

ZONING BOARD OF APPEALS OF THE TOWN OF LERAY

September 24, 2008

The Zoning Board of Appeals of the Town of LeRay was called to order at 7:00pm by Chairman David Chamberlain. Board members in attendance were: David Chamberlain – Chairman, Jackie Tunstall, Ron Cooper, William Jesmore II and Bonnie Stewart . Others in attendance were: ZEO Dean Russell, Randal and Kathy Halaburka

Mr and Mrs. Halaburka are requesting an Area Variance for 27613 NYS Route 3, Watertown NY 13601, Tax Parcel # 75.17-1-25. The garage they are proposing does not meet the set back for the neighboring Haddon Property lot.

Mr. Halaburka explained his proposal to the Board members. The lot is narrow and the proposed garage would be almost parallel with the Haddons. There would not be enough room for access to the structure if moved. The rear of the lot would still have access thru the other side of the lot. The proposed would be at the end of their driveway. A letter from Mr. Haddon in favor of the project was given to the Board.

After the discussion of the proposal Bonnie Stewart made a motion to grant the Area Variance. This motion was seconded by Jackie Tunstall and passed with a vote of 5-0.

A motion to adjourn the meeting was made by Ron Cooper at 7:20 this was seconded by Bonnie Stewart . The motion passed with a vote of 5-0.

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The Chairman introduced the Board members. He also reminded the attendees that the purpose of the meeting was to act on only the Area Variance- no other actions would be taken at the meeting.

Mr. Briggs explained that due to the recent request of DEC, Fish and Wildlife and Army Corp of Engineers another parcel of property needs to be donated to Ontario Bays Initiative for the Indiana Bat. Preliminary paper work only called for the donation of 16 acres. The extra parcel would give the Bats a clear flyway from the donated portion of the Columbia Subdivision to the donated portion of Eagle Ridge. This would conflict with their Site Plan in that two bays of a proposed 4 bay garage would fall to close to the rear property line when constructed. Total projected garage bays would be approximately 400 for this Phase. Mr. Briggs stated that moving the unit would give adequate distance between other proposed structures.

The tenants voiced their consensus that with the problems in the existing phase, they felt that the project didn't warrant any more units. They feel that the issues with Phase 1 should be addressed first.

They also voiced their concerns on the following items:

1. An overabundance of flies and centipedes
2. They feel they have no recourse and their complaints are not being addressed
3. The hill and plowing this winter –not properly plowed
4. The doors do not shut properly
5. The expense of the garage is extra to the rent
6. The garages only fit a small car- Height wise.
7. Garages are not insulated and the turning radius is often not enough
8. You can easily access someone's storage unit from your garage
9. There has been an issue of water in one lot most of the summer – grass was recently planted
10. Some of the tenants are renting storage elsewhere
11. A lot of the garage units are empty.

Ron Cooper questioned that what is written on the application did not support the Site Plan. The Site Plan show two bays of two different units being affected and not 46 units as written in block 15 on the application.

The Board discussed that it was only an issue with the two units and this did not meet enough of the criteria to grant the variance.

A motion to deny the request for the Area Variance was made by Bill Jesmore and seconded by Ron Cooper. This motion passed with a vote of 5-0.

A motion to close the hearing at 8:07 was made by Bonnie Stewart and seconded by Jackie Tunstall. This motion passed with a vote of 5-0.

The motion to adjourn the meeting was made by Bill Jesmore and seconded by Ron Cooper. This motion passed with a vote of 5-0. The meeting adjourned at 8: 00pm

Submitted by Debbie Biondolillo, ZBA Secretary