

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

Mr. Hansen called the meeting to order at 7:00 PM on April 2, 2018 at the Halfmoon Town Hall with the following members present:

Members- Chairman Curto (absent), Mr. Hansen, and Mr. Koval (absent), Mr. Griggs, Mrs. Paluocci  
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 February 5, 2018 be approved as presented. Motion was carried*

**McBride Subdivision, 173 Pruyn Hill Road- Area Variance**

Mr. Joseph McBride presented the application. The applicant is before the Board seeking several area variances as it relates to the proposed lot-line adjustment at 173 Pruyn Hill Road. They wish to subdivide a portion of their existing 2.9 acre lot in order to create a flag lot for a second single-family home. They wish to subdivide a 0.75 acre lot in order for their daughter to build a home. The lot as it stands is 2.9 acres and after the subdivision there will be two flag lots being Lot A= 2.2 ac and Lot B= 0.75 ac. Due to the configuration of the proposed subdivision, 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 variances as it relates to existing accessory structures in the front yard and the lot width of the proposed new lot.

Mr. Griggs asked what the setback on the existing house was; Mr. McBride noted it was approximately 29-feet.

A Site visit will occur on May 5, 2018 at 9:00am

A Public Hearing will be held May 7, 2018

*Mr. Micelli made a motion to have a Public Hearing on May 7, 2018, Mr. Griggs seconded. Motion was carried.*

**Beeche Garage, 65 Smith Road- Area Variance & Use Variance**

Mr. Robert Jarvis and Greg Beeche presented the application. The applicant is before the Board seeking several variances as it relates to the proposed accessory structure they wish to construct at 65 Smith Road. The applicant submitted a building permit to the Town for a proposed garage with second story apartment, upon reviewing the application, the permit was denied by the building department as it did not meet several area requirements and proposed a second residential dwelling unit on a lot. They are before the Board as it relates to the accessory structure location in the front yard, the height of the accessory structure and the construction of a second dwelling unit on a singular parcel.

Mr. Jarvis noted that in the past several years the Town has changed their regulations on the allowance of two family dwellings. Mr. Marlow clarified that the record the change Mr. Jarvis is referring to the permitting of a

duplex and the requirements for that, which is different than the application before the Board as a duplex is two dwelling units in one structure.

Mr. Jarvis posed a question of interpretation to the Board whether or not a garage is considered an “accessory structure” or “garage” by the definition of the Town Code.

Mr. Jarvis noted that accessory structures are permitted in residential zoning districts but asked if the A-R district is considered a residential zoning district by the Town.

Mr. Jarvis noted that section 165-34 says that an accessory structure cannot be greater than one story and 20-feet in height, clarifying they proposed a two store building being 21+/- feet in height.

Mr. Jarvis noted that due to lot constraints they would be unable to locate the garage in the rear or side yards as per Town requirements.

Mr. Griggs asked for clarification on A-R and R-1 zoning; Mr. Marlow noted that both zoning districts are essentially the same in terms of allowed uses with A-R allowing more uses than R-1.

Mr. Griggs noted that the apartment ceiling height 9’7” and that it could be lowered to meet the requirements of the Town Code. Mr. Beeche stated that it was designed to meet the lines of the existing home and line up with the peaks on the home.

Mr. Beeche explained in length the design of the garage, the reason for the location and the existing lot constraints that require it to be where he is proposing it.

Mr. Griggs asked how the height of the building was determined; Mr. Marlow stated that the Building Department generally calculates things like that but it is noted on the plan to be approximately 21+/- feet in height.

The Board asked questions related to what the garage would look like to from the surrounding areas. Mr. Jarvis stated that due to the topography there would be very little visual impact on the surrounding area.

Mr. Beeche presented renderings to the Board of what the proposed garage would look like on site.

A Site visit will occur on May 5, 2018 at 9:30am

A Public Hearing will be held May 7, 2018

*Mr. Griggs made a motion to have a Public Hearing on May 7, 2018, Mrs. Paloucci seconded. Motion was carried.*

### **Karam Duplex, 25 Route 146- Expansion of a Pre-Existing/Non-Conforming Use**

Mr. Mike Karam presented the application. The applicant is currently before the Planning Board to gain approval to expand the existing single-family use at 25 Route 146 to a proposed duplex use. The application was denied by the Planning Board as they felt it was an expansion of a pre-existing/non-conforming residential use and they do not have the power to approve the use as proposed. The applicant is now before the ZBA seeking approval to expand on the single-family use to allow for them

to convert the residence into a duplex. Because of the pre-existing/non-conforming use of the site the proposed expansion requires an expansion of a pre-existing/non-conforming use.

Mr. Griggs asked if there were any other variances required as a result of the proposed expansion; Mr. Marlow clarified that the expansion of a pre-existing/non-conforming use would cover all the required variances.

A Site visit will occur on May 5, 2018 at 10:15am

A Public Hearing will be held May 7, 2018

*Mr. Micelli made a motion to have a Public Hearing on May 7, 2018, Mrs. Paloucci seconded. Motion was carried.*

*Mr. Griggs made a motion to adjourn the meeting, seconded by Mr. Micelli. 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 7:54 PM.

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