

**Town of Halfmoon Zoning Board of Appeals**  
**Meeting – Tuesday January 2, 2018**  
**7:00 PM**

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

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

*Motion made by Mr. Koval and seconded Mr. Paluocci by that the minutes of December 4, 2017 be approved as presented. Motion was carried*

**Public Hearing:**

**Salvatore Iavarone Garage, 6 Willowbrook Terrace- Area Variance**

Mr. Sal Ivarone presented the application. The applicant is before the Board seeking approval to construct a new 30'x 30' garage in the front yard of the property on an existing paved area where vehicles are currently being parked. Due to the fact that the property is on a corner lot, they cannot locate the garage behind/on the side of the existing home and as a result would like to construct it in the front yard. They are before the Board seeking an area variance to allow them to construct an accessory structure in the front yard. They further clarified that there will not be a business run from the proposed garage, that it would be used just for personal storage of vehicles and equipment.

Mr. Steve Gagnier, 48 Willowbrook Terrace spoke in opposition to the application citing concerns with the effect this will have on property values, line of sight issues and general concerns with safety for children in the area.

Ms. Mary-Kate Gagnier, 48 Willowbrook Terrace spoke in opposition to the application citing that the proposed garage would pose safety threats to the children in the area. She read into the record a letter of opposition; noted a Facebook post regarding a landscaping business owned by the applicant; cited a newspaper article regarding the applicant's recent winning of a lottery; and read an email from the applicant advertising snow plow services. Ms. Drobny clarified for the record that the applicant at hand was not related to the use of the structure but just to the proposed location of the structure.

Mr. Harris Nobel, 35 Willowbrook Terrace spoke in opposition to the application citing that it did not fit the character of the neighborhood; there are no free-standing garages in the neighborhood and requested clarification on the specific variance being requested. Mr. Marlow explained that due to the fact it is a corner lot, the Town considers it to have two front yards and Town Code does not allow an accessory structure in the front yard; as a result they are seeking an area variance to locate an accessory structure in the front yard.

Ms. Janice Garrity, 21 Willowbrook Terrace spoke in opposition to the application citing that it does not fit the character of the neighborhood and that it will cause the neighborhood to go "downhill".

Mr. Richard Woosley, 3 Delta Way spoke in opposition to the application citing that he did not want to have to see the proposed garage.

Mr. Jeffrey Anderson, 39 Willowbrook Terrace spoke in opposition to the application citing the proposed garage will pose a safety concern; it will cause line of sight issues due to the proximity to the road. He asked for further clarification on what is required for the Town to investigate if a business is being operated from the home. Mr. Marlow stated that a formal written complaint would need to be filed with the Building Department and from that point the complaint was filed the Building Department would investigate and if a business was found to be operating the home owner would need to appear before the Planning Board for the appropriate approvals.

Mr. Craig Faby, 13 Willowbrook Terrace spoke in opposition to the application citing that it would set a precedent and effect property values.

Mr. Paul Liberatore, 23 Willowbrook Terrace spoke in opposition to the application citing that it will cause visual impedance; it will cause line of sight issues and devalue the neighborhood.

Mr. John Zacowski, 21 Willowbrook Terrace spoke in opposition to the application citing that it is not fit for this area; it is a danger to the area and will devalue homes.

Mr. Sal Ivarone stated that several people who have spoken cannot see the garage from their home; he further stated that the reason he is proposing to construct the garage is to safely store these things and to get vehicles off the road. He noted that his property will be re-accessed at a higher value so he does not believe it will bring down the value of the homes around him. He informed the Board that he would be willing to move the garage back if so desired.

Chairman Curto entered into the record 13 letters of opposition.

Chairman Curto closed the Public Hearing closed at 7:40 PM

Mr. Griggs asked if the garage was moved further back would it elevate concerns by the public.

Mr. Harris Nobel, 35 Willowbrook Terrace stated that he would still object to the garage even if it was moved further back due to the size of the structure. Mr. Marlow clarified that if should the applicant move the garage behind the front plain of the house it would no longer be considered in the front yard and would not need a variance. Mr. Nobel stated that if there was a plan that where the applicant did not need a variance they should have to abide to it and not request the variance.

