

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 22nd day of July 2015 at 7:00 PM.

ZONING BOARD MEMBERS PRESENT:

Chairman Gerhard Endal

Kevin Elms

John England

Scott Fitzsimmons

ZONING BOARD MEMBERS ABSENT: None

Tricia Andrews, Recording Secretary.

Chairman Endal called the meeting to order at 7:06 p.m.

The Board reviewed the minutes of the May 27, 2015 meeting. Mr. Elms motioned to approve the minutes with corrections and Mr. Fitzsimmons seconded. Motion carried unanimously with the following corrections: p. 2498 last line "existing building **entryway** is very crowded," p. 2499 middle page- 3rd line "Just want to have reasonable fellowship **space**" Next line "**County** Planning Board."

Appeal No. 756

The Board reviewed Appeal No. 756, a request of Richard and Tracy Kubis of 401 Fortsville Road, Gansevoort, New York 12831 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59)A) and Town Law 267-b. Applicants are requesting to construct a porch that will not meet the required front yard setback. This property is located in an R-3, Agricultural, One and Two Family Residential District and is designated as 77-3-12.1 on the Town Assessment Map.

Mr. Kubis stated for the record that he is recused from the Appeal. The applicants' front door used to have a porch many years ago, and they would like to restore it, by adding an 8 ft. porch with stairs and an overhang. They are requesting 12 ft. relief. The house is right on the 40ft. line.

Mr. Patricke added that this is about the minimum width for a reasonable, usable porch, and that all front doors should be covered.

Mr. England noted that the neighboring houses are closer to the street than his will be.

Nothing was received from the neighbors, the County is not involved and there is no SEQR for this project.

The Board reviewed the criteria for granting an Area Variance:

- (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;

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- (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 12ft. relief from the required front setback and Mr. England seconded. Roll call vote proceeded as follows: Mr. England, Yes; Mr. Elms, Yes; Mr. Fitzsimmons, Yes; Chairman Endal, Yes. Motion passes unanimously and the Appeal is granted.

Appeal No. 759

The Board reviewed Appeal No. 759, a request of DMMH Corp of 53 Lamplighter Acres, Moreau, New York 12828 for a Special Use Permit pursuant to Chapter 149, Article V, and Schedule of Regulations for a C-1, General Commercial District. Applicant is requesting to use the building at 1433 Route 9 for Indoor Recreation. This property is designated as 63.3-1-1 on the Town Assessment Map.

No representative appeared to discuss Appeal No. 759. Mr. Patricke briefly reviewed the circumstances regarding the requested permit with the Board but no action was taken.

Appeals No. 757 and 758 were withdrawn prior to the meeting due to issues uncovered at the Planning Board. The County sent a no impact letter regarding St. Andrew Lutheran Church as expected. The Chairman adjourned the meeting at 7:24 p.m.

Respectfully submitted,
Tricia S. Andrews