

**Town of Halfmoon Zoning Board of Appeals**  
**Meeting – Monday July 1, 2019**  
**7:00 PM**

Chairman Curto called the meeting to order at 7:03 PM on July 1, 2019 at the Halfmoon Town Hall with the following members present:

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

*Mr. Koval made a motion to Approve the June 6, 2019 Zoning Board of Appeals minutes, Ms. Paloucci seconded Minutes Approved.*

**Public Hearing(s):**

**Skaarup Garage, 227 Upper Newtown Road- Area Variance**

Mr. Adam Trudeau presented the application. The applicant is before the Board seeking an area variance as it relates to the construction of a proposed storage barn. They would like to construct a new 40'x 50' garage in the rear of his property at 227 Upper Newtown Road and intend to construct it in a fashion to mirror the rural design of the surrounding areas. The applicant indicates that they have several acres and as such has large equipment to maintain the property, due to the large equipment they need to have a larger first floor on the proposed garage. In addition to the large equipment, the applicant has a significant amount of items from two previous homes he needs to allocate room to store. The applicant is proposing a garage that is approximately 26'9" in height due to the need for the truss span to meet Building Code. Due to the need for an increase height of the building, the applicant is unable to meet the necessary height requirements and is before the Board seeking a variance for the height of the accessory structure

There was no public comment.

Chairman Curto closed the Public Hearing at 7:06.

A site visit occurred on June 22, 2019 at 9am

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

- 1) Mr. Micelli commented: No, it's well setback, Mr. Koval noted it fits the character of the area;
- 2) Mr. Koval commented: No other way, Mr. Micelli agreed;
- 3) Mr. Micelli commented: Yes, it sits far back and fits the area;
- 4) Mr. Koval commented No impact, Mr. Micelli agrees;
- 5) Mr. Koval commented Yes, but not significant; Mr. Micelli agreed.

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

**New Business:****Barnum Single-Family Home, 84 Tabor Road- Use Variance**

Mr. Greg Barnum presented the application. The applicant is before the Board seeking a use variance as it relates to the proposed construction of a single-family home at 84 Tabor Road. The lot as it sits is zoned LI-C with the parcel immediately to the east being zoned A-R, the applicant wishes to ultimately subdivide the piece into two parcels in order for his children to be able to construct a single-family home on each lot. Due to the fact that a single-family home is not an allowed use in the LI-C zoning district, the applicant's building permit was denied. They are here before they Board seeking a Use Variance to allow for a single-family home to be constructed in an LI-C zoning district. The applicant noted that when they purchased the property it was zoned A-R, then rezoned to LI-C, furthermore that in the past the family has proposed development of this area with allowed LI-C uses and the applications were not viewed favorably by the Town or neighbors.

Mr. Micelli asked if the people who signed the petition in support lived close; Mr. Barnum stated that they are all neighbors in the immediate area.

Mr. Barnum explain that when they purchased the property it was zoned A-R, then rezoned to LI-C, furthermore that in the past the family has proposed development of this area with allowed LI-C uses and the applications were not viewed favorably by the Town or neighbors.

A site visit will be conducted July 20, 2019 at 9am

A Public Hearing will be held on August 5, 2019.

*Chairman Curto made a motion to hold a Public Hearing at the August 5, 2019 meeting, Mr. Micelli Seconded. - Unanimous*

**Snyder's Convenience Store, 1717 Route 9- Area Variance**

Mr. Duane Rabideau presented the application. The applicant is seeking an area variance as it relates to the construction of the proposed gas canopy at 1717 Route 9. The site currently operates at Snyder's Restaurant and they wish to convert the restaurant into a gas station/deli with associated gas pumps. The applicant appeared before the Planning Board at the June 24, 2019 Planning Board meeting at which time the Board raised concerns regarding: Traffic flow internally to the site; ingress/egress from the site; internal turning radius for large trucks; and overall increase of traffic volume with the use. The Board subsequently denied the application as the proposed canopy is unable to meet front yard setbacks.

Mr. Koval stated that he had concerns with the parking spaces that were in the right-of-way; Mr. Marlow explained that the Town would not be able to approve parking spaces that were in the right-of-way.

Mr. Rabideau stated that they are looking at the site plan and looking at a way to increase the number of parking spaces on site.

Mr. Koval asked if there was any traffic studies conducted for the project; Mr. Rabideau stated that there had not been any done but would likely be required as part of Planning Board review. He further noted that there are two controlled intersections near Snyder's.

Mr. Koval noted that there does not appear to be any west bound access to the site; Mr. Rabideau explained the proposed ingress/egress on the site.

Mr. Micelli noted that he would like to see a traffic study for this project, Mr. Koval agreed and stated that there may be difficulties with tractor trailers getting in and out of the site coming from certain directions.

Mr. Rabideau explained that will have to work out final details on the plan for things like that.

Mr. Micelli asked who would conduct the traffic study; Mr. Marlow explained that the Town has a list of engineering firms which they hire to conduct independent traffic studies when a study is warranted.

Mr. Koval stated he feels uncomfortable calling for a Public Hearing given the information presented, Mr. Micelli stated he feels the biggest concern is traffic, especially delivery trucks and tractor trailers.

Mr. Koval noted there are other issues with site circulation, traffic flow and overall intensity of the use and that it may not be a great use of the site.

Mr. Marlow clarified that should this application get back to the Planning Board they will likely request a traffic study.

Chairman Curto asked council if they could make a motion to deny the application; Ms. Drobny advised the Board they should have a Public Hearing before making a motion to approve or deny the application.

Mr. Rabideau requested that the Board table the application before taking a vote to deny.

A Public Hearing will be held on August 5, 2019.

*Chairman Curto made a motion to hold a Public Hearing at the August 5, 2019 meeting, Mr. Micelli Seconded. - Unanimous*

#### **19 Old Route 146 Office, 19 Old Route 146- Area Variance**

Mr. Duane Rabideau presented the application. The applicant is seeking to construct an office building on the vacant parcel at 19 Old Route 146. The lot is a pre-existing/non-conforming lot that in the past was utilized by a single-family home which has since been removed. At this time they wish to construct a 2,408 SF office building with approximately 13 parking spaces with a tenant to be named at a future time. The property is zoned C-1 and an office use is permitted. At the March 4, 2019 meeting the applicant was granted several area variances, since that time the applicant has revised the plans to move the building closer to the road at a similar setback of adjacent properties in order to keep with the character of the neighborhood.

Chairman Curto asked if this is the same size as previously proposed; Mr. Rabideau said it was but it was rotated to fit the site.

Chairman Curto asked if all but ABC Nursery had a similar setback; Mr. Rabideau stated that this would be the 5<sup>th</sup> building with a setback of this nature on the road.

A Public Hearing will be held on August 5, 2019.

*Mr. Koval made a motion to hold a Public Hearing at the August 5, 2019 meeting, Mr. Micelli Seconded. - Unanimous*

*Ms. Paloucci 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.

Meeting adjourned at 7:30 PM.

Town of Halfmoon Zoning Board of Appeals