

Town of Halfmoon Zoning Board of Appeals
Meeting Minutes
January 3, 2012

Chairman Hansen opened the meeting of the Town of Halfmoon Zoning Board of Appeals at 7:00 p.m. on Monday, Tuesday, January 3, 2012 at the Halfmoon Town Hall with the following members present:

Members: Vice-Chairman Tedrow, Mrs. Jordan, Mr. Rose
Alternates: Mrs. Smith-Law
Town Board Liaison: Paul Hotaling
Town Attorney: Mr. Chauvin
Town Planner: Mrs. Zepko
Secretary: Mrs. Mikol - absent

Chairman Hansen commented that Mrs. Smith-Law, Alternate would be voting tonight in the absence of Mr. Brennan.

Motion was made by Mrs. Jordan and seconded by Vice-Chairman Tedrow that the minutes from the December 5, 2011 meeting be approved. Motion carried.

Joseph Lynch, 81 Sheldon Drive

The public hearing opened at 7:10 p.m. Chairman Hansen explained that the applicant would like to put a sunroom over a portion of their existing deck at their home.

Mr. Lynch commented that he lives at 81 Sheldon Drive. Our plan when we bought the house was not to do a sunroom right away. About nine months later we decided to put a 12' x 24' deck on the rear of the house. We applied for the building permit, the deck was built and we received our Certificate of Occupancy. Our plan further down the road was to put in a sunroom on it. We wanted something different than what the builder was offering so we contracted Comfort Windows to give us idea of what we wanted. We wanted a 12 x 12 three-season room off our kitchen sliding glass door and it would leave about a 12 x 12 deck remaining. At the time, I never knew there was a problem with the building setback line. There was no problem with it when we applied for the original deck permit. I was told at the last meeting that there were no rules for the deck but that there were setback requirements for the sunroom or screen room.

We are basically looking for a variance of 3' into the 25' rule and the other side of the deck would be about 8'. A few people came out prior to Christmas to look at it and I think some of you understand what the situation is. One side of us is "forever wild" and behind is lands of the Pingelski Family. There is a creek running through the property. I don't believe anything will ever be built close to the back of our house. The house next to us will not see our deck.

Chairman Hansen asked if anyone from the audience would like to speak. No one chose to speak.

Chairman Hansen asked the Board Members if they had any comments. The Homeowners Association for Sheldon Hills did approve the sunroom.

Mr. Rose asked if someone could clarify what the difference is between a deck and a sunroom? I think that I read in the notes that a deck is an unenclosed structure and would not require a variance regardless of the size.

Chairman Hansen commented that an open porch without a roof over it is not considered to be a structure in the same sense that a building is. You can have an open deck in your rear yard and its not considered to be part of the structure.

Mr. Rose commented that the reason why he asks is there is a question mark in the minutes in the last sentence. It is a legal deck. Since it becomes a structure it becomes an encroachment on the setback.

Mrs. Zepko commented that a deck doesn't become a setback requirement until it is enclosed then it has to meet the setback.

Mr. Lynch commented that when we were told that it was disapproved for a building permit. We are anxious to get going on it, we contracted out on it and the materials were ordered. There should be no major problems with this at all and it will improve the look of the neighborhood.

Chairman Hansen commented that before we make a decision we should go through the five questions that we need to consider before granting an area variance.

"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."

Vice-Chairman Tedrow commented that there would not be an undesirable change to the neighborhood. There are other houses in the area that have

sunrooms. It's in the back of the house. It would fit right in with what is there already.

"Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Chairman Hansen commented that he would make the observation that since the deck is already built and approved, and the sunroom needs support; there isn't any other feasible way to put this sunroom on the building other than to use the existing deck.

"Whether the requested area variance is substantial."

Mr. Rose commented that based on what they reviewed I don't believe it's a substantial request.

"Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and"

Mrs. Jordan commented that there is none whatsoever.

"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."

Mrs. Jordan commented that it is self-created; however, it's not necessary that it doesn't have to be so I don't think it should preclude it.

Chairman Hansen asked the Board if they were ready to make a decision?

Vice-Chairman Tedrow made a motion to approve the variance request and seconded by Mrs. Smith-Law Motion was unanimously approved.

Chairman Hansen reminded the applicant to go to the Building Department to get their building permit.

Motion made by Vice-Chairman Tedrow to adjourn the meeting, seconded by Mrs. Smith-Law Motion carried.

Meeting was adjourned at 7:30 p.m.

Respectively submitted by Denise Mikol, Secretary
Town of Halfmoon Zoning Board of Appeals

