

**ZONING BOARD OF APPEALS OF THE TOWN OF LERAY**  
**May 27, 2009**

The Zoning Board of Appeals of the Town Of LeRay was called to order at 7:00p.m.by Chairman David Chamberlain.

Those present were: David Chamberlain, Bonnie Stewart, William Jesmore II, Jacalyn Tunstall, Attorney Gene Langone, (representing the town), Walter VanTassel, Attorney Peter Blodgett (representing Mr. VanTassel) and Fred Tontarski- Chairman, Town of LeRay Planning Board. Board member Ron Cooper was absent

Due to misinformation given to the Board this meeting was called to rehear Mr. VanTassel's application for an Area Variance on Lots 17 and 18 on the Holbrook Road. The original hearing was held January 28, 2009.

The Chairman opened the hearing. The notice of the hearing as it appeared in the Watertown Daily Times was read.

The action taken by the Board would seek relief for the both the East and South Lot Lines. A proposed Town Road would need a 40' setback on the East Side and A Residential lot line adjacent to the South would require a 25' setback. Prior action was taken with regards to a lot of record- when the two lots are combined they no longer are a lot of record. As of this meeting Mr. VanTassel owns lot 18 and has a purchase offer on lot 17. To complete the project as submitted it would be built across the original lot line.

Mr. Jesmore asked Mr. Langone if any other property owners had a Road Agreement signed. He stated not to this point. Upon any further development along the Road developers would need to go through Site Plan Review and need to participate in the road extension.

Mr. Langone informed the Board members that a signed Road agreement with Wand J is on file, there fore when the Town is ready the road on the East side will betaken over as a Town Road.

A motion was made by Mr. Jesmore to rescind in which a (3) three foot variance on the East and South sides as was given by the previous decision from January 2009. This motion was seconded by Jackie Tunstall and passed 4-0.

Mr. VanTassel requested that the East lot line be considered as if there was a Town Road in place. This would require a 40' setback.

A motion to grant an Area Variance on the South Lot Line of 15' to provide a 10 foot setback provided that means of egress through the fence are provided every 50 feet. This motion was seconded by Bonnie Stewart. The motion passed with a vote Of 4-0.

A motion was made by Mr. Jesmore to close the portion of the hearing pertaining to the South Lot line. This motion was seconded by Bonnie Stewart and passed with a vote of 4-0

Mr .VanTassel showed photos of buildings presently in place along the road which would be in violation of the 40 foot setback when the road was taken over. He also commented on the

amount of construction on the Town's part it would take to complete the road in certain spots. Mr. Blodgett also spoke on Mr. VanTassel's behalf questioning when or if the road would be taken over by the Town.

The Board members discussed the criteria for the Area Variance. A motion to deny the Area Variance on the East side of the lot was made by Mr. Jesmore. This motion was seconded by Bonnie Stewart. This motion passed 4-0.

A motion to adjourn the meeting at 8:05 was made by Bill Jesmore and seconded by Bonnie Stewart. The motion passed 4-0

Deborah Biondolillo  
Secretary, Zoning Board of Appeals