

Town of LeRay

Planning Board - Minutes

April 4, 2024

Call to Order

On April 4, 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 6:30 PM by Chairperson Biondolillo who led the room in the Pledge of Allegiance.

Open Regular Meeting

In attendance: Deborah Biondolillo – Chairperson, Tom Moran – Member, Brian Jefferds – Member, William Albrecht – Member, Pat Collette – Member, Clarke Oatman – Member, Jessica Jenack via telephone – Community Development Coordinator, Lee Shimel – Zoning Enforcement Officer, Morgan Melancon – Secretary to Planning and Zoning, Mike Altieri via telephone – Town Engineer, and Leland Carpenter – Town Supervisor, were in attendance. Additionally, Stephen Gracey, Patsy Storino, Billy Chan, and Matt Carpenter were in attendance. Member Kerry Young was absent.

Acceptance of Minutes

The minutes from the regular meeting on March 7, 2024, were reviewed by the Board members. A motion to accept the minutes as drafted was made by Member Collette and seconded by Member Albrecht. The vote went as follows:

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

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 4-Lot Minor Subdivision Application for Michael Wendt – proposal is to subdivide an existing 10.86-acre parcel into 4 lots: Lot 1A = 1.47 acres, Lot 1B = 1.14 acres, Lot 1C = 4.71 acres, and the remaining Lot 4 = 3.54 acres, located at 32466/32478 County Route 18, tax parcel #45.00-3-7.3.

Chairperson Biondolillo asked the Board to review the Revised Preliminary Subdivision Plat for Michael Wendt. Mr. Gracey was in attendance as the representative and gave a brief presentation. Chairperson Biondolillo opened the Public Hearing at 6:34 PM and Ms. Melancon read the hearing notice as published in the Watertown Daily Times on March 21, 2024. Chairperson Biondolillo asked if there were any comments from the audience. There were none.

A motion was made by Member Jefferds and seconded by Member Moran to close the Public Hearing at 6:34 PM. The vote went as follows:

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|--------------------------|---|-----------------------------|----------------------------------|--|
| Member Moran: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Abstain | <input type="checkbox"/> Absent |
| Member Young: | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Abstain | <input checked="" type="checkbox"/> Absent |
| Member Jefferds: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Abstain | <input type="checkbox"/> Absent |
| Member Albrecht: | <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 Oatman: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Abstain | <input 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. A motion was made by Member Albrecht and seconded by Member Collette to review and discuss the Revised Preliminary Subdivision Plat Map. The vote went as follows:

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|--------------------------|---|-----------------------------|----------------------------------|--|
| Member Moran: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Abstain | <input type="checkbox"/> Absent |
| Member Young: | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Abstain | <input checked="" type="checkbox"/> Absent |
| Member Jefferds: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Abstain | <input type="checkbox"/> Absent |
| Member Albrecht: | <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 Oatman: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Abstain | <input 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 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 Albrecht to approve the Revised Preliminary Subdivision Plat Map. The vote went as follows:

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|--------------------------|---|-----------------------------|----------------------------------|--|
| Member Moran: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Abstain | <input type="checkbox"/> Absent |
| Member Young: | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Abstain | <input checked="" type="checkbox"/> Absent |
| Member Jefferds: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Abstain | <input type="checkbox"/> Absent |
| Member Albrecht: | <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 Oatman: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Abstain | <input 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. A motion was made by Member Oatman and seconded by Member Jefferds to review the Final Subdivision Plat Map. The vote went as follows:

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

Member Young: Yes No Abstain Absent
 Member Jefferds: Yes No Abstain Absent
 Member Albrecht: Yes No Abstain Absent
 Member Collette: 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 Map, a motion was made by Member Collette and seconded by Member Moran to approve the Final Subdivision Plat Map. The vote went as follows:

Member Moran: Yes No Abstain Absent
 Member Young: Yes No Abstain Absent
 Member Jefferds: Yes No Abstain Absent
 Member Albrecht: Yes No Abstain Absent
 Member Collette: 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 receive a letter in the mail outlining the Boards decision.

Sketch Review of a Site Plan Modification Application for Evertree Self Storage – proposal is to add an additional 30’ X 200’ storage unit to the existing storage building, located at 26085 NY Route 283, tax parcel #74.16-2-2.1.

