

# Town of LeRay

## Zoning Board of Appeals - Minutes

March 2, 2022

---

### Call to Order

On March 2, 2022, the LeRay Zoning Board of Appeals held their meeting in person and via teleconference. The meeting was called to order at 6:30 p.m. by Member Favret.

---

### Open Regular Meeting

Board members in attendance: Christian Favret, Jacalyn Tunstall, David Mushtare, Zoning Enforcement Officer – Lee Shimel, Clerk to the Supervisor – Nathan Toutant, and Clerk – Morgan Melancon. Additionally, Deborah Biondolillo via teleconference, Patsy Storino, Thomas Converse, and Sandy Converse were in attendance.

---

### Approval of Minutes

The minutes from the regular meeting on February 2, 2022 were reviewed by the Board members. A motion to approve the minutes was made by Member Mushtare and seconded by Member Tunstall.

|                           |         |                |     |
|---------------------------|---------|----------------|-----|
| The vote went as follows: |         |                |     |
| Member Tunstall:          | Yes     | Member Favret: | Yes |
| Member Mushtare:          | Abstain |                |     |
| The motion passed.        |         |                |     |

---

### Correspondence and Communication

Member Favret asked if there was anyone who was not on the agenda that wished to address the Board. There was none. Member Favret asked Ms. Melancon if there was any correspondence to which Ms. Melancon replied there was a letter from Deborah Biondolillo, the Chairperson of the Town of LeRay Planning Board. Ms. Melancon read the letter:

“Good afternoon, Jan, and ZBA members,

You will be reviewing an Area Variance Application from Tom Converse Tom Converse for a 3 lot Subdivision located on Victory Lane. As the map was drafted each lot was .627 acres. Per code lots in the AR district are required to be 1 acre, unless the lot has both water and sewer, then the size of the lot decreases to a half-acre. At this point Victory Lane has Town water only.

The existing lots average approximately .0627 acres as well. These lots were created well before the new Zoning Code went into effect in 2014. In reviewing the Plat map, to “re draw” or move the pins to make the lots meet 1 acre would be difficult. Due to adjacent parcels and the shape of the remaining property that is still owned by Mr. Converse. I do not see this as a sizeable variance.

It will not alter the neighborhood – in fact it will help to maintain continuity creating same size lots. When considering the question of this being Self -created, the main part of Victory

Lane was subdivided well before the Zone Change in 2014. At this point no date has been discussed for adding Sewer on Victory Lane.

Thank You,  
Debbie Biondolillo”

**Review of an Area Variance Application for Thomas Converse** – requesting a 0.4-acre Area Variance for three individual lots each proposed to be .627 acres but requiring a one-acre minimum lot size. The applicant wishes to maintain uniform lot sizes as all the other lots that were previously subdivided are of the same dimensions and were established before the 2014 Zoning Law Change. All the lots are located on Victory Lane, tax parcel #75.00-1-72.711.

Member Favret asked the Board to review the Area Variance Application for Thomas Converse. Mr. Storino was in attendance as the representative and gave a brief presentation. Mr. Storino stated Mr. Converse wanted to subdivide three (3) parcels at 0.627-acres which was the same size as the other parcels in his development. Mr. Storino said they had previously created twenty-three (23) different lots that had all been built on and then discussed their potential future plans to address the remaining lots they wanted to Subdivide on Victory Lane, in about three (3) years. Mr. Storino discussed how they would clean up the remaining land, which included a flag lot and ensured the Board that they had a plan for their future development.

Mr. Shimel, seeking confirmation, asked if there was already water to the three (3) proposed lots to which Mr. Storino replied that there was. Member Favret and Mr. Storino discussed the location of the existing fire hydrant.

Mr. Converse discussed the temporary turnaround at the end of the three (3) proposed parcels and informed the Board of his future plans for making a permanent turnaround and road after the remaining lots were subdivided in the future.

Member Favret asked the Board if they had any other comments or Questions. The Board had none.

A motion was made by Member Mushtare and seconded by Member Tunstall to act as Lead Agency to conduct the environmental review for the Unlisted Action.

|                           |         |                |     |
|---------------------------|---------|----------------|-----|
| The vote went as follows: |         |                |     |
| Member Tunstall:          | Yes     | Member Favret: | Yes |
| Member Mushtare:          | Abstain |                |     |
| The motion passed.        |         |                |     |

The Board reviewed and completed Part 2 of the Short Environmental Assessment Form. Based on a review of the information and analysis, the Board determined that the proposed action would not result in any significant adverse environmental impacts. A motion to declare a negative declaration was made by Member Tunstall and seconded Member Mushtare.

|                           |         |                |     |
|---------------------------|---------|----------------|-----|
| The vote went as follows: |         |                |     |
| Member Tunstall:          | Yes     | Member Favret: | Yes |
| Member Mushtare:          | Abstain |                |     |
| The motion passed.        |         |                |     |

The Board determined that the Area Variance Application met all the requirements for Preliminary Review and that the Preliminary Area Variance Application was complete. A motion was made by Member Tunstall and seconded by Member Mushtare to deem the Preliminary Area Variance Application as complete.

|                           |         |                |     |
|---------------------------|---------|----------------|-----|
| The vote went as follows: |         |                |     |
| Member Tunstall:          | Yes     | Member Favret: | Yes |
| Member Mushtare:          | Abstain |                |     |
| The motion passed.        |         |                |     |

A motion to set a Public Hearing for the April 6, 2022 meeting at 6:30 PM was made by Member Mushtare and seconded by Member Favret.

|                           |         |                |     |
|---------------------------|---------|----------------|-----|
| The vote went as follows: |         |                |     |
| Member Tunstall:          | Yes     | Member Favret: | Yes |
| Member Mushtare:          | Abstain |                |     |
| The motion passed.        |         |                |     |

A letter would be sent out outlining the Public Hearing information.

## **Adjournment**

---

A motion was made by Member Mushtare and seconded by Member Tunstall to adjourn the meeting at 6:50 PM.

|                           |         |                |     |
|---------------------------|---------|----------------|-----|
| The vote went as follows: |         |                |     |
| Member Tunstall:          | Yes     | Member Favret: | Yes |
| Member Mushtare:          | Abstain |                |     |
| The motion passed.        |         |                |     |