

Town of Halfmoon Zoning Board of Appeals
Meeting Minutes
October 5, 2009

Chairman Hansen opened the meeting of the Town of Halfmoon Zoning Board of Appeals at 7:00 p.m. on Monday, October 5, 2009 at the Halfmoon Town Hall with the following members present:

Members: Chairman Hansen, Vice-Chairman Tedrow, Mr. Rose, and Mrs. Jordan
Alternates: Mr. Burdyl
Planner: Mrs. Zepko absent
Secretary: Mrs. Mikol

Members Absent: Mr. Brennan and Alternate Mrs. Smith-Law

Motion was made by Vice-Chairman Tedrow that the minutes from the September 8, 2009 meeting be approved as presented and was seconded by Mr. Rose. Motion was carried.

Chairman Hansen and Mrs. Jordan both abstained from the minutes. Chairman Hansen thanked Vice-Chairman Tedrow for stepping up to Chairman at the last meeting in his absence.

Upstate Home Builders, 114 Staniak Road

Mr. Andrew Brick was present from the law firm of Donald Zee P.C. representing Mr. Pat Pellerin aka Upstate Home Builders. The application is a request to amend a previously granted area variance. A few years back our client came in to request a street frontage variance that was granted by the board, one of the conditions was that the house after construction would be 25' away from the side yard property giving the neighbor more privacy near their pool. When Mr. Pellerin was ready to sell the house a survey revealed that the foundation was placed 24'4" from the side yard being 8" deficient from the condition placed by the board for the area variance.

Chairman Hansen opened the public hearing at 7:10 p.m. Neighbors were not present and the Board was hoping that the neighbor that requested that the house be 25' away from the property line would be present. Since the neighbor did not show the Board had Secretary Mrs. Mikol call them to make certain they were ok with the new house location and if they had any concerns. Mrs. Robbins of 112 Staniak Road said that she had no problem with the new neighbors home in fact they were very nice people.

The purchaser's attorney required Mr. Pellerin to put money in escrow until the prior approval is amended for the relief of the 8" to the area variance. The request is to amend the condition placed on Mr. Pellerin from 25' to 24'4" from the side yard. From the Town's perspective and code enforcement the side yard setbacks have been met.

Motion made by Ms. Jordan and seconded by Mr. Rose to approve the relief of a previously approved frontage variance requiring the house to be located 25' off the side yard to 24'4". Mr. Rose asked that a follow-up letter be sent to Mrs. Robbins regarding the phone conversation.

Motion was carried.

Jerry Newell, 126 Woodin Road

The Board had much discussion regarding the closure and procedure of an application that was in need of a variance because the Director of Code Enforcement denied Mr. Newell a building permit because the sketch Mr. Newell brought into the Town did not meet the setbacks on both streets for the carport he was proposing. At that time, Mr. Newell received an application to the Zoning Board of Appeals for an area variance.

Chairman explained to the Board that although there was an application it never came to a hearing because when Mr. Newell had a survey done for his property and the survey showed that the setbacks for the Northwood Subdivision was 25' on both roads and therefore he met the requirements for the building permit for the car port. Mr. Newell came back into the building department met with Mr. Stevens and was able to obtain a building permit based on his new survey.

A public hearing was never set because Mr. Newell never showed up for the meeting because he had already gotten a building permit. It would have been better if he had submitted a letter withdrawing his application.

Chairman Hansen commented that there is nothing this Board has to do because there was never a public hearing.

The meeting adjourned at 8:20 p.m.

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