

**February 5, 2007
Town of Halfmoon
Zoning Board of Appeals
Meeting Minutes**

Chairman Hansen opened the February 5, 2007 Town of Halfmoon Zoning Board of Appeals meeting at 7:30pm with the following members present: Mr. Rose, Mrs. Jordan Mr. Brennan and alternate Mr. Burdyl. Mr. Tedrow was absent.

Chairman Hansen asked if the Board reviewed the January 2, 2007 Town of Halfmoon Zoning Board of Appeals meeting minutes.

Mrs. Jordan made a motion to approve the January 2, 2007 Town of Halfmoon Zoning Board of Appeals meeting minutes. Mr. Rose seconded. Motion carried.

Mr. Mark Becker, 731 Hudson River Road, Area Variance

Mr. Becker is before the ZBA to seek an area variance for an accessory building to be placed to the front of the primary structure. Mr. Becker submitted site plans for the Board to review. Mr. Burdyl asked if the driveway was to remain the same. Mr. Becker stated yes. Mr. Brennan asked how far back the structure would be set from the road. Mr. Becker stated that it would be approximately 145 ft. Chairman Hansen referred to the five tests for an area variance in the Town of Halfmoon Local Law, Article XIV, section 1403, part B, number 2. Mrs. Jordan stated that there would be no undesirable change in the character of the neighborhood. Mr. Rose stated that there was no other alternative. Mr. Rose stated that the variance was not substantial. Mrs. Jordan stated that she did not feel the variance was substantial. Mr. Rose stated that there was no adverse effect to the environment. Mr. Hansen stated that the house was on the site when it was purchased which limit the choice of where to place an accessory structure.

Mr. Rose made a motion to approve the area variance due to the unique circumstances on the lot. Mrs. Jordan seconded. Chairman Hansen noted that all cases are reviewed by the ZBA on an individual basis. The vote was unanimous-aye. Motion carried.

Mr. Richard VanNorden, Cary Road, Area Variance

Mr. Gil VanGuilder of Vanguilder Associates stated that the landlocked parcel was created in the early 1970's when the property owner began subdividing the parcels at the rear by deed. Lot A on the site plan is a conforming lot. Lot B is a flaglot that was approved by the Planning Board. Lots C and D are landlocked parcels. Lot C has a run down structure that is to be removed and a building permit has been issued to construct a single family home. Lot D does not have any existing improvements and therefore is before the Board to seek an area variance for a building lot with no frontage. There is an access easement through the front parcel and the flaglot to access the two landlocked parcels in the rear. Mr. Van Guilder stated that he has run into this issue on the Town of Ballston where there are several private roads on the lake. There is a section of the NYS Highway Law, section 280a, which states that all properties must have frontage on a public road. The Town of Ballston has to act on this by granting 280a relief for parcels on that area. Mr. Rose asked if there is case law on this subject. Mr. VanGuilder stated

yes. Mr. Brennan made a motion to set a public hearing for the March 5, 2007 Zoning Board of Appeals meeting. Mr. Rose seconded. All-aye. Motion carried.

Mr. Rose made a motion to adjourn the Zoning Board of Appeals meeting. Mrs. Jordan seconded. All- aye. Motion carried.