

Town of LeRay Zoning Board of Appeals

September 16, 2009

The Zoning Board of Appeals of the Town of LeRay was called to order at 7:00 by acting Chairman William Jesmore II.

Those in attendance were: Board members: Acting Chairman William Jesmore II, Ron Cooper, Bonnie Stewart, and Jackie Tunstall. Attorney Gene Langone (representing the Town), Zoning Enforcement Officer Dean Russell, Sam Biondolillo, David Champagne, William Jesmore, Guy Javarone II, and Walter Van Tassel.

Mr. Jesmore read his opening remarks. He will be acting as Chairman due to the resignation of David Chamberlain. This also leaves a vacancy on the ZBA Board.

Roll call was taken and Mr. Jesmore introduced the Board Members to the audience.

The rules for the meeting were read aloud.

The Minutes for May 27, 2009 were reviewed. There were no additions or corrections. A motion to approve the minutes was made by Mrs. Tunstall and seconded by Mrs. Stewart. This motion passed 4-0.

New Business:

White Pines II- Area Variance, represented by Guy Javarone II

The Board members reviewed the Application for the Area Variance. The following items were to be considered to accept the application and set a Public Hearing to consider the Area Variance.

1. There was a basis for the application (denial letter dated 8/2009) in which the developer was informed he needed 1.5 acres for the proposed development and at present only has 1.24.
2. Area Variance Application-Copies were supplied to the Board members
3. Environmental Assessment form for SEQR. This was completed and copies were supplied to the Board members.
4. Up to date Plan sheet – affixed with seals- This was supplied to the Board members.
5. SEQR study was conducted in December 2005 on the entire 11 acres. A Negative Declaration was declared on January 3, 2006. This is considered an Unlisted Action. The Planning Board is Lead agency for the project.
6. Consideration if this project required a referral to the County Planning Board. The project is located within 500ft. from US Route 11. A motion to accept the completed application and refer it to the County Planning Board was made by Mrs. Stewart and seconded by Mr. Cooper. This motion passed 4-0.

7. A motion to set a Public Hearing for September 30, 2009 at 7:00pm was made by Mr. Cooper and seconded by Mrs. Stewart. This motion passed 4-0.
8. The matters before the Board in regard to the White Pines II Area Variance proposed development concluded at 7:15 pm

A motion to move to Executive Session to review the Court Decision was made by Mrs. Tunstall and seconded by Mrs. Stewart. This motion passed 4-0. Executive Session began at 7:20pm.

A motion to come out of Executive session was made by Mrs. Tunstall and was seconded by Mr. Jesmore. This motion passed 4-0. The ZBA regular meeting resumed at 8:00 pm.

The ZBA Board has reviewed the decision of Judge Gilbert regarding the Article 78 violation in Van Tassel vs. the Town of LeRay vacating the May 27, 2009 decision. Therefore the January 28, 2009 relief granted remains in full force and effect. The Board has considered three (3) courses of action:

1. Appeal the decision to the Appellate division in Rochester.
2. Consider another Rehearing.
3. Take no action, which leaves the Planning Board to interpret if our relief granted on January 28, 2009 meets the setback requirement.

After, consideration a motion is made to take no action as there is not an application currently before the Board. If a subsequent denial is issued by the Planning Board and an appeal is provided the ZBA will hear this matter accordingly.

New Business

Mr. Jesmore offered the following for further consideration by the Board at a later meeting:

By Laws- a skeleton set is included in the Code of Ethics of the Tug Hill Commission. Mr. Jesmore suggested that after the Board members are furnished the material and have reviewed it, if members thought this should be pursued, a motion could be made at a future meeting.

Mr. Van Tassel asked if the By-Laws would be presented at a Public Hearing so the public could give input. Attorney Langone commented that it may be an internal procedure.

The Board members were asked to review their salaries. Although it is not certain when the last time the ZBA salaries were reviewed, the current salaries are absurdly below what would be considered appropriate and commensurate for the work and responsibilities of the Board members.

Each Board member is required to have 4 hours of training. The Acting Chairman would like to have the training appropriate for the ZBA. He would pursue this with the Town Board, cautioning members about the upcoming November training regarding Flood Plain Insurance which has been

offered by the Town as training which would meet their training requirements. Mr. Jesmore Sr. suggested that Attorney Mark Gebo provide in house training for both the Planning Board and the ZBA.

It may be necessary to conduct regular meetings. The Board will discuss this.

The Chairman asked the Board members to consider the possibility of alternate Board members. This person would be asked to fill in, in the instance that there was an emergency and there was no quorum. There are no provisions in the By-Laws for this. The Town Board is aware that a new member is needed to fill the vacancy.

A motion to adjourn was made by Mrs. Tunstall and seconded by Mrs. Stewart. This motion passed 4-0. The meeting closed at 8:30pm.

Submitted: September 16, 2009- Deborah Biondolillo, Secretary