

**Town of Halfmoon Zoning Board of Appeals
Meeting – Monday December 4, 2017
7:00 PM**

Chairman Curto called the meeting to order at 7:00 PM on Monday December 4, 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 (absent)
Planner - Mr. Marlow
Town Attorney – Cathy Drobny

Motion made by Mr. Hansen and seconded Mr. Paluocci by that the minutes of November 6, 2017 be approved as presented. Motion was carried

Public Hearing:

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.

Lyn Murphy clarified on the record that the application currently before the ZBA does not include site plan changes made, specifically the sidewalk that has been installed.

Mr. Gifford acknowledged that this approval was just to allow for catering preparation and storage to be considered an allowed use at the site, and that he would need another variance and site plan approval to make changes to the site.

John Higgins, 31 Cary Road stated that he was not against the proposal but expressed concerns with the current dumpster location on the north side of the barn, stating that it does not allow the Town the ability to access and maintain the sediment trap in the stream. He also expressed concerns with trucks loading and unloading by the barn on Meyer Road, stating it is a safety concern that should be addressed.

Ms. Murphy clarified that the site plan improvements are not part of this current application and that they would need to come back for any changes to the site plan.

Chairman Curto closed the Public Hearing closed at 7:24 PM

A site visit occurred on December 2, 2017 at 9:30am

Mr. Koval made a motion to approve the Expansion of a Pre-Existing/Non-Conforming Use with the condition that signage be placed on site to label loading/unloading areas, seconded by Mr. Hansen. Motion was carried.

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.

Steven Konsistorum, 23 Oregon Trail raised concerns for the potential future development and rezoning of Mr. Bombard's property.

Mr. Koval asked Mr. Bombard if he had any future plans for development on this site. Mr. Bombard stated that at this time he does not have any plans for future development, that he hopes to eventually move his business to another, larger location as it grows.

Mr. Marlow clarified that any further development of this site would require some sort of approval, and that if he wished to subdivide or construct any more homes it would require Planning Board action, at which time adjacent property owners would likely get a notification of the proposal.

Constantine Konsistorum, 23 Oregon Trail stated that she had no objection to the application and believes the business does not cause any issues with traffic.

Chairman Curto closed the Public Hearing closed at 7:43 PM

A site visit occurred on December 2, 2017 at 9:00am

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

- 1) Ms. Paluocci commented: No, everything is enclosed and difficult to see;
- 2) Mr. Koval commented: No, the house was already there;
- 3) Ms. Hansen commented: No, it's pre-existing, nothing is changing;
- 4) Mr. Hansen commented: No, other houses in this area have the same setback issues, and the ZBA has granted similar variances to this in the past for this stretch of road;
- 5) Mr. Hansen commented: No, they bought the house as is it.

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

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

- 1) Chairman Curto commented: No financial evidence was submitted; Mr. Koval stated that this does not apply;
- 2) Mr. Koval commented: It is not unique, there are two other businesses around;
- 3) Ms. Koval commented: No, it's an existing business that is already there;
- 4) Mr. Koval commented: It is self-created because he stated the business there but it does not have a great impact on the area.

Mr. Koval made a motion to approve the Use Variance, seconded by Mr. Hansen. 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.

No one from the public chose to speak.

Chairman Curto closed the Public Hearing closed at 8:08 PM

Mr. Hansen commented that the area is a mix of residential and commercial uses, and at some point the Town changed it to non-residential zoning even though it is likely more residential.

A site visit occurred on December 2, 2017 at 10:00am

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

- 1) Mr. Koval commented: It could be used other ways but it is better that it is residential;
- 2) Mr. Hansen commented: It is unique, even in the area it is;
- 3) Ms. Koval commented: No, there are other residences there already;
- 4) Mr. Hansen commented: No, nothing has been changed.

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

New Business:

Salvatore Iavarone Garage, 6 Willowbrook Terrace- Area Variance

Mr. Sal Ivarone presented the application. The applicant is before the Board seeking approval to construct a new 30'x 30' garage in the front yard of the property on an existing paved area where vehicles are currently being parked. Due to the fact that the property is on a corner lot, they cannot locate the garage behind/on the side of the existing home and as a result would like to construct it in the front yard. They are before the Board seeking an area variance to allow them to construct an accessory structure in the front yard.

A Site visit will occur on December 30, 2017 at 9:00am.

A Public Hearing will be held on January 2, 2018.

Mr. Koval made a motion to have a Public Hearing on January 2, 2018, Ms. Paloucci seconded. Motion was carried.

Vaccarielli Single-Family Home, 110 Pruyn Hill Road- Area Variance

Mr. Craig Meyer presented the application. The applicant is before the Board seeking a variance as it relates to the proposed construction of single-family home on a substandard lot. The property on Pruyn Hill Road is a Pre-Existing/Non-Conforming lot and the applicant wishes to construct a single-family home. The lot as it sits does not meet today's area requirements for lot size and frontage and as a result they are before the Board seeking area variances related to lot size and road frontage.

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

A Public Hearing will be held on January 2, 2018.

Mr. Koval made a motion to have a Public Hearing on January 2, 2018, Mr. Hansen seconded. Motion was carried.

Mr. Koval 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 8:27 PM.

Town of Halfmoon Zoning Board of Appeals