

Town of Halfmoon Zoning Board of Appeals
Meeting Minutes
July 1, 2013

Chairman Rose called the meeting to order for the Town of Halfmoon Zoning Board of Appeals at 7:00 p.m. on Monday, July 1, 2013 at the Halfmoon Town Hall with the following members present:

Members: Mr. Hansen, Mrs. Jordan
Alternates: Mr. Burdyl, Mrs. Smith-Law
Town Attorney: Mrs. Murphy
Town Liaison: Mr. Polak
Secretary: Mrs. Mikol

A motion was made by Mrs. Jordan and seconded by Mr. Burdyl to approve the minutes from the May 6, 2013 meeting. Motion was carried.

A motion was made by Mr. Hansen and seconded by Mrs. Smith-Law to approve the minutes from the June 3, 2013 meeting. Motion was carried. Mrs. Jordan abstained, as she was not present at the June 3, 2013 meeting.

Chairman Rose commented: Mrs. Smith-Law and Mr. Burdyl will be voting tonight as an alternate's in place of Vice-Chairman Tedrow and Mr. Brennan. Mrs. Murphy will be joining us shortly she is over at Town Court.

Matthew Johnson, 135 Cary Road

Chairman Rose opened the public hearing at 7:05 p.m. Mr. Johnson is proposing an area variance under section 165-34 of the Code of The Town of Halfmoon. It states that: "An accessory structure and building height and location cannot be located in the front yard, which is where the proposed pole barn will be located. It should also be noted that this a flag lot. The Zoning Board Members did a field visit on Saturday, June 29, 2013 and we did meet with the applicant.

Mr. Johnson commented: I live at 135 Cary Road and I am here to request a variance to build a pole barn in what is considered to be my front yard. I don't have another location for the placement of it.

Mr. Burdyl asked Mr. Johnson to explain why you would not normally have this structure behind your house or in another area?

Mr. Johnson replied, yes because when the flag lot comes in the driveway, when you are looking at it from Cary Road, the driveway would be on the far left side of the property. When it comes in the house it is set to the right and there is a big hill with a walkout basement and a 30' right-of-way on my driveway so I can't put it in front of the house. I also have to be careful of the septic area.

Chairman Rose asked if anyone else had any questions? Are any of your neighbors here tonight?

Mr. Johnson replied yes, two neighbors are here.

Mr. Vince Horan, 133 Cary Road commented: he has lived there since 2009 and this is the first he heard of this pole barn variance. I came to hear what size structure he is exactly proposing to put there? It already feels like it's becoming a commercial lot. He has several vehicles including a RV Camper parked in front of the house, a flatbed with his construction logo on it and, 2- pick up trucks parked in the driveway. There is a lot more activity there; I understand the house was under construction for the last year. I just worry that it's going to border line like a commercial zone if he has pole barn built there. That is my opinion.

Chairman Rose commented: from the field visit, it is my understanding, that to park an RV in this pole barn. That is the understanding that I am walking away with from this site visit.

Mr. Horan asked what the height of the structure would be?

Mr. Johnson commented 16' – 17'.

Mr. Horan commented: I read in the Article 165-34 that you can't build anything over 20' and I didn't know what it would look like it after it's built. I figured being the neighbor that will be looking at it constantly; I could get a chance to see it.

Chairman Rose commented: Where is 133 Cary Road located? Are you directly in front of Mr. Johnson's home?

Mr. Horan commented: yes I am directly in front of him. I have a picture of my view.

Mrs. Smith-Law asked if we had a copy of the map? Maybe Mr. Horan can take a look at it.

Mr. Hansen commented: The map doesn't show the height of the building.

Mrs. Smith-Law commented: That it does show the location of the pole barn.

Mr. Hansen commented: Yes, the location is on the map.

Chairman Rose commented: We have a bulletin board if you want to post it.

Mr. Ron Czajkowski, 39 McBride Road owning land at 141 Cary Road commented:

Mrs. Jordan asked that the conversation taking place should be recorded.

Mrs. Murphy, Town Attorney asked that the pictures he has on his phone be sent by email to the Town for the record and file.

Chairman Rose commented: I am still trying to figure out what commercial vehicles you are talking about.

