

**MINUTES OF THE PLANNING BOARD AUGUST 18, 2021 – TOWN OF KINGSBURY**

MEMBERS PRESENT:

Robert Dingman, Chairman  
David Gauci  
Randy Getty  
Karen LaRose  
Tim LaSarso  
Les Macura

MEMBERS ABSENT:

Todd Murphy – Alternate  
Randy Weaver

OTHERS PRESENT:

Todd Humiston, Enforcement Officer  
Jeff Meyer, ESQ., Town Attorney

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

Roll call of all Members and Officials.

Chairman Dingman entertained a Motion to Approve the Minutes of July 21, 2021.

ON A MOTION BY TIM LASARSO, seconded by KAREN LAROSE, the minutes of the July 21, 2021 meeting were approved.

AYES: 6 NAYS: 0 ABSTAIN: 0

MOTION CARRIED

**1. NOLAN PROPANE** contract vendee of Tax Map # 137.-2-1.4 commonly known as County Line Road, Lot #3 in the Warren/Washington County Industrial Park, is seeking Site Plan approval for propane storage and loading at this location. Two (2) 30,000-gallon tanks are proposed, crushed gravel driveway, storage sheds and chain link fencing for security. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Chairman Dingman introduced Frank Palumblo, C.T., Male Associates to address the Board. Mr. Palumblo presented modified plans that included reduced gravel and increased asphalt for dust reduction, retention basin(s), and pre-construction prep of work area.

Robert Bombard, Kingsbury Printing, 632 County Line Road, questioned the barrier that is being provided and his concerns of deer eating the barrier. Mr. Nolan responded that current barrier will be wrapped during the winter and is sufficient for this project. Bill Haessly, 17 McDowell Street, questioned the number of jobs that will be created. The estimated number of jobs to start will be 4 – 5.

Chairman Dingman closed the public hearing.

ON A MOTION BY TIM LASARSO, seconded by KAREN 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.

**MINUTES OF THE PLANNING BOARD AUGUST 18, 2021 – TOWN OF KINGSBURY**

**Resolution No. 1 of August 18, 2021**

**SITE PLAN REVIEW** – Nolan Propane, as contract vendee of Tax Map #: 137.-2-1.4 commonly known as County Line Road, Lot #3 of the Warren/Washington County Industrial Park, Town of Kingsbury, located in the PIC-75 / Park Industrial Commercial Zoning District, is seeking Site Plan approval for propane storage and loading at this location. Two (2) 30,000-gallon tanks are proposed at this location. This action is pursuant to Section 280-25 (G) of the Code of the Town of Kingsbury.

**ON A MOTION BY** DAVID GAUCI, 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) The Applicant shall submit construction-grade drawings prepared by the applicant and submitted to the Town for their final review prior to the issuance of a construction permit.
- (2) Applicant shall provide for regular construction inspection services during construction to verify compliance with installation of erosion and sediment control devices, area of disturbance, grading, site restoration, etc. Construction inspection reports shall be provided to the Enforcement Officer.
- (3) Applicant shall submit record drawings with site elevations, photos of construction and related information.
- (4) Applicant shall provide for site inspections by an individual experienced in stormwater mitigation practices at least monthly during the first year of operation and until an established vegetated cover is established on the site. Monthly inspection reports shall be provided to the Enforcement Officer.
- (5) The northeast portion of the gravel area may be used for the temporary storage of new tanks.
- (6) No outside storage of used tanks shall be permitted on the premises.
- (7) Used tanks shall not be evacuated on site.
- (8) All information and representations contained in the materials submitted by the applicant and discussed at the meeting are incorporated herein as conditions.

## MINUTES OF THE PLANNING BOARD AUGUST 18, 2021 – TOWN OF KINGSBURY

**2. KATRAYLA AND JEFF BLAIR** – owner of tax map #154.-8-1-23 commonly known as 5 Harrison Avenue located in the Commercial Zoning District, is seeking site plan approval for the construction of an advertising billboard 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 states the Planning Board cannot approve the billboard application. Applicants must first go to the County. Jeff Blair provided a brief overview of the proposed billboard(s) location and anticipated commercial advertisements to be displayed.

Discussion ensued among the Board with questions addressed by the Applicant. No action was taken.

