

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of June 18, 2014

MEMBERS PRESENT:

Robert Dingman, Chairman
Michele Abbenante
Randy Getty
Ian Miller

MEMBERS ABSENT:

Dave Gauci – (Excused)
Karen LaRose – (Excused)
Randy Weaver - (Excused)
Cheryl Hogan – Alternate (Excused)

CODE ENFORCEMENT OFFICER:

Ross Cortese

TOWN ATTORNEY:

Jeff Meyer, ESQ

The Meeting was called to order by Chairman Dingman at 7:00 Opm.

Roll Call of members and Officials.

Chairman Dingman stated the first order of business RWS. Mr. Tuczinski called Mr. Meyer to give an update on RWS. The plant has operational issues and is closed after electrical problems associated with the latest storm. Don Student has been working nonstop to get things back in operation and will likely be unavailable.

Mr. Tuczinski apologizes for the inconvenience and is anxious to meet with the Board. He will in touch with Mr. Meyer.

2. DAVID BRINDLE, Dean Column Co. Inc., Contract vendee of Tax Map #137.-2-24 commonly known as 22 Park Road Queensbury, is submitting a modification to an approved Site Plan application to modify condition of no outdoor storage. Plans for proposal are available at Kingsbury Town Hall, 210 Main Street, Hudson Falls, New York during regular business hours.

Chairman Dingman introduced David Brindle, Dean Column Co. Inc., to address the Board.

Mr. Brindle handed the Board Members a picture of where and what the fence will look like. He stated he met with the IDA. As long as Mr. Brindle adhere to their setbacks, which are 50 feet from the road, 30 feet from the property line and the neighbors and treat the wood they have no issues with the fence.

Mr. Miller questioned if the IDA meant to stain the fence.

Mr. Brindle stated paint or stain to preserve it.

Ms. Abbenante questioned Mr. Brindle what his plan was to stain it or paint it and what color.

He stated he would stain the fence.

Mr. Getty questioned the height.

Mr. Brindle stated the fence would be 10 feet high. The fence would be supported by columns that he makes.

Chairman Dingman stated he would like to see the fence be a solid and not have any gaps in it.

Mr. Bindle agreed to a solid fence.

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

ON A MOTION BY MR. MILLER, 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.

There was not any Public Comments.

The Board then reviewed the proposed resolution.

**TOWN OF KINGSBURY PLANNING BOARD
210 MAIN STREET, HUDSON FALLS, NY 12839**

Notice of Decision of Planning Board

Resolution No. 1 of June 18, 2014

SITE PLAN REVIEW – David Brindle, contract vendee of Tax Map # 137.-2-24 commonly known as 22 Park Road, Town of Kingsbury, is seeking to modify his Site Plan approval for Dean Column Co. Inc., at this location to permit outside storage at the facility. This action is pursuant to Section 280-23 (D) of the Code of the Town of Kingsbury.

ON A MOTION BY RANDY GETTY, seconded by Ian Miller 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) The fence shall be a solid fence to completely screen the materials being stored outside.
- (2) The fence shall be stained an earth tone color.
- (3) The remaining conditions of the original resolution are still in full force and effect.

- (4) All information and representations contained in the materials submitted by the applicant and discussed at the meeting are incorporated herein as conditions.

AYES: 4

NAYES: 0

ABSENT: 3

Michelle Radliff, Secretary

3. THE QUARRY LLC, 35 Dean Road, Hudson Falls, NY Tax Map #'s 146.9-1-1, located in LDR 25 Zoning District to build 148 Senior Apartments and a 100 Bed Assisted Living Facility. Plans for proposal are available at Kingsbury Town Hall, 210 Main Street, Hudson Falls, New York during regular business hours.

Chairman Dingman introduced Bill Nikas to address the Board.

Mr. Nikas handed out a form from DEC review that was done in 2006. Showing there was a review done.

Mr. Nikas stated there are no regulated wet lands on the property. They do know there are unregulated wet lands and are completely avoiding those areas.

Chairman Dingman questioned if there was a time limit on the Environmental Review regarding item number 3.

Mr. Nikas stated most of the 20+/- have been blasted. The previous owners were put on notice for the blasting. In this area it is all rock. They will need to build on slab.

Mr. Nikas stated prior to approval he will have the review updated.

Chairman Dingman questioned what changes will be made to the road ways.

Mr. Nikas stated he has met with Mike Graham, Highway Superintendent concerning some of the road changes. They will be meeting again with the Engineer to review the road layout.

Mr. Nikas stated the topo map has been done. From this point on they do not have any issues they are aware of other than what has been discussed. At this point they are looking to get the engineering done. They will have a new stormwater management with this project.

Chairman Dingman question Mr. Cortes, Code Enforcement Officer, if there was an issue with water.

Mr. Cortese stated this issue was in the first phase where the one of the new houses was built. Mr. Cortese stated he has already talked to Mr. Nikas on this issue.

Mr. Nikas explained the problem to the Board.

Paul Bromley, 270 Kingsbury Road, he was at the Town Board meeting when Mr. Springer was there to address this issue. Mr. Bromley stated to him it sounded like the drainage ditch was bulldozed half in and now is backing up towards Mr. Springer's foundation.

Mr. Nikas stated he believes this is Mr. Springer's theory. He was there when the water was coming into the basement and there was no water coming over the bank.

Mr. Bromley stated it is his understanding Supervisor Lindsay was at the site and you can see where someone was there with a bulldozer and pushed into the ditch and backed away. They never went backed and cleaned the ditch out. Mr. Bromley stated he has not seen it himself.

Mr. Nikas stated the water was coming from the bottom. You could see it coming from the foundations and nothing from the top. No water was on top.

Chairman Dingman questioned Mr. Bromley if there was any kind of solution.

Mr. Bromley stated Supervisor Lindsay was going to talk to Mr. Cortese.

Mr. Cortese stated Supervisor Lindsay did talk to him with concerns for this problem.

Discussion continued with this issue.

Chairman Dingman questioned who is responsible to correct this.

Mr. Nikas stated the deal with the Town he is responsible to maintain it for three years.

Attorney Meyer stated the Town is not involved with this issue. The Town has a right to fix it if Mr. Nikas doesn't. It is the responsibility of Mr. Nikas to fix the problem.

Mr. Nikas stated either way he will have his engineer certify this is not a problem.

Chairman Dingman stated he feels the engineer does need to look at this.

Mr. Getty stated as long as Mr. Graham agrees to the roads he would not have any issues.

Mr. Nikas stated the roads will be to Mr. Graham's specifications.

Discussion ensued regarding if this project needed cluster approval from the Zoning Board of Appeals.

Attorney Meyer will research this matter.

Discussion ensued among the Board with questions addressed by the Applicants Representative.

Chairman Dingman questioned what restrictions are there from the Department of Health.

Mr. Nikas stated they would need to get Certificate of Necessity from Department of Health. The first issue would be can this project go there zoning wise, that supports one part of Necessity of Certificate.

Chairman Dingman opened the Public Hearing.

Dennis Kelly, 672 County Line Road questioned if Phase One was a cluster and what happens to the Green Space that was approved for that project.

Attorney Meyer stated this project will be looked at as a whole prior to Phase One.

Chairman Dingman stated Mr. Meyer will be doing the research on this and there is no public opposition as well as the Board does not seem to have any opposition. Mr. Nikas still needs to get approval from Mike Graham and the Kingsbury Fire Chief.

Mr. Nikas thanked the Board for having the meeting.

ON A MOTION BY MR. GETTY, and seconded by Ms. Abbenante all in favor, the meeting was adjourned at 8:00 pm.

Michelle Radliff
Secretary