Mr. Horan commented: The vehicles are pick-up trucks that seem to be coming and going and seem to be of commercial use. There is also a trailer back there with a logo on it, a construction trailer and also a small flat bed that is located in front of the house, which is shown in the picture to the Board. It seems like it's going to be an on-going thing with many vehicles. Mixed-use type of thing.

Mrs. Jordan commented: I think that maybe the applicant could answer those questions. What is it that you intend to put in the pole barn?

Mr. Johnson commented: My RV Camper and my one vehicle that I use to tow the camper with. I own my own construction company and that is how I make a living. I drive my truck home. There are no other vehicles in my driveway but my trailer; my enclosed trailer for business purposes and that will be gone as soon as I build the pole barn. The absolute purpose to build the pole barn is for my RV to be inside.

Mrs. Jordan asked: Can you explain to us how the pole barn will look ecstastically?

Mr. Johnson commented: It will look just like my house with the same siding and stonework. I want it look nice and will cost about \$40,000.00 to construct the pole barn.

Mrs. Jordan commented: At our site visit you mentioned that they were matching the roofing and the siding and that it would be the same color.

Mr. Johnson commented: Yes, it will.

Chairman Rose commented: What commercial vehicles do you have that we did not see at our site visit?

Mr. Johnson commented: Everything I own was there when you did the site visit.

Chairman Rose asked the Board if they recall what was there? I saw one trailer there in the back of the property.

Mr. Burdyl commented that he saw the same thing.

Mr. Johnson commented: I use to race modified and that is what it is used for. It was in my garage in Colonie and now I live here, so I moved it here. I also have 2 classic cars that I would like to put in my pole barn as well.

Chairman Rose commented: Let's make it clear that when the pole barn is completed the RV will be parked in there, the truck and trailer will also be parked in there. It won't all be out on the driveway?

Mr. Johnson replied, yes it will all be organized, it's not being used a commercial business, but I do have to go to work everyday I own the business.

Chairman Rose asked the neighbor, Mr. Horan to email the pictures to our Secretary, Mrs. Mikol for the record.

Mrs. Jordan commented: Your personal vehicle that you travel in back and forth to work, is it a pick up truck?

Mr. Johnson commented: Yes, I have 2 pick up trucks one for just work and one for personal to pull my camper with. Usually it's in my personal garage, but again I have stuff in there right now so it was outside. You saw everything that I own when you were there.

Mrs. Smith-Law commented: I did miss the site visit so you have an attached garage with a house as well?

Mr. Johnson commented: Yes I do.

Mrs. Smith-Law commented: Is that normally where your personal vehicle would be?

Mr. Johnson commented: Yes, that's where my vehicle and my fiancé's vehicle would be.

Chairman Rose asked if the Board had any other questions. Would you like to rebuttal what he just said?

Mr. Horan commented: It's hard to get a sense as to what exactly that would look like and how close it would be to the property line with the surrounding area. It is one thing to see a draft. It would be nice to see the in a 3-D drawing.

Chairman Rose commented: According to the drawing, it looks like it will be 25' from the property line.

Mr. Hansen asked if there are any plans for the pole barn in the file and how it would look?

Chairman Rose commented that there are no plans specific to the pole barn in our file.

Mr. Hansen asked if they had to be submitted for the building permit?

Mrs. Mikol replied, yes he did submit an application for a building permit and it was denied. Plans for the pole barn were submitted to the Building Department.

Chairman Rose commented: We will take a short recess so Mrs. Mikol can go to the office to bring back the pole barn plans.

Mrs. Mikol reported to the Board that the plans were not located.

Chairman Rose commented: Thank for your patience during the pause we will resume again. What is the height of the building?

Mr. Johnson commented: It is between 16' – 17'. It is less than 20'.

Mrs. Jordan commented: It is somewhere in the 16' range between 16' – 17'.

Mr. Johnson commented: It has to be less than 20'.

Chairman Rose commented: The peak will be at about 17' and less than 20'.

Mr. Johnson commented: A lot of the traffic that is coming in and out of the driveway other than me, is from the flag lot behind me. He has a trailer back there and comes in and out all the time. It's not just me you're seeing. He has a dump trailer as well.