Mr. Richard Woosley, 3 Delta Way claimed that the variance proposed was not due to the fact that it was a corner lot but that because they already had accessory structures on site and now wanted more. Mr. Marlow clarified for the record that they were before the ZBA for a variance to allow an accessory structure in the front yard and because it was a corner lot it's considered to have two front yards.

A site visit occurred on December 30, 2017 at 9:00am

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

- 1) Mr. Koval commented: It will not fit the character of the neighborhood, and would be a detriment;
- 2) Mr. Hansen commented: They could move the structure back and not need the variance;
- 3) Mr. Koval commented: Yes, there are no other detached garages that size;
- 4) Mr. Hansen commented It would affect the adjacent neighbors;
- 5) Ms. Paloucci commented: Yes, they already have a garage.

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

**Vaccarielli Single-Family Home, 110 Pruyn Hill Road- Area Variance**

Mr. Craig Meyer presented the application. The applicant is before the Board seeking a variance as it relates to the proposed construction of single-family home on a substandard lot. The property on Pruyn Hill Road is a Pre-Existing/Non-Conforming lot and the applicant wishes to construct a single-family home. The lot as it sits does not meet today's area requirements for lot size and frontage and as a result they are before the Board seeking area variances related to lot size and road frontage.

Mr. Koval asked how far back the neighbor's house is; Mr. Meyer stated it is right in line to where they are proposing to construct their home.

Mr. Hansen asked for clarification on how this property came to be; Mr. Marlow explained that Town staff believes somewhere in the 70's the lot was subdivided and maps were filed with the County but there were no records of Town approval, but it is as it stands today a subdivided lot.

Chairman Curto entered into the record a letter from the neighbor noting that the septic system for their lot was on the lot before the Board for a variance. Mr. Meyer acknowledged that he did receive the email but felt that the buyer of that property should have been more aware of the site conditions prior to purchase and that there is no map of the septic system so there is no way to be certain that it is or isn't on his property.

Mr. Hansen asked if the Board can approve the variance with the septic issue; Mr. Marlow explained that Building Department would have to work with the applicant to work out the details on this matter and come to a resolution, however it may be possible that the Building Department hold an building permit or Certificate of Occupancy until the matter is resolved.

Mr. Meyer informed the Board that he will work the Building Department to get the septic issue resolved.

Chairman Curto asked when they acquired the property; Mr. Meyer stated in 2014 they purchased the property.

Mr. Hansen asked for clarification why variances were needed if it is a pre-existing/non-conforming lot citing section 165-32(a) of the Town Code; Mr. Marlow clarified that it did not meet all the requirements outlined in that section and therefore could not qualify as an exemption under that section.

Chairman Curto closed the Public Hearing closed at 7:40 PM

A Site visit occurred on December 30, 2017 at 9:30am.

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

- 1) Mr. Hansen commented: No, the lot is similar in size to other lots in the area;
- 2) Mr. Koval commented: No, not unless the neighbors would like to sell them land;
- 3) Mr. Hansen commented: Yes, by today's standards, but it met requirements at the time it was created;
- 4) Mr. Hansen commented It will not have any different effect than any other house on that portion of the road;
- 5) Ms. Paloucci commented: No, it was done before they purchased it.

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

**New Business:**

**Sawyer Subdivision, 30 Firehouse Road- Area Variance**

Mr. Gerald Sawyer presented the application. The applicant is before the Board seeking several area variances as it relates to the proposed lot-line adjustment at 28 & 30 Firehouse Road. The applicant submitted a lot-line adjustment application to the Planning Board that would convey 31,227 SF of land from 28 Firehouse Road to 30 Firehouse Road. Due to the pre-existing nature of the lots, the lot-line adjustment triggers the requirement of several area related variances and as a result the application was denied. They are before the Board seeking the following area variances as it relates to lot width and front yard setbacks for both properties.

A Site visit will occur on February 3, 2018 at 9:00am

A Public Hearing will be held February 5, 2018

*Chairman Curto made a motion to have a Public Hearing on February 5, 2018, Mr. Hansen seconded. Motion was carried.*

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

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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 8:19 PM.

Town of Halfmoon Zoning Board of Appeals