

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of August 19, 2020

MEMBERS PRESENT:

Robert Dingman, Chairman
Justin Fehl
Dave Gauci
Randy Getty
Karen LaRose
Tim LaSarso
Todd Murphy - Alternate

MEMBERS ABSENT:

Randy Weaver (Excused)

Enforcement Officer

Todd Humiston

TOWN ATTORNEY

Jeff Meyer, ESQ.

The meeting was called to order by Chairman Dingman at 7:15 P.M.

Roll call of all Members and Officials.

Chairman Dingman stated he would like to thank the people on the Board for being here tonight. It is very important that we have a quorum, but tonight it seems like we have more, and everyone is involved and that is appreciated very much.

Chairman Dingman stated we did not have a quorum last meeting and entertained a Motion to Approve the Minutes of June 17, 2020 and the July 15, 2020 meetings.

ON A MOTION BY MR. FEHL, seconded by Mr. Gauci, the minutes of the June 17, 2020 meeting were approved.

AYES:7

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

Chairman Dingman stated he would like the following added to the July 15, 2020 minutes.

"Chairman Dingman questioned Todd Humiston, Enforcement Officer... You offered a brief narrative... They had been operating a mulching project for years and the business was flagged by DEC for disposing of animals without a permit. DEC found no issue with the method of disposal, but they were told to cease until they were granted a permit. DEC told them that they had to get approval from the Town prior to the issuing of a DEC permit. At this point, they are looking for approval for the two businesses... mulching/compost and animal mortality.

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MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
August 19, 2020
Page 2 of 6

Paul Bromley, 270 Kingsbury Road spoke to the Board of his concerns about odor.

ON A MOTION BY MR. FEHL, seconded by Mr. Murphy, the minutes of the July 15, 2020 meeting were approved.

AYES: 7
NAYES: 0
ABSTAIN: 0
MOTION CARRIED

1. Dennis Vadnais II, owner of vacant land, Tax Map # 155.-1-11 commonly known as 1052 Towpath Road, Town of Kingsbury, located in Zoning District, IND-75 Industrial District is seeking Site Plan approval for a proposed Pole Barn on the site of existing propane storage and distribution facility 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 Ethan Hall, Principal, Rucinski-Hall Architecture who will be representing Dennis Vadnais II to address the Board.

Mr. Hall stated this project is located on Tow Path Road, Kingsbury. The propane tank and container are already there. Mr. Vadnais gave a presentation at the July 15, 2020 meeting. In the packets mailed to the Board there was the layout of the proposed building. Mr. Hall and Mr. Vadnais attended the Zoning Board of Appeals for a variance and were approved. They are here tonight to get final approval from this Board.

Chairman Dingman stated the fire department did attend the meeting last month and did not have any issues with this project.

Chairman Dingman opened the Public Hearing.

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

Discussion ensued among the Board with questions addressed by the Applicant

ON A MOTION BY MR. GETTY, and seconded by Mr. Gauci 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.

The Board then reviewed the proposed Resolution.

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
August 19, 2020
Page 3 of 6

Resolution No. 1 of August 19, 2020

SITE PLAN REVIEW – Dennis Vadnais, II, owner of Tax Map #: 155.-1-11 commonly known as 1052 Towpath Road, Town of Kingsbury, located in the IND-75 Industrial District, is seeking Site Plan approval for the construction of a pole barn storage garage at this location for storage use in addition to the existing propane storage and distribution facility. This action is pursuant to Section 280-23 (G) of the Code of the Town of Kingsbury.

ON A MOTION BY MR. MURPHY, seconded by Mr. Fehl, 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) No outside storage of materials will be permitted on the premises.
- (2) The building shall be an earth tone color with downcast lighting.
- (3) Removal of shipping container.
- (4) Receipt of the permit from the NYS Canal Corp, with a copy of same to be provided to the Enforcement Officer. Applicant shall comply with all of the terms and conditions therein.
- (5) All information and representations contained in the materials submitted by the applicant and discussed at the meeting are incorporated herein as conditions.

2. Jerry Bombard, owner of vacant land, Tax Map # 129.-2-10 commonly known as 4052 State Route 4, Town of Kingsbury, located in Zoning District, Com-1A/Commercial District is seeking Site Plan approval for a proposed Brush Clearing of 165' x 260' for construction of stone pad for a yard waste and mortality solid waste management facility 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 Bombard who will be representing Jerry Bombard to address the Board.

Chairman Dingman opened the Public Hearing.

