

Town of Halfmoon Zoning Board of Appeals
Meeting Minutes
April 7, 2014

Chairman Rose called the meeting to order for the Town of Halfmoon Zoning Board of Appeals at 7:00 p.m. on Monday, April 7, 2014 at the Halfmoon Town Hall with the following members present:

Members: Vice-Chairman Tedrow, Mr. Hansen, Mr. Burdyl, Mr. Brennan
Town Attorney: Mr. Chauvin - absent
Town Liaison: Mr. Polak
Secretary: Mrs. Mikol

A motion was made by Mr. Hansen and seconded by Mr. Burdyl to approve the minutes from the March 3, 2014 meeting. Motion was carried.

Chairman Rose commented: This is an Agenda Meeting and not a public hearing. If you choose to speak please come up to the podium and state your name and address for the record.

New Business:

Scott and Joyce LaRosa, 14 Timberwick Drive – 278.19-1-14

Mr. Jason Dell, Professional Engineer with Lansing Engineering was present with a proposal from Mr. and Mrs. LaRosa who are requesting an area variance to construct a staircase to their single-family home at 14 Timberwick Drive, thus allowing them to have interior access to their basement. Currently they access their basement through their garage. The proposed staircase location at the back corner of their home will cross the 10' setback line by 4' therefore their new side yard setback would be 6'. Under the requirements of the Town of Halfmoon General Code Article 165, Attachment 1, Schedule A, the applicant is required to have side yard setbacks of 10' and 15' in an R-1 Residential District. The applicant received a denial for a building permit from the Director of Code Enforcement.

Vice-Chairman Tedrow commented: Where is the neighbor's house in relation to the staircase area?

Mr. Dell commented: The staircase would be on the family room side of the neighbor's house. The addition is about 4'-4 1/2' wide by 18' addition which would allow a landing as well. The LaRosa's have discussed this with their neighbor and they have no problem with the proposal and have supplied a letter to the Town. We do not feel that this variance request would effect the neighbor or the neighboring properties adversely. We beleive this addition is keeping with the character of the neighborhood. The building materials will match what is on the existing house now, same roof shingle color and same stain that is on the house.

Chairman Rose commented: Is the neighbor's driveway on this side of your house and are you the original homeowner?

Mrs. LaRosa commented: No, the driveway and garage are on the other side of the neighbor's house. No, we bought the house from my parents about nine years ago.

Chairman Rose commented: Where is the current access inside the garage?

Mrs. LaRosa commented: The access to the basement is in the front of our cars in the garage. Right now we trip over bicycles to get to the basement stairs so this new access would be safer and better for us especially in the winter months.

Mrs. LaRosa commented: The plans of the house were for down south and they had no place for a basement and they actually hired an architect to re-design the roof to handle the snow load in this area. Dean Campbell of Colony Craft Homes built several homes in the neighborhood. My parents were retired with no children at home so for them it didn't matter. We couldn't find a place to put the stairway without loosing a bedroom or bathroom. We decided to put the staircase off the family room.

Mr. Brennan commented: Why is the addition 18' long for just a staircase and landing? What else is the area going to be used for?

Mrs. LaRosa commented: Nothing else, the reason why it is 18' is because we have to go in from the side we have to hit the codes for the landing at the top and the landing at the bottom. There is one extra foot and to keep it even with the outside of the house we just squared it off.

Mr. Brennan commented: Based on the length of the staircase and where the minimum distance would be, and not taking into consideration to even it out in the back, is the minimum distance for the staircase and how that would effect the delta between the property line meet the zoning regulations?

Mr. Dell spoke (without the microphone most was not heard) if we were to shorten up the staircase because of the nature of the angle it wouldn't reduce the required setback variance significantly. As Mrs. LaRosa just mentioned the gentlemen doing the work has indicated that it would be a foot shy. A foot at that kind of an angle wouldn't reduce it significantly.

Mr. Brennan commented: One of the criteria that we will talk about at the next step is whether other alternatives were available and I could foresee that question coming up. I am not suggesting any additional cost on your end. I would hate to ask that, but I think that question will come up so if someone could sketch that out just so we could see that.

Chairman Rose asked if there were any further questions from the Board Members.

Vice-Chairman Tedrow commented: The wood deck that is there now will it be removed?

Mrs. LaRosa commented: The deck will still be there, it's the doorway into the kitchen.

