

MINUTES OF THE ZONING BOARD OF APPEALS THE TOWN OF KINGSBURY

Minutes of April 25, 2019

MEMBERS PRESENT:

Hank LaFountain, Chairman
Katherine Henley
Bill Whipple
Michelle Wood

MEMBERS ABSENT:

Brian Heasley (Excused)
Rich Hogan
Sondra Michaud
Scott Winchell (Excused)

CODE ENFORCEMENT OFFICER/ZONING ADMINISTRATOR:

Francis Cortese (Excused)

TOWN ATTORNEY:

Jeff Meyer, 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.

Ms. Henley asked to have the minutes of February 28, 2019 amended. She was not in attendance for this meeting. The minutes state “**ON A MOTION BY MS. HENLEY**, seconded by Mr. Heasley all in favor, the meeting was adjourned at 7:30 P.M.

Chairman LaFountain asked the secretary to check the recording of the meeting and get back to the Board with the correct names at the next meeting. The minutes of the February 28, 2019 will be approved then.

1. Jeffery Kill, Tax Map #'s 146.18-9-6.1 and 146.18-9-6.3 commonly known as 38 Vaughn Road and 34 Vaughn Road, Hudson Falls, Town of Kingsbury, located in Zoning District, LDR-25, Low Density Residential is seeking two area variances for a lot line change. 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.

Mr. Kill stated he is here tonight asking for a variance to straighten his property line from the back pin of his property to Vaughn Road. The two properties involved were originally owned by his grandmother.

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The piece of property Mr. Kill is gaining is owned by Margaret Howard. She gave him couple of years ago.

Ms. Wood questioned Mr. Kill where is the lot line that will give 13.9' relief on the south west corner of 38 Vaughn Road and 16.4' relief at the north west corner of 34 Vaughn Road on the Short Environmental Assessment Form.

Attorney Meyer stated this is the distance between the build and property line. The 16.9' is on the house giving the property and the 13.9 is one the house receiving the property.

Mr. Whipple questioned if the house is border line with the property at this time.

Mr. Kill responded the house is not. The concrete cement slab in front of his garage is.

Mr. Whipple stated he would make a motion to approve this application.

Attorney Meyer stated the two lots are already preexisting nonconforming. Essentially any moving of the property lines would require a variance request.

Discussion ensued with questions being answered by the applicant.

There being no comments from the public, 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 April 2019

Adopted April 25, 2019

Introduced by MR. WHIPPLE
who moved its adoption

Seconded by MS. HENLEY

**RESOLUTION APPROVING
AREA VARIANCES REQUESTED BY
JEFFREY S. KILL and MARGARET HOWARD**

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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, 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?

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There will be no undesirable changes produced as a result of granting the area variances.

(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, the properties that are the subject of the proposed variances are pre-existing nonconforming lots, so any modification would require variances.

(c) Is the requested area variance substantial?

No, the applicant is proposing splitting the difference to reduce any potential impacts. It will be overall a positive.

(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

Bill Whipple - AYE

Michelle Wood - AYE

AYES: 4

NAYS:

ABSTAIN: 0

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

ON A MOTION BY MS. HENLEY, seconded by Ms. Wood all in favor, the meeting was adjourned at 7:30 P.M.

Michelle Radliff
Secretary

<http://www.kingsburyny.gov>