

Town of Moreau

Building, Planning and Development
Moreau Town Hall - 351 Reynolds Road
Moreau, New York 12828

Phone: 518-792-4762 – Email: BPD@TownOfMoreau.org

Memorandum

To: Supervisor Fish and Town of Moreau Councilmen - Moreau Town Board
CC: Elizabeth Bennett, Confidential Secretary; Katrina Flexon, Department Secretary – T/O Moreau; Glen Bruening, Esq.- Town Counsel.
From: Joshua Westfall AICP, Building, Planning & Development Coordinator – T/O Moreau
Date: July 18, 2024
Re: Murphy Request for Re-Zoning

For your review please find an analysis of Mr. and Mrs. Murphy's request for rezoning of their property at 532A Selfridge Road. Should you have any questions, need additional information, or have any concerns please do not hesitate to contact me in advance of the July 22, 2024 Town Board Hearing.

Past History:

Per review of materials at Town Hall a lot was split off this parcel in 2013, creating 532B Selfridge Road. The Combined area of the two-parcels totaled 9.26. The address 532A is approximately 7.82; 532B is approximately 1.44 acres. Both lots currently conform to zoning in the R2 District. **See Note in Discussion on Back.**

Required Review

This is a Town Board Action and will require the following:

- SEQR Review (Unlisted Action)
- Public Hearing (Notification of Neighbors within 500' and legal ad)
- Saratoga County Review (Falls within 500' of County lands)

R-2 Allowed Uses

- Single Family Homes (32,500 sq/ft)
- 2-Family Homes (1 acre)

R-5 Allowed Uses (5 Acres)

- Agriculture
- One-Family Dwelling

Owners Stated Intent

"The intended use of the parcel is for agricultural purposes, which aligns more appropriately with an Agricultural R-5 zoning. This change will facilitate the intended agricultural activities and ensure compliance with local zoning laws. Our intention is to relocate our 2 horses that are currently being boarded off property to 532A Selfridge Road."

Owners also gave support to the request with reference to the Comp Plan, Ag Plan, Right to Farm Law. They also stated it was consistent with the area and cited greater environmental benefits.

Discussion

Zoning Map: Parcels immediately to the south were rezoned in July 2021. This would work to extend this zoning district and is generally considered downzoning. The lot in question would be compliant with R-5 Zoning.

It should be noted that R-2 extends along the roadway so there would be a gap separating two R-2 zoning districts at the property owner's driveway.

Discussion with Applicant: The Building, Planning and Development Coordinator spoke with the applicant several times during this process and has confirmed that the owners intentions it to keep his personal horses on the property as indicated in his letter to the Town of Moreau Town Board.

Build Out: As mentioned above in the permitted uses under R-2 zoning, this could be a 2-family home under current zoning. This is the max that could be developed without reconfiguration of the lot to include a public ROW from which point it could be subdivided for several more lots depending on configuration. R-5 would not allow for additional subdivision of lands, or multiple family dwellings.

Taxes: Per discussion with the Tax Assessor a lot would have to encompass more than seven (7) acres and produce more than \$10,000 in agricultural earnings to be considered for agricultural tax benefits. As the applicant has indicated he will be boarding his personal horses, and no other uses, this would likely not be an applicable benefit for this property, but should additional uses, over that of what is indicated occur after any zoning change, this may be a benefit the property owner can get in the future.

NOTE: It should be noted that in 2011 this parcel was subdivided in accordance with the regulations of R-2 Zoning and as such the smaller subdivided lot was permitted and thereon exists a residential dwelling. Applicants who still own the parcel (inhabited by mother), will benefit from 1) R-2 Zoning permitted to subdivide, and 2) R-5 zoning, should zoning to be changed to allow agricultural uses.

July 15, 2024

Town Board of Moreau
Care of Joshua Westfall, AICP
351 Reynolds Road
Moreau, NY 12831

Re: Petition to Request Extension of Zoning
532A Selfridge Road (77.-1-27.1)

Dear Members of the Moreau Town Board,

We hope this letter finds you well. We are writing to formally request a zoning change for parcel ID number 77-1-27.1. Which is currently zoned as Residential R-2. We are seeking to have the zoning designation changed to Agricultural R-5.

The 532A Selfridge Road parcel is developed with a farmhouse style dwelling dating to the mid-1970's and was purchased in 2008 with an existing free standing 3 stall horse barn that was previously used for housing horses and other animals. The parcel is 7.82 acres and is a keyhole style lot with approximately 50 feet of frontage along Selfridge Road. In addition to the 532A parcel we also own 532B Selfridge Road, parcel ID number 77-1-27.2. This parcel is 1.44 acres for a total of 9.26 acres for both parcels.

