

Town of LeRay

ZBA - Work Session Minutes

February 2, 2022

Call to Order

The February 2, 2022, Work Session portion of the Town of LeRay Zoning Board of Appeals meeting took place in person in the Conference Room, and via teleconference. The meeting was called to order by Chairperson Oatman at 6:15 P.M.

Roll Call

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

Approval of Work Session Minutes – January 5, 2022

The Work Session minutes from January 5, 2022, were reviewed by the Board members. A motion to approve the minutes as drafted was made by Member Tunstall and seconded by Member Favret.

The vote went as follows:

Member Tunstall:	Yes	Member Favret:	Yes
Member Mushtare:	Abstain	Chairperson Oatman:	Yes

The motion passed.

Public Hearing for a Use Variance Application for Northern Optics, located on Route 3, tax parcel #83.08-2-13.1.

Chairperson Oatman gave the new Zoning Board Member, David Mushtare, a brief overview of the Use Variance Application and explained why freestanding signs were not allowed in an R-1 District. Chairperson Oatman said the applicant would have to pass the four (4) Use Variance Tests in order to be granted approval and based on the last meeting, the applicant, Mrs. Baker, knew she could not meet the criteria of the Use Variance test and therefore would most likely not be granted approval.

Member Mushtare said he would be learning as he went, for example he had previously seen the plaza as a commercial entity, not residential. Chairperson Oatman said the whole corridor was zoned as Residential. Mr. Shimel explained how the Town Board and Planning Board had tried to change the Zoning of that district to Mixed-Use but so many people spoke against it.

Chairperson Oatman explained to Member Mushtare that the whole corridor was zoned as R-1, and any preexisting businesses that had signs were now grandfathered in and the signs were considered non-conforming uses, which meant at the time they had been allowed and now they were not, and should they change the sign or take it down they would lose their grandfathered rights.

Mr. Shimel said the owner of the building, Mr. Abby, had sent a letter to the Town Board asking for a Law Change to allow freestanding signs for allowed commercial businesses in an R-1 District. The Town Board had referred to the Planning Board who would be discussing the matter the following night at their Planning Board Meeting, to which Mr. Shimel told Member Mushtare that he was more than welcome to attend the meeting if he wished to observe. Mr. Shimel said if the Planning Board

considered the proposal, they would draft up a proposal that would then go to the Town Board and there would be a Public Hearing.

The Board discussed the photos that Mrs. Jenack, the Community Development Coordinator, had taken of all the signs in that district, and sent them to the Board Members along with the comparison photos that were taken in 2012.

Adjournment

A motion to adjourn the work session was made by Member Tunstall and seconded by Member Favret.

The vote went as follows:

Member Tunstall:	Yes	Member Favret:	Yes
Member Mushtare:	Abstain	Chairperson Oatman:	Yes

The motion passed. The meeting adjourned at 6:25 PM.