

Town of Halfmoon Zoning Board of Appeals  
Meeting - Monday, November 3, 2014  
7:00 p.m.

Chairman Rose called the meeting to order for the Town of Halfmoon Zoning Board of Appeals at 7:09 p.m. on Monday, November 3, 2014 at the Halfmoon Town Hall with the following members present:

Members: Vice-Chairman Tedrow, Mr. Hansen, Mr. Burdyl, Mr. Brennan  
Alternate Member: Deborah Curto was absent  
Councilmen: Mr. Hotaling  
Town Attorney: Ms. Drobny  
Secretary: Mrs. Mikol

Motion was made by Mr. Hansen and seconded by Mr. Burdyl that the minutes from the October 6, 2014 meeting be approved, motion was carried.

The minutes typed were not from the recording, the recorder failed to record our minutes of November 3, 2014. If you have further information to add to these minutes please see the secretary. No official decisions were made at this hearing however; the Board did set public hearings for both items.

Old Business:  
Public Hearings:

Wilfredo Miranda, 1480 / 1482 Route 9 – 278.4-2-52 and 278.4-2-55

The Board will re-approve the approval made at the October 6, 2014 meeting. We will save this item for the end of the meeting.

**Stewarts Shop #112: 1403 Route 9 – SBL # 285.1-1-33**

Mr. Chris Potter, applicant for Stewart's Shops Corp., at 1403 Route 9 is requesting to construct a 1,100 SF gas canopy and eliminate the existing gas canopy; in addition, to also eliminate the full access ingress/egress on Route 9 and construct a consolidated right-in/right-out only along Route 9 in it's place. The applicant is in need of the following variances:

**Front Yard**-(Route 9): Pursuant to Section 165, Attachment 1, Schedule A, and Section 165-34C, Town Code requires a 50' front yard setback for the canopy (accessory structures in C-1 must have the same setback as the principal structure). The proposed canopy is 14' from Route 9, requiring a variance of 36'.

**Front Yard**-(Church Hill Road): Pursuant to Section 165, Attachment 1, Schedule A, and Section 165-32C, Town Code requires a 50' front yard setback. The pre-existing building is 10' from Church Hill Road, requiring a variance of 40'.

**Rear Yard** Setback and Transition Yard: Pursuant to Section 165-32F and Section 165, Attachment 1, Schedule A, Town Code requires a 100' setback or 50' setback with fencing or evergreen plantings for the rear yard that abuts the residential-zoned/use lot to the east. The pre-existing setback of the existing building is 14', requiring a setback of 86' or 36', respectively.

**Parking Spaces:** Pursuant to Section 165-35C and Section 165, Attachment 2, Schedule B, Town Code requires twenty-seven (27) off-street parking spaces and twenty (25) are shown on the revised site plan. Therefore, a variance of two (2) off-street parking spaces is required.

Mr. Potter commented: The existing fuel tanks will remain in place. We plan to improve the circulation to the site by re-locating the canopy. We are required to have 27 parking spaces and currently we have 25 parking spaces, a variance is needed for (2) two parking spaces. Since our last visit to the Planning Board we have made some changes to the site plan. We received a denial from the Planning Board on the original site plan at the September 8, 2014 meeting.

Chairman Rose commented that changes were made to your denied site plan before coming to the ZBA, the Planning Board has not seen, commented or denied these changes. I suggest that we table this action until the Planning Board has seen these changes and render their opinion on them and/or make a new denial based on these changes.

Mr. Hansen commented that the Zoning Board of Appeals has already granted variances for the rear and side yard setback many years ago. That variance stays with the property forever, why are they back here again for the same request?

Mr. Brennan commented: They are proposing a new canopy, new entrances and exits.

Mr. Hansen commented: The canopy and changes to ingress and egress needs approvals but the rear yard and side yard already received variances.

Chairman Rose commented: We will go back in our records to look for that.

Mr. Hansen commented: The only thing new would be the canopy. A few years ago changes were made to the ingress egress and more parking spaces were added to the site.

Mr. Brennan commented: Yes, I recall about 3-4 years ago changes were made to the entrance and exit.

Vice-Chairman Tedrow commented: Before it went to the Planning Board it had already received variances many years ago, maybe 20 years ago or more.

Mr. Burdyl commented: We could set a public hearing for the next meeting pending the research.

The applicant received a denial from the Planning Board on the original site plan at the September 8, 2014 meeting.

A site visit will be done on Saturday, November 29, 2014 at 9:00 am.

Motion was made by Mr. Brennan and seconded by Vice-Chairman Tedrow that we set a public hearing for Monday, December 1, 2014 at 7:00 p.m., motion was carried.

Chairman Rose commented: Mr. Potter please go back to the Planning Board and let them see the changes you made to the site plan. We cannot act on this until we receive a denial based on what they review from the additional changes that you made. Thank you.

**Lands of Sabourin – 29 & 33 Church Hill Road – SBL # 285.1-2-21.211  
and 285.1-2-65**

Mr. Duane Rabideau, from VanGuilder Associates applicant for the Sabourin's at 29 and 33 Church Hill Road is requesting a Minor Subdivision (Lot Line Adjustment) for property located in the Town of Halfmoon in an R-1 Residential Zone allowing all of the accessory structures of 29 Church Hill Road to become part of 33 Church Hill Road . Two of the existing structures at 33 Church Hill Road do not currently meet the appropriate setbacks for accessory structures in an R-1 Residential zone, and it has been determined by the Planning Board that the proposed subdivision would abolish any and all of the pre-existing status of the site, and as a result of the inadequate setbacks, the site would no longer be in compliance. The applicant is in need of the following variance:

Side Yard Setback: Pursuant to Section 165-34.B(1), a minimum 5' side yard setback for residential accessory structures is required. The west side of two existing accessory structures, both labeled "Garage", are less than 5'. The larger garage has a setback of 3.7' +/- and the smaller garage is estimated by staff to have a setback of 4.5'. Therefore, variances for side yard setbacks of 1.3" and .5" respectively, are required.

The applicant received a denial from the Planning Board at its meeting of Tuesday, October 14, 2014.

A heavy equipment business was run out of the front garage for 30 years and the back garage for about 25 years. There is no longer a business being run from there.

Mr. Rabideau commented: We are looking to create a new 6.11 acre single-family lot for their daughter to build a house.

A site visit will take place on Saturday, November 22, 2014 at 9:30 am.

Motion was by Vice-Chairman Tedrow and seconded by Mr. Burdyl that we set a public hearing for Monday, December 1, 2014 at 7:00 p.m. Motion was carried.

Motion was made by Mr. Burdyl and seconded by Mr. Brennan to adjourn the meeting at 8:05 p.m. Motion was carried.

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