

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 March, 2016 at 7:00 PM.

ZONING BOARD MEMBERS PRESENT:

Kevin Elms, Acting Chair

John England

ZONING BOARD MEMBERS ABSENT: Chairman Gerhard Endal ,
Richard Kubis, Scott Fitzsimmons

Also Present: Ben Marcantonio, Code Enforcement Officer; Stephanie Dilallo-Bitter, Attorney for the Town; Tricia Andrews, Recording Secretary.

Acting Chairman Kevin Elms called the meeting to order at 7:05 p.m.

No minutes were reviewed and the Applicant was informed that no decisions could be made tonight because of the absence of a quorum.

New Business

Appeal No. 765

A request of Mark A. Reynolds of 4 Jon Kay Road, Lake George, NY 12845 for an Area Variance pursuant to Chapter 149, Article V, Section 149-59A and Town Law 267-b. Applicant is requesting to construct a single family dwelling that will not meet the required side yard setbacks in an R-2 One and Two Family Residential Zoning District. This property is located at 398 Reynolds Road, Moreau, NY 12828 and is designated as 63.18-1-1.1 on the Town Assessment Map.

Appeal No. 766

A request of Mark A. Reynolds of 4 jon Kay Road, Lake George, NY 12845 for an Area Variance pursuant to Chapter 149, Article V, Section 149-59 A and Town Law 267-b. Applicant is requesting to construct a single family dwelling that will not meet the required side yard setback in an R-2, One and Two Family Zoning District. This property is located at 400 Reynolds Road, Moreau, NY 12828 and is designated as 63.18-1-1.2

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Mr. Reynolds had purchased this property some years ago and discovered that only part of it was in the Commercial District, so he couldn't use it for anything. He subdivided the property back then, 2007, and now would like to address the setbacks in order to make it possible to fit a house on the property.

Mr. Elms remembered that meeting and had looked back on the minutes and saw that it was made very clear at the time of subdivision that they were going to stick to those setbacks.

Mr. Reynolds argued that he had seen several other properties in the area get similar treatment and his shouldn't be excluded.

Mr. Elms explained that it has to be 150 ft. wide (corrected to 125 ft. by Mr. Marcantonio).

Mr. Reynolds argues that public water has come in and that should change things. He explained he hasn't been able to sell the lot and they don't want to sue the people they bought it from. They were told it was commercial by the seller and the Town, and Rezoning is being looked at, so it wouldn't be difficult for the Town to move the Commercial line and include this entire property.

Atty. Dilallo-Bitter pointed said that though the approval was conditioned on those setbacks, Mr. Reynolds can always bring it back, the character of a Board can change and he is can argue that it's feasible and meets the criteria. Her comment is that it's difficult to assess the Variance without the dimensions of the structure identified on the map, so before the next meeting he should place that on the map.

Mr. Reynolds said he could bring in photos of a 20ft. wide home and a 30ft. wide home, and they would see that it fits in better with Strawberry Acres.

Mr. Elms asked for drawing of what he proposes to do. The lots are 100 ft. wide, the Code requires 15 ft. setbacks on each side, why is there an issue since that leaves room for a 70 ft. wide structure?

Atty. Dilallo-Bitter pointed out that Mr. Reynolds is looking at the back side of the parcels. That's why it's important to put the house on the map.

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Mr. Reynolds was under the impression they were 50 ft. wide lots.

Mr. Elms recalled that he remembers what was done, 100 ft. building lots still made perfect sense and met the setbacks.

A neighbor from Cashmere Drive, wanted to know if he had interpreted correctly what just happened which is that Mr. Reynolds can build now, and will adhere to the setbacks. The Board assured him that is the case.

A neighbor who owns the Landmark wanted to know whether this is the right venue to ask about a noxious odor from burning of trash at a nearby home, and Mr. Marcantonio told him that he could look into the issue if it were outdoors. Another neighbor, Mrs. Bouchard said she thinks it is coming from the chimney. Mr. Marcantonio can't do anything unless he is allowed into the house, but recommended these people might want to call DEC.

Mr. Elms adjourned the meeting at 7:18 p.m.

Respectfully submitted,

Tricia S. Andrews