



Town of Moreau
ZONING BOARD OF APPEALS AGENDA
April 22, 2026 – 7:00 pm
Town Hall Meeting Room, 351 Reynolds Rd

The Zoning Board's Agenda is subject to change and certain items may be postponed or withdrawn. For agenda updates, please visit our website www.townofmoreaunyny.gov or call the Town Building Department at 518-792-4762.

The following applications shall be reviewed by the Zoning Board of Appeals as Public Hearings:

Minutes Approval

Old Business

None

New Business

Area Variance

Appeal No. 905 Potter Area Variance

Applicant seeks a variance from the Zoning Board of Appeals in accordance with §149.19 for relief from the rear yard setback requirements in relation to a garage/pool house.

Zoning District: R-2 **SBL:** 76.2-1-16 **Property Location:** 30 Briarhurst Dr **Applicant:** Chris Potter **SEQR:** Type II

Appeal No. 906 Rhoades Area Variance

Applicant seeks a variance from the Zoning Board of Appeals in accordance with §149.19 for relief from the side yard setback requirements in relation to a shed.

Zoning District: C-1 **SBL:** 77.1-1-10 **Property Location:** 476 Fortsville Rd **Applicant:** Herbert Rhoades **SEQR:** Type II

TOWN OF MOREAU
NEW YORK

351 REYNOLDS ROAD • MOREAU, NY

APPLICATION FOR AREA VARIANCE

FOR INTERNAL USE ONLY	
APPLICANT: <u>Chris Potter</u>	APPEAL #: <u>905</u>
	ZONING DISTRICT: <u>R-2</u>
	DATE SUBMITTED: _____
	DATE ACCEPTED: _____
	HEARING DATE: <u>4/22/2026</u>
<input type="checkbox"/> SEQR Type 1 <input checked="" type="checkbox"/> SEQR Type 2 <input type="checkbox"/> Unlisted	

APPLICANT INFORMATION:

- Applicant(s):** Chris Potter
Street Address: 30 Briarhurst Dr
City, State, Zip: Gansevoort, NY 12831
Telephone #: 518-301-1466 Fax #: _____
E-mail Address: cbpotter10@gmail.com
- Agent:** _____
Street Address: _____
City, State, Zip: _____
Telephone #: _____ Fax #: _____
E-mail Address: _____
- Owner:** Chris Potter
Street Address: 30 Briarhurst Dr
City, State, Zip: Gansevoort, NY 12831
Telephone #: 518-301-1466 Fax #: _____
E-mail Address: cbpotter10@gmail.com

RELATIONSHIP TO THE PROPERTY:

OWNER: Yes No LESSEE: Yes No AGENT: Yes No

If an agent, please attach an Agent Authorization Form.

GENERAL PROJECT INFORMATION:

ADDRESS: 30 Briarhurst Dr TAX MAP #: 76.2-1-16
 CURRENT USE: Primary Residence ZONING DISTRICT: R-2
 LENGTH OF TIME OF USE: _____ PROPOSED USE: Primary Residence
 RELIEF SOUGHT: 6 ft. of relief for rear yard setback

AREA VARIANCE REQUEST:

	Required Dimension	Proposed Dimension	Difference	%
Front Yard Setback	_____	_____	_____	_____
Side Yard Setback	_____	_____	_____	_____
Rear Yard Setback	<u>30 ft.</u>	<u>24 ft.</u>	<u>6 ft.</u>	<u>20%</u>
Lot Area	_____	_____	_____	_____

GENERAL DESCRIPTION OF THE ACTION FOR WHICH AN AREA VARIANCE IS SOUGHT:

Construction of a 3,360 sq. ft. garage/pool house.

CRITERIA: An area variance may be granted only in the event that **ALL five (5)** of the circumstances listed in § 179-59A are specifically found to exist by the Zoning Board of Appeals and are each so stated in the findings.

- (1) That the strict application of said dimensional requirements would result in a specified practical difficulty to the applicant.
- (2) How substantial the requested variance is in relation to the requirements.
- (3) That the difficulty cannot be alleviated by some practical method feasible for the applicant to pursue.
- (4) That there will be no substantial change in the character of the neighborhood or a detriment to the adjoining properties.

