

The regular meeting of the Zoning Board of Appeals for the town of Moreau, Saratoga County, and State of New York was held at the Moreau Town Hall, 61 Hudson Street, South Glens Falls, NY 12803 on October 14th, 2009 at 7:00 p.m. with the following members present.

PRESENT:

Chester Joslin
Kevin Elms
Gerhard Endal, Chair

ABSENT:

Martin D. Auffredou, Attorney For The town

Others Present:

F. Joseph Patricke, Building Inspector

The meeting was called to order by Chairman Endal at 7:05 p.m.

APPEAL NO. 699

A request of Thomas and Janet Sweet of 128 Feeder Dam Road, South Glens Falls, NY 12803 for an area Variance pursuant to Chapter 149, Article X, Section 149-59 (A) and Town Law 267-b. Applicants are requesting to construct a front porch that will not meet the minimum front yard setback required in an R1-1 Family Residential District. This property is designated as 49.1-7 on the Town Assessment Map.

Chairman Endal: Could you folks tell us a little bit about what you are doing and why the variance?

Mr. Thomas Sweet: We did our house over and want to put a front porch on it.

Chairman Endal: And how much of a variance are you requesting? You don't remember?

Mr. Elms: It says a six foot variance here.

Mr. Patricke: I would say they are looking for a 6 foot variance. The Zoning is 30 feet, the front setback. They are proposing to put a 6 foot porch on, which is about as minimal a porch as you can put on. About as small as you can get and still get the benefit of it.

Mr. Elms: Would that be enough for them to put the eaves on the porch.

Mr. Patricke: I believe it is. The same problem we always have. People build on the property line and a house without a front porch is pretty tough to use.

Chairman Endal: Do we have any communication from the neighbors.

Mr. Patricke: No, nothing at all.

Chairman Endal: The conditions were reviewed and read aloud. We don't have to do a SEQR on this.

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Mr. Patricke: This is SEQR exempt.

Chairman Endal: Can I make a suggestion? It is a little unclear what that number is? Can we make it a 7 foot variance?

Mr. Elms: I think we should give him the 7 foot so he doesn't have to come back.

Chairman Endal: I make a motion that we approve Appeal #699 with a front setback variance of 7 feet.

Mr. Elms: I second that.

WHEREAS , a public hearing was duly held on October 14, 2009 for the purpose of hearing all interested persons for or against this appeal, and

WHEREAS, there was no opposition present for this appeal, and

NOW, THEREFORE BE IT RESOLVED, that Appeal #699 is granted based on the following findings:

1. There will be no undesirable change in the character of the neighborhood.
2. The benefit sought by the applicant can not be achieved by any feasible method other than an area variance.
3. The area variance is not substantial.
4. The area variance will have no adverse impact or effect on the physical condition of the neighborhood.
5. The difficulty was not self-created.

Roll call vote resulted as follows:

Mr. Elms:	Yes
Mr. Joslin:	Yes
Chairman Endal:	Yes

Motion carried & APPEAL NO. 699 is Approved.

APPEAL NO. 700

A request of Mark Schellkopf of 8 Ryder Avenue, South Glens Falls, New York 12803 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59 (A) and Town Law 267-b. Applicant is proposing to

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construct a garage that will not meet the required side yard setback for an R-1, One Family Residential District. This property is designated as 49.34-1-38 on the Town Assessment Map.

Mr. Endal: We are talking about a side 24' wide by 30' long?

Mr. Schellkopf: Yes.

Mr. Elms: This is longer than wide? This will put it 6' to the eaves overhang on one side? Are you building a breezeway between it? A 6' X 20'?

Mr. Patricke: Mark did you understand what he said? This would be to the overhang? You would have a gabled roof going towards the 6'.

Mr. Schellkopf: The peak would be parallel with the road. So the overhang would be 6'.

Mr. Patricke: So that's how you figured it?

Mr. Elms: That is what he wrote here on the proposal.

Mr. Patricke: I think we have talked previously a 24' garage is just about as small as you can make it.

Mr. Elms: This is a small breezeway too, I think this is as small as you can get it and still be functional. I don't think they had a set size for a lot back then. There was no zoning. Did we get anything from the neighbors?

Mr. Patricke: Nothing was left for us.

Chairman Endal: It looks to me you have it in the only place you can put it and as small as you can make it.

Mr. Schellkopf: Yes. We have a garage now, but we have never put a car in it. We figure it is a good investment.

Mr. Elms: It will be a nice addition to the house.

Chairman Endal: Is there a neighbor right next store to the garage?

Mr. Schellkopf: Yes it is Pearl Chadwick.

Mr. Elms: How close is their house to the line?

Mr. Schellkopf: They actually live on Mountainview so their back yard meets ours.

Chairman Endal: I am going to review the area variance and we don't need a SEQR.

Mr. Patrick: It is SEQR exempt.

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Mr. Elms: I make a motion in Appeal 700 that we approve with a 6' foot relief on the side setback.

Mr. Endal: I second. Is there any further discussion?

WHEREAS, a public hearing was duly held on October 14, 2009 for the purpose of hearing all interested persons for or against this appeal, and

WHEREAS, there was no opposition present for this appeal, and

NOW, THEREFORE BE IT RESOLVED, that Appeal #700 for a side set back 7 foot variance is granted based on the following findings:

1. There will be no undesirable change in the character of the neighborhood.
2. The benefit sought by the applicant can not be achieved by any feasible method other than an area variance.
3. The area variance is not substantial.
4. The area variance will have no adverse impact or effect on the physical condition of the neighborhood.
5. The difficulty was not self-created.

Roll call vote resulted as follows:

Mr. Elms: Yes
Mr. Joslin: Yes
Chairman Endal: Yes

Motion carried & APPEAL NO. 700 is Approved for a side set back variance of 7 foot.

Mr. Elms: Made a motion to adjourn the zoning board meeting @ 7:30 p.m.

Respectfully submitted,

Dellinda Perry