

Town of Halfmoon Zoning Board of Appeals
Meeting Minutes
May 5, 2014

Chairman Rose called the meeting to order for the Town of Halfmoon Zoning Board of Appeals at 7:00 p.m. on Monday, May 5, 2014 at the Halfmoon Town Hall with the following members present:

Members: Vice-Chairman Tedrow, Mr. Hansen, Mr. Burdyl, Mr. Brennan
Alternate Member: Deborah Curto
Town Attorney: Mr. Chauvin
Town Liaison: Mr. Polak
Secretary: Mrs. Mikol

A motion was made by Mr. Hansen and seconded by Mr. Brennan to approve the minutes from the April 7, 2014 meeting. Motion was carried.

Chairman Rose welcomed Deborah Curto to the Board. Mrs. Curto will be an Alternate Member. Mrs. Curto brings us a vast knowledge of governmental and business items from over the years with her volunteer work at the library and her experience in business will be a great asset to the Town. So welcome officially to the meeting tonight and to the Board, she will be an Alternate Member and certain occasions Alternates take the place of Members that are absent and or have to recuse themselves so it is a very vital component of our Board. We are appreciative to have an Alternate; thank you.

Chairman Rose commented: Tonight we will be holding two public hearings followed by agenda items. If anyone from the public wishes to speak, please come up to the podium and state your name and address for the record. It is important for our Secretary to hear the recording so she can take the minutes from the meeting.

Public Hearings:

Scott and Joyce LaRosa, 14 Timberwick Drive – 278.19-1-14

Mr. Jason Dell, Professional Engineer with Lansing Engineering was present with a proposal for the applicants, Mr. and Mrs. LaRosa who are requesting an area variance to construct a staircase to their single-family home at 14 Timberwick Drive, thus allowing them to have interior access to their basement.

Currently they access their basement through their garage. They live on approximately a half acre lot. The proposed staircase location at the rear corner of their home will be approximately a 4'2" x 18' addition. They will cross the 10' setback line by 4' therefore their new side yard setback would be 6'. Under the requirements of the Town of Halfmoon General Code Article 165, Attachment 1, Schedule A, the applicant is required to have side yard setbacks of 10' and 15' in an R-1 Residential District. The applicant received a denial for a building permit from the Director of Code Enforcement. The last time they were before this Board we asked if that was the minimum dimension and if not what would the minimum dimension be in order to suffice the applicant. If you recall, from the last meeting, it was 4' 6" wide and we have reduced that down to 4' 2" wide. We did scale back the width of it and it will now match up with the rear of the house as well as the deck. The reason for the addition is construct a staircase down to the basement. Currently the access to the basement is through a staircase that is located in the garage. The stairs go down and you can access the basement through there. What they would like to do with the addition is to be able to access the basement from their living room area. We do have a letter from the adjacent neighbor that they support the LaRosa's in their efforts to achieve the variance and construct the addition. To my knowledge the Board was out there on Saturday, May 3, 2014 for a site visit to see what they were proposing and where the location is in relation to the neighbor's house. We are here tonight to answer any questions that the Board and public may have and to ask for approval from this Board.

Chairman Rose commented: I have the letter from the neighbor at 12 Timberwick Drive for the record.

Mr. Burdyl commented: Mr. Dell, could you show us again where the boundary line is between the applicant's home and the neighbor's home? There was a clump of trees there and I wasn't sure if that was on the boundary line or not.

Mrs. LaRosa commented: Those trees are on our property, the property line was beyond those trees. It's more towards the neighbor's house. We removed one big tree and planted more trees to try to give them privacy for their pool.

Chairman Rose commented: Are you going to match the roof and cedar shingles to new addition?

Mr. Dell commented: We do have plans prepared by our project Architect. It is the intent to paint the new cedar siding to match the house now along with matching the roof shingles.

Chairman Rose commented: Are there any alternatives to accomplish what you are trying to achieve?

Vice-Chairman Tedrow commented: For instance, could you put it on the back side of the house.

Mrs. LaRosa commented: There is no place that we could really put it. We couldn't find a spot inside the house without losing a bedroom or a window. It's a one-story house and we couldn't meet the code any place else. We even looked at going through the floor of the house but we would lose a room to do it; we would go from a four-bedroom house to a three- bedroom house. We tried to see if we could flip the staircase in the garage but with the construction and space around it we couldn't do it and meet building codes.

Mr. Brennan commented: Are there any plans to do anything with the stairway that is in the garage if this is constructed?

Mrs. LaRosa commented: We are going to leave it as is; my husband changes the tires on the cars we figured we would leave it there for bikes and tires.

Chairman Rose commented: I recollect from the agenda meeting that you will be using the basement for storage and not living space, is that correct?

Mrs. LaRosa commented: We have no plans to finish the basement. We like having access to all the pipes; we don't want to put in ceilings or walls.

Chairman Rose commented: Does the Board have any other questions? Is there anyone from the audience that would like to speak? No one chose to speak. The public hearing closed at 7:13 p.m.

"In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:"

"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"

Mr. Hansen commented: It's not going to change the use of the property. It's a relatively new variance based on its size it's not even a portion or a 1/3 of the addition is going to encroach on the side yard. It's about 4' wide and 6' long.

Mr. Burdyl commented: It also appears that the applicant has taken measures so the changes blend in with the neighborhood; it won't change the character of the neighborhood.

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

Vice-Chairman Tedrow commented: From the description we heard from the applicant of the alternatives that we are considering it seems as though this is the best and most feasible method to achieve what they want to achieve in the end.

"Whether the requested area variance is substantial."

Chairman Rose commented: I think Mr. Hansen had commented that it was minimal and I would agree with that.

Mr. Brennan commented: It is my estimation that it is minimal especially when you look at the way it nestles itself in between an already existing wood deck.

"Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: and"

Vice-Chairman Tedrow commented: I suppose you could argue that it would increase run off but would be such a small amount that you couldn't detect the effect.

"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. Brennan commented: I don't think it was self-created, I think it was inherited. I think the merging need of having access into the basement is just evolution of the way they want to continue to use that basement. This is the only practical solution, it was stated by the contractor to achieve that goal.

"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."

Chairman Rose commented: Are there any other comments?

Vice-Chairman Tedrow made a motion to approve the area variance for Mr. and Mrs. LaRosa at 14 Timberwick Drive to place an addition on their home to have access to their basement. Seconded by Mr. Burdyl, Motion was carried.

