

**LERAY PLANNING BOARD  
MINUTES  
November 6, 2008**

**Open Regular Meeting**

Board members in attendance: Chairman - Fred Tontarski, Sam Biondolillo, Al Cameron, David Champagne, Larry Covell, Jerry Hobbs, Clarke Oatman, Community Development Coordinator - Jessica Jenack, Zoning Enforcement Officer - Dean Russell. Other people in attendance were: Walter Van Tassel, Andrew Converse.

**Pledge of Allegiance**

**Approval of Minutes from the previous meeting**

The minutes from the October 2, 2008 regular meeting were received and there were no modifications. A motion to accept the minutes was made by Mr. Biondolillo and seconded by Mr. Cameron. This motion passed 7-0.

**Correspondence and Communication**

There was no correspondence.

**Unfinished Business:**

*Stephen Converse-Preliminary Review for a Minor Subdivision* - to subdivide a 50.50 acre parcel of land into (3) three lots, Lot 1 = 10.9, Lot 2 = 17.3 acres, and Lot 3 = 22.6 acres, located on Converse Drive, Tax parcel #74.16-1-5.111.

The Board reviewed and discussed the Preliminary Subdivision Plat. There were no changes or modifications from the previous plat.

**Public Hearing held at 7:15 pm**

The Chairman opened the Public Hearing.

With no comments from the floor a motion to close the Public Hearing was made by Mr. Biondolillo and seconded by Mr. Cameron. This motion passed 7-0.

The Board reviewed the Preliminary Subdivision Plat.

A motion was made by Mr. Hobbs and seconded by Mr. Champagne to approve the Preliminary Subdivision Plat. This motion passed 7-0.

A motion to approve the Final Subdivision Plat was made by Mr. Cameron and seconded by Mr. Hobbs. This motion passed 7-0.

Mrs. Jenack will send an approval letter in the mail.

**Zoning Enforcement Officer**

Mr. Russell issued a warning for noncompliance to Mrs. Raible. He also had complaints from Universe Cellular on Rt. 283 on trash and bottles from the Ugly Stick. Mr. Russell will also ask about the truck and limousine that are not supposed to be there. The Cisco property also has been

cleaned. He had issued a few permits. He told the Board members he now has a clerk to help him.

### **Unfinished Business:**

Walt Van Tassel. U-Lock It- Preliminary Site Plan Review - to operate a U-Lock It self-storage facility consisting of sixteen (16) 5'x10' storage units and ten (10) Uhaul trucks and trailers located at the intersection of US Route 11 and Holbrook Road, Tax parcel #65.17-1-18.

The Chairman stated that "The pending application of this applicant which was pending at the imposition of the moratorium is now added back to the Planning Board's Agenda upon the expiration of the moratorium as of November 1, 2008 per the applicant's written request. The application is subject to the new laws that were passed during the interim. That being noted the plan will be reviewed as is."

"The Planning Board had 62 days from the Public hearing to take action on the Preliminary Site Plan. Even though the new laws are in effect the applicant did not make any revisions to the submitted Site Plan labeled VTC1 dated January 28, 2008 but did ask that it be placed on the agenda." The Board members discussed the following items with Mr. Van Tassel concerning Mr. Van Tassel's Preliminary Site Plan that was labeled VTC1 and dated January 28, 2008.

