

**Town of Halfmoon Zoning Board of Appeals
Meeting - Monday, June 1, 2015
7:00 p.m.**

Vice Chairman Tedrow called the meeting to order for the Town of Halfmoon Zoning Board of Appeals at 7:05 p.m. on Monday, June 1, 2015 at the Halfmoon Town Hall with the following members present:

Chairman Rose – absent, Mr. Brennan - absent

Members: Mr. Hansen, Mr. Burdyl

Alternate Member: Deborah Curto

Secretary: Mrs. Mikol

Mr. Marlow - Planner

Councilmen: Mr. Connors - absent

Town Attorney: Ms. Cathy Drobny

Motion was made by Mr. Burdyl and seconded by Mr. Hansen to approve the minutes from the May 4, 2015 meeting, Mrs. Curto abstained. Motion carried.

Vice Chairman Tedrow opened the meeting at 7:05 PM and commented: Mr. Brennan will not be here tonight and Chairman Rose is on vacation. Mrs. Curto will be voting tonight and it is good to have you here with us tonight. Tonight we have three items to address.

Public Hearing:

Christopher Speck, 23 Ridgewood Drive (SBL # 260.19-2-53)

Vice Chairman Tedrow commented: The public hearing opened at 7:06 PM, would anyone from the public like the notice read? No one chose to speak.

Mr. Speck commented: I reside at 23 Ridgewood Drive and I am requesting to place a shed within 10' of my house. This is due to the constraints of my lot with geometry as well as some of the elevation changes in the back of my lot.

Mr. Burdyl commented: Can you tell us some more about the geometry of your lot?

Mr. Speck commented: My lot is pie shaped, the front of the lot is the widest area and proceeds to a point in the backyard. The side setbacks are very tight, the rear does have some woodlands and I also have a 3 ½' elevation for a retaining wall that is about 25' off the back of the house which limits the potential for placing the shed back further where it should be. It would be 5' off the side property line.

Vice Chairman Tedrow commented: Are there any other questions from the Board? Would anyone from the audience would like to speak. No one chose to speak the public hearing closed at 7:10 PM.

The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Enforcement Officer, to grant area variances as defined herein.

In making its determination, the Zoning Board of Appeals shall take into consideration 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. In making such determination, the Board shall also consider:

"Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance."

Mr. Burdyl commented: From my examination at the site visit it does not seem that this particular shed would have a significant impact and would be in character with the rest of the neighborhood.

"Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance."

Mr. Hansen commented: I would say there was no other option because of the shape of the lot and the way the house is situated on the lot.

"Whether the requested area variance is substantial."

Mr. Hansen commented: It is a relatively small difference because the minimum is 10' from the house.

Vice Chairman Tedrow commented: The Code requires a 10' separation to the house.

Mr. Hansen commented: The applicant is requesting 3' on one side and 4' on the other side.

Vice Chairman Tedrow commented: I think you would have to say that it is substantial but I don't think that fact detracts from the proposal.

"Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;" and

Mr. Hansen commented: I would say that it would not have an effect on the neighborhood or district. There are other homes that have storage sheds that are adjacent to their primary building.

"Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance."

Mr. Burdyl commented: I believe that the difficulty was in fact self-created but consideration is given to the layout and geographic boundaries of the lot and the other houses in the neighborhood I don't feel that the should preclude the granting of the area variance.

"The Board of Appeals, in the granting of area variances, shall grant the minim 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."

Mr. Hansen made a motion to approve the area variance for 23 Ridgewood Drive for the shed location, seconded by Mr. Burdyl. Motion carried.

New Business:

Mr. Tim Aurentz, 21 Lape Road – Area Variance (SBL # 279.-1-31)

Mr. Aurentz commented: I live at 21 Lape Road and my lot is 5 ½ acres. We would like to sell approximately 1 ¾ acres to the neighbor. We applied to the Planning Board for a subdivision and were denied because my house is too close to the road it doesn't meet current zoning setback regulations. The house was built in 1928 and we bought it 1985 nothing has changed to the house since it was bought.

Vice Chairman Tedrow commented: Your house actually touches the road?

Mr. Aurentz commented: The corner of the porch is on the Town's right-of-way.

