

**TOWN OF MOREAU
ZONING BOARD OF APPEALS
MAY 22, 2024
TOWN HALL MEETING ROOM, 351 REYNOLDS RD**

Planning Board Members Present

Kevin Elms	Zoning Board Acting Chairperson
Justin Farrell	Zoning Board Member
Ron Zimmerman	Zoning Board Member
Scott Fitzsimmons	Zoning Board Member

Also Present:

Joshua Westfall	Zoning Administrator
Debbie Hadden	Recording Secretary
Thomas McGreevey	Applicant Appeal No 861
Erik Ayers	Applicant Appeal No 864
Steven Arnold	Applicant Appeal No 865

The meeting was called to order by **CHAIRPERSON ELMS** at 7:07 pm.

APPEAL NO. 861

Application for Area Variance

1. Applicant Name: Thomas and Virginia McGreevey
Applicant Agent: None
Application Type: Area Variance
Public Hearing Scheduled: Yes – Wednesday May 22, 2024 at 7:10 pm
Location of Proposed Project: 1492 West River Road
Tax Map No. 78.-1-63.2
Zoning District: R-5
SEQR Type: Type II

Applicant seeks an area variance in accordance with §149-50 (Hudson River Shoreline Setback) related to the proposed construction of a 12' x 20' accessory structure (garage). Specifically, the applicant seeks to construct said accessory structure 85' feet from the shoreline. 100' required. 15' of relief requested.

CHAIRPERSON ELMS: Please give us an idea of what brought you here.

MR. FITZSIMMONS: What were the original dimensions?

MR. MCGREEVEY: Initially, a variance was for the road, which you granted in March. I didn't look at the river that much. When I went to apply for actual variance, I was told that it was too close to the river. It was 40' to road and 85' to the river. The river was too close when the permit was issued originally. The front of the house is where I got the variance, but the back is where I will build it. I wish to build a garage in line with the house, not connected to the house.

MR. MCGREEVEY: 15' closer was approved in March by the Zoning Board.

CHAIRPERSON ELMS: If there is no further discussion, we can make a motion to close the public hearing.

MR. FITZSIMMONS: I make a motion to approve Appeal 861.

MR. FARRELL: Seconded

CHAIRPERSON ELMS Roll call for a vote

Roll call results as follows:

MR. FITZSIMMONS	YES
MR. ZIMMERMAN	YES
MR. FARRELL	YES
CHAIRPERSON ELMS	YES

4 in the affirmative, motion carries.

A motion was made by MR. FITZSIMMONS and seconded by MR. FARRELL to approve Appeal No 861 Area Variance.

CHAIRPERSON ENDAL closed the Public hearing at 7:12 pm.

APPEAL NO. 864

Application for an Area Variance

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| 2. Applicant Name: | Erik and Holly Ayers |
| Applicant Agent: | None. |
| Application Type: | Area Variance |
| Public Hearing Scheduled: | Yes – Wednesday, May 22, 2024 at 7:05 pm |
| Location of Proposed Project: | 57 Oak View Drive |
| Tax Map No. | 77.6-2-15 |
| Zoning District: | R-2 |
| SEQR Type: | Type II |

Applicant seeks an area variance in accordance with §149-11 related to the proposed construction of an accessory structure (carport) contiguous with an existing accessory structure. Specifically, the applicant seeks to construct said accessory structure 1' from the side of the property line. 15' required. 14' of relief is requested.

CHAIRPERSON ELMS: Would you like to explain the variance.

MR. AYERS: I got a permit for a standard wall carport with a single pitch roof, sloping to 8'. It will not be seen from the road. This is the most accessible to get to as property is uneven.

CHAIRPERSON ELMS: Speaking for myself, in my opinion the town writes the laws and I don't feel we should try to change the law. If we can help it, we do not want to change the law. It must be clear about which requirements are granted .

CHAIRPERSON ELMS read the law aloud from the Variance Code.

CHAIRPERSON ELMS: Is there any correspondence or communication from the neighbors?

MR. AYERS: They haven't said anything. The people behind me asked about the fence variance. They called just to see where it was going.

MR. AYERS: If the structure cannot go there, another structure will be bigger. I've done construction all my life and I could build something myself.

CHAIRPERSON ELMS: Structure can be no closer than 7' to the line, 8' of relief. We wrestle with anything more. 50% or a little more. The law is the law.

CHAIRPERSON ELMS: If there is no further discussion, is there a motion?

MR. FITZSIMMONS: I make a motion to approve Appeal No 864.

MR. ZIMMERMAN: seconded with 7' relief from property lines.

CHAIRPERSON ENDAL Roll call for vote

Roll call results as follows:

MR. FARRELL	YES
MR. FITZSIMMONS	YES
MR.ZIMMERMAN	YES
CHAIRPERSON ELMS	YES

4 in the affirmative, motion carries.

A Motion was made by MR. FITZSIMMONS and seconded by MR. ZIMMERMAN to approve Appeal No 864 with 7ft relief from the property line.

APPEAL NO 865

Application for Area Variance

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| 3. Applicant Name: | Steven Arnold |
| Applicant Agent: | None. |
| Application Type: | Area Variance |
| Public Hearing Scheduled: | Yes – Wednesday, May 22, 2024 at 7:10 pm |
| Location of Proposed Project: | 301 Old West Road |
| Tax Map No. | 89.-2-49 |
| Zoning District: | R-5 |
| SEQR Type: | Type II |

Applicant seeks an area variance in accordance with §149-14 (Schedule of Regulations) related to the proposed construction of an addition onto a preexisting/nonconforming single-family structure. Specifically, the applicant seeks to construct said addition 18' from the side property line. 20' required. 2' of relief requested.

NOTE: *Construction of the addition will be in line with the existing single-family residential structure.*

MR. ARNOLD: I am the applicant, I want an addition on the back of my house.

CHAIRPERSON ELMS: This is an older home.

MR. ARNOLD: Yes, it was built in 1975.

MR. FARRELL: Any concerns from neighbors?

MR. ARNOLD: No . I spoke with neighbors, telling them what we were doing. There was no correspondence.

CHAIRPERSON ELMS stated that the property already was within the boundaries. Would anyone like to make a motion at this time.

MR. FITZSIMMONS made a motion to approve Appeal NO 865 with no conditions.

MR. ZIMMERMAN: Seconded

CHAIRPERSON ENDAL roll call for a vote

Roll call results as follows:

MR. ZIMMERMAN	YES
MR.FARRELL	YES
MR.FITZSIMMONS	YES
CHAIRPERSON ELMS	YES

4 in the affirmative, motion carries

A motion was made by MR. FITZSIMMONS and seconded by MR. ZIMMERMAN for Appeal 865 to be approved with no conditions.

CHAIRPERSON ELMS is there a motion to adjourn?

MR. FARRELL I make a motion to adjourn the meeting

MR. FITZSIMMONS second

CHAIRPERSON ELMS All in favor say aye

Vote results as follows:

MR. ZIMMERMAN	AYE
MR.FARRELL	AYE
MR.FITZSIMMONS	AYE
CHAIRPERSON ELMS	AYE

CHAIRPERSON ELMS 4 in the affirmative 0 oppose, motion carried, meeting adjourned.

Meeting adjourned at 7:57 pm.

Respectfully submitted,

Debbie Hadden, Recording Secretary