

## **Zoning Board Minutes - August 2, 2004**

Chairman Hansen called the August 2, 2004 meeting of the Town of Halfmoon Zoning Board of Appeals to order at 7:30 pm with the following members present: Mr. Ouimet, Mr. Drake and Mr. Rose –Zoning Board of Appeals members and Jeff Williams – Zoning Board Coordinator.

Mr. Ouimet made a motion to approve the June 7, 2004 ZBA minutes with changes. Mr. Drake seconded. Motion carried.

### **Ianiello Subdivision, 25 Pruyn Hill Road**

Mr. Hansen opened the Public Hearing at 7:31 PM. Mr. Dan Tompkins, Environmental Design Partnership representing the Mr. Ianiello, presented an area variance request to create a second lot from an existing lot in the Pruyn Hill residential development. Mr. Tompkins stated that the Pruyn Hill residential development was created in the early to mid 1900's and that the majority of the lots associated with the development are sub-standard to the current Town's lot area requirements. Mr. Tompkins stated at the time that the Pruyn Hill residential development was being created, some of the owners purchased "double-lots". Mr. Tompkins presented a tax map of the Pruyn Hill development showing current lots with 50 ft widths. Mr. Tompkins stated he is showing the tax map, with the sub-standard lot areas, to explain the area variance being requested for the Mr. Ianiello does not alter the character of the surrounding neighborhood. Mr. Tompkins stated Mr. Ianiello purchased a "double-lot" and now would like to create a second lot for estate planning purposes. Mr. Tompkins stated the target parcel with an existing house would be on a proposed lot with an area of 9,974 SF and a width of 80 ft. The second proposed lot (vacant) would have an area of 8,603 SF with a width of 70 ft. Mr. Tompkins stated that the existing house has a 12 ft front yard setback from Pruyn Hill Road and a 9ft setback from Washington Avenue. Mr. Tompkins stated that a second variance would need to be asked for the second proposed lot for a front yard setback variance by taking the average length between the developments existing front yard setbacks or about 23 ft. Mr. Tompkins concluded by saying the variances requested would keep with the character of the neighborhood and be consistent with the surroundings and would not create any nuisance conditions. Mr. Hansen asked if anyone from the public wished to speak. No one responded. Mr. Hansen asked for comments from the Board. Mr. Tompkins added that the proposed lot would be for a single-family home. Mr. Ouimet asked why the applicant was asking for a front yard setback variance. Mr. Tompkins stated in order to allow the future builder to place the proposed house within a reasonable building envelope. Mr. Tompkins stated the current required 50 ft front yard setback would be out of character of the neighborhood. Mr. Ouimet stated that the future buyer of the house could be restricted on where to place the house depending where the variance for the front yard setback was agreed. Mr. Ouimet asked why ask for a 23ft front yard setback. Mr. Tompkins stated to match the surrounding front yard setbacks of the neighborhood. Mr. Ouimet stated the applicant should just ask for the area variance and allow the future owner ask for the setback variance at the time of building. Mr. Drake asked what the side yard setbacks would be. Mr. Hansen stated that the current zoning requirement is one side to be 10 ft and both to add up to 25 ft. Mr. Tompkins stated that the side yard setbacks can be met and no variance would be needed. Mr. Hansen stated that he would feel more comfortable with making a decision if there was a specific house size with specific setbacks being requested.

Mr. Ouimet made a motion to table the item to allow the applicant to discuss with the owner's of the property on a specific house design with the specific set backs needed. Mr. Drake seconded. Motion carried.

Public Hearing will remain open due to the item being tabled for additional information to be submitted.

### **Campbell Subdivision, 405 Hudson River Road**

Mr. Hansen opened the Public Hearing at 8:13 PM. Mr. John Campbell, representing his father DeWitt Campbell, is requesting an area variance for lot sizes and a variance that the proposed parcels have no road frontage. Mr. Campbell stated he wishes to separate two existing residential units, located on one parcel, by subdivision, which would create two non-conforming lot sizes. Mr. Campbell stated the residential units have been in existence prior to zoning laws but were subdivided from the adjacent restaurant use in 1983. Mr. Campbell stated one of the existing residential uses is currently a rental and the occupant wishes to buy the structure. Mr. Campbell stated the requested variance would not alter what is currently there. Mr. Hansen asked if anyone from the public wished to speak. Mr. David Taylor, Route 4 & 32, stated he owns the land to the north of the proposed action and is representing Ms. Diane Campbell who along with Mr. DeWitt Campbell, owns the parcel to the south of the proposed action. Mr. Hansen stated a NYSDOT Right of Way (ROW) separates the lands to the south of the proposed action. Mr. Taylor stated he has issues with the lots not meeting the required lot areas and not having road frontage. Mr. Taylor stated his concerns stem from the condition of the existing septic systems. Mr. Taylor

alleged the existing septic systems, due to the soil conditions, do not percolate properly. Mr. Taylor stated that there are issues from the time the restaurant was subdivided from the property and that there was no road frontage given to the residential uses. Mr. Taylor stated the septic from the restaurant is conveyed from the parking lot, through the proposed action land into his land and ultimately to the river by a perforated pipe. Mr. Taylor stated that one of the residential units is an old camp with no foundation; frost wall and that the Town never issued a building permit for it. Mr. Taylor stated that the lots being proposed are too small and that the needed area for a septic system to operate correctly could not be located on such small lots. Mr. Hansen asked where the alleged perforated pipe is located that conveys the septic water from the restaurant to his land. Mr. Taylor showed the Board on the map. Mr. Taylor stated that the septic areas on the map are incorrect because he is the one that placed and maintains the systems. Mr. Taylor stated that the systems would need to be engineered systems and the expansion area would not be allowed due to the small lots being requested. Mr. Drake asked why Mr. Taylor placed the septic systems if he knew that the systems would not work adequately. Mr. Taylor stated he suggested stainless steel holding tanks to be pumped out on a regular basis or the owner placed an engineered septic system but neither. Mr. John Campbell stated that the present conditions have been the same for over 20 years and stated that he is not aware of the perforated pipe from the restaurant. Mr. Ouimet asked when was the parking lot created for the restaurant and does the parking situations "cut off" the access to the residential uses. Mr. Campbell stated that in 1983 a subdivision occurred and the residential units were given a permanent 15' access easement. Mr. Ouimet asked if the parking situation for the restaurant ever blocked off the access easement. Mr. DeWitt Campbell stated the restaurant marks off the driveway with cones. Mr. Ouimet made a motion to table the item in order to gain additional information such as: current status and working condition of the existing septic systems, information containing the fact that the existing 15ft access easement is always open for the residential uses, information on the 1983 restaurant use/residential use subdivision and information of perforated pipe allegedly conveying septic from the restaurant. Mr. Drake seconded. Motion carried.

Public Hearing will remain open due to the item being tabled for additional information to be submitted.

Mr. Rose made a motion to amend the motion made by Mr. Ouimet to approve the June 7, 2004 Zoning Board of Appeals meeting minutes to reflect that Mr. Rose seconded the motion to adjourn (not Mr. Drake) the June 7, 2004 ZBA meeting. Mr. Ouimet seconded. Motion carried.

Mr. Ouimet made a motion to adjourn the August 2, 2004 Town of Halfmoon Zoning Board of Appeals meeting at 8:55 pm. Mr. Drake seconded. Motion carried unanimously.

Respectfully Submitted,  
Jeffrey R. Williams  
ZBA Coordinator