

# Town of LeRay

## Planning Board - Minutes

July 11, 2024

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### Call to Order

On July 11, 2024, the LeRay Planning Board held their regular monthly meeting in the Board 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.

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### Open Regular Meeting

In attendance: Deborah Biondolillo – Chairperson, Tom Moran – Member, Kerry Young – Member, Brian Jefferds – Member, William Albrecht – Member, Pat Collette – Member, Clarke Oatman – Member, Lee Shimel – Zoning Enforcement Officer, Jessica Jenack via telephone – Community Development Coordinator, and Morgan Melancon – Secretary to Planning and Zoning. Additionally, Stephen Gracey, Rebecca Wewer, Mark Thompkins, Jay Wewer, Felix Velazquez, Ellis Linferral, and Gordon Woodcock via telephone, were in attendance.

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### Acceptance of Minutes

The minutes from the regular meeting on June 6, 2024, were reviewed by the Board members. Member Young provided a correction and a motion to accept the minutes as amended 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 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.

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### 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 had been a letter from Pivot Solar requesting an extension for their project.

**Site Plan and Special Use Permit Extension Request for Pivot Solar** – a letter was received from Pivot Solar requesting an extension for their project that was approved on July 13, 2023. They are still waiting on National Grid and the US Army Corps of Engineers (USACE), located at 28746 Martin Road North, tax parcel #55.00-1-42.2.

Mr. Woodcock was in attendance, via telephone, as the representative and gave a brief presentation. Mr. Woodcock read the extension request letter as follows:

“Pivot Energy (“Pivot”) received Final Site Plan Approval with conditions and a Special Use Permit for Pivot Solar NY 11 located at 28746 Martin Road North, Tax Parcel #55.00-1-42.2 on July 17, 2023. Since then, Pivot has continued working with the interconnecting utility, National Grid, and with the United States Army Corps of Engineers (USACE) to finalize project details and determinations needed to start construction on the project. Specifically, we need the following items:

- 1) Final utility design at the project Point of Interconnection from National Grid; and
- 2) Final USACE decision on Joint Application for Permit (Nationwide Permit 51) originally filed July 12, 2023.

Both deliverables have taken much longer than we anticipated to receive from the respective parties.

Accordingly, Pivot is requesting an extension of the approval from the Town of LeRay Planning Board so that we may finalize the items listed above before beginning project construction.”

Chairperson Biondolillo informed Mr. Woodcock that the Road Maintenance Agreement needed to be finalized between the Town and Pivot Solar prior to the issuance of the Zoning Permit and the start of construction. During the discussion, Member Young expressed her opposition to granting the extension, citing a lack of evidence to support the claims made in the extension request letter. She proposed that in the future, the Board should require concrete documentation to verify any claims made in such requests. The Board concurred with her suggestion.

A motion was made by Member Moran and seconded by Member Albrecht to grant an extension for the Site Plan and Special Use Permit for Pivot Solar that was approved on July 17, 2023. The extension will end on July 17, 2025. 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 type="checkbox"/> Yes	<input checked="" 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 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 Collette to hold the Zoning Permit until the Road Maintenance Agreement had been finalized. 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 type="checkbox"/> Yes	<input checked="" 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 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:     Yes  No  Abstain  Absent

The motion passed.

**Sketch Review for a 5-Lot Major Subdivision Application for Felix Velazquez** – proposal is to subdivide an existing 15.45-acre parcel into 5 lots: Lot 1 = 1.90 acres, Lot 2 = 1.02 acres, Lot 3 = 1.01 acres, Lot 4 = 0.82 acres, and the remaining Lot 5 = 9.85 acres, located at 27662 US Route 11, tax parcel #65.09-1-2.

Chairperson Biondolillo asked the Board to review the Sketch Subdivision Plat for Felix Velazquez, who was in attendance as the representative and gave a brief presentation. Mr. Velazquez stated that the plan was to build a house on proposed lots 3 and 5, with plans to sell lot 5, while lots 1 and 2 would remain unchanged.

Chairperson Biondolillo informed Mr. Velazquez that the shed on the adjacent lot, tax parcel #65.09-1-3, encroached onto the proposed lot 5. She advised that the shed would need to be relocated prior to the sale of the property. She then informed Mr. Velazquez that he would need a Driveway Permit from the New York State Department of Transportation (NYSDOT) and future easements from the Town of LeRay for the individual sewer hookups. The infrastructure for sewer runs along the west side of US Route 11 and the easements were never filed. This area is part of the Consolidated Water District Extension project for the Town. Mr. Velazquez would need to complete a Water & Sewer Service Application, available through the Town Clerk. Chairperson Biondolillo stated that these requirements would be outlined in their final approval letter. 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 Collette 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 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. 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 Albrecht and seconded by Member Moran. 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. 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 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 to set a Public Hearing for the August 1, 2024 meeting at 6:30 PM was made by Member Oatman 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 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. Valezquez that he would receive a letter in the mail outlining the upcoming Public Hearing details.

**Sketch Review for a 2-Lot Minor Subdivision Application for Justin Davis** – proposal is to subdivide an existing 4.14-acre parcel into 2 lots: Lot 1 = 2.07 acres, and the remaining Lot 2 = 2.07 acres, located along Keyser Road, tax parcel #54.00-3-7.323.

Chairperson Biondolillo asked the Board to review the Sketch Subdivision Plat for Justin Davis. Mr. Gracey was in attendance as the representative and gave a brief presentation. 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 Albrecht 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 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. 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 Jefferds 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 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. The Board determined that the Preliminary Subdivision Application was complete. A motion was made by Member Young and seconded by Member Collette 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 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 to set a Public Hearing for the August 1, 2024 meeting at 6:30 PM was made by Member Oatman and seconded by Member Moran. 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 upcoming Public Hearing details.

**Sketch Review of a Site Plan Modification Application for Wewer Holding Corp** – proposal is to make changes to the Site Plan that was approved on February 22, 2024, located at 27375 US Route 11, tax parcel #65.09-1-15.21.

Chairperson Biondolillo asked the Board to review the Site Plan Modification for Wewer Holding Corp. Mr. Tompkins was in attendance as the representative and gave a brief presentation of the proposed modifications to the Site Plan and architectural drawings. The modifications included relocating the sidewalk from the front entrance to alongside the building bump out, adding an awning at the right end of the building, and introducing a new sidewalk to the rear entrance door along with an additional door. Further changes included grading adjustments at the entrance, relocating the signage, and the installation of additional conduit.

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 Town Code, 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:

- |  |   |  |
|--|---|--|
| traffic generation   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| water consumption  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| adversely affect pedestrian and traffic circulