

A public hearing was held by the Town Board of the Town of Moreau on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York for the purpose of hearing comments from the public on the proposed Local Law 1 of 2017 – Stewart & Bovee Zoning Change.

The Supervisor called the public hearing to order at 6:47 p.m.

**Town Board Members Present**

Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman [arrived at 6:51 p.m.]
Gardner Congdon	Supervisor

**Town Board Members Absent**

Alan VanTassel                      Councilman

**Also present:** Leeann McCabe, Town Clerk; John Wright, Attorney for the Town; Jim Martin, Zoning Administrator; Robin Renaud, Supervisor’s Confidential Secretary; Paul Joseph, Highway Superintendent; Reed Antis, Planning Board Member and Town Resident; Terry Stewart, Property Owner of Zoning Change Request; Mayor Harry Gutheil, Village Trustee Tony Girard; Town Residents: Tim and Fran Donbeck, Bill & Veronica Batkay, Bruce Flayer, Virginia Livsey, Kyle Noonan, Terry Clark; Village Resident: Brigid Martin

The following Notice of Public Hearing was posted in the Post Star Newspaper on April 29, 2017:

**TOWN OF MOREAU  
NOTICE OF PUBLIC HEARING TO  
CONSIDER ADOPTION OF LOCAL LAW**

NOTICE IS HEREBY GIVEN, pursuant to Section 20 of the Municipal Home Rule Law, that a public hearing will be held by the Town Board of the Town of Moreau on May 9, 2017, at 6:45 p.m. at the Town Hall, 351 Reynolds Road, Moreau, New York, for the purpose of considering the approval of Local Law No. 1 of 2017. Local Law No. 1 of 2017, as proposed, would amend the Zoning Code of the Town of Moreau by changing the Zoning Map in the following manner: changing 14.98 acres of land from R-2 zoning district to the C-1 zoning district and 3.31 acres of land from the C-1 zoning district to the R-2 zoning district in the areas around Spier Falls Road, Mountain Road, Old Saratoga Road and Interstate 87.

A copy of proposed Local Law No. 1 of 2017 amending the zoning map can be obtained at the Town Hall.

The Supervisor asked if there were any questions or comments from the public.

Tim Donbeck from Mountain Road stated that he wasn’t aware of this proposed zoning change and asked if they were supposed to be notified. The Supervisor confirmed with the Town Clerk that the legal ad was properly noticed. The Supervisor commented that the Board doesn’t have to finish this tonight and if there are concerns from the public, they will be given an opportunity to get the information they need.

A public hearing was held by the Town Board of the Town of Moreau on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York for the purpose of hearing comments from the public on the proposed Local Law 1 of 2017 – Stewart & Bovee Zoning Change.

Terry Stewart, who was the person asking for the zoning change, provided information relative to his request and stated that anyone could look at it. The Supervisor asked Mr. Stewart if this started with the Planning Board or the Zoning Board and Mr. Stewart replied “with the Planning Board back in September” and gave a brief history of how the process for this proposed zoning change started. In conclusion, he stated that he isn’t asking for big changes, just a little bit of adjustment for residential and commercial.

The Supervisor asked Reed Antis if he could elaborate since he sits on the Planning Board. Mr. Antis stated that the north side of his property has two zones (residential and commercial). He wants to turn the property into an all residential zone.

The Supervisor stated that it’s more common for a change from residential to commercial and this case is just the opposite. Mr. Donbeck questioned the Supervisor about the proposed change and said that the property behind his will be changed from residential to commercial. Jim Martin stepped into the room and he was asked to give an overview.

Mr. Martin, Zoning Administrator, stated that the zoning lines were created back in the 1980’s in an attempt to track with parcel boundaries. He also stated that GIS capability was not available back then. He read a prepared memo to the Town Board, which outlined the Basic Facts in Regards to the Request, the Compliance with the Town Comprehensive Plan and Staff Notes. Along with the memo, he provided a DEC map which indicated wet lands. The memo will be annexed to this set of minutes.

When finished reading the memo, the Supervisor asked if Mr. Martin could overlay the wetlands onto the parcel map. Mr. Martin stated that he could do that.

Councilman Kusnierz asked if they could pause the public hearing for a brief moment so that the Clerk could make copies of Mr. Martin’s memo for the public. He stated that if the public is to make comment, they should be provided with the same information the Board has. Mr. Martin made the copies himself and distributed them to the public.

The Supervisor stated that this was the first time he had seen the information, which was provided at this meeting. He suggested that it will take more thought. Councilman Kusnierz suggested that they leave the public hearing open, provide information to those in attendance and then add it as an agenda item at another Town Board meeting.

Mr. Stewart was asked where his property was located and he stated between Old Saratoga Road and Route 9. He stated that he had gone to the Planning Board with a request for a sub-division and it couldn’t move forward until the zoning issue was addressed. The parcel is presently zoned as a C-1.

Councilman Prendergast asked Jim Martin to speak with those present before he leaves, to answer any questions they might have.

