

**Town of Halfmoon Zoning Board of Appeals**  
**Meeting – Monday, March 3, 2025**  
**7:00 PM**

**Those present at the March 3, 2025 Zoning Board of Appeals meeting were:**

**Zoning Board Members:**

Debra Curto –Chairwoman  
Kevin Koval- Vice Chairman  
David Maxfield  
Leonard Micelli  
Steve Kucskar  
Michael Morand

**Coordinator- Building, Planning and Development:** Richard Harris  
**Planner / Stormwater Management Technician:** Hanifa Khatibi  
**Deputy Town Attorney:** Cathy Drobny

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**Debbie Curto:** Good evening. This is the March 3, 2025 Zoning Board of Appeals meeting. We'll call the meeting to order at 7:02. We have one Public Hearing this evening for WW By Belmonte LLC. First we'll take a review of the minutes from February. Any changes or corrections, comments?

**Kevin Koval:** I didn't have any.

**Steven Kucskar:** I didn't have any.

**Debbie Curto:** Motion to approve as presented.

**Kevin Koval:** Motion.

**Debbie Curto:** Second.

**Leonard Micelli:** I'll second.

**Debbie Curto:** All in favor. (all in favor)

**Debbie Curto:** We'll open the Public Hearing at 7:03. There are three properties, 1 Bexley Lane, 3 Bexley Lane and 5 Bexley Lane. WW By Belmonte LLC is proposing to construct a single-family home. Bexley Lane is a private, dead-end road that was approved and constructed as part of the Windsor Woods subdivision located on Vosburgh Road. The Windsor Woods subdivision was approved by the Town of Halfmoon Planning Board on August 13, 2012. Each of the three lots on Bexley Lane were approved for construction of two-family houses or duplex. As indicated on the field maps, Bexley Lane and Vosburgh Road were depicted as the front yard

and the property boundaries perpendicular to Bexley Lane. It was depicted as a side yard. Since the approval of the subdivision, new Town Law was enacted in 2019 requiring a 50 foot buffer to any regulated wetlands. On 1 Bexley Lane, the development will include construction of a single-family home with a driveway connecting to Bexley Lane. They both have connections to public sewer, water, gas and electric. 1 Bexley Lane is requiring a 11 feet per rear yard setback variance and a 23 foot wetland variance setback. For 3 Bexley Lane, they are proposing a 6 foot front yard setback. A rear yard setback of 21 feet and a wetland setback of 27 feet. 5 Bexley Lane, we are looking at a 35 foot front yard setback and a 26 foot wetland setback. So we have those three properties. Would the applicant like to provide any additional information for us?

**Brian Ragone:** Yeah. I'd just like to state I'm here with Peter Belmonte. I'm Brian Ragone, Landscape Architect with Environmental Design partnership. Peter's the applicant, obviously for the project. I'd just like to reiterate that since the single-family homes, they're all permitted within the agricultural residential district. It won't have any undesirable change to the neighborhood. There's a no cut buffer along Vosburgh Road which they're completely out of. We've looked at alternatives. The homes really can't be arranged any other way to stay out of all these restrictions. Utilities have already been run for the site, for each lot. Water and sewer, in anticipation to be able to build these houses. So, that's already there. The footprints, they've been reduced since they were originally approved. We also went from, obviously, two- family to now single-family lots. So, we don't feel that this variance, any of the variances that were asked for very substantial. I'd also like to say Peter's been paying taxes on these lots for 12 years. It's not really self-created because now that the interpretation of the setbacks along Vosburgh make it a rear setback and stuff like that, since the subdivision got approved, the wetland buffer setback, that wasn't on there back then. So, I'd just like to state that on the record.

**Debbie Curto:** Any comments or questions from the Board?

**Kevin Koval:** None from me.

**Leonard Micelli:** I don't have any.

**Debbie Curto:** I'll make the motion to close the Public Hearing at 7:08.

**Leonard Micelli:** So moved.

**Debbie Curto:** You're welcome to have a seat as we go through the questions for the area variance.

**Kevin Koval:** Are we going to do a test for all three as one because they're so similar?

**Debbie Curto:** Ok, we'll start with 1 Bexley Lane. Number 1: whether an undesirable change will be produced and the character of the neighborhood are a detriment to nearby properties will be created by the granting of the area variance.

**Kevin Koval:** I don't see any undesirable changes to the neighborhood. This lot fits in with the character of the neighborhood.

**Leonard Micelli:** I would agree with that.

**Steven Kucskar:** I would agree with that.

**Debbie Curto:** Number 2. Whether the benefits sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

**Kevin Koval:** Based on the layout of the lot where the wetlands are, I don't see any other place to be able to place the structure.

**David Maxfield:** I also think that being they changed it from a two-family to a single-family and changed the sizing of the home also helps with that.