Mr. Hansen commented: Are there two houses on one lot?

Mr. Aurentz commented: No there is only one house, a barn, a garden shed, and a 2-car garage.

Vice Chairman Tedrow commented: Let's set up a site visit for Saturday, June 27th at 9:30 AM.

Mr. Hansen made a motion to set a public hearing for Monday, July 6, 2015 at 7:00 PM, seconded by Mr. Hansen. Motion was carried.

Old Business:

RJ Valente Office Building/Garage Use Variance (SBL# 279.-2-23.2)

Vice Chairman Tedrow commented: The public hearing is still open, the applicant had asked for additional time. The Board tabled the public hearing because a question came up as to what uses would be allowed in the C-1 Zone which is being sought in the application to meet the applicant's needs.

Mr. Marotta was present and commented: I am with RJ Valente Companies and you are correct with your analogy. We want to just make sure that C-1 was a proper zoning that we were looking for there. In-fact we spent some time with Town Officials and concluded that the C-1 is workable for us.

Vice Chairman Tedrow commented: Does the Board have any questions at this point? This was a one-of-a-kind situation in Town where what's there now is actually allowed by a State Mining Permit which pre-empted the Town's Zoning. The applicant is looking to subdivide the part of the property with the office/garage building on it. They are seeking a Use Variance because as things stand now that piece of land would leave the Mining Permit jurisdiction and would revert back to A-R Agricultural Residential Zone which is the underlying zone for the property. The potential commercial use of the existing property would be null and void so the Use Variance is being sought to allow C-1 type uses here. Does anyone from the Board have any questions?

Mr. Burdyl commented: Mr. Marotta without going into detail can you give us the jest of your conversation with the Town Officials that led you to conclude that the C-1 request was the highest and best use?

Mr. Marotta commented: I don't know if it's the highest or best use but, it will work for us. There was some question to see if it would house a company like a plumbing or electrical company or an HVAC company and whether that would in fact fall under the C-1 and I believe that Mr. Marlow can concur that we did find that it would. That is what we are looking to do to reduce the traffic in that area by pulling the heavier company which we have with the heavier truck traffic. It would maintain the use of the property to a smaller company that falls under the C-1 jurisdiction.

Mr. Burdyl commented: In your discussion was it brought up as to whether the garage part of the building would still be eligible to be used as a garage for another company?

Mr. Marotta commented: Yes it could be housed for vans, am I correct Mr. Marlow?

Mr. Marlow commented: Yes, we have other parts of Town where it's C-1 Zoning and you will have a primary use of retail and office space and that nature and they may have a portion of their building that they store vehicles in. Call it a plumbing company, for instance, they have their retail sales up front, then they have a garage where they keep all of their vehicles it is kind of the same situation here. We met with Dean and as we said, the C-1 use is the best along the lines of what he is trying to market the building as. It will still allow for office and retail and things of that nature. If someone should come in and have storage and vehicles that would be addressed at the Planning Board level it maybe someone that has no vehicles and the storage area may be vacant and they may just use the office space. It will really depend on the applicant that comes before the Planning Board. As you said the C-1 is about the best use that Dean is looking to sell it at and it is a solid use for that area, so it won't be too much of a burden and not heavy truck traffic or things of that nature.

Mr. Marotta commented: They would have an easement or we would have an easement to use the road. Your map shows a portion of the paved area one goes down to the garage and the other goes to the gravel pit.

Mr. Burdyl commented: The gravel pit will still be active even though you won't be housing your equipment there.

Mr. Marotta commented: Yes, it will still be active we have many years left and I don't want to convey anything differently but we will be pulling all the trucks and tractors out of there as well as the heavy equipment and the maintenance on the heavy equipment that was originally housed there to sustain the gravel pit.

Vice Chairman Tedrow commented: Are there any comments from the public. Please come up state your name and address for the record.

Mr. Tom Koval commented: I live on Button Road directly across the street from this building and I was originally one of the biggest opponents of this building going in. However, now that times have changed, I am also one of the people that are interested in purchasing this building to move my current business which is on Guideboard and Church Hill which is Koval Electrical Contracting to this facility if we do come to an agreement on a sale. I am still nervous about the building being changed to C-1 Zoning.

