

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 24th day of August, 2016 at 7:00 PM.

ZONING BOARD MEMBERS PRESENT:

Gerhard Endal, Chair

John England

Richard Kubis

Kevin Elms

Scott Fitzsimmons

ZONING BOARD MEMBERS ABSENT: None

Also Present: Atty. Malcolm O'Hara, Attorney for the Town; Jim Martin, Zoning Administrator; Tricia Andrews, Recording Secretary.

The Board reviewed the minutes of the July 27, 2016 meeting and noted that on p. 2578 the phrase "The Board reviewed the minutes of the June 22, 2016 meeting" was left out. Mr. Elms motioned to approve the minutes with those corrections and Mr. Fitzsimmons seconded. Motion passed unanimously.

Appeal No. 779

A request of Raymond and Tami-Jo Blondo of 5 Park Drive, South Glens Falls, NY 12803 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59 and Town Law 267-b. Applicants are requesting to convert a commercial use into a 3rd rental unit in an existing building. This property is located at 26 Feeder Dam Road, South Glens Falls, NY 12803, in an R-1, One Family Zoning District and is designed as 49.43-1-12 and 49.43-1-34 on the Town Assessment Map.

Purchase building in November, had 2 units and a deli which they closed in April. They wanted steady income as a 2-bedroom rental, so they put up some walls, didn't change plumbing or electrical.

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Chairman: This is a pre-existing non-conforming use. Why are we looking at an Area Variance to change use?

Mr. Martin: This is in the R-1 Zone, where residential dwellings are allowed uses. It's a density issue as more than one dwelling on the lot. R-1 allows single family dwellings, but not multi-family buildings, and it is here because a violation was found via a complaint.

Mrs. Blondo: We were just putting up two walls. We were told when we bought it from the Bartletts that if the business sat vacant for 6 months it would revert to residential anyway. All we did was put up walls. It's actually less traffic and less use of water, etc.

Mr. Blondo: And tractor trailers in and out.

Mr. Martin: There should be a building permit, as wiring was moved and maybe insulation.

Mrs. Blondo: We just brought wiring down from the cabinets.

Mr. Martin: I am not the building inspector, but you should check and see if that would need evaluation.

Mr. Endal: It seems like you should check.

Mr. Blondo: We were given to understand we didn't need a building permit.

Mr. Endal: Atty. O'Hara, what's your sense of this?

Atty. O'Hara: It's a lesser use than the Commercial Use. I don't know if there's public comment in opposition to it.

Mr. Antis: That was a grocery store before we had zoning, from the 60's. It's always been a grocery store.

Mr. Martin: For the applicant's information the use would expire after 2 years, not 6 months.

Mr. Endal: I thought it was a year.

Mr. England: What about parking?

Mrs. Blondo: There's 8 spots across the front and 6 down the side, and only two cars there at any given time.

Mr. Martin: The residential use is much less on parking.

Mrs. Blondo: I am within the sewer district for the Village and pay for water from both the Village and the Town.

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Mr. Martin: The parking requirement is 1.5 spaces per dwelling unit.

Mr. Endal: If we were to grant this and it becomes residential, it can't go back to being anything commercial.

Mrs. Blondo: We have it listed for sale as commercial because the store was still operating when we listed it, but it also says three units.

Mr. Endal: If we do this, it *has* to be.

Mrs. Blondo: We want it to be.

Mr. Kubis: It's in a one-family zone and we've already got double what's appropriate and now we are going to go triple.

Mr. Fitzsimmons: How many units?

Mrs. Blondo: Two upstairs, one downstairs. The part that used to be a grocery is now a 2-bedroom apartment.

Mr. Fitzsimmons: Three total apartments?

Mrs. Blondo: Yes. No change at all to the front of the building.

Mr. Blondo: Well, we are going to put in a different door eventually.

Mr. Fitzsimmons: Are there other apartments in that vicinity?

