

**MINUTES OF THE ZONING BOARD OF APPEALS – March 22, 2023 – THE TOWN OF KINGSBURY**

**MEMBERS PRESENT:**

William Whipple, Chairman

Michelle Richardson

James Ross

Scott Winchell

**MEMBERS ABSENT:**

Brian Heasley, Katherine Henley

**OTHERS PRESENT:**

Todd Humiston, Enforcement Officer

Jeff Meyer, ESQ., Town Attorney

Larry Bailey, representing Walker Farms, LLC.

Garrett Bailey, representing Walker Farms, LLC.

The meeting was called to order by Chairman Whipple at 7:00 PM.

Roll call of members.

Chairman Whipple entertained a Motion to Approve the Minutes of the January 26, 2023 Meeting.

ON A MOTION BY Scott Winchell, seconded by Michelle Richardson, the minutes of the January 26, 2023 Kingsbury Zoning Board meeting were adopted.

AYES: 4, NAYES: 0, ABSTAIN: 0, MOTION CARRIED

Chairman Whipple presented Walker Farms, LLC., Owner of Tax Map 128.-1-39.1, commonly known as 685 Vaughn Road, located in Zoning District RA-1-A, who are seeking a Zoning Variance of the 200 foot required road frontage.

Mr. Larry Bailey stated that Walker Farms would like to separate a house and 2.2 acres of land from their farm homestead for family members to reside. This dwelling currently does not have the required 200 feet of road frontage and is requesting a right of way of 50' road frontage to separate the dwelling and 2.2 acres from their farming operation. The land currently surrounding this area is being used as pasture. He noted that should the family members decide to vacate this property, the farm will purchase the property back and retain it as part of the agricultural district.

There being no questions from the Board, Chairman Whipple opened the floor to public comments.

There being no questions or comments from the public, the Board reviewed the State Environmental Quality Review Act as a Type II action and determined that there are no potential negative environmental impacts anticipated.

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On a motion by Scott Winchell and seconded by James Ross with all voting in favor, the resolution to approve the area variance of Walker Farms, LLC was passed.

AYES: 4, NAYES: 0, ABSTAIN: 0, MOTION CARRIED

With no other business to discuss, Scott Winchell made a motion to adjourn the March Kingsbury Zoning Board of Appeals meeting and James Ross seconded. All vote in favor by voice vote. The meeting was adjourned at 7:20 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. 0103 of 2023

Adopted March 23, 2023

Introduced by SCOTT WINCHELL

who moved its adoption

Seconded by JAMES ROSS

**RESOLUTION APPROVING**

**AREA VARIANCE APPLICATION OF WALKER FARMS, LLC**

**WHEREAS**, pursuant to 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; and

**WHEREAS**, Walker Farms, LLC, as owner (hereafter the “Applicant”), has requested an area variance relative to the minimum road frontage requirement for their property located at 685 Vaughn Road, Town of Kingsbury, identified as Tax Map Number 128.-1-39.1, with the Applicant proposing a two (2) lot subdivision; and

**WHEREAS**, the Applicant’s request requires a variance from the minimum road frontage requirement of the Code of the Town of Kingsbury, as follows: the minimum of road frontage requires two hundred feet (200) feet and the Applicant is proposing a lot with fifty (50) feet of road frontage resulting in a request for relief of one hundred fifty (150) feet; 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 variance 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?

No, an undesirable change will not occur in granting the variance. There are other similar properties in the area that also have 50 feet of road frontage.

(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. Any change in the configuration of the lot would have a drastic and negative impact on the farming operation. It would not be feasible.

(c) Is the requested area variance substantial?

Yes.

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

No, there will not be adverse impacts on the environment or neighborhood.

(e) Was the alleged difficulty self-created?

Yes, the difficulty was self-created.

Section 2. This resolution shall take effect immediately.

ROLL CALL VOTE

Scott Winchell – Yes

James Ross – Yes

Michelle Richardson – Yes

William Whipple – Yes