**3. SCHERMERHORN REAL ESTATE HOLDINGS, LLC** - owner of tax map #146.14-1-3 commonly known as a vacant land on 1189 Dix Avenue located in a Commercial Zoning District, is seeking site plan approval for the construction of a multi-family residential project at this location. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Joseph Danible, Environmental Design Partnership, on behalf of Schermerhorn Real Estate Holdings, LLC, presented the amended site plan. Significant testing has been completed on the property, including test pits, soil borings, ground water, percolation rates, etc. Project is looking to extend a private road off of Queens Drive and off of Dix Ave. NYS DOT has not yet approved construction of driveway and curb cuts as proposed. Proposal includes 13 buildings with 11 of them being 8-unit buildings and two of them being 4-unit buildings with a total of 96 units on the property. The buildings will be connected to the municipal water supply. Studies show that water will be adequate. Extensive soil and ground water studies have been conducted and support the proposed septic systems. Approximately 50 feet of wooded area will be preserved along the east side of the property. Mr. Danible requested the Board commence with the coordinated review if it has not already occurred. If it has already occurred, he asks the Board to declare itself lead agency for the SEQR review process. Also, noted that a traffic engineer did review the approved plan vs. the current proposed plan. Trip generation difference was around 26 additional trips during the morning peak hour and an additional 31 trips during the evening peak hour. Study concluded no impact to the existing road network as a result from the new traffic. No offsite mitigation required by this project as determined by a professional traffic engineer. The first traffic study was completed in approximately in 2015 and the second study was completed in 2020.

Questions by the Board about the septic system. Answer was not conclusive as it is DEC jurisdictional. Karen LaRose asks how much land usage was being used in the originally approved plans vs. the new proposal. Answer was the originally approved plans used approximately two-thirds of the property and the new proposal uses nearly all of the property. Chairman Dingman stated the Board will not take action this evening, but they will declare lead agency. Chairman Dingman then suggests members of the public put their questions and comments in writing because that would be most helpful to the Board.

## MINUTES OF THE PLANNING BOARD AUGUST 18, 2021 – TOWN OF KINGSBURY

Dan Ward, Superintendent of Hudson Falls Central School District, is here tonight because of a school being located directly across the street. He is concerned about sidewalks and safety for student walkers. He is also concerned about the increased traffic. Mr. Ward wants additional, safe walkways to be a consideration of the proposed project. Also concerned that the traffic study completed in 2020 could be a skewed number based on the events of 2020. Joe Danible responded that brand-new sidewalks are proposed along the entire frontage of the property along with connecting a sidewalk into each drive. Chairman Dingman did ensure that sidewalks will be addressed.

Ann Brancati, 23 Noble Drive, read a letter providing history of the property and voicing concerns. Some concerns noted include possibility of water contamination, traffic, PCBs, and a strain on the police and fire departments. Chairman Dingman requested Ms. Brancati submit a written copy of her comments to the Board. He will make sure the committee working on the Town's Comprehensive Plan will receive a copy for review.

Bill Haessly asked how many gallons of water was calculated per bedroom. Jim Chase, Kingsbury Water Superintendent, stated that the water usage for the proposed buildings is about 240,000 gallons per month. That is approximately 8,000 gallons per day and does not affect the Kingsbury water system. Based on the same calculation used by Washington County, 80% of the water will go into the sewer; this equals approximately 6,400 gallons of water going into the septic each day. Joe Danible is completing a ground water analysis and is working closely with the DEC. Chairman Dingman ensured that water concerns are being addressed with engineering and DEC. Todd Humiston stated that on the previously approved plan, there was a waterline that was supposed to run over to Blenor. Mr. Humiston asked if this is no longer included with the modified plans. Joe Danible responded that in the previous approvals, Schermerhorn was providing an easement and in the revised plans, Schermerhorn is providing materials to the property line and ultimately the Town could pick it up from there and extend it.

Chairman Dingman suggested questions and comments be sent in writing to Enforcement Officer, Todd Humiston, email: [officer@kingsburyny.gov](mailto:officer@kingsburyny.gov). This will ensure that all concerns are known and properly addressed.

Discussion ensued among the Board with questions addressed by the Applicant. No action was taken.

