

Town of Halfmoon Zoning Board of Appeals
Meeting Minutes
July 7, 2008

Chairman Hansen opened the meeting of the Town of Halfmoon Zoning Board of Appeals at 7:00 p.m. on Monday, July 7, 2008 at the Halfmoon Town Hall with the following members present:

Members: Chairman Hansen, Vice-Chairman Tedrow, Mrs. Jordan, Mr. Brennan
Alternate: Mr. Burdyl
Absent: Mr. Rose
Alternate: Mrs. Smith-Law
Secretary: Mrs. Mikol
Planner: Mrs. Zepko - absent

Motion made by Vice-Chairman Tedrow and Seconded by Mrs. Jordan that the minutes from the May 5, 2008 meeting be approved as presented. Motion was carried.

Kivort Steel, 380 Hudson River Road

Robert Kivort was present. Dan Tompkins was present with Environmental Design Partnership presenting the proposal.

Recently a proposal was before the Planning Board and it was obvious that a variance would be needed to achieve the goals of Kivort Steel. The proposal is to expand its existing steel distribution facility. The site is 6.5 acres in an M-1 Industrial District. Kivort Steel is looking for relief from the minimum 50' front yard setback requirement along two separate side streets Briggs Lane and Myrtle Lane. Kivort Steel has frontage on 3 streets: Hudson River Road, Briggs Lane (a gravel surface) and Myrtle Lane (a gravel surface). Kivort Steel received a denial from the Planning Board based on the proposed building addition not meeting the required setback for a corner lot as described in Article VII, Section 702.C. in *the Local Laws relating to Zoning of the Town of Halfmoon (revised February 1997)*.

Mr. Tompkins explained that Kivort Steel purchased this property in 1999; the crane structure was constructed in 2001 after receiving an approval from the Planning Board. The setback of the warehouse, which was approved by the Planning Board, is 32' and the existing structures setback is 29'. Briggs Lane and Myrtle Lane were not Town roads at the time of that approval. This is now on a public road and should have been required to meet the 50' setback. The Planning Board commented that this one project might have gotten by them. The two side streets were apparently misinterpreted and were treated as a side yard and not a front yard.

The current proposal is to fully enclose the crane structure and turn it into a warehouse due to operations and new equipment that would be used to cut steel. The steel has to be free of rust and the equipment has to run free of rust and would require an enclosed environment with a heated space. Kivort Steel's footprint is currently 27,000 sq. ft. and is proposing to expand the footprint by 28,850 sq. ft.

Stormwater management and grading would need some work as well as making improvements to Briggs Lane.

The granting of the variance would not cause any increase in sight distance, sound, noise or other nuisances to neighbors. By enclosing the crane structure and the moving of most loading and unloading activities inside the building it will reduce the noise and would give a more orderly appearance to the site.

The existing crane structure is currently a minimum of 30' away from Briggs Lane. The variance request would be a minimum of 27.5 feet, which is due to the storage structure not being perfectly parallel to Briggs Lane.

The other variance would be for Myrtle Lane from 31.5 ft to 18.5 ft. The expansion is positioned near the end of Myrtle Lane's R.O.W. and the actual affected frontage along Myrtle Lane is limited to 65'. The closest property to the project is a total separation of 71.5 feet between the building and the boundary of the adjacent property.

Mr. Brennan asked if they are on septic. Mr. Tompkins replied that they are proposing to add onto the existing septic system with another leach line. The future intent is to talk to Waterford about connecting to the sewer. At this time, Halfmoon has no plans on extending any sewer lines within this area.

Vice-Chairman Tedrow asked if the side streets are actually Town Roads. Mr. Tompkins replied yes they are. Over time the Town took them over and plows them over the winter and once or twice a season the Town runs a grader through the roads to get the potholes out of them. It's crusher run. We recently talked to the Planning Board about possibly paving the road so that the road holds up when we bring in heavy trucks with steel on it. This is a concept stage until we see how much of a footprint Kivort ends up with after the variance request.

Mrs. Jordan asked if there is another way of expanding the square footage of the building without the variances that are needed? Mr. Tompkins commented that the options are limited. From a structural standpoint and the space left over for the truck circulation 8' seems to be the optimal width.

If variances are not obtained Kivort will flip a coin as to whether to continue operations at this location with the smaller footprint or will consider what their other options are. There are some practical difficulties in pushing it out further in another way. Structural changes would have to be made and the trucks would route through the existing structure.

There are drainage concerns, grading concerns and circulation concerns and that is why they are not really looking at other configurations. It quickly gets impossible to make the site work any other way.

Vice-Chairman Tedrow asked if the Steel Plant uses either of the side streets. Mr. Tompkins commented that 2 years ago Kivort Steel received an approval for an addition and the idea of the addition was abandoned because it would not remotely meet their needs. At that time, they received an approval to drive through the plant and have the trucks come out the door and use Briggs Lane. The reason that they had obtained approval is that the majority of the traffic was going out that way. (Mr. Tompkins showed the circulation on the plan) Most traffic goes in the northern driveway and out the southern driveway.

The Board has determined that they have enough information to set the public hearing.

Motion made by Mrs. Jordan and seconded by Mr. Brennan to set a public hearing for Monday, August 4, 2008 at 7:00 p.m. for Kivort Steel at 380 Hudson River Road. Motion was carried.

Motion was made by Vice-Chairman Tedrow and seconded by Mrs. Jordan to close the meeting. Motion was carried.

Respectively submitted by Denise Mikol, Secretary
Town of Halfmoon Zoning Board of Appeals