

**Town of Halfmoon Zoning Board of Appeals
Meeting – Monday August 5, 2019
7:00 PM**

Chairman Curto called the meeting to order at 7:01 PM on July 1, 2019 at the Halfmoon Town Hall with the following members present:

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

Mr. Micelli made a motion to Approve the July 1, 2019 Zoning Board of Appeals minutes, Mr. Griggs seconded Minutes Approved.

Public Hearing(s):

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.

There was no public comment.

Chairman Curto closed the Public Hearing at 7:04.

A site visit occurred on July 20, 2019 at 9am

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

- 1) Mr. Griggs commented: The residential use is in keeping with the area, I did not hear any evidence that there is not another use that can be used on that property;
- 2) Mr. Micelli commented: There are no existing business in that area;
- 3) Mr. Griggs commented: No, its residential, no real business;
- 4) Mr. Micelli commented No it was not self-created;

Chairman Curto made a motion to approve the Use Variance, seconded by Mr. Micelli, Motion was carried

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

This application was withdrawn by the applicant

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.

There was no public comment.

Chairman Curto closed the Public Hearing at 7:10.

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

- 1) Mr. Micelli commented: No, it's all businesses in that area;
- 2) Chairman Curto commented: The building could be in the rear and eliminate the need for the variance, the two adjacent buildings are pre-existing and residential uses, the nursery down the road has the parking lot in front of the building, the requested variance of 32-feet would be substantial;
- 3) Chairman Curto commented: Yes, Mr. Micelli agreed;
- 4) Mr. Micelli commented No negative impact, mostly businesses in that area;
- 5) Chariman Curto commented: Yes, parking can be located in front, Mr. Micelli agreed

Chairman Curto made a motion to deny the Area Variance, seconded by Mr. Micelli, Motion was carried

Bruce Tanski asked for clarification on the fact that the Board denied the application due to the desire to have the parking in located in the front; Chariman Curto stated yes.

Mr. Tanski asked whether or not the adjacent properties setbacks had any impact on their decision; Chairman Curto stated that each project is looked at independently.

Mr. Tanski stated that other buildings are close to the road and his building was as well; Chairman Curto explained those lots were in existence prior to zoning and that he now has a vacant lot and a new building would need to follow today's requirements.

Mr. Tanski asked if one of the criteria for a test of a variance was whether or not it fit in with the character of the neighborhood; Chairman Curto explained that it is part of the test.

Mr. Tanski stated that moving it back behind the parking lot would not be in character with the neighborhood; Chairman Curto stated the nursery down the road has the parking lot located in front.

Mr. Tanski asked what his recourse would be at this time now that the application has been denied; Ms. Drobny stated she believes he would need to file an Article 78.

Mr. Tanski asked Mr. Marlow his opinion on this situation; Mr. Marlow declined to answer; Mr. Micelli noted that given the ethics laws Mr. Tanski should not be asking that question of Town Staff.

Chairman Curto 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 7:16 PM.

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