

# Town of LeRay

## Planning Board - Minutes

August 3, 2023

### Call to Order

On August 3, 2023, 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

Board members in attendance: Deborah Biondolillo – Chairperson, Tom Moran – Member, Kerry Young – Member, Brian Jefferds – Member, Patrick Collette – Member, William Albrecht – Member, Clarke Oatman – Member, Jessica Jenack – Community Development Coordinator, Morgan Melancon – Secretary to Planning and Zoning, and Lee Shimel – Zoning Enforcement Officer. Additionally, James Reed, Matt Morgia, Liam Miller, Matt McMacken, Rob Schexnayder, Kim Schexnayder, Neal Ryor, Audrey Ryor, and Hannah Shaw were in attendance.

### Acceptance of Minutes – July 13, 2023

The minutes from the regular meeting on July 13, 2023, were reviewed by the Board members. A motion to accept the minutes as drafted was made by Member Collette and seconded by Member Oatman.

The vote went as follows:							
Member Moran:	Yes	Member Jefferds:	Yes	Member Albrecht:	Yes	Chairperson Biondolillo	Yes
Member Young:	Yes	Member Collette:	Yes	Member Oatman:	Yes		
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. James Reed, a representative from Aldi's Supermarket, spoke before the Board. He asked about the possibility of replacing a 6-year-old wooden fence, at their expense, which had suffered damage from a plow, with limestone blocks. Additionally, Mr. Reed said the fence was situated near the stormwater drainage, which had further contributed to its decay. The Board recalled that there had been prior concerns raised about the fence during the initial approval of the project.

Member Moran asked if there were any tie-up posts for Amish horse buggies. Mr. Reed clarified that although there was not a designated area, the Amish tied their buggies to the guardrails in the back parking area. Mrs. Jenack inquired whether any of the existing fencing slated for replacement could be repurposed for a buggy post. Mr. Reed clarified that all the wood would be unusable for such a purpose.

Mr. Reed then shared digital images depicting the style of limestone blocks they were proposing to install. Chairperson Biondolillo asked what their anticipated timeline was for installation. Mr. Reed said if the Board was agreeable to the limestone block option, then they would need time to search for the preferred blocks and set them aside. He explained that the project would not be feasible within the current year and that they planned to temporarily address the fence's condition in the interim. They planned to return to the Board for approval once they were ready to proceed with the limestone blocks. Members Moran and Member Oatman expressed their agreement with the approach.

Chairperson Biondolillo then asked if the retaining wall could support the weight of the limestone blocks, and Mr. Reed affirmed that it could.

There was general consensus among the Board Members allow the replacement of the fence with limestone blocks. It was understood that Aldi's Supermarket would need to seek the Board's approval when they were prepared to move forward with the installation of the stone blocks.

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

**Public Hearing @ 6:30 PM for a Site Plan Application for Travani Construction Office** – proposal is to renovate the existing building for utilization as an office, located at 26252 NYS Route 3, tax Parcel #83.08-2-50.1.

Chairperson Biondolillo asked the Board to review the Site Plan application for Travani Construction Office. Matthew Morgia was in attendance as the representative and gave a brief presentation. Mr. Morgia reviewed the Site Plan with the Board, stating that the project was in an existing building that was formerly a retail shop and that there was no outside sitework planned for the project.

Chairperson Biondolillo opened the Public Hearing at 6:44 PM and Clerk Melancon read the hearing notice as published in the Watertown Daily Times on July 27, 2023. Chairperson Biondolillo asked if there were any comments from the audience. Hearing none, a motion was made by Member Albrecht and seconded by Member Young to close the Public Hearing at 6:46 PM.

The vote went as follows:							
Member Moran:	Yes	Member Jefferds:	Yes	Member Albrecht:	Yes	Chairperson Biondolillo	Yes
Member Young:	Yes	Member Collette:	Yes	Member Oatman:	Yes		
The motion passed.							

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

- “The County Planning Board identified that the NYS Department of Transportation should be contacted as a NYS DOT Highway Work Permit will be required for the change of use. The access to NYS Route 3 should be improved by limiting the accesses to a standard driveway width.
- A Jefferson County Building Permit may be required for the internal renovations with the change of use from retail to office.”

