

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, 351 Reynolds Road, Moreau, NY 12828 on the 29th day of August, 2018 at 7:00 PM.

**ZONING BOARD MEMBERS PRESENT**

Kevin Elms, Acting Chair

John England

Scott Fitzsimmons

Matthew Manning

Not present: Gerhard Endal, Chair

The Board reviewed the minutes of the August 1, 2018 meeting. Motion to approve was made by Mr. Elms and seconded by Mr. Fitzsimmons. All in favor, motion carries, no roll call.

**APPEAL NO. 805**

A request of Allen and Sue Lacy of 308 Bluebird Road, South Glens Falls, NY 12803 for an Area Variance pursuant to Chapter 149, Article X, Chapter 149-59A and Town Law 267-b. Applicants are proposing to construct a platform/landing to their residence that will not meet the required 40' front setback in an M-1, General Manufacturing and Industrial Zoning District. This property is designated as 37.-2-12 on the Town Assessment Map.

Mr. and Mrs. Lacy were present. They have lived there close to 50 years.

Mr. Elms let the applicant know that they don't have a full Board tonight and they are welcome to hold off. Mr. Lacy said they had waited long enough and wanted to go ahead. Mr. Elms said it was a nice looking application.

The amount of relief requested was not listed on the application. The house is already within the setback, because there was no survey when the house was built. Mr. Martin pointed out that front property lines are always a little difficult to place anyway. Mr. Elms felt they should give a little extra leeway. The house is in a non-residential district.

Mr. England asked whether that would be substantial, and Mr. Elms said that it's approximately 25% but the Board doesn't know because the exact numbers aren't there. There was no one in the audience regarding this appeal, and SEQR was not required.

The Board reviewed the criteria for granting an Area Variance and found as follows:

1. That the strict application of said dimensional requirements would result in a specified practical difficulty to the applicant.
2. That the variance is not substantial.

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3. That the difficulty cannot be alleviated by some practical method feasible for the applicant to pursue.
4. That granting the variance would not cause 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.

Mr. Elms motioned to grant Appeal No. 805 for up to ten feet relief on the front setback. Mr. Fitzsimmons seconded. Roll call vote resulted as follows: Mr. Manning, Yes; Mr. Fitzsimmons, Yes; Mr. England, Yes; Mr. Elms, Yes. All in favor, motion carried.

#### **APPEAL NO. 806**

A request of Anthony Havens of 96B Harrison Ave, South Glens Falls, NY 12803 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59A and Town Law 267b. Applicant is proposing to subdivide a 15.09+/- acre parcel into three lots. Two lots would be 40,000 sq. ft. in area and the remaining lot would be approximately 13.23 +/- acres in area. The two 40,000 sq. ft. lots will not have frontage on a public right-of-way pursuant to Section 149-5, definitions of lot and lot width and section 124-4, definitions of lot, building. The applicant is requesting relief from this provision. This property is located in a UR, Multi-family dwelling, One and Two Family Residential Zoning District and is designated as 37.-1-34 on the Town Assessment Map.

Mr. Elms told Mr. Havens that he is welcome to postpone since there is not a full Board, and Mr. Havens indicated verbally that he would like to go ahead.

Mr. Elms asked if this is two lots with no road frontage on a Town road. Mr. Martin explained that the applicants have two pre-existing non-conforming lots in this condition, and the applicant was under the impression that he could do again what he had done in the past, for his sons. Mr. Martin explained that the primary consideration and the reason for this law is access for emergency vehicles, and that the Board should look at whether it will stay in good maintenance condition.

Mr. Havens said that he and his brother maintain it and have never had a problem. Fire trucks, garbage trucks, his brother's dump truck and his own 75ft tractor trailer have all gone in and out of there with no problem.

Mr. England said that is fine until one of the houses is sold.

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Mr. Martin suggested that there be deed language referring to this easement added to the parent parcels. The Planning Board has done this in the past, and a maintenance agreement is established for all parties. This will have to go to the Planning Board for approval as well.

Mr. Elms agreed that he would want that on the deed if they were to do this.