Michael Glasser, 43 Manchester Drive – 278.14-2-16

Mr. Glasser is requesting an area variance to construct a 24' x 25' 2-story addition to his home at 43 Manchester Drive allowing him to add on living space and a 2-stall garage. The addition would encroach into his side yard setback area by 2'3" therefore leaving him a 7'7" side yard setback. Under the requirements of the Town of Halfmoon General Code Article 165, Attachment 1, Schedule A, the applicant is required to have side yard setbacks of 10' and 15' in an R-1 Residential District. The applicant received a denial for a building permit from the Director of Code Enforcement.

Mr. Glasser commented: I am looking to build an extension of 25' x 25' 2-car garage and master suite. My in-laws lived in New Jersey and recently my father-in-law lost his job, sold his house and moved in with us. As much as I love my in-laws we are kind of bumping elbows so I would like to make the house a little bit larger by building a master suite for me and my wife and a garage below it. We are looking at 24' x 24' or 25' x 25' on the side of the house we are about 3' over for the variance that is why we are here tonight.

Chairman Rose commented: Do you have any pictures or maps to give to the Board to support your case?

Mr. Glasser commented: The Board should have a copy of what I gave to you last month. There should be survey maps showing the addition. I have nothing new to add.

Vice-Chairman Tedrow commented: Could you please explain to us why you couldn't make your addition 3' narrower so you wouldn't need a variance?

Mr. Glasser commented: If I were to make it narrower we wouldn't be able to have a two-car garage. A standard two-car garage when I was looking it up on the internet is about 24' x 24' anything else the cars would be on top of each other and you won't be able to open the doors. We have two young kids that we have to get out of the back seat and we don't want to be hitting the doors and scratching up each others car.

Chairman Rose commented: From looking at the survey map it looks like you have the opportunity to put the addition on the back of the house for the extra living space which is the primary reason for your application.

Mr. Glasser commented: The problem with putting it in the back of the house would be our pool. Putting the addition behind the house would create a problem because it would be too close to the pool. We would have to make the master suite smaller or move the pool. The pool is almost in the middle of the yard and extending the addition out wouldn't work.

Mr. Chauvin, Attorney commented: Mr. Chairman, just for clarity, the application reads a 24' x 25' two-story addition. The applicant has articulated that he would like to construct a 24' x 24' or a 25' x 25' addition. If we could get confirmation from the applicant, obviously each of those configurations is going to require a different variance. The 24' x 25' that has been represented previously requires the 2'3" area variance. The calculation would be different at 24' x 24' by operation of the math, I am no expert but 25' x 25' would increase it. The 24' x 24' would be less of a variance. We need a firm answer.

Chairman Rose commented: The map I am looking at says 24' x 25'.

Mr. Glasser commented: I forgot that I had 24' x 25' on the application so the 24' x 25' is what we are proposing.

Vice-Chairman Tedrow commented: Would 24' be the width and 25' be the depth? That is what the survey map is showing.

Mr. Glasser commented: Yes.

Chairman Rose commented: Secretary Mikol, I am looking at the application trying to ascertain what the size of the proposed structure is.

Mr. Chauvin commented: It was a verbal request which matches the request on the survey map.

Mr. Brennan commented: Just for clarification purposes, when I look at the survey map, which I assume is accurate as it's been delivered to us, the front of it says 24' 8" or am I looking at something wrong? Its small print but I believe that is what it says.

Vice-Chairman Tedrow commented: From the map it looks as though the rear wall is flush with the existing back wall of the house and that result in a 24' length and the front wall of the addition actually overlaps with the existing front wall which is 8" longer.

Mr. Brennan commented: The actual delta coming out of the side of the house is 24'.

Chairman Rose commented: For the folks in the audience, the way the proposed structure is in the front of the house, there is a slight over hang to the existing structure which adds the 8" to the front of the house but it is 24' total of what he is asking for on the width. The new construction will actually be 24'8" in the front to make that overlap to occur. The proposed structure is 24' x 25'.

Mr. Burdyl commented: Mr. Glasser is the proposed addition going to be running off the utilities of the house as it is presently configured or will there be additional utilities installed?

Mr. Glasser commented: No, what is there is there. There will be no change.

Chairman Rose commented: Could you quickly take us through the neighborhood, how many houses near your area have two-car garages?

Mr. Glasser commented: 10% have two-car garages.

Mr. Burdyl commented: Mr. Glasser is planning to change the dimensions of the driveway for this addition or will the driveway remain the same?

Mr. Glasser commented: The driveway will remain the same. It will be a little smaller obviously because we are going to build an extension over the top of some of it but other than that it will be the same.

Mr. Burdyl commented: I was referring to the width of the driveway will you have enough clearance for the two cars.

Mr. Glasser commented: Yes, it is wide enough now.

Mr. Brennan commented: Where are your cars now? Is there a carport there?

Mr. Glasser commented: They are on the driveway. The existing one-car garage is being used for storage.

Chairman Rose commented: Are there any other questions from the Board? Does anyone in the public wish to speak? If you would like to speak please come to the podium and state your name and address for the record.

Ms. Judy Garenski commented: I live at 45 Manchester Drive, right next to 43 Manchester Drive. We stopped over this afternoon to see what they planned on doing; we received a letter in the mail. We had a nice conversation, after reflecting I just wanted to voice my only concern. I don't know what the addition would do to the noise level. Our bedroom is on the same side of the house as the addition and garage. It would be closer to my bedroom and I was concerned with the noise level. Maybe it would help and maybe it wouldn't, I don't know. We are the only neighbor that is affected by this proposal. If we look out our window we would see their window. How could we buffer the noise this structure could bring?

Chairman Rose commented: What is the type of noise that you are expecting to have? Can you explain that?

Ms. Garenski commented: I didn't know if the structure coming that much closer to our house would the noise level change from next door. If it were any other house or any other room in our house I wouldn't care but considering it's our bedroom and the structure being so close to us, I do have concerns.

Mr. Burdyl commented: Could you show me on the survey map where your house is located.

Chairman Rose commented: Is that lot 103? 45 Manchester Drive.

Ms. Garenski commented: Right from where the structure is located there is a couple little bushes and then my house.

Mrs. Curto commented: How close is your house to the property line?

Ms. Garenski commented: I don't know the exact amount. No disrespect to the neighbor I am concerned because it's my house and my bedroom.

Chairman Rose commented: Did you just get the notice today?

