

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

Chairman Rose 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:

Members: Vice-Chairman Tedrow, Mr. Hansen, Mr. Burdyl

Mr. Brennan - absent

Alternate Member: Deborah Curto - absent

Secretary: Mrs. Mikol

Mr. Marlow - Planner

Councilmen: Mr. Connors - absent

Town Attorney: Ms. Cathy Drobny

Motion was made by Vice-Chairman Tedrow and seconded by Mr. Hansen to approve the minutes from the June 1, 2015 meeting, Chairman Rose abstained. Motion carried.

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

Chairman Rose commented: Tonight we have a public hearing for Mr. Aurentz at 21 Lape Road for an Area Variance request. The applicant has a 0.0' setback to the Road and pursuant to Section 165-31 and Schedule A of Chapter 165 of the Town Code it states that there is a minimum of 50' setback from the Road. Would anyone like the notice read? No one chose to speak. The Public Hearing opened at 7:05 PM. This is an R-1 Zone.

Mr. Tim Aurentz, 21 Lape Road commented: My house was built in 1928 and we purchased it as is in 1985 we have never added on to the home. We have 5.51 acres and we are looking to convey 1.78 acres to a Company and my neighbor is a partner in that company, Lands of MCBS LLC. We were denied by the Planning Board because my pre-existing home is right up against the road. The lot line adjustment that we are seeking will not change the look of anything involved with the house or the remaining property that I would still own.

Chairman Rose commented: Is there any other possible configuration to achieve the change?

Mr. Aurentz commented: No there is no other possible configuration.

Chairman Rose commented: Would anyone from the public wish to speak regarding this request? No one chose to speak and the public hearing closed at 7:12 PM. A site visit was done last Saturday by the Board Members.

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: Based on my assessment of the neighborhood there would not be an undesirable change in the neighborhood because of this variance request. It appears to have little impact on the balance 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."

Vice Chairman Tedrow commented: The applicant told us he wants to transfer a portion of his land to his neighbor's land and if he gets the approval from the Planning Board to do that he would need a variance I don't think there is any other alternative here.

"Whether the requested area variance is substantial."

Mr. Hansen commented: It is substantial but it is unavoidable in this particular situation because the house has been there for many years, the Road location is where it is, and there is nothing that can be done to change that, nothing that is practical anyway.

"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: It will not have any impact because nothing has really changed. The only thing that is changing is the lot line in the rear of the house but as far as the house itself it is going to be right where it is now.

"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. Hansen commented: I would say that it's not self-created in this particular instance because the house was there when Mr. Aurentz bought it in the same position that it is in now he hasn't changed anything related to the location of the house so I would say it's not self-created.

Vice Chairman Tedrow made a motion to approve the Area Variance for Mr. Aurentz at 21 Lape Road as requested, seconded by Mr. Burdyl. Motion carried.

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

Chairman Rose commented: Now you can go to the Planning Board for your subdivision. Thank you.

### **Raymond Giroux, 11 Jennifer Drive – Area Variance (273.11-1-74)**

Chairman Rose commented: This is not a public hearing this proposal is for an Area Variance for 11 Jennifer Drive in the Swatling Falls PDD. You were denied a building permit from the Director of Code Enforcement because the proposed addition would not meet the 30' rear yard setback. You are proposing a 288 SF addition and would have a 19' rear yard setback therefore needing an 11' variance.

Mrs. Janice Koslow commented: I am Raymond's wife we both own the property and we live at 11 Jennifer Drive. My husband has prostate cancer and he has lost his leg and through the VA said we will help you make things more accessible, we thought we were accessible and we found that for wheel chair accessibility the bathroom and bedroom don't meet handi-cap code. The bathroom needs a 5' turn radius and the bedroom needs to be big enough. We also need a 36" radius door out of the bedroom to an outside porch/deck with a lift so he has access to get out of the bedroom if needed. The doorway and lift has to have a roof to protect it.

Chairman Rose commented: Does any Members of the Board have any questions?

Mr. Burdyl commented: Have you engaged with a builder have they made up any plans for this?

Mrs. Koslow commented: We have talked with two builders and both recommend an addition with wider hallways the doorways and a new bedroom/bathroom. First we need an approval for the Variance then move forward to building plans.

Vice Chairman Tedrow commented: Are you confident that what you are asking for gives you a big enough footprint to meet all of these needs? What does the PDD Legislation require for the rear yard setback? The plan that we have shows front yard setback is reduced to 35' rather than 50'.

Mrs. Koslow commented: Originally we asked for 10' to the first Architect and the second Architect had more experience with accessible bathrooms and he suggested we ask for an 11' Variance, we don't want to short you.

Mr. Hansen made a motion to set a Public Hearing for Monday, August 3, 2015 for an Area Variance for 11 Jennifer Drive, seconded by Vice-Chairman Tedrow. Motion was carried.

The Board will do a site visit on Saturday, August 1, 2015 at 9:30 AM.

Vice Chairman Tedrow made a motion to adjourn the meeting at 7:40 PM, seconded by Mr. Burdyl. Motion was carried.

Respectively submitted by Denise Mikol, Secretary  
Town of Halfmoon Zoning Board of Appeals