

**September 6, 2005  
Town of Halfmoon  
Zoning Board of Appeals  
Meeting Minutes**

Chairman Hansen opened the September 6, 2005 Town of Halfmoon Zoning Board of Appeals meeting at 7:38 PM with the following members present: Chairman Hansen, Vice Chairman Tedrow, Mr. Ouimet and Mr. Rose. Chairman Hansen asked the Board if they reviewed the July 5, 2005 Town of Halfmoon Zoning Board of Appeals meeting minutes. Mr. Rose made a motion to approve the July 5, 2005 Town of Halfmoon Zoning Board of Appeals meeting minutes with changes. Mr. Ouimet seconded. Motion carried.

**Dudick Chiropractic, 377 Werner Road, Use Variance**

Chairman Hansen opened the Public Hearing at 7:41 pm. Gil VanGuilder, VanGuilder and Associates representing Mr. Dudick, stated that they are before the ZBA to request a use variance to operate a chiropractic office on an existing 0.49-acre, residential (R-1) zoned parcel. Mr. VanGuilder stated the parcel has an existing 1,400 SF residential structure located on it, which his client wishes to renovate into the proposed chiropractic office. Mr. VanGuilder stated the parcel has been for sale since February and his client wishes to own and operate his own chiropractic office. Mr. VanGuilder stated that the parcel fronts Werner Road and Route 146. Mr. VanGuilder showed the Board the location of the subject parcel. Mr. VanGuilder stated that Route 146 is a heavy traveled corridor and it appears that a residential use is not conducive to the existing traffic conditions on Route 146. Mr. VanGuilder stated that the Town is in the midst of revamping the Town's Comprehensive Plan. Mr. VanGuilder stated that the 'new' Comprehensive Plan recommends the subject parcel, along with all other parcels fronting Route 146, to be designated as Mixed Business/Commercial & Office Park. Mr. VanGuilder stated the parcel has public water and private septic although his client is looking at possibly hooking into the County Sewer further up Werner Road. Mr. VanGuilder stated the proposed use is not an intense use and that his client would like to proceed by asking for a variance and not wait for the Town to change the zoning designation. Chairman Hansen asked if any one from the public wished to speak. Mr. Charles Collins, 379 Werner Road, stated he is the neighbor to the subject parcel and does not have any problem with the proposed use. Mr. Berkowitz, representing the Town's Planning Board, stated the Planning Board did not see any problems with the use due to it being low intensity, little traffic generated and that it reflected the recommendation from the Town's 'new' Comprehensive Plan. Chairman Hansen asked what the purchase price was for the parcel. The realtor in the audience stated \$165,000.00. Mr. Rose stated there is an existing driveway off of Route 146 and asked if the applicant will utilize it. Mr. VanGuilder stated the neighbor uses the driveway. Mr. VanGuilder stated the Planning Board suggested moving the proposed entrance off of Werner Road further up away from the Route 146 intersection. Chairman Hansen closed the Public Hearing at 7:54 PM. Mr. Hansen stated that this application was referred to Saratoga County Planning Board and has not received a response from the County's review. Chairman Hansen stated that the Town is currently working on re-zoning the

area along Route 146 for commercial uses but feels the applicant has not answered the four criteria set in the Town's Zoning Ordinance under Article XIV Section 1403 B. Mr. Rose agreed with Mr. Hansen. Mr. Hansen stated that the first criteria is that the applicant could not realize return as demonstrated by competent financial evidence. Mr. VanGuilder stated that the house has been on the market since February '05 and that there has been no purchase offer, which could be a statement from the public that the area is not conducive to residential use. Mr. Hansen stated he does not see any evidence from the applicant that the second criteria and the third criteria has been met, which are the relating hardship to the property is unique and the variance being requested would not alter the character of the neighborhood respectfully. Mr. Hansen stated the fourth criteria is that the hardship has not been self-created. Mr. Rose asked what the property's tax assessment is. The realtor stated she was unsure. Mr. Rose asked if the property was being rented. Mr. Collins, the neighbor, stated it has been rented for the last two years. Mr. Rose stated if the assessment is close to the asking price than the requested variance may be looked at more favorably. Mr. Ouimet stated he felt the applicant has answered the second and third criteria due to the location of the proposed site is next to the Halfmoon Light Industrial Park and that the existing nearby residential uses are close to commercial uses in the area. Mr. Tedrow asked if there is any timeframe of when the Town will act on the 'new' Comprehensive Plan. The ZBA stated that they need a response from the County before making a determination on the requested use variance. The ZBA asked the applicant for the assessed value of the subject property, the rental payment and the value of the property and more clarification on the hardships involved in creating a commercial use from a residential use.

