

MINUTES OF THE PLANNING BOARD OF THE TOWN OF KINGSBURY

Minutes of November 15, 2017

MEMBERS PRESENT:

Robert Dingman, Chairman  
David Gauci  
Karen LaRose  
Todd Murphy  
Randy Weaver

MEMBERS ABSENT:

Justin Fehl (Excused)  
Randy Getty (Excused)  
Cheryl Hogan – Alternate (Excused)  
Tim LaSarso (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.

Chairman Dingman entertained a Motion to Approve the Minutes of October 18, 2017.

**ON A MOTION BY MRS. LARSOSE**, seconded by Mr. Gauci, the minutes of the October 18, 2017 meeting were approved.

AYES: 0

NAYES: 5

ABSTAIN: 0

MOTION CARRIED

**1. ROZELL DEVELOPMENT, LLC**, Tax Map # 137.-2-47 commonly known as 119 Park Road, Town Kingsbury, located in Zoning District, PIC-75 Park/Commercial District, is seeking Site Plan Review to construct a new 12,000 square foot Butler Pre Engineered Building for Fabrication. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Chairman Dingman introduced Michael Rozell, Brian Rozell, Rozell Development and Shawn Rivers, Schoder Rivers Associates to address the Board.

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Chairman Dingman opened the Public Hearing.

Mr. Michael Rozell stated they are proposing a 12,000 square foot building at 119 Park Road. They are very busy at this time with the fabrication part of their business. They will be moving the fabrication being done in their building located on Queensbury Avenue to the new building. The new building will mostly open space with a small office and restrooms. This building will be similar to all of their other buildings in color.

Mr. Rozell stated Tom Jarrett, Jarrett Engineers, PLLC and engineer for the Warren Washington IDA added more planting and a formal outlet structure instead of two ponds. Mr. Rozell stated he has talked with the Kingsbury Highway Department and they are asking them road not to cut the road. Mr. Rozell said they will bore for the sewer.

Jim Chase, Kingsbury Water Superintendent, told Mr. Rozell they would not have to bore for the sewer being the sewer is on their side of the road. Mr. Chase put a green mark so that the Rozell's would know where it was located.

The Rozell's may start some clearing of the property on Thursday, November 16, 2017 and layout the building. Hopefully they will be able to see the sewer hookup.

The IDA would also like to see more paving. Mr. Rozell stated they will be adding paving.

Mr. Cortese stated the Washington County Planning Department said this project was a matter of Local Concern.

Discussion ensued among the Board with questions address by the Applicant's Representation and the Applicant.

There being no comment from the public, Chairman Dingman closed the Public Hearing.

**ON A MOTION BY RANDY WEAVER**, and seconded by Mrs. 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.

The Board then reviewed the proposed Resolution.

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**Resolution No. 1 of November 15, 2017**

**SITE PLAN REVIEW** – Rozell Development, LLC, owner of Tax Map #: 137.-2-37 commonly known as 119 Park Road in the Warren-Washington County Industrial Park, Town of Kingsbury, located in the PIC-75 Zoning District, is seeking Site Plan approval for the construction of a 12,000+ square foot Butler Pre-Engineered Building for fabrication and storage. This action is pursuant to Section 280-23 (D) of the Code of the Town of Kingsbury

**ON A MOTION BY** Mr. Gauci, seconded by Mrs. LaRose, 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. No outside storage of materials or equipment will be permitted on the premises.
2. The building shall be an earth tone color with downcast lighting.
3. This approval is contingent upon the receipt of the final approval from the Warren / Washington Counties Industrial Development Agency.
4. All information and representations contained in the materials submitted by the applicant and discussed at the meeting are incorporated herein as conditions.

AYES: 5

NAYS: 0

ABSENT: 3

**2. 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 and Thomas Puchner, Phillips Lytle Attorneys at Law to address the Board.

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Mr. Stumpf stated tonight he will be giving a progress report on this project.

Mr. Stumpf stated Cypress Creek is still working on the some of the civil work. They were hoping for the work to be done for tonight's meeting. He is hoping to have this done and delivered to the Board before the next meeting.

Mr. Stumpf believed the Board received the progress letter before the meeting tonight for the Board to review.

Chairman Dingman stated the Board had received this letter at the beginning of tonight's meeting.

Mr. Stumpf stated the Tax Parcel Recombination Process that was submitted to the Planning Board and the Town Assessor, which has been completed.

Cypress Creek Renewables has submitted the wetlands permitting with NYSDEC and the Army Corps of Engineers and are waiting for a response. They are hoping for a conditional approval while waiting for the DEC approval.

The site plan is being updated based on a new survey. The survey was done on November 3, 2017, showing the property lines.

At the October meeting Mr. Gimbel submitted a list of concerns. He mentioned that his concerns were the welfare and safety of the residents. Mr. Stumpf believes with the civil engineering work they will be able to confirm there will be no adverse impact.

Chairman Dingman stated Mr. Gimbel's biggest issue that was not on his list, was with the flooding. The engineer stated he would address this with facts rather than opinions, which will be part of the materials being provided.

Mr. Stumpf replied that Mr. Chuck Utschig, Langan Civil Engineering, will be addressing this with the civil work.

Chairman Dingman stated he would like it made very clear to Mr. Gimbel that if flooding occurs he would need to establish that the applicant was responsible for causing the flooding and that it was not due to natural conditions. The Planning Board is not giving Mr. Gimbel a guarantee that it is not going to flood.

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Mr. Puchner stated there will be some kind of technical memo of why it is not going to be a problem. They will share this with Mr. Gimbel beforehand.

Chairman Dingman stated this would be the right thing to do. This Board needs something like this because Mr. Gimbel needs to know that due diligence has been done.

The Full Environmental Assessment Form Part II and III are still outstanding in terms of completing the SEQR process and determination the environmental impact of the Project.

A drafted decommissioning bond was submitted to the Town. Cypress Creek was hoping to an agreement at this meeting.

Chairman Dingman stated this is a difficult part being it has never been done in the past. Attorney Meyer will be handling the decommissioning bond.

Mr. Stumpf asked if the Board had any questions.

Chairman Dingman stated one of the things is make sure you have the property lines and elevations on a survey. This has been a request from previous meetings.

Chairman Dingman stated the Public Hearing will remain open.

**ON A MOTION BY MR. WEAVER**, seconded by Mr. Murphy all in favor, the meeting was adjourned at 7:30 P.M.

Michelle Radliff  
Secretary