

Town of Halfmoon Zoning Board of Appeals
Meeting Minutes
September 7, 2010

Chairman Hansen opened the meeting of the Town of Halfmoon Zoning Board of Appeals at 7:05 p.m. on Tuesday, September 7, 2010 at the Halfmoon Town Hall with the following members present:

Members: Vice-Chairman Tedrow, Mrs. Jordan, and Mr. Rose
Alternates: Mr. Burdyl - will be voting tonight
Town Board Liaison: Paul Hotaling
Planner: Mrs. Zepko
Secretary: Mrs. Mikol

Motion was made by Mr. Rose and seconded by Mrs. Jordan that the minutes from the August 2, 2010 meeting be approved. Motion carried.

Ron and Sandy Charette, 181 Brookwood Road

Ron and Sandy Charette were present from 181 Brookwood Road with a proposal for an area variance to erect a 2-car garage structure in the front side yard of the primary structure. Article VII Section 165-35 Number B states that a residential accessory building may be erected within the rear and side yards to the principal building.

Chairman Hansen commented that this is not a public hearing tonight it is however, a meeting to determine if the application is complete to set it for a public hearing. The neighbors that were present at the meeting were all there for the Monticup Application. Chairman Hansen reminded the residents to call the Town Hall to see if that item is back on the agenda for the next meeting. Apparently, Mr. Monticup and Mr. Rickard are still negotiating an easement agreement for the installation of the water and sewer lines and possibly share the cost between the neighbors.

Mrs. Charette stated that she would like to place the garage to the left of her property.

Chairman Hansen commented that we don't want to get into too much detail tonight because if any residents show up at the public hearing you will have to go through it all again. Tonight is to determine if your application is completed as far as answering the questions and your site plan.

Mrs. Charette commented that she would like to make corrections to the attachments to the application instead of 200 and 220 for the addresses I gave of neighbors, it should be 217 and 191. Mr. Rose asked if those numbers were marked on the mailbox? Mrs. Charette said yes 200 should now be 191 and 220 is now 217 and the postal number is also on the houses as well.

Chairman Hansen commented that he did not recall issuing any variances at those addresses. The only one is 12 Button Road. The other garages have been built within the last 12 years. The zoning law states that you are not suppose to put an accessory building, which is what a detached garage is, out beyond the front setback of the house even if the house is 100' off the road instead of 50'. That is the way the ordinance reads. It is possible that the other two were issued permits. I don't recall ever issuing variances for those.

Mrs. Jordan asked what the code number was for the accessory structure. Mrs. Zepko replied 165-34B Accessory Building.

Chairman Hansen commented that it is also possible that the provision was not in the ordinance. The ordinance was modified a few years ago and it's possible that this is a new requirement that was not in there before.

Mrs. Jordan asked if we could find the history of that before the next meeting. Chairman Hansen commented that he could look at that.

Mr. Rose commented that the log cabin on Button Road had extenuating circumstances because the septic location was an issue. So the placement of the building in the rear of the lot was a problem. The garage would have been placed on the septic system, which was not a good idea.

Mrs. Charette commented that she does not have a septic situation but does have other significant issues from a cost perspective and esthetics and our backyard is quite wet from building going on in the area over the last 10 years. An engineered drainage system would have to be installed which is very costly. This was not mentioned in the application but it can be revised and resubmitted to the Board before the next meeting.

Chairman Hansen commented that if you are going to use that as part of your argument you really should make it part of the record and revise the application and submit it to Mrs. Mikol before the next meeting.

Chairman Hansen commented that the Board does go visit the property prior to the public hearing usually the Saturday before the meeting, which is October 2, 2010. Chairman asked the Board Members if they could meet at 181 Brookwood Road they replied they want to get there prior to the meeting. The Board set the meeting for September 25th at 9am.

Vice Chairman Tedrow made a motion to set a public hearing for Monday, October 4, 2010. Seconded by Mr. Rose. Motion was carried.

The Board had discussion regarding deadline dates for future meetings.

Motion was made by Mr. Rose and seconded by Mrs. Jordan to adjourn the meeting at 7:35 p.m. Motion was carried.

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