

Town of LeRay

Zoning Board of Appeals Minutes

July 2, 2025

CALL TO ORDER

On July 2, 2025, the Town of LeRay Zoning Board of Appeals held its meeting in the Conference Room of the Town of LeRay Municipal Building. The meeting was called to order at 6:30 PM by Chairperson Oatman, who led the room in the Pledge of Allegiance.

ROLL CALL

Member Favret: ☒ Present ☐ Absent
Member Mushtare: ☒ Present ☐ Absent
Member Robbe: ☒ Present ☐ Absent
Member O'Brien: ☐ Present ☒ Absent
Chairperson Oatman: ☒ Present ☐ Absent

Additionally, Lee Shimel – Zoning Enforcement Officer, Morgan Melançon – Secretary to Planning and Zoning, Leland Carpenter – Town Supervisor, and Nola Jenkins – Project Representative, were in attendance.

ACCEPTANCE OF MINUTES

The minutes from the June 11, 2025 meeting were reviewed by the Board. A motion to accept the minutes as drafted was made by Member Mushtare and seconded by Member Robbe. The vote went as follows:

Member Favret: ☒ Yes ☐ No ☐ Abstain ☐ Recuse ☐ Absent
Member Mushtare: ☒ Yes ☐ No ☐ Abstain ☐ Recuse ☐ Absent
Member Robbe: ☒ Yes ☐ No ☐ Abstain ☐ Recuse ☐ Absent
Member O'Brien: ☐ Yes ☐ No ☐ Abstain ☐ Recuse ☒ Absent
Chairperson Oatman: ☒ Yes ☐ No ☐ Abstain ☐ Recuse ☐ Absent

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 Secretary Melançon if there was any correspondence, to which she replied there was none.

PROJECT REVIEW

1. **Public Hearing @ 6:30 PM for an Area Variance Application for Timothy Garner.** The proposal is to install a 253 SF off-premises sign, requesting relief of 221 SF from the maximum allowed sign area of 32 SF, located along US Route 11, tax parcel #65.09-1-10.

Nola Jenkins was in attendance as the applicant's authorized representative. She informed the Board that she had no additional information to submit since the previous meeting and inquired whether a smaller-sized sign would be more acceptable to the Board if the current Area Variance request were denied.

Chairperson Oatman responded that if the applicant had alternative size options to present, the Board could review them prior to making a final determination. However, she clarified that once the Board reached a final decision on the current application, any revised proposals—regardless of size—would require submission of a new Area Variance application and be subject to a new review process.

Chairperson Oatman stated that after reviewing Part 1 of the Short Environmental Assessment Form (SEAF) from the June 11, 2025 meeting, several clerical inaccuracies had been identified. These corrections would not alter the environmental factors previously considered by the Board, and the previously issued Negative Declaration remained valid. Chairperson Oatman reviewed the corrections with the Board for the record as follows:

- Question 1:** Should be marked "No", as the action does not involve the adoption of a plan, law, or regulation.
- Question 2:** Should be "Yes", as the proposal may require permits from the NYS Department of Environmental Conservation (DEC), NYS Department of Transportation (DOT), and the State Historic Preservation Office (SHPO).
- Question 5:** Should be "Yes", as off-premises signage was a permitted use in a Mixed-Use (MU) District.
- Question 6:** Could be more appropriately marked "No", though "N/A" was also acceptable.
- Question 14:** Should also list wetlands.

Chairperson Oatman opened the Public Hearing at 6:39 PM and Secretary Melançon read the Public Hearing Notice as published in the Watertown Daily Times on June 24, 2025.

The Board reviewed the advisory comments received from the Jefferson County Planning Board, pursuant to General Municipal Law §239-m. The County determined the application to be a matter of local concern only and provided the following advisory recommendations for the Board's consideration:

1. *The local Board should ensure that the applicant provides "verification from New York State Department of Transportation that the proposed off-premises sign will not be in violation of any state regulations at its proposed location, which shall be submitted with the sign permit application" pursuant to Section 158-101, Paragraph I (6). Otherwise, the sign permit application is considered incomplete according to the Town of LeRay's Zoning Law.*
 - The Board acknowledged this requirement and stated that, if the variance were to be granted, verification from NYS DOT confirming compliance with state regulations would be included as a condition of approval.

2. *If approved, a NYS DOT Outdoor Advertising Application and Permit & Agreement of Consent to Erect and Maintain an Advertising Sign forms are required. In addition, the Local Municipality Certification should be filled out by an official from the Town of LeRay.*
 - The Board noted this procedural requirement and agreed that the applicant would be responsible for submitting all necessary DOT permitting and certification documents if the variance were approved.
3. *NYS DOT will have to determine if the proposed location of the off-premises sign is advertising in an area that is considered industrial or commercial areas or zones.*
 - The Board acknowledged that this determination rested with NYS DOT and, if approved, would require confirmation from NYS DOT as a part of the permitting process.
4. *A Jefferson County Building Permit is required*
 - The Board noted this requirement for the record. The applicant will be responsible for obtaining a County Building Permit prior to construction if the variance is granted.
5. *State-regulated wetlands have been identified near the project area and the applicant should delineate the wetlands on the parcel; in addition, NYS DEC should be contacted to ensure that appropriate requirements will be met.*
 - The applicant was advised to complete a wetlands delineation and consult with NYS DEC to ensure appropriate permitting and environmental compliance.
6. *The Board should consider that if they approve this area variance, it will establish a precedent of having off-premises signs greater than 32 square feet as well as allowing billboards along US Route 11.*
 - The Board agreed that granting the requested variance would conflict with the intent of the Town's zoning regulations and could set an undesirable precedent for future billboard applications along Route 11.
7. *According to Section 158-101, paragraph I (1), it appears that the proposed off-premises sign does not meet the height requirements. The local board should ensure that the height of the sign is also included in the area variance.*
 - The Board reviewed the applicable height limitations and acknowledged that the proposed sign exceeded the 8-foot height restriction. Mr. Shimel informed the Board that Section 158-98(B) provided an exception for sloped sites, allowing height to be measured from the roadway grade. If applicable, any height deviation would be included as part of the variance determination.
8. *The local board should ensure the required front yard setback is met by the proposed location pursuant to section 158-101.*
 - The Board reviewed Section 158-101 and noted that while no specific numerical front yard setback was provided for off-premises signs, the code prohibited any portion of the sign

structure from encroaching upon the public right-of-way. The applicant was advised accordingly.

The project had been referred to the Town Board for their review at their June 12, 2025 meeting. Their advisory comments, dated June 25, 2025, were read into the record as Exhibit A. Chairperson Oatman then read the following excerpt into the record from the 2025 Comprehensive Land Use Plan:

“Sign Regulations – Purpose

By their nature, signs and billboards are intended to attract attention, including vehicle drivers. The effects of signs and billboards on safety, particularly the safety of drivers, passengers, pedestrians and cyclists as well as the effects of these signs on nearby residents and businesses, are valid reasons for controlling their location and size. In addition to safety, public welfare and community character are also valid reasons for regulating signs. Municipalities can regulate signs visible to the public through its zoning regulations, using reasonable and objective standards that protect the public’s health, safety, welfare and community character.”

Chairperson Oatman opened the floor for public comments. Hearing none, a motion was made by Member Robbe and seconded by Member Mushtare to close the Public Hearing at 6:47 PM. The vote went as follows:

Member Favret:	☒ Yes	☐ No	☐ Abstain	☐ Recuse	☐ Absent
Member Mushtare:	☒ Yes	☐ No	☐ Abstain	☐ Recuse	☐ Absent
Member Robbe:	☒ Yes	☐ No	☐ Abstain	☐ Recuse	☐ Absent
Member O’Brien:	☐ Yes	☐ No	☐ Abstain	☐ Recuse	☒ Absent
Chairperson Oatman:	☒ Yes	☐ No	☐ Abstain	☐ Recuse	☐ Absent

The motion passed. Pursuant to New York State Town Law §267-b(3), the Board must balance the benefit to be realized by the applicant against the potential detriment to the health, safety, and welfare of the neighborhood or community if the variance were to be granted. In making this determination, the Board considered the following statutory criteria:

1. Would the granting of the Area Variance produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties?

The surrounding land consists of residential homes and undeveloped parcels, with a railroad running along the eastern boundary and a cemetery located to the south. The Board discussed the potential visual and contextual impacts of a 253-square-foot off-premises sign situated along this rural stretch of US Route 11. Members expressed concern that the scale, illumination, and billboard-style format of the proposed sign would be inconsistent with the rural and small-town aesthetic of the area, negatively affecting the viewshed and overall character of the landscape. The Board also acknowledged that both the 2014 Zoning Code update and subsequent advisory opinions from the Town and Planning Boards clearly reflected the Town’s intent to reduce and restrict billboard-style signage within the community.

Member Favret:	☒ Yes	☐ No	☐ Absent
Member Mushtare:	☒ Yes	☐ No	☐ Absent

Member Robbe: ☒ Yes ☐ No ☐ Absent
Member O'Brien: ☐ Yes ☐ No ☒ Absent
Chairperson Oatman: ☒ Yes ☐ No ☐ Absent

Findings: Based on the surrounding land use, the size and visibility of the proposed structure, and its potential effects on nearby properties, the Board found that the requested Area Variance would produce an undesirable change in the character of the neighborhood.

2. Could the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an Area Variance?

The Board considered whether the applicant could achieve the intended benefit—namely, advertising visibility along US Route 11—through any alternative means permitted under the existing zoning code. No lawful alternatives were identified that would allow for off-premises signage of this size without a variance.

