

Town of Halfmoon Zoning Board of Appeals
Meeting – Monday July 3, 2017
7:00 PM

Chairman Curto called the meeting to order at 7:03 PM on Monday June 5, 2017 at the Halfmoon Town Hall with the following members present:

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

Motion made by Mr. Koval and seconded Ms. Paloucci by that the minutes of June 5, 2017 be approved as presented. Motion was carried

Public Hearing:

Leggett Shed, 39 Farm to Market Road- Area Variance

Mr. David Leggett presented the application. He explained that he is before the Board seeking variances as it relates to a proposed barn/shed they are looking to construct. The home located at 39 Farm to Market Road is a flag lot where the home is located near the rear of the lot; the applicant wishes to construct a 24'x 40' barn/shed but due to location of the existing home on the property, they are proposing to construct it in the front yard. They are before the Board seeking variance for an accessory structure in the front yard.

Chairman Curto closed the Public Hearing closed at 7:41 PM

A site visit occurred on July 1, 2017

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

- 1) Mr. Griggs commented: No, it's a farming area and it's set far enough back;
- 2) Mr. Griggs commented: No the septic tank is in the back yard;
- 3) Mr. Koval commented: No, based on the size of the lot versus the size of the structure;
- 4) Ms. Paloucci commented: No physical effect on the area;
- 5) Mr. Koval commented: No, the home was built in the 80's and they couldn't see the need for the barn later.

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

Marchand Shed, 85 Button Road- Area Variance

Mr. Chris Marchand presented the application. He explained that he is before the Board seeking variances as it relates to the proposed pole barn they are looking to construct on the vacant parcel at 84 Button Road. As the lot sits now, there is no principal structure and the applicant wishes to construct a Pole barn for the keeping of livestock. Due to the underlying zoning district (R-1) the lot is required to have a minimum lot square footage be 80,000 SF in order to harbor livestock, and the applicant has 30,000 SF. They are before the Board seeking variance for an agricultural related structure on a substandard lot.

Chairman Curto closed the Public Hearing closed at 7: PM

A site visit occurred on July 1, 2017

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

- 1) Mr. Koval commented: No, it fits the area, it's a rural road;
- 2) Mr. Koval commented: No other way, they can't create more land;
- 3) Mr. Hansen commented: By the numbers it's substantial, but there is no requirement based off animals;
- 4) Mr. Koval commented: No, there are farming activities in that area;
- 5) Mr. Koval commented: Tough to say because they are looking to do something with a lot that is smaller than required, but given the circumstances of giving the go ahead to construct a shed beforehand, I do not feel this is self-created.

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

Koval Addition, 57 Canal Road- Area Variance

Kevin Koval recused himself from this application.

Mr. Kevin Koval presented the application. He stated that he is before the Board seeking an area variance as it relates to the proposed addition to their existing single-family home. The proposed addition would be to expand on the existing single-family home, but as a result the addition will not meeting current setback requirements. The underlying zoning requires a 50-foot setback and the setback with the proposed addition will be 36-foot. They are before the Board seeking variances from the minimum front yard setback.

Mr. Hansen asked if the old garage on the plan was removed, Mr. Koval informed the Board it had since been removed and a new tension fabric building has been put in place.

Mr. Hansen asked if any of the old garage would be used for the addition, Mr. Koval stated that the entire foundation under the old garage would be removed and redone with a higher finish floor to be above the flood plain.

Chairman Curto closed the Public Hearing closed at 7:18 PM

A site visit occurred on July 1, 2017

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

- 1) Ms. Paloucci commented: No, this will be an improvement to the property;
- 2) Mr. Hansen commented: There would be many problems if you tried to do it another way;
- 3) Mr. Griggs commented: No, it is in character with the neighborhood, some houses are closer than 37-feet;
- 4) Mr. Hansen commented: No, all homes are different down there, all individual homes that have been built at different times, there is no significant impact;
- 5) Mr. Hansen commented: No, the original construction of the building poses some problems, there are few alternatives, and this is not self-created.

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

Johnson Road-Single Family Home, Johnson Road- Area Variance

Mr. Jason Dell presented the application. He explained that he is before the Board seeking an area variance as it relates to the proposed construction of a new single-family home. The lot currently is a vacant parcel that does not meet today's minimum lot standards and the property owner wishes to construct a single-family home. The current property owner does not own any adjacent land and therefore cannot make the lot conform. As a result, they are here seeking variances for minimum lot size.

Chairman Curto asked when the lot was subdivided; Mr. Dell explained it was done in 1987. Mr. Marlow explained that it was subdivided in the late 80's but not done through formal Town process, but the County acknowledges the subdivision. This subdivision occurred shortly after the Town adopted proper subdivision regulations and the property owner at that time may have not been aware of the procedures, but at this time it is a subdivided lot and recorded in the County Clerk's office as such.

John Corinack, 99 Johnson Road stated that he is not against the project, but just want to make sure that there will be no drainage problems as a result of the new construction. Mr. Dell explained that they plan to maintain the existing drainage pattern after the new home is constructed.

Chairman Curto asked how large Mr. Corinack's property was, he explained that it just over 20,000 SF.

Mr. Koval asked if Mr. Corinack had to get a variance to build his how, Mr. Corinack explained he had bought the home last year and it had been constructed prior to him owning it.

Mr. Koval asked Mr. Marlow if 99 Johnson Road met today's area requirements and Mr. Marlow informed the Board that it does in fact meet requirements today.

Chairman Curto closed the Public Hearing closed at 7:34 PM

A site visit occurred on April 29, 2017

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

- 1) Mr. Koval commented: No, the lot next door is similar in size and won't change the area;
- 2) Mr. Hansen commented: No other options, there is no land to make it bigger;
- 3) Mr. Hansen commented: No, it's only 2,000 SF
- 4) Mr. Koval commented: No negative issues, drainage concerns can be addressed by the Building and Planning Departments;
- 5) Mr. Koval commented: No, the owner didn't subdivide it as it is.

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

New Business:

Perrault Carport, 163 Anthony Road- Area Variance

Mr. Craig Engles presented the application. The applicant is before the Board seeking variances as it relates to an existing carport located in the front yard of the single-family home. The applicant previously constructed a carport approximately three years ago, and located it in the front yard. As a result they were

issued a Notice of Violation by the Building Department for having an accessory structure located in the front yard. They are before the Board seeking variance for an accessory structure in the front yard.

Mr. Koval asked how far it is from the home; Mr. Marlow explained that it is 40-feet from the home.

A Site visit will occur on August 5, 2017.

A Public Hearing will be held on August 7, 2017.

Boulerice Shed, 267 Lower Newtown Road- Area Variance

Ms. Tammy Boulerice presented the application. The applicant is before the Board seeking variances as it relates to an existing shed located in the front yard of the single-family home. The applicant previously constructed a shed located in the front yard and approximately 6-feet from the primary residence and as a result they were issued a Notice of Violation by the Building Department for having an accessory structure located in the front yard and less than 10-feet away from a primary residence. They are before the Board seeking variance for an accessory structure in the front yard.

Mr. Marlow explained that the applicant was given a building permit placard but the actual building permit itself was denied, the Town should not have issued the placard but somehow it was issued and we are now trying to correct it.

Mr. Koval asked if the building permit was denied because they failed to obtain a Certificate of Occupancy (C.O.); Mr. Marlow explained it was denied because it was in the front yard and within 10-feet of the house.

Mr. Koval asked if they constructed the shed in the field as indicated on the plan; Mr. Marlow explained that it is slightly further forward from what the plans states.

Ms. Boulerice that in March 2016 she was given the building permit and only the placard, 13 months later she was notified that she that she hadn't obtained a C.O. as she was unaware a C.O. was required on a building permit. When she came to discuss the matter she was provided a copy of a denied application from March 2016, she cannot move the shed back as it will be on the septic system.

A Site visit will occur on August 5, 2017.

A Public Hearing will be held on August 7, 2017.

Subdivision of Lands of Thomas R. Angerami, 26 Lape Road- Area Variance

Mr. Duane Rabideau presented the application. The applicant is before the Planning Board seeking to perform a Minor Subdivision that would subdivide the existing 3.54 acre parcel into four lots; Lot 1= 1.17 ac; Lot 2= 1.44 ac; Lot 3= 20,228 SF; and Lot 4= 20,136 SF with each lot proposing a single-family home. The application was denied by the Director of Planning due to the inadequate front yard setback of the existing home. Due to the pre-existing/non-conforming nature of the lot, the following variance is requested:

Mr. Griggs asked how long the mobile home has been there. Mr. Rabideau stated based off the mapping information they have, he would estimate it's been there since at least 1990.

Chairman Curto clarified that the variance is just for Lot 3 and meets today's setbacks; Mr. Rabideau explained that the variance is just for Lot 3 and the mobile home does meet today's setbacks.

A site visit will occur on July 1, 2017

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

Mr. Koval made a motion to adjourn the meeting, seconded by Ms. Paloucci. Motion was Carried.

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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 8:11 PM.

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