

March 4, 2024 Meeting Minutes

The first regular meeting was conducted on March 4, 2024, at the Kingsbury Town Hall, 6 Michigan Street, Hudson Falls.

PRESENT: Dana Hogan, Supervisor
Sean Akins, Deputy Supervisor
William Haessly, Councilman
James Lindsay, Councilman
Dan Washburn, Councilman

OTHERS PRESENT: Michael Graham, Highway Superintendent
Todd Humiston, Code & Dog Control Officer
Jeffrey Meyer, Town Attorney
Paige Zahaba, Deputy Town Clerk
Mike LaRose, Highway Employee
Cynthia Roberts, Town Resident

The meeting was called to order by Supervisor Hogan at 6:30 pm and opened for the order of business with the Flag Salute led by Councilman Lindsay.

The minutes of the January 2, 2024, Organizational Meeting & the February 5, 2024, were accepted as submitted by the Town Clerk with a **motion** by Councilman Haessly and seconded by Councilman Lindsay and carried by a vote of 5 ayes.

Supervisor Hogan announced the first item on the agenda is a continuation of a Public Hearing for a Proposed Local Law Amending Certain Sections of the Town of Kingsbury Zoning Local Law Contained in Chapter 280 of the Code of the Town of Kingsbury. The Town received Public Comment at the last meeting on February 5, 2024. Attorney Meyer stated the Public Hearing had been tabled to add a section requiring a logbook. There being no additional public comments, the Public Hearing was closed at 6:32 pm. The zoning action that impacts an area more than 25 acres is a Type 1 action. A **motion** by Councilman Lindsay seconded by Councilman Akins and carried by a vote of 5 for the following resolution:

**TOWN BOARD OF THE TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK**

Resolution No. 1 of 2024

Adopted March 4, 2024

Introduced by Councilman Lindsay

who moved its adoption

Seconded by Councilman Akins

RESOLUTION ADOPTING PROPOSED LOCAL LAW

**AMENDING CERTAIN SECTIONS OF THE
TOWN OF KINGSBURY ZONING LOCAL LAW CONTAINED IN
CHAPTER 280 OF THE CODE OF THE TOWN OF KINGSBURY**

WHEREAS, pursuant to Section 10 of Municipal Home Rule Law and Sections 264 and 265 of Town Law, the Town Board of the Town of Kingsbury (the “Town”) has the authority to adopt local laws amending the Zoning Local Law of the Town of Kingsbury and the Code of the Town of Kingsbury; and

WHEREAS, the Town Board after due deliberation, finds and determines that certain revisions to the permitted uses in the Park Industrial / Commercial Zone of the Town of Kingsbury contained in Chapter 280 of the Code of the Town of Kingsbury to allow outdoor storage of boats, trailers, vehicles, and equipment is appropriate; and

WHEREAS, the Town Board scheduled a public hearing to be held before the Town Board on February 5, 2024 at 6:30 p.m. at the Offices of the Town of Kingsbury, 6 Michigan Street, Hudson Falls, New York, to hear all interested parties regarding the adoption of a proposed Local Law amending certain sections of the Zoning Local Law Contained in Chapter 280 of the Code of the Town of Kingsbury; and

WHEREAS, notice of said public hearing was duly posted and then published in *The Post Star*, the official newspaper of the Town, pursuant to and in conformance with Section 20 of the Municipal Home Rule Law and Sections 264 and 265 of Town Law; and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the proposed Local Law; and

WHEREAS, the Town Board referred the proposal Local Law to the Washington County Planning Board, and that board’s recommendation was found to be a matter of Local Concern; and

WHEREAS, the Town Board after reviewing the Long Environmental Assessment Form and taking a hard look at the potential environmental impacts of the proposed Local Law, the Town Board issued a Negative Declaration in connection with its findings pursuant to the State Environmental Quality Review Act (“SEQRA”), as codified under 6 NYCRR Part 617 et. seq., relative to the adoption of the proposed Local Law, whereby the adoption thereof will not have any significant adverse impact upon the environment.

