

TOWN OF MOREAU
ZONING BOARD OF APPEALS

APRIL 23, 2025

TOWN HALL MEETING ROOM, 351 REYNOLDS RD

Zoning Board Members Present

Scott Fitzsimmons	Zoning Board Member
Justin Farrell	Zoning Board Member
Ron Zimmerman	Acting Zoning Board Chairman
Joshua Westfall	Zoning Administrator
Diana Corlew-Harrison	Recording Secretary

Members Absent:

Gerhard Endal	Zoning Board Chairperson
Kevin Elms	Zoning Board Member
Lisbeth DeBramo	Alternate Zoning Board Member

The meeting was called to order by Mr. Zimmerman at 7:01 pm.

Minutes to Approve:

March 2025 - Motion made by Mr. Fitzsimmons to approve, Mr. Farrell with a second, Roll call - all in favor.

New Business: APPEAL NO. 882 (Area Variance)

Applicants seek an area variance in accordance with Chapter 149-16 (C) for setback reduction within the property's respective zoning district in relation to the addition of an accessory structure.

Zoning District: R-2. SBL: 49.15-3-22.1. Property Location: 2 Aster Court. Applicant: Dennis Heffner SEQR Type: II.

Applicant spoke of his want to replace and old shed and replace with an Amish shed, size 10x14. He will place the shed on the same area where previous shed once stood, which consists of crusher stone.

Mr. Zimmerman spoke of the code being 15' setback and applicant is seeking 6.5 to 7 feet instead.

After review of the application and appendix X with the board members, the applicant agreed to 7.5 feet setback.

Mr. Zimmerman opened public hearing asking if there were any comments.

Attendee and neighbor, Erwin Smith, spoke that he had no complaint of this shed being placed on property.

Mr. Westfall states there were no other comments.

Mr. Zimmerman closed public hearing.

Motion made by Mr. Zimmerman to approve the area variance with a 7.5-foot setback, Mr. Fitzsimmons seconded, roll call – all in favor.

New Business: APPEAL NO. 883 (Area Variance)

Applicants seek an area variance in accordance with Chapter 149-16 (C) for setback reduction within the property's respective zoning district in relation to the addition of an accessory structure.

Zoning District: R-2. SBL: 49.15-3-22.2. Property Location: 18 Primrose Avenue. Applicant: Erwin Smith SEQR Type: II.

Applicant wants to have an Amish shed 12x30 put on a current area that he used to store his camper on. He wants to move items from costly storage units he has now to this shed. Area is crushed stone. Applicant is asking to place shed 4 ft from line, where code is 15 feet.

Mr. Zimmerman opened public hearing.

Mr. Zimmerman spoke of the code being 15' setback and applicant is seeking a larger than a 50% variance that is sometimes the percentage board stays close to.

Mr. Smith states that his property in the back is on a slant and does not wish to move the entire area to meet setback being it would be expensive cost to him. Applicant states he was trying to keep on the pad area so he could step out of shed still on the pad but is willing to move the shed over to 5.5 feet and make steps instead if board would agree to that. Mr. Zimmerman asked if any public comment.

Attendee and neighbor, Dennis Heffner, has no objections. Mr. Westfall states there is no other objections.

Mr. Fitzsimmons states applicant acting in good faith by willingness to move shed and having neighbor present.

After review of the application and appendix X with the board members, the applicant agreed to 5.5 feet setback.

Mr. Zimmerman closed public hearing.

Motion made by Mr. Fitzsimmons to approve the area variance with a 5.5-foot setback reducing the difference to 63% rather than 73%, Mr. Farrell seconded, roll call – all in favor.

New Business: APPEAL NO. 884 (Area Variance)

Applicants seek an area variance in accordance with Chapter 149-16 (C) for setback reduction within the property's respective zoning district in relation to the addition of an accessory structure.

**Zoning District: R-3. SBL: 89.1-1-6.11. Property Location: 105 Modinger Way. Applicant: Michael Anuszewski
SEQR Type: II.**

Applicant wants to build a 12x20 shed and connect to his current carport now (8x20). He currently has a tent/tarp storage garage in that area now. He states he wants to connect to current drain spouts off his house and garage. He said his property slopes and does not want to put in that area due to it being wet at times with a lot of rain or runoff.

Applicant is asking to place shed 21'ft from line, where code is 40 feet.

Mr. Zimmerman opened public hearing.

Mr. Zimmerman asked if any public comment.

Applicant states that he has spoken to his neighbors. He had some feedback from the Winneys,' stating they did not like the tent garage look and thought the shed would be better option.

Mr. Fitzsimmons asked applicant if he could change the dimensions to come closer to the required setback. After reviewing the overhead view of lot, slopes of the land, both applicant and Mr. Fitzsimmons agreed that they are limited on options to place shed elsewhere.

Mr. Farrell states he is okay with the difference and it not exceeding the 50% threshold.

The board members reviewed the application and appendix X.

Mr. Zimmerman closed public hearing.

Motion made by Mr. Fitzsimmons to approve the area variance with applicant having a topper/cap applied to make area level before building the shed. Mr. Zimmerman seconded, roll call – all in favor.

Motion made to adjourn the meeting, all in favor.

Meeting adjourned at 7:45 pm

Signed by Diana Corlew-Harrison 4/25/2025.