

MINUTES OF THE ZONING BOARD OF APPEALS – SEPTEMBER 26, 2024 – THE TOWN OF KINGSBURY

MEMBERS PRESENT:

Bill Whipple, Chairman
James Ross
Scott Winchell
Michelle Richardson

OTHERS PRESENT:

Jeff Meyer, Esq.
Todd Humiston, Zoning Administrator
Alie Weaver, Zoning Board Secretary

EXCUSED: Brian Heasley

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 22nd, 2024 meeting.

ON A MOTION BY Jim Ross and SECONDED BY Michelle Richardson with all in favor, the minutes of the August 2024 Kingsbury Zoning Board meeting were adopted as presented.

AYES: 4, NAYES: 0, ABSTAIN: 0, MOTION CARRIED

Chairman Whipple stated that the public hearing was still open, and introduced **Charles Campney**, owner of Tax Map Number 154.-1-5, commonly known as 116 County Route 41 in Hudson Falls, located in Zone District RA1A. Mr. Campney is seeking a special use permit for a 12,000 square foot auto body shop with towing and temporary vehicle storage.

Mr. Campney stated again for the record that he is retired and recently purchased this property and constructed a garage for auto body work. He also tows vehicles for local and state police and would like to temporarily store the towed vehicles behind the garage in a fenced-in area. He noted that there will be no signs or outdoor lighting and each car is stored for no more than two weeks. He noted that fill will be brought in to level out the ground incline where vehicles will be stored. He also noted that he rarely picks up tow calls at night.

Scott Winchell expressed concern regarding the shop/storage location being near Bond Creek and the risk of contaminates, as well as the visual disturbance in the residential neighborhood.

Jim Ross concurred, and noted the disturbance of tow truck lights and alarms in the residential neighborhood.

Discussion ensued regarding the neighboring businesses and it was determined that those businesses were all located in commercial zoning.

Discussion then ensued regarding the future businesses should the property be sold. Jeff Meyer advised that durational restrictions can be enforced.

The Short Environmental Assessment Form was reviewed aloud by the Board members and discussion ensued regarding possible restrictions that could reduce the risk of environmental impacts and how those restrictions would be enforced.

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ON A MOTION BY Scott Winchell to deny the special use permit for this application and SECONDED BY Jim Ross, voting resulted as follows:

Scott Winchell: Aye
Jim Ross: Aye
Bill Whipple: Aye
Michelle Richardson: Naye

AYES: 3 NAYES: 1 ABSTAIN:0 MOTION CARRIED

Jeff Meyer stated that Mr. Campney is able to resubmit an application for consideration with changes to his original proposal.

Chairman Whipple re-introduced **Julia Day**, owner of Tax Map Number 138.-1-71.2, commonly known as 3557 State Route 4 in Hudson Falls, located in Zone District RA1A is seeking a special use permit to convert a residential 240 square foot room into a craft shop to be open to the public.

Julia Day stated that she creates crafts/home décor in her home and would like to convert her attached mudroom into a shop open to the public to view and purchase these items. She noted that there is a separate entrance to this room and there is ample paved parking with a turn-around. Hours of operation will be from 9:00am to 5:00pm Monday through Friday. Ms. Day estimated no more than 2 or 3 cars will be parked in the driveway at the same time.

The Board members reviewed aloud the Short Environment Assessment Form and ON A MOTION By Scott Winchell and SECONDED BY Michelle Richardson to declare a negative environmental impact, all voted in favor.

AYES: 4 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

Todd Humiston noted that this address is in an area currently in the process of being reclassified to commercial zoning.

ON A MOTION BY Scott Winchell and SECONDED BY Jim Ross to approve this special use permit application, all others voted in favor.

AYES: 4 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

With no other business to discuss, Michelle Richardson made a motion to adjourn the September Kingsbury Zoning Board of Appeals meeting and Scott Winchell seconded. All voted in favor by voice vote. The meeting was adjourned at 7:50 pm.

Alie Weaver, Secretary
Town of Kingsbury Zoning Board of Appeals

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

Adopted September 26, 2024

Introduced by SCOTT WINCHELL
who moved its adoption

Seconded by JAMES ROSS

**RESOLUTION DENYING
THE SPECIAL USE PERMIT FOR
CHARLES CAMPNEY**

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, Charles Campney (hereafter the “Applicant”), has requested a Special Use Permit to use the property located at 116 County Route 41, and identified as Tax Map Number 154.-1-5 as a home industry for motor vehicle repair and towing uses; 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 DENIES the requested Special Use Permit based upon the following findings:

- (1) The use WILL 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 not be detrimental to the orderly development of neighboring districts and neighborhoods.

The use does not fit in with the neighborhood. The flashing lights of the tow trucks and back-up alarms will be detrimental.

- (2) The use WILL 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.

Bringing in wrecked cars and the potential for contamination are known hazards.

- (3) The use WILL create undue traffic congestion, noise, vibrations, light, stormwater runoff, or air pollution or substantially devalue neighboring properties.

It will be detrimental to the community. Potential for contamination and the towing operation are not acceptable.

And be it further;

RESOLVED, this resolution shall take effect immediately.

Bill Whipple: AYE

Scott Winchell: AYE

Jim Ross: AYE

Michelle Richarson: NAYE

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

Adopted September 26, 2024

Introduced by JAMES ROSS
who moved its adoption

Seconded by SCOTT WINCHELL

**RESOLUTION APPROVING
THE SPECIAL USE PERMIT FOR
JULIA DAY**

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, Julia Day (hereafter the “Applicant”), has requested a Special Use Permit to use the property located at 3557 State Route 4, and identified as Tax Map Number 138.-1-71.2 as a home industry for operating a homemade craft shop to be open to the public; 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 not be detrimental to the orderly development of neighboring districts and neighborhoods.

The small craft shop will be a good fit for the neighborhood.

- (2) 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 parking lot is paved and there is room for parking and turning around.

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

There are no anticipated impacts.

And be it further;

RESOLVED, this resolution shall take effect immediately.

Bill Whipple: AYE

Scott Winchell: AYE

Jim Ross: AYE

Michelle Richardson: AYE