Bill Batkay asked how many acres between Old Saratoga Road and Route 9 are zoned C-1. Mr. Martin replied that he believed it to be approximately 65 acres. Mr. Batkay asked what would be allowed in a C-1 zone. While Mr. Martin was looking up the information to respond to the question, Mr. Donbeck asked if Mr. Stewart had anything planned with regard to the zoning change. Mr. Stewart replied “no” and that he can’t proceed with the Planning Board until this issue is resolved. Mr. Martin found the documentation and read the permitted principal uses for a C-1 zone as follows: Business that would primarily service highway traffic such as restaurants, diners and bars. Places of public assembly such as professional office, boat storage, repairs and sales, farming construction, equipment sales and service, commercial greenhouses and nurseries, mobile home sales, social club halls or fraternal organizations, motels, hotels and inns, fire stations, municipal building, office building, post office, bank, funeral home and parking garage. He stated that all uses in C-1 are subject to site plan review by the Planning Board.

Mr. Martin stated that uses permitted by special permit of the Zoning Board of Appeals would include: same as R-3, automobile sales and service, repairing and fueling, drive-in theater, laundromat, indoor

A public hearing was held by the Town Board of the Town of Moreau on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York for the purpose of hearing comments from the public on the proposed Local Law 1 of 2017 – Stewart & Bovee Zoning Change.

recreation facilities, outdoor recreation, light manufacturing, nursing homes and convalescent homes, warehouse of enclosed storage of goods and materials. These uses would also have to go through site plan review as well as needing the special permit.

Mr. Martin read the uses for an R-3 zone with a special permit to include as follows: states to refer back to R-1 and R-2 plus Day care centers.

R-2 uses with a special permit was stated to include as follows: Same as R-1 plus Club or lodge, funeral home, golf or country club, professional office, grandstand or stadium, cemetery, day care center, quarries, gravel pits and mineral extraction, telecommunications towers and equipment.

R-1 includes: places of worship and associated buildings, public or private school, museum, municipal building, park, public library, day care center, playground, office of commonly recognized profession when conducted in a dwelling by the inhabitant thereof, park and home occupation as defined in the zoning chapter.

Veronica Batkay looked at the map that was presented and stated that the only area to be changed to a residential zone was the very small area in the triangle and that most of the residential that will become C-1 is in her backyard.

Mr. Donbeck asked where the entrances would be to the properties. Mr. Stewart replied that for the C-1 property, it would be fronted on Saratoga Road and for the R-2 property, it would be fronted on Mountain Road and a small width on Spier Falls Road.

Mr. Batkay asked if traffic studies would have to be done prior to use in the C-1 zone and Mr. Martin replied that traffic impact studies would have to be performed.

Mr. Batkay stated that he's trying to look at this from both sides. He understands Mr. Stewart wanting to increase his commercial availability, which makes it more desirable. He stated that it is a residential area with recreation from Moreau State Park. He asked that the Board keep that in mind and be respectful of that area when making their decision.

Mr. Martin pointed out, for the Board's consideration, that with a zoning request like this, you do not have to take the use schedule as written. If there are elements in the use schedule that the Board objects to (such as the fuel depot), they can specifically say in their decision that those items aren't allowed. He stated that they don't have to take the whole lump sum of all the uses. Councilman Kusnierz asked if it would go with the land and Mr. Martin replied that it does go with the land and not the owner.

Mr. Batkay asked if the Board could approve just ½ of the request. Mr. Martin stated they could approve ½ of it, all of it or none of it.

Councilman Kusnierz stated that they need to keep the public hearing open, so that they can continue to receive comments and to give the public time to review the documentation. It was also suggested that the legal ad for the public hearing be re-noticed for when the topic will be brought up for discussion again.

The Supervisor stated that it could be a topic at the next regular Town Board meeting.

Mr. Martin asked the applicant if he had any conceptual uses planned so that they could narrow out the uses. He thought the residents would want it to be a little more restrictive considering the proximity to residential neighbors. He asked if there was a middle ground that could be met. Mr. Stewart stated that list of uses is quite long and that the piece of property isn't ideal, with the wetlands that are on it. He stated that the wetland would be a buffer. The Supervisor stated that this would be an enormous change and that discussions need to be revisited. He asked Mr. Martin to overlay the wetlands onto the map. Councilwoman LeClair asked Mr. Martin if he would provide the residents with the list of uses. Councilman Kusnierz asked Mr. Martin if he would highlight the parcels of those residents who were in attendance. Mrs. Batkay stated that her parcel was 79.-3-67.1 and Mr. Donbeck stated that his parcel is 76.-3-66.2.

A public hearing was held by the Town Board of the Town of Moreau on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York for the purpose of hearing comments from the public on the proposed Local Law 1 of 2017 – Stewart & Bovee Zoning Change.

It was asked if individual notifications needed to be sent out. Mr. Martin stated that they can take that extra step and advised that he would send direct letters to those within 500 feet as they do with a variance request.

The public hearing remained open and adjourned for the evening at 7:25 p.m.

Respectfully submitted,

Leeann McCabe  
Town Clerk

The above minutes are not intended to be a complete transcript of the public hearing, only a summary. To hear the full audio of the meeting, please visit the Town's website: [www.townofmoreau.org](http://www.townofmoreau.org)