

**Town of Halfmoon Zoning Board of Appeals
Meeting – Tuesday September 4, 2018
7:00 PM**

Chairman Curto called the meeting to order at 7:0 PM on September 4, 2018 at the Halfmoon Town Hall with the following members present:

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

Motion made by Mr. Micelli and seconded Mr. Koval by that the minutes with changes of August 6, 2018 be approved as presented. Motion was carried

Public Hearing(s):

Giffy's Bar-B-Q, 130 Meyer Road- Expansion of a Pre-Existing/Non-Conforming Use

****Due to technical complications, this portion of the meeting was not recorded****

Mr. Bryah Gifford presented the application. The applicant is before the Board seeking approval to expand on the pre-existing/non-conforming use at 130 Meyer Road. Giffy's Bar B-Q currently occupies the barn next to Power's Pub for the purpose of a catering prep station, which was approved by the Board earlier this year (following approval by the ZBA for an expansion of the pre-existing/non-conforming use). They now wish to complete the expansion plans previously discussed with the Board. They are now proposing a 1,218 SF addition onto the south side of the renovated barn. The applicant states the expansion is similar to the original addition to the barn. Additionally, they are proposing a 348 SF addition to the north side of the barn and a deck on the west side. They propose the additions to allow the barn to be utilized as a banquet facility for various events. Due to the pre-existing nature of the site the applicant was denied by the Planning Board in order to appear before the ZBA for an Expansion of Pre-Existing/Non-Conforming Use.

The Board entered into the record a letter of support for the application.

No one from the public chose to spoke; Chairman Curto closed the Public Hearing at 7:12 pm.

A site visit occurred on August 25, 2018 at 9am

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

****Tape recording began at approximately 7:14 p.m. ****

Bubb Single-Family Home, 18 Cary Road- Area Variance

Mr. Arthur Bubb and Mr. Antonio Trimarchi presented the application. The applicant is before the Board seeking approval for several area variances related to the construction of a new single-family home at 18 Cary Road. The currently lot contains an accessory structure nearer to the road and they wish to construct a single-family home further back off the road. Per the Town Code you are required to

measure the front yard setback (50-feet) from the point at which the lot opens to the required frontage. Due to the utilities available on site, the applicant is required to have 150-feet of road frontage, which occurs at approximately 350-foot depth on the lot. The applicant has proposed to construct their home within the 50-foot setback due to the amount of large trees in the rear of the lot. Due to the proposed configuration of the single-family home, and the existing accessory structure the applicant was denied the building permit is before the Board for several area variances.

Mr. Trimarchi handed out to the Board a new plan showing a more approximate location of the proposed house.

Mr. Micelli asked if the septic tank could be moved; Mr. Trimarchi stated that if they moved the septic field back they would have to cut into the existed wooded area and preferred not to disturb the existing buffer.

Mr. Don Fletcher, 44 Rolling Hills Drive stated that he would like to see as much of the buffers remain as possible.

The Board entered into the record a letter of opposition to the project.

Chairman Curto closed the Public Hearing at 7:28 pm

A site visit occurred on August 25, 2018 at 9:30am

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

- 1) Mr. Koval commented: No, it's a small area being impacted
- 2) Mr. Micelli commented: Due to the constraints of the property, this is the best location, Mr. Koval noted that based off what is presented it would be the best location for the home.
- 3) Mr. Koval commented: No, it's a small area that is impacted;
- 4) Mr. Griggs commented No, this is the best location for the environment;
- 5) Mr. Koval commented: Somewhat, but going further back would have a larger impact on the area and neighbors.

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

Faye Involotska Wholesale Bakery & Residence, 10 Route 236 – Area Variance

Ms. Faye Involotska presented the application. The applicant is before the Board seeking several area variances as it relates to the proposed bakery and residential unit at 10 Route 236. The applicant has appeared before the Planning Board on several occasions to utilize the existing single-family home as a bakery with a residence incidental. In addition to the proposed bakery component, the applicant is also proposing to construct a 838 SF addition on the house to make the total square footage of the building being 2,349 SF (1,154 SF residence, 1,195 SF bakery). The site as it sits is a pre-existing/non-conforming site and due to the proposed addition on the existing building the applicant was denied by the Planning Board and is before the ZBA seeking several area variances.

Mr. Micelli asked what they would be producing on site; Ms. Involotska said she would be making bread for wholesale purposes.

A site visit occurred on August 25, 2018 at 10am

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

- 1) Mr. Micelli commented: No, it's zoned C-1, it's an allowed use ;
- 2) Mr. Koval commented: No, it's difficult with setbacks;
- 3) Mr. Koval commented: No, the business is in the basement;
- 4) Mr. Micelli commented There is no impact on the area, Mr. Koval noted there are lots of businesses in that area;
- 5) Mr. Koval commented: No, they are cleaning up a run down building.

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

New Business:

Klapija Duplex, 281 Grooms Road- Area Variance

Mr. Jason Dell of Lansing Engineering presented the application. The applicant is before the Board seeking approval for an area variance as it relates to the proposed construction of a 3,000 SF duplex at 281 Grooms Road. The lot currently contains a single-family home that has been condemned by the Building department and is no longer habitable. The applicant proposes to remove the structure in order to construct a new duplex. Town Code requires that the applicant have 40,000 SF and the lot as it sits only has 20,473 SF. Due to the size of the existing lot, the applicant is unable to meet the minimum lot requirements and was denied by the Coordinator of Building and Planning. He further noted that they had previously been denied by the ZBA for a 3,400 SF duplex and have since reduced the size of the duplex and are seeking approval for the appropriate variances for a smaller structure.

Mr. Dell noted that upon further research there was approximately 30 duplexes in the immediate area, many are on smaller lots that required by code.

Mr. Dell noted that under the Town Code could build a 3,000- 4,000 SF commercial office building, but it would have a substantially larger impact no traffic along Grooms Road than a single duplex.

Chairman Curto asked if they considered constructing a single-family home there; Mr. Dell noted that they had thought about it but felt it would be difficult to market across the street from a business and surrounded by duplexes.

Mr. Griggs asked if Aspen Ridge was a Planned Development District; Mr. Marlow stated he did not believe it was, that prior to 2012 there was different, less restrictive standards for constructing a duplex; no Special Use Permit was required when they were constructed.

Mr. Griggs asked if all the duplexes in back of their site are the same size; Mr. Dell noted they are all similar size to what they are looking to construct.

Mr. Koval asked what the overall size reduction was from the last application; Mr. Dell said the previous application was for a duplex around 3,200 SF and this application was for one around 2,800-3,000 SF and fits within the required setbacks.

A Public Hearing will be held November 5, 2018

Chairman Curto made a motion to set a Public Hearing for November 5, 2018, seconded by Mr.Koval Motion was carried.

Mr. Koval made a motion to adjourn the meeting, seconded by Mr. Micelli. 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 7:48 PM.

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