NOW, THEREFORE BE IT

RESOLVED, the Board, upon due deliberation of the proposed Local Law and the comments presented at the public hearing, finds that the adoption of the same shall be in the best interests of the Town. The proposed Local Law is designed to in pertinent part permit outdoor storage of boats, trailers, vehicles, and equipment; and be it further

RESOLVED, the proposed Local Law is hereby adopted, copies of which are attached hereto and made a part hereof; and be it further

RESOLVED, the Clerk is hereby instructed to publish a copy of the Local Law in *The Post Star* and to file a certified copy of the Local Law in the Office of the Secretary of State; and be it further

RESOLVED, the Law shall take effect 10 days after publication and upon its filing with the Office of the Secretary of State and filing of an affidavit of publication with the Clerk; and be it further

RESOLVED, this resolution shall take effect immediately.

PRESENT: Supervisor Hogan, Councilman Akins, Councilman Haessly, Councilman Lindsay, Councilman Washburn

AYES: 5

NAYES: 0

ABSENT: 0

{Seal}

Cynthia A. Bardin, Town Clerk

Town of Kingsbury

A **motion** by Councilman Lindsay seconded by Councilman Haessly and carried by a vote of 4 ayes and 1 abstain (Councilman Washburn abstains – he owns property in the Industrial Park) to adopt the following:

**A LOCAL LAW AMENDING CERTAIN SECTIONS
OF THE TOWN OF KINGSBURY ZONING LOCAL LAW CONTAINED IN
CHAPTER 280 OF THE CODE OF THE TOWN OF KINGSBURY**

Local Law No. 1 of 2024

Be it enacted by the Town of Kingsbury as follows:

Section 1. Short Title and Applicability.

This Local Law shall apply to certain provisions of the Zoning Local Law of the Town of Kingsbury contained in Chapter 280 of the Code of the Town of Kingsbury.

Section 2. Declaration of Policy.

The Town Board of the Town of Kingsbury has reviewed the regulations contained in the Zoning Local Law of the Town of Kingsbury contained in Chapter 280 of the Code of the Town of Kingsbury, specifically as it relates to the permitted uses for the Park Industrial / Commercial District (PIC-75) found in section 280-25. In this regard the Town Board has consulted with the Planning Board, Zoning Board of Appeals, and the Zoning Administrator. Additionally, the Town Board consulted with and received requests for the amendments contained herein from the Warren Washington Industrial Development Agency and other property owners located within the PIC-75 zoning District. After due deliberation, the Town Board believes that certain amendments and updates to the zoning regulations contained in said Chapter 280 of the Code of the Town of Kingsbury are reasonable and necessary. The recommended amendments shall therefore be enacted and authorized pursuant to the provisions of this Local Law.

Section 3. Amendments.

- A. The Definitions, as contained in section 280-7 shall amended to include the following definition:**

WATER RECREATION AND STORAGE – The intentional placement of boat(s) or vessel(s); travel trailer(s), motor home(s) and/or RV(s); construction equipment and trailers; and related equipment and vehicles.

- B. The authorized uses provided for in section 280-25 (D) shall be amended to include the following permitted use:**

(18) Water Recreation and Storage, subject to the following conditions:

- a. All boat, vessels, vehicles, or equipment shall be located on a trailer;
- b. All boats, vessels, vehicles, or equipment shall properly titled, and/or registered as applicable;
- c. All boats, vessels, vehicles, or equipment may be stored outside of an enclosed building for a limited duration not to exceed nine (9) months;
- d. All storage shall be properly screened from abutting properties and adjacent streets by an obscuring fence, wall, hedge, or landscaping wherever possible; and
- e. Storage within an enclosed or partially enclosed building shall also be included in this definition; and
- f. All boats, vessels, vehicles, or equipment shall be stored on impervious surfaces.
- g. A logbook documenting owner, registration, and storage dates for all boats, vessels, vehicles, and/or equipment stored on the premises, shall be kept and maintained on premises. A copy of the logbook shall be provided to the Code Enforcement Officer upon reasonable request.

