

# Town of LeRay

## Planning Board - Minutes

September 5, 2024

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### Call to Order

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On September 5, 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 Member Young who led the room in the Pledge of Allegiance. Following the pledge, the meeting paused for a moment of silence to honor the memory of Sam and Deborah Biondolillo's son, Marc Biondolillo.

### Open Regular Meeting

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In attendance: Brian Jefferds – Member, Patrick Collette – Member, Thomas Moran – Member, Kerry Young – Member, Clarke Oatman – Member, Lee Shimel – Zoning Enforcement Officer, Jessica Jenack via telephone – Community Development Coordinator, Morgan Melançon – Secretary to Planning and Zoning, and Leland Carpenter – Town Supervisor. Additionally, Mark Crandall, Mark Tompkins, Hanna Wade, Barb Dalton, Scott Dalton, Stephen Gracey, and Mark Pacilio were in attendance. The Planning Board Chairperson, Deborah Biondolillo, was absent.

### Acceptance of Minutes

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The minutes from the regular meeting on August 1, 2024, were reviewed by the Board members and a motion to accept the minutes as drafted was made by Member Collette and seconded by Member Moran. The vote went as follows:

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 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 Oatman:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Chairperson Biondolillo:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input checked="" type="checkbox"/> Absent

The motion passed.

A motion was made to appoint Member Young as the acting chairperson for the duration of the regular meeting. The vote went as follows:

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 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 Oatman:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Chairperson Biondolillo:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input checked="" type="checkbox"/> Absent

The motion passed.

A motion was made to authorize Acting Chairperson Young to sign maps and relevant documentation on behalf of Chairperson Biondolillo, for the duration of the regular meeting. The vote went as follows:

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

The motion passed.

## **Correspondence and Communication**

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Acting Chairperson Young asked if there was anyone who was not on the agenda that wished to address the Board. There was no response. Acting Chairperson Young asked Secretary Melançon if there was any correspondence to which she replied there was none.

**Public Hearing @ 6:30 PM for a 2-Lot Minor Subdivision Application for Scott Dalton** – proposal is to subdivide an existing 5.88-acre parcel into 2 lots: Lot 1 = 2.02 acres, and the remaining Lot 2 = 3.86 acres, located at 29015 Simonet Road, tax parcel #55.00-1-34.1.

Acting Chairperson Young asked the Board to review the Preliminary Subdivision Plat Map for Scott Dalton. Mr. Dalton was in attendance as the representative and gave a brief presentation. The Board informed Mr. Dalton that the milk house was located too close to the proposed property line. Mr. Dalton was presented with the options to either relocate or demolish the milk house; he chose to demolish it. The Board stipulated that he must complete the demolition within ninety (90) days from September 5, 2024. Upon successful completion of the condition and following verification by Mr. Shimel, revised Plat Maps must be submitted to the planning office for final signatures. Acting Chairperson Young asked the Board if they had any other comments or questions. The Board had none.

Acting Chairperson Young opened the Public Hearing at 6:35 PM and Secretary Melançon read the hearing notice as published in the Watertown Daily Times on August 30, 2024. Acting Chairperson Young asked if there were any comments from the audience. Hearing none, a motion was made by Member Moran and seconded by Member Jefferds to close the Public Hearing at 6:36 PM. The vote went as follows:

Member Jefferds:            Yes  No  Abstain  Absent  
Member Collette:            Yes  No  Abstain  Absent  
Member Moran:              Yes  No  Abstain  Absent  
Acting Chairperson Young:  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 Oatman to review and discuss the Preliminary Subdivision Plat Map. The vote went as follows:

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

The motion passed. Acting Chairperson Young asked if the Board had any other comments or questions regarding the Minor Subdivision. 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 Oatman to approve the Preliminary Subdivision Plat Map. The vote went as follows:

Member Jefferds:  Yes  No  Abstain  Absent  
Member Collette:  Yes  No  Abstain  Absent  
Member Moran:  Yes  No  Abstain  Absent  
Acting Chairperson Young:  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 Oatman and seconded by Member Jefferds to review the Final Subdivision Plat Map. The vote went as follows:

Member Jefferds:  Yes  No  Abstain  Absent  
Member Collette:  Yes  No  Abstain  Absent  
Member Moran:  Yes  No  Abstain  Absent  
Acting Chairperson Young:  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 grant Conditional Subdivision Approval, subject to the condition that the milk house be demolished within 90 days from September 5, 2024. Upon meeting this condition, a revised Final Plat Map would be provided and signed. The vote went as follows:

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

The motion passed. Acting Chairperson Young informed Mr. Dalton that he would receive a letter in the mail outlining the Boards decision.

**Sketch Review for a 2-Lot Minor Subdivision Application for Darryl Murrock** – proposal is to subdivide an existing 33.66-acre parcel into 2 lots: Lot 1 = 3.07 acres, and the remaining Lot 2 = 30.59 acres, located at 25904 NYS Route 283, tax parcel #75.00-1-49.4.

