

TOWN OF MOREAU
ZONING BOARD OF APPEALS

MARCH 26, 2025

TOWN HALL MEETING ROOM, 351 REYNOLDS RD

Planning Board Members Present

Gerhard Endal	Zoning Board Chairperson
Kevin Elms	Zoning Board Member
Scott Fitzsimmons	Zoning Board Member
Justin Farrell	Zoning Board Member
Ron Zimmerman	Zoning Board Member
Lisbeth DeBramo	Alternate Zoning Board Member
Joshua Westfall	Zoning Administrator
Diana Corlew-Harrison	Recording Secretary

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

Minutes to Approve: **Motion made by Mr. Endal to approve February 2025 minutes with no changes, seconded by Mr. Elms, all approved.**

Old Business: APPEAL NO. 878 (Special Use Permit) Hudson Heights Expansion

In accordance with Chapter 90 and Chapter 149 of the Town of Moreau Town Code, the applicant seeks a Special Use Permit for the addition of eight (8) manufactured housing units at Hudson Heights Manufactured Home Park. Use permitted by Special Use Permit to allow up to a 50% expansion of a preexisting, non-conforming use.

Zoning District: C1. SBL: 63.1-1-12. Property Location: 1613 – 1617 Route 9. Applicant: Hudson Heights LLC. SEQR Type: II.

Applicants architect, Collin Fuller was present to answer questions on this project. He noted that the Planning Board had made a favorable recommendation for this project. Mr. Westfall stated that there was still an outstanding question with the Fire Department and the turnaround area needed. DPW had approved the new revised hammerhead turnaround but had not heard back from Fire Department at time of meeting. Mr. Endal stated that the other questions that Zoning Board were addressed at the Planning Board meeting.

Mr. Endal asked if any other public comments had been made or if any audience had comments. Mr. Westfall stated none received. Public hearing closed.

Motion made by Mr. Elms to approve this request for Special Use Permit with the condition of approval of turnaround by the Fire Department. Seconded by Mr. Zimmerman. Roll call – all approved.

New Business:

Appeal No. 879 Dickinson Area Variance

Applicant seeks an Area Variance in accordance with 149-19 © for lot area reduction within the properties respective zoning district. **Zoning District:** R-5. **SBL:** 77.1-116. **Property Location** 23-31 Sweet Road. **Applicant:** Michael Dickinson. **SEQR:** Type II.

Mr. William Nickas, attorney for applicant, spoke of the variance request. He noted that zoning in that area changed in 1989. There are 72% of the lots in the development below the 5-acre requirement. 4 of the 5 lots surrounding this lot are well below the 5-acre requirement. Mr. Elms states that you need 250-foot road frontage, and these lots would only have 100 feet. He also states that this code was implemented by the town for a reason and as a board we must abide by the code unless you were to meet the variance requirements.

Mr. Nikas asked if this would have to go before the Planning Board for review? Mr. Westfall stated that it could with conditions put forth by the Planning Board.

Mr. Farrell stated that he drove in the development today and states most of the lots are not 5 acres. He feels that these two lots would fit in with the houses and lot sizes that are currently there and does not agree with the neighbors' objections with the variance. Mr. Zimmerman objects to the variance due to the >50% reduction of site and does not feel it meets the financial hardship noted on application.

Mr. Endal asked if any public comments. Mr. Westfall notes there were several emails sent in, and most people are in attendance. Neighbors in development spoke on this regard. Mr. Todd Loftus states his home is 30 feet above road level due to the water table. These lots are very wet and is concerned with where the water will go, into his home.

