

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

The Zoning Board’s Agenda is subject to change and certain items may be postponed or withdrawn. For agenda updates, please visit our website [www.townofmoreau.org](http://www.townofmoreau.org) or call the Town Building Department 518-792-4762.

**Planning Board Members Present**

Kevin Elms	Zoning Board of Appeals Acting Chairperson
Justin Farrell	Zoning Board of Appeals Member
Ron Zimmerman	Zoning Board of Appeals Member
Scott Fitzsimmons	Zoning Board of Appeals Member
Gerhard Endal	Absent

**ALSO PRESENT:**

Joshua Westphal	Zoning Administrator
Debbie Hadden	Recording Secretary
Thomas McGreevey	Applicant Appeal #861
Erik Ayers	Applicant Appeal #864
Steven Arnold	Applicant Appeal #865

Meeting was called to order by Chairperson Elms at 7:07 pm.

**APPEAL NO. 861 – 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

**Appeal No. 861 – Application for Area Variance:**

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.

**Chairman Elms:** Would you like to give us a little idea of what brought us 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 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.

**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 accept appeal 861.

**Mr. Farrell:** Yes.

**Mr. Fitzsimmons:** Yes.

**Mr. Zimmerman:** Yes.

**Chairperson Elms:** Yes.

**Public hearing closed at 7:12 pm.**

**APPEAL NO. 864 – 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                                  |

**Appeal No. 864 – Area Variance**

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.

**Chairman Elms read variance appeal.** Would you like to explain the variance.

**Mr. Ayers:** We are new to the area since September. I have a permit for a fireplace and firewood is a big thing. 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.

**Chairman Elms:** Rarely do it on a variance. Speaking for myself, I've always felt, the town writes the laws and I don't feel we should try to change the law. If we can help, we would be glad to, but we do

not want to change the law. Must be clear about which requirements are granted . (Chairman Elms read the law aloud from the Variance Code).

**Chairman 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.

**Chairman 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.

**Chairman Elms:** I move to vote. Yes.

**Mr. Fitzsimmons:** (Moved to vote) Yes.

**Mr. Zimmerman:** (Motion vote) for 7' from lines. Yes.

**Mr. Farrell:** Yes.

**Mr. Farrell:** Our goal is case by case. Every applicant who comes in has reasons for variances.

**Chairman Elms:** Thank you for working with us.

**APPEAL NO 865 – Area Variance**

- 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

**Appeal No. 865 – Application for Area Variance**

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 want an addition on the back of my house.

**Chairperson Elms:** This is an older home.

**Mr. Arnold:** 1975.

**Chairman Elms:** I drove by.

**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. Motion was made that the appeal be approved with no conditions to Mr. Arnold.

**Mr. Zimmerman:** Second.

**Mr. Farrell:** Yes.

**Mr. Fitzsimmons:** Yes

Meeting adjourned at 7:57 pm.

Respectfully submitted,

Debbie Hadden, Recording Secretary