

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 October 25, 2014

MEMBERS PRESENT:

John Graham, Chairman
Hank LaFountain
Sondra Michaud
Michelle Wood
Bill Whipple
Rich Hogan

MEMBERS ABSENT:

Scott Winchell – (Excused)
Brian Heasley – (Excused)

CODE ENFORCEMENT OFFICER/ZONING ADMINISTRATOR:

Francis Cortese

TOWN ATTORNEY:

Mary Ellen Stockwell

The meeting was called to order by Chairman Graham at 7:00pm.

Roll call of all members.

Chairman Graham entertained a motion to approve the minutes from September 25, 2014

ON A MOTION BY MR. WHIPPLE, seconded by Mr. LaFountain, the minutes of September 25, 2014 were adopted

AYES: 6

NAYS:

ABSTAIN:

MOTION CARRIED

MICHAEL AND TERRY BIGELOW owners of the property known as 1047 State Route 196, Hudson Falls, NY, Town of Kingsbury, and Tax Parcel ID 154.11-6-14 are seeking a Special Permit to operate a home industry at this location. Pursuant to Chapter 280, Section 280-22 (E) Home Industries are permitted uses in Low-Density Residential Zoning District.

Chairman Graham opened the Public Hearing.

Chairman Graham invited Mr. Bigelow to address the Board.

Mr. Bigelow stated he is here tonight to ask for a Special Use Permit to operate a home business. He has a shop on the property that he would like to use for his business. This has been a hobby shop for the past seven years. He would like to continue to do this with the option to open it to the public and put a sign up.

Mr. Bigelow stated he does wood craft items, outdoor items, fishing items. He makes fishing lures and rustic fish decoys. He also has tanks set up for bait for his personal use and selling the bait. The shop is for fishing and some trapping.

Chairman Graham opened the Public Hearing.

Edward Hockenerry, 1052 State Route 196, spoke in favor of the Bigelow's.

Joe Goynea, 1048 State Route 196, spoke in favor of the Bigelow's.

Lulumae Hodder, 1027 State Route 196, called the office in favor of the Bigelow's

Mr. Hogan questioned if the use is granted to the Bigelow's, does the use carry on if they sell the property.

Chairman Graham stated that can be a condition with the approval.

Ms. Stockwell stated you can grant the permit and also put conditions on it.

Mr. Hogan questioned if the Bigelow's expected a change in the traffic.

Mr. Bigelow stated he does not expect an increase. He is already doing this as a hobby and gets cars once in a while. He expects maybe 2 or 3 cars at a time and has parking for up to 8 cars.

Ms. Wood questioned the hours.

Mr. Bigelow stated 9:00 am to 5:00 pm Wednesday through Sunday and be closed Monday and Tuesday. During the busy seasons he would like to be opened from 5:00 am to noon on the closed days.

Mr. Whipple stated he thinks it is fair to say State Route 196 gets its fair share of traffic. He doesn't believe this business will have any effect on the traffic one way or the other.

Mr. LaFountain stated he would like the Resolution to state the Special Use Permit only goes with the Bigelow's. If they sell the property the Special Use Permit is rescinded.

ON A MOTIION BY MR. LAFOUNTAIN, seconded by Mr. Hogan the Public Hearing was closed.

ON A MOTION BY MR. LAFOUNTAIN, and seconded by Mr. Hogan the Kingsbury Zoning Board of Appeals declares lead agency status and having reviewed the short form SEQRA submission and having taken a hard look at the potential environmental impacts finds that there are no potential negative environmental impacts anticipated from this project and the Board issued a negative declaration on the project.

After further discussion among the board the following resolution was put forward.

Resolution No. 1 of October 25, 2013

ON A MOTION BY MR. WHIPPLE, seconded by Mr. LaFountain the Kingsbury Zoning Board of Appeals approves the special use permit to Michael and Terry Bigelow at 1047 State Route 196 in the Town of Kingsbury to establish a home industry to make and sell custom woodcraft items and custom fishing equipment and gear and to sell bait at the location, said granting of such permit is based on the fact that the board considered the following:

- (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.

Board determined that this action will not be detrimental to the orderly development of the neighborhood as this type of work has been occurring on the premises for several years and is now being opened to the public.

- (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 to the Town.

Board determined that this action will create undue safety hazards or required Increased public expenditure at it is a small home business confined to the workshop and immediate surrounding areas.

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

Board determined that this will not create any additional noise, light or stormwater runoff as it is the same operations and that it will not create and undue traffic congestion as this is an already highly traveled area.

(4) A special permit or special use permit shall be granted unless the Zoning Board of Appeals finds that substantial evidence has been presented which shows that the negative effects of the proposed use, as evaluated above, outweigh the benefits of the use to the Town.

Board determined that there were no negative effects of the proposed use that outweigh the benefits of the use to the Town and that in fact the business would benefit the community as it is unique in character. Board also acknowledged that there were several members in support of the application and none opposed present at the meeting and whom contacted the Clerk prior to the meeting to share their support.

(5) The Zoning Board of Appeals may condition the approval of any special permit or special use permit on such reasonable conditions that it finds may mitigate against the potential negative effects on the neighborhood of the proposed use.

The following conditions were placed on the special use permit in that the business shall be used for it shall be unique use of selling custom woodcraft items and custom fishing equipment and gear and to sell bait and shall not carry with the land to any subsequent owners wishing to carry on another type of business.

AYES: 6

NAYS:

ABSTAIN:

MOTION CARRIED

The board discussed the resignation of Chairman Graham and thanked him for his many years of service on the Town of Kingsbury Zoning Board as a member and as Chairman of the board.

ON A MOTION BY CHAIRMAN GRAHAM, and seconded by Mr. Whipple, with all members approving the meeting was adjourned at 7:25pm.

MICHELLE RADLIFF
SECRETARY