

Town of Kingsbury

210 Main Street, Hudson Falls, NY 12839

Phone: (518) 747-2188 Ext. 3008 Fax: (518) 747-9115

OFFICE CODE ENFORCEMENT/ZONING/PLANNING

MINUTES OF THE ZONING BOARD OF APPEALS

Minutes of August 22, 2013

MEMBERS PRESENT:

Henry LaFountain, Chairman Pro Tem
Sondra Michaud
Rich Hogan
Michelle Richardson
Brian Heasley - Alternate

MEMBERS ABSENT:

John Graham, Chairman (Excused)
William Whipple
Scott Winchell

CODE ENFORCEMENT OFFICER/ZONING ADMINISTRATOR:

Francis Cortese

TOWN ATTORNEY:

Mary Ellen Stockwell

The meeting was called to order by Chairman Pro Tem LaFountain at 7:00 p.m.

Roll Call of all Members and Officials.

Chairman Pro Tem LaFountain entertained a motion to approve the minutes from August 22, 2013.

ON A MOTION BY MS. RICHARDSON, seconded by Mr. Heasley, the minutes of the August 22, 2013 meeting were adopted, as presented.

AYES: 5

NAYS: 0

ABSTAIN: 0

MOTION CARRIED

1. JACQUELINE ANDREJKOVICS, owner of Tax Map # 137.-1-16, commonly known as 3422 State Route 4, Hudson Falls, NY, is seeking an area variance for a 2 lot subdivision which a structure does not meet the 20 foot side setback requirement from the property line. Applicant is asking for 10 feet of relief from setback requirements. This application was denied by the Code Enforcement Officer pursuant to Chapter 280, Article VI and Section 280-23 F (1) of the Zoning Ordinance Code of The Town of Kingsbury.

Chairman Pro Tem LaFountain invited Jacqueline Andrejkovics to address the Board.

Mrs. Andrejkovics stated the barns are on agricultural property. She is asking for 10 feet of relief from the setback requirements to be able to subdivide the property. There is a ramp on the back of the house that that will be removed to give them more footage. They would like to keep the area where the barns are located in the agricultural area. The rest of the property would be located in a commercial zone.

Comments from the Public were as follows:

Sean Corlew and Andrea Mistretta, 12 Lori Lane, spoke in favor of this project.

The public hearing was closed.

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

Resolution No. 1 of August 22, 2013

ON A MOTION BY SONDR A MICHAUD, seconded by Brian Heasley it is moved that the variance application of Jacqueline Andrejkovics. be granted for the following reasons.

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 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?

An undesirable change will not occur, as the proposal will create two lots.

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

No, there are no feasible alternatives due to the configuration of the lot and the site restrictions require an area variance.

- (c) Is the requested area variance substantial?

The request is not substantial.

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

No adverse impacts associated with the variance

- (e) Was the alleged difficulty self-created?

The difficulty was self created, but is insufficient to preclude granting the variance

Approval is conditioned on the water lines and septic system being located on the subdivision plat, and proof that the septic system meets the setback requirements.

Section 2. This resolution shall take effect immediately.

PRESENT:

Henry LaFountain, Chairman Pro Tem - AYE
Sondra Michaud - AYE
Rich Hogan – AYE
Michelle Richardson - AYE
Brian Heasley – Alternate - AYE

AYES: 5
NAYS: 0
ABSTAIN: 0
ABSENT: 0

ON A MOTION BY MRS. MICHAUD, and seconded by Mr. Hogan, with all members approving the meeting was adjourned at 7:10 p.m.

MICHELLE RADLIFF
SECRETARY
<http://www.kingsburyny.gov>