

**Town of Halfmoon Zoning Board of Appeals**  
**Meeting – Monday July 2 2018**  
**7:00 PM**

Chairman Curto called the meeting to order at 7:00 PM on July 2, 2018 at the Halfmoon Town Hall with the following members present:

Members- Chairman Curto, and Mr. Koval, Mr. Griggs, Mrs. Paluocci (absent)  
Alternate Member - Mr. Micelli  
Planner - Mr. Marlow  
Town Attorney – Cathy Drobny

*Motion made by Mr. Micelli and seconded Mr. Griggs by that the minutes with changes of June 4, 2018 be approved as presented. Motion was carried*

**Public Hearing(s):**

**Lands of Hayes & Tenace (Brady Trust), 298A Grooms Road - Minor Subdivision**

Mr. Duane Rabideau of Gilbert VanGuilders Land Surveyors presented the application. The applicant is seeking approval to perform a subdivision of the existing 3.37 ac lot at 298A Grooms Road. The lot (Lot 1) contains a duplex home. The applicant is proposing to subdivide Lot 1 to create a second lot (Lot 2) for the purpose of constructing a single family home on Lot 2. If approved, Lot 1 will be reduced from 3.37 ac to 1.76 ac, and Lot 2 will be 1.61 ac. Both lots will be flag lots. Town Code allows the creation of flag lots if the minimum width of at the right-of-way is no less than 20 ft. Lot 1 is already a flag lot with a width of approx. 29 ft. The proposed subdivision would reduce Lot 1 width from the existing 29 ft. down to 14.50 ft. and Lot 2 will be 14.49 ft. In addition to the proposed flag lot widths, the lot as it sits has an existing duplex on site that does not meet today's front yard setback requirements and a shed that would be considered in the front yard of the home. They are before the Board seeking variances related to the minimum flag lot frontage, accessory structures located in the front yard and front yard setbacks on the existing duplex.

Mr. Griggs asked how long ago the duplex was constructed; Mr. Rabideau noted it was built approximately 23 years ago.

Mr. Koval asked when the original flag lot was created; Mr. Rabideau noted that around 1991 the lot was created.

Mr. Koval asked if the flag lot was created before the house; Mr. Rabideau noted that the house was built before the subdivision and the early 90's zoning change.

Mr. Griggs asked if there were any previous variances for this site; Mr. Marlow noted that there were no variances to his knowledge.

Mr. Micelli asked if any more trees would be cut; Mr. Rabideau stated that a few more may have to be taken down to accommodate the home but a majority of trees would be left.

Mary Mazzotta of 5 Hampstead Circle asked the Board why this application was before them; Mr. Koval noted that there are pre-existing setbacks and the new lot does not meet today's lot width. Mrs. Mazzotta further noted that she was concerned with the sound from Grooms Road and the proposed cutting of trees on site.

Mr. Koval asked how much of a buffer Mrs. Mazzotta had on her property, she noted that there is not a significant buffer on her property and went on to request some sort of evergreen plantings buffer be placed to help buffer them from the new lot.

Mrs. Mazzotta stated that she feels as if the Town is developing many “pocket lots” and getting away from large wooded lots and rural feel of the area.

Mr. Micelli asked how long they had been in their home; Mrs. Mazzotta said it would be 21 years in September.

Heidi Hayes of 298A Grooms Road stated that she was the daughter of the applicant and stated that her mother suffers from Parkinson’s and progressive dementia and that she needs a home that is ADA compliant. The noted that her family has been in the town of over 38 years, prior to Timberwick’s construction when the area was sued for four wheelers. She further stated that due to her mother’s progressive condition they have to build a new home in order to keep her from having to go into a nursing home.

Mrs. Mazzotta stated that she understands her situation that her husband has ALS, he cannot walk or talk and they’ve had to make adjustments to their home to accommodate that; that she understands the hardships that their family is facing.

Chairman Curto closed the Public Hearing closed at 7:28 PM

Mr. Rabideau stated that he has spoken with the applicant and they would be willing to offer a no-cut buffer from the top of the bank to the stream. They understand that most of the homes in Timberwick do not have much of a buffer as most of the site was clear cut during development so they would be will to preserve the existing wooded area on their site.

