

Town of Kingsbury
210 Main Street, Hudson Falls NY 12839
Phone: (518) 747-2188 Ext. 3008 Fax: (518) 747-9115
OFFICE OF CODE ENFORCEMENT AND PLANNING

MINUTES OF THE ZONING BOARD OF APPEALS

Minutes of August 27, 2015

MEMBERS PRESENT:

Hank LaFountain, Chairman
Katherine Henley
Sondra Michaud
Michelle Wood
Bill Whipple

MEMBERS ABSENT:

Rich Hogan – (Excused)
Scott Winchell – (Excused)
Brian Heasley – (Excused)

CODE ENFORCEMENT OFFICER/ZONING ADMINISTRATOR:

TOWN ATTORNEY:

Jeff Meyer

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 from October 25, 2014

ON A MOTION BY MRS. WOOD, seconded by Mr. Whipple the minutes of the October 25, 2014 were adopted.

AYES: 5

NAYES: 0

ABSTAIN: 0

MOTION CARRIED

1. Phyllis Weaver owner of the property known as 323 Dean Road, Hudson Falls, NY, Town of Kingsbury and Tax Parcel ID 137.-1-55.1 is seeking an area variance to permit the creation of 3 lots from one existing lot. Lot one (1) will be 1 +/- acres with 168 feet of lot width, lot two (2) will be 6 +/- acres with 320 feet of lot width and lot three (3) will have 8.2 +/- acres with 219 feet of lot width. This application was denied by the Code Enforcement Officer pursuant to Chapter 240, Article II and Section 240-5 of the Zoning Ordinance Code of The Town of Kingsbury

Chairman LaFountain introduced Mr. Weaver to address the Board on behalf of the Applicant.

Mr. Weaver stated he is here asking for a relief of 32 feet on a lot 1 of a three lot subdivision from one existing lot at this location. Lot 1 will be 1+/- acre with road frontage of 168 feet, Lot 2 will be 6+/- acres with road frontage of 320 feet and Lot 3 will be 8.2 +/- acres and will wrap around Lot One with road frontage of 219 feet.

Mrs. Wood questioned the size of Lot 1. The agenda stated it was a 9 acre lot. It should have read Lot one will be 1 +/- acre and not 9 acres.

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

There was not any Public Comment.

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

Resolution No. 1 of 2015
Adopted August 27, 2015

Introduced by William Whipple
who moved its adoption

Seconded by Sondra Michaud

**RESOLUTION GRANTING
AREA VARIANCE REQUEST OF
PHYLLIS WEAVER**

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;

WHEREAS, Phyllis Weaver (hereafter the "Applicant"), has requested an area variance for the creation of three (3) lots from one existing lot, located at 323 Dean Road, Town of Kingsbury, identified as Tax Map Number 137.-1-55.1; and

WHEREAS, lot 1 will be 1.01 acres with 168 feet of road frontage; lot 2 will be 6.14 acres with 426.38 feet of road frontage; and lot 3 will be the remaining lands consisting of 8.2 +/- acres with 219 +/- feet of road frontage; and

WHEREAS, the Applicant is requesting an area variance of 32 feet from the road frontage requirement of 200 feet for lot 1 pursuant to Section 280-21 G 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 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, the proposal is consistent with the neighboring properties.**

(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, not without significant changes and creation of an irregular lot.**

(c) Is the requested area variance substantial? **No, the request is for a small variance as it relates to road frontage.**

(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 an adverse impact.**

(e) Was the alleged difficulty self-created? **No, the property and surrounding lands have been in the Weaver family for many years and they are seeking to equitably distribute the family property.**

Section 2. This resolution shall take effect immediately.

PRESENT:

Henry LaFountain, Chairman
Saundra Michaud
Michelle Wood

Zoning Board of Appeals Meeting
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August 27, 2015

William Whipple
Katherine Henley

AYES: 5
NAYS: 0
ABSTAIN: 0
ABSENT: 2

Section 2. This resolution shall take effect immediately.

AYES:
NAYS: 0
MOTION CARRIED

ON A MOTION BY MRS. MICHAUD seconded by Mrs. Wood all in favor, the meeting was adjourned at 7:15 P.M.

Michelle Radliff
Secretary