Mr. Elms: At the end of the road there's a complex. It's still in the R-1 district. And I believe there are a couple of houses down there with two apartments in them.

Mrs. Blondo: The first two when you come onto Feeder Dam Road are, and there are probably more if you were to look into it.

Mr. Elms: If we approve this, you will have 3 apartments in a R-1 zone and that's a valid concern, but you had a commercial establishment in an R-1 zone and this is diminished use. Is it making it better for the people in the neighborhood not to have a commercial use there? I think it is, on those merits.

Mr. England: It doesn't meet the criteria.

Mr. Martin: That goes to the second criteria.

Mr. Elms: I think it's gonna make it better.

Mr. Endal: When I look at the requirements for an Area Variance, it's undesirable change: I don't think so. To be honest if it's going to change to a residential use, why doesn't it look like one, because it doesn't. That's a concern, but it's still less traffic, so I guess the impact is ok.

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Mr. Elms: At some point in time there will be a gradual change.

Mr. Endal: The next is whether the benefit can be accomplished some other way. Why not make the apartment downstairs bigger and get more money?

Mrs. Blondo: If we were to make it bigger, to make that money back we'd have to charge \$1300-\$1400 month rent, and no one wants to pay that.

Mr. Endal: Apartments do rent for that, but this is not one of those.

Mrs. Blondo: We don't have the money to make that kind of renovation. It was difficult to close the store.

Mrs. Endal: I live on Feeder Dam Road and I don't have a problem with this, but my question is whether they will do something with landscaping it.

Mr. Blondo: We'd have to do something. We've got to come back here about it.

Mrs. Blondo: Eventually we will take the sign down. One thing at a time.

Mr. Martin: It may be reasonable to consider placing some conditions and time frames for the conditions, to remove a sign or add some landscaping is reasonable. We can track and follow up on it. Something can be worked out.

Mr. England: When we put conditions on it it's usually for people who don't want to, they want to.

Mr. Martin: I think they do. We will give reasonable time frames etc. It's your option to do it.

Mr. Blondo: I didn't want to take it down because we weren't sure we would be able to proceed as we want to.

Mr. Endal: And if we do this you can't put it back up. We have to look at whether anyone can make a profit, not just you. What would we say if someone else wanted to make 2 apartments 3?

Mr. Elms: It depends on the circumstances. That's what makes this job so tough.

Mr. Kubis: It's significant.

Mr. Elms: I think that, if we say no, they've got a Commercial property that they can, for the next year and six months, turn back into a store. If I lived there, I'd rather have a rental there than a store.

Mr. Endal: I have had an attorney advise me that we are to weigh detriment to applicant against detriment to neighborhood, and I don't see a detriment here.

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Mr. England: If we approve, we're returning this property to residential use. And it can't go back.

Mr. Fitzsimmons: Are both apartments rented?

Mrs. Blondo: They are all rented.

Mr. Fitzsimmons: If this does not go through, do you hang onto the building?

Mrs. Blondo: No, we walk away. File bankruptcy.

Mr. Fitzsimmons: So, I just moved into that neighborhood. I don't want an abandoned property in my neighborhood, deteriorating and overgrown. I like putting it back to residential as it's sitting in.

Mr. Blondo: This was the alternative plan. The store can't make it.

Mr. Endal: So we've answered the some other method. The next is whether the variance is substantial. I don't know how to judge that.

Mr. Kubis: It's 100%! One's allowed, this is more.

Mr. Endal: The last circumstance is whether it is self created.

Mr. Elms: We wrestle with that.

Mr. Endal: And it doesn't preclude. But I am not sure what that would mean in this case. Any further public comment?

Mr. Antis: Why couldn't it be used as a business or professional office?

Mr. Elms: That would require a change in use.

Mr. Martin: When was there last a grocery store?

Mrs. Blondo: April 30th.

Mr. Martin: So the commercial use continues.

