

Town of Halfmoon Zoning Board of Appeals
Meeting Minutes
December 6, 2010

Chairman Hansen opened the meeting of the Town of Halfmoon Zoning Board of Appeals at 7:05 p.m. on Monday, December 6, 2010 at the Halfmoon Town Hall with the following members present:

Members: Vice-Chairman Tedrow, Mrs. Jordan, Mr. Rose
Alternates: Mr. Burdyl
Town Attorney: Mrs. Murphy
Town Board Liaison: Paul Hotaling
Planner: Mrs. Zepko
Secretary: Mrs. Mikol

Motion was made by Mrs. Jordan and seconded by Vice-Chairman Tedrow that the minutes from the November 1, 2010 meeting be approved. Motion carried.

The public hearing opened at 7:10 p.m. The notice was not read.

Chairman Hansen commented that the ZBA has an application for a use variance from Mr. Greg Massengale of 160 Woodin Road to park 4 tractor trailer trucks in an R-1 Residential Zone. Section 165.44 prohibits this use:

"No commercial vehicle of any type shall be parked outside on any public or private property in the A-R, R-1, R-2, R-3 and Residential PDD Zones in Town unless temporarily in connection with a bona fide commercial service, sales or delivery, except those used by the homeowner for personal transportation. Operating or permitting the operation of any motor vehicle or any auxiliary equipment attached to such vehicle for a period of longer than five minutes in any sixty-minute period while the vehicle is stationery for reasons other than traffic congestion or emergency work in a public right-of-way or public space within 150 feet of a residential area is prohibited."

Chairman Hansen explained that the rules for tonight's public hearing are as follows: Anyone that chooses to speak will have to use the microphone at the podium and state your name and address for the record.

Greg Massengale, 160 Woodin Road

Mr. Massengale was present with his attorney, Mr. John Imhof. Mr. Imhof commented that Mr. Massengale made his case the last time we were here and it would be repetitious. If there are other people he needs to respond to maybe you can allow him to respond to them at the end.

Chairman Hansen said it is up to Mr. Imhof, but the people in the audience tonight did not have the opportunity to hear anything and I did make a statement at the last meeting that this was a public hearing tonight.

Mr. Massengale commented that he lived at 160 Woodin Road. He further explained that he owns 4 tractor-trailer trucks. I park the trucks at my property. The trucks go out for work everyday they come back and sometimes they don't come back everyday. I have a 2.74 acre parcel of land with no road frontage. The trucks are blocked by trees and tucked off Woodin Road. The access road is a private road. Mr. Crompt, a neighbor, and myself take care of the road. If anyone has questions for me I will respond to them at the end.

Chairman Hansen opened the questions up to the neighbors.

Mr. Steve Crompt, 162 Woodin Road commented that he lives about 50' away from the trucks and he doesn't hear the trucks coming or leaving. It is very quiet. Someone at the last meeting complained about noise and if anyone complains about the noise it's not happening.

Mr. Larry Kildoye, 154 Woodin Road commented that he lives right next to Mr. Massengale and owns a big old greek revival home. If you look at the mural in the front vestibule in this building you will see my house up there. My house was used as a template. He has been there for 26 years and over those 26 years I have been working on the house. I brought it back from pretty bad shape. I put a lot of time and money into the home and now I am trying to sell it. There are a lot of problems. It has been on the market for about 2 to 2 ½ years. A lot of people look at it, but not one offer. Some of it is the exit, there is a lot of traffic now but a lot of people ask about the trucks next door. They notice them even when the leaves are on the trees they notice them. Now that the leaves are off the trees you can really see them. The trucks are impacting the sale of my home.

I can hear the trucks going out in the morning and I can hear them coming back in. They are idling out of there. They try to keep them quiet. They are big trucks. That is not too disturbing, but I can't sell my house and that is part of the problem. That is not the entire problem but it is some of the problem. I put a lot of money and time into my house and now I can't sell it. The economy and other factors and the trucks is something that degraded my home and I have no control over that and it's one of the things I can't control and it has degraded my home and that is why I am having a problem selling it.

Mr. Larry Allen, 158 Woodin Road commented that he owns the road that Mr. Massengale is talking about. I pay most of the taxes on that road. I do hear the trucks coming in and out from my house but that doesn't really bother me so much. My biggest concern is what is my responsibility if someone gets hit with one of those trucks because it is my road; I own it. What does it do to my taxes, who is responsible to take care of the road? These are my questions.

Chairman Hansen commented that we couldn't answer those questions. They are legitimate questions but we can't make a decision on any of that.

