

MINUTES OF THE PLANNING BOARD MEETING, SEPTEMBER 20, 2023 – TOWN OF KINGSBURY

Members Present: Robert Dingman (Chairman), Tim LaSarlo, Karen LaRose, Les Macura, Todd Murphy

Planning/Zoning Administrator: Todd Humiston

Planning Board Secretary: Alie Weaver

Members Excused: Randy Weaver, David Gauci

Kingsbury Town Counsel: Jeff Meyer

The meeting was called to order by Chairman Dingman at 7:00 PM.

Roll call of all members and officials.

Chairman Dingman entertained a motion to approve the minutes of July 8, 2023 Special Planning Board Meeting. On a motion by Karen LaRose and seconded by Les Macura, these Kingsbury Planning Board meeting minutes were approved as presented.

AYES: 5 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

Chairman Dingman introduced Josh Lindsell of **LINMUR, LLC**, who requested an informal Planning Board review of his preliminary plan for a subdivision on State Route 196.

Mr. Lindsell stated that he and his partner purchased two parcels with a combined fourteen acres, and they are looking to create three parcels with said acreage. He noted DOT did not have any issues with this proposal.

Discussion ensued regarding the total 502 feet of road frontage where 600 feet would be needed to allow three parcels for the required 200 feet of road frontage per parcel.

Chairman Dingman suggested to Mr. Lindsell to speak with the adjoining property owner to purchase an additional 98 feet of road frontage to allow for three conforming residential building lots.

Mr. Humiston stated that if purchasing the additional land is not an option, two conforming lots would need to be created with one non-conforming lot to be presented to the Kingsbury Zoning Board for a variance request.

Mr. Michael Frenette of **KRUGER ENERGY (USA) INC.** and Martin Schmidt of CT Male presented materials, as requested by the Planning Board, regarding the environmental review and SEQR determination for the proposed 5 MW AC solar energy facility site plan on 249 County Route 41 in Kingsbury.

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Mr. Schmidt stated that the Operations and Maintenance plan, Decommissioning plan, full SWPPP, and DEC supplemental information has been provided to the Board for review. He stated that the current site plan is in conformance with New York State's solar guidance regulations. He noted that temporary erosion and sediment controls will be in place during the construction phase and level spreaders are proposed for steeper slopes on the site to reduce runoff.

Mr. Humiston stated that the Kingsbury Town Engineer reviewed this information with no concerns.

Mr. Meyer read aloud the Full Environmental Assessment Form for the Board Members to review.

Having reviewed the long form SEQRA submission and having taken a hard look at the potential environmental impacts, A MOTION BY Les Macura and seconded by Tim LaSarso with all in favor, it was found that there are potential negative environmental impacts anticipated from this project and the Board issued a positive declaration on the project.

AYES: 5 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

Mr. Meyer stated that the next step in the process for the applicant is for the Planning Board to review the draft scope addressing the inconsistency with the existing land uses and if approved, a public hearing will be held for the Environmental Impact Statement. Once the Environmental Impact Statement is approved by the Planning Board, the applicant will go back to the Kingsbury Zoning Board for the zoning variance.

Ashley Thissell, CEO of **BENNETT DESIGN & EXCAVATION, LLC.**, owner of Tax Map #121.-1-17.3, commonly known as 4196 US 4 in Hudson Falls, located in Zone District Commercial COM-1A, is seeking site plan approval for installation of a 30' X 56' modular home and a commercial-use Conex storage building along with a temporary covered structure for storage.

Ms. Thissell stated that the modular house and business storage will be located on the same parcel. There will be two earthtone-painted Conex containers for the business's material storage and road equipment. She noted that customers will not be meeting at this location and landscaping will be planted for privacy. The timeframe would be foundation erection upon Board approval with the home delivery in November and completion by December with the temporary business storage following as time permits.

Mr. Humiston stated that Washington County did not have concerns with the plans.

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Mr. Meyers read aloud the short form Environmental Assessment Form and having taken a hard look at the potential environmental impacts, A MOTION BY Les Macura and seconded by Karen LaRose with all in favor, it was found that there are no potential negative environmental impacts anticipated from this project and the Board issued a negative declaration on the project.

AYES: 5 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

Chairman Dingman opened the public hearing at 7:55 pm and with a comment in support of the project and no other comments, concerns, or issues, the public hearing was closed at 7:56 pm.

ON A MOTION BY Tim LaSarso, SECONDED BY Karen LaRose with all in favor, the site plan application was approved with the following conditions:

Downcast outside lighting
Earthtone-color Conex containers
Modular housing
No outside storage

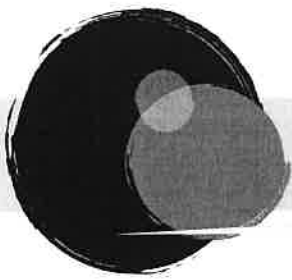
AYES: 5 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

(A full copy annexed hereto at the end of the minutes.)

ON A MOTION BY Les Macura, SECONDED BY Todd Murphy and all in favor, the September 20, 2023 Kingsbury Planning Board meeting was adjourned at 7:57 PM.

Alie Weaver

Planning Board Secretary



**PLANNING BOARD OF THE TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK**

Resolution No. 0109 of 2023

Introduced by Mr. Tim LaSarso

who moved its adoption

Seconded by Ms. Karen LaRose

SITE PLAN REVIEW – BENNETT DESIGN & EXCAVATING, as owner of Tax Map #: 121.-1-17.3 commonly known as 4196 NYS State Route 4, Town of Kingsbury, located in the COM-1A Commercial Zoning District, is seeking Site Plan approval for the construction of a 30' x 56' modular home and a commercial use Conex storage building along with a temporary covered structure for storage at this location. This action is pursuant to Section 280-23 (G) of the Code of the Town of Kingsbury.

ON A MOTION BY MR. LaSARSO, seconded by MS. LaROSE, 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) All exterior lighting shall be downcast so as not to produce glare or spill off-site.
- (2) No exterior storage shall be permitted.
- (3) All buildings and structures shall be earth tone colors.
- (4) Building plans shall be submitted and approved by the Code Enforcement Officer prior to any ground disturbance.