

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 25th day of August, 2021 at 7:00 pm.

Town of Moreau
Zoning Board of Appeals
Wednesday, August 25, 2021

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 25th day of August, 2021 at 7:00 pm.

Zoning Board of Appeals Members Present

Gerhard Endal	Zoning Board of Appeals Chairperson
Kevin Elms	Zoning Board of Appeals Member
Justin Farrell	Zoning Board of Appeals Member
Scott Fitzsimmons	Zoning Board of Appeals Member
Matthew Manning	Zoning Board of Appeals Member

Zoning Board of Appeals Members Absent

None

Also present: Jim Martin, Zoning Administrator, Barbara Bartlett, Recording Secretary

Chairman Endal called the meeting to order at 7:00 pm.

The Board postponed the review and approval of prior meeting minutes until the next meeting, scheduled for September 22nd. (Application deadline for that meeting: September 8th.)

Appeal No. 838 - Area Variance

Request by Applicant Charles P. Maffetore for an Area Variance pursuant to Chapter 149, Article V, Section 149-59 (A) and Town Law 267-b 3. for construction of a six (6) foot privacy fence in front yard facing Feeder Dam Road. Said fence will extend twelve (12) feet from the house and to the corner of the existing attached garage. The total fenced area will be 144 square feet. The property is located at 23 Sunset Drive, Moreau, NY, Max Map No. 49.44-3-4, SEQR Type: Type II.

Zoning Administrator Jim Martin explained to the Board that this is the first fence variance since the Code changed this summer, and explained the changes to the local law. Mr. Martin also stated that this property also posed a different situation as it is a corner lot.

Chairman Endal asked the applicant to describe the project. Charles Maffetore stated that he would like to extend his fence line (to 12' x12') for a dog run and for a hot tub, and that it would be a stockade (privacy) fence with a shorter chain link fence inside.

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Chairman Endal asked for any questions from the Board. There were none.

The public hearing was opened, the Chair asked if there had been any correspondence from the public. Jim Martin stated that this was a properly noticed public hearing and there had not been any written correspondence and nothing via email. With no public attendance, the public hearing was closed.

Jim Martin stated that both the solid nature of the fence and additional 2 feet of fence height are part of the same variance. He also stated that as a corner lot, the property is considered to have two front yards and two side yards.

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) How substantial the requested variance is in relation to the requirements; the Board found it to be minimal, approximately sixteen percent (16%) of the front yard
- 3) That the difficulty cannot be alleviated by some practical method feasible for the applicant to pursue.
- 4) That there will be no 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 on 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.

Jim Martin also acknowledged that this is a type II action, no SEQR required.

Mr. Maffetore asked for clarification regarding the three month timeline before the variance would expire as he was concerned that he may not be able to obtain the materials and contractor in that time, but was informed that it means that he would have 3 months to “act upon it”. The work would not necessarily need to be completed by then, but he would need to at least begin the process by obtaining the permit.

Motion was made by Gerhard Endal and seconded by Kevin Elms to approve Appeal No. 838 as presented.

Roll call vote resulted as follows:

Mr. Elms	Yes
Mr. Fitzsimmons	Yes
Mr. Manning	Yes
Mr. Farrell	Yes
Mr. Endal	Yes

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All in favor, motion carries, Appeal No. 838 is approved.

A motion to adjourn was made by Mr. Elms and seconded by Mr. Endal.

Meeting was adjourned at 7:20 pm.

Respectfully Submitted,

Barbara Bartlett

DRAFT