If I don't buy it what control do I have down the road if someone goes in and the zone changes to C-1 do we still have as part of the public comment the ability to block a tenant or new owner going in and opening up a certain type shop? I didn't want what we have right now before it happens. This is literally directly across the street from my house and three of my neighbor's houses. There are other neighbors that wanted to do commercial buildings on that same road that were told they couldn't do it. I am nervous that if I am not the one in there what control do I have to prevent something that doesn't fit with the neighborhood from going in? Can you enlighten me as to that?

Vice Chairman Tedrow commented: Any Change of Tenant of the site would have to be approved by the Planning Board and there would be a public process but I don't know if you can actually block what is going in. The Planning Board has to consider what the impacts would be both physically and on the neighborhood.

Mr. Koval commented: Unfortunately when this building first came to creation the Planning Board approved it in the first meeting without any public comment. Then a building permit was issued. Afterwards, questions started being raised when it was determined it was part of the Mining Permit. I want to make sure that no matter who goes in the proper procedure is followed that it's not just pushed through because it's not always the best fit for the neighborhood. It's a huge commercial building and right now it's not the best use for it from the neighbor's aspect. I can understand wanting to get the heavy trucks out of there however, I don't want to do that at the expense of my neighbors as well. I have concerns it was suppose to be a temporary structure. If it has to go through a tenant change each time for an approval I am fine with that. Is that the way it's going to be?

Mr. Marlow commented: First of all, I just want to clarify something. I believe the public is under the assumption that the lots zoning is not going to change it's just going to allow a commercial uses in a residential zoning district. As far as the Change of Tenant that is up to the Planning Board. Obviously we take any letters regarding that so if something should come up and if you see it on the agenda and it's for this property you are certainly allowed to submit concerns in writing about the opposition that you may have towards it. There is no public comment and I have seen in the past where Planning Board says it doesn't fit the area and it's not going to go there. I can't guarantee that.

Mr. Koval commented: So this meeting is not about re-zoning that area it is still going to be zoned A-R Agricultural Residential and then a Special Use Permit for Commercial?

Mr. Marlow commented: That is the assumption we were always under.

Mr. Koval commented: That is what my building is right now.

Mr. Marlow commented: It will continue to be zoned R-1 but it will allow for commercial uses. It will be just for the sub portion you are subdividing which is about 7 acres.

Mr. Koval commented: It will stay R-1 zoning but will be have an allowance for C-1 uses under the Special Use. It is exactly what I have now on Guideboard Road. That is fine. That was what I requested in my letter that we still have that Special Use so we could have the ability to control what goes in there.

Mr. Marlow commented: I can talk with Legal further but as far as I know it's always been that any lot that goes before the Planning Board it would just allow for C-1 uses. So you decide to purchase the property, you don't come to us and then we say you can't do it, its R-1 zoning. Any concerns or objections that you have to anything that goes in there please let us know we do share that with the Planning Board and they do take these things into consideration. Even if it's something small like a Change of Tenant obviously this is a residential area. It has been a subject of the past with trucks going in and out so in my personal opinion I think that they will be careful to allow certain things to go there.

Mr. Koval commented: But, they will not be required to notify us before these meetings so it's up to us to keep checking what is on the agenda. That is what happened previously when this was built no one was notified and all of a sudden it was done and it was too late to do anything about it until after the slab was poured.

Mr. Marlow commented: They don't notify you with a Change of Tenant, just subdivisions and Special Uses and things of that nature.

Mr. Koval commented: If it's approved to be C-1 Commercial in an AR district it would be under a Special Use.

Mr. Marlow commented: I believe so I would have to double check with Lyn Murphy on that. I believe that is how its going to work but I am not sure so don't quote me on that. We can check with Legal and get you an answer if you would like.

Mr. Koval commented: That would be fine.

