

Town of Halfmoon Zoning Board of Appeals
Meeting Minutes
May 4, 2009

Chairman Hansen opened the meeting of the Town of Halfmoon Zoning Board of Appeals at 7:00 p.m. on Monday, May 4, 2009 at the Halfmoon Town Hall with the following members present:

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

Mrs. Jordan made a motion to approve the minutes from the September 2, 2008 meeting and seconded by Mr. Tedrow. Motion was carried.

Jerry Newell, 126 Woodin Road

The proposal is for Mr. Newell of 126 Woodin Road to put a carport on his property on the corner of Woodin Road and Manchester Drive in the Town of Halfmoon's Northwood Development. Chairman Hansen commented that there were no subdivision regulations in place in 1967. He further commented that that the setback used for the house at the time of construction was 25' not the setback per our current town code.

Chairman Hansen commented that the applicant would need to have a surveyor come in and mark the property line and show the setback line. The Board should also do a site visit for visibility. There is an exemption in the Town Zoning Ordinance that would allow houses that were built in neighborhoods with lesser setbacks to meet the average of the setbacks of the houses within a certain distance on either side of them.

Chairman Hansen commented that he wondered if the Building Department took that into account when they denied the building permit. If they meet the average setback with the new addition then they won't need a variance. Chairman Hansen wants to get a sense from the Board as to whether or not the Town should proceed further with this as the applicant will need to pay a lot of money for the survey to show the lot lines and house.

Ms. Jordan commented that another option could be that we measure it out ourselves. Mr. Hansen commented that it would be a sensible option but Mr. Tedrow commented that there is a temporary canopy set up next to the garage that is only 8' wide; it gives you an idea of what the carport would look like.

Mrs. Law asked if the applicant wants to place the new carport where the temporary carport is located now? Mr. Tedrow commented that the survey plot is wrong the garage is on the east side of the house and the garage was never at the other end. Chairman Hansen commented that if you look at the shape of the house on the plot plan it looks like they flipped the house.

Woodin Road has always been a busy road and the builder probably wanted to keep the garage near the noisy end of Woodin Road and the house at the quiet end of Woodin Road.

Mrs. Law commented that the very large tree on the property would probably have to come down. Chairman Hansen commented that the temporary structure has a shrub near it so maybe the tree could stay. Mr. Brennan commented that the entire structure was built outside the setback. Chairman Hansen commented that it would be outside the 50' setback, which is probably safe to assume, but we don't really know for sure until we have an actual survey. The owner tried to do a scale drawing on the corner lot. The applicant is looking for a variance on a setback line that is not accurate.

Mr. Brennan commented that the variance might be at 29'. The application doesn't have enough information. If the applicant wants to pursue this application he will need to bring us a survey map. Mrs. Jordan commented that the variance request is for 29' not 4' and that we need a corrected application and a survey map in order to set the public hearing. Mr. Rose commented that the applicant should be present with completed application and a survey map showing the variance request on it. Mr. Tedrow commented that it should be pointed out to the applicant that his variance is really for 29'. Mr. Tedrow feels he should recused himself from this request because he is a neighbor.

Mr. Rose asked about the setbacks. It is a corner lot and both corners need to meet the 50' setback line.

Motion was made by Mr. Rose and seconded by Mrs. Smith-Law that the application was incomplete and the applicant should be in attendance at the next meeting to further discuss the request. Motion was carried.

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