

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 26th day of August, 2020 at 7:00 PM.

ZONING BOARD MEMBERS PRESENT:

Gerhard Endal, Chair

Kevin Elms

Scott Fitzsimmons

Justin Farrell

Matthew Manning

Also present: Jim Martin, Zoning Administrator; Tricia Andrews, Recording Secretary
Board Members absent: None

Chairman Endal called the meeting to order at 7:00 pm. The Board reviewed the minutes of the June 24, 2020 meeting. Motion was made by Mr. Elms and seconded by Mr. Fitzsimmons to approve the minutes of the July 22, 2020 meeting with corrections. All in favor, motion carried. Corrections are as follows: p. 2767 Variance is not the minimal it is. p. 2772 2nd line from bottom Variance is not materially detrimental. p. 2773 4th line from bottom Variance is not the minimal, it is.

Appeal No. 831

A request of Evan Allen of 92 Mountain Road, Gansevoort, NY 12831 for an Area Variance pursuant to Chapter 149, Article V, Section 149-59 (A) and Town Law 267-b. 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 District. This property is designated as 76.-3-3 on the Town Assessment Map.

Mr. Allen explained that he had steep steps before that faced the garage and couldn't make them longer because they faced the garage. He decided to add a porch.

This was already done. He submitted a building permit after it was constructed. It was just a project he decided to do because he had time on his hands during Covid and he was stopped and had to apply for the building permit and then for the Variance. The progress stopped.

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The dimensions on the porch are 28 ft long by 8 ft out from the house. 6.5 or 7 feet from the rain gutter.

The steps are not included. They are to go out towards the road but now that he knows about the setback rule he will cut out a corner of the porch and point them towards the driveway. Currently they point towards the road.

Mr. Martin reminded the Board that the steps are subject to the setback as well.

The normal is 40 ft. and the house is actually non-conforming and is at 36 ft.

Mr. Elms asked and the house was built in 1969-70. It is 11 ft of intrusion into the setback right now.

Mr. Manning asked and the original porch was three steps going up and facing the garage and it was hard to get in while holding anything and opening the storm door. This is three feet bigger than the prior steps so it is really 5 additional feet on a pre-existing non-conforming lot.

Mr. Elms raised a concern that this is obviously very close to the road when one is looking at it in person, and the house itself also is very close to the road.

Mr. Manning asked if there were cantilevers or were the supports at the end and they are. On the driveway side it is about 30 inches, it has a hand rail but no guardrail planned. Mr. Manning pointed out that this will need a guardrail. There is a hardship because of access. On the other hand, 8 ft by 28 ft is excessive and the need could have been met by a much smaller porch.

Mr. Elms thought that it was complicated by the fact that the house is already non-conforming, and the Board tries to be accommodating in those circumstances. But this is so very close to the road, that it is a tough call.

Mr. Elms asked what the financial burden would be to him to make it 4 ft wide instead of 8. Mr. Allen felt that that would be substantial, he would have to start over and it would cost him \$2,000. Mr. Elms said that if he had come to the Board before starting the project they would have worked with him to find something that would work but he is having a hard time with it being already built.

Chairman Endal asked the Board to consider what they would have approved if he had come before he started. Mr. Allen expressed that he appreciates the position the Board is in.

Mr. Fitzsimmons asked what size porch would have him meet the 50% guideline.

Mr. Martin mentioned that the original dimension is difficult to meet.

Mr. Elms thought that a 5 ft. deck would be reasonable. That is a lot of relief.

Mr. Martin thought that the original dimension was a practical difficulty.

Ellen Bombard was online and she wanted to watch the process and stated she thought the

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porch looked very nice and she hoped he gets the Variance. She lives diagonally across the street. Mr. Martin thanked her for participating. She was the only one on the Zoom call and there were no members of the public present.

Mr. Elms asked how much relief would be required for a 5 ft porch and how to state it since there is already a problem.

Mr. Martin asked the Board what dimension would give him a safe and reasonable entry to the house.

Mr. Manning thought there were two options 3 x 3 or 5 x5 which after a handrail would really be 4.5 ft. Could he get the porch to taper so that he could have more somewhere?

Mr. Elms thought that 5 x 28 would give him a place to sit. Those three feet would make a difference in how it looks from the road. If he stays so close to the road the snow will be thrown onto the deck from the plows in the road. Mr. Elms asked Mr. Allen whether that would be ok.

Mr. Allen asked for clarification whether it is 5 feet from the house or from the overhang.

Mr. Manning stated this is only 2 feet bigger than the three feet of the original stairs. Mr. Elms felt that this could be done without tearing it all out and starting over.

Mr. Endal said that stairs have to be three feet wide and that only leaves 2 ft for the door to open. Mr. Allen stated that the door doesn't face the road so it's fine. The steps would come up from the side and there would be a 3 x 3 area in front of the door he believes would work.

The porch would then be 5 ft out from the house wall, with stairs directed towards the garage.

Chairman Endal stated he was comfortable that the Board would have done the same thing if he had not already built it.

Mr. Elms asked if he was going to put a railing up and he agreed that he is planning a railing.

The Chairman chose not to review the usual criteria for granting an Area Variance due to the non-conformity of the lot and the difficulty found by the Zoning Board of Appeals to affect the applicant.

The public hearing was closed at 7:31pm.

Mr. Elms motioned to grant the request for a porch, measured by the Building Inspector at 5 ft from the house wall, and stairs directed towards the driveway, be granted, noting that it is not possible to designate the amount of relief from the required front yard setback because this is a pre-existing non-conforming lot.

Mr. Farrell seconded. Roll call vote proceeded as follows: Mr. Farrell, Yes; Mr. Elms, Yes; Mr. Fitzsimmons, Yes; Mr. Manning, Yes; Chairman Endal, Yes. All in favor, motion carries. The applicant was advised not to touch anything until he hears from Mr. Dreimiller.

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Mr. Elms motioned to adjourn the meeting at 7:35 pm and Chairman Endal seconded. All in favor, motion carried.

Respectfully Submitted,

Tricia S. Andrews