

TOWN OF MOREAU
ZONING BOARD OF APPEALS
June 24, 2026
TOWN HALL MEETING ROOM, 351 REYNOLDS RD

Zoning Board Members Present

Kevin Elms	Zoning Board Chairman
Ron Zimmerman	Zoning Board Member
Scott Fitzsimmons	Zoning Board Member
Lisbeth DaBramo	Zoning Board Member
Diana Corlew-Harrison	Recording Secretary
Joshua Westfall	Zoning Administrator

Absent:

Justin Farrell	Zoning Board Member
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The meeting was called to order by Mr. Elms at 7:01 pm.

Minutes to approve:

October 2025, February 2026, April 2026 - will pass over until next month due to member absences.

Old Business

None

New Business

Fence Variance

Appeal No 907 DeLucia Fence Variance

Applicants seek a variance from the Zoning Board of Appeals in accordance with §70 for relief from the front yard height limitation in relation to the fence. **Zoning District: R-2. SBL: 64.1-1-2. Property Location: 538 Gansevoort Road**

Applicants: Pam and Carl DeLucia. SEQR Type: Type II.

Applicants spoke on their behalf regarding this variance. They are requesting a variance to extend current fencing that goes around the pool and extend into the front and side yards. They have a unique lot due to being on the corner of Lennox and Gansevoort Road and technically have two front yards. They want to fence in the yard to protect their dogs from a busy road and more privacy. The 6-foot cedar solid fence would be approximately 185' from both roads and adding 30' on Lennox.

Mr. Elms states he went by property and was unsure as to which code applies to front or side yard being on the corner. This could be some confusion as to which is considered front yard. According to Town Code, a fence is not permitted on front yards that are solid. He also noted that pool permits were granted when pool installed.

Mr. Zimmerman stated that it looks like they need two variances, one for height and one for visibility due to solid fencing.

Applicant states that she spoke with building inspector and fence rulings are confusing. Mr. Westfall said the two codes are different, he stated that when fencing in pool, they would need a 5' fence in the rear of the property but fence in any other use per code is 4' but cannot be in front of the property.

Applicant showed members on the drawings of the placement of the fencing they requested.

Mr. Fitzsimmons asked if applicant could change the dimensions a bit to make this work for both parties.

After discussion, applicants and board agreed to make the fence 16 feet instead of 24 feet in length, one less section than proposed and 38 feet from the road rather than 30 feet.

Mr. Elms asked if there were any public comments, Mr. Westfall stated none.

Mr. Fitzsimmons asked if any plantings or arborvitaes would be used, applicant stated they will do plantings.

Mr. Elms reviewed the variance requirements.

Mr. Zimmerman made a motion to approve this variance in the front yard with a 16-foot fence, solid cedar, 6-foot high with a setback of 38 feet from the road. He also added that applicants will add plantings on the southern side by the end of the 2026 planting season.

Mr. Elms seconded the motion. Roll call - all approved.

Special Use Permit

Appeal No 908 Potter SUP

Applicant seeks a Special Use Permit from the Zoning Board of Appeals in accordance with §149.19 to establish a small, private cemetery for future use of immediate family only. **Zoning District:** R-5. **SBL:** 64.-2-90. **Property Location:** 223 Burt Road. **Applicant:** Meritt & Ciara Potter. **SEQR:** Unlisted.

Applicants stated that they want to add the cemetery plot for immediate family only. The site will not be seen from the road and is 300 feet from any water source. Applicant looked for any rules or other sites in the Town, which were minimal.

Mr. Elms asked how many plots there would be. Applicant stated that it is a 5,000 sq.ft area with a current family size of six. He does not know how many you can have; he just applied for the smallest. Applicant stated that when home was paid off it would be changed to an estate.

Mr. Elms stated that as many years on the board, this is the first he can remember this type of request.

Ms. DaBramo stated she drove by and said she could not see the site from the road.

Mr. Elms stated that he did a project in school to locate and clean up old cemeteries in the Town. He stated that if the cemeteries become abandoned or owners decessed, then the Town is required to maintain the site. He believes that the board should get legal counsel with this because this could become the town's future responsibility if something were to happen to the family down the road. Mr. Westfall stated that in other towns he has worked in that the access to sites being cleared or maintained is more of an issue and then maintaining the property with down trees, mowing, etc.

A neighbor of the applicant, Mr. Peter Beames at 207 Burt Road, wanted to speak about this variance request. He states that he did a great deal of research on this. He said he has no issues with neighbors otherwise but has concerns with this idea because lots in this area are supposed to be 5 acres, he doesn't want it to be visible from his property, also concerned with how many people will be buried in that area, the area is heavy clay and wonders if there will be digging with heavy equipment, would there be a vault, caskets, headstones added, heavily wooded so will it be cleared, will regular family visiting, traffic and/or parking issues, what will happen if property sold, feels a burial site is sacred, states that there is 17 abandoned cemeteries in the Town presently.

Mr. Elms made a motion to seek legal counsel on this request and to hold it open until that time. Applicant and all board members approved.

Area Variance

Appeal No 909 Wilson Area Variance

Applicants seek a variance from the Zoning Board of Appeals in accordance with §149.21 for relief from the side yard setback requirements in relation to a carport. **Zoning District:** C-1. **SBL:** 49.75-1-2. **Property Location:** 1667 Route 9.

Applicant: Nancy Wilson. **SEQR:** Type II.

Applicant spoke to this request to add a carport to keep her car out of the snow and severe weather in the winter. It will make it easier for her to get out being she is older and slightly handicapped. The carport will not be visible from Route 9.

Mr. Fitzsimmons stated that this is an easy request, one of the easiest ones tonight.

Mr. Elms reviewed the variance requirements.

Ms. DeBramo made a motion to approve this variance as proposed. Mr. Zimmerman seconded, Roll call – all approved.

Area Variance

Appeal No 910 Sharpsteen Area Variance

Applicants seek a variance from the Zoning Board of Appeals in accordance with §149.16 for relief from the side yard setback requirements in relation to a garage expansion. **Zoning District:** R-2. **SBL:** 63.2-2-1. **Property Location:** 228 Reservoir Road. **Applicant:** Daniel Sharpsteen. **SEQR:** Type II.

Applicant spoke on this request and wants to expand his current garage by 6 feet. The side yard required dimension is 15' and they are requesting it to be 9' with a 6' or 40% difference.

Ms. DaBramo asked if applicant what he would be using to keep it cosmetically correct. Applicants will continue with current siding.

He also stated that he will have 2-foot overhangs but will have no overhang on the end. He also states that he wants the width more than depth so that he can get a larger garage door so he can put his car in the garage for once.

He cannot access it now because of it being so narrow. Applicants have not contacted any contractors at this point but may only need 5 feet and not 6 feet.

Mr. Elms asked if there were any public comments. Mr. Westfall states there are none.

Mr. Elms reviewed the variance requirements.

Mr. Zimmerman made a motion to approve this side yard variance of 6 feet as proposed. Mr. Zimmerman seconded. Roll call – all approved.

Motion made by Mr. Fitzsimmons to adjourn the meeting, seconded by Mr. Elms.

Meeting adjourned at 8:15 pm.

Prepared by Diana Corlew Harrison on July 3, 2026.