

# Town of LeRay

## Planning Board – Work Session Minutes

January 2, 2025

### Call to Order

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On January 2, 2025, the LeRay Planning Board held their regular monthly Work Session meeting in the Conference Room of the Town of LeRay Municipal Building. The meeting was called to order at 6:00 PM by Chairperson Biondolillo.

### Roll Call

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In attendance: Deborah Biondolillo – Chairperson, Patrick Collette – Member, Lisa Meeks – Member, Tom Moran – Member, Kerry Young – Member, Brian Jefferds – Member, Lee Shimel – Zoning Enforcement Officer, Morgan Melançon – Secretary to Planning and Zoning, Leland Carpenter – Town Supervisor. Member Clarke Oatman was absent.

### Acceptance of Work Session Minutes

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The minutes from the Work Session meeting on December 5, 2024 were reviewed by the Board members. A motion to accept the Work Session minutes as drafted was made by Member Jefferds and seconded by Member Moran. The vote went as follows:

Member Oatman:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recuse	<input checked="" type="checkbox"/> Absent
Member Collette:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recuse	<input type="checkbox"/> Absent
Member Meeks:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recuse	<input type="checkbox"/> Absent
Member Moran:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recuse	<input type="checkbox"/> Absent
Member Young:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recuse	<input type="checkbox"/> Absent
Member Jefferds:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recuse	<input type="checkbox"/> Absent
Chairperson Biondolillo:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Recuse	<input type="checkbox"/> Absent

The motion passed.

**Public Hearing @ 6:30 PM for a 2-Lot Subdivision Application for Luke Martin** – proposal is to subdivide an existing 414.40-acre parcel into 2 lots: Lot 1 = 20.37 acres, and the remaining Lot 2 = 394.03 acres, located at 32693 Schell Road, tax parcel #44.00-3-23.

The Board reviewed the Preliminary Subdivision Plat Map, noting that the existing residence was to be subdivided from the rest of the parcel as Lot 1, and would continue to be used as a residential lot. Clarification on the continued use of the remaining lands would be sought from Mr. Gracey during the Public Hearing.

Chairperson Biondolillo informed the Board that correspondence had been received from three (3) members of the Kistler family, adjacent landowners, urging the Planning Board to reject the application. The letters expressed concerns related to the preservation of farmland, potential future developments, and the sale history of the property. Chairperson Biondolillo emphasized that the Board does not have the authority to reject an application based on buyer motivations, alternative offers, or speculative future

developments that are not part of the current proposal. The Board's role is to review applications for compliance with the Town's Subdivision Code, Zoning Code, and applicable state regulations. The Board agreed to formally accept the letters into the record as part of the Public Hearing minutes. A prepared response to the letters would be addressed following the meeting.

**Sketch Review of a 3-Lot Subdivision Application for Timothy Drake** – proposal is to subdivide an existing 357.50-acre parcel into 3 lots: Lot 1 = 6.55 acres, Lot 2 = 4.80 acres, and the remaining Lot 3 = 346.15-acres, located at 34178 Drake Road, tax parcel #44.00-3-7.1.

Chairperson Biondolillo reported that she had completed Part 1 of the Short Environmental Assessment Form (SEAF) for the project. During the review, it was identified that a portion of the property was located just outside the 100-year floodplain. However, she noted that the floodplain would not affect the usability of the proposed lots. Mr. Gracey had advised using the floodplain mapper to confirm the lot configurations relative to the floodplain boundaries. Chairperson Biondolillo stated that the Drakes would be informed about the floodplain designation.

Lately, Chairperson Biondolillo stated that the existing side access would remain in place to allow for continued access to the adjacent field.

**Sketch Review of a 3-Lot Subdivision Application for Michael Lundy** – proposal is to subdivide an existing 25.45-acre parcel into 3 lots: Lot 1 = 4.92 acres, Lot 2 = 2.97 acres, and the remaining Lot 3 = 17.56-acres, located at 25991 US Route 11, tax parcel #64.20-1-43.

Chairperson Biondolillo provided an update on the Subdivision Application submitted by Michael Lundy, noting that no formal review or action would take place that evening as the application was submitted past the submittal deadline. It was anticipated that Mr. Lundy would present the proposed project to the Board during the regular meeting to follow. Chairperson Biondolillo noted that since there was existing water and sewer infrastructure available along US Route 11 to service Lot 1, the subdivision would be classified as a Minor Subdivision.

Mr. Lundy would like to proceed with plans for development using his existing 25.45-acre parcel only. Mr. Lundy intended to build and dedicate a proposed road to the Town as part of the subdivision. Chairperson Biondolillo clarified that the proposed future Town road could not be considered a separate lot, nor would it receive its own parcel number, as it did not meet subdivision regulations. It would be noted on the plat "for road highway purposes only".

Chairperson Biondolillo explained that the portion labeled "Freedom Drive" had originally been constructed by Mr. Lundy years previously as part of the Freedom Plaza project, with the intention of dedicating it to the Town. However, the Town did not accept the road due to construction issues that failed to meet Town specifications. Since Mr. Lundy now proposed constructing a new road that would connect to Freedom Drive and similarly be dedicated to the Town, Freedom Drive and surrounding infrastructure items would need to be brought up to current Town specifications. This would involve realigning the road and relocating a transformer located at the intersection of US Route 11 and Freedom Drive. Member Moran inquired about the necessity of a connector road to minimize traffic re-entering US Route 11, and Chairperson Biondolillo confirmed that a connector road would indeed be required.

