

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

Chairwoman Curto called the meeting to order at 7:03 PM on August 7, 2023 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 (absent), Richard Harris

Town Attorney – Cathy Drobny (absent), Lyn Murphy

*The June 5, 2023 meeting minutes were not adopted at the August 7, 2023 meeting.*

**Public Hearing:**

**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.

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

A site visit occurred on July 22, 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, this will just be a mid-size pavilion. Mr. Maxfield noted he did not believe the new pavilion would change the characteristics of the neighborhood as they own multiple properties at this location and there are sufficient trees in place to block the structure from the adjacent property and that property has a fence around their property;
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. Micelli commented: The pad is already there. Mr. Maxfield stated that he feels there are other options and he is not sure why something so large is needed, they could do a smaller gazebo could accommodate the same usage;

3. Whether the requested area variance is substantial.
  - a. Mr. Maxfield commented: It is not substantial;
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, only if no trees are being cut behind the property. Mr. Maxfield does not feel it is out of character for the area, a lot of homes typically have pavilion type structures by their pools to be out of the elements when needed. Chairwoman Curto noted there is a full line of evergreens that block the view from the road;
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. Maxfield commented: He does not feel it is self-created, the pool and pad exist, and they want to add to what is existing.

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

**New Business:**

**Lansing Garage Addition, 160 Clamsteam Road- Area Variance**

Mr. Bryce Tyrell presented the application on behalf of the property owner. The applicant is before the Board seeking approval for a variance as it relates to the proposed garage addition for their existing home at 160 Clamsteam Road. They are proposing to construct a 20'x 20' garage on the side of the house, which will be directly attached to the home. The home is a pre-existing/non-conforming residence that does not meet minimum requirements for front yard setback. The proposed addition would locate the home closer to the front and side yard property lines. The applicant submitted a building permit to the Town, which was subsequently denied by the Code Enforcement Office on June 6, 2023 as it did not meet minimum setback requirements. The applicant is before the Board seeking variances for front and side yard setbacks.

Mr. Micelli asked if the area he was referencing were wetlands; Mr. Tyrell noted on the other property is very wet, he was not sure if they were wetlands but it does hold water and it is a bit of a drainage ditch.

Mr. Maxfield asked if this would be built on the existing asphalt; Mr. Tyrell stated part of it would be, likely about half the garage.

Mr. Maxfield asked if this will be a two-stall garage and the height; Mr. Tyrell stated it will be a two-stall garage with standard 8-foot doors and will be around 18-feet tall.

Mr. Micelli asked if there would be any utilities; Mr. Tyrell stated just power, it will be used to store two cars.

Mr. Maxfield if this would match the existing home; Mr. Tyrell confirmed they would match it to the current home.

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Chairwoman Curto asked if there was a garage on the other side; Mr. Tyrell noted there was not and there was an old shed in the back corner of the property.

A site visit will occur August 19, 2023 at 9am.

*Chairwoman Curto made a motion to hold a Public Hearing at the September 5, 2023 meeting, Mr. Micelli seconded.*

*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 7:15 PM.*

*Town of Halfmoon Zoning Board of Appeals*