

Town of Halfmoon Zoning Board of Appeals
Meeting Minutes
July 7, 2014

Chairman Rose called the meeting to order for the Town of Halfmoon Zoning Board of Appeals at 7:10 p.m. on Monday, July 7, 2014 at the Halfmoon Town Hall with the following members present:

Members: Vice-Chairman Tedrow, Mr. Hansen
Mr. Burdyl and Mr. Brennan were absent
Alternate Member: Deborah Curto – voting tonight in absence of Mr. Brennan
Councilwoman: Mrs. Jordan
Town Attorney: Ms. Lyn Murphy and Ms. Cathy Drobny
Secretary: Mrs. Mikol

Chairman Rose commented: The minutes from the June 2, 2014 meeting will be held to the August 4, 2014 meeting. Motion was made by Mr. Hansen and seconded by Vice-Chairman Tedrow, Motion was carried.

Chairman Rose commented: We had a significantly long meeting last month longer than we normally have, there were 60+ pages of minutes and we would like to carefully review them so we need more time.

Mrs. Murphy commented: Once this Board approves the minutes they are available until then they are draft.

Chairman Rose commented: I just want to take a moment to recognize a good friend of the Town, Walt Polak who has passed away. I was away last week and I just heard the news when we came back from vacation. I know the members of the Board were aware but I am not sure how many people in the audience knew Walt. From my perspective he was a long time dedicated Town Resident and friend. When I moved to Halfmoon in 1996 Walt was one of the first few people that I met he has changed so much of this Town for the good and for the good of the people around him. I just wanted to recognize Walt for his dedicated service to the Town of Halfmoon and being our Liaison to the Zoning Board of Appeals where he sat on a chair at our table advising us at these meetings for as long as I have been a Member and probably longer. From the Board I would like to put out a heart felt tone of sadness from all of us and if anyone in the audience that knew Walt I am sure that you would say the same thing as I have here.

Chairman Rose commented: Two members of the Board are out tonight and our Alternate, Ms. Curto will be voting tonight.

Chairman Rose commented: On the agenda we have Mr. Michael Holohan from 81 Woodin Road who has withdrawn his application for an area variance on a vacant lot next to his home. If anyone in the audience is here regarding that application please note that it will not be heard. If the applicant should come back at a later date he would have to reapply to this Board again with a new application.

Public Hearing:

Jimmy Vasilakos, 1 Birchwood Drive – 278.4-2-1

The public hearing opened at 7:12 p.m. Mr. Jimmy Vasilakos of 1 Birchwood Drive is requesting an area variance to construct a 1,934 SF retail facility which is an allowable use in a C-1 Commercial District. Pursuant to Section 165, Attachment 1, Schedule A the minimum lot size of 25,000 SF is required and the lot has 16,965 SF, 8,035 SF less than required. Pursuant to Section 165-32C and Section 165, Attachment 1, Schedule A, the minimum lot frontage for this proposal is 150' and the lot has 100' of frontage, 50' less than required. Pursuant to Section 165-32F and Section 165, Attachment 1, Schedule A, lots that abut a residential district are required to have a side yard setback of 100' or 50' with opaque fencing or evergreen plantings. The side yard to the south has a 25' setback, 75' or 25' less, respectively, than required. Pursuant to Section 165-35A, parking spaces are required to be 10' x 20', with Planning Board discretion to allow 9' x 20' spaces for employees parking. The site plan presented has parking spaces with dimensions of 9' x 20' for all parking spaces. The applicant received a denial from the Planning Board at its meeting of May 12, 2014 and again on June 9, 2014 on the plan that was presented to the Zoning Board at its June 2, 2014 meeting with changes made as a result of their first Planning Board Meeting.

Mr. David Hopper, Architect was present representing the Effie Boutique to build an 1800 SF retail boutique building on the corner of Grooms Road and Birchwood Drive. As indicated we did present this site plan to the Planning Board and we were denied and we did meet with the Zoning Board last month. We have been able to overcome the rest of the items except for the four items that were listed on the denial letter having to do with lot size specifically the zoning allowance of a minimum of 25,000 SF we have 16,965 SF also the zoning requires that we have 150' frontage and on Birchwood Drive we have 100'. The transition yard on the back side of the building we are required to have 100' or 50' with an opaque fence and or plantings. The final item is the parking space requirement of 10' x 20' and we are proposing to have 12 spaces of 9' x 20'. I believe that the parking space size was the issue the Zoning Board wanted us to go back and verify the 9' x 20'. With that we open the floor to questions or comments.

Chairman Rose commented: The parking size 10' x 20' is that a hard fast rule or just suggested.

Mrs. Murphy commented: The smaller parking spaces are for employees only the 10' x 20' is what the Ordinance states. The Planning Board does have the authority to allow smaller spaces.

Mr. Hopper commented: I would like to point out that we were not aware that 9' x 20' parking spaces were only for employee parking until we met with the Planning Board the second time which was two weeks ago.

Chairman Rose commented: So what you are saying is that you can only achieve 12 spaces if you are doing 9' x 20'.

Mr. Hopper commented: The lot is very tight and we would have to eliminate one space to accommodate the 10' x 20' spaces.

Chairman Rose commented: Does anyone have any questions from Mr. Hopper?

Vice-Chairman Tedrow commented: Do you have a map that shows the location of the neighboring buildings of the residents?

Mr. Hopper commented: I do not.

Vice-Chairman Tedrow commented: Is this the only parcel in the Court that is zoned Commercial?

Mr. Hopper commented: Yes I do believe this is the end of the C-1 Commercial District.

Chairman Rose commented: In one of the letters that we received from The Flagels it says the property is zoned C-1 Commercial but there was some type of discussion about it being a Light C-1 designation. Mr. Harris provided some comment on that not quite sure what that was about. According to the notes I am reading its C-1 Commercial. It is just C-1 there is not a special designation of C-1 or anything else right?

Ms. Murphy commented: I believe that the issue as it came before the Planning Board had to do with a covenant and restriction which exists in the deeds of the all the property owners in that development.

Chairman Rose commented: Yes my question is centered around that is there anything specific about that property to have a deed restriction on it?

Ms. Murphy commented: It was just the way, and I was not an employee of the Town when that happened, the districts were drawn when this development came in this property fell into the C-1 Commercial District even though the rest of it was PO-R Professional Office Residential. In an effort to address that issue they put a covenant and restriction among the residents that reside in the neighborhood that says that they won't develop it as commercial. That is a resident to resident issue that the Town can't enforce any deed restriction covenant.