Mr. Elms: It would require a Variance for anything but a grocery store. But this is a far more desirable change.

Mr. Kubis: So it goes to can be achieved by another method. I don't know. I think it can.

Mr. England: There's a chance it could.

Mr. Elms: I think that it's gonna end up, we are going above what we usually do.

Mr. Endal: I live there in the neighborhood, I liked having a neighborhood grocery store.

Mr. Blondo: You didn't stop in enough.

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Mr. Endal: I didn't.

Mrs. Blondo: It wasn't so much the customers as it was the small business regulations of the State of NY.

Mr. Endal: So I like them, so what, that's not the point. The Zoning Code says we don't have those is residential areas, so we go by the Code.

Mr. Martin: Technically a Commercial use could continue there, but is it viable in the current climate? Did you try to get another market in there?

Mrs. Blondo: No, when I went in there, having been laid off from Glens Falls Hospital, we drained Ray's 401k to make it happen. I had to sell 20 cartons of cigarettes a week to pay for the permit, at .03 a pack. The alcohol, the lottery, the seasonal changes.

Overcoming all the wrongs of the previous owner. Business didn't come back after 2015 winter, I couldn't afford cigarettes. Taxes, workers comp, made it impossible to do business. It was a very difficult decision and I wrestled with it.

Mr. Endal: So we talk about can you do something besides make an apartment, but why do want you to?

Mr. Blondo: We can always ask if we want to change it back.

Mrs. Blondo: We're not going to do that.

Mr. Endal: That would be a Use Variance, and they are very hard to get.

Chairman Endal closed the public hearing at 7:37 pm.

Mr. Martin: So the conditions I recommend are the removal of the sign, consult with building inspector regarding whether they should have a building permit, remove asphalt/add landscaping. We need to discuss timing for those conditions.

Mrs. Blondo: Before we agree to those conditions, is that another \$50?

Mr. Martin: I don't know what the cost is. This is what everybody in Town does, we've been very fair.

Mr. Elms: And we don't know for sure that they are gonna need a building permit.

There's no change to consult.

Mr. Martin: A new building inspector, Matt Dreimiller, just started.

Mr. England: Other restrictions. If we were asking them to put up a sign, there'd be a cost factor.

Mr. Elms: There's still a cost factor.

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Mr. Endal: What's your sense?

Mrs. Blondo: We have no idea what's involved in digging that up. We can't afford it. Maybe 6 months to do the sign. A year for the driveway.

Mr. Blondo: A year after the six months.

Mr. Endal: I know someone who put 6-8 inches of topsoil right over the asphalt.

Mrs. Blondo: What landscaping are you looking for?

Mr. Martin: Just grass it over.

Mr. Elms: If we're willing to do this because we want a non-commercial space there, we want it to look non-commercial.

Mr. Blondo: I'd have to consult with the Village for drainage, etc.

Mr. Martin: And detail 5 parking spaces. Configuring the drive and parking lot to accommodate the apartments will take some work.

Mr. Blondo: They can park out back.

Motion to grant Appeal No. 779 made by Mr. Elms with condition that the grocery sign be removed within 6 months, that the applicants consult with the building inspector within two weeks, and that the parking area will be made residential looking within 18 months. Mr. Fitzsimmons seconded.

Mr. England, Yes; Mr. Kubis, Yes; Mr. Elms, Yes; Mr. Fitzsimmons, Yes; Chairman Endal, Yes. Motion carried 5-0.

Appeal No. 781

A request of Maurice Combs of 96 Van Dusen St., Queensbury, NY 12804 for a Use Variance pursuant to Chapter 149, Article X, Section 149-59(b). Applicant is requesting to create four (4) new mobile home sites beyond the extension of the pre-existing non-conforming use on an existing mobile home park. This property is located at 2-14 and 16-18 Fawn Road, Gansevoort, NY 12831 and is designated as 77.1-1-13 and 77.1-1-28 on the Town Assessment Map.

