

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of January 17, 2018

MEMBERS PRESENT:

Robert Dingman, Chairman
David Gauci
Justin Fehl
Randy Getty
Todd Murphy

MEMBERS ABSENT:

Cheryl Hogan – Alternate (Excused)
Karen LaRose (Excused)
Tim LaSarso (Excused)
Randy Weaver (Excused)

Code Enforcement Officer
Ross Cortese

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.

1. **DAVID MARTIN**, contract vendee of Tax Map # 146.-3-3.2, commonly known as 3316 State Route 4, Hudson Falls, located in Zoning District COM-1A/Commercial District, is seeking Site Plan Approval to operate Group and Personal Training and a Retail Business 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 David Martin to address the Board.

Mr. Martin stated he currently has his training center on Main Street, Hudson Falls. He is the owner, instructor and a personal trainer. He would like to move his business from Main Street to 3316 State Route 4. Mr. Martin plans to buy this property if the training center is approved. This building was previously being used for storage of motor vehicles and boats. The property is approximately 5 acres. There is parking there now and he will be able to add to it if needed.

Mr. Cortese stated he brought this application to the Washington County Planning Agency on January 2, 2018.

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The County did not have enough members to review this application. As soon as they have they enough members this project will be reviewed and emailed to Mr. Cortese.

Mr. Cortese stated if the County feels it is a matter of local concerns on this project Mr. Martin will have to come back to The February 21, 2018 meeting for approval.

Mr. Martin stated there are water and a septic at this location. There will not be a need for showers.

Chairman Dingman opened the Public Hearing.

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

ON A MOTION BY RANDY 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 Public Hearing will remain open.

1. AVIATOR WAY SOLAR, LLC, contract vendee of Tax Map # 127.-1-27 and 127.-1-26.3 commonly known as 40 Aviator Way, Queensbury, NY, located in Zoning District, Residential Agricultural RA-1A District is seeking Site Plan approval to develop a 2 MW Solar Energy 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 opened the Public Hearing.

Chairman Dingman introduced Bryan Stumpf, Cypress Creek Renewables, Zoning & Outreach Manager, Chuck Utschig, Langan Civil Engineering and Thomas Puchner, Phillips Lytle Attorneys at Law to address the Board.

Mr. Stumpf gave a brief progress report.

Mr. Utschig stated each lot on Aviator Way has a legal standing right of way to get to their properties. They will be changing the grade on the access road from the original plans. The new plans show the grade being lower. They original planned trying to keep grade at what it is now.

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Mr. Utschig stated on December 21, 2017 there was a meeting with Mr. Don Gimbel, 41 Aviator Way. Mr. Gimbel didn't like the wall because of a possible flooding.

In response Mr. Utschig stated this is the reason for keeping grade where it is now. The access road will be flat to the Aviator Way. Mr. Utschig stated after confirmation of the survey they adjusted the location of the access road. These changes have been discussed with the neighbors.

Mr. Stumpf stated on January 9, 2018 there was a meeting with Chairman Dingman, Attorney Jeff Meyer and Zoning Administrator Ross Cortese. The meeting was to discuss what work needed to be done in order for Cypress Creek to have an approval on this project.

There was a discussion of having Tom Jarrett, Jarrett Engineering to review this project. Mr. Utschig will be discussing any issues or concerns Mr. Jarrett may have.

ON A MOTION BY RANDY GETTY and seconded by Dave Gauci the Kingsbury Planning Board hereby approves Tom Jarrett, Jarrett Engineers, PLLC to review the Site Plan Application of Aviator Way Solar, LLC. The cost of this review will be the responsibility of Cypress Creek.

Cypress Creek will mail a check for \$1500 to the Town of Kingsbury for Mr. Jarrett's services.

Mr. Stumpf stated the Storm Water Report has been submitted to New York State Department of Conservation. Cypress Creek is waiting for their response. Mr. Stumpf questioned if there would be a problem with removing two (2) abandon vehicles that are on the property during the first stage of this project.

The Board did not see any problems with doing this.

Mr. Utschig stated they submitted this project to the Federal Aviation Administration (FAA) and A Solar Glare Hazard Analysis Tools (SGHAT) for aeronautical study. The FAA has guide lines about the glare analysis. The study revealed the structure does not exceed obstruction standards and would not be a hazard to air navigation and based on the study marking and lighting are not necessary for aviation safety. Mr. Utschig stated they have done testing at several surrounding properties. They meet all criteria for the glare. They will be submitting this information as part of their application.

Attorney Meyer had a question the status of the DEC request for this project.

Mr. Stumpf replied they are still waiting to hear back from DEC.

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Chairman Dingman stated the biggest issues at this time are the Decommissioning Cost. Attorney Meyer has concerns with this and will be contact with Thomas Puchner, Attorney for Cypress Creek Renewables and will be waiting for Mr. Jarrett's response after reviewing the application.

Bill Haessly, McDowell Street had concerns with the road.

Mr. Haessly questioned if the owner could turn the road over to the Town.

Attorney Meyer stated currently it is a private road and unless the owner brings it up to Town specs, it will stay a private road. If the Town demanded the private road be brought up to spec then the Town would have to pay for it to be done to access to it.

Chairman Dingman gave Mr. Haessly a brief over view of discussions concerning the private road.

Jerry & Jolene Caruso, 90 Casey Road stated he is a pilot and has concerns with the glare from the solar panels.

Mr. Stumpf again had questions for the Board in another attempt to seek conditional approval. He stated that he is aware of the DEC wetlands crossing and the removal of junk cars. He felt that there could be conditional approval if the decommissioning cost and the FEAF Parts II and III were approved. Mr. Stumpf stated that he wanted to present these items to the Board in order to go forward at this meeting. Chairman Dingman indicated that this would not be done tonight and that the FEAF would get a harder look and that Attorney Meyer would continue his talks with Thomas Puchner, Attorney for Cypress Creek Renewables a

Chairman Dingman indicated they could be. He would like to review the FEAF more and Attorney Meyer will work with the decommissioning cost.

Mr. Utschig questioned if the Board felt comfortable with moving forward with the SEQRA process and making a determination whether it be a negative declaration or not.

Chairman Dingman respond that will happen, but he would like to wait do this after Mr. Jarrett has looked at this. He is hoping by next month's meeting the Board should be ready to do this.

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Discussion ensued among the Board with questions address by the Applicant and the Applicants Representative.

Chairman Dingman stated the Public Hearing will remain open.

ON A MOTION BY MR. MURPHY, seconded by Mr. Getty all in favor, the meeting was adjourned at 8:15 P.M.

Michelle Radliff
Secretary