

Town of LeRay
Zoning Board of Appeals
September 4, 2019

Call to Order

On September 4, 2019, the meeting of the Town of LeRay Zoning Board of Appeals, located in the Town of LeRay Conference Room at 8650 LeRay Street in Evans Mills, NY, was called to order at 6:30 p.m. by the Zoning Board of Appeals Chairperson Jan Oatman.

Open Regular Meeting

Board members in attendance: Chairperson Jan Oatman, James Blankman, Christian Favret, Jackie Tunstall, Zoning Enforcement Officer - Lee Shimel, and Secretary – Diane Fuller. Others in attendance were Mr. Ed Olley, representing Pain Solutions of Northern NY. Board Member Patrick Pearson was absent.

Pledge of Allegiance

Approval of Minutes

The minutes from August 7, 2019 were reviewed by the Board members. A motion to approve the minutes was made by Mrs. Tunstall and seconded by Mrs. Favret. The vote went as follows: Mr. Blankman – Yes, Mrs. Favret – Yes, Mrs. Tunstall – Yes, and Chairperson Oatman - Yes. The motion passed.

Old Business

Public Hearing for an Area Variance for Pain Solutions of Northern NY –The area variance application seeks to replace the existing sign face for Pain Solutions of Northern NY with one that extends 4 feet above the existing signposts and covers an area of 28 square feet. The current nonconforming sign is 14 sq. ft. and is allowed by Local Law Article 13, Section 158-105, Paragraph 3. The sign is located on Tax Parcel #83.08-2-13.2, at 26561 NYS Route 3.

Chairperson Oatman asked Mr. Olley to give a short presentation of the Area Variance requested for the nonconforming sign expansion. Mr. Olley stated that the original signposts are 6 feet high by 48 inches wide. The existing sign panel is 48 inches wide by 42 inches in height, with the top of the sign face slightly below the top of the signposts. The elevation of the highway is 1 foot 11 inches above grade, which makes the existing sign appear lower from the road level. Mr. Olley presented the Board with a drawing of the proposed new sign face, which would extend 4 feet above the existing signposts and would be approximately 28 square feet. Mr. Olley stated that the speed limit on NYS Route 3 is 45 mph and that the current sign sits below the eye level of the drivers as they pass by. He also noted that there are several signs in existence along the Route 3 corridor that are larger than the sign for Pain Solutions. He stated that several of Dr. Bolla's patients have missed the turn into the medical office as the sign is difficult to see.

Chairperson Oatman opened the public hearing. With no public comments being made, a motion was made to close the public hearing at 6:45 pm by Mr. Blankman and seconded by Mrs. Tunstall. The vote went as follows: Mr. Blankman – Yes, Mrs. Favret – Yes, Mrs. Tunstall – Yes, and Chairperson Oatman - Yes. The motion passed.

Chairperson Oatman asked for any comments or discussion from the Board. The Board discussed that the proposed sign face was significantly larger than the existing sign face. There were several suggestions made about potential design changes that would make the sign easier to read, while reducing the size of the proposed sign panel. It was also noted that current zoning allows for the placement of a sign on the building and that the sign currently affixed to the building was difficult to see and could be moved and/or redesigned to improve visibility, which would also help.

Chairperson Oatman asked the Board to respond to the Test for an Area Variance.

1. The requested variance will/will not create an undesirable change in the character of the neighborhood or detriment to nearby properties:
 - Mr. Blankman Will Not
 - Mrs. Favret Will Not
 - Mrs. Tunstall Will Not
 - Chairperson Oatman Will Not- The sign is in front of an office complex where a nonconforming sign currently exists. There are several other larger signs in front of other existing businesses along the Route 3 corridor.

2. The benefits sought by the applicant can/can not be achieved by some other feasible method:
 - Mr. Blankman Can Not – move the sign
 - Mrs. Favret Can – change layout
 - Mrs. Tunstall Can Not – move the sign
 - Chairperson Oatman Can – Modify the design and make it smaller and/or move or modify the building signage to make it more visible.

3. The requested variance is/is not substantial:
 - Mr. Blankman Is Not – Other signs are 12 ft from ground to top of signage.
 - Mrs. Favret Is – double the size.
 - Mrs. Tunstall Is – there would be a big margin
 - Chairperson Oatman Is – the proposed sign is double the size of the existing sign.

4. The proposed variance will/will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district:
 - Mr. Blankman Will Not – there was a sign there.
 - Mrs. Favret Will Not – the layout can be changed
 - Mrs. Tunstall Will Not – the building sign could be made more visible.
 - Chairperson Oatman Will Not –There is already an existing sign there and it is in an area with other office buildings.

5. The alleged difficulty was/was not self-created because:
 - Mr. Blankman Was Not – the business has been there for 40 +/- years.
 - Mrs. Favret Was Not – the 2014 Zoning Law changed the area to residential.
 - Mrs. Tunstall Was Not – the business has been there for 40+/- years.
 - Chairperson Oatman Was Not –the property was in the process of being purchased prior to the zoning change to residential. As such, a new sign would not have been an issue. Because the zoning changed prior to the sale being finalized, the difficulty was not self-created.

Chairperson Oatman asked the Board if there were any more comments, questions or concerns before the final vote. There was no other discussion. A motion was made by Mrs. Favret and seconded by Mrs. Tunstall to grant the area variance for a new sign face with the following conditions: the new sign face is not to exceed 50% of the size of the current 14 square foot sign face and must fit within the confines of the existing sign posts.

The question of the foregoing resolution was duly put to a vote as follows:

	YES	NO
<u>Chairperson Jan Oatman</u>	<u>X</u>	_____
<u>James Blankman</u>	<u>X</u>	_____

<u>Christian Favret</u>	<u>X</u>	<u> </u>
<u>Jacalyn Tunstall</u>	<u>X</u>	<u> </u>

Chairperson Oatman informed Mr. Olley that a letter would be sent by Ms. Fuller with the resolution and Zoning Permit.

Adjournment

Chairperson Oatman asked if there was any other business to come before the Board. Being none, a motion to adjourn was made at 7:15 pm by Mrs. Tunstall and seconded by Mr. Blankman. The motion passed.