

TOWN OF MOREAU
ZONING BOARD OF APPEALS
NOVEMBER 20, 2024

TOWN HALL MEETING ROOM, 351 REYNOLDS RD

Planning Board Members Present

Gerald Endal	Zoning Board Chairman
Kevin Elms	Zoning Board Member
Scott Fitzsimmons	Zoning Board Member
Ron Zimmerman	Zoning Board Member
Justin Farrell	Zoning Board Member
Joshua Westfall	Zoning Administrator
Diana Corlew-Harrison	Recording Secretary

The meeting was called to order by Chairman Endal at 7:01 pm.

Minutes to Approve: Past months not given in packets, will be reviewed in December 2024 meeting.

New Business: APPEAL NO. 877

Applicant seeks an area variance in accordance with §149-14 (Schedule of Regulations) related to proposed construction of an accessory structure. Specifically, the applicant seeks to construct said accessory structure 25' from the front property line. 40' required. 15' of relief requested. Zoning District: R-2. SBL: 49.-1-71. Property Location: 20 Jackson Road. Applicant: Rose M. Cuilla. SEQR: Type 2.

Applicants spoke of the shed they are purchasing from Garden Time and the location on their property. They stated they are limited on where they can place the shed due to the shape of property and house placement. They have an email copy from Don and Irma Bovair, neighbors closest to their property, who do not have any issues with this request.

Both Mr. Endal and Mr. Zimmerman agreed that this placement was really the only place it could go on the property and be usable and accessible.

Zoning Board members reviewed the requirements for the variance requested.

Mr. Endal closed the public hearing.

Mr. Fitzsimmons made a motion to approve Appeal 877 with no conditions. Mr. Zimmerman seconded; all members approved.

Old Business: Appeal No. 871

Applicant seeks Special Use Permit in accordance with §149-33 related to the operation of a home occupation business. The site formerly had a Special Use Permit for Home Occupation for different use. Zoning District: R-2. SBL: 77.1-1-8. Property Location: 529 Selfridge Road. Applicant: Denis Daigle. SEQR: Unlisted. Note: Tabled in September & October ZBA Meetings.

The Applicant spoke of the type of business he has. He has had the business for 3 years; he has an appointment only business, working on one item at one time. He said most of the welding on some of his work is a very intricate with extensive detail work. There are not a lot of people who do his type of work, so it is particularly good paying to be able to support his family. He also was not aware that a different use permit was needed when he purchased the property, he thought because there was a permit in place, that he would be

fine with his small business out of his home as well. It was not until he wanted to expand and came into building department office looking for a building permit, that he found out he needed this special use permit.

Mr. Farrell spoke about the letters that some of his neighbors had written regarding having a business at his home, the noise, the weekend and late at night hours work was being performed, various equipment on site. The applicant stated that this is only a temporary need until new building is built.

Mr. Daigle said he has been working with a local builder on relocating his business and had a preliminary contract with them to start building a new garage space in Corinth within the next two years. He has been looking for a new space over the last two years and has been a challenge. He has not secured a loan as of this meeting but had meeting with the bank that day and was waiting for the approval to purchase the land so he could start the building process.

ZBA members asked various questions regarding the noise, equipment on site, hours of operation, location on new land and building concepts along with the time frame of building.

Mr. Daigle confirms that he would be willing to reduce his hours so there may be less noise at night and weekends per say, applicant said his wife would appreciate more time to spend with him.

Mr. Farrell asked if its possible to do a temporary restricted permit with some of these conditions noted.

He also states he could limit his equipment on site to one or two pieces at one time. Normally that is all he schedules out on calendar to work on things one at a time.

Mr. Endal asked applicant if he thought new building would be done within the two years? Mr. Westfall spoke that normal use permit is three years, but Zoning Board has the right to amend that policy. Applicant states he is hoping sooner but will depend on weather and delivery of supplies as with any building project nowadays. He also states that he is not moving his home to new site, he plans on still living on Selfridge Road and use garage on site as a garage only for his truck and not a work area. He is just moving his business in hopes of expanding.

Mr. Farrell states that with the neighbors' concerns, he feels that if we do a temporary permit with conditions, they may be more likely to agree and have less complaints. Mr. Endal stated that the neighbors' concerns with were the business and not with this applicant as a neighbor. For the most, they all agreed he is an incredibly good neighbor. Mr. Farrell also stated that applicant should reach out to neighbors in good faith to let them know of his intentions of moving the business, the restrictions that were made and it was a temporary permit.

Mr. Endal asked if any other complaints were made, Mr. Westfall stated no.

Mr. Endal states he is willing to collaborate with the applicant until he gets his business moved to new location.

Mr. Elms closed the public hearing.

Mr. Endal asked applicant and other board members because the applicant acted in good faith, he is moving his business to Corinth, if they were to approve this permit, could the applicant agree to these conditions:

- Work to occur Monday – Saturday between the hours of 8am-5pm.
- No storage outside of the garage, other than the metal he has now on a rack.
- Limit one or two pieces of heavy equipment such as excavators on site at a time.
- One job at a time and be considerate of noise level with neighbors.
- Complete new building, construction and move within 18 months or will have to reappear in front of ZBA for further review and if more time needed.

Applicant and board agreed to these conditions.

Mr. Endal made a motion to approve this permit with conditions noted. Mr. Farrell seconded; all members approved.

Mr. Farrell made a motion to adjourn the meeting. Seconded by Mr. Fitzsimmons.

Meeting adjourned at 8:30 PM.

Signed by Diana Corlew-Harrison, Secretary 12/2/24.