

Town of LeRay

Planning Board – Work Session

July 13, 2023

Call to Order

The July 13, 2023, Work Session portion of the LeRay Planning Board meeting took place in the Town of LeRay Conference Room. The meeting was called to order by Chairperson Biondolillo at 6:00 PM.

Roll Call

Board members in attendance: Deborah Biondolillo – Chairperson, Tom Moran – Member, Kerry Young – Member, Brian Jefferds – Member, Patrick Collette – Member, Clarke Oatman – Member, Morgan Melancon – Secretary to Planning and Zoning, and Lee Shimel – Zoning Enforcement Officer. Additionally, Michelle Nickles and Troy Nickles were in attendance. Member Albrecht was absent.

Acceptance of Work Session Minutes – June 1, 2023

The Work Session minutes from June 1, 2023, were reviewed by the Board members. A motion to accept the minutes as drafted was made by Member Moran and seconded by Member Collette.

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

Member Jefferds joined the meeting at 6:02 PM.

Public Hearing @ 6:30 PM for a Special Use Permit and a Site Plan Application for Pivot Solar, located at 28746 Martin Road North, tax parcel #55.00-1-42.2.

Chairperson Biondolillo provided an update on the Bird Study matter between Pivot Solar and the US Fish and Wildlife Service (FWS), stating that it had been resolved and no further action was required. However, both the Decommissioning Agreement and the Highway Maintenance Agreement were still needed. Chairperson Biondolillo read a letter from the Town Attorney, Jim Burrows, stating that if the Board determined everything else was in order, they might approve the application conditioned upon a Decommissioning Agreement that was acceptable to Mr. Burrows and the Town Board. Mr. Burrows had prepared a resolution to enable the Town Board to approve Decommissioning Agreements. The resolution was one that might be edited and used by the Town Board on such matters. Chairperson Biondolillo informed the Board that if the Town Board accepted the resolution, then the Planning Board could modify it based on individual projects going forward.

Chairperson Biondolillo mentioned that, as the Town Board meeting was happening that same night, Mr. Burrows' report would not be discussed on the Town Board's agenda until later that evening. Therefore, the proposed course of action was to approve the project and withhold the issuance of the Zoning Permit until the Board received both outstanding items.

Lastly, Chairperson Biondolillo said a letter had been sent from Donna Trainham, an adjacent landowner who expressed concerns of how the solar farm could impact the surrounding land. Mrs. Trainham thought there wasn't enough sunlight and had concerns about the groundwater and the wildlife being affected. Chairperson Biondolillo stated that she had sent Mrs. Trainham a reply letter, assuring her that the project had gone through a vigorous environmental process through the State Environmental Quality Review, which involved the Department of Environmental Conservation (DEC), the US Fish and Wildlife Service (FWS), the Army Corp of Engineers (ACOE), and other agencies, to mitigate any risks to the environment.

Public Hearing @ 6:30 PM for a 2-Lot Subdivision Application for Champion Enterprises, located at 32466 County Route 18, tax parcel #45.00-3-7.1.

Chairperson Biondolillo stated that the Minor Subdivision would be simple with no issues and asked the Board if they had any comments or questions. The Board had none.

Public Hearing @ 6:30 PM for a 4-Lot Minor Subdivision Application for Titus Glick, located at 30831 County Route 30, tax parcel #55.00-1-32.1.

Chairperson Biondolillo reported that there had been a minor revision to the Plat Map due to the proposed location of the septic. They had provided revised copies that included the distances from the septic systems, and the updated labeling for an incorrect road name. Member Young asked if Mr. Glick had reached his subdivision limit, to which Mr. Shimel said it depended on how fast he sold the lots accordingly. Mr. Shimel said, after speaking to Mr. Glick, he didn't seem to have any further or immediate plans to subdivide.

Sketch Review of a Site Plan Application for Travani Construction Office, located at 26252 NYS Route 3, tax parcel #83.08-2-50.1.

Chairperson Biondolillo updated the Board on her prior communication with Mr. Morgia, the Civil Engineer for the project, and shared that several matters had been addressed. She mentioned that on June 26, 2023, the Planning staff had sent review comments via email, and in response, Mr. Morgia had provided a letter on July 11, 2023, addressing those comments. Physical copies of this response letter were expected to be provided during the Planning Board Meeting. Chairperson Biondolillo went on to discuss the Planning staffs comments with the Board. She noted the existence of some vegetation on the site but expressed the desire for the addition of potted plants in front of the building. Regarding buffering between the Baker property and the project site, it was deemed impractical due to the presence of gravel. Although, there was an existing fence at the rear of the property to screen the Meier's parcel.

Member Moran inquired about potential construction or material storage on-site, and Mr. Shimel confirmed that after making inquiries, it was determined that no such storage would occur as the space would solely be used for offices.

