

**Town of Halfmoon Zoning Board of Appeals
Meeting – Monday November 5, 2018
7:00 PM**

Chairman Curto called the meeting to order at 7:0 PM on November 5, 2018 at the Halfmoon Town Hall with the following members present:

Members- Chairman Curto, and Mr. Koval (absent), Mr. Griggs, Mrs. Paluocci (absent)
Alternate Member - Mr. Micelli
Planner - Mr. Marlow
Town Attorney – Cathy Drobny, Lyn Murphy

Motion made by Mr. Micelli and seconded Mr. Griggs by that the minutes with changes of September 4, 2018 be approved as presented. Motion was carried

Public Hearing(s):

Klapija Duplex, 281 Grooms Road- Area Variance

Mr. Jason Dell of Lansing Engineering presented the application. The applicant is before the Board seeking approval for an area variance as it relates to the proposed construction of a 3,000 SF duplex at 281 Grooms Road. The lot currently contains a single-family home that has been condemned by the Building department and is no longer habitable. The applicant proposes to remove the structure in order to construct a new duplex. Town Code requires that the applicant have 40,000 SF and the lot as it sits only has 20,473 SF. Due to the size of the existing lot, the applicant is unable to meet the minimum lot requirements and was denied by the Coordinator of Building and Planning. He further noted that they had previously been denied by the ZBA for a 3,400 SF duplex and have since reduced the size of the duplex and are seeking approval for the appropriate variances for a smaller structure. Mr. Dell further noted that in that immediate area there are approximately 30 duplexes.

Mr. James Remmington, 15 Woodridge Circle, the other duplexes mentioned are on a private road, this lot exits onto a 45 mph road and feels that a professional office would be more appropriate. He noted that the lot is half the required size and is not appropriate for a duplex, he explained that he would prefer not to see anymore duplexes in that area. Mr. Dell asked him if the home he owned was a duplex; Mr. Remmington acknowledged that the house he owned was a duplex.

Mr. Micelli asked if there was a single point of access to the site; Mr. Dell explained that there is one primary access off Grooms Road and that there were many other duplexes in the area who did not meet area requirements.

Mr. Remmington asked what the old requirements were for a duplex; Mr. Marlow explained that through some research he found back in the 1990's the minimum requirement for a duplex was approximately 25,000 SF but was unsure what the requirement was in the 1980's when Aspen Ridge was constructed.

Mr. Griggs asked if there was any sort of access easement to the back of the property; Mr. Dell explained that there was not and noted that the Planning Board had reviewed this application and did not feel an office building was appropriate for this location due to traffic concerns.

Chairman Curto asked if they had considered the idea of a single-family home; Mr. Dell said that they did but felt given the development in that area they felt a single-family home would be difficult to market.

Chairman Curto asked what the size of the proposed duplex was going to be; Mr. Dell stated it would likely be in the 2,800-3,000 SF range.

Mr. Remington stated that he would be happy with a single-family home and that there were too many duplexes in that area.

Mr. Marlow noted that even should the ZBA grant the variances the Planning Board has final say on whether or not to approve the duplex.

Chairman Curto closed the Public Hearing at 7:18 pm

Mr. Micelli asked what they setbacks were; Mr. Dell stated that the front yard was 70-feet, the rear was 30-feet.

Pursuant to Article XIV Section 165-79 the following resolution was made:

- 1) Mr. Micelli commented: No, there is no impact on the character of the neighborhood;
- 2) Mr. Griggs commented: A two family home is the best use for this site;
- 3) Mr. Griggs commented: Yes, it is twice the requirement;
- 4) Mr. Micelli commented Yes, it is consistent with the area and other duplexes;
- 5) Mr. Micelli commented: No, the building was there, but they desire a duplex. Chairman Curto noted that she felt it was self-created because they could build a single-family home; Mr. Marlow noted that they would need a variance to build a single-family home as well.

Mr. Griggs made a motion to approve Area Variance, seconded by Mr. Micelli, Motion was carried.

Mr. Micelli made a motion to adjourn the meeting, seconded by Mr. Griggs. Motion was carried.

These are summary minutes and are not word for word at the request of the Zoning Board of Appeals. A copy of the recorded tape is available by F.O.I.L. through the Town Clerk.

Meeting adjourned at 7:23 PM.

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