

A meeting of the Zoning Board for the Town of Moreau, Saratoga County, State of New York was held at the Moreau Town Hall 351 Reynolds Road, Moreau, NY 12828 on the 28th day of February 2024 at 7:00 pm

**Town of Moreau  
Zoning Board of Appeals Agenda  
February 28, 2024 7:00 PM  
Town Hall Meeting Room, 351 Reynolds Rd**

**Zoning Board Members Present:**

Member Gerhard Endal	Zoning Board Chairperson
Member Scott Fitzsimmons	Zoning Board Member
Member Justin Farrell	Zoning Board Member
Member Ron Zimmerman	Zoning Board Member

**Also present:**

Jim Martin	Zoning Board Administrator
Ann Purdue	Applicant Appeal No. 858
Roy Sweet	Applicant Appeal No. 860

The meeting was called to order at 7:00 pm by Chairperson Endal

**CHAIRPERSON ENDAL:** We have old business from November 22, 2023. Appeal No. 858. This was a public meeting not a public hearing.

**APPEAL NO. 858**

Appeal from Determination of the Zoning Administrator  
Pursuant to Town Code Section 149-78

**MRS. PURDUE:** (Submitted the following correspondence): “As you know, I filed my appeal at Mr. Martin’s suggestion.

- He had said that he would not otherwise discuss his opinion regarding the Town Code requirement that actual construction commence within one year of final site plan approval.
- At the same time, the Town Attorney had advised Planning Board members that they should not discuss Saratoga Biochar—the subject of Mr. Martin’s opinion.
- As a result, there has been no discussion of Mr. Martin’s opinion at the Planning Board.
- To date, there have been no clarifications on how or when, if ever, the construction requirements of the Town Code applies.

Since the filing of this appeal, Mr. Martin has raised objections to my standing and the timeliness of this appeal. Obviously, those issues would avoid substantive discussion.

- I believe that, if you refer to the NYS Department of State guidance on ZBAs, you find that you have more latitude on standing and timeliness of appeals than you might think.
- But I am not here to debate those issues

I am withdrawing my appeal for a number of other reasons.

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I still believe that the interpretation of the Town Code offered by Mr. Martin is incorrect.

I don't believe that, as Zoning Administrator, he is empowered to rewrite the Code or to sidestep the Planning Board in his interpretation of the Code. The law is what it is.

Mr. Martin's opinion is simply that and not subject to Zoning Board review. I don't believe that the Zoning Board was meant to resolve disputes between the Zoning Administrator and the Planning Board members.

So, I don't believe that this is the appropriate forum or time for resolving this matter. I remain hopeful that the issue will be resolved through the Planning Board.

I withdrew my appeal. Thank you for your time. If you have any questions, I'd be happy to answer.

**CHAIRPERSON ENDAL:** You have the right to be heard. **APPEAL NO. 858 withdrawn.**

## NEW BUSINESS

### **APPEAL NO. 860**

Application for Area Variance

1. Applicant Name: Jeff Otruba  
Applicant Agent: Roy Sweet  
Application Type: Area Variance  
Public Hearing Scheduled: No  
Location of Proposed Project: 73 Bluebird Road  
Tax Map No: 50.62-2-24.1  
Zoning District: R-1  
SEQR Type:

Applicant is seeking an area variance in accordance with §179-59A. Applicant is seeking a two-lot subdivision which would result in two undersized building lots of 45 (+/-) acres (19,500 (+/-) sq. ft. The R-1 District was increased from 15,000 to 22,500 sq ft in June of 2022. Therefore, a two-lot subdivision created two lots of equal size (19,600 sq. ft.) would not meet the revised minimum lot size requirement.

**MR. SWEET:** My name is Roy Sweet. Aside from my time in the Marine Corps, I am a lifelong resident of the Town of Moreau. I am a professional framing contractor and built 200 homes in this town, hired by building contractors that have developed this town as a specialized framing professional.

**CHAIRPERSON ENDAL:** You are the agent for the owner?

**MR. SWEET:** I am the agent.

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**SPEAKER 1:** What happened in June 2022, was that the minimum area of lots were in the 15,000 sq. ft. range. Now they are in the 15,000 to 18,000 sq ft range. We saw a fair amount of variances that are resulting from that very small lot. It wasn't just a matter of accommodating infrastructure, you didn't need to have a well, you didn't need to have separation distance. What we've seen over the course of time, the applications have increased over the years more and more needs placed on sheds, for larger areas for recreational vehicles, larger garages, pools, etc. So we had to bump up the lot size.

**MR. ZIMMERMAN:** I expect homes to be equal in size to the neighborhood and stay in character with the neighborhood.

**CHAIRPERSON ENDAL:** This triangular lot is less buildable than the square lot is. We can't prevent future boards from making a variance.

**MR. SWEET:** You can expect to see that this will be very ordinary in terms of the neighborhood. The lot has been dormant for several years. We are not going to be proposing anything that will require any additional variance. It will be a small house, not out of character with what is already here.

**SPEAKER 2:** There was a discrepancy between the overview of summary and what is here.

**MR. SWEET:** This is just a proposal at this point, if this variance is approved then we can make it exactly even for each lot as determined by the surveyor.

**SPEAKER 3:** Is Mr. Otruba the owner of lot 1?

**MR. SWEET:** He is the owner of lot 1, as well as lot 2. He bought the entire property back in 2000 and I believe he broke the first one up in 2004. He owns the lot next door to where his house was. The zoning is compliant. We did have a publicly advertised public hearing.

**CHAIRPERSON ENDAL:** Shall we close the public hearing and move on to approve this area variance by approximately 14%? I do think it is reasonable to set conditions in that there will be no appeals or variance setbacks to keep in character with the area.

**CHAIRMAN ENDAL:** Motion to approve appeal?

**Mr. FARRELL** Yes.

**Mr. ZIMMERMAN** Yes

**Mr. FITZSIMMONS** Yes

**CHAIRPERSON ENDAL** Yes

**CHAIRMAN ENDAL:** Motion to adjourn? Motion approved.

The meeting was adjourned at 7:24 p.m.  
Respectfully Submitted,

Debbie Hadden, Secretary  
(6/10/2024)