Mr. Martin said it should also be recorded on the subdivision map.

There was no correspondence regarding this.

Mr. England asked whether they could grant the Variance now or would wait until the Planning Board saw it. Atty. Buettner thought that they Planning Board would want to see a conditional approval of this action before they allowed the subdivision to go forward. Mr. Havens asked if he has to do this deed work and Mr. Martin explained that it would go on the map by the surveyor.

Mrs. Pat Hughes of Harrison Avenue asked where the parcels are going and Mr. Havens demonstrated the map and that they are going straight back into the woods. She had no further questions. Public hearing closed at 7:18pm and SEQR was not required.

The Board reviewed the criteria for granting an Area Variance and found as follows:

1. That the strict application of said dimensional requirements would result in a specified practical difficulty to the applicant.
2. That the variance is not substantial.
3. That the difficulty cannot be alleviated by some practical method feasible for the applicant to pursue.
4. That granting the variance would not cause 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.

Mr. Fitzsimmons motioned to approve the Appeal No. 806 for relief from the Town road frontage requirement with the condition that there be a maintenance covenant provision easement added to the deeds of all the involved parcels and that the information also goes on the plat. Mr. England seconded. Roll call vote resulted as follows: Mr. Manning, Yes; Mr. Fitzsimmons, Yes; Mr. England, Yes; Mr. Elms, Yes. All in favor, motion carried.

#### **APPEAL NO. 807**

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, 351 Reynolds Road, Moreau, NY 12828 on the 29th day of August, 2018 at 7:00 PM.

A request of Habitat for Humanity- Northern Saratoga, Warren, Washington Counties of 1373 Route 9, Moreau, NY 12828 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59A and Town Law 267-b. Applicant is proposing construction of an approximately 2400 sq. ft. storage facility that will not meet the required 30 ft. rear setback in a C-1, General Commercial District. This property is designated as 63.3-1-10 on the Town Assessment Map.

No representative was present so this Appeal was tabled at 7:21pm. It was taken up again at 8:26pm. Mr. Elms advised the applicant that there are only four Board members present and they are welcome to table their Appeal until there is a full Board, and Mr. Feldman for Habitat verbally agreed that he would like to proceed with the Appeal.

They are not able to keep up with the donations they have received. They tried to compensate with storage containers, and eventually they came to the decision that they should build additional storage on-site. They are constrained on their plans by trying to maintain traffic flow around the building. They had to stay away from septic and maintain enough parking so they are asking for relief from setbacks.

Mr. England asked if relief from back setbacks is allowed.

Mr. Martin said that is what's being reviewed, and the requirement is for 15 ft, but they are asking for 10ft which is 33%.

Mr. Longo said it's a 30ft., and they are asking for 10. The Restore is unique and is like a furniture store. Sales are good and there is high turnover. This is to store goods to keep the floor full. Mr. Feldman explained that donors were overwhelming them. They are currently storing donations off-site at Washington County so they have had to turn people away or coordinate getting them to deliver there instead. Planning Board and the applicant did not understand what would be required to operate this site at first, but they are in much better shape now, and have an operations plan.

Mr. Martin proposed that as they are showing that one dimension of the structure is 42 feet, could they shorten that and push the building forward and if not, why not?

This plan accommodates their needs. If they make it smaller they will end up back in the same situation, without enough space. They will be looking at expanding the space more in the future, but can't afford to now.

Regarding parking, there are 42 spaces as shown on the map. That exceeds their needs, other than for special events they have never been 60%. 1 per 100 sq ft is the Moreau Code for retail that they are using and the applicant feels it is excessive.

Mr. England pointed out that the septic would become a moot point as well with the septic coming.

However Mr. Longo felt that that is two or more years down the road and they need the space now.

Mr. Elms pointed out that this backs up to a large commercial piece of property, which makes him less concerned about deviating from the 50% rule.

There has been no correspondence from the neighbors and no one was present regarding this appeal other than the applicants.

