

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 26th day of February 2014 at 7:00 PM.

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: Joe Patricke, Code Enforcement Officer; Tricia Andrews, Recording Secretary

The Board reviewed the minutes of December 18, 2013 meeting. Mr. England motioned to approve the minutes as presented and Mr. Kubis seconded. Motion passed unanimously with no roll call.

The Board reviewed Appeal No. 742, a request of Steven Bickford of 162 Butler Road, Moreau, NY 12828 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59A and Town Law 267b. Applicant is proposing to construct a garage that will not meet the required side yard setback in an R-2, One and Two Family Residential Zoning District. This property is designated as 62.12-1-21 on the Town Assessment Map.

The Chairman asked for clarification of amount of relief needed, the applicant needs 4 ft. relief and will have 11ft. left over. The verbiage on the application is incorrect but the drawing is correct. The side yard setback is 15 ft. in that district. Septic is behind the house. On the right hand side the setback is only 16 ft. so there is no room there.

Mr. Elms read the guidelines aloud. He explained the 50% for guideline for substantiality but this Appeal is well within 50%.

No correspondence was received. A neighbor, Loretta Lemmo of 1 Southwoods Road asked the size of the garage, and said she had no information. It is a 2-car attached garage with a loft above. It will be six feet forward from the front of the house because of obstacles in the yard. She asked whether he has a cement driveway and he will be putting one in, the width of the garage. She asked if it is a standard or oversized garage and it will have windows facing the neighbors. It is around 18 ft. tall and is the standard 24 ft. width. There will be stairs on the back side of the house to access the loft. He is not taking down any trees.

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The pitch of the roof will be opposite the house.

A neighbor indicated that he appreciates that the Bickfords sought their appropriate permits for this project.

Mr. England asked for clarification whether the neighbors were opposed to this project and they are not. He asked the purpose for the loft, and it is storage area.

SEQR Review is not required for an Area Variance.

The Board reviewed the criteria for granting an Area Variance and found as follows:

- (1)** That the strict application of dimensional requirements would result in a specified practical difficulty to the applicant;
- (2)** That the difficulty cannot be alleviated by some practical method feasible for the applicant to pursue;
- (3)** That the variance is not substantial.
- (4)** That there will be no substantial change in the character of the neighborhood or a detriment to the adjoining properties; and
- (5)** That the alleged difficulty is not self-created.

Mr. Elms motioned to grant Appeal No. 742 for an Area Variance for 4 ft. relief from the required 15 ft. side yard setback, and Mr. Kubis seconded.

Roll call vote proceeded as follows: Mr. England, Yes; Mr. Kubis, Yes; Mr. Elms, Yes; Mr. Fitzsimmons, Yes; Mr. Endal, Absent.

Motion passed unanimously with no abstentions.

Mr. Elms motioned to adjourn the meeting at 7:15 pm. and Mr. Kubis seconded, all in favor, no roll call.

Respectfully Submitted,

Tricia S. Andrews
Recording Secretary