

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 18th day of December 2013 at 7:00 PM.

The meeting was called to order by Chairman Gerhard Endal at 7:05 p.m.

ZONING BOARD MEMBERS PRESENT:

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| Gerhard Endal | Chairman |
| Kevin Elms | Member |
| John England | Member |
| Richard Kubis | Member |
| Scott Fitzsimmons | Member |

ZONING BOARD MEMBERS ABSENT: None

Others Present: Tricia Andrews, Recording Secretary

The Board reviewed the minutes of October 23, 2013 meeting. Chairman Elms motioned to approve the minutes as presented and Mr. Kubis seconded. Motion passed unanimously with no roll call.

The Board reviewed Appeal No. 741, a request of Raymond and Helen Morris of **528** Gansevoort Road, Moreau, NY 12828 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59A and Town Law 267b. Applicant is proposing to construct a front porch that will not meet the required front yard setback in an R-2, One and Two Family Residential Zoning District. This property is designated as 64.1-1-5 on the Town Assessment Map.

The Appeal should be amended to show that the address of the property is 528 Gansevoort Road, Fort Edward, NY.

Mr. and Mrs. Morris were present and explained that they would like to put on a front porch that has been planned for twenty years.

A map was included with the Appeal Mr. Elms asked where they had measured from, and it was the middle of the road. The 36 ft. shown on the map should say 61 ft. from the center of the road, because the house is on line with the garage at 69 ft. and the porch is 8 ft. deep.

Chairman asked where the property line is and he said he didn't know without a survey. Mr. Elms says it usually runs 5 ft. out from the shoulder, but the shoulder is hard to determine. It is impossible for the Board to determine what relief is needed without knowing how deep it is.

The 36 ft. could be an estimate of what the distance from the property line to the porch might be.

Mr. Morris recalled that Mr. Marcantonio (Assistant Building Inspector) told him where it looked like the porch would be, that would mean they need relief of 4 ft.

The Board discussed that 4 ft. is not a substantial difference, but some members were concerned with

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the lack of definite numbers.

Mr. Morris stated that there are plenty of houses closer than this and the Board agreed that many older houses were built closer to the road than is allowed now. That fact makes this change fit into the character of the neighborhood.

The porch is already up and done. The footings had gone in years ago. He thought his building permit from previous years was still valid. The Board discussed giving the applicant 5 ft. of relief because the numbers are uncertain and agreed that it might simplify things for the applicant. Mr. Endal would like it to be part of the record that this only applies to this porch.

Mr. England asked whether there is an overhang and advised the applicant that this would be included in the setback measurements.

Correspondence was received from neighbor Rodney Renz, and Mr. Joe Galusha of 527 Gansevoort Road was present, both stating that this is fine with them.

SEQR Review is not required for an Area Variance.

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.
- (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.

Mr. Elms motioned to grant Appeal No. 741 for an Area Variance for 5 ft. relief from the required front yard setback, Mr. England seconded. Roll call vote proceeded as follows: Mr. England, Yes; Mr. Kubis, Yes; Mr. Elms, Yes; Mr. Fitzsimmons, Yes; Chairman Endal, Yes. Motion passed unanimously.

Chairman Endal adjourned the meeting at 7:24 pm.

Chairman Endal will be absent until April and Mr. Elms will stand in as acting chair.

Respectfully Submitted,

Tricia S. Andrews