

Zoning Board of Appeals
Meeting Minutes
October 1, 2007

Chairman Hansen opened the meeting of the Town of Halfmoon Zoning Board of Appeals at 7:00 p.m. on Monday, October 1, 2007 at the Halfmoon Town Hall with the following members present:

Members: Chairman Hansen, Vice-Chairman Tedrow, Mrs. Jordan, Mr. Rose,
Mr. Brennan
Alternates: Mr. Burdyl, Mrs. Smith-Law
Planner: Mrs. Zepko

Mrs. Jordan made a motion to approve the minutes with a second made by Mr. Tedrow. Motion carried.

Kenneth and Rachel DeCerce, 21 Birchwood Drive – Area Variance

Mrs. DeCerce was present with her Contractor Mr. James Rydell and her Architect Mr. Eric Rutland with a proposal to remove the existing garage and replace it with a 2-car garage with a room over it. Chairman Hansen commented that the DeCerce's have new information or changes to add to their proposal.

Motion was made by Mr. Tedrow and seconded by Mrs. Jordan to reopen the public hearing. Motion was carried. All regular members will vote tonight.

Mr. Eric Rutland commented about the neighbors side lot view concern. A diagram was prepared showing CAD views of the existing one-car garage and the new two-car garage from the neighbor's property looking at 21 Birchwood. All diagrams shown were done from the neighbors deck including their existing view. Some of the photos shown were done in 3-D.

Mr. Brennan asked if there was only a view of a 2-car garage. Mr. Rutland replied yes. Mr. Brennan asked if the one-car design footprint was in violation of the current zoning? Mr. Rutland answered it was not in violation.

Chairman Hansen asked if the view was from the fence post? Mr. Rutland replied yes. The photos are fairly accurate, everything was done to scale and the camera was used in the CAD system to make it look as real as possible. The 2-car design shown is what it would actually look like if a variance were granted. Mr. Brennan asked if the 6' corner footprint was the only variance they were looking to get, Chairman Hansen replied yes.

Mr. Rutland commented that the width, height, length will remain as the original proposal. Architecturally, windows will be in place to make the building more appealing.

Mr. Brennan apologized for not being present at last month's meeting. Most of his questions were addressed in reading the minutes. He asked if there are construction difficulties having a two-car garage to the right of the house as opposed to the left of the home [change the roof line] and get the square footage adjustment that you are looking for. What are some of the technical problems associated with that?

Mr. Rutland commented that they are updating the house to a 2-car garage; a one-car garage is a moot point. Its important if you are going to maintain the value of the home to have a 2-car garage. You could build to the right but it would be very disruptive for the family taking the roof off the kitchen, living room, it would make the house fairly unlivable so this is the ideal situation being safe while living there; the staircase would be opened to the new garage with access to the upstairs.

Mr. Brennan commented that the 2-car garage has a market value, attractiveness to the homeowner, and whatever opinion the people in the neighborhood. Then we have the disruptiveness to the family. He then asked if there are any construction issues besides ripping down the old garage and putting up a new one. Construction wise it will be cleaner and neater for the family and it saves them some money because they're not remodeling the whole house.

Someone commented that there maybe a need for additional room for the staircase going upstairs. Modifications are being made to the plan to allow for the staircase.

Chairman Hansen asked if anyone from the audience had any further questions. Mr. Sidoti, 22 Birchwood Drive asked if the new addition would be approximately 26'8" high. The stockade fence is about 10' high. Mr. Sidoti believes that the photos are off; he had actual photographs to share with the Board.

Mr. Rutland commented that the aerial views were taken from Saratoga County GIS website. The photos were done using setbacks by the scaled maps. It should be fairly accurate.

Chairman Hansen commented that their view is not directly at the end of the house it appears to have a 45° angle or close to it. You would have to stand out by the road straight on to get a different view.

Mr. Brennan asked about the difference between a single car and a two-car garage. The difference is about 8'.

Mr. Rose asked why only two windows with a 15' wall. The reply provided, "this is for egress and light requirements. We need the 2 windows that are shown on the plan. We were looking at wall space and furniture. It will be a multi-purpose room".