Chairman Dingman declared the public hearing will remain open.

ON A MOTION BY TIM LASARSO, and seconded by DAVID GAUCI, designating the Town of Kingsbury Planning Board as the Lead Agency under SEQRA to perform coordinated review of the potential environmental impacts. The Code Enforcement Officer is directed to send notices to all other involved agencies advising them of this action and advising that the Lead Agency status may be disputed within 30 days of receipt of said notice.

## MINUTES OF THE PLANNING BOARD AUGUST 18, 2021 – TOWN OF KINGSBURY

**4. SCHERMERHORN REAL ESTATE HOLDINGS, LLC** - owner of tax map #154.11-6-7 commonly known as a vacant land on the corner of Burgoyne Avenue and Martindale Avenue located in a Commercial Zoning District, is seeking site plan approval for the construction of a multi-family residential project at this location. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Joseph Danible, Environmental Design Partnership, on behalf of Schermerhorn Real Estate Holdings, LLC, presented plans for residential apartment project that includes 88 units within 11 buildings. The buildings will be serviced with a private street and parking for two cars per unit will be available. There are two access points on Martindale Avenue. A comprehensive traffic study was prepared in early June 2021. Internal sidewalks will be provided. Each unit will be connected to municipal water supply and individual septic systems. Stormwater will be managed onsite with a retention pond and the plans were prepared following all pertinent regulations. Copy of all engineering documents and traffic study have been provided to the Board and applicant requests it be shared with the Town's engineer and provide comment letters on this plan. It is requested that the Board start a coordinated review process and provide documentation to all involved agencies.

Chairman Dingman again requests questions and comments be put in writing so the Board can fully address all concerns.

Mac Edwards is concerned about septic systems impact on nearby wells. He is also concerned about the impact on wildlife. Mr. Edwards questioned the extent of vegetation clearing and asks that vegetation be either replaced or left alone. His biggest concern is the traffic on Martindale Avenue, and he suggests (based on the exits on the plan) a traffic light. This could possibly control the traffic a little better and slow the traffic down. Mr. Edwards asked if the Village has agreed to the usage of municipal water? Mr. Danible replied that getting Village approval is one of the steps in the process that needs to be taken. Mr. Edwards suggests a series of hydrants also be added to the plans.

Derrick Goodness, Martindale Avenue, stated that current sidewalks are not sufficient if additional foot traffic is added. Traffic is already overwhelming the street. He stated that enforcement of speed limit needs to be prioritized. He is also concerned by the construction debris that was used to fill the site.

Dan Ward, Superintendent of Hudson Falls Central School District, is concerned by the hydrologic impact. He is also concerned by the increased vehicular traffic, foot traffic, and the lack of crosswalks and sidewalks. Mr. Ward questions the future capacity of the school district and the capacity of water supply.

Chairman Dingman states that many of the concerns being mentioned tonight are not within the control of the Planning Board. However, these concerns can be addressed with the Master Plan Committee which is why it is important that concerns be submitted in writing.

**MINUTES OF THE PLANNING BOARD AUGUST 18, 2021 – TOWN OF KINGSBURY**

Bill Haessly, voiced concern about the traffic. Also concerned about the sewer impact on water quality.

Chairman Dingman asked Dan Ward what the circumstances were for the school when the traffic study was performed. Mr. Ward replied that school was not operating at full capacity during the time of the traffic study. Todd Humiston asked about the plans for the recommended sidewalks. Mr. Danible replied that they have not yet completely evaluated the recommendations for sidewalks, but they are providing sidewalk connections to the Cumberland Farms through the property. The project may also consider doing something along Martindale Avenue.

Chairman Dingman stated that this project is in the beginning stages and will probably declare lead agency at the next meeting after everything has been provided to the engineer. He requests that any community questions and concerns be presented to the Enforcement Officer in a timely manner, at least two weeks prior to the next meeting.

Joe Danible requests that the Planning Board begin the coordinated review. Chairman Dingman replied that the coordinated review will start next month once the Board has had a chance to review everything.

ON A MOTION BY DAVID GAUCI, seconded by KAREN LAROSE all in favor, the meeting was adjourned at 9:20 p.m.

Rebecca Pomainville  
Interim Secretary