

Town of LeRay
Zoning Board of Appeals
January 16, 2019

Call to Order

On January 16, 2019, the LeRay Zoning Board of Appeals, located in the Town of LeRay Court Room at 8650 LeRay Street in Evans Mills, NY, was called to order at 7:00 p.m. by the Zoning Board of Appeals Chairperson Jan Oatman.

Open Regular Meeting

Board members in attendance: Chairperson Jan Oatman, James Blankman, Patrick Pearson, Jackie Tunstall, Zoning Enforcement Officer - Lee Shimel, and Secretary – Diane Fuller. Others in attendance were Mr. LeRoy Burnham, Mr. Steve Gracey, Mr. Dan Tontarski, and Mr. Fred Tontarski.

Pledge of Allegiance

Approval of Minutes

The minutes from November 7, 2018 were reviewed by the Board members. A motion to approve the minutes was made by Mr. Pearson and seconded by Mrs. Tunstall. The vote went as follows: Mr. Blankman – Yes, Mr. Pearson – Yes, Mrs. Tunstall – Yes, and Chairperson Oatman - Yes. The motion passed.

New Business

Use Variance for Burnman LLC, - to establish a grocery/gas station in the R-1 District, located at 27117 NYS Route 3, Tax Parcel #75.17-1-18.2. The Application consists of the Use Variance and other paperwork.

Chairperson Oatman asked Mr. Burnham to give the Board a brief description for his request for a Use Variance on this property. Mr. Burnham explained that he bought the property at auction in 2014 and has always planned to reopen it as the gas and grocery with a small restaurant on the side as it was before it closed. He did not realize that the zoning had changed or that the business was considered abandoned not allowed in the District at this time. However, since he had the restaurant open for 6 months everyone he spoke with was happy and could not wait for the gas and grocery to open. Chairperson Oatman informed Mr. Burnham that just the opposite was done at the public hearing to re-zone the Route 3 district to allow his business and that the public stressed that they did not want businesses near their homes.

Board Member Blankman, who lives in the area, stated that the residents did not want 2 family homes in the area and were not objecting to businesses. Then he asked what the residents would need to do now, Ms. Fuller stated that the residents, as a group, would need to approach the Town Board. Not the Planning Board and not the Zoning Board, but the Town Board, and then request exactly what they are looking for in the zone. However, because of the previous hearing and false information, a small group would work better to be the representatives of all Route 3 District residents.

A motion was made to act as Lead Agency with an uncoordinated environmental review an Unlisted Action was made by Mr. Pearson and seconded by Mr. Blankman. The vote went as follows: Mr. Blankman – Yes, Mr. Pearson – Yes, Mrs. Tunstall – Yes, and Chairperson Oatman - Yes. The motion passed.

Ms. Fuller prepared Part 2 of the Short SEQR form for review. Based on the review, the proposed action would not result in any significant adverse environmental impacts. Thereby, a motion was made to declare a negative declaration by Mrs. Tunstall and seconded by Mr. Blankman. The vote went as follows: Mr.

Blankman – Yes, Mr. Pearson – Yes, Mrs. Tunstall – Yes, and Chairperson Oatman - Yes. The motion passed.

The Board discussed that the application met all of the requirements to deem the application complete. A motion was made to accept the Application as complete by Mr. Pearson and was seconded by Mrs. Tunstall. The vote went as follows: Mr. Blankman – Yes, Mr. Pearson – Yes, Mrs. Tunstall – Yes, and Chairperson Oatman - Yes. The motion passed.

Chairperson Oatman explained that the Use Variance needed to be submitted to the Jefferson County Planning Board for review as the parcel is located on NYS Route 3. The motion to submit the project to Jefferson County Planning for their review was made by Mr. Blankman and seconded by Mrs. Tunstall. The vote went as follows: Mr. Blankman – Yes, Mr. Pearson – Yes, Mrs. Tunstall – Yes, and Chairperson Oatman - Yes. The motion passed.

Chairperson Oatman informed the Board that a Public Hearing needed to be set for the project. A motion was made for the Public Hearing to be held on February 6, 2019 at 6:30 pm by Mr. Blankman and seconded by Mr. Pearson. The vote went as follows: Mr. Blankman – Yes, Mr. Pearson – Yes, Mrs. Tunstall – Yes, and Chairperson Oatman - Yes. The motion passed.

Chairperson Oatman informed Mr. Burnham that a letter would be sent by Ms. Fuller regarding the Public Hearing date and any information needed.

Area Variance for Tontarski, Inc, – proposal is to subdivide parcels in the MED District less than 5 acres, located along Fabco Road and NYS Route 3, Tax Parcel #83.08-1-71.21. The Application consists of Area Variance, the Denial from ZEO, SEQR, and Plat Map.

Chairman Oatman asked Mr. Tontarski to present his request to the Board. Mr. Tontarski explained that they want to subdivide the land along Fabco Road into smaller parcels to sell off. As of right now there is only one lot that would equal the 5 acres. There are three occupied lots that are less than 2 acres. We would like to subdivide 4 lots at about 1.5 acres and then a lot at 2.62, a lot at 3.02 and then a lot at 3.91 which will include Fabco Road.

A motion was made to act as Lead Agency with an uncoordinated environmental review was made by Mr. Blankman and seconded by Mr. Pearson. The vote went as follows: Mr. Blankman – Yes, Mr. Pearson – Yes, Mrs. Tunstall – Yes, and Chairperson Oatman - Yes. The motion passed.

Based on the review, the proposed action would not result in any significant adverse environmental impacts. Thereby, a motion was made to declare a negative declaration by Mrs. Tunstall and seconded by Mr. Blankman. The vote went as follows: Mr. Blankman – Yes, Mr. Pearson – Yes, Mrs. Tunstall – Yes, and Chairperson Oatman - Yes. The motion passed.

The Board discussed that the application meets all of the requirements to deem the application complete. A motion was made to accept the Application as complete by Mr. Blankman and seconded by Mr. Pearson. The vote went as follows: Mr. Blankman – Yes, Mr. Pearson – Yes, Mrs. Tunstall – Yes, and Chairperson Oatman - Yes. The motion passed.

Chairperson Oatman explained that the Area Variance needs to be submitted to Jefferson County Planning Board for review as the parcel is located on NYS Route 3. A motion was made to send the application to Jefferson County Planning Board for their review by Mr. Pearson and second by Mrs. Tunstall. The vote went as follows: Mr. Blankman – Yes, Mr. Pearson – Yes, Mrs. Tunstall – Yes, and Chairperson Oatman - Yes. The motion passed.

Chairperson Oatman informed the Board that a Public Hearing needed to be set for the project. A motion was made for the Public Hearing to be held on February 6, 2019 at 6:30 pm by Mr. Blankman and seconded by Mr. Pearson. The vote went as follows: Mr. Blankman – Yes, Mr. Pearson – Yes, Mrs. Tunstall – Yes, and Chairperson Oatman - Yes. The motion passed.

Chairperson Oatman informed Mr. Tontarski that a letter would be sent by Ms. Fuller regarding the Public Hearing date and any information needed.

Adjournment

Chairperson Oatman asked if there was any other business to come before the Board. Being none, a motion to adjourn was made at 7:50 pm by Mr. Pearson and seconded by Mrs. Tunstall. The motion passed.