

A public hearing was held by the Town Board of the Town of Moreau on May 10, 2022 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York, for the purpose of hearing public comment on Local Law 4 of 2022 (Zoning Map Amendment).

The Supervisor welcomed everyone to the Public Hearing at 6:45 p.m.

Town Board Members Present

Mark Stewart	Councilmember
Kyle Noonan	Councilmember
Alan VanTassel	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

Town Board Members Absent

John Donohue, Jr. Councilmember

Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Ellen Buttles, Deputy Town Clerk; Town Residents: Sue Peters, Jen Atchinson, Stew Leonard, Melissa Chester, Ken Chester, Andrew Dirga, Kate Runkel, Collin Runkel, Sue & Larry Hall, Beverly LaMarche, Gabrielle LeRoy, Vicki & Ty Hall and Frank Stewart

Attorney Buettner gave a brief overview of the Local Law, which if adopted, would take the mix use parcels and put them into one zone. The purpose in Mr. Hall doing this, is so that he can proceed with his PUD application, which is before the Planning Board. In order to do that, he has to take the properties out of the R-1 District, and they have to become a Commercial District. Attorney Buettner stated that the parcels included in the zoning amendment are in split zones and this Local Law would clean up the zoning. Attorney Buettner stated that the Town Board would not vote on the Local Law after the public hearing this evening because it has to go before the County Planning Board first. She stated that they meet next Thursday. The Town Board can't act on this until the County Planning Board makes a determination.

The Supervisor stated that the property owner filed a request with the Town Board and the Town Board is required by law to hold a public hearing. After input is received, the Town Board has the authority to either act on it or not act on it.

The Supervisor stated, that by resolution, those who wished to be heard would have 5 minutes to address the Town Board. He asked that those speaking, state their name and address for the record.

The Town Clerk read the following public hearing notice aloud, which was published in the Post Star Newspaper as a legal ad on April 30, 2022:

**TOWN OF MOREAU
NOTICE OF PUBLIC HEARING
TO CONSIDER ADOPTION OF LOCAL LAW**

NOTICE IS HEREBY GIVEN pursuant to Section 20 of the Municipal Home Rule Law of the State of New York that a public hearing will be held by the Town Board of the Town of Moreau on May 10, 2022 at 6:45 p.m. at the Town Municipal Complex, located at 351 Reynolds Road, Moreau, New York for the purpose of considering the adoption of Local Law No. 4 of 2022. If adopted, Local Law No. 4 of 2022 would amend the Official Zoning Map of the Town of Moreau by extending the C-3 district to include the entirety of tax map parcels 49.60-1-39.2, 49.60-1-38, 49.60-1-37, 49.60-1-44.1 and 49.68-1-9. Written comments on Local Law No. 4 of 2022 can be submitted to the Town Clerk up and through the time of the public hearing. A copy of proposed Local Law No. 4 of 2022 can be obtained at the Moreau Town Municipal Complex and on the Town's website.

Leeann M. McCabe
Town Clerk

Published: April 30, 2022

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The Supervisor stated that he had email correspondence from Collin Runkel, which would be included in the record.

The first person to speak was Stew Leonard of 1678 Route 9. Mr. Leonard stated that his house was across the street from the Jacobie Road intersection with Route 9. He stated that he's lived at this location since 2004 and has made a number of improvements. He was concerned with property values going down. When he purchased the house, it was zoned residential and he sees no reason for it to change. He stated that the Town has a business park that is totally underutilized. He stated that he was opposed to allowing Jack Hall Plumbing's request. He stated that he's living with the eyesore of the flag and the light at 2:30 in the morning. In closing, Mr. Leonard stated that he would like to keep this as a residential area.

Ken Chester of 1662 Route 9 addressed the Town Board. He had a prepared statement, which was given to the Town Clerk. He requested that the zoning change be denied. The entire statement can be viewed as an attachment to the prepared minutes.

The Supervisor asked if anyone else wished to be heard. There were no other members of the public who wished to be heard at that time. The Supervisor stated that they would leave the public hearing open until at least 7:00 p.m. in case anyone else wished to be heard.

Being no further comments from the public, the public hearing ended at 7:00 p.m. The Supervisor stated that they wouldn't close the public hearing until they hear back from the County Planning Board. He also stated that written comments could be submitted up until the time that the public hearing is closed.

Respectfully submitted,



Leeann McCabe
Town Clerk

Dear Town of Moreau Officials,

The purpose of this email is to express enormous opposition to Local Law 4 of 2022. This law is for rezoning of the C-3 properties that Tyrone Hall and his business own along Route 9 in Moreau. I will also be attending the meeting on this tonight.

There are numerous reasons why this should NOT be allowed.

- 1) Surrounding home values will plummet. Nobody will want to live near a business with trucks going in and out all the time. The area is otherwise quiet and nice.
- 2) The traffic on Route 9 will be atrocious with trucks slowing down to turn.
- 3) This would set a precedent for other areas to be rezoned, further impacting residential neighborhoods.

I reside in the neighborhood of Woodlawn Ave. I chose that area because it was quiet and not in an area that has commercial properties, all great qualities for starting a family. Those that live in the surrounding area are against this as well.

It's clear that Ty Hall has had this planned from the start. Since moving in 2018 I have witnessed the progression towards his goal. Plots 49.68-1-6, 49.60-1-46, 49.60-1-44.1, and 49.60-1-37 were overgrown and largely a wooded area. His first move was to clear cut this area in preparation. Then he built his large house at plot 49.59-2-23.1. Dane Hall bought one of the new construction homes in 2019 at 4 Jacobie Rd. The point I'm trying to make is that Ty Hall is making a complex that will take up the entirety between Maplewood ave and Route 9. All with the knowledge the area is not zoned correctly.