Section 4. Authority.

This Local Law is hereby adopted pursuant to the provisions of Section 10 of the Municipal Home Rule Law and Sections 264 and 265 of the Town Law of the State of New York.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. Effective Date.

This Local Law shall take effect upon filing with the New York State Secretary of State, and after such other notices are complied with.

A **motion** by Councilman Haessly seconded by Councilman Washburn and carried by a vote of 5 ayes to adopt the following:

**TOWN BOARD OF THE TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK**

Resolution No. 2 of 2024

Adopted March 4, 2024

Introduced by Councilman Haessly
who moved its adoption

Seconded by Councilman Washburn

RESOLUTION ADOPTING PROPOSED LOCAL LAW

**AMENDING THE PARK INDUSTRIAL / COMMERCIAL ZONING DISTRICT CONTAINED IN SECTION A286-1
"ZONING DISTRICT BOUNDARIES" OF THE TOWN OF KINGSBURY TOWN CODE**

WHEREAS, pursuant to Section 10 of Municipal Home Rule Law and Sections 264 and 265 of Town Law, the Town Board of the Town of Kingsbury (the "Town") has the authority to adopt local laws amending the Zoning Local Law of the Town of Kingsbury and the Code of the Town of Kingsbury; and

WHEREAS, the Town Board has consulted with the Planning Board, and the Zoning Administrator, and after due deliberation, finds and determines that certain revisions to the zoning map of the Town of Kingsbury contained in Chapter 280 of the Code of the Town of Kingsbury are necessary and appropriate; and

WHEREAS, the Town Board scheduled a public hearing to be held before the Town Board on February 5, 2024 at 6:30 p.m. at the Offices of the Town of Kingsbury, 6 Michigan Street, Hudson Falls, New York, to hear all interested parties regarding the adoption of a proposed Local Law amending certain sections of the Zoning Local Law Contained in Chapter 280 of the Code of the Town of Kingsbury; and

WHEREAS, notice of said public hearing was duly posted and then published in *The Post Star*, the official newspaper of the Town, pursuant to and in conformance with Section 20 of the Municipal Home Rule Law and Sections 264 and 265 of Town Law; and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the proposed Local Law; and

WHEREAS, the Town Board referred the proposal Local Law to the Washington County Planning Board; and

WHEREAS, the Town Board after reviewing the Short EAF and taking a hard look at the potential environmental impacts of the proposed Local Law, the Town Board issued a Negative Declaration in connection with its findings pursuant to the State Environmental Quality Review Act ("SEQRA"), as codified under 6 NYCRR Part 617 et. seq., relative to the adoption of the proposed Local Law, whereby the adoption thereof constitutes an Unlisted action that will not have any significant adverse impact upon the environment.

NOW, THEREFORE BE IT

RESOLVED, the Board, upon due deliberation of the proposed Local Law and the comments presented at the public hearing, finds that the adoption of the same shall be in the best interests of the Town. The proposed Local Law will remove of the following parcels from the PIC-75 Zoning District and their reversion to the Residential Agricultural Zoning District (RA-1A): 137.-2-1.36; 137.-2-1.25; 137.-2-1.24; 137.-2-1.23; and 137.-2-1.22 and preclude their future development; and be it further

RESOLVED, the proposed Local Law is hereby adopted, copies of which are attached hereto and made a part hereof; and be it further

RESOLVED, the Clerk is hereby instructed to publish a copy of the Local Law in *The Post Star* and to file a certified copy of the Local Law in the Office of the Secretary of State; and be it further

RESOLVED, the Law shall take effect 10 days after publication and upon its filing with the Office of the Secretary of State and filing of an affidavit of publication with the Clerk; and be it further

RESOLVED, this resolution shall take effect immediately.

