

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 22<sup>nd</sup> day of June 2022 at 7:00 pm.

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**Town of Moreau**  
Zoning Board Meeting  
Wednesday, June 22, 2022

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**Planning Board Members Present**

Gerhard Endal	Zoning Board of Appeals Chairperson
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

**Also, present**

Jim Martin	Zoning Administrator
Katrina Flexon	Recording Secretary
Bill Laisdell	Applicant

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

**Chairperson Endal** stated they had Zoning Board minutes that were reviewed for March 23<sup>rd</sup> and April 27<sup>th</sup>. He addressed the meeting minutes of April 27<sup>th</sup>, 2022. He addressed a couple corrections, his name needed amending, he also requested the meeting minutes be presented in the past tense not the present.

**Ms. Flexon** stated that is something that can be done.

**Mr. Elms** made a motion to approve the April 27<sup>th</sup> meeting mins as amended.

**Mr. Farrell** seconded.

**Chairperson Endal** asked the Board if all in favor say Aye.

**Results as followed:**

<b>Mr. Elms</b>	<b>Aye</b>
<b>Mr. Farrell</b>	<b>Aye</b>
<b>Mr. Manning</b>	<b>Aye</b>

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**Mr. Fitzsimmons     Aye**  
**Chairperson Endal   Aye**

All in favor, motion carries

**A motion was made to approve the April 27<sup>th</sup> zoning board of appeal meeting minutes and seconded by Mr. Farrell.**

**Mr. Elms** asked if the Board reviewed the March 23<sup>rd</sup> meeting minutes, and if there were any corrections, additions, or deletions to be made.

**Chairperson Endal** stated he was not present for that meeting.

**Mr. Manning** made a motion to approve the March 23<sup>rd</sup> Zoning Board minutes.

**Mr. Fitzsimmons** seconds the motion.

**Mr. Elms** asked the Board if all in favor say Aye

Chairperson Endal abstained from motion.

**Results as followed:**

**Mr. Elms                     Aye**  
**Mr. Farrell                  Aye**  
**Mr. Manning               Aye**  
**Mr. Fitzsimmons         Aye**

4 in the affirmative, 0 in the negative, 1 abstention, motion carries

**A motion way made by Mr. Manning to approve the March 23<sup>rd</sup> zoning board of appeal meeting mins and seconded by Mr. Fitzsimmons.**

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**Appeal No 845.**

**William Laisdell**

**35 River Crest Road Gansevoort**

**Area Variance**

Project Description: The applicant is seeking to construct a 2,880 sq. ft. detached accessory building (garage) on an existing lot (tax map no. 62.-5-19) at 35 River Crest Road. The proposed location of the garage will be 18 feet from the front property line. The front yard setback requirement for an accessory building in the R-4 District is 40 feet. Therefore, the applicant is requesting 22 feet of relief from the required front yard setback. All other dimensional and use aspects of the proposed accessory building comply with the requirements of the R-4 District.

**Mr. Laisdell** introduced himself and gave an overview on project. He explained the project it an oversized garage for his personal vehicles.

**Mr. Elms** asked where the septic system is located, it doesn't show the location on the submitted application.

**Mr. Laisdell** stated the septic is on the other side of the house.

**Mr. Elms** asked the applicant what is keeping him from moving the building over more.

**Mr. Laisdell** stated he wants it to look the best and believes it will in the location proposed.

**Chairperson Endal** asked the applicant why not move it back.

**Mr. Laisdell** stated he might be able to move it a couple feet and still make everything work but nothing significant.

**Mr. Manning** states this is a proposed 60 x 40 structure which is basically larger than the footprint the house is on, and the applicant wants to put it 18 feet away from the road. He suggested the building could be rotated to alleviate the 18-foot conflict and could also be set

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back further. He also stated that the drawings submitted do not show the hardships that have been brought Infront of the board, with tree lines, septic.

**Mr. Laisdell** responded to Mr. Manning's comment on rotating the structure with he believes it is in the best possible place. He stated the septic is on the other side of the house as he said, and the trees are on the property and the Board is welcome to drive by. He stated he would rather

**Mr. Martin** clarified with the applicant that he consented to moving the structure a couple more feet back.

**Mr. Laisdell** confirmed if the Board wanted him to rotate the building a little he can move it a couple feet. He stated he would rather get it done, than not get it done.

**Mr. Martin** stated in this district the rear set back is 30 feet.

**Mr. Elms** suggested that if the applicant placed the back corner of the proposed building to the 30-foot back setback, it would give the front setback more than 18 feet from the road.

**Mr. Manning** stated that moving the proposed building back which will conflict with the rear set back is more favorable in this situation due to the rear setback being against vacant land and not a road.

**Mr. Laisdell** stated he would like to rotate the building a couple degrees and move it back 4-6 feet maximum.

**Mr. Martin** stated they did have a properly noticed public hearing without any written correspondence. He added there was an anonymous caller who expressed concern on the project.

**Chairperson Endal** read through the 5 criteria

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

**Mr. Martin** stated that to him there are two abnormalities in this case that are making this difficult. First is the lot dimension, and the second is the lot is in a R-4 district, he doesn't know how these lots came to be this way in the subdivision being under the minimum lot size but being in the agriculture district they are permitted to have larger structures. He believes that it would be a significant difference if the structure goes back 6 feet, he believed it will take the appearance off the mass on the street.

**Mr. Elms** stated he agrees with this.

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

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**Chairperson Endal** stated he thinks this is very substantial.

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

**Chairperson Endal** referred back to Mr. Martin's comment on if the structure could be moved back off the road this could alleviate some conflict.

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

**Chairperson Endal** stated he doesn't believe this to be a problem, this is going to be a beautifully designed building.

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** stated that for the Board it is key to give the least relief they can in terms of changing the law.

**Mr. Elms** stated he believed they have come to a compromise on the placement of the proposed building and what relief the Board is comfortable with granting.

**Mr. Elms** made a motion to grant Appeal No 845 15-foot front setback relief and 5 feet setback relief for the back line.

**Chairperson Endal** added that relief is to the overhang of the structure.

**Mr. Manning** seconded the motion.

Chairperson Endal asked for a roll call.

**Roll call is as followed**

<b>Mr. Manning</b>	<b>Aye</b>
<b>Mr. Fitzsimmons</b>	<b>Aye</b>
<b>Mr. Elms</b>	<b>Aye</b>
<b>Mr. Farrell</b>	<b>Aye</b>
<b>Chairperson Endal</b>	<b>Aye</b>

All in favor, none opposed, motion carries.

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**A motion was made by Mr. Elms to grant Appeal No. 845 Area variance 15 feet for the front setback and 5 foot relieve for the rear setback, this motion was seconded by Mr. Manning.**

The Board thanks and dismisses the applicant

**Mr. Elms** makes a motion to adjourn tonight's meeting.

**Mr. Fitzsimmons** seconds the motion

**Chairperson Endal** asks the Board if all in favor say Aye

**Results are as followed**

<b>Mr. Manning</b>	<b>Aye</b>
<b>Mr. Fitzsimmons</b>	<b>Aye</b>
<b>Mr. Elms</b>	<b>Aye</b>
<b>Mr. Farrell</b>	<b>Aye</b>
<b>Chairperson Endal</b>	<b>Aye</b>

All in favor, none oppose, motion carries

**A motion was made by Mr. Elms to adjourn the Zoning Board of Appeals meeting of June 22, 2022 and was seconded by Mr. Fitzsimmons.**

Meeting was adjourned at 7:41 pm.

Respectfully submitted,

*Katrina Flexon*