

## **Zoning Board Minutes - May 3, 2004**

Chairman Hansen called the May 3, 2004 meeting of the Town of Halfmoon Zoning Board of Appeals to order at 7:32 pm with the following members present:

Vice Chairman Tedrow, Mr. Drake, and Mr. Rose – Zoning Board of Appeals members and Jeff Williams – Zoning Board Coordinator.

### **Kielty Subdivision**

Chairman Hansen opened the Public Hearing at 7:35 PM. Mr. Hansen explained that the item before for the Board is a request to create a second flag lot for the Kielty property located at 185 Brookwood Road in the Town of Halfmoon. The area is zoned Residential (R-1) and has public water and private septic available. Mr. Hansen asked if the applicant was present. Mrs. Dana Kielty stated yes. Mr. Hansen explained that there was a flag lot approved by the Town of Halfmoon Planning Board in 2000. Mr. Hansen asked if the proposed second flag lot would share the existing driveway for the first flag lot. Mrs. Kielty stated yes. Mr. Hansen stated that he understood that the existing residential parcel (the mother parcel fronting on Brookwood Road) has an in-law apartment. This would require the front lot to conform to the required area for a two-family structure with public water and private septic to 40,000 SF. Mrs. Kelly Dickinson (daughter) stated it is her desire to live in the existing front parcel and her mother would live in the proposed second flag lot. Mrs. Dickinson stated that she was not sure if they would keep the in-law apartment or remove but understood bringing the front lot into conformance with the required area for a two-family unit. Mr. Hansen stated the need for a larger area for the two-family is due to the need for extra area to expand the septic field. Mr. Hansen asked if anyone from the public wished to speak. Mr. and Mrs. McKown (residents living in the first flag lot) stated they have no objection to the proposed second flag lot. Mr. Stiles, Halfmoon resident, asked the Board if they approve the second flag lot, does that mean anyone else would be able to do the same. Mr. Hansen explained that each proposal before the ZBA is looked at independently. Mr. Stiles stated there already exists one flag lot and a second one is proposed and asked what are the criteria of the ZBA making a decision for the request of a second flag lot. Mr. Stiles continued that he is not for or against the proposal in front of the ZBA (on this night) but wants to know if one person can create a second flag lot then what would stop anyone else of doing the same. Mr. Hansen stated each individual item that appears before the ZBA is reviewed independently from other similar items but the ZBA certainly looks at the

permitted use in the zone and that the minimum lot requirements are met. Mr. Rose asked what type of agreement would there be to share the driveway. Mr. McKown stated there would be a shared easement agreement. Mr. Hansen stated the proposed second flag lot has the required 20 ft width on the public road, as does the existing first flag lot and that an easement for the existing first flag lot exist to cross over the parcel where the proposed second flag lot will be situated. Mr. McGowan stated that there is a 40-acre parcel to the east of the 185 Brookwood Road that has as frontage on Brookwood which would allow for a Town road to be built if the lands are to be developed. Mr. Tedrow asked clarification on the lands to the east. Mr. McKown stated the Mr. Hostick owns the land and that there is a stem of land about 70 ft wide that could lend to the development of a Town road. Mr. Tedrow asked if that was to occur then the flag lots would be able to gain conforming Town road frontage. Mr. McKown stated yes and that there has been discussion on the possibility of developing the land. Mr. Hansen closed the Public Hearing at 7:45 PM and asked the Board for a motion.

Mr. Rose made a motion to approve the creation of a second flag lot contingent on subdivision plans being submitted to the Planning Board showing a conforming two-family lot for the existing front lot with the existing residential structure with an in-law apartment.

Discussion: Mr. Drake asked if the ZBA has ever approved two flag lots in the past. Mr. Hansen stated yes but cannot recall the specific case(s). Mr. Drake stated that he remembers a second flag lot off of Harris Road that the ZBA denied. Mr. Hansen asked for a second.

Mr. Tedrow seconded the motion to approve.

### **Voting:**

Mr. Hansen – aye

Mr. Tedrow- aye

Mr. Rose – aye

Mr. Drake – nay

Motion carried by a 3-1 vote to approve the creation of a second flag lot with contingency.

The ZBA met with Mr. Wesley Betts for an informal discussion on his needed variance for a subdivision proposal off of Betts Lane, which will be formerly discussed at the June ZBA meeting.

Mr. Tedrow made a motion to approve the March 1, 2004 ZBA minutes. Mr. Rose seconded. Motion carried.

Mr. Tedrow made a motion to adjourn the May 3, 2004 Town of Halfmoon Zoning Board of Appeals meeting at 8:21pm. Mr. Drake seconded. Motion carried unanimously.

Respectfully Submitted,  
Jeffrey R. Williams  
ZBA Coordinator