Ms. Garenski commented: No, no, no I got it a while ago, I have been extremely busy and we haven't had a chance to go over and talk to them.

Mr. Brennan commented: Please refresh my memory the proposed addition would be used for what?

Mr. Glasser commented: It would be a master suite, our bedroom. Under it would be the 2-car garage.

Chairman Rose commented: About the garage, what would be the use and what could we expect from a noise perspective?

Mr. Glasser commented: We will park our cars in there.

Chairman Rose commented: Are there any other neighbors in the audience that would like to speak? Does the Board have any other questions? I will close the public hearing at 7:31 p.m. I will read the tests for the area variance and we will comment on them as a Board and then take a vote.

"In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:"

"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"

Mr. Brennan commented: This is always the one that I pay particular attention to is what is the characteristic of the neighborhood and I did have an opportunity when I was out there to walk around a little bit. I do agree there are very few houses in the immediate vicinity that have a two-car garage. The structure itself is large enough that it does show somewhat in contrast to the other houses on the street. This is an interesting one because with that said, if we were talking about an addition that were very small feet narrower they wouldn't be in front of us. The majority of that increase and the comment I made about the characteristic of the neighborhood wouldn't even be in front of us I am really focusing on 3' of change that we are looking at. Given that, the difference between the 24' versus the 25' I don't think that change is remarkable enough to cause a lot of characteristic differences in the neighborhood.

Chairman Rose commented: Mr. Chauvin you may want to comment on this, the proposal tonight is for an area variance it's not for a two-family structure it is an increase in living space for the current family so I just want to make sure that is the spirit of what this request is all about. Are there any difficulties with that?

Mr. Chauvin commented: No, the application before you tonight is strictly in the context of an area variance, there is no application for a conversion to a multi-family home or separate entrance or separate utilities, or any of the things that would typically come with a two-family house. You are not being asked to grant a use variance or a special use permit it is strictly an area variance for the purposes of a two-car garage and a bedroom as presented.

Chairman Rose commented: I just wanted to make sure that was very clear.

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

Vice-Chairman Tedrow commented: The benefit being sought here is the two-car garage plus more living space and given that as the goal I think the applicant has given us good reason why other positions for the addition would not be feasible.

Mr. Brennan commented: The difference between a one-car garage and a two-car garage and understanding that the resident wants to increase his availability to store his cars. I do have some experience. I am not claiming to be an expert on the average width of a garage for two-cars that is an accurate figure that he is quoting. Given that, if that is what the resident is requesting is to make sure he can put two-cars in the garage then there is no other feasible alternative in my estimation.

"Whether the requested area variance is substantial."

Vice-Chairman Tedrow commented: Back to Mr. Brennan's reasoning is what we are really focusing on here. The whole addition certainly is substantial but the sliver of the building that is really subject of the variance is really not substantial compared to the entire structure.

Chairman Rose commented: I would like to add that if they were to build a one-car garage say 15' x 15' the cost to do that wouldn't be worth it. To add the living space you are looking for 500 square feet verses 300 square feet. While it is substantial I think the benefits you are seeking are justified.

"Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: and"

Mr. Burdyl commented: I think it would have a positive impact on the neighborhood because you won't have miscellaneous vehicles on the driveway they will be under cover and out of eye sight.

"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. Brennan commented: I don't know if it's self-created or not with the exception except for the residence saying yes you can come live with me. I think that about as much self-creation that you can get to.

Chairman Rose commented: I also think that some thought went into the fact that they if the addition were in back of the house it probably would have to re-configure the addition to make it work which probably wouldn't be feasible. It has a blend of self-created and self-justified reasons that make sense to me.

Mr. Hansen commented: I think the alternate would be less desirable putting the garage where he is proposing it at least its more consistent with what the normal home looks like.

"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."

Mr. Hansen made a motion to approve the area variance as requested for Mr. Glasser at 43 Manchester Drive to build a two-car garage with a master suite over it at 24' x 25'. Seconded by Mr. Burdyl, motion was carried.

New Business:

Chairman Rose commented: Now we have some New Business which we will review your application and the Board will determine whether or not a public hearing is warranted and justified and if approved we set a date, do a site visit and make our determination. The Board may ask questions tonight and we they might ask the same questions again at the public hearing just to gather some facts as we prepare the nature of the variance request.

NPH LLC, 11 Solar Drive – 272-3-61.1, 70, 6.121

Chairman Rose commented that the applicant is requesting a use variance to allow Crossfit to operate at 11C Solar Drive, Parkford PDD, off Route 146, in the Town of Halfmoon. The applicant would like to use 6,000 sq. ft. of vacant space for a physical fitness and wellness training facility, which is not a permitted use under the M-1 Industrial zone of the Parkford PDD, pursuant to Section 165-16 Section 166-14 Land Use, and Section 166-18.1 Amendment 2008 of the Town Code of the Town of Halfmoon. The applicant received a denial from the Planning Board at its meeting of Monday, March 24, 2014.

Mr. Dean Taylor, Licensed NYS real Estate Agent with Remax Park Place. I live at 9 Vineyard Circle, Clifton Park, NY and I am the authorized representative for NPH and I brought with me the potential tenant Ian Hogan.

Mr. Ian Hogan is present. I am the potential tenant, Crossfit.

Mr. Taylor commented: The reason we are here tonight is more or less of an industry trend that I am experienced with as a Real Estate Agent. It appears as though the fitness industry has gone from being in the mall at high rent and a high traffic area to now. The gyms are really finding it hard to make these numbers work with competitive membership rates. The trend I have been coming into has been to looking for larger spaces but having to keep the rent at a warehouse rents price as opposed to a shopping center rent. This is the evidence I took the liberty of putting a list together of Halfmoon and Clifton Park and Malta Fitness Centers that are in Industrial Zones. On this list, Mr. Hogan is currently in one of these facilities at 1580 Route 9 at the Abele PDD which is a mixture of office and warehouse uses. Another one I believe is called the Ideal Body they have been in Halfmoon for over 10 years and they are located on Hudson River Road in an M-1 District. The other one is in Clifton Park at the Sports Plex and that is an Industrial Business Park as well.

Mr. Taylor commented: There are several reasons why we feel that this is a very reasonable request on our part. The property that this would be located on was actually zoned C-1 Commercial I did bring the Zoning Map with me but when the landlord purchased the property they expanded their business which was a manufacturing business and they were caught up in the Global Foundries wave. They were being told by all the Economic Developers to build and they will come. We do believe that there is a hardship on the owner's portion which is not really self-imposed. The property has been on the market for over 4 years.

