

Zoning Board Minutes - October 4, 2004

Chairman Hansen called the October 4, 2004 meeting of the Town of Halfmoon Zoning Board of Appeals to order at 7:34 pm with the following members present: Mr. Drake, and Mr. Rose – Zoning Board of Appeals members, Jeff Williams – Zoning Board Coordinator and Mr. Berkowitz – Planning Board Liaison.

Mr. Rose made a motion to approve the September 7, 2004 ZBA minutes with recommended corrections. Mr. Drake seconded. Motion carried.

Campbell Subdivision, 405 Hudson River Road

Mr. Hansen explained that this item was before the Board in August 2004 and that the Public Hearing was left opened in order for the applicant to submit additional information prior to the Board making a decision. Mr. Hansen stated the applicant has submitted a September 27, 2004 correspondence stating that the applicant is currently working on investigating and solving the septic issues with the site and asked for the ZBA to table the action in order to address the issues.

Mr. Drake made a motion to leave the Public Hearing open and to table the issue until the November 2004 ZBA meeting. Mr. Rose seconded. Motion Carried.

Messier Subdivision, 167 Guideboard Road

Mr. Hansen opened the Public Hearing at 7:39 PM. Mr. Hansen asked the public if anyone wished to speak. No one responded. Mr. Hansen closed the Public Hearing at 7:40 PM. Mr. Ken Messier stated that the proposed lot line adjustments consists of conveying a portion of property (formerly owned by his grand-mother) to his father's property located in the rear on Lape Road. The proposed action will also convey a small portion of the "grandmother's lot" to the side of Ken's Kustom Kar Kare business. The last action will convey a small, existing parcel (fronting Lape Road) in the rear of Ken's Kustom Kare Kar to the business. Mr. Rose asked if the small, existing parcel will be kept the way it is. Mr. Messier stated yes, it is a grass area and that at times he places cars on the area that have been recently painted. Mr. Drake asked what the zoning is for the parcels. Mr. Messier stated the two properties (the Auto repair shop and the former grandmother's parcel) on Guideboard Road are zoned commercial and the one property (the father's property) on Lape Road is zoned residential. Mr. Drake asked what are the areas of the existing lots and what will the areas are if the proposed lot line adjustments take place. Mr. Williams stated that Parcel A (the former grandmother's lot) is currently 22,693 SF and is proposed to be 17,524 SF. Parcel B (Ken's Kustom Kar Kare) is currently 9,802 SF and is proposed to be 14,971 SF. Parcel C (the father's residential lot) is currently 7,208 SF and is proposed to be 11,426 SF. Mr. Rose stated the action would actually create three deeded lots from four existing deeded lots and make the area more uniform. Mr. Rose asked if there is public water and sewer is available. Mr. Messier stated yes it is available but not all parcels are connected. Mr. Hansen asked if Mr. Berkowitz if the Planning Board had any other concerns. Mr. Berkowitz stated that the Planning Board did not raise any issues with the proposal except for the need of a variance. Mr. Rose made a motion to approve the area variance as presented. Mr. Drake seconded. Motion Carried.

DeVoe Subdivision, 82 Plant Road

Mr. Hansen opened the Public Hearing at 7:50 PM. Mr. DeVoe explained to the Board that there are two proposed duplex lots being requested. The first duplex exists on a ~ 39-acre parcel that is zoned commercial. The second parcel is on an existing residential parcel but needs added land in order to meet the required area for a duplex residential lot. In order to create the duplex lot, a portion of commercial zoned land is being proposed for conveyance to the existing residential zoned lot on Plant Road. Mr. Hansen asked if anyone from the Public wished to speak. Mr. Capeci stated there has been problem with flooding on Plant Road and that people do not stop at an existing intersection, with an existing stop sign, across the street from the proposed duplex lot. Mr. DeVoe stated that there has been a catch basin placed to alleviate the flooding. The Board suggested calling the local police on the stop sign issue. Mr. Rose asked if the Town was aware of the flooding problem. Mr. Hansen stated the Town recently placed a new catch basin on Plant Road. Mr. Capeci stated that he does not have a problem with the proposed residential use but wondered why he was not notified of the first duplex before it was constructed. Mr. DeVoe stated the first duplex was placed on an existing parcel. The second, proposed parcel needs to have commercially zoned lands conveyed to the existing parcel in order to gain the required area to build a duplex. Mr. Darren Phelps and Mrs. Brown stated they received a copy of the survey, through a FOIL request to the Town, for the proposed duplexes and that they are concerned that the proposed survey is taking approximately 2.5 ft of their property. The adjusted property lines will cause each existing lot down the road to

shift over 2.5 ft. Mr. Drake asked how Mr. Phelps determined the property line dispute. Mr. Phelps stated that he has looked at the tax map and deed description and then measured the width of the lot. Mr. Hansen explained that the Board does not certify the accuracy of the surveyors map. The surveyor certifies the map to be true. Mr. Hansen stated the Town would not involve itself with lot line disputes. The property line issue is a civil matter between the property owners. Mr. Phelps asked how the property line could be disputed. Mr. Hansen stated by hiring another surveyor and having their property surveyed by a licensed professional surveyor. Mr. Hansen suggested contacting their Title Insurance Company and having them review the deeds. Mrs. Brown asked if there were a dispute between the property owners would it hold up the ZBA's decision. Mr. Hansen stated the dispute is between the property owners and that the action before the Board is to determine if a residential use is appropriate by utilizing a portion of C-1 zoned lands. Mr. Hansen closed the Public Hearing at 8:19 PM. The Board felt that the proposed residential use matches the surrounding character of the neighborhood and that residential use seemed more appropriate for Plant Road than commercial uses.

Mr. Rose made a motion to approve the use variance as presented. Mr. Drake seconded. Motion Carried.

Mr. Rose made a motion to adjourn the October 4, 2004 Town of Halfmoon Zoning Board of Appeals meeting at 8:21 PM. Mr. Drake seconded. Motion carried unanimously.

Respectfully Submitted,
Jeffrey R. Williams
ZBA Coordinator