Mr. Mike Pugh spoke, he lives across the street and states his home was built two feet above road level. He has a dry well on his lot and he says it is a "fire hose" most of the time due to water level. He also is concerned with where all the water goes when applicant starts building and putting in all the fill that would be needed on that site. He also states that he is a real estate agent and cannot understand why applicant feels this is a financial hardship. He bought property in December 2024 for \$100k, which is a fair price in the Town of Moreau for a 5-acre lot. He feels that if the Town would have allowed the less than 5-acre requirement, that he or other neighbors in development would have considered buying the property. Mr. Roger Dillon states that the lot is always wet, has standing water and at times they have had to put in mosquito pellets. He feels it should be deemed wetlands. Ms. Noreen Dove objects to the variance due to the >50% reduction. She states it is a dead-end street; they do not need more traffic from 2 new houses, concerned with drainage issues. Has seen water increased from the clearing of trees and vegetation from the Christmas tree farm at the end of the street.

After review with his client, Mr. Nikas has withdrawn the appeal based on good faith and the neighbors' concerns being that Mr. Dickinson will be building his own home on the 5-acre site in the future.

Appeal No. 881 Greenough Area Variance

Applicants seek are variance in accordance with 14921 (C) for front yard setback reduction within the property's respective zoning district in relation to the addition of a drive thru at the existing business. Applicants will also be subject to Site Plan Review by the Planning Board should this relief be granted by the ZBA. **Zoning District:** C1. **SBL:** 49.44-1-9.1.

Property Location: 1720 Route 9. **Applicant:** Mike Greenough. **SEQR:** Type II.

Applicants spoke of their desire to add a drive thru at their business Mr. Bills. They will be adding a 12x12 addition to the front of the building, under the new canopy they put up to replace the tables with umbrellas. With this addition the building would now be 42 ½ feet from the road which is why they are asking for the 7 ½ feet area variance. Ms. Greenough states they will be selling only drinks and ice cream from the drive thru. They will be losing 8-10 parking spots on the south side of building to allow lane for drive-thru.

Mr. Elms concerned with traffic and pedestrian traffic. The lane for drive thru will require people parking in farthest south lot to have to cross this lane. Also concerned with the playground area and children due to the ordering and pickup lanes will continue around the end and northside of the building passing the playground area.

Mr. Zimmerman asked about septic, leach field areas will be disturbed or not. Applicants states that is all under playground and they are not moving that. Notation of the leach field needs to be added to maps.

Mr. Farrell asked if any public comments and Mr. Westfall states he has not had any to date.

Mr. Endal asked if any other comments, none made, closed public hearing.

Motion made by Mr. Fitzsimmons to approve the area variance for the 7 ½ feet relief set back needed, Mr. Zimmerman seconded, roll call – all approved.

Appeal 880 Adirondack Equestrian Assisted Therapy SUP

Applicant seeks Special Use Permit Approval for expansion of existing horse-related professional office on an existing horse farm in accordance with 149-19 (B). **Zoning District:** R5. **SBL:** 64.-2-106.1. **Property Location:** 46 Reynolds Rd.

Applicant: ADK Assisted Psychotherapy. **SEQR:** Type II.

Ms. Shannon Brock spoke regarding the project. She states that they provide outpatient mental health therapy with the help of the horses on site. They employ licensed social workers, 4 therapists on site, 5 more that work remotely. They serve all of NY State and have 8-12 appointments per day. Applicant would like to add the office space so that they can meet with and have assessments with clients in the office before moving outside with the horses.

Mr. Westfall noted that Mr. Hooper is going through ZB and PB for a cluster subdivision approval on the same site.

Applicant states that they want to keep the horse farm, subdivision, and therapy business all together to support each other's businesses.

Mr. Endal states that this is particularly important service in the area.

Mr. Fitzsimmons states that in his line of work, it is surely needed as mental health is a huge need.

Mr. Westfall states that wastewater disposal needs to be added to maps. Mr. Hooper will have this added.

Mr. Endal reviewed the standards and conditions of the SUP with the Board and applicant.

Motion made by Mr. Zimmerman to approve Appeal 880. Seconded by Mr. Fitzsimmons, roll call – all approved.

Motion made by Mr. Endal to close meeting, Mr. Elms seconded.

Meeting adjourned at 8:15pm.

Signed by Diana Corlew-Harrison 3/28/25.