Chairperson Biondolillo acknowledged that although the project would involve limited driveway usage, there was uncertainty about future developments. She said the County Planning Board was specifically referring to the 50-foot-wide ingress and egress on NYS Route 3, and informed Mr. Morgia that during the Work Session Meeting, the Board had discussed an alternative approach involving closing the NYS Route 3 egress. Mr. Morgia clarified that the 50-foot measurement referred to the radius where the drive lane met the roadway and that the actual drive lane was roughly 25 feet wide. Furthermore, Mr. Morgia explained that any alterations to the width of the driveways was complicated due to boundary constraints and the potential impact on adjacent properties. The aim was to maintain the current configuration to avoid complications with the Department of Transportation (DOT). Lastly, Mr. Morgia stated that if no alterations were planned, then a Highway Work Permit would not be necessary.

Member Moran asked if there were plans to add signs or striping to indicate the direction of entry and exit. Chairperson Biondolillo asked the project applicant, Matthew McMacken, about the level of traffic he anticipated. Mr. McMacken explained that the office would primarily be utilized by himself and his wife for administrative purposes, estimated to be around 15 hours a week. At most, one additional person might visit for meetings and traffic was expected to be minimal. Mr. McMacken then said that he planned to seal the driveway and apply markings. Member Moran advocated for delineating the traffic flow.

Member Albrecht queried about a buffer near Twin Oaks Drive, to which Chairperson Biondolillo reviewed the maps and pointed out an existing fence at the back. The Board then discussed the screening on the side facing the Baker property, and ultimately decided that adding screening there would be infeasible due to the asphalt.

Chairperson Biondolillo asked if the Board had any further questions. Hearing none, she concluded that the Board would require an updated Site Plan, including ingress and egress arrows, along with a notation for the addition of potted plants across the front of the building for landscaping.

The Preliminary Site Plan met all of the checklist requirements, therefore a motion was made by Member Collette and seconded by Member Oatman to approve the Preliminary Site Plan.

The vote went as follows:							
Member Moran:	Yes	Member Jefferds:	Yes	Member Albrecht:	Yes	Chairperson Biondolillo	Yes
Member Young:	Yes	Member Collette:	Yes	Member Oatman:	Yes		
The motion passed.							

A motion was made by Member Oatman and seconded by Member Moran to review the Final Site Plan.

The vote went as follows:							
Member Moran:	Yes	Member Jefferds:	Yes	Member Albrecht:	Yes	Chairperson Biondolillo	Yes
Member Young:	Yes	Member Collette:	Yes	Member Oatman:	Yes		
The motion passed.							

Chairperson Biondolillo asked the Board if they had any other questions regarding the Final Site Plan. Hearing none, a motion was made by Member Young and seconded by Member Oatman to grant Final Site Plan approval with the condition that three (3) copies of the stamped, updated, Site Plan would be provided, showing arrows of ingress and egress, and a notation indicating the location of the potted plants.

The vote went as follows:							
Member Moran:	Yes	Member Jefferds:	Yes	Member Albrecht:	Yes	Chairperson Biondolillo	Yes
Member Young:	Yes	Member Collette:	Yes	Member Oatman:	Yes		
The motion passed.							

A motion was made by Member Young and seconded by Member Oatman to grant Chairperson Biondolillo administrative approval to sign the Revised Site Plan with the previously requested changes.

The vote went as follows:							
Member Moran:	Yes	Member Jefferds:	Yes	Member Albrecht:	Yes	Chairperson Biondolillo	Yes
Member Young:	Yes	Member Collette:	Yes	Member Oatman:	Yes		
The motion passed.							

Chairperson Biondolillo informed Mr. Morgia that he would need to bring in three (3) copies of the stamped, updated Site Plan, and that he would receive an approval letter in the mail.

**Sketch Review of a Site Plan Modification Application for a Karate School** – proposal is to renovate the existing US Care System building for utilization as Karate School, located at 25863 NYS Route 3, tax parcel #83.08-1-71.33.

