

A meeting of the Zoning Board of Appeals for the Town of Moreau, Saratoga County, State of New York was held on October 24, 2012 in the Moreau Town Hall, 61 Hudson Street, South Glens Falls, New York.

The meeting was called to order by Acting Chairman Kevin Elms at 7:00 p.m.

ZONING BOARD MEMBERS PRESENT:

Kevin Elms, Acting Chairman

John England

Richard Kubis

Scott Fitzsimmons

ZONING BOARD MEMBERS ABSENT:

Chairman Gerhard Endal

Others Present: F. Joseph Patricke, Building Inspector; Tricia Andrews, Recording Secretary

The Board reviewed the minutes of the September 26, 2012 meeting. A motion was made by Mr. Fitzsimmons and seconded by Mr. Kubis to approve the minutes as written. Motion passed unanimously by roll call vote.

New Business:

The Board reviewed Appeal No. 729, a request of Chris Caiazza of 193 Potter Road, Gansevoort, NY 12803 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59 (A) and Town Law 267-b.

Applicant is proposing to place a shed on his property that will not meet the required front yard setback for an R-2, One and Two family residential district. This property is designated as 62.10-1-5 on the Town Assessment Map.

Mr. Caiazza stated that the Appeal is for an addition to a shed.

Mr. Patricke: His last name ends with –a. I corrected that on the application.

Mr. Caiazza: If you look at my drawing, everything to the left in the shed, pool, propane tank and trees would be costly to remove for a 12 ft. addition.

Mr. England: What about to the back of it?

Mr. Caiazza: Roof pitch doesn't warrant that.

Mr. Elms: Criteria for a Variance is that

- (1)** That the strict application of said dimensional requirements would result in a specified practical difficulty to the applicant;
- (2)** That the variance is not substantial;
- (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

A meeting of the Zoning Board of Appeals for the Town of Moreau, Saratoga County, State of New York was held on October 24, 2012 in the Moreau Town Hall, 61 Hudson Street, South Glens Falls, New York.

the adjoining properties; and

(5) That the difficulty is not self-created.

I see other things you could do on the property

Mr. Caiazza: I have an existing shed, I don't want to add another outbuilding and the neighbors don't want that. There are probably 16 trees I would have to remove that are 12 inches.

Mr. Elms: And the back.

Mr. Caiazza: The roof pitches up. I would have to move headers and trusses to change the roof pitch.

Ron Armstrong, 197 Potter Road: I live two doors down and have talked to many of the neighbors, they don't mind.

Mr. Caiazza: I only need 5 feet, not 12.

Mr. Elms: 6 feet, and that goes to the overhang.

Mr. Caiazza: Yep.

Mr. Elms: Nothing any further than 36 feet.

Mr. England: My problem is, I can't get around the other places on the property he can put it, Number 3. What comes up is the cost factor.

Mr. Caiazza: The costs factor is two walls and a roof. I can take out the side to extend it. I don't want to start over with a whole new building.

Mr. Patricke: What is the shed for?

Mr. Caiazza: It's a tool shed for a small lawn business so the neighbors don't have to see all that equipment around.

Mr. Elms: This is a tough one in the respect to how we interpret, as John said, Number 3, is there another feasible method for what you want to do. How do we weight costs against the room that you have.

Mr. Caiazza: I could. It's not feasible to me.

Mr. Elms: Feasible to us has to mean that there's no other means to have what you need on that piece of property, if the lot is small, etc. We try to help with that. In this case the space is there, you prefer to have the variance. Our ability as a Zoning Board, we are pushing it if we just do it for your costs savings.

Variances are... our role is to walk a tight line. The Town sets rules and you come to us if you don't want to live by those rules. We have to have a good reason why we would change this.

Mr. England: I have to explain to myself why I would grant this to save a dollar.

Mr. Elms: Sometimes it's really clear with porches, the house setback from the road isn't enough, and the porch has to be so wide. This doesn't fit that.

