

**May 2, 2005
Town of Halfmoon
Zoning Board of Appeals
Meeting Minutes**

Chairman Hansen opened the May 2, 2005 Town of Halfmoon Zoning Board of Appeals meeting at 7:30 PM with the following members present: Chairman Hansen, Mr. Drake, and Mr. Rose – Zoning Board Members. Mr. Williams – Zoning Board Coordinator

Chairman Hansen asked the Board if they have had enough time reviewing the March 7, 2005 Zoning Board of Appeals meeting minutes. Mr. Rose made a motion to approve the March 7, 2004 Zoning Board of Appeals meeting minutes. Mr. Drake seconded. Motion carried.

Memorandum of Understanding between Town of Halfmoon ZBA and County Planning Board

Chairman Hansen stated that the Saratoga County Planning Board has sent in a “Memorandum of Understanding” (MOU) asking the various Saratoga County Local Boards to enter into an agreement for items referred to the County Planning Board, which are determined to have no significant county-wide or inter-community impacts be returned to the Local Board for action. This agreement is to assist in reducing the time required to process referrals. Mr. Drake asked for clarification of what is “referable” to the County. Mr. Hansen explained that items needed to be referred to the County’s Planning Board for their consideration are any proposed projects that are within 500 feet of a County or State Road or Lands, or any State Park or the boundary line between two municipalities.

Mr. Rose made a motion to enter in agreement as stated in the County’s MOU between the Town of Halfmoon Zoning Board of Appeals and the County. Mr. Drake seconded. Motion Carried.

Kevin Murphy, 11 Willowbrook Terrace, Area Variance – side-yard setback

Chairman Hansen opened the Public Hearing at 7:36 PM. Mr. Kevin Murphy, the applicant, stated he wishes to construct a one-story with no basement addition to his existing house to create a “piano room” for his family. Mr. Drake stated that when they visited the site, Mr. Murphy stated his neighbor did not have a problem with Mr. Murphy’s request and asked if the neighbor has submitted a letter to the Board. Mr. Hansen read a letter from Mr. Murphy’s neighbor, Mr. & Mrs. Pechulis, 13 Willowbrook Terrace, stating they have no objection to the variance requested by Mr. Murphy. Mr. Hansen closed the Public Hearing at 7:42 PM. Mr. Hansen stated that the Town’s Planning Department researched the Werner Road PDD (Dater Woods) and found that the approved setbacks are as follows: Front yard setback – 30 feet, Rear yard set back – 30 feet and the Side yard setback – 10 feet. Mr. Hansen stated that the PDD legislation does not clearly define the required side yard set back for the development that Mr. Murphy resides. Mr. Hansen continued that the general PDD requirements in the Town’s zoning ordinance state that all residential structures will have at least a twenty-foot separation. Mr. Williams stated he reviewed the approved, stamped subdivision plans

and all of the lots within the development are consistent with the setbacks mentioned by Mr. Hansen. Mr. Drake stated that when they visited the site, it appeared that the required 20-foot separation between Mr. Murphy's proposed addition and the existing neighbors house would be maintained. Mr. Rose raised a question of whether or not a variance is needed if the required 20 ft separation between two residential structures is maintained. Mr. Rose and Mr. Drake stated there should be a more accurate description on side yard setbacks regarding Planned Development Districts to avoid misinterpretation by the reviewing Boards. Mr. Hansen stated that the Town's Attorneys would need to research this issue.

Mr. Drake made a motion to approve the area variance as presented by Mr. Murphy. Mr. Rose seconded. Motion carried.

Mr. Rose made a motion to adjourn the May 2, 2005 ZBA meeting at 7:48 PM. Mr. Drake seconded. Motion carried.

Respectfully Submitted,

Jeff Williams, ZBA Coordinator