

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 June 23rd, 2010 at 7:00 p.m. with the following members present.

**PRESENT:**

Kevin Elms  
Richard Kubis  
Tracy Bovair  
F. Joseph Patricke, Building Inspector

**ABSENT:**

Gerhard Endal, Chair  
John England

**Others Present:**

Joe Svare, Attorney for the Town

The meeting was called to order by Mr. Kevin Elms at 7:06 p.m.

A motion was made by Tracy Bovair and seconded by Kevin Elms to accept the minutes from 05/26/10.

**APPEAL NO. 704**

A request of John and Susan Poulter of 1089 Route 9, Gansevoort, New York 12831 for an Area Variance pursuant to Chapter 149, Article, X, Section 149-59 (A), Town Law 267-b and the Town Sign Law, to place a sign for their business, Belly Rubs Doggy Day Care, that will not meet the required side yard setback in a R-3, Agricultural, One and Two Family Residential District. This property is designated as 89.-1-2-29.2 on the Town Assessment Map.

Kevin Elms: Are John and Susan here?

John Poulter: We are.

Kevin Elms: Please state your name for the record.

John Poulter: John & Susan Poulter.

Kevin Elms: You are representing yourself? You have a drawing in there.

John Poulter: We have some pictures also.

Kevin Elms: Okay, you want to present them.

John Poulter: Brings the drawings up to the board and reviews the specs.

Kevin Elms: Does anyone have any questions about the pictures?

Richard Kubis: This is the same sign?

James Hooper: Is it the same sign?

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Mr. Kevin Elms: You are just moving the sign?

John Poulter: Yes.

Mr. Kevin Elms: Where did Joe go? What is required, I think it is a 2 foot relief. We'll review when Joe gets back.

James Hooper: Okay it is going to be 4 foot from the property line? Do you know what the side set back is?

John Poulter: They told me a couple of different things.

Mr. Kevin Elms: Signs are a little bit different. When Joe returns he can tell me. Just trying to figure out the required set back and what the relief is? It doesn't say on the application what is required and what he is asking for?

F. Joseph Patricke: Okay the requirement is 10 feet from any property line.

Mr. Kevin Elms: Okay and they want to be 4 feet?

F. Joseph Patricke: He would like to be 4 feet, well actually right on the property line. In discussions I pointed out to him what a substantial variance is. I think he is right the further over he would be would be better visibility. I tried to get it to a space that would satisfy both the board and him.

Mr. Kevin Elms: If he did it further over it would be a 6 foot relief and that is pretty substantial. He showed us pictures.

F. Joseph Patrick: I know you all know where he is and the speed. He would like to give people as much visibility as possible so they can see it in time to slow down as the speed limit is 55.

James Hooper: Who is the neighbor?

John Poulter: His name is Richard Kinney, I think. He owns the property. He came up to put it up for sale. The neighbor is in Florida.

Mr. Kevin Elms: He owns the property? Did we get any correspondence at all? Are there any neighbors here? What are your thoughts? Does anyone have any questions?

John Poulter: I talked to one guy today, Greg Tolland, and he said he doesn't have any problems.

James Hooper: No correspondence was received and no neighbors are here. It fits into what we call a substantial request. As there is no correspondence or neighbors here in opposition, it is pretty simple. I feel it can be passed.

Mr. Kevin Elms: What are your thoughts? I agree. I would certainly entertain a motion.

F. Joseph Patricke: I think we need to talk about the fact that it is going to be a substantial relief.

Mr. Kevin Elms: If you want to make a motion, mention what Joe said.

James Hooper: Okay, I make a motion to approve Appeal 704 and that the sign will be moved a substantial distance.

Mr. Kevin Elms: Anyone want to second that? Any discussion?

Tracy Bovair: I second.

F. Joseph Patricke: I think we need to mention that it is SEQR exempt.

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Mr. Kevin Elms: Do you want to poll the board? Okay you are all set.

