

TOWN OF KINGSBURY
MINUTES OF THE ZONING BOARD OF APPEALS – AUGUST 27, 2026

MEMBERS PRESENT:

Bill Whipple, Chairman
Jim Ross
Cindy Bardin
Scott Winchell

OTHERS PRESENT:

Jeff Meyer, Esq.
Ross Cortese, Code Enforcement Officer
Alie Weaver, Zoning Board Secretary

MEMBERS EXCUSED: Brian Heasley, Cynthia Roberts

The meeting was called to order by Chairman Whipple at 7:00 PM.
Roll call of members and confirmation of quorum.

Chairman Whipple called for a motion to approve the minutes of the May 28th, 2026 meeting.
ON A MOTION BY Scott Winchell, SECONDED BY Jim Ross, and with all members in favor, the minutes of the May 2026 Kingsbury Zoning Board meeting were approved as presented.

AYES: 4 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

Continuation of Public Hearing: Chairman Whipple welcomed **David W. Howard**, applicant for Tax Map #146.17-1-24.1, commonly known as 1082 Dix Avenue in Hudson Falls, located in Zone District COM-1A, is seeking an area variance to construct 9 storage units totaling approximately 40,555 square feet.

Chairman Whipple tabled this item pending engineer reviews and Planning Board SEQRA review.

Public Hearing: Chairman Whipple welcomed Peter Semineau, representative for **Peckham Materials Corp.**, applicant for Tax Map #137.-1-9, commonly known as 438 Vaughn Road in Hudson Falls, located in Zone District RA-1A, who are seeking a use variance to relocate and modernize its Hot Mix Asphalt plant.

Mr. Simoneau stated that the proposed new plant would be located approximately 2,000 feet closer to the quarry entrance. He explained that the project is not an expansion of operations, but to replace the existing plant with a modernized facility to improve efficiency and comply with upcoming NYS DEC air-quality requirements, including new equipment to capture “blue smoke” produced during asphalt operations. The project would also require a new National Grid transmission line connection. Peckham Materials is still evaluating equipment for the new plant and will coordinate with NYS DEC as the design is finalized. The project is expected to take approximately thirty months, with a target completion for late 2028 or early 2029.

Mr. Ross and Mr. Winchell expressed concerns regarding the environmental and neighborhood impacts associated with the proposed plant relocation.

Mr. Simoneau noted that Peckham Materials continues to work with NYS DEC and has not yet received final approvals. The project will require updates to several environmental permits, with DEC particularly focused on particulate controls, air emissions, stack location, and the blue smoke capture system. Regarding neighborhood impacts, he explained that substantial berms will be constructed to help direct and reduce equipment noise. Lighting would be downward-facing and dark-sky compliant, and the site would provide

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space for trucks to queue internally rather than idle or wait on surrounding public roads. Mr. Semineau stated that, over time, material piles would be repositioned closer to the new plant, with the possibility of using conveyors in the future. Peckham Materials also intends to keep crushing operations below grade as much as possible to minimize noise.

Chairman Whipple opened the public hearing at 7:44 pm.

Nearby residents generally described Peckham Materials as a good neighbor, but expressed concerns regarding noise, asphalt odors, smoke, truck traffic, and stones falling from trucks on surrounding public roads.

Mr. Simoneau explained that the new plant and blue-smoke capture system would significantly reduce emission and odors, while enclosed equipment, high berms, stone-pile placement, quieter equipment, reduced vehicle reversing, anti-idling practices, and newer technology incorporated into the design, sound and visual impacts would be significantly mitigated.

With no other questions or concerns, Chairman Whipple closed the public hearing at 8:01 pm.

The Board reviewed the required criteria for use variance approval, with Mr. Meyer classifying the project as a pre-existing non-conforming use and an unlisted action disturbing less than ten acres. After some discussion, it was determined that the existing mining operation limits alternative uses within the property, and the operation predates current zoning.

ON A MOTION BY Scott Winchell and SECONDED BY Jim Ross to declare a negative determination, and with all member in favor by voice vote, the motion passed.

AYES: 4 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

The Board recommended that the Planning Board review additional screening and/or berms along Vaughn Road to minimize noise and odors, as well as downward-facing lighting. ON A MOTION BY Scott Winchell and SECONDED BY Jim Ross to approve the use variance, and with all members voting in favor by roll call vote, the motion passed.

AYES: 4 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

With no other business to discuss, Scott Winchell made a motion to adjourn the August Zoning Board of Appeals public hearing. Jim Ross seconded, and all voted in favor by voice vote. The public hearing was adjourned at 8:23 pm.

Alie Weaver, Secretary
Town of Kingsbury Zoning Board of Appeals