PRESENT: Supervisor Hogan, Councilman Akins, Councilman Haessly, Councilman Lindsay, Councilman Washburn

AYES: 5

NAYES: 0

ABSENT: 0

Cynthia A. Bardin, Town Clerk

Town of Kingsbury

A **motion** by Councilman Haessly seconded by Councilman Washburn and carried by a vote of 5 ayes to adopt the following:

**TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK**

LOCAL LAW NO. 2 OF 2024

LOCAL LAW AMENDING THE PARK INDUSTRIAL / COMMERCIAL ZONING

**DISTRICT CONTAINED IN SECTION A286-1 “ZONING DISTRICT BOUNDARIES”
OF THE TOWN OF KINGSBURY TOWN CODE**

Be it enacted by the Town Board of the Town of Kingsbury, as follows:

Section 1. Purpose.

To amend the official “Zoning Map of the Town of Kingsbury” by removing a portion of the existing Park Industrial / Commercial Zoning District (PIC-75) in the Warren – Washington Counties Industrial Park thereby allowing the property to revert back to the Residential Agricultural Zoning District (RA-1A). The tax map parcels that will be removed from the PIC-75 Zoning District are as follows: 137.-2-1.36; 137.-2-1.25; 137.-2-1.24; 137.-2-1.23; and 137.-2-1.22. This amendment is being completed at the request of the property owner, the Warren – Washington Counties Industrial Development Agency, due to the prevalence of wetlands and other environmental conditions. Further, the property is no longer suitable for industrial or commercial development.

Section 2. Zoning District Boundaries.

a. Section A286-1(J) shall be amended as follows:

(4) Notwithstanding the foregoing, the this his zone shall exclude the following parcel of land described as follows:

All that certain piece or parcel of land situate, lying and being in the Town of Kingbury, County of Washington, and the State of New York, more particularly bounded and described as follows:

BEGINNING at a point along the westerly bounds of the lands as conveyed to Quiet Brook Farms LLC by deed book 3208 at page 125, said point being the northeasterly corner of Lot 20 as shown on “Subdivision Plat Phases IIB & IIC Development Warren-Washington Counties Industrial Park” by Van Dusen & Steves Land Surveyors and Jarrett-Martin Engineers, filed in the Washington County Clerk’s Office on February 14, 2008 as Map Number 6914; thence running in a westerly direction, along the northerly bounds of Lot 20, North 83 degrees, 43 minutes, and 22 seconds West, a distance of 268.66 feet to a point marking the northwesterly corner of Lot 20, said point being found along the easterly bounds of the unimproved Ferguson Lane; thence continuing in a northerly and westerly direction, along the bounds of Ferguson Lane, the following three courses and distances:

- 1.) North 06 degrees, 36 minutes, and 00 seconds East, a distance of 170.02 feet to a point; thence
- 2.) Along a curve to the left, having a radius of 800.00 feet, for a distance of 21.18 feet to a point; thence
- 3.) North 83 degrees, 24 minutes, and 05 seconds West, a distance of 50.02 feet

To a point marking the northeasterly corner of Lot 25 and the southwesterly corner of Lot 24 on the aforementioned map; thence continuing in a westerly direction, along the common boundary between Lot 24 and Lot 25, North 83 degrees, 24 minutes, and 05 seconds West, a distance of 299.56 feet to a point along the easterly bounds of the lands as conveyed to Daniel E. Colomb by deed book 3380 at page 44, said point marking the southwesterly corner of Lot 24; thence continuing in a northerly direction, along the common boundary between Colomb and Lots 24, 23, and 22, the following two courses and distances:

- 1.) North 06 degrees, 36 minutes, and 00 seconds East, a distance of 395.70 feet to a point; thence
- 2.) North 06 degrees, 30 minutes, and 30 seconds East, a distance of 898.29 feet