Vice-Chairman Tedrow commented that with the relative positions of the two houses shown it appears the drawing is off.

Chairman Hansen commented that the CAD in effect puts the addition farther away from the Sidoti property.

Mr. Brennan asked Chairman Hansen if the Board could view the other photographs. Chairman Hansen said, "yes we are still in the public hearing". At this point we are still revisiting some of the questions.

Chairman Hansen asked if there were any more questions while the floor was still open?

Mr. Sidoti told the Board that he opposes this variance. He showed the Board actual pictures with different views from his deck, living room and kitchen window with a one-car garage and 2-story 2-car garage. The 2-story garage is unacceptable to him. Mr. Sidoti said that he did not buy his house to have his views blocked with a variance. The Zoning Laws were enacted to protect property owners from this type of request. If you grant the variance it creates a hardship for him and will deprive him of the reasonable use of his property.

Mr. Sidoti also stated that since 2 Board members were missing from the last meeting he would like to remind the Board that a one car garage is a mere inconvenience not a hardship. Variances are not granted because of an inconvenience. 21 Birchwood would be the only house 19' from the road. One side yard will be 50' and the other side will be 10' and the house will look totally lopsided on the lot. In the opinion of Mr. Sidoti, the benefits sought by the DeCerce's [variance request] can be achieved by other means that would not require a variance. A dormer could be added or current bedrooms can be enlarged. Mr. Sidoti's viewpoint of the addition with a 2-car garage would block the view of the intersection and the arrival of the school bus. These lots were developed in the 1950's. The houses were designed and built to fit on the lots. Most lots can accommodate additions that either goes up or through the rear of the current structures not to the sides. Also, Mr. Sidoti submitted a petition by 27 neighbors who are also opposed to the variance. Letters were also submitted to the Board from neighbors who were opposed to the variance. In Mr. Sidoti's opinion there is no hardship for the DeCerce's and the variance should be denied. One of the Board Members suggested that Mr. Sidoti answer the questions that the Board must answer regarding this variance request. Mr. Sidoti had the following comments:

1. The hardship related to the property is unique and does not apply to the substantial portion of the neighborhood. There is no hardship since the vast majority of the houses have a one-car garage. A one-car garage is not unique it is just a mere inconvenience.
2. The variance if granted will be a detriment to Mr. Sidoti's property. The benefits sought could be achieved by means other than a variance therefore; a variance should not be issued.
3. The variance requested will alter the character of the neighborhood. It will be the only house 19' from the road when the rest of the houses are approximately 40' from the roadway. Mr. Sidoti said he should not suffer because the DeCerce's own a corner lot that cannot accommodate the addition they seek.

Mr. Rose asked Mr. Sidoti to point out where the school bus stop is. Mr. Sidoti replied that the bus comes into the development goes around the entire circle stops in front of Mr. Sidoti's house and then stops at the corner. Mr. Sidoti explained that the DeCerce's grandson and a child across the street get on the bus at the corner after the bus leaves Mr. Sidoti's house.

Board Member, Mrs. Jordan asked how the bus stop affects Mr. Sidoti. Mr. Sidoti stated he watches for the bus from his kitchen, living room or his 4-season sunroom. Mrs. Jordan commented that while on the site visit, she sat in the front living room by the front door and there was a very clear view of the bus even if the addition was to be built. She added that during the cold months of the school year, it would seem unlikely that Mr. Sidoti would be sitting on the deck watching out for the school bus. Also, the Sidoti's do not have a child getting on or off the bus. Mrs. Jordan stated that Mr. Sidoti had some valid concerns but did not think the bus stop was one of them.

There was much discussion about the views from Sidoti's house to the new addition. Mr. Sidoti also stated that he owns his house and that 21 Birchwood is not owner occupied.

Chairman Hansen commented that there is no distinction in the law between the owner occupied or rental property. The variance if granted will run with the property. If the property was sold in the future there is nothing saying that it will always be rental property.

Cindy Mormile with a construction company commented that the variance request is not encroaching on the neighbors property it is not even an issue to the neighbors. The variance request is encroaching the Town's right-of-way. It should be a Town issue not a neighbor issue.