Chairman Rose commented: For our purposes it is C-1 Commercial. Mr. Hopper, can you take us back through the proposed one story retail structure you are planning to build.

Mr. Hopper commented: It is a single-story wood framed structure with a full basement. The exterior consists of stone veneer and stucco with windows facing Grooms Road with a flat roof.

Mr. Hansen commented: Do you have any color renderings of what the building will look like?

Mr. Hopper commented: No color renderings at this point. I am being told that it will be earth tones tan, beige and browns shades.

Mr. Hansen commented: Has there been an attempt by the owners to market this property for any other purpose?

Mr. Hopper commented: Not that I am aware of.

Mr. Jimmy Vasilakos, 444 Grooms Road commented: My Dad is the one that owns the property and a number of years ago we rented it out and that really didn't work. It has just been sitting there vacant I think a few years back he tried putting an office in there and didn't work either. We are giving it another shot with a small scale retail store which is what we are proposing now.

Chairman Rose commented: Is there anything else that you thought of for a business venture that could fit on that lot that would be a different type of impact.

Mr. Vasilakos comment: Honestly, no it has just been sitting there vacant and we thought maybe this would be a good idea being a smaller scale just a small clothing boutique we thought could maybe work.

Chairman Rose commented: What hours of operation are you looking at?

Mr. Vasilakos commented: The hours would be 10 a.m. to 8 p.m.

Chairman Rose commented: The transition yard setback can you take us through that one more time what you are proposing for that.

Mr. Hopper commented that I believe that the neighbor has indicated that the fence is undesirable so we are proposing a screen of plantings to be approved this is more conceptual than actual. The zoning requires evergreens and we are proposing a staggered group of evergreens that would screen the property.

Chairman Rose commented: What do you plan for the west side of the property where it backs up to the Sunoco Station?

Mr. Hopper commented: There is somewhat of a screening there with a treed area which will most likely be cleaned up. We have not discussed the screening on that side.

Chairman Rose commented: We will open the comments and concerns to the public. I ask that you come to the podium to speak and state your name and address for the record and limit yourselves to a couple of points of concern. We ask that if someone makes a point that you don't come up to repeat that point.

Mr. Michael Sidoti of 22 Birchwood Drive commented: I feel that the variance is needed to accommodate a business at 1 Birchwood Drive in Halfmoon are too extreme. First, the frontage requires 150' the variance request is not 1', 5', 10' or 25' feet but for 50' less than required. Second, the lot size needed to support a business is 25,000 SF again the variance request is not 50 SF, 100 SF, 1000 SF or 5000 SF but 9,035 SF less than required. Third, setback required from residential property is 100' or at a minimum of 50' with a landscape buffer. The variance request is for only 25' this is totally unfair to Wendy who is the owner of 2 Birchwood Drive she has owned her property for 25 years and has paid her taxes to reside in a residential community. Fourth, not enough parking spaces and the spaces proposed are smaller than required. Fifth, the noise impact from trash removal, snow removal and deliveries will impact the neighbors. Sixth, deliveries will be a problem the lot is too small to accommodate delivery trucks or a tractor trailer would have to park on Birchwood Drive and unload the deliveries and then the trucks will have to go through our neighborhood to exit. Seventh, traffic flow: there is only one entrance and exit from Birchwood Drive. It is very difficult to enter and exit our street due to Grooms Road traffic issues. Having a business at 1 Birchwood Drive would make it more difficult and more dangerous to enter and exit our street. This will lead to an increase of accidents because when the traffic is heavy drivers continually cross the double solid yellow line to proceed to the red light instead of waiting in line. Also, nine out of ten drivers do not follow the sign that states "State Law do not block side road". Finally, the Town of Halfmoon should rezone the property back to residential as it was originally designated. It would be more appealing in the neighborhood to see a house entering our neighborhood and not a business. Again, the variance requests are unreasonable.

Chairman Rose commented: Thank you for your comments.

Mr. Hansen commented: Have you submitted a copy of your comments to the Town?

Mr. Sidoti commented: No, I have not. I can give you a copy.

Mr. Hansen commented: Yes, it should be part of the record.

Chairman Rose commented: Please give a copy to our secretary. You said you were at 22 Birchwood Drive.

Ms. Lori Ann Iannopollo of 6 Birchwood Drive commented: On June 19, 2014, I had a car accident pulling left out of Birchwood Drive onto Grooms Road. The State Law sign says not to block side road, the traffic was stopped. The traffic is terrible between 4:30 and 6:00 on Grooms Road. The traffic backs up and people want to turn left onto Route 9 going north they cross the double yellow line. I have some pictures to show you, this lady didn't want to wait in traffic she crossed the double yellow line rode up the middle of the road and smashed into me. Smashed the bumper off of my car and there is no way a business could be at 1 Birchwood Drive with the traffic. You have the Diner and Sorrentino's everybody turning different ways. It is impossible and I have little kids on the street. There are quite a few little kids on the street and I don't want to see a business going in on a residential property.

Chairman Rose commented: Please submit your pictures to our secretary if you would like.

Ms. Wendy Neidhammer of 2 Birchwood Drive commented: I am the neighboring property. I think it's kind of obvious of what my concerns would be having had a property there that was in disrepair for such an extended period of time. I would only wish that whatever is done with this property it is something that can be deemed successful and very long term therefore having it be an improvement to the neighborhood versus a detriment. I have carefully considered wanting to sell my property over the last 10-15 years on various occasions with different family situation changes and I have been unable to even consider selling my property because of the detriment that the property has impacted on my property. I wish that you would do something with the property that would make it an enhancement verses a detriment that is my biggest concern. If this project were to be approved my concern would be that you would have trucks trying to pull in like garbage trucks. I already hear the dumpsters being dumped across Grooms Road at 3:00 in the morning. My bedroom windows face that property so it's not the back of my house it's not the dining area it's the public living area where no one would be at those hours during the night it's my bedroom space. Those would be my concerns that would be having something commercial and whether it be this particular business which may not have a great impact in those later hours the fact that it's commercial we improve the property whether it be this business or another business one year down the road or five years down the road ten years down the road it's going it could potentially be more of an impact whether it be a bar or other business in the future. I wish you carefully consider the fact of the impacts that commercial properties has on a residential area.

