

Town of Kingsbury
210 Main Street, Hudson Falls, NY 12839
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OFFICE OF CODE ENFORCEMENT AND PLANNING

MINUTES OF THE ZONING BOARD OF APPEALS

Minutes of October 22, 2015

MEMBERS PRESENT:

Hank LaFountain, Chairman
Rich Hogan
Sondra Michaud
Brian Heasley
William Whipple
Michelle Wood
Katherine Henley

MEMBERS ABSENT:

Scott Winchell

CODE ENFORCEMENT OFFICER/ZONING ADMINISTRATOR:

Ross Cortese

TOWN ATTORNEY:

Jeffrey Meyer

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

Chairman LaFountain entertained a motion to approve the minutes of the August 27, 2015 meeting. Ross Cortese reported the minutes were not available at this time.

Chairman LaFountain announced the first application on the agenda is a request from Ken Collette seeking a Special permit to use Parcel ID 146.-1-21.3, 143 Vaughn Road as a storage rental facility. Mr. Collette has a purchase agreement with LaPan's to purchase their old foundry. Mr. Collette has a construction business and would like to have his shop and store his construction equipment on part of the property. He would also like to open a storage rental facility for RV's, boats, etc. and would build to suit the tenant. Mr. Collette will build enclosed garages with a wood frame and vinyl siding. Mr. Collette also plans to have some outside storage if necessary. Mr. Collette will leave a 100 foot tree line on Vaughn Road and maintain a 40 foot buffer around the perimeter. Mr. Collette would like to develop all 5 acres; but develop an acre at a time.

Chairman LaFountain opened the hearing to the public. Brian Legault of 6 Birchwood Avenue asked Mr. Collette what kind of fencing he was going to put up. Mr. Collette explained that eventually there will be a fence with an entrance gate, which will be 40 feet from the property line. Mr. Legault asked if Mr. Collette was going to take all the trees down. Mr. Collette stated the trees will come down where the buildings are going. Stephen and Tammy Chase of 18 Birchwood also expressed their concerns with the amount of traffic that the business would bring in. Mr. Collette stated his business would generate traffic 3 to 4 times a week and the storage would be a seasonal business. A discussion followed.

Chairman LaFountain and Attorney Meyer conducted an environmental and impact assessment (SEQR) on the requested proposal by Mr. Collette.

A **motion** by Rich Hogan seconded by Brian Heasley and carried by a vote of 7 ayes deeming the proposal will not result in any significant environmental impact.

Chairman LaFountain closed the public hearing.

After discussion the following resolution was adopted:

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

Adopted October 22, 2015

Introduced by Michelle Wood
who moved its adoption

Seconded by Katherine Henley

**RESOLUTION APPROVING
THE SPECIAL USE PERMIT FOR
KENNETH COLLETTE**

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, Kenneth Collette (hereafter the “Applicant”), has requested a Special Use Permit to construct and operate a storage facility on lands located at 143 Vaughn Road, and identified as Tax Map Number 146.-1-21.3; and

WHEREAS, the Applicant request requires a Special Use Permit pursuant to section 280-12 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 permit 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 section 280-12 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 shall 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 is in conformance with the neighborhood and district.

- (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 use will not create any safety hazards.

- (3) The use will not create undue traffic congestion, noise, vibrations, light, storm water runoff, or air pollution or substantially devalue neighboring properties.

The use will not have any impact on neighboring properties and is designed to prevent storm water runoff and be screened from the neighbors

And be it further;

RESOLVED, the ZBA finds that the following conditions are directly related to and incidental to the proposed use of the property, and are consistent with the spirit and intent of section 80-12 of the Code of the Town of Kingsbury, and are imposed for the purpose of mitigating against the potential negative effects on the neighborhood or community:

- 1- All exterior lighting must be building mounted downcast lights. The applicant may also place a single downcast light on a post near the gate.
- 2- The 40' buffer depicted on the plans must be kept and maintained.
- 3- The applicant has requested the ability for future expansion to the rear of the lot, said expansion was considered and approved as part of this application.

And be it further;

RESOLVED, this resolution shall take effect immediately.

