

**Town of Halfmoon Zoning Board of Appeals
Meeting – Monday, February 7, 2022
7:00 PM**

Chairwoman Curto called the meeting to order at 7:00 PM on February 7, 2022 this meeting is being held in person and via Microsoft Teams following members present:

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

Mr. Micelli made a motion to Approve the January 3, 2022 Zoning Board of Appeals minutes, Mr. Griggs seconded, Minutes Approved.

New Business:

Sweet Addition, 25 Chateau Drive- Area Variance

Mr. Gavin Vuillaume, EDP presented the application. The applicant is before the Board seeking a variance as it relates to the proposed addition for the home at 25 Chateau Drive. They are seeking to construct a three-season room on the rear of the existing home, with the proposed addition, the new rear yard setback would be approximately 19.6'. The building permit for the proposed addition was denied by the Building Department as it would not meet the minimum rear yard setback. Section 166-547(c) of the Cardin Acres Residential 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 30-foot rear yard setback, the applicant has a 19.6' rear yard setback, thus requiring a variance of 10.4'. It is not visible from the road, so there is not an undesirable change to the neighborhood; there is no other feasible method with the property to the rear as it is preservation land. He did reach out to the land owner behind them, but they were not interested in selling the property. It is not substantial as it is a large rear yard and they are only impacting 8% of the setback area. In terms of environmental, there is no impact to wetlands. It is self-created but the other option is not to build. It is a unique lot as it only has 130-feet of depth.

Mr. Micelli asked if this would be a three-season room; Mr. Nicholas Sweet stated it would be.

Mr. Micelli asked if the neighbors were okay with the proposed project; Mr. Sweet said they were and they had a petition of support.

Mr. Griggs asked if would be a one story addition; Mr. Sweet said it would be.

Mr. Micelli asked what the land behind him was, if it was forever wild Mr. Sweet noted it was and there were wetlands originally noted but DEC has altered the wetlands boundaries and moved them further back.

Chairwoman Curto asked if they had gotten permission to locate the shed where it is; Mr. Sweet noted they did and received a sign off from NYSDEC regarding the wetlands.

Mr. Griggs asked how the wetlands could have changed; Mr. Vuillaume noted he would need to clarify that with VanGulders, who did the survey. Mr. Marlow noted he spoke with DEC and they have confirmed they are not classifying portions of the area in the rear, as wetlands.

2/7/22

A site visit will occur on February 26, 2022 at 9am.

*Chairwoman Curto made a motion to hold a Public Hearing at the March 7, 2022 meeting, Mr. Micelli Seconded.
- Unanimous*

Landry Single-Family Home, 7 Route 236- Expansion of a Pre-Existing/Non-Conforming Use

Mr. Robert Landry presented the application. The applicant is before the Board seeking an expansion of a pre-existing/non-conforming use for the existing single-family home at 7 Route 236. Traditionally the building has been used as a single-family home, but more than two years has passed since it was last utilized as a residence and at this time the applicant wishes to use it as a residence once again. Due to the fact that the applicant has lost the pre-existing nature of the site, they are before the ZBA seeking an expansion of a pre-existing/non-conforming use to allow them to use it again as a single-family home.

Mr. Marlow explained that the single-family home was previously used as residential, but it had been more than two years since it was last occupied. Because of that, they had lost their pre-existing/non-conforming status and could not use it as a single-family home again. They were before the Board to re-instate their pre-existing/non-conforming residential use.

Chairwoman Curto asked what the intended use was; Mr. Landry noted his son would live there.

Mr. Griggs asked what about it was pre-existing; Mr. Marlow explained it is the use itself, it is a non-conforming use. It was a residential that predates zoning, built in the 1950's but a residential home would not be allowed in a Commercial zoning district today.

Ms. Cathy Drobny clarified that she had not spoken with the applicant, but rather their attorney.

*Chairwoman Curto made a motion to hold a Public Hearing at the March 7, 2022 meeting, Mr. Micelli Seconded.
- Unanimous*

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

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

*Meeting adjourned at 7:14 PM.
Town of Halfmoon Zoning Board of Appeals*