Mr. Burdyl asked if he could identify whom it is that owns the flag lot behind you?

Mr. Johnson commented: Ed Melvin owns the land behind me. The only thing coming out of my driveway is my truck and my fiancé's car.

Mr. Burdyl commented: So you are sharing the road, correct?

Mr. Johnson commented: Yes I own the property, Mr. Melvin has an easement and we all share the driveway.

Mrs. Jordan commented: I would like to remind the Board that this is not a use variance. We are going for an area variance. I don't think the neighbors vehicles or whatever vehicles should be anything in question here. We are not here to approve a different kind of use. We are here to approve an area variance, so he can build a pole barn.

Chairman Rose commented: Mr. Melvin is listed as 18 Staniak Road. What is the address for the lot behind you?

Mr. Johnson commented: My survey map shows it as McCarthy owning the lot behind me.

Mrs. Jordan commented: Would that be land of McCarthy in the back of your lot?

Mr. Johnson commented: Yes that is what is on my plans. He owns both parcels. It may be one parcel I'm not sure.

Mr. Hansen commented: Where is the provision in the law that talks about the front yard and side yard flag lot? I am trying to find it in the book and can't find it.

Mrs. Mikol, Secretary commented: It's on page 165-41 Article VII, at the bottom of the page lot area.

Mr. Hansen commented: I thought the reason he was denied was because he was told that it had to be located on the side or rear yard, not on the front yard. The determination of the Code Enforcement Officer was actually the front yard because it was a flag lot.

Mrs. Mikol, Secretary commented: Page 165-35 at the very top of the page Location #B.

Mr. Hansen commented that his page numbers don't match up with the book he has and that his book may be an older version.

Mr. Johnson commented: That he could not find it in the book either. The only thing I found in the Ordinance was that the closest part of my property was front yard to Cary Road.

Mrs. Mikol, Secretary commented: Accessory structures are not permitted in front of primary structures in any zone.

Mr. Hansen asked what page does it say that on? I haven't found anything in the ordinance that states the front yard is the way it's being interpreted. It may be in here somewhere, but we didn't find it. It defines a front yard

Mrs. Jordan commented: In the definition of yards there are front yard, rear yard and side yards.

Mrs. Mikol, Secretary commented: My book is last updated 2009.

Mr. Hansen commented: My book was last updated in 2008.

Mrs. Mikol, Secretary commented: A building permit was denied under Article 165-34 Accessory Structures and Locations.

Chairman Rose commented that his application is for less than 20' and the height is not the issue.

Mrs. Mikol, Secretary commented: Accessory buildings may be erected within rear and side yards in accordance with the following requirements: Rear or side yard: five feet from side or rear property line. Side yard, street side of corner lot: same as for principal building. Not closer to a principal building than 10'. That is the section of the Ordinance that the denial was written up under.

Chairman Rose commented: Are we to interpret the law that specifically it is in violation of the zoning.

Mrs. Jordan commented: I would think so.

Chairman Rose commented: Because of the omission of the word front yard in the sentence, it would not be allowed.

Mrs. Mikol, Secretary commented: Cary Road would be his front-yard, not his driveway. Mr. Johnson faced his house to his driveway and not to Cary Road; therefore the pole barn he is requesting is in his front-yard.

Chairman Rose commented: I understand that.

Mr. Hansen commented: I think the only place that would cover this is in the definition of a front-yard. It says "An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the sidelines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the principal building and shall not project into a required front yard." This is under Article III Definitions 165-5. This would be in his front yard.

Chairman Rose commented: It is similar to a corner lot where you have two front yards.

Mrs. Jordan commented: I think it's defined and I think it's established that this is the front yard.

Mrs. Smith-Law commented: Just so we are all comfortable that we all know that this is the front yard of his lot. I see you have the septic tank off the garage side of your house. Is there anyway to move the pole barn over and back?

Mr. Johnson commented: I can't move it any closer to the septic system. We have tried everything. I always thought the side yard was where the driveway came in. Usually your driveway is in your front yard. I guess I made the mistake, but for my lot this the best location for my house.