Ty Hall has many other locations as options to continue expansion of his business. I've heard there are several vacancies in the Moreau Industrial Park, that way the tax money stays with the town. He could put it further down Route 9 towards Exit 17 where there is plenty of room. Other options include a commercial plot available right next to Hannaford and a much larger plot right across the street from the Mazda dealership in Queensbury.

Ruining established residential neighborhoods with rezoning and new businesses is not the way to go. I'm not against his want/need for expansion. Just do it somewhere else. Businesses belong near other businesses, not in the heart of a community.

My hope is that all of you understand this will impact a lot of people and oppose this. Ty Hall and his business are quite successful and I'm sure he will find what he needs elsewhere. Thank you for your time, I do appreciate it.

Sincerely,
Collin Runkel

Good evening,

My name is Ken Chester and I live at 1662 Route 9.

We are here tonight to respectfully request that the proposed zone change for the Ty Hall project be denied. We the neighbors feel that this change would benefit the single owner and not the general welfare of the surrounding community. As you know there are several requirements listed in the NY State zoning laws to take into consideration when it comes to a zoning change. One of the most important reasons listed over and over again is that the request will not alter the essential character of the neighborhood. A commercial zoning change would cause a substantial negative impact to the character of our neighborhood and a detriment to the surrounding properties. The majority of structures are all single family residences and it should be strictly reinforced and preserved.

Another reason for a town to consider a zoning change under the NY State zoning law is unnecessary hardship. This land was purchased by the applicant with the full knowledge of the zoning requirements for the area and a hardship cannot be claimed. Any hardship claim here would be "self created" and NY State acknowledges this rule and it is codified in the statutes. The landowner could easily build residential homes which zoning currently allows or gain a reasonable return from selling the property for residential homes.

Another consideration is traffic patterns. If this area is zoned commercial that would allow for tractor trailer deliveries on a regular basis. The trucks will be blocking traffic to make the turn in and out of this property which is also located right next to Merritt Road which happens to be the entrance to our high school.

The truth of the matter is that Moreau has plenty of areas to support this type of commercial development. The town has been struggling to find commercial occupants for the industrial park off of Bluebird Road and this would be an ideal location for this type of safe development. If a more visible area is required than the exit 17 commercial corridor would also be a suitable location.

The current zoning laws were put in place to protect our homes from this type of development. What is the purpose of having zoning laws in place if they are only to be changed? Most of us purchased our homes many...many years ago and if this change is allowed, it will decrease the value of our homes or make it very hard to sell if and when we decide to do so. As our elected official's we ask that you consider the many and not the individual. Thank you

Good evening,

I attended tonight's meeting, regarding the Jack Hall proposal, to change the zoning from residential to commercial. I had no idea about any of the proposals in question. I had heard from a neighbor that there was a possibility of Ty Hall building a 25,000 square foot building, but still don't know much about it. I had the opportunity to speak, but was completely unprepared as I had no idea even what we were talking about, so declined.

My husband and I live at 4 Greenway Road, just two houses in from Saratoga Road, across from Ty Hall's property. We are both opposed to changing that area to commercial for a few reasons. This part of the town is just far enough out of the village to give it a nice, residential neighborhood feeling. Putting a 25,000 square foot building there would ruin that feeling as well as drive the value of our house, as well as our neighbors, down.

As you are aware, we have a school nearby and many of the students that attend there, walk to school. Now those students would be subjected to more traffic, with bigger trucks and delivery trucks in the area. The traffic just before school starts and when school ends, is very heavy as it is, to increase that in this area is definitely not a desirable outcome.

Every time we leave our house, we'd have to look at a 30 foot high building, surrounded by asphalt, along with the lighting that would come with having a building of that magnitude. The increased emissions from all of the proposed equipment and vehicles would also greatly impact the quality of air in our neighborhood which would in turn, affect our enjoyment of our yard.

Thank you for your time and consideration. We hope you take all of ours and our neighbors concerns seriously and put yourself in our shoes. What if this was to be put across from you and your family? Thanks again.

Sincerely,

Jennifer Atchinson

Supervisor Kusnierz,

I am writing you today to express my sincere desire that the board rejects the request of Mr. Hall for the change in zoning for his properties on Route 9 to full commercial. My residence is directly across from the barn and flag and pole.

Since the purchase of the parcels by Mr. Hall, the quality of life has been negatively impacted on the people of the immediate area. He uses the area that faces the front of my house for the purpose of selling items such as used company vehicles or vehicle parts and has also placed scrap wood from packing crates along Route 9 with handwritten signs "Free Wood". With the installation of the flag and flagpole came a 5,000 lumen light installed on top of a pole that shined directly at the front of my house. Even with my curtains closed and no lights on inside my house, I could read a magazine in my living room. (He attempted to barter with one of my neighbors for her support of him building a warehouse on his property, if he changed the light. He was told that there would be no bartering for him to do the right thing.) I no longer open any curtains facing Route 9 due to the actions of this one land owner.

Allowing him to change a larger chunk of the town to full commercial would potentially impact the lives of anyone living near any vacant parcels. This town is primarily

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agricultural and should remain so. His request is in his interest only, not the residents of the area.

Please do not allow this requested zoning change. The owner knew it was not zoned for commercial business use when he purchased it. The impact to the surrounding area is to great when you consider the traffic and the proximity to South Glens Falls High School and neighborhoods.

Thank you.

Sue Peters
1672 Route 9
So. Glens Falls, NY 12803