

# Town of LeRay

## Planning Board - Minutes

February 1, 2024

### Call to Order

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On February 1, 2024, the LeRay Planning Board held their regular monthly meeting in the Conference Room of the Town of LeRay Municipal Building. The meeting was called to order at 6:33 PM by Chairperson Biondolillo who led the room in the Pledge of Allegiance.

### Open Regular Meeting

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In attendance: Deborah Biondolillo – Chairperson, Tom Moran – Member, Kerry Young – Member, Brian Jefferds – Member, Pat Collette – Member, Jessica Jenack – Community Development Coordinator, Lee Shimel – Zoning Enforcement Officer, and Morgan Melancon – Secretary to Planning & Zoning were in attendance. Additionally, Kevin Bamann, Mike Altieri, Frank Gerlack, Stephen Gracey, David Church, Jeffrey Miller, Rebecca Wewer, Jay Wewer, and Morgan Wewer were present. Member Clarke Oatman and Member William Albrecht were absent.

### Acceptance of Minutes – January 4, 2024

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A motion to table the acceptance of the minutes from the regular meeting on January 4, 2023, was made by Member Young and seconded by Member Moran. The vote went as follows:

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

The motion passed.

### Correspondence and Communication

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Chairperson Biondolillo asked if there was anyone who was not on the agenda that wished to address the Board. There was no response. Chairperson Biondolillo asked Ms. Melancon if there was any correspondence to which she replied there was none.

**Public Hearing @ 6:30 PM for a 3-Lot Minor Subdivision Application for Frank Gerlack** – proposal is to subdivide an existing 6.45-acre parcel into 3 lots: Lot A = 2.15 acres, Lot B = 2.15 acres, and the remaining Lot C = 2.15 acres, located along Elm Ridge Road, tax parcel #45.00-3-13.6.

Chairperson Biondolillo asked the Board to review the Preliminary Subdivision Plat for Frank Gerlack. Mr. Gracey was in attendance as the representative and gave a brief presentation.

Chairperson Biondolillo opened the Public Hearing at 6:35 PM and Ms. Melancon read the hearing notice as published in the Watertown Daily Times on January 23, 2024. Chairperson Biondolillo asked if there were any comments from the audience. Hearing none, a motion was made by Member Jefferds and seconded by Member Collette to close the Public Hearing at 6:36 PM. The vote went as follows:

Member Moran:  Yes  No  Abstain  Absent  
Member Young:  Yes  No  Abstain  Absent  
Member Jefferds:  Yes  No  Abstain  Absent  
Member Collette:  Yes  No  Abstain  Absent  
Member Albrecht:  Yes  No  Abstain  Absent  
Member Oatman:  Yes  No  Abstain  Absent  
Chairperson Biondolillo:  Yes  No  Abstain  Absent

The motion passed. A motion was made by Member Young and seconded by Member Moran to review and discuss the Preliminary Subdivision Plat. The vote went as follows:

Member Moran:  Yes  No  Abstain  Absent  
Member Young:  Yes  No  Abstain  Absent  
Member Jefferds:  Yes  No  Abstain  Absent  
Member Collette:  Yes  No  Abstain  Absent  
Member Albrecht:  Yes  No  Abstain  Absent  
Member Oatman:  Yes  No  Abstain  Absent  
Chairperson Biondolillo:  Yes  No  Abstain  Absent

The motion passed. Chairperson Biondolillo asked if the Board had any other comments or questions regarding the Minor Subdivision, to which the Board had none.

The Plat Map met all the requirements with no additional changes, therefore a motion was made by Member Moran and seconded by Member Jefferds to approve the Preliminary Subdivision Plat. The vote went as follows:

Member Moran:  Yes  No  Abstain  Absent  
Member Young:  Yes  No  Abstain  Absent  
Member Jefferds:  Yes  No  Abstain  Absent  
Member Collette:  Yes  No  Abstain  Absent  
Member Albrecht:  Yes  No  Abstain  Absent  
Member Oatman:  Yes  No  Abstain  Absent  
Chairperson Biondolillo:  Yes  No  Abstain  Absent

The motion passed. A motion was made by Member Collette and seconded by Member Young to review the Final Subdivision Plat. The vote went as follows:

Member Moran:  Yes  No  Abstain  Absent  
Member Young:  Yes  No  Abstain  Absent  
Member Jefferds:  Yes  No  Abstain  Absent  
Member Collette:  Yes  No  Abstain  Absent  
Member Albrecht:  Yes  No  Abstain  Absent

Member Oatman:  Yes  No  Abstain  Absent  
Chairperson Biondolillo:  Yes  No  Abstain  Absent

The motion passed. Since there were no changes to the Final Subdivision Plat, a motion was made by Member Collette and seconded by Member Young to approve the Final Subdivision Plat. The vote went as follows:

Member Moran:  Yes  No  Abstain  Absent  
Member Young:  Yes  No  Abstain  Absent  
Member Jefferds:  Yes  No  Abstain  Absent  
Member Collette:  Yes  No  Abstain  Absent  
Member Albrecht:  Yes  No  Abstain  Absent  
Member Oatman:  Yes  No  Abstain  Absent  
Chairperson Biondolillo:  Yes  No  Abstain  Absent

The motion passed. Chairperson Biondolillo asked Mr. Gracey if would be able to provide an extra map as they only had one (1) extra copy. He stated that he would check. Chairperson Biondolillo then informed Mr. Gracey that he would receive an approval letter in the mail.

**Public Hearing @ 6:30 PM for a Site Plan Application for Wewer Holding, Inc.** – proposal is to construct a new +/- 10,000 SF office building located on the corner of Waddingham Road and US Route 11, tax parcel #65.09-1-15.21.

Chairperson Biondolillo asked the Board to review the Revised Site Plan application for Wewer Holding, Inc. Town Engineer, Mike Altieri, joined the meeting via telephone at 6:42 PM. At 6:44 PM, Chairperson Biondolillo attempted to call an adjacent landowner, Janice Brown, as requested for participation in the Public Hearing. There was no response and Chairperson Biondolillo left a message on her voicemail.

Mr. Bamann was in attendance as the representative and gave a brief presentation. He reviewed and discussed the the comments received from both the Planning Board and from BCA Architects & Engineers. Mrs. Wewer said she had the Developer Agreement in her car and asked when they would want the payment. Mrs. Jenack said she believed the payment was to be deposited into an escrow account.

Mrs. Jenack asked if Mr. Altieri had any comments or questions. Mr. Altieri explained that the project would be a part of the Towns watermain extension project, which was not expected to be completed until the Fall. However, a water service line could be installed directly to the property. Mr. Bamann reported that he had received feedback from the US Fish and Wildlife Service (FWS) at 5:30 PM, just before the meeting, indicating that they had no concerns regarding the project.

Chairperson Biondolillo opened the hearing at 6:53 PM and Ms. Melancon read the hearing notice as published in the Watertown Daily Times on January 23, 2024. Chairperson Biondolillo asked if there were any comments from the audience.

Jeff Miller stated that he had lived on North Star Road for twenty-five (25) years. He raised concerns about the noticeable increase in traffic over the years and questioned whether the new project would generate an increase in traffic at the intersection of Waddingham Road and US Route 11. He asked about the possibility of installing a traffic light at the intersection. Mr. Altieri referenced a previous traffic impact study by the NYS Department of Transportation (NYSDOT) during the Route 781 project, which did not support the need for a traffic light at that time. Mr. Bamann added that a project-specific traffic study predicted only a minor increase in traffic, estimating an additional 10-15 trips during peak hours. It was

explained to Mr. Miller that the NYSDOT held jurisdiction over traffic matters on US Route 11, and Mr. Altieri expressed skepticism about the NYSDOT approving a new traffic light without substantial evidence supporting its necessity.

David Church stated that he had lived on Rogers Road for thirty (30) years. He asked about the location of the driveway for the new development. Mr. Altieri responded that it would be positioned on Waddingham Road to minimize traffic disruption on US Route 11, noting that NYSDOT had rejected access from US Route 11. Mr. Church also asked about the nature of the business moving into the building, to which Mrs. Wewer replied that it would house an accounting firm.

A motion was made by Member Collette and seconded by Member Jefferds to close the Public Hearing at 7:00 PM. The vote went as follows:

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

The motion passed. The Board reviewed the Jefferson County Planning Boards advisory comments as follows:

- “The local board should determine if the proposed landscaping is adequate, pursuant to the Town Zoning Law, Article XI.”

Chairperson Biondolillo stated that the landscaping that was provided was satisfactory.

- “Consistent with the Section 158-75, lighting fixtures should be dark sky compliant to limit impacts on neighboring properties and public roads, this will also help limit impacts on helicopter pilots during nighttime flight maneuvers.”

Chairperson Biondolillo stated that they were using a dark sky compliant solar system.

- If a sign is proposed, it should meet the Town’s standards in Article XIII.

Chairperson Biondolillo said this was noted.

In reviewing the project, the Board had the following questions and comments:

- The Developer Agreement needed to be executed and paid for.
- The Stormwater Maintenance Agreement needed to be signed and executed.
- The response received from the US Fish and Wildlife Services (FWS) prior to the meeting would allow Mrs. Jenack to complete the State Environmental Quality Review (SEQR).
- The Highway Superintendent concurred with the driveway location.
- The Town Engineer said there were some minor technical items to be completed concerning the Stormwater Pollution Prevention Plan (SWPPP).
- An estimated construction schedule would need to be provided.

