

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 May 25th, 2011 at 7:00 p.m. with the following members present.

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

**ZONING BOARD MEMBERS PRESENT:**

Kevin Elms  
John England  
Richard Kubis  
Chairman Gerhard Endal

**ZONING BOARD MEMBERS ABSENT:**

James Hooper  
Tracy Bovair

**Others Present:**

F. Joseph Patricke, Building Inspector

**APPEAL NO. 714**

A request of Randy Bardin of 13 North Road, South Glens Falls, NY 12803 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59A, and Town Law 267-B. Applicant is proposing to construct a roof over an existing porch that will not meet the required front yard setback for an R-1, One Family Residential District. This property is designated as 49.26-1-10 on the Town Assessment Map.

Chairman Endal: Are you Mr. Bardin?

Randy Bardin: Yes

Chairman Endal: Just tell us what you are doing?

Randy Bardin: Just want to put a roof on the existing porch to cover it.

Chairman Endal: So the existing porch is what?

Randy Bardin: Didn't come before the board.

Joe Patricke: Well the uncovered porch doesn't require a permit and doesn't have to meet the setback requirements. Our code talks about covered porches. That porch was legal until he wanted to put a cover on it.

He just wants to put a cover on it. I can do an uncovered porch or deck without a permit, but cannot do a covered one without it.

Chairman Endal: The setback requirement is 30 foot. Your setback would be 18 ½.

Randy Bardin: It would be exactly 26.4. I had a survey done.

Kevin Elms: Yes, 26.4 is what the drawing says. That will be to the eave of the roof, right? The most protruding point?

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Randy Bardin: Yes.

Kevin Elms: If we did 4 feet it would be exact. It is certainly a reasonable amount of relief.

Chairman Endal: That includes the overhang?

Randy Bardin: Yes.

Chairman Endal: Making the determination there are just four basic conditions we have to meet. Reads over the criteria for granting an Area Variance and found as follows:

1. Whether an undesirable change would affect the character of the neighborhood.
2. Can the benefit sought by the applicant be achieved by another method?
3. It is not an unreasonable or a substantial variance request.
4. Will the proposed variance have an adverse effect on the environmental conditions?

Chairman Endal: Having satisfied those requirements and found them to be a negative declaration. Are there any other comments from the neighbors?

Joe Patricke: No.

Chairman Endal: I will close the public hearing.

Kevin Elms: On the Appeal #714 I make a motion to grant 4 feet of relief on the setback.

John England: Seconds the motion.

Joe Patricke: Make note that this is SEQR exempt.

Roll call vote resulted as follows:

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

#### **APPEAL NO. 715**

A request of James and Joanne Williams of 145 Feederdam Road, South Glens Falls, NY 12803 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59A, and Town Law 267-B. Applicant is proposing to construct a roof over an existing porch that will not meet the required front yard setback for an R-2, One and Two Family Residential District. This property is designated as 49-1-18 on the Town Assessment Map.

Chairman Endal: You folks are?

James Williams: I am James and this is my wife Joanne.

Chairman Endal: Can you just let us know what you are doing?

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James Williams: Well we are going to replace our porch. This winter it separated from the house due to snow buildup. We have been talking about a bigger porch for years where she can put her chairs. We are looking to enlarge the porch and put the steps off to the side so the snow doesn't fall where you have to be Arnold Schwarzenegger to shovel it. That and we have two trees in the front yard, which would be directly in front of it. I came in and spoke to Joe and he explained how we would need an area variance. Okay how do we do this? And, here we are.

Joe Patricke: They have an exceptional problem on their particular home, because it is closer to the road than you would normally see. It was built when?

James Williams: 1895

Joe Patricke: Certainly, it is not an oversized porch. It is certainly as small as you can make it and get some benefit from it. Certainly, it is going to be close to the road.

Chairman Endal: It would be 10 feet. Right now you have an 18 foot setback? What is the setback there?

Joe Patricke: Now? 30 feet.

Chairman Endal: Right now nobody has that big of a setback.

James Williams: We were told our house was originally a sawmill house. I did some renovations of the floor joists and had to buy new boards because they were 2 x 7.

John England: Just so I understand this, the porch that fell away from the house was 4 feet from the setback? So what you are asking for is an additional 4 feet?

James Williams: Approximately yes. It was approximately a 4x4. I need a little coaching here, never done this before.

Kevin Elms: So the relief would be 20 feet.

Joe Patricke: Back in the day, in 1896 when the house was built the road was probably a dirt track big enough for horses. He wants 8 feet, but really the setback would be 10. Yes, but I believe this is certainly an exceptional circumstance.

Kevin Elms: The relief would be 20 then? We don't usually grant such a large variance. We have to look over all situations. Everything is based on circumstance. It is not set in stone.

Chairman Endal: There are many variances we have granted. In area variances we have a lot more lee-way. The benefits to you certainly outweigh to me the detriments. I don't see any detriments actually.

Kevin Elms: That part of the road is not that heavily travelled to be honest with you. It's not on the curb. There is no through traffic.

Chairman Endal: The minutes already reflect that there was already a 4 foot porch there. We are not going to affect traffic. We are only adding 4 feet actually.

Kevin Elms: Technically we are going to have to say 20, but we are adding 4 feet.

Chairman Endal: We will review the conditions and all have a negative declaration.

Joe Patricke: I think we can expound on the uniqueness of the circumstance. For instance the last one we did was 50 yrs before this one.

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Kevin Elms: It is unique for several reasons. The house is on something that is not a through road. Not a lot of traffic. The house was built way back when the road was actually just a path.

Richard Kubis: It is substantial based on the code, but based on the existing situation it really isn't.

Joe Patricke: Again, this is SEQR exempt.

Kevin Elms: I think everyone has the right to have a porch they can enjoy.

Chairman Endal: Any comments or correspondence. I will make a motion to close the public hearing.

Chairman Endal: We will entertain a motion for an area variance with a front setback of 20 feet on Appeal #715 with the understanding from our previous discussion, that it is based on a pre-existing home that did not meet the required setback and the owner is actually only asking for an increase of 4 foot from the pre-existing.

Joe Patricke: We are replacing a pre-existing porch. I think that also helps.

Chairman Endal: We just want to substantiate why in case someone comes along and builds a new house and wants only a 4 foot setback.

Richard Kubis: Does that complete your motion? I will second the motion to accept the Appeal with the above conditions.

Roll call vote resulted as follows:

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

Motion to adjourn by Kevin Elms and seconded by Chairman Endal.

Respectfully submitted,

DelLinda Perry