

A Meeting of the Zoning Board of Appeals for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 351 Reynolds Road, Moreau, NY 12828 on the 23rd day of October 2013 at 7:00 PM.

The meeting was called to order by Chairman Gerhard Endal at 7:00 p.m.

ZONING BOARD MEMBERS PRESENT:

Chairman Gerhard Endal

Kevin Elms

John England

Richard Kubis

ZONING BOARD MEMBERS ABSENT:

Scott Fitzsimmons

Others Present: F. Joseph Patricke, Building Inspector; Tricia Andrews, Recording Secretary

The Board reviewed the minutes of September 25, 2013 meeting. “Wasked” was changed to “asked.”

Chairman Elms motioned to approve the minutes with the addition “but the Board clarified for Mr. Ramsey that the lot has two fronts and this is the part that would be considered the side” and Mr. Kubis seconded.

Motion passed unanimously with no roll call.

This Appeal was listed/advertised as No. 739 but should be No. 740.

The Board reviewed Appeal No. 740, a request of Matthew E. Lombardi of 14 Evergreen Lane, Gansevoort, NY 12831 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59A and Town Law 267b. Applicant is proposing to construct a garage addition that will not meet the required Front Yard Setback in an R-2 Zoning District. This property is on a corner lot and is designated as 63.13-1-30 on the Town Assessment Map.

Mr. Elms asked Mr. Patricke to clarify why a variance is needed, as it looks like he meets the setbacks for his district. This is a corner lot with two fronts and when the subdivision was created the Town Board asked for 50 ft. setbacks instead of the regular 40 ft.

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Mr. Lombardi had plans for a 30 by 30 ft. shed scaled back to a 25 ft. shed thinking it was a 40 ft. setback but with a 50 ft. it would be difficult to fit the garage next to the house and still fit cars in it. The variance requested is 8 ft. and the neighbors have been supportive as they all have 2-3 car garages.

Joe and Nancy Porlier, of 13 Evergreen Lane, a neighbor, has a garage added and had no obstacles such as this, he would like Mr. Lombardi to get what he needs

Mr. Patricke added that he might use a room over a garage as well as that is another reason why he needs the garage to be right next to the house. There is other space on the property but it doesn't fit with the applicant's future plans.

Mr. Elms asked and there was no correspondence from the neighbors, it was not referable to the County and SEQR was not required.

There was no public comment.

The Board reviewed the criteria for granting an Area Variance and found as follows:

- (1) That the strict application of dimensional requirements would result in a specified practical difficulty to the applicant;
- (2) That the difficulty cannot be alleviated by some practical method feasible for the applicant to pursue;
- (3) That the variance is not substantial; but that the location on a corner lot presents additional difficulty.
- (4) That there will be no substantial change in the character of the neighborhood or a detriment to the adjoining properties; and
- (5) That the alleged difficulty is not self-created.

The Board reminded Mr. Lombardi the overhang for his roof must fit within the setback as well.

The applicant asked to amend the Appeal for 9 ft.

Mr. Elms motioned to grant Appeal No. 740 for an Area Variance for 9 ft. relief from the required front yard setback, Chairman Endal seconded. Roll call vote proceeded as follows: Mr. England, Yes; Mr. Kubis, Yes; Mr. Elms, Yes; Chairman Endal, Yes. Motion passes unanimously.

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Angela Wadsworth was at the meeting and asked what happens if a Special Permit is granted, and the building doesn't meet footings, etc. She was advised that this Board deals with permits but not enforcement. Once a Permit is granted it is out of the Board's hands. She was directed to her attorney.

The Board would like to make note of the fact that the setback for Appeal No. 739 was granted with the wrong Zoning District in mind. The Appeal was granted for 22 ft. relief from the 40 ft. front setback in an R-2, but the house is in the R-1. Motion was made by Mr. Elms to amend Appeal No. 739 to 12 ft. relief from the 30 ft. setback. Roll call vote proceeded as follows: Mr. England, Yes; Mr. Kubis, Yes; Mr. Elms, Yes; Chairman Endal, Yes. Motion passes unanimously.

The Board will meet on Wed., Nov. 20th and Dec. 18th if there are Appeals due to the Thanksgiving the Christmas holidays.

Chairman Endal adjourned the meeting at 7:34 pm.

Respectfully Submitted,

Tricia S. Andrews