Mr. Chris Marchand, 87 Button Road commented: I am caught between a rock and a hard place because I don't want to throw a wrench in this I am pretty upset and I think I was treated very differently by this Board about 2 years ago than this project is being treated. Where I live now at 87 Button Road we wanted to put a storage equipment garage very low impact use for our business, CGM Construction I had multiple meetings I think I probably had maybe one or two public hearings and I had to send mailers from the intersection of Brookwood Road all the way down Button Road and down Lower Newtown Road for our project and yet I live 500 yards from this building and I didn't get a mailer for last months public hearing. Another thing is where we wanted to put our garage was going to be a great spot we were surrounded by Valente's operation, Riberty Diesel up the road, Riberty Contracting up the road, and we came to this Board looking for anyway possible to make this work and we were denied. We were told no more commercial uses, the building is grandfathered and if they ever move out their building would be torn down I was told that by this Board. I don't want to see that building get torn down but I was told things and we were denied and then it sounds like they are going to have something that we were not even offered. We were not even offered the ability to keep it residential with a commercial use. We came to this Board and we wanted to work with you, we were open to ideas we wanted to have our business on this street, it's a perfect piece of property but no one ever said to us keep it residential and do a commercial use. I wish I had known that option had existed because my father and I were treated with a double standard.

Mr. Hansen commented: If I could interject here, I think we should set the record straight. I don't remember and I was at that meeting and I don't recall what you said was correct. I think we turned it down because it was a commercial use that was in a residential zone. That is the reason I voted against it. What was the last point that you made?

Mr. Marchand commented: Mr. Marchand spoke but was not on microphone.

Mr. Hansen commented: I am not familiar with this concept of allowing commercial uses in residential zones this is something new to me unless it's issued as a variance and even then my understanding is that if you issue a variance for a commercial use in a residential zone it stays with the property and it's not a selected thing that you can change at some point down the road.

Mr. Marlow commented: Any variance that you may issue would be as you said just for the property which would be subdivided later on if this variance is approved. It would be just for that 7-acre portion.

Mr. Hansen commented: I understand that part of it. But, this concept of it remains residential while you are allowing commercial use's is something that I am not familiar with.

Mr. Marlow commented: I personally have no experience with this in this fashion I know that having talked with legal within the Department that this is the way we kind of saw it running and I don't think you guys legally have the ability to change the zoning district I think only the Town Board can so subsequently what you guys will be doing is allowing a use in a zone that wouldn't normally would not be permitted. As to what Mr. Koval said earlier unless you guys put a stipulation on it, it wouldn't have a Special Use Permit so if you guys were to approve the variance without any conditions then it would just be a standard Change of Tenant but you guys can certainly put a condition in there that it be subject to a Special Use Permit for any future tenant. That would entail a public hearing which would allow neighbors to voice their opinion.

Mr. Hansen commented: Going back to what I said before, my understanding of what I have learned over the years about zoning is once you allow this other use it's a commercial use in a residential zone. First of all, the applicant is suppose to prove that they have a hardship to do that and it's not something that is a sorted discretionary where somebody comes in and says they want to put a commercial thing here so we say ok we are going to leave it residential but yeah you can go in and use it commercial because essentially we re-zoned the property when you do that. You are allowing a use that is not permitted in that zone. I don't see that we as a Board have the discretion to do that.

Mr. Koval commented: The Board has taken that position on many occasions over the past year my building being the prime example of that.

Mr. Hansen commented: You're talking about the Planning Board. This Board never approved anything for you over the past year or even before that.

Mr. Koval commented: Yes it was the Planning Board. It did go before a public hearing because that was the way my building was always zoned. It was zoned residential but had a prior business there prior to zoning. It was an operating business in a residential area it was a Special Use condition and I continued that Special Use condition as a commercial building. There is certainly a history and many other samples of that throughout the Town and granted they are old buildings that have been used that way forever so it's probably a more convenient way for the Town to handle these commercial buildings in residential areas with the Mom and Pop garages and such.

Mr. Hansen commented: No, not in that respect but those uses are to be considered Extensions of Non-Conforming Uses. We haven't looked at one of those in a long time so I am wondering if the Zoning Ordinance has been amended to allow the Planning Board to issue those or they are by passing us totally.

Vice-Chairman Tedrow commented: I don't know the answer to that.

Mr. Koval commented: This is certainly a special circumstance being that its changing from a Life of Mine Permit with an existing building that was built and not grandfathered in it was built as part of another allowable condition and now they want to do something else with it.

