

MINUTES OF THE ZONING BOARD OF APPEALS THE TOWN OF KINGSBURY

Minutes of June 27, 2019

MEMBERS PRESENT:

Hank LaFountain, Chairman
Brian Heasley
Katherine Henley
Bill Whipple
Michelle Wood

MEMBERS ABSENT:

Rich Hogan
Sondra Michaud
Scott Winchell (Excused)

CODE ENFORCEMENT OFFICER/ZONING ADMINISTRATOR:

Todd Humiston

TOWN ATTORNEY:

Mary-Ellen Stockwell, ESQ.

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

Roll call of all members.

Chairman LaFountain entertained a Motion to Approve the Minutes of February 28, 2019.

ON A MOTION BY MR. WHIPPLE, seconded by Mrs. Henley the minutes of the February 28, 2019 meeting were approved.

AYES: 5

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

1. DAVID & MARY LEGAULT, owner of Tax Map # 146.17-2-9, commonly known as 129 Feeder Street, Hudson Falls, Town of Kingsbury, located in Zoning District, LDR-15, Low Density Residential District is seeking an area variance to construct an attached carport with a side setback of 14 feet. The minimum required side setback is 20 feet in this Zoning District. Plans for proposal are available at Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York during regular business hours.

Chairman LaFountain opened the Public Hearing.

Chairman LaFountain introduced Mr. Legault to address the Board.

MINUTES OF THE ZONING BOARD OF APPEALS THE TOWN OF KINGSBURY

Zoning Board of Appeals
June 27, 2019
Page 2 of 4

Mr. Legault stated he started to build a car port at this location. He did not know he needed a building permit. Mr. John Graham, Code Enforcement Officer for Washington County stopped at his house to inform he needed a permit. Mr. Legault stated he has not done any work on the car port for two months waiting to come before this Board. At this time the side yard setback is fourteen (14) feet. Mr. Legault is asking for six (6) foot relief. Mr. Legault's stated the car port is in line with his property.

Randy Diamond, 133 Feeder Street is Mr. Legault's neighbor. He would be the neighbor most impacted with this request. He is the closest to the property line and has no problem with the car port being there. The contractor doing the work is building it to code and Mr. Diamond has no issues with this at all.

Discussion ensued with questions being answered by the applicant.

ON A MOTIION BY MRS. WOOD, seconded by Ms. Henley the Public Hearing was closed.

The Board then reviewed the proposed resolution.

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

Resolution No. 1 of June 2019
Adopted June 27, 2019

Introduced by MR. HEASLEY
who moved its adoption

Seconded by MS. Wood

**RESOLUTION APPROVING
AREA VARIANCES REQUESTED BY
DAVID AND MARY LEGAULT**

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 variances in accordance with said Zoning Ordinance and Section 267-b of the Town Law;

MINUTES OF THE ZONING BOARD OF APPEALS THE TOWN OF KINGSBURY

Zoning Board of Appeals
June 27, 2019
Page 3 of 4

WHEREAS, Margaret Howard and Jeffrey S. Kill (hereafter the "Applicant"), have requested two area variances relative to a lot line adjustment for their adjoining property located at 38 and 34 Vaughn Road, identified as Tax Map Numbers 146.18-9-6.1 and 146.18-9-6.3 located in the LDR-25 Zoning District of the Town of Kingsbury; and

WHEREAS, the Applicants request requires two variances from the side yard setback requirements found in Section 280-22 G (2) of the Code of the Town of Kingsbury, whereby a minimum of 25 feet is required; and

WHEREAS, in accordance with 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 variances 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 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?

There will be no undesirable changes produced as a result of granting the area variances. There is no change in the character of the neighborhood.

(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?

MINUTES OF THE ZONING BOARD OF APPEALS THE TOWN OF KINGSBURY

Zoning Board of Appeals
June 27, 2019
Page 4 of 4

No, there doesn't seem to be any other feasible method.

(c) Is the requested area variance substantial?

No, the applicant requesting six (6) feet.

(d) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

No adverse impacts are associated with the proposed variances.

(e) Was the alleged difficulty self-created?

Yes, it was difficulty was self-created.

Section 2. This resolution shall take effect immediately.

ROLL CALL VOTE

PRESENT:

Hank LaFountain, Chairman - AYE

Katherine Henley – AYE

Brian Heasley - AYE

Bill Whipple - AYE

Michelle Wood - AYE

AYES: 5

NAYS:

ABSTAIN: 0

ABSENT 4 (Rich Hogan, Sondra Michaud and Scott Winchell)

ON A MOTION BY MS. HENLEY, seconded by Mr. Whipple all in favor, the meeting was adjourned at 7:15 P.M.

Michelle Radliff
Secretary