Acting Chairperson Young asked the Board to review the Sketch Subdivision Plat Map for Darryl Murrock. Mr. Gracey was in attendance as the representative and gave a brief presentation. Mr. Gracey stated that Mr. Murrock had plans to sell Lot 1 and keep the remaining land. Acting Chairperson Young 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. Secretary Melançon had prepared Part 2 of the Short Environmental Assessment Form for the Boards review. A motion was made by Member Oatman and seconded by Member Moran to act as Lead Agency to conduct the environmental review for the Unlisted Action. The vote went as follows:

Member Jefferds:             Yes  No  Abstain  Absent  
Member Collette:            Yes  No  Abstain  Absent  
Member Moran:              Yes  No  Abstain  Absent  
Acting Chairperson Young:  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 Collette and seconded by Member Moran. The vote went as follows:

Member Jefferds:             Yes  No  Abstain  Absent  
Member Collette:            Yes  No  Abstain  Absent  
Member Moran:              Yes  No  Abstain  Absent  
Acting Chairperson Young:  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 Oatman and seconded by Member Moran to deem the Preliminary Subdivision Application as complete. The vote went as follows:

Member Jefferds:             Yes  No  Abstain  Absent  
Member Collette:            Yes  No  Abstain  Absent  
Member Moran:              Yes  No  Abstain  Absent  
Acting Chairperson Young:  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 October 3, 2024 meeting at 6:30 PM was made by Member Moran and seconded by Member Jefferds. The vote went as follows:

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

The motion passed. Acting Chairperson Young informed Mr. Gracey that he would receive a letter in the mail outlining the upcoming Public Hearing details.

**Sketch Review for a 3-Lot Minor Subdivision Application for Tamra Delaney** – proposal is to subdivide an existing 8.57-acre parcel into 3 lots: Lot A = 3.19 acres, Lot B = 3.39 acres, and the remaining Lot C = 1.99 acres, located at 31233 Elm Ridge Road, tax parcel #45.00-3-31.32.

Acting Chairperson Young asked the Board to review the Sketch Subdivision Plat Map for Tamra Delaney. Mr. Gracey was in attendance as the representative and gave a brief presentation. Mr. Gracey stated that Ms. Delaney intended to use Lot A and Lot C for residential purposes. Acting Chairperson Young 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. Secretary Melançon had prepared Part 2 of the Short Environmental Assessment Form for the Boards review. A motion was made by Member Jefferds and seconded by Member Oatman to act as Lead Agency to conduct the environmental review for the Unlisted Action. The vote went as follows:

Member Jefferds:  Yes  No  Abstain  Absent  
 Member Collette:  Yes  No  Abstain  Absent  
 Member Moran:  Yes  No  Abstain  Absent  
 Acting Chairperson Young:  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 Collette and seconded by Member Moran. The vote went as follows:

Member Jefferds:  Yes  No  Abstain  Absent  
 Member Collette:  Yes  No  Abstain  Absent  
 Member Moran:  Yes  No  Abstain  Absent  
 Acting Chairperson Young:  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 Oatman and seconded by Member Moran to deem the Preliminary Subdivision Application as complete. The vote went as follows:

Member Jefferds:  Yes  No  Abstain  Absent  
 Member Collette:  Yes  No  Abstain  Absent  
 Member Moran:  Yes  No  Abstain  Absent  
 Acting Chairperson Young:  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 October 3, 2024 meeting at 6:30 PM was made by Member Jefferds and seconded by Member Oatman. The vote went as follows:

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

The motion passed. Acting Chairperson Young informed Mr. Gracey that he would receive a letter in the mail outlining the upcoming Public Hearing details.

**Review and Discussion for a Zoning Permit Application for Tug Hill for Tomorrow Land Trust** – proposal is to construct a new gravel parking lot that will provide access to the future trails, located along Johnson Road, tax parcel #65.00-1-84.213.

Acting Chairperson Young asked the Board to review the Zoning Permit Application for Tug Hill Tomorrow, which had been referred to the Board for review by Mr. Shimel. Mr. Crandall, from GYMO Architecture Engineering & Land Surveying, DPC (GYMO), was in attendance as the representative and gave a brief presentation. Mr. Crandall stated that a majority of the comments provided at the informal meeting on August 26, 2024 had been incorporated. A revised Parking Area Map and the addition of a Site Overview map had been provided.

Mr. Crandall explained that the project covered approximately four hundred and twenty (420) acres, managed by Tug Hill Tomorrow. The goal was to preserve the area's natural environment under a "Forever Wild" designation, allowing public access to natural trails while minimizing ecological impact. The project involved the construction of a new gravel parking lot along Johnson Road that would provide access to future trails. The parking layout was comprised of twenty-six (26) parking spaces with a designated area for bus parking. A double-sided 4' x 8' sign would be placed at the entrance, and a kiosk would display Tug Hill Tomorrow's standard policies. Landscaping plans called for tree planting to define the parking area and provide shade. It was noted that there were no plans to snowplow the entire lot; instead, a travel lane would be maintained during the winter.