Chairman Rose commented: Thank you for your input.

Ms. Joanne Kenyon of 29 Birchwood Drive commented: Most of what I discussed in my letter to the Board has already been addressed tonight but in addition I would like to just say that the reason not to approve a commercial business on this site is that the owner of this property has failed to keep the property in good condition. Within 10 years it has deteriorated so much that they actually had to tear down the residential home that was there and left an unattractive lot at the entrance of our development. That lack of care not only effected 2 Birchwood Drive but all the residences of the street. In conclusion approving commercial business at the end of Birchwood Drive would not only increase the odds of having more accidents on Grooms Road but will increase the amount of traffic in our development with motorists looking for parking and trying to find an alternative exit. There are many commercial sites available in Halfmoon that would be much safer and have the necessary footage but not add an additional burden to the traffic that already exists at the corner of Grooms Road, Birchwood Drive and Route 9. Hopefully you will make the right decision so the residents of Birchwood Drive can continue to enjoy the quiet lifestyle we have hoped to have when we purchased our homes years ago.

Maria Pflegl of 20 Birchwood Drive commented: I know you are hearing many high postal numbers from people in our development. What you should be aware of is that our houses are not numbered in a traditional way. Number 1 Birchwood is followed by 2 is followed by 3 they go around the outside of the development and then they come around the inside so for those of you who are thinking that higher numbers mean they are farther away that isn't really accurate. My house is at 20 Birchwood Drive which borders both properties owned by this family in one way or another. I am one of the original residents and it's a lovely neighborhood that was all residential. I still have not had accurate information regarding when the C-1 Zoning was changed. The homeowners who are here can attest we actually had to sign off on a paper that asked us our opinion of zoning changes in order to sell the property at 1 Birchwood when it was originally sold. This was not just a simple matter of a deed restriction or a neighborhood decision. Most everyone who is here recalls that information being passed around. My concerns I have already addressed in a letter to the Town. Primarily regarding traffic and emergency vehicles, the morning traffic, afternoon traffic, school buses during school and the summer months when the Town's summer program is going on. Many people have already mentioned the traffic issues at the corner of Grooms Road and Birchwood so I don't need to reiterate those.

I do want to make clear however, an additional anything added to that property will increase traffic which in the case of a retail business one would hope that they would succeed in having additional traffic in order to make that business successful. In order to have a retail business in that place they would have to have increased traffic. Our biggest concern is the traffic pattern and exactly what will happen. My second concern is that piece of property has remained derelict for more than 10 years and before. Our concern is that when that property is left alone how long will it remain derelict again. We want property that will improve our neighborhood and create the same environment that we purchased our homes with, the same residential quality of life; we want a safe place for our children. When people take a left out of that business and go around the development looking for an exit what will happen when they don't find one. Perhaps they will be driving too fast and run into one of the children in the neighborhood. We need some assurance that this property will not be turned to its derelict state. Once the house was removed after many years it has remained for more than a year an empty lot that has not been maintained. This is not acceptable to the residents of Birchwood Drive. We also would request that you look at the zoning C-1 and find out exactly how this was changed without all of us knowing about it. I do have a question, if you were to run this retail operation from this site and this retail operation was not successful what business would go in to replace it and how would that business affect our quality of life.

Chairman Rose commented: Thank you for your comments.

Mr. Hansen commented: I have a question about what you said earlier about signing off on a paper what was the consensus of the owners of the property and the homes in that development.

Mr. George Beyer of 15 Birchwood Drive commented: I have been living there since 1960 that is 50+ years when that zoning light commercial came back in that property, the lady that owned it wanted to sell it and she asked Mr. Vasilakos if he wanted to buy it and they made it LI-C for an office building. I never realized that when we changed and signed off as LI-C now it's C-1 Commercial. When did you change from C-1 Commercial? I have been there for 54 years.

Mr. Hansen commented: Sorry Sir, I can't answer that question. I know that an investigation was being done by Mr. Harris, the Town Planner and I didn't have a chance to read the whole letter. I am just glancing at it.

Mr. Beyer commented: I guess it's either residential or commercial.

Mr. Hansen commented: Just of my knowledge of the zoning it has changed in terms of the language they use. The zoning ordinance has been modified several times in the past. The zoning started about 40 years ago and it has been changed several times in that period of time. We have used different ways to define what the commercial zones were and what was allowed there. There may have been a change somewhere in there after you folks signed that agreement. But I don't know that to be a fact it could have happened that way.

Mr. Beyer commented: We signed an agreement and then the Town changed it over the years. I want to reiterate as far as the traffic, the children that live in the neighborhood, people parking in the street and everyone else has said the same thing. All these people here feel the same way. If you're going to put it up for a vote and you want a yes or no raise your hand.

Chairman Rose commented: Just a quick question is this deed restriction was this between the Town and the owners? Or was this between the owners and the owners?

Mrs. Murphy commented: It was between all of the owners and it's my understanding that the deed restriction and the applicant received a petition signed by a certain percentage of the owners then they can proceed with C-1 and that is what happened I don't know how many years ago that they are talking about. That petition was passed. I am not telling the Board that it has any bearing on your decision making because that again is an issue between residents to residents your just looking at the extent of the variance that is necessary to go forward with a commercial site development.

Chairman Rose commented: Are there any other questions from the members of the Board? Do any of the residents have more comments to make?

Mrs. Sandy LaFountain, 23 Birchwood Drive commented: We have lived here for 44 years and that property has constantly gone down hill and a lot of people will say oh you live in there? The place with the yucky house at the entrance it has been terrible. I ask the Zoning Board this does meet any of your guidelines at all and I would ask you please deny this application. I will ask that this property somehow or another gets straightened out and build a house there, a residence and sell it and let it be part of our development that is what it should be that is what it was and that is what I request.

Ms. Mary , 16 Birchwood Drive commented: We have been residents for 41 years our friends lived at 1 Birchwood Drive. When this was signed it allowed them to go C-1 Commercial it was light commercial and we were told that it would always look like a house. Not a house with a big parking lot a residential home some type of office that still made it look like Birchwood Drive. It doesn't sound like it will be that and I can't see why he doesn't just build another house maybe get some people in there that aren't (I don't want to make it sound like I am better than anyone else) but the people he had renting the house destroyed it. When they left that property the odor was atrocious if you went near the building. If they wanted someone to rent the property put someone in there that would take care of it and would care about it the way we care about our homes. That wasn't done, it went down hill the water was coming out the windows from broken pipes, the windows were broken, and we came over to the Town complaining continuously. As long as the grass was mowed that was all they cared about and it was a mess all the time. We were embarrassed to say that it was part of our development.

