

Town of LeRay

Zoning Board of Appeals - Minutes

October 2, 2024

Call to Order

On October 2, 2024, 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 6:30 PM by Chairperson Oatman who led the room in the Pledge of Allegiance.

Open Regular Meeting

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. Additionally, Matt Morgia from Aubertine and Carrier, and Tim Newman from the Calcium Fire Department, were in attendance.

Acceptance of Minutes

The minutes from the December 6, 2023 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.

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.

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 stated that Mr. Shimel had denied the Zoning Permit Application due to the lot's insufficient size. Per Section 158-33 B of the Town of LeRay Zoning Code, the minimum lot size required in a Planned Development (PD) District is 15 acres, whereas the application pertained to a 3.16-acre lot.

The lot was currently vacant aside from an existing residential garage and was surrounded by residential and housing developments. Mr. Morgia presented the Site Plans and explained that the Fire Department

intended to relocate their operations to this site, utilizing the entire lot. He referenced Section 158-31(A) of the Town Code to discuss the purpose and intent of the PD District. His interpretation was that land could be rezoned into a PD District at the time a project was proposed, provided it meet the necessary criteria. He expressed disagreement with the idea that PD zoning should be pre-applied to vacant land prior to any proposed development. He also noted that the proposed use involved an essential service, which may not be subject to the same procedural requirements as other development types.

It was noted that the property deed had been recorded on December 24, 2009, with the Jefferson County Clerk's office. Chairperson Oatman highlighted the need to establish the exact timing of the 2009 zoning change to determine whether the alleged difficulty was self-created. She further informed Mr. Morgia that question three (3) on the Area Variance test had an error, as the requested reduction was 78.9%, not 21%. Chairperson Oatman asked the Board if they had any other comments or questions. The Board had none.

The Planning Board was scheduled to declare itself as Lead Agency and conduct the SEQR review for the project at its October 3, 2024 meeting. A Public Hearing could not be set until SEQR was complete; however, the Board had the option to conditionally schedule a hearing date, contingent upon the issuance of a Determination of Significance. Once that condition was satisfied, the Public Hearing could proceed.

A motion was made by Member Mushtare and seconded by Member Robbe to conditionally set the Public Hearing date for November 6, 2024, contingent upon the Planning Board declaring themselves as the Lead Agency and completing the SEQR process with a determination of significance by October 31, 2024. Should these conditions not be met, the Board would reassess the scheduling of the Public Hearing at the November 6, 2024 meeting. 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. Chairperson Oatman informed Mr. Morgia that the secretary would send him a letter in the mail outlining the Public Hearing details.

Adjournment

A motion was made by Member Favret and seconded by Member O'Brien to adjourn the meeting at 6:41 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.