Mrs. Nancy Brown, 152 Woodin Road commented that she actually had a co-worker say to me after they had looked at Mr. Kildoye's house that they loved the house but they saw the trucks and cars parked next door. That was it for them, and they walked away from considering the house any farther. For me, it is an issue of property value and an issue of when I moved in 20 years ago it was quiet. There was no noise. I can hear the trucks when they come and go or blow the horn or back the tractor-trailers in there. For me it was a quiet residential area 20 years ago and I would like to see it stay that way.

Mr. Comp, 162 Woodin Road commented that Mrs. Brown stated that he backs a tractor trailer in there and that is not true. They have never had a tractor trailer in there never ever, ever.

Mrs. Theresa Werner, 156 Woodin Road commented that one of her concerns is the exit and at the light when you come around to hit Woodin Road. There are many times where the tractor trailers pull up near the mailboxes and people coming around that turn sometimes don't slow down very much and it is a hazard for traffic and then they back into the yard. Another thing is the repair of the driveway. It wasn't until the 12th and 13th of November when Mr. Massengale had some of his men come in with a white truck and they were filling in the pot holes. That was the first time he has ever repaired the driveway and it was right before this meeting.

Mrs. Kathy Dougherty, 153 Woodin Road commented that we have lived here for over 30 years and as other people have stated it being residential and very quiet. We can certainly feel for anyone in this economy wanting to make a living. It is nothing personal, however, I feel it definitely brought the value of my property down. My husband and I plan on retiring soon and we are putting more money into our home. We can definitely hear the trucks idling. I have been blocked a couple of times and had to sit and wait for the trucks to back in. They pull up next to the mailboxes to swing back and you are stuck because of the on going traffic on Exit 8A. There are times we can't get out of our driveway, it does occur. The looks of the trucks is not what I want for the property. You live near the gorgeous white Victorian House and all the trucks are parked behind there, it really looks like Hogan Valley. What do you say to that! We have never had a problem in the neighborhood before, we are not looking to pick on any one person or anyone trying to make a living but it definitely has detracted from the character of the neighborhood.

Mr. Steve Bonesteel, 23B Woodridge Circle commented that as stated before he does all the maintenance of the tractor truck vehicles at his shop when needed. Mr. Bonesteel grew up in Halfmoon. Everyone is referring to 20 and 30 years ago. Twenty and thirty years ago exit 8A was not even there. It was just Grooms Road and it went straight across the Northway. Since the Northway opened those ramps, every back road and side road in this Town has picked up volumes of traffic. Before that everyone would get off Exit 8 or Exit 9 and crisscross to get to Grooms Road. All the noise and traffic is not all created by Mr. Massengale's trucks. It is a fact of life. Over the 20-30 years traffic has increased and so has the value of property in this area. Everybody knows that probably more than half of you bought houses when it was affordable. To say that he is the only truck on that road that is making any noise, I can point out a dozen trucks that come out of side roads every single day. To single out Mr. Massengale's trucks that are affecting the entire neighborhood I think is unfair.

Mrs. Ann Allen, 158 Woodin Road commented that she also owns the road. With all the heavy weight coming onto the driveway along with ATV's and the kids driving them on the driveway even though they shouldn't. He does do a great job backing the trucks in but I am afraid that someone will get hurt. That is my concern.

Mr. Jack Hayden, 29 Manchester Drive commented I have known Mr. Massengale since he moved into the house. I hate to see things get muddy. In my opinion, I am not complaining about the noise. I live in a residential area. Your rules tell me that we don't have depots in residential areas. To keep it from being muddy I am simply asking that we still don't have depots in residential areas.

Mr. Massengale, 160 Woodin Road commented that Mr. Hayden leaves his development from Manchester Drive. There is a truck that sits there right on the corner. No one ever complains about that truck. That guy actually works with me. That is ironic isn't it; we will not get into all of that. I haven't even owned my trucks for even a year yet, so Mr. Kildoye's statement of my trucks are solely affecting the sale of his home I don't think I could personally sit here and feel comfortable and agree with that. If the people research it and look at and if I had to get further documents I could prove that I have not owned 4 trucks for one full year yet. I owned one truck for 5-6 years and never had a peep from anybody. Then the rest of trucks began to come. In February, it will be one year for having a total of 4 trucks. So for my trucks to affect his home sale, I can't agree with that. We are professionals we hold a Class A drivers license. We have to follow CSA regulations, Commercial Safety Authority. We are all regulated. We have to take drug tests. There is a lot of different things that we all have to go through just to hold a Class A License. Everyone knows those big tractor-trailers have mirrors (at least six were described) and diminish all the blind spots to maybe 2-3% on the vehicle if I have a trailer. If I am just bobtailing I can see better in my truck than anyone of us can see in our cars. When I back up a car I have to use mirrors because you are so use to it once you get use to them it is actually safer. You can follow what is going on in front of you and behind you at the same exact time. If you use your periferal vision you can see both ways. As far as the driveway, we are not asking for commercial rights on the driveway. It will not change the taxes and I have paid Mr. Werner money to fill potholes in the past. I will still continue to plow the driveway. The intersection of Grooms Road and Woodin Road is a light-industrial area. Everyone here has been to my property, everyone here has heard the Northway, everyone here knows they see the trucks are parked there. There is nothing flapping off my trucks they are neat, clean and orderly parked in a row. Mrs. Allen wants to talk about the trucks coming in and out of the driveway at about 10-15 mph. She zips through. It is a private road and there are children riding their bikes and four-wheelers through there. I also have a flat track in my backyard as you all know. If I were to put a speed gun on Mrs. Allen driving down through there she should get a speeding ticket. That is very unsafe.