WHEREAS, a public hearing was duly held on June 23, 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 #704 is granted:

Roll call vote resulted as follows:

Tracy Bovair:	Yes	
Richard Kubis:	Yes	
Mr. Kevin Elms:		Yes
James Hooper:	Yes	

**APPEAL NO. 705**

A request of Celine Estes of 635 Gansevoort Road, South Glens Falls, NY 12803 for a Special use Permit pursuant to Chapter 149, Article V, Section 149-33 (A). Home Occupation and Schedule of Uses in an R-1, One Family Zoning District. Applicant is requesting to operate a Hair Salon from her residence. This property is designated as 50-1-5 on the Town Assessment Map.

Mr. Kevin Elms: You are here to represent yourself?

Celine Estes: Yes.

Mr. Kevin Elms: an acre lot and 30 x 30 garage and parking for t6. You will convert the three season room into the hair salon. All exterior work. No interior work? You have your license?

Celine Estes: No, no outside work.

James Hooper: You would be the only hairdresser?

Celine Estes: Yes.

Mr. Kevin Elms: What would be your hours?

Celine Estes: 6-9 two evenings and Saturday 9-4.

Mr. Kevin Elms: Being in a residential district you would not anticipate working after 9?

Celine Estes: No.

Mr. Kevin Elms: Did we receive any correspondence?

F. Joseph Patricke: No.

Richard Kubis: Down the line do you anticipate increasing your clients when the children are out of school?

Celine Estes: I will perhaps extend my hours. I do anticipate down the line in about 10 years increasing my hours, but not necessarily at home.

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F. Joseph Patricke: It would still be permissible to do this at home.

Mr. Kevin Elms: We have several of these in residential neighborhood and never any complaints.

F. Joseph Patricke: That is not to say you couldn't work more hours out of your home. No not in any of the years that I have been here. Did you bring your MSDS sheets?

Celine Estes: I submitted them when I submitted my paperwork.

F. Joseph Patricke: I just didn't see them when I was reviewing.

Mr. Kevin Elms: Are there any other questions we should ask?

F. Joseph Patricke: I think you've covered it. She has adequate parking. You are entitled to a sign. It is limited by size. You would have to come in and get a permit to put it up.

Mr. Kevin Elms: As long as it meets the zone.

F. Joseph Patricke: You have her MSDS sheets. You have her license. We do have to do a SEQR review.

Mr. Kevin Elms: The short form.

Joe Svare: It would be in order to close the public hearing.

James Hooper: I make a motion to close the Public Hearing.

Richard Kubis: I will second that motion.

Mr. Kevin Elms: All those in favor?

The board is polled:

Richard Kubis:	Yes
James Hooper:	Yes
Tracy Bovair:	Yes
Mr. Kevin Elms:	Yes

Mr. Kevin Elms: I am going to read the short form SEQR and answer, if anyone disagrees you may speak up at that time.

James Hooper: Makes a motion for Negative Declaration.

Richard Kubis: Seconds the Negative Declaration Motion.

F. Joseph Patricke: I will need to have a signed copy of the Negative Declaration.

The board is polled:

Richard Kubis:	Yes
James Hooper:	Yes
Tracy Bovair:	Yes
Mr. Kevin Elms:	Yes

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James Hooper: I don't believe anyone has a problem with this so I make a motion to grant.

Tracy Bovair: Seconds the motion.

WHEREAS, a public hearing was duly held on June 23, 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 #705 is granted:

**Board Members pole resulted as follows:**

James Hooper:	Yes	
Tracy Bovair:	Yes	
Richard Kubis:	Yes	
Mr. Kevin Elms:		Yes

**APPEAL NO. 706**

A request of the McCormick Group of P.O. Box 2843, Glens Falls, NY 12801 for an Area Variance pursuant to Chapter 149, Article IV, Section 149-21 (B) and (C) and Schedule of Uses in a C-1, General Commercial Zoning District that require 1 acre minimum for each permitted principal use. Applicant is proposing two businesses on 1.887 acres and is requesting a reduction in total square footage required of 0.113 acres. This property is located at 1582 Route 9, Fort Edward, NY 12828 and is designated as 63.2-1-14.1 on the Town Assessment Map.

