

**LERAY PLANNING BOARD**  
**MINUTES**  
**January 8, 2009**

**Open Regular Meeting**

Board members in attendance: Chairman - Fred Tontarski, Sam Biondolillo, David Champagne, Larry Covell, Jerry Hobbs, Clarke Oatman, Zoning Enforcement Officer - Dean Russell, Town Engineer - Kris Dimmick. Other people in attendance were: Walter Van Tassel, Clair Raible, Aaron Falkenmeyer, Joe Durand, Tom Fucillo, David Zammarron, Betty Jones, Robin Ireland, Adam Kokinda, Jim Newman, Sarah Rivette, Megan Converse, and David Converse. Board member Alan Cameron was absent

**Pledge of Allegiance**

**Approval of Minutes from the previous meeting**

The minutes from the December 4, 2008 regular meeting were received and there were no modifications. A motion to accept the minutes was made by Mr. Hobbs and seconded by Mr. Biondolillo. This motion passed 6-0.

**Correspondence and Communication**

There was no correspondence.

**Unfinished Business:**

*Walter Van Tassel. U-Lock It - Preliminary Site Plan Review - to operate a U-Lock It self-storage facility consisting of twelve (12) 5'x10' storage units and twenty (20) Uhaul trucks and trailers located at the intersection of US Route 11 and Holbrook Road, tax parcel #65.17-1-18.*

The Board discussed the following items concerning Mr. VanTassel's Preliminary Site Plan. The following corrections were made to the plan as requested by the Board. A letter to Mr. Van Tassel dated December 9, 2008 outlined the following corrections:

**Site Plan Sheet No. VTC1-**

1. The author and publication of the published text on tree planting and installation needs to be cited on the plan. The photo copy was removed from the plan.
2. The lighting intensity drawing as shown does not provide a minimum one foot candle lighting intensity at the entrance to each of the

proposed self storage units. At the meeting, the consensus of the Planning Board was that the lighting you would be providing would not be adequate for the entrances and does not meet one foot candle. This item needs to be addressed. The light fixture was changed from 400 watts to 1,000 watts. There may be concern with the DOT of light spilling onto RT. 11. Board members were at a consensus that this issue was resolved.

3. The Fire Lane lacked dimensions. This matter was resolved.
4. The edge radius of the turn around was not dimensioned. This matter was resolved.
5. The Planning Board would like the dimension of the driveway entrance area to be paved shown on the Site Plan. This item was resolved.
6. The Sanitary Sewer Easement as it currently exists for the Sanitary across the western portion of the parcel is not shown on the Site Plan. The easement needs to be shown on the Site Plan too. This matter was resolved.
7. The limits of the gravel surfacing should be shown on the Site Plan. This will not be an issue with this portion of the plan, as the “dog leg” will not be utilized at this time.
8. The proposed finished floor elevation was not shown on the drawing. This matter was resolved.
9. The Grading Utility Plan apparently does not contemplate grading and gravel surfacing for the parking in the southwest portion of the parcel. The grading information needs to be shown for the “dog leg” where the trucks will be parked. The “dog leg” will not be in use in this portion of the project, thus not needing the information. Mr. Dimmick reminded Mr. VanTassel a new Site Plan will be needed for the other portion of the parcel when he proceeds with that phase.
10. An estimated construction schedule needs to be provided outlining the tasks of the project, when they will be started, and when they will be completed. Mr. Van Tassel will provide this information upon final approval.
11. The letter of November 14, 2007 is relevant to this project. This letter was attached to the Site Plan. The letters of December 8, 2008 and December 4, 2008 pertain to another project on the same Site that includes Lot 16. This project was submitted to DOT by Van Tassel. This project has not been submitted to the Planning Board. Consequently, this caused confusion to the Planning Board. The letter of November 14, 2007 satisfies the Planning Board’s concern for Lot 18.

A motion to grant Mr. Van Tassel Preliminary Site Plan approval was made by Mr. Hobbs and seconded by Mr. Champagne. This motion passed 6-0.

A motion to grant final Site Plan approval to Mr. VanTassel was made by Mr. Hobbs and seconded by Mr. Oatman. This motion passed 6-0.

*Walter Van Tassel. U-Lock It- Sketch Plan Review* - to operate a U-Lock It self-storage facility consisting of forty-four (44) 5'x10' storage units, twenty-two (22) 10'X10' storage units, and twenty-five (25) 10' x 20' storage units, located on the Holbrook Road, tax parcel # 65.17-1-15.

After a review of the project by the Board the following items will need to be addressed

1. Extend pavement of the road radius. The Board would like the entire section from the fence to the property line a crushed stone.
2. Move fence just off the property line. This would eliminate the maintenance questions. Mr. Van Tassel will talk to the property owner to get their input. This would also give better access in case of an emergency.
3. A drainage and grading plan is needed.
4. SEQR will be required. Mr. Van Tassel has started inquiring to the State agencies and has done an archeological study. At this time the Board has had no response from any involved.
5. Door markings on both sides will also require adequate lighting as well on both sides.
6. Spacing may need to be revised - Safety issues. A 20 foot unobstructed Fire lane is required. He will have to adhere to the County Building codes when he obtains his building permit.

*Walt Van Tassel. Storage Property – Sketch Site Plan Review* – to change out removable storage trailer to permanent Storage Units, located on Route 283.

Mr. VanTassel gave a brief over view of his proposal for property on located on NYS RT. 283. At present time the property is being leased by Mr. Van Tassel, but he has an option to purchase what is now Edgewood Trailer Park - approximately 38 acres. He would remove the metal containers and replace them with storage units. He would also be removing some of the existing mobile homes and expanding the size of the storage unit portion.

