TOWN OF KINGSBURY
MINUTES OF THE ZONING BOARD OF APPEALS – OCTOBER 8, 2026

MEMBERS PRESENT:
Bill Whipple, Chairman
Jim Ross
Scott Winchell

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

MEMBERS EXCUSED: Brian Heasley, Cynthia Roberts, Cindy Bardin

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

Chairman Whipple introduced **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. Meyer explained that Peckham's use variance application was approved at the August meeting before the required Washington County Planning Board review. The County later reviewed the application and determined it was a matter of local concern, allowing the Board to proceed.

With no changes to the August SEQRA review or resolution, SCOTT WINCHELL moved to ratify its prior resolution approval. JIM ROSS seconded the motion, and all members voted in favor by roll call vote.

AYES: 3 NAYES: 0 ABSTAIN: 0 MOTION CARRIED
(A copy of resolution annexed hereto at the end of the minutes.)

Chairman Whipple introduced **Karen & Matthew Chandler**, applicant for Tax Map #146.14-1-21, commonly known as 11 Lori Avenue in Hudson Falls, located in Zone District LDR-25, is seeking an area variance to construct a carport on the pre-existing concrete pad.

Scott Winchell and Jim Ross stated that they would abstain from voting and participating in discussions for this project due to personal friendships with both the applicants and neighboring property owners.

Chairman Whipple advised the applicants that the Board could not take action because there were not enough voting members present. The applicant was offered the opportunity to present their proposal, with the matter remaining open and tabled until the following month.

Mr. and Mrs. Chandler proposed constructing a carport over an existing concrete pad to protect their RV from the weather. They stated that realtors had indicated the structure would not negatively affect neighboring property values. They noted that drainage would be directed toward the street rather than the adjacent property.

Ross Cortese stated that the existing concrete pad did not require a permit, but construction of a structure over it would require a building permit and an evaluation of the pad's ability to support the structure.

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Neighboring property owners were opposed the proposed variance, citing concerns about the structure's proximity to their property line, potential negative effects on property value, and increased water runoff and snow accumulation. They noted that existing drainage conditions already direct water onto their property.

Chairman Whipple acknowledged the neighborhood's longstanding drainage issues and tabled the application until November 19th, when additional Board members would be available to review the application and concerns.

With no other business to discuss, SCOTT WINCHELL made a motion to adjourn the October 8th Zoning Board of Appeals meeting. JIM ROSS seconded, and all members voted in favor by voice vote. The meeting was adjourned at 7:20 pm.

Alie Weaver, Secretary
Town of Kingsbury Zoning Board of Appeals

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

Resolution 06-26
Adopted October 8, 2026

Introduced by SCOTT WINCHELL
who moved its adoption

Seconded by JAMES ROSS

RESOLUTION APPROVING THE USE VARIANCE APPLICATION OF PECKHAM MATERIALS CORP.

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, PECKHAM MATERIALS CORP., (hereafter the "Applicant"), has requested a use variance to relocate and modernize the Hot Mix Asphalt plant located on their property at 438 Vaughn Road, Town of Kingsbury, identified as Tax Map Number 137.-1-9, located in the RA-1A Residential-Agricultural District; and

WHEREAS, the Applicant's property is an active mine site subject to a NYS Department of Environmental Conservation Mined Land Reclamation Permit, operating as a pre-existing nonconforming use in the Residential-Agricultural District, where any alteration of the site requires a use variance; and

WHEREAS, in accordance with the Code of the Town of Kingsbury and the State Environmental Quality Review Act (hereafter "SEQRA"), the requested variance is an unlisted 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 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 use variance requirements, in considering whether the applicable zoning regulations have caused an unnecessary hardship on the Applicant, as weighed against the

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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) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence?

The proposed use is an accessory use of the mining operation. There are no other permissible uses within the boundary of the active mine.

(b) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood?

The mining operation is unique within the district and neighborhood. This hardship will not apply to other properties.

(c) That the requested use variance, if granted, will not alter the essential character of the neighborhood?

The requested variance will not alter the essential character of the neighborhood. There is already an asphalt plant located on site. The proposal would relocate the use within the boundary of the mine.

(d) Was the alleged difficulty self-created?

The difficulty was not self-created. The mining operation and the existing asphalt plant pre-dates the zoning of the Town of Kingsbury.

Section 2. This resolution shall be conditioned upon the following items being brought to the attention of the Town of Kingsbury Planning Board during the site plan review process:

1- The Applicant shall provide additional screening along Vaughn Road.
2- All exterior lighting shall be downcast and dark sky compliant.
3- The Planning Board is also instructed to take a hard look at potential noise and odor concerns that may be associated with the facility.

Section 3. This resolution shall take effect immediately.

ROLL CALL VOTE

Scott Winchell – Yes
Jim Ross – Yes
William Whipple – Yes

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