It was noted that questions 12b and 15 on the SEAF Part 1 would need to be revised to reflect that the project site was located within an archaeologically sensitive area and included habitat for the Indiana Bat.

**Sketch Review of a Site Plan Application for Tractor Supply** – proposal is to create a shovel ready site and construct a new Tractor Supply Retail store, located at 25991 US Route 11, tax parcel TBD (part of current tax parcel #64.20-1-43).

Chairperson Biondolillo stated that Mr. Lundy agreed with the Board's position against using painted concrete blocks as the building's exterior, emphasizing that the proposed development was anticipated to set the standard for future projects in the area.

The proposed parking lot was located at the front of the store, which was typically discourage by the Town Code. The Board discussed alternative parking options and traffic circulation safety. Ultimately, the Board agreed that, as the site had a higher elevation than the surrounding stores along the Commercial Corridor, the front parking was an acceptable option.

The Board discussed the proposed trailer display area, located at the front of the property by US Route 11. Mr. Carpenter stated that other Tractor Supply locations typically had their trailer display areas in the front, likely due to company policy or branding. Chairperson Biondolillo suggested that the applicant be asked to consider relocating the trailer storage. Mr. Shimel added that unloading operations would take place at the rear of the building, away from the general public's view.

Chairperson Biondolillo reviewed the proposed fencing for the site. The applicant had originally planned for a fence taller than six feet, which would exceed the maximum allowable height under Town Code. The Board noted that a variance would be required if they intended to install fencing taller than six (6) feet at any point. Member Jefferds commented that the higher fencing was likely intended for storage purposes, which was typical for Tractor Supply sites.

**Continuation of Public Hearing @ 6:30 PM for a Site Plan Application for the Calcium Fire Department** – proposal is to construct a 13,650 SF Fire Department building and associated site improvements including asphalt perimeter access drive and parking areas, concrete walks, grading, site lighting and landscaping, located at 24882 Stalder Road, tax parcel #74.12-1-19.

Chairperson Biondolillo stated that it was uncertain whether representatives from the Fire Department would attend the meeting. She confirmed that the Developer Agreement had been signed and finalized. An informal meeting would be scheduled with Fire Department representatives to review the status of the project and ensure alignment moving forward. Chairperson Biondolillo emphasized that final approval could not be granted until the environmental review process had been completed.

## **Report from the Planning Board Chairperson**

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Jessie's Pet Spa: The project received Site Plan Approval with Modifications at the December 5, 2024, Public Hearing. One of the conditions of approval required that the proposed construction comply with the setback and easement requirements for the high-voltage power lines located on the property. It was later confirmed that the project could not proceed as drafted due to a 150-foot easement for the high-voltage power lines behind the building. Chairperson Biondolillo mentioned the possibility of modifying the layout to run parallel with the road but noted that the applicant had not yet provided any updates on their plans.

NYC Deli Style, Inc: Chairperson Biondolillo reported that the Site Plan Approval with Modifications for Mr. Mastroianni's project expired on January 4, 2025. She noted that no correspondence, updated maps, or actions had been received to date. A courtesy letter would be sent to notify the applicant of the expiration.

Valvoline Oil Proposal: Chairperson Biondolillo discussed the projects proximity to the Carey Well field and its potential impacts. She mentioned that Valvoline Oil would likely proceed with the subdivision application first, followed by the Site Plan application. The approved road near Taco Bell had not been extended as shown in the original approval, and Valvoline’s plans indicated traffic circulation through Taco Bell’s lot, which was not acceptable. The project may require an additional exit to Herrick Drive. It was noted that the proposed underground oil storage was on the border line of the 1000-foot setback requirement for the well.

### **Report from the Zoning Enforcement Officer**

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Unsafe Buildings: Four (4) potential unsafe buildings had been identified.

Wewer Holdings, Inc: The court hearing for the Wewer Holding’s project was scheduled for Wednesday, January 8, 2025. Mr. Shimel reported that he had discussed temporary stormwater management measures with the contractor, suggesting mulching as an interim solution until permanent landscaping could be completed in the spring.

DG Solar/NextEra: The project had received their break-in-access from the New York State Department of Transportation (NYS DOT). However, documentation for the change of ownership was still pending. The Zoning Permit would not be issued until the necessary documentation had been received.

Zoning Violations: Mr. Shimel had prepared four (4) appearance tickets for Ms. Melançon to process before mailing. The violations included an unenclosed dumpster, operation of a dog kennel without Site Plan approval, and two-separate trash related violations. Mr. Shimel noted that he had delayed sending the letters until after the New Year.

### **Adjournment**

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A motion to adjourn the work session at 6:28 PM was made by Member Young and seconded by Member Collette. The vote went as follows:

- Member Oatman:       Yes  No  Abstain  Recuse  Absent
- Member Collette:     Yes  No  Abstain  Recuse  Absent
- Member Meeks:       Yes  No  Abstain  Recuse  Absent
- Member Moran:      Yes  No  Abstain  Recuse  Absent
- Member Young:      Yes  No  Abstain  Recuse  Absent
- Member Jefferds:    Yes  No  Abstain  Recuse  Absent
- Chairperson Biondolillo:  Yes  No  Abstain  Recuse  Absent

The motion passed.

Respectfully submitted,

*Morgan R. Melançon*  
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Secretary to Planning and Zoning  
January 2, 2025