Chairman Rose commented: Thank you for your comments. Are there any interested parties that would like to be heard for the record? I will close the hearing at 7:50 p.m. Part of the process that we go through is to test for an area variance. I will read through them and members of the board will comment on them.

"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:"

Mr. Hansen commented: Considering the number of comments that we have received tonight and quite a few pages of dialogue here between the Planning Office and the residents could we take until the next meeting to take a look at this and digest it before we make a vote on this one way or the other?

Chairman Rose commented: What specifically did you want to look at?

Mr. Hansen commented: I would like to look through the material we were given tonight we have a number of pages and we can look at the draft minutes of this meeting and go over that from the neighbors that got up and made statements. I just don't think I would be ready to vote on this tonight. That is just my opinion and we do have two members missing.

Chairman Rose commented: I will defer to the members of the Board. I closed the public hearing. This is the time for the members to have their decision with no more public comment.

Vice-Chairman Tedrow made a motion to table further action until the August 4, 2014 meeting so we can digest the letters, the draft minutes of public comments. Mr. Hansen made a second.

Mrs. Murphy commented: I just caution you that after you close the public hearing you have 62 days to make a decision to either approve or deny and if you fail to act in that manner it would be considered to be an approval. So you want to make sure that you act within the 62 days.

Mrs. Curto commented: Can these e-mails be read by someone into the minutes instead of allowing them

Mrs. Murphy commented: The e-mails and letters are all part of the file that you are using to help make your determination with.

Mrs. Curto commented: Can Secretary Mikol get up and read all these e-mails as public record as if the people were standing here before us? Most of these e-mails are from people that are in the audience and there a couple that are not. If we read the e-mails as part of the public record right now we could take action.

Mrs. Murphy commented: I don't think that is what your fellow Board Members are saying but I will defer it to them.

Vice-Chairman Tedrow commented: Anything submitted by e-mail is part of the record whether it is spoken, denied or not.

Mrs. Murphy commented: That is correct.

Chairman Rose commented: There is a motion on the floor by Vice-Chairman Tedrow and seconded by Mr. Hansen. All those in favor of the motion say aye. Motion was carried.

Chairman Rose commented: I think it's prudent that we look through the notes and consider all the information here before we render our judgment. The clock will start tonight for the 62 days where we would have to take action. We are going to hold off ruling on this until we convene next month where we get some interpretations from the Town Planner as well.

A Town Resident asked if a decision would be made at the August meeting.

Chairman Rose commented: I cannot guarantee you that a decision will be made in August however; we do have to make one within 62 days. The next meeting is Monday, August 4, 2014. We have 62 days to make a decision from tonight's request. I have asked several times if any more residents wanted to come up to comment.

Mrs. Murphy commented: It is a public meeting, anyone can come however, there will not be an open discussion at that point because the public hearing is closed but everybody is welcome to come.

Chairman Rose commented: It will give us a chance to read through the e-mails and to digest the information that was received tonight and to make a decision as a Board within the next 62 days.

Mr. Michael Holohan, 81 Woodin Road – 278.19-2-34

Mr. Holohan has withdrawn his application at this time.

Chairman Rose commented: At the last meeting we decided to adjourn the hearing to give the applicant more time and based on that information he has withdrawn his application. I would like a motion to close out this application.

Vice-Chairman Tedrow made a motion to close this application given that the applicant has withdrawn his proposal for an area variance. Mr. Hansen made a second to the motion. The motion was carried.

NPH LLC, 11 Solar Drive – 272-3-61.1, 70, 6.121

Chairman Rose commented that the applicant is requesting a use variance to allow Crossfit to operate at 11C Solar Drive, Parkford PDD, off Route 146, in the Town of Halfmoon. The applicant would like to use 6,000 sq. ft. of vacant space for a physical fitness and wellness training facility, which is not a permitted use under the M-1 Industrial zone of the Parkford PDD, pursuant to Section 165-16 Section 166-14 Land Use, and Section 166-18.1 Amendment 2008 of the Town Code of the Town of Halfmoon. The applicant received a denial from the Planning Board at its meeting of Monday, March 24, 2014.

Mr. Dean Taylor Licensed NYS Real Estate Agent with Remax Park Place at 1795 Route 9. I am the authorized representative for NPH and I brought with me the potential tenant Ian Hogan.

Mr. Ian Hogan commented: I am currently located at 1580 Route 9 and I am the potential tenant, Crossfit for 11 Solar Drive.

Mr. Taylor commented: We have one question before we proceed. If in fact we get to a vote tonight are we required to have a majority, simple majority or do we need 4 votes?

Mrs. Murphy commented: Majority.

Chairman Rose commented: Let's take a quick look at the notes from the last time we were here. We were stuck at and had a significant amount of discussion at a point where we needed a clarification regarding the use within the facility that was being planned for. I am trying to paraphrase a significant amount of notes here so leave me a little latitude. I think one of the questions was from Mr. Hansen. I will let him state his question again back where we left off. I think that would be an appropriate point to start with here tonight.

Chairman Rose commented: Part of the issue that we had was our understanding of the zoning. It was at one time part of the PDD and then it was moved to M-1 Industrial.

Mr. Taylor commented: It was the other way around.

Chairman Rose commented: The discussion around commercial surfaced.

Mr. Taylor commented: I think I can make this brief. Basically what we have here is a piece of property that was added to the Parkford PDD which was adopted uses of an M-1 District back when it was originally created. The C-1 District allows for the use of any type of retail. There was some question regarding this as is it a personal establishment or is it a gym or a retail business. We did find ourselves here. We believe where we got hung up is that we were looking for hopefully for a variance for a use with no special considerations and no special penalties. We would like to get a standard use variance that strictly goes with the land and we do not have to forfeit use of other uses in the M-1 District. We did get hung up on the uses and we basically couldn't determine that. I believe if the Town Attorney could weigh in that a use variance does in fact go with the land and it doesn't make us forfeit other uses in that zone.

