

**TOWN OF KINGSBURY**  
**MINUTES OF THE ZONING BOARD OF APPEALS – JUNE 25, 2025**

**MEMBERS PRESENT:**

Bill Whipple, Chairman  
Jim Ross  
Scott Winchell  
Cynthia Roberts  
Brian Heasley

**OTHERS PRESENT:**

Jeff Meyer, Esq.  
Todd Humiston, Code Enforcement Officer  
Alie Weaver, Zoning Board Secretary

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

Chairman Whipple entertained a motion to approve the minutes of the October 24th, 2024 meeting.

ON A MOTION BY Scott Winchell and SECONDED BY Jim Ross with all in favor, the minutes of the October 2024 Kingsbury Zoning Board meeting were adopted as presented.

AYES: 5, NAYES: 0, ABSTAIN: 0, MOTION CARRIED

Chairman Whipple introduced **Friedrich and Corina Strassburg**, owner of Tax Map Number 138.-1-18.5, commonly known as 870 Route 41 in Hudson Falls, located in Zone District RA1A, who are appealing the No Occupancy Notice and Notice of Violation and Order to Remedy, dated May 9, 2025.

Stefanie Bitter, counsel for Mr. & Mrs. Strassburg, stated that the “The Barn at 870, LLC” is utilized as an event venue rental, and is an accessory use to their primary residence. Operation in this capacity began in 2020 without Town approval. Ms. Bitter stated that there have been no negative impacts thus far, and letters of support have been forwarded to Mr. Humiston.

She explained that a permitted use should be granted for this operation due to the property being the Strassburg’s primary residence, there are no employees, and the venue is rented fifteen days per year maximum. She noted that the Town’s Accessory Use reads, “Any use of a structure, lot, or portion thereof that is customarily incidental or subordinate to and does not change the character of the principal land use or development.” Ms. Bitter disagrees with the Notice of Violation classifying this operation as retail rather than service, and service is incorporated in the Town’s Home Occupation definition. She noted that the Town of Kingsbury has no restrictions on rentals.

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Mr. Humiston stated that his interpretation of this operation is classified as Retail Assembly Use, whereas the definition of home occupation refers to “resident members of the family, assisted by a maximum of 2 employees incidental to the use of the building.” He also noted that retail use is defined in the dictionary as a business selling services or goods. His concern is the setting of a precedent, and recommended a use variance request for this operation.

Mr. Meyer stated that another option is to request a zoning amendment with the Town Board. He noted that the Town Board is currently in the process of reviewing the Town Codes.

Jim Ross expressed concern regarding liability for semi-public use and the lack of fire and health inspections.

Scott Winchell expressed concern about the septic use and occupancy limits.

Cythina Roberts expressed concerns of building safety. She noted that this venue preserves the community atmosphere and allows another form of economic development for the area.

Chairman Whipple stated that he is in favor of this operation, with due diligence in proper order.

Ms. Bitter stated that the Strassburg’s retained Ethan Hall to obtain any necessary modifications for permitted use approval.

ON A MOTION BY Scott Winchell and SECONDED BY Brian Heasley, this item was a tabled pending further documentation. All voted in favor by voice vote.

AYES: 5 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

Chairman Whipple introduced **Susan Donovan**, owner of Tax Map Number 146.17-2-5.2, commonly known as 20 9<sup>th</sup> Avenue in Hudson falls, located in Zone District LDR-15, is seeking a 2’ side setback relief to install a 10’ x 12’ inground pool.

Dan Beagle, representing Ms. Donovan, stated that a 2-foot variance on the left side of her property is needed for the installation of a 10’ x 12’, 4-foot-deep inground pool, due to the location of the septic.

Ms. Donvan supplied letters of support from the neighbors located on each side of her property. She noted that a fencing company will install the fencing upon approval of the variance, and the pool water will be delivered by a water truck.

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The Board members reviewed aloud the short Environmental Assessment Form and all agreed that this project would not result in significant environmental impacts.

ON A MOTION BY Scott Winchell to approve a negative declaration, SECONDED BY Jim Ross, all voted in favor by voice vote.

AYES: 5 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

Chairman Whipple opened the public hearing at 7:43 pm.

Todd Humiston stated that this property has public water, and he does not see an issue should there be a need for septic replacement in the future.

With no other comments or concerns, Chairman Whipple closed the public hearing at 7:45 pm.

ON A MOTION BY Brian Heasley to approve the 2' setback variance and SECONDED BY Scott Winchell, all others voted in favor by roll call vote.

AYES: 5 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

(A copy of this resolution is annexed hereto and follows the meeting minutes.)

Chairman Whipple introduced **Katrayla Blair**, owner of Tax Map Number 154.8-1-23, commonly known as 5 Harrison Avenue in Hudson Falls, located in Zone District COM1A, is seeking 16.5' side setback variances and a 16' rear setback variance to construct two additional 10'x16' advertising billboards.

Greg Teresi, counsel for Katrayla Blair, reminded the Board that a variance approval was received previously for one billboard installation on this property. Upon that approval, it was determined that additional billboard installations would be reviewed pending any public concerns regarding the original application. He noted that there has been no public concern reported thus far. Ms. Blair is requesting approval of the requested setback variances to install two additional billboards on each side of the existing billboard.

Jim Ross expressed concerns over potential future businesses surrounding the property.

