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**Town of Halfmoon Zoning Board of Appeals  
Meeting – Monday, December 5, 2022  
7:00 PM**

Chairwoman Curto called the meeting to order at 7:00 PM on December 5, 2022 this meeting is being held in person and via Microsoft Teams following members present:

Members- Chairwoman Curto, and Kevin Koval (absent), Frank Griggs (absent), Leonard Micelli, Dave Maxfield

Planner - Paul Marlow

Town Attorney – Cathy Drobny

*Mr. Micelli made a motion to Approve the November 7, 2022 Zoning Board of Appeals minutes, Mr. Maxfield seconded, Minutes Approved.*

**Public Hearing:**

**Willyard Garage, 1 Lower Newtown Road- Area Variance**

Mr. William Willyard presented the application. The applicant is seeking to construct a new garage for their existing home at 1 Lower Newtown Road. The home currently has a car port located in the front yard that has been located in the same place for approximately 24 years but has since become dilapidated and in need of replacement. The applicant wishes to construct a new 26'x30' garage in its place; the proposed garage is slightly larger than the existing carport but will match the color of the home. Town Code does not allow for accessory structures to be located in the front yard. Given the fact that it was located in the front yard, the building department denied the building permit as it stands. The applicant is before the ZBA for a variance to allow an accessory structure to be located in the front yard; the proposed structure is to be located in the front yard, the applicant is seeking relief from the requirement that it be located in either the rear or side yard. The applicant indicated he has spoken with the neighbors and they are all happy with the proposal.

Chairwoman Curto asked where the garage entrance would be; Mr. Willyard stated there will be two doors, there will be a 24'x 10' door in the rear by the house and then a 36"x 80" on the rear and a 10'x 10' door on the front.

Mr. Micelli asked if there would be power; Mr. Willyard stated there would be.

Mr. Micelli asked if the garage would be opened; Mr. Willyard stated it would not, there would be doors.

Mr. Micelli asked if it was strictly for storage; Mr. Willyard stated it would be for personal storage.

Chairman Curto closed the Public Hearing at 7:06, there was no public comment.

A site visit occurred on November 19, 2022 at 9am.

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

- 1) Mr. Micelli commented: No, it will be an improvement, and it's been there for 24 years, there is no problem in changing it., Mr. Maxfield noted removing a dilapidated structure and replacing it with a new one will be beneficial;
- 2) Mr. Micelli commented: The location is the only place to put it;
- 3) Mr. Micelli commented: No, the prior structure was there for 24 years;
- 4) Mr. Micelli commented: It's been there for 24 years, it is an improvement and a lot easier for the applicant to store equipment;
- 5) Mr. Micelli commented: No, it is deteriorating and in need of repair, it will be an improvement and it will be storage area for his business.

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

Mr. Marlow noted that the garage cannot be located in the right-of-way.

**New Business:**

**New Country Toyota, 202 Route 146- Area Variance**

Mr. Dan Tompkins of EDP Engineering presented the application. The applicant is seeking to expand the existing service facility at New County Toyota. The current facility is approximately 25,780 SF and is utilized as their service operations and collision repair facility. They are proposing a 2,218 SF addition to be dedicated to photo/video imaging of vehicles, as well as storage space for the parts department. They indicated that because the photo equipment is a large, rotating disk, or a large rotating module on the ceiling that spins around the car; they are unable to reduce the size of the addition to avoid a variance. The required front yard setback is 70-feet and with the proposed addition, the building will be approximately 68.3-feet, requiring a variance of approx. 1.7 ft. Because of the proposed addition does not meet minimum setback requirements, the applicant was denied at the November 14, 2022 Planning Board meeting in order to request the necessary variances from the Zoning Board of Appeals.

Mr. Micelli asked if this was behind the body shop; Mr. Tompkins stated if you look at the floorplan, the body shop is immediately behind where the proposed addition would be. To the other side is all service operations.

Mr. Micelli asked if this would be in the drive isle; Mr. Tompkins noted they would disperse some parking, but it would be on the front of the building in the existing notch on the front.

Mr. Maxfield asked if this could go in the back; Mr. Tompkins stated yes, this is right next to the existing parts department, so it is a logical flow. Locating in the back may cause site circulation issues.

Mr. Micelli asked if the parts was in the showroom; Mr. Tompkins clarified that the service/parts center is the old showroom when this site was previously a dealer. They have since relocated the dealer to the building to the south. The only relation between sales and service is when people drive up to service bays and written up.

Mr. Micelli asked if the dumpster was on this side; Mr. Tompkins stated it is on the other side.

Mr. Maxfield asked if the photobooth can be in the back, with the storage in the front; Mr. Tompkins stated it would not be ideal based on how they have the current service operations and body shop.

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Mr. Maxfield noted it's not ideal, but it's doable; Mr. Tompkins stated that he doesn't want to say it is doable, if they are denied this application, they will likely look at a completely different location. There is a lot going on in the back, there was a previous addition years ago and it's as far as it will go. Adding more will impact access around the back of the building.

Mr. Maxfield asked if they would be adding parking spaces, and if they were, do they plan to add more; Mr. Tompkins stated they would be losing approximately six spaces, but they have sufficient parking on site.

A site visit will occur on December 17, 2022 at 9am.

*Chairwoman Curto made a motion to hold a Public Hearing at the January 3, 2023 meeting, Mr. Maxfield Seconded. - Unanimous*

*Chairwoman 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 7:22 PM.*

*Town of Halfmoon Zoning Board of Appeals*