

# Town of LeRay

## ZBA - Work Session Minutes

March 2, 2022

### Call to Order

The March 2, 2022, Work Session portion of the Town of LeRay Zoning Board of Appeals meeting took place in person in the Conference Room, and via teleconference. The meeting was called to order by Member Favret at 6:15 P.M.

### Roll Call

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 and Patsy Storino were in attendance.

### Approval of Work Session Minutes – February 2, 2022

The Work Session minutes from February 2, 2022, were reviewed by the Board members. A motion to approve the minutes as drafted was made by Member Tunstall and seconded by Member Favret.

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

### Public Hearing for a Use Variance Application for Thomas Converse, located on Victory Lane, tax parcel #75.00-1-72.711.

Member Favret explained that Mr. Converse was requesting a 0.4-acre Area Variance for three (3) individual lots. Member Favret explained that the original subdivisions were all 0.627 acres and were subdivided prior to the 2014 Zoning Law change. The current Municipal Code, section 158-13 B. (1), stated that:

“Residential uses: one acre; 0.5 acre with municipal water and sewer; 0.25 acre as part of an approved cluster development.”

Clerk Melancon told the Board Members that she had handed out a letter of correspondence from Deborah Biondolillo and the Board then reviewed the letter.

Member Favret explained that the three (3) proposed parcels had water but no sewer and were therefore required to have one (1) acre each. A Plat Map was provided for the Board to review. The Board discussed the parcels and inquired after the water lines and how far down Victory Lane they went. Mr. Shimel and Mr. Toutant provided a Water District Map for the Boards review.

The Board reviewed the five (5) Area Variance questions and discussed them in turn.

1. “Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance.”

The Board agreed that there would not be an undesirable change to the character of the neighborhood, as all the other parcels in the same development were the same size as requested.

2. “Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.”

The Board agreed that the benefit sought by the applicant could be achieved by proposing the allowed one (1) acre lots.

3. “Whether the requested Area Variance is substantial.”

The Board agreed that the Area Variance was not substantial.

4. “Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.”

The Board agreed that the proposed variance would not have adverse effects or impacts on the physical or environmental conditions in the neighborhood or district

5. “Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the Area Variance.”

Lastly, the Board agreed that the alleged difficulty was self-created.

## **Adjournment**

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A motion to adjourn the work session was made by Member Mushtare and seconded by Member Tunstall.

The vote went as follows:			
Member Tunstall:	Yes	Member Favret:	Yes
Member Mushtare:	Yes		
The motion passed. The meeting adjourned at 6:27 PM.			