

**August 7, 2006
Town of Halfmoon
Zoning Board of Appeals
Meeting Minutes**

Chairman George Hansen opened the August 7, 2006 Town of Halfmoon Zoning Board of Appeals meeting at 7:30pm with the following members present: Chairman Hansen, Mr. Rose, Mrs. Jordan, Mr. Burdyl, and Mr. Brennan. Also in attendance was alternate Mrs. Smith-Law.

Chairman Hansen asked if the Board reviewed the June 5, 2006 Town of Halfmoon Zoning Board of Appeals meeting minutes.

Mrs. Jordan made a motion to approve the June 5, 2006 Town of Halfmoon Zoning Board of Appeals meeting minutes. Mr. Rose seconded. Motion carried.

Auto America Site Plan, Route 9-Special Extension of a Non-conforming Use

Mr. Neil Rivchin of the O'Connell and Aronowitz Law Firm stated that the applicant is seeking an Extension of a Non-Conforming Use to utilize two of the three buildings in the rear of the property for servicing vehicles and for customer service/reception. The previous owner had used the lot for used cars sales and service. The applicant had been to the Planning Board and was referred to CHA for review and changes have been made to comply. Mr. Burdyl asked if the service use would be in conjunction with the sales of the cars from the dealership or also from customers off the street. Mr. Denooyer stated that there would be both service to the cars that are for sale and have been sold from their lot and also off the street customers. Mrs. Jordan asked the applicant if he knew of any restrictions to the site that were given to the previous tenant in 2004 by the Planning Board to use the site for sales only and not service. Mrs. Russell stated that she did not believe the issue had come up in the discussion. Mr. Rivchin stated that the previous tenant had used the site for service as well as sales as the building in the rear, Building C on the plan, with four bays, had a lift that suggested it was used for repairs.

Mr. Rose made a motion to set the Public Hearing for September 5, 2006. Mrs. Jordan Seconded. The vote was as follows: Mr. Rose-aye, Mrs. Jordan- aye, Mr. Burdyl-aye, Mr. Brennan-aye, and Mr. Hansen-aye.

Frechette Subdivision, Upper Newtown Rd-Area Variance

Mr. Gil VanGuilder, of VanGuilder Associates, stated that the applicant owns a 6-acre parcel that he wishes to subdivide to create four lots that all meet the minimum size requirements for the A-R zone. The applicant is seeking an area variance to allow for two flaglots. The lots will have private sewer and water. There are plans to connect to the public water when it becomes available with the extension of the water treatment plant in approximately a year. There is a small amount of federal wetlands that are drainage corridors and connect to culverts. They are subdividing the lots in this way to allow for the least impact on these wetlands. Mr. Hansen asked if there were currently any structures on the lot. Mr. VanGuilder stated no, and that in fact 90% of the lot was

open land. Mr. Rose asked what the wooden structure was on the adjoining parcel to the north of this lot. Mr. VanGuilder stated that it was an old barn. Mr. Brennan asked Mr. VanGuilder to explain the ingress/egress for the two proposed flaglots. Mr. VanGuilder stated that there would be an easement for ingress/egress and utilities for the two parcels. An agreement would be written into the deed that would state that the lots would share the maintenance on this driveway. Mr. Brennan asked if this was done as a recommendation from Mr. VanGuilder or as a restriction due to the wetlands. Mr. VanGuilder stated that they reviewed the wetlands and found this layout to be least disruptive to those areas. Mr. Rose asked if the lots would be sold to members of the family. Mr. VanGuilder stated no, there would be outside buyers. Mr. Rose asked how the easement in the deed for the shared driveway would be enforced. Mr. VanGuilder stated that it would be a private dispute between the two homeowners. Mrs. Jordan made a motion to set a Public Hearing for September 5, 2006. Mr. Rose seconded. The vote was as follows: Mr. Rose-aye, Mrs. Jordan-aye, Mr. Burdyl-aye, Mr. Brennan-aye, and Mr. Hansen-aye.

Krupsky Subdivision, 141 Ushers Rd- Use Variance

Mr. David Flanders of David A. Flanders Associates stated that the applicant wishes to subdivide a 3.7-acre lot to convey a 50ft strip to the neighboring parcel of Melinda Lehman on which there is currently an easement for their driveway, and create a flaglot. There was discussion between the Board and Mr. Flanders as to whether the application should be for a Use Variance or an Extension of a Non-conforming Use. The Board advised Mr. Flanders that the decision would be made at the next meeting before a motion was made. Mr. Rose asked why there was a shared driveway. Mr. Flanders stated he understood that it was in the interest of the Town to reduce the number of curb cuts onto Usher's road. Mrs. Smith-Law made motion to set the public hearing for September 5, 2006. Mr. Rose seconded. The vote was as follows: Mr. Rose-aye, Mrs. Jordan-aye, Mr. Burdyl-aye, Mr. Brennan-aye, and Mr. Hansen-aye.

Swalsky Site Plan, 1456 Vischer Ferry Rd-Area Variance

Mr. Andrew Rymph of Chazen Companies stated that the applicant has a 1.22-acre parcel in the PO-R zone with a single family dwelling on it. He wishes to put an addition onto the house to create a six chair dental facility. The current structure is setback 45.2ft from the right-of-way and does not meet the setback requirement of 70ft. They are seeking an area variance for the setback to allow for the expansion. Mrs. Jordan made a motion to set the Public Hearing for September 5, 2006. Mrs. Smith-Law seconded. The vote was as follows: Mr. Rose-aye, Mrs. Jordan-aye, Mr. Burdyl-aye, Mr. Brennan-aye, and Mr. Hansen-aye.

Mr. Rose made a motion to close the August 7, 2006 Zoning Board of Appeals meeting. Mrs. Jordan seconded. Motion carried.