

The regular 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, 61 Hudson Street, South Glens Falls, NY 12803 on June 24, 2009 at 7:00 p.m. with the following members present or absent:

Present:                   Gerhard Endal, Chairman  
                              Kevin Elms  
                              Chester Joslin

Absent:                    James Hooper

Others Present:         F. Joseph Patricke, Building Inspector

The meeting was called to order at 7:00 p.m.

The first order of business was Appeal No. 695, A request of Gary and Dolores Dingmon of 78 Butler Road, Fort Edward, New York 12828 for a Special Use Permit pursuant to Chapter 149, Article IX, Section 149-52 (C & D). Applicants are requesting to construct a 22' x 22' bedroom addition, a 24' x 24' Garage and are converting an existing garage into living space. This property is located in a C-1, General Commercial District and is designated as 63.-3-1.311 on the Town Assessment Map.

Mr. Dingmon presented the scope of the work that they are proposing. The house was built in 1983 and they would like to add on and make some alterations. It will be a less than 50% increase in total floor area and that requires a Special Use Permit because this is a non-conforming use, Residential in a C-1, General Commercial District.

The Board did a review of SEQR and a motion was made by Mr. Elms for a Negative Declaration and was seconded by Mr. Joslin. Roll call vote resulted as follows:

Chairman Endal -	Yes
Mr. Elms -	Yes
Mr. Joslin -	Yes
Mr. Hooper-	Absent

A motion was then made by Mr. Joslin to approve a Special Use Permit for extensions to a Non-Conforming Use and was seconded by Mr. Elms. Roll call vote resulted as follows:

Chairman Endal -	Yes
Mr. Elms -	Yes
Mr. Joslin -	Yes
Mr. Hooper -	Absent

Next, Chairman Endal read Appeal No. 696, a request of Alan Cerny, Jr. of 14 Willow Street, South Glens Falls, NY 12803 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59 (A) and Chapter 70 - Fences, of the Code of the Town of Moreau regarding dimensions and setbacks.

Mr. Cerny discussed his project of installing a 6 foot stockade fence on his property. He is requesting to install it past the rear corner of the house which is the requirement in Chapter 70 - Fences. He also does not want it to be 50% uniformly open. He will decrease it to 4 foot rather than 6 foot but wants it to be stockade.

Chairman Endal declared that he does not believe that this is an Area Variance. **A fence less than 50% would not be reason for an area variance.** ~~50% uniformly open would not be a reason for an Area~~

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~~Variance~~. This also was not an Area Variance because it was not dimensional in nature. **[Amended 7/29/09 by ZBA]**

Discussion followed regarding how the Fence Law needs to be rewritten. It should be reviewed and a recommendation should be sent to Supervisor Jenkins on how the law should be changed.

Appeal was withdrawn

Motion to adjourn was made by Mr. Elms and seconded by Mr. Joslin

Respectfully submitted,

Kathryn Perez