- The Grading Plan dated January 23, 2008 and Site Plan VTC1 dated January 28, 2008 do not match in terms of the Site Layout. The Grading Plan has not been updated to reflect the new laws. The planter was moved and needs to be in the same place on both plans. Mr. Van Tassel agreed with this issue.
- Per section 7209 of the Education law the plan needs to be stamped by an engineer and /or architect. Also, per Section 158-70 of the Town of LeRay Zoning Ordinance, the State Law is more restrictive and must be followed. The current Site Plan was not prepared by an engineer. Mr. Van Tassel was informed of this issue.
- The new Site plan requirements adopted on October 21, 2008 have not been applied to the Site Plan with the exception of the 150 setback requirement which does not apply. Mr. Van Tassel agreed with this issue. He was also reminded by Chairman Tontarski that a lot of record did not have to meet specific acreage requirements.
- A commercial use next to a residential use requires a designed and engineered buffer area. A fence should be shown on the plan between parcel 65.17-1-17 and the applicants parcel. Mr. Van Tassel stated "okay" to this issue.
- Doorway areas shall be adequately lit according to the lighting handbook provided by the Town Engineer as a reference. For outdoor facilities where the building exterior entrance is inactive (normally locked or infrequently used) the foot candle should be 1. Mr. Van Tassel was given a copy of the Lighting Handbook and was shown the highlighted area as it pertained to his Plan. Mr. Van Tassel stated "okay" to this issue.
- A front yard setback of 15 feet from the property line shall be provided and landscaped. The current plan shows 11 feet. Mr. Van Tassel stated "okay" to this issue.
- The display of truck rentals is limited to 4 units when they are considered an ancillary use to the primary use (Self-Storage). Only a total of 4 units are allowed

out front not 10. Units include the trailers. Mr. Van Tassel stated “okay” to this issue.

- The proposed sewer easement to the Town needs to be shown. The sewer easement agreement needs to be signed. The sewer easement needs to be shown on the Preliminary Site plan and signed prior to Final Site Plan. Mr. Van Tassel was informed of this issue.
- Label the location of a fire lane meeting the access requirements of the new laws. This would also show traffic circulation on the plan. Mr. Van Tassel was issued a copy of the requirements for this item as issued to the other developers.
- The site lighting shown on the plan does not depict the site layout. The foot candles at the property lines should be 0.6. Mr. Van Tassel stated “okay” to this issue.
- Final Site Plan approval is contingent upon payment by the applicant of all fees and reimbursable costs due to the Town. The Developer Agreement fees have not been paid. Mr. Van Tassel agreed with this issue.

The Board recommended that Mr. Van Tassel resubmit his plan after the revisions are made.

A motion to disapprove the preliminary site plan as submitted was made by Mr. Covell and seconded by Mr. Cameron. This motion passed 7-0. Mr. Covell stating there are too many outstanding and inconsistent issues with the site plan.

### **New Business**

*Walt Van Tassel. U-Lock It- Sketch Plan Review* - to construct self storage facilities 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

- Mr. Van Tassel was reminded that he needs to contact NYSDEC and the USFWS per the December 19, 2007 letter. The information is needed to complete the Environmental Review. Mr. Van Tassel stated okay to this issue.
- The lot line adjustment as shown would not be allowed unless an Area Variance is obtained from the ZBA. Adjoining land that is owned by Mr. Van Tassel and could be transferred to make the lot conforming. The Board reviewed suggestions to alleviate this matter. The variance that would be requested would be approximately 100 feet. The total frontage needed is 200 feet and it does not have to be continuous. Lot 15 and 22 are both lots of record. He could combine the two lots, or build on lot 15 as is. Mr. Van Tassel stated he would be going to the ZBA. He was provided with 5 maps showing different options.
- The Preliminary Site Plan will need to be engineered. Mr. Van Tassel stated okay to this issue.
- The Site Plan shall be accompanied by preliminary elevations and/or sections drawn in sufficient detail to delineate clearly the bulk and height of all buildings. Mr. Van Tassel stated okay to this issue.
- Engineered plans for the drainage system are needed. Mr. Van Tassel stated okay to this issue.
- A Developer Agreement needs to be signed before any other review by the Board. Mr. Van Tassel was given a figure for Lot 15 only. Mr. Tontarski advised him not to sign the agreement until he clearly knows how he will proceed. Mr. Van Tassel stated okay to this issue.

- The Site Plan needs to be in accordance with the new requirements adopted on October 21, 2008. Mr. Van Tassel stated okay to this issue.

**Report of Community Development Coordinator:**

None. Refer to the Work Session Minutes.

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

Mr. Harter provided the Board members with an updated Developer Financial Statement, but was not present at the meeting.

**Adjournment**

A motion to adjourn the meeting at 8:00 p.m. was made by Mr. Covell and seconded by Mr. Cameron. This motion passed 7-0.