

Town of Halfmoon Zoning Board of Appeals
Meeting – Monday October 7, 2019
7:00 PM

Chairman Curto called the meeting to order at 7:04 PM on October 7, 2019 at the Halfmoon Town Hall with the following members present:

Members- Chairman Curto, and Mr. Koval, Mr. Griggs
Alternate Member - Mr. Micelli, Mr. Maxfield
Planner - Mr. Marlow
Town Attorney – Cathy Drobny

Mr. Kovali made a motion to Approve the August 5, 2019 Zoning Board of Appeals minutes, Mr. Griggs seconded Minutes Approved.

Chairman Curto made a motion to Approve the September 3, 2019 Zoning Board of Appeals minutes, Mr. Micelli seconded Minutes Approved.

Public Hearing(s):

The Klam'r Tavern & Marina, 32 Clamsteam Road- Expansion of a Pre-Existing/Non-Conforming Use

Mr. Paul Dubec of The Klam'r Tavern & Marina presented the application. The applicant is before the Board seeking to expand a pre-existing/non-conforming use as it relates to the proposed expansion of The Klam'r Tavern & Marina. The site is a pre-existing/non-conforming lot that is zoned R-1 Residential and has been traditionally used as a restaurant. At this time the applicant wishes to expand the existing site plan, specifically to increase the existing deck from approximately 325 SF to 975 SF to allow for outside seating.

Mr. Griggs recommended that the Planning Board evaluate the need for safety bollards during their Site Plan review process.

There was no public comment.

Chairman Curto closed the Public Hearing at 7:08.

A site visit occurred on September 28, 2019 at 9am

Mr. Koval made a motion to approve the Expansion of a pre-existing/non-conforming use, seconded by Chairman Curto, Motion was carried

Mantello Garage, 6 Shafer Drive- Area Variance

Mr. Domenic Mantello presented the application. The applicant is before the Board seeking approval for an area variance as it relates to the construction of the proposed garage at 6 Shafer Drive. They wish to construct a new garage at their existing home but due to site constraints cannot meet Town Code as it relates the requirement for structure placement in an R-1 Residential zoning district. As it is proposed, they wish to construct the garage in the front yard, approximately 5-feet from the property line, Town Code requires all accessory structures to be located in the rear and/or side yard of the property. Because the applicant is unable to meet Town Code, the building permit was denied by the Building Department. The applicant is before the Board seeking a variance to allow for an accessory to be located in the front yard.

Mr. Mantello noted the petition of support specifically that the neighbor who had submitted a letter of concern had previously signed the petition in support of the project.

Mr. Griggs asked if he had considered other locations on site; Mr. Mantello stated the septic system is in the rear of the lot and there isn't enough room on the side yard.

Mr. Mantello noted this was intended for personal use only, specifically to store his truck.

Mr. Griggs asked if he would be willing to reduce the size from 24-feet to a smaller size; Mr. Mantello did not object.

Mr. Griggs asked if reducing the size would create a hardship for him; Mr. Mantello said it would not.

Mr. Koval asked if he had thought of moving the septic line/leach field in order to allow for him to put the garage in the back; Mr. Mantello stated that unless he can put it where it is proposed he does not plan to build the garage, the cost of changing the septic system and building a driveway to the back was too much.

Mr. Micelli asked if he was just looking for another space to keep his truck out of the weather; Mr. Mantello noted that it would free up garage space at the house for storage and his wife's vehicle.

Mr. Koval- asked if the garage door would be on the front of the building facing the road; Mr. Mantello stated it would be and he would extend the blacktop to the road for another driveway.

Mr. Griggs noted that if the garage was reduced from 20-feet to 15-16-feet in width they could have room to move the garage further back from the front property line.

Mr. Koval asked if the building could be narrowed and moved back; Mr. Mantello agreed.

Mr. Mantello asked the reasoning for the reduction in size; Mr. Koval and Mr. Griggs noted it would help get the building further back off the road.

Mr. Koval noted that he would be concerned that if for instance the Town wanted to install a sidewalk, then he would be parking over the top of the sidewalk if the garage was 5-feet from the front yard property line.

Mr. Koval asked if reducing the width and moving it back would require another variance at a later time; Mr. Marlow noted that he did not believe so, that the variance was to allow an accessory structure in the front yard, not necessary a specific setback number.

Mr. Griggs asked if we have a front yard setback for an accessory structure; Mr. Marlow noted that an accessory structure is 5-feet but the Town does not allow for accessory structures in the front yard and technically the front yard setback would be 50-feet.

Mr. Marlow noted that the variance before the Board was to allow for an accessory structure in the front yard but suggested that the location be that to allow for the required 5-foot property line setback and 10-foot separation from the home.

Mr. Koval noted he believed if the building was reduced to 15-feet in width it could be moved further back and he wished to see it moved back as far as possible from the property line.

Mr. Griggs asked if they could condition the approval to require the building be reduced in width and moved back as far as possible to be able to maintain a 5-foot property line setback and 10-foot separation from the house.

There was no public comment.

Chairman Curto closed the Public Hearing at 7:38.

A site visit occurred on September 28, 2019 at 9:30am

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

- 1) Mr. Griggs commented: Neighbors are okay with it; Mr. Koval with the revisions discussed it is not a hardship;
- 2) Mr. Micelli commented: It is the most suitable option with all the site conditions;
- 3) Mr. Koval commented: Yes, but it's within reason; Mr. Griggs noted with the changes it's reasonable;
- 4) Mr. Koval commented With the revision, it addresses neighbors' concerns and makes it safer;
- 5) Mr. Koval commented Yes, but it is okay; Mr. Micelli was satisfied with the changes.

Mr. Koval made a motion to approve the Area Variances with the condition that (1) the garage be no wider than 15-feet, no closer than 10-feet to the home and at least 5-feet from the property line, seconded by Chairman Curto, Motion was carried

Mr. Koval made a motion to adjourn the meeting, seconded by Chairman Curto. Motion was carried.

These are summary minutes and are not word for word at the request of the Zoning Board of Appeals.

Meeting adjourned at 7:40 PM.

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