Mrs. Smith-Law commented: I just wanted to see if there was another place to put it.

Mr. Johnson commented: I might be able to put it behind the house, but I can't because I have a 30' right-of-way to the property behind me. That is why I can't put it there. This is really my only option.

Chairman Rose commented: Do the members of the Board have any other questions? Would anyone from the public like to speak? Please come to the microphone and state your name and address for the record.

Mr. Ronald Czajkowski of 39 McBride Road stated that he owns the property adjacent to this property. Looking at the map briefly, I see no reason at all for the pole barn to be placed there. It's not near his driveway, it's not on a main highway, and it's on a private driveway. With all that being taken into consideration, as long as it's not motorcycle repair shop or car engine repair shop or something like that, and it's just for storage, I see no problem at all as

long as he meets the proper distance from the property line. I have no objection as a neighbor. That's my opinion.

Chairman Rose commented: Seeing that no one else would like to speak, I will close the public hearing.

"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."

Mrs. Jordan commented: I don't think it would make any detriment at all to the neighborhood. I know from our site visit and from looking how it's situated and also on the map that it is the best possible place that it can be built. There is plenty of room between all neighboring property lines and he certainly is within the allowed distances. I see that there is no detriment.

Chairman Rose commented: I would like to add to that that from our site visit, I think the Board was under the impression that this a place, where you will park the RV and your other vehicles, as commercial property. Your neighbor brought it up and I think he has every right to ask that question because of the commercial vehicles that you own. From our expectations if this is approved it is you to park your RV in your garage and not to parking your construction vehicles.

Mrs. Smith-Law commented: I did not go to the site visit, so I did not see the way it was situated, but looking at this gentlemen's photograph and taking into consideration your concerns, this actually may be a better option. It sounds like the building is going to take some of the vehicles that maybe objectionable in the driveway and house them.

"Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance."

Mr. Burdyl commented: I would say that from our discussion here, during the past half hour or so, that if we evaluate the way this lot is laid out with the access roads, that this appears to be the optimal pathway.

"Whether the requested area variance is substantial."

Mr. Burdyl commented: I think it is substantial, but we have evaluated the site and this appears to be the optimal method to fit a structure onto this lot.

"Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and"

Chairman Rose commented: I don't see any adverse impact or environmental conditions. We looked at your grading of the property and it looks like there was water moving, probably because the structure is still in process. It doesn't appear that anyone behind you would be affected by the grading that you did for your property.

Mrs. Jordan commented: I would also like to point out that where he has the pole barn staked out, that is not where the water was running. It was behind it and a small part in front of it. It will not interfere with the waters path.

" 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: It was not self-created on the lot, and the location of the house is where it needed to be placed. It didn't seem like there were other alternatives where buildings could be established on the lot. The lot is unique and with that said, it is a flag lot and the way the lot is sloped, the best position to place the garage is where it is being proposed.

"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 and safety ad welfare of the community."

Mrs. Jordan made a motion to approve the area variance and was seconded by

Mrs. Smith-Law. Motion was carried.

Mr. Hansen commented: When someone is approved a building permit for a garage, is it stamped and stated that it is for personal use only?

Mrs. Murphy commented: It is understood pertaining to our local law that you cannot operate a business out of that garage and if he were to, he would be a violation of our local law and he would be sited. The building permit may say on

it residential garage and it would be used only for his personal things. That is the decision that was discussed on the record as part of his approval.

Mr. Hansen commented: I have seen that on other building permits I didn't know if they still do that or not. They use to do that. Maybe it depended on the size of the building if it were over a certain size. I don't think they put it on a standard 2-car garage or something. There are numbers of people in the Town that have built garages like this for recreational vehicles.

Mrs. Murphy commented: I am not sure you are correct. I have not seen one issued and don't know for sure.

St. Johns Plaza, 1683 Route 9

Chairman Rose commented: This is an agenda item. I have one point of clarification for the Board. Who is the applicant? Rexford Group Associates and then Bast Hatfield are both on the application, who is the applicant?

Mr. Tom Pratico was present and is with Bast Hatfield and the Rexford Group. The applicant is the Rexford Group and that is Chris Bast who was with Bast Hatfield and has recently retired.

