

Town of Halfmoon Zoning Board of Appeals
Meeting Minutes
December 7, 2009

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

Members: Vice-Chairman Tedrow, Mrs. Jordan, Mr. Rose

Alternates: Mr. Burdyl- will be voting tonight

Planner: Mrs. Zepko-absent

Secretary: Mrs. Mikol

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

Motion was made by Mrs. Jordan and seconded by Vice-Chairman Tedrow that the minutes from the November 2, 2009 meeting be approved as presented. Mr. Rose abstained from the vote.

Motion was carried.

Janet and Paul Blais, 12 Button Road

Mr. Burdyl will be voting tonight. Chairman Hansen opened the public hearing at 7:08 p.m. They are proposing to build a garage 24' x 30' in their front yard. The reason they need a variance is that the ordinance doesn't permit the construction of an accessory building in the front yard. An accessory structure is allowed to be built in the side yard or the rear yard. The applicant is proposing it to be located in the front yard and will meet the 50' minimum setback.

Mr. Blais commented that the driveway goes to the rear entrance of the house but the leach lines are there and the backyard is very wet so the best location is off the front of the property line.

No one from the public chose to speak. Chairman Hansen closed the public hearing closed at 7:15 p.m.

Chairman Hansen commented that the Board would now review the five tests that need to be taken into account when considering a variance, pursuant to Chapter 165 of the Zoning Code of the Town of Halfmoon, Section 165-79, Part B2.

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. Mrs. Jordan commented that there would be no change to the character of the neighborhood as long as the garage will be similar to the construction of the house.

Mr. Rose asked if any neighbors sent in any letters or comments with regard to the variance request. Chairman Hansen commented no.

Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. Mr. Rose commented that the applicant has no other options based on the property inspection. The ground is too wet in the back and it would be a hardship to build a shed down in the back because of the steep hill. Trucks would have to go over the septic tank to deliver the wood, which is an integral part of his house, because that is how he heats his house. We would be dis-servicing him if we were to deny him based on that.

Whether the requested area variance is substantial. Mr. Tedrow commented that he didn't think it was substantial considering that the garage would meet the fundamental setback and further commented that its almost by accident that the house was built back from the setback line that technically this is called part of the front yard. Given the setting, the size of the lot and the screening to the neighbor it's not a substantial variance.

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Mrs. Jordan commented that it would not have a negative effect on the physical or environmental. In fact, if it were built in any other place on the property, it would then be affecting environmental conditions with the wetness and you can't build on top of a leach field.

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. Chairman Hansen commented that the property was purchased the way it is and was therefore not self-created. The leach field was there before it was purchased, the driveway is as it exists and house was located where it is today.

Motion was made by Mr. Rose asking that the garage siding be consistent with that of the house and that the 50' minimum setback be used when constructing the garage, seconded by Mrs. Jordan. Motion was carried.

Julie McHargue, 162 Beach Road

Ms. McHargue was present with a proposal to create a minor subdivision. She received a denial from the planning board because the minor subdivision did not meet the required minimum lot area as stated in Zoning – Chapter 165 – Town of Halfmoon – 165 Attachment I Schedule A. The applicant is seeking an area variance.

The Board members will meet at the site on Saturday, December 19, 2009 at 9:00 am to review the proposal.

Motion made by Mr. Rose and seconded by Mr. Burdyl to set a public hearing for Monday, January 4, 2010 for an area variance at 162 Beach Road.

Motion was carried.

Meeting was adjourned at 7:30 p.m.

Respectively submitted by

Denise Mikol, Secretary

Town of Halfmoon Zoning Board of Appeals