

TOWN OF MOREAU
NEW YORK
351 REYNOLDS ROAD • MOREAU, NY

RECEIVED

FEB 10 2025

TOWN OF MOREAU
BUILDING DEPARTMENT

APPLICATION FOR AREA VARIANCE

FILE COPY

FOR INTERNAL USE ONLY	
APPLICANT: _____	APPEAL #: _____
_____	ZONING DISTRICT: _____
_____	DATE SUBMITTED: _____
	DATE ACCEPTED: _____
	HEARING DATE: _____
<input type="checkbox"/> SEQR Type 1 <input type="checkbox"/> SEQR Type 2 <input type="checkbox"/> Unlisted	

APPLICANT INFORMATION:

1. Applicant(s): Michael Dickinson
Street Address: _____
City, State, Zip: Gansevoort NY 12831
Telephone #: _____ Fax #: _____
E-mail Address: _____
2. Agent: William Nikas
Street Address: 116 Oak St.
City, State, Zip: Hudson Falls NY 12839
Telephone #: 518-747-4169 Fax #: 518-747-8459
E-mail Address: nikaslawfirm@gmail.com
3. Owner: Michael Dickinson
Street Address: (see above)
City, State, Zip: _____
Telephone #: _____ Fax #: _____
E-mail Address: _____

RELATIONSHIP TO THE PROPERTY:

OWNER: Yes No

LESSEE: Yes No

AGENT: Yes No

If an agent, please attach an Agent Authorization Form.

TOWN OF MOREAU
NEW YORK
351 REYNOLDS ROAD • MOREAU NY

GENERAL PROJECT INFORMATION:

ADDRESS: 23-31 Sweet Rd TAX MAP #: 77-1-116
 CURRENT USE: Vacant ZONING DISTRICT: R-5
 LENGTH OF TIME OF USE: 3 months PROPOSED USE: Single Family residential
 RELIEF SOUGHT: area variance

AREA VARIANCE REQUEST:

	Required Dimension	Proposed Dimension	Difference	%
Front Yard Setback	_____	_____	_____	_____
Side Yard Setback	_____	_____	_____	_____
Rear Yard Setback	_____	_____	_____	_____
Lot Area	<u>5 acre</u>	<u>2.5 acre</u>	<u>2.5 acre</u>	<u>50%</u>

GENERAL DESCRIPTION OF THE ACTION FOR WHICH AN AREA VARIANCE IS SOUGHT:

Request for area variance to subdivide a five acre parcel into two lots of 2.5 acres each, with 234.8' frontage each

CRITERIA: An area variance may be granted only in the event that **ALL five (5)** of the circumstances listed in § 179-59A are specifically found to exist by the Zoning Board of Appeals and are each so stated in the findings.

- (1) That the strict application of said dimensional requirements would result in a specified practical difficulty to the applicant.
- (2) How substantial the requested variance is in relation to the requirements.
- (3) That the difficulty cannot be alleviated by some practical method feasible for the applicant to pursue.
- (4) That there will be no substantial change in the character of the neighborhood or a detriment to the adjoining properties.

TOWN OF MOREAU
NEW YORK
351 REYNOLDS ROAD • MOREAU, NY

(5) That the variance would not be materially detrimental to the purpose of this chapter or to property in the district in which the property is located or otherwise conflict with the description or purpose of the district or the objectives of any plan or policy of the town and that the variance requested is the minimum variance which would alleviate the specific practical difficulty found by the Zoning Board of Appeals to affect the applicant.

Please describe how your circumstance meets ALL five (5) criteria (please attach additional pages as necessary):

See addendum annexed hereto

CHECKLIST OF VARIANCE APPLICATION COMPLETENESS:

As per §149-57 of the Zoning Chapter of the Town Code, the following information shall be supplied by the applicant with any variance application:

Please complete the checklist of required application elements:

1. Map of the property with a scaled site plan and/or elevations necessary to show the proposed project for which the variance is sought.
2. Complete narrative response addressing each of the criteria as specified in this application.
3. Financial documentation demonstrating the reasonableness of financial return on the property.
4. Completed and signed Part 1 of the appropriate Environmental Assessment Form. Paper copies are available at the Building Department in Town Hall or electronically at <https://www.dec.ny.gov/permits/6191.html>.
5. Additional information requested by the Zoning Board of Appeals.

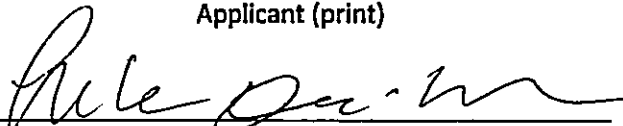
Please return the original application, with all four pages intact, along with ten (10) paper copies and an electronic copy, including required information and documentation. The electronic copy may be submitted on a flash drive or emailed to biclerk@townofmoreau.org.

NOTE: The application will not be scheduled on the Zoning Board of Appeals agenda until all paper and electronic copies have been received by the Town Building Department.

Also note that the information to be provided is not limited to the space on this form. If additional space is needed, please use separate sheets and indicate the enclosure number or page number for the attached sheets in the related space provided on this application.

Signature

Michael Dickinson
Applicant (print)


Applicant (sign)

1-31-25
Date

ADDENDUM to application for area variance to describe the five criteria in support of the application to allow subdivision of a five acre residential parcel into two residential parcels of 2.5 acres each with frontages of 234.8 feet.

1. Practical difficulty to the applicant:

The basis of the practical difficulty to the applicant is essentially financial. That is, the applicant's original plan of building one house on the five (5) acre lot has become economically infeasible due to current market conditions presenting substantial increases in labor and material costs. By allowing the applicant to build a second home for resale would assist the applicant in the construction of his own residence on a smaller lot.

2. How substantial the requested variance is in relation to the requirements:

The code requirement of five (5) acres would be reduced by 50% to result in two lots of 2.5 acres each. The frontage requirement would be reduced by 7%.

3. The difficulty cannot be alleviated by some practical method feasible for the applicant to pursue.

There is no other practical method that would be economically feasible for the applicant to pursue in view of the deteriorating market conditions that exist.

4. There will be no substantial change in the character of the neighborhood or a detriment to the adjoining properties.

As will be set forth in more detail in paragraph 5, the placement of two single family residences on lots of 2.5 acres each would present no substantial change to the existing character of the neighborhood or be a detriment to the adjoining properties since the vast majority of the adjoining properties in the neighborhood are currently less than 5 acres in size.

5. The variance would not be materially detrimental to the purpose of the Moreau Code or to property in the district in which the property is located or otherwise conflict with the description or purpose of the district or the objectives of any plan or policy of the town, and, the variance requested is the minimum variance which would alleviate the practical difficulty.

The requested variance of allowing 2 lots of 2.5 acres each would not be materially detrimental to the purpose of the Moreau Code or to the property in the subject Sweet Road area for the reason that the applicant's proposal creates 2 residential lots which present greater acreage per lot as well as frontage compliance superior to the lot acreage and frontages of the vast majority of the other lots on Sweet Road. In this regard, the applicant has attached hereto a list of the 18 other lots on Sweet Road, setting forth the acreage and frontage of each of said lots. Please consider the following:

(a) On the North side of Sweet Road, there are 11 lots, only one of which meets the 5 acre code requirement, and, only 3 of which meet the 250 foot frontage requirement.

(b) On the South side of Sweet Road, there are 7 lots, only 4 of which meet the 5 acre requirement and only 4 of which meet the 250 frontage requirement.

(c) When evaluating the entire 18 lots on Sweet Road where your applicant's parcel is located, only 5 of the 18 lots (i.e. less than 30%) meet the 5 acre code requirement, and, only 7 lots (i.e. less than 40%) meet the 250 foot frontage requirement.

Based upon the current situation on Sweet Road, your applicant believes that a variance allowing two 2.5 acre residential lots with frontages of 234.8 feet would not represent a material detriment to this particular area or the overall purpose of the Moreau Code.



MICHAEL DICKINSON

I. North Side of Sweet Road

<u>Owner</u>	<u>Sweet Rd #</u>	<u>Tax Map # 77-1-</u>	<u>Frontage</u>	<u>Acres</u>
Bernholz	11	34	184'	.35
Davis	13	35	100'	.45
Dove	15	36	150'	.94
Loftus	17	88	299'	2.29
Morrissey	37	117	412'	3.00
Barody	45	40	158'	.99
Ripley	47-49	43.2	200'	4.87
Jackson	55	41	158'	.99
Jackson	57-59	42.2	164'	4.00
Moreau Horseshoe Club, Inc.	63-65	42.13	200'	2.00
Rosati	67-71	42.112	250'	5.00

II. South Side of Sweet Road

Randall	12	45	201'	1.00
Baker	24	50.22	166'	1.20
Pugh	26	50.21	554'	5.91
Dillon	28	44	152'	.75
Hunt	34	43.11	330'	5.87
Morrissey	36.42	43.12	460'	10.62
Jackson	44	43.13	500'	10.69

TOTAL LOTS: 18

TOTAL LOTS MEETING 5 acres lot size: 5 (28%)

TOTAL LOTS MEETING 250' frontage: 7 (39%)



H (C) Search

077/12

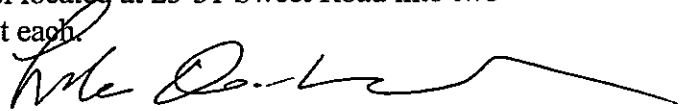
894
003
1-32A(C)

Town of Moreau Zoning Board of Appeals

Authorization of Agent

The undersigned, Michael Dickinson, hereby authorizes William Nikas to appear on my behalf with respect to my application for an area variance. The subject application involves my request for permission to subdivide a five (5) acre parcel located at 23-31 Sweet Road into two (2) parcels of 2.5 acres each with frontages of 234.8 feet each.

DATED: January 31, 2025



MICHAEL DICKINSON