(5) That the variance would not be materially detrimental to the purpose of this chapter or to property in the district in which the property is located or otherwise conflict with the description or purpose of the district or the objectives of any plan or policy of the town and that the variance requested is the minimum variance which would alleviate the specific practical difficulty found by the Zoning Board of Appeals to affect the applicant.

Please describe how your circumstance meets ALL five ⁶(4) criteria (please attach additional pages as necessary):

The location of the proposed garage/pool house is dictated by the existing pool and stamped concrete patio. Aligning the structure with these features necessitates a request for 6 feet of relief from the rear setback. Relocating the structure elsewhere on the property would be impractical, as it would disrupt the alignment with the existing patio, and relocating the pool or patio is not a feasible option. Shifting the proposed structure closer to the front of the property would create a conflict with the existing drywell, further limiting viable placement alternatives. The requested 6 feet of relief represents only a 20% deviation and is therefore not substantial in nature. If granted, the variance would not alter the character of the neighborhood nor create any adverse impact on adjoining properties. The neighborhood already includes 16 properties with second garages, demonstrating that the proposed structure is consistent with existing development patterns. Additionally, the property to the rear is forested land owned by Saratoga County, minimizing any potential impact on neighboring residences. It is also worth noting that a variance was previously approved on March 2, 2022 (Appeal No. 842), granting 8 feet of relief for a garage in a different location. Although that structure was never constructed, the current proposal requires less relief—only 6 feet—due to the revised placement. For these reasons, the requested variance is both reasonable and justified.

CHECKLIST OF VARIANCE APPLICATION COMPLETENESS:

As per §149-57 of the Zoning Chapter of the Town Code, the following information shall be supplied by the applicant with any variance application:

Please complete the checklist of required application elements:

- 1. Map of the property with a scaled site plan and/or elevations necessary to show the proposed project for which the variance is sought.
- 2. Complete narrative response addressing each of the criteria as specified in this application.
- 3. Financial documentation demonstrating the reasonableness of financial return on the property.
- 4. Completed and signed Part 1 of the appropriate Environmental Assessment Form. Paper copies are available at the Building Department in Town Hall or electronically at <https://www.dec.ny.gov/permits/6191.html>.
- 5. Additional information requested by the Zoning Board of Appeals.

Please return the original application, with all four pages intact, along with ten (10) paper copies and an electronic copy, including required information and documentation. The electronic copy may be submitted on a flash drive or emailed to biclerk@townofmoreau.org.

NOTE: The application will not be scheduled on the Zoning Board of Appeals agenda until all paper and electronic copies have been received by the Town Building Department.

Also note that the information to be provided is not limited to the space on this form. If additional space is needed, please use separate sheets and indicate the enclosure number or page number for the attached sheets in the related space provided on this application.

Signature

Chris Potter

Applicant (print)



Applicant (sign)

3/19/26

Date

Short Environmental Assessment Form

Part 1 - Project Information

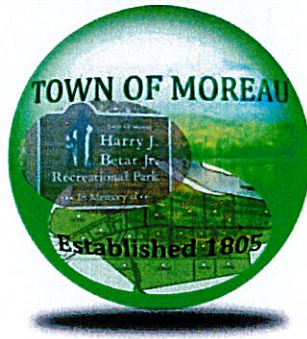
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Potter Garage/Pool House			
Project Location (describe, and attach a location map): 30 Briarhurst Dr, Gansevoort, NY			
Brief Description of Proposed Action: Construct a 3,360 sq. ft. garage/pool house.			
Name of Applicant or Sponsor: Chris Potter		Telephone: 518-301-1466	
		E-Mail: cbpotter10@gmail.com	
Address: 30 Briarhurst Dr			
City/PO: Gansevoort		State: NY	Zip Code: 12831
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Moreau ZBA & Building permit		NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 1.38 acres			
b. Total acreage to be physically disturbed? _____ 0.20 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.38 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: <u>New leach field</u> _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			



Town of Moreau
Building and Zoning Dept.
 Town Office Complex
 351 Reynolds Road
 Moreau, NY 12828-9261
 Phone: (518) 792-4762 ~ Fax: (518)792-4615

Matt Dreimiller
 Building Inspector

Jim Martin
 Zoning Administrator

Notice of Decision

Please be advised that your application has been approved with conditions. This Notice is to formally inform you of the decision reached and any conditions that may have been made in association with the decision.