Chairman Rose commented: So Bast Hatfield is the owner?

Mr. Pratico commented: No Rexford Group is the owner.

Chairman Rose commented: The applicant is requesting an area variance at 1683 Route 9 for a tenant named Halal Meat Market. The products this retail market would sell would be meat and groceries. The use would require additional parking to the existing site. The parking area required is banked parking. This application was denied by the Planning Board. We will probably need some understanding as to what the requirement is for that parking lot.

Mr. Pratico commented: When we built the mall back in 1995, it was approved by the Town with the parking that is there right now for 114 cars. We have since banked 14 parking spots 10 spaces in the rear and 4 out in the center of the parking lot in an area that is now hashed for isle ways, but could be parking.

Mr. Burdyl commented: What is the definition of banked?

Mr. Pratico commented: Banked means the spaces are available but not designated and are not paved. It's green area. We looked into possibly doing some more banked parking but if we did we would be right on the edge of the green space ratio so what we have is pretty much all we can get. Since the mall has been developed there has been various tenants, mixed uses and when this

last application was made to replace the Velo Watts bicycle center the training center that was there this new use Halal Meat Market which is an Indian Pakistani speciality market which doesn't do any butchering on site all the products are brought in by an outside source and then to order and sold right there. It was denied because the Planning Board went through an analysis of the parking ratios per retail space versus restaurants and the mix of uses that we have and we come up with 42 parking spaces short. We never had a parking issue in the mall ever since it opened in 1995 there is not a parking issue now we would like to get this straightened out if we could hopefully through an area variance so that when the next tenant comes and goes because there will be other changes as time goes on we won't have to waste this Board or the Planning Board's time with the parking issue.

Chairman Rose commented: What Article is in violation here.

Mrs. Murphy commented: It is the parking and the commercial site plan layout Article 165 Attachment 2 Schedule B. What happens is the Local Law has an addendum attached that shows what parking is required for the type of use and when these plazas are built, they are designed for all mixed uses. When they are first designed and approved they meet all the requirements and when the uses change and they bring in restaurants the parking spaces are higher than for say a jeweler store. The Planning Board has a discretion to say there has never been a parking concerns, so we can allow certain tenants because they are low volume and would not really use that many parking spaces. The Planning Board doesn't have any concerns with sufficient parking spaces for this use from a practical matter, but from a local law stand point they couldn't say yes to this use because technically there are not enough parking spaces pursuant to the chart in our Local Law. That is one of those things we are looking at amending as part of the overall Zoning changes.

Chairman Rose commented: And because it's a deli it's considered eat in?

Mrs. Murphy commented: Yes the requirements are higher than if it were an eat in restaurant.

Mr. Practico commented: Oh no, it's not an eat-in deli. It's a market, and not a place where you will go sit down and have a sandwich.

Mrs. Murphy commented: No, but the other restaurants in the plaza are eating up all the parking.

Mrs. Jordan commented: Is the deli where you need a potential to eat in even though they are not?

Mrs. Murphy commented: It doesn't have to do with an eat in restaurant. It is considered to be a convenient store because of the use. That is the use that is referred to in the parking charts. It goes along with the speciality prepared food as well.

Chairman Rose commented: Is this to be considered an algid with all the other tenants? There are other restaurants there like Shanghai, Sushi-Na-Ra and the Vietnamese Restaurant.

Mrs. Smith-Law commented: Is Tail Gators also considered to be a restaurant?

Mr. Pratico commented: Yes. Domino Pizza is strictly take-out only and delivery.

Chairman Rose commented: So, the plaza is required to have 171 spaces based on the current tenants. The Bank has its own parking. I will retract that. The total parking on site is 128 spaces 14 are land banked. St. John's Plaza parking calculations show that there are 154 spaces needed without this additional change in tenant. The zoning required by the Town Law requires 17 additional spaces. You are short 42 parking spaces. Is everyone clear on that?

Mrs. Jordan commented: You were short before this tenant?

Mr. Pratico commented: Well that is the point that we were short with the previous tenant. I believe by the Planning Board requested 12 parking spots and the retail required 14, so they almost the same. There was no parking issue with the tenant that we had and there won't be any difference with the market either. On a practical stand point.

