

**MINUTES OF THE ZONING BOARD OF APPEALS – JANUARY 25, 2024 – THE TOWN OF KINGSBURY**

**MEMBERS PRESENT:**

Bill Whipple, Chairman

James Ross

Brian Heasley

Michelle Richardson

Katherine Henley

**EXCUSED:** Scott Winchell

**OTHERS PRESENT:**

Jeff Meyer, Esq., Town Attorney

Todd Humiston, Code Enforcement Officer

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 28th, 2023 meeting.

ON A MOTION BY Brian Heasley and seconded by Jim Ross with all in favor, the minutes of the September 2023 Kingsbury Zoning Board meeting were adopted.

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

Chairman Whipple introduced Joseph Gonyea, Owner of Tax Map 154.11-7-4, commonly known as 1048 State Route 146 in Hudson Falls, located in Zoning District Com-1A, who is seeking a Zoning Variance of a 10' relief from his current side property setback requirement of 20 feet.

Mr. Gonyea stated that he is seeking the 10' relief so he can expand his current garage to be able to fit two vehicles. This would leave a 10' clearance from the end of this proposed new addition to the property line. He noted that the other side of his house has only enough room to allow for septic/backyard access.

Chairman Whipple opened the meeting for public comments at 7:08 pm.

Four neighbors expressed their support for the zoning variance and one neighbor expressed opposition. She stated that her house is located on the side of Mr. Gonyea's house that would have the expansion and cited lack of privacy and construction noise as causes for her opposition.

Mr. Gonyea's site plan was presented to the public for review as well as photos provided by his next-door neighbor to show the current distance between the two houses.

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There being no other questions or comments from the public, Chairman Whipple closed the public hearing at 7:23 pm.

Discussion ensued regarding possible reasonable conditions that could hinder noise and provide more privacy such as additional landscaping and no windows or outdoor lights installed on the neighbor's side of the new construction, as well as insulating the garage walls and door.

The Board Members reviewed aloud the short State Environmental Quality Review Act (SEQRA) and declared a negative declaration.

ON A MOTION By Michelle Richardson and SECONDED by Jim Ross, with all in favor by roll call vote, the resolution to approve the variance was passed.

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

(A copy of the full resolution annexed hereto at the end of the minutes.)

Next on the agenda, Mr. Humiston handed out proposed changes to the Kingsbury Town Code and Policies to the Zoning Board Members for review. Discussion ensued regarding the zoning on Maple Street, public utility requirements, increase in fines, hobby farms, definition of lot width and measurements, accessory building distance, solar farms, and road/sidewalk maintenance.

Mr. Humiston encouraged the Board Members to further review the proposed changes and suggested holding a joint meeting with the Kingsbury Town Board for more discussion.

With no other business to discuss, Brian Heasley made a motion to adjourn the January Kingsbury Zoning Board of Appeals meeting and Jim Ross seconded. All vote in favor by voice vote. The meeting was adjourned at 7:52 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**

Resolution No. 0124 of 2024

Introduced by Ms. Richardson  
who moved its adoption

Seconded by Mr. Ross

**RESOLUTION APPROVING  
AREA VARIANCE REQUESTED BY  
JOSEPH GONYEA**

**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;

**WHEREAS**, JOSEPH GONYEA (hereafter the "Applicant"), has requested an area variance relative to the side yard setback for an addition to the garage on his property located at 1048 State Route 196, Town of Kingsbury, identified as Tax Map Number 154.11-7-4, where a twenty (20) foot side yard setback is required in the COM-1A Zoning District; and

**WHEREAS**, the Applicant's request requires a variance from the side yard setback requirement found in Section 280-23 F(1) of the Code of the Town of Kingsbury, whereby a minimum of twenty (20) feet is required and the Applicant is requesting ten (10) feet of relief from the eastern side yard; and

**WHEREAS**, in accordance with the State Environmental Quality Review Act (hereafter "SEQRA"), the requested variances are a Type II action; and

**WHEREAS**, a public hearing was duly held on the requested variance 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 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?

No, there will not be a detrimental impact. The houses are all close together on a busy road.

(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?

No, due to the layout of the property.

(c) Is the requested area variance substantial?

No.

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

No.

(e) Was the alleged difficulty self-created?

Yes.

Section 2.

This resolution shall take effect immediately.

ROLL CALL VOTE

Bill Whipple – Aye  
Michele Richardson – Aye  
James Ross – Aye  
Brian Heasley – Aye  
Katherine Henley – Aye