

A meeting of the Zoning Board 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 27th day of April 2022 at 7:00 pm.

Town of Moreau
Zoning Board Meeting
Wednesday, April 27, 2022

Planning Board Members Present

Kevin Elms	Zoning Board of Appeals Member
Justin Farrell	Zoning Board of Appeals Member
Matthew Manning	Zoning Board of Appeals Member
Scott Fitzsimmons	Zoning Board of Appeals Member
Gerhard Endal	Zoning Board of Appeals Chairperson

Also, present

Jim Martin	Zoning Administrator
Katrina Flexon	Recording Secretary
Gianni Simone	Applicant

The meeting was called to order at 7:01pm by Chairperson Endal

Chairperson Endal asks if there is any old business that needs to be addressed.

Mr. Elms mentions he believes the meeting minutes might not be caught up yet.

Mr. Martin states there was a period of time where the Zoning Board didn't have a meeting.

Ms. Flexon states the meeting minutes are caught up until March 2022.

Chairperson Endal states they will put off the review of minutes until the next meeting since they didn't receive anything in their packets.

#1 Cerrone Construction
36 Sandy Blvd, Moreau NY 12803
Appeal No. 844 - Area Variance

Project description applicant is seeking to construct a 2,074 sq. ft. single family dwelling on an existing lot (tax map no. 49.25-1-5) at Sandy Boulevard. The proposed location of the house will

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be 24 feet from the front property line. The front yard setback requirement for a principle building in the R-1 District is 30 feet. Therefore, the applicant is requesting 6 feet of relief from the required front yard setback. All other dimensional and use aspects of the proposed single-family building comply with the requirements of the R-1 district.

Chairperson Endal asks the applicant to tell them in further detail what the applicant it all about.

Mr. Simone introduces himself and explains there were three lots 16, 17, and 18. There was an easement discovered from National Grid 50 feet you cannot have anything permanent on there. He says there were trying to fit houses and septic on the three lots and couldn't do it. They spoke with Jim Martin the zoning administrator and put all three lots together and divided it down the middle leaving two building lots.

Mr. Martin explains what they did is they had a planning board approved subdivision that shows three lots in the area, they ran into the problem with the easement and had to reconfigure the lots from three to two. He says they increased the building footprint even with the easement included which is why they have the area they have shown where they are placing the building. He states this was not the original subdivision approval, it was recently amended from three lots in the area down to two, and this is one of the lots in that adjustment.

Mr. Martin points out this is technically a corner lot, because there is a paper street that adjoins one side of the lot which does meet the setback. He adds most of the intrusion is resulting of the overhang of the building. He mentions there are two front yards and two side yards for this property.

Chairperson Endal asks Mr. Martin to explain what a paper road is.

Mr. Martin the area called a paper street sits as a reservation of land which can become a road, the Town actually owns it, the deed is under Town ownership, but it hasn't been approved.

Chairperson Endal asks the applicant to continue, he asks if you can put a septic system underneath the area.

Mr. Simone states on a National Grid easement, nothing can be on the easement. Not a patio, shed, septic, or step which is why they need relief for a front variance. He adds this particular home has 2-foot overhangs, most of their homes have a 1-foot overhang.

Chairperson Endal mentions in the presentation there was mention of some custom design.

Mr. Simone states the customer brough their own design, this is what he wants on this lot.

Mr. Elms clarifies that the customization is to fit the lot not the customer.

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Mr. Simone states the customer had to tweak the plans a little bit, he wanted his back porch off the back kitchen but was informed what the limitation were, and he came back with two-foot overhangs which is why they he is here. They bend to the road helps the property if the relief is grants is will not look closer then any other home, it is in line with the house to the right of it.

Mr. Martin points out the paper street is a reservation of land, it may get built one day, it may not. It could potentially remain like that for the next 10 or 20 years.

Chairperson Endal states the Zoning Board doesn't have to consider that in their determination do they?

Mr. Martin states he did in making his determination.

Mr. Elms states the potential of the road is there is the home gets built or not, the idea is to anticipate that it will be there.

Mr. Simone states that is a reason why the combines the lots and modified down to two.