Appeals No. 780 and 781 were heard in reverse order after some discussion over whether one would nullify the other.

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Mr. Kubis is a neighbor, so he recused himself.

Mr. Endal: What you want to do is add 4 mobile homes.

Mr. Combs: We have 7 now and we've asked for 50% so that's 3.5, we asked for 4.

Mr. Endal: But you only have 5 now, correct?

Floyd Smith, Mrs. Smith and Michael Greene who live across Fawn Road were present.

Mr. Smith: We heard this a month ago and 50% of 4 was 2 then, and you can't grandfather it in, because he never paid tax on that property.

Mr. Endal: Address the Board please. Mr. Combs, do you own now?

Mr. Combs: Yes. I leased it for 34 years, and I bought it from Mr. Russo's estate this year.

Mr. Greene: You said something about detrimental impact to the community. We've been improving our homes on Fawn Road, every day we can. We've been putting up with a lot that goes on across the street. This gentleman comes out of nowhere and he wants to put more mobile homes right across our houses. I paint my house, I pay taxes, how can I ever sell my house with 3,2 whatever homes across from my house crammed into that little portion of land? I'm not putting anything down, I've been there this long, I think that's detrimental to the value of my home.

Mr. Smith: You don't have the footage to put a decent house in that Vee.

Mr. Green: I couldn't believe it when Floyd brought this to my attention. If this expands, it makes my house worthless to sell.

Mr. Endal: Thank you. Have you seen the plans?

Mr. Green: Yes, we all went up and looked at it. Just go and look at the location though.

Mr. Elms: We've all been and looked at it.

Mr. Combs: All the lot sizes comply.

Mrs. Smith: Snow is a problem. The Town pushed show there. What would they do with that then?

Mr. Smith: There isn't 100 ft. between those trailers.

Mr. Endal: He's proposing 3 new mobile homes on Fawn Rd. and 4 on Fortsville Rd.

Mr. Elms: They are 100 ft lots.

Mr. Smith: What is the size of the trailers?

Mr. Elms: 70 ft.

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Mr. Smith: So he's 15 ft. from the sides?

Mr. Elms: That meets the setbacks.

Mr. Smith: Fine. But should he make money when we lose value?

Mr. Elms: I wasn't referring to that.

Mrs. Smith: That road is heavily travelled.

Mr. Elms: One way. That must have helped.

Mrs. Smith: People still do.

Mr. Smith: They go through Dental Vue.

Mr. England: In my previous employment as an investigator for the State, I had some dealings with Mr. Combs and I have to state that for the record.

Mr. Endal: We have some guidelines for what we can do. Mobile home parks are not an allowed use. He has to show that there is no other way to get a reasonable return on his property, and to do that we need competent financial evidence. We have from his attorney...

Mr. Antis: What's the hardship?

Mr. Endal: The attorney says that it does not lend itself to development because it's not on Route 9, and they have had no offers for development. Also he cites the irregular shape, not of Mr. Combs creation, which is unique.

Atty. O'Hara: The burden on the applicant is that he can't get a reasonable return, and his argument is that the unique shape makes it difficult to develop, and turning it in to something like storage units doesn't make as much money as a mobile home park. My personal opinion is that this isn't enough information to address that concern, we don't know how much return he's making now, for instance.

Mr. Elms: Actual dollar amounts are not mentioned.

Atty. O'Hara: That is would be better, but not what it is.

Mr. Martin: A statement is made, but it needs empirical backup.

Mr. Endal: Such as an attempt to sell it?

Mr. Martin: Some kind of demonstration. Supporting information. It's a hard standard to meet, as you have said.

Mr. Elms: When they say something isn't cost-effective, what's the cost?

Mr. Martin: I agree with Atty. O'Hara, but how about giving them an itemized list of

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what you require. Mr. Combs will have a difficult time relaying to his attorney what happened tonight, so you need a definitive list. If you were to act tonight, it's not enough information.