To a point along the easterly bounds of Colomb marking the northwesterly corner of Lot 22 and the southwesterly corner of the lands as conveyed to Dapple Grey LLC by deed book 20230 at page 246; thence continuing in an easterly direction, along the northerly bounds of Lot 22 and Lot 21 and the southerly bounds of Dapple Grey LLC, the following three courses and distances:

- 1.) South 82 degrees, 35 minutes, and 30 seconds East, a distance of 141.82 feet to a point; thence
- 2.) South 83 degrees, 41 minutes, and 30 seconds East, a distance of 182.96 feet to a point; thence
- 3.) South 84 degrees, 04 minutes, and 00 seconds East, a distance of 307.18 feet

To a point along the northerly bounds of Lot 21, said point marking the southeasterly corner of Dapple Grey LLC; thence continuing in a generally easterly and southerly direction, along the bounds of the lands as conveyed to Quiet Brook Farms LLC by deed book 3208 at page 125, the following seven courses and distances:

- 1.) South 83 degrees, 09 minutes, and 00 seconds East, a distance of 275.89 feet to a point; thence
- 2.) South 06 degrees, 39 minutes, and 00 seconds West, a distance of 444.48 feet to a point; thence
- 3.) South 15 degrees, 26 minutes, and 30 seconds West, a distance of 29.86 feet to a point; thence
- 4.) North 83 degrees, 12 minutes, and 00 seconds West, a distance of 278.45 feet to a point; thence
- 5.) South 07 degrees, 41 minutes, and 30 seconds West, a distance of 233.64 feet to a point; thence
- 6.) South 07 degrees, 47 minutes, and 30 seconds West, a distance of 391.39 feet to a point; thence
- 7.) South 05 degrees, 23 minutes, and 30 seconds West, a distance of 387.14 feet

to the point and place of beginning, containing 22.63 acres of land to be the same more or less. Bearings given in the above description refer to Magnetic North.

Section 3. Map Amendment.

The location and boundaries of said PIC-75 Zoning District is hereby confirmed and shall be depicted on the Zoning Map of the Town of Kingsbury and is hereby made a part of this chapter and made available at the Office of the Town Clerk.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date.

This Local Law shall take effect 10 days after publication and upon its filing with the Office of the Secretary of State and filing of an affidavit of publication with the Town Clerk.

A **motion** by Councilman Haessly seconded by Councilman Washburn and carried by a vote of 5 ayes for an agreement to spend Highway Funds in the Year 2024. (Document attached)

A **motion** by Councilman Washburn seconded by Councilman Lindsay and carried by a vote of 5 ayes to award the bid for Sweeping of the Roads to Jointa Lime Galusha at \$190.00 per hour with no charge for travel time.

A **motion** by Councilman Washburn seconded by Councilman Lindsay and carried by a vote of 5 ayes giving permission to Michael Graham, Highway Superintendent, to go out to bid for gravel crushing.

A **motion** by Councilman Haessly seconded by Councilman Akins and carried by a vote of 5 ayes giving permission to Superintendent Graham to go out to bid for 2 trucks; one for the Highway and one for the Water Department.

A **motion** by Councilman Lindsay seconded by Councilman Haessly and carried by a vote of 5 ayes giving permission to Supervisor Hogan to sign an application for the renewal of insurance for the Town provided by NYMIR. Dave Meager will attend a Board Meeting in April with a proposal for the next year.