Application Type: Variance (Appeal No. 842)

Board Name: Town of Moreau Zoning Board of Appeals

Application Name: Chris Potter

Address: 30 Briarhurst Drive, Gansevoort, NY

Section-Block-Lot Number: 76.2 - 1 - 16 Meeting Date: March 2, 2022

MOTION OF DECISION:

X **Approved with the Condition** as follows:

- Eight (8) feet from the rear setback is approved with the following condition: The applicant is to place the proposed garage/pool house in the exact location as indicated in the site plan attached to the application.

Please note: As per Section 149-61 of the Town Code the variance approval expires within six (6) months from the date of approval if the action associated with the variance is not undertaken.

Received by the Town Clerk

James M. Martin
 Signature of Clerk

3/8/22
 Date

James M. Martin, AICP
 Zoning Administrator for the Town of Moreau
 Email: zoningadministrator@townofmoreau.org

Telephone (518) 792-4762 ext. 5 (Building Dept.)

- Cc: Applicant File
 Town Clerk Office
 Code Enforcement Officer – via email
 Building Inspector – via email
 Supervisor – via email

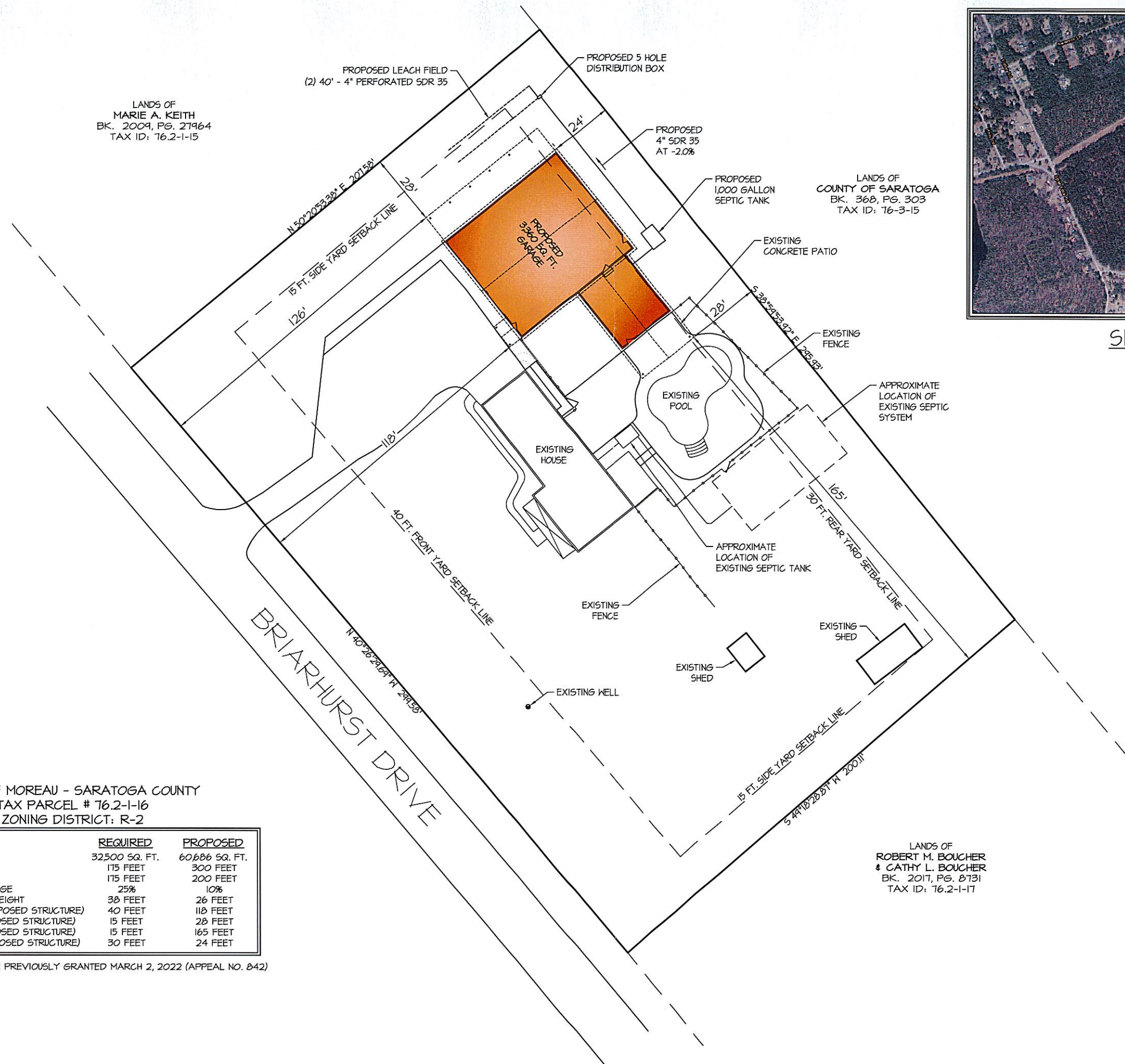


LANDS OF
MARIE A. KEITH
BK. 2009, PG. 27964
TAX ID: 76.2-1-15

LANDS OF
COUNTY OF SARATOGA
BK. 368, PG. 303
TAX ID: 76-3-15



SITE LOCATION MAP



TOWN OF MOREAU - SARATOGA COUNTY
TAX PARCEL # 76.2-1-16
ZONING DISTRICT: R-2

	REQUIRED	PROPOSED
MINIMUM LOT AREA	32500 SQ. FT.	60886 SQ. FT.
MINIMUM LOT WIDTH	175 FEET	300 FEET
MINIMUM LOT DEPTH	175 FEET	200 FEET
MAXIMUM LOT COVERAGE	25%	10%
