

MINUTES OF THE ZONING BOARD OF APPEALS THE TOWN OF KINGSBURY

Minutes of April 26, 2018

MEMBERS PRESENT:

Hank LaFountain, Chairman
Katherine Henley
Rich Hogan
Bill Whipple
Michelle Wood
Scott Winchell

MEMBERS ABSENT:

Brian Heasley
Sondra Michaud

CODE ENFORCEMENT OFFICER/ZONING ADMINISTRATOR:

Francis Cortese

TOWN ATTORNEY:

Matt Fuller, ESQ.

The meeting was called to order by Chairman LaFountain at 7:00pm.

Roll call of all members.

Chairman LaFountain entertained a Motion to Approve the Minutes of January 25, 2018.

ON A MOTION BY MRS. WOOD, seconded by Mr. Whipple, the minutes of the January 25, 2018 meeting were approved.

AYES: 6

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

1. Scott & Karen Rock owner of the property known as 30 Lori Lane, Hudson Falls, NY, Town of Kingsbury and Tax Parcel ID 146. 14-1-7.5 is seeking an area variance to construct a carport at this location with a side yard setback of 8 feet. This application was denied by the Code Enforcement Officer pursuant to Chapter 280, Section 280-22 G 2, regulations for Low-Density Residential Zoning District. The minimum required side yard setback is 25 feet for this Zoning District.

Chairman LaFountain opened the Public Hearing.

Chairman LaFountain introduced Mr. and Mrs. Rock to address the Board.

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MINUTES OF THE ZONING BOARD OF APPEALS THE TOWN OF KINGSBURY

Zoning Board of Appeals
April 26, 2018
Page 2 of 4

Mr. Rock stated they would like to add a carport to the side of their home to protect their vehicles from the weather. The roof will be designed so that snow will fall off the front and back of the carport to prevent it from going in to the adjoining neighbor's yard. There is a concrete pad located there now. They are here tonight asking for a variance of 17 feet. The minimum side setback in this zone is 25 feet. With the way the house is located on the property this is the only feasible way due to the well and septic being located on the opposite side.

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

There being no comments from the public, Chairman LaFountain closed the public hearing.

The Board then reviewed the proposed Resolution.

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

Resolution No. 1 of 1 April 2018
Adopted April 26, 2018

Introduced by SCOTT WINCHELL
who moved its adoption

Seconded by KATHERIN HENLEY

**RESOLUTION APPROVING
AREA VARIANCE REQUEST OF
SCOTT & KAREN ROCK**

WHEREAS, pursuant to the Chapter 280 of the Code of the Town of Kingsbury, the Town of Kingsbury Zoning Board of Appeals (hereafter the "ZBA") is authorized and empowered issue variances in accordance with said Zoning Ordinance and Section 267 (now 267-b) of the Town Law;

WHEREAS, James and Heather Wood (hereafter the "Applicant"), has requested an area variance for seventeen (17) feet of relief from the twenty five (25) foot side yard setback requirement to construct a carport, on the property located at 30 Lori Lane, identified as Tax Map Number 146.14-1-7.5; and

MINUTES OF THE ZONING BOARD OF APPEALS THE TOWN OF KINGSBURY

Zoning Board of Appeals
April 26, 2018
Page 3 of 4

WHEREAS, the Applicants request requires a variance from the side yard setback requirements found in Section 280-22 G 2 of the Code of the Town of Kingsbury; and

WHEREAS, in accordance with the State Environmental Quality Review Act (hereafter "SEQRA"), the requested variance is a Type II action; and

WHEREAS, a public hearing was duly held on the requested variance at which time the Applicant and members of the public were entitled to comment on the requested variance; and

WHEREAS, the ZBA has reviewed the Application and supporting materials, and has taken into consideration the comments from the public, and has reviewed the criteria found in Town Law Section 267-b.

NOW THEREFORE BE IT RESOLVED:

Section 1. Considering the area variance requirements , in considering the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant, while noting that the ZBA must grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community, the ZBA hereby **APPROVES** the application and finds the following:

(a) Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by the granting of the area variance?

No, an undesirable change will not be produced.

(b) Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than through an area variance?

No, due to the location of the, well, and septic, there are no other alternatives.

(c) Is the requested area variance substantial?

Yes.

MINUTES OF THE ZONING BOARD OF APPEALS THE TOWN OF KINGSBURY

Zoning Board of Appeals

April 26, 2018

Page 4 of 4

(d) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

No, there will be no adverse impacts. There are similar properties and structures located in the neighborhood.

(e) Was the alleged difficulty self-created?

Yes.

Section 2. This resolution shall take effect immediately.

ROLL CALL VOTE

PRESENT:

Hank LaFountain, Chairman – AYE

Katherine Henley- AYE

Rich Hogan- AYE

Bill Whipple- AYE

Scott Winchell - AYE

Michelle Wood - AYE

AYES: 6

NAYS: 0

ABSTAIN:

ABSENT: 2

AYES: 6

NAYS: 0

MOTION CARRIED

ON A MOTION BY MRS. WOOD, seconded by Mr. Winchell all in favor, the meeting was adjourned at 7:15 P.M.

Michelle Radliff
Secretary

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