Chairperson Biondolillo asked the Board to review the Site Plan Modification for the Karate School. Rob Schexnayder was in attendance as the representative and gave a brief presentation. Mr. Schexnayder stated that he and his wife, Kim Schexnayder, were co-owners of Shubu Kan, LLC, whose parent company was the United Ryukyu Kempo Alliance, an organization based out of Kansas City, Missouri. As the sole instructors, they offered teachings in Ryukyu Kempo Karate, traditional Okinawan weapons (Kovudo), Kanji writing, Japanese language, Okinawa and Ryukyu Kempo history, as well as self-defense. Mr. Schexnayder communicated that he had consulted both the building's owner and the director of the US Care System, an existing tenant, both of whom supported the project.

Mr. Schexnayder provided the Board with a tentative class schedule, which addressed the potential issues related to parking and building congestion. Member Young inquired as to the size of the classes, to which both Mr. and Mrs. Schexnayder affirmed that larger classes would be comprised of approximately ten (10) to fifteen (15) students.

They expressed their intention to avoid maximizing class capacities and would maintain their class sizes under 20 students.

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 158-145 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:

- |   |   |  |
|---|---|--|
| 1. traffic generation   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 2. water consumption  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 3. adversely affect pedestrian and traffic circulation                                      | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 4. eliminate or adversely affect parking  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 5. necessitate the review of exterior facades   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 6. other potential adverse effects to public health, safety, or welfare                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 7. would otherwise meet existing requirements and standards as contained in the Zoning Code | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

Chairperson Biondolillo stated that the modification would not have significant impacts. A motion to waive the Site Plan review requirements for a Public Hearing and submittal for a 239-l and a 239-m review by the County was made by Member Young and seconded by Member Jefferds.

The vote went as follows:							
Member Moran:	Yes	Member Jefferds:	Yes	Member Albrecht:	Yes	Chairperson Biondolillo	Yes
Member Young:	Yes	Member Collette:	Yes	Member Oatman:	Yes		
The motion passed.							

A motion to grant Final Approval of the Modified Site Plan was made by Member Oatman and seconded by Member Young.

The vote went as follows:							
Member Moran:	Yes	Member Jefferds:	Yes	Member Albrecht:	Yes	Chairperson Biondolillo	Yes
Member Young:	Yes	Member Collette:	Yes	Member Oatman:	Yes		
The motion passed.							

Chairperson Biondolillo informed Mr. and Mrs. Schexnayder that the Site Plans that were submitted were not stamped and asked that they please provide three (3) copies of the stamped plans prior to her signing them. A motion was made by Member Moran and seconded by Member Young to grant Chairperson Biondolillo administrative approval to sign the stamped Site Plans.

The vote went as follows:							
Member Moran:	Yes	Member Jefferds:	Yes	Member Albrecht:	Yes	Chairperson Biondolillo	Yes
Member Young:	Yes	Member Collette:	Yes	Member Oatman:	Yes		
The motion passed.							

Chairperson Biondolillo informed Mr. and Mrs. Schexnayder that they would receive an approval letter in the mail.

**Review of a Lot Line Adjustment for Neal and Audrey Ryor** – proposal is to transfer 0.07 acres from tax parcel #75.00-1-94 (sender) to tax parcel #75.00-1-93 (receiver), located at 25363 Plank Road.

Chairperson Biondolillo asked the Board to review the Plat Map for Neal and Audrey Ryor. Audrey Ryor was in attendance as the representative and gave a brief presentation, stating that the the neighbors well was dug on their land and that they were going to give them the strip of land to rectify the issue.

Chairperson Biondolillo asked if the Board had any comments or questions. Hearing none, a motion was made by Member Oatman and seconded by Member Collette to grant approval for the transfer of 0.07-acres from tax parcel #75.00-1-94 (sender) to tax parcel #75.00-1-93 (receiver).

The vote went as follows:							
Member Moran:	Yes	Member Jefferds:	Yes	Member Albrecht:	Yes	Chairperson Biondolillo	Yes
Member Young:	Yes	Member Collette:	Yes	Member Oatman:	Yes		
The motion passed.							