Mr. Joe Bombard stated since the last meeting DEC has approved their registration, the site, and the method. This project is in an agriculture district will be and agriculture activity.

Mr. Felh questioned what the proposed number of animals they will take in and how many will be onsite at any one time.

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
August 19, 2020
Page 4 of 6

Mr. Bombard stated DEC regulates how many you can take in. At this time, the Bombard's will be able to take in eight (8) full size units per week with the maximum number of 384 units per year. There will be 6 rows, 3 active rows and 3 rows to turn.

There is no water on this site. Any water that will be on the property will come from the weather and carbon content.

Chairman Dingman stated there is some concern with the odor, how do you plan to address this.

Mr. Bombard stated he addressed this in the packets the board members received earlier. A lot of the odor will be coming from the equipment they will be using. When you turn the pile there may be an odor which indicates they need to add a finer product. The finer the product the less the odor you will have. The carbon generates air so the larger/finer the carbon is the less odor there is.

Mr. LaSarlo stated he would like to see engineered stamped plans showing the runoff plan and location of the neighbors. In the plans that were provided Mr. Bombard does not show the contour of the land.

Mr. Bombard explained how the process works.

Mr. Humiston, Enforcement Officer stated he has researched this process. He will mirror the DEC guidelines and training from Washington County Cornell Cooperative Extension.

Chairman Dingman stated he had issues with how this will be monitored. He spoke with Attorney Meyer and Mr. Humiston. If Mr. Humiston receives a written complaint, he will be allowed to go on the property.

Mr. Getty stated if the animals are small it is a larger number than the eight (8) full size unit. A unit is considered to be a mature gown Holstein cow, Jersey cow, ponies, or dogs. You can have a half dozen dogs as long as they equal a unit.

The following were comments from the Public.

Steve Sawn, 4040 State Route 4, spoke of his concerns about odor and run off.

Jennifer Wells, 4049 State Route 4, spoke of her concerns about odor.

Ken Spaulding, 42 Kingsbury Road, spoke of his concerns about property values.

Andy Studler, 240 Kingsbury Road, spoke with his concerns about property values.

Jim Wood, 211 Kingsbury Road, had concerns with the complaint process.

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MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
August 19, 2020
Page 5 of 6

Mr. Humiston explained how the complaint process works.

Dennis Kelly, 672 County Line Road, had questions concerning a horse that has been euthanized by a veterinarian.

Mr. Humiston referenced an email he received on Wednesday, June 17, 2020 from Arron Gabriel, Cornell Cooperative Extension in regard to Mr. Kelly's concern.

Mr. Bombard responded to the concerns of the neighbors that spoke.

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

ON A MOTION BY MR. LASARSO, seconded by Mr. Gauci this matter was tabled.

3. BILL SCHROEDER, COCCA 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.

For the Record, this item on the agenda was being held by teleconference.

Chairman Dingman introduced Bill Schroeder, Cocca Development, LTD to address the Board.

Mr. Schroeder thanked the Board for allowing this meeting to be done by telephone as he is in Ohio.

Mr. Schoeder stated he is proposing construction for a new Walgreens Pharmacy, and Retail building with a drive-through and associated parking area. The building will be 2,502 square feet with 1000 square feet of space for retail space.

There was a discussion of the layout of the building with concerns with the building facing Burgoyne Avenue and the drive though lane. Mr. Schoeder stated he will try to change the layout so that customers are not walking in the drive through lane coming out of the store.

Chairman Dingman questioned Mr. Schroeder if he contacted NYS DOT regarding the entrance and exit on Burgoyne Avenue.

Mr. Schroeder responded yes; he has been in contact with them.

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Planning Board Meeting
August 19, 2020
Page 6 of 6

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

This project was tabled until the September 24, 2020 meeting.

4. Washington County Planning Board Agreement.

Chairman Dingman stated the Board received a letter from Washington County Planning Agency with a form attached called "Exemption of Matters of Local Concern from County Planning Agency Review". This agreement exempts certain projects deemed to have no inter- municipal impact, from referral to the County Planning Agency.

Chairman Dingman stated there is also a Resolution attached with the letter.

ON A MOTION BY MR. LASARSO, seconded by Mr. Getty the "Exemption of Matters of Local Concern from the County Planning Agency Review was approved.

ON A MOTION BY MR. GETTY, seconded by Ms. LaRose, all in favor, the meeting was adjourned at 10:00 P.M.

Michelle Radliff
Secretary