Mr. Taylor commented: The property has been on the market for over 4 years. I have done a lot of the Global Foundries work and they are located at Exit 10 and the reason is because they can shoot up to the plant in Malta in 8 minutes, 10 minutes and 12 minutes and can be at the Tech Park in under 20 minutes right at the Northway Exit. As I have said, I had it listed for over 4 ½ years I have pushed it and shown it and they are willing to rent it for less than what they want for just to accommodate this particular use. Another reason is that it's a lesser impact. This is the heaviest zone that we have in Town, M-1 that is heavy Industrial and this is a lighter use. One of the people right in the same complex has a show room and there is quite a bit of traffic of people coming in and out of Saratoga Re-Bath. This is the main entrance to Timberwick II which is a high end housing development. There are people driving through the park but not on the street that this would be on, this is on the loop. Those are the main reasons why this would work from the tenants stand point and why they are looking for this. From the sellers stand point primarily it's getting caught up in building the wrong thing trying to do the right thing. We just felt that the fact that there are other uses in Town that were in Industrial Zones it would be worth the effort to hopefully go through the process and see if we could get a variance. We just felt that with the fact that there are other uses in Town in Industrial Zones that it would be worth the effort to hopefully go through the process. They are in Halfmoon and they would like to stay in Halfmoon.

Mr. Burdyl commented: Mr. Taylor, I may have misunderstood you; the proposed tenancy is currently vacant:

Mr. Taylor commented: Yes, it is a 30,000 sq. ft. building of which the landlord is occupying 24,000 sq. ft.

Mr. Burdyl commented: So it is occupied at this time.

Mr. Taylor commented: Yes I apologize; he needed 20,000 sq. ft. now he has 23,000 sq. ft. but he built 30,000 sq. ft. at the time in 2009.

Mr. Burdyl commented: Yes, thank you for clarifying that.

Vice-Chairman Tedrow commented: Did you consider approaching the Town Board and have them amend the PDD Legislation to simply add this use; because there are hoops that you need to get through for a use variance they are much different from area variance criteria which we have been talking about tonight.

Mr. Taylor commented: I would be happy to send you the e-mail from the Town Attorney, Mrs. Murphy saying to me that she felt it would be better to go this route. Mrs. Murphy suggested this route as opposed to a PDD amendment.

Vice-Chairman Tedrow commented: Let me just read the one big hurdle that you have to clear. "No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate the following to the Board of Appeals:"

- "That for each and every permitted use under the zoning regulations for the particular district where the property is located, the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence."

Vice-Chairman Tedrow commented: So here you have a parcel that is specially zoned by PDD for Industrial use. A good chunk of this parcel apparently is already being used in the complying use. Now you have to prove that you cannot get a reasonable return from the use of that lot given the currently approved uses.

Mr. Taylor commented: Do fair market conditions come into account? The problem is yes he can get that if he can get someone to sign on the dotted line. I guess I didn't articulate very well, and I am taking this as advice I am taking this on a controversial end. You have been around a long time, Mr. Tedrow and I do definitely value your advice. It was our understanding that since we had it on the market for 4 ½ years, and I have shown it to several applicant, even Global Foundries in that type use does not want to go there at this particular point. They would rather be closer to the Northway, is that something that we are going to loose an appeal on? Or is that something that would make enough sense to help us?

Vice-Chairman Tedrow commented: What I am saying is if we get to a public hearing on this topic that is the sort of test you will have to deal with in whatever you can present to us to make your case.

Mr. Taylor commented: Is this still conversation here? Do you think if I were to go back and maybe catalogue who looked at the property and why they didn't buy it, would that help me with a variance, or is that the type of thing that could hurt me or am I dead in the water?

Chairman Rose commented: I think what we are saying here is that you will need to provide us with evidence that and the Board would evaluate your evidence we can't provide you advice or pre-judge it.

Mr. Taylor commented: But you can tell me what is going to fly? Or not?

Chairman Rose commented: I can't comment on that nor can this Board. We only look at it as face value we are just telling you that the test is substantial and you have to demonstrate to us how you meet that test.

Mr. Hansen commented: When Parkford was granted a use as a PDD, what were the definitions of the allowable businesses in there? Is there only manufacturing I am getting a sense of what I am hearing

Mr. Taylor commented: I have the code right here and it refers to the uses allowed in an M-1 zone.

Mr. Hansen commented: Was that specifically put into the legislation that was approved for Parkford PDD.

Mr. Chauvin commented: That is correct. The PDD Legislation articulates that it is all of the uses available under an M-1 Zone is my understanding.

Mr. Hansen commented: There are some mixed uses in there already. You just referenced the Bath fitters. Do they make those there? You buy stuff you bring in it they put it in a truck and take it to a house.

Mr. Taylor commented: I think someone calls in on a television ad and what they do is direct them to the showroom. There is a sales office and then they sell them, then they schedule the customer with an installation at the same time.

Mr. Hansen commented: Right, they are not making anything there. The telephone company was there and they weren't making anything. They just bring their trucks there to park. They also train people there to climb poles. They weren't making anything.

Mr. Taylor commented: Specialized Audio Visual they just go do PA systems for concerts at SAVI.

Chairman Rose commented: I have a question about Crossfit, I just don't know enough about it. What type of business is it, a service, a retail outfit, what is the character in nature of the business in Crossfit?

Mr. Ian Hogan commented: We classify it as a group personal training so it is a service based business. The use would be for fitness.

Chairman Rose commented: How do you transact business in your service of business?

Mr. Ian Hogan commented: So people will come in for an introductory course to learn all the basic movements of Crossfit and then they will be a member. They will have a monthly membership. The classes are all capped essentially at 15-20 people and a coach would lead them through strength and conditioning training.

Chairman Rose commented: My question was more from a business transaction. Is there a counter and a register there? A sign up thing, do people pay at the front when they come in how does that all work?

Mr. Ian Hogan commented: We essentially have an office with a kiosk kind of thing and people will come in, we will chat with them and sell them services. They will then come in and make payment and it will be an auto-pay.

Chairman Rose commented: So in Halfmoon, the Sportsplex, Pae Tae Kwon Do, Pure Bread Crossfit are all in Industrially Zoned area.

Mr. Taylor commented: I made that statement. That was the Abele PDD I have not read the PDD but I think its Light Industrial.