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Mr. Manning asked about the nature of the building and Adam said it would be wood. They have not designed it yet. Adam said it would have 2-3 entrances, and pointed them out on the drawing. Mr. Manning asked them to get 15 ft off the line. They would have to move it 5 feet. Mr. Martin thought they could put the dumpsters end to end.

Mr. Longo said they may go smaller, but they wanted to ask for the maximum relief that they might need. Applicants and the Board agreed that they could shift 5 ft and get a 50% reduction.

Mr. Manning motioned to approve Appeal No. 807 for 15 ft. relief from required 30 ft. rear setback. Mr. Fitzsimmons seconded.

The Board reviewed the criteria for granting an Area Variance and found as follows:

1. That the strict application of said dimensional requirements would result in a specified practical difficulty to the applicant.
2. That the variance is not substantial.
3. That the difficulty cannot be alleviated by some practical method feasible for the applicant to pursue.
4. That granting the variance would not cause 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.

Roll call vote resulted as follows: Mr. Manning, Yes; Mr. Fitzsimmons, Yes; Mr. England, Yes; Mr. Elms, Yes. All in favor motion carried.

### **APPEAL NO. 808**

An appeal for an interpretation has been filed by Ernest Grenier of 1115 Route 9, Gansevoort, NY 12831 seeking an interpretation from the Zoning Board regarding the proposed use of Carl Donaldson on 1109 Route 9, Gansevoort, NY 12831. The Town Zoning Administrator has determined on July 3, 2018 that the proposed small engine/equipment repair service proposed by Mr. Donaldson is a "home occupation". The applicant is seeking reversal of the determination as the applicant alleges that the proposed use does not meet the definition of home occupation as listed in section 149-5. Definitions of the Town of Moreau Code.

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Mr. Elms informed Mr. Grenier that he could table the Appeal if he would like because there are only four board members present, but Mr. Grenier indicated verbally that he would like to go ahead with his appeal. Atty. Claudia Braymer spoke regarding this Appeal and stated that there should be no exterior evidence other than a sign for home occupations, but that small engine repair shops are not inside homes. Mr. Martin has decided that the fact that the garage is detached has no bearing on the decision, and Atty. Braymer argues that this sets a dangerous precedent. It could be used to put one in an attached garage. Just recently there was a fire in Queensbury that started with small engine repair in an attached garage. Secondly, this isn't happening indoors. There are parts, supplies and small engine vehicles all over the yard. Finally, the Code says that a home occupation can't make a negative impact on the character of the neighborhood, and this use most certainly will do that because of noise and hours of operation as well as the condition of the yard as mentioned before.

Mr. Martin explained that this is in an R-3 zone, where farm activity is allowed as a right. There are many locations in zones R3 through R5 where farm equipment maintenance is happening on a much larger scale than this, and no approval process is required for that. So he doesn't think a part time small engine repair business can damage the character of the neighborhood, when farming could take place all day every day and be permitted by right. Many things happen in accessory buildings that are not subject to review and unfortunately they do cause fires in some instances. Cars can combust because of electrical issues. This is hardly above and beyond that. This is subject to Special Use Permit so that the Board can limit the adverse impacts by setting up some protections. They can limit the number of pieces of equipment, ask for a fence, limit hours, etc and that is why this is subject to review, which answers Atty. Braymer's third concern.

Mr. Martin cautions against setting a precedent because this set of circumstances is a little emotional. For years to come people who want home occupations will be subject to the interpretations set up now.

Mr. Manning said that it's hard to prove it's a detriment to the neighborhood, but he doesn't think of small engine repair as a home occupation. He agrees that it is good to allow the Board to review these things rather than sweepingly prohibiting them. Repairing a tractor that breaks down is different from a full time repair business in his opinion.

The Board has to decide the question of the definition of home occupation before looking at the Appeal. Atty. Buettner explained that the Zoning Administrator's determination of decision is before them now. They have to decide whether it fits the definition in the Code, first.

Mr. Martin stated that he respects Mr. Grenier's position, but that review exists to mitigate those concerns.

There was no correspondence other than that from Atty. Braymer.

Mr. Grenier stated that they could set a precedent that people can build small engine repair shops next to homes, so no one would build or buy in Town with that threat hanging over them.

