

A public hearing was held by the Town Board of the Town of Moreau on June 25, 2019 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York for the purpose of hearing public comment on proposed Local Law 2 of 2019.

The Supervisor called the public hearing to order at 6:40 p.m.

**Town Board Members Present**

Alan VanTassel	Councilman
Kyle Noonan	Councilman
Theodore T. Kusnierz, Jr.	Supervisor

**Town Board Members Absent**

John Hogan	Councilman
Gina LeClair	Councilwoman

**Also present:** Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Matthew Dreimiller, Building Inspector; Rudy Klick, Special Project Aide; Kathleen Moore, Post Star Reporter; Planning Board members and Alternate members: John Arnold, Ron Zimmerman and Ann Purdue; Zoning Board member: Kevin Elms; Town residents: Vince Sporrer and Jane McFarlane; Village residents: Alfred Chapman and Keith Comstock

The following Notice of Public Hearing was posted in the Post Star Newspaper on June 15, 2019:

**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 of the State of New York that a public hearing will be held by the Town Board of the Town of Moreau on June 25, 2019 at 6:15 p.m. at the Town Municipal Complex, located at 351 Reynolds Road, Moreau, New York for the purpose of considering the adoption of Local Law No. 2 of 2019. If adopted, Local Law No. 2 of 2019 would create Chapter 76 of the Moreau Town Code – Temporary Moratorium on Building Permits or Site Plan Review or Other Review of Multi-Family, Multiple-Family and Two-Family Dwelling Residential Projects Within the Town of Moreau. The moratorium prohibits the consideration of applications for building permits, site plan approvals, special use permits, or subdivision approval, or any other municipal approval for multi-family dwelling projects, multiple-family dwelling projects or two-family dwelling projects within the Town of Moreau. This moratorium shall not apply to any Certificates of Occupancy for any and all construction pursuant to building permits issued prior to the date of the adoption of the Notice of Public Hearing or the issuance of any building permit for the renovation or repair of any lawfully existing structure otherwise covered by this local law. In addition, this moratorium shall not apply to any projects that have already obtained municipal approvals or are before the Planning or Zoning Board of Appeals or the Building Department requesting approval from the Town of Moreau as of the date of the adoption of the Notice of Public Hearing, notwithstanding that a Certificate of Occupancy and/or Building Permit has not been issued. Written comments on Local Law No. 2 of 2019 can be submitted to the Town Clerk up and through the time of the public hearing. A copy of proposed Local Law No. 2 of 2019 can be obtained at the Moreau Town Municipal Complex and on the Town’s website.

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Leeann M. McCabe  
Town Clerk

Published: June 15, 2019

The Supervisor welcomed everyone to the public hearing and asked if anyone wished to be heard.

Vince Sporrer, Fort Edward Road, stated that he was dissatisfied with the number of apartments and asked, when is enough enough. He stated that along with current ongoing construction, there are also applications out there. He stated that he's attended Planning Board meetings and traffic studies are done but there's never a problem. Sewer studies done, never a problem. He stated that with the area he lives in, it's way too much. He suggested that the Town take the time and get it straightened out. He supported the moratorium.

Al Chapman, Clark Street, stated that he had worked on the Comprehensive Plan for the Village, along with six other people and had looked at the moratorium concept. He stated that the Village was being overwhelmed with complexes. He stated that they got a local law passed, which is set to expire in October and they still have no zoning action. They've had Comprehensive Plan workshops, where they've explained where they want to be. He stated that it's frustrating and things need to be looked at. He commented that the Village has large complexes that were built without having engineering studies done by the Village. Mr. Chapman supported the moratorium and suggested they review the Comprehensive Plan and get feedback from the people.

Kevin Elms, Reynolds Road, stated that the moratorium is a good idea. He asked that they also include pre-existing, non-conforming lots. He stated that pre-existing, non-conforming lots in the Town are a big issue and need to be addressed.

Keith Comstock, Clark Street, stated that he has worked with Al Chapman for several years, trying to get the zoning done. He stated that he has petitioned and spoken with many people on this issue and only one person wasn't afraid of the development. He stated that many people think the apartments are a bad idea.

Jane McFarlane, Hatchery Road, stated that she owns a vacant piece of land that has been for sale. She stated that she hasn't been able to sell it. She went to the zoning administrator and was told she could put a duplex on it. She stated that she doesn't know enough of the facts to support or be against the moratorium. She stated that she understands that there needs to be a plan for development in the Town due to traffic increase, water etc. She stated that two-family homes haven't been an issue and asked the Town Board to reconsider their position and remove two-family dwellings from the moratorium.

John Arnold, Palmer Ridge, stated that he's been asking people for the last ten years, who come before the Planning Board to complain about multi-family housing, to make their complaints known to the Town Board and ask for a zoning change. He stated that he was disappointed that he didn't see the outpouring of people at this public hearing. He stated that there is support of the Planning Board on this action. Mr. Arnold stated that there is a stipulation in this Town law that allows for variances of individual projects. He thought it was a good idea to take a break for six months to look at the situation. Possibly less if the code gets updated sooner. He thanked the Town Board for doing their due diligence.

Mr. Chapman commented a second time by stating that when he was on the Planning Board for the Village, he realized that there are no side setbacks in the commercial district. He stated that you can basically build two buildings that share a wall. He reiterated what Mr. Arnold's thoughts were and stated that people are only concerned when it's happening to them. He agreed with the moratorium.

Mr. Arnold spoke a second time by stating that he agreed with Mr. Elms, in that he would like to see some action taken on pre-existing, non-conforming lots. He stated that these were added to the code at the time

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to protect the owners. Now they're being sold to new owners, who are allowed to do whatever they want as long as they meet the setbacks. He stated that when they look at the zoning, they need to find a way to protect the current owner, without carrying over to the new owner.

The Supervisor stated that the public hearing will be left open for further comment. The Supervisor asked the Town Clerk to confirm that the Notice of Public Hearing was published. She stated that it appeared in the newspaper on June 15, 2019.

The Supervisor stated that he had received correspondence from the Saratoga County Planning Board relative to this local law. He stated that their decision was to approve the moratorium with comments. The Supervisor read the comments into the record as follows:

The Town Board may want to consider whether a 6-month duration to allow for enactment of a revision to the Town's zoning ordinance will be sufficient for studying the Comprehensive Land Use Plan and address issues related to the growth and development of multi-family dwellings. It may be the Board's determination that a one-year term will allow for more time for public comment/input and Board/staff discussion without the burden of a tight schedule. This may be more appealing than an extension after the initial 6 months and then the possibility of needing another extension after that.

We note that by definition the types of multi-family dwellings being considered, reviewed and subject to the imposition of a moratorium are not differentiated between fee ownership and rental housing units, and as such the review of density, impacts and mitigations associated with both types will be considered.

Discussion among Town Board members and zoning staff may help, if warranted, to further develop the definition, needs and standards to determine what constitutes the provision of a variance from this local law.

The Supervisor stated again that the public hearing will remain open for further comments.

The meeting concluded at 7:02 p.m.

Respectfully submitted,

Leeann McCabe  
Town Clerk