

A Meeting of the Zoning Board of Appeals for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall, 61 Hudson Street, South Glens Falls, NY 12803 on the 26<sup>th</sup> day of September, 2012 at 7:00 PM.

The meeting was called to order by Chairman Gerhard Endal at 7:00 p.m.

**ZONING BOARD MEMBERS PRESENT:**

Chairman Gerhard Endal

John England

Richard Kubis

Kevin Elms

Scott Fitzsimmons

**ZONING BOARD MEMBERS ABSENT: None**

**Others Present:**

F. Joseph Patricke, Building Inspector

The Board reviewed the minutes of the July 25, 2012 meeting. A motion was made to approve the minutes as written by Mr. Elms and seconded by Mr. Fitzsimmons. Motion passed unanimously by roll call vote.

**New Business:**

The Board reviewed Appeal No. 728- A request of Roy and Debbie Pecue of 24 Fawn Road, Gansevoort, NY 12831 for a Special Use Permit pursuant to Chapter 149, Article IX, Section 52 (D) –Extension of a non-conforming use. Applicants are requesting to construct an addition to their residence. This property is located in a C-1, General Commercial District and is designated as 77.1-1-73.1 on the Town Assessment Map.

Roy and Debbie Pecue appeared for permission to put an addition on their house.

Chairman Endal: By the drawing, that's on the back, right?

Mr. Pecue: Yes.

Chairman Endal: And the issue is the Special Use?

Mr. Patricke: Correct, it's complaint with setbacks and everything else.

Chairman Endal: And we do need a SEQR on that?

Mr. Patricke: Yes.

Chairman Endal: That's a short environmental assessment form. Is that under the same code as... it reads that the use must be in harmony with the district in which it's situated and not reduce property values in adjacent areas, and traffic shall not be hazardous. Those are the conditions we have to review. My sense is that's it's not a problem.

England: I agree.

Chairman Endal: The issue is that it's a commercial district and everything around you can be commercial and if that happens, it will reduce the value of your property.

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Mr. Pecue: We bought a house that wasn't built right, it's a T, snow takes off the guardrail and it's an issue for the dogs and the grandchildren.

Chairman Endal: My concern is that you know that everything around you could become commercial tomorrow

Mr. Pecue: Except next door, I own that. I am my own neighbor.

Mrs. Pecue: We knew that when we bought it.

Mr. England: Am I wrong that this is over 50%?

Mr. Patricke: I think we checked.

Mr. Elms: 704 sq. feet in the addition, 974 sq. ft. as it stands.

Mr. Patricke: That does require an area variance, and I don't even know if you can. I thought you reworked that.

Mrs. Pecue: How long does he have to wait to do the rest of it?

Mr. Patricke: It's a one-time up to 50%.

Mr. England read the Code.

Mr. Elms: Lot area? (from the Code)

Mr. Patricke: That applies to mobile home parks, you can expand the use up to 50 % of the lot area. What is the number?

Mr. Pecue: The addition is 704 sq. ft. existing house is 974.

England: That's close to 75%.

Mrs. Pecue: Can we get a variance of some type?

Mr. Patricke: No.

Mr. Pecue: If I have an acre I just bought, how many sq. ft. of new house can we put on it?

Mr. Patricke: You can't put a house on it in this location, it's a non-conforming use.

Mr. Elms: So we have a problem.

Mrs. Pecue: Can we change the number? We need this, I have fibromyalgia and I am getting older, I can't climb stairs.

Chairman Endal: Does that include the upstairs?

Mr Pecue: Yes, we had no bathroom upstairs, the bedroom is only 12 x 12, we just want to add on to square it up, we have the in-laws living with us.

Mr. Patricke: I don't know the answer.

Chairman Endal: I would like to help you, but I don't know that we can, we can't go beyond a 50% expansion, and that's the law. We have to abide by it, what's available.

Mr. Pecue: If a commercial place wanted to come in, what can they build?

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Mr. Elms: That's different, that's a conforming use. That's why this use has the regulations that it does.

Mrs. Pecue: So how much can we do?