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Mr. Elms closed the public hearing at 7:36pm. Mr. Manning motioned to deny the Appeal and uphold the Zoning Administrator's determination. Mr. England seconded.

Roll call vote resulted as follows: Mr. Manning, Yes; Mr. Fitzsimmons, Yes; Mr. England, Yes; Mr. Elms, Yes. All in favor, motion carried.

### **APPEAL NO. 803**

A request of Carl Donaldson of 1109 Route 9, Gansevoort, NY 12831 for a Special Use Permit Pursuant to Chapter 149, Article V, Section 149-29. Applicant is proposing to operate a small engine repair shop in his garage. This property is located in an R-3, One and Two Family, Agricultural Zoning District and is designated as 89.-2-68.1 on the Town Assessment Map.

Mr. Donaldson appeared. The Board has already seen some materials regarding this Appeal. Mr. Donaldson stated that EnCon has come, and he has a statement from them. They found no oil, he has fire extinguishers in the garage and the house.

Mr. Elms asked about the storage of parts. Last time, he said it was a reasonable concern. Mr. Donaldson hasn't changed anything because he is waiting to see what the Board says he has to do.

Mr. Martin asked whether they had submitted an EAF. They did.

Mr. England said he is more concerned with outside storage, and Mr. Elms said he is more concerned with the hours of operation. Mr. England reminded them that there would be conditions and Mr. Donaldson's friend Ms. Holcomb reminded the Board that he had already agreed to abide by any conditions.

Mr. Manning's concern is for the outside presence.

The reason this is not a hazard now is that the driveway is allowing access that isn't technically allowed.

Mr. Elms pointed out that it will be useful as a turnaround if the second exit is cut off someday.

Mr. Donaldson said that the sight lines are fine from either end.

Mr. Manning asked why there is a site plan with a fence on it and it isn't in place.

Ms. Holcomb said they are just waiting for a decision from the Board.

Mr. Manning is concerned about the expansion of the business beyond the home, into the yard, accessory buildings, signage, etc. What serious considerations has he made in making this amicable to other properties?

Mr. Donaldson says he just wants a few machines and wants to stay out of sight out of mind. He has already changed his hours since he became aware of Mr. Grenier's concerns.

Mr. Manning asked what hours he wanted to operate.

Mr. Donaldson said he works full time and would work 5:30-8:30 and some Saturday mornings.

Atty. Braymer asked to be heard. Mr. Elms said they weren't deciding yet and asked her to wait.

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Mr. Manning asked about a number of machines. Mr. Donaldson said he felt he could cut what he had now in half, and that he has two machines of his own. Ms. Holcomb pointed out that he doesn't work on motorcycles, but Mr. Grenier and the Board keep saying he does. The ATV's are their own.

Mr. Elms asked for public comment. Atty. Braymer stated that the Board should deny this application. The need for all these regulations that they are considering proves that this is not an appropriate use. She read from the Code the requirements that make this inappropriate for the area. The Board has grounds to deny this on the basis of the Code. Mr. Manning said the conversation was more towards finding out just what Mr. Donaldson wanted. Atty. Braymer said that to meet home occupation, it should be that he can only work on what he could fit in the garage. He should not be able to work on weekends, and engines should only run 10am-6pm. People don't work on weekends he should not operate then either. She asked the Board to state that engines can't be operated that late at night outside. Also, noise ordinance says standing for 10 minutes is the limit, so they should apply that limit.

Mr. Elms said that he can mow his lawn until 10pm at night, so small engine noise should be acceptable. He agreed to 5 pieces last time he was here and he has not done anything about that.

Atty. Braymer wanted the zoning enforcement officer to be able to pass by and immediately see that everything is in the garage, and the fenced area in the yard should not be allowed. This goes to Home Occupations not having any exterior evidence.

Ms. Holcomb argued that many people work on the weekends and that it's wrong to say that he should operate on the weekends. Additionally they are doing the fence because they were asked to for the neighbors' sake. Why is it suddenly an issue?

