

**Town of Halfmoon Zoning Board of Appeals
Meeting – Monday, February 6, 2023
7:00 PM**

Chairwoman Curto called the meeting to order at 7:00 PM on February 6, 2023 this meeting is being held in person and via Microsoft Teams following members present:

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

Mr. Micelli made a motion to Approve the January 3, 2023 Zoning Board of Appeals minutes, Mr. Griggs seconded, Minutes Approved.

Public Hearing:

Chan Deck, 27 Bradley Circle- Area Variance

Kevin Koval recused himself.

Mr. Joseph Vitallie 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.

Mr. Micelli asked if any other houses in the neighborhood had decks; Mr. Vitallie stated that he was not sure, this was one of the first homes in the area. The owner would not have bought here had she known the lot size restrictions. He indicated they could build a free-floating deck/roof without any variances as long as it's free-standing. We want to do things the right way, they believe it would not be the right way to do it.

Mr. Micelli stated at the last meeting the discussion was that the main reason would be stay out of the sun, the Board asked if they had considered other options, something like a retractable awning; Mr. Vitallie stated the applicant did not like the idea of that. She was seeking a particular look and was very concerned with the esthetics, she was concerns the awning would not be something she'd be esthetically please with. She wanted to be able to use this as a protection from the elements and an egress and the awning may not protect as well in inclement weather.

Mr. Micelli asked if the roof would have gutters; Mr. Vitallie noted they could do it if the Board requests, I believe the applicant would like to do a metal roof. We like to do things the right way.

Mr. Maxfield noted that he confirmed with the Town, there are no other covered decks in the town; Mr. Vitallie noted that it may be unusual, but it is what the applicant is seeking.

Chairwoman Curto closed the Public Hearing at 7:10, there was no public comment.

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

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

- 1) Mr. Maxfield commented: Yes, it is new construction, there are no other decks with roofs, because this is a PDD; any amendments would be more restrictive;
 - a. Chairwoman Curto and Mr. Micelli agree.
- 2) Mr. Micelli commented: There are other options available that were discussed with the applicant;
 - a. Mr. Maxfield noted there are other ways to obtain the objective of being out of the sun without building an attached roof over a deck, such as a retractable awning, hard or soft top gazebo, or a cantilever umbrella. It appears this deck will only have morning sun.
- 3) Mr. Maxfield commented: 6-feet would not be a lot on a normal lot (50-foot), but the Inglewood PDD is 20-foot rear setback and this would be approximately a 40% decrease, so it is substantial. This parcel backs up to a cliff and the drainage could affect adjoining properties;
- 4) Mr. Maxfield commented: It would be out of character, there are no other decks with covered porches;
 - a. Mr. Micelli agreed
- 5) Mr. Micelli commented: They can understand not knowing the rear yard setback, but it was likely in the deed.
 - a. Mr. Maxfield noted that the applicant created their own problem by purchasing a home in a PDD, which have unique setbacks; which are difficult to amend while keeping the appearance of the neighborhood consistent.

Chairwoman Curto made a motion to deny the Area Variances as proposed, seconded by Mr. Maxfield. Motion was carried

Chairwoman Curto noted the application was denied because the property already has considerable reductions in the size of the parcel for the purpose of minimizing any adverse impact such variance may have on the neighborhood.

New Business:

Mr. Paul Hickok presented the application. The applicant is before the Board seeking approval to construct a new duplex on the two vacant parcels at 4 & 6 Lansing Lane. They intend to consolidate the two parcels into one lot and construct a new duplex. The applicant was before the Planning Board at the January 23, 2023 meeting to present the application; they were subsequently denied as the proposed use is not permitted in the C-1 Commercial Zoning District. They are before the Board seeking a Use Variance as it relates to the proposed duplex as well as two area variances. The area variances requested are Lot Width Section 165, Attachment 1, Schedule A: Requires a minimum 150-foot lot width. The proposed lot width is 115-feet, thus requiring a 35 foot variance; and 3.Lot Area: Section 165, Attachment 1, Schedule A: Requires a minimum lot area in the C-1 zoning district being 25,000 square feet (SF). The lot area will be approximately 15,246 SF or 0.35 ac thus requiring a variance of 9,754 SF. The proposed duplex would be likely utilized for family at this point.

Mr. Micelli asked if this would be used for family; Mr. Hickok said that at this time that was the idea, we have family in need of an apartment but in the future they will likely rent it to other people.

Mr. Hickok noted they have lived in that area for a long time, it is a mixed use development in that area, he does not believe it would be out of character.

Mr. Maxfield asked if would be a two story structure with a garage; Mr. Hickok said it would be.

Mr. Micelli asked if he had talked to the neighbors; Mr. Hickok said he had not, but he'd reach out.

Mr. Marlow noted the Town will send out notices to neighbors.

Mr. Griggs what the access and parking on the site would be; Mr. Hickok stated the driveway would be off Lansing Lane. When they put in Rivercrest, we owned the property and we worked with the Town to connect the road through, I'd be willing to work with the Town on whatever they want.

Mr. Griggs asked how many parking spots they'd have; Mr. Hickok said we set it up where we could get approximately six spaces.

Mr. Koval asked what the status of the garage shown on the plans was; Mr. Hickok said they would be removing it.

Mr. Griggs asked about the driveway on the right side of the parcel and the shed/garage that was over the line; Mr. Hickok stated it is a detached garage.

Chairwoman Curto noted the map does not show the existing home at 2 Lansing Lane.

Mr. Scott Hickock stated it was not a survey, they would need to get one.

Mr. Griggs noted the shed cannot be on both lots.

Mr. Maxfield discussed the garage on 2 Lansing Lane; Mr. Hickok overlaps, we will be taking it down.

Mr. Scott Hickok said it has been removed and the other garage would be removed.

Chairwoman Curto asked to confirm that there is no shed at 2 Lansing Lane; Mr. Hickok confirmed that is correct.

Mr. Marlow noted that they would need to determine what the proposed area variance would be based on, in terms of minimum lot size.

Mr. Koval confirmed the minimum in C-1 was 25,000 SF; Mr. Micelli said yes, and that is what prompted the 9,754 SF variance.

Mr. Griggs asked if you could add land from the parcel in the back; Mr. Hickok said they could.

Mr. Marlow noted that it may create further variances and would need a lot-line adjustment.

2/6/23

A site visit will occur on February 18, 2023 at 9am.

*Chairwoman Curto made a motion to hold a Public Hearing at the March 6, 2023 meeting, Mr. Koval 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 7:29 PM.

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