

**Town of Halfmoon Zoning Board of Appeals**  
**Meeting – Monday April 3, 2017**  
**7:15 PM**

Chairman Curto called the meeting to order at 7:15 PM on Monday April 3, 2017 at the Halfmoon Town Hall with the following members present:

Members- Chairman Curto, Mr. Hansen, Mr. Burdyl, and Mr. Gemellaro (absent)  
Alternate Member - Mr. Koval, Mrs. Paluocci  
Planner - Mr. Marlow  
Town Attorney - Mrs. Cathy Drobny

*Motion made by Mr. Hansen and seconded Mrs. Burdyl by that the minutes of February 6, 2017 be approved as presented. Motion was carried*

**Public Hearing:**

**Lamar Advertising, 1593 Route 9- Use Variance**

*Mr. Koval recused himself from this application.*

Mr. David Leavitt 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).

Mr. Burdyl commented that they did not file any substantial financial information to prove a hardship. Mr. Leavitt explained that they had filed some financial information with the application, and stated they would lose profits if they cannot install the billboard as proposed.

Mr. Leavitt explained that due to a neighboring parcels tree that was not scheduled to be removed, only one side of the existing Mabey's sign was "usable" and as a result the property owner and Lamar could not come to agreeance on contract terms for the existing sign. The property owner felt as if the rate should have been dependent on the fact that it was a two-sided sign and Lamar felt it should have been based on a one-sided sign as they could only utilize one side of the sign.

Mr. Hansen asked if they had looked at other property options in either of the overlay zones. Mr. Leavitt stated that they did look at a couple pieces of property, but felt this was the best property.

Mrs. Paolucci asked if they had contacted the adjacent property owner about removing the tree. Mr. Leavitt stated that they had, but the property owner did not want the tree removed.

Mr. Hansen asked how many other properties they inquired with to relocate the sign. Mr. Leavitt stated they had looked at a couple sites, specifically the Healthplex site and Mangino Mitsubishi.

Chairman Curto noted that there are 47 properties in Zone 1 and Zone 2 of the overlay district that allows for billboards.

Chairman Curto read into the record a letter of opposition to the proposed Use Variance.

No one from the public chose to speak.

Vice Chairman Curto closed the Public Hearing closed at 7:32 PM

A site visit occurred on March 31, 2017 with Chairman Curto and Mr. Burdyl attending

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

- 1) Mr. Burdyl commented: No significant financial information was provided;
- 2) Mr. Hansen commented: None of the properties in this area are unique, but that may not be a valid reason to approve a billboard there. Chairman Curto noted that there are many parcels within the overlay district that allow for the billboard;
- 3) Mr. Burdyl commented: Neighborhood site lines will be disrupted and if a digital sign should be installed later it will have an adverse effect on the neighborhood;
- 4) Mr. Burdyl commented: It has been self-created, they previously had a location, and while the sign was limited it was generating revenue.

*Mr. Burdyl made a motion to deny the Use Variance, seconded by Mrs. Paolucci. Motion was carried.*

#### **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.

Chairman Curto made note of the letters of support for the proposed variance as submitted by the applicant.

Mrs. Tracey Pagano, owner of Andrea's Pub raised concerns regarding drainage issues that may result as part of the proposed site work for the duplex, and questioned if a fence was going to be installed. Mr. Marlow stated that the Planning Board could address specific drainage characteristics during the Special Use Permit review.

Vice Chairman Curto closed the Public Hearing closed at 7:58 PM

A site visit occurred on March 31, 2017

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

- 1) Mr. Koval commented: No, it's a mixed use area, the lot currently has a rundown home, this will be a benefit to the property;
- 2) Mr. Burdyl commented: Due to site limitations, this is the most advantageous way;
- 3) Mr. Burdyl commented: Due to the size of the lot, it is substantial but there is an overall benefit to the neighborhood;
- 4) Mr. Koval commented: No, there are pre-existing site conditions;
- 5) Mr. Hansen commented: No, it's an old lot that has been this way for some time; they're trying to make the best of it.

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

**New Business:****Walmart Sign 1549 Route 9- Area Variance**

Mrs. Stephanie Minguéz presented the area variance application as it relates to the increase amount of signage for the existing Walmart located at 1549 Route 9. They submitted a Site Plan application and Sign application for the addition of a pick-up area on the north side of the existing building. As it stands, Walmart is allowed to have 691 SF of signage, the newly proposed signage requested is 66.76 SF for a new total of 718.28 SF, and as a result a variance for 27.28 SF of signage is requested.

Mr. Koval asked if they could eliminate another sign to stay under the allowed signage. Mrs. Minguéz stated that Walmart would prefer to keep all their existing signs if possible, and would like to avoid elimination of any of their signs.

Mr. Koval asked what their allowed signage currently was. Mr. Marlow explained that per the Town Code they are allowed to have 691 SF, but as a result of the new sign they would be at 718.28 SF and thus they would be required a variance of 27.28 SF.

A site visit will occur on April 29, 2017

A Public Hearing will be held at the May 1, 2017 meeting

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 8:09 PM.

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