

Town of LeRay

Zoning Board of Appeals Minutes

June 11, 2025

CALL TO ORDER

On June 11, 2025, the Town of LeRay Zoning Board of Appeals held their meeting in the Conference Room of the Town of LeRay Municipal Building. The meeting was called to order at 6:33 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, Nathan Toutant – Director of Finance / Clerk to the Supervisor, and Nola Jenkins – Project Representative, were in attendance.

ACCEPTANCE OF MINUTES

The minutes from the October 2, 2024 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. **Preliminary Review of 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 and provided a brief presentation. Mr. Garner was seeking an Area Variance to install a 253-square-foot, V-shaped LED billboard with a computer-controlled electronic display. The parcel was currently vacant and largely constrained by both Federal and State-designated wetlands. Due to these development limitations, the owner had been seeking a low-impact use that could provide some economic benefit. The applicant had an advertising company interested in leasing the property for the installation of a billboard.

Mrs. Jenkins stated that the parcel's topography, the speed of traffic along US Route 11, and the required 20-foot setback would make a conforming 32-square-foot sign ineffective, and a larger structure would be necessary for visibility. She characterized the proposed sign as a freestanding sign, defined in the Town Code as:

"Any sign not attached to or part of any building, but separate and permanently affixed by any other means in or upon the ground. Included are pole signs, pylon signs, and ground or monument signs."

Chairperson Oatman clarified that while the proposed sign was freestanding, it more specifically qualified as an off-premises sign, as it would advertise a business or use not located on the same parcel. The Board discussed the Evans Mills Raceway billboard. Chairperson Oatman clarified that the sign was located within the Village of Evans Mills, which was governed by their own zoning code and was outside the jurisdiction of the Town of LeRay.

Chairperson Oatman emphasized the Board's obligation to weigh the goals of the Town's adopted Comprehensive Plan when reviewing variance requests. Secretary Melançon read the following excerpt from the 2025 Comprehensive Land Use Plan into the record:

"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."

The application had been referred to the Town Planning Board for advisory review at their June 5, 2025 meeting. The Planning Board's June 6, 2025 recommendation letter, which recommended denying the variance, was read into the record (Attachment A).

Given the nature of the proposal and the potential impact it could have on the Town’s long-term visual and land use character, the Board agreed to refer the matter to the Town Board for input and recommendations at their upcoming meeting on June 12, 2025. Chairperson Oatman expressed concerns about setting a precedent that might encourage additional billboard proposals in the future.

The following comments were provided on the statutory balancing test:

Question 3: Whether the requested Area Variance is substantial

The applicant responded that “the proposed sign falls within the limitation of the NYS DOT Off-Premises Sign Program.” Chairperson Oatman clarified that, under New York Municipal Home Rule Law § 10 and Town Law § 261, towns had the authority to adopt zoning regulations that were more restrictive than state standards in order to protect the health, safety, welfare, and character of the community. She further noted that the application question specifically asked whether the variance was substantial “as compared to the lawful dimensions allowed by the zoning law.” Given that the Town Code set a maximum size of 32 square feet for off-premises signs, the request for a 253-square-foot sign represented a 691% increase over what was permitted. Chairperson Oatman stated that this constituted a substantial variance request.

Question 5: Whether the alleged difficulty was self-created

The zoning provisions limiting the size of off-premises signs had been in place before Mr. Garner purchased the property in 2023. As such, any hardship related to the inability to construct a sign of the proposed size was known or reasonably discoverable at the time of purchase. Therefore, the difficulty would be considered self-created.

Secretary Melançon clarified that granting a variance would not create an automatic precedent, so long as the Board adopted clear, well-reasoned findings tied to the unique conditions of the parcel. Future applicants could not rely on this decision alone to justify similar requests; each variance must be evaluated individually under the statutory balancing test, considering the specific physical characteristics and circumstances of the lot in question.

A motion was made by Member Robbe and seconded by Member O'Brien to establish the Town of LeRay Zoning Board of Appeals as Lead Agency for this Unlisted Action, to conduct the environmental review pursuant to the requirements of the New York State Environmental Quality Review Act (SEQRA). 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. The Board reviewed Part 2 of the Short Environmental Assessment Form (SEAF) and determined that the proposed action would not result in any significant adverse environmental impacts. Part 3 of the SEAF was completed to support this determination. A motion was made by

Member Mushtare and seconded by Member Robbe to issue a Negative Declaration. 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. A motion was made by Member Mushtare and seconded by Member O'Brien to deem the Area Variance application as complete. 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. A motion was made by Member Mushtare and seconded by Member Favret to send the project to the Jefferson County Planning Board for their review at their June 24, 2025 meeting, pursuant to General Municipal Law §239-m. 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. A motion was made by Member Robbe and seconded by Member Mushtare to set a Public Hearing for July 2, 2025 at 6:30 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. A motion was made by Member Robbe and seconded by Member Mushtare to send the project to the Town of LeRay Town Board for their review and recommendations at their June 12, 2025, regularly scheduled 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. It was noted that any revisions or additional materials must be submitted no later than June 20, 2025 at noon, unless otherwise stated. Supervisor Carpenter requested that a colored diagram or rendering of the proposed sign be submitted for the Town Board’s review at their next meeting. Chairperson Oatman informed Mrs. Jenkins that she would receive a letter in the mail outlining the details of the upcoming Public Hearing.

ADJOURNMENT

A motion was made by Member Favret and seconded by Member Mushtare to adjourn the meeting at 6:55 PM. 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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input 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 and the meeting adjourned.

Respectfully submitted,

Morgan R. Melançon

Morgan R. Melançon

Secretary to Planning and Zoning