

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 July 29th, 2009 at 7:00 p.m. with the following members present.

PRESENT:

Chester Joslin
Kevin Elms
Gerhard Endal, Chair

ABSENT:

James Hooper
F. Joseph Patricke, Building Inspector

Others Present:

Martin D. Auffredou, Attorney For The town

The meeting was called to order by Chairman Endal at 7:05 p.m.

Chairman Endal made a motion to amend the minutes from 06-24-09 and Mr. Elms seconded on the last paragraph of the first page to "a fence less than 50% would not be a reason for an area variance."

Mr. Elms: Made a motion to accept the 6/24/09 minutes.

The members were poled.

Mr. Elms: Yes
Mr. Joslin: Yes
Chairman Endal: Yes

APPEAL NO. 697

A request of Gail and Philip Wadsworth of 6 Mountain Road, Gansevoort, New York 12831 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59 (A) and Town Law 267-b. Applicant is requesting to construct a garage that will not meet the minimum front yard setback for an R-2, One and Two Family Residential District. This property is designated as 76-3-45 on the Town Assessment Map.

Chairman Endal: You are?

Mr. Wadsworth: I am Philip Wadsworth.

Attorney Harold Dickinson: I represent the Wadsworth's. This is the existing plot. There was a garage there; it was falling in so they had it removed. Those are the footprints of the building.

Mr. Endal: This is the garage that was there? (Viewing the pictures provided by Mr. Elms computer).

Attorney Dickinson: The only issue the garage that would be built would not fit the parameters. Obviously there is no issue here. No one from the neighborhood is here to complain.

Mr. Endal: The footprint is the same?

Mr. Elms: You are building the garage the same size?

Attorney Dickinson: There is an issue with the slope.

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 July 29th, 2009 at 7:00 p.m. with the following members present.

- Attorney. Auffredou: Was it a pre-existing non compliant structure?
- Attorney Dickinson: Yes it was.
- Attorney Auffredou: It wasn't anything that you needed a permit for that you didn't get a permit for? How long was the garage there before you took it down?
- Mrs. Wadsworth: About 100 years.
- Chairman Endal: Are you thinking that this falls under a pre existing
- Attorney Auffredou: Here's what I am definitely certain of for the purposes of SEQR review it is a Type II action. I don't think there is any SEQR review here. I don't know if the applicant was asked to complete a short EAF? It's just not necessary. as far as legal status; Unfortunately, I did not have an opportunity to talk to Joe regarding his reasons for denying a permit and sending you for an area variance.
- Attorney Dickinson: It is under some sort of review because the applicants didn't apply for a demolition permit.
- Attorney Auffredou: They are not expanding beyond 50%.
- Mr. Endal: They can increase the non conformity in area?
- Attorney Auffredou: Arguably they can increase that up to 50%.
- Mr. Endal: The question is do we have to do anything?
- Attorney Auffredou: I think this would be a way to bring closure to that particular issue which is the building's department issue they failed to get a demolition permit. That created some type of legal issue. This is one way to resolve that
- Mr. Endal: I've heard enough and will go through the requirements
- Attorney Auffredou: I just have a procedural point before we proceed. Just for the record you might want to ask if there is anyone who wants to speak in favor or against the proposal.
- Mr. Endal: Is there anything. Did we receive anything in the mail?
- Attorney Auffredou: Nothing is here.
- Mr. Endal: Then I think we can proceed. We don't need to do a SEQR.
- Attorney Auffredou: I think it is SEQR exempt. We have gone through your 267-b standards. What we would do now is proceed to a resolution.
- Mr. Elms: I make a motion for Appeal 697 for an area variance, based on the circumstances we just reviewed. It was a pre existing garage there. We need to make it clear that the variance we are giving is for Mountain Road
- Attorney Auffredou: Specify the amount of the relief.

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 July 29th, 2009 at 7:00 p.m. with the following members present.

Mr. Elms: It is a 20 foot relief from Mountain Road, which includes the overhang.

Attorney Auffredou: Does the board identify any conditions that go along with that?

Mr. Elms: No I don't.

Mr. Endal: Nor do I.

Mr. Joslin: I second.

Roll call vote resulted as follows:

Mr. Elms:	Yes
Mr. Joslin:	Yes
Chairman Endal:	Yes

Motion carried & APPEAL NO. 697 is Approved.

APPEAL NO. 698

A request of Daniel and Valerie Ryan of 7 Kimberly Lane, Fort Edward, New York 12828 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59 (A) and Town Law 267-b. 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. Endal: We are talking about a side set back of 10 feet?

Mr. Elms: You are leaving 11 feet? With the overhang that would be 10.

Mr. Endal: Your neighbor here has a fence?

Mr. Ryan: Yes.

Mr. Endal: Do we have any correspondence?

Attorney Auffredou: Nothing was left for us.

Mrs. Ryan: The neighbors are aware and have no problem with it.

Mr. Endal: I don't have any questions or issues.

Mr. Elms: It is pretty cut and dried really.

Mr. Endal: There is not going to be any undesirable change. It is not a substantial variance. It is not going to have any physical impact on the neighborhood. We have reviewed the standards and I don't see any issue with the standards.

Mr. Elms: For Appeal 698 for Daniel & Valerie Ryan for a side yard set back for 4 foot relief I make a motion that we approve.

Mr. Endal: I second. Is there any further discussion?

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 July 29th, 2009 at 7:00 p.m. with the following members present.

Roll call vote resulted as follows:

Mr. Elms:	Yes
Mr. Joslin:	Yes
Chairman Endal:	Yes

Motion carried & APPEAL NO. 698 is Approved.

Mr. Elms: Made a motion to adjourn the zoning board meeting @ 8:30 p.m.

Respectfully submitted,

DelLinda Perry