

A continuation of a public hearing was held by the Town Board of the Town of Moreau on June 27, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York for the purpose of hearing comments from the public on proposed Local Law 1 of 2017 – Stewart Bovee Zoning Change.

The Deputy Supervisor called the public hearing to order at 6:00 p.m.

Town Board Members Present

Alan VanTassel	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Gardner Congdon	Supervisor [arrived at 6:17 p.m.]

Town Board Members Absent

Todd Kusnierz	Councilman
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Also present: Leeann McCabe, Town Clerk; Malcolm O’Hara, Attorney for the Town; Rudy Klick, Special Project Aide; Jim Martin, Zoning Administrator; Town Residents: Jack Passinault, May Ann Haydel, Andre Leroux, Wade & Jeanne Sherman, Jim Keysor, Tim and Fran Donbeck, John Lemery, Frank Regner, Erin Fenton, Reed Antis, Bill Batkay; Terry Stewart, Land Owner

The following Notice of Public Hearing was posted in the Post Star Newspaper on June 17, 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 which began on May 9, 2017 will be continued on June 27, 2017, at 6:00 p.m. at the Moreau 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.

Dated: June 17, 2017

Leeann McCabe
Town Clerk
Town of Moreau

Jim Martin, Zoning Administrator was present and gave a brief description of the proposed zoning change. He also mentioned to the Town Board, that by no fault of the Town Clerk, there were some residents within the 500’ boundary that weren’t notified of the public hearing. He stated that the public

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hearing should be continued to another day with proper notification. He did mention that there were several people in attendance at this meeting and they should be allowed to speak.

Councilwoman LeClair reiterated what was stated at the last meeting, in that the Town Board may place restrictions on how the property can be used, should they change the zoning. She stated that she would like to hear from the public.

Mr. Martin read into the record the following uses for a C-1 Zone, with all uses requiring a site plan review: Business which primarily services highway traffic, such as restaurants, diners and bars; Places of public assembly; Professional office; Boat storage, repairs and sales; Farm and construction equipment sales and service; Commercial greenhouse and nursery; Mobile home sales; Social club, hall and fraternal organization; Motel, hotel and inn; Fire station; Municipal building; Office building; Post office; bank; Funeral home; Parking garage

Mr. Martin then read the uses permitted by Special Permit by the Board of Appeals: Same as R-3 plus: Automobile sales, service, repair and fueling; Drive-in theater; Laundromat; Indoor recreation facilities; Outdoor recreation; Light manufacturing; Nursing or convalescent home; Warehouse for enclosed storage of good and materials.

Mr. Martin stated that the Board doesn't have a time frame to decide. They can drop it at any time, they can put restrictions on the use, they can put a buffer or they can just approve as is.

Councilwoman LeClair asked how long Mr. Stewart has owned the property and he replied 3 years.

Bill Batkay asked what the small strip being changed from R-2 to C-1 is to be used for and Mr. Stewart replied that it would only be for access.

The Supervisor stated that when the lines were first drawn in the 1980's, it was done purposely. He wasn't in favor of the change.

MaryAnn Haydel stated that she was approached by Mr. Stewart and was told that he would put in a new driveway for her if she agreed to allow him access through her property. She stated that she never heard back from him after that. Mr. Stewart stated that the access was for vehicles, so he could get perk testing done for a residential home and that he hadn't gotten back to her because he was waiting on this decision. Ms. Haydel stated that she didn't understand how he could put a road in through the water.

Tim Donbeck asked a similar question regarding the road and the wetlands. Mr. Stewart stated that he needed to get this done first and then he would have to contact DEC for their approval.

A gentleman from Squire Road stated that he had stopped into Town Hall today because he hadn't received the public hearing notice and after speaking with neighbors he stated that several people hadn't been noticed. He asked Mr. Stewart if he knew what the Zoning was when he purchased the property 3 years ago and Mr. Stewart replied that he did. The gentleman suggested that Mr. Stewart find other uses for the property that would require re-zoning.

A young woman from Squire Road stated that she also hadn't been notified. She also stated that she had just purchased her home last year and that this would be very close to her home. She stated that she would like to see the map of the wetlands and see where the buffer is. She also stated that she would like time to speak with her neighbors about the proposed change.

Andre Leroux stated that he's lived in the area his whole life and stated that the road Mr. Stewart is proposing off of Old Saratoga Road would require him to dig up the culvert and widen the trail in order to get equipment in. He stated that it's all wetland and in order to get to his land, he would have to drive

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around the perimeter of the property. Mr. Leroux stated that it's all wetlands and didn't feel that there should be a change.

A gentleman from Spier Falls Road stated that he hadn't heard of any plans yet from Mr. Stewart and asked how they were supposed to make a decision. He asked that there be some transparency and if that can't be done, he wasn't in favor of the change.

The hearing is to remain open and the Board will set a date and time at the regular Town Board meeting for it's continuance. Mr. Martin stated that all residents within 500' of the proposed changes will be notified of the next meeting.

The hearing adjourned at 6:45 p.m.

Respectfully submitted,

Leeann McCabe
Town Clerk