TOWN OF MOREAU
ZONING BOARD OF APPEALS
July 22, 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	Town of Moreau Building Planning & Development Coordinator
Glen Bruening	Town of Moreau Counsel

Absent:

Justin Farrell	Zoning Board Member

The meeting was called to order by Mr. Elms at 7:05 pm.

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

Old Business

Appeal No 908 Potter SUP

Applicants seek 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.

Applicant is in front of board tonight to resolve some questions and comments from appearance in June 2026.

Mr. Elms would like to get more detailed drawing or survey after reviewing the code for this. He would like to see a survey/site plan with location lines, soil samples to see if permeable, septic area and location from house, number of trees to take down, location compared to the water on property, access from main road. Mr. Elms has not had to approve a cemetery before and wants to make sure they are reviewing all information. Mr. Bruening stated that a site plan review normally requires topographical information.

Mr. Zimmerman would like to see something similar to site plan to review the location, the environmental impact, and where cemetery is to be located compared to house.

Mr. Fitsimmons asked about the family trust that is or will be set up. Applicant states that trust will be done when house is paid off and put in place before parents pass away to avoid probate. Mr. Bruening, Town Counsel, states that the trust deals with the ownership and is transferrable if sold, he also states that it stays private and the Town is not responsible.

Applicant will get as much info as needed and be in touch with Mr. Westfall in hopes to be on months agenda.

Mr. Elms made a motion to keep this appeal open. Mr. Fitzsimmons seconded motion. All approved.

New Business

Use Variance

Appeal No 911 Robinson Use Variance

Applicants seek a variance from the Zoning Board of Appeals in accordance with §149.16 for the keeping of goats in the back of property. **Zoning District:** R-2. **SBL:** 63.2-11. **Property Location:** 541 Selfridge Road**. Applicants:** Jaime Robinson**. SEQR Type:** Unlisted.

Applicants spoke on their behalf regarding this variance. They are requesting to keep 2-4 goats on the back of their property to provide animal companionship to their 3 children and the opportunity to exercise their Right to Farm in the Town. They bought the property knowing that it was a nursery and used for agricultural purposes. They have 7.5 acres and feel they have enough space to accommodate this request.

Ms. DeBramo asked if when they bought it the property was an R-2 district. Mr. Westfall stated that the property may have been agricultural in the past, but when that operation ceases, the use reverts to R-2.

Mr. Fitzsimmons asked if there was any public feedback. Mr. Westfall stated none. Applicants state neighbors are not concerned.

Ms. DeBramo states that use variances have certain requirements and one of them is that it does not meet the financial return on the property requirement.

Mr. Zimmerman stated that this board cannot make this property R-5 zone even though there are comparable properties across the street as stated by applicants.

Mr. Elms stated that in the R-2 district you cannot have animals. The zone protects people from such things as smells from the farm.

Ms. DeBramo states that she accepts the requirement for the preservation of the property and that the variance would not be detrimental to the purpose of the chapter or to property in district but still has concern about the property in question cannot yield a reasonable financial return if used for any permissible use.

Mr. Fitzsimmons asked if goats will be fenced/penned in. Applicants state that they will be in an electric moveable fence to be able to clear the most vegetation on the property.

Mr. Elms closed public hearing.

Mr. Zimmeman made a motion to approve this appeal with these conditions of a maximum of 4 goats at the back of property, there will be no resale or financial gain with no roadside stand, be kept private. Mr. Fitzsimmons seconded. All approved.

Area Variance

Appeal No 912 Besaw Area Variance

Applicant seeks a Special Use Permit from the Zoning Board of Appeals in accordance with §149.15 for relief from the side and rear yard setback requirements in relation to a shed. **Zoning District:** R-1. **SBL:** 49.60-1-28. **Property Location:** 7 Greenway Road. **Applicant:** Eric Besaw. **SEQR:** Type II.

Applicants stated that they want to build a 12x24 shed on the property but are restricted due to power lines, other sheds, fence, septic, pool, and overgrowth on property.