Mr. Hansen commented: I think that the decision that was made at the time and it wasn't made by this Board again, was that the building was part of the mining operation and that is why it was allowed to be permitted.

Mr. Koval commented: The Zoning Board denied it when it was built, I can produce copies. You denied the use and put it back into Planning Board's lap.

Mr. Hansen commented: So the Planning Board threw the Town's Legal advice made the decision that it was part of the Mine therefore, they approved it on that basis. That is my understanding of what happened.

Mr. Koval commented: It was a very round about way of appeasing everyone but that is exactly what happened. The building was already up when this all hit the fan for a lack of a better word. The Planning Board approved the construction, the building department issued the permits and then once the neighbors got involved wanting to know why this was allowed that is when it ended up going to the Zoning Board (the building was half up when this all went down) and in the end the Zoning Board denied it and it went to DEC and they said no. Then DEC agreed that it was and they tried to subdivide it at the time and that subdivision was shot down so there has been a lot going back and forth. I have a telephone book folder of correspondence between DEC and the Town. Bottom line it's there now and we are all trying to figure out what to make of this use. Regardless if I buy it or not I don't want to see it torn down it's there. They have been decent neighbors up to this point but we don't want the truck traffic anymore and the dust and I think the Town doesn't either. The roads get beat up and there is noise associated with that business that we all have come to accept. Who ever does go in there being me or anybody else has a quieter business that fits better with the neighborhood. If it were me a few neighbors came out to complain when I was buying mine and now we are all friends. It is just one of those things we just want the best possible outcome.

Mr. Hansen commented: I think the point that I was trying to make is that this Board technically doesn't have the power to re-zone land in the Town. People can come in and ask for variances but they have to show that basically the property cannot be used for any other permitted use in that zone.

Mr. Koval commented: Well you're certainly not going to put houses up right next to a gravel pit with an access road. That is out of the question. This really is the best possible use for that piece of property.

Mr. Hansen commented: How does this extend to what you are talking about where they are going to have an approval for each change I don't understand how that is going to work or whether it fits into the existing zoning or not. It does for a legally zoned piece of land and if you were in a commercial zone but this concept your talking about it's going to stay R-1 zone but we are going to allow commercial uses? Why can't you just do that anywhere? This is blowing off the whole purpose of the Zoning Ordinance. We are not talking about the Zoning Board we are talking about the concept of zoning: the Town is broken up into various zones commercial, residential, light-industrial, and so forth. Within those zones you comply with whatever the permitted uses are within those zones. But you don't go around saying well this is residential but we are going to allow this guy to put in a trucking business over here this guy can put in an electrical business and this guy wants a department store. It isn't the way it works.

Mr. Koval commented: It almost falls into the grandfathering because there was another use for some time and now the best possible re-use of that structure. It's no different than Waldorf Farms on Route 146 they are going to develop but the way they got around clearing that field was leveling it out planting some grass and call it a farm field for 5 years now they get away with no SWPPP now it's a dry piece of land and now then can develop it. It is the same concept. You have to look at the bigger picture of what is going on. If it were a vacant lot I would say, no way but it's not a vacant lot. There is a building there that was allowed to be built there. Now it's what do we do to get the best possible use out of it without irritating the neighbors.

Mr. Hansen commented: I don't think they have any intent of shutting the mine down.

Mr. Koval commented: It turned into a truck repair facility there are tires stacked, 50-70 tractor trailers parked there, pieces of tractor trailers, cabs, frames and it will get worse if they stay there. Every truck in their fleet is parked there they are fired up every morning.

Mr. Hansen commented: You need to be aware that Mr. Marotta has stated here that it is not their intent to shut the business down immediately they are still going to keep it open to some extent, the mine.

Vice Chairman Tedrow commented: Generally speaking when we have a public hearing all adjoining land owners are notified or if it's like a property across the street. Occasionally we had an application inside a subdivision and it was known that the interest was broader than just the neighbors that touched the parcel being applied for. In cases like that the ring of notification is sometimes expanded. The general rule, Denise correct me on this, is adjoining land owners that abut or across the road.

Mrs. Mikol, Secretary commented: That is correct.