Mr. Micelli asked if this would go back to the Planning Board for review of the buffer. Mr. Marlow stated that if the variances were approved, they would go back to the Planning Board for subdivision review at which time he would relay the buffering concerns brought up by the ZBA.

A site visit occurred on July 2, 2018.

Pursuant to Article XIV Section 165-79 the following resolution was made:

- 1) Mr. Koval commented: No, there are several flag lots in that area;
- 2) Mr. Micelli commented: No, the variances are sufficient enough;
- 3) Mr. Koval commented: No, the variances themselves are not substantial;
- 4) Mr. Micelli commented No, the Planning Board will work out the buffer situation;
- 5) Mr. Griggs commented: The frontage is self-created but the setbacks are not as they were created by past zoning changes.

*Mr. Koval made a motion to approve the Area Variance, seconded by Mr. Micelli Motion was carried.*

#### **GJA&S, LLC- 33 Deer Run Hollow- Area Variance**

The application was withdrawn by the applicant.

#### **New Business:**

**Klapija Duplex, 281 Grooms Road- Area Variance**

Mr. Jason Dell of Lansing Engineering presented the application. The applicant is before the Board seeking approval for an area variance as it relates to the proposed construction of a duplex at 281 Grooms Road. The lot currently contains a single-family home that has been condemned by the Building department and is no longer habitable. The applicant proposes to remove the structure in order to construct a new duplex. Town Code requires that the applicant have 40,000 SF and the lot as it sits only has 20,473 SF. Due to the size of the existing lot, the applicant is unable to meet the minimum lot requirements and was denied by the Coordinator of Building and Planning.

Mr. Griggs asked if this was an existing duplex; Mr. Dell noted that it is a single-family home.

Mr. Koval asked if this could be done as a single-family home or whether the duplex was necessary to make the project feasible; Mr. Dell said his client would prefer to do a duplex; he has several kids that will likely live in the structure when they grow older.

Mr. Griggs asked if they met all the other area requirements; Mr. Dell said that they do.

Chairman Curto asked what was behind the proposed duplex; Mr. Dell stated that it was Aspen Ridge which is a single-family home subdivision.

A site visit will occur on July 21, 2018 at 9am

A Public Hearing will occur on August 6, 2018

*Mr. Koval made a motion to set a Public Hearing for August 6, 2018, seconded by Mr. Micelli. Motion was carried.*

**Fulmer Shed, 47 Linden Park Drive- Area Variance**

Mrs. Andrea Fulmer presented the application. The applicant is before the Board seeking an area variance as it related to a proposed shed at 47 Linden Park Drive. The current lot has a single-family home and they wish to construct a new shed, but due to topography constraints they are requesting to locate the shed within 10-feet of the primary structure, which they have permission from their HOA to do so. The Town Code requires that an accessory structure be no closer than 10-feet from a primary structure and the applicant proposes it to be approximately 2-feet. Due to the proposed location the application was denied by the Building Department and the applicant is before the Board seeking a variance for the location of the shed in relation to the home.

Mr. Koval asked if they had considered doing it as an addition; Mrs. Fulmer stated that they had but found it not to be the best option for them.

Mr. Griggs asked if the yard slopes; Mrs. Fulmer yes it does slope and there are wetlands on site as well.

Mr. Koval asked if you had room to fit it in the yard somewhere else; Mrs. Fulmer stated that they could, but it would be in the middle of their lawn and limit the use of their yard for the future.

Mr. Micelli asked if in the future they may install some sort of patio on site, because if they put it in the middle of the yard they wouldn't need a variance.

A site visit will occur on July 21, 2018 at 9:30am

A Public Hearing will occur on August 6, 2018

*Mr. Koval made a motion to set a Public Hearing for August 6, 2018, seconded by Mr. Micelli. Motion was carried.*

*Chairman Curto made a motion to adjourn the meeting, seconded by Mr. Koval. Motion was carried.*

These are summary minutes and are not word for word at the request of the Zoning Board of Appeals.  
A copy of the recorded tape is available by F.O.I.L. through the Town Clerk.

Meeting adjourned at 7:46 PM.

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