Mr. Endal: We're not talking about can you make more money this way than that way. It's can you make a reasonable return. This is zoned Commercial, but not for mobile home parks.

Mr. Combs: With just the ones that are there right now, it's not good.

Mr. England: You've had this property for 34 years.

Mr. Combs: I bought it, I leased it before.

Mr. Smith: It worked when he leased it, why doesn't it work now he owns it?

Mr. Martin: Shouldn't he list it with a realtor, be able to tell us there's no response?

Mr. Endal: Is it unreasonable to ask for a balance sheet?

Mr. Martin: That's exactly what you should ask for. The key element is, compare what it's costing you to run it compared to what it could return to you as zoned, can that support the costs you bear. Uses that are allowed in C-1 zone.

Mr. Elms: I would want to see the numbers on storage, they are very successful.

Mr. Antis: What if he took out all the mobile homes, and put a business there that met the criteria. Maybe you could get more value.

Mr. Endal: That's what you need to show us. It costs money to remove it all, show that too. We need more information to consider this, and even if you do that, it doesn't guarantee anything. To be perfectly honest, looking at the rest of the requirements, there's no uniqueness in being triangular. I don't think that's the only triangular piece in Town, I don't believe that, there must be more.

Mr. Elms: Nolan Road, for example.

Mr. Endal: So that doesn't make it unique. It has to be a hardship that only applies to you. Again that's what makes these so hard to get.

Mr. Combs: It's been Russo's park for 40 something years. I'm paying taxes on it. If you've got a better idea I'd like to hear it.

Mr. Endal: We can't show you what to do with it, but you...

Mr. Combs: It's been zoned for Mobile homes for years.

Mr. Endal: The third criteria is affecting the character of the neighborhood, and

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according to the neighbors it would. And whether it is self-created. Anyway, we need to see that you really can't do anything else.

Mr. Elms: So do you want to hold this over?

Mr. Combs: If we need to, we can.

Mr. Elms: But if we do, he needs clear documentation on what he needs. Should we provide a letter from the Chairman?

Mr. Martin: We'll obviously give him the minutes, but if you want to do more.

Atty. O'Hara: It's really up to him and his attorney, there are multiple ways they can show it.

Mr. Elms: Should you help draft it?

Atty. O'Hara: If Jim would draft it, I will take a look at it and Mr. Krause can call me if he would like to.

Appeal No. 780

A request of Maurice Combs of 96 VanDusen St., Queensbury, NY 12804 for a Special Use Permit pursuant to Chapter 149, Article IV, Chapter 149-52 (D). Applicant is requesting an extension of up to 50% of a non-conforming use of an existing mobile home park. This property is located at 2-14 and 16-18 Fawn Road, Gansevoort, NY 12831 in a C-1, General Commercial Zoning District and is designated as 77.1-1-13 and 77.1-1-28 on the Town Assessment Map.

Mr. Martin: I want to ask Atty. O'Hara, I think the Use Variance has to be handled before the Area Variance.

Mr. Combs explained that his attorney couldn't be here he is out of town.

Mr. Martin asked if he doesn't get Appeal No 781, would he still move the homes.

Mr. Combs: The ones from Fortsville Road. There's three. Move to Fawn Road and put 4 others on Fortsville. That's what the request was for.

Mr. Martin: The Special Permit allows 2 to be moved. The lot at the point and the one next to that is where it's moved to?

Mr. Combs: Yes, because it's not my property today.

Mr. Martin: He has five, he's allowed 2 more. He can move the third one because it's

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already on his lot. Under the Special Permit, the two on Fortsville Road, go onto his property. There no new mobile homes coming into that lot.

Mr. Green: He just asked for 4 more.

Mr. Martin: But this is only about 2. Those two on the Special Permit could come over.

Mr. Green: He wants 6 on there?