Chairman Rose commented: Those types of activities are allowed in the LI-C Districts.

Mr. Chauvin commented: It is again, called a PDD Legislation.

Mr. Taylor commented: I know that technically the Ideal Body is in an M-1 Zone which is what this is referred to. I don't know what the situation was for that to be located there. When it came to us and the idea of keeping Crossfit here it was mentioned that there was already one in the M-1 Zone. We were really surprised that we didn't have it as a zoned use. It is a less intense use, we were surprised that we had to be here but we are none the less.

Mr. Hansen commented: I don't think we have anything in front of us that tells us that the allowable uses are in a M-1 District had changed. Parkford PDD is 20-30 years old and what may have been allowed then might have been different from what is allowed now in an M-1. If you look at the current M-1 allowable uses there is 19 uses and a lot of them are really more commercial uses: hardware supply, marina and boat sales, self-service storage, restaurants. You can have a restaurant there. It's a mixed bag of stuff.

Vice-Chairman Tedrow commented: Sell carrot juice at the facility. Manufacture it.

Chairman Rose commented: You sell services there right?

Mr. Ian Hogan commented: Yes, we sell services there.

Mr. Hansen commented: One problem with the zoning ordinance in general is there are a list of 19 uses but that doesn't by any means cover all the possible uses of this type of area. The Building Department has to make an interpretation of what the other permitted uses are. There is nothing in there about gyms or exercise facilities.

Chairman Rose commented: I think in an M-1 District you are allowed to have retail sales. It says it in one of the provisions.

Mr. Hansen commented: A Marina and a Restaurant are retail sales.

Chairman Rose commented: There is a more general classification of retail but it's not specific.

Vice-Chairman Tedrow commented: Will the present tenant still stay on the site?

Mr. Taylor commented: Yes this is strictly to cover the addition they built for Global Foundries.

Vice-Chairman Tedrow commented: Is this a sale or a subdivision or just leasing space.

Mr. Taylor commented: It is just strictly leasing space.

Vice-Chairman Tedrow commented: This use would be certainly incidental to the primary use.

Mr. Hansen commented: What is the reason this is being denied is it because it isn't specifically mentioned in the Parkford PDD. What was the reason that they denied it? It is not clear to me. If the Parkford Development was built under a definition of M-1 allowable uses that may or may not be consistent with the mattered ones that are in effect now then which ones were the Planning Board using? Were they using the old definitions of an M-1 Use or the new definitions?

Mr. Chauvin commented: He spoke but it was not picked up on the microphone.

Mr. Hansen commented: Parkford wasn't really zoned M-1 was it? It was a PDD, right? It has M-1 allowable uses?

Mr. Chauvin commented: It's a PDD that adopted the M-1 classification for its allowable uses. They chose M-1 when they came in for their application for the PDD. They are bound by the M-1 uses or they could seek an amendment of the PDD.

Mr. Hansen commented: So now it's a matter of interpretation of what is allowable in an M-1 use and would it include what they want to do.

Mr. Chauvin commented: Yes.

Mr. Hansen commented: So are they really asking for a variance or an interpretation of the Code?

Mr. Chauvin commented: I would say that at this stage it is no longer an interpretation of the Code. To my reading of the scenario the Planning Board interpreted the Code and denied the change of tenant application because in their interpretation the M-1 allowable uses did not include this use and therefore the applicant is here seeking a variance based upon the allowable uses in that zone. So essentially they are seeking a variance from the interpretation that was articulated by the Planning Board. It is a variance application and the Planning Board has already made an interpretation in their review. Now, you are reviewing this to see whether you want to grant a variance to allow this use based upon all the evidence presented to you, and I certainly would encourage the applicant to come with the applicable financial proof showing listings of agreements for x amount of years etc.

Mr. Taylor commented: I did attach the listing agreement to the application so did you get that? If you don't have them I will bring them in.

Mr. Chauvin commented: Yes, just so they can review them as you go through the test if and when you get to a public hearing.

Mr. Taylor commented: You mean you won't take a salesman's word for it?

Chairman Rose commented: Do we know anywhere in the Code where it actually calls out the specific Crossfit as a physical fitness or wellness use?

Mr. Chauvin commented: I have not gone through and looked to see where it falls within an allowable use.

Chairman Rose commented: I am just trying to differentiate so if they are saying it's not allowable in an M-1 District where is it allowable? If it's not anywhere, it needs to be somewhere.

Mr. Chauvin commented: It certainly would be a permitted use in C-1 Commercial zone including service uses. If they proposed a C-1 District we would not be here.

Mr. Taylor commented: That doesn't make an effect when we change it from C-1.

Chairman Rose commented: I just to make sure we are clear on that the current zoning is M-1 or is it C-1?

Mr. Taylor commented: It is PDD. What happens and one of the reasons why we thought C-1 is not allowed in M-1 Zones. That is why we are here.

Mr. Chauvin commented: Modified by way of the PDD the applicant chose the zoning which would apply to the site when they made their application for a PDD. That does not preclude them from coming in and applying for a variance, they are within their rights to do so. Certainly, as Mr. Hansen has pointed out this is definitely a grey area of interpretation but the controlling zoning at this point is the PDD which adopted the M-1 definition.

Mr. Hansen commented: When looking at the commercial permitted uses there is nothing specific about the facilities like this in there anywhere. It appears that if you came in under C-1 or M-1 you would need an interpretation anyway. There is nothing that prevents it or prohibits it.

Mr. Brennan commented: Can I have a clarification from the Chair or the Attorney? Since the Planning Board has ruled on its interpretation what course can the Zoning Board take besides just listening to the applicant as he stated for his request? Another words, can we send this back to the Planning Board saying re-evaluate it or basically is it already completed? Is that process already completed and their interpretation already done and now we move on? Given that I am wondering what debating here.

Vice-Chairman Tedrow commented: That interpretation in itself could be appealed before us?

Mr. Brennan commented: Not by us but yes.

Mr. Hansen commented: That is sort of what I am saying is that we are technically I don't think it's a use variance that is involved here. I think it's an interpretation by the Planning Board of the Ordinance that not everyone may agree with, if you follow me.

Mr. Brennan commented: I am assuming that it's the applicant's choice whether they want to appeal this back to the Planning Board and continue on with this application.

Mr. Hansen commented: I don't think they have that option. The Planning Board shot them down and said no.