Mr. Sidoti commented that the Town notified him and that he is involved with this proposal.

Chairman Hansen commented that notification is done within a certain distance of the proposed variance location; you were notified in writing about the public hearing because you met the criteria. Anyone can state their objections as to whether they are for or against the proposal. However, Chairman Hansen commented that the encroachment is on the front setback and not the side yard of the property.

Vice-Chairman Tedrow commented that one of the tests is the impact or that it doesn't change the character of the neighborhood.

Chairman Hansen commented that the Board determines the significance of the impact. It's not a question of if there is an impact; it's a question of the significance of the impact on the neighborhood and neighboring properties. That is what the Board needs to determine, this is why both parties were asked to submit more information of what the potential impacts are. It is hard to tell just by looking at a plan to get an idea of what the potential impacts are. By looking at the graphics and photographs I think you get a much better idea of what the actual impacts of the addition would be.

Denise Fury, 22 Birchwood Drive commented that their [Mr. Sidoti and Ms. Fury] impact would be what they will be looking at outside their home. Mr. Sidoti commented that they are not against their [DeCerce] addition. He would like to see it done inside the zoning laws.

Mr. Sidoti commented that in speaking with a realtor he were to sell his house it would be less \$15-20,000.00 because of the neighbor's addition. Cindy Mormile asked Mr. Sidoti if he had a letter from the realtor, he replied no but that he could get one. Do you have that letter now? Mr. Sidoti said he could get one but he did not.

Mrs. DeCerce commented that Ken DeCerce could not be here but what ever decision the Board makes we will respect your decision.

Chairman Hansen asked if there were any more comments? No one chose to speak.

Motion made by Vice-Chairman Tedrow to close the public hearing and was seconded by Mr. Brennan. Motion carried.

Chairman commented that the Board must answer the questions for the area variance under Article XIV Section 1403 Part B Number 2 of the Town's Zoning Ordinance before a decision can be made. In making this determination, the Board shall take into consideration the benefit to the applicant for the variance granted is weighed against the detriment of the health, safety and welfare of the neighborhood or community by such grant. In making such a determination, the Board shall also consider. (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. (3) Whether the requested area variance is substantial. (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Board of Appeals, in the granting of an area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Local Law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Chairman Hansen commented that these are the general criteria used for making a decision but a judgment based on whether there is a significant impact; obviously anytime anyone asks for a variance or to construct anything there is some impact but the question is whether or not that impact is significant enough to either deny the request or ask them to modify it. That is the task the Board has to come up with in making that decision. Then the Board goes through each item individually and individual Members as they see fit can make comments regarding each item.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Mrs. Jordan commented that in the general sense of the character of the neighborhood as a whole this proposal does not change the character of the neighborhood. Whether or not there are three houses with 2-car garages or twelve houses with 2-car garages doesn't really matter in this instance. Some houses have many additions, improvements. Some homes have not. Adding a 2-car garage doesn't change the character of the neighborhood. It may be a detriment to the next-door neighbor in that their view is blocked. Mrs. Jordan was not sure how the law sees someone's view and if that view is guaranteed. That is an important question to think about.

Vice-Chairman Tedrow commented that the challenge is that the bulk of the visual impact from the adjoining property is the height of the proposed construction and bringing the wall of that construction to the side yard setback line. Both the height and side setback line are legal. The only impact being created by the proposed construction subject to the variance is that sliver of the building will be on the right hand edge of the view from the neighbors unit. The bulk of what was shown in the pictures presented is when you see the big wall most of that is legal it could be built without a variance. When the Board talks about significance and talk about just what the variance would allow should it be granted.

Mr. Brennan asked Vice-Chairman Tedrow if his point was that the height could stay whether if it's a single car garage or two-car garage. Mr. Tedrow replied, "and is within what the ordinance allows. The ordinance would allow for 35' in a residential zone".

Mr. Brennan, after hearing the points on both sides feels that the key word is detriment meaning cause harm, or something different in the neighborhood like a cell tower or water tower. This is a garage something that already exists in this neighborhood. It's just going to be a little higher. What is the detriment that the neighbors are affecting by?