Vice-Chairman commented: It looks like the stairway is flush with the back of the house and this scheme shows it forward of the kitchen door according to the plan.

Chairman Rose commented: You created a landing that at the top of the steps going down to the basement. Is the basement finished today?

Mrs. LaRosa commented: No, and it will not be finished.

Motion was made by Vice-Chairman Tedrow to set a public hearing for Monday, May 5, 2014 at 7:00 p.m. Seconded by Mr. Hansen, Motion was carried.

Chairman Rose commented that we will do a site visit on Saturday before the meeting. We will meet at 9:00 a.m. on Saturday, May 3, 2014.

Michael Glasser, 43 Manchester Drive – 278.14-2-16

Mr. Glasser is requesting an area variance to construct a 24' x 25' 2-story addition to his home at 43 Manchester Drive allowing him to add on living space and a 2-stall garage. The addition would encroach into his side yard setback area by 2'5" therefore leaving him a 7'7" side yard setback. Under the requirements of the Town of Halfmoon General Code Article 165, Attachment 1, Schedule A, the applicant is required to have side yard setbacks of 10' and 15' in an R-1 Residential District. The applicant received a denial for a building permit from the Director of Code Enforcement.

Mr. Glasser commented: I am looking to build an extension of 25' x 25' 2-car garage and master suite. My in-laws lived in New Jersey and recently my father-in-law lost his job and his house so they moved here to live with us. As much as I love my in-laws we are kind of bumping elbows so I would like to make the house a little bit larger by building a master suite for me and my wife and a garage below it. We are about 3' over for the variance that is why we are here tonight.

Chairman Rose handed out photos and maps to the Members.

Vice-Chairman Tedrow commented: How close is your neighbor's house to the property line?

Mr. Glasser commented: Right now it's about 25' from our house.

Mr. Burdyl commented: It looks to me like you have a section of the house that looks like a car port? Will the extension go beyond that? Or is the extension going to stay the way it is?

Mr. Glasser commented: The extension you see will stay the same that is the playroom for our kids.

Mr. Hansen commented: What is the bump out on the back of the house? Is it a dining area?

Mr. Glasser commented: It started out as a porch. The other neighbors enclosed it and made it into a sunroom. Right now it's a playroom for our kids.

Mr. Brennan commented: What other alternative practically exists? Whenever an addition is requested that is longer, wider and deeper than what is going to be encroached on the question becomes – Why does it have to be that big?

Mr. Glasser commented: I did some research on the internet and they say your average 2-car garage is about 24' x 24'. We could drop it a foot and make it 24' x 24' that would not be problem but anything less than that you would be opening up your door into the other car.

Chairman Rose commented: Your request is for additional living space. To me it begs the question, why not build your addition to the back of the house instead of the side, is your car is the primary requirement.

Mr. Glasser commented: I think we would have more room to play with by extending it out than further back plus there is a pool in the backyard.

Chairman Rose commented: Yes, but it would not require a variance to go into the backyard.

Mr. Glasser commented: I would still need a variance to move it back a little bit.

Chairman Rose commented: It doesn't appear to me that we would require a variance according to map here. The rear yard setback must be 30'. He already has a pool back there, right? I can't tell how many feet you are to the rear property line from your house. Again, I want to make the request clear. You are looking to add additional room for living space. That is your promonite request?

Mr. Glasser commented: yes.

Chairman Rose commented: Are there garages in your neighborhood?

Mr. Glasser commented: Yes.

Chairman Rose commented: Are they the same size, shape and form?

Mr. Glasser commented: Most of them in our area are one-car garages not very many are two-car garages.

Vice-Chairman Tedrow commented: Just to make it clear this is not going to be apartment. It is just expanded passive living space. I ask the question because you don't have enough area or frontage for a second kitchen.

Chairman Rose commented: Are there any other questions from the Board? Do we have a motion to include this in our site visit?

Vice-Chairman Tedrow made a motion to set a public hearing for Monday, May 5, 2014 at 7:00 p.m. Seconded by Mr. Hansen, Motion was carried.

The Board will be making a site visit on Saturday, May 3, 2014 at 9:30 a.m. or as soon thereafter as possible.

Motion was made by Vice-Chairman Tedrow to adjourn the meeting, seconded by Mr. Burdyl. Motion was carried.

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