

Town of Halfmoon Zoning Board of Appeals
Meeting Minutes
May 7, 2012

Vice-Chairman Tedrow opened the meeting of the Town of Halfmoon Zoning Board of Appeals at 7:00 p.m. on Monday, May 7, 2012 at the Halfmoon Town Hall with the following members present:

Members: Mrs. Jordan, Mr. Brennan
Alternates: Mrs. Smith-Law and Mr. Burdyl
Town Board Liaison: Paul Hotaling
Town Attorney: Mrs. Murphy
Secretary: Mrs. Mikol

Motion was made by Mrs. Jordan and seconded by Mrs. Smith-Law that the minutes from the April 2, 2012 meeting be approved. Motion carried

Vice-Chairman Tedrow asked for a moment of silence for Harold Montgomery who recently passed away, Mr. Montgomery was the second Code Enforcement Officer and Building Inspector that the Town ever had. He was on the firing line back when the Town was learning what it meant to have building codes and ordinances. Mr. Montgomery then went on to be the Water Superintendent later in his career.

Mr. Burdyl and Mrs. Smith-Law, Alternates will both be voting tonight due to Members being absent tonight.

Tonight we have 3 applications before us. We are here tonight to determine if we have enough information on these applications to set a public hearing for our next meeting of Monday, June 4, 2012.

Fairway Meadows - 7 and 22 Dormie Avenue
The proposal is for an area variance on each lot.

Mr. Dwayne Rabideau, VanGuilder Associates was present with a request for both 7 and 22 Dormie Avenue in Fairway Meadows for area variances. Photos from the County's GIS maps were submitted to the Board for their review. The foundation of Lot 7 Dormie was shown. A 4' front yard setback is needed for the porch section. The house is on a curve in the road. When the house was laid out the porch was not considered.

Both lots will have the same style house on them. The difference in the setback will not be noticeable because of the curve in the road. The setback has to be met because there is a roof over the porch. All the homes have the same roof over deck. If there were no roof it would not require a variance.

There will not be an adverse impact on the neighborhood. We could cut the foundation and create a shorter porch, but that would be noticeable. The overhang on the porch is the same on all the houses. This will not change the character of the neighborhood. The problem happened in the field when it was ready for stakeout. For some reason the porch was not included in the stakeout. The concrete went in and we left it out of the stakeout line. Our system failed and it wasn't caught until we did the actual foundation.

The Zoning Board of Appeals will be holding one official public hearing for both applications. These applications are both for the same area variance with the same request.

Motion was made by Mrs. Jordan and seconded by Mrs. Smith-Law to set a public hearing for Monday, June 4, 2012 at 7:00 pm for both 7 and 22 Dormie Avenue. Motion was carried.

The site visit will be held on Saturday June 2, 2012 at 10:00am.

David Canfield, Plank Road
The proposal is for an area variance

Mr. Dwayne Rabideau was present from VanGuilder Associates with an area variance request on the east side of Plank Road near Captain's Blvd. of the River Crest Development. Lot A has 148.75' of frontage and needs 150' of frontage for a duplex lot. Lot B meets the requirements for frontage an area for a duplex.

A copy of the zoning map was shown to the members of existing homes and vegetation in the area. The proposal is for an area variance on a parcel of land located on the east side of Plank Road just north of Captain's Blvd. that goes into the Rivercrest Subdivision. There are two proposed lots, Lot A and Lot B. We are looking for a variance for Lot A from the required 150' lot width to 148' and Lot B meets all the requirements. We feel that there will be no undesirable change to the character of the neighborhood. According to the zoning map on the west side of Plank Road its C-1 Commercial zone it is mostly residential right now but one day it will all be commercial. The townhouses in back of these 2 lots are a transition from town homes to duplexes to commercial development.

The applicant received an approval from the Planning Board last year for a 4-lot subdivision for single-family homes that included Lots A and B and a third parcel to the left side lot number 3. All of these lots combined together make up 4 lots for the single-family homes.

Mr. Rabideau commented that this request of 1.2 feet is a minimal request for an area variance for lot width. It will not have an adverse effect on the neighborhood. These are the largest lots in the surrounding area. Duplexes are allowed in this zone. The two duplexes we are asking for would have less of an impact than 4-single family homes. The single-family lots have 100' of frontage and the duplex lots are 150' wide. Another improvement we will be making is adding a land preservation area in the back of the lots so nothing can be built on it.

Mrs. Murphy commented that you were before the Planning Board and did receive an approval for 4-single family homes and now you are looking for 2-duplexes on two of those lots? What about lot B?

Mr. Rabideau commented that Lot B could also be a duplex. Technically mapping it out there will be 3-duplexes. It has been approved but not filed. Mr. Canfield is afraid of the commercial side of Route 9. He is trying to sell a lot on Mari-Nol Drive due to the commercial land behind the house he just built, he is having a tough time selling it.

Mrs. Murphy commented that your approval only lasts for one year, was the approved plan filed at the County Clerk's Office yet?

Mr. Rabideau replied no it has not been signed yet by the Town and it has not been filed.

Mr. Burdyl commented, right now it is 2-lots, A and B.

Mr. Rabideau stated it is actually one large lot as you see it on the County GEIS Map. I have an approved 4-lot subdivision that has not been filed at the County.

Mrs. Smith-Law asked if these are going to be rental units or an attempt to sell?

Mr. Rabideau commented that they would be rental units. Mr. Canfield plans to keep them.

Mrs. Smith-Law commented that it would truly be 2-lots rather than 4-lots.

Mr. Rabideau replied yes. The applicant has an approval for a 3-lot single-family subdivision that he now wishes to change to two lots for duplexes. He has lot 3 that is already approved and could put a duplex on it right now. We are just really doing a 2-lot subdivision of this parcel only. The biggest thing is to trade off the fact that there is less physical impact with the build out of the duplexes because with the single-family houses the house farthest to the south is actually close to the property line so all the vegetation that we can retain on Lot B would not be there. It is fairly dense with second growth hardwood. In reality the buffering would have a huge impact. It was one of the previous concerns when we did the 4-lot subdivision. The neighbors were concerned about losing all the trees. This way we have the ability to save it and keep it as a land preservation area.

Vice-Chairman Tedrow asked how would that be preserved as a land preservation area. Are you intending to turn it over to the Town?

Mr. Rabideau said no, it is basically an encumbrance on the lot that will be restricted through the notes on the plan filed at the County. A no-cut buffer and no clear cutting. It has to remain. In the deed the lot is subject to land preservation rights.

Vice-Chairman Tedrow asked if the Board had any other questions? No one replied.

Motion made by Mrs. Jordan and seconded by Mrs. Smith-Law to set a public hearing for Monday, June 4, 2012 at 7:00 p.m. Motion was carried.

Meeting Adjourned at 8:00 p.m.
Respectively submitted by Denise Mikol, Secretary
Town of Halfmoon Zoning Board of Appeals

