

May 7, 2007
Town of Halfmoon
Zoning Board of Appeals
Meeting Minutes

Chairman Hansen opened the May 7, 2007 Town of Halfmoon Zoning Board of Appeals meeting at 7:30pm with the following members present: Mrs. Jordan, Mr. Brennan and Mr. Tedrow, and Mr. Burdyl. Also present was alternate Mrs. Lois-Smith-Law. Mr. Rose was absent.

Chairman Hansen asked if the Board reviewed the April 2, 2007 Town of Halfmoon Zoning Board of Appeals meeting minutes.

Mrs. Jordan made a motion to approve the April 2, 2007 Town of Halfmoon Zoning Board of Appeals meeting minutes. Mr. Tedrow seconded. Motion carried.

Leyand Development Group, 114 Staniak Road- Area Variance

Mr. Patrick Pellerin of Upstate Home Builders stated that at the original time of the subdivision approval for this lot, the intention had been to place the house in the rear of the property where the width of the lot met Town requirements of 150ft width. They are now proposing to place the house closer to the front property line where the width is substandard at 87.6ft. The reason for this is to avoid having to excavate at the rear of the property and to save some of the trees and natural vegetation that exists. Chairman Hansen opened the public hearing and asked where the septic and the well would be located. Mr. Pellerin stated that the existing well would be capped and the new well would be placed at the front of the lot. The septic would be placed in back of the proposed location of the house and to the rear of the lot. Mrs. Jordan asked if the applicant intended to place a buffer between this property and the neighbors to the east. Mr. Pellerin stated that the subject of buffering had not been discussed but that it was possible to plant arborvitaes or something similar. Mrs. Robbins of 112 Staniak Road stated that she would like to make sure that there is a buffer placed along that side of the property. Mr. Pellerin stated he would and that he is also intending to add a swale along the easterly side of the lot for drainage and because of this he intends to place the house four additional feet from the property line to make it 25ft on one side and 12ft on the other. Mrs. Jordan asked how many trees would be planted between the two lots. Mr. Pellerin stated that he had not really discussed this issue with the Robbins' yet, but that another option would be to move the house even closer to the road and the 50ft setback line in order to place the homes more in a row so that buffer along the side would block the pool and the deck on the neighboring property. Mr. Hansen asked if anyone else from the public wished to speak. No one responded. Mr. Hansen closed the public hearing. Mr. Hansen referred to the tests in Article XIV, section 1403, part B, number 2 of the Local Laws relating to Zoning of the Town of Halfmoon. Mr. Hansen stated that he did not feel that this variance would change the character of the neighborhood. Mrs. Jordan stated that she did not see a feasible alternative for the placement of the home due to the grade and the vegetation on the lot. Mr. Hansen stated that the requested variance is substantial as the proposed width change is from 150ft to 87.6ft for the building envelope. Mrs. Jordan stated that the proposed variance would not have an adverse effect

to the physical environment or conditions in the neighborhood. Mrs. Smith-Law stated that would almost be better as the new location is almost in the same location as the demolished structure that had been there. Mr. Tedrow stated that while the hardship is self-created, he did not feel that it should way on the Board's decision.

Mrs. Jordan made a motion to approve the area variance for lot width from 150ft to 87.6 ft contingent on a gentle swale being place at the eastern boundary, the vegetative buffer to be placed should be 20ft in length, the house be placed at 25ft from the eastern boundary, and the house be placed at the 52ft front yard setback line. Mr. Tedrow seconded. All-aye. Motion carried.

Mr. Brennan made a motion to change the Zoning Board of Appeals meeting time from 7:30pm to 7pm. Mrs. Smith-Law seconded. All-aye. Motion carried.

Mrs. Smith-Law made a motion adjourn the May 7, 2007 ZBA meeting. Mr. Tedrow seconded. All-aye. Motion carried.