

Town of Halfmoon Zoning Board of Appeals
Meeting Minutes
January 4, 2010

Chairman Hansen opened the meeting of the Town of Halfmoon Zoning Board of Appeals at 7:13 p.m. on Monday, January 4, 2010 at the Halfmoon Town Hall with the following members present:

Members: Vice-Chairman Tedrow, Mrs. Jordan, Mr. Rose, and Mr. Brennan
Alternates: Mrs. Smith-Law, Mr. Burdyl- will be voting tonight
Planner: Mrs. Zepko-absent
Secretary: Mrs. Mikol

Motion was made by Mrs. Jordan and seconded by Mr. Rose that the minutes from the December 7, 2009 meeting be approved as presented. Mr. Brennan abstained from the vote. Motion was carried.

Ms. Julie McHargue, 162 Beach Road

Mr. Brennan and Mrs. Smith-Law both recused themselves, Mr. Burdyl will be voting tonight.

The public hearing opened at 7:15 p.m. Ms. McHargue commented that her house is too big and her knees are starting to bother her going up and down the stairs, she would prefer a smaller house with one floor. The subdivision being proposed would leave the existing house with a conforming 30,000 sq. ft. lot area, however the new lot, would be substandard at 28,373 sq. ft. The Planning Board denied her application for a subdivision and she is now seeking an area variance. Ms. McHargue tried to obtain additional land from Mrs. Hoffman but she has mortgage restrictions and can't remove any land from her deeds. It would be very complicated. The existing lot has public water. It also has natural gas, which no one else on Beach Road has.

Chairman Hansen opened the public hearing to the public. Ms. Jane Pailley of 152 Beach Road was present and has no problem with the proposed subdivision. Mr. Matthew Gucker of 155 Beach Road was present and he has no problem with the proposed subdivision.

Chairman closed the public hearing at 7:19 p.m.

The Board asked the applicant if she plans on selling her home to build the smaller house, Ms. McHargue replied yes. Mrs. Jordan commented that there are a lot of trees on the vacant lot and asked if that was where the future house would be built and if the house would be at the point where it faces the intersection of Firehouse Road and Beach Road? Mrs. McHargue replied yes, that is where the house would be built.

The Board had no more questions. Chairman Hansen commented that it was now time to make a determination and take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such a grant. In making such determination, the Board shall also consider the following:

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. Mr. Burdyl commented that the area is primarily a residential neighborhood. Mrs. Jordan commented that the variance is being asked because there is a lack of square footage in respect to the depth of the lot. Subdividing the land and building a house on the proposed lot would not make an undesirable change to the neighborhood because the width of the lot is not in question; another house on the lot would not look any more crowded than any of the other houses in the neighborhood.

Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. Mr. Rose commented that the applicant tried to add more land to the lot but was unsuccessful and therefore has no other choice.

Whether the requested area variance is substantial. Mr. Rose commented that the requested area variance is not substantial.

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Vice-Chairman Tedrow commented that if the Board approved the variance it would not have an adverse impact on the environmental conditions of the neighborhood. It is what it is, a slightly smaller lot.

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. Mr. Rose commented that the area variance was not self-created.

In the granting of the area variance the Board of Appeals shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Motion made by Vice-Chairman Tedrow and seconded by Mr. Burdyl that the Board approve the area variance for Ms. McHargue at 162 Beach Road. The applicant will need to go back to the Planning Board for a subdivision.

Motion made by Mr. Rose and seconded by Mrs. Jordan to adjourn the meeting at 8:27 p.m.

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