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Mr. Brennan commented that the applicant has other options and alternatives that could be presented. That was why there were many questions building farther into the roof. The main concern is "what is a hindrance" to someone building these additions or additional flag lots it sometimes breaks down to a financial point. Mr. Brennan's decision has not yet been swayed by the financial proof that is unfeasible to come up with different plans that would fall in the zoning requirements and setback requirements. Tearing out the garage and putting it back up is the easiest both on the family and the builders and it is the most financially advantageous. I never heard anyone say that it was impossible to do the other way both financially and practical or physically impossible. I believe there are other methods that can be explored to achieve this.

Vice Chairman Tedrow commented that there were discussions on putting a 2-car garage on the other end of the house, but how would that work with interior circulation in the house having a garage off the bedroom. Calling that arrangement feasible would lead to an unreasonable requirement.

Mr. Brennan commented that he doesn't disagree with putting the garage where it's being proposed, where do you stop. Why not a three car garage and build it further out. Is the square footage enough, its within the law and what is the overwhelming reason to go there. Point well made.

Chairman Hansen commented that one issue that the applicant raised was the stairwell issue. To achieve the goal for the staircase you would have to dig into the roofline to meet the requirements. The outcome is still the same with a 28' high view for the neighbor. Just a reminder that the public hearing is closed to the public, it's only open to Board Members.

3. Whether the requested area variance is substantial.

Chairman Hansen reminded the Members that encroachment on the front yard by 6'. The setback is 25' and they need a variance of 6' so the new setback would be 19'.

Vice Chairman Tedrow is calling the setback non-substantial.

Mrs. Jordan agrees with Mr. Tedrow that the setback is non-substantial.

Mr. Brennan also agrees that its non-substantial but added we are talking about fairly narrow setbacks to begin with so when we say its non-substantial on the surface it already goes into a tight 25' setback requirement. Mr. Brennan will standby non-substantial with caution.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district

Mr. Brennan commented that there might be environmental issues, like additional rain off. Chairman Hansen commented that environmental means any physical changes that would effect the environment.

Mrs. Jordan commented that one of the cheat sheets from the conference we attended says to consider if the area variance will have an adverse effect on physical, environmental conditions of the neighborhood or district. Things to consider are: Block of view? Cause of drainage problems? Impact of wetlands? Cause of parking shortage? Block of view would be an effect on the neighborhood.

Mr. Brennan commented that this would be an issue. I understand that we are only talking about a 6' sliver but minimizing the impact on that which is our job and part of our charge here is to grant the minimum variance if we should grant a variance. The goal here is to minimize the impact of that view. Only being able to pull back from that variance even a 6' slice it will have an effect or impact on the environment.

Mr. Rose commented that when he thinks of adverse impact that there are either no options or there are options and the Board should consider that there are other options.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Mr. Rose commented that the variance is self-created going from a one-car garage to a two-car garage. The applicant has options to do something different. The applicant presented the Board with options.

Vice-Chairman Tedrow commented that in essence every single variance we look at, the difficulty is self-created because someone is choosing to propose a change. I think it was not self-created and that the current owners did not layout this house on this lot or draw the lot lines in this neighborhood. They were dealt a hand and they are trying to play it. It was intended that we interpret this that the action applying for a variance creates a hardship. This is one of our tests so I am stepping back and saying that the layout of the house on the lot is creating this situation. If they want to build this structure they have to apply for this variance. Hardship is not the word alleged difficulty is what the ordinance says and Mr. Tedrow doesn't feel that the hardship was self-created.

Mrs. Jordan goes along with Vice-Chairman Tedow's reasoning. It's a corner lot, which is not self-created, which makes complying with the zoning laws more difficult.

Mr. Brennan commented that he agreed with Mr. Tedrow, its not like the applicant sold 6' on each side of his property to the neighbor and now there are left with an unworkable lot. It is as it was when purchased.

