

**Town of Halfmoon Zoning Board of Appeals  
Meeting – Monday February 6, 2017  
7:15 PM**

Mr. Hansen called the meeting to order at 7:15 PM on Tuesday January 3, 2017 at the Halfmoon Town Hall with the following members present:

Members –Chairman Rose (absent), Mr. Hansen, Mr. Burdyl, and Mrs. Curto  
Alternate Member - Mr. Gemellaro, Mr. Koval (absent)  
Planner - Mr. Marlow & Mr. Harris  
Town Attorney - Mrs. Lyn Murphy & Mrs. Cathy Drobny

*Motion made by Mr. Gemellaro and seconded Mrs. Burdyl by that the minutes of January 2, 2017 be approved as presented. Motion was carried*

**New Business:**

**Stewarts Shop #305, 1857 Route 9- Area Variance**

Ms. Steven Kinley presented the application to demolish the existing two buildings at 1859 Route 9 and construct a new 3,675 SF Stewarts Shop. The applicant explained that due to a stream located on the property, the building had to be designed closer to Route 9 and they are now unable to meet front yard setbacks. They are required per Section 165, Attachment A, Schedule A to have a front yard setback of 50-feet; they are proposing to have a front yard setback of 23.2-feet, requiring a 26.8-foot variance.

Mr. Burdyl asked if there were any protective measures in place to protect the wetlands/stream in the rear of the lot. Mr. Kinley stated there are no physical structures/stream protection in place at this time and there have been no issues with DEC as of this point.

Mr. Kinley presented plans showing large truck movements and locations for large trucks to park as these were two items of concern posed by the Planning Board.

A site visit will occur on March 4, 2017

A Public Hearing will be held at the March 6, 2017 meeting

**Barbera Homes & Development Inc., 10 Barn Owl Place- Area Variance**

Mr. Duane Rabideau presented the application requesting a variance on an existing home at 10 Barn Owl Place. The applicant explained that due to accommodations made by the builder, the home was rotated and as a result of the rotation the builder has encroached on the front yard setback. Due to the encroachment the applicant is unable to obtain a Certificate of Occupancy and is now seeking an area variance. They are required per Section 165, Attachment A, Schedule A to have a front yard setback of 50-feet; they are proposing to have a front yard setback of 48-feet. ; requiring a 2-foot variance.

A site visit will occur on March 4, 2017

A Public Hearing will be held at the March 6, 2017 meeting

**Christopher Ludavici Custom Hot Rodz & Choppers, 1554 Route 9- Use Variance**

*Vice-Chairman Deborah Curto recused herself from this application.*

Ms. Paulene David and Mr. Christopher Ludavici presented an application for a Use Variance that would allow them to operate Ludavici Custom Hot Rodz & Choppers. The applicant is seeking to operate a custom car and motorcycle assembly shop, but the uses outlined by the applicant are not allowed in the C-1 Commercial Zoning district. The applicant is before the Board seeking a Use Variance to allow for LI-C (Light Industrial-Commercial)/M-I (Manufacturing-Industrial) uses in a C-1 (Commercial) Zoning district.

Mr. Burdyl asked what sorts of cars they'd be working on. Ms. David explained they do not yet know the specific type of car they'll be working on, but customers would bring frames or existing cars and Mr. Ludavici would install components/parts on the car per the customer's request.

Mr. Gemellaro asked if they'd be selling any cars on site; Ms. David informed that no cars would be sold on site, all cars brought to the site would already be owned by a customer with a valid title.

Mr. Hansen asked if what he does involves assembling kit cars; Ms. David explained that would be a possible service option, but sometimes it may be services other than that.

Ms. David noted that there will be no outside storage on site, and they plan to only have one vehicle on site at any time, which will be stored inside the garage.

Mr. Gemellaro asked if there are any permits required by New York State, specifically DEC; Ms. David stated at this point, they do not anticipate having any products on site that require permits from DEC.

A site visit will occur on March 4, 2017

A Public Hearing will be held at the March 6, 2017 meeting

*Mr. Gemellaro made a motion to adjourn the meeting, seconded by Mr. Burdyl. Motion 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 7:40 PM.

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