The Board would at this time need a survey map of 200' and a map depicting what is there now and what his proposal will entail. Screening will be needed if any

residences remain. A drainage plan SEQR and elevations will all need to be included as well.

Willowbrook Plaza. Preliminary 20 lot Subdivision - to subdivide 79 acres for commercial development, located on NYS Route 324, tax parcel # 65.00-1-73.28.

Aaron Falkenmeyer representing TDK gave an update on the proposal. He showed the Board a refined Site Plan. The amount of acreage to be subdivided is actually 64 acres, the 79 acres is prior to subdivision.

The smallest lot would be 1.1 acres and the largest 5.8.

The acreage to be dedicated to the Town is shown on the plan. At This point the rear road would not be dedicated. Mr. Dimmick encouraged the developers to reconsider this decision as there are parcels to be developed along the rear road. All should have access from a Town road.

The developers would like to enter into an agreement with the Town to retain and maintain their storm water management, but to give the Town access if needed.

They have met with representatives from the school. A lot of issues are still pending. One cross access road to Indian River Drive has been eliminated. A small portion of the present road (Indian River Drive) will be deeded to the developers and upgraded. The schools future plans may include relocation of the bus garage. This would reduce the volume of buses by 50%. These items are still being resolved.

The SEQR results, although still not complete, needs to be resolved before subdivision can proceed.

They are presently working with Mr. Dimmick on the water and sewer. No drainage district is proposed. ACI would like to own and maintain. This issue needs to be presented to the Town Board. Mr. Dimmick stated that the DEC prefers the municipality takes over control, but this item would be one that they would discuss. A lighting district had not been discussed, but ACI is willing to work this item out with Mr. Dimmick. Mr. Dimmick also raised the question of sidewalks. This matter is also in consideration.

### **Zoning Enforcement Officer**

Mr. Russell issued a few new permits.

## New Business

Adam Kokinda. Sketch Plan Review - to raise the site 9 to 12 feet with recycled soils and construction debris and level and cap off property to make for a more level and attractive site for future commercial or other uses, located on US Route 11, tax parcel #55-1-20.7, 20.6, 20.5, and 20.4

The parcel is approximately 60 acres and low in spots. Mr. Kokinda would like to level off the parcel for future use. Any debris used would be regulated. He will seed as necessary. The Board asked he contact DEC and DOT as there is nothing in the Town Zoning Laws to govern this matter

This parcel is zoned BR-2 and is an allowed use. The board would not require any further action as he will need to follow guidelines from DOT and DEC. The Board would appreciate periodic updates.

Robyn Ireland. Secret Desires - Sketch/Preliminary Site Plan Review - involves creating a store to sell lingerie and novelty items, located at 27790 NYS Rt. 342, tax parcel #75.09-1-20.

The Board reviewed the submitted floor plan as well as the County Planning Board comments. The counter area for the adult novelties will only occupy 40 square feet. It will be located along the back wall. These dimensions will need to be included on the revised plan. A sign permit will be required. Six dedicated parking spaces and a handicap space will need to be shown on the plan as well. The floor plan will not change from the prior use. There will be no public restroom. No new landscaping is planned as it is presently gravel. Part I of the SEQR was completed.

The Board members were polled to see if a Public Hearing could be set pending corrections being submitted as soon as possible for review, or if the applicant would need to return next month to submit them to the Board. The majority was in favor of accepting the plan and having the revisions submitted for review prior to the hearing. The applicant was reminded that if the plans were not submitted at least 10 days prior the hearing would be cancelled.

The Board conducted the environmental review. A motion as Lead Agency to conduct the environmental review for this unlisted action was made by Mr. Champagne and seconded by Mr. Oatman. It was determined that the proposed action will not result in any significant adverse environmental impacts. A motion to declare a negative declaration was made by Mr. Champagne and seconded by Mr. Oatman. This motion passed 6-0.

A motion to grant Preliminary Site Plan approval was made by Mr. Champagne and seconded by Mr. Hobbs. The motion passed with a vote of 4-2.

A motion to set a Public Hearing for February 5, 2009 at 7:15 p.m. was made by Mr. Hobbs and seconded by Mr. Oatman, pending the submission and review of the corrected plan at least 10 days prior to the meeting. The motion passed with a vote of 6-0.

### **Updates**

Megan Converse approached the Board to approve the correction to their Duffy Meadows sub division. This dates back to November 3, 2005. The DEC questioned the presence of a species of turtle in the area. This was unfounded but needed to be corrected on the SEQR form, thus, reaffirming a negative Declaration for the parcel in question. The Board members were polled to see if they would accept the information as it was not completely provided to the Planning Department prior to the deadline for the agenda. The vote was 3-3 with three members abstaining. The two new members had no background information on the project. After a brief review with the Town Attorney, the motion did not pass, and Mrs. Converse will need to return next month.

The Chairman informed the Board members that the current owners of the Eat it and Beat it Shop would like to sell their property. Due action taken by the Board a nonconforming lot was created. Property can be sold and the new owner can only open a restaurant without submitting a new Site Plan a Zoning Permit will be required. If a new business is created a new Site Plan will be needed.

### **Report of Administrative Clerk to the Supervisor-**

Mr. Harter provided the Board members with an updated Developer Financial Statement. The Town Board approved the infrastructure Agreement Dawn Homes/ Jefferson Apartments at their meeting dated January 8, 2009. LeRay Crossing will soon begin construction.

The Town is seeking a Right of Way across the Javerone property to the Carey well site for gas and electric.

### **Report of Community Development Coordinator**

Congratulations to Mr. and Mrs. Ed Jenack on the birth of Jackson Jenack.

### **Adjournment**

A motion to adjourn the meeting at 9:20 was made by Mr. Biondolillo. This was seconded by Mr. Hobbs and passed with a vote of 6-0