

CALL TO ORDER

On July 1, 2026, the Town of LeRay Zoning Board of Appeals held a 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 Mushtare: ☒ Present ☐ Absent
Member O'Brien: ☒ Present ☐ Absent
Member Favret: ☒ Present ☐ Absent
Chairperson Oatman: ☒ Present ☐ Absent

Additionally, Lee Shimel (Zoning Enforcement Officer), Morgan Melançon (Secretary to Planning & Zoning), Alexandra Villarreal, and Blane Villarreal were in attendance.

ACCEPTANCE OF MEETING MINUTES

The minutes from the June 3, 2026 meeting were reviewed by the Board. A motion was made by Member Mushtare and seconded by Member O'Brien to accept the minutes as drafted. The vote went as follows:

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

The motion passed. Chairperson Oatman asked if there was anyone in attendance who was not on the agenda and that wished to address the Board. There was no response.

PROJECT REVIEW

- 1. Public Hearing @ 6:30 PM Area Variance Application for Alexandra Villarreal. The proposal is to construct a 30' x 23' x 9' two-stall garage to replace the existing single-stall garage, located at 22256 Twin Oaks Drive, tax parcel #83.08-2-43.**

The Board discussed the Area Variance application submitted by Alexandra Villarreal for the proposed replacement of the existing detached garage. Chairperson Oatman opened the Public Hearing at 6:35 PM and Secretary Melançon read the Public Hearing Notice as published in the Watertown Daily Times on June 18, 2026.

Adjacent landowners, Preston Andrews and Annalee Andrews of 22272 Twin Oaks Drive, submitted written comments to the Board, which would be made part of the record. The letter expressed concerns regarding the proposed garage and roof eaves being located close to the shared property

line, water runoff and snow shed being directed onto the adjoining property, possible driveway expansion and snow removal issues near the property line, potential property disputes, and impacts to the adjoining property owners' access to and use of the rear portion of their property and riverfront area.

Mr. and Mrs. Villarreal stated that the measurements referenced in the adjoining landowners' correspondence were incorrect and clarified that the proposal before the Board was for a five-foot left-side yard setback, not a four-foot setback.

The Board requested clarification regarding the distance between the existing garage and the house. Mr. Villarreal stated that the distance from wall to wall was approximately nine feet, and there was approximately five feet eight inches from roof eave to roof eave. Mr. Villarreal also stated that the distance between the house and garage remained generally consistent along the length of the structures.

The slope and drainage of the property were reviewed. Mr. Villarreal stated that the property sloped toward the river beginning near the rear of the existing garage and that there had been no runoff issues. Mr. Shimel asked how water runoff from the existing garage roof was currently managed. Mr. Villarreal explained that the existing garage had a gutter and downspout on the side closest to the house, but none on the side facing the adjoining property. Mr. Villarreal stated that he would be willing to install gutters on that side of the proposed garage, with downspouts directing runoff toward the rear of the property and away from the adjoining property.

Snow storage and snow shed were also addressed. Mr. and Mrs. Villarreal stated that snow had previously been stored in an area between the properties but could be moved elsewhere on their property if necessary. It was also noted that the proposed garage would have a shingled roof with a shallow pitch, which would aid in minimizing snow shedding.

The Board asked the applicant if she planned to widen the driveway. Mrs. Villarreal explained that the driveway would not be widened but would need to flare a bit.

Chairperson Oatman opened the floor for public comments. Hearing none, a motion was made by Member Mushtare and seconded by Member Favret to close the Public Hearing at 6:41 PM. The vote went as follows:

Member Mushtare:	☒ Yes	☐ No	☐ Abstain	☐ Recuse	☐ Absent
Member O'Brien:	☒ Yes	☐ No	☐ Abstain	☐ Recuse	☐ Absent
Member Favret:	☒ 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 considered the benefit to the applicant if the area variance were granted, as weighed against any detriment to the health, safety, and welfare of the neighborhood or community.

Prior to reviewing the area variance factors, the Board discussed whether the requested variance could be reduced. The Board revisited whether the proposed garage could be moved closer to the house or otherwise modified in order to lessen the amount of relief needed. Mr. and Mrs. Villarreal explained

that moving the garage closer to the house would place the gutters over the existing sidewalk area, which already had water concerns.

The Board asked whether the proposed garage could be moved farther back on the lot or relocated to the opposite side of the house. It was noted that the rear setback from the riverbank varied due to the angle of the rear property line. Mr. and Mrs. Villarreal stated that there was not sufficient room on the opposite side of the house to accommodate the proposed garage and that moving the garage to that location would still require a variance.

Mr. Villarreal stated that he could reduce the proposed garage width from 23 feet to 22 feet by modifying the framing between the garage doors, including reducing the number of jack and king studs.

FACTOR 1: Would granting the variance produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties?

Member Mushtare: ☐ Yes ☒ No

Member O'Brien: ☐ Yes ☒ No

Member Favret: ☐ Yes ☒ No

Chairperson Oatman: ☐ Yes ☒ No

The Board noted that several properties in the area already had garages and that the proposed garage would be similar to the residential accessory structures already existing in the neighborhood. Members stated that the proposal would not substantially change the character of the neighborhood.

