

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 November 17<sup>th</sup>, 2010 at 7:00 p.m. with the following members present.

**PRESENT:**

Kevin Elms  
John England  
Tracy Bovair  
Gerhard Endal, Chairman  
F. Joseph Patricke, Building Inspector

**ABSENT:**

Richard Kubis  
James Hooper

**Others Present:** None

The meeting was called to order by Mr. Chairman Endal at 7:03 p.m.

A motion was made by Kevin Elms and seconded by John England to accept the minutes from September 23, 2010.

**APPEAL NO. 710**

A request of Frank Burt of 1606 Route 9, Fort Edward, New York 12828 for an Area Variance pursuant to Chapter 149, Article, X, Section 149-59 (A), Town Law 267-b and the Town Sign Law, to construct an office to an existing building that will not meet the required front yard setback in a C-1 General Commercial District. This property is designated as 49.-4-2-10 on the Town Assessment Map.

Chairman Endal: After reading the Public Notice.

Bill Rourke: I'm Bill Rourke and I am here representing Frank Burt. I did the survey work. Frank Burt owns the parcel, just North of Toadflax Nursery. He is going to be building another building, but that is not what we are here for tonight. This is an existing metal garage. He is asking for a 14 x 62 foot addition. It is going to be closer to the road than the 50 foot setback. It is going to be used as an office. It will upgrade his property a little bit. We are asking to be even with the 1 ½ story house just south of the property. We are asking to be kind of even with that. We would still be further back than the surrounding areas.

Chairman Endal: Is this going before the Planning Board.

F. Joseph Patricke: Yes in December. Regardless, if this board takes any action, he still is going to need site plan review. If he is successful here it would take in both. I know it is confusing with that other building on that, but he doesn't need any action on that.

Bill Rourke: He has quite a bit of room behind both buildings.

Chairman Endal: There are conditions to granting this. Are there any other alternatives to what we have?

Kevin Elms: I wonder why he doesn't put it on the back of the building.

Bill Rourke: He wants to make this nice looking entrance to the building. It is going to be mainly an office, as he does quite a bit of real estate business, buying and selling.

Chairman Endal: What is this building he is going to put this on?

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Bill Rourke: It is a garage.

F. Joseph Patricke: Excuse me, but you wouldn't normally put an entrance on the back of a garage.

Chairman Endal: Is there going to be parking there? In front of that office?

Bill Rourke: There probably will be. He will be going before the Planning Board.

F. Joseph Patricke: I'm sure he will probably be required to have at least 8 or 9 parking places, not counting his employees. It would be based on the office space. What is it; 14 x 62?

Bill Rourke: He does have parking for his trucks in back.

Kevin Elms: He has plenty of room to put parking, anyways.

John England: The entrance to the parking space will be addressed by the Planning Board?

Kevin Elms: Yes.

F. Joseph Patricke: The Planning Board couldn't even address the site plan if he doesn't get the variance.

Chairman Endal: Did we receive any correspondence?

F. Joseph Patricke: We do have a visitor, maybe he would like to say something.

Chairman Endal: Vernon, would you like to say something?

Vernon: My concern is just visual. When talking to Frank the 15 foot it doesn't effect the site line. It is hard to see when people are going down the road at 45 mph. At this point it doesn't affect the visual, but if we take down my mother's home it could change.

John England: Is the business going to stay the same. Is this a new business you are going to be operating?

Bill Rourke: I believe so. He does a lot of buying and selling properties. I asked him to be here tonight. We do a lot of site work for him. I think it is going to be more professional than his businesses have been.

Chairman Endal: Well now that we have reviewed the conditions and there is no other discussion I feel we can close the review.

F. Joseph Patricke: I think we need to mention that it is SEQR exempt. You may use the short form for the Planning Board.

Kevin Elms: Makes a motion to grant a 15'4" relief maximum without an overhang. It would be a 15'10" with a 6" overhang.

Chairman Endal: The conditions have been reviewed and the recommended parking review is to be done by the Planning Board.

Chairman Endal: Seconds the motion to grant the requested relief of 15'10".

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

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**WHEREAS**, a public hearing was duly held on November 17th, 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 #710 is granted:

**Roll call vote resulted as follows:**

Tracy Bovair:	Yes
John England:	Yes
Kevin Elms:	Yes
Chairman Gerhard Endal:	Yes

A Motion was made to adjourn the meeting at 7:35 p.m.

Respectfully submitted,

DelLinda Perry