Chairperson Biondolillo asked the Board to review the Site Plan Modification for Evergreen Self Storage. Mr. Storino was in attendance as the representative and gave a brief presentation. Mr. Storino stated that there were currently five (5) storage buildings and Evertree Self Storage wanted to add a sixth 30’ x 200’ storage building that year, and the possibility of a seventh storage building of the same size the following year. The vehicle storage was located in the back, and the stone limit was proposed to be moved far enough back to accommodate both buildings and still store vehicles.

Chairperson Biondolillo discussed the National Grid Transmission Line Easement with Mr. Storino. She stated that after speaking with an individual from National Grid, it was discovered they had the right to dig up any screening vegetation that was placed in the easement in the event work was required in the easement area and therefore it was up to the Board if they would like to waive the screening requirements considering the circumstances.

Chairperson Biondolillo stated that both the environmental review and the Negative Declaration had been previously issued and asked the Board if, upon the review of the application, they had any comments. The Board had none.

Chairperson Biondolillo said under section 158-26.1 (2)b of the General Municipal Law, the Planning Board could waive certain application or procedural requirements in consideration of the objectives in the section. The Board must determine whether the modification would result in potential significant impacts upon the following:

- a. traffic generation Yes No

- b. water consumption Yes No
- c. adversely affect pedestrian and traffic circulation Yes No
- d. eliminate or adversely affect parking Yes No
- e. necessitate the review of exterior facades Yes No
- f. other potential adverse effects to public health, safety, or welfare Yes No
- g. would otherwise meet existing requirements and standards as contained in the Zoning Code Yes No

Chairperson Biondolillo stated that the modification would not have significant impacts and asked the Board if they had any further comments or questions. The Board had none.

A motion to waive the Site Plan review requirements for a Public Hearing and submittal for a 239-L and M review by the County was made by Member Jefferds and seconded by Member Oatman. 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 consented to waive the screening requirement for the project. Chairperson Biondolillo informed Mr. Storino that he would need to remove the screening detail from the Plat Map and to submit one updated copy of the Plat Map for her signature.

A motion to grant final approval for the Site Plan Modification and to grant Chairperson Biondolillo with the administrative authority to sign the revised Plat Map was made by Member Moran and seconded by Member Oatman. 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. Storino that he would receive a letter in the mail outlining the Boards decision.

Sketch Review of a Site Plan Modification Application for DG LeRay Solar – proposal is to update the Site Plan to correct a discrepancy found in the original survey. The approved Site Plan shows a front yard setback of 145 feet, which does not meet the Town’s setback requirements and will be adjusted to the required 160 feet, located at 28983 US Route 11, tax parcel #55.00-1-39.

On February 8, 2024, the Town Board provided DG LeRay Solar with an exemption from the Solar Moratorium, allowing them to revise their approved Site Plan. Chairperson Biondolillo asked the Board to review the Site Plan Modification for DG LeRay Solar. Mr. Chan was in attendance as the representative and gave a brief presentation. Mr. Chan stated that they had shifted the panels further in to meet the 160-foot setback requirement.

Mr. Chan reported that their break-in-access application was presently under review by the New York State Department of Transportations (NYSDOT) Chief Engineer. He anticipated that the break-in-access approval would be concluded in the upcoming months, with the issuance of the permit to follow shortly thereafter.

Chairperson Biondolillo stated that both the environmental review and the Negative Declaration had been previously issued and asked the Board if, upon the review of the application, they had any comments. The Board had none.

Chairperson Biondolillo said under section 158-26.1 (2)b of the General Municipal Law, the Planning Board could waive certain application or procedural requirements in consideration of the objectives in the section. The Board must determine whether the modification would result in potential significant impacts upon the following:

- a. traffic generation Yes No
- b. water consumption Yes No
- c. adversely affect pedestrian and traffic circulation Yes No
- d. eliminate or adversely affect parking Yes No
- e. necessitate the review of exterior facades Yes No
- f. other potential adverse effects to public health, safety, or welfare Yes No
- g. would otherwise meet existing requirements and standards as contained in the Zoning Code Yes No

Chairperson Biondolillo stated that the modification would not have significant impacts and asked the Board if they had any further comments or questions. The Board had none.

