

MINUTES OF THE ZONING BOARD OF APPEALS THE TOWN OF KINGSBURY

Minutes of July 30, 2020

MEMBERS PRESENT:

Bill Whipple, Chairman Pro Tem  
Brian Heasley  
Katherine Henley  
Scott Winchell

MEMBERS ABSENT:

Hank LaFountain, Chairman (Excused)

ENFORCEMENT OFFICER/ZONING ADMINISTRATOR:

Todd Humiston

TOWN ATTORNEY:

Jeff Meyer, ESQ.

The meeting was called to order by Chairman Pro Tem Whipple at 7:00pm.

Roll call of all members.

Chairman Pro Tem Whipple entertained a Motion to Approve the Minutes of February 27, 2020.

**ON A MOTION BY MS. HENELY**, seconded by Mr. Winchell, the minutes of the February 27, 2020 meeting were approved.

AYES: 4

NAYS: 0

ABSTAIN: 0

MOTION CARRIED

**Dennis Vадnais II**, owner of Tax Map # 155.-1-11 commonly known as 1052 Towpath Road, Town of Kingsbury, located in Zoning District, IND-75 Industrial District is seeking an area variance to construct a Pole Barn with a side set back of 28 feet. The minimum side set back is 50 feet in this Zoning District. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Attorney Meyer stated the setbacks were requested in the IND-75 Industrial District when the setbacks should have been requested in the RF-5A Residential Forestry District.

Chairman Pro Tem Whipple opened the Public Hearing.

Chairman Pro Tem Whipple introduced Ethan Hall, Principal, Rucinski-Hall Architecture who will be representing Dennis Vадnais II to address the Board.

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Mr. Hall stated they are here tonight seeking approval for two (2) variances to construct a Pole Barn at this location. They are asking for twenty-six (26) foot front yard setback and a twenty-two (22) foot side yard setback.

Mr. Hall had a Google aerial view showing Towpath Road with two (2) existing tanks and an existing container being used for cold storage located on the property. When the pole barn is built the container for cold storage will be removed. Mr. Vadnais is trying to position the Pole Barn to have the vehicles flow around the tank. The Pole Barn will have a dirt floor, with no electricity, plumbing, or offices. The pole barn is being for cold storage only.

Discussion ensued among the Board with questions addressed by the Applicant and the Applicants Representative.

There being no comments from the public, Chairman Pro Tem Whipple 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 2020  
Adopted July 30, 2020

Introduced by Katherine Henley  
who moved its adoption

Seconded by Scott Winchell

**RESOLUTION APPROVING  
AREA VARIANCE APPLICATION OF DENNIS VADNAIS, II**

**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;

**WHEREAS**, Dennis Vadnais, II (hereafter the “Applicant”), has requested two area variances relative to the front yard and side yard setbacks for the construction of a pole barn on their property located at 1052 Towpath Road, Town of Kingsbury, identified

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as Tax Map Number 155.-1-11, with the Applicant proposing a twenty-six (26) foot front yard setback and a twenty-two (22) foot side yard setback; and

**WHEREAS**, the Applicant's request requires two variances from the front yard and side setback requirements of the RF-5A Zone found in Section 280-20 G(2) of the Code of the Town of Kingsbury, whereby a minimum of fifty (50) feet is required for the front yard setback and the Applicant is requesting twenty four (24) of relief from the front yard setback requirement, and whereby a minimum of fifty (50) feet is required for the side yard setback and the Applicant is requesting twenty eight (28) of relief from the side yard setback requirement; 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 variances at which time the Applicant and members of the public were entitled to comment on the requested variances; 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, based on the existing industrial use of the property and area the pole barn will not create an undesirable change.

(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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No, the building will improve the property and the security on the site. Additionally, the irregular lot shape prevents alternatives.

(c) Is the requested area variance substantial?

The variance request is moderate based on the percentages.

(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 not be an adverse effect or impact on the area, especially given the existing usage of the site and the nearby uses.

(e) Was the alleged difficulty self-created?

Yes.

Section 2. This resolution shall take effect immediately.

ROLL CALL VOTE

Bill Whipple, Chairman Pro Tem - Aye

Brian Heasley - Aye

Katherine Henley - Aye

Scott Winchell - Aye

**ON A MOTION BY MS. HENLEY**, seconded by Mr. Heasley all in favor, the meeting was adjourned at 7:30 P.M.

Michelle Radliff  
Secretary