

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 January 26th, 2011 at 7:00 p.m. with the following members present.

**PRESENT:**

Kevin Elms  
John England  
Richard Kubis

**ABSENT:**

James Hooper  
Tracy Bovair  
Gerhard Endal, Chairman

**Others Present:**

F. Joseph Patricke, Building Inspector

The meeting was called to order by Mr. Kevin Elms at 7:08 p.m.

Mr. Kevin Elms: Did everyone get the draft of the minutes from the last time? We have two minutes that we do not have the approval for. She did send me an e-mail saying that she did send me a copy of the last minutes. We didn't do the meeting before did we? I cannot find my minutes from the last meeting.

Mr. Kevin Elms: I have one correction; the meeting was not called to order by me it was called to order by Chairman Endal.

A motion was made by Kevin Elms and seconded by Richard Kubis to accept the minutes from 12/15/10 with the modification of "meeting called to order by Kevin Elms" to "meeting called to order by Chairman Gerhard Endal.

**Board Members roll call resulted as follows:**

Kevin Elms	Yes
John England	Yes
Richard Kubis	Yes
Tracy Bovair	Absent
James Hooper	Absent
Gerhard Endal	Absent

Mr. Kevin Elms: Now we'll follow-up on the Appeal #712, a carry over from the last hearing.

**APPEAL NO. 712**

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

F. Joseph Patricke: We were conducting a public hearing and now we are opening it again.

Mr. Kevin Elms: We didn't get any other information, letters from anybody or anything?

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F. Joseph Patricke: We have had nothing pro or con. I will advise you that Monday night before the Planning board Mr. Alden appeared before them seeking site plan approval. There was some question from the audience, before the meeting was concluded a visiting neighbor on the corner of Pine Valley and Nolan Road and all of his questions were answered and he was satisfied with all of the results. The Planning Board issued a conditional Approval of site plan based upon if he does receive a Special Use Permit from this board. They put some conditions on it, they put a condition for putting a dumpster out with a screen on it, they are going to paint the building, they are going to put the shrubs in that were in the site plan, all the bushes and plants, there is going to be sign out front that will comply with the sign law. I think that was all of them right?

Ben Alden: Yeah.

Mr. Kevin Elms: You said something about removing a trailer?

F. Joseph Patricke: There is a white trailer. It is not his. It is the owner of the property. It is a tool trailer. It is in, apparently, a bad state of repair. They have given him, the owner, not Mr. Alden, until June 30<sup>th</sup> to get all of these things done. That was granted to the owner of the property, not Mr. Alden, it was Ty Hall. He was at the meeting as well. I think that was all solved and it was contingent upon whether or not you grant a Special Use Permit. If you don't then it is all null and void. If you do then it would be valid.

Mr. Kevin Elms: I think that at the last meeting we had pretty much come to the conclusion that we didn't see any issues and if the Planning Board didn't see any issues that I think our general consensus was that we were okay with it. Is that true?

John England: Yes that is true.

F. Joseph Patricke: I just want to say I think at the Planning Board Meeting they talked extensively about hours of operation, and outdoor operations and Mr. Alden isn't going to have any. He is not going to have any outdoor operations. Everything will be done indoors. He is putting two new doors on it now, right?

Ben Alden: I am putting one new front door on it now, actually the back door I am actually using spray foam insulation and an exhaust fan in it. It will all be painted.

F. Joseph Patricke: Will it be operable.

Ben Alden: No.

F. Joseph Patricke: So it won't really be a door.

Mr. Kevin Elms: If you read the last minutes, we asked about hours of operation, we knew the Planning Board would cover it, number of cars that will be parked on it? The answers we got at the last meeting were pretty reasonable to us, we thought.

F. Joseph Patricke: I did too. I just wanted to alert you to, the Planning Board covered it pretty thoroughly as they usually do. As you have decided to be the lead agent for this SEQR review, if you want to go ahead and do your SEQR review.

Mr. Kevin Elms: We are doing a short form environmental assessment. The first section has been all filled out. So I don't believe we have to go over. I think we can go to page 2 I'll just read these off and unless someone has an issue with them, I will assume that they are all negative. If you don't agree with that then please speak right up.

F. Joseph Patricke: You probably would like to entertain a motion for a negative declaration.

John England: I make a motion for a negative declaration under SEQRA.

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Richard Kubis: I second that.

Roll call vote resulted as follows:

Kevin Elms	Yes
John England	Yes
Richard Kubis	Yes
Tracy Bovair	Absent
James Hooper	Absent
Gerhard Endal, Chairman	Absent

A motion was made by Mr. Kevin Elms and seconded by John England to approve Appeal No. 712 for a Special Use Permit without conditions:

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

WHEREAS, a Public Hearing was duly held on the 15<sup>th</sup> day of December 2010, for the purpose of hearing all Interested persons for or against this appeal, and

WHEREAS, no one appeared in opposition to this appeal, and

NOW, THEREFORE, BE IT RESOLVED, that the Special Use Permit for Appeal No. 712 is approved without conditions.

Roll call vote resulted as follows:

Mr. Richard Kubis	Yes
Mr. John England	Yes
Mr. Kevin Elms, Acting Chair	Yes
Mr. James Hooper	Absent
Ms. Tracy Bovair	Absent
Gerhard Endal	Absent

John England: Did they address the issue of the sign?

Ben Alden: They approved the one that is there. I am going to put up a very plain sign. Eventually I would like to put up a nice double sided lighted sign.

F. Joseph Patricke: That will be addressed with the Building Inspector.

Ben Alden: I am dealing with \$50,000 to \$60,000 trucks. I need to make it comfortable to customers to trust to leave their vehicles there.

Kevin Elms: It is a very good spot.

Ben Alden: I like the visibility of this spot.

Kevin Elms: We have had a variety of businesses there and a few that have applied that would not have been a good fit. I think your business is well suited for this spot.

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Ben Alden: I do too. Eventually I would definitely like to beautify the acreage and the shop. I just think Ty didn't have the money to put into it. There are some things that need to be addressed.

F. Joseph Patricke; There are still some things you need to do before you open. You need to call me so I can do my inspection. Just call Kathy.

Ben Alden: Okay. I can do that. How long will that take to be approved.

F. Joseph Patricke; If all the blanks are filled in it will be right away.

A Motion was made to adjourn the meeting at 7:23 p.m. by Richard Kubis and seconded by John England.

Roll call vote resulted as follows:

Kevin Elms	Yes
John England	Yes
Richard Kubis	Yes
Tracy Bovair	Absent
Gerhard Endal	Absent

Respectfully submitted,

DelLinda Perry