

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of September 16, 2020

MEMBERS PRESENT:

Robert Dingman, Chairman
Justin Fehl
Dave Gauci
Randy Getty
Karen LaRose
Tim LaSarso

MEMBERS ABSENT:

Randy Weaver – (Excused)
Todd Murphy – Alternate - (Excused)

Enforcement Officer

Todd Humiston

TOWN ATTORNEY

Jeff Meyer, ESQ.

The meeting was called to order by Chairman Dingman at 7:05 P.M.

Roll call of all Members and Officials.

Chairman Dingman stated the Minutes of August 16, 2020, Bill Schroeder, Cocca Development, LTD should read "This project was tabled until the September 16, 2020 meeting not September 24, 2020."

ON A MOTION BY MR. GETTY, seconded by Mrs. LaRose the minutes of the August 19, 2020 meeting were approved as amended.

AYES: 6

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

Chairman Dingman stated he has taken the liberty of an executive privilege to move Anthony Cocca, Cocca Development LTD., to the first item on the agenda due to the fact he left Ohio at 9:00 am to be here for this meeting and needs to drive back to Ohio tonight. He needs to be home by Thursday morning so that he can answer to New York State.

1. 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.

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

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Mr. Cocca stated they are a company out of Ohio, they build financial companies across the country. Walgreens is one their accounts and have come up with a new system. In the past if the stores were not profitable, they would close them. They came up with a system called Cooper. This was actually named after the Cooper car. He is proposing a 2500 square foot store. The store is focused on the drive thru. There is 1000 square feet in the front and leaves 1500 square feet for the pharmacy. There are about 30 of these buildings in the Country now.

Chairman Dingman questioned if NYS DOT had been contacted for a traffic study to be done, being there are two entrances into Hannaford as well as the traffic on Michigan Street.

Chairman Dingman questioned the status of the water and sewer.

Mr. Cocca stated Washington County turned them down for sewer on the property so they will be putting in a septic system.

Jim Chase, Town of Kingsbury Water Superintendent stated for the record there is a ¾ inch water service on the property. Mr. Chase and Mr. Cocca believe this will be enough water. They will only need water for a bathroom, wash sink and a place to fill a water bucket. Their usage will be minimal. There was a house previously at this location. If there is anything wrong with the water service, the problem will be corrected with a stipulation it will be at the applicant's expense. Mr. Chase stated if there are any issues, he would like to get them resolved before November 15, 2020, this is the cut off time due to water mains freezing

Mr. Cocca stated they would like to start building in the fall of this year and have the building done by year end.

Mr. Humiston stated the Washington County Planning Department stated this project is a matter of local concern, with a recommendation of doing a traffic study.

Chairman Dingman opened the Public Hearing and will remain open.

Mr. Cocca thanked the Board for allowing to be moved to first on the agenda.

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.

Mr. Joe Bombard presented a USGS Topographical Map to the Board.

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Mr. Bombard stated this map shows the basic plan of where the site proposal is and the elevations of it. It is relatively flat with a slight slope to the rear.

Chairman Dingman stated he did go to the site with Mr. Humiston and looked at the project.

Chairman Dingman stated he has spoken with Tom Jarrett of Jarrett Engineers, PLLC. Chairman Dingman had some questions about this project. Mr. LaSarlo had asked about a TOPO at the meeting last month. Mr. Jarrett stated he was not familiar with this project that Bob Holmes who is an employee at this office was the one that was familiar with Cornell Cooperative Extension. Mr. Holmes stated where it is located there does not appear any problems simply because of the Topography.

Mr. Bombard stated the concerns with the water, the product they are using to compost is very absorbent. The wood chips that are being used are very absorbent.

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

Chairman Dingman closed the Public Hearing at 7:24 pm.