- A Notice of Intent (NOI) for the SWPPP needed to be filed with the New York State Department of Environmental Conservation (NYSDEC). The processing of the submission typically took seven (7) to ten (10) days.
- The easement for the waterline would need to reflect 20 feet.
- Per the SWPPP, a mailbox was typically provided for documents.
- A pre-construction meeting would be necessary before construction began.

Chairperson Biondolillo asked if Mrs. Wewer had any comments. Mrs. Wewer stated that they were trying to be an asset to the community and were eager to move forward as quickly as possible.

A motion was made by Member Moran and seconded by Member Jefferds to approve the Revised Preliminary Site Plan. The vote went as follows:

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

The motion passed. Chairperson Biondolillo expressed her intention to propose a motion to table the Final Site Plan approval until the above listed information was obtained. Mr. Bamann inquired whether the requirements could be made contingent upon receiving Final Approval. Chairperson Biondolillo clarified that SEQR needed to be completed before final approval could be issued. Jay Wewer and Mrs. Wewer voiced their opinion concerning the postponement of the final approval. Mrs. Wewer emphasized the importance of having evidence of progress to present to the bank. Mr. Wewer questioned if there was any possibility to expedite final approval. Chairperson Biondolillo acknowledged their concerns but emphasized that the completion of certain documents before final approval was essential. Mrs. Wewer inquired if they could have a Special Meeting. Chairperson Biondolillo confirmed that they could and informed her that the fee for a Special Meeting was \$100.00 and it would need to be published in the newspaper. Mrs. Wewer suggested February 15, 2024 as a possible meeting date. The Board decided that the date for the Special Meeting would be discussed after the meeting to give time for further coordination on the matter. Mr. Bamann asked that a detailed letter outlining the outstanding items be sent as soon as possible.

Mrs. Wewer asked when the pre-construction meeting would need to take place. Mr. Shimel said the pre-construction meeting would be done after they were granted a Zoning Permit and before construction began.

Mrs. Wewer formally requested a Special Meeting. Chairperson Biondolillo asked that she submit her request in writing for their records. Mrs. Wewer asked if she could bring the check for the Developer Agreement to the Special Meeting. Chairperson Biondolillo stated that she could. A motion was made by Member Young and seconded by Member Collette to table anything to do with the Final Site Plan approval until the Special Meeting. The vote went as follows:

Member Moran:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Member Young:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Member Jefferds:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent

Member Collette:  Yes  No  Abstain  Absent  
 Member Albrecht:  Yes  No  Abstain  Absent  
 Member Oatman:  Yes  No  Abstain  Absent  
 Chairperson Biondolillo:  Yes  No  Abstain  Absent

The motion passed. A motion was made by Member Jefferds and seconded by Member Collette to consider the request for scheduling a Special Meeting for the Wewer Holding, Inc project. The vote went as follows:

Member Moran:  Yes  No  Abstain  Absent  
 Member Young:  Yes  No  Abstain  Absent  
 Member Jefferds:  Yes  No  Abstain  Absent  
 Member Collette:  Yes  No  Abstain  Absent  
 Member Albrecht:  Yes  No  Abstain  Absent  
 Member Oatman:  Yes  No  Abstain  Absent  
 Chairperson Biondolillo:  Yes  No  Abstain  Absent

The motion passed. Chairperson Biondolillo said he would receive both an email and a letter in the mail.

**Sketch Review for a 5-Lot Major Subdivision Application for Frank Gerlack** – proposal is to subdivide an existing 18.52-acre parcel into 5 lots: Lot 1 = 0.52 acres, Lot 2 = 0.49 acres, Lot 3 = 0.49 acres, Lot 4 = 0.78 acres, and the remaining Lot 5 = 16.24 acres, located at 24845 Sanford Corners Road, tax parcel #74.12-1-47.1.

Chairperson Biondolillo asked the Board to review the Sketch Subdivision Plat for Frank Gerlack. Mr. Gracey was in attendance as the representative and gave a brief presentation. Mr. Gracey reviewed the Planning Boards comments. Chairperson Biondolillo said she had confirmed that the Development Authority of the North Country (DANC) took care of the driveway, and a Maintenance Agreement would be needed. Mr. Gracey discussed the proposed road adjacent to Lot 1. It was Mr. Gerlack’s vision to create a looped driveway to facilitate any potential future development. Additionally, Mr. Gracey clarified the lot measurements on the Plat Map, indicating that despite the lots having the same depth, measurements were taken from various starting points to minimize map clutter while maintaining detail accuracy.

Chairperson Biondolillo asked the Board if they had any other comments or questions. The Board had none.

