

## MINUTES OF THE PLANNING BOARD NOVEMBER 16, 2022 - TOWN OF KINGSBURY

*Members present: Robert Dingman (Chairman)*

Les Macura

David Gauci

Randy Weaver

Randy Getty

Planning/Zoning Administrator: Todd Humiston

Kingsbury Town Attorney: Jeff Meyer, ESQ.

Excused: Karen LaRose, Tim LaSarso, Todd Murphy (Alt.)

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 September 21, 2022. On a motion by Randy Weaver, seconded by David Gauci, the minutes of the September 21, 2022 Kingsbury Planning Board meeting were approved.

AYES: 5 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

A&C AutoWorks contract vendee of Tax Map 154.8-1-26 commonly known as 3614 A & B Burgoyne Ave, Town of Kingsbury, located in COM1 Zone District is seeking site plan approval to open and operate an automotive repair business with modification regarding oil restrictions at this location. Plans for this proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Mr. Dale Agard stated that he and his partners are seeking approval to open an automotive business to perform maintenance and repairs on automobiles. He noted that current restrictions ban oil changes and oil/antifreeze storage on the property and is seeking approval for these restrictions to be removed. He noted that they have a contract with Safety-Kleen to pick up their used filters, absorb-sand and mats as well as their waste oil and antifreeze. He also noted that oil changes will be performed inside the garage, which has no floor drains. He stated that the building is heated by kerosene and not waste oil.

Mr. Humiston stated that DEC does not have an issue with utilizing the building as an automotive repair garage with fluid changes, and he noted that the DEC monitors fluid changes at such garages. He recommended having a caveat for fluids to be stored inside the building, utilize catch pans above anything that is not asphalt or concrete, and parking of vehicles on impervious surfaces only.

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*Mr. Weaver recommended a limit of the 55-gallon drums on site in a plastic-containment unit for unforeseen spillage.*

Mr. Gard stated that Safety-Kleen requires a minimum of two drums and provides the containment units.

Chair Dingman expressed concern about the number of parked vehicles outside of the building.

Mr. Gard stated that crushed stone has been laid where parking will be and approximately six cars at once will be in that area at one time.

Mr. Gard noted that most customers will pick up their vehicles once repairs have been completed and a storage fee will be imposed on any vehicles that remain more than ten days.

Chair Dingman stated seven days is preferred and Mr. Gard agreed.

Chair Dingman opened the public hearing at 7:08 pm.

A neighbor that lives behind this property expressed concern about late night racing tires, marijuana usage, illegal oil dumping, and illegal garbage barrel burning.

Chair Dingman stated that A&C AutoWorks is a new tenant of this property that is just starting business there and any such disturbances were performed by previous tenants.

Discussion ensued regarding behaviors of past and current tenants in other areas of the property and it was noted that A&C AutoWorks does business in the two bays located in the front.

Chair Dingman and Mr. Humiston encouraged neighbors who witnesses this type of activity to contact the police department as those incidents are under that authority's purview. Mr. Humiston stated that the town's noise ordinance hours are from 10:00 pm through 7:00 am and the sheriff's department would be able to enforce this ordinance.

Mr. Gard stated that their intention is to continue cleaning up the property and run a professional business. He noted that business hours are Monday through Friday from 9:00 am to 5:00 pm and every other Saturday by appointment and they are usually gone by 5:30 pm daily.

Mr. Humiston noted that the owners of A&C AutoWorks have done an amazing job cleaning up the property. He reiterated that DEC has no restrictions on the inside of the building and they monitor the oil-handling and records of such handling.

Mr. Joe Bernard, who lives on the corner near this property, expressed safety concerns regarding the roll-off trucks hindering sufficient road clearance while unloading cars.

Mr. Gard agreed that the clearance is tight, especially with the amount of traffic, and they try to have tow trucks deliver vehicles in the shop vs. on the crushed stone to help maintain clearance.

There being no other questions or concerns from the public, Chair Dingman closed the public hearing at 7:24 pm.

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Having reviewed the Environmental Impact Assessment Form and determined that there are no potential negative environmental impacts anticipated, Randy Getty made a motion to issue a negative declaration on the A&C AutoWorks Project and David Gauci seconded.

AYES: 5 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

Chair Dingman listed the following restrictions to be added to the resolution:

Outside vehicles to be park on impervious surfaces

Used vehicle fluids to be stored in suitable containers in the building

Vehicles to have catch pads, or such, underneath them on all surfaces

Drums containing these fluids to be in contained units

Maximum of four drums to be used for storage

Downcast outside lighting

Receive any stated associated licenses and permits as required

Randy Weaver made a motion to approve resolution to accept the A&C AutoWorks Site Plan Review/Use Permit Application as amended and Randy Getty seconded.

AYES: 5 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

(A full copy of this resolution is hereby annexed following the meeting minutes.)

Mr. Humiston stated that he did not contact the sewer department as the building was not new.

Chair Dingman noted that the new Biscotti company in the Industrial Park is still not in operation and he asked Mr. Meyer to explain the delay.

Mr. Meyer stated that Bucks County Biscotti is an industrial user that has potential to discharge things into their wastewater that could kill a wastewater treatment plant. Due to this, a more substantial review by the wastewater engineers is required. He noted that the sewer district's preference is for this review to be handled by the Planning Board with the applicant, as it is considered a part of the SEQR review in issuing a negative declaration. He also noted that most applicants discuss their plans with the sewer district prior to Planning Board approval and most Industrial Park applicants have only bathroom facilities where none of their production processes go into water or sewage drains.

Mr. Meyer recommended that the Planning Board require a letter from the sewer district from any new projects.

Mr. Humiston stated that he notifies the sewer district of new projects.

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There being no further business to discuss, Randy Weaver made a motion to adjourn and Dave Gouci seconded. With all voting in favor, the November Kingsbury Planning Board Meeting was adjourned at 7:39 pm.

Alie Weaver

Planning Board Secretary





# Town of Kingsbury

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

Adopted November 16, 2022

Introduced by Randy Weaver who moved its adoption  
Seconded by Randy Getty

Approving site plan application of A&C AutoWorks

SITE PLAN REVIEW – A and C Auto Works, as contract vendee of Tax Map #: 154.8- 1-26 commonly known as 3614 Burgoyne Avenue, Town of Kingsbury, located in the COM-1A Commercial Zoning District, is seeking Site Plan approval for an automotive repair service operation at this location. This action is pursuant to Section 280-23 (G) of the Code of the Town of Kingsbury.

ON A MOTION BY Randy Weaver, seconded by Randy Getty, 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) All automotive fluids shall be stored in watertight containers, with secondary containment, inside the building on the premises. No more than 220 gallons of waste fluids shall be stored on the premises at a single point in time.
- (3) Individual vehicles shall not be parked on the premises longer than 7 days.
- (4) No more than 6 vehicles shall be parked on the premises awaiting service.
- (5) All vehicles located on the premises shall either be parked on impervious pavement, or have oil catch basins placed underneath, to ensure no oil or automotive fluids leak into the soil.
- (6) The Applicant shall comply with all federal, state, and municipal regulations regarding the operation, and handling of automotive fluids. The Applicant shall provide copies of any and all necessary permits in that regard to the Code Enforcement Officer upon request.
- (7) All information and representations contained in the materials submitted by the applicant and discussed at the meeting are incorporated herein as conditions.