

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 April, 2017 at 7:00 PM.

ZONING BOARD MEMBERS PRESENT:

Gerhard Endal, Acting Chair

Kevin Elms

Scott Fitzsimmons

John England

ZONING BOARD MEMBERS ABSENT:

Also Present: Tricia Andrews, Recording Secretary

Mr. Kubis has resigned from the Board effective immediately. The Board had agreed that Mr. Endal serve as Acting Chair. The Board reviewed the minutes of the December 21, 2016 and March 22, 2017 meetings. Mr. Fitzsimmons motioned to approve the December minutes as presented and Mr. Elms seconded. All in favor, motion carried 4-0. Mr. Elms motioned to accept the March minutes as written and Mr. England seconded. All in favor, motion carried 3-0-1 with one abstention as Mr. Endal was not present at that meeting.

Appeal No. 780

A request of Maurice Combs of 96 VanDusen St., Queensbury, NY 12804 for a Special Use Permit pursuant to Chapter 149, Article IV, Section 149-52(D). Applicant is requesting an extension of up to 50% of a non-conforming use of an existing mobile home park. This property is located at 2-14 and 16-18 Fawn Road, Gansevoort, NY 12831 and is designated as 77.1-1-13 and 77.1-1-28 on the Town Assessment Map.

Mr. Combs has three mobile homes on Fortsville Road now and he bought the property he had previously leased in order to reorganize and add to the existing mobile home park. He demonstrated on the map. All of the homes are now going to be away from the concerned neighbors. The Code would allow him 3.5 more homes, and he is asking for an additional half so he can have 4 on the big piece of property where there are woods

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 April, 2017 at 7:00 PM.

now. There were no neighbors present regarding this Appeal and there was no correspondence received.

Appeal No. 769 for Appeal of Determination has been withdrawn.

Mr. England wanted it on the record that he had a previous work arrangement with Mr. Combs.

Mr. Endal thought that the extension should be no problem, but that the additional .5 home that Mr. Combs had asked for was trickier. Mr. Combs would need to show that he couldn't make money any other way and that the property was unique, and that this wouldn't alter the character of the neighborhood. Mr. Endal was also concerned that this had not been advertised as a Use Variance, but only as a Special Use Permit application. He did not feel that the Board should address the additional half until it had been correctly noticed, and the Board apologized as Mr. Combs has been very cooperative. They were willing to address the Appeal 780 now. Mr. Endal did not feel that this required SEQR.

The Board reviewed the requirements for granting a Special Use Permit and found as follows:

- 1.) Such usage will not endanger the health, safety, morals or general welfare of the neighborhood or adversely affect the environment.
- 2.) Off-street parking spaces are adequate to handle expected attendance.
- 3.) The neighborhood character and surrounding property values are not endangered.
- 4.) Such use thereof will not cause undue traffic congestion or create a traffic hazard.

Mr. Elms motioned to approve Appeal No. 780 for a Special Use Permit for 3.5 mobile homes and Mr. Fitzsimmons seconded. Roll call vote resulted as follows: Mr. Fitzsimmons, Yes; Mr. Elms, Yes; Mr. England, Yes, Mr. Endal, Yes.

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 April, 2017 at 7:00 PM.

Appeal No. 790

A request of Rebecca Sharrow of 21 Fernwood Road, South Glens Falls, NY 12803. Applicant is requesting an Area Variance pursuant to Chapter 149, Article V, Section 149-59 (A) and Town Law 267-b. This property is located in an R-1, One Family Zoning District and is designated as 49.51-3-3 on the Town Assessment Map.

Mr. Dan Fitzgibbons of the same address appeared representing the applicant, who is looking to put a deck on the front of the house. They were advised by their contractor that they were not 40 feet from the road, to do so they would have to have a 4 ft deck and they want 6 ft.

From the middle of the road Mr. Fitzgibbons had measured 25 ft., and from there he measured 40 ft. and that is what is shown on the map. Mr. Elms asked if the deck would be at 29 ft instead of 40 and Mr. Fitzgibbons agreed, which is 11 ft of relief. Mr. Endal said that in an R-1 the schedule says 30 ft. It was determined that the required frontage is actually 30 ft, so the applicant only requires 1 ft. relief, and the Board discussed giving him 2 ft to allow for an overhang on the roof.

There were no neighbors present to discuss this Appeal and no correspondence was received.

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

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 at all 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 the adjoining properties.
5. That the variance would not be materially detrimental to the purpose of this chapter or to property in the district in which the property is located or otherwise conflict with the description or purpose of the district or the objectives of any plan or policy of the town and that the variance requested is the minimum

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 April, 2017 at 7:00 PM.

variance which would alleviate the specific practical difficulty found by the Zoning Board of Appeals to affect the applicant.

The public hearing was closed at 7:31pm.

SEQR review was not required.

Mr. Fitzsimmons motioned to grant Appeal No. 790 for a 28 ft. setback. Mr. Elms seconded. Roll call vote resulted as follows: Mr. Fitzsimmons, Yes; Mr. Elms, Yes; Mr. England, Yes, Mr. Endal, Yes.

Mr. Elms motioned to adjourn the meeting at 7:33pm. Second was Mr. Endal. All in favor, motion carried.

Respectfully submitted,

Tricia S. Andrews