

**Town of Halfmoon Zoning Board of Appeals
Monday – December 1, 2014
Agenda – 7:00 p.m.**

Minutes of November 3, 2014

Old Business:

Public Hearings:

Wilfredo Miranda, 1480 / 1482 Route 9 – 278.4-2-52 and 278.4-2-55

The Board will do a re-approval of their approval made at the October 6, 2014 meeting

Stewarts Shop #112: 1403 Route 9 – SBL #

Mr. Chris Potter, applicant for Stewart's Shops Corp., at 1403 Route 9 is requesting to construct a 1,100 SF gas canopy and eliminate the existing gas canopy; in addition, to also eliminate the full access ingress/egress on Route 9 and construct a consolidated right-in/right-out only along Route 9 in it's place. The applicant is in need of the following variances:

Front Yard-(Route 9): Pursuant to Section 165, Attachment 1, Schedule A, and Section 165-34C, Town Code requires a 50' front yard setback for the canopy (accessory structures in C-1 must have the same setback as the principal structure). The proposed canopy is 14' from Route 9, requiring a variance of 36'.

Front Yard-(Church Hill Road): Pursuant to Section 165, Attachment 1, Schedule A, and Section 165-32C, Town Code requires a 50' front yard setback. The pre-existing building is 10' from Church Hill Road, requiring a variance of 40'.

Rear Yard Setback and Transition Yard: Pursuant to Section 165-32F and Section 165, Attachment 1, Schedule A, Town Code requires a 100' setback or 50' setback with fencing or evergreen plantings for the rear yard that abuts the residential-zoned/use lot to the east. The pre-existing setback of the existing building is 14', requiring a setback of 86' or 36', respectively.

Parking Spaces: Pursuant to Section 165-35C and Section 165, Attachment 2, Schedule B, Town Code requires twenty-seven (27) off-street parking spaces and twenty (25) are shown on the revised site plan. Therefore, a variance of two (2) off-street parking spaces is required.

The applicant received a denial from the Planning Board on the original site plan at the September 8, 2014 meeting and was again denied on the revised site plan at the Monday, November 10, 2014.

Lands of Sabourin – 29 & 33 Church Hill Road – SBL #

Mr. Duane Rabideau, from VanGuilder Associates applicant for the Sabourin's at 29 and 33 Church Hill Road is requesting a Minor Subdivision (Lot Line Adjustment) for property located in the Town of Halfmoon in an R-1 Residential Zone allowing all of the accessory structures of 29 Church Hill Road to become part of 33 Church Hill Road . Two of the existing structures at 33 Church Hill Road do not currently meet the appropriate setbacks for accessory structures in an R-1 Residential zone, and it has been determined by the Planning Board that the proposed subdivision would abolish any and all pre-existing status of the site, and as a result of the inadequate setbacks, the site would no longer be in compliance. The applicant is in need of the following variance:

Side Yard Setback: Pursuant to Section 165-34.B(1), a minimum 5' side yard setback for residential accessory structures is required. The west side of two existing accessory structures, both labeled "Garage", are less than 5'. The larger garage has a setback of 3.7' +/- and the smaller garage is estimated by staff to have a setback of 4.5'. Therefore, variances for side yard setbacks of 1.3" and .5" respectively, are required.

The applicant received a denial from the Planning Board at its meeting of Tuesday, October 14, 2014.

Joseph Backowski – 4 Mann Blvd. – 266.13-1-41

Mr. Backowski received a letter from Code Enforcement on October 10, 2014 and a stop work order on October 8, 2014, for constructing a garage without a building permit. He then applied for a building permit on October 27, 2014 and received a denial. Pursuant to the General Code for the Town of Halfmoon, Article VII Section 165-34, Accessory buildings; height and location, Part B: It states that "Location of Residential accessory buildings may be erected within rear and side yards in accordance with the following requirements: (1) Rear or side yard: five feet from side or rear property line. (2) Side yard, street side of corner lot: same as for principal building. (3) Not closer to a principal building than 10 feet."

Mr. Backowski is requesting an area variance to finish constructing a 24' x 24' garage located at his home with the garage being located in front of his primary structure.