MAXIMUM STRUCTURE HEIGHT	38 FEET	26 FEET
FRONT SETBACK (PROPOSED STRUCTURE)	40 FEET	118 FEET
SIDE SETBACK (PROPOSED STRUCTURE)	15 FEET	28 FEET
SIDE SETBACK (PROPOSED STRUCTURE)	15 FEET	165 FEET
REAR SETBACK (PROPOSED STRUCTURE)	30 FEET	24 FEET

REAR SETBACK VARIANCE PREVIOUSLY GRANTED MARCH 2, 2022 (APPEAL NO. 842)

LANDS OF
ROBERT M. BOUCHER
& CATHY L. BOUCHER
BK. 2017, PG. 8731
TAX ID: 76.2-1-17

LANDS OF CHRIS & AMY POTTER
30 BRIARHURST DRIVE
GANSEVOORT, NY 12831

TITLE: SITE PLAN

REVISIONS

PROJECT: 202610

DATE: 2/16/26

SCALE: 1:40

SHEET NO.

S-1

TOWN OF MOREAU
NEW YORK

351 REYNOLDS ROAD • MOREAU, NY

APPLICATION FOR AREA VARIANCE

FOR INTERNAL USE ONLY	
APPLICANT: <u>Herbert Rhoades</u>	APPEAL #: <u>906</u>
<u>476 Fortsville Rd</u>	ZONING DISTRICT: <u>C-1</u>
	DATE SUBMITTED: _____
	DATE ACCEPTED: _____
	HEARING DATE: <u>4-22-2026</u>
<input type="checkbox"/> SEQR Type 1 <input checked="" type="checkbox"/> SEQR Type 2 <input type="checkbox"/> Unlisted	

APPLICANT INFORMATION:

- Applicant(s):** Herbert E Rhoades Jr
Street Address: 476 Fortsville Rd
City, State, Zip: Cansewort, NY 12831
Telephone #: 518-307-5910 Fax #: _____
E-mail Address: herbert.rhoades@gmail.com
- Agent:** _____
Street Address: _____
City, State, Zip: _____
Telephone #: _____ Fax #: _____
E-mail Address: _____
- Owner:** Same as Applicant
Street Address: _____
City, State, Zip: _____
Telephone #: _____ Fax #: _____
E-mail Address: _____

RELATIONSHIP TO THE PROPERTY:

OWNER: Yes No

LESSEE: Yes No

AGENT: Yes No

If an agent, please attach an Agent Authorization Form.

