

**LERAY PLANNING BOARD
MINUTES
October 1, 2009**

Open Regular Meeting

Board members in attendance: Chairman - Fred Tontarski, Sam Biondolillo, Alan Cameron, Larry Covell, Jerry Hobbs, Clarke Oatman, Town Engineer - Kris Dimmick, Community Development Coordinator - Jessica Jenack, Administrative Clerk to the Supervisor - Steve Harter, Zoning Enforcement Officer - Dean Russell, Town Board Member - Karl Vebber, Town Attorney - Gene Langone, and Town Supervisor - Ron Taylor. Other people in attendance were: Walter Van Tassel, Guy Javarone, Adam Storino, Thomas Ross, Robert Gillespie, and Dan Drappo. Board member - David Champagne was absent.

Pledge of Allegiance

Approval of Minutes from the previous meeting

The minutes from the Special Meeting on September 15, 2009 were reviewed by the Board members. There were no modifications. A motion to approve the minutes was made by Mr. Cameron and seconded by Mr. Biondolillo. This motion passed 5-1. Mr. Covell abstained due to absence.

Correspondence and Communication

Mrs. Biondolillo read a letter addressed to Mr. Tontarski from Walter Van Tassel dated September 22, 2009 (See attached). Also, a letter to Mr. Tontarski from William Jesmore II, Acting Chairman of the ZBA concerning the ruling regarding Mr. Van Tassel.

The new Watertown Daily Times reporter, Joanna Richards was introduced to the Board and the audience.

Public Hearing

Robert Gillespie. Preliminary Review of a Minor Subdivision - to subdivide the 10.3 acres into two (2) lots, Lot 2A = 7.73 acres and Lot 2B = 2.57 acres, located on the northeast side of US Route 11, including both sides of Stalder Road.

The Chairman opened the Public Hearing.

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

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

A motion to approve the Final Subdivision Plat was made by Mr. Cameron and seconded by Mr. Hobbs. This motion passed 5 -0. Mr. Biondolillo abstained stating he is a Commissioner for the Calcium Fire Department. Mrs. Jenack will send an approval letter in the mail.

Report of the Zoning Enforcement Officer

Mr. Russell had nothing to report.

Report of Administrative Clerk to the Supervisor

The Board members were provided with the updated Developer Report. The DOT has provided resolutions to the Town Board for the Connector Road project. The Town is also concerned with the possible damage to the Town Roads from heavy vehicles. The DOT suggested the Planning Board monitor this issue. Residents would also be in for mining permits.

Mr. Harter informed the Board that it is budget time.

DiMarco construction will be rehabing the Pleasant Creek Apartments.

Report of Community Development Coordinator

Mrs. Jenack updated the Board members on the Steve Converse project. The Archeological Study needed to be submitted to Parks and Recreation and the Grading Plan had yet to be submitted. John Converse will be purchasing one lot and would like to begin construction. He would like a letter stating that he could begin foundation work. The foundation will need to be shown on the Final Subdivision Plat if it is put in before Final Subdivision Approval is given.

A new developer is interested in the Narrigan parcel. He has interest in constructing a Motel with 45-50 rooms. The property has not been purchased yet, but hopefully by October 1, 2009.

Eagle Ridge has DEC approval. The Chairman gave administrative approval for Phase III only. This also included the construction of two garages in Phase IV to be used for offices. Preparatory work has started as well as drainage. Mr. Dimmick has had a pre-construction meeting with the new construction crew.

Mrs. Jenack has received a letter from Mr. Kokinda, but had not reviewed it prior to the meeting. A reminder was given to the Board about training October 5, 2009 at JCC.

A lot line adjustment for the Schuler – Carey Parcel was to be done internally, but has since fallen thru.

Mr. Dimmick informed the Board members that the local government conference was would be held in Potsdam this upcoming week.

