

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

Vice-Chairman Curto called the meeting to order at 7:22 PM on Monday March 6, 2017 at the Halfmoon Town Hall with the following members present:

Members-Vice-Chairman Curto, Mr. Hansen, Mr. Burdyl, and Mr. Gemellaro
Alternate Member - Mr. Koval, Mrs. Paluocci (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 February 6, 2017 be approved as presented. Motion was carried

Public Hearing:

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. Gemellaro asked what the size of the previous building was, and the size of the proposed building. Mr. Kinley stated that the current building is 2,300 SF and the proposed building will be 3,675 SF; but they will be eliminated a 3,000 SF rental building for an overall reduction in building square footage on site.

No one from the public chose to speak.

Vice Chairman Curto closed the Public Hearing closed at 7:29 PM

A site visit occurred on March 4, 2017

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

- 1) Mr. Burdyl commented: No, same as current use;
- 2) Mr. Koval commented: It's necessary for this layout in order to accommodate for truck flow;
- 3) Mr. Hansen commented: It's substantial, but needed to accommodate for truck flow;
- 4) Mr. Gemellaro commented: No, same as prior use but allows for better traffic movements;
- 5) Mr. Burdyl commented: Yes, but the variance required makes sense.

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

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.

Mr. Gemellaro asked if there was any opposition from the neighbors; Mr. Rabideau said that they did not receive any negative comments from the neighbors.

Mr. Koval asked why the encroachment was made; Mr. Rabideau explained that the builder had made accommodations for prospective home owner and rotated the home, which resulted in them crossing over the 50-foot front yard setback.

No one from the public chose to speak.

Mr. Hansen closed the Public Hearing closed at 7:32 PM

A site visit occurred on March 4, 2017

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

- 1) Mr. Burdyl commented: No undesirable change;
- 2) Mr. Koval commented: There is no other reasonable way to fix the issue;
- 3) Mr. Hansen commented: No, a very small portion of the house is affected;
- 4) Mr. Gemellaro commented: No, it's a very small request in nature;
- 5) Mr. Koval commented: Yes, but it was not intentionally done by design, pure error.

Mr. Gemellaro made a motion to approve the Area Variance, seconded by Mr. Hanse. Motion was carried.

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 are 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 if there would be any gas/oil on site; Mrs. David explained that there will be no fluids on site and that cars won't be started.

Mr. Koval asked where the motor would be installed; Mrs. David explained that if a motor is provided, it will be installed within the building.

Mr. Hansen read into the record the Saratoga County Planning Board referral letter dated February 24, 2017.

No one from the public chose to speak.

Mr. Hansen closed the Public Hearing closed at 7:45 PM

A site visit occurred on March 4, 2017

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

- 1) Mr. Koval commented: Prior business' operated there, other business' could work there and make money;
- 2) Mr. Burdyl commented: The proposed use does not fit within C-1 zoning regulations; Mr. Koval stated that it's not like other dealerships/auto-body locations in the area; Mrs. Murphy asked if they believe that it is not unique because they have the ability to operate in a conforming matter; Mr. Koval agreed that was intent;
- 3) Mr. Hansen commented: It does not fit the character within the bounds of C-1 zoning;
- 4) Mr. Gemellaro commented: The financial hardship would be difficult to determine as no financial information was ever submitted.

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

New Business:

Lamar Advertising, 1593 Route 9- Use Variance

Mr. Koval and Mr. Gemellarro recused themselves from this application.

Mr. David Levitt of Lamar presented an application to relocate the existing billboard at 1657 Route 9 (Mabey's Self-Storage) to Kevin Hedley's property located at 1593 Route 9. . In section 165-51 of the Town Code, two specific districts are outlined as approved areas for billboard construction, the parcel in question falls between the two designated portions of Town and as a result the applicant is before the Board seeking approval for a Use Variance to allow for the construction of a billboard outside the designated overlay zone(s).

Vice Chainman Curto asked if they'd be removing entirely the existing billboard that is at Mabey's Self-Storage, Mr. Levitt stated they'd be completely removing the old sign at Mabey's Self-Storage.

Mr. Hansen asked if the new sign will have the same setback from Route 9 as the existing sign, Mr. Levitt stated that it would be the same distance off Route 9, perhaps a little further back.

A site visit will occur on March 31, 2017

A Public Hearing will be held at the April 3, 2017 meeting

Dustin Grant Duplex, 11 Firehouse Road- Area Variances

Mr. Fred Metzger presented an application for an area variance as it relates to the proposed construction of the duplex at 11 Firehouse Road. As the lot sits, it currently has an existing single-family home, which the applicant plans to remove and construct a duplex on, but due to the substandard nature of the site, they would be unable to meet several area requirements. The applicant is before the Board seeking variances for minimum lot width and front yard setback.

Vice Chairman Curto asked the approximate age of the existing residence, Mr. Metzger stated that he was not sure but he knows it is quite old and in bad shape.

Mr. Koval asked what is in the surrounding area; Mr. Metzger stated that there is a bar on one side and a single-family home on the other. He also noted the four letters of support submitted with the application.

A site visit will occur on March 31, 2017

A Public Hearing will be held at the April 3, 2017 meeting

Mr. Burdyl made a motion to adjourn the meeting, seconded by Mr. Gemellaro. 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 8:10 PM.

Town of Halfmoon Zoning Board of Appeals