Mr. Manning doesn't like this. All the requirements and restrictions are there because it's not an appropriate use. There is no way to enforce it. The point of a business is to develop and grow it, but instead they are limiting it. He wouldn't want this next to him and doesn't like it in a residential area.

Mr. Elms said they have granted special uses with lots of restrictions many times over the years and seen their requirements enforced. If Mr. Manning were correct, they wouldn't permit 90% of what they have. He prefers that the regulations be there so he can make a phone call and have the noise stopped.

Mr. Manning said noise is not the issue, it's above and beyond a home use.

Ms. Holcomb said that neighbors are the customers, not big commercial customers. They see 3 or 4 people a week dropping off and picking up. Every neighbor across the road sent a letter of recommendation.

Mr. Manning said for every letter in favor, there was a letter against.

Mr. Elms felt that the proximity of the neighbors matters too.

Mr. Martin recapped. Six areas of concern were identified. Hours, presence of outside storage, the number of pieces of equipment under repair, the number of parts pieces in storage, the hours for running of motors.

The public hearing was closed at 7:59pm.

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SEQR review. Part II was read and 'no' answers were recorded.

Mr. Elms motioned to make a negative declaration regarding SEQR and Mr. Fitzsimmons seconded. Roll call vote resulted as follows: Mr. Manning, Yes; Mr. Fitzsimmons, Yes; Mr. England, Yes; Mr. Elms, Yes. All in favor, motion carried.

Mr. Elms asked for a motion regarding the Appeal.

Mr. Fitzsimmons asked and Atty. Buettner said that if there were a 2-2 vote it would not pass.

Mr. Elms reviewed the criteria for granting a Special Use Permit as follows:

- 1.) Such usage will not endanger the health, safety, morals or general welfare of the neighborhood or adversely affect the environment.
- 2.) Off-street parking spaces are adequate to handle expected attendance.
- 3.) The neighborhood character and surrounding property values are not endangered.
- 4.) Such use thereof will not cause undue traffic congestion or create a traffic hazard.

Mr. Elms motioned to approve Appeal No. 803 with the following stipulations: Hours of Operation 9am-9pm, Monday through Saturday and 9am-6pm on Sundays; no working on any equipment outside of the garage; no more than 5 pieces of equipment under repair stored at any time; no outside storage of parts machines; a time limit on running motors that are under repair as set forth in the Town Code with regard to noise. The machinery worked on is to include lawnmowers, snowblowers, snowmobiles and chainsaws, but not include licensed vehicles or ATVs.

Under discussion, Mr. Fitzsimmons would like to limit him to 9am-6pm on Sundays. The Board agreed to this change.

Mr. Martin pointed out that numerous pieces are outside for repair, so he would like a date for cleanup to be completed.

No fence requirement was stipulated.

Atty. Buettner pointed out that the Code already allows 90 days to complete any stipulations. That would be about December 1<sup>st</sup>.

Atty. Braymer said that the Code only talks about vehicles running for a set number of minutes and the Board should specify small engines under repair in their stipulations.

Mr. Martin added that no ATV's or motorcycles were allowed and only lawnmowers, snowblowers, snowmobiles and chainsaws.

Mr. Grenier asked if all the mowers stored for parts will be eliminated and that should be done within 90 days.

Mr. Fitzsimmons seconded the motion. Roll call vote resulted as follows: Mr. Manning, No; Mr. Fitzsimmons, Yes; Mr. England, Yes; Mr. Elms, Yes. Motion carried 3-1.

**APPEAL NO. 809**

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, 351 Reynolds Road, Moreau, NY 12828 on the 29th day of August, 2018 at 7:00 PM.

An Appeal for an Interpretation has been filed by Richard and Elizabeth Marks seeking an interpretation from the Zoning Board of Appeals regarding a proposed two lot subdivision by Janet Shaw at 55 Palmer Ridge Road, Gansevoort, NY 12831. One lot is proposed at 5.00 +/- acres and the second lot would be 4.446 +/- acres and not meet the minimum lot area of 5 acres as required by the Town Zoning Law. The property owner had first proposed a two lot subdivision which had reversed the lot sizes between the two lots. The Zoning Board of Appeals denied the Area Variance seeking relief from the minimum lot size. The property owner then applied reversing the lot sizes and the Zoning Administrator determined on July 24, 2018 that the application reversing lot sizes was substantially different from the first request. The applicant is seeking a reversal of determination as they allege that the proposed changes do not represent a substantial change.