Mr. Chauvin commented: The Planning Board made its interpretation and in doing so they determined by way of their review that this was not an allowable use in the M-1 District. That is why they were referred to the Zoning Board for a use variance. They already made the interpretation under the Code. Now this applicant is asking this Board to take a look at the Code and say, based upon the hardship as it's presented and based upon the financial evidence that they are going to bring to you, based upon the interpretation that they have made with the Code, they feel that this is an appropriate use in the zone and it is an appropriate use at the site and they are asking you to evaluate whether or not to grant that use variance based upon the evidence they are presenting to you in light of and in spite of the Planning Board's already made determination that this was not an appropriate use or allowable use under the Code. They made their interpretation already.

Chairman Rose commented: I think we have a couple of options possibly as we go forward. As Vice Chair said we could make a recommendation to the Town to amend the PDD Legislation to make it an allowable use. We have looked at C-1 and M-1 this type of modern day training facility is not in our Code. There is also some other latitude that could be granted by the Zoning Board of Appeals so I think we should put it to a public hearing to review it? I think that at the public hearing we would use our powers and latitude as to the type of approval we can grant at that time. If we see problems with the test in the use variance because this is unique in nature then, I think, we have the ability to make an interpretation to make a call on it.

Mr. Hansen commented: I see this as an interpretation of a use variance if you see the difference.

Mr. Chauvin commented: I do see the difference but the way that the application has to be presented to you and the way that the mechanism exists within the Code in order for this to be either granted or denied is by way of the application for a use variance. You are going to making that interpretation in that context but there is no other mechanism to get it a different determination other than that which has already been made by the Planning Board.

Mr. Hansen commented: What I am saying is as the Vice-Chair pointed out for a use variance it has a very rigid, very difficult argument that sometimes has to be made to get approved whereas, with an interpretation is a much softer determination. It's like you take seven people on the Planning Board versus five people on the Zoning Board they may have a totally different interpretation that doesn't require this vigorous proof that they would have to show. Literally they would have to show that they couldn't possibly use it for the other 19 uses that are permitted. And that they couldn't possibly make a profit renting that property for any of the other uses. I don't think they could show that and it may take a long time to do it. Whereas, an interpretation of whether or not their use is consistent with those other uses and it certainly could without my prejudging it. You could certainly make some arguments that what they are proposing to do is very consistent with some of those 19 other permitted uses. It almost seems to be somewhat of an arbitrary decision on the part of the Planning Board to say that this particular use isn't as commercial as all these other 19 uses. You can have a restaurant in an M-1 District and they are finding that this use is not consistent? It certainly allows for a broad spectrum of uses if you look at that 19 on the list. You can either make something there, you can hammer together cars if you want or you can have a restaurant or anything in between that really. To me, that's an interpretation it's not a request for a use variance.

Mr. Brennan commented: An interpretation has already been made, isn't that what I am hearing?

Mr. Chauvin commented: The Planning Board must its decision based on its interpretation of the M-1 District.

Mr. Hansen commented: Right, they made a decision and he does have a right to appeal that decision. But does he appeal that decision as a use variance request or does he make it as appeal of their decision and how do we do that? What rules do we use? Do we use the use variance rules to have somebody appeal a decision made by a different Board?

Chairman Rose commented: Do we have the power to potentially change the application and call it an appeal to the Planning Board's determination and not call it a use variance or an area variance?

Mr. Chauvin commented: That is kind of what I was getting at. The problem is that you don't have the authority to say that. That would be the authority of an Appellate Board and the kind of decision they would make. You are charged with enforcing, interpreting and defining Zoning Regulations for the Town. The appeal, for lack of a better word, of a Planning Board decision of that nature wouldn't be necessarily to come to this Board for that purpose. You're being asked to interpret the Zoning Regulations for the Town in the context of the Use Variance because that is the mechanism that the applicant has chosen to use to try to have this decision re-evaluated in a different way. The applicant has chosen to pursue a use variance and that is what you're evaluating here tonight.

Mr. Taylor commented: Can we withdraw our application and come back in for an interpretation?

Mr. Chauvin commented: This Board wouldn't have the power to serve as an Appellate Board of a decision of the Planning Board.

Chairman Rose commented: By what criteria did they determine that physical fitness and a wellness training facility is not a retail space unit. A current space in a PDD is retail space, right?

Mr. Ian Hogan commented: We do sell retail products as well.

Chairman Rose commented: In an M-1 Zone it looks to me in 165-16 that you can have retail rights.

Mr. Chauvin commented: There is a provision under 165-79 for an interpretation but it's on an appeal from the determination of the Enforcement Officer, or a referral, or a request from the Town Planning Board. We don't have a referral or a request for an interpretation from the Board. That applicant is not denied a Building Permit. Let's say the Code Enforcement Officer has been denied a change of tenant by the Planning Board. The Planning Board would have to make that referral in order for you to sit in the form of an interpretation. I am not suggesting that it's not a possibility that if you were to present the application to the Planning Board in a different fashion they might be willing to consider making a referral from an interpretation of that M-1 classification to this Board. At which time, that interpretation could be made in a manner that this Board sees fit.

That might solve the problem for you rather than trying to go through the very, very, very difficult task of a use variance. It's not something that the applicant can pursue individually in the form of an interpretation it has to be a referral from the Planning Board.

Chairman Rose commented: If the Planning Board has already made its determination and referred it to us then using our powers of interpretation on a use variance we have latitude, as you know to interpret things that people on the Board would have different opinions about things and different interpretations and different ideas about what the 19 different combinations might be or may not be. From a relevant point-of-view I think we have to bring this to closure here which we want to do. By no means am I asking the Board to rush it I think the Board has to look at our vast powers sort of speak under the interpretation of a use variance and whether we grant a variance or not.

Mr. Brennan commented: I agree Mr. Chairman; the way that I looked at it was that we are here to look at the use variance and that is what we are going to do providing it gets to that stage. Pass judgment on whatever data is compared to what other wise we use including the other 19 examples that are given within the Zoning Law are in my estimation fare game and would be useful from an educational standpoint. We are not here as I interpret it, as I understand it, from Mr. Chauvin we are not here to over ride any decision that has been made by the Planning Board or to grieve them in anyway but to use our own power to interpret whether we think use variance is appropriate to grant.