A motion to waive the Site Plan review requirements for a Public Hearing and submittal for a 239-L and M review by the County was made by Member Collette and seconded by Member Albrecht. 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 grant final approval for the Site Plan Modification was made by Member Oatman and seconded by Member Jefferds. 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. Chan that he would receive a letter in the mail outlining the Boards decision.

Review of Approved Condition set forth on June 1, 2006 for a Minor Subdivision Application for Stephen Converse – John Murtha and Pamela Beyor-Murtha are requesting the condition be terminated and removed from the official Planning Board records to allow the use of the property for residential purposes, located along LaFave Road, tax parcel #75.00-1-38.2 and tax parcel #75.00-1-38.12.

A motion was made by Member Collette and seconded by Member Moran to terminate and rescind the no residence allowed condition to the 1.5-acre parcel identified as Lot 1 on the plat map approved on June 1, 2006, bearing the tax parcel number 75.00-1-38, now updated to 75.00-1-38.2, and the parcel be allowed for use in accordance with the applicable section of the Town of LeRay Zoning Code for that said parcel. The motion went as follows:

Member Moran: Yes No Abstain Absent
 Member Young: Yes No Abstain Absent
 Member Jefferds: Yes No Abstain Absent
 Member Albrecht: Yes No Abstain Absent
 Member Collette: 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 Moran and seconded by Member Jefferds to terminate and rescind the no residence allowed condition to the remaining 152.39-acre parcel identified as Lot 2 on the plat map approved on June 1, 2006, bearing the tax parcel number 75.00-1-38, now updated to 75.00-1-38.12, and the parcel be allowed for use in accordance with the applicable section of the Town of LeRay Zoning Code for that said parcel. The motion went as follows:

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

Presentation by Matt Carpenter: Solar Battery Storage and how it will affect First Responders.

Black River’s Fire Chief, Matt Carpenter, gave a presentation on Solar Battery Storage and how it affects first responders.

Report from the Town Engineer

Mr. Altieri provided the Board with an update on the Wewer project. At the pre-construction meeting, they discussed the need to finalize the Stormwater Pollution Prevention Plan (SWPPP) documentation to file with the New York State Department of Environmental Conservation (NYSDEC) in order to obtain a Stormwater Permit. Construction began prior to the finalization of that process, and an individual from the NYSDEC had visited the site and issued them a Notice of Violation. They had thirty (30) days from the date of the notice to come into compliance.

Report from the Community Development Coordinator

Mrs. Jenack reported on a meeting with Splash Pad Car Wash, Walmart, and the Northern Federal Credit Union (NFCU), concerning traffic circulation issues. She informed the Board that Walmart had agreed to accommodate the carwash employees by allowing them to park at the rear of their parking lot. The car wash was not inclined to remove a section of curbing to help with the stacking issues due to the cost, and instead they made internal adjustments with management and staff training to address the issue. These modifications had significantly enhanced the flow within the carwash facility, even during periods of high customer volume.

A potential drive-through oil changing facility had been in contact with Mrs. Jenack and Chairperson Biondolillo, and the process was still in the initial planning stages.

Report from the Planning Board Chairperson

Chairperson Biondolillo said she had received a call from Gordon Woodcock (Pivot) concerning their Solar Project on Martin Road North. The Town Board had turned down the proposed Maintenance Agreement which put a temporary halt to the project. Mr. Woodcock had stated his intentions to continue. They were waiting on the US Army Corp., the interconnect with National Grid, and would revisit the Maintenance Agreement to make changes.

Chairperson Biondolillo reported on the NYC Deli Style convenience store, stating that although 7-Eleven had agreed to put in the cross-access road, the lessee was not current on payments with the engineer and therefore the outcome of the project is not known.

Adjournment

A motion was made by Member Jefferds and seconded by Member Moran to adjourn the meeting at 7:41 PM. The vote went as follows:

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|--------------------------|--|
| Member Moran: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain <input type="checkbox"/> Absent |
| Member Young: | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain <input checked="" type="checkbox"/> Absent |
| Member Jefferds: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain <input type="checkbox"/> Absent |
| Member Albrecht: | <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 Oatman: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain <input 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.