The Board determined that the Plat Map met all the requirements for Preliminary Review. Mrs. Jenack had prepared Part 2 of the Short Environmental Assessment Form for the Boards review. A motion was made by Member Young and seconded by Member Jefferds to act as Lead Agency to conduct the environmental review for the Unlisted Action. The vote went as follows:

Member Moran:  Yes  No  Abstain  Absent  
 Member Young:  Yes  No  Abstain  Absent  
 Member Jefferds:  Yes  No  Abstain  Absent  
 Member Collette:  Yes  No  Abstain  Absent  
 Member Albrecht:  Yes  No  Abstain  Absent  
 Member Oatman:  Yes  No  Abstain  Absent  
 Chairperson Biondolillo:  Yes  No  Abstain  Absent



The motion passed. Based on a review of the information and analysis, the Board determined that the proposed action would not result in any significant adverse environmental impacts. A motion to declare a Negative Declaration was made by Member Moran and seconded by Member Collette. The vote went as follows:

Member Moran:  Yes  No  Abstain  Absent  
Member Young:  Yes  No  Abstain  Absent  
Member Jefferds:  Yes  No  Abstain  Absent  
Member Collette:  Yes  No  Abstain  Absent  
Member Albrecht:  Yes  No  Abstain  Absent  
Member Oatman:  Yes  No  Abstain  Absent  
Chairperson Biondolillo:  Yes  No  Abstain  Absent

The motion passed. The Board determined that the Preliminary Subdivision Application was complete. A motion was made by Member Young and seconded by Member Jefferds to deem the Preliminary Subdivision Application as complete. The vote went as follows:

Member Moran:  Yes  No  Abstain  Absent  
Member Young:  Yes  No  Abstain  Absent  
Member Jefferds:  Yes  No  Abstain  Absent  
Member Collette:  Yes  No  Abstain  Absent  
Member Albrecht:  Yes  No  Abstain  Absent  
Member Oatman:  Yes  No  Abstain  Absent  
Chairperson Biondolillo:  Yes  No  Abstain  Absent

The motion passed. A motion to set a Public Hearing for the March 7, 2024 meeting at 6:30 PM was made by Member Collette and seconded by Member Young. The vote went as follows:

Member Moran:  Yes  No  Abstain  Absent  
Member Young:  Yes  No  Abstain  Absent  
Member Jefferds:  Yes  No  Abstain  Absent  
Member Collette:  Yes  No  Abstain  Absent  
Member Albrecht:  Yes  No  Abstain  Absent  
Member Oatman:  Yes  No  Abstain  Absent  
Chairperson Biondolillo:  Yes  No  Abstain  Absent

The motion passed. Chairperson Biondolillo informed Mr. Gracey that he would need to provide three (3) copies of the Revised Subdivision Plat Map no later than February 23, 2024, at noon. Additionally, she informed him that he would receive a letter in the mail outlining the upcoming Public Hearing details.

## Report from Zoning Enforcement Officer

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Mr. Shimel said he had issued a Remedy of Violation letter to a property owner along US Route 11. The notice concerned the presence of discarded vehicles and debris on the property. He had informed the owner that they could remedy the issue in phases, starting with the removal of all unlicensed vehicles and

trailers from the property. Additionally, a barn on Goulds Corners Road was collapsing towards the road, which the Town had deemed an emergency to get cleaned up. The owners were notified. Additionally, there was a silo on the property that had not been addressed yet, that needed to be secured.

Mr. Shimel reported that there had been multiple zoning issues regarding dumpsters in the Town. All relevant parties had been notified.

Mr. Shimel said he had received an inquiring about the feasibility of opening a gentleman's club in the former 'Ugly Stick' building. He stated that such a use was not permitted in that district.

There was unauthorized signage at both Big Apple Music and Laundromat 24. Additionally, Laundromat 24 had an unplowed fire lane that needed to be addressed. He stated that he would get ahold of Mr. Donegan to ensure the issues were resolved.

Lastly, he reported a call from the troopers about three loads of stone illegally dumped in the Right-of-Way (ROW) of County Route 30. The property owner had believed their permit for house construction had allowed this. The stone piles have since been removed.

### **Report from Community Development Coordinator**

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Mrs. Jenack said the Comprehensive Planning Committee planned to discuss strategies and the land use map at their upcoming meeting. Regarding the Municipal Separate Storm Sewer Systems (MS4) regulations, Mrs. Jenack briefed the Board on the New York State Department of Environmental Conservation's enforcement efforts. She recommended that a presentation be prepared for the Town Board to outline these regulations and their implications for the Town.

### **Adjournment**

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A motion was made by Member Young and seconded by Member Moran to adjourn the meeting at 7:55 PM. The vote went as follows:

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

The motion passed.