

Town of LeRay

Zoning Board of Appeals – Work Session Minutes

October 5, 2022

Call to Order

The October 5, 2022, Work Session portion of the LeRay Zoning Board of Appeals meeting took place in the Town of LeRay Conference Room. The meeting was called to order by Chairperson Oatman at 6:00 P.M.

Roll Call

Board members in attendance: Jan Oatman – Chairperson, Jacalyn Tunstall - Member, Christian Favret - Member, David Mushtare - Member, John Hallett - Member, Lee Shimel – Zoning Enforcement Officer, and Morgan Melancon – Secretary to Planning and Zoning. Additionally, Mike Callahan, Shawn McCormick, Lane Netto, Julia Braunmueller, Roger Abbey, Fran Abbey, and Troy Chisamore were in attendance.

Approval of Work Session Minutes – September 14, 2022

The Work Session minutes from September 14, 2022, were reviewed by the Board members. Chairperson Oatman had a word correction in the first paragraph of the second page. A motion to approve the minutes as amended was made by Member Mushtare and seconded by Member Tunstall.

The vote went as follows:					
Member Tunstall:	Yes	Member Favret:	Yes	Chairperson Oatman:	Yes
Member Hallett:	Yes	Member Mushtare:	Yes		
The motion passed.					

Public Hearing @ 6:30 PM for an Area Variance Application for Jenkins Road Solar – located on County Route 16, tax parcel #54.19-2-22.13.

Chairperson Oatman reviewed the revised map with the Board and stated that they had requested more details be added to the map which included labeling the individual encroachments on the rear-yard with their distances to the property line. Chairperson Oatman commented that the encroachments were labeled but there was no key to indicate what they represented, nor were there measurements of how far the panels went outside the setback.

Chairperson Oatman said the Board had told Mrs. Braunmueller that they would entertain a variance of 90 feet which was not indicated on the map. She then asked Mr. Shimel if the Board needed those measurements on the map to be able to approve the area variance. Mr. Shimel thought it would be a good idea to have the map show the correct measurements but did not think it would stop the Board from approving the project that night, pending the corrections.

Chairperson Oatman asked the Board if they were satisfied with what they had discussed thus far and with what they had received from NexAmp, provided they gave the Board everything discussed. The Board stated that they were.

Review of an Area Variance Application for Lane Netto – located on State Route 3, tax parcel #83.08-2-13.3.

Chairperson Oatman explained that Mr. Netto was asking for a 2-foot area variance to put his 14' x 30' shed 8 feet from the property line. Chairperson Oatman said she saw no reason that Mr. Netto could not achieve the required 10-foot setback as his request was based solely on preference to have the shed line up with the existing fence. Chairperson Oatman asked the Board for their comments on the matter. Member Hallett asked what the setback requirements were for fencing to which Mr. Shimel explained that fencing had to be one foot off the property line.

Chairperson Oatman said the request would be understandable if he was unable to meet the setback, but in this case, he was able to. Member Mushtare and Member Favret voiced their agreement. Member Hallett asked where the driveway was located, as it was not indicated on the drawing. The Board discussed the driveway location. Member Mushtare said there was another shed on the property to which Member Favret said she had found the arial view of the property on Google Maps which showed the other shed was located on the other side of the fence.

Chairperson Oatman suggested the Board ask the representative, at the meeting, about the adjacent properties to get a better understanding of the impacts of the request.

Review of an Area Variance Application for Good Morning Rentals – located on State Route 3, tax parcel #83.08-2-13.3.

Chairperson Oatman explained that there was an existing house with a nonconforming setback and the applicant was asking for a variance with the greatest relief of 28.5 feet to build a garage. Chairperson Oatman said the municipal code stated that the setback requirement was 60 feet on a state road to which Mr. Shimel clarified that the setback was from the center of the right-of-way, not the property line. Chairperson Oatman asked whose responsibility it was to know where the center of the right-of-way was to which Mr. Shimel said it was the applicant's responsibility. He said in this case, he directed Mr. Abbey to call the Right-of-Way Division of the Department of Transportation (DOT) to get the information.

Chairperson Oatman questioned the setbacks being measured from the right-of-way as opposed to the property line as the code did not specify. Mr. Shimel stated that that was the way he handled all of the setbacks and explained that for the Good Morning Rentals property, the right-of-way was not parallel to Route 3 as the easement increased on one side of the property. Mr. Shimel discussed the drawing with the Board, clarifying where the right-of-way line was, which was not labeled.

Chairperson Oatman said the proposed garage was closer to the right-of-way on one corner than the other. Mr. Shimel reiterated that Mr. Abbey was asking for the greatest relief of 28.5 feet. Member Hallett commented that the setback could be achieved if Mr. Abbey removed the trees and vegetation behind the proposed garage.

Chairperson Oatman said the garage was proposed to be built further back than the existing house where there was already an existing driveway, and it would be illogical to have the garage built at the back of the house. Mr. Shimel said if Mr. Abbey put the garage further back, he would have to cut down large tress

while the current proposed location for the garage only required the removal of some saplings and brush. The Board discussed the existing barn on the property and its location.

Mr. Shimel said he had suggested to Mr. Abbey that he line up both the side door of the garage and the side door of the house with the existing sidewalk. The Board reviewed the photos of the property.

Adjournment

A motion to adjourn the work session was made by Member Favret and seconded by Member Hallett at 6:25 PM.

The vote went as follows:					
Member Tunstall:	Yes	Member Favret:	Yes	Chairperson Oatman:	Yes
Member Hallett:	Yes	Member Mushtare:	Yes		
The motion passed.					