Mr. Chauvin commented: Certainly, Mr. Brennan said that appropriately it is the applicant's prerogative as well if they should choose to have further discussion with the Planning Board and ask this Board to hold the use variance in advance while they have conversation. It may simply be that the Planning Board didn't think to refer it for an interpretation. They may or may not be willing to consider that option at all. That would be at the applicant's pleasure whether they choose to have that conversation with them and ask that the Board, in that context, consider referring it to this Board for an interpretation. At which point, this Board can engage in that evaluation rather than going through a use variance. Certainly that would leave them the option to continue the use variance application after you have had that conversation.

Mr. Taylor commented: We do have a time constraint and the delay of getting out of their lease. Would we be able to ask the Board if we could go for the public hearing and do our due diligence and come to the public hearing prepared? Could we still have the option of withdrawing our application if we should decide to do something else?

Chairman Rose commented: I just want to remind you that the test is substantial and the Board can't elaborate on it tonight, we will be asking a lot of difficult questions at the hearing.

Mr. Taylor commented: I am ok with that if we have to go that route only because I am the one who has been on it for 4 ½ years and as I am looking through the list I can wipe out probably 90% of them and I am just going to have to focus on the other few and I can detail the rest.

Vice-Chairman Tedrow commented: Hearing the applicant's desire to proceed with the application for the use variance I hereby make a Motion to set a public hearing for Monday, June 2, 2014 at 7:00 p.m. for a request for Crossfit at 11B Solar Drive in the Parkford PDD, Seconded by Mr. Brennan and I would like to ask Vice-Chairman Tedrow to amend his Motion to say that the information that has been presented to this Board is substantial enough to necessitate the public hearing that it's not only at the applicant's request. Vice-Chairman Tedrow has revised his Motion to the following:

Vice-Chairman Tedrow commented: I hereby make a Motion to set a public hearing for Monday, June 2, 2014 at 7:00 p.m. for Crossfit at 11B Solar Drive, the information that has been presented to this Board is substantial enough to necessitate the public hearing and the applicant feels they are ready to move forward. The motion was seconded by Mr. Brennan. Motion was carried.

Chairman Rose commented: The Board will do a site visit on the Saturday before the meeting which will be Saturday, May 31, 2014 at approximately 9:30 am. Would we be able to gain access into the building to see where the proposed use area would be located?

Mr. Taylor commented: Yes.

Jack Byrne Ford, 1003 Hudson River Road – 268.-1-8.122, 268.-1-8.2 and 268.-1-9.1

Chairman Rose has excused himself from this item I am a neighbor of Jack Byrne and I purchased a car from him. Vice-Chairman Tedrow will be acting Chairman and Mrs. Curto, Alternate will be a voting member for this proposal.

For the record, Mrs. Curto commented: I am a neighbor as well; it will not alter my decision making.

Mr. Hansen commented: I am a neighbor as well; it will not alter my decision making.

Vice-Chairman Tedrow commented: The Byrne Family is requesting a 2,700 sq. ft. addition to their existing automotive sales facility which includes an expansion to the service area and showroom space at 1003 Hudson River Road in an M-1 Industrial District. The current use as an automotive sales facility is pre-existing, non-conforming and requires a variance.

The proposed addition would further reduce the pre-existing non-conforming front yard setback of the automobile sales facility along Routes 4 & 32 from 30' to 15', 35' less than the required 50' setback pursuant to Section 165-31 and Section 165 Attachment 1, Section A of the Halfmoon Town Code and would need an area variance.

In addition, the site currently contains less than 1% green space with 20% required, pursuant to Section 165-16 (D) (1), Section 165-31 and Section 165, Attachment 1, Schedule A of the Halfmoon Town Code would also require an area variance. The applicant received a denial from the Planning Board at its regular meeting of Monday, April 14, 2014.

Mr. Walt Lippmann, PE from McDonald Engineering commented: I am here representing Jack Byrne Ford at 1003 Hudson River Road also with me tonight is Mr. Brian Lamansky, Construction Manager with Bette & Cring and Mr. Jack Byrne. Were here for a couple of reasons tonight the first one is a request for an extension or enlargement of a non-conforming use. This facility which Mr. Byrne took over in 1984 was an auto dealership it's located in an M-1 District. The former dealership across the street was also in an M-1 District. However, all of dealerships are not of a permitted use in an M-1 District. The advice of the Town Planner was to include as part of the process for this addition. The other variance request are setback requirements and also for green space. It all started when Mr. Byrne Ford was offering incentives to Dealerships around the country to modernize and update your facility. As part of the incentive you have to do an addition to your facility. On the south face of the building is where the 2,700 sq. ft. addition will be located. The addition will be used to increase the showroom space as well as the service area. The service area will have a dual door. When you come in for service you will pull up to the door and drive your car in. You will then be greeted by a Service Manager, they will take you to the desk area where you will take care of the business you came in for, then you leave out the new main entrance. As part of this process in front of the Planning Board they were also looking at all the existing buildings on the lot.

Currently, this is made up of three lots. In discussions with the Town Planner the existing middle building would have had a setback violation on the east side and the north side of the building along with the existing facility would also have a non-conformance setback on the north side and the east side as well. As part of this process Mr. Byrne is consolidating those three lots and by doing so this middle building in the back now becomes conforming to the current Zoning Regulations and on the existing building and two sides will now become conforming on this side by consolidation. The variance that we are looking for it seemed like the front of the building which we have 126' setback and with the two sides 15' would be an acceptable setback and the rear of the property was shown. After further investigating the Town determined that they have frontage on two roads Hudson River Road and Main Street. Which means the side setback of 15' is now a front 50' setback. The existing building that will not be touched is 30' and that was pre-existing from the early 1980's. As part of the addition they will also be paving and re-stripping the front portion of the facility. The east side of the facility is going to remain the same it will be re-stripped to match what is there already. The inventory lot at the northeast and northwest end of the site will stay as they are now.

Mr. Burdyl commented: The middle building in the rear of the lot is that called the quick lane or is that a storage building.

Mr. Lippmann commented: That is a storage building. The quick lane is actually off this map, it is on a different lot. The metal building is part of after consolidation the green line shown on the plan will be the new single parcel. The second item on the area variance is the green space. Currently by doing the 27 sq. ft. addition is going on an existing paved area. This addition will not decreasing any of the green space as part of the project there is going to be a small 18" strip around the south side and along the east side to have some kind of shrubbery. The main purpose of the dealership is obviously to keep inventory of cars and they need to utilize every square foot of their current footprint. Right now their current inventory is 250-350 cars. If you take the Town parking spot standard of 10' x 20' and apply it to 20% of this lot they would lose about 163 inventory parking spaces which would be about 1/3 of their inventory. We are not decreasing it by the addition we are increasing it with a little of landscaping along the side. If you are familiar with the area there is a big green grass island that kind of gives you the illusion of the green area. Mr. Byrne does maintain that for the New York State. They will not be touched it will remain. If you look at the west end of the site it is sloped up to Route 4 & 32 that will remain the same as well. We tried to utilize as much as we could with a little bit of landscaping around the building. We couldn't afford to lose all the inventory spaces to incorporate additional green space.