Mrs. Jordan commented: So, being that there is 14 land banked spaces if you were to make them parking now, it would really be a difference of 3 from what it has been without this market having it.

Mrs. Murphy commented: Just to make sure the Planning Board is on the same page they are not concerned with parking at this facility. They think this will work fine it's just that the Local Law does not allow them to say ok you can have that use.

Chairman Rose commented: So what analysis did they look at to determine that you have enough parking there today and this is not really an issue. Or whatever studies or details?

Mr. Pratico commented: I know that the different Board Members have been there multiple times. Some of them shop there, some get their dry cleaning done there, and they go by looking at sign applications for various tenants. I guess it's just been from visiting the site.

Mrs. Murphy commented: I believe that the Planner and the rest of the Board don't have a problem with it.

Chairman Rose commented: It's mainly just suggestive information from visits.

Mrs. Jordan asked: What are the hours of this market going to be?

Mr. Pratico commented: It's on the application, Monday- Friday 10am-9pm.

Mrs. Jordan asked: So it would be open during the busy dinner times for Tail Gators and football games and for the other restaurants when they get their dinner crowd?

Mr. Pratico commented: Yes, but then some of the other tenants are closed. Chevron Uniforms has no employees and he is allocated 12 parking spots. The Pizza Place has 2 employees for delivery and it's either pick up or delivery. The Real Estate Office has 1 receptionist that is there full-time and the other agents come and go and most work from home. Maybe on a weekend they will have a closing in their conference room. All of the different uses is what makes it work.

Mr. Burdyl commented: On 9-12-11 an approval was done for Reichert Realty for 1 space that was required. So at that time, the balance of the spaces had met the required approval. Am I making an incorrect assumption here?

Mrs. Murphy commented: I would make the same assumption based on the information in the Planning Board files. The Board had the ability to modify the requirement because there wasn't a set requirement in the Local Law for that use. This is different because there is a set requirement in the Local Law for this use that they can't achieve.

Mr. Burdyl commented: I see because of the change of tenant.

Chairman Rose commented: My only comment is that when you come before us requesting a variance like this you have to meet certain tests. Generally speaking, we don't act from subjective evidence. We like to see some more objective evidence and studies or trends, otherwise it's just going to be our

interpretation of what we see based on what we visit or whatever. It would be advisable in order to move forward tonight to present us something like different times of days and what the parking situation is there. I know for example, I have been there on Sundays and the parking lot is fairly full during football season. By fairly full, I meaning chock full because of Tail Gators. I would assume that the lot would not be as full during the week. I wouldn't know what is going on there Monday through Friday because I don't usually drive by there. So if you have evidence like that to show us to present your case.

Mr. Pratico asked: What would you suggest then?

Chairman Rose commented: I can't tell you what to bring it is just a suggestion of bringing some kind of information. It's for my benefit and the Board's benefit to understand this.

Mrs. Jordan commented: I just want to get it clear; you said that it would be after the 14 additional spaces, if they were to be made into the parking. After that, any other parking would encroach on your green space.

Mr. Pratico commented: You may be able to squeeze a couple more spaces out on some side lines, but it would be very close.

Mrs. Jordan commented: I did notice the other day when I went by that even though the 10 parking spaces in the back aren't prepared for parking, that it seems like some employees do park back there already.

Mr. Pratico commented: I think maybe, possibly, two people from the Vietnamese Restaurant do park back there and the Cleaners park back there too. I am there all different times doing different things and sometimes there may be a couple cars back there. Chevron Uniforms does park there too.

Chairman Rose commented: I just have one more question, there is a strip of land on the north side of the property where you can drive through and round the back side of the building and it's paved. Is that a thoroughfare area or and is that meant to be driven on? You can connect parking lots from there to Lowe's.

Mr. Pratico commented: People go through it, but it's not a thoroughfare. We have had signage up, but people are going to go where they want to go because it provides access to the rear of our building.

Chairman Rose commented: There is nothing there that says you can't drive through there.

Mr. Pratico commented: We have had signs up, it's one way.