Mr. Kevin Elms: How are you Jim? You are proposing to put another business on the property?

John McCormick: Yes.

F. Joseph Patricke: Mr. McCormick appeared before the Planning Board on Monday of this week, as you are probably aware of that anything in a commercial zone needs to go to site plan review. Of course, they cannot get site plan approval if there is not a variance. They made a presentation. He will have a public hearing if it is favorable. There were no voiced objections to the planned site plan. Although it was not approved; there were no issues with what he presented. That is the status to date. If the outcome is favorable tonight it will be going before a public hearing to go in front of Planning for Site Plan Review.

Mr. Kevin Elms: Okay. The existing building that is there; you are going to renovate and use as an office.

John McCormick: Yes, the garage; we're going to renovate both buildings.

Mr. Kevin Elms: Then you will add this tent? Did we get anything from the public?

F. Joseph Patricke: We did not receive any responses from the public but we do have a statement from the county. It was reviewed by the staff on the county on 6/11. On 6/17 they reviewed it at the planning board and their decision was no significant county wide or intercommunity impact; but they wanted to discomment with "while it would be a more appropriate process for the applicant to create a two lot subdivision or request an area variance for one specific lot use referral presents no direct county impacts". What this means is that to them, in their opinion they would like him to have two lots, they would subdivide the lots. They would still need a variance.

Mr. Kevin Elms: It does mean the same thing.

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F. Joseph Patricke: In a range of what is significant, it is a significantly small amount. Certainly, there is the potential that he could purchase more land.

Mr. Kevin Elms: He certainly has enough land here for this project; it is just the semantics of having two businesses on one property.

F. Joseph Patricke: We, in the planning are happy to have only one entrance onto Route 9 than two entrances. Not a whole lot of traffic related to the propane business.

Mr. Kevin Elms: Route 9 is a tough road.

F. Joseph Patricke: There will be trucks in and out and probably not in the hours when the traffic is heaviest.

Mr. Kevin Elms: Are there any neighbors here?

James Hooper: There is the advantage to having one sign with two businesses instead of two signs for two businesses.

F. Joseph Patricke: As part of the planning review before they go to their next review part of Emergency Services, I know that with Dick Jones it meets all the requirements.

Mr. Kevin Elms: It is very important that all of the safety issues have been reviewed. Actually, wasn't that Suburban?

John McCormick: They actually held all the residential tanks there. We will not be doing that.

Mr. Kevin Elms: Does anyone else have any questions. I entertain a motion to close the public hearing.

Richard Kubis: I second it.

The board is polled:

Richard Kubis:	Yes
James Hooper:	Yes
Tracy Bovair:	Yes
Mr. Kevin Elms:	Yes

James Hooper: Is the Planning Board looking at site plan review regarding hazardous materials?

F. Joseph Patricke: If you would like to make a motion that Site Plan Review be done by Planning, they will have a public hearing and go through the same process. At that time they will do a SEQR. It is not required for a variance.

James Hooper: I make a motion that we approve area variance from 2 acres to 1.887 for a reduction of total square footage of 0.113 acres Appeal 706 with the understanding that the Planning Board will do a review of Emergency Services.

Mr. Kevin Elms: I second the motion.

WHEREAS, a public hearing was duly held on June 23, 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 #706 is approved with the understanding that the Planning Board will be doing a review of Emergency Services and a SEQR:

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 June 23rd, 2010 at 7:00 p.m. with the following members present.

**Board Members pole resulted as follows:**

James Hooper:	Yes	
Tracy Bovair:	Yes	
Richard Kubis:	Yes	
Mr. Kevin Elms:		Yes

**APPEAL NO. 707**

A request of Keith Chadwick of 1550 Route 9, Fort Edward, NY 12828 for a Special Use Permit, pursuant to Chapter 149, Article V, Section 149-33 (A), Home Occupation and Schedule of Uses in a C-1, General Commercial District. Applicant is requesting to use a back portion of garage as a Gun Shop with Gun Smithing Services. This property is designated as 63.2-1-26 on the Town Assessment Map.