Mr. Elms explained to the appellants that there is only a 4 member Board and they may delay their Appeal. Applicants indicated that they would like to go ahead.

Atty. Brayer representing the Marks argued that there is no substantial difference between the two Appeals. She made this argument before the Board before. 0.34 acres on the first Appeal and .034 acres the second time, so the same dimensions.

Mr. Elms said it was 4.446 but that is the size of the lot that will be created.

Atty. Braymer argued that the lot size was the only important thing in the Appeal and so the fact that the dimensions didn't change proved it wasn't different. One was conforming and one non-conforming in both appeals. Which lot has the house on it changed, but a house will be built on the subdivided lot, so the end result is the same. She would also point out that it's worse the second way because the accessory building (garage or farm structure) has no principal use if it is the non-conforming lot. Nonetheless it is the same application.

Mr. Martin argued that there are a number of levels on which this is different. If you look at the Use schedules in the R-5 Zone and the implications of non-conforming uses, there are many. Non-conforming lots end up requiring variances, etc and can impact the lot owners, neighbors, etc. Looking forward at allowed uses, it is basic to Zoning Administration that it is substantially different.

Mr. Elms asked for questions for the Board and Mr. Manning asked for clarification. He noted that in application one, the non-conforming lot was on Palmer Ridge Road and in the second, it is on Fortsville Road. He wonders whether it meets the standard for materially different.

Neighbor Bill Lennox stated that this is déjà vu. Why are they going over this again it was denied? They shouldn't be back here again.

Mr. Elms closed the public hearing at 8:53pm and asked for a motion.

Atty. Buettner clarified that the motion would be on whether to uphold the decision that this is a material change in the application.

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Mr. Elms motioned to deny the Appeal and uphold the Zoning Administrator's determination. Mr. Manning seconded. Roll call vote resulted as follows: Mr. Manning, Yes; Mr. Fitzsimmons, Yes; Mr. England, Yes; Mr. Elms, Yes. All in favor, motion carried.

#### **APPEAL NO 804**

A request of Janet Shaw of 55 Palmer Ridge Road, Gansevoort, NY 12831 asking for a rehearing of a previously denied Area Variance. The rehearing will be conducted pursuant to Chapter 149, Article X, Section 149-59 A and Town Law 267-a and 267-b. Applicant is proposing to subdivide a 9.466 acre parcel. One of these lots will not meet the required 5 acre minimum in an R-5, One and Two Family, Agricultural Zoning District. This parcel is designated as 90-1-55 on the Town Assessment Map. This Appeal was placed on the agenda in error.

#### **APPEAL NO. 799**

A request of Janet Shaw of 55 Palmer Ridge Rd., Gansevoort, NY 12831 for an Area Variance pursuant to Chapter 149, Article X, Section 149-59 A and Town Law 267-b. Applicant is proposing to subdivide a 9.46 acre parcel into two building lots, lot #2 will be 5 acres which complies with zoning and lot #1 will be 4.46 acres which will not meet the 5 acre minimum in an R-5 zoning district. This property is designated as 90.-1-55 on the Town Assessment Map.

The applicant was not present for this Appeal. Atty. Buettner explained that the applicant and his lawyer had indicated that this date worked for him, and she has reached out to him and not heard back. It is up to the Board whether to move forward with it. Mr. Elms asked for opinions and Board members indicated they were uncomfortable moving forward without the applicant. Motion to table was made by Mr. Fitzsimmons and seconded by Mr. England.

Motion to adjourn was made at 8:56pm by Mr. Elms and seconded by Mr. Manning. All in favor, motion carried with no roll call.

Respectfully submitted,

Tricia S. Andrews