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**Town of Halfmoon Zoning Board of Appeals
Meeting – Monday January 4, 2021
7:00 PM**

Chairwoman Curto called the meeting to order at 7:03 PM on January 4, 2021 this meeting is being held via Microsoft Teams following members present:

Members- Chairwoman Curto, and Kevin Koval, Mr. Griggs
Alternate Member - Leonard Micelli, Dave Maxfield
Planner - Paul Marlow
Town Attorney – Cathy Drobny, Lyn Murphy

Mr. Koval made a motion to Approve the January 6, 2020 Zoning Board of Appeals minutes, Leonard Micelli seconded, Minutes Approved.

New Business:

Linebeck Subdivision, 121 Ushers Road – Area Variance

Duane Rabideau: Duane Rabideau from VanGuilder Associates here tonight representing Les Loudon before the Board to request a three area variance for a proposed two lot residential subdivision its located at 121 Ushers road , the applicant is proposing to subdivide a 1.22 acre residential parcel into two single family residential lots. Lot A shown on the map could encompass a residential home and all of the improvements. This lot is their daughter and son in laws home. Lot B would be for the proposed for the single family house they want to build and live in. In order for this proposed two lot subdivision to proceed before the Planning Board, we are requesting three area variances that would be needed to be granted by this Board, we would need a lot area variance for both lots A & B. Lot A is 60,000 sq. ft. to 35,966 sq. ft. Lot B from 60,000 sq. ft. to 17, 333 sq. ft. and the other variance we need is the required lot width from 150 feet to 82.73because this parcel is located in the Light Industrial Zone, the lot area variances do seem excessive but the area buildout on this portion of Ushers road is a combination of residential lots, this is light industrial commercial and at this point in time most of it is still single family residential. This area of Users Road does have somewhat unique zoning compared to the actual buildout in the area. The applicants did have a professional engineer verify that the onsite septic system could be built, and would meet all of the DOH requirements, and that is our request before the Board tonight.

Kevin Koval: Duane what are the available Utilities there?

Duane Rabideau: Basically there is no public water no public sewer we just have overhead electric, I don't think there is gas there.

Dave Maxfield: What are the three structures on what I feel is lot A?

Duane Rabideau: What was that question?

Dave Maxfield: I believe lot A is on the right side of the diagram, it's like there's three structures that are off the driveway, what are those three structures?

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Duane Rabideau: Okay the lot A is the existing house, and to the right of the garage on the left hand side of the lot A, the larger lot is a car garage, lot B is a vacant lot at this point in time and that's all.

Kevin Koval: So I'm looking at this and it doesn't even look like any of these lots would meet the R-1 code where there is no water and sewer.

Duane Rabideau: Well that would be where lot A would be very close, we would need to be 40,000 sq. ft. besides that with all of the other departments, and lot B obviously will not meet those requirements, the advantage of this lot is that it's fully developable.

Chairwoman Curto: Any other questions for Duane? (No comments) Let's set a site visit for Saturday January 22nd at 9 am, is everyone available to do that? (Yes all were available)

Paul Marlow: Just make sure that there is not more than three people there, or there should only be two people there because you can't have a quorum.

Chairwoman Curto: Gotcha, I make a motion for Monday February 1, 2021 at 7pm

Kevin Koval: So moved

Chairwoman Curto: All in favor? (All were in favor) Opposed? (None were opposed) Motion carried

Duane Rabideau: Thank you.

Rexford Group, 3 Jones Road – Expansion of a Pre-Existing /Non- Conforming Use.

Tom Pratico: Hi my name is Tom Pratico with Bast Hatfield and with the Rexford Group. Yes the property was a single family home, and we did have a fire in the basement a few years ago, and it's not been used at all for anything, we would like to bring it back to its pre-existing condition to match the rest of the properties that are on that side of Jones road, and renovate it and re occupy it as a single family dwelling. It does have existing water and a septic system

Kevin Koval: I have no questions on this one.

Leonard Micelli: I don't either.

Chairwoman Curto: Okay, I'm sorry we will set a site visit for Saturday January 22nd at 9:30am and I make a motion to hold a public hearing on Monday February 1st, 2021 at 7 pm. Can I have a second on that motion?

Leonard Micelli: So moved.

Chairwoman Curto: All those in favor? (All were in favor) Opposed? (None were opposed) Motion carried

Tom Pratico: Thank you.

