

**Town of Kingsbury**  
6 Michigan Street, Hudson Falls NY 12839  
Phone: (518) 747-2188 Ext. 3008 Fax: (518) 747-9115  
**OFFICE OF CODE ENFORCEMENT AND PLANNING**

**MINUTES OF THE ZONING BOARD OF APPEALS**

Minutes of May 26, 2016

**MEMBERS PRESENT:**

Hank Lafountain, Chairman  
Brian Heasley  
Katherine Henley  
Rich Hogan  
Bill Whipple  
Scott Winchell  
Michelle Wood

**MEMBERS ABSENT:**

Sondra Michaud – (Excused)

**CODE ENFORCEMENT OFFICER / ZONING ADMISISTRATOR:**

Francis “Ross” Cortese

**TOWN ATTORNEY:**

Jeff Meyer

The meeting was called to order by Chairman Lafountain at 7:00p

Roll call of all members

Chairman LaFountain entertained a motion to approve the minutes from October 27, 2015\_meeting.

**ON A MOTION BY MRS. WOOD**, seconded by Mr. Heasley the minutes of the October 25, 2015 were adopted.

AYES: 7

NAYES: 0

ADSTAIN: 0

MOTION CARRIED

Pursuant to the provisions of Chapter 280, Article VI, Section 280-21 G (1) of Minimum Regulations ordinance of the Town of Kingsbury, New York, notice is hereby given that a hearing will be held by the Zoning Board of Appeals of the Town of Kingsbury, County Zoning of Washington and State of New York, on the 26<sup>th</sup> day of May 2016 at 7:00 PM in the Town Hall, 6 Michigan Street, Hudson Falls, New York on the following matter. Request by Robert and Hope Brynes owner of the property known as 389 Dean Road, Hudson Falls, NY, Town of Kingsbury and Tax Parcel ID 137.-1-59, seeking an area variance to permit the creation of 2 lots from one existing lot. One lot will have 59 feet of road frontage that doesn't meet the width requirement of 200 feet.

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Chairman Lafountain introduced Mr. Brynes to address the Board.

Mr. Brynes stated he is here tonight asking for an area variance to permit the creation of 2 lots from one existing lot. One lot will have 59 feet of road frontage that doesn't meet the width requirement of 200 feet. He is asking for 141 feet of relief.

He would like to split off a piece of their lot to give to his son to build a home. He feels this is the best option to divide the property. He stated this was the only access that would work so that he does not lose access to the rest of the property that is being used for farming.

Mr. Brynes stated there are other properties in this location that do not meet the 200 feet of road frontage.

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

There was not any Public Comment.

After further discussion among the Board the following resolution was put forward.

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

Resolution No. 1 of May of 2016  
Adopted May 26, 2016

Introduced by SCOTT WINCHELL  
who moved its adoption

Seconded by KATHERINE HENLEY

**RESOLUTION DENYING  
AREA VARIANCE REQUEST OF  
ROBERT AND HOPE BRYNES**

**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-b of the Town Law;

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**WHEREAS**, Robert and Hope Brynes (hereafter the "Applicant"), has requested an area variances for the creation of two (2) lots from one existing lot, located at 389 Dean Road, Town of Kingsbury, identified as Tax Map Number 137.-1-59; and

**WHEREAS**, the Applicant is requesting relief for lot 1, which will have a lot width of 59.0 feet, where the current requirement pursuant to Section 280-21 is 200 feet in lot width; 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 **DENIES** 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?

Yes, the proposed lot will be detrimental to nearby properties. The lot frontage is too small and it would create an irregular shaped lot unlike all other lots in the surrounding area.

- (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?

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Yes, the applicant has alternatives. The lot maybe subdivided into two or more lots with adequate road frontage. The variance is not necessary.

(c) Is the requested area variance substantial?

Yes, the 141 foot variance is substantial in a zone that requires 200 feet of road frontage. It is also not the minimum variance necessary.

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

Yes, the proposed variance would create a substandard and oddly shaped lot to the detriment of the neighboring properties.

(e) Was the alleged difficulty self-created?

Yes, the difficulty was entirely self-created. A conforming subdivision is possible with plenty of road frontage.

Section 2. This resolution shall take effect immediately.

ROLL CALL VOTE

Chairman LaFountain – Aye  
Rich Hogan – Aye  
Brian Heasley – Aye  
William Whipple – Aye  
Michelle Wood – Aye  
Katherine Henley – Aye  
Scott Winchell – Aye

**ON A MOTION BY MR. WINCHELL**, seconded by Mr. Whipple all in favor, the meeting was adjourned at 7:30 pm.

Michelle Radliff  
Secretary