Chairman Hansen asked if anyone else wanted to add anything for the record?

Mr. Massengale further commented that I am not trying to attack anyone, this is my livelihood, this is how I support my family and this is how I make my living. He further commented that Mrs. Jordan asked him to show something to the Board stating how much it would cost to have his trucks parked in a C-1 area. I can't afford to pay \$1600.00 a month to park them on another lot. I have the estimate in writing. If I had that kind of money I would have my own garage and have a mechanic thing going on as well. That is not the case. In the reality of America, I can't do it, I don't have it. I am not trying to attack anyone. This is my livelihood and how I support my family. Mr. Massengale gave the letter to the Board for the record.

Mrs. Jordan commented that once we close the public hearing then will the Board ask questions. At what point do we look at the information?

Chairman Hansen asked Mr. Massengale if he wants his letter to be part of the record and he replied yes.

Motion made by Mrs. Jordan to close the public hearing. Seconded by Mr. Rose. Motion was carried.

Chairman Hansen commented that we have received a letter from Saratoga County Planning Board. We are required in certain cases to notify them of our applications depending on conditions such as: existing or proposed county or state park or other recreation areas, an existing or proposed right-of-way of any stream or drainage channel owned by the county, an existing or proposed boundary of any county or state-owned land on which a public building or Institution is situated, a farm operation located in an agricultural district as defined by Article twenty-five – AA of the Agriculture and Markets Law, except this shall not apply to the granting of area variances, or real property lying within a distance of 500 feet from a boundary of a Town, City or Village.

Mr. Valentine replied back that the County Planning Board would be holding their meeting on Thursday, December 16, 2010 at which time this variance request would be considered. Staff will not recommend that this referral be considered under the Memorandum of Understanding that exists between the town Zoning Board of Appeals and Saratoga County Planning Board. To be so considered, it would require there be no significant county wide or inter-municipal impact posed by the action. By copy of his letter Mr. Valentine is notifying Chairman Hansen that no final decision by the Town can be made until Saratoga County Planning Board has acted on the proposal.

Chairman Hansen commented that dated December 6, 2010 received tonight at the hearing were 3 letters from Mrs. Nancy Brown of 152B Woodin Road, Mr. Charles Carroll of 31 Manchester Drive and Mr. and Mrs. Jack and Noreen Hayden of 29 Manchester Drive. All of the letters state that they are opposed to the applicant parking four tractor-trailers on his property. It is our request that Mr. Massengale NOT be permitted to use his property for this purpose. The letter has the same content from everyone just from different addresses. They are all part of the record.

Mrs. Jordan commented that the letters were from Mrs. Nancy Brown, who spoke, and were there two additional people that also spoke? Chairman Hansen replied Mr. and Mrs. Jack and Noreen Hayden and Mr. Charles Carroll. Mrs. Jordan asked Mr. Massengale if the letter from Bonesteel's Truck Repair was from the same Bonesteel that spoke on behalf of Mr. Massengale during the public comment. Mr. Massengale said yes.

Secretary Mikol commented that we received an email from Mr. John Scavo, Director of Planning from the Town of Clifton Park. Mr. Scavo commented that Clifton Park has no concerns with the proposal as presented and thanked the Town for sending the application to them for their consideration and comment.

Chairman Hansen commented that a letter was received as part of the record from Bonesteel's Truck Repair stating that if Mr. Massengale wanted to park his tractor-trailer trucks on his property he could. Mr. Bonesteel's statement is for \$130.00 per week per truck. The cost per month would be \$2,080.00.

Chairman Hansen asked if anyone wanted to make a motion to adjourn this public hearing until the next meeting of January 3, 2011?

Motion was made by Vice-Chairman Tedrow and seconded by Mr. Rose. Motion was carried.

Chairman explained to the audience that at the next meeting we should have input from Saratoga County Planning Board and this Board will then make a decision. If anyone wishes to come to the next meeting it will be on January 3, 2011 at 7:00 p.m.

Motion made by Mr. Rose and seconded by Mrs. Jordan to close the meeting at 8:00 p.m.

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