Chairperson Biondolillo informed Mrs. Ryor that the Plat Map and Deed Descriptions would need to be filed with the County, and that they would receive an approval letter in the mail.

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

---

Chairperson Biondolillo informed Mr. Shimel that Wendy’s had some metal storage containers out back and were stacking stuff outside of the container as well. Additionally, she said KFC had an extra dumpster outside their dumpster enclosure.

Mr. Shimel reported that, regarding last month’s report on unsafe buildings, two (2) properties had been successfully cleaned up. Mr. Shimel further stated that, for six (6) of the properties, he had provided a formal inspection report which would be given to the Town Board. The Town Board would subsequently decide whether to proceed, and if they chose to do so, a licensed engineer would need to conduct their own formal investigation.

Next, Mr. Shimel reported that he had issued four (4) Zoning Permits for Titus Glick to build single family homes on Gardnerville Road. The homes ranged in size, with the smallest being around 1,600 square feet, all accompanied by detached garages.

Mr. Shimel mentioned Mr. Braun's property on NYS Route 3, which featured a 6-stall garage. Mr. Braun's agent, Mrs. Caprara, had indicated a potential solution to the situation and he anticipated a follow-up from her on Monday. Lastly, Mr. Shimel stated that the Splash Pad Car Wash would be opening shortly.

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

---

Chairperson Biondolillo reported she had met with Mr. Shimel, Michelle Nickles, Troy Nickles, and Mike Lasell to discuss a newly proposed project. Mr. Nickles, who recently had a Site Plan Modification approved for their existing service shop, was proposing to construct Townhouses on the same parcel. Chairperson Biondolillo shared that Mr. Nickles was considering combining by deed the four (4) parcels that had been previously subdivided in early 2022 and abandoning his plans to build homes on those lots in favor of upscale Townhouses. The design featured garages with single-lane driveways, and there was existing lighting on site under the Town lighting district. The project would require a Site Plan review but would not be required to undergo County Planning Board review.

Next, Chairperson Biondolillo said Tom Kennedy had inquired if an autobody shop was permitted off NYS Route 11, in proximity to KFC, Pizza Hut, and Urgent Care. The project posed challenges due to overhead doors on both sides of the building which, according to the Municipal Code, were restricted from facing the road. However, the proposed use was permissible, and the Board discussed possible solutions, such as requiring heavy screening or rotating the building.

Chairperson Biondolillo then updated the Board on the ongoing status of the LeRay Commons project. She conveyed that although Mike Lundy had signed the Developer Agreement for LeRay Commons, the document remained unnotarized. Additionally, she remarked that Mr. Lundy wanted a portion of the agreement removed. The agreement would need to go to the Town Board for their review and approval. Chairperson Biondolillo said

updated maps had been provided, but they were still waiting for additional Traffic Studies to be completed. Lastly, she noted that the Town Engineer, Mike Altieri, would not be reviewing anything further for the project until Mr. Lundy had signed the Developer Agreement.

Chairperson Biondolillo said at the next Staff Meeting, she would discuss with the Town Attorney, Jim Burrows, the need to draft a Resolution to add a Mixed-Use Building to the Residential Single-Family (R-1) zoning district.

Member Young asked that Chairperson Biondolillo address the concerns regarding the recent solar fire incident in the Town of Lyme with the Town Board at their next meeting. Member Young supported the idea of a comprehensive moratorium on all solar projects, including battery storage. The Board discussed the matter further, and collectively supported a twelve-month moratorium on all solar projects within the Town. Chairperson Biondolillo stated that she would raise the issue with the Town Board and convey the Planning Boards views on the matter.

## Adjournment

---

A motion was made by Member Young and seconded by Member Moran to adjourn the meeting at 7:36 PM.

The vote went as follows:							
Member Moran:	Yes	Member Jefferds:	Yes	Member Albrecht:	Yes	Chairperson Biondolillo	Yes
Member Young:	Yes	Member Collette:	Yes	Member Oatman:	Yes		
The motion passed.							