

**April 3, 2006
Town of Halfmoon
Zoning Board of Appeals
Meeting Minutes**

Vice-Chairman Allen Tedrow opened the April 3, 2006 Town of Halfmoon Zoning Board of Appeals meeting at 7:35pm with the following members present: Vice-Chairman Tedrow, Mrs. Smith-Law, Mrs. Jordan, Mr. Rose, and Mr. Brennan. Also in attendance was alternate Jeff Burdyl. Absent was Chairman Hansen.

Vice-Chairman Tedrow stated that in the past the Board set public hearings as part of the application process without specific action by the Board. The Board will now hear applications and then set public hearings as the Town and Planning Boards do.

William and Carmella Lussier, 1385 Crescent-Vischer Ferry Rd, Area Variance

Gil VanGuilder of VanGuilder and Associates stated that a previous approval for an area variance had been granted to allow a 2.2ft setback from the eastern property line for a roofed structure. A retaining wall along the eastern edge of the property is used as a foundation for the structure. This variance was granted with the following conditions: that there would be no more than 5 vehicles stored there at any time, it would be roofed with 3 sides open, and that there would not be access to this structure from the main shop area. Mr. Lussier would now like the Board to reconsider the previous conditions. He would now like to enclose the structure and heat it. Mr. VanGuilder stated that when the original application was made to the Board it was understood that this was to be used as a storage area. Mr. Lussier is now taking a second look at his business and has decided that this area would best be used as additional shop area. Mr. Lussier feels that the storage area is not secure or safe if left open, as the structure is hidden and out of sight from the road, leaving it vulnerable to theft or vandalism. The Fire Chief for the Halfmoon- Waterford Fire Department was asked his opinion of the ability to fight a fire at this sight. He submitted a letter to Chairman Hansen stating that he made a visit to the site and reviewed the plans and did not see a problem from this standpoint. Mr. Tedrow asked if Mr. Lussier was asking for removal of all three previous conditions to make the structure an addition to the current shop as a fully functional area. Mr. Vanguilder stated yes. Mr. Rose stated that in the narrative that was submitted with the application it stated that Eric Tanski and Russell Harding, the owners of the land to the east of the property, expressed that they did not have a problem with the structure being enclosed and was this submitted in writing. Mr. VanGuilder stated that they currently do not have that in writing, but that a letter could be obtained. Mr. Lussier stated that the property along the side of the structure was a very steep hill that could not be utilized. Mrs. Jordan made a motion to set a public hearing for May 1, 2006. Mr. Rose seconded. Motion carried.

Michael Dudick Chiropractic, 377 Route 146, Variance

Mr. Dudick stated that the Board granted a previous use variance for this location to put a medical office in a residential zone. He is now seeking a variance for a sign that is larger than the allowed 10SF. Mr. Dudick wants to erect a sign that will be 4ft by 8ft, internally

lit, and double sided. He states that other signs in the neighboring area include a 7ft by 8ft hair salon sign and a 4ft by 10ft chiropractor sign. Mr. Dudick states that the line of sight is obstructed from both points west and east for drivers on Route 146. He, therefore, believes that a 10SF sign could pose a safety hazard to drivers who are unable to see the location until they are passing by the office. Mr. Rose asked if the sign would be double sided and what the square footage would be. Mr. Dudick stated 64SF. Mr. Tedrow asked if Mr. Dudick could provide a site plan. Mr. Dudick stated that he could provide a site plan and that he would be willing to put the placement of the sign at the discretion of the Board. Mr. Tedrow asked Mr. Dudick if he would be willing to erect a "dummy" sign so that the Board could see the scale of the sign at a scheduled inspection. Mr. Dudick stated yes. Mrs. Jordan asked how tall the sign would stand. Mr. Dudick asked if a scaled drawing should be included with his application. Mrs. Jordan stated that site plan and scaled drawing should be included with the application. Mr. Dudick stated that he will submit a drawing with measurements and that he believes the sign will be approximately 4ft high. Mr. Rose asked what hours the sign would be lighted, and would it be during business hours. Mr. Dudick stated that the office is open to about 6:30pm Monday through Friday but he intends to have the sign lit from approximately 9am to 10pm. Mr. Rose made a motion to set a public hearing for May 1, 2006. Mrs. Smith-Law seconded. Motion carried.

Gayle and Paul Allen, 465 Hudson River Road, Area Variance

Mrs. Allen stated that she had recently been diagnosed with rheumatoid arthritis and is seeking a variance to make an addition to the rear of the house that would allow for ease of movement and more independence for Mrs. Allen. The addition would be 0.4 ft from the rear property line and would not meet the required 30 ft setback according to Local Law relating to Zoning for the Town. Mrs. Allen states that they have been in contact with a representative from the NYS Canal Corporation to purchase the property to the rear. Mr. Allen stated that the NYS Canal Corp had submitted a letter to Mr. Hansen that gave approval of the variance. Mr. Tedrow stated that he has an e-mail from Mr. Hansen stating that he had a conversation with a representative from the Canal Corp in regards to this project, but there was nothing written submitted. Mrs. Allen stated that they have been trying to purchase the land since 1979 from the NYS Canal Corp. Mr. Allen stated that they were issued a use permit from the Canal Corp for this area, which they renew annually. Mr. Allen stated that they will remove a portion of the house and jack up the house to level out the foundation for the addition. Mr. Rose asked if they had obtained a building permit for the preliminary work. Mr. Allen stated that they had not yet applied for the permit for this work but that he was waiting for the drawings to start the work. Mrs. Jordan asked where they were in regards to the purchase of the Canal Corp property. Mr. Allen stated that the property was initially being considered for use in a dredging project for the river and that since then there have been several changes in the Canal Corp agency that have held up the decision of whether or not to sell the property. Mrs. Jordan asked if they had any written documentation in regards to the purchase. Mr. Allen stated that they had received a letter recently dated for May 23, 2005 that stated that the state had received the request and that the land was not needed for use by the Canal Corp at this time and that they would keep the Mr. and Mrs. Allen on record should the property become available for sale in the future. Mrs. Smith-Law stated that she does not believe

that the Canal Corp is selling any property in the area but is actually trying to acquire more land for right of way from the water. Mr. Allen stated that as he understood, right of way from the water could only be granted with permission from owner of properties upland. Mrs. Smith-Law asked if the wooden deck is already over the property line. Mr. Allen stated that it was but that it was going to be removed for this project. Mrs. Jordan asked if Mr. Allen had the written letter from the Canal Corp. Mr. Tedrow stated the e-mail from Mr. Hansen stated that a letter would sent. Mr. Rose stated that the Board would need a copy of the Canal Corp use permit and a copy of the letter from the Canal Corp stating they approve of the variance. Mr. Rose made a motion to set a public hearing for May 1, 2006. Mrs. Jordan seconded.

Mr. Brennan made a motion to approve the February 6, 2006 Town of Halfmoon Zoning Board of Appeals meeting minutes with noted changes. Mrs. Jordan seconded. Motion carried.

Mr. Rose made a motion to adjourn the April 3, 2006 Zoning Board of Appeals meeting at 8:35pm. Mrs. Smith-Law seconded. Motion carried.