Chairman Hansen commented that the Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Mrs. Jordan asked in order to have a 2-car garage must it go out the addition 6' or can it be less. Can you ask that question and can we get an answer. Mr. Tedrow asked if it could it be narrower and require less of a variance? Chairman Hansen commented that they already answered that question. There is a minimum width for a 2-car garage in order to open the car doors etc. and it's not really desirable if it's not wide enough to meet the needs. You need for the vehicle and to walk around the vehicle. Mr. Brennan asked if that was personal preference and the most desirable situation as apposed to what is workable within the zoning regulations. Chairman Hansen commented that his perception of this plan is that to put a 2-car garage there and stay within the setbacks the garage would be too short to fit a car. If you shorten it by 6' or more actually it would be about 8-10' shorter in depth and you still have the area for the staircase to figure in.

Mrs. Jordan asked if they could go back to #2 alternatives. Yes there are more alternatives to get more sq. ft. in the house. But there really is no other alternative in getting a 2-car garage. Mr. Brennan agreed with that.

Chairman asked if the Board had any further discussion or if they felt comfortable in making a decision.

Motion made by Vice-Chairman Tedrow to approve the variance as requested. Seconded made by Mr. Rose. Mrs. Jordan aye, Mr. Brennan nay, Chairman Hansen aye. Motion carried.

Mr. Sidoti commented that he was putting the Board on notice that his attorney will be filing an article 78 against the zoning board.

Chairman Hansen commented that was Mr. Sidoti's prerogative. This is not an easy decision.

Mr. Sidoti said the Board doesn't look out their windows and see a big wall; he was just putting Board on notice. Mr. Sidoti made several comments that a two-car garage is not a necessity it's just a convenience.

A resolution will be typed up and on file in the Town Clerk's Office and a copy will be attached to these minutes.

Elliott & Bonnie Hughes, 117 Dunsbach Road – Use Variance

Chairman Hansen commented that this case has a long history. Vice-Chairman asked if this was an application to build a new residence.

Chairman Hansen explained to the Board that Mr. Hughes built other buildings on his property in addition to a single-family home. Mr. Hughes built an additional duplex and an addition 3-unit apartment on his property. Mr. Hughes now has a single-family residence, a duplex and a 3-family dwelling all on one parcel. Mr. Hughes also has several other out buildings he was also conducting an electrical contracting business on this site. Over the years in addition to the duplex and the 3-family building storage buildings, (all of which were built without a permit from the Town), that were being used for storage of recreational vehicles like motor homes, travel trailers and was also leasing out his property to someone doing repair work to R.V.'s and travel trailers. The Town took Mr. and Mrs. Hughes to court to stop them from using the buildings for illegal businesses. The Planning Board never granted approval for the use of storing and repairing the travel trailers nor did they receive approval for the 3-unit apartment building. The Board is vague about the duplex because a building permit is attached for a residence and garage. A court decision was made that he was in violation of the duplex and 3-family and directed the Hughes to file for variances. Mr. and Mrs. Hughes are in the process now of following the court order by applying for these variances.

Vice-Chairman Tedrow asked if this requires action on our part? Chairman Hansen commented that the Board still has to use the same criteria in determining a variance for this property as we would anyone else that came in to build these new. Basically, there is no legal status for these buildings right now they go against the ordinance. It doesn't preclude them for requesting a variance and the Court Order doesn't say that the Town has to approve a variance.

Hypothetically speaking, Vice-Chairman Tedrow commented that we could ask them to put each of these dwellings on separate lots and make them legal subdivisions. Chairman Hansen commented that the option would be up to the Mr. and Mrs. Hughes. If the Board should deny the variances he could apply to the Planning Board for subdivisions creating lots for each dwelling. Chairman Hansen commented that the Town Ordinance only allows one principal building on one lot unless they are a P.D.D. You can put accessory structures on your lot but only one principal building.