TOWN OF MOREAU
NEW YORK

351 REYNOLDS ROAD • MOREAU, NY

GENERAL PROJECT INFORMATION:

ADDRESS: 476 Fortsville Rd TAX MAP #: 77.1-1-10
 CURRENT USE: Single Family Residence ZONING DISTRICT: C-1
 LENGTH OF TIME OF USE: 17 years 8 months PROPOSED USE: Accessory Storage Building
 RELIEF SOUGHT: Side yard set back variance for placement of 16'x24' accessory structure

AREA VARIANCE REQUEST:

	Required Dimension	Proposed Dimension	Difference	%
Front Yard Setback	_____	_____	_____	_____
Side Yard Setback	<u>15 ft</u>	<u>4 ft</u>	<u>11 ft</u>	<u>73%</u>
Rear Yard Setback	_____	_____	_____	_____
Lot Area	_____	_____	_____	_____

GENERAL DESCRIPTION OF THE ACTION FOR WHICH AN AREA VARIANCE IS SOUGHT:

Requesting a side yard setback variance to place a 16'x24' storage shed in the only practical location beside existing driveway. Shed will be used for storage and small scale lumber sales.

CRITERIA: An area variance may be granted only in the event that **ALL five (5)** of the circumstances listed in § 179-59A are specifically found to exist by the Zoning Board of Appeals and are each so stated in the findings.

- (1) That the strict application of said dimensional requirements would result in a specified practical difficulty to the applicant.
- (2) How substantial the requested variance is in relation to the requirements.
- (3) That the difficulty cannot be alleviated by some practical method feasible for the applicant to pursue.
- (4) That there will be no substantial change in the character of the neighborhood or a detriment to the adjoining properties.

TOWN OF MOREAU
NEW YORK

351 REYNOLDS ROAD • MOREAU, NY

- (5) That the variance would not be materially detrimental to the purpose of this chapter or to property in the district in which the property is located or otherwise conflict with the description or purpose of the district or the objectives of any plan or policy of the town and that the variance requested is the minimum variance which would alleviate the specific practical difficulty found by the Zoning Board of Appeals to affect the applicant.

Please describe how your circumstance meets ALL five (5) criteria (please attach additional pages as necessary):

My property is 150' wide and 500' deep, with the house set back 200' and the opposite side of driveway heavily wooded. There is no road access to the rear of the property and the only practical location for the shed is the 27' wide strip beside the driveway. Placing the shed elsewhere would require major clearing or creating new access, which is not feasible. The shed will be modest in size, screened by existing woods and will not affect neighborhood character. Only 3 small trees will be removed. The structure will be used for storage and small scale lumber sales with very low traffic. The variance requested is the minimum needed to allow reasonable use of property and will not create environmental, visual or physical impacts. The difficulty is due to existing layout, trees and lack of access, not by any action I created.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Construction of a 16x24 accessory storage shed</i>			
Project Location (describe, and attach a location map): <i>476 Fortsville Rd Gensewert, NY 12831</i>			
Brief Description of Proposed Action: <i>Construction of a 16x24 storage shed on my residential property. Requires a side set back variance.</i>			
Name of Applicant or Sponsor: <i>Herbert E Rhoades Jr</i>		Telephone: <i>518-307-5910</i>	
Address: <i>476 Fortsville Rd</i>		E-Mail: <i>herbert.rhoades@gmail.com</i>	
City/PO: <i>Gensewert</i>		State: <i>NY</i>	Zip Code: <i>12831</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: <i>Town of Moreau Zoning Board of Appeals and Town of Moreau Building Department</i>			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<i>0.02</i> acres	
b. Total acreage to be physically disturbed?		<i>0.02</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>1.78</i> acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

Parcel No 98

Proposed
Sand
- 27' →
- 16' →

Downing
M. by

Wooded
Area

