

6/5/23

**Town of Halfmoon Zoning Board of Appeals  
Meeting – Monday, June 5, 2023  
7:00 PM**

Chairwoman Curto called the meeting to order at 7:03 PM on June 5, 2023 this meeting is being held in person and via Microsoft Teams following members present:

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

Planner - Paul Marlow

Town Attorney – Cathy Drobny

*Mr. Koval made a motion to Approve the May 1, 2023 Zoning Board of Appeals minutes, Mr. Micelli seconded, Minutes Approved.*

**Public Hearing:**

**3 Jones Road Subdivision, 3 Jones Road - Area Variance**

Mr. Christopher Bast of The Rexford Group Associates presented the application. The applicant is seeking a lot line adjustment between 1 Jones Road and 3 Jones Road. The two lots are currently pre-existing/non-conforming with one (Lot 2) maintaining a single-family home. In their current state, the lots are (approx.): Lot 1= 0.06 ac and Lot 2= 0.79 ac. Following the lot line adjustment, the two new lots would be: Lot 1= 0.38 ac and Lot 2= 0.53 ac, with the applicant restricting Lot 1 to remain vacant. As proposed, both lots would still be non-conforming. They indicated that there is no intention to develop the lot but wished to maintain the smaller parcel should they want to sell the lot with the home. The applicant was denied by the Planning Board at the February 27, 2023 meeting due to the inability to meet minimum area requirements. The applicant is before the ZBA for several area variances related to lot areas and front yard setback.

Mr. Koval asked if there is any plans for development on the vacant lot; Mr. Bast stated there is not, they won't get any extra money for it and want to keep control of it.

Chairwoman Curto closed the Public Hearing at 7:05, there was no public comment.

A site visit occurred on May 23, 2023 at 9am.

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

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
  - a. Mr. Micelli commented: No, they are just redrawing the previous property lines;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
  - a. Mr. Koval commented: No, there is no other way;

3. Whether the requested area variance is substantial.
  - a. Mr. Koval commented: It is not substantial for that area;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
  - a. Mr. Micelli commented: No, there will be no changed to the area, it is the same property
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.
  - a. Mr. Koval commented: it is self-created, but it does not affect the request.

*Chairwoman Curto made a motion to approve the Area Variances as proposed, with the condition that Lot 1 will remain vacant of any building structure, seconded by Mr. Micelli. Motion was carried*

**New Business:**

**Brady Pool House, 298 Grooms Road- Area Variance**

Ms. Heidi Hayes presented the application. They are before the Board seeking approval to construct a new pavilion adjacent to their existing pool. The pool is currently located in the front yard of the home and they wish to construct a 30'x 32'= 960 SF pavilion directly in front of the pool to provide coverage from the elements for those using the pool. The applicant submitted a building permit to the Town, which was subsequently denied by the Code Enforcement Office on March 24, 2023 as Town Code requires that all structures be located in the rear or side yard. They are before the Board seeking variance to allow for an accessory structure to be located in the front yard.

Mr. Koval asked what the structure was; Ms. Hayes noted it is an open sided pavilion, in front our pool. It will not obstruct any homes.

Mr. Koval asked if they had obtained a pool permit; Ms. Hayes said they did.

Mr. Micelli asked if it was 30'x 32'; Ms. Hayes stated it was 30'x 32'.

Chairwoman Curto asked if the slab was there no for the pavilion; Ms. Hayes said it was not.

Mr. Micelli asked if they would construct it themselves; Ms. Hayes stated yes.

The Board will hold a site visit July 22, 2023 at 9am

*Chairwoman Curto made a motion to hold a Public Hearing at the August 7, 2023 meeting.*

*Chairwoman Curto made a motion to adjourn the meeting, seconded by Mr. Micelli. Motion was carried.*

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*These are summary minutes and are not word for word at the request of the Zoning Board of Appeals.*

*Meeting adjourned at 7:11 PM.*

*Town of Halfmoon Zoning Board of Appeals*