

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 August 2013 at 7:00 PM.

The meeting was called to order by Chairman Gerhard Endal at 7:06 p.m.

ZONING BOARD MEMBERS PRESENT:

Chairman Gerhard Endal

Kevin Elms

John England

Richard Kubis

Scott Fitzsimmons

ZONING BOARD MEMBERS ABSENT:

None.

Others Present:

F. Joseph Patricke, Building Inspector

Tricia Andrews, Recording Secretary

The Board reviewed the minutes of May 22, 2013 meeting. On the last page, in the last paragraph Chairman Jensen's name was mistakenly there instead of Chairman Endal. Mr. Elms motioned that the minutes be approved as written and Mr. Kubis seconded. Motion passed unanimously with roll call. The Board reviewed Appeal No. 738, a request of David Rogge, 53 Lamplighter Acres Fort Edward, NY 12828 for a Special Use Permit pursuant to Chapter 149, Article V, Section 149-29. Applicant is requesting to expand the use of an existing Self-Storage facility. This property is located in a C-1, General Commercial District and is designated as 63.3-1-2.2 on the Town Assessment Map.

Mr. Rogge plans to add a 20ft. by 155ft. matched building next to his existing units. It fits with no required setbacks because he acquired some more property.

The Chairman asked whether there are the side line setbacks are not required as Rogge said but Mr. Patricke clarified that he meant there's no Variance required, he meets the 80 ft. requirement for a warehouse setback. The only concern is the Special Use Permit which he has for his existing business but needs to expand to include more. He has gone to the Planning Board for Preliminary and will reappear for Site Plan Review at the Planning Board in September if this Board has given him the Special Use Permit.

The Chairman asked how many additional units will be in the building but Mr. Rogge has not decided what size the units will be although he knows the size of the building. There will be a mix but they are not sure of which sizes. It just matched the building next to it. Smaller units are more profitable but don't necessarily get rented as often. The next building beyond the neighboring one is 30ft. by 175ft., so this is slightly different.

Mr. Patricke said that it is standard that you rarely see people in these facilities although they are rented. Mr. Rogge said people may come for two days in a row and not come back for 5 months, although

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occasionally a contractor will use it every morning for a short while. Mr. Elms noted that most facilities of this type in the Town are well maintained. Mr. Rogge said that the front buildings which are the oldest and have gotten a little faded and marked, are going to get refurbished soon.

The Chairman asked and was told that there was no correspondence regarding this Appeal.

The Board reviewed the criteria for granting a Special Use Permit and found:

- (1)** The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts or reduce property values.
- (2)** The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site, layout and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood.

Short Form SEQR was reviewed. The action is to issue a Special Use Permit. No comments or concerns were noted.

Mr. England asked to re-read the First paragraph of 149- about the Special Use Permit, and questioned whether this is restrictive or not restrictive. Mr. Patricke clarified that Mr. England was looking at a 1989 passage that applied to changes in district lines and is not applicable here.

Mr. Rogge's property had a 60 ft. side setback variance that is no longer necessary because of his acquisition of additional property.

Mr. Elms motioned to make a negative declaration regarding SEQR and Mr. Kubis seconded. Roll call vote proceeded as follows: Mr. England, Yes; Mr. Kubis, Yes; Mr. Elms, Yes; Mr. Fitzsimmons, Yes; Chairman Endal, Yes. Motion passes unanimously.

Mr. Elms motioned to grant Appeal No. 738 to issue the Special User Permit and Mr. Fitzsimmons seconded. Roll call vote proceeded as follows: Mr. England, Yes; Mr. Kubis, Yes; Mr. Elms, Yes; Mr. Fitzsimmons, Yes; Chairman Endal, Yes. Motion passes unanimously.

Mr. Elms motioned to adjourn the meeting at 7:25 pm and Mr. Endal seconded. All in favor motion carried.

Respectfully Submitted,

Tricia S. Andrews