

MINUTES OF THE ZONING BOARD OF APPEALS THE TOWN OF KINGSBURY

Minutes of July 26, 2018

MEMBERS PRESENT:

Hank LaFountain, Chairman
Katherine Henley
Bill Whipple
Michelle Wood
Scott Winchell

MEMBERS ABSENT:

Brian Heasley Alternate (Excused)
Rich Hogan (Excused)
Sondra Michaud (Excused)

CODE ENFORCEMENT OFFICER/ZONING ADMINISTRATOR:

Francis Cortese

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 May 24, 2018.

ON A MOTION BY MRS. WOOD, seconded by Mr. Winchell, the minutes of the May 24, 2018 meeting were approved.

AYES: 5

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

1. Ryan and Jessica Walton owner of the property known as 251 Geer Road, Hudson Falls, NY, Town of Kingsbury and Tax Parcel ID 128.-1-27.1 is seeking an area variance to construct a 19'x14' addition at this location with a side yard setback of 30 feet. This application was denied by the Code Enforcement Officer pursuant to Chapter 280, Section 280-21 G 2, regulations for Residential Agriculture Zoning District. The minimum required side yard setback is 50 feet for this Zoning District.

Chairman LaFountain opened the Public Hearing.

Chairman LaFountain introduced Mr. Walton to address the Board.

Michelle Radliff, Secretary stated Robert Kay, 243 Geer Road came into the office this morning stating he has no concerns with Mr. & Mrs. Walton's request, they are very good neighbors.

<http://www.kingsburyny.gov>

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Mr. Walton stated they would like to add a 19 x 14 foot bedroom for their daughter on the south side of their home. The addition would run parallel with the property line. The house is currently 30 feet from the back property line. The corn field behind the Walton's home is owned by Peckham's Materials. Mr. Walton stated he is asking for 20 feet of relief to build the addition.

Mr. Walton stated the property is 170' x165'. When the house was built it was already non-conforming in the zoning district.

Mr. Winchell questioned if the septic system was working properly.

Mr. Walton stated they will have to move the septic tank so that it meets codes. The code states all septic system is to be 10 feet from the foundation. He has already talked to Chris Bell from IBS Septic and Drain Service. They are hoping to be able put in a new septic tank and hook into the lines that are there. Mr. Walton stated the septic tank will be moved four feet from where it is located now.

Discussion ensued among the Board with questions addressed by the Applicant.

There being no comments from the public, Chairman LaFountain closed the public hearing.

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 1 July 2018
Adopted July 26, 2018

Introduced by **SCOTT WINCHELL**
who moved its adoption

Seconded by **KATHERINE HENLEY**

**RESOLUTION APPROVING
AREA VARIANCE REQUEST OF
RYAN AND JESSICA WALTON**

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 (now 267-b) of the Town Law;

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WHEREAS, Ryan and Jessica Walton (hereafter the “Applicant”), has requested an area variance for twenty (20) feet of relief from the fifty (50) foot side yard setback requirement to construct an addition on their home located at 251 Geer Road, identified as Tax Map Number 128.-1-27; and

WHEREAS, the Applicants request requires a variance from the side yard setback requirements found in Section 280-22 G 2 of the Code of the Town of Kingsbury; 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 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, an undesirable change will not be produced. The neighbors don't have any concerns with the request.

- (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, it will make the house more functional for the family.

- (c) Is the requested area variance substantial?

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No, there is a large buffer around his property of grass and corn.

(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 be no adverse impacts.

(e) Was the alleged difficulty self-created?

Yes.

Section 2. This resolution shall take effect immediately.

ROLL CALL VOTE

PRESENT:

Hank LaFountain, Chairman – AYE
Katherine Henley- AYE
Bill Whipple- AYE
Scott Winchell - AYE
Michelle Wood - AYE

AYES: 5
NAYS: 0
ABSTAIN:
ABSENT: 3

AYES: 5
NAYS: 0
MOTION CARRIED

ON A MOTION BY MRS. HENLEY, seconded by Mr. Winchell all in favor, the meeting was adjourned at 7:30 P.M.

Michelle Radliff
Secretary