

TOWN OF KINGSBURY
MINUTES OF THE ZONING BOARD OF APPEALS – SEPTEMBER 25, 2025

MEMBERS PRESENT:

Bill Whipple, Chairman
Jim Ross
Scott Winchell
Cynthia Roberts
Brian Heasley

OTHERS PRESENT:

Jeff Meyer, Esq.
Todd Humiston, Code Enforcement Officer
Alie Weaver, Zoning Board Secretary

The meeting was called to order by Chairman Whipple at 7:00 PM.
Roll call of members and confirmation of quorum.

Chairman Whipple entertained a motion to approve the minutes of the August 28th, 2025 meeting.
ON A MOTION BY Scott Winchell and SECONDED BY Jim Ross with all in favor, the minutes of the August 2025 Kingsbury Zoning Board meeting were adopted as presented.

AYES: 5 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

Public Hearing: Chairman Whipple welcomed **Molly Adames**, applicant for Tax Map Number 118.4-3-14 commonly known as 102 Patten Mills Road in Queensbury, located in Zone District RA1A, who is requesting a special use permit for a farm stand to be located in front of the home for the sale of various baked goods and to provide a book exchange library.

Ms. Adames stated that the portable farm stand will provide baked breads and desserts for purchase, it will also have an area for book exchanges. The stand will be approximately 4' x 6' in size and will be open from spring through fall. No power will be needed, and there will be signs for parking on Wescott Lane.

Chairman Whipple opened the public hearing at 7:05 pm.

A neighbor expressed concern regarding the possible lack of parking availability.

Mr. Humiston stated that any issues that may happen can be reported to Code Enforcement to be addressed.

With no other comments or concerns, the public hearing was close at 7:06 pm.

Mr. Meyer read aloud the Environmental Assessment Form for Board review. ON A MOTION BY Cynthia Roberts and SECONDED BY Jim Ross to declare a negative determination, the motion passed with all others voting in favor by voice vote.

AYES: 5 NAYES: 0 ABSTAIN: 0

ON A MOTION BY Scott Winchill to approve the resolution for a Special Use Permit for Ms. Adames' farm stand, as described, stating that the project is consistent with the neighborhood and will not create undue hazards. SECONDED BY Brian Heasley and all others voting in favor by roll call vote, the motion passed.

AYES: 5 NAYES: 0 ABSTAIN: 0

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Public Hearing: Richard Stanley – Mr. Humiston stated that Mr. Stanley has pulled this agenda item. For this proposed project to be added to an agenda in the future, it would need a new application submittal and a new public hearing would be noticed.

Public Hearing: Chairman Whipple welcomed **Ryan Walton**, owner of Tax Map Number 128.-1-27.1 commonly known as 251 Geer Road in Hudson Falls, located in Zone District RA1A, who is requesting a 25-foot side setback relief for the purpose of building a 24' x 28' garage.

Mr. Walton stated that his plan includes moving the existing sheds and constructing an attached garage to his house. The proposed garage is clear from the septic and well locations.

Chairman Whipple opened the public hearing at 7:14 pm. With no questions or concerns, the public hearing was closed at 7:14 pm.

Mr. Meyer read aloud the area variance criteria for Board review. ON A MOTION BY Cynthia Roberts and SECONDED BY Brian Heasley to approve the area variance, the motion passed with all others voting in favor by roll call vote.

AYES: 5 NAYES: 0 ABSTAIN: 0

(Resolutions hereto annexed following the minutes.)

The Board reviewed Cynthia Robert's draft request to the Town Board regarding the permitted use of building renovations to be used as event venues in certain zones under certain conditions, as multiple similar variances have been granted.

ON A MOTION BY Scott Winchell and SECONDED BY Brian Heasley, the authorization for the Chairman to send the proposed request to the Town Board on behalf of the Zoning Board of Appeals was approved by voice vote, with Cynthia Roberts abstaining.

AYES: 4 NAYES: 0 ABSTAIN: 1

With no other business to discuss, Scott Winchell made a motion to adjourn the September Zoning Board of Appeals public hearing. Brian Heasley seconded, and all voted in favor by voice vote. The public hearing was adjourned at 7:31 pm.

