

9/5/23

Town of Halfmoon Zoning Board of Appeals
Meeting – Monday, September 5, 2023
7:00 PM

Chairwoman Curto called the meeting to order at 7:02 PM on September 5, 2023 this meeting is being held in person and via Microsoft Teams following members present:

Members- Chairwoman Curto, and Kevin Koval, Frank Griggs, Leonard Micelli, Dave Maxfield
Planner - Paul Marlow
Town Attorney – Cathy Drobny

Public Hearing:

Lansing Garage Addition, 160 Clamsteam Road- Area Variance

Mr. Steve Lansing presented the application on behalf of the property owner. The applicant is before the Board seeking approval for a variance as it relates to the proposed garage addition for their existing home at 160 Clamsteam Road. They are proposing to construct a 20'x 20' garage on the side of the house, which will be directly attached to the home. The home is a pre-existing/non-conforming residence that does not meet minimum requirements for front yard setback. The proposed addition would locate the home closer to the front and side yard property lines. The applicant submitted a building permit to the Town, which was subsequently denied by the Code Enforcement Office on June 6, 2023 as it did not meet minimum setback requirements. The applicant is before the Board seeking variances for front and side yard setbacks. He noted this will be used to store his three vehicles; he is in law enforcement and the garage will help protect his car from potential vandalism.

Mr. Koval noted that at the site visit there was some confusion on the location on the corner of the garage. He clarified that the garage would need to meet any setback granted by the ZBA; and that the Town Building Department may require an as-built to ensure compliance with the required setback.

Bryce Tyrell, contractor, indicated that the neighbor agreed to sell land to give them more room on that side.

Mr. Koval noted that changing the lot-lines may cause the need for further variances because it is a pre-existing/non-conforming site.

Mr. Marlow explained that in order to amend the existing lot-lines, they would need to go to the Planning Board for a Minor Subdivision (lot-line adjustment). However, the lots may be pre-existing/non-conforming lots and if you modify the lot-lines, you may trigger additional variances. It cannot be known until you have a survey but that is an option we can explore if you'd like. If the Board grants your variance, you'll be able to work within those parameters but if you want additional land, that is another process.

Mr. Koval discussed the idea of an easement to access the back to avoid the need for variances.

Mr. Marlow noted they couldn't legally build on it but they could use it as an ingress/egress easement.

Mr. Tyrell noted it was simply an option they were exploring based on conversations previously had with the Board.

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Chairwoman Curto closed the Public Hearing at 7:09, there was no public comment.

A site visit occurred on August 19, 2023 at 9am.

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

1. 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.
 - a. Mr. Griggs commented: No, many of the houses in that area are close to the road with garages;
 - i. Mr. Maxfield noted most homes in that area have garages, the existing house is just as close to the road as the proposed garage.
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - a. Mr. Micelli commented: No, there is no other place to go;
 - i. Mr. Koval commented that he was very familiar with the area, there are very limited options;
3. Whether the requested area variance is substantial.
 - a. Mr. Maxfield commented: The front is not, but the side is;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
 - a. Mr. Koval commented: No, there is no impact;
5. 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.
 - a. Mr. Koval commented: No, it is odd lot with the lot angles & conditions;
 - i. Mr. Maxfield stated the house was built in the 50's before the Code. They are trying to work within the existing Code.

Chairwoman Curto made a motion to approve the Area Variances as proposed for a garage to be attached to the home the, seconded by Mr. Koval. Motion was carried

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

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

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*Meeting adjourned at 7:15 PM.
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