

The regular meeting of the Zoning Board of Appeals for the town of Moreau, Saratoga County, and State of New York was held at the Moreau Town Hall, 61 Hudson Street, South Glens Falls, NY 12803 on April 28th, 2010 at 7:00 p.m. with the following members present.

PRESENT:

Kevin Elms, Acting Chair
Richard Kubis
Tracy Bovair
John England
F. Joseph Patricke, Building Inspector

ABSENT:

Gerhard Endal, Chair

Others Present:

John Svare, Attorney for the Town

The meeting was called to order by Acting Chairman Kevin Elms at 7:05 p.m.

APPEAL NO. 701

A request of George and Louise Terpening of 537 Old Saratoga Road, Gansevoort, New York 12831 for two Area Variances pursuant to Chapter 149, Article X, Section 149-59 (A) and Town Law 267-b. Applicant is requesting to subdivide their property at 510 Old Saratoga Road into three lots. One lot will not have the required depth and one lot will not have the required depth and total lot area for a R-4, Agriculture, One and Two Family Residential Zoning District. This property is located on the south/westerly corner of the intersection of Old Saratoga Road and South Road and is designated as 89-1-6 on the Town Assessment Map.

Acting Chairman Kevin Elms: Would you like to tell us a little bit about what you are planning to do.

Mr. Elms: We have an application and the drawing showing what they are proposing.

George Terpening: We want to split the lot into a total of three acre lots to make them into building lots to put houses on them.

Mr. Elms: One is a corner lot. I see you have them set up with a 40 foot set-back. With two roads there is a 40 foot setback on both sides. There is no problem getting a house on that. You don't see any problem with putting a septic or well on these lots, Joe? The well and septic as it is a little bit narrower on that one lot than what is required.

F. Joseph Patricke, Building Inspector: The one lot has a house on it with a septic. It is a minimum of 198 feet deep it is only 2 feet short. It is all sandy soil down there so I don't see any problem at all.

Mr. Elms: There is no correspondence received.

F. Joseph Patricke, Building Inspector: No. I think it is critical to discuss is that immediately across the street you can see on Abbey Lane and Nancy's Way, those lots over there are about ¼ of the size that is required here.

Mr. Elms: Across the street the housing development was proposed and approved.

F. Joseph Patricke: The big one in question the homes across the street are about ½ the size. There really won't be any impact on the neighborhood in that way because where that house is it will be consistent with everything that is across the street from it. I think that makes a big difference in regards to the impact. The routine, just so you understand, this is before the planning board, anytime you subdivide the land, we need to address Lot 2 and Lot 1 individually; as to what the variances would be.

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Mr. Elms: Lot 1 is going to require, you have the 200 foot depth but you don't have the total square footage that you need, which is 3 acres. This is going to be 1.79.

F. Joseph Patricke: The lot variance can be for both the depth and the total square footage on Lot 1. But you would have to do the variance for Lot 2 by itself.

Mr. Elms: It is reasonable. It is a very small variance. I do not have any problem with it.

Mr. England: Are you going to remove the house.

Mr. Terpening. No that house is going to stay on the lot.

Mr. Elms: Alright Joe, everybody seems to be in concurrence that there is no problem. We have to do a SEQR right Joe.

F. Joseph Patricke: You can do a short form SEQR.

Mr. Elms: We will go through the impact statement. There are no negative impacts on the community, significant serious adverse environment impact or neighborhood. A motion was made for declaration of negative impact.

F. Joseph Patrick: You have a negative declaration so now you need to entertain a motion as to what the variances might be.

Mr. Elms: A variance on the size of the lot and the depth of the lot, 198.83 on the one size it is required to be 200, so there is a 1.17 variance for depth of lot and total square area variance from 3 down to 1.794, which is going to be 1.206 area variance.

A motion was made to approve the area variance for lot 1.

Mr. Elms: We make a motion to approve the 1.17 relief variance for depth and 1.206 relief on the size of the lot from 3 acres to 1.794 acres.

F. Joseph Patricke: We have a list of things that we go over to show that we have evaluated the points, Section 149-59 (A).

Richard Kubis: Reads a list of the circumstances before granting the variance.

Kevin Elms: I make a motion we approve Appeal 701 for Lot 1.

Richard Kubis: I second that.

WHEREAS, a public hearing was duly held on April 28, 2010 for the purpose of hearing all interested persons for or against this appeal, and

WHEREAS, there was no opposition present for this appeal, and

NOW, THEREFORE BE IT RESOLVED, that Appeal #701 is granted based on the following findings:

1. There will be no undesirable change in the character of the neighborhood.
2. The benefit sought by the applicant cannot be achieved by any feasible method other than an area variance.
3. There will be no substantial area variance.
4. The difficulty was not self-created.

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Roll call vote resulted as follows:

Mr. Richard Kubis:	Yes
Tracy Bovair:	Yes
John England:	Yes
Mr. Kevin Elms:	Yes

Motion carried & APPEAL NO. 701 is Approved.

Mr. Elms: Now we need a motion for the second lot and that is just for the set-back on the one side. We want to give them relief on the depth of the lot and that is all.

F. Joseph Patricke: It only pertains to the "southern end of the lot". It meets everything else.

Mr. Elms: I make a motion that we give them an area variance on the depth of the lot on the Southern side of 1.17.

The Requirements for granting an area variance were reviewed and read by Mr. Kevin Elms.

A motion was made by Richard Kubis to approve the Appeal for Lot 2 on APPEAL NO. 701.

It was seconded by Mr. Kevin Elms.

Roll call vote resulted as follows:

Richard Kubis:	Yes
Tracy Bovair:	Yes
John England:	Yes
Kevin Elms:	Yes

APPEAL NO. 702

A request of The Heartland Community Church, P.O. Box 1039, South Glens Falls, New York 12803 for a Special Permit pursuant to Chapter 149, Article X, Section 149-15 and 16. Applicant is requesting to construct a carport that will not meet the minimum side yard setback for an R-2, One and Two Family Residential District. This property is designated as 63.4-3-35 on the Town Assessment Map.

Mr. Elms: Usually we ask that one person represent the group. Please state your name for the record.

Joe Denan: Joe Denan.

Mr. Elms: Would you tell us a little bit about what you are proposing to do.

F. Joseph Patricke: Can I give you a little background? It was originally a propane gas company. A few years ago a construction company bought the site. The Northern most part of the building is owned by the construction company and will continue to operate out of this building. This was approved for professional office space. There was a great deal of discussion and review that went on. It seemed to be the best use for the property. The church was looking for a home. This seems to be a good location for them for short-term or long-term, I am not sure. However, when a church is moving into a residential district they require a Special Use Permit. I have been in the building for public assembly. It has been revamped. It is not ideal, but it will work for them short-term. This is how we got to where we are tonight. They have been waiting patiently. The timing did not work out for them to get in earlier.

Mr. Elms: It looks like a good use for the building. The only concern I have is for the parking. How many members.

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Mr. Denan: We have between 30-50 members.

Mr. Elms: How many pews will be in the church. There is a seating capacity question in the code.

Mr. Denan: We have a lot of children. The seating will be movable seating. Generally it will be about 20 members.

Mr. Elms: Is there any questions?

Mr. England: I have a little concern about traffic and visibility on the corner.

Mr. F. Joseph Patricke: There is a little bit of concern about visibility. Most of the vegetation is on the neighbors property.

Mr. Elms: There is a mention of seating.

Mr. Denan: Probably about a dozen cars, mostly children.

Mr. F. Joseph Patricke: How many can you seat?

Mr. Denan: We can seat 100 comfortably.

Mr. Elms: So that is about 20 cars. The construction company will allow them to use the parking for Sunday. Do you have a lot of activity during the week?

Mr. Denan: We anticipate more during the week. To begin with probably just Wednesday.

Mr. F. Joseph Patricke: They have said that they will grade for more parking if need be. They said they will do the fence.

Mr. Elms: I am concerned that our decisions are based on the promises made before the board and there are times it isn't completed. About signage; Can we apply to the county about signage. I would rather we be proactive and see if that could be done than to wait to see if they get their Special use Permit and then they get in there and it isn't done.

Mr. F. Joseph Patricke: I can get a recommendation. I will contact Ted Serbolic. I will meet him at the site before the next meeting.

Mr. Elms: This is going to have to be taken before the Planning Board. Then they can look at everything. I think that would be very beneficial. I think they should look at that.

Mr. F. Joseph Patricke: John said recommend, it is required. It has to be brought before the Planning Board. We didn't know until Martin Auffredou, Atty pointed it out to us today, as a matter of fact.

Mr. Elms: It isn't going to slow anything down for them.

Mr. F. Joseph Patricke: As of Friday I didn't know anything about this until I found out today, I am very sorry.

Mr. Denan: Where we exit it will be far away from the curve.

Mr. Elms: As you are entering you will be slowing down and people will be coming around that corner. I think we need to see if the county will look at some signage so we can be proactive.

Mr. F. Joseph Patricke: We are talking about the volume.

Mr. Elms: We are concerned about congestion with the number of cars at the same time. I'd hate to see us have a problem there and we didn't take a proactive stance.

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Mr. F. Joseph Patricke: We have asked for a reduction in speed but it was denied.

Mr. Elms: I am just looking to see if there are some options. Not that it is a guarantee. I do apologize that it has to be brought before the Planning Board.

WHEREAS, a public hearing was duly held on April 28, 2010 for the purpose of hearing all interested persons for or against this appeal, and

WHEREAS, this is for a Special Use Permit in a Residential neighborhood which needs to be brought before the Planning Board;

Mr. Elms: We will make our decision when the Planning Board is done. I would certainly recommend that you be at the Planning Board and be here at the Zoning Board the following week.

Mr. F. Joseph Patricke: I would recommend that you delineate the parking spaces on the plans before going before the Planning Board. Can you get it done by May 7th and provide me with 10 copies. You have your proposal signed. You have the identification of the driveway and I know of no other specifications that the Planning Board would ask for.

Mr. Elms: If the Planning Board gives it's stamp of approval I don't see any other problems. We will make a motion to table this APPEAL NO. 702 until the next meeting in May.

Mr. Kubis: I will second.

Motion carried & APPEAL NO. 702 is deferred until the Planning Board has reviewed.

Roll call vote resulted as follows:

Tracy Bovair:	Yes
John England:	Yes
Richard Kubis:	Yes
Kevin Elms:	Yes

Mr. Elms: Made a motion to adjourn the meeting at 7:57 p.m.

Respectfully submitted,

DelLinda Perry