Member Favret: ☐ Yes ☒ No ☐ Absent
Member Mushtare: ☐ Yes ☒ No ☐ Absent
Member Robbe: ☐ Yes ☒ No ☐ Absent
Member O'Brien: ☐ Yes ☐ No ☒ Absent
Chairperson Oatman: ☐ Yes ☒ No ☐ Absent

Findings: The Board found that the benefit sought by the applicant could not be achieved through any feasible alternative that would comply with zoning requirements.

3. Was the requested variance substantial?

The applicant proposed a 253-square-foot sign where the maximum permitted size was 32 square feet, resulting in a requested increase of more than 600%. The Board determined that this level of deviation from the code was significant and substantial by any reasonable standard of measurement.

Member Favret: ☒ Yes ☐ No ☐ Absent
Member Mushtare: ☒ Yes ☐ No ☐ Absent
Member Robbe: ☒ Yes ☐ No ☐ Absent
Member O'Brien: ☐ Yes ☐ No ☒ Absent
Chairperson Oatman: ☒ Yes ☐ No ☐ Absent

Findings: The Board found that the requested Area Variance was substantial in nature due to the extreme deviation from the dimensional limits established by the Zoning Code.

4. Would the proposed variance have an adverse effect on the physical or environmental conditions in the neighborhood or district?

The Board raised concerns about the proximity of state-regulated wetlands and the lack of delineation, as well as uncertainty regarding potential impacts on wildlife and drainage. The proposal's illumination, size, and placement were also discussed in the context of traffic safety—

particularly with regard to nearby planned development. Without formal input from environmental agencies, the Board found it difficult to fully assess potential risks but determined that the proposed sign could result in negative physical and environmental impacts.

Member Favret: ☒ Yes ☐ No ☐ Absent
Member Mushtare: ☒ Yes ☐ No ☐ Absent
Member Robbe: ☒ Yes ☐ No ☐ Absent
Member O'Brien: ☐ Yes ☐ No ☒ Absent
Chairperson Oatman: ☒ Yes ☐ No ☐ Absent

Findings: The Board found that the proposed variance would have an adverse effect on the physical or environmental conditions in the neighborhood or district.

5. Was the alleged difficulty self-created?

The subject parcel was purchased in 2023, nearly a decade after the 2014 Zoning Code update that imposed the current restrictions on off-premises signage. The Board noted that the applicant should have been aware of these zoning limitations prior to acquiring the property.

Member Favret: ☒ Yes ☐ No ☐ Absent
Member Mushtare: ☒ Yes ☐ No ☐ Absent
Member Robbe: ☒ Yes ☐ No ☐ Absent
Member O'Brien: ☐ Yes ☐ No ☒ Absent
Chairperson Oatman: ☒ Yes ☐ No ☐ Absent

Findings: The Board found that the alleged difficulty was self-created, as the applicant had the opportunity to review the zoning restrictions in place at the time before purchasing the property.

Having considered the five balancing factors, the Board found that the benefit to the applicant did not outweigh the potential detriment to the community and that granting the variance would not only result in an undesirable change to the character of the neighborhood but would also undermine the Town's long-standing policy objective of restricting billboard signage. A motion was made by Member Mushtare and seconded by Member Favret to deny the requested Area Variance for the reasons stated on record. The vote went as follows:

Member Favret: ☒ Yes ☐ No ☐ Abstain ☐ Recuse ☐ Absent
Member Mushtare: ☒ Yes ☐ No ☐ Abstain ☐ Recuse ☐ Absent
Member Robbe: ☒ Yes ☐ No ☐ Abstain ☐ Recuse ☐ Absent
Member O'Brien: ☐ Yes ☐ No ☐ Abstain ☐ Recuse ☒ Absent
Chairperson Oatman: ☒ Yes ☐ No ☐ Abstain ☐ Recuse ☐ Absent

The motion passed. Chairperson Oatman informed Mrs. Jenkins that she would receive a letter in the mail outlining the Board's decision.

ADJOURNMENT

A motion was made by Member Mushtare and seconded by Member Robbe to adjourn the meeting. The vote went as follows:

Member Favret:	☒ Yes	☐ No	☐ Abstain	☐ Recuse	☐ Absent
Member Mushtare:	☒ Yes	☐ No	☐ Abstain	☐ Recuse	☐ Absent
Member Robbe:	☒ Yes	☐ No	☐ Abstain	☐ Recuse	☐ Absent
Member O'Brien:	☐ Yes	☐ No	☐ Abstain	☐ Recuse	☒ Absent
Chairperson Oatman:	☒ Yes	☐ No	☐ Abstain	☐ Recuse	☐ Absent

The motion passed and the meeting adjourned at 7:03 PM.

Respectfully submitted,

Morgan R. Melançon

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Secretary to Planning and Zoning