

LERAY ZONING BOARD OF APPEALS
MINUTES
MARCH 3, 2021

Call to Order and the Pledge of Allegiance

On March 3, 2021, the LeRay Zoning Board of Appeals held their monthly meeting in person and via teleconference. The meeting was called to order at 6:30 p.m. by Chairperson Oatman.

Open Regular Meeting

Board members in attendance: Chairperson – Jan Oatman, Jacalyn Tunstall, Christian Favret, Jim Blankman via teleconference, Zoning Enforcement Officer – Lee Shimel, and Clerk – Morgan Melancon. Also in attendance was Simon Glick and Eldon Glick.

Approval of Minutes

The minutes from the regular meeting on September 4, 2019 were reviewed by the Board members. A motion to approve the minutes was made by Member Tunstall and seconded by Member Favret. The vote went as follows: Member Favret – Yes, Member Tunstall – Yes, Member Blankman – Yes, and Chairperson Oatman – 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 no response. Chairperson Oatman asked Clerk Melancon if there had been any correspondence to which Clerk Melancon said there was none.

Area Variance Application for Simon Glick – proposal is for a 20 afoot 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 to review the Area Variance Application. Mr. Simon Glick and Mr. Eldon Glick were in attendance and provided a brief description. Mr. Simon Glick stated that on January 12, 2021 he had originally submitted the Zoning Permit Application and Plot Map showing compliance with what he understood was the setback requirements provided by the ZEO. Mr. Simon Glick said that on February 11, 2021 the ZEO, after previously issuing the Zoning Permit, directed him to apply for the Area Variance as the setback frontage on State Route 342 was overlooked when the Zoning Permit was issued. Mr. Simon Glick said the ZEO no longer felt his application for the permit met the required setback for the R1 district.

Mr. Simon Glick presented an additional map to the Board with references from the Town Municipal Code. These codes were as follows:

158-148 Zoning Permits (D) “Where establishing measurements to meet the required front yards and structure setbacks, the measurements shall be taken from the road line, lot line, or nearest high-water elevation to the furthestmost protruding part of the structure. This shall include such projecting facilities as cornices, eaves, porches, carports, attached garages, etc.”

158-6{107} Definitions: FRONT YARD “The space within and extending the full width of the lot from the road line to the building line nearest to such road line.”

158-6{107} Definitions: ROAD “A permanently improved thoroughfare under public or private ownership of a fixed width within an identified right-of-way which affords the principal means of access to more than three lots. See also “driveway.””

Mr. Simon Glick also recited the New York Vehicle and Traffic Law as follows:

Article 1 – NY Vehicle and Traffic Law Section 140: ROADWAY “That portion of a highway improved, designed, marked, or ordinarily used for vehicular travel, exclusive of the shoulder and slope. In the event a highway includes two or more separate roadways the term roadway as used herein shall refer to any such roadway separately but not to all such roadways collectively.”

Mr. Eldon Glick and Mr. Simon Glick wanted to determine if an Area Variance was even necessary, arguing that the measurement for the setback would have begun at the edge of the pavement. Chairperson Oatman recited the following Municipal Code:

158-6 Definition: SETBACK “The distance measured between the building line and the lot line.”

Chairperson Oatman said based on the definition of a setback, the distance measured would be from their lot line to the building line. Chairperson Oatman said, referring to the R1 district setbacks, a front yard building setback was a minimum of 40 feet, and the minimum for lots with frontage on State Roads was 60-feet. Chairperson Oatman said her interpretation, based on the drawing received from the Glick’s, was that there was a 40-foot right of way, meaning the lot line was 40 feet back from State Route 342. Mr. Eldon Glick contended that the 40 feet would be included in the measurements. Mr. Simon Glick inquired into the possibility of an interpretation of the Code to which Mr. Shimel replied that if they desired an interpretation it was a formal process and would most likely go into May, without any certainty of the results being in the Glick’s favor. Mr. Simon Glick was unaware the process for an interpretation would take so long and was more inclined to continue with the Area Variance.

Mr. Shimel had prepared Part 2 of the Short Environmental Assessment Form for the Boards review. Member Favret made a motion to act as Lead Agency to conduct the environmental review for the Unlisted Action and the motion was seconded by Member Tunstall. The vote went as follows: Member Favret – Yes, Member Tunstall – Yes, Member Blankman – Yes, and Chairperson Oatman – Yes. The motion passed.

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 Blankman and seconded by Member Tunstall. The vote went as follows: Member Favret – Yes, Member Tunstall – Yes, Member Blankman – Yes, and Chairperson Oatman – Yes. The motion passed.

The Board determined that the Area Variance Application was complete. A motion to deem the application complete was made by Member Tunstall and Seconded by Member Blankman. The vote went as follows: Member Favret – Yes, Member Tunstall – Yes, Member Blankman – Yes, and Chairperson Oatman – Yes. The motion passed.

A motion was then made to set a Special Meeting for a Public Hearing on March 15, 2021 at 6:30 pm by Member Favret and seconded by Member Tunstall. The vote went as follows: Member

Favret – Yes, Member Tunstall – Yes, Member Blankman – Yes, and Chairperson Oatman – Yes. The motion passed.

The Chairperson explained that a letter with the Public Hearing information would be sent in the mail.

Report from Chairperson Oatman

Adjournment

A motion to adjourn at 7:32 pm was made by Member Tunstall and seconded by Member Favret. The vote went as follows: Member Favret – Yes, Member Tunstall – Yes, Member Blankman – Yes, and Chairperson Oatman – Yes. The motion passed.