Vice Chairman Tedrow closed the public hearing at 8:00 PM. In the Ordinance we have criteria to judge an application under a Use Variance which is different than an Area Variance.

The Board of Appeals, on appeal from the decision or determination of the Enforcement Officer, shall have the power to grant use variances, as defined herein.

No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate the following to the Board of Appeals:

That for each and every permitted use under the zoning regulations for the particular district where the property is located, the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.

Mr. Hansen commented: If you are asking for a comment this is where I see the request is not supported. I am not saying that it can't be supported but I am saying it hasn't been supported.

Vice Chairman Tedrow commented: We have had qualitative testimony about whether the building or the lot that it sits on is suitable for residential development; we don't have numbers of any sort.

Mr. Burdyl commented: I concur with that assessment.

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.

Mr. Hansen commented: I think that is true, this is a unique property there is no question about that.

Mr. Burdyl commented: Again, because of the mining situation it is a unique property as stated.

That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

Mr. Burdyl commented: I would venture at this point to say it would improve the nature of the neighborhood based on the current usage it would be more theoretically a tradition commercial use.

That the alleged hardship has not been self-created.

Mr. Burdyl commented: The hardship has been self-created but due to the circumstances we need to minimize the situation.

The Board of Appeals in the granting of the use variance shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Mr. Marlow commented: May I make a suggestion? If you guys choose to approve this variance I would suggest wording it in a sense that it will only cover the to be subdivided 7 acres and I would advise that you possibly put in a stipulation that any future tenant be subject to Special Use Permit because the neighbors would have a chance to speak and address their concerns at a public meeting. It is just a suggestion.

Mr. Hansen commented: Do you know where a Special Use Permit requirement is in the Ordinance?

Mr. Marlow commented: Special Use Permits are listed under each section but there is not something specifically in R-1 for commercial uses, if there was the applicant wouldn't be here. I think the intent of the Special Use Permit in this particular case is more to allow for a couple more filters before something goes in there. The Planning Board has more flexibility and the public is involved if they have issues.

Vice Chairman commented: This would like a contingency just an added extra requirement that the ZBA would be adding.

Mr. Marlow commented: It can be so that any future tenants will be subject to a Special Use Permit rather than just a Change of Tenant.

Mr. Hansen commented: Is there an example under commercial uses of the Special Permit?

Mr. Marlow commented: If you look at the Special Permit Uses for commercial zoning it is different than standard uses in commercial zoning so what the Special Use Permit for this particular approval would cover is standard uses in a commercial zoning district. There would be retail, offices.

Vice Chairman Tedrow commented: Look on page 165:68 Section 165-79 (3) "Imposition of conditions: The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community." It is a general authority to add whatever conditions. Where does the Board want to go with this?

Mr. Hansen commented: Do we want to have the Town Attorney draft a proposed motion that would include the wording resolution?

Mrs. Drobny made comments it was not clear because she was not on microphone.

Mr. Marlow commented: If you guys choose to approve it I can work with Legal on a motion to approve contingent that any future tenant is subject to a Special Use Permit before the Planning Board. Planning and Legal can work on the exact details. It would only be subject to the 7 acres that would be subdivided.

Mr. Hansen commented: The wording in this is critical it should be a proposal before we act.

Mr. Marotta commented: We have a window of opportunity for the other parcel in Troy and we don't want to miss out on it.

Vice Chairman Tedrow commented: I am comfortable acting with a general statement with a contingency and allowing the language to be fine tuned afterwards and we can look at it next month.

Mr. Burdyl commented: I suggest we take a 15 minute recess for our Attorney to work on a draft resolution for us. We are officially back in session at 8:35 PM.

Mr. Hansen made a motion to approve the use variance for only the existing building and parking lot to only allow commercial use and any Change of tenant would be subject to a Special Use Permit by the Planning Board, seconded by Mrs. Curto. Motion carried.

Mr. Hansen made a motion to adjourn the meeting, seconded by Mr. Burdyl. Motion was carried.

Meeting adjourned at 8:37 PM.
Respectively submitted by Denise Mikol, Secretary
Town of Halfmoon Zoning Board of Appeals