

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of October 17, 2018

MEMBERS PRESENT:

Robert Dingman, Chairman  
Justin Fehl  
Karen LaRose  
Tim LaSarso  
Todd Murphy

MEMBERS ABSENT:

David Gauci - Excused  
Randy Getty - Excused  
Randy Weaver - Excused

Code Enforcement Officer  
Francis P. 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.

Chairman Dingman entertained a Motion to Approve the Minutes of September 19, 2018.

**ON A MOTION BY MR. FEHL**, seconded by Mr. Murphy, the minutes of the September 19, 2018 meeting were approved.

AYES: 5  
NAYES: 0  
ABSTAIN: 0  
MOTION CARRIED

**1. Positive Energy NY LLC**, owner of Tax Map # 130.-3-7.3 and 130.-3-7.4, commonly known as 2323 State Route 149, Fort Ann NY, located in Zoning District, Industrial IND-75 is seeking Site Plan approval to use property for construction company headquarters for Positive Energy NY LLC. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Chairman Dingman introduced Joseph Thomas, Positive Energy NY LCC to address the Board.

Mr. Thomas stated he is a commercial contractor that builds solar systems. They are not involved with any of the development for solar systems.

Mr. Thomas stated they cover the entire northeast, from Maine to Maryland, Buffalo to Boston. He has been working out Granville, NY for the past 10 years. They have specialized equipment that drive the post into the ground that the solar system is bolted to as well as other equipment they use.

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Mr. Thomas stated he bought the property hoping to utilize it for maintenance on their trucks and equipment. The property has garage space and warehouse space. He will be using the brick building as an office as they have out grown the office in Granville.

Currently he has approximately 145 people spread across three states.

Chairman Dingman questioned how many people will be at this site.

Mr. Thomas responded possibly four people in the office, a shop manager doing oil changes and inventory of stock.

Chairman Dingman asked Mr. Thomas what he found on the property from the previous owners when he purchased it.

Mr. Thomas responded a lot of used tires. He will have someone coming to remove the tires, paying them per each tire. There is some remaining electronic equipment (approximately 2 tractor trailers full) that they will have to find a someplace that takes electronics.

Chairman Dingman questioned Mr. Cortese if there were any environmental issues.

Mr. Cortese stated from his understanding Phase II is basically clean.

Attorney Meyer stated there are areas of concern but nothing that rose to level of clarity in their reporting. DEC received the report as well.

Chairman Dingman questioned what would happen if there was still a problem with this property.

Attorney Meyer stated Mr. Thomas starts with a clean slate. He cannot be held responsible for problems from the previous owner. DEC may do an inspection to make sure the stormwater management is still in compliance.

Mr. LaSarlo questioned if Mr. Thomas had purchase the property and was there an environmental study done.

Mr. Thomas stated he reviewed the environmental assessment that the Town had done. He has copies of the report Attorney Meyer was referring to.

Mr. Thomas stated once he gets the property cleaned up he will have a firm that he normally works with check the spots that Alpha Geoscience found of concern. He is not fearful of it being heavily contaminated because the previous owners were under such strict scrutiny while they were working there.

Mr. LaSarlo questioned if Mr. Thomas if he purchased the property outright or through a bank.

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Mr. Thomas stated he purchased the property outright. He found the property at the Washington County Tax Foreclosure Auction. The owner of the property is 19-23 West Main Street LLC, which Mr. Thomas owns exclusively. He is also the exclusive owner of Positive Energy NY LLC

Attorney Meyer stated he has represented Mr. Thomas in the past. He did not represent him relative to the work or any acquisition regarding this property or anything related to this project.

Mrs. LaRose stated Mr. Thomas obviously did his homework before purchasing 2323 State Route 149.

Mr. Thomas stated yes he did.

Chairman Dingman questioned the inspection process.

Mr. Cortese explained when East Side Metals and Recyclables were operating at this location DEC would do periodic inspections. The Phase Two Environmental inspection was done by an independent contractor Alpha Geoscience that was hired by the Town of Kingsbury.

Chairman Dingman asked Mr. Thomas if he was doing mechanical work on his own vehicles, on in a garage on a concrete slab and nothing will be outside.

Mr. Thomas responded yes he will.

Mrs. LaRose questioned if the stipulations that were given to East Side went with their license or did it go with the property and how do the stipulations affect the new owner.

Mr. Cortese stated they went with East Side Junkyard License.

Attorney Meyer stated whatever happens at tonight's meeting is where Mr. Thomas starts. Any stipulations this Board puts on this project he will have to follow. He starts with a clean slate.

Mr. Thomas stated he will have an environmental study done by his engineer.

Mr. Thomas stated he will be repairing all of the fencing as this was one of the attractions to the property.

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

Chairman Dingman opened the Public Hearing.

Jerry Caruso, 90 Casey Road questioned how large the parcel is.

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Mr. Thomas responded they purchase three deeds to this property, the two larger deeds total 39 +/- acres and the third property is 5 +/- acres. The smaller property is a shale pit. When they purchase the shale pit they put it on his sons name and eventually the will sell that over to the 19-23 West Main Street, LLC.

Bryan King, Fire Chief, Kingsbury Volunteer Hose Company, questioned if there were any fire alarms systems located on this property, in case of fire.

Mr. Thomas responded not wired to the fire department, but there are standard fire alarms there. They have gone through and replaced batteries in the detectors and the exit signs.

Mr. King questioned if the fire company gets a call during the night they will need to get in through the gates. Is there a contact person or will the fire company will be given a key to get in.

Mr. Thomas responded at this time it is set up with their padlock. There was a suggestion of a lock box. Mr. Thomas stated he is not very familiar with this, which would allow the fire company to get into the property.

Mr. King stated a lot of the companies coming in to the Town are using the lock box. The lock box system works very well. Mr. King explained how it works.

Chairman Dingman questioned if Mr. Thomas would go through the fire company to get the lock box.

Mr. King stated no but there is a web site to get them from.

Mr. King questioned Mr. Thomas if he was aware there had been a fire previously where the tires are kept.

Mr. Thomas was not aware of this.

Mr. King stated the fire company was called to East Side a couple of months after they opened for a large tire fire. A lot of the tires are melted together. Mr. King is not sure what if any chemicals come off the melted tires. There may be some spots of petroleum left from the fire.

Chairman Dingman closed the Public Hearing.

**ON A MOTION BY MRS. LAROSE**, 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 Board then reviewed the proposed Resolution.

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**Resolution No. 1 of October 17, 2018**

**SITE PLAN REVIEW** – Positive Energy NY, LLC and 19-23 Main Street, LLC, owner and operator of Tax Map # 130.-3-7.3 and 130.-3-7.4 commonly known as 2323 State Route 149, Town of Kingsbury, is seeking Site Plan approval for construction company headquarters, building supply and storage yard at this location. This action is pursuant to Section 280-24 (H) of the Code of the Town of Kingsbury.

**ON A MOTION BY** Mr. LaSarso, seconded by Mr. Murphy, 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. Any exterior lighting for the premises must be downcast.
2. The fence and grounds shall be repaired and maintained.
3. Stormwater management controls shall be in compliance with NYS DEC requirements.

**ON A MOTION BY MR. FEHL**, seconded by Mrs. LaRose all in favor, the meeting was adjourned at 7:40 P.M.

Michelle Radliff  
Secretary