Mr. Kevin Elms: You are Mr. Chadwick?

Keith Chadwick: Yes.

Mr. Kevin Elms: Do you want to explain a little bit about what you are here for?

Keith Chadwick: I had my interview with ATF. Some of the guys I work with, since I was an armor in the Coast Guard and as it is something I enjoyed, I could make some extra money at it, some of the guys I work with they asked if I would be interested in procuring guns for them and transferring them to them legally, of course, there wouldn't be a lot of stock, just part time.

Mr. Kevin Elms: Okay, this is only a little over an acre. This has the body shop on the back of it. A house in the front and the garage is connected to the house. You are proposing to put two separate businesses on this small lot.

Keith Chadwick: The body shop was already on it, so yes.

Mr. Kevin Elms: Normally what is required is 2 acres?

F. Joseph Patricke: Actually, the requirement for the Zoning District C-1 requires is 1 acre per business.

Mr. Kevin Elms: What we have is a residential home and a garage, so that is two things so that was a special variance...

F. Joseph Patricke: There were two things, the home has been there since, and I think, 1946. The garage has been there a substantial amount of time. When they built the garage they got an area variance and they got a special use permit to have that body shop. At that time Mr. Dessaint lived there and had his home and business. He has since moved to Hartford. But the business there has a special permit to operate and they have set back variances and they are in compliance. The issue is that it comes down to is that we have a minimum of 1 acre per use and we have a business on one acre now with a residence so this would be a third use. Albeit it is small, it won't be a large one right?

Keith Chadwick: It is 10 feet deep by the width of the garage.

Mr. Kevin Elms: Did we receive any correspondence?

F. Joseph Patricke: I did receive the correspondence from the county they called me today their concern for us was three uses on one acre of ground.

Mr. Kevin Elms: Are there any neighbors here?

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Keith Chadwick: I spoke to the neighbors to the south and north. I work with Spoon's daughter. They do not have a problem with it.

Mr. Kevin Elms: It would be a very substantial change. It puts us in a tough spot. The town has zoning for the reasons to set up a standard. Our job is to sometimes give some relief. This is really substantial. Here is the problem, you already have a special permit and you already have two uses and this would be a third. What are your thoughts?

Richard Kubis: The gun shop, were you planning on operating it as a retail store front?

Keith Chadwick: No. I work out of town quite a bit. It would be more of a as needed when I am home. It wouldn't be constant traffic in and out. It would be more of an "I need something, can you get it for me", I have had my background check and interview with ATF. I don't have a copy of my license and she cannot give that to me until I get the permit.

F. Joseph Patricke: If he is successful he still has to go to the Planning Board for site plan review.

James Hooper: Will they go over the safety issues?

F. Joseph Patricke: I think you need to address those issues as you would be giving him the use. If you grant it you are authorizing the use.

Joe Svare: If you will look at section 149-33, the board has to make the findings based on that section.

Mr. Kevin Elms: What was that section, 149-33?

Joe Svare: Yes.

F. Joseph Patricke: Look on page 149-11.

Mr. Kevin Elms: Thank you. When applying for a special use permit. Do you guys have your books with you? It is a good idea to read it.

James Hooper: My concern is in the safety. I assume there is going to be a fair amount of fire arms on the premis.

Keith Chadwick: Nope. I am not going to have ammunition on hand. Say you find a firearm on line you provide me with the information I will have it delivered to me. When it comes in I will call you and you would have to submit the necessary papers. You pay the transfer fees. I would give you the weapon.

James Hooper: Where would the firearms be?

Keith Chadwick: In a safe.

Tracy Bovair: What if you are not there? Who would be accepting that package?

Keith Chadwick: My wife would accept the package and put it in the safe.

James Hooper: What do you mean you would call to find out if you can accept the gun? I order the gun do I have to prove that I can have the firearm.