A **motion** by Councilman Akins seconded by Councilman Haessly and carried by a vote of 5 ayes accepting the Audit of the Town Clerk Records for 2023 (Document attached)

A **motion** by Councilman Haessly seconded by Councilman Lindsay and carried by a vote of 5 ayes accepting the Audit of the Receiver of Taxes Records for 2023. (Document attached)

LEGAL UPDATE:

Attorney Meyer stated it is permissible for the Town to charge a fee to collect the Hudson Falls Central School District School Taxes. Currently there is not an agreement in place. Supervisor Hogan asked the Town Clerk if her office was interested in continuing the collection of the school taxes. The Town Clerk

and her Deputy Clerk, Paige Zahaba are interested in collecting the taxes. The Town Clerk explained the penalties collected in October from the Town and Village residents are paid to the Town. Any penalties collected from residents outside the Town but within the Hudson Falls Central School District are paid to the school. The Attorney recommends there be an agreement with the school regarding the school tax collection. At this time the salary to the two part-time clerks is paid by the Town, the amount collected in penalties is less than their salaries. The Town does not intend to make money on the School Tax Collection, but would like to be reimbursed the amount to break even.

TOWN CLERK REPORT:

TO: Supervisor Hogan
Councilman: Akins, Haessly, Lindsay & Washburn

FROM: Tax Collector: Cynthia A. Bardin

SUBJECT: 2024 Town & County Tax Collection

DATE: March 4, 2024

Paid to Supervisor: \$1,829,933.36

Penalties Collected to February 29, 2024: \$1,993.86

Return Check Fees: \$40.00

Total: \$1,831,967.22

CODE ENFORCEMENT OFFICER & DOG CONTROL OFFICER REPORT:

The Planning Board will review the proposed changes to the zoning law this month, then send them to the Town Board by the end of the month, discuss them in April and then schedule a joint meeting with the Planning, Zoning and Town Board.

HIGHWAY SUPERINTENDENT REPORT:

Superintendent Graham requested an executive session to discuss contract negotiations and to discuss a personnel matter.

COUNCILMAN REPORT:

Councilman Lindsay asked about the contract with Union Cemetery to administer the Moss Street Cemetery. Supervisor Hogan stated it is all done, and checks are coming in for vault storage. The NYS Association of Cemeteries called and would like to see a resolution that the Town has accepted the cemetery. Attorney Meyer is hesitant to advise the Board to adopt a resolution until the Town receives funds from the Moss Street Cemetery Association.

Councilman Haessly asked if the Town had gotten the stop n' go signs to be used when the power goes out. Superintendent Graham stated they do have signs they could put up if necessary.; the Town does not want to purchase generators as the state had requested to run the lights during an outage. Councilman Haessly also asked if we had any capital plans for construction of sidewalks, water, or anything else related to that. The Board discussed the possible expansion of water in the Town in the future.

A **motion** by Councilman Washburn seconded by Councilman Akins and carried by a vote of 5 ayes to accept the reports of certain officers for the month of January as follows:
Town Clerk: Paid to EnCon \$9.44; Paid to Supervisor \$3,192.50; Paid to the Village of Hudson Falls \$220.00;
Paid to Ag & markets for Population Control \$99.00
Code Enforcement Officer: No. Permits 4; Building Inspections 14; Total Fees \$542.00
Dog Control Officer: Complaints 1; Mileage 59,167
Town Comptroller: \$1,822,571.93; Disbursements \$666,566.42
Town Justice for November: Fees Collected \$8,737.23

PUBLIC COMMENT:

Cynthia Roberts attended the meeting because she is interested in the progress of the zoning changes. Supervisor Hogan stated they are compiling a lot of zoning changes, so they are not addressing them piecemeal. Enforcement Officer Humiston explained all the Boards will review the proposed changes, then there will be a group meeting for the public. This will cover the Zoning Town Code from cover to cover.

A **motion** by Councilman Haessly seconded by Councilman Jim to enter into an executive session at 7:21 pm to discuss pending litigation and the employment of a certain employee. Highway Superintendent Michael Graham was invited to attend, no action is anticipated.

A **motion** by Councilman Lindsay seconded by Councilman Washburn and carried by a vote of 5 ayes to exit the executive session at 7:46 pm.

There being no further business before the Board a **motion** by Councilman Washburn seconded by Councilman Akins and carried by a vote of 5 ayes to adjourn the meeting at 7:46 pm.

Respectfully submitted,



Cynthia Bardin, Town Clerk

