

Town of Halfmoon Zoning Board of Appeals
Minutes
August 4, 2003

Those present at the August 4, 2003 meeting were:

George Hansen – Chairman
Allan Tedrow – Vice Chairman
Richard Drake
Raymond Rose
John Ouimet

Also present: Rich Berkowitz

Mr. Rose made a motion to approve the minutes from the July 7, 2003 meeting and was seconded by Mr. Tedrow. Motion carried.

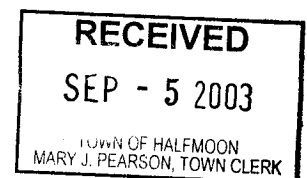
Babcock Financial, Inc. 306A Grooms Road

Mr. Kevin Babcock and Mr. Tom Babcock were present with a proposal for an area variance relating to the side yard setback from 10' to 7.6 feet at 306A Grooms Road.

The zoning for this property is PO-R Professional Office Residential. The house was being used for residential; Gil VanGuilder did the site work for the new proposal of professional offices. The owner had a building permit for an addition, the corner of the building should have been 10' off the sideline however, and after the survey was done it was 7.6 feet off the side property line. Mr. Babcock and Mr. Babcock are investment advisors that currently have offices in Albany and would like to move closer to home. The neighbor has an easement on us and we have an easement on him, we are both fine with that and believe that they will be good neighbors.

The Chairman closed the public hearing at 7:43 p.m. No audience member chose to speak. Mr. Tedrow commented that there is a natural buffer between property lines and there is no major change to the neighborhood.

Mr. Tedrow made a motion to approve the request for an area variance relating to the side yard setback from 10' to 7.6 feet it was seconded by Mr. Ouimet. Motion carried.



Harold Grounds, 159 Ushers Road

Mr. Tedesco was present with a proposal for a continuation of an extension of a pre-existing non-conforming use for Kinetic Towing as described in Article XII, Section 1202 in the Local Laws relating to Zoning of the Town of Halfmoon (revised February 1997).

Mr. Tedesco is currently living at 66 Werner Road, the neighbors have been complaining that they are being woken up in the middle of the night so we are proposing to move the business and residence over to Solar Drive which is zoned PDD Planned Development District with mixed uses. Mr. Grounds was using the property as a transmission repair; it will now be used as a towing service. Mr. Tedesco would like to live in the house and make an apartment for his partner so he can be available on call when needed. Mr. Tedesco has no active plans for the apartment and will not be extending the non-conforming use.

Mr. Ouimet commented that if you have no current plans and no extension of the non-conforming use then the Board has nothing to act on. Mr. Tedrow explained that future uses for the site couldn't be banked. Chairman Hansen asked what is the change of use?

Mr. Berkowitz commented that the use would allow him to have an office there but not be able to have a kitchen.

Mr. Hansen commented that a residence must have a kitchen and a living facility. This Board will need to approve the existing R-1 use and the towing use. It is still an extension or enlargement of a non-conforming use; the use may be continued at this site if the Board should desire it to. If the house were made into a 2-family that would be a request for an enlargement of the non-conforming use however, there is no request for that.

Mr. Ouimet made a motion to approve the continuation of an extension of a non-conforming use, as it currently exists with a change in the use from a transmission repair to a towing service at 159 Ushers Road seconded by Mr. Rose. Motion carried.

Meeting was adjourned at 8:10 p.m. respectively submitted by Denise Mikol, Secretary of the Zoning Board of Appeals.