AYES: 7
NAYES:0
ABSTAIN:0

Chairman LaFountain read the following notice:

**NOTICE OF HEARING
BEFORE THE
KINGSBURY ZONING BOARD OF APPEALS**

Pursuant to the provisions of Chapter 280, Article VI, Section 280-22 G (1 & 2) of Minimum Requirement ordinance of the Town of Kingsbury, New York, notice is hereby given that a hearing will be held by the Zoning Board of Appeals of the Town of Kingsbury, County of Washington and State of New York, on the 22nd day of October 2015 at 7:00 PM in the Town Hall, 210 Main Street, Hudson Falls, New York on the following matter. Request by R2M Holdings / Robert Stringer owner of the property known as 36 Dean Road, Hudson Falls, NY, Town of Kingsbury and Tax Parcel ID 146. 13-2-15 is seeking an area variance to permit the creation of 3 lots from one existing lot. Applicant is asking for relief on road frontage width requirement of 150 feet and side setback relief from the requirement of 25 feet each / 75 feet total. Plans for proposal are available at Kingsbury Town Hall, 210 Main Street, Hudson Falls, New York during regular business hours.

Chairman LaFountain opened the public hearing at 7:33 p.m.

Robert Springer stated he had purchased 36 Dean Road in June. Mr. Springer would like to build 3 homes on the lot which has 150 road frontage. Mr. Springer stated there are other homes in the area that are built on lots with 50 feet of road frontage. Each of the lots would have 25,000 square feet if his request is approved. Soil testing has been completed and it would support the 3 septic systems.

Bonnie Hanna of 40 Dean Road asked Mr. Springer the width of the property at 36 Dean Road. Mr. Springer explained the lot is 164 feet wide. Due to some title encroachments he will have some boundary line adjustments made, which will leave him 150 feet. Ms. Hanna asked about the back of the lot near her home. Mr. Springer stated he would leave that forever wild, he has no plan of developing the back of the lots.

Joan Leahy asked Mr. Springer if he was going to put in a road. Mr. Springer stated no, he is going to build the houses 60 feet off the road, with a back-out in the driveway. Mr. Springer will clear 40 to 50 feet behind the house and leave the back of the lot undeveloped. A discussion followed.

Edna Alexander resident of 28 Dean Road asked what Mr. Springer what will be done with the septic. Ms. Alexander stated she had resided on Dean Road since 1982 and has never had a problem with the well. Mr. Springer explained 1,000 gallon septic tanks will be installed with a leach field going down the back behind each house. Mr. Springer stated he will follow code for the location of the septic systems and make sure they are 100 feet from Edna Alexander's well.

William Whipple asked Bonnie Hanna how long she had resided at 40 Dean Road and questioned the ground water. Ms. Hanna has always had sump pumps in her home which has half a cellar. Ms. Hanna stated she had to pump water in the winter. Mr. Whipple is concerned that additional homes pumping out water will create a problem. A discussion followed.

Chairman LaFountain stated the section of zoning at Mr. Springer's property is zoned for 150 feet for one house. Chairman La Fountain asked Mr. Springer if there was a hardship; do you have to have 3 houses on the lot. After discussion Chairman LaFountain explained having been on the Board since 1986 or 1987 the Board had never approved a house being built on a 50 foot lot. The zoning had been

changed to a 150 foot minimum in the early 1990's. Chairman LaFountain stated that he is not in favor of Mr. Springer's request. Brian Heasley and William Whipple are also not in favor of Mr. Springer's request.

Chairman LaFountain closed the public hearing at 7:50 p.m.

Chairman LaFountain entertained a motion to table Mr. Springer's request. A **motion** by William Whipple seconded by Rich Hogan and carried by a vote of 5 ayes to table Mr. Springer's request until next month.

Attorney Meyer reported that at the Planning Board on October 21, 2015 their concerns were also the size of the lots and the driveways.

There being no further business before the Board a **motion** by Brian Heasley seconded by Katherine Henley and carried by a vote of 7 ayes to adjourn the meeting at 8:10 p.m.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk