

**Town of Halfmoon Zoning Board of Appeals
Meeting – Monday October 4, 2021
7:00 PM**

Chairwoman Curto called the meeting to order at 7:00 PM on October 4, 2021 this meeting is being held in person and via Microsoft Teams following members present:

Members- Chairwoman Curto, and Kevin Koval (absent), Mr. Griggs
Alternate Member - Leonard Micelli, Dave Maxfield (absent)
Planner - Paul Marlow
Town Attorney – Cathy Drobny (absent), Lyn Murphy

Mr. Micelli made a motion to Approve the September 7, 2021 Zoning Board of Appeals minutes, Mr. Griggs seconded, Minutes Approved.

Public Hearing(s):

DiVigilio & Perking Addition, 41 Pawling Drive-Area Variance

Mr. Shaun Perkins presented the application. The applicant is before the Board seeking a variance as it relates to the proposed deck addition at their existing home at 41 Pawling Drive. Their current home does not meet today's setback requirement and they wish to expand on it with a 6-foot deck addition. Pursuant to Section 165-32(e) of the Town Code, the average front yard setback for this area is approximately 22.8-feet and following the proposed addition, their home would have a front yard setback of approximately 17.5 SF. Due to the fact that the house would not meet the average front yard setback, the building permit was denied by the Building Department. Due to the existing setback infringements, the applicant is before the Board for a setback related to average front yard setback.

Chairman Curto closed the Public Hearing at 7:04, there was no public comment.

A site visit occurred on September 18, 2021 at 9am

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

- 1) Mr. Micelli commented: No, no neighbors are opposed, it will fit in the area, Mr. Griggs noted there are many houses in that area that are similar and would not be out of character;
- 2) Mr. Micelli commented: They are just looking for more space;
- 3) Chairwoman Curto commented: Minimal at 5'3", Mr. Griggs noted it won't change the character;
- 4) Mr. Micelli commented: No; Mr. Maxfield noted it is not out of character for the area;
- 5) Mr. Maxfield commented: No, it was the best place to locate it at the time; Mr. Micelli noted it dips behind the pool.

Chairwoman Curto made a motion to approve the Area Variances as proposed, seconded by Mr. Micelli, Motion was carried

35 Woodin Road Subdivision & Duplex, 35 Woodin Rd- Area Variance

Mr. Chris Longo presented the application. The applicant is seeking to subdivide the existing parcel at 35 Woodin Road for the purposes of constructing a new duplex. The parcel as it stands is approximately 1.84 acres and

maintains an existing duplex, as part of their proposal they wish to subdivide the lot to construct a second duplex. Following the subdivision, the lots will be Lot 1= 0.92 ac; Lot 2= 0.92. Following the subdivision, Lot 2 will not meet the minimum road frontage requirement of 150-feet as it will only have 78-feet of frontage. The applicant appeared before the Planning Board at the August 9, 2021 meeting and was denied the proposed Minor Subdivision & Special Use Permit application. The applicant is before the Board seeking variances related to minimum lot width. They noted that the area where this is located is mostly made up of two-family dwellings.

Chairwoman Curto asked if there was a structure in place, there was a driveway; Mr. Longo noted that he was not aware of one but there is some activity and that they plan to stay away from the wetlands.

Mr. Micelli asked if this would be a rental or purchase; Mr. Longo noted he was not sure at this time, it will depend on who constructs it.

Mr. Griggs requested the applicant identify the wetlands on the plan; Mr. Longo did so.

Mr. Griggs asked where the new structure was in relation to the lean-to on site; Mr. Longo noted that the lean to is down towards the southern property line.

Mr. Micelli noted it would be level with the other duplex; Mr. Longo stated that is a reason for the variance, they could have considered a flag-lot but it would push the setback far back and it was not a practical footprint.

Mr. Micelli asked if there was any issues with the wetlands; Mr. Longo there may be a concern with the footings, but they will be far enough away, where the building will go is already disturbed.

Mr. Micelli noted that per the email received by the resident, the property has been vacant for approximately 25 years.

Mr. Matthew Guiderelli noted that the complaint submitted via email, that person is on Ponderosa Drive and does back up to this new lot.

Mr. Micelli asked if she had a view of the parcel; Mr. Guiderelli noted that he did not believe so, beyond this new lot there is another lot.

Mr. Griggs noted he believed you can see through on Ponderosa.

Mr. Griggs asked why the building is pushed so far back; Mr. Longo noted the plan on the projector was a different plan, the scenario would be for a flag lot and that they planned to move it closer to the road. The variance would be for the frontage to be able to maintain the 50-foot front yard setback.

Chairwoman Curto asked if there were any wetlands on the southside; Mr. Longo no, there is another dwelling there.

Mr. Griggs asked if they would be keeping any existing vegetation; Mr. Guiderelli stated they would keep as much as they could.

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Mr. Micelli asked about the review of the proposed driveway and parking; Mr. Marlow noted that the Planning Board would need to review the Special Use Permit for the duplex; in terms of parking, they will make sure there is enough parking and the application will have to discuss a curb cut permit with the Highway Superintendent.

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Chairwoman Curto closed the Public Hearing at 7:18 pm, there was no public comment.

A site visit occurred on September 18, 2021 at 9:45am

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

- 1) Mr. Micelli commented: No, the area is a similar decor;
- 2) Mr. Micelli commented: There are restrictions with wetlands and front yard setbacks;
- 3) Chairwoman Curto commented: Yes it is at 74-feet; Mr. Micelli agreed
- 4) Mr. Micelli commented: There are no major impacts; Mr. Griggs noted as long as the wetlands aren't impacted, this is already a busy road; Chairwoman Curto she agreed it is a very busy road.
- 5) Mr. Griggs commented: Yes, but it would be the best outcome if you subdivide

Chairwoman Curto made a motion to deny the Area Variances as proposed, based on the fact that it is a 74-foot variance, wetlands and this does not seem like the best used of the property, seconded by Mr. Micelli, Motion was carried 2-1. Chairwoman Curto-Aye, Mr. Micelli-Aye, Mr. Griggs-Nay- the Planning Board will need to review this and they have met the setbacks from the wetlands

Ms. Murphy noted that due to the three person quorum; if you fail to have three of you vote in the same way, it is by default denied.

Voland Single-Family Home, 758 Hudson River Road- Area Variance

Mr. Bob Wilkow presented the application. The applicant is before the Board seeking approval to construct a new home at 758 Hudson River Road. The pre-existing/non-conforming lot, once maintained a single family home and in November of 2020 the house burnt down. Since that time the property owner has opted to build a new home in its place but due to the substandard nature of the site, the building permit was denied. They are before the Board seeking variances related to lot width, front yard setback and lot area.

Mr. Griggs asked where the right-of-way edge is; Mr. Wilkow noted the road is about 30-feet; Mr. Griggs questioned that the ROW was approximately 10-15' on that side.

Mr. Wilkow noted that a typical ROW is 25-feet from center line, it would be 47-feet from the proposed face of the house to edge of pavement.

Mr. Griggs asked if the edge of pavement to the house is approximately 47-feet; Mr. Wilkow stated it was.

Mr. Micelli asked if the existing home was built in 1949; Mr. Wilkow stated he was not sure but the lot was created back then.

Mr. Griggs asked if the home was the same size; Mr. Wilkow stated it was square footage wise.

Mr. Marlow noted the layout may be a little bigger.

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Mr. Griggs noted he looked at mapping and the previous house was in a similar shape but more pronounced along the road.

Ms. Lyn Murphy stated if it was exactly the same it would be a pre-existing/non-conforming, something on this is different from the original footprint.

Mr. Marlow noted the building has been moved further to the north with the new home, the neighbors to the south noted it is getting further from their home.

Mr. Griggs asked if it would meet the side yard requirements if it was built as it was before; Mr. Marlow noted the previous house was approximately a 10-foot side yard setback. Mr. Griggs noted that this would be a better layout.

Chairwoman Curto closed the Public Hearing at 7:18 pm, there was no public comment.

A site visit occurred on September 18, 2021 at 10:15am

- 1) Mr. Micelli commented: No, they are replacing a home destroyed by fire;
- 2) Mr. Griggs commented: No, this is a better layout;
- 3) Mr. Griggs commented: The numbers are, it is a change to the pre-existing home to now, it is very minor, so I'd say it's not substantial;
- 4) Mr. Micelli commented: There is no impact on the neighborhood;
- 5) Mr. Griggs commented: The house burnt, it is self-created as the size changed but it is not major.

Chairwoman Curto made a motion to approve the Area Variances as proposed, seconded by Mr. Griggs, Motion was carried

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 7:34 PM.

Town of Halfmoon Zoning Board of Appeals