Chairman Rose commented: Part of the question too was if for some reason Cross Fit was no longer there, would a new applicant have to come back for a new use variance.

Mr. Taylor commented: Which we don't believe is the case. We were willing to accept what you're going to put on it because legally my understanding is that if Cross Fit leaves we could either still use it as a personal fitness center or we can use one of the other 19 adopted uses that are identified in an M-1 District. That is what we are looking for.

Chairman Rose commented: I think that the scuttle distinction is that Cross Fit is not currently a permitted use in an M-1 District. It would have to be an interpretation to fit in there. If you came back and said I want a different type of Cross Fit or something like that it would. I think this Board would still need to review it because it wasn't the same it wasn't like the like or if it were subtly different. We can't just blanketly say that anything is the same as before. I think we were struggling with that as well.

Mrs. Murphy commented: I think the issue is a little more. Your asking that the underlining zoning was C-1 it was modified by the PDD to be M-1 your asking that this portion of the PDD be allowed to be C-1 as well as M-1 part of the use variance.

Mr. Taylor commented: At this particular point that would be nice but we would be willing to settle just allowing this one particular use.

Mrs. Murphy commented: That one particular use is always going to be allowed once you grant the variance.

Mr. Taylor commented: But we are not looking for all C-1 uses. That would be great but its overkill.

Vice-Chairman Tedrow commented: Just to clarify because I think I believe I was wrong on this. They can go back to an M-1 in this area.

Mrs. Murphy commented: Yes, absolutely because the underlining is C-1 Commercial.

Vice-Chairman Tedrow commented: So it's like adding a use not replacing the use.

Mrs. Murphy commented: Correct. You can use the variance or not use the use variance.

Chairman Rose commented: I think if they were to change the use and make it a Dunkin Donuts they would still be required to get a separate use variance.

Mr. Taylor commented: It's actually funny that you put that up there because that Dunkin Donuts is a zoned use there. Yes, I understand what you are saying. If we were going to use and turn it into a shopping center which is not a zoned use we couldn't do that.

Chairman Rose commented: Mrs. Murphy so you are aware one of the things we were struggling with is that number 16 in the M-1 list talks about whole sale and resale sales when incidental to the primary use. Some of us on the Board were thinking this application was a type of retail venture because they transact business in a retail type of environment. They gave testimony to that fact people pay fees to buy things and get products and services when they leave. So I just want to make sure someone is looking at number 16 to make sure what that really means.

Mrs. Murphy commented: The primary use would have to be an approved M-1 use if to not have a variance then the gym wouldn't be. So they need the variance to have the Fitness Center but I think within your criteria as set forth for the use variance knowing that it was originally a C-1 Zoned area it kind of answered the question for you.

Chairman Rose commented: I kind of came to that conclusion myself but we kind of tried to stretch it a little bit to see if would fit but just to be thorough we covered all the bases. That covers the three areas we were struggling with at the last meeting. They had more comments than I did.

Mr. Hansen commented: I understand but my concern was that they were going to preclude because it did come up in the discussion that somehow this would change the use of the M-1 and it could no longer be used there.

Mr. Taylor commented: That is not what we were seeking. We were seeking just to add this use in.

Chairman Rose commented: It is an isolated request. Cross Fit inside a Glass Facility cordoned off through a separate entrance. We are assuming there will be a sign for the business through the Planning Board. Would the members of the Board have any questions? Would anyone from the audience like to speak?

Chairman Rose commented: I will close the public hearing but I am not sure if we closed the public hearing at the last meeting. At the last meeting we were at the point where we were making some motions. I believe that was where we left off.

Mr. Hansen commented: Did we actually get to the tests? If we were hung up it would be number two. "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."

Mrs. Murphy commented: This is a very unique situation because the property is in a C-1 Zone. Making this area C-1 isn't going to have any impact because everything around it is zoned C-1 this standard is set forth because if you have a residential area and you wanted to plop a business in the middle of the residential area it would cause an impact on all the residences so that is why the Local Law requires you to look at that impact. In this case the big picture is C-1 and the little picture they changed to M-1 but all around them is C-1 so it won't have that impact because the substantial portion of the district or neighborhood is already C-1.

Mr. Hansen commented: Are you saying that the map for this property shows everything but this particular building to be C-1.

Mrs. Murphy commented: This whole area was C-1 then the existing PDD made this particular piece of property M-1. So there is C-1 all around it.

Mr. Hansen commented: This is because they expanded the M-1 District by adding on this property for just this building or was it multiple buildings.

Mr. Taylor commented: I am pretty sure that was the case and what happened was they wanted to be able to do manufacturing and storage when they built the new building and that wasn't allowed in a C-1 Zone so just this 30,000 SF building and the 3+ acres that it sits on was changed from C-1 to M-1 PDD.

Mr. Hansen commented: Because they own two other buildings.

Mr. Taylor commented: Those two were part of the original PDD.

Chairman Rose commented: We started going through the tests but we never closed the public hearing. I think we were going the tests as sort of a trial but we never closed the public hearing.

Mrs. Murphy commented: You just closed the public hearing at 8:08 p.m. tonight.

Chairman Rose commented: We started reading in the tests and the comments into our minutes at the last meeting. It starts on page 34 for a Use 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: We did hear Mr. Taylor's explanation of how they tried to lease this property for other uses but they were unsuccessful. How many businesses did you talk to?

Mr. Taylor commented: I believe it was 16 tenants but they went to other places but it was shown numerous times.

Mr. Hansen commented: I would say that they made an attempt but were not successful in being able to rent this property out for any of the approved allowable uses.

Chairman Rose commented: I wouldn't say there is no financial evidence because you haven't been able to find a tenant to rent to.

Mr. Taylor commented: The taxes are paid on the property with zero income coming in.

Chairman Rose commented: It appeared to me from the site visit that the property was sort of like a storage area for the Glass Business. It wasn't really being used for anything else but for supplies.

Vice-Chairman Tedrow commented: I have an opposing opinion almost the whole lot for which one corner of it that the variance is being requested almost the whole lot is providing a financial return for an M-1 use. I think that is evidence that in fact you can get an M-1 return. Perhaps you haven't been able to rent it so far but right there you step across this invisible line somewhere on that lot and your saying you can't get a financial return with an M-1 use. That was my comment and still is.

Chairman Rose commented: As we all know the Use Variance tests are very difficult to argue during a hardship. It is a balancing act.