In reviewing the Site Overview map, Mr. Crandall said the tentative placements of the way-finding and educational (EDU) signs had been shown. Member Moran asked if the trails were already marked, to which Mr. Crandall said they were not, and that clearing, and maintenance of the trails was still required.

Mr. Carpenter inquired about measures to prevent four-wheelers from accessing the trails, such as placing large boulders at trailhead entrances. Mark Tompkins, a representative from GYMO, said they had past

success in deterring such activity by posting signs that stated it was a public conservation area, for pedestrian use only and all other uses are prohibited. Though, additional measures like trail cams and boulders could be considered. He added that Tug Hill Tomorrow, being a staffed nonprofit, would have personnel regularly checking the site.

Mr. Shimel informed Mr. Crandall that a Sign Permit and a Driveway Permit from the Department of Transportation (DOT) would be necessary.

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

Acting Chairperson Young noted that the Board had previously requested Adam KoKinda to submit a letter to the Town Board regarding his proposed Zone Change request. Having reviewed the letter, the Town Board referred the matter back to the Planning Board. The Board must now determine the appropriateness of the Zone Change and forward their recommendations back to the Town Board. Additionally, it was highlighted that the Comprehensive Planning Committee should be informed of this request, to ensure it aligns with the Town's long-term planning and development objectives.

Mr. Shimel noted that the parcels in question had changed from an Agricultural-Residential (AR) district to the current Mixed-Use (MU) district as part of the 2009 Comprehensive Plan update. He advised the Board to evaluate whether the original goals from the zoning change had been achieved, and to be mindful of spot zoning when considering the request.

Acting Chairperson Young asked the Board if they felt they could make a recommendation to the Town Board at that time. The Board concluded that the matter would be reviewed at the next Planning Board meeting when Chairperson Biondolillo was able to participate. Secretary Melançon stated that she would send a copy of the 2009 Comprehensive Plan to the Board via email for them to review.

Regarding the ongoing Solar Moratorium in the Town, Acting Chairperson Young said further information from the state was needed. Mr. Shimel said the Town Attorney, Jim Burrows, had provided information on Battery Energy Storage Systems (BES) for the Board to review. Mr. Shimel updated the Board on significant changes in the New York State's policies governing large renewable energy projects. In connection with the state's energy framework, it was mentioned that National Grid was undertaking transmission line upgrades to mitigate grid congestion and enhance overall capacity.

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

Mr. Shimel reported that: he had received an inquiry from Tractor Supply about the town's sign regulations, as they are interested in opening a store behind Freedom Plaza. However, no submissions have been made yet.

Mr. Shimel stated that he and Secretary Melançon had met with an architect regarding the proposed Valvoline Instant Oil Change business along US Route 11, previously the proposed site for Tommy's Car Wash. Subsequent inquiries about parking space and stacking requirements followed the meeting.

The new owner of Jessie's Pet Spa, located along NYS Route 283, is preparing to submit a Site Plan Application to put an addition on the building, as a Site Plan had never been approved in the past. A letter was sent to Fort Drum Drives regarding the permitted number of display vehicles along US Route 11, as requested by the Board. There has been no change after two weeks.

The Town of Brownville, acting as the Lead Agent for the North Watertown – Indian River Transmission Project, was set to approve the Full Environmental Assessment Form.

Mr. Shimel had verified that the sheds on Christian and Jeremy Favret’s property, located along Beckwith Road, had been removed and the double-wide on the property had been sold. This has brought them into compliance with their approved Site Plan from 2021.

Mr. Shimel and Mr. Carpenter discussed an informal meeting they had with Mike Lundy and Jim Nabywaniec regarding a previously proposed project behind Freedom Plaza. Mr. Lundy expressed interest in reviving the project and mentioned that multiple prospective businesses had shown interest in renting space once completed. Additionally, Mr. Lundy had stated that he would build the road to Town specifications and then transfer ownership over to the Town. They were advised to consult with the planning staff before submitting any plans to the Board.

Mr. Glick had obtained permits to construct residential homes along Sanford Corners Road. There had been issues with storing building materials in the Right of Way. The issue has since been resolved. Additionally, there had been complaints from the fire department in regard to them burning treetops, as the ash was going on the neighboring homes.

Mr. Shimel updated the Board on compliance issues with the Wewer Project at the corner of Waddingham Road and US Route 11. He reported violations of the Stormwater Pollution Prevention Plan (SWPPP), noting he had visited the site twice, once with Secretary Melançon after a significant rainfall. It had been determined that the Town, being a part of the MS4 program, was responsible for enforcing the SWPPP. Due to their failure to comply with MS4 requirements, Mr. Shimel proposed issuing a Remedy to Violation notice. This would establish a specific deadline for compliance.

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

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Mrs. Jenack reported that Ms. Trautman had contacted her via email seeking information on the Board's submission deadlines concerning a potential project submittal by Mr. Lundy.

### **Adjournment**

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A motion was made by Member Moran and seconded by Member Jefferds to adjourn the meeting at 7:37 PM. The vote went as follows:

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

The motion passed.