

**April 2, 2007
Town of Halfmoon
Zoning Board of Appeals
Meeting Minutes**

Chairman Hansen opened the April 2, 2007 Town of Halfmoon Zoning Board of Appeals meeting at 7:30pm with the following members present: Mrs. Jordan, Mr. Brennan and Mr. Tedrow. Mr. Burdyl sat in for Mr. Rose in his absence. Also present was alternate Mrs. Smith-Law.

Chairman Hansen asked if the Board reviewed the March 5, 2007 Town of Halfmoon Zoning Board of Appeals meeting minutes.

Mrs. Jordan made a motion to approve the March 5, 2007 Town of Halfmoon Zoning Board of Appeals meeting minutes. Mr. Tedrow seconded. Motion carried.

Chairman Hansen asked if the Board reviewed the resolution for the VanNorden Area Variance as submitted by Lyn Murphy, Town Attorney. Mrs. Jordan made a motion to approve the resolution. Mr. Brennan seconded. Motion carried.

Halfmoon Jewelers, 1686 Route 9-Area Variance

Mr. VanGuilder, of VanGuilder Associates, stated that the applicant wishes to utilize an existing 800 SF residence for a commercial use on Route 9. The proposed use is an internet jewelry business. Customers will visit the site by appointment only. There will be two employees on site. Public water and private sewer will be provided. The county sewer access is across Route 9 making it infeasible to connect for this low intensity use. There will be five parking spaces added to the site. The parcel is substandard in area and front yard setback. The lot size was reduced when Route 9 was widened. The structure was previously used as residential but has not been occupied for several years. Clough Harbour and Associates has reviewed the site. In their response one of the concerns was site distance leaving the site. Site distance was studied and has been shown as adequate. Neighbors to the parcel include the apartments to the rear, which are separated by tennis courts, and an insurance company to the north. The applicant is seeking an area variance for the front yard setback from the required 50 ft to approximately 35 ft as well as the lot area from the required 25,000 SF to 13,660 SF. The hardship was created when the State appropriated a wide strip on the front of the parcel to expand Route 9. The applicant has inquired about land on either side to add area to the lot but the property owners expressed no interest in selling at this time. Mrs. Jordan asked how much property was acquired by the State to widen Route 9. Mr. VanGuilder stated that it was approximately .3 acres, which would have made the lot conforming. Mrs. Jordan asked if the front yard setback would have been met prior to this as well. Mr. VanGuilder stated yes. Mr. Brennan asked if not connecting to county sewer would change the required area for this site. Mr. VanGuilder stated no. Mr. Hansen asked if anyone from the public wished to speak. No one responded.

Chairman Hansen stated that the action was an unlisted action pursuant to SEQR and that no coordinated review was required. Mrs. Jordan made a motion for determination of a

negative declaration with no significant environmental impact pursuant to SEQR. Mr. Tedrow seconded. Motion carried.

Mr. 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 the proposal does not change the character of the neighborhood and that it would in fact be an improvement. Mr. Tedrow stated that the applicant had investigated the possibility of acquiring more property to increase the area of the parcel and was unsuccessful. Mr. Brennan stated that there is no other means by which to increase the front yard setback. Mrs. Jordan stated that while the request for both variances may seem substantial the history of the parcel and the State acquiring property for the widening of Route 9 lessens that. Mr. Tedrow stated that he believed the request to be substantial as the area request was almost 50% of what is required. Mr. Tedrow stated that there would be no significant environmental impact as stated in the SEQR action. Mr. Hansen stated that the issue of the self-created hardship has been addressed in the discussion of the widening of Route 9.

Mr. Tedrow made a motion to approve the area variance for the lot area and the front yard setback. Mrs. Jordan seconded. Motion carried.

Mr. Brennan made a motion to close the April 2, 2007 Zoning Board of Appeals meeting. Mr. Tedrow seconded. Motion carried.