

A meeting of the Zoning Board 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 2022 at 7:00 pm.

Town of Moreau
Zoning Board Meeting
Wednesday, March 23, 2022

Planning Board Members Present

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

Also, present

Jim Martin	Zoning Administrator
Katrina Flexon	Recording Secretary
Kevin Durkee	Applicant

The meeting was called to order at 7:01pm by Chairperson Elms.

Approval of the Minutes

Chairperson Elms brings the August 25, 2021 minutes in front of the Board for review. He asks the Board if they have any corrections, alterations or additions regarding these minutes.

Ms. Flexon Clarifies these minutes were never officially approved on the record.

Chairperson Elms and Mr. Manning both agree there are no additions or corrections needed for the minutes.

Mr. Fitzsimmons makes a motion to approve the minutes from the August 25th, 2021 meeting and Mr. Farrell seconded it.

Chairperson Elms asks if all in favor.

Responses are as followed

Mr. Manning	Aye
Mr. Fitzsimmons	Aye
Mr. Farrell	Aye
Chairperson Elms	Aye

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A motion was made by Mr. Fitzsimmons and seconded by Mr. Farrell to approve the August 25th 2021 meeting minutes without any corrections or alterations.

4 in favor. None oppose. Motion carries.

#1 Kevin Durkee

102 Feeder Dam Rd, South Glens Falls NY 12803

Appeal No. 843 - Area Variance

Project Description: The applicant is seeking to construct a 2-car garage consisting of 576 sq. ft. on an existing lot. Tax map no. 49.41-1-27.2 located in the one family residential district at 102 Feeder Dam Road. The proposed location of the setback building will be 4 feet from the side lot and 4 feet from the rear property line, the side setback requirements for an accessory building in the R-1 district is 12 feet and the rear setback required for an accessory building is 30 feet therefore the applicant is requesting 8 feet of relief from the requires side setback and 26 feet of relief from the required rear setback. All other dimensions for the accessory building comply with the requirements for the R-1 district.

Mr. Durkee will be attending the Zoning Board Meeting virtually via zoom.

Chairperson Elms confirms with the applicant that he intends to place a 24x24 accessory building where an existing shed is. He also asks if the applicant has an dimensions of where his leach field is on his property.

Mr. Durkee states he does not have exact dimensions of where the leach field is.

Chairperson Elms explains to Mr. Durkee that the location of the leach field is very important and suggests looking at alternative placement, so the structure is not so close to the property line

Mr. Durkee replies with details of a patio which is right next to the existing shed. He was not planning on removing that which he used as a factor for placement.

Chairperson Elms asks the applicant if the discussed patio is a poured patio or paver blocks.

Mr. Durkee replies stating the patio is made of paver blocks.

Mr. Fitzsimmons Asks the applicant what the main purpose for the 24x24 structure.

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Mr. Durkee responds by stating one half would be for yard equipment stuff put away for the wintertime and the other half would be for his woodwork hobby.

Chairperson Elms Asks Mr. Durkee what the reason would be that he couldn't move the structure forward 4 feet.

Mr. Durkee directs the Board to look at the photos he submitted along with his application. The top right photo shows a patio with an arc over it, he also mentions a pool on the property.

Chairperson Elms remarks that the pool is quite a ways from the areas they are discussing.

Mr. Durkee states the patio is an extension of the pool area.

Mr. Fitzsimmons asks the applicant to estimate how far the fence is from the existing shed on the property. he suggests his own estimate of 14-15 feet distance.

Mr. Durkee states the fence is very close, that is might be 1 foot inside his line and agrees Mr. Fitzsimmons estimation of distance between the existing shed and the fence is pretty close to accurate.

Mr. Fitzsimmons ask if there is any where the applicant does not place the new structure up tight against the fence light, if there is an alternative to this plan.

Mr. Durkee offers to move it 1-foot max.

Mr. Martin states that from his perspective, he understands it's the law and regulation, however 30 feet in the R-1 district is very hard to accomplish.

Mr. Farrell inquires if there is a way the applicant would be willing to compromise on the side setback and loss the patio.

Mr. Durkee states he feels that would be a problem.

Mr. Farrell asks about further specification regarding the orientation on the building and how it will be situated on the property.

Chairperson Elms explains the existing shed will be removed and the proposed shed will be placed, if given the relieve he is requesting will be sitting 4 feet off the back-property line and 4 feet off the side.

