

# SPECIAL MEETING - WORK SESSION

## LeRay Zoning Board of Appeals

### March 15, 2021

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#### **Call to Order**

The March 15, 2021 Work Session portion of the LeRay Zoning Board of Appeals meeting took place in person and via teleconference. The meeting was called to order by Chairperson Oatman at 5:56 P.M.

#### **Open Work Session**

Board members in attendance: Chairperson – Jan Oatman, Jacalyn Tunstall, Christian Favret, Jim Blankman via teleconference, Zoning Enforcement Officer – Lee Shimel, and Clerk – Morgan Melancon.

#### **Approval of Work Session Minutes**

The minutes from the regular meeting on March 3, 2019 were reviewed by the Board members. A motion to approve the minutes was made by Member Blankman and seconded by Member Favret. The vote went as follows: Member Favret – Yes, Member Tunstall – Yes, Member Blankman – Yes, and Chairperson Oatman – Yes. The motion passed.

**Area Variance Application for Simon Glick** – proposal is for a 20-foot area variance in the front yard. The Application consists of the Application for an Area Variance, the Denial from ZEO, the SEQR, and the Plat Map, located on NYS Route 342, tax parcel #75.05-1-9.1.

Recapping the last meeting, Chairperson Oatman stated that Mr. Glick had plead his case that an Area Variance was possibly not needed and had inquired about an interpretation which would have necessitated a formal meeting, delaying their process, therefore they decided to proceed with the application for the Area Variance.

Chairperson Oatman asked the Board to go over the five (5) questions weighing the effects of the requested Area Variance on the health, safety, and welfare of the neighborhood and community. Chairperson Oatman asked Member Tunstall if she believed the requested variance would create an undesirable change in the character of the neighborhood or be detrimental to nearby properties. Member Tunstall replied that she did not think it would given the fact that his house would be in line with the other homes already there. Chairperson Oatman agreed and said if you looked at the map that showed the distances of the other houses, he was even back further than a couple of them. Member Favret and Member Blankman agreed.

Chairperson Oatman discussed if meeting the setback could be achieved by some other feasible method. Chairperson Oatman said the Board had previously discussed how Mr. Glick could potentially move the house closer to the Calcium side to achieve the 20-foot setback, but upon inspection of the property it was not unreasonable that he left the house where it was due to the contour of the land. Member Blankman said that he too had gone and looked at the property and concurred with Chairperson Oatman.

Member Blankman tried to recall the discussion on flipping the house to which Mr. Shimel clarified that the discussion involving flipping the house was not for the Area Variance but was for the prior issue involving the fire hydrant and driveway, which was resolved. Member Favret asked if flipping

the house would help with the septic issue in any way to which Mr. Shimel said he did not think it would have any effect on it.

Chairperson Oatman discussed if the requested area variance was substantial, saying the requested variance would result in a 33% reduction, which seemed like a lot but given the fact that he would be 80-feet from the road with the 40-foot right of way and the 40-foot setback, it did not seem unreasonable to allow. Member Blankman concurred, saying in comparison to the other properties it would not look out of place.

Next, Chairperson Oatman asked the Board if the area variance would have any adverse effects or impact on the physical and environmental conditions of the neighborhood or district, to which the Board agreed that it would not.

Lastly, Chairperson Oatman discussed if the alleged difficulty was self-created or not. Chairperson Oatman believed it was self-created as the onus always came back to the Buyer, upon purchasing a property they should know what the Zoning Laws were and what the right of way was. Member Tunstall said she was unsure, contending that since even Mr. Shimel was unaware of the unique Right-of-Way situation, how would the owners know to contact the DOT either. Member Blankman said he would not have thought of that either. Chairperson Oatman said regardless, the onus still goes back to the buyer, to which Member Favret agreed.

Chairperson Oatman asked the Board if anyone would have any objections to granting the Area Variance. The Board had none. Member Favret stated that going forward, they would need to make sure to do their homework and know what the setbacks were ahead of time.

Mr. Shimel informed the Board that Mr. Glick had given him 6 questions about what they could have done different and what they could do in the future to which Mr. Shimel told them they should always talk to him first prior to starting any work, as the code specifies.

### **Adjournment**

A motion was made by Member Jackie and seconded by Member Favret to adjourn the work session. The vote went as follows: Member Favret – Yes, Member Tunstall – Yes, Member Blankman – Yes, and Chairperson Oatman – Yes. The motion passed. The Work Session ended at 6:20 pm.