Alie Weaver, Secretary
Town of Kingsbury Zoning Board of Appeals

**TOWN OF KINGSBURY
MINUTES OF THE ZONING BOARD OF APPEALS – SEPTEMBER 25, 2025**

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

Adopted September 25, 2025
Resolution 10-25

Introduced by SCOTT WINCHELL
who moved its adoption

Seconded by BRIAN HEASLEY

**RESOLUTION APPROVING
THE SPECIAL USE PERMIT FOR
MOLLY ADAMES**

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 Special Use Permits in accordance with said Zoning Ordinance and Section 274-b of the Town Law;

WHEREAS, MOLLY ADAMES (hereafter the “Applicant”), has requested a Special Use Permit to use the property located at 102 Pattens Mills Road, and identified as Tax Map Number 118.4-3-14 as a farm stand for the sale baked goods, food items, and operating a book exchange; and

WHEREAS, the Applicant request requires a Special Use Permit pursuant to sections 280-21 and 280-14 of the Code of the Town of Kingsbury; and

WHEREAS, the Application, having previously been determined by the ZBA to be an unlisted action under the State Environmental Quality Review Act, and the ZBA having reviewed the EAF submitted for this Application and taken a hard look at the potential environmental impacts of the project and issued a negative declaration prior to taking up the review of the matter; and

WHEREAS, a public hearing was duly held on the requested special use permit at which time the Applicant and members of the public were entitled to comment on the application; 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 section 280-14 of the Code of the Town of Kingsbury.

NOW THEREFORE BE IT:

RESOLVED, the ZBA hereby APPROVES the requested Special Use Permit based upon the following findings:

- (1) The use WILL NOT be of such location, size and character that it will conform to an appropriate and orderly development of the district and neighborhood in which it is to be located and will

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- (2) not be detrimental to the orderly development of neighboring districts and neighborhoods.

As proposed the special use will be a benefit to the district and neighborhood.

- (3) The use WILL NOT create undue safety hazards in its own or adjacent districts or neighborhoods and will not require increased public expenditure in excess of its value of the Town.

The plan depicted parking and the seasonal use will mitigate safety hazards.

- (4) The use WILL NOT create undue traffic congestion, noise, vibrations, light, stormwater runoff, or air pollution or substantially devalue neighboring properties.

The plan depicted parking and the seasonal use will mitigate safety hazards.

And be it further;

RESOLVED, this resolution shall take effect immediately.

ROLL CALL VOTE

James Ross – yes

Cynthia Roberts – yes

Brian Heasley – yes

Scott Winchell – yes

William Whipple – yes

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

Adopted September 25, 2025
Resolution 11-25

Introduced by CYNTHIA ROBERTS
who moved its adoption

Seconded by BRIAN HEASLEY

**RESOLUTION APPROVING
AREA VARIANCE APPLICATION OF
RYAN WALTON**

WHEREAS, pursuant to 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; and

WHEREAS, RYAN WALTON, as owner, (hereafter the “Applicant”), have requested an area variance relative to the side yard setback requirement for the property located at 251 Geer, Town of Kingsbury, identified as Tax Map Number 128.-1-27.1, located within the RA-1A Residential District; and

WHEREAS, the Applicant’s request requires a variance from requirements of the Code of the Town of Kingsbury, as follows: (1) a minimum of fifty (50) feet is required for the side yard setback and the Applicant is requesting twenty-five (25) feet of relief from the side yard setback requirement; and

WHEREAS, in accordance with the Code of the Town of Kingsbury and 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 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

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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, the addition of the garage will be a net improvement on the property and allow the removal and relocation of existing sheds.

(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?

While there are other methods, they are no practical because of the property limitation and current location of the house, well, and septic.

(c) Is the requested area variance substantial?

Yes.

(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 negative impacts; the property is surrounded by Peckham's corn fields.

(e) Was the alleged difficulty self-created?

Yes.

Section 2. This resolution shall take effect immediately.

ROLL CALL VOTE

James Ross - Yes

Cynthia Roberts - Yes

Brian Heasley - Yes

Scott Winchell - Yes

William Whipple - Yes