Mr. Manning states generally the Board tries to give a 5 feet buffer for maintenance. He asks the applicant if there is any way he can move the structure so there is a 5 feet buffer in between the shed and the fence.

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Chairperson Elms states the what the applicant is requesting is more then the Board is usually comfortable with granting, 50% is a huge relief. He suggests the applicant reconsiders his request and finds a relief that would work for him and the Board so it's not so substantial. One suggestion is a 10 feet relief off the back-property line which is a 6-foot difference from the original request.

Mr. Durkee states he doesn't want to take up the whole yard with this project. He offers a 5-foot relief of the line but thinks 10 feet is a lot.

Chairperson Elms explains the setback is 30 feet and by approving a 10-foot relief it comes out to a 67% relief from the Town which is a substantial amount.

Mr. Durkee points out that there are other shed in the neighborhood on the property line and the proposed shed is far better looking then the one that is sitting there now.

Mr. Fitzsimmons asks the applicant if this is the only garage size available or if he is open to other dimensions.

Mr. Durkee states he is set on the size of 24x24.

Mr. Farrell asks if Mr. Durkee if he will be losing some of the patio even with the new building in the desired original place.

Mr. Durkee states No, where he has proposed the placement of the new structure there is about a foot between the patio and the shed.

Mr. Martin states there is a public hearing that has to be opened and closed.

Chairperson Elms opens the public hearing.

Mr. Martin identifies there are two individuals attending the meeting via zoom and asks them if they came to speak regarding the application.

There is no comment from the public regarding the application in front of the Board tonight.

Chairperson Elms closes the pubic hearing.

Chairperson Elms brings up the difficulty for fire prevention or emergency access on the property with the tight placement and this should be taken into consideration when making the final decision. He reiterates that he is not comfortable with a 4-foot distance and would be more inclines with a 20 feet relief off the back line.

Mr. Durkee offers to come off 6 feet from the back line, he asks if that would be more acceptable.

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Mr. Martin states the point of decision should be focused on the degree of practical difficulty associated with retaining the patio and avoiding the other structures on the lot. He says if the degree of practical difficulty is not that great, then there is room to move it forward. He asks the applicant if the patio is at grade.

Mr. Durkee says yes, its at grade.

Mr. Manning states his level of comfort for relief is 67% which is quite substantial. 10 feet from the back and 5 feet from the side is his limit.

Chairperson Elms explains to the applicant that 10 feet off the back line and 5 feet off the side is a more favorable, workable option for the Board for this application.

Chairperson Elms reads the 5 area variance requirements and criteria used to determine the Board's final decision on variance applications in the Town of Moreau.

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.
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 in which the property is located or other wise 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 in the minimum variance which would alleviate the specific practical difficulty found by the Zoning Board of Appeals to affect the applicant.

Mr. Durkee expresses concerns with moving the shed, stating he will be into the pool area if he goes any further.

Mr. Manning repeats his feelings on a 10-foot minimum distance between the property line and the structure being a necessary.

Scott Fitzsimmons asks the Board if they would feel comfortable tabling this applicant.

Chairperson Elms states that he can only speak for himself but it wont change if they table the applicant or not, he thinks 67% relief is his extent of comfort level with this application.

Chairperson Elms makes a motion to grant 20 feet of relief on the rear setback and 7 feet relief on the side setback for the structure. He explains that the Board is giving the applicant a template to work with.

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Mr. Martin reiterates that the applicant has to place the structure 10 feet off the rear property line and 5 feet off the side setback.

Mr. Manning seconded the motion.

Chairperson Elms asks for a roll call

Roll call responses given:

Matthew Manning	Yes
Scott Fitzsimmons	Yes
Justin Farrell	Yes
Kevin Elms	Yes

All in favor none oppose, motion carries.

A motion was made by Chairperson Elms to grant 20 feet relief off the rear setback and 7 feet relief off the side setback and seconded by Mr. Manning.

Mr. Fitzsimmons makes a motion to adjourn tonight's meeting.

Mr. Farrell seconded the motion.

Matthew Manning	Aye
Scott Fitzsimmons	Aye
Justin Farrell	Aye
Kevin Elms	Aye

All in favor none opposed

Meeting was adjourned at 7:43pm.

Respectfully submitted,

Katrina Flexon