

## ZONING BOARD OF APPEALS OF THE TOWN OF LERAY

January 28, 2009

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

Mr. Zimmer is requesting a Use Variance for a parcel US Rt. 11 and Steinhilber Road Evans Mills NY, Tax Parcel # 65.00-2-3.21. The parcel in question is Zoned R-2 and his proposed project of an Ice Cream Shop is not an allowed use.

Mr. Zimmer explained to the Board that the parcel was a portion of property once owned by his father. One portion of the parcel is on Village Property and the remaining 1.5 acres are in the Town. The building would be within the Town and parking is planned for the village section.

Prior to last year this parcel was zoned DD in which this was an allowed use. At this present time the adjacent property is zoned AR in which this is an allowed use. The Board members felt this location would not be a desirable residential parcel. Mr. Zimmer also provided Board member with letters from adjoining land owners in favor of the project.

After the Board discussed the proposal, Bill Jesmore made the motion to grant the Use Variance. The motion was seconded by Jackie Tunstall and passed with a vote of 5-0.

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Mr. VanTassel is requesting an Area Variance for a parcel US Route 11 and the Holbrook Road Evans Mills NY, Tax Parcels # 75.17-1-17 and 75.17-1-18. The Article of the Zoning Law is listed as 158-49.3 sub section (E). The parcel in question is Zoned BR . As of the date of the meeting Mr. VanTassel owns lot 18 and has a purchase offer on lot 17.

The proposed building on the project would be built on both parcels. Mr. VanTassel told board members he needed an Area Variance for Final Approval from the Planning Board and would not be pursuing the project unless he was granted Final Approval.

After discussion on the proposal, Board member Bill Jesmore made the following motion: To grant an Area Variance for Lot 18 to allow a zero foot set back on the common lot line with lot 17 as represented in red on the map submitted. Provided that both lots are owned by the applicant before construction begins. Further, for clarification, once the two lots are owned by Mr. VanTassel, the Area Variance will be null and void due to the fact the two lots will be combined. This motion was seconded by Bonnie Stewart and passed with a vote of 5-0.

At this point Mr. Van Tassel stated there was another portion to the Area Variance. As he requested on his application. He provided a letter from the Planning Board dated November 5, 2007. This letter asked Mr. VanTassel to shift the proposed project five (5) feet to the east to provide a total of eleven ( 11) feet in the front of the proposed UHAUL parking to accommodate a future sidewalk and shrub landscaping to buffer truck parking. Mr. VanTassel was seeking a three (3) foot variance, leaving approximately ten (10) foot between the rear and side property lines. Mr. VanTassel stated that the plan was submitted prior to the moratorium.

Board members were concerned of the safety in the rear portion of the parcel. The board requested a form of egress from the rear of the lot.

A motion was made by Bill Jesmore to grant an Area Variance of 3 (three) feet to allow a 10 (ten) foot rear setback from the property line on Lot 19 which is south of the proposed building and the eastern side of the building which is lot 21 provided that means of egress thru the fence are provided every 50(fifty) feet for the reasons stated above.

This motion was seconded by Jackie Tunstall and passed with a vote of 5-0.

The meeting was adjourned at 8:35 p.m.

Debbie Biondolillo, Secretary , Zoning Board of Appeals , Town of LeRay