

**Town of Kingsbury**  
210 Main 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 September 25, 2014

**MEMBERS PRESENT:**

Hank LaFountain, Chairman ProTem  
Sondra Michaud  
Michelle Richardson  
Bill Whipple  
Rich Hogan  
Scott Winchell  
Brian Heasley

**MEMBERS ABSENT:**

John Graham, Chairman – (Excused)

**CODE ENFORCEMENT OFFICER/ZONING ADMINISTRATOR:**

Francis Cortese

**TOWN ATTORNEY:**

Mary Ellen Stockwell

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

Roll call of all members.

Chairman Pro Tem Hank LaFountain, entertained a motion to approve the minutes from July 24, 2014

Chairman Pro Tem Hank LaFountain stated there is a change in the minutes of July 24, 2014, Section 1. should be “the ZBA approves the application and finds the following.”

**ON A MOTION BY MR. WINCHELL**, seconded by Mr. Heasley, the minutes of July 24, 2014 were adopted, as amended.

**AYES: 7**

**NAYS:**

**ABSTAIN:**

**MOTION CARRIED**

1. **LARRY CLUTE** owner of the property known as 1906 Sanford Ridge Road, Queensbury NY, Town of Kingsbury, and tax parcel ID 127.-1-17.1 is seeking an area variance to construct an attached two car garage at this location with a side yard setback of 35 feet. This application was denied by the Code Enforcement Officer pursuant to Chapter 280, Section 280-21 G 1 Regulations for Residential Agricultural Zoning District. The minimum required side yard setback is 50 feet for this Zoning District.

Chairman Pro Tem Hank LaFountain opened the Public Hearing.

Chairman Pro Tem Hank LaFountain invited Larry Clute to address the Board.

Mr. Clute stated the house is already started and the home owner would like an attached two car garage. He is asking a relief of 15 feet on a side yard setback.

Gary Trombley, 1900 Sanford Ridge Road, questioned if the garage was unattached would the setbacks be the same.

Mr. Cortese stated if the garage was unattached the setbacks are 10 feet from the property line. In this Zoning District the setbacks are 50 feet from the property line.

Mr. Trombley stated he has not been happy with the previous owner being able to subdivide the property. This happened over twenty years ago and is water under the bridge now. Mr. Trombley also raised concerns about density requirements in this area. He questioned if the property was an acre as the Code Book states.

The board replied that the lot is .94 acres.

**ON A MOTIION BY MR. WINCHELL**, seconded by Mr. Whipple the Public Hearing was closed at 7:10 pm.

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 September of 2014  
Adopted September 25, 2014

Introduced by Michelle Richardson  
who moved its adoption

Seconded by Scott Winchell

**RESOLUTION GRANTING  
AREA VARIANCE REQUEST OF  
LARRY CLUTE**

**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**, Larry Clute (hereafter the “Applicant”), has requested an area variance for fifteen (15) foot relief from the current 50 foot side yard setback to 35 foot setback to construct an attached garage, located at 1906 Sanford Ridge Road, identified as Tax Map Number 127.-1-17.1, and

**WHEREAS**, the Applicants request requires a variance from the side yard setback requirements found in Section 280-21 G 1 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 on September 25, 2014 at the Kingsbury Town Hall, 210 Main Street, Hudson Falls, NY 12839 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 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, as there were no members of the public there against such variance. This amount of relief is minimal which will not cause an undesirable change in the character of the neighborhood. The neighbor to the side of the property where the garage is to be built was not at the hearing to comment against the project.

- (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?

Yes, he could put an accessory structure on the property that would require 10 feet setbacks and would not need a variance.

- (c) Is the requested area variance substantial?

No, as the current setback is fifty (50) feet and the applicant will still be thirty five (35) feet from the side yard as it is only a fifteen (15) foot side setback relief granted which the board does not consider substantial.

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

No, cosmetically it makes sense to create the structure as proposed and this small variance will not adversely impact the environment conditions in this neighborhood.

(e) Was the alleged difficulty self-created?

Yes, the Applicant desires to place the garage in this location, he does not have to build an attached garage, but this location is a smaller setback than would be required with an accessory structure.

Section 2. This resolution shall take effect immediately.

PRESENT:

Henry LaFountain  
Sondra Michaud  
Michelle Richardson  
William Whipple  
Brian Heasley  
Richard Hogan  
Scott Winchell

AYES: 7

NAYS: 0

ABSTAIN: 0

ABSENT: 1 (John Graham, Chairman)

**ON A MOTION BY MR. HEASLEY**, and seconded by Mr. Whipple, with all members approving the meeting was adjourned at 7:15pm.

MICHELLE RADLIFF  
SECRETARY