

LERAY PLANNING BOARD
MINUTES
August 6, 2009

Open Regular Meeting

Board members in attendance: Acting Chairman - Jerry Hobbs, Sam Biondolillo, Alan Cameron, David Champagne, Larry Covell, Clarke Oatman, Town Engineer - Kris Dimmick, Community Development Coordinator - Jessica Jenack, Administrative Clerk to the Supervisor - Steve Harter, and Highway Superintendent - Merle Otis. Other people in attendance were: Jack Meeks, Tom Kennedy, Tom Briggs, Eric Daniel, Linda Lashbrooks, Sarah Rivette, Jose DeJesus and Walter VanTassel was present but did not sign in. Board Chairman Fred Tontarski and Zoning Enforcement Officer - Dean Russell were absent.

Pledge of Allegiance

Approval of Minutes from the previous meeting

The minutes from July 2, 2009 were reviewed by the Board members. There were no modifications. A motion to approve the minutes was made by Mr. Oatman and seconded by Mr. Cameron. This motion passed 6-0.

Correspondence and Communication

Sarah Rivette inquired as to why Mr. Tontarski was not present. Acting Chairman Hobbs explained of Mrs. Tontarski's accident.

The Secretary then read the letter to the Board Members from Mrs. Meeks. It was decided that this matter was to be discussed after any pending matters were completed.

Unfinished Business:

Jose DeJesus. Preliminary Subdivision Plat Review - to subdivide 116.1 acres into Lot 1 = 111 acres and Lot 2 = 5 acres, located on the Gardnerville Road, Tax parcel #55.00-1-31.1.

The Board reviewed the Preliminary Plat at the Work Session. The correction to the Plat was made.

Robert Lake. Sketch Subdivision Plat Review - to subdivide 15.5+ acres into Lot 1 = 6.6+ acres and Lot 2 = 8.9+ acres, located on US Route 11 and North Star Road, Tax parcel #65.09-1-15.3.

The Board members reviewed the Plat. Mrs. Jenack asked Mr. Kennedy about easements that the State was taking. He said that this was already taken into account when the survey was completed.

A motion was made by Mr. Cameron for the Board as Lead Agency to conduct the Environmental Review for this Unlisted Action. The motion was seconded by Mr. Champagne and passed with a vote of 6-0.

It was determined that based on information and analysis that the proposed action would not result in any significant adverse environmental impacts.

A motion was made by Mr. Cameron and seconded by Mr. Covell to declare a Negative Declaration. This motion passed 6-0.

A motion to deem the Subdivision Application complete was made by Mr. Cameron and seconded by Mr. Oatman. This motion passed 6-0.

A motion to set a Public Hearing for September 3, 2009 at 7:15 pm was made by Mr. Biondolillo and seconded by Mr. Cameron. This motion passed 6-0.

Report of the Zoning Enforcement Officer

Mr. Russell was absent.

Report of Community Development Coordinator

Mrs. Jenack will be meeting with Guy Javarone on August 10, 2009 to discuss a past Site Plan approval and possible changes to his Site Plan for White Plains Plaza II. Any Board members that could attend were urged to.

There is some interest in the lot next to Davidson's for a possible Laundry Mat.

Mr. Cameron inquired about Fall Training. Mrs. Jenack said she had not heard of any classes at that point. Some training may be done by the Town Attorney as per the request of the Town Board.

Public Hearing:

Jose DeJesus. Preliminary Subdivision Plat Review @ 7:15 pm - to subdivide 116.1 acres into Lot 1 = 111+ acres and Lot 2 = 5 acres, located on the Gardnerville Road, Tax parcel #55.00-1-31.1.

The Acting Chairman opened the Public Hearing.

After no comments, a motion to close the Public Hearing was made by Mr. Cameron and seconded by Mr. Champagne. This motion passed with a vote of 6-0.

A motion to review the Preliminary Subdivision Plat was made by Mr. Cameron and seconded by Mr. Champagne. This motion passed 6-0.

A motion to approve the Preliminary Subdivision Plat was made by Mr. Cameron and seconded by Mr. Oatman. This motion passed 6-0.

A motion to review the Final Subdivision Plat was made by Mr. Champagne and seconded by Mr. Biondolillo. This motion passed 6-0.

A motion to approve the Final Subdivision Plat was made by Mr. Cameron and seconded by Mr. Oatman. This motion passed 6-0. Mrs. Jenack will send an approval letter in the mail.

New Business:

There was not any new business.

Unfinished Business:

Clover Construction. Eagle Ridge Townhouse Complex-Project Review for Phases III and IV -to construct 244 units of two (2) and three (3) bedroom townhouse apartments, 140 accessory garage/storage units

and a 7,500 sq. foot community center on 103 acres of vacant land, with sewer and water infrastructure, public and private roads and other site improvements, located on NYS Route 342, Tax parcel #65.00-1-73.27.

The Acting Chairman requested a brief presentation from Mr. Briggs. He stated that Phase III will be done in mini-phases. The Tot Lots will be fully functional within days. The Community Center was required to have a sprinkler system added and the design is being finalized. The final completion work will begin as soon as this matter is complete. Mr. Clunie stated that the completion of the Community Room was always included in Phase III but the Board disagreed.

Mr. Briggs had met with Mr. Newman about the Fire Department's concerns. The hydrant locations were adjusted. The submission to the Health Department will include these changes as well as the Utility Plan. The Board is requesting at least one emergency access driveway. This would be maintained by Eagle Ridge as far as snow removal. The exact location was still being discussed with our Town Engineer.

The land transfer to OBI is in the final stages. This is taking place between attorneys.

Mr. Dimmick stressed that no sanitary work could start prior to DEC approval, which was still not complete.

Mr. Clunie explained that they wanted to at least be able to start some preparatory work for Phase III. Mrs. Jenack said according to Town Law 158-61.2 some preparatory drainage and earthwork can begin but a written document needs to be sent stating exactly what work will be done before starting. Written permission also needs to be given by the Planning Board

A motion was made by Mr. Cameron to allow preparatory drainage and earthwork for Falcon Lane on Phase III. This motion was seconded by Mr. Biondolillo. This passed with a vote of 6-0. A memorandum will be sent from Eagle Ridge to the Town stating exactly what work will be done.

There was further discussion on the emergency access road. Mr. Dimmick suggested a different location for the emergency access point. It was decided that this issue needed further review. He also commented that earlier drainage plans showed 10 inch pipe, but 12 inch is required.

Mr. VanTassel then addressed the Board members. He was confused as to why his Site Plan for Lots 14, 15, and 22 was reviewed by Mr. Russell and returned. Mrs. Jenack told Mr. Van Tassel that any Town official charged with enforcement of the Zoning Law could review the project and make a determination. The project did not meet the rear setback requirement.

There was also discussion as to why his Site Plan for Lots 17 and 18 was returned. Mr. Van Tassel said he spoke on the phone with Mr. Tontarski. He was asked to show the Site Plan to include the 40 foot setback in accordance with the ZBA's decision. However, Mr. Van Tassel included a stipulation as to the outcome of the pending litigation on the Site Plan. Per the Town Attorney, the Site Plan as drawn could not be accepted. He was asked by the Board if Mr. Tontarski asked him to include the blocked out area (stipulation) on the plan. Mr. Van Tassel said he did not. The Site Plan as drawn could not be acted on until after pending litigation unless he revised it to be in accordance with the ZBA's decision. Mr. VanTassel did not contact Mr. Tontarski because of concern for his wife.

The Board discussed the letter from Cindy Meeks. If the Board decided to wait for the September agenda then the applicants might miss out on the tax credit. The Application was submitted July 27, 2009, but the map was not submitted by the surveyor until the day of the meeting - clearly after the 10 day deadline. The members were polled to see if they would accept the late submission. The outcome was 3-3. A motion to hold a Special Meeting to discuss the project for August 20, 2009 was made by Mr. Cameron and seconded by Mr. Biondolillo. This motion passed 6-0.

Report of Administrative Clerk to the Supervisor

Mr. Harter informed Board members that the Town Board received a Draft Report for Sewer in areas that the water is proposed. No action has been taken as of yet.

Some town roads will be swapped with the County - the mileage will be about equal.

There will be funds coming to the Town for the connector road. Construction is to begin in January 2010.

Adjournment

A motion to adjourn was made at 8:50 by Mr. Cameron and seconded by Mr. Oatman. This motion passed 6-0.