Mr. Endal: That's the total project. He can still expand the non-conforming use. Under Appeal No. 780. If you take out...where would you move them to?

Mr. Combs: There's three in a row up there, and I want to move them to 1, 2, 3 as you see on the map, heading toward the point.

Mr. Endal: This is different from a Use Variance. Town Law allows a non-conforming use to be increased by 50% one time.

Mr. England: 50% of 5.

Mr. Elms: We round down, make 2.

Mr. Endal: He can have 7 on Fawn Road. We don't have any neighbors from Fortsville Road. We can't dictate where he can put it.

Mr. Martin: You kind of can. Septic is a concern. It has to have separation. His plan hems him in as to where they can go.

Mr. Endal: We can't tell him to do anything here.

Mr. Martin: If you see a quantifiable detriment to the neighborhood, you could restrict it.

Mr. Antis: So the two that are moving off of someone else's property, can that property not have trailers on it again?

Mr. Martin: Correct.

Mr. Antis: And that's Zoned C-1?

Mr. Martin: Yes.

Mr. Antis: So if they are allowed, why are you moving them?

Mr. Combs: Someone else owns that now. The lease got more expensive, so I want to put them on my own property.

Mrs. Smith: Which two trailers are they?

Mr. Endal: The three in a row?

Mrs. Smith: The ones closer to Diamond Run?

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Mr. Martin: He can move the one on his property tomorrow if he wanted to.

Mrs. Smith: Isn't there a stipulation what they have to be? They are terrible.

Mr. Combs: They are being replaced with new ones. 1 & 3 I am replacing.

Mr. Green: This sounds like a farce.

Mr. Endal: It isn't. Speak to the Board please. He has a mobile home park... part of it is leased. He wants to get out from under that lease. But he has 5 homes on property he owns. He wants to expand that by 50%, as he is allowed to and he wants to exercise that right, but use new trailers on that land.

Mr. Green: He's saying he wants to move 2 and replace them. There's already 2 that you can see in that little point. There's...

Mr. Elms: Those aren't his, those are individual's properties.

Mr. Green: How he wants to put two on that little point. That is to the detriment to us property owners. He's only owned it for 2-3 years. Most of those are fine, but this is a tiny space. He says it's a hardship. He's been leasing it for 34 years, now he's got a problem? He just wants to make more money.

Mr. Endal: The hardship is on the other piece.

Mr. Green: What about my hardship selling my house? My taxes should do down as it devalues my property.

Mr. England: We are not dismissing the public opposition.

Mr. Endal: The review standards for a Special Permit do say that the use shall be of such location size and character in harmony not detrimental to orderly development...again, we're telling him that he needs to show us dollars and cents...if you come before us and say that it will reduce your values, I don't know.

Mrs. Smith: Do we need to have the Assessor come out?

Mr. England: Or a real estate agent.

Mrs. Smith: Real estate agents don't want anything to do with it.

Mr. Elms: So bring us a letter from one that says what the value is and that it's based on the fact that there's a manufactured home across the street.

Mr. Endal: Bring us something written by a real estate agent.

Mrs. Smith: How much time do we have to get that to you?

Mr. Endal: 30 days if we table it, which I think we might. The requirements are not as

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strict here. He doesn't have to show us hardship to add 2 trailers. And the property he's taking them from can't be a trailer park anymore...well, they could within 2 years, but that's not the intention here.

Mr. Martin: There will be no net gain in this locality, practically.

Mr. Endal: And there's criteria about traffic, and you can bring us opinions and evidence.

Mr. Combs: Those mobile homes were there before these people, they bought houses across from the park, so why are they saying that it's not going to sell now?

Mr. Smith: My house was built in 1939.

Mr. Green: My house 1950.

Chairman Endal motioned to table both Appeal No. 780 and 781 and Mr. England seconded.

Mr. England, Yes; Mr. Kubis, Yes; Mr. Elms, Yes; Mr. Fitzsimmons, Yes; Chairman Endal, Yes. Motion carried 5-0.