Mr. Rose asked how did this come before the Building Department? Chairman Hansen explained that there is a long history here, everything came to a head was when he downsizes his electrical business (which may be done at this time) Mr. Hughes had a fellow there renting one building doing R.V. storage repairs and Mr. Hughes was renting out the other buildings as R.V. vehicle storage. The neighbors were complaining about conducting 2 businesses without Planning Board approval from one property. The Town recognized the electrical contractor business was grandfathered in and never really mentioned that in the court action. The Town took legal action against him was because he expanded the use of the property to R.V. repair, R.V. storage, 2-family, and 3-family dwelling without approvals. The Court ruled that he had to cease and desist the R.V. storage and R.V. repair. It has now been confirmed that the R.V. repair has left. The Town is not totally sure about the R.V. storage as of yet. The Town will keep an eye on the property. The Town is now dealing with the 3-family and 2-family dwellings, which is the subject of the Court. The 3-family is not permitted use in an R-1 zone. Three dwelling units on one lot are not permitted. Based on the fact, a Board Member commented, that there is a court order that we should see which would have more information than the application has. The applicant needs to come before the Board to explain what they are requesting, what the complications are and the Board needs to understand what is going on before they can move forward.

The applicant is looking for a use variance.

Board Members had much discussion on the way applicants are filing out the applications and that they are confused on what type variance is being applied for. The applications are not filled out properly they are not only vague but also missing data and the Board thinks that the applications should be rejected and new ones be done.

Chairman Hansen explained the history of the parcel to the Board. The way cases work is the applicant submits an application and whatever else they feel to make their argument with. The Board makes judgment on the information they submit to us. We should not pre-judge it tonight however I understand the questions and concerns that the Board has.

Mr. and Mrs. Hughes need to come to the Board and represent their case to the Board before determining if they need a public hearing.

Vice-Chairman Tedrow commented that Mr. Hughes did come before us a few years ago, he could not recall why, for an extension of a non-conforming use. At that time, Mr. Hughes said he was going to apply for a PDD. Mrs. Smith-Law commented that Mr. Hughes is requesting a variance for an apartment unit that he constructed in 1982 and 1987.

Chairman Hansen commented that an existing building closest to the road was a single family home was modified into a duplex. The house built in 1967 didn't need a building permit. Permits were obtained in 1969 when zoning went into effect. In 1982 he should have gotten a permit/variance for that structure. The application needs to be better completed by either himself or his counsel.

Chairman Hansen commented that the application was received in this condition and we could ask for more information or take it as it is.

Mr. Burdyl commented that this application is wasting time and our resources.

Chairman Hansen commented that there are new applications and we could send it to them for more information, at what point do we say enough is enough.

Mrs. Jordan commented that the applicant should be here to explain him or herself. This is a court order and the application should be about the request for a variance for their court order. Why did the court order give them until 12-31-06 to produce a C.O? Basically if you don't have a Certificate of Occupancy for these dwellings then they were built illegally, if you can't produce a permit you have nothing. There are multiple things going on with this application. It says on page 2 that he is requesting a variance for property constructed in 1982 and a building built in 1967. What are they looking for? Are there other things too? There is a difference between clarity and incompleteness, right now there is no

clarity, there is an allusion and kind of what he's talking about. It needs to be made clear on what he is looking for.

Chairman Hansen commented that there are 2 variances being applied for. One for an area variance for too many buildings on the lot and a use variance for the three-family building that is not permitted in an R-1 district. Do all the members understand that? Members commented that now that it was explained they do understand it however, it should come from reading the application. Mrs. Jordan would like the application revised by the applicant for the next meeting. According to the Court he was suppose to apply to the Town in September 2006 and is just doing it now. Board asked if there was a time line for this proposal. Mr. Rose commented that someone in the Building Department should review these applications before accepting the fee and the application for our review. Chairman Hansen explained that the application fee has to be paid at the time of application to the Town. There is nothing in the Court order that states that if he doesn't apply to the Town by 12-06 what the recourse will be. First, the Board needs to have a completed application to act on. Mrs. Jordan commented that we should contact the Town Attorney and make him/her aware of this situation.

Motion made by Mr. Rose and seconded by Mr. Brennan that the application go back to Mr. and Mrs. Hughes for more information on the application either by them or their attorney. All in favor.

Motion carried.

Motion made by Mrs. Jordan and seconded by Vice-Chairman Tedrow to adjourn the meeting, all in favor.

Motion carried.

Submitted by Denise Mikol, Secretary
Town of Halfmoon Zoning Board of Appeals

