

Town of LeRay

ZBA Meeting Minutes

June 3, 2026

CALL TO ORDER

On June 3, 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 lead 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 July 2, 2025 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 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.

CORRESPONDENCE AND COMMUNICATION

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. Chairperson Oatman asked if there was any correspondence to which Secretary Melançon stated that there was not.

PROJECT REVIEW

- 1. Preliminary Review of an 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**

Project applicant Alexandra Villarreal was in attendance as the representative and provided a brief presentation. The proposal was to demolish the existing 18' x 22' single-stall detached garage and construct a new 30' x 23' two-stall detached garage that could accommodate two vehicles.

The property was located along the Black River, with the rear property line following the river. The lot was irregular in shape with the rear portion of the property extending deeper on the right side due to the river line. There was approximately 6 feet between the house and the existing detached garage, and approximately 25 feet between the house and the right-side property line.

The property was served by municipal water and sewer and the main sewer and water lines were located on the opposite side of the house from the garage.

Chairperson Oatman explained that, as part of the area variance review, the Board was required to consider whether there were feasible alternatives to the requested variance. The Board discussed whether the garage could be attached to the existing home, located elsewhere on the property, or otherwise modified to reduce the requested variance.

The Board discussed the possibility of attaching the garage to the house as an alternative. Mr. Villarreal, Mrs. Villarreal's husband, explained that the home had a continuous hip roof with overhanging eaves, and that attaching a garage would require altering or tying into the existing roofline and eaves. Additionally, there was no entryway on the side of the house where the garage would connect. He stated that this could affect the design and appearance of the home and could result in additional construction costs.

Mrs. Villarreal stated that the front of the existing garage was generally flush with the house and they preferred to keep the garage detached in order to preserve the existing roofline and architectural character of the home and to allow the new garage to match the existing home and garage style. Additionally, there was only one window on the side of the home where an attached garage would connect, which would remove natural light from that area of the house. Mrs. Villarreal stated that she could provide photographs taken from inside the home to show the view and layout concerns.

Mr. and Mrs. Villarreal stated that they would prefer not to disturb the existing driveway/blacktop area as it was relatively newer and was in good condition. The property was served by municipal water and sewer with the main sewer and water lines being located along the opposite side of the house from the garage.

The Board discussed the statutory area variance factors. Regarding whether the requested variance was substantial, Chairperson Oatman explained that the request had to be considered in relation to the dimensional requirement established by the Zoning Code. Although the requested setback reduction may have appeared minor when viewed only as a matter of distance, the proposed five-foot side yard setback represented a 50% deviation from the required ten-foot side yard setback.

The applicant asked whether a smaller variance request, such as a four-foot variance instead of a five-foot variance, would be considered less substantial. The Board explained that a smaller deviation from the required setback would generally be less substantial and that the Board had to consider whether the requested variance was the minimum variance necessary.

Regarding potential adverse impacts, the Board asked whether there were any existing issues with water ponding or runoff on the property. The applicant advised that there were no ponding or runoff issues on the side of the property where the garage was located. The Board also asked whether there was noticeable runoff from the road. The applicant stated that there was a slight pitch but no noticeable water runoff from the road.

Regarding whether the difficulty was self-created, Chairperson Oatman stated that this factor would likely be considered self-created because the property was purchased in 2009 and the setback requirements were in effect at that time.

The Board discussed potential impacts to the adjoining property owner most directly affected by the requested variance. Chairperson Oatman stated that comments from the adjoining property owner could be considered as part of the Board's review and noted that notice would be sent to adjacent landowners regarding the public hearing.

The Board determined that the adjoining property owner would be notified of the public hearing by certified mail and would have the opportunity to comment on the application. The Board further determined that neither the Board nor the applicant was required to separately seek correspondence from the adjoining property owner.

Chairperson Oatman also noted that the Board had to consider whether granting the requested variance could set a precedent and had to ensure that any determination was supported by the facts of the application.

The Board asked whether there was a tree line or natural buffer between the applicant's property and the adjoining property. The applicant advised that a survey had recently been completed and that there was no natural buffer between the properties.

A motion was made by Member Favret and seconded by Member Mushtare to classify the application as a Type II action pursuant to Title 6 of the New York Codes, Rules and Regulations, Section 617.5(c)(16) and Section 617.5(c)(17), as the application involves an individual setback for a residential property.

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. The Board determined that the application met all requirements for review. A motion was made by Member O'Brien and seconded by Member Mushtare to deem the Area Variance application as complete for the purposes of scheduling a public hearing. 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. A motion was made by Member Favret and seconded by Member Mushtare to set a Public Hearing for July 1, 2026 at 6:30 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. Chairperson Oatman informed Mrs. Villarreal that an updated plat drawing would be required, and that she would receive a letter in the mail outlining the Public Hearing information.

ADJOURNMENT

A motion was made by Member Mushtare and seconded by Member O'Brien 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 7:02 PM.

Respectfully submitted,
Morgan R. Melançon
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Secretary to Planning and Zoning