

**MINUTES OF THE ZONING BOARD OF APPEALS – MARCH 28, 2024 – THE TOWN OF KINGSBURY**

**MEMBERS PRESENT:**

Bill Whipple, Chairman  
James Ross  
Michelle Richardson  
Scott Winchell

**OTHERS PRESENT:**

Jeff Meyer, Esq., Town Attorney  
Todd Humiston, Zoning Administrator  
Alie Weaver, Zoning Board Secretary

**EXCUSED:** Katherine Hensley, Brian Heasley

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 February 22, 2024 meeting.

ON A MOTION BY Michelle Richardson and seconded by Jim Ross with all in favor, the minutes of the February 2024 Kingsbury Zoning Board meeting were adopted.

AYES: 4, NAYES: 0, ABSTAIN: 0, MOTION CARRIED

Chairman Whipple introduced Donald and Jessica Brilyea, owners of Tax Map # 146.-3-1, commonly known as 3306 State Route 4 in Hudson Falls, located in Zone District RA1A is seeking a zoning setback variance to construct an addition to their home.

Mr. Brilyea stated that they are looking to add three bedrooms with a basement to their existing house and noted that the side of the garage is the only area that this can be achieved. This addition will measure 32'x32' and all else will remain the same.

Chairman Whipple opened and closed the meeting for public comments at 7:04 pm. Although no one from the public was present, Chairman Whipple noted a letter written by Mr. Dickinson, the Brilyea's neighbor on the side of which the addition will be present, voiced his support.

A brief discussion ensued regarding alternative options and concluded that a variance would need to be sought regardless of any other configuration.

Scott Winchell made a motion to approve the variance, stating that the setback is consistent with the characteristics of the neighborhood, and Jim Ross seconded.

The Board Members reviewed the short State Environmental Quality Review Act (SEQRA) and declared a negative declaration.

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ON A MOTION By Scott Winchel and SECONDED by Jim Ross, with all in favor by roll call vote, the resolution to approve the variance was passed.

AYES: 4, NAYES: 0, ABSTAIN: 0, MOTION CARRIED

(A copy of the full resolution annexed hereto at the end of the minutes.)

With no other business to discuss, Scott Winchell made a motion to adjourn the March Kingsbury Zoning Board of Appeals meeting and Michelle Richardson seconded. All vote in favor by voice vote. The meeting was adjourned at 7:08 pm.

Alie Weaver, Secretary  
Town of Kingsbury Zoning Board of Appeals

DRAFT

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

Resolution No. 0424  
Introduced by SCOTT WINCHELL  
who moved its adoption

Seconded by MICHELLE RICHARDSON

**RESOLUTION APPROVING  
AREA VARIANCE REQUESTED BY  
DONALD BRILYEA AND JESSICA BRILYEA**

**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**, DONALD BRILYEA and JESSICA BRILYEA (hereafter the “Applicant”), has requested an area variance relative to the side yard setback for an addition to the home on their property located at 3306 State Route 4, Town of Kingsbury, identified as Tax Map Number 146.-3-1, where a fifty (50) foot side yard setback is required in the RA-1A Zoning District; and

**WHEREAS**, the Applicant’s request requires a variance from the side yard setback requirement found in Section 280-21 G(2) of the Code of the Town of Kingsbury, whereby a minimum of fifty (50) feet is required and the Applicant is requesting thirty nine (39) feet of relief from the southern side yard; and

**WHEREAS**, in accordance with the State Environmental Quality Review Act (hereafter “SEQRA”), the requested variances are 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, the houses in the neighborhood are all similarly situated on small lots.

(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 small lot size means any addition would require an area variance.

(c) Is the requested area variance substantial?

Yes, but it is in keeping with the neighborhood setbacks.

(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 detrimental impacts. The adjoining property owner supports the variance application.

(e) Was the alleged difficulty self-created?

Yes.

Section 2.

This resolution shall take effect immediately.

ROLL CALL VOTE

Bill Whipple – Yes

Michelle Richardson – Yes

James Ross – Yes

Scott Winchell – Yes