Furthermore, Chairperson Biondolillo mentioned that Mrs. Jenack, Mr. Shimel, and herself had discussed the possibility of a monument sign for the property. However, they collectively agreed that there was no suitable and safe location for a monument sign. They also concluded that the existing sign on the front of the building was aesthetically pleasing and visible from the road, leading them to consider leaving it as is. Chairperson Biondolillo said most other concerns were related to labeling on the Site Plan. Member Moran asked if there was any security lights out back to which Chairperson Biondolillo said there was.

Sketch Review of a Site Plan Modification Application for Nickles Hauling, LLC, located at 26080 Eagle Ridge Road, tax parcel #64.20-1-22.21.

Chairperson Biondolillo stated that the subdivision would be straightforward, and that they were only adding a stone area and some wall mounted dark sky compliant LED lighting to the existing building. Member Young questioned if the operation of a service garage as part of the Site Plan Modification Application was to service their vehicles or for public service. Chairperson Biondolillo confirmed that it would be for their use only.

Site Plan Extension Request for Tommy's Express, located at 26585 Valentine Drive, tax parcel #65.17-1-24.3.

Chairperson Biondolillo reminded the Board that Tommy's Express Car Wash was being built next to 7-Eleven on Route 11, and on January 5, 2023, the Board had granted them a six (6) month extension that would expire on July 13, 2023. Furthermore, both their Zoning Permit and Sign Permit expired on January 14, 2023.

Chairperson Biondolillo read the Extension Request Approval Letter that was sent on January 10, 2023, informing Tommy’s Express that they would need to submit new applications for both permits and that the Planning Board had conditioned that the Maintenance Agreement with the adjacent retail convenience gas station must be in place prior to the issuance of the new permits. Chairperson Biondolillo asked if the Board was willing to grant another extension and noted that a six (6) month extension would put the extension deadline in the dead of winter. The Board discussed at length the meaning of section 158-146 B(3) and 158-146 B(4) of the Town Code, which said:

“(3) Applicants may request up to two extensions from the original site plan approval, each with a maximum term of one year dating from the anniversary of the original site plan approval. (4) At its discretion, the Planning Board may grant an extension of site plan approval for a period of less than one year.”

The Board ultimately agreed that a one (1) year extension would be prudent for both Tommy’s Express and the DG Solar project.

Report from Zoning Enforcement Officer

Mr. Shimel reported that there was a situation on Route 3 that the Department of Health (DOH) had deemed a health emergency due to the accumulation of a substantial amount of garbage bags and old furniture. The Health Officer's report further substantiated the need for action. In response, Requests for Proposals (RFPs) were issued to address the matter, and the cleanup was successfully completed by July 1st, ahead of the scheduled July 14th deadline.

Mr. Shimel reported that four Remedy of Violations had been issued, and three of the recipients responded accordingly. However, Candlewood Suites failed to respond to the notice. Trees had been found to be growing within the Candlewood Suites retention pond, and the fence surrounding it was in disrepair. Mr. Shimel said he believed the project had been approved under the old code, and he was unsure if there were any explicit guidelines, regarding retention ponds in the code at that time. While Mr. Shimel expressed reservations about the extent of the Town's leverage in enforcing tree removal, he emphasized that repairing the fence was undoubtedly the responsibility of the property owner.

Next, Mr. Shimel presented pictures showcasing the damage to the wooden fencing at the Aldi’s Grocery Store, caused by a snowplow operator. Following the incident, a contractor for Aldi’ proposed replacing the fence with large limestones, each approximately 6 feet long, 4 feet wide, and 3 feet high. The stones were to be spaced about 2 feet apart and custom cut, in an effort to prevent future incidents from reoccurring. The Board deliberated on the placement and safety considerations of the proposed stone installation, with Member Moran suggesting that they should be placed back far enough that if someone were to back up too far, they would hit the curb first. Chairperson Biondolillo expressed the need to see a rendition of the plan before reaching a decision.

Moreover, Mr. Shimel informed the Board of a change in his work hours. Specifically, his Thursday hours had been adjusted from 3:00 PM – 6:00 PM to 1:00 PM – 4:00 PM due to the lack of business during the later hours. Finally, Mr. Shimel informed the Board of an upcoming request from Nickles Hauling, LLC. The company intended to propose a quadraplex project, building on the lower side next to Eagle Ridge where a 3-Lot Subdivision was approved a year ago. The project would be located in a Mixed-Use (MU) district, requiring a Site Plan application. Nickles Hauling expressed a desire to meet with Chairperson Biondolillo, Mrs. Jenack, and Mr. Shimel to discuss their plans before finalizing their proposal.

Adjournment

A motion to adjourn the work session at 6:28 PM was made by Member Young and seconded by Member Jefferds.

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