

**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 17th day of December 2014 at 7:00 PM.**

**ZONING BOARD MEMBERS PRESENT:**

Chairman Gerhard Endal

Kevin Elms

John England

Richard Kubis

Scott Fitzsimmons

**ZONING BOARD MEMBERS ABSENT:** None

**Others Present:** Joe Patricke, Code Enforcement Officer; Tricia Andrews, Recording Secretary.

Chairman Endal called the meeting to order at 7:00 p.m.

The Board reviewed the minutes of the August 27, 2014 meeting. Mr. Elms motioned to approve the minutes as written and Mr. Kubis seconded. Motion carried unanimously with Mr. Endal abstaining as he was not present in August.

The Board reviewed Appeal No. 750, a request of Crest Realty Holdings, LLC and Applicant Daniel Garcia of 1677 Route 9, South Glens Falls, NY 12803 for a Special Use Permit pursuant to Chapter 149, Article V, Section 149-33. Applicant is requesting a Home Occupation of Artist Studio, musical instrument lessons. The property is located in a C-3, Residential and Professional District and is designated as 49.67-1-11 on the Town Assessment Map.

Crest Realty will own the property and Mr. Garcia will both live in the home and provide music lessons there. He has done private music lessons in the area for 15 years. Lessons are given one on one and are scheduled, so people will not line up. Mr. Elms asked if the building was ever used as a residence, but it has always been a business. It does have a bathroom, kitchenette, etc. and no improvements are planned. It has a recent new septic. It is 2-bed, 1-bath with a kitchenette. He has 12 spaces for parking, 6 front and 6 back, all paved. This was an office building. It is for sale and this usage could be short-lived unless the applicant buys it. Owner and Applicant are father and son.

They do plan to have a sign which has been submitted to Mr. Patricke with the application, 18" x 24". Crest Realty will own the sign. Post is there now with a real estate sign on it and he will change the sign. 18" x 24" is the sign planned and the limit is 3 sq. ft. The name on the sign is of no concern to the Town according to Mr. Patricke. According to the Code they can have a sign or a nameplate. It doesn't address whether it can be lit. It has to be on the building. The existing sign has been there since before this law was written. Mr. Patricke reminded the applicant that any lighting, if they choose to use it, can have no effect on neighbors. It has to fit in with something that might be done on a residence. No comments were received from neighbors. The public hearing was closed at 7:21pm.

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Short Form SEQR was reviewed.

Mr. Elms motioned for a negative declaration regarding SEQR and Mr. England seconded. Roll call vote proceeded as follows: Mr. England, Yes; Mr. Kubis, Yes; Mr. Elms, Yes; Mr. Fitzsimmons, Yes; Chairman Endal, Yes. Motion carried 5-0.

The Board reviewed the criteria for granting a Special Use Permit for Home Occupations 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 grant Appeal No. 750 and Mr. England seconded. Roll call vote proceeded as follows: Mr. England, Yes; Mr. Kubis, Yes; Mr. Elms, Yes; Mr. Fitzsimmons, Yes; Chairman Endal, Yes. Motion carried 5-0.

Chairman Endal adjourned the meeting at 7:22 p.m.

Respectfully Submitted,

Tricia S. Andrews