

**October 3, 2005
Town of Halfmoon
Zoning Board of Appeals
Meeting Minutes**

Chairman Hansen opened the October 3, 2005 Town of Halfmoon Zoning Board of Appeals meeting at 7:30 PM with the following members present: Chairman Hansen, Mr. Rose and Mr. Drake. Chairman Hansen explained that there is not an adequate number of Zoning Board of Appeals members present to approve the September 6, 2005 ZBA meeting minutes.

Dudick Chiropractic, 377 Werner Road, Use Variance

Chairman Hansen stated that this item was tabled at the last meeting in order to allow the Saratoga County Planning Board to review the variance request due to the proposed project's vicinity to State Route 146. Gil VanGuilder, VanGuilder and Associates representing Mr. Dudick, stated that they are before the ZBA to request use variance to operate a chiropractic office on an existing 0.49-acre, residential (R-1) zoned parcel. Mr. VanGuilder stated that they received a copy of the correspondence from the County that there is no intercommunity or inter-municipality impact and returned the application to the Town for a local decision. The County also recommended an approval for the area variance for the pre-existing parcel. Mr. VanGuilder stated the subject parcel is located between what he calls 'new' Werner Road and 'old' Werner Road. The parcel is to the east of the Halfmoon Light Industrial Park. Mr. VanGuilder stated at the last ZBA meeting, the neighbors adjacent to the subject parcel spoke in favor of the proposed use. Mr. VanGuilder stated the proposed professional office use is compatible with the changes being sought for the Route 146 corridor through the Town's new comprehensive plan. Mr. VanGuilder stated that Mr. Berkowitz, the liaison between the Planning Board and the Zoning Board of Appeals, stated the Planning Board was favorable toward the concept for proposed project. Mr. Rose asked what is the assessed value of the existing property. Mr. VanGuilder stated the assessed value of the property is \$72,000.00 but is reflective of the tax assessment and not of market value. Mr. VanGuilder stated the applicant's realtor has provided information of similar properties that show the market value of being \$185,000.00. Mr. VanGuilder stated to date there has been no offers given for the subject parcel for the existing residential use. Mr. Hansen asked if anyone from the audience wanted to speak. No one responded. Mr. Hansen stated he checked and verified that each adjoining landowner to the property has been notified of the pending variance request.

Mr. Rose made a motion to approve the variance requested to determine the use for the subject parcel as a professional office/residential use. Mr. Drake seconded. Motion carried with a 3:0 vote.

Mr. Drake made a motion to approve the area variance to allow the professional office use on the pre-existing lot. Mr. Rose seconded.

Kingdom Hall of the Jehovah's Witness, 171 Route 236, Area Variance for a Sign

Chairman Hansen stated that this item was tabled from the last meeting due to the need of a review from the Saratoga County Planning Board due to its location near State Route 236. Mr. Hansen stated the County has responded with no significant intermunicipal or county wide impact and returned the item for a local decision. Mr. Dick Bovee, a P.E. representing the congregation, stated that the last time they were before the Board, they were seeking a variance for a 52 SF double-sided sign and had much discussion, at that time, about the large difference between the allowed 15 SF sign and the requested 52 SF sign. The conclusion of the last meeting stated that a smaller variance, such as 15 SF for each side of the sign, might be more plausible. Mr. Bovee stated the main reason for the requested variance is for visibility of the sign as you approach the site from either direction of while traveling on Route 236. A double-sided sign would be much more safer to identify the site. Mr. Bovee stated that he understood Mr. Hayner's concern with the proposed sign creating a sight problem with people exiting off of Betts Lane. Mr. Bovee assured the Board that the placement of the proposed sign would not create any safety concerns. Mr. Bovee stated that they have looked at the idea of a double-sided sign with dimensions of 15 SF for each side and that this size sign would work well for what the applicant is trying to achieve. Mr. Bovee stated he noticed other residential signs in the area that are larger but would like the Board to consider approving a double-sided being 15 SF on each side with a total sign area of 30 SF. Mr. Hansen asked if anyone from the audience wished to speak. **Someone** ? asked if the picture presented illustrated where the proposed sign will be located. Mr. Bovee stated yes and that the people in the picture are holding a board to show the where the sign will be located. **Someone?** asked if where the people are standing would be where the columns. Mr. Bovee stated yes. **Someone** asked if the board in the picture was 15 SF. Mr. Bovee stated yes. **Someone** asked how far is the sign from the road. Mr. Bovee stated 35 feet. Mr. Hansen and Mr. Rose stated they reviewed the proposed location and that there would be no visibility issue.

Mr. Rose made a motion to approve the request to place a 3ft x 5ft double-sided sign in the proposed location. Mr. Drake seconded. Motion carried by a 3:0 vote.

Michael Seleh, 1514 Crescent Road, Request for an Extension or Enlargement of a Pre-existing, Non-conforming Use.

Mr. Hansen explained that the applicant is before the ZBA to request an enlargement of a pre-existing, non-conforming residential use on a Commercial zoned parcel. Mr. Seleh explained that they wish to re-build a residential unit on a commercially zoned parcel but would like to make the 'new' house larger than the previous one. Mr. Seleh stated the original house was very small and they wish to make the new home larger to accommodate their needs and to improve the property. Mr. Hansen asked if anyone from the audience wished to speak. No one wished to speak. Mr. Hansen explained that the applicant does not need to show a hardship but needs to show the enlargement will not impose on neighboring property or be detrimental to the surrounding area. Mr. Hansen explained that the original house pre-exists all zoning and zoning changes in the Town. Mr. Hansen explained that when any pre-existing, non-conforming use wishes to expand, the ZBA must review the request and make a determination in order to keep control over

the non-conforming uses. Mr. Hansen explained to the applicant that due to the location of the proposed enlargement is on a County Road, Saratoga County Planning Board must review this application. Mr. Hansen explained that the requested enlargement is not changing the existing character of the parcel or area and it is possible to approve contingent on the County response. Mr. Hansen explained if the ZBA approves the request contingent on the County's response and the County has a negative response, the applicant would need to reappear before the Board to gain the needed local decision. Mr. Hansen explained that if the County responds positively on the request, then the applicant could gain a building permit after the County responds.

Mr. Drake made a motion to approve the requested enlargement of the pre-existing, non-conforming residential use contingent on a positive response from Saratoga County Planning Board. Mr. Rose seconded. Motion carried by a 3:0 vote.

Jacob & Darlene Valigorsky, 129 Clamstream Road, Area Variance

Mr. Hansen explained that the applicant was denied a building permit due to a proposed garage being 8.5 ft from the side yard property line when 10 ft is required. Mr. Hansen explained the applicant is requesting a 1.5 ft variance to the required 10 ft side yard setback. Mr. Hansen explained that the existing lot has 100 ft of frontage and the applicant wishes to replace a single car garage with a double car garage which results in the garage an encroachment on the required 10 ft setback by 1.5 ft. Mr. Hansen asked if anyone from the audience wished to speak. Mr. John Bartley, the adjacent neighbor to the applicant, stated he does not have an objection to the requested variance.

Mr. Drake made a motion to approve the area variance as presented. Mr. Rose seconded. Motion carried by a 3:0 vote.

Motion made by Mr. Rose to adjourn the October 3, 2005 Town of Halfmoon Zoning Board of Appeals meeting at 8:03 PM. Seconded by Mr. Drake. Motion Carried.

Respectfully Submitted,

Jeff Williams
ZBA Coordinator: