

**Town of LeRay**  
**Zoning Board of Appeals**  
**August 7, 2019**

**Call to Order**

On August 7, 2019, the 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, Town Attorney – Joe Russell, and Secretary – Diane Fuller. Others in attendance were Mr. Olley. Board Member Patrick Pearson was absent.

**Pledge of Allegiance**

**Approval of Minutes**

The minutes from February 28, 2019 were reviewed by the Board members. A motion to approve the minutes was made 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.

**Interpretation of Article 13, Section 158-105, Paragraph 3 for Dr. Bolla** – application for sign permit per the amended Code adding the following provisions at the end.

***“Notwithstanding anything to the contrary contained in this section, nonconforming abandoned free standing signs in existence as of the date of the adoption of this local law shall remain as long as no structural changes are made thereto, and the advertising display may be modified to advertise a new business on the premises.”***

Chairperson Oatman asked the Board to take out the Law and Application for Interpretation. The intent of the Planning Board for this law was for the existing structure in the R-1 district to have signage, such as on NYS Route 3. This is accomplished by changing the advertising without altering the size or structure of the existing sign. This law was just adopted in June 2019 because of the Modstyle property. When the law was brought before the Town Board in Public Hearing, there were no comments. This sign is 6 feet tall and 6 feet wide. The proposal is to be 10 feet tall and 6 feet wide; meaning the sign would be an additional 4 feet tall.

Mr. Olley was present as a representative and stated that Modstyle is looking for clarification as to what a “structural change” means. Mr. Olley stated that the road is 2 feet above ground level, the sign message is 6 feet, and the little man would be 4 feet above top of structure posts. The new sign face is larger than the pre-existing sign face. The Board discussed that the revised law stating “Notwithstanding anything to the contrary contained in this section, non-conforming abandoned free standing signs in existence as of the date of the adoption of this local law shall remain as long as no structural changes are made thereto, and the advertising display may be modified to advertise a new business on the premises” and that the word “sign” as defined in 158-91 of the LeRay Zoning Code as “any material, structure or device or part thereof composed of lettered or pictorial mater...” Included both the sign structure and sign face.

Mrs. Tunstall made a motion that the proposed sign was not in compliance with the newly revised law regarding nonconforming signs as the original sign structure, defined in 158-91 of the LeRay Zoning Code that the supports, uprights, and framework for the sign was to be used to support the new sign face. As the proposed sign face is larger than the original one, the *proposed sign* was a structural change and does not

comply with the law.. The motion was seconded by Mrs. Favret. The vote went as follows: Mr. Blankman – No, Mrs. Favret – Yes, Mrs. Tunstall – Yes, and Chairperson Oatman - Yes. The motion passed.

Mr. Olley provided an Area Variance Application for the height of the sign and SEQR.

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

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 contingent upon the fee being paid by August 14<sup>th</sup> by Mr. Blankman and was 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 stated that the Area 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 Mrs. Favret 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 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 September 4, 2019 at 6:30 pm by Mr. Blankman 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.

Chairperson Oatman informed Mr. Olley 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 8:02 pm by Mr. Blankman and seconded by Mrs. Tunstall. The motion passed.