The Board also considered the concerns raised by the adjoining property owners, including runoff, snow storage, snow shed, access to the rear of the adjoining property, and potential impacts near the shared property line. It was noted that any potential detriment to the adjoining property could be reduced through conditions requiring gutters and downspouts to direct water away from the adjoining property, as well as by requiring the applicant to maintain snow storage on her own property.

The Board found that the modified proposal would not produce an undesirable change in neighborhood character and would not create a significant detriment to nearby properties, provided that appropriate conditions were imposed.

FACTOR 2: Can the benefit sought by the applicant be achieved by some other feasible method that would not require a variance?

Member Mushtare: ☐ Yes ☒ No

Member O'Brien: ☐ Yes ☒ No

Member Favret: ☐ Yes ☒ No

Chairperson Oatman: ☐ Yes ☒ No

The Board also discussed reducing the overall size of the garage or moving it farther from the side property line. Members noted that the applicants were willing to modify the proposal and that reducing the width of the center column between the garage doors would allow the overall width of the garage, and therefore the requested variance, to be reduced. However, members did not identify another feasible location on the property that would entirely eliminate the need for a variance. It was

further noted that moving the garage closer to the house could create undesirable snow and ice conditions along the sidewalk.

The Board found that the need for a variance could not be eliminated entirely.

FACTOR 3: Is the requested area variance substantial?

Member Mushtare: ☒ Yes ☐ No

Member O'Brien: ☒ Yes ☐ No

Member Favret: ☒ Yes ☐ No

Chairperson Oatman: ☒ Yes ☐ No

Members noted that the applicant originally requested a five-foot side-yard setback where ten feet was required, representing a 50% reduction from the applicable setback requirement. Based on the extent of the original request, the Board found that the requested area variance was substantial.

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

Member Mushtare: ☐ Yes ☒ No

Member O'Brien: ☐ Yes ☒ No

Member Favret: ☐ Yes ☒ No

Chairperson Oatman: ☐ Yes ☒ No

Members noted that the property slopes toward the river and that no existing runoff problems had been reported. The applicants agreed to install gutters and downspouts on the side of the proposed garage facing the adjoining property, with runoff directed toward the rear of the property and away from the shared property line.

The Board also considered potential impacts from snow storage and snow shed. It was noted that the proposed shallow-pitched, shingled roof would help minimize snow shedding and that snow could be stored elsewhere on the applicant's property. The driveway would not be widened, other than a limited flare needed to access the garage.

Based on these considerations, and provided that appropriate conditions were imposed to address drainage and snow storage, the Board found that the proposed variance would not adversely affect the physical or environmental conditions of the neighborhood or district.

FACTOR 5: Was the alleged difficulty self-created?

Member Mushtare: ☒ Yes ☐ No

Member O'Brien: ☒ Yes ☐ No

Member Favret: ☒ Yes ☐ No

Chairperson Oatman: ☒ Yes ☐ No

Members noted that the applicants purchased the property in 2009 and that the need for the variance resulted from the proposed construction on an existing nonconforming lot. The Board therefore found that the alleged difficulty was self-created.

The Board further noted that property owners' needs may change over time and that ownership of a nonconforming lot does not preclude an applicant from requesting an area variance. Although this factor weighed against the application, it was not determinative and was considered as part of the Board's overall balancing of the benefit to the applicant against any potential detriment to the neighborhood or community.

MINIMUM VARIANCE NECESSARY

The Board considered whether the requested variance, as modified, was the minimum relief necessary and adequate to provide the applicant with the benefit sought. Members noted that reducing the width of the proposed garage would lessen the required variance and help address concerns raised by the adjoining property owners. The proposed installation of gutters and downspouts, together with conditions addressing drainage and snow storage, would further reduce potential impacts on the adjoining property.

The Board found that the modified variance represented the minimum relief necessary and adequate for the proposed garage and that the benefit to the applicant outweighed the potential detriment to the neighborhood or community.

A motion was made by Member Mushtare and seconded by Member O'Brien to approve the Area Variance request as modified by the Board, allowing a six-foot side-yard setback where a ten-foot side-yard setback is required. The variance grants four feet of relief, rather than the five feet of relief requested by the applicant, for the reasons stated on the record and subject to the following conditions:

1. The garage shall be constructed substantially in accordance with the revised proposal reviewed by the Board, except that the garage width shall be reduced from 23 feet to 22 feet.
2. The garage shall maintain a minimum six-foot side yard setback from the adjoining property line.
3. Gutters and downspouts shall be installed and maintained on the side of the garage nearest the adjoining property line. The downspouts shall direct runoff toward the rear of the applicant's property and shall not discharge onto the adjoining property.

The vote went as follows:

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

The motion passed. Chairperson Oatman informed Mrs. Villarreal 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 Favret to adjourn the meeting. The vote went as follows:

Member Mushtare: ☒ Yes ☐ No ☐ Abstain ☐ Recuse ☐ Absent
Member O'Brien: ☒ Yes ☐ No ☐ Abstain ☐ Recuse ☐ Absent
Member Favret: ☒ 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
Morgan R. Melançon
Secretary to Planning and Zoning

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