While it is believed that at one time the property was zoned within the R-5 district, the property currently falls within two zoning districts, with the southern portion zoned R-5 (Agricultural and One-Family Residential) and the northern portion zoned R-2 (One- and Two-Family Residential). Via this petition, we are asking for the Town Board's consideration to extend the R-5 district to include the entirety of the parcel to allow the use of the property for agricultural purposes, specifically for pasture and allow the barn to be used for housing animals and as it did in the past.

The primary reasons for this request for rezoning are as follows:

1. **Agricultural Use:** The intended use of the parcel is for agricultural purposes, which aligns more appropriately with an Agricultural R-5 zoning. This change will facilitate the intended agricultural activities and ensure compliance with local zoning laws. Our intention is to relocate our 2 horses that are currently being boarded off property to 532A Selfridge Road.
2. **Community and Environmental Benefits:** Transitioning this parcel to Agricultural R-5 will support local agriculture, promote sustainability, and contribute to the rural character and economic vitality of the Moreau community. This request aligns with Chapter 68 of the Town of Moreau's Right to Farm Law which states that the general purpose and intent is to maintain and preserve the existence and operation of farms and to encourage the initiation and expansion of farms and agricultural businesses.

4. 1 A
- 3. Consistency with Surrounding Areas:** Several adjacent and nearby parcels are currently zoned for agricultural use. The area is populated by farms, large tracts of vacant wooded land and rural residential properties, which are generally situated on larger lots. The parcels located directly to the south, 516 Selfridge Road (77.-1-29) and 359 Gansevoort Road Rear (77.-1-28.5), are currently zoned R-5 and are home to 2 horses. To the southeast is Candy Cane Farms, at 320-336 Gansevoort Road (78.-1-50), a tree farm which also houses cattle and horses. East of the site, an equine boarding stable, Buck Creek Ranch and Stables, exists at 342 Gansevoort Road (78.1-91). Additional farms are located northeast including Heartland Stables at 434 Gansevoort Road, as well as farms located east and south of the property, and in the past the property itself was used to house horses.

This rezoning request is reasonable and should be considered due to the consistencies and support found in the following Town of Moreau Planning Documents:

- 1. Consistency with the Comprehensive Plan:** A plan goal outlined within the 2019 Town Comprehensive Plan includes: "Revised zoning should preserve agricultural characteristics while promoting future agricultural uses which will ensure the viability of rural lands". We are requesting to go from two-family zoning to Agricultural/ Residential Zoning, in an area unserved by sewer and water, where no plans for sewer and water connections currently exist. Further adjacent lands are zoned as R5 to the south, a zoning change made by the Moreau Town Board in 2021. An additional recommendation in the Comprehensive Plan includes the following: 2014 Moreau Farmland Protection Plan.
- 2. Consistency with the Moreau Farmland Protection Plan:** The 2014 Moreau Farmland Protection Plan includes many recommendations which would be applicable to this zoning request. Those recommendations and connections to the request are outlined below:
 - **Save agriculturally viable soil.**
The Soil at this location was mapped to be soil of medium statewide importance. This zoning request would reduce developability on this lot and as such work to promote the preservation of important state soils.
 - **A priority was outlined for parcels that were actively used for agriculture.**
The rezoning of this parcel would allow agricultural uses and put this parcel in an active agriculture category.
 - **Farm Friendly Zoning:**
The intent of this request is to downzone the parcel to a less intensive possibility of use. As such, the rezoning of this parcel will work to meet the goal as outlined in the plan by promoting farm friendly zoning, allowing the property to have agricultural uses.

We believe that this zoning change will benefit both the property in question and the broader Moreau community by fostering agricultural development and sustainability and is supported in

Town Planning Documents. We look forward to continuing to raise our children to respect our agricultural heritage and to keep with the traditions of the beautiful area in which we live.

We kindly request the Moreau Town Board to grant this zoning change. We are available to provide any additional information required to facilitate this request.

Thank you for your time and consideration. We look forward to your positive response.

Sincerely,

Benjamin T. Murphy
518-361-2608
benmurph6200@gmail.com

Leah R. Murphy
518-361-3270
bellamurph@gmail.com



532A Selfridge Road - R2 to R5



North

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project: 2024 R-5 Zoning Extension - Map Amendment				
Project Location (describe, and attach a location map): Map Amendment to Extend R-5 Zoning District North to 532 A Selfridge Road				
Brief Description of Proposed Action: Map Amendment -Extend the R-5 Zoning District north to 532A Selfridge Road. Parcel consists of 7.82 Acres. See attached letter from homeowner and memo from Building, Planning and Development Coordinator.				
Name of Applicant or Sponsor: Town of Moreau Town Board		Telephone: 518-792-4762 E-Mail: bpd@townofmoreau.org		
Address: 351 Reynolds Road				
City/PO: Moreau		State: NY	Zip Code: 12828	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

**SARATOGA COUNTY PLANNING BOARD
PLANNING AND ZONING ACTION REFERRAL FORM**

This form constitutes an official referral to the Saratoga County Planning Board under GML §239-1, -m, and -n (see page 2). Please note that failure to provide complete information may delay the County Planning Board's ability to render a decision.