GT Toyz, 1537 Route 9 – Area Variance

Greg Goldstein: My name is Greg Goldstein, Im the owner of GT Toys, we are looking to add signage to the existing building for the additional brands that we've just acquired , not quite sure what other information I have our sign person Ron Lavesque with us also, Im sure he can more directly answer sign related questions

Kevin Koval: Do any of the manufactures have requirements on sign sizes for you guys?

Greg Goldstein: They don't have a requirement other than they only offer one size.

Kevin Koval: So these signs are directly from the manufacturer then?

Greg Goldstein: Correct

Kevin Koval: I have no further questions

Greg Goldstein: The Kawasaki signage s available from 6 ft. x 9 f.t or 3 ft. x 12 foot.

Leonard Micelli: All of these signs are electric or there is no electricity running through these signs

Greg Goldstein: They are LED boxes with sign faces in them.

Leonard Micelli: Okay thank you.

Greg Goldstein: Do you need any other information regarding this?

Chairwoman Curto: I have one quick question regarding each sign represents a product line that you carry within your store?

Greg Goldstein: Correct, correct it will be no different than if they were individually owned , I just happen to own them all, Yamaha is its own brand, the franchise Kawasaki is its own brand and franchise, Avalon is the boat line that we represent, Blizzard is the trailer line that we now represent also. They are all separate business entities, within the entity.

Chairwoman Curto: And potentially as you add additional product lines we would have additional signage?

Greg Goldstein: I guess, can I answer that with a question first? I believe to add any additional signage I would need to add a larger building quite honestly, so I don't know if the building size makes a difference for signage or not?

Paul Marlow: Yes, just for clarification, there is a base square footage allowed for every building and then there is additional square footage based on a calculation that varies with the size of the building so you could theoretically if you had a bigger building you have more allowance for square footage but you would have to then increase the size of your building.

Greg Goldstein: Correct, right, so the answer to the question is yes over in the future we probably will add brands, however I would certainly would need to increase the size of my facility to do such.

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Chairwoman Curto: Any other questions for the applicant?

Kevin Koval: Not at this time for me.

Chairwoman Curto: Okay we will set a site visit for Saturday January 22nd at 10 am, I'll make a motion to set a public hearing for Monday February 1st at 7 pm, I'll need a second on that motion.

Kevin Koval: Second

Chairwoman Curto: All in favor? (All were in favor) Wonderful, thank you.

Greg Goldstein: Thank you.

Brooks Pool House, 33 Deer Run Hollow – Area Variance

Victor Caponero Jr.: My name is Victor Caponero Jr. I am an attorney at law with offices at 5 Palisades Dr. in the Town of Colonie New York, I've been retained by the owners of the property and Duane is also here because his firm VanGuilder, Gilbert VanGuilder has been involved with the surveying and the placement of the building and the pool house enclosure, so we are both here.

Paul Marlow: Could you explain a little bit exactly what the situation is with what's going on and what Mr. Brooks is looking for just variance wise, that sort of stuff.

Victor Caponero Jr.: Duane are you still on? Why don't you give the particulars of the lot size, what have you?

Duane Rabideau: Okay, we have a situation here where the existing house on the lot is right at the maximum allowed 20 percent lot coverage and Mr. Brooks has built a pool house enclosure that now the lot coverage is up to 26 percent, he is looking for a variance for the 6 percent and 6 percent is given to the pool house.

Leonard Micelli: Now just refresh my memory now two years ago when I was on the ZBA, was the reason why this was being built was because the applicant was somebody handicapped there and they needed that space, am I correct in saying that ?

Victor Caponero Jr.: What I have been told by my client, we'll provide medical letters, to substantiate this when we have the public hearing, it's my clients wife and daughter have a medical condition that requires the use of aquatic, water, pool and what have you, and the answer to your question is yes there are medical conditions which is why my client enclosed the pool because what happened is he had been using other facilities obviously Covid hit and that kind of stopped that for the most part, and that's why my client pursued this particular avenue.

Leonard Micelli: Okay that's what I thought, thank you.

Chairwoman Curto: Any other questions from the Board?

Kevin Koval: Not at this time.

Leonard Micelli: I'm fine

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Victor Caponero Jr.: Thank you.

Chairwoman Curto: Okay we will set a site visit for Saturday January 22nd at 10:30 am, and I will make a motion to hold a public hearing on Monday February 1st at 7 pm.

Leonard Micelli: So moved.

Chairwoman Curto: All in favor (all were in favor) Motion carried. Any other business before the Board?

Leonard Micelli: I don't have any.

Paul Marlow: That's all we had

Chairwoman Curto: I make a motion to adjourn at 7:24

Leonard Micelli: So moved

Chairwoman Curto: All in favor (all were in favor) Motion carried