Chairman Rose asked: It says it's a one-way street, so is that considered an access road?

Mr. Pratico commented: No. We had trouble with people going from around the building the opposite way and coming out there from Aldi's side.

Chairman Rose asked: I would assume that nobody should be driving back there, correct?

Mr. Pratico commented: Well, no one other than tenants of the mall.

Mr. Burdyl commented: You still need to have access to the side of the building.

Chairman Rose commented: Cars are driving through there.

Mr. Pratico commented: That would be fine with me if we could stop that. I don't know how.

Chairman Rose commented: Does the Board have any other questions?

Mr. Hansen commented: No, but I would agree with your statement. It would be nice to see some estimates on the actual parking needed or some justification other than how we think that it would be ok with another 43 spaces, if that were a real number. That is a lot of spaces.

Chairman Rose commented: The problem here is that they are already short spaces and we are making the problem worse. That is my concern.

Mrs. Smith-Law commented: I have actually been at Saigon Springs Restaurant at the Plaza. If you go on a Friday night or a Saturday night, believe it or not, it is hard to find parking there. We are fairly frequent visitors there. If that is open and the bar is open, then it's pretty crowded on the weekends.

Mr. Pratico commented: It is a good restaurant.

Chairman Rose asked: I don't have more questions, does anyone else? We will close the agenda hearing now and will take a motion to determine if we have enough information for a hearing for August 5, 2013.

Motion made by Mr. Hansen to set a public hearing for the Rexford Group at 1683 Route 9, St. John Plaza for Monday, August 5, 2013 at 7:00 p.m. seconded by Mr. Burdyl. Motion was carried.

Chairman Rose commented: The site visit will be on Saturday, August 3, 2013 at 9:30 a.m. It was agreed by all.

Chairman Rose commented: In your packet Mr. Ronald Clapper of 90 Lower Newtown Road received a denial for a building permit. The applicant is looking for a frontage variance. This will also be on the agenda meeting on August 5, 2013.

Mr. Hansen commented: The original variance was for a flag lot. Instead of a 20' driveway they only had 14.8'. The area requirement has also changed.

Chairman Rose commented: I have one more bit of news for the Members. We sadly regret to inform the Board that we received a letter of resignation from Mrs. Smith-Law for the Zoning Board of Appeals. She is moving onto newer, bigger and challenging assignments within the Town allegedly. I am on uncharted territory here; I will accept her resignation from the Zoning Board of Appeals tonight so you are no longer allowed to be up here with us in the following dates. Lois, you are one of the nicest people I have ever met in my life and George said the same thing to me in the car on the way over here to the meeting. George had some other comments, but I won't tell you that! Just joking! You always smile, were all going to miss you dearly and your service to the Town has been very much appreciated not just during George's 43 year tenure but during my 4 month tenure of leadership. I am really taking this personally. We are really going to miss you, you're a lot of fun to be with and very smart and intelligent and you add a lot of value to the Town, so thank you very much.

Lois commented: Thank you. I will miss you all too (everyone clapped).

Mr. Polak spoke but was not on tape and could not be heard.

Chairman Rose commented: Is this an affirmative action title 7? (everyone laughed).

Mr. Polak spoke again but without microphone and was not heard on tape.

Chairman Rose commented: The only thing I would recommend is that she give John Ouimet a very hard time!! And I think you're capable of doing that!! I am not sure of the process for a new member, but I am sure someone will enlighten me in a few days or so.

Mrs. Murphy commented: The Town Board will be accepting applications and interviewing applicants which you will be part of. The new person would fill the remaining term for Lois.

Again Mr. Polak spoke and was not heard.

Lois commented: If the Planning Board rejects me, I still have time to apply to the ZBA. It really has been a pleasure being on this Board and when I actually sent my resume in, I thought how much I would miss you guys. That is what made it a difficult decision to even apply. When Walt called me and said we choose you I said on Sh--! I am looking forward to working harder as some of my other civic responsibilities are winding down. I do get board easily. I will miss you all a lot. I am looking forward to a new challenge.

Motion made by Mrs. Jordan and seconded by Mrs. Smith-Law to close the meeting tonight. Motion was carried.

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