

Mary

Town of Halfmoon Zoning Board of Appeals
Minutes
September 2, 2003

Those present at the September 2, 2003 meeting were:

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

Richard Drake – absent

Also present: Lyn Murphy, Assist. Town Attorney

Mr. Ouimet made a motion to approve the minutes of the August 4, 2003 meeting and was seconded by Mr. Rose. Motion carried.

Sarah LeRoux, 6 Angle Lane

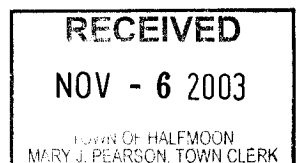
Theresa Johnson was present with a request from the Estate of Sarah LeRoux of 6 Angle Road for an area variance to construct a single family home in an R-1 District. The existing lot has 170' of frontage and 16,988 sq. ft. of area. Mrs. Johnson explained that her application was self-explanatory and basically wanted to remove the quonset and replace it with a modular home.

The required area is 30,000 sq. ft. of area.

Chairman Hansen read a letter from Town Attorney Chauvin stating that the applicant was told on April 17, 1992 that they had to either re-configure the lot or apply for a variance. Mr. Chauvin further explained that it was a self-created hardship, the law was violated, they were advised of it, and they allowed the property to languish and now wants the Town to correct the difficulties they've created. It appears to be a self-created hardship.

Chairman Hansen opened the public hearing at 7:40 p.m. Mr. Rodney Priddle of 1 Angle Lane commented that back in April of 1992 a mobile home was proposed on one side and the quonset on the other side. Mr. Dalphe wanted to build a duplex, the bank seized the land he illegally subdivided by deed and now they are left with a worthless piece of property.

Mr. John Houlahan commented that if there isn't enough land there should be no building built unless the lot is joined back together. Maybe they could buy back some land from Mr. Klersey. In 1954 the one room schoolhouse received renovations to the interior of the building for residential purposes.



Chairman Hansen commented that the Board visited the site. Mr. Dalphe moved in the mobile home after the town told him not to, the home was lost to Beneficial Finance and was purchased at a bank foreclosure to lands of Klersey.

The public hearing closed at 7:40 pm. Mrs. Johnson advised the Board that taxes were being paid on land that can't be lived on, can't be sold, and has municipal water available to the site.

Chairman Hansen reopened the public hearing. Mr. Priddle further added that the Board didn't allow him to create a 20,000 sq. ft. subdivision because he was lacking area, until sewer became available; the town needs to be consistent with their approvals.

Board advised the applicant to approach the neighbors to obtain more land from them.

Motion made by Mr. Ouimet and seconded by Mr. Rose to deny the application made by Mrs. Johnson for the Estate of Sarah LeRoux for an area variance;

WHEREAS, the estate of Sarah LeRoux and Theresa Johnson has requested an area variance for the property located at 6 Angle Road in the Town of Halfmoon, and

WHEREAS, the Halfmoon Zoning Board of Appeals reviewed the application submitted by the estate of Sarah LeRoux and Theresa Johnson , and

WHEREAS, a public hearing was conducted on Tuesday, September 2, 2003, at 7:30 p.m. at the Halfmoon Town Hall during which the applicant provided their reason for requesting an area variance and the public was given an opportunity to comment on the application, and

WHEREAS, the Zoning Board of Appeals has taken 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, and

WHEREAS, the Zoning Board of Appeals has considered 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, and

WHEREAS, the Zoning Board of Appeals has considered whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance, and

WHEREAS, the Zoning Board of Appeals has considered whether the requested area variance is substantial, and

WHEREAS, the Zoning Board of Appeals has considered whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and

WHEREAS, the Zoning Board of Appeals has considered whether the alleged difficulty was self-created, and

WHEREAS, the Zoning Board of Appeals has determined the minimum variance that is necessary and adequate which will preserve and protect the character of the neighborhood and the health, safety and welfare of the community

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Zoning Board of Appeals hereby finds:
 - a. That it would be against the interest of public health to permit the area variance requested by the applicant as they own less than half of the land necessary to build on with one utility.
 - b. That permitting the area variance would permit an undesirable change in the character of the neighborhood which the Zoning Board of Appeals has previously prohibited in past applications.
 - c. That the applicant was advised by the Town that the lot they had created through an illegal subdivision was not a buildable lot and should be immediately modified which the applicant refused to do at the time.
 - d. That the requested area variance is substantial.
 - e. That the area variance requested would have an adverse effect or impact on the surrounding neighborhood.
 - f. That the alleged difficulty was self created through an illegal subdivision.
2. Based upon the above findings the Zoning Board of Appeals hereby denies the application for the area variance for the property located at 6 Angle Road.

Quimet, Hansen, Tedrow, Drake, and Rose all voted to deny application.

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