

TOWN OF MOREAU
ZONING BOARD OF APPEALS
January 28, 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
Justin Farrell	Zoning Board Member
Diana Corlew-Harrison	Recording Secretary
Joshua Westfall	Zoning Administrator

The meeting was called to order by Mr. Elms at 7:00 pm.

Mr. Elms wanted to make an announcement on record regarding the retiring of former ZBA Chairman Gerhard Endal. He states that Mr. Endal had been on the ZBA for a long time, he was phenomenal, was always fair, deeply knowledgeable and he had the utmost respect for him personally. He thanked him for his service to this board and community for all these years. Members welcomed Kevin Elms as our new chairman.

Minutes to approve:

Old minutes that are not approved will be emailed to all members by Secretary along with January 2026 for all to review before February meeting so Board can get caught up with the proper approvals outstanding.

Old Business

None

New Business

Fence Variance

Appeal No 902 Tyrel Fence Variance

Applicants seek a Variance from the Zoning Board of Appeals in accordance with §70-7 for relief from height restrictions with the property's front yard in relation to the addition of a fence exceeding the height permitted in §70-4. **Zoning District: R-2. SBL: 77.6-1-28 Property Location: 10 Coriander Drive. Applicant: Erica & Rebecca Tyrel. SEQR Type: Type II.**

Applicant spoke on this request for a variance on a fence that they installed to block the view of the neighbor's "junk." They stated they were unaware of the height restriction until this notice was given. They had a building permit granted in 2022 for a fence in the backyard around their pool that was installed. Per Mr. Westfall, that permit was completed and signed off when back fence was completed.

Mr. Elms asked the applicant if more fence was added without a permit. Applicant states that they thought it was within the time limit of the permit they had already but were unaware that the permit was closed out by building department. The newest fence was put in on the sides of property after the back fence was added and not added at the same time just later in the same year.

Mr. Fitzsimmons asked if the applicant knew of the 4' variance and she states she did not know of it specifically. Mr. Fitzsimmons states he went by said "junk" property and it appears cleaned up. Applicant states that the occupants have passed away and family has tried to clean it up to sell the home but to her knowledge it has not sold.

Mr. Elms states that this puts the board at a disadvantage when trying to uphold the laws and/or change the codes. It also does not help since the fence is already installed. He also states that this is not in accordance with present codes in the district as far as the height restriction and it exceeds uniformly less than 50% solid requirement. He states that according to the present criteria and the first one states that strict applicable height requirements and feels that this does not meet that being you just didn't want to see the neighbor's house and "junk."

The second criteria states how much of substantial relief is being asked, which is in this case 50% of relief. Both Mr. Elms and Mr. Zimmerman state that as a board they do not usually approve with this much relief requested.

The third criteria asked if the difficulty cannot not be alleviated by any other means and Mr. Elms states that you could have added that applicants could have installed arborvitae for instance to achieve the desired privacy by using these plantings or a kept within code with a 4 ft fence that could have been 50% solid.

A fourth criteria noted was will this cause a change to existing or neighboring properties appearance. Mr. Elms states that when he drove by the property, it was hard not to notice the extension of the fence into the front yard farther than needed and the height of 6 feet is a change in appearance to the property and the neighborhood.

The applicant stated that those plantings become more of a liability with the care and upkeep overtime than a fence.

Mr. Elms asked Mr. Westfall if there were any complaints from neighbors. Mr. Westfall states that there was only a favorable email from a neighbor.

Mr. Elms states that this is fine line that the board takes when making these decisions.

He asked the board for other comments or concerns.

Mr. Farrell is concerned that approving this will set a precedent in the town and where does the board draw the line. He understands the applicant's frustration with the "junk" next door and does not want the owner to have more expense in changing the fence or adding plantings 4 years later.

Ms. DaBramo states, according to the variance requirements, this fence changes the character of the applicant's front yard with the extension of the fence. She also asked if the practical difficulty was met being that the property is for sale due to the owners passing away, so the possibility of that "junk" view always being there may be changing soon. The second was the amount of relief requested is at the high end of what this board normally would approve.

Mr. Zimmerman also states he has concerns that the nature of the fence has no view, it's stockade and is unique for the area or development with the 6 feet height and the extension into the front yard. Applicant states there are several similar fences in the neighborhood. Mr. Elms hopes that they all meet the 4 feet requirement and aren't overextended in front yard.

Mr. Farrell asked what would bring this fence into code. Mr. Elms states that they would have to reduce fence to 4 feet to meet code.

Mr. Farrell states that the applicant would have to pay an added expense to either change the fence or to add the arborvitae.

Mr. Farrell also asked how this was found by the town.

Mr. Westfall states that the code enforcer found the violation driving through the development.

Applicants state after 4 years, why is it coming to this board and violation. Mr. Westfall states that now that the town has a full-time code enforcer, more of these types of things will be found.

Mr. Jeff Riggi, the neighbor who wrote in the favorable email, spoke, and said he has been a resident since 1988 and does not feel the fence is an issue to him. He states that the applicants take exceptional care of their home and are nice neighbors.

Mr. Farrell and Mr. Elms both state that this puts the board in a tough predicament.

Ms. DaBramo asked applicant if board does not approve this variance, what they will do to meet the code requirements.

Applicants state they will hire an attorney to fight the decision if not approved.

Mr. Elms asked if any other comments.

Mr. Elms closed the public hearing.

Mr. Zimmerman made a motion to approve this variance. Mr. Farrell seconded the motion.

Board voted as follows:

Mr. Elms – NO

Mr. Fitzsimmons – NO

Mr. Zimmerman – YES

Ms. DaBramo – NO

Mr. Farrell – YES

Motion does not pass.

Motion made by Mr. Elms to adjourn the meeting, seconded by Mr. Farrell. All Approved.

Meeting adjourned at 7:40PM

Signed by Diana Corlew Harrison on February 3, 2026.