The Board noted that Mr. Elms won't be here in September and Mr. Kubis is recused.

Gerald McKenna appeared seeking an Interpretation of Decision- Town Code Chapter 149 Attachment 8 Schedule of Regulations for Multifamily Dwelling, One and Two-Family residential District (UR) and 149-55A.

Atty. O'Hara conformed that a request for Interpretation doesn't have to be advertised.

Mr. Martin explained that the applicant has a property at 22 Van Buren Street 37.3-1-7 and has been to this Board already for a Side Setback Area Variance. He went to the Planning Board for Site Plan Review and they came across the guideline under minimum lot area sq ft for 1 & 2 family, same as R2, and then for Multifamily that it has to have 5000 sq ft per unit, as well as water & sewer. 149-55 provides for the exceptions, and that says under lot area exceptions, that any non-conforming lot shall be considered as complying with minimum lot requirements, and no variance shall be required. The Planning Board members posed the question, would we allow 8 units on this lot? They went to asking for interpretation. His response is that other limitations such as for

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parking, etc., would then limit uses on the lot. The reverse is also true. If you have a small lot, one house is still allowed.

Mr. Martin was looking strictly at the wording of the Code, and the word density isn't there.

Mr. Elms: The minimum lot exception has been used liberally.

Mr. Martin: More recent codes probably do use density.

Mr. Elms: We need to update it.

Mr. Martin: But we have what we have, and intent does enter into it.

Mr. Endal: What do you mean by density?

Mr. Martin: If they used that, there would be a ratio there of lot area to density.

Mr. Antis: Some people felt that a 3 dwelling unit would be appropriate, but 4 would be unappropriate.

Atty. O'Hara: If you find that the Code supports 4 units, the Planning Board could still deny it on other criteria. What they need to know is whether this part of the Code precludes them from approving this. It is to be strictly construed but it's an inconsistent provision, so we brought it to you.

Mr. Kubis: It seems like if the exceptoin section says that pre-existing lots are not subject to restrictions, it is what it is.

Mr. Elms: By the way our Code is written, your interpretation is correct.

Mr. Martin: This is one of the things on the list, to edit for clarity. This is what we have to go on now.

Mr. Endal: It's a build-able lot.

Mr. England: For 3.

Mr. Kubis: For 4, because the exception rule.

Mr. Elms: It (the Code) has caused some problems, but we can't address it now.

Mr. Endal: We've had people come and want to build on narrow lots, and we still make them keep the setbacks, and he came and got that in this case.

Mr. Martin: He did shape the project to reasonably fit it into this lot. He found a floor plan that works within the confines of this lot with that Variance that you granted.

Planning has other means by which they could determine that something is too big for this lot.

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 24th day of August, 2016 at 7:00 PM.

Mr. Elms: Do you want a motion?

Mr. Martin: I prefer a Resolution.

Mr. Elms: I agree with your determination. How do we move that?

Move to support the determination of the Zoning Administrator on this project qualifying for the exception under 149-55.

Mr. Antis: 3 would have met and worked, but if you feel a 4th is ok.

Mr. Endal: I don't think we're feeling that.

Mr. Antis: If you find this way, that's what you're saying.

Mr. Martin: You're saying it's permissible. The Planning Board can still not allow it.

Mr. Endal: My sense is that this interpretation is correct.

Mr. Elms: Not necessarily that I agree with what's in there.

Mr. Martin: I write these for a living, I don't like this one, it's one of the first things we will address when we rewrite the Code.

Chairman Endal seconded motion.

Mr. England, Yes; Mr. Kubis, Yes; Mr. Elms, Yes; Mr. Fitzsimmons, Yes; Chairman Endal, Yes. Motion carried 5-0.

The meeting was adjourned at 8:57pm.

Respectfully submitted,

Tricia S. Andrews