

Town of Halfmoon Zoning Board of Appeals
Meeting Minutes
November 5, 2012

Chairman Hansen called the meeting to order for the Town of Halfmoon Zoning Board of Appeals at 7:03 p.m. on Monday, November 5, 2012 at the Halfmoon Town Hall with the following members present:

Members: Vice-Chairman Tedrow, Mrs. Jordan, Mr. Rose, Mr. Brennan

Alternates: Mr. Burdyl

Town Board Liaison: Paul Hotaling, absent

Town Attorney: Mr. Chauvin

Town Planner: Mrs. Zepko

Secretary: Mrs. Mikol

Motion was made by Vice-Chairman Tedrow and seconded by Mrs. Jordan that the minutes from the October 1, 2012 meeting be approved. Motion carried.

DEC Development, Stone Quarry Road – Area Variance

Chairman Hansen commented that the request is to build a duplex on the south side of Stone Quarry Road. This is a continuation of last meeting's public hearing. Chairman Hansen commented that he was surprised that no one from the public was present.

Mr. Dwayne Rabideau was present with a proposal for an area variance on the south side of Stone Quarry Road approximately 236' east of Plank Road in the Town of Halfmoon. The applicant is asking for relief at the building setback line from the required 150' to 121.75'. The required minimum lot size for a 2-family dwelling is 30,000 sq. ft. and the lot has 27,605 sq. ft. This is a R-1 Residential District and the previous owner was Mark Bethel. The proposed application is near the existing twin homes within the Rivercrest Estates PDD and near an existing mobile home park. There is a duplex to the northeast of the lot across from Stone Quarry Road and proposed duplexes south of this parcel.

Mr. Rabideau commented that at the request of the Zoning Board a drainage plan was submitted to Clough, Harbor & Associates for their review and comment to the Zoning Board of Appeals. On October 24, 2012, CHA commented back to the Board that they were in support of the re-charge basin drawn by VanGuilder Associates that is due to the high water table in this area.

Chairman Hansen asked why a retaining wall was being shown on the plan.

Mr. Rabideau commented that there is a 20' no cut buffer that runs along the side of the existing property and we plan to install a 2' high retaining wall to protect the buffer and stay out of the no cut buffer. It runs along the driveway and property line.

Mr. Rabideau further explained that there will be very little water from roof drains and the driveway will go to the pond. This will be less of an impact to the east. Ninety-nine percent of the water will be going to the recharge basin. The basin is set up to hold water and release it slowly and should be gone in 1-2 days.

Chairman Hansen asked if any drainage would be sent to other properties. I am particularly interested in the woman that lives across the street from this parcel with the complaint about water going into her garage.

Mr. Rose asked Mr. Rabideau if a 2" rainfall event is the standard used to achieve stormwater runoff standards.

Mrs. Zepko commented that under the SPEDES Permit there is a standard for a 2-year event, a 10-year event, and so on. Do you know what calculation they used? A typical 24-hour rainfall yields 2" of water.

Mr. Rabideau commented that he is not sure what calculation they used. The neighbor complaining about the water going into her garage is because her garage is under her house. That is why she has flooding. We're not sending any water to her. There will be a 0 impact to the neighbors.

Vice-Chairman Tedrow asked to what level would the pond be raised to; is there a chance it would over flow?

Mr. Rabideau commented that the pond should not overflow. The calculations show that it will hold water and release it within 1-2 days. That is the way it's designed. The existing neighbors all drain toward the pond.

Chairman Hansen asked if this property is the high point?

Mr. Rabideau commented no; the east side of Stone Quarry Road is the highest point.

Chairman Hansen is wondering why none of the neighbors came in tonight.

Mr. Chauvin, Town Attorney commented that this is a regular Board Meeting, it's not a Special Meeting of the Board, there will not be another Public Hearing and folks will not be notified again. The residents were all told at the last meeting that there would be a meeting tonight. It is their choice to come or not.

Chairman Hansen commented that, "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."

Vice-Chairman Tedrow commented that this is a residential use as a duplex. There are townhouses surrounding the lot so the character of the neighborhood is not being affected.

Mrs. Jordan commented that the letter from Clough is addressing the detriment to the neighbors, Harbour with the resolution to handle the water issues that all the neighbors are experiencing.

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

Mr. Rose commented that a single family home would be another method.

Vice-Chairman Tedrow commented that the benefit would not be the same.

Mrs. Jordan commented that a single-family home would not work well in this neighborhood it would be surrounded by duplexes and twin-homes.

Mr. Rose commented that a duplex is an alternate way and is not a detriment to the neighborhood.

- "Whether the requested area variance is substantial."

Mr. Rose commented that the lot appears to be adequate. The lot can handle the drainage, the setbacks and all the water issues.

Vice-Chairman Tedrow agreed that the lot could manage all the run-off water; there is enough room to do that.

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

Vice-Chairman Tedrow commented that the Engineers representing the Town handled the drainage issues for us; there will be no impact on the physical or environmental conditions in this neighborhood.

- "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.

Mrs. Jordan commented that it was absolutely self-created and it does not preclude the applicant for asking for a variance.

Mr. Rose commented that it is an allowable use.

"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, safety and welfare of the community."

Chairman Hansen commented that the Board accomplished that with the drainage plan that was submitted to Clough, Harbour & Associates. With their review and comments back to the applicant the drainage plan is in place.

Motion was made by Vice-Chairman Tedrow and seconded by Mrs. Jordan that the area variance be granted contingent that the drainage plan approved by Clough, Harbor be implemented. Motion was carried.

Motion made by Vice-Chairman Tedrow and seconded by Mrs. Jordan that the meeting be adjourned at 8:00 p.m.

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