Mr. Taylor commented: And a lot of opinions, Mr. Tedrow and I disagree on that.

Chairman Rose commented: Unfortunately it's your duty to convenience Mr. Tedrow.

Mr. Taylor commented: I will maybe try to convenience the rest of the Board.

"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."

Chairman Rose commented: I think that was just answered by Mrs. Murphy that the underlining zoning is C-1 Commercial. This is clearer to us now.

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

Mr. Hansen commented: It won't change it at all because it is already a busy Commercial - Manufacturing District. Most people know one was and the other. The use is not anymore intense than what they have been doing there making windows. There will not be any change to the neighborhood.

"That the alleged hardship has not been self-created."

Vice-Chairman Tedrow commented: This is another one that I had an opinion perhaps different from the rest of the Board. I think that in fact the hardship is self-created simply because the building was built too big for current market conditions. In my view it is self-created hardship.

Mr. Hansen commented: I am not going to argue on that but I am just guessing that the owner of the building might have thought that building was going to be occupied fully when he built it but that the market has failed. He may have actually needed that space five years ago but now for whatever reason from competition or lack of building and maybe they are not putting big windows in buildings anymore. I am sure there is a reason that we have not heard but he over estimated for what he needed for floor space to run his business.

Mr. Taylor commented: Are you looking for a comment from me because I have a comment or am I to be quiet?

Mr. Hansen commented: Well I think you have already addressed it at the last meeting.

Mr. Taylor commented: If that is the case, they are all self imposed because everybody gets to sit home and watch TV and not do anything and then you would never create a hardship if you didn't go out there and try to make things happen. I think every variance is self-imposed if that is the standard.

Chairman Rose commented: This is definitely self-created the Glass Business doesn't appear to be able to expand into their excess capacity and I think that is the reason for a Use Variance Request is to come back and look at the business and say do I have to do something different to make a profit and pay the taxes I think it's within your pervue to come back and ask for something to do that.

Vice-Chairman Tedrow commented: You are right most variances are self-created situations but most of the variances we hear are area variances where the test is not as severe. It can be a factor, a self-created hardship can be a factor but it is not a determining factor it isn't a yes or no. We rarely hear use variances.

Chairman Rose commented: I think to that the applicant has provided examples of where they tried to do something with the property and I think it factors into this and obviously a growing Glass Business wasn't one of those opportunities.

"The Board of Appeals in the granting of use variances 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."

Chairman Rose commented: It's coming upon the applicant to approve to address this unnecessary hardship and in my opinion I think you made a few cases and you met that test and in a few I don't think you can meet the test.

Mrs. Murphy commented: Did you make the motion to change the zoning from C-1 to M-1? But for someone else's actions this would be zoned C-1 and would be an allowable use.

Mr. Hansen commented: The applicant technically is the Glass Company they own the building.

Mrs. Murphy commented: The applicant is Cross Fit as a change of tenant.

Mr. Hansen commented: Well I think Mr. Taylor is representing the Glass Company.

Mr. Taylor commented: Cross Fit made the application for a change of tenant for the Planning Board. When it came to the Zoning Board as an applicant it had to be the owner of the Glass Company. He can't call for a use variance on someone else's property so the owner of the building is the applicant.

Mrs. Murphy commented: The applicant before the Planning Board is Cross Fit and the applicant before the Zoning Board is the property owner. The owner of the property has to sign off to change the underlining zoning of the property. This is an extremely unique situation one that I have never seen before where he is surrounded by the zoning that they want. It's not like you are going to cause some sort of change to the neighborhood or an adverse effect on people that were not aware of what the zoning was because it previously was C-1 which this would then be an allowable use. So you're not setting any kind of precedent for any other determination that we made in the past because this is extremely unique situation.

Chairman Rose commented: The application before us has the owner as NPH LLC who is the owner of the building.

Vice-Chairman Tedrow commented: You addressed the concern that I had about precedent where going to then see businesses that happen to have vacant rooms somewhere in their building coming in for a use variance. For something they think they could rent that room out for.

Mrs. Murphy commented: I would go through your analysis like you did but for the facts and circumstances of this particular case because it was C-1.

Chairman Rose commented: I also think that the reason why we are here is because the word Cross Fit just doesn't show up in the Town Law. It is a very unique name and we were struggling as a Board because we thought maybe a retail use but we can't apply that test here in M-1 because it's a Glass Factory and not retail. I am not really sure what a Glass Factory is.

Chairman Rose commented: So we read the test and now we need a motion.

Mr. Hansen made a motion to approve the use variance for the specific use within the building for the applicant for NPH LLC for their tenant Cross Fit to be located at 11C Solar Drive and was seconded by Mrs. Curto Role Call: Chairman Rose voted aye, Mr. Hansen voted aye, Mrs. Curto voted aye, Vice-Chairman Tedrow voted nay. Motion was carried.

New Business:

Upstate New York Subway LLC, 1508 Route 9, 278.4-3-3.11

The applicant wishes to occupy the 1,820 SF retail facility currently occupied by D.A.M. Liquors, for purposes of establishing a Subway fast food restaurant. Pursuant to Section 165-35C, minimum aisle width shall be 22 feet. The site plan has an aisle width of 15' at the most narrow location, 7' less than required. Pursuant to Section 165-31 and Section 165, Attachment 1, Schedule A, the minimum lot frontage for this proposal is 150'. The frontage on Route 9 is 85', 65' less than required. The applicant received a denial from the Planning Board on June 9, 2014.

Chairman Rose commented: We will be listening to the applicant or the applicant's representative with an over view of the request then the Board will determine whether or not a hearing should be scheduled for the following meeting.

Mr. Donald Zee, Attorney for the applicant commented: With me tonight is the applicant, Mr. Robert Hurley as well as Mr. David Flanders, Surveyor. Does the Board have the concept plan? This is like your previous applicant this is a very unique situation.

Chairman Rose commented: Does everyone have a map in their folder?

