

**Town of Halfmoon Zoning Board of Appeals
Meeting – Monday October 2, 2017
7:00 PM**

Chairman Curto called the meeting to order at 7:08 PM on Monday October 2, 2017 at the Halfmoon Town Hall with the following members present:

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

Motion made by Mr. Burdyl and seconded Mr. Gemellaro by that the minutes of September 5, 2017 be approved as presented. Motion was carried

Public Hearing:

Snyder's Restaurant Subdivision, 1707 Route 9- Area Variance

Mr. Jeff Williams presented the application. He explained that he is before the Planning Board seeking approval to subdivide the existing parcel at 1707 Route 9 in order to create two new lots. One of the proposed lots will have the existing Snyder's Restaurant, but due to the pre-existing nature of the site, the building would not be able to meet today's setback and they are before the Board seeking area variances as it relates to setbacks.

Susan Haig, 15 Old Route 146 ask for clarification as to where the two lots are. Mr. Williams clarified that the existing lot is one parcel and will now be split into two and that there is no physical changes to the site.

Chairman Curto asked for clarification regarding the proposed easements. Mr. Williams explained that there will be cross easements that will allowed for shared parking/access between the two lots.

Mr. Griggs asked where snow storage areas would be. Mr. Bruce Tanski clarified that there were a few spots on site they store snow but for the most part it is trucked off site.

No one from the public chose to speak.

Chairman Curto closed the Public Hearing closed at 7:21 PM

A site visit occurred on September 30, 2017 at 9am

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

- 1) Mr. Gemellaro commented: No, they are pre-existing conditions and there is no physical changes;
- 2) Mr. Burdyl commented: The only solution to the problem is the one presented;
- 3) Ms. Hansen commented: Yes, but due to the layout of the buildings there is nothing you can do;
- 4) Mr. Gemellaro commented: No, just creating a boundary, everything will stay the same;
- 5) Mr. Hansen commented: The layout was previously approved; Chairman Curto noted it is self-created but was part of the approved Shoppes of Halfmoon project.

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

Santy/Tracy Apartment, 9 Terminal Road- Expansion of Pre-Existing/Non-Conforming Use

Ms. Lisa Santy presented the application. They are before the Board seeking an extension of a pre-existing/non-conforming use for the existing four unit apartment building at 9 Terminal Road. The Town currently classifies the residence at 9 Terminal to be a three family home, but the building has traditionally been operating as a four unit home and wishes to be approved to do so. They are before the Board requesting formal approval to operate as a four unit building

Mr. Burdyl asked when it was converted to a multi-unit building and how many units it was. Ms. Santy explained that prior to them purchasing the building it was a multi-unit and there are four units and they have been operating it as a four-unit for the past 12 years.

Chairman Curto asked if it was sold as a four-unit, and noted that Saratoga County has it listed as a three-unit. Ms. Santy explained that they purchased it under the notion it was a four-unit, and that it was sold to them that way.

Mr. Marlow explained that the applicant has been working with the Building Department in order to make sure the building was up to code to function and operate as a four-unit apartment building.

Councilwomen Jordan asked how many units were in the building when they purchased. Ms. Santy said there were four units from when they purchased it.

Ms. Santy stated that the Town listed it as a "3-R" classification and Mr. Marlow clarified the zoning for the property was C-1 Commercial and the 3-R listing may be identification code used by the Accessor's office.

The Board tabled the application in order to seek input from the Building Department regarding whether or not the building meets code and can properly function as a four-unit building.

New Business:

More Property LLC, 413 Route 146- Area Variance

Mr. Jason Dell, Lansing Engineering presented the application. The applicant is before the Board seeking several area variances as it relates to the newly proposed office building located at 413 Route 146. The applicant is planning to construct a 15,000 SF office building but due to the substandard nature of the lot, the applicant is unable to meet several area requirements. They are seeking variances as it relates to front yard setbacks, landscaping along Route 146 and parking space sizes.

Mr. Burdyl asked what the rear yard setback was. Mr. Dell explained that it is 25-feet to the rear yard property line.

A Site visit will occur on November 4, 2017 at 9:00am.

A Public Hearing will be held on November 6, 2017.

Mr. Gemellaro made a motion to have a Public Hearing on October 2, 2017, Mr.Hansen seconded. Motion was carried.

Beacon Homes, 21/23 Elena Court- Area Variance

Mr. Lou Leece presented the app. They are before the Board seeking variances related to the proposed townhome located at 21/23 Elena Court. The applicant submitted a building permit to the Building Department, but due to the size and orientation of the townhouse they were unable to meet rear yard setbacks and the permit was denied. They are seeking variances as it relates to rear yard setbacks.

Mr. Burdyl asked if they had looked at other configurations. Mr. Leece stated that they did but due to the size of the building and the shape of the lot, there was no way they could orient the building that wouldn't require a variance.

A Site visit will occur on November 4, 2017 at 9:30am.

A Public Hearing will be held on November 6, 2017.

Mr. Gemellaro made a motion to have a Public Hearing on October 2, 2017, Mr. Burdyl seconded. Motion was carried.

Mr. Gemellaro made a motion to adjourn the meeting, seconded by Mr. Burdyl. 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 7:50 PM.

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