Unfinished Business:

Guy Javarone. White Pines II. Preliminary Review of a Site Plan - to build a 10, 900 sq foot Climate Controlled Self Storage Building with Truck Rentals as an Accessory Use and an Automotive Service Center, located on US route 11, Tax parcel #65.17-1-21.2.

At the September 3, 2009 meeting, the applicant was asked to address several changes for the Preliminary Site Plan submittal. The changes were reviewed at a Special Meeting on September 15,

2009. A public hearing had been scheduled for September 15, 2009, but had to be cancelled due to a procedural issue.

The Board reviewed the Site Plan including the Sign information that was missing. Mr. Russell had reviewed the Sign information and commented that it was over the allotted amount.

A motion was made by Mr. Hobbs and seconded by Mr. Cameron to deem the application complete. This motion passed 6-0.

Attorney Langone reported that the ZBA took no action at their meeting. They are researching the easements for the proposed Town Road and also the fractional portion of the Area Variance is in question. The next ZBA meeting will be held October 14, 2009 at 7:00pm.

The Board reviewed the County Planning Boards Comments. The County has a concern with the amount of parking in the front that it would exceed 60%. The Board asked that shrubbery and trees be added for screening.

The Flat roof line was addressed. Mr. Javarone will add something similar to Davidson's to his building. A peak roof would not be feasible on the Auto Center with overhead doors.

The Pole Sign will need to be redesigned. This matter will be discussed with the Zoning Officer.

The County cited Section 158-49.13 of the Town Zoning Laws. This deals with a 150 foot setback for Truck Rentals. Mr. Javarone would be operating the truck rental as an accessory use to Self-Storage. They indicated that the entire operation including the truck parking would need to be included in this set back. Attorney Langone suggested that the Board look at the intent of the law when passed, as there is concern over whether the 150ft setback would include the truck parking. Mr. Javarone said the law was open to interpretation.

The County also commented on whether there was enough parking for three uses and the employees. Mr. Javarone stated that the Self-Storage and Truck Rental employees would be the same.

Traffic flow was also mentioned by the County. If traffic was limited to one way in and out the customers would run the risk of having to circle up by Davidson's and back to Wal-Mart. Mr. Dimmick also commented on the possible customer use of the shoulder. Mr. Javarone thought traffic flow would be less than that in the other plaza.

The truck rentals are located within the required 15 foot landscape area and need to be moved back. This buffer area will require more landscaping adjacent to the Future Town Road. A dumpster is located in this buffer area according to the Site Plan. This will have to be moved.

The Planning Board would like the following issues resolved:

- Vehicles waiting to be repaired should not be visible from the road. The turn around pad is a suggested solution.
- Designated employee parking needs to be labeled on the drawing.

- Mr. Javarone claimed that he does not intend to provide any parking spaces at the rear of the Storage Facility.
- A construction schedule will need to be provided prior to Final Approval.
- A signed Developer Agreement will also be needed.

Walt Van Tassel. U-Lock It – Preliminary Review of a Site Plan - to construct a 3 story Climate Controlled Self-Storage building and a 2nd building of 2 stories for an office for sales and truck rental, and an apartment on the second floor, located on Holbrook Road, Tax parcel #65.17-1-17 and 65.17-1-18 “dog leg”.

Mr. Van Tassel was asked about the addition of the apartment. He told the Board he had always intended it to be included. This was never on any of the plans previously submitted for review. He was informed that he would have to start another review for this addition. Therefore, he asked the Board to remove it from the site plan.

Attorney Langone discussed the ZBA’s decision from the last meeting. They voted to take no action, and this resulted in the January 2009 decision remaining. The Planning Board needed to interpret if the relief granted at that meeting meets the setback requirements. If it does not then Mr. Van Tassel could reconsider his project and or return to the ZBA.

Attorney Langone stated the Planning Board could take no action and the 10 foot setback would remain as granted, they could vote to keep the 40 foot required setback in force, or try to compromise with Mr. Van Tassel.

Mr. Van Tassel said he had concerns about the proposed Town Road. At this point no one knows the exact path it will follow behind Mr. Javarone’s lot. The Board members came to a consensus to compromise with Mr. Van Tassel. They told Mr. Van Tassel that the Future Town Road is still not shown on the Site Plan and needs to be added by the surveyor.

The Board offered to meet Mr. Van Tassel in the middle on the setbacks. The south lot line would be 12.5 feet and the east lot line 20 feet. This was agreed upon by Mr. Van Tassel. The closest part of the building would be 20 feet off the lot line.

He was informed that the finished floor elevations are different between the Grading Plan and Site Plan. This matter needs to be addressed. The Site Plan shows two separate buildings but the Grading Plan shows one building. The building sizes also vary. This issue also needs to be taken care of. The Site Plan shows a 15 foot setback for landscaping and the Grading Plan 17 feet. It should both be 15 and corrected.

The area of “yard to be paved” on the two plans will match - the 15 foot vegetative buffer needs to stay lawn with no development occurring in that area. The Site Plan needs to reflect the 15 foot buffer.

Existing vegetation is not shown on the Site Plan. Mr. Van Tassel thought he had submitted a vegetation plan in a previous submission. He said he would provide another one nonetheless.

The entire area for the Proposed Town Road will have to be labeled.

At this time the application cannot be deemed complete and a Public hearing cannot be set until these items are addressed.

A motion to have a Special Meeting on October 13, 2009 at 6:00pm for Mr. Van Tassel was made by Mr. Hobbs and seconded by Mr. Cameron. This motion passed 4-2. Mr. Oatman would be unavailable and Mr. Covell sees no need for a special meeting. Mr. Van Tassel would need to submit his corrections by October 7, 2009, in order for the Special Meeting to be held.

New Business

Kazi Group. KFC. Expansion Sketch Review of a Site Plan - to expand the existing building by 1,728 sq. ft., additional parking, and site landscaping, located on US Route 11, Tax parcel #65.00-1-48.33.

Adam Storino represented the developers and gave a brief overview of the project.

After a review of the Sketch Site Plan by the Board the following items were discussed:

- Alternative designs of the building were submitted at the meeting and the Board was satisfied with the modified design.
- Mr. Storino was asked to add the picnic tables to the existing site plan C101.
- Mr. Storino was asked if the existing pylon sign would be modified? For the preliminary submittal, the Board will need to see the sign detail, including materials and sizes of all of the signs.
- The building color should be muted or a neutral color. The windows should have prominent sills or awnings above. This was included in the alternative design.
- The Board would prefer a peaked roof or some other roof structure to add visual interest (not boxy).
- Please show where the truck loading area is. Label the # of parking spaces on the Site Development Plan. Show the parking space dimensions.
- The Board would like you to add a crosswalk in the parking lot from the parking to the main entrance.
- The current employee parking needs to be labeled.
- Label the existing lane width on the Site Development Plan and label the fire lane.
- One shade tree needs to be provided for every 10 parking spaces.
- The existing driveway entrances and widths should be labeled.
- For the preliminary application submittal, the Board will need to see the adjacent Pizza Hut Development as well as some of the LeRay Crossing Development behind KFC in order to see the big picture.
- The Board will need a signed Developer Agreement between the owner and the Town.
- The SEQR form should be revised to say a Jefferson County Building Code Permit will be needed.

All of the items would need to be taken care of and a Preliminary Site Plan and other details submitted for Preliminary Review.

Unfinished Business

The Board members were seeking a resolution to the intent of Code 158.49-13. After much discussion a motion was made by Mr. Biondolillo and seconded by Mr. Covell that the intent of the law would include all aspects of the operation, including truck parking and display. This motion passed with a vote of 6-0.

Adjournment

A motion to adjourn was made by Mr. Hobbs and seconded by Mr. Biondolillo. This motion passed 6-0. The meeting adjourned at 10:45pm.