Vice-Chairman Tedrow commented: The entire site except for where you are showing the proposed green spaces near the building, everything is paved?

Mr. Lippmann commented: An aerial view of the area was shown to the Board. The aerial view showed the paved area to the Board along with gravel lanes and green area.

Vice-Chairman Tedrow commented: Is there any questions from the Board?

Mr. Hansen commented: It indicates asphalt outside your boundary line along the northwest corner of the property, what is that used for?

Mr. Lippmann commented: That area is the access to the quick lane building in the back. It is also the ingress and egress to that piece of property.

Vice-Chairman Tedrow commented: We are dealing with 3 issues: the expansion of the pre-existing non-conforming use, the green space area, and the setback area by the corner of the addition.

Mr. Brian Lamansky commented: In regards to the location where the setback variance we are requesting on it does butt up to a DOT ROW and there is a pretty severe slope which you can see from the road, there is additional buffer between that and the roadway to that. The green space as it stands now is pre-existing the lot is essentially paved. You can see the area that we want to put the addition on is an actual paved area. We are essentially looking to enclose a drop off point for the customer service so when a customer drops off the car they are actually able to do it inside an enclosure in the winter and summer time.

Motion was made by Mr. Hansen for Jack Byrne family for a request for an area variance for setback issues, an addition of a pre-existing non-conforming addition use and the green space at 1004 Hudson River Road for Monday, June 2, 2017 at 7:00 p.m. Seconded by Mrs. Curto, Motion was carried.

The Board will coming to visit the site on Saturday May 31, 2014 at 10:15 am. Chairman Rose will not be present at that site visit due to conflict of interest.

Kevin Koval/Adirondack Basements, 4 Jones Road 284.-2-16

Chairman Rose commented: This is our last item on the agenda tonight. Mr. Koval is requesting an area variance to build a 507 sq. ft. building to be used as office and a training area at 4 Jones Road. The addition would cause the site to have inadequate front yard setbacks along Crescent VF Road from 32.4' to 26' and along Jones Road from 26.2' to 20'. The required setbacks for both roads is 50' pursuant to Section 165-31, Section 165 Attachment 1, Schedule A, and Section 165-66 of the Halfmoon Town Code. The applicant received a denial from the Planning Board.

Mr. Koval commented: I live at 57 Canal Road and I am owner and President of Adirondack Basements at 4 Jones Road. The reason for the addition is currently we hold weekly sales and production and training sessions. The area we do that in is what use to be the back porch of this house that we converted to an office it is very cramped. In an effort to foster more of a sense of pride in the employees and having more space and space more conducive to actual training we would like to add an addition to the end of the building. In my opinion, it doesn't really impact the neighborhood; there is no home across the street from this end of the building. It is right out in front of Bast Hatfield and there really is no other place to put this addition because of the layout of the land. If you are familiar with the area Jones Road is an off shoot of Crescent Road and when the Northway was put in and the exits in they straightened out Crescent Road and now I have a road on both sides of the building. What it has done is created a very narrow strip of land that this building sits on. The building is on top of a hill so there is a very good buffer there. I am not expanding outwards toward Jones Road or Crescent Road at all essentially just extended it toward the point on the eastern end of the building towards Bast Hatfield. It would match a similar addition on the west end of the building that is currently there. It would be uniform on both ends. We would use the same building material that is on the building now same siding and roofing. It is not designed to allow the addition of any more employees in house it is just to train the current employees that we have.

Chairman Rose commented: The denial from the Planning Board mentioned that you are extending an already non-conforming use, can you explain that?

Mr. Koval commented: It is a commercial building and I believe why it's not conforming is because of the setbacks it is zoned C-1 Commercial.

Mr. Hansen commented: Is there a site plan that we could look at?

Secretary Mikol commented: They are in the folder.

Mr. Koval commented: The lot is pretty oddly shaped lot and it has many trees at the end of the lot and is away from the parking lot end of the building and it is away from the residences on Jones Road.

Vice-Chairman Tedrow commented: You have two front yards like Jack Byrne's.

Mr. Koval commented: Yes we do. We have excess of green space because of the way the lot is as it extends to the point toward Bast Hatfield. There is a lot of maintained green space there that the impact would be minimal on that.

Mr. Hansen commented: Do you have the proposed additions staked out so we if go to look at it we could see the corners are.

Mr. Koval commented: Yes I could certainly do that. Driving up the road with that small addition you wouldn't even notice it on the property because of the surrounding trees. The building is probably 10' higher than the road sits.

Mr. Brennan commented: You mentioned that you hold your training on a porch where is that on this plan?

Mr. Koval commented: That is on the opposite end of the building from the addition. You will see there is a type of L off the corner of corner of the building that is my personal office. Between my office and the remainder of the building is about a 10' wide room that we pack 10-15 people in an oval shaped conference table you bump into people as walking around the table it is very tight.

Mr. Hansen commented: Is that where says roof overhang on this map?

Mr. Koval commented: the roof overhang is where we have our pipe storage it's a corrugated metal roof where we store pipe material underneath there but it is attached to the room where the trainings are held.

Chairman Rose commented: The map date is Oct. 17, 2013, is this the most current map that you have?

Mr. Koval commented: Yes, it is.

Chairman Rose commented: Are there any other questions for the applicant?

Motion made by Mr. Hansen to set a public hearing for Monday, June 2, 2014 at 7:00 p.m. on an area variance for Mr. Koval at 4 Jones Road, seconded by Vice-Chairman Tedrow, Motion was carried.

The Board will meeting at 4 Jones Road on Saturday, May 31, 2014 at 9:00 am

The Board Members have requested some information regarding what uses and business are in the Parkford PDD and a copy of the wording in their PDD Legislation. Also, it was mentioned that the business similar to that of the Crossfit use and in what District are they located in. Secretary Mikol will respond back to the Board.

The meeting was adjourned at 9:15 p.m.
Respectively submitted by Denise Mikol, Secretary
Town of Halfmoon Zoning Board of Appeals