Mr. England: You have other choices.

Mr. Elms: Other opinions and ideas?

Mr. Kubis: I don't have an issue with it; I see that a 12 by 20 shed...

Mr. Caiazza: It is 20 deep and 24 wide.

Mr. Kubis: If you had to go out, you would have a ...

A meeting of the Zoning Board of Appeals for the Town of Moreau, Saratoga County, State of New York was held on October 24, 2012 in the Moreau Town Hall, 61 Hudson Street, South Glens Falls, New York.

Mr. Caiazza: A bowling alley.

Mr. Kubis: An odd shaped structure. That might look odd in the neighborhood.

Mr. Elms: You can buy 12 by 20 sheds.

Mr. Kubis: Not 12 by 40.

Mr. England: And this is a corner lot with two fronts.

Mr. Elms: 40 feet long would surely look odd.

Mr. England: Existing coming down?

Mr. Caiazza: No.

Mr. Elms: But if you put the addition on the back, it would be 12 by 40.

Mr. England: If you did that you could put the doorways on the street side.

Mr. Elms: Turn it. Then he's building a brand new shed.

Mr. Armstrong: He's only asking for 6 feet. That is still quite a ways from the road.

Mr. Elms: It's not a huge distance.

Mr. England: I still can't get around No. 3, so tell me something other than the cost factor why it can't be alleviated another way.

Mr. Caiazza: I don't think the setback will let me go back to 40 feet.

Mr. England: That's on the back, it's not street side.

Mr. Caiazza: It's not the same?

Mr. Elms: You wouldn't have to have 40 feet back there. Propane tank is 6 feet from it.

Mr. England: 28 ft. to the pool.

Mr. Elms: Could you move the propane tank to the back?

Mr. Caiazza: There are ten trees in there.

Mr. Elms: That goes to the cost factor?

Mr. Caiazza: Well in terms of the pool too and shade, I want the trees.

Mr. Elms: Board, any thoughts?

Mr. Patricke: This is a residential Zoning District and it is against the Code to have a business there. Since you mentioned it, I have to tell you that.

Mr. Caiazza: I'm not running the business out of there

Mr. Patricke: You have your equipment there.

Mr. Elms: You don't have a shingle out do you?

Mr. Caiazza: Just my truck and trailer parked there.

Mr. England: I have still not heard anything convincing.

Mr. Caiazza: I'm not going to go out a 40 ft., shed.

Mr. Elms: I didn't go look this time, I usually do

Mr. England: I went to see it.

Mr. Patricke: He just said he was willing to wait if you want to go look at it.

Mr. Elms: it helps to see the problem.

A meeting of the Zoning Board of Appeals for the Town of Moreau, Saratoga County, State of New York was held on October 24, 2012 in the Moreau Town Hall, 61 Hudson Street, South Glens Falls, New York.

Mr. England: If we wait awhile, maybe you can come up with better reasoning.

Mr. Caiazza: I don't want to crowd my pool it will look ridiculous, it's only 6 ft. it's not obtrusive to the neighborhood.

Mr. Elms: So it would not be an imposition to you if we help it over because I didn't get there to look at it?

Mr. Caiazza: No.

Mr. England: Al right with me.

Mr. Patricke: Table it until Nov. 28th meeting?

Mr. Caiazza: Whatever you guys say.

Mr. Elms: All in favor of tabling this until the next meeting?

All in favor, motion carried.

Mr. Caiazza: Do you want me to be there?

Mr. Elms: Could I call you when I am ready to come?

Mr. Caiazza: My cell phone, call me any time.

Mr. England: What's the stake driven into the ground there?

Mr. Caiazza: My visual on how far I want to come out.

Mr. Elms: I will call you next week after work.

Motion was made by Chairman Elms and seconded by Mr. Kubis to adjourn the meeting at 7:22p.m.

Motion passed unanimously.

Respectfully Submitted,

Tricia S. Andrews