Mr. Zimmerman asked if the shed could be moved in any direction to reduce some of the percentages being requested. Applicant states that he can move it towards the east by the Norway Maple. Applicant states that I it could be moved 3 feet to the east then it would give you a 6-foot setback and get it down to 40%. Applicant agreed to this.

Ms. DeBramo asked if there was any public comment. Mr. Westfall stated none at this time.

Mr. Elms closed the public hearing.

Mr. Elms reviewed the zoning requirements.

Ms. DeBramo made a motion to approve this variance with the construction of the shed to the east 3 feet to allow 4-foot relief on rear of yard and 6 feet on the side yard relief. Mr. Fitzsimmons seconded. All approved.

Area Variance

Appeal No 913 Harrington Area Variance

Applicants seek a variance from the Zoning Board of Appeals in accordance with §149.19 for relief from the rear yard setback requirements in relation to an existing 12'x12' accessory structure (gazebo/pool table area) located 2 feet from the rear property line. **Zoning District:** R-3. **SBL:** 64.-2-70. **Property Location:** 189 Reynolds Road. **Applicant:** Anthony & Christina Harrington. SEQR: Type II.

Applicant spoke to this request for the existing structure claiming they did not know they needed a permit to put it up.

Mr. Zimmerman asked how structure was on or in the ground. Applicants said it was in the ground on the corners with concrete and patio blocks on the ground. It has trusses and a tin roof.

Ms. DeBramo asked how this was found by the town. Mr. Westfall stated that the current building code officer was on site for other violations and discussed this gazebo with them.

Ms. DeBramo asked Mr. Westfall if there was any public feedback from his office. Mr. Westfall stated none that was in writing but there appears to be public present regarding this variance.

Mr. Elms asked if anyone present had any comments.

Mr. Brad Nelson, 55 Burt Road, backyard neighbor of applicant, spoke of the gazebo. He said it is one foot from property line; noise levels are very high, he feels they have adequate space to move the gazebo to be in code, he also noted the only reason the applicants came to this board was after they were served with the violation.

William Gloss, 177 Reynolds Road, spoke regarding his questions as to how someone can put up a structure without a permit, he also says applicants are very noisy but are more so now since gazebo was put up.

Shelly Englert, 241 Burt Road, spoke regarding the fact that this appeal should be denied because they did not get proper permit and feel the applicants just chose not to abide by the rules made in the Town of Moreau.

John Potter, 223 Burt Road, spoke of the frequent parties at all hours of the day and night, the heightened noise levels, burnouts out of their driveway or on Reynolds Road, self-made issues they have created.

The applicants responded to these allegations with profanities to the crowd. Mr. Elms reminded them that they are to address the board and not the public. They proceeded to state that they are not the ones doing the burnouts, that this is there first house and were unaware of any building permits needed, they placed the gazebo towards the back of the property due to other things in the way, they could move it if needed but would be costly to rip out the concrete and then have to do it over again, the really do not want it placed in the middle of the yard.

Mr. Elms asked if other violations were fixed when code enforcer was there. Mr. Westfall states that code enforcer was at property for a violation of a camper being used on the property. Mr. Westfall believes that he has taken care of those violations.

Mr. Fitzsimmons asked if any photos, blueprints, site views of property of gazebo location were given with application.

Ms. DeBramo stated that she understands the part about the possibility of not knowing about permits being first time home buyers but still needs the gazebo to abide by code and keep within the limits of the zoning.

Mr. Elms asked if there was space for the gazebo to be moved. Applicants again stated it could be moved but would rather not be put in the middle of their yard and it would be costly to move.

Mr. Elms asked board members and public if any other comments or questions.

Mr. Elms closed the public hearing.

Mr. Elms reviewed the variance requirements.

Mr. Elms made a motion to deny this area variance. Mr. Fitzsimmons seconded, roll call and all in agreement to deny.

Mr. Westfall asked applicants to work with building department to move the gazebo as soon as possible.

Mr. Elms adjourned the meeting at 8:15 pm.

Prepared by Diana Corlew Harrison on August 3, 2026.