

**Town of Halfmoon Zoning Board of Appeals**  
**Meeting – Monday, April 4, 2016**  
**7:00 PM**

Mr. Rose called the meeting to order at 7:02 PM on Monday, April 4, 2016 at the Halfmoon Town Hall with the following members present:

Members –Chairman Rose Mr. Hansen, Mr. Burdyl and Mr. Brennan (absent)  
Alternate Member - Mrs. Curto, Mr. Peter Gemellaro, Mr. Kevin Koval (absent)  
Planner - Mr. Marlow  
Town Attorney - Mrs. Lyn Murphy  
Town Board Liaison- Mrs. Daphne Jordan

*Motion made by Ms. Curto and seconded by Mr. Burdyl that the minutes of March 7, 2016 be approved as presented. Motion was carried unanimously.*

**New Business:**

**Lock One Marina, 461 Hudson River Road- Area Variance (SBL# 286.-1-4.111)**

Steve Jascenzi presented the application for a front yard setback application required in order to construct a 1,800 SF building. Mr. Jascenzi explained that the new building will be used for storage of boats and other marina equipment; and due to site constraints they are seeking to construct the building within the front yard setback. As such, they are requesting two front yard setback variances, one for the existing building, which requires a 33-foot variance. The second for the proposed new building, this would require a 40-foot variance.

Mr. Rose asked if there were any public comments received; Mr. Paul Marlow noted that they had received one letter of support from an adjacent neighbor.

Chairman Rose closed the Public Hearing closed at 7:09 PM, no one chose to speak.

There was a site visit on Saturday, April 2, 2016.

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

- 1) Mr. Burdyl commented: It has been operated as a marina for years.
- 2) Mr. Hansen commented: There is no other feasible method to address the proposed site plan, due to the constraints of the site.
- 3) Mr. Burdyl commented: It is substantial, but the site constraints cause the problem.
- 4) Chairman Rose commented: The County Planning Board did not see any significant impacts.
- 5) Mr. Hansen commented: Yes it is self-created, but if they choose to expand their business, this is the way they must do so.

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

**Trick Shot Billiards, 1602 Route 9- Area Variance (SBL# 278.-1-14)**

Tim Berlin presented an application for a rear yard setback variance required for the existing building. The applicant is proposing to construct a 1,210 SF addition to the existing 7,211 SF building. The proposed addition will be used for an indoor/outdoor bar and storage. Due to the expansion, a variance for the existing deficient rear yard setback is required. They are seeking approval for a rear yard variance of 17'5".

Chairman Rose asked if the Town has any permits/records of the existing addition on the rear of the building. Paul Marlow explained that he searched the files but found no record of the addition ever being given a permit of C.O. by the Building Department.

Lyn Murphy clarified for the Board the difference between a fire inspection and a building inspection.

The Board raised concerns with approving an addition that has not been permitted and inspected by the Town's Building Department.

Chairman Rose closed the Public Hearing closed at 7:23 PM, no one chose to speak.

A site visit occurred on April 2, 2016.

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

- 1) Mr. Hansen commented: No, it's not undesirable as it is away from other buildings
- 2) Mr. Hansen commented: No, the addition and building are already in place.
- 3) Chairman Rose commented: It is substantial, but the site constraints don't allow correcting the problem.
- 4) Chairman Rose commented: No, the addition is not visible from the road, and is fairly well hidden.
- 5) Mr. Hansen commented: Yes it is self-created, but the previous owner created the problem.

*Mr. Hansen made a motion to approve the Area Variance conditioned on a Fire Inspection sign-off by the Building Department, seconded by Mr. Burdyl. 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 7:33 PM.

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