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

Resolution No. 1 of September 16, 2020

SITE PLAN REVIEW – Jerry Bombard owner of Tax Map #: 129.-2-10 commonly known as 4052 State Route 4, Town of Kingsbury, located in the COM 1A / Commercial Zoning District, is seeking Site Plan approval for a proposed brush clearing an area of 165’ x 260’ for a stone pad for a yard waste composting, animal mortality composting, and solid waste management facility (the “facility”). This action is pursuant to Section 280-23 (G) of the Code of the Town of Kingsbury.

ON A MOTION BY RANDY GETTY, 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) No other animal mortality or byproducts shall be accepted, composted, buried, or disposed of on the premises outside of the site plan area.
- (2) Other than leaves or packaged products, all mortality and bulk organic waste must be processed on the day received.
- (3) The maximum detention time, from material acceptance to compost distribution, is 24 months.

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(4) Only tree debris can be used as a wood source for use as an amendment or bulking agent for composting.

(5) The method of composting must be in accordance with the guidance and recommendations issued by Cornell Cooperative Extension and shall be followed.

(6) The facility must be constructed to minimize any ponding, and run-off must be effectively controlled.

(7) The facility must keep written records that demonstrate compliance with the registration criteria mandated by NYS DEC.

(8) The facility must not produce odors that unreasonably impact sensitive receptors, as determined by the Town. The Town can require additional restrictions, or other actions be taken to address odor issues if present.

(9) The owner or operator of a facility must prevent waste from being deposited in or entering surface waters or groundwater.

(10) Waste acceptance and control. The owner or operator of a facility must institute, maintain, and enforce a waste control plan. Components of this plan must include, but not be limited to, the following measures to ensure that only authorized waste is accepted at the facility: (i) posting clearly legible signs at all public access points indicating hours of operation and the types of waste accepted and not accepted; (ii) inspecting incoming loads of waste; and (iii) specifying which types of waste are authorized to be accepted in contracts with waste suppliers. (iv) identifying materials intended for beneficial use, and a plan for disposal or alternative use of materials that fail to meet the criteria for the intended beneficial use.

(11) If unauthorized waste is delivered to the facility it must be adequately segregated, secured, and contained in order to prevent leakage or contamination of the environment and must be immediately removed from the facility. Transportation must be performed by a person authorized to transport the waste, and disposition must be to a facility or location authorized to receive the waste for management. (i) If the owner or operator accepts unauthorized waste, the owner or operator must maintain at the facility a record of each incident identifying the type of waste and its final disposition. The owner or operator must include this information in the facility annual report. For each incident, the owner or operator must record: (a) the date and time; (b) a description of the incident; (c) contact and vehicle information for the waste transporter that delivered the unauthorized waste; (d) contact information for the generator of the unauthorized waste; and (e) a description of the response to the incident and the disposition of the waste.

(12) The owner or operator of a facility will only accept waste from licensed haulers, where applicable. The owner or operator of the facility must not accept waste unless the vehicle transporting the waste is adequately covered or the waste is containerized. When leaving the facility, all vehicles containing waste must utilize a cover which prevents waste and leachate from escaping the vehicle, or the waste must be containerized.

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(13) The owner or operator of a facility must ensure that all areas containing waste are strictly and continuously secured to prevent unauthorized access by use of fencing, gates, signs, natural barriers, or other suitable means. Waste must not be used as a barrier.

(14) An attendant must be on duty at a facility which has permanent operating mechanical equipment whenever the facility is open.

(15) Tracking of soil, waste, leachate, and other materials from the facility onto off-site roadways is prohibited.

(16) All equipment, storage containers, and storage areas are sufficient for the quantity and type of waste managed at the facility. Adequate numbers, types, and sizes of properly maintained equipment are available during all hours of operation.

(17) The facility will be properly graded and maintained to prevent soil erosion and to minimize ponding.

(18) Prior to leaving the facility, any vehicle containing waste must be covered with, at a minimum, a mesh or fabric cover in accordance with NYS rules and regulations.