Scott Winchell expressed concern regarding potential of traffic accidents with additional billboards distracting drivers. He noted that the limit should remain with one billboard at this location.

Chairman Whipple opened the public hearing at 8:00 pm.

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Members of the public expressed concerns regarding a precedent being set to allow additional neighbors and businesses to utilize billboard advertising in the area, additional billboards being a distraction for drivers, and the present condition of the property, being called a “junkyard”.

Les Macura presented photos of the current state of the property, and noted that the Kingsbury Comprehensive Plan draft specifies a goal to “preserve and enhance the existing rural character and aesthetics of neighborhoods, gateways, and hamlets.” He urged the Board to deny the request for additional billboard installation, as well as authorize code enforcement to order clean-up of the property.

Mr. Teresi requested that this agenda item be tabled to enable time for addressing these public concerns and provide an expanded engineering report.

Chairman Whipple stated that there were promises to improve the property when the client was before the Board for the initial billboard request several years ago.

Mr. Humiston stated that due to the height, billboard set back requirements are at twenty feet, vs. accessory buildings with a ten-foot setback requirement. He noted that the pole is placed at eleven feet from a neighboring house located on the right side of Ms. Blair’s property. Mr. Humiston also stated that the County review has not yet been received.

With no further comments or concerns, Chairman Whipple closed the public hearing at 8:14 pm.

The Board members reviewed aloud the short Environmental Assessment Form. ON A MOTION BY Jim Ross to deny the setback variances, and SECONDED BY Scott Winchell, and all others voting in favor, the motion was carried to deny the variances.

AYES: 5 NAYES: 0 ABSTAIN: 0 MOTION CARRIED

(A copy of this resolution is annexed hereto and follows the meeting minutes.)

With no other business to discuss, Scott Winchell made a motion to adjourn the June Zoning Board of Appeals public hearing. Brian Heasley seconded, and all voted in favor by voice vote. The public hearing was adjourned at 8:19 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. 05-25  
Adopted JUNE 25, 2025

Introduced by BRIAN HEASLEY  
who moved its adoption

Seconded by SCOTT WINCHELL

**RESOLUTION APPROVING  
AREA VARIANCE APPLICATION OF SUSAN DONOVAN**

**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**, SUSAN DONOVAN (hereafter the “Applicant”), has requested an area variance relative to the minimum side setback for the construction of an inground swimming pool on her property located at 20 Nineth Avenue, Town of Kingsbury, identified as Tax Map Number 146.17-2-5.2; and

**WHEREAS**, the Applicant’s request requires one variance from the setback requirements of the Code of the Town of Kingsbury, as follows: (1) a minimum of eight (8) feet is required for the side property line and the Applicant is requesting two (2) feet of relief from the setback requirement; and

**WHEREAS**, in accordance with the State Environmental Quality Review Act (hereafter “SEQRA”), the requested variance is an unlisted action and the Zoning Board of Appeals having already taken a hard look at the potential environmental impacts and adopted a negative declaration; 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.

(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.

(c) Is the requested area variance substantial?

No, it's only 2 feet.

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

No.

(e) Was the alleged difficulty self-created?

Yes.

Section 2. This resolution shall take effect immediately.

#### ROLL CALL VOTE

James Ross – Aye  
Cynthia Roberts – Aye  
Brian Heasley – Aye  
Scott Winchell – Aye  
William Whipple – Aye

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

Resolution No. 06-25  
Adopted JUNE 25, 2025

Introduced by JAMES ROSS  
who moved its adoption

Seconded by SCOTT WINCHELL

**RESOLUTION DENYING THE AREA VARIANCE APPLICATION  
OF KATRAYLA AND JEFF BLAIR**

**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**, Katrayla and Jeff Blair (hereafter the "Applicant"), has requested three area variances relative to the minimum setbacks for the construction of two advertising billboards on their property located at 5 Harrison Avenue, Town of Kingsbury, identified as Tax Map Number 154.-8-1.23, with the Applicant proposing two 10'x16' billboards located in the rear of the property; and

**WHEREAS**, the Applicant's request requires three variances from the setback requirements of the Code of the Town of Kingsbury, as follows: (1) a minimum of twenty (20) feet is required for the rear property line and the Applicant is requesting sixteen (16) feet of relief from the rear setback requirement; (2) a minimum of twenty (20) feet is required for the side property line and the Applicant is requesting sixteen and five tenths (16.5) feet of relief from the northern side setback requirement; and (3) a minimum of twenty (20) feet is required for the side property line and the Applicant is requesting sixteen and five tenths (16.5) feet of relief from the southern side setback requirement; and

**WHEREAS**, in accordance with the State Environmental Quality Review Act (hereafter "SEQRA"), the requested variance is an unlisted action and the Zoning Board of Appeals having already taken a hard look at the potential environmental impacts and adopted a negative declaration; 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 DENIES 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?

Yes, the requested variances are too much. The square footage is too much. The resulting signs could be a distraction.

(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.

(c) Is the requested area variance substantial?

Yes, the size of the setbacks being requested is substantial.

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

Yes, possibly. It is a change.

(e) Was the alleged difficulty self-created?

Yes.

Section 2. This resolution shall take effect immediately.

**ROLL CALL VOTE**

James Ross – Aye  
Cynthia Roberts – Aye  
Brian Heasley – Aye  
Scott Winchell – Aye  
William Whipple – Aye