Municipality: City Town Village of Moreau
 Referring Agency: Legislative Board Planning Board Zoning Board of Appeals
 Project Name: Murphy Zoning Change Project Address: 532A Selfridge Road
 Applicant Name: Ben Murphy Property Owner Name: Ben Murphy
 Parcel Size: 7.82 Tax Parcel #: 77.-1-27.1 Current Zoning District: R2
 Primary Road Frontage: 51 +/- ft Length 1,175 +/- ft

Project Description: (attach additional pages if necessary)

Applicant seeks to extend R-5 Zoning District north to include the above referenced parcel.
 Purpose: Keep horses.

Type of Action

- Area Variance Area Variance (Sign) Use Variance Site Plan Review
 Subdivision Review Special Use Permit Adoption/Amendment of Comprehensive Plan
 Adoption/Amendment of Zoning Ordinance or Local Law (Text OR Map) Moratorium PDD
 Other authorization under provision of zoning ordinance or local law (please specify) _____

Jurisdictional Determinant

- Project is located in Ag. District 1 or Ag. District 2 (please attach Ag Data Statement and Control Form) **OR**
 Location of project boundary is within 500 feet of the existing or proposed facilities:
 Municipal boundary shared with: _____
 State, County, or Interstate Road _____
 State or County Park / Recreational Facility _____
 State or County Property / Facility County Reforestation Lands
 Farm operation in a designated Ag. District (please attach Ag Data Statement and Control Form)

State Environmental Quality Review (SEQR) Review required? Not yet determined No Yes (submit EAF)

Other Involved agencies (with permitting authority): SCDPW NYSDOT NYSDOH NYSDEC
 Adirondack Park Agency Other (please specify) Town PB Review

Has Lead Agency been designated? No Yes If yes, Lead Agency Town of Moreau TB

Status of Local Approval: Preliminary Approval Issued: No Yes, Date _____

Date of Public Hearing: 8/27/2024 Date Referring Agency proposes to act on application: 8/27/2024

Check off all required supporting documents that are attached to this referral (see page 2 for requirements):

- Municipal Application Project Narrative Site Plan / Map Subdivision Plat Municipal/Advisory Review
 Environmental Assessment Form Text of Proposed Legislation Ag Data Statement Other Letter of Support
MCAP

Submitted by Name: Joshua Westfall Title: Building, Planning and Dev. Coordinator

Department or Agency: Town of Moreau Phone #: 518-792-4762

Address: 351 Reynolds Road; Moreau Email address: BPD@Townofmoreau.org

Signature:  Date: 7/24/2024

**SUBMIT COMPLETED FORM AND SUPPORTING DOCUMENTATION TO SCPBreferrals@saratogacountyny.gov OR
 MAIL TO: Saratoga County Planning Board, 50 W. High St, Ballston Spa, NY 12020. For more information, call 518-884-4705.**

July 15, 2024

Supervisor Jesse A. Fish, Jr.
Deputy Supervisor Pat Killian
Councilmembers John Donohue, Kyle Noonan and Mark Stewart
Town of Moreau
Town Hall
351 Reynolds Road
Moreau, New York 12828

Re: *Letter in Support of Request for Extension of Zoning
Lands of Murphy
532A Selfridge Road (77.-1-27.1)*

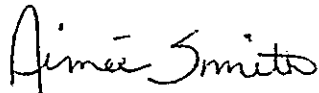
Dear Supervisor, Deputy Supervisor and Councilmembers:

I am the owner and tenant, along with my husband Paul Smith, of the property located at 516 Selfridge Road (77.1-29) in the Town of Moreau. Our property adjoins the Murphy property to the south. As indicated in the Murphy's July 15, 2024 letter to the Town Board, our property as well as several others in the neighborhood and in close proximity to the Murphy's property are used for agricultural purposes, many specific to equine use.

By this letter, we would like to share our support for the zoning extension to R-5 to include the Murphy's property. In the day and age where we see agricultural properties converted to solar farms and residential subdivisions it is nice to see that other properties are being proposed for agricultural use. Having spent 45 plus years around horses and raising them for the past 35 years I do not see limitations with the Murphy's property that would inhibit raising horses on their property.

If any additional information is needed or if you have any questions please feel free to contact me via either telephone or email.

Respectfully Submitted,



Aimee Smith
518-223-2413
gatesaimee@yahoo.com

EC: Josh Westfall, AICP Town of Moreau Zoning Administrator via email:
zoningadministrator@townofmoreau.org
Benjamin and Leah Murphy
Paul Smith