

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 28th day of October, 2020 at 7:00 PM.

ZONING BOARD MEMBERS PRESENT:

Gerhard Endal, Chair

Kevin Elms

Scott Fitzsimmons

Justin Farrell

Also present: Jim Martin, Zoning Administrator; Tricia Andrews, Recording Secretary
Board Members absent: Matthew Manning

Chairman Endal called the meeting to order at 7:00 pm. The Board reviewed the minutes of the September 23, 2020 meeting. Motion was made by Mr. Elms and seconded by Mr. Fitzsimmons to approve the minutes of the September 23, 2020 meeting. All in favor, motion carried.

Appeal No. 833

A request of Nelson Charron of 48 Pheasant Way, South Glens Falls, NY 12803 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 garage addition that will not meet the required front yard setback in an R-1, One Family Residential District. This property is designated as 50.6-1-4 on the Town Assessment Map.

Mr. Charron explained that the garage is an extra parking space and possibly a space to tinker on a motorcycle with his boys. Upstairs he plans a space for remote learning, storage, a little more space for his family.

Chairman Endal explained that this encroaches on the front setback a lot, and that to grant the Variance the Board looks at whether it is substantial. This is substantial.

Mr. Charron explained that the way the house is situated he needs 15 feet by the driveway and 20 by the back end. He could make it smaller or shift it a little, but there is a pool right behind it. Currently they can only park one vehicle with the garage with snowblower and lawnmower in there.

The new garage would be 34' deep by 32' wide. The width is what brings it over the line.

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Chairman Endal stated he was concerned that it is the entrance to the development and it would stand out as not fitting in, they are all large houses on smaller lots. This would change the character of the neighborhood.

Mr. Charron stated that in person there is a ton of grass there, his lot appears bigger than many of his neighbors'. Mr. Elms stated that the Board can only consider the land area that actually belongs to the applicant, not that between his property and the road.

The public hearing was opened. Ron Campbell of 46 Pheasant Way was present on the Zoom call. He expressed concern about how much of the front yard this would take up. His attached garage is 24 by 24 and that is enough for two cars. This proposed garage is going to affect the value of houses and is right at the front of the neighborhood.

Chairman Endal asked if the applicant would reconsider the width of the garage.

Mr. Campbell stated he would prefer a different part of the lot. People make u-turns in his driveway all the time. This applicant also just started a new business and he might be using it to store plumbing and heating supplies.

Mr. Charron stated that he is not going to do that.

Chairman Endal stated that the Board will take the applicant's word that he is not going to do business there, but that if he did, that would be a violation.

Mr. Elms stated that he shares Mr. Campbell's concerns. He suggested that front setbacks are difficult and he is not in favor.

Mr. Martin questioned whether a one-car garage would be sufficient.

The current application is for 68% relief. Mr. Martin reminded the applicant that the setback is measured to the eave, not the building wall, and asked whether one car would work.

Mr. Charron stated that he wanted to see what he could get. He wanted to use the existing driveway for entry. He reiterated he is not going to use it for his business. Chairman Endal asked if he would move it back, and Mr. Charron referenced the fence.

Mr. Elms wondered if they could do ten feet of relief to the eave and the applicant could still get a two car garage in there, but thought that ten feet is still a lot of relief.

Chairman Endal repeated that this would be a substantial change. Mr. Martin asked him whether the second story was critical and Mr. Charron stated that it wasn't, he just wanted to store some stuff there. Mr. Martin encouraged him to think through the aesthetics of a two-story garage in the front of the house as he didn't think it would look good with the rest of the nicely kept property.

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Chairman Endal stated that it also would not mesh well with the surrounding area, as it is a massive garage. Setting it back ten more feet and making it shorter would help it to fit in better. Mr. Elms stated that he wasn't as concerned about the height because it won't look like a garage from the road.

Mr. Farrell asked whether there would be room for a garage door if it was moved back. Mr. Martin pointed the Board to the floor plan, and that relief of ten feet would give enough room. Mr. Elms suggested a wider single door.

Chairman Endal stated that the Board could give the relief they feel comfortable with, and the applicant can do what he wants with it. This is a neighborhood full of small lots with large houses on them, and this could be opening a precedent for other requests in the neighborhood. Mr. Elms stated that the Board has done relief on the front in different circumstances, and he is more comfortable with ten feet relief. Chairman Endal referred to the guidelines and stated that the applicant has stated that he feels crowded in his house, and that is the practical difficulty, as is the small lot which is on a corner.

Neighbors were notified and there was no correspondence and no additional public comment. The public hearing was closed at 7:34pm. This is a type II action exempt from SEQR.

The Board reviewed the criteria for granting an Area Variance and found as follows:

1. That the strict application of said dimensional requirements would result in a specified practical difficulty to the applicant.
2. That the requested variance was substantial, but the Board is willing to give 30%.
3. That the difficulty cannot be alleviated by some practical method feasible for the applicant to pursue.
4. That granting the variance as amended would not cause substantial change in the character of the neighborhood or a detriment to the adjoining properties.
5. That the variance would not be materially detrimental to the purpose of this chapter or to property in the district in which the property is located or otherwise conflict with the description or purpose of the district or the objectives of any plan or policy of the town and that the variance requested is the minimum variance which would alleviate the specific practical difficulty found by the Zoning Board of Appeals to affect the applicant.

The Board consulted with the neighbor who was present on the call, Mr. Campbell, who felt that this proposal was better. The applicant has two fronts, so he can't move it back toward William

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Street at all.

Motion was made by Mr. Elms to grant up to 10 ft. relief from the required front yard setback to the eave of the building. Mr. Fitzsimmons seconded. Roll call vote resulted as follows: Mr. Elms, Yes; Mr. Fitzsimmons, Yes; Mr. Farrell, Yes; Chairman Endal, Yes.

Mr. Elms motioned to adjourn the meeting at 7:36 pm and Chairman Endal seconded. All in favor, motion carried.

Respectfully Submitted,

Tricia S. Andrews