**Debbie Curto:** Number 3. Whether the requested area variance is substantial.

**David Maxfield:** I don't think this one is substantial on the rear yard or the wetland.

**Kevin Koval:** I agree.

**Leonard Micelli:** I agree with that.

**Steven Kucskar:** I agree.

**Debbie Curto:** Number 4: whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district.

**Kevin Koval:** I see none.

**Leonard Micelli:** I agree with that.

**Steven Kucskar:** I don't see any.

**Debbie Curto:** And, Number 5. Whether the alleged difficulty was sub-created. Which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

**David Maxfield:** I don't think it was self-created. I think because the rules and laws changed, that's caused more issues.

**Kevin Koval:** I agree.

**Steven Kucskar:** I agree too.

**Debbie Curto:** I'll make a motion that the rear yard setback of 11 feet and the wetland setback area variance of 23 feet be approved for 1 Bexley Lane.

**Kevin Koval:** Second.

**Debbie Curto:** All in Favor. Aye (all in favor). Opposed. (None). Motion carried.

***1 Bexley Lane – Area Variance***

***APPROVED, the Board approved the application seeking an area variance on a 1.52 acres in size lot located on 1 Bexley Lane, for an 11 ft rear yard setback variance and a 23 ft wetland setback variance.***

**Debbie Curto:** Next property. 3 Bexley Lane. Question number 1: Whether an undesirable change will be produced and the character of the neighborhood or detriment to nearby properties will be created by the granting of the area variance.

**Kevin Koval:** I see none.

**Leonard Micelli:** Same as the other, none.

**Debbie Curto:** Number 2: whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.

**Kevin Koval:** None is apparent to me.

**Leonard Micelli:** I would agree.

**Debbie Curto:** Number 3: whether the requested area variance is substantial.

**David Maxfield:** I feel that the front yard setback and the rear yard setback is not substantial. I do feel that the wetland is substantial.

**Kevin Koval:** I would agree with that.

**Leonard Micelli:** I would too.

**Debbie Curto:** Number 4: whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

**Leonard Micelli:** Same as question 1. None.

**David Maxfield:** None.

**David Maxfield:** No.

**Debbie Curto:** And Number 5: whether the alleged difficulty was sub-created. Which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

**Kevin Koval:** I do not feel it's sub-created.

**Leonard Micelli:** I feel the same.

**Steven Kucskar:** I agree.

**Debbie Curto:** I make a motion to approve the area variances at 3 Bexley Lane. Front yard setback area variance of 6 feet. The rear yard setback area variance of 21 feet and the wetlands setback variance up to 27 feet.

**Kevin Koval:** Second.

**Debbie Curto:** All in favor (all in favor). Opposed (none). Motion carried.

***3 Bexley Lane – Area Variance***

***APPROVED, the Board approved the application seeking an area variance on a 2.74-acre lot located on 3 Bexley Lane, for a 6 ft front yard setback variance, a 21 ft rear yard setback variance, and a 27 ft wetland setback variance.***

**Debbie Curto:** Lastly, 5 Bexley Lane. Number 1: whether undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

**Leonard Micelli:** No different or change in the neighborhood.

**Steven Kucskar:** No.

**Kevin Koval:** Agreed.

**Debbie Curto:** Number 2: whether the benefit sought by the applicant can be achieved by sub-method feasible for the applicant to pursue other than the area variance.

**Kevin Koval:** Not on this lot that I can see.

**Leonard Micelli:** I agree.

**Steven Kucskar:** I agree.

**Debbie Curto:** Number 3: whether the requested area variance is substantial.

**David Maxfield:** I feel that both the front yard and the wetland are both substantial.

**Kevin Koval:** I agree.

**Leonard Micelli:** I would agree also.

**Steven Kucskar:** I would also agree.

**Debbie Curto:** Number 4: whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

**Kevin Koval:** None.

**Leonard Micelli:** None.

**Steven Kucskar:** I agree.

**Debbie Curto:** Lastly, Number 5: whether the alleged difficulty was sub-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

**Kevin Koval:** It was not.

**Leonard Micelli:** I agree.

**Steven Kucskar:** I agree.

**Debbie Curto:** I make a motion to approve the area variance at 5 Bexley Lane with a front yard setback of 35 feet and a wetland setback area variance of 26 feet.

**Kevin Koval:** Second.

**Debbie Curto:** All in favor (all in favor). Opposed (none). Motion carried. Any other business?

***5 Bexley Lane – Area Variance***

***APPROVED, the Board approved the application seeking an area variance on a 5.2-acre lot located on 5 Bexley Lane for a 35 ft front yard setback variance and a 26 ft wetland setback variance.***

**Kevin Koval:** Motion to adjourn.

**Debbie Curto:** Motion to adjourn at 7:12.

**Steven Kucskar:** Second.

**Debbie Curto:** Thank you.