Keith Chadwick: You have to fill out forms answering questions, the same forms you would fill out if you were in Albany and purchasing firearms. NCIS form.

James Hooper: So safety wise, they are the ones that are accountable?



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Keith Chadwick: I am not going to jail for anyone.

James Hooper: My question is will there be special locks, how would the firearms be kept if you and your wife were out of town?

Keith Chadwick: There is a safe for the firearms. There is an alarm system on the house.

Richard Kubis: Are there any minimum standards?

Keith Chadwick: The ATF inspector actually came out and went through where the firearms would be locked up. She didn't have a problem with that. I actually would have had the license in hand but I am waiting for the permit.

James Hooper: Do you know how many other gun shops are in the area with firearm permits?

Keith Chadwick: There is one in the area, one in Luzerne, Queensbury, one in Warrensburg and I do not believe there is one in Saratoga.

James Hooper: I understand that this is a very significant request and that we are looking at three uses on the same property, but I find this third use as being transparent, from what you are describing it is not a walk up business. It will be by appointment only. Can it be defined by us that it is not an hourly business, but by appointment only?

F. Joseph Patrick: I do not know how we could enforce that?

James Hooper: I do not see a negative impact on the community. I tend to look favorably on this request.

Richard Kubis: I do tend to agree, if there is not going to be a stock of ammunition or weapons on the site. Only what he may be in the process of transferring at the time. It is not going to be a retail store front.

Mr. Kevin Elms: What is to say that after you approve it as a special use permit, he wouldn't have weapons on site or be able to use it as a retail business. Once the permit is approved he has the business there he wouldn't have hours, wouldn't have ammunition and wouldn't have guns and rifles for sale.

F. Joseph Patricke: I agree. It is a very good point. If he sells the building the Special Permit goes with the building. Any other owner could move in and have that business there.

Keith Chadwick: If I move my license goes with me, it doesn't stay with the location.

Mr. Kevin Elms: Your license wouldn't stay but somebody could apply for a license to have a gun shop.

Keith Chadwick: No they wouldn't. They would have to apply with ATF and come here for a permit.

F. Joseph Patricke: No they wouldn't. That's what I was telling you once it is issued it goes with the land.

Richard Kubis: Right in the variance for additional use. Not specifically a gun shop. Somebody could come in and build a Stewarts.

Mr. Kevin Elms: No.

James Hooper: I think we can specify the use though, we don't like to do that, but we can specify the use.

F. Joseph Patricke: Actually, you have to specify the use in your Special Use.

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Mr. Kevin Elms: They wouldn't be able to change the use. I am not saying that you would do this, but remember that if you approve this, once it is done, if he chooses to have a shop that is open and puts up sign and he can be open hours and have guns on hand, once we give the special use permit for that.

F. Joseph Patricke: That is essentially what you are doing.

Mr. Kevin Elms: You already have two uses on that one acre lot.

James Hooper: Isn't there a fair amount of space around it?

Keith Chadwick: There is a dirt road, some grass and woods and then a motel 100-250 feet away or maybe more like 300 feet away. Immediately to the north is a neighbor out back.

James Hooper: I am looking at the intent. Maybe I am wrong. What is the intent here to prevent clutter? In this particular lot there are all sorts of space around it.

F. Joseph Patricke: There is a vacant lot across from him 25 feet away, there could be a business there tomorrow.

James Hooper: What is it zoned?

F. Joseph Patricke: Commercial.

James Hooper: Just because we are making a change.

F. Joseph Patricke: It is a residential lot, which he has already gotten a special permit for a business already. I would like you to go to page 149-51 and go through those four elements there.

Mr. Kevin Elms: 1-4; We don't really have a policy in town for gun shops do we?

F. Joseph Patricke: No.

James Hooper: As I said the type of business we are talking about there wouldn't be any problem.

F. Joseph Patricke: If you are done with your discussions?

Mr. Kevin Elms: We have to do a short form SEQR on this, right?