Mr. Zee commented: It is a unique situation because this property was part of a subdivision going back to 2007 and when the subdivision occurred two lots were created. One lot complied with all aspects of the Town's Zoning Code and that lot is immediately to the south of this. This parcel meets the requirements with regard to area however there are issues dealing with the width of the lot at the building setback line. The Planning Board has requested based on an interpretation from your Town Attorney, Mrs. Murphy because when the subdivision occurred this parcel was used as a Liquor Store, DAM Liquor Store. That business is no longer in operation my client proposes to operate a Subway Fast Food Establishment there. A determination of your Planning Board Attorney that based on the granting of the subdivision back in 2007 for this specific parcel it had indicated that when there is a change of use from the DAM Liquor Store to any other use it would have to come to the Zoning Board of Appeals if there was going to be an increase in the intensity of use. It was a determination of your Town Council that a Subway Fast Food Establishment has a greater intensity than a Liquor Store. A Liquor Store doesn't have this many customers on a regular basis and during peak hours it would most likely have substantially more occupants and customers.

Mrs. Murphy commented: I do agree with everything you are saying except that the Planning Board determined that it would be a more intense use and during the peak hours it would be a more intense use.

Mr. Zee commented: I apologize for that, I was not at that meeting and I wasn't their Council at that time.

Chairman Rose commented: I was wondering if Mrs. Murphy had actually said that is why I was looking over.

Mr. Zee commented: The other aspect is there are questions with regard to the width of the roadways internally. I think you may be all familiar with the D.A.M. property and currently the traffic as one enters goes clockwise around the property. We are proposing to make it counterclockwise. The reason for that is as the property is today it's a non-conforming use in the sense of the width of the parcel and the width of the travel lanes is non-conforming. The parking spaces are non-conforming. Parking spaces have to be 10' x 20' some parking spaces here are only 9' x 15' currently as it exists. We are proposing to upgrade the development in that making all the parking spaces within the site comply with the current code requirements of 10' x 20'. The concern then deals with the width of the travel lanes. As I pointed out we are now proposing the traffic counterclockwise and in doing that we would have angled parking in front, angled parking at the handicapped spaces and we would add additional parking in the rear as well as add two parking spaces on the southern side of the property. Obviously the travel lanes are pre-existing and the travel lanes are substandard per your code. However, normally the travel lanes are a requirement of 22' talk about lanes in both directions. In this case we are talking about lanes traveling in one direction and where there is varying widths and on the westerly portion of the property we have adequate travel lane and on the southerly side we have 19.7' where it is required to have 22'. On the northerly side of the property with one lane we have 19.7' and required to have 22'. We have the more substantial or larger variance request is in the front yard. We are talking about angle parking here and there we have 15' and the parking spaces furthest to the north if you measure out 20' from the parking space to the closest parking space to the east it is 15'. We don't have any problems with regard to movement but because of the one way direction of a travel lane normally you need 11' when you have 22' for both directions we need to have 15'. The mention at the property setback line your notice talks about frontage at the Route 9 line that's not what your code looks at with regard to the width of the property at the 50' setback line we have 97.1' rather than 150' that is required under the code. Like I said this a pre-existing site so respectfully submitted that when we are looking for the variance and the level of the variances you are looking for you should really look at the pre-existing use or the conditions of the lot which had been previously approved by Planning Board in 2007. When we talk about the variance of 150' to 97.1' realistically the pre-existing is 97.1' and that has been an approved subdivided lot within the Town of Halfmoon. It is respectfully submitted that with regard to the width of the lot there is really no change of what the pre-existing condition was.

Same thing as regard to the width of the travel lanes, the travel lanes have been at a minimum of the 15' in fact we are improving the conditions of the parcel by increasing the size of the parking spaces. Previously they were very substandard and we are proposing to comply with your Town Code as a result, if you look at the test that you have gone through on your application whether an undesirable change will be produced in the character of neighborhood or a detriment to nearby properties. It's been a C-1 Commercial parcel and we propose to keep it a C-1 use in fact with the project as we propose it we are improving the conditions by not having substandard parking spaces. When you look at the second point of your test which is whether the benefit sought by the Town the applicant can achieve it by other method there really isn't because this is a pre-existing situation that was approved by the Planning Board back in 2007 when the zoning was still for the dimensional requirements exactly the same. Whether the requested use variance is substantial as I said if you utilize what the existing condition is because the building is built and has been there for quite a few years we are not seeking to expand the size the building whatsoever, we are not building a new building, we are just saying based on what the pre-existing non-conforming use condition the variance that we are seeking is not substantial. Whether the proposed variance will have an adverse physical impact on the environment we don't believe it will because it is pre-existing everybody in the area knows what the conditions are. My client, Subway is currently operating across the street and has been there for 22-23 years. The size of their facility that they are leasing is approximately 1700 SF this building is 1820 SF if you measure from the perimeter the outside walls. If you measure from the inside walls we are under 1800 SF and across the street we are 1700 SF so we are very close in size of operation. I think because this is an existing building there is certain inefficiencies in it so the net result is the usable area for my client is pretty much going to be the same if not less with this building but in fact they are acquiring it instead of leasing a property across the street. They want to make a permanent investment in here rather than just being a tenant.

Chairman Rose commented: Reading through and looking at the application here the DAM Liquors I am familiar with the location on a personal basis more so because I notice cars trying to pull out of there and across the highway and make left turns to go north on Route 9 it is a very precarious thing at 5:00 at night. I found myself caught there a couple of times coming out of that area it takes 5-6 minutes to get clear. From a traffic safety issue did the Planning Board discuss traffic regarding your application for the counterclockwise scenario is that why that discussion came up?

Mrs. Murphy commented: The Planning Board was positive about the application it was a more intense use they couldn't allow it without because of the conditions set forth in the last approval they thought they were required to send it to you. Although they recognize traffic is an issue at that site they didn't express any kind of concern that this would so greatly impact traffic as to make it untenable.

Vice-Chairman Tedrow commented: So they didn't do a technical analysis the engineer...

Mrs. Murphy commented: They did a big technical analysis previously and it included a drive-through window and they said that wouldn't work for that site because of too much traffic. That would be too much of an increase.

Chairman Rose commented: The notes said that this application does or does not have a drive-through?

Mrs. Murphy commented: It does not have a drive through. They reduced the impact.

Chairman Rose commented: So basically it is like today you go to the Liquor Store through the front door and like the Subway you go there through the front door place your order and take it with you get in your car and leave.

Mrs. Murphy commented: Except for a change in the traffic flow. Now it's a little awkward how people go off to the sides now there will be a sign that you would go in and around this specific way.