Mr. Elms: 536 sq. ft., the math's already been done.

Chairman Endal: Is there a basement?

Mr. Pecue: Yes.

Mr. Elms: If they lost the 240 sq ft there, that would put them under.

Mr. Kubis: If they squared off the back of the living room, that might bring them under if they just extended that out to square it.

Mr. Pecue : Are you looking at the diagram? I just want to go 8 ft. past the living room wall, which gives me access without tearing block walls out of the existing foundation.

Chairman Endal: It's a fine plan, but I don't think the law allows us to approve it. We do have things we agree and disagree with in the Code, but we can't grant an appeal greater than 50%.

Mrs. Pecue: Does that include the basement?

Larry Sweet, contractor: No.

Mr. Patricke: No, it doesn't.

Mr. Elms: If you square it off instead of coming 8 ft. out, that looks like the best thing to do.

Mr. Pecue: But then I have to tear out the wall., in two places, it defeats the purpose. I wanted to put a garage there where the kitchen is. Can't I even have a garage?

Mr. Patricke: That's an accessory structure, you can have that.

Mrs. Pecue: So if we can get it down, we have to come back.

Mr. Patricke: If you can't do it tonight, you have to come back.

Mr. Pecue: There's no loophole here. I don't know.

Mr. Elms: Should put you in the ballpark.

Mr. Kubis: About 350 sq ft.

Mr. Elms: That would do it.

Mr. Pecue: Gives me something to think about.

Mr. Sweet: Or you have to pay another \$50.

Mr. Patricke: There's no further charge if they choose to continue it to the next one. Next meeting is Oct. 24<sup>th</sup>.

Mrs. Pecue: If we went with that and we got an entranceway, that's another piece you have to add on to that.

Mr. Elms: But they'd have enough to do that if they take off.

Mr. Pecue: Got to keep 50% no matter what. I am going to try to use every foot of that I can, and do

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what's most feasible for me. We shouldn't have to come back next month. I can give it to Joe to approve it.

Mr. Patricke: Not this, it has to come to them, that's not in my jurisdiction.

Mrs. Pecue: So if we say yes, flush it up with the back wall, that's well and good and we can do it tonight with an entranceway attached somewhere?

Mr. Elms: Is it acceptable for us to approve it 486 sq ft. or less?

Mr. Patricke: I don't know.

Mr. England: They would have to amend the application.

Mr. Patricke: I don't know if you can give an award on something that's so unclear.

Mr. Elms: Not wanting to leave the door that open. We need something more definite. That was just a thought.

Mrs. Pecue: So if we went home and drew it all out again with the right figures and came back next month, that's what you need?

Mr. Elms: You want to look at it and use every bit of space available.

Mr. Pecue: I will get the max I can out of it. I don't like the word "re-work."

Mr. Elms: It makes sense for you to do it that way. The best thing is for you to ask us to hold it over. But we don't meet til the end of October.

Mr. Pecue: We weren't going to break ground this year. Furnace is already on hold.

Chairman Endal: I wish we could just say we would give it to you, but we can't because then everyone will want us to do that.

Mr. Patricke: You might get an opinion about if it were under the 486 sq. ft., would the Board be inclined to approve it?

Chairman Endal: Yes.

Mr. Elms: Yes, I would certainly be.

Mr. England: Don't see a problem.

Mr. Pecue: I just have to work my figures out.

Mr. England: Don't hold me to this, but if you were to cut off, not the whole 8 ft, shorten this part....

Mr. Pecue: The doorway would be only 36 inches and I can't get a pool table through the opening for a man-room. That's my porch, 4 ft isn't big enough. I am too big for that to be a getaway.

Mr. Patricke: At the applicants' request, table to Oct. 24<sup>th</sup> meeting 7:00pm.

Chairman Endal: We're sorry.

Mr. Elms motioned to table appeal no. 728 to the October meeting and Chairman Endal seconded.

Motioned passed unanimously by roll call vote.

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Chairman Endal adjourned the meeting at 7:24p.m.

Respectfully Submitted,

Tricia S. Andrews