Mr. Manning the way the setback is drawn, the way the house is oriented they are not actually cutting across the yard, its diagonally.

Mr. Simone states he believes it's just the front porch area

Mr. Martin states is really like a closest point on the building.

Mr. Manning ask if there is any way to redesign the house.

Mr. Simone states the homeowner is super particular.

Mr. Elms states he understand it would change the looks of the house which would be a big change and in the scheme of the relief that the Board has granted he personally considers it to be a minor relief. He adds it would fit into the area without looking like it needed relief.

Mr. Matin states it would effect the framing plans as well.

Chairperson Endal asks if the dotted line is the easement.

Mr. Simone states the dotted line is the Nation Grid easement.

Chairperson Endal state they plan to build right up to it.

Mr. Simone states it can be mowed and maintains, the homeowner plans on having a garden there, he just wont be able to have a permanent structure on it.

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Mr. Elms the homeowner can apply to National Grid to rent use of the easement. He explains its very difficult and involved, but he should be informed of it.

Mr. Elms states he doesn't believe the average person would ever know there was any relief given to that.

Mr. Martin agrees.

Chairperson Endal states they have talked about all the requirements, he states there is no need for SEQR on this application and reads the 5 criteria.

1. The strict application of said dimensional requirements would result in a specified practical difficulty to the applicant.

Chairperson Endal states he agrees with this.

2. How substantial the requested variance is in relation to the requirements.

Chairperson Endal states he thinks what Mr. elms said is true. This would be a fairly small variance the Board would be granting.

3. That the difficulty cannot be alleviated by some practical method feasible for the applicant to pursue.

Chairperson Endal states the presence of utilities sums up the difficulty on the site and feels they house will fit in with the neighborhood. He adds he doesn't see another practical method to resolve the situation.

4. That there will be no substantial change in the character of the neighborhood or a detriment to the adjoining properties.

Chairperson Endal believes this is true.

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 of the objectives of any plan or policy of the town and that the variance requested is the minimum variance which would alleviate the specified practical difficulty found by the Zoning Board of Appeals to affect the applicant.

Chairperson Endal states he feels the applicant has made accommodations like reducing the amount of lots that he has and that's reasonable.

Mr. Manning asks about the 6-foot relief ask for when on the S-1 drawing the front porch is 6.5 feet. He would like clarification.

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Mr. Simone he is going to get the footing dug and the walls pinned, that is just in case someone makes a mistake along the way.

Mr. Martin says he noticed that himself but assumed it was for accommodation for some wiggle room in the event they don't for example they don't pin it exactly correct. He adds there is a public hearing to open and close which was properly noticed and the office did not get any written correspondence.

Chairperson Endal opens the public hearing for Appeal no. 844

Chairperson Endal closes the public hearing for Appeal No 844 with no comments or concerns from the public.

Mr. Elms makes a motion for Appeal No. 844 is granted the 6 feet of relief on the front line with no conditions.

Mr. Fitzsimmons seconds the motion.

Chairperson Endal asks if there is any further discussion. He asks for a roll call.

Results as followed:

Mr. Elms	Yes
Mr. Manning	Yes
Mr. Fitzsimmons	Yes
Mr. Farrell	Yes
Chairperson Endal	Yes

5 in favor, none oppose. Motion carries.

A motion was made by Mr. Elms to grant Appeal No 844 6-foot relief in the front line with no conditions and seconded by Mr. Fitzsimmons.

The Board thanks and dismisses the applicant.

Mr. Martin comments about the Zoning code that will start back up. The Board will start seeing drafts of the new zoning code coming in.

Mr. Elms makes a motion to adjourn the Zoning Board meeting of April 27, 2022.

Mr. Fitzsimmons seconds.

Chairperson Endal ask the Board all those in favor say aye.

Results as followed:

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Mr. Elms	Aye
Mr. Manning	Aye
Mr. Fitzsimmons	Aye
Mr. Farrell	Aye
Chairperson Endal	Aye

5 in favor, none oppose. Motion carries.

A motion was made by Mr. Elms adjourn the Zoning Board meeting of April 27, 2022 and seconded by Mr. Fitzsimmons.

Meeting was adjourned at 7:18pm.

Respectfully submitted,

Katrina Flexon