Motion made by Mr. Ouimet to table this item in order to gain a response from the County and to allow the applicant to research further on the requested information needed. Seconded by Mr. Tedrow. Motion Carried.

#### **Kingdom Hall of the Jehovah's Witness, 171 Route 236, Area Variance for a Sign**

Chairman Hansen stated the applicant is here before the ZBA to ask for relief to the Town's sign ordinance of institutional signs with a maximum area of 15 SF. Chairman Hansen opened the Public Hearing at 8:07 pm. Mr. Dick Bovee, P.E. representing the Kingdom Hall of Jehovah's Witness, stated currently the site has an approved 15SF freestanding sign that faces parallel to Route 236. Mr. Bovee stated that the orientation of the sign makes it difficult to see and has caused visitors to miss the site. Mr. Bovee stated that he feels a two-sided sign located perpendicular to Route 236 would alleviate the cause of people missing the site. Mr. Bovee continued that he does not feel the two-sided sign would alter the character of the surrounding neighborhood and would create a much safer condition. Mr. Hansen asked if anyone from the public wished to speak. Mr. Harvey Hayner stated he is concerned whether the proposed sign would alter the visibility for people exiting off of Betts Lane onto Route 236. Mr. Bovee stated he has the same concern and assured Mr. Hayner that the sign will not impede sight as you exit off Betts Lane onto Route 236. Mr. Hansen stated members of the ZBA visited the site and reviewed the proposed location for the proposed sign. Mr. Hansen stated the applicant placed a sheet of 4ft x 8ft plywood in the proposed location, which is approximately 20 ft further back than the existing sign. Mr. Hansen stated that the location should not impede any visibility issues with the Betts Lane and Route 236

intersection. Mr. Rose asked if there were other churches in the residential zone with double-sided signs. Mr. Haskins, a representative for the Kingdom Hall, stated the Temple Baptist Church on Lower Newtown Road and the Harvest Church on Grooms Road had double-sided signs. Mr. Ouimet asked why ask for an area variance from the maximum 15 SF to a 56 SF sign and why not ask for a 5 SF difference. Mr. Bovee explained that the proposed sign is similar to other signs used by other Kingdom Hall sites. Mr. Bovee explained the signs are custom built but the Kingdom Hall has bought a surplus of lettering and the lettering works well with a 56 SF sign. Mr. Rose asked if they had approval for the 15 SF sign and how long has it been in place. Mr. Bovee stated yes the 15 SF sign was approved by the Town's Planning Board and has been in place for about 2 years. Mr. Berkowitz, representing the Town's Planning Board, stated the applicants were aware of the Town's signage requirements at the time they appeared before the Planning Board during site plan review. Mr. Berkowitz stated the Planning Board has disapproved requests for a larger sign twice since then. Mr. Ouimet asked if this item needed to be tabled due to the need for a County response. Mr. Hansen stated that this item was referred to the Saratoga County Planning Board due to its relation to the location of the sign with the NYS Route 236. Mr. Hansen stated the County has not sent in their response at this time. Mr. Ouimet asked if the reason for a larger sign is more of orientation rather than size so that people traveling north and south along Route 236 can see the sign. Mr. Bovee stated yes and it is for safety reasons. Mr. Ouimet asked why are they looking for a sign that is 4-times larger than what is allowed. Mr. Bovee stated the proposed double-sided sign is 26 SF each side and any smaller sign would be hard to read. Mr. Hansen asked how the sign would be lighted. Mr. Bovee stated the sign will have exterior lights shining on the sign face and would have shields so that no light spills out toward Route 236. Mr. Hansen asked if the light would be on a timer. Mr. Bovee stated yes. Mr. Haskins stated they could bring in a smaller double-sided sign due to the need to have the sign read from both directions as you travel along Route 236. Mr. Hansen closed the Public Hearing at 8:29 pm. Mr. Bovee asked the ZBA would entertain a 15 SF sign each side for a total area of 30 SF. Mr. Tedrow stated the smaller the variance request the better.

Motion made by Mr. Ouimet to table this item in order to gain a response from the County. Seconded by Mr. Rose. Motion Carried.

Motion made by Mr. Tedrow to adjourn the July 5, 2005 Town of Halfmoon Zoning Board of Appeals meeting at 8:31 PM. Seconded by Mr. Ouimet. Motion Carried.

Respectfully Submitted,

Jeff Williams  
ZBA Coordinator