

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 25th day of September 2013 at 7:00 PM.

The meeting was called to order by Chairman Gerhard Endal at 7:00 p.m.

**ZONING BOARD MEMBERS PRESENT:**

Chairman Gerhard Endal

Kevin Elms

John England

Richard Kubis

Scott Fitzsimmons

**ZONING BOARD MEMBERS ABSENT:**

None.

**Others Present:**

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

The Board reviewed the minutes of August 28, 2013 meeting. Chairman Endal motioned to approve the minutes as written and Mr. Elms seconded. Motion passed unanimously with no roll call.

The Board reviewed Appeal No. 739, a request of Keith Reynolds of 13 Adams Road, South Glens Falls, NY 12803 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59A and Town Law 267b. Applicant is proposing to construct a storage shed that will not meet the required Front Yard Setback in an R-1 Zoning District. This property is on a corner lot and is designated as 50.1-1-32 on the Town Assessment Map.

Let the record show that the Appeal was advertised as #735 and is listed elsewhere as #739. The Board agreed it should be 739 based on the number from last month's appeal.

Mr. Reynolds appeared and explained that it's a premade shed that he wants to place at the rear of his house inside his fence. He found out that he had to measure so many feet from property line and so many from road and doesn't have it.

Mr. Patricke explained that it is a corner lot and seems to have a multitude of things wrong on the property that were wrong prior to purchase by the applicant. Even the house doesn't meet the front yard setback on the easterly side. Mr. Reynolds wants the shed further back than the house and not obstructing any views. It is hard to place anything on corner lots without violating some setbacks, this is the only place he can put it, and it is reasonable from Mr. Patricke's point of view. The front of the house meets the front yard setback but the easterly side doesn't.

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Mr. Endal asked whether that is the side facing Pineview Road and Mr. Patricke confirmed that it is.

This is a compromise that lines it up as well as can be with the requirements.

Chairman Endal asked why the shed can't be placed further into the yard, but that interferes with the leach field and septic tank, and the applicant doesn't want it in the middle of the yard. The septic takes up most of the back yard.

Mr. Elms pointed out that it's further in than the house, and neighbors won't even see it from the front of the house. Mr. Elms asked to confirm that the setback is 40ft. in a corner lot and Mr. Patricke confirmed that it is.

Mr. Endal asked whether this is 35 ft back, with 5 ft. relief and Mr. Patricke said that it will be 35 ft from road, which Mr. Elms noted is 18 ft. from line. We have to go by the property line. Mr. Elms asked if it'd be 25ft. if it was a side yard and Mr. Patricke said that it would be 15 ft.

Mr. Endal asked where the property line was on the map and Mr. Elms showed him a different map.

Mr. Elms pointed out that we don't have a standard, but it's a large amount of relief and the Board has to give it serious thought so they can defend it to others whose circumstances are different, and has to make all our reasons clear.

William Ramsey, neighbor from 14 Grover asked how big the shed is and was told that it is 10ft. by 16ft.

Mr. Ramsey was under the impression that they were cutting a hole in the fence for the shed or that the shed was going to be placed into the front yard.

Mr. Elms and Mr. Endal explained that the applicant has two front yards because it is a corner lot.

Mr. Ramsey was concerned that if it were in the front yard it would block views on Adams Road but the Board clarified for Mr. Ramsey that the lot has two fronts and this is the part that would be considered the side. The public hearing was closed at 7:14pm and no correspondence has been received by the Town regarding this Appeal.

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 substantial; but that the location on a corner lot presents contributing factors.
- (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. Patricke pointed out for the record that this Appeal is exempt from SEQRR Review.

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Mr. Elms motioned to grant Appeal No. 739 for an Area Variance, 22 ft. relief from the 40 ft. front yard setback since it is a corner property with two front yards, and the shed will fall within the side line of the house, and on a curve. Mr. Fitzsimmons seconded. Roll call vote proceeded as follows: Mr. England, Yes; Mr. Kubis, Yes; Mr. Elms, Yes; Mr. Fitzsimmons, Yes; Chairman Endal, Yes. Motion passes unanimously. Mr. Endal motioned to adjourn the meeting at 7:17 pm and Mr. Kubis seconded. All in favor, motion carried.

Respectfully Submitted,

Tricia S. Andrews