

## Town of LeRay Zoning Board of Appeals

June 30, 2011

The Zoning Board of Appeals of the Town of LeRay was called to order at 7:06 pm by Chairman Peter Clough.

Those in attendance were: Board members: Chairman Peter Clough, Jackie Tunstall, Ron Cooper, and Jim Blankman. Board member Bill Albrecht was absent. Others in attendance were: Gene Langone- attorney for the Town of LeRay, Terry Tontarski, and Adam Tontarski.

Roll call was taken.

A motion to accept the minutes from April 6, 2011 and June 14, 2011 was made by Ron Cooper and seconded by Jackie Tunstall. The vote went as follows: Jackie Tunstall-Yes, Ron Cooper-Yes, Jim Blankman- Yes, and Peter Clough-Yes. The motion passed with a vote of 4-0.

### **Old Business:**

The Board members reviewed the Area Variance Application and the Use Variance application. The Chairman would like to amend the Application to include the criteria. Jim Blankman suggested the signature be placed on the second page. The secretary will contact Mary Smith to make the changes.

**Terry Tontarski:** Public Hearing for Terry Tontarski - parcel located at 22755 Duffy Road, Watertown, NY, 13601. Tax Parcel # 83.08-2-13.44.

Mr. Blankman made a motion to open the Public Hearing. The motion was seconded by Mr. Cooper. The vote went as follows: Jackie Tunstall-Yes, Ron Cooper-Yes, Jim Blankman- Yes, and Peter Clough-Yes. The motion passed with a vote of 4-0.

Mr. Tontarski gave the Board a brief review of his parcel. Parcel # 2 will be added to his existing lot. He will retain permanent Right of way to gain access to the rear of his property. He stated he has no intention of developing behind his current residence. He would be planting a tree line along the rear of the Cameron parcel.

Mr. Tontarski stated the property was purchased in 2009. The sewer travels down the right of way. There is a Y in place for the water.

With no other discussion, a motion to close the hearing was made by Mr. Blankman and seconded by Mrs. Tunstall. The vote went as follows: Jackie Tunstall-Yes, Ron Cooper-Yes, Jim Blankman-Yes, and Peter Clough-Yes. The motion passed with a vote of 4-0.

The Board considered the Criteria. Mr. Langone commented that the Flag Lot issue would be discussed as part of the re-zoning.

- 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 is residential . This would add another residence.

- B. The benefits sought by the applicant cannot be achieved by another method.
- C. The requested variance is substantial. The area that fronts Duffy Road will be used as a drive way , to open to a large residential lot.
- D. The proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighbor hood.
- E. The alleged difficulty was not self created. The lot has existed as is for many years.
- F.

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

Mr. Cooper moved to approve the Area Variance as submitted subject to the combining of the two parcels. This motion was seconded Mrs.Tunstall. The vote went as follows: Jackie Tunstall-Yes, Ron Cooper-Yes, Jim Blankman- Yes, and Peter Clough-Yes. The motion passed with a vote of 4-0.

Mr. Tontarski was reminded he will need to return to the Planning Board to complete his Sub-Division.

The Secretary will send an approval letter to Mr. Tontarski.

A motion to adjourn was made by Mrs. Tunstall and seconded by Mr. Cooper. The vote went as follows: Jackie Tunstall-Yes, Ron Cooper-Yes, Jim Blankman- Yes, and Peter Clough-Yes. The motion passed with a vote of 4-0.