(19) Confinement of waste. The owner or operator of a facility must ensure that waste at the facility is confined to an area that can be effectively maintained, operated, and controlled; and that blowing waste or debris is confined to waste holding and operating areas by fencing or other suitable means. Any litter or waste outside the waste holding area must be controlled.

(20) Operating records. The owner or operator of a facility must maintain at the facility or other approved location, and make readily available for inspection for a period of no less than three (3) years from the date a particular record was created, the following operating records: (i) A daily log of wastes received that identifies the waste type, quantity, date received, and planning unit where the waste was generated, and the quantity and destination of any waste, products or recyclables that are removed from the facility. (ii) Routine inspection logs that must include, at a minimum, the following information: the date and time of the inspection, the name of the inspector, a description of the inspection including the identity of specific equipment and structures inspected, the observations recorded, and the date and nature of any remedial actions implemented or repairs made as a result of the inspection.

(21) Applicant shall maintain valid NYS Department of Environmental Conservation registration for a solid waste management facility and submit copies of the same to the Town. Applicant shall also comply with all other State and Federal laws and regulations relative to the use and provide copies of all requisite permits to the Town. All conditions and requirements contained therein are hereby adopted and incorporated by reference.

(22) The Applicant, explicitly authorizes, and consents to the Town Code Enforcement Officer and/or other duly authorized agent(s) of the Town of Kingsbury to access the site without notice to confirm compliance with the terms and conditions contained in this resolution.

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(23) All information and representations contained in the materials submitted by the applicant and made by the Applicant at the meetings are hereby incorporated as conditions.

3. LAURIE BELL, owner of Tax Map # 121.-1-5.1, commonly known as 61 Baldwin Corners Road, Town of Kingsbury, located in Zoning District, Ind-75, Industrial District is seeking Site Plan Review approval for a Dog Day Care 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 Laurie Bell and Ivan Bell to address the Board.

Ms. Bell stated she would like to have a dog boarding and a dog daycare at this location. The hours would be from 7:00am to 6:00 pm. She has 32 acres of property and feels she has plenty of room for this project.

Mr. Bell stated the closest house to this property is approximately 1000 feet away. They have talked to the neighbors and no one had any concerns with this project.

Chairman Dingman stated the narrative Ms. Bell wrote answers a lot of questions and had talked to the neighbors before the meeting tonight.

Chairman Dingman stated the Board has not heard anything from the Washington County Planning Department this Board cannot make any approval tonight. If this Board does not hear back from the County with in (thirty) 30 days, they will be able to approve it.

The Board complemented Ms. Bell on how well written the narrative was as well.

ON A MOTION BY MR. GAUCI, and seconded by Ms. LaRose 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.

Chairman Dingman opened the Public Hearing and will remain open.

4. DANIEL ROSICK, owner of Tax Map # 137.-1-17, commonly known as 3377 State Route 4, Town of Kingsbury, located in Zoning District COM-1A – Commercial District is seeking Site Plan Review approval for a Flea Market 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 Dan Rosick to address the Board.

Mr. Rosick stated he would like to get an approval a flea market at this location. For this year he is planning on having possibly fifteen (15) venders if possible. Next year he is planning to have venders locked in for the season. The hours will be from dawn to dusk weekends only. He will have up to thirty (30) spots available for venders. Mr. Rosick stated he has about 10,000 square feet for parking. He is providing the space only, the venders will be bringing their own tents and taking their garbage with them when they leave. Mr. Riosick stated he will have two (2) portable sanitary bathrooms, one will be handicap accessible.

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Chairman Dingman stated the Board has not heard anything from the Washington County Planning Department this Board cannot make any approval tonight. If this Board does not hear back from the County with in (thirty) 30 days, they will be able to approve it.

Chairman Dingman opened the Public Hearing and will remain open.

ON A MOTION BY MR. GAUCI, and seconded by Mr. Getty 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.

ON A MOTION BY MR. GETTY, seconded by Mr. Gauci, all in favor, the meeting was adjourned at 8:00 P.M.

Michelle Radliff
Secretary