

Town of LeRay Zoning Board of Appeals

April 6, 2011

The Zoning Board of Appeals of the Town of LeRay was called to order at 7:07 pm by Chairman Peter Clough.

Those in attendance were: Board members: Chairman Peter Clough, Jackie Tunstall Ron Cooper, Bill Albrecht, and Jim Blankman. Others in attendance were: Gene Langone- attorney for the Town of LeRay, Wayne Robbe, Zoning Enforcement Officer- David Lachenauer, Town of LeRay Planning Board Chairman -Jerry Hobbs.

Roll call was taken. All members were present.

A motion to accept the minutes as amended from March 9, 2010 was made by Jackie Tunstall and seconded by Jim Blankman. The vote went as follows: Jackie Tunstall-Yes, Ron Cooper-Yes, Bill Albrecht- Yes, Jim Blankman- Yes, and Peter Clough-Yes. The motion passed with a vote of 5-0.

Unfinished Business:

Wayne and Bonnie Robbe: Public Hearing for Wayne and Bonnie Robbe - parcel located at 26436 NYS Route 283, Watertown, NY, 13601. Tax Parcel # 74.16-1-6.2.

Mr. Clough made a motion to open the Public Hearing. The motion was seconded by Mr. Blankman. The vote went as follows: Jackie Tunstall-Yes, Ron Cooper-Yes, Bill Albrecht- Yes, Jim Blankman- Yes, and Peter Clough-Yes. The motion passed with a vote of 5-0.

Chairman Hobbs spoke on behalf of the Planning Board. The Robbe's parcel is currently zoned industrial. Home Occupation is not an allowed use. The Robbe's were granted a Final Subdivision Approval by the Planning Board on September 2, 2010, thus creating a separate parcel for a single residence and garage. This was also approved by ZEO Dean Russell. It also created a Flag Lot. Upon review, ZEO David Lachenauer denied the application. Chairman Hobbs stated the Planning Board was in favor of the Area Variance.

Mr. Robbe stated when the property was purchased in 2006 they were hoping to create a business and residence in one location. At the current time they have to rent a place to live.

Mr. Lachenauer stated that he and Mrs. Jenack were working on the concept of the Flag Lots so this would not happen again.

Attorney Langone reminded Mr. Robbe and the Board members that if the Area Variance was granted the Robbes would need to return to the Planning Board for a Lot Line Adjustment. They would also need to meet all the setbacks as required by the Planning Board.

With no other discussion, a motion to close the hearing was made by Mr. Cooper and seconded by Mr. Albrecht. The vote went as follows: Jackie Tunstall-Yes, Ron Cooper-Yes, Bill Albrecht- Yes, Jim Blankman- Yes, and Peter Clough-Yes. The motion passed with a vote of 5-0.

Mr. Clough stated he was in favor of the Area Variance, but it would be contingent upon the granting of a Lot Line adjustment from the Planning Board. They would also need to follow all setbacks per the Zoning Law.

Mr. Blankman noted that the Comprehensive Plan called for rezoning that area. He questioned what would happen if the business parcel would be sold separate from the house at some point.

The Board members discussed the Criteria for the Area Variance:

- A. The requested variance will not create an undesirable change in the character of the neighborhood or detriment to the nearby properties in that:
The area across the street is residential single family and next to Robbe Sales – small business is surrounded by Agriculture owned by T. Converse. There are no feasible alternatives for this variance: Total Road frontage is inadequate under the flag lot approved by the Planning Board. Land surrounding the parcel is not for sale.
- B. The requested variance is not substantial as the flag lot is already in existence and Applicant is adding frontage by lot line adjustment.
- C. The proposed variance will not have an adverse effect on the environmental conditions in the neighborhood. The surrounding neighborhood is residential and small business and agriculture.
- D. The difficulty was not self- created. The Planning Board had previously approved the Minor Subdivision for the parcel for a single residence and garage.

Attorney Langone noted that SEQR was not necessary for an Area Variance.

Mr. Clough moved to approve the Area Variance as submitted requiring that Mr. and Mrs. Robbe. obtain Final Approval from the Planning Board for the Lot Line Adjustment. This motion was approved by Mr. Albrecht. The vote went as follows: Jackie Tunstall-Yes, Ron Cooper-Yes, Bill Albrecht- Yes, Jim Blankman- Yes, and Peter Clough-Yes. The motion passed with a vote of 5-0.

The Secretary will send an approval letter to Mr. and Mrs. Robbe. A new copy of the amended minutes will be sent to the Board members.

A motion to adjourn was made by Mrs. Tunstall and seconded by Mr. Blankman. The vote went as follows: Jackie Tunstall-Yes, Ron Cooper-Yes, Bill Albrecht- Yes, Jim Blankman- Yes, and Peter Clough-Yes. The motion passed with a vote of 5-0.

