

Town of LeRay

Zoning Board of Appeals - Minutes

April 6, 2022

Call to Order

On April 6, 2022, the LeRay Zoning Board of Appeals held their meeting in person and via teleconference. The meeting was called to order at 6:30 PM by Chairperson Oatman.

Open Regular Meeting

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 – Planning and Zoning Clerk. Additionally, Patsy Storino, Tom Converse, and Sandy Converse were in attendance.

Approval of Minutes

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

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

Correspondence and Communication

Chairperson Oatman asked if there was anyone who was not on the agenda that wished to address the Board. There was none. Chairperson Oatman asked Ms. Melancon if there was any correspondence to which Ms. Melancon replied there was none.

Public Hearing for 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 of the lots are located on Victory Lane, tax parcel #75.00-1-72.711.

Chairperson Oatman asked the Board to review the Area Variance Application for Thomas Converse. Patsy Storino was in attendance as the representative and gave a brief presentation. Chairperson Oatman asked Mr. Storino if he had plans for a turnaround to which Mr. Storino explained where they would be adding a temporary turnaround until the rest of the subdivisions were complete at which point, they would build a permanent turnaround.

Chairperson Oatman opened the Public Hearing at 6:33 PM and Clerk Melancon read the hearing notice as published in the Watertown Daily Times on March 11, 2022. Chairperson Oatman asked if there was any comments from the audience. Hearing none, a motion was made by Member Tunstall and seconded by Member Mushtare to close the Public Hearing.

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

Chairperson Oatman said they Board needed to discuss the five (5) questions for an Area Variance and asked the Board to weigh the effects of the requested Area Variance on the health, safety, and welfare of the neighborhood and community. A motion was made by Member Favret and seconded by Member Mushtare to review the tests for the requested Area Variance as a final decision.

Chairperson Oatman asked the Board to vote on the five tests:

1. The requested variance [will/will not] create an undesirable change in the character of the neighborhood or detriment to nearby properties...

Jan Oatman	<input type="checkbox"/> will	<input checked="" type="checkbox"/> will not
Christian Favret	<input type="checkbox"/> will	<input checked="" type="checkbox"/> will not
Jacalyn Tunstall	<input type="checkbox"/> will	<input checked="" type="checkbox"/> will not
David Mushtare	<input type="checkbox"/> will	<input checked="" type="checkbox"/> will not
John Hallett	<input type="checkbox"/> will	<input checked="" type="checkbox"/> will not

...in that all the other parcels in the same development where the same size as was requested by the applicant.

2. The benefits sought by the applicant [can/cannot] be achieved by some other feasible method...

Jan Oatman	<input checked="" type="checkbox"/> can	<input type="checkbox"/> can not
Christian Favret	<input checked="" type="checkbox"/> can	<input type="checkbox"/> can not
Jacalyn Tunstall	<input checked="" type="checkbox"/> can	<input type="checkbox"/> can not
David Mushtare	<input checked="" type="checkbox"/> can	<input type="checkbox"/> can not
John Hallett	<input checked="" type="checkbox"/> can	<input type="checkbox"/> can not

...because the applicant could subdivide the lot into two (2) lots instead of the requested three (3) to achieve the required minimum of one (1) acre.

3. The requested variance [is/is not] substantial...

Jan Oatman	<input type="checkbox"/> is	<input checked="" type="checkbox"/> is not
Christian Favret	<input type="checkbox"/> is	<input checked="" type="checkbox"/> is not
Jacalyn Tunstall	<input type="checkbox"/> is	<input checked="" type="checkbox"/> is not
David Mushtare	<input type="checkbox"/> is	<input checked="" type="checkbox"/> is not
John Hallett	<input type="checkbox"/> is	<input checked="" type="checkbox"/> is not

...in that the applicant had water on all three (3) proposed parcels which accounted for half the requirements to have a minimum lot area of 0.5-acre instead of the 1-acre needed for a property that had neither water nor sewer.

4. The proposed variance [will/will not] have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district...

Jan Oatman	<input type="checkbox"/> will	<input checked="" type="checkbox"/> will not
Christian Favret	<input type="checkbox"/> will	<input checked="" type="checkbox"/> will not
Jacalyn Tunstall	<input type="checkbox"/> will	<input checked="" type="checkbox"/> will not
David Mushtare	<input type="checkbox"/> will	<input checked="" type="checkbox"/> will not
John Hallett	<input type="checkbox"/> will	<input checked="" type="checkbox"/> will not

... based on the finding of the Short Environmental Assessment Form, Part 2, Impact Assessment.

5. The alleged difficulty [was/was not] self-created...
- | | | |
|------------------|---|----------------------------------|
| Jan Oatman | <input checked="" type="checkbox"/> was | <input type="checkbox"/> was not |
| Christian Favret | <input checked="" type="checkbox"/> was | <input type="checkbox"/> was not |
| Jacalyn Tunstall | <input checked="" type="checkbox"/> was | <input type="checkbox"/> was not |
| David Mushtare | <input checked="" type="checkbox"/> was | <input type="checkbox"/> was not |
| John Hallett | <input checked="" type="checkbox"/> was | <input type="checkbox"/> was not |

...because the applicant was able to subdivide the lot into two (2) acres instead of three (3).

A motion was made by Member Favret and seconded by Member Mushtare to grant the Area Variance, for the reasons stated above, of section 158-13 B (1) of the Zoning Law of the Town of LeRay to allow a 0.4-acre area variance, located on Victory Lane, tax parcel #75.00-1-72.711.

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

Chairperson Oatman informed Mr. Storino that Clerk Melancon would be sending them an approval letter in the mail with a copy of the Resolution.

Adjournment

A motion was made by Member Mushtare and seconded by Member Tunstall to adjourn the meeting at 6:38 PM.

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