

**Town of Halfmoon Zoning Board of Appeals
Meeting – Monday November 6, 2017
7:00 PM**

Chairman Curto called the meeting to order at 7:00 PM on Monday November 6, 2017 at the Halfmoon Town Hall with the following members present:

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

Motion made by Mr. Hansen and seconded Mr. Paluocci by that the minutes of October 2, 2017 be approved as presented. Motion was carried

Public Hearing:

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.

No one from the public chose to speak.

Chairman Curto closed the Public Hearing closed at 7:08 PM

A site visit occurred on November 4, 2017 at 9am

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

- 1) Mr. Koval commented: No, it's the exact same layout as the building next door;
- 2) Mr. Koval commented: They wouldn't be able to build a viable building without the variances;
- 3) Ms. Paluocci commented: No, there is no visual impact;
- 4) Mr. Hansen commented: No, there is no impact to the surrounding neighborhood;
- 5) Mr. Hansen commented: It is self-created to a degree, but it is required to build a reasonable building.

Mr. Koval made a motion to approve the Area Variance, seconded by Mr. Hansen. 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. John Higgins, 31 Cary Road stated that the applicant could construct a single-family home and not need the variance. Mr. Leece explained that the PPD was approved for twin homes in that section and as such they are required to construct twin homes.

Mr. John Higgins stated that the applicant could amend the PDD to allow for construction of a single-family home. Mr. Leece explained that the entire street is twin home and a single-family home would be fit the character of the neighborhood.

Mr. Koval asked how many other twin homes were in that area. Mr. Leece explained that there were 20 other twin homes, that the entire street was twin homes.

Chairman Curto closed the Public Hearing closed at 7:14 PM

A site visit occurred on November 4, 2017 at 9:30am

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

- 1) Mr. Koval commented: No, all surrounding homes are twin-homes;
- 2) Mr. Koval commented: It could be a single-family home, but given everything else is twin homes I do not think it would fit with the character of the neighborhood if it was a single-family home;
- 3) Ms. Hansen commented: No, it is only a small portion of the building, the lot is not symmetrical and it meets front yard setbacks;
- 4) Ms. Paluocci commented: No, there will be no impact on the surrounding area;
- 5) Mr. Hansen commented: It was self-create to a degree, but it is necessary to build an adequate building.

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

New Business:

Greg's Seasonal Service, 25 Lape Road- Area & Use Variance

Ms. Andrea DiDomenico and Mr. Greg Bombard presented the application. They are before the Board seeking variances as it relates to the proposed landscaping business at 25 Lape Road. The applicant was cited by the Building Department for running an unapproved business at their residence, after contacting the Planning Department the applicant was informed that a landscaping company was not an allowed use within the R-1 Zoning District and as a result would require a Use Variance. Since that time the applicant has consolidated the lot containing the landscaping business with the adjacent lot containing his single-family home as an accessory structure is not permitted on a lot without a primary structure. As a result of this consolidation they are also seeking an area variance as the current home does not meet today's front yard setback requirements. They are seeking a variance as it relates to the existing single-family home does not meet front yard setbacks and a use variance to allow for a C-1 (commercial) landscaping business in an R-1 Zoning district.

Ms. DiDomenico provided photos of the property in question to the Board to be entered into the record.

Chairman Curto asked how many buildings were on site; Ms. DiDomenico stated that there was a home, pole barn and several sheds on site.

Mr. Koval asked how this tenant was discovered; Mr. Marlow stated that the Code Enforcement discovered the applicant operating a business without proper approvals.

Ms. DiDomenico explained that all the materials on site are used for jobs and that there will not be any retail sales of product and no customers on site at any time.

Mr. Bombard stated that he has all the proper permits for all structures on site.

A Site visit will occur on December 2, 2017 at 9:00am.

A Public Hearing will be held on December 4, 2017.

Mr. Koval made a motion to have a Public Hearing on December 4, 2017, Mr. Hansen seconded. Motion was carried.

Power's Pub, 130 Meyer Road- Expansion of Pre-Existing/Non-Conforming Use

Ms. Cathy Drobny recused herself from the application

Mr. Bryah Gifford presented the application. The applicant is seeking approval to utilize the existing barn at 130 Meyer Road for catering preparation and storage. Giffy's BBQ owned by the same operator as Power's, plans to use the space as a preparation and storage area for goods related to their catering business. The barn is being renovated by the applicant and previously was used exclusively for storage. The site is deemed a pre-existing/non-conforming site that allows Powers Irish Pub to operate as a restaurant in an A-R and allows for storage in the barn. Due to the proposed catering use of the barn the Planning Board denied the application and they are before the ZBA seeking an Expansion of Pre-Existing/Non-Conforming Use.

Mr. Hansen asked what the underlying zoning was; Mr. Marlow explained that it was A-R Agricultural-Residential.

Mr. Koval asked what was in the surrounding area; Mr. Marlow explained that there are small offices, and antique shop, several duplexes, Stewarts.

Mr. Koval asked the applicant for clarification regarding the proposed use; Mr. Gifford stated it would be for food preparation as it relates to their catering business with no retail component proposed and no vehicle stored on site.

Mr. Marlow clarified for the record that this is only for the catering use and does not include the additions to the site that have been made, that the applicant would need to obtain the necessary approvals for them in the future. Mr. Gifford acknowledged that it was only for catering and that any other additions to the site would require further approvals.

A Site visit will occur on December 2, 2017 at 9:30am.

A Public Hearing will be held on December 4, 2017.

Chairman Curto made a motion to have a Public Hearing on December 4, 2017, Mr. Hansen seconded. Motion was carried.

Fronzcek Single-Family Home, 57 Ushers Road- Use Variance

Mr. Harold Berger presented the application. The applicant is before the Board seeking a Use Variance to allow for the construction of a single-family home. The 4.15 acre parcel is zoned LI-C and they now wish to build a single-family home but the underlying zoning does not permit the construction of a standalone single-family home. The applicant submitted a building permit for the proposed single-family home and was denied by the Building department as it is not an allowed use in the zoning district.

Mr. Griggs asked if there were any wetlands on site. Mr. Fronzcek said that he was not aware of any but he knows that the beavers have built dams there over the years

A Site visit will occur on December 2, 2017 at 10:00am.

A Public Hearing will be held on December 4, 2017.

Ms. Curto made a motion to have a Public Hearing on December 4, 2017, Ms. Paloucci seconded. Motion was carried.

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

Mr. Koval recused himself from this application

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

Chairman Curto explained that the ZBA had received an email from the Director of Code stating that states that all four apartments have been inspected and meet code and are fit for human occupancy.

Mr. Hansen made a motion to approve the Expansion of a Pre-Existing/Non-Conforming Use, seconded by Ms. Curto. Motion was carried.

Ms. Curto made a motion to adjourn the meeting, seconded by Mr. Hansen. 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 7:56 PM.

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