

Town of LeRay

Zoning Board of Appeals – Work Session Minutes

October 2, 2024

Call to Order

On October 2, 2024, the Town of LeRay Zoning Board of Appeals held their Work Session meeting in the Conference Room of the Town of LeRay Municipal Building. The meeting was called to order at 6:00 PM by Chairperson Oatman.

Roll Call

In attendance: Jan Oatman – Chairperson, Christian Favret – Member, Wayne Robbe – Member, Edward O’Brien – Member, David Mushtare – Member, Lee Shimel – Zoning Enforcement Officer, Morgan Melançon – Secretary to Planning and Zoning, and Leland Carpenter – Town Supervisor.

Acceptance of Work Session Minutes

The minutes from the December 6, 2023 Work Session meeting were reviewed by the Board. A motion was made by Member Mushtare and seconded by Member Favret to accept the minutes as drafted. The vote went as follows:

Member Favret:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recuse	<input type="checkbox"/> Absent
Member Mushtare:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recuse	<input type="checkbox"/> Absent
Member Robbe:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Abstain	<input type="checkbox"/> Recuse	<input type="checkbox"/> Absent
Member O’Brien:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recuse	<input type="checkbox"/> Absent
Chairperson Oatman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recuse	<input type="checkbox"/> Absent

The motion passed.

Review of an Area Variance Application for the Calcium Fire Department. The proposal is to construct a 13,650 SF fire department building on a 3.16-acre lot. They are requesting an 11.84-acre area variance, as the minimum required lot size is 15 acres. The project is located at 24882 Stalder Road, tax parcel #74.12-1-19.

Chairperson Oatman reviewed the proposed Area Variance Application with the Board. The site was located adjacent to the Woodcliff Community apartment complex, with a Town of LeRay wellhead site located between the apartment complex and the proposed project site. The Board discussed the roads the Fire Department was responsible for servicing, indicating the relevance of the proposed site's location in relation to their operational needs.

The proposed project was located within a Planned Development (PD) District on Stalder Road. According to Section 158-33 B of the Town of LeRay Zoning Code, a PD District required a minimum lot area of 15 acres, whereas the proposed parcel consisted of only 3.16 acres. After reviewing the Town of LeRay zoning map, Chairperson Oatman noted there were a few parcels in that district that consisted of less than 15 acres. That meant that property owners would not be allowed to develop any of those parcels individually as they did not meet the 15-acre minimum requirement.

The Board discussed the timeline of the zoning changes that were a result of the 2009 Comprehensive Plan update. Before the PD designation, the parcel had been zoned as an R2 District. The Board inquired whether the zone changes went into effect after or before the Fire Department acquired the property, which would impact the determination of whether the alleged difficulty was self-created. Chairperson Oatman said this would be looked into further before the Public Hearing.

Chairperson Oatman noted that in question three (3) of the Area Variance test, the applicant’s answer cited a 21% reduction in lot size, whereas the actual reduction was 78.9%. The Board agreed that this correction should be addressed during the regular meeting. Chairperson Oatman invited any questions from newer members about the review process; no questions were raised.

The project was scheduled to go before the Planning Board the following evening for a Site Plan review. The Planning Board would vote on Lead Agency status to conduct a coordinated SEQR review. Chairperson Oatman explained that per procedure, SEQR must be complete before a Public Hearing could take place. Given that, the Board had the option to conditionally set a Public Hearing date, pending the completion of the SEQR review by the Planning Board.

Adjournment

A motion to adjourn the work session at 6:23 PM was made by Member Robbe and seconded by Member O’Brien. 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.