Mr. Zee commented: If I can read you from the minutes from the Planning Board, "Mr. Ouimet stated so based on that I don't know if we have any authority to approve their plan without asking them to go to the Zoning Board of Appeals to get a ruling from them as to whether or not it's permitted for an expansion of a non-conforming use. Mr. Ouimet stated sorry we had to deny your application but I like what you did with the proposal." So, in general the thought was with the Planning Board liked the application but obviously the intensity and the requirement of the previous subdivision back in 2007 we have to be here tonight. Not saying we didn't want to see you guys but...

Chairman Rose commented: We had a similar situation like this with the Dunkin Donuts up the road and several times during that application the applicant said that they would not park Dunkin Donuts trucks out on Route 9 to unload, but several times in the past years I have seen Dunkin Donut trucks parked on the road. How does Subway work with unloading deliveries?

Mr. Zee commented: We control the hours of delivery and obviously that could be a condition of any approval and what would normally happens is the deliveries after hours and the operation is from 8am-10pm so deliveries would occur after hours. They will pull into the property. We anticipate having three employees approximately 16 seats which we meet the parking requirements.

Chairman Rose commented: So this is a pre-existing non-conforming use.

Vice-Chairman Tedrow commented: No.

Mrs. Murphy commented: It's a pre-existing non-conforming area. It is zoned C-1 Commercial the dimensions are smaller than typical lots.

Mr. Hansen commented: It's an area variance.

Chairman Rose commented: We are not being asked for a use variance.

Mrs. Murphy commented: No, the use is a permitted use in a C-1 Commercial zone.

Vice-Chairman Tedrow made a motion to set it for a public hearing for Monday, August 4, 2014 at 7:00 p.m. Mr. Hansen made a second to the motion. The motion was carried.

Chairman Rose commented: We will meet at the site on Saturday, August 2, 2014 at 9:00 a.m.

David Canfield, 157 Anthony Road, 266.-2-65

The applicant would like to build a single-family home at 157 Anthony Road, a Building Permit was denied by the Director of Code Enforcement. Pursuant to Section 165 Attachment 1 Schedule A, requires a minimum lot size of 20,000 SF and the lot has 15,987 SF, they are short 4,013 SF. The minimum requirement for frontage is 100', with water and sewer and the applicant has 99.76 feet, .24' less than required. The applicant is requesting an area and lot width variance.

Mr. Dwayne Rabideau was present from VanGuilder Associates. Mr. Rabideau commented: I am representing Mr. Canfield and basically there are three separate applications and different reasons for variances. The applicant will tie into the water and sewer they are all currently on private well and septic. This is a pre-existing lot with an existing wood frame garage on the parcel. This lot is encroached by a mobile home that will be removed from the western side of the parcel. These lots all existed prior to zoning. This lot needs two area variances.

Mr. Hansen commented: Is this a pre-existing lot? Why can't they get building permits for these lots? They are existing lots.

Mrs. Murphy commented: They are existing lots but because one person owns all three of them there is a section in our local law that states that they can force them to combine them all together to make a conforming lot. They are tempting to request a variance instead of doing that. At the time the local law passed it was owned by three different people.

Mr. Rabideau commented: Yes it is they all are pre-existing lots.

Chairman Rose commented: This lot is short 4,013 SF in area and 24' short for frontage on Anthony Road.

Motion was made by Mr. Hansen and seconded by Vice-Chairman Tedrow to set a public hearing for Monday, August 4, 2014 at 7:00 p.m. Motion was carried.

Motion was made by Mr. Hansen and seconded by Vice-Chairman Tedrow to set a public hearing for Monday, August 4, 2014 at 7:00 p.m. Motion was carried.

David Canfield, 159 Anthony Road, 266.-2-76

The applicant would like to build a single-family home at 159 Anthony Road, a Building Permit was denied by the Director of Code Enforcement. Pursuant to Section 165 Attachment 1 Schedule A, requires a minimum lot size of 20,000 SF and the lot has 13,289 SF, they are short 6,711 SF. The minimum requirement for frontage is 100', with water and sewer and the applicant has 89.4 feet, 10.6' less than required. The applicant is requesting an area and lot width variance.

Mr. Dwayne Rabideau was present from VanGuilder Associates. Mr. Rabideau commented: I am representing Mr. Canfield and basically there are three separate applications and different reasons for variances. The lot is currently on well and septic and if the variance is granted the lot will tie into water and sewer.

Chairman Rose commented: This lot is short 6,711 SF of area and 10.6' short for frontage on Anthony Road.

Mr. Rabideau commented: We are also requesting two area variances for this lot. This is also a pre-existing and has a mobile home on it that is encroaching on the lot to the east and the mobile home will be removed.

Motion was made by Mr. Hansen and seconded by Vice-Chairman Tedrow to set a public hearing for Monday, August 4, 2014 at 7:00 p.m. Motion was carried.

Motion was made by Mr. Hansen and seconded by Vice-Chairman Tedrow to set a public hearing for Monday, August 4, 2014 at 7:00 p.m. Motion was carried.

David Canfield, 161 Anthony Road, 266.-2-67

The applicant would like to build a single-family home at 161 Anthony Road, a Building Permit was denied by the Director of Code Enforcement. Pursuant to Section 165 Attachment 1 Schedule A, requires a minimum lot size of 20,000 SF and the lot has 18,733 SF, 1,267 SF less than required. The applicant is requesting an area variance.

Mr. Dwayne Rabideau was present from VanGuilder Associates. Mr. Rabideau commented: I am representing Mr. Canfield and basically there are three separate applications and different reasons for variances.

Chairman Rose commented: This lot is short 1,267 SF for area and the frontage requirement meets our ordinance.

Mr. Rabideau commented: This is also a pre-existing lot with a mobile home, wood framed garage and a shed that will be removed they do not meet the rear yard or side yard setback. We are requesting only one variance for this parcel. The property has well and septic and will be tied into Town water and County sewer if the applicant receives a variance.

Motion was made by Mr. Hansen and seconded by Vice-Chairman Tedrow to set a public hearing for Monday, August 4, 2014 at 7:00 p.m. Motion was carried.

Motion was made by Mr. Hansen and seconded by Vice-Chairman Tedrow to set a public hearing for Monday, August 4, 2014 at 7:00 p.m. Motion was carried.

Meeting was adjourned at 8:55 p.m.
Respectively submitted by Denise Mikol, Secretary
Town of Halfmoon Zoning Board of Appeals