Mr. Kevin Elms: Does anyone disagree that we have a Negative Declaration? Does somebody make a motion for Negative Declaration? As I said there is nothing that says he couldn't have a regular business and open it up with weapons and ammunitions.

F. Joseph Patricke: Yes you do.

Richard Kubis: I make a motion.

Mr. Kevin Elms: Does anyone second it? Anyone have any other questions? Can we close the Public Hearing?

James Hooper: I second it.

Mr. Kevin Elms: Anyone want to make a motion on Appeal 707?

James Hooper: I am just reviewing the conditions I would like to put on the Special Use Permit.

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F. Joseph Patricke: It is just my opinion that you are creating an uncontrollable item.

Mr. Kevin Elms: I mean no disrespect I agree and I do not see any benefit of putting restrictions on it as we cannot enforce them.

James Hooper: The one thing I want to say is the licensing from the ATF is critical because no one else is going to go in there without having to go through the same issues.

F. Joseph Patricke: Yes, but Lowe's could go in there tomorrow.

Mr. Kevin Elms: What I am saying is that once we grant the permit anyone could go in there and put a business in there as large as the area would fit.

Richard Kubis: Whatever they could squeeze in there is what they could put in there, right?

James Hooper: Tell me you live there right?

Keith Chadwick: Yes.

James Hooper: Well anyone could go in there and change it over to a business. I think this community needs the business.

F. Joseph Patricke: If you approve it tonight you will not have another bite at it. They will not have to come in front of you. They might have to come in front of the Planning Board.

Mr. Kevin Elms: I would say we have discussed it enough. Anyone want to make a motion?

James Hooper: I make a motion to approve the Special Use Permit on Appeal #707 for a gun shop.

Mr. Kevin Elms: Is there a second? No seconds.

F. Joseph Patricke: If there are no seconds, there cannot be approval.

Mr. Kevin Elms: So what do we do make another motion?

Mr. Kevin Elms: I understand and I do promote other business, but I do not like to go against the Zoning by putting 3 businesses on one acre. I am not comfortable doing this so I make a motion to deny the Special Use Permit Appeal #707.

**Board Members pole resulted as follows:**

James Hooper:	Yes	
Tracy Bovair:	NO	
Richard Kubis:	NO	
Mr. Kevin Elms:		NO

**APPEAL NO. 708**

A request of Leroy L Sweet and Tallah C. Woykowski of 160 Fortsville Road, Gansevoort, NY 12831 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59 (A) and Schedule of Uses in a R-1, One family Residential Zoning

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District. Applicant is proposing to construct a single family residence that will not meet the required side yard setbacks. This property is located at 1 Oakwood Drive, South Glens Falls, NY 12803 and is designated as 49.50-1-18 on the Town Assessment Map.

Mr. Kevin Elms: I just always let everyone know that I do know them very well. I can excuse myself from the vote if necessary.

F. Joseph Patricke: No that isn't necessary.

Mr. Kevin Elms: You are here to represent yourself? You want to give us a little information?

Leroy Sweet: We bought the property at 1 Oakwood Drive and we had finished blue prints and our original intentions were to build a house on another property, but our sale fell through. We then bought the property at 1 Oakwood Drive. We bought the property thinking we met all the requirements, but when we applied for the permit we then we found out that the measurements for the set backs are from the eave of the house not the foundation and we are out of compliance by 12 inches. That is why we are here tonight.

Mr. Kevin Elms: We have some neighbors here? Could you please state your name and address.

Laurie LaFond: 3 Oakwood Drive, South Glens Falls, NY 12803.

Mr. Kevin Elms: Could you please state why you are opposed to this building?

Kay LaFond: It is our position that it is premature to grant a variance before you resolve bringing power to the building, as there isn't even power to that lot. Our attorneys sent a letter.

F. Joseph Patricke: That is an opinion. I am not arguing that it happens. But it is not our responsibility. We cannot impact him to get power or not get power.

Laurie LaFond: We are requesting that it be delayed until the power issue is resolved.

F. Joseph Patricke: We have a commitment to Mr. Sweet to address his permit in a timely fashion.

Mr. Kevin Elms: Do you have a copy of that letter?

Joe Svare: Yes we do have a letter to the Chairman from Couch White, a law firm in Albany, from Melanie LaFond, advising that they represent Kay LaFond and indicating that Mr. Sweet purchased the vacant lot immediately adjacent south of Miss LaFond's property. She indicates that since last year he has been attempting to bring power to that lot. It would be aerial power line to his lot across Miss LaFond's property in front of her house and she feels that it would dramatically decrease the value of her lot and put off access to a buildable lot she owns on the north side of her lot, which is currently vacant. In summary she requests that this board adjourn this public hearing, but since Miss LaFond is here she can speak for herself.

Mr. Kevin Elms: I guess my question is with electric it really doesn't have anything to do with why we are here.

F. Joseph Patricke: In my opinion it is the same as septic or anything else that isn't controlled by us. It has nothing to do with what you do here.

Mr. Kevin Elms: I understand that there is a concern with the electric, but that has nothing to do with us. We only address the set back. I just want to clarify it.

Joe Svare: Your responsibility is to follow the code and go through the requirements, if you find any of those requirements would address the concerned property owner. It would seem that the application is very specific.

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 June 23rd, 2010 at 7:00 p.m. with the following members present.

Laurie LaFond: It is our position that it is premature to grant a variance before there is power on the property.

F. Joseph Patricke: As I said that is just an opinion. That is between National Grid and the property owners. We have an obligation to respond to the applicant within a certain number of days.

Mr. Kevin Elms: I am trying to see where the set back is and to review the Code and Regulations. Would it significantly impact the building to move the garage.

Leroy L. Sweet: Yes it would. I would not be compliant with the stairs if I moved the garage. Also my blue prints would not be useable.

Mr. Kevin Elms: I drove over there.

Leroy L. Sweet: My surveyor just finished the documents. I have the blue prints and application that is on file.

F. Joseph Patricke: I do not have a rendering of the neighbor's property. It certainly is an older community. I think they were built in the 60's. They have been there awhile.

Laurie LaFond: Actually they were built in the 70's.

Mr. Kevin Elms: Does anyone on the board have any questions for Mr. Sweet.

James Hooper: It is short 12 inches on each side.

F. Joseph Patricke: The standard of the town is the furthest of the house that is sticking out. It has always been that way. I agree with what he is saying. It is just a technical point.

Mr. Kevin Elms: It is just the egress on the back of the house.

Laurie LaFond: It was originally agreed between the attorneys that the power lines would go underground.

Mr. Kevin Elms: That is going to be an issue with National Grid. That issue will lie with them. They have rules that they have to follow.

Leroy L. Sweet: All the houses in that development have aerial lines.

Laurie LaFond: My mother had agreed for them to dig up her driveway for a nominal compensation to have the power lines underground.

Mr. Kevin Elms: Again, it does not play a part in this meeting. This is SEQR exempt. We have closed the Public Hearing.

F. Joseph Patricke: You need a motion.

Mr. Kevin Elms: I make a motion.

Tracy Bovair: I second.

**Board Members pole resulted as follows:**

James Hooper:	Yes
Tracy Bovair:	Yes
Richard Kubis:	Yes

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 June 23rd, 2010 at 7:00 p.m. with the following members present.

Mr. Kevin Elms: Yes

WHEREAS, a public hearing was duly held on June 23rd, 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 #708 is approved

James Hooper: My feelings are it is a very insignificant amount of variance. As far as the power I hope as neighbors you can all work it out?

James Hooper: I make a motion to approve Appeal #708 for an area variance for reduction in the side set back from 12 feet to 11 feet on each side. It is just the eaves.

Richard Kubis: I second.

**Board Members pole resulted as follows:**

James Hooper:	Yes	
Tracy Bovair:	Yes	
Richard Kubis:	Yes	
Mr. Kevin Elms:		Yes

A Motion was made to adjourn the meeting at 8:38 p.m.

Respectfully submitted,

DelLinda Perry