

**December 4, 2006
Town of Halfmoon
Zoning Board of Appeals
Meeting Minutes**

Chairman George Hansen opened the December 4, 2006 Town of Halfmoon Zoning Board of Appeals meeting at 7:30pm with the following members present: Mr. Rose, Mrs. Jordan, Mr. Burdyl and Mrs. Smith/Law. Zoning Board of Appeals alternates, Mr. Burdyl and Mrs. Smith/Law, sat in for Mr. Tedrow and Mr. Brennan in their absence.

Chairman Hansen asked if the Board reviewed the November 6, 2006 Town of Halfmoon Zoning Board of Appeals meeting minutes.

Mrs. Jordan made a motion to approve the November 6, 2006 Town of Halfmoon Zoning Board of Appeals meeting minutes with a minor change. Mr. Rose seconded. Motion carried.

Mr. Mark Becker, 731 Hudson River Road, Area Variance

Mr. Mark Becker stated that he applied for a building permit to place a pole barn on their property. The building permit was denied on the basis that he proposed pole barn was to be placed within the front yard of the property and the Town's ordinance states that residential accessory buildings can be placed within the side yard or rear yard of the property. Mr. Becker explained that the property is long and narrow and that the existing house is ~300ft from Hudson River Road. Mr. Becker stated the proposed pole barn would be placed ~ 160 ft from Hudson River Road and cannot be placed in the rear yard or side yard of the property due to lack of sufficient area to meet required setbacks and the existence of the septic field. Mr. Becker stated that the property is screened by vegetation in the spring and summer time. Chairman Hansen asked Mr. Becker if he has a survey of the property showing the boundary lines, the location of the existing house, the location of the proposed pole barn and other improvements on the property. Mr. Becker stated that he does not have a survey, has never seen one and that one wasn't even needed when he had his closing on the property. Mr. Becker stated that at the time he applied for a building permit, he submitted a hand sketch of the proposed location of the proposed pole barn. Chairman Hansen suggested that the applicant produce a survey in order to accurately determine the proposed location of the proposed pole barn in order to make a determination that the proposed location meets all the required minimum setbacks as prescribed in the Town's zoning ordinance. Chairman Hansen also stated that a survey would serve in the best interest of the applicant in case of property boundary related issue with neighbors were to occur. Mr. Rose asked what the applicant's property was zoned. The Board reviewed a copy of the tax map and compared it with the land use map and determined the property is zoned residential (R-1). Mr. Burdyl asked if the property is wooded. Mr. Becker stated yes and that the wooded area creates a good visual buffer, form the road, most of the year. Mrs. Jordan stated the property could be sold and the lot may not stay wooded. Mr. Rose stated that the maximum height of the accessory building is 20 feet tall. Mr. Becker stated he checked with the building inspector and understands the maximum height of 20 feet. Chairman Hansen questioned what type of information the Building Department requires in order to obtain a building permit and

asked the Board if a survey should be produced for this variance request. Mr. Williams stated that he was unsure of what the Building Department requires for a residential accessory structure. Mr. Williams stated that the Building Department would require stamped engineer plans for a residential structure but on the other hand the Building Department will accept a hand sketch for a deck. Mr. Becker stated that he placed a second story on his house a few years back and that the building department did not require stamped plans at that time. Mr. Becker stated that when he made application for the proposed pole barn the Director of Buildings did ask for a change to the type and size of lumber for the roof span. Chairman Hansen asked the Board if they feel a survey should be submitted. Mrs. Jordan stated that she feels the applicant should produce a property survey with the proposed pole barn location. Mr. Rose stated that a survey should be produced because the Board will render its decision on facts and that a survey would be needed to review the facts in order to make the decision for the requested variance. The Board agreed that a survey should be produced. Chairman Hansen stated that the Board has asked for a survey of the property showing the boundary lines, the existing and proposed improvements.

Mr. Rose made a motion to set a Public Hearing for the January 2, 2007 ZBA meeting at the Town's Senior Center contingent on the applicant producing a survey of the land with existing and proposed improvements. Mrs. Jordan seconded. Motion Carried.

Grant & Georgine Lewis, 37 Deer Run Hollow, Area Variance

Chairman Hansen stated that the applicant is before the Board for an area variance for the minimum side yard setback requirement. The required minimum side yard setback is 10 ft, whereas, the applicant is seeking relief for a 9 ft set back.

Mr. Greg Bold, the applicant's engineer, stated the applicant approached the Building Department and obtained a building permit to construct an addition on their existing house. At the time the applicant submitted plans for the addition, the measurements were taken from the side of the house and showed the side yard setback to be ~ 12 ft. After construction began, a survey was taken when it was noticed that the addition was added to an existing "bump out" on the house. The survey showed that due to the addition being added to the area of the existing "bump out" of the house, the side yard set back was actually 9 ft instead of the original proposed 12 ft. The applicant approached the Building Department and explained the situation of not meeting the minimum side yard setback requirement. The Building Department directed the applicant to seek a variance from the encroachment within the required side yard setback. Chairman Hansen asked what use is the "bump out". Mr. Bold stated that it is part of the master bathroom. Mr. Rose asked what is the depth of the "bump out". Mr. Bold stated between 2 ft to 3 ft. Mr. Rose asked if the Building Inspectors visited the site. Mr. Lewis stated yes but when we performed the survey it was noticed that the side yard setback requirement was not being met due to the "bump out" on the existing house. Chairman Hansen asked if the applicant's were the ones to discover the side yard problem. Mr. Bold stated yes and discussed it with the Code Enforcement office. Mr. Hansen stated that he would like to review the survey. Mr. Bold stated that he would submit one to the Building Department. Mr. Rose asked what types of uses are occurring to the rear and side of the applicant's property. Mr. Lewis stated that the rear yard has woods with a residential property on the other side and the side yard has a vegetative strip with a residential use.

Mrs. Jordan made a motion to set a Public Hearing for January 2, 2007 in the Town's Senior Center. Mrs. Smith/Law seconded. Motion Carried.

Mrs. Smith/Law made a motion to adjourn the December 4, 2006 Town of Halfmoon Zoning Board of Appeals meeting at 8:11 PM. Seconded by Mrs. Jordan. Motion Carried.

Respectfully Submitted,
Jeffrey R. Williams
Sr. Planner

Mrs. Smith/Law made a motion to adjourn the December 4, 2006 Zoning Board of Appeals meeting at 8:11. Mrs. Jordan seconded. Motion carried.