

**LERAY ZONING BOARD OF APPEALS**  
**WORK SESSION**  
**MARCH 3, 2021**

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**Call to Order**

The March 3, 2021 Work Session portion of the LeRay Zoning Board of Appeals meeting took place in person and via teleconference. The meeting was called to order by Chairperson Oatman at 6:00 P.M.

**Roll Call**

Board members in attendance: Chairperson – Jan Oatman, Jacalyn Tunstall, Christian Favret, Jim Blankman via teleconference, Zoning Enforcement Officer – Lee Shimel, and Clerk – Morgan Melancon. Chairperson Oatman informed the Board that Member Pearson had stepped down and the Board would need to find a replacement.

**Area Variance Application for Simon Glick** – proposal is for a 20 foot area variance in the front yard. The Application consists of the Application for an Area Variance, the Denial from ZEO, the SEQR, and the Plat Map, located on NYS Route 342, tax parcel #75.05-1-9.1.

Chairperson Oatman asked the Board if the requested variance would/would not create an undesirable change in the character of the neighborhood or detriment to nearby properties, to which she stated that the house would be going in line with the existing houses on Route 342.

Chairperson Oatman said she had been discussing with Mr. Shimel if the benefits sought by Mr. Glick could or could not be achieved by some other feasible method. Chairperson Oatman concluded that if Mr. Glick moved his proposed home back approximately 20 feet, in the direction of the wider part of the triangular lot, then Mr. Glick could maintain the setback requirements on all sides and conform to the 60-foot setback in the front instead of asking for the variance.

Member Favret stated that if Mr. Glick moved the home to where Chairperson Oatman had suggested, then the fire hydrant would also be in a better location in relation to the driveway, especially in the event there were multiple cars parked there. Chairperson Oatman informed Member Favret that there were currently no regulations regarding that, and Mr. Shimel further explained the previous discussions he had had with Mr. Glick regarding the driveway and fire hydrant. Chairperson Oatman asked if Mr. Glick had put the driveway in before the Zoning Permit was issued to which Mr. Shimel replied that yes, he had already started the driveway.

Chairperson Oatman asked the Board if the requested variance was substantial or not, saying the required setback was 60 feet and Mr. Glick was asking for a 40-foot setback which would be a 33% reduction, so would that be considered substantial. Mr. Shimel said that was a judgment call to which Chairperson Oatman agreed. Chairperson Oatman said the house sat 80 feet from the blacktop, as the right of way was 40 feet wide, which was what was contributing to the problem. Member Blankman inquired if the home was going to be a stick home or modular home to which Mr. Shimel responded that he believed it would be a stick home, which was in line with the other homes Mr. Glick had built previously. Member Favret asked if the home would be for his personal residence or would he be selling the home to which Mr. Shimel replied that he would be selling the home. Chairperson Oatman said since the home was not going to be their permanent residence, she

felt more inclined to enforce the setbacks as the zoning codes were there for a reason, and if it was achievable by making a slight variation then she believed it was something to consider.

Chairperson Oatman asked who determined the right of way to which Mr. Shimel said the State did. Chairperson Oatman asked if the Town had any way of knowing what the right of way was on a particular parcel to which Mr. Shimel replied that he had obtained the information from Water District 4's as-builts. Chairperson Oatman inquired as to whose responsibility it was to know the right of way information to which Mr. Shimel said it was the applicant's responsibility. Member Blankman said there was a similar situation in the Town of Pamela some years prior and the responsibility went back to the applicant.

Chairperson Oatman said if the Board asked him to move the structure to meet the setbacks, then he would not need a variance. Member Favret asked what the setbacks were on a septic system to which Mr. Shimel said there was not one to his knowledge. Mr. Shimel stated that he had suggested moving the whole house, but Mr. Glick was concerned with the leach field. Mr. Shimel said the only thing built on the property was the light pole.

Member Favret asked if Mr. Glick had put in the pole himself to which Mr. Shimel said no, National Grid had installed it and the poles' location made the wires higher which had been a concern. Chairperson Oatman said furthermore, the pole was most likely installed in relation to where they wanted to put the home.

The Board mulled over the map to decipher how far over the home would have to be moved to meet the setbacks which was concluded to be 32.5 feet towards calcium

### **Adjournment**

The Work Session ended at 6:30 pm.