

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 21st day of December, 2016 at 7:00 PM.

ZONING BOARD MEMBERS PRESENT:

Gerhard Endal, Chair

Scott Fitzsimmons

Richard Kubis

John England

ZONING BOARD MEMBERS ABSENT: Kevin Elms

Also Present: Atty. Malcolm O’Hara, Attorney for the Town; Jim Martin, Zoning Administrator.

The Board reviewed the minutes of the September and October, 2016 meetings. Mr. Kubis motioned to approve the September minutes and Mr. Fitzsimmons seconded. Motion passed unanimously with no roll call. Two of the three members present in October were there, so the Board reviewed the minutes of the October meeting. Chairman Endal asked that the minutes be revised to show that the “lack of quorum” referred to which prevented the September minutes from being reviewed be revised to show that it was a lack of quorum of members who had been present in September. Chairman Endal motioned to approve the minutes of the October meeting and Mr. Fitzsimmons seconded. Motion passed unanimously with no roll call, Mr. Kubis abstaining.

Mr. Martin had been in touch with Mr. Combs about his tabled appeals. Mr. Combs has purchased the property he had been leasing, which will increase his allowed expansion of his mobile home park by one home. He has also decided not to place any homes facing the side road which Mr. Martin can’t remember the name of. The Appeal is still active and the sale has closed but Mr. Martin has not heard from him. Chairman Endal asked whether he needs to re-file and Atty. O’Hara said that he doesn’t as long as he is cooperating with Mr. Martin. Chairman Endal reminded Mr. Martin that the Board has

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told members of the public that there will be a new public notice if there is any activity on this Appeal before the Board.

Appeal No. 782

A request of Bruce and Sherry Burton of 36 Jackson Road, South Glens Falls, NY 12803 for an Area Variance pursuant to Chapter 149, Article II, Section 149-5, Definitions of Lot & Line, Street and Right-of-Way. Applicants are proposing to subdivide an existing parcel that does not have frontage on a public right-of-way. This property is in an R-2, One and Two Family Residential Zoning District and is designated as 49-1-60 on the Town Assessment Map.

There were three items the Board had asked to be addressed: snow plowing, emergency vehicle access, and the easement language attorney review. Applicant has provided a letter from emergency services saying that they can access the road, and they have provided a copy of their contract regarding the snowplowing. The applicant said that they had also provided the easement language, but Mr. Martin didn't know about it and Atty. O'Hara had not received it. Chairman Endal explained to the applicant that it could not be approved until Atty. O'Hara had a chance to look at it.

The Board discussed whether it could be reviewed and approved with a contingency. Mr. Martin was satisfied that the Applicants had been very responsive and cooperative, and Atty. O'Hara said that he was willing to report back between meetings to satisfy a contingency if the Board were to proceed that way.

The applicant explained the Appeal again to the Board, she wants to put an apartment over her garage and has to add a third of an acre to her property to do it. The garage will then be on its own property.

Mr. Martin explained that they will go to the Planning Board to subdivide the lots but need this Variance in place first. There is a lack of frontage on a Town road but the other of the requirements are met with setbacks, etc. The easement language is the primary concern because if it is not done properly

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This is already done, but also several other residences in that area are in the same situation because they started as camps and have been converted to residences. Several homes get access across this permanent right-of-way that exists. The Town would not take the road over as a Town road because it is not up to standards, but from a public safety point of view, Mr. Martin feels the test has been met.

Mr. Kubis pointed out that those camps predate the conditions, whereas this project is now.

Mr. Martin agreed and pointed out that these were became year-round homes gradually. Chairman Endal agreed that this situation is unique and long-standing.

Short Form SEQR was not reviewed. Mr. Martin felt that the Planning Board would be the better place for that to occur at the time of subdivision application. Public hearing was closed at about 7:15pm. Mr. Fitzsimmons motioned to grant Appeal No. 782 subject to satisfactory attorney review of the legal easement agreement. Chairman Endal seconded the motion. The Chairman reviewed the criteria for granting an Area Variance and found that they were satisfied.

Roll call vote resulted as follows: Mr. Kubis, Yes; Mr. Fitzsimmons, Yes; Chairman Endal, Yes.

Appeal No. 786

A request of Moreau Emergency Squad of 1583 Route 9, Moreau, NY 12803 for an Area Variance pursuant to Chapter 149, Article X, Section 149-47, Off Street Parking.

Applicant does not have the number of parking spaces that are required by the Code.

This property is located in a C-1, General Commercial Zoning District and is designated as 63.2-1-36 on the Town Assessment Map.

The Board reviewed the application of Moreau Emergency Services regarding parking. Cullen Fuller of Rucinski Hall Architecture was present and explained that the size of the assembly space in the designs hosts 247 people which requires 49 parking spaces. They don't feel that they will ever have that many people and they are 8 spaces short of the requirement. They have asked National Grid for permission to use the right-of-way

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behind the property but were not able to get it. So they are applying for a Variance. They have been able to design 55 spaces when 63 are required. They have gone through various design schemes and other ratings, this is the best scenario they can come up with. The numbers are based on square footage of the common area, which is large. The space is intended to be used for trainings, lab stations, etc.

SEQR review was not required because the Planning Board is also reviewing this. Public hearing closed at about 7:28. Motion was made by Mr. Kubis to approve Appeal No. 786 for 55 parking spaces rather than the required 63. Mr. Fitzsimmons seconded.

Chairman Endal reviewed the criteria for granting an Area Variance and found that they were satisfied. Roll call vote resulted as follows: Mr. Kubis, Yes; Mr. Fitzsimmons, Yes; Chairman Endal, Yes.

Mr. Martin advised the applicant that the Planning Board meeting will be held on the 23rd of January due to the holiday, and the submission deadline if they want to be heard is January 9th.

The Board reviewed with Mr. Martin his plans to proceed with the new Comprehensive Plan. Each month a new section will be reviewed, and there are going to be public comment periods as well. It's been 8 years since this was reviewed and it should be done every 5 because the Town is very active. The Planning Board will be doing the same thing.

Mr. Kubis asked for physical copies of the old Comprehensive Plan and Mr. Martin said he would get that as well as the Farmland Protection Plan.

The Board was reminded about the training available at the January Planning and Zoning Conference, and Mr. Kubis told them that Pace University has a program available too.

Mr. Kubis motioned to adjourn the meeting at 7:44pm and Mr. Fitzsimmons seconded. All in favor no roll call.

Respectfully submitted,

Tricia S. Andrews