

MINUTES OF THE ZONING BOARD OF APPEALS – OCTOBER 24, 2024 – THE TOWN OF KINGSBURY

MEMBERS PRESENT:

Bill Whipple, Chairman
James Ross
Scott Winchell
Michelle Richardson
Brian Heasley

OTHERS PRESENT:

Jeff Meyer, Esq.
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 September 26th, 2024 meeting.

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

AYES: 5, NAYES: 0, ABSTAIN: 0, MOTION CARRIED

Chairman Whipple 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.

Mr. Campney stated that he is retired and recently purchased this property and constructed a garage for part-time auto-body work, approximately one or two cars per week. He noted that towing and car storage would not be performed on the property. He explained that filters are installed on the exhaust fans in the garage and Safety Kleen disposes of the auto-body waste. He also noted that the one neighbor near this location does not take issue with the shop.

Jim Ross read aloud New York State regulations for auto body shops and the potential hazards to the environment. Michelle Richardson stated that dairy farms can be just as harmful to the environment. Jim Ross and Scott Winchell expressed concern of the auto-body shop being located in a residential neighborhood.

Jeff Meyer read allowed the legal definition of home industry allowed by special use permit: "Any undertaking conducted as an accessory use for the gain entirely within the dwelling or accessory building by the resident members of the family assisted by the maximum of two employees..."

Mr. Campney stated that his daughter lives in the house on the property but he does not live there. Bill Whipple noted that, without Mr. Campney residing on the property, this could be construed as a business venture where anyone could reside in the dwelling.

The Board members reviewed aloud the short Environmental Assessment Form and all voted in favor that this project would not result in significant environmental impacts.

AYES: 5 NAYES: 0 ABSTAIN: 0 MOTION PASSED

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ON A MOTION BY Scott Winchell to deny the special use permit for this application due to the potential ground and air contamination, noise, and aesthetics in a residential area; SECONDED BY Jim Ross and the voting resulted as follows:

Scott Winchell: AYE
Jim Ross: AYE
Michelle Richardson: NAYE
Brian Heasley: AYE
Bill Whipple: AYE

AYES: 4 NAYES: 1 ABSTAIN: 0 MOTION CARRIED

With no other business to discuss, Jim Ross made a motion to adjourn the October Kingsbury Zoning Board of Appeals meeting and Michelle Richardson seconded. All voted in favor by voice vote. The meeting was adjourned at 7:30 pm.

Alie Weaver, Secretary
Town of Kingsbury Zoning Board of Appeals

DRAFT

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

Adopted October 24, 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

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 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 proposed use is not a good fit with the neighborhood. It is a commercial autobody shop that should be in the commercial zone.

- (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.

The Board has concerns over safety hazards that accompany this use. It should not be located in residential areas as there is potential to create safety hazards in the neighborhood.

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

The Board has concerns with noise, air quality, potential for contamination, stormwater run-off, and waste disposal.

And be it further;

RESOLVED, this resolution shall take effect immediately.

ROLL CALL VOTE:

William Whipple: Aye

Scott Winchell: Aye

James Ross: Aye

Brian Heasley: Aye

Michelle Richardson: Nay