

**Town of Halfmoon Zoning Board of Appeals  
Meeting – Tuesday, January 3, 2023  
7:00 PM**

Chairwoman Curto called the meeting to order at 7:00 PM on January 3, 2023 this meeting is being held in person and via Microsoft Teams following members present:

Members- Chairwoman Curto, and Kevin Koval, Frank Griggs (absent), Leonard Micelli, Dave Maxfield  
Planner - Paul Marlow  
Town Attorney – Cathy Drobny

*Mr. Micelli made a motion to Approve the December 5, 2022 Zoning Board of Appeals minutes, Mr. Maxfield seconded, Minutes Approved.*

**Public Hearing:**

**New Country Toyota, 202 Route 146- Area Variance**

Mr. Dan Tompkins of EDP Engineering presented the application. The applicant is seeking to expand the existing service facility at New Country Toyota. The current facility is approximately 25,780 SF and is utilized as their service operations and collision repair facility. They are proposing a 2,218 SF addition to be dedicated to photo/video imaging of vehicles, as well as storage space for the parts department. They indicated that because the photo equipment is a large, rotating disk, or a large rotating module on the ceiling that spins around the car; they are unable to reduce the size of the addition to avoid a variance. The required front yard setback is 70-feet and with the proposed addition, the building will be approximately 68.3-feet, requiring a variance of approx. 1.7 ft. There will be no perceived difference when you pass by the addition. It will be on story and match the architectural design of the existing building. The addition would not work in the back from a dimensional standpoint, it is a cramped corner, and they need to maintain access to the dumpsters. There are overhead doors in the back and large amounts of electrical services in the rear that would be costly to relocate. Because of the proposed addition does not meet minimum setback requirements, the applicant was denied at the November 14, 2022 Planning Board meeting in order to request the necessary variances from the Zoning Board of Appeals.

Chairwoman Curto closed the Public Hearing at 7:07, there was no public comment.

A site visit occurred on December 17, 2022 at 9am.

Pursuant to Article XIV Section 165-79 the following resolution was made:

- 1) Mr. Micelli commented: No, it is a commercial area, there are no neighbors in the area; Mr. Maxfield stated granting the variance won't change the character of the area, its already a commercial building and will remain commercial;
- 2) Mr. Koval commented: This is the best place to locate this, there is not another spot that would make more sense; Mr. Micelli agreed;
- 3) Mr. Maxfield commented: No, this very minor in nature;
- 4) Mr. Maxfield commented: No, it is not out of character, it is a commercial building, the design will make it fit it;

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- 5) Mr. Maxfield commented: No, there is new technology, there is a need to adapt to modern technology, there is more online shopping and this space will allow them to advertise online with better images and videos.

*Chairwoman Curto made a motion to approve the Area Variances as proposed, seconded by Mr. Koval. Motion was carried*

**New Business:**

**Chan Deck, 27 Bradley Circle- Area Variance**

*Kevin Koval recused himself.*

Mr. Ian Flacke presented the application. The applicant is before the Board seeking approval for a rear yard variance as it related to the proposed deck and roof addition. They are seeking to construct a new 8'x 14' deck/roof on the rear of the existing home. The parcel is part of the Inglewood PDD (Eastpointe Homes) with reduced setbacks; where the required rear yard setback is 20-feet. As the applicant has the deck/roof proposed, it would be approximately 14-feet from the rear yard setback. Due to the inability to meet the rear yard setback, the building permit was denied by the Building Department. They are before the Board for the following variance: Section 166-637 of the Inglewood PDD: Requires that the lots be in conformance of the subdivision plan as approved by the Planning Board. The final subdivision plan requires a minimum 20-foot rear yard setback, the proposed addition will be at 14-foot setback; requiring a 6-foot variance.

Chairwoman Curto asked if there is currently a deck there; Mr. Flacke stated there is not, there is a 4-foot landing and a set of stairs.

Mr. Micelli asked what the need for the roof is; Mr. Flacke noted it is for condition space and coverage purposes. Ms. Diane Chan, 27 Bradley Circle, noted the sun comes in on that side of the deck, the roof would cover the backside of the deck.

Mr. Maxfield asked if they considered a retractable roof; Ms. Chan said yes, but it is not the ideal option, I do not like the look and I don't believe they are good from the long term perspective as they can fail.

Mr. Maxfield asked what about a hardtop gazebo; Ms. Chan noted she was not sure what he meant by gazebo, like a pergola? Mr. Maxfield clarified that it is not permanent and would sit on top of the deck; Ms. Chan said she considered that but would prefer a fixed roof.

Chairwoman Curto asked when the house was built; Ms. Chan stated it was built in 2022.

Mr. Maxfield asked if there was plans to close in this area; Ms. Chan noted there is no future plans to do so.

A site visit will occur on January 28, 2023 at 9am.

*Chairwoman Curto made a motion to hold a Public Hearing at the February 6, 2023 meeting, Mr. Micelli Seconded. - Unanimous*

*Chairwoman Curto made a motion to adjourn the meeting, seconded by Mr. Micelli. Motion was carried.*

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*These are summary minutes and are not word for word at the request of the Zoning Board of Appeals.*

*Meeting adjourned at 7:16 PM.*

*Town of Halfmoon Zoning Board of Appeals*