this time. If there is an issue of any kind or Mr. Cortese is uncomfortable he would have the Town Engineer review the Storm Water Calculation Report. Stewart's would be charged for this.

Mr. Kinley stated Storm Water Calculation Report is designed for a ten year plan.

Chairman Dingman questioned Mr. Kinley on the recommendation from Washington County Planning Board regarding an interconnection to Advance Auto's driveway that exits onto State Route 4.

Mr. Kinley stated he has spoken with Advanced Auto and at this point they are not comfortable with an interconnection driveway. Advanced Auto stated they do 5 and 10 year plans for their stores. They are planning on doing one within the next year or so. At that point they will look at it and may reconsider it.

Chairman Dingman stated it is Advanced Auto that is not willing to move forward with the interconnection at this time.

Chairman Dingman stated there were issues with the setbacks when Mr. Kinley gave preliminary presentation of this project at the March 15, 2017 meeting. This Board sent him to the Zoning Board of Appeals for the request variances he would need.

Mr. Kinley stated they are reducing the original proposed 3,696 square foot to 3,336 square foot. By reducing the size of the building this allowed for Stewart's to ask for 67' relief on state Route 4 and 12' relief in the back of the store. For the Green space they were asking for a 12% relief. The Green space will go from 25% down to 13%.

Mr. Kinley stated the variances were approved at the April 27, 2017 Town of Kingsbury Zoning Board of Appeals meeting.

Discussion ensued among the Board with questions addressed by the Applicant's Representative

Chairman Dingman opened the Public Hearing.

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

ON A MOTION BY MR. LASARSO, and seconded by Mr. Weaver 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.

Resolution No. 1 of May 2017

SITE PLAN REVIEW—Stewart’s Shops Corp., owner of Tax Map # 146.19-1-1.1, commonly known as 3765 Burgoyne Avenue, is seeking site plan approval for the redevelopment of Stewart’s Shops convenience store at this location. This action is pursuant to Section 280-23G of the Code of the Town of Kingsbury.

ON A MOTION BY Mr. Weaver, seconded by Mr. Murphy based on all of the evidence and materials submitted by the Applicant and the representations made at the meeting, and the Washington County Planning Board deeming the matter a matter of local concern, the Application is hereby approved subject to the following conditions:

1. The Stormwater Management Plan be reviewed and approved by the Code Enforcement Officer, and/or Town Engineer, at the Applicant’s expense prior to any construction or ground disturbance.
2. The Applicant shall submit copies of all NYS Department of Transportation approvals for highway access prior to any construction or ground disturbance.
3. Applicant shall remove snow and ice from the premises to prevent large snow banks and ensure visibility for ingress and egress.

AYES: 5
NAYS: 0
ABSENT: 2

Jolene Caruso, 90 Casey Road, Kingsbury read the attached letter to the Planning Board with concerns regarding subdivision approval on Casey Road.

Chairman Dingman stated he does understand the Caruso's dilemma. He did go to the property the first time Mr. Caruso called. The Board is limited to what they can do.

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

Michelle Radliff
Secretary

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Jerry & Jolene Caruso
90 Casey Road
Kingsbury, NY 12839-4701
793-4116

Kingsbury Planning Board
6 Michigan Street
Hudson Falls, NY 12839

Re: Planning Board actions – Subdivision Approval – Casey Road

Board:

Although we voiced our concerns to the Board about the proposed subdivision, no action was taken to preserve the value of our property and our quality of life. The applicant made various verbal commitments at the 8/17/16 and 9/21/16 meetings as well as a meeting with us on 8/27/16.

One of the commitments made was that he wasn't going to cut any trees. He just about clear cut the woods on the 15+/- acres. We had to tolerate months of skidder and chain saw noise, at times a few feet from our property line. Our view from our home is now devastated woods and the buildings and equipment of Girard Landscaping in the industrial park. This has also affected the level of noise coming from the industrial park.

Because of the vast reduction in the tree canopy we are experiencing storm water runoff problems that we have not experienced.

We have also been experiencing trees coming down on to our property during high winds, most likely due to the lack of forest buffer that was present before the tree cutting. We anticipate this to be an ongoing problem.

We feel that the Board has an obligation to not only uphold the zoning code, but to also protect existing property holders that have made an investment in this town.

Sincerely,



Jerry & Jolene Caruso

cc: Dana Hogan

Enc.