

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 December 15th, 2010 at 7:00 p.m. with the following members present.

**ZONING BOARD MEMBERS PRESENT:**

John England  
Richard Kubis  
Tracy Bovair  
Gerhard Endal, Chair

**ZONING BOARD MEMBERS ABSENT:**

James Hooper

**Others Present:** F. Joseph Patricke, Building Inspector/Code Enforcement Officer

The meeting was called to order by Mr. Kevin Elms at 7:01 p.m.

A motion was made by Kevin Elms and seconded by Tracy Bovair to accept the minutes from 06/23/10.

**Roll call vote resulted as follows:**

Tracy Bovair:	Yes
Richard Kubis:	Yes
Kevin Elms:	Yes
Chairman Endal:	Abstain
John England:	Abstain

A motion was made by Kevin Elms to withdraw the Public Hearing on Appeal #709 for Larry Allen and seconded by John England.

**Roll call vote resulted as follows**

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

**APPEAL NO. 711**

A request of Vicky LaRock of 1 Michael Road, Fort Edward, New York 12828 for an Area Variance pursuant to Chapter 149, Article, X, Section 149-59 (A), Town Law 267-b, to construct a front porch that does not meet the required front yard setback in an R-2 Zoning District. This property is designated as 63.19-1-3 on the Town Assessment Map.

Chairman Endal: You are Vicky LaRock?

Vicky LaRock: Yes.

Chairman Endal: Please tell us what you are doing.

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Kevin Elms: Please let it be known on record that I am a neighbor of Ms. LaRock. Our properties adjoin. I am a direct neighbor.

Vicky LaRock: I am trying to enhance my property by adding a front stoop, porch. We are trying to put up an overlap. Our door actually got rotted out last year because of the rain. We are taking the small porch that we have now and making a new porch.

Chairman Endal: You are requesting an area variance for 2 foot or 3 foot. In one place it says 2 and in another it says 3.

F. Joseph Patricke: Lets make it 3 to be safe.

Kevin Elms: That's to the overhang and it is going to be a part of it. We should make it 3 because of the overhang.

Chairman Endal: Okay.

John England: The steps are going to be off to the side.

Nicholas Fisher: It is going to follow the walk, which is along side of the house. It does not come out into the yard itself.

Chairman Endal: I'm sorry you are?

Nicholas Fisher: I am Nicholas Fisher, her fiancé'.

Chairman Endal: Okay.

F. Joseph Patricke: I think this is the normal example of what we have found over the years. The owner builds a house close to the front yard setback line and there is no cover over the front door. We have handled this many times; it is just impractical in this environment not to have a cover over the front door.

John England: I have one question, what are you going to do about the trees?

Vicky LaRock: We are going to keep the trees.

Nicholas Fisher: The trees are going to be there a long time.

F. Joseph Patricke: It really doesn't impact where the trees are going to be.

Nicholas Fisher: It has to be a good 10-15 feet from the porch due to the trees.

F. Joseph Patricke: The foundation of the porch is going to be just almost exactly within an inch where the sidewalk is now. It would be 1 foot past that.

Nicholas Fisher: The only thing we have done is trim the trees. They are gorgeous trees. It would really be upsetting to ecologically take them down. They provide beautiful shade.

John England: That was my concern.

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Chairman Endal: In terms of approving or disapproving something like this there are some standards we have to review. I am going to read these standards. I do not see any problems per the standards. What is the overhang? Do we have any correspondence? Do we have anyone here who wants to speak on this?

Nicholas Fisher: It is 8 feet with the overhang. I designed it with 8 feet so we wouldn't have a material loss.

Kevin Elms: No.

F. Joseph Patricke: You might want to state that this is SEQR exempt.

Chairman Endal: Does anyone want to make a motion?

Kevin Elms: I will make a motion on Appeal #711 to approve the 3 foot setback, relief of 37 feet.

F. Joseph Patricke: I see 3 feet on the front and 37 feet on the back. Change the drawing so it is 37 on here and then it matches #14 on the front.

Chairman Endal: #12 needs to be changed as well.

Kevin Elms: I changed that.

Richard Kubis: I will second.

Chairman Endal: Any further discussion? Poll the board please.

WHEREAS, a public hearing was duly held on December 15th, 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 #711 is granted:

Roll call vote resulted as follows:

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

## **APPEAL NO. 712**

A request of Ben Alden of 122 Reservoir Road, Fort Edward, NY 12828 for a Special use Permit pursuant to Chapter 149, Article V, Section 149-29. Applicant is proposing to operate a Truck Accessory Shop at southwest corner of 2 Nolan Road and Route 9, South Glens Falls, NY 12803. This property is designated as 49.4-1-7 on the Town Assessment Map.

Chairman Endal: I take it you are Mr. Alden?

Ben Alden: Yes I am.

Chairman Endal: Can you give us a little background?

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Ben Alden: To give you a little history I have been with Linex about 10 years now. I have operated 2 successful accessory shops.

Chairman Endal: What is Linex?

Ben Alden: It is a bed liner, truck accessory shop. I have left them and would like to start my own business doing the same products and offering the same product line. Basically offering truck accessories and installing bed liners.

Chairman Endal: Basically it's a shop?

Ben Alden: I will essentially installing new bed liners and whatever accessories they want from the dealerships. I pick up the trucks and install whatever they have ordered and then deliver it back to the dealerships.

Chairman Endal: So it's not shop?

Ben Alden: Well it will be a walk-in shop for customers who want to purchase items for their vehicles. 85% of my customers will be dealerships.

Chairman Endal: Is this going before the planning board?

F. Joseph Patricke: No. Well you remember back to Martin Fletchers. This, by our code, requires two boards. Anything that involves an automobile, such as fueling, sales, repairs or auto body it would require a Special Use Permit from the Zoning Board of Appeals and this site would be required to have a site plan review by the Planning Board. As Martin has told us we cannot have a site plan review if the use isn't approved. He is here before you tonight. He is going before the agenda for Monday night for the Planning Board.

John England: So the signs and the egress for the property will be reviewed by the Planning Board.

F. Joseph Patricke: Yes.

Chairman Endal: So essentially they are going to do the site plan review? Because it is a new business?

F. Joseph Patricke: Yes. As Martin always tells you, a Special Use Permit, you can do many things, you can review it, indicate your direction tonight, have him to go before the Planning board and come back here next month with his preliminary of what the Planning Board tells him to do, if you are happy or you can condition it. Or you can recommend to the Planning Board things you want them to be aware of. I think the Planning Board is pretty sensitive to what they need to do under site plan review. Those are the options for you.

Chairman Endal: Do you have a more extensive site plan than what you gave us?

Ben Alden: Essentially I gave you blueprints. I dropped them off. I am not going to change anything in the building at all.

What way is the traffic coming in and off? From Nolan road or off Nolan road?

F. Joseph Patricke: Please let us finish what we are doing right now. In order for these guys to have some. He did bring in 10 copies, but you would have needed 17. I can go get you one so you can have a look.

Chairman Endal: That would be great. You can ask your question while he is getting the blueprints. Can you tell us your name?

Nancy Clarke: I live right next door to the property. Will there be tractor trailers coming in and out?

Ben Alden: No tractor trailers. Just cars and trucks.

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Chairman Endal: How will you receive your product?

Ben Alden: It will be small box trucks and I will be going to pick them up myself down in Albany to save freight.

F. Joseph Patricke: This was the site plan prepared when the building was bought by Hall Plumbing and Heating. He never completed it. He did about 60%. He is looking to lease it. We told him this site plan is going to need to be completed. The building is going to be painted. There is going to be shrubs put in. He is going to finish the loop. I think the septic is done. This is part of the other project.

Ben Alden: Yes I am going to lease it as long as everything goes through. He is putting on a new front door.

Chairman Endal: We reviewed this plan before. I remember seeing this.

Kevin Elms: I don't think we saw this. It was somebody who wanted to put gas tanks or something but then it was withdrawn and then it was storage. So we never saw this before. This wouldn't have had to come before us.

F. Joseph Patricke: This is what he submitted to the Planning Board for site plan review.

Kevin Elms; so this was submitted and approved before so he essentially just wants to finish this.

Ben Alden: I am looking to just finish that. I am not looking to change anything. I was looking to add a wall, but I am not going to do that after all. I am just going to put up a curtain.

John England: I see parking for eight.

Ben Alden: That is more than plenty.

Chairman Endal: Who is going to be working there?

Ben Alden: Basically one person on the counter. I would pick up a truck do what I have to do and then immediately go back to the dealership and then pick up another and so on. In case a customer may stop by.

Kevin Elms: The turn around for this type of business is fast. Not like a body shop.

F. Joseph Patricke: The first business he was with was down on Route 9. I was amazed at how accurate the turn around time was.

Alonzo Clarke: In the preparation of the beds of the trucks are we using degreasing agents?

Ben Alden: No we basically, actually sand by hand or with a 60 grid palm VA, and then we wipe it down with a TAC cloth. So it cuts down our personal contaminates. If we use any type of cleaning solvent it would be alcohol based. Something very minor.

F. Joseph Patricke: I had him present to you all his MSDS sheets. The materials that will be on that site. For that very reason. I wanted you to know.

Kevin Elms: There are no heavy chemicals.

Alonzo Clarke: We were concerned about chlorbenzene. That sort. We lost two contractors down at General Electric who were given chlorbenzene to clean the tanks. It killed them. There was no ventilation.

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John England: I was concerned until I started reading this.

Ben Alden: There will be minor bolt on modifications; just a turn around real quick process.

Chairman Endal; You are expecting to have 2 employees?

Ben Alden: Yes. That seems to have worked in the past.

Alonzo Clarke: I requested back when John was doing his work to keep the shrubbery for a buffer. I requested that they leave the pucker brush. They agreed to it.

Ben Alden: I spoke to Ty about it and he knows what needs to be done. We hope to have everything done in a timely fashion.

F. Joseph Patricke; That's a good point. Were you planning on being at the Planning Board meeting?

Alonzo Clarke: I wasn't looking forward to it.

F. Joseph Patricke: I will bring this up for you and make sure they are aware of it.

Alonzo Clarke: It would be nice for a buffer zone.

F. Joseph Patricke: If you are not there Monday night I will be sure to bring it up.

Alonzo Clarke: It's bad enough the road that Gardner put in.

F. Joseph Patricke: Did we cover the hours of operation?

Kevin Elms: No.

Chairman Endal: So what are the hours of operation going to be?

Ben Alden: It will be Monday thru Friday 8-5 or 8-6. Saturday will by appointment. It may run over an hour or so, but basically by appointment only.

F. Joseph Patricke: So there will be no noise or activity outside?

Ben Alden: No all my work will be inside. No outside activity at all.

John England: There will be no outside exhaust?

Ben Alden: No. There is no lift and I have no room for a lift.

Chairman Endal: Did we have any correspondence?

F. Joseph Patricke: No, however, we did not have a response from the county. This is a Special Use Permit, so whatever action you may or not take this evening is going to be dependent on your January meeting.

Chairman Endal: Meaning what?

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F. Joseph Patricke: You will need a response from the county before you can move. You can get through everything tonight and call it preliminary. It really will not mess him up because it will be so close to the Planning Board. He has to come back before the Planning Board in January. They will publish a Public Hearing for the site.

Chairman Endal: Okay. Do you understand that?

Ben Alden: Yes.

Alonzo Clarke: The only other thing I will bring up is right across the road from him this guy has this great big garage out there. He is out there at 12:00 to 2:00 in the morning banging on cars, banging chains, now the thing he is doing is cutting firewood, I don't know where he is putting it, but he is late at night.

F. Joseph Patricke: They cannot do anything about that, but I will look into it. Our noise ordinance doesn't cover that. It covers music. Banging on cars at midnight is a loud and unusual noise. Generally after 10 at night it is not an acceptable noise.

Chairman Endal: It sounds like he is willing. Can we do SEQR at all?

F. Joseph Patricke: Sure. You have to do SEQR before you can do action. You can either do it tonight or do it next month. I would recommend waiting to see if they have a comment that you might want to incorporate.

Chairman Endal: That's what I was asking. Then I think we are at that point.

Kevin Elms: Then I believe we make a motion to hold the Public Hearing open and address it in January.

F. Joseph Patricke: Do you need any additional information? Is there anything you think you need?

Kevin Elms: I am pretty comfortable with our Planning Board. They do a real good job. What is there certainly looks good to me. I do not see the need to look over their work.

Chairman Endal: I certainly do not see a connection. This is not a gas station or anything. It certainly requires a Special Use Permit, but doesn't cry out for it.

Kevin Elms: I make a motion in Appeal #712 we hold the Public Hearing open until January meeting.

F. Joseph Patricke: Is it fair for me to represent to the Planning Board on Monday that all expectations are that he will receive his Special Use Permit?

Kevin Elms: I am comfortable with it.

Chairman Endal: I will not be here in January.

F. Joseph Patricke. I will report it has been here and you have asked your questions, you have not done your SEQR but you do not see anything at this time that would reflect negatively. I do not want to misrepresent you to the Planning Board.

Chairman Endal: Alright.

F. Joseph Patricke: When is the meeting in January?

Secretary: The fourth Wednesday should be the 26<sup>th</sup>.

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Ben Alden: So the meeting will be the 26<sup>th</sup>?

Chairman Endal: Definitely the 26<sup>th</sup> at 7:00 p.m.

F. Joseph Patricke: What is the third Monday?

Kevin Elms: The 17<sup>th</sup>.

F. Joseph Patricke: There will be no meeting for the Planning Board until the 24<sup>th</sup> because of the holiday.

Chairman Endal: All in favor of holding the Public Hearing open say Aye?

**Roll call vote resulted as follows:**

Richard Kubis:	Yes
John England:	Yes
Tracy Bovair:	Yes
Kevin Elms:	Yes
Chairman Gerhard Endal:	Yes

A Motion was made to adjourn the meeting at 7:40 p.m.

Respectfully submitted,

DelLinda Perry