

**Town of Halfmoon Zoning Board of Appeals**  
**Meeting – Monday August 7, 2017**  
**7:00 PM**

Mr. Burdyl called the meeting to order at 7:00 PM on Monday August 5, 2017 at the Halfmoon Town Hall with the following members present:

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

*Motion made by Ms. Paluocci and seconded Mr. Gemellaro by that the minutes of July 3, 2017 be approved as presented. Motion was carried*

**Public Hearing:**

**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. Engles presented a letter to the Board from his Doctor stating the need for the carport.

No one from the public chose to speak.

Mr. Burdyl closed the Public Hearing closed at 7:10 PM

A site visit occurred on August 5, 2017

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

- 1) Mr. Hansen commented: No, it does not pose a significant impact on the esthetics of the area;
- 2) Mr. Burdyl commented: No the layout of the land is prohibitive;
- 3) Ms. Paluocci commented: No, it's not substantial by nature;
- 4) Mr. Gemellaro commented: No, images of it do not show it to be a detriment to the area;
- 5) Mr. Burdyl commented: It was self-created by the installation of the carport.

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

**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 it 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. Burdyl asked if the shed could be moved. Ms. Boulerice stated that there is no way to get it into the back yard.

Mr. John Kuscsik, 272 Lower Newtown Road stated that he had no issues with the existing shed; it looks nice and fits well.

Mr. Griggs asked what was stored in the shed. Ms. Boulerice stated that it was a motorcycle and other household items. Mr. Griggs raised concerns with the storage of compostable things in the shed due to the proximity of the shed to the home.

Mr. Burdyl closed the Public Hearing closed at 7:19 PM

A site visit occurred on August 5, 2017

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

- 1) Mr. Gemellaro commented: Based on the neighbor, I don't think it would be;
- 2) Ms. Paloucci commented: There is no other place to put it;
- 3) Mr. Gemellaro commented: The impact appears to be minimal on the property and the area;
- 4) Mr. Burdyl commented: No physical/environmental effect on the area;
- 5) Mr. Burdyl commented: It's self-created, but there are site constraints and it doesn't have a negative impact on the area

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

#### **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:

No one from the public chose to speak.

Mr. Burdyl closed the Public Hearing closed at 7:24 PM

A site visit occurred on August 5, 2017

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

- 1) Mr. Hansen commented: It's an existing situation that has been there for many years, it's more of a technicality for approving this;
- 2) Mr. Burdyl commented: It's impractical, the house was built before present regulations;
- 3) Mr. Hansen commented: Yes, but you can't move the house;

- 4) Mr. Gemellaro commented: No, this has been a long standing issue;
- 5) Mr. Hansen commented: No, they bought the house long after the issue was created, so he didn't do anything to worsen the pre-existing/non-conforming situation of the lot.

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

### **New Business:**

#### **Zepko Shed, 72 Somerset Drive- Area Variance**

Ms. Lindsay Zepko presented the application. The applicant is before the Board seeking approval to construct a new 24'x 24' shed in the front yard of the property. Due to the topography and location of the home on of the property, they cannot locate the shed behind the existing home and as a result would like to be just in front of the house but still beyond the building setback. They are before the Board seeking variance for an accessory structure in the front yard.

Mr. Burdyl asked what the west side of the property was like. Ms. Zepko explained that there is a substantial grade change.

A Site visit will occur on August 26, 2017 at 9am.

A Public Hearing will be held on September 5, 2017.

*Mr. Gemellaro made a motion to have a Public Hearing on September 5, 2017, Ms. Paluocci seconded. Motion was carried.*

#### **The Garage Sale, 45 Route 146- Use Variance**

Ms. Lisa Cooper presented the application. The applicant is before the Board seeking a Use Variance to allow for retail sales of merchandise within an A-R zoning district. The facility on site is a pre-existing non-conforming use which previously held a commercial warehouse and distributor (Santoro Warehouse); the proposed retail use does not fall within the parameters of the approved pre-existing non-conforming use of the site. They are requesting a Use Variance to allow for C-1 uses within an A-R zoning district.

A Site visit will occur on August 26, 2017 at 9:30am.

A Public Hearing will be held on September 5, 2017.

*Mr. Gemellaro made a motion to have a Public Hearing on September 5, 2017, Mr. Griggs seconded. Motion was carried.*

#### **Appeal from Enforcement Officer's Determination- Fairway Meadow's Brew Pub- Zoning Interpretation**

Mr. Mark Schachner and Mr. Justin Grassi presented the application. The applicant is before the Board appealing the determination by the Director of Code Enforcement of whether or not a "Brew Pub" is an allowed use in an area zoned Agricultural-Residential in accordance with the Building Code. Attached hereto and made a part hereof are the two letters from Mr. Micklas dated May 30, 2017 and June 4, 2017, together with two letters from the Director of Code Enforcement responding to Mr. Micklas' letters. The ZBA will need to review the letters and review the determination of the Director of Code as detailed in his response letters.

Ms. Lyn Murphy noted that the Board has been provided copies of the documentation submitted by the applicant and advised the Board to review the materials submitted by the applicant in detail to ensure full comprehension of the appeal.

The Board took a brief break in order to review the documentation for the appeal as submitted by the application.

Mr. Burdyl requested that the Board table the item to allow for further review of the documentation associated with this appeals application.

Mr. John Henry on behalf of Fairway Meadows wanted to ensure the Board received a copy of his letter in response to the appeal and asked for clarification on whether or not they would be able to respond to the appellate comments at the next meeting. Mr. Burdyl stated that the Board did get the letter and he will be given a chance to rebut the appellate arguments.

*Mr. Hansen made a motion to table the item until the September 5, 2017 agenda, Mr. Gemellaro seconded. Motion carried.*

*Mr. Burdyl made a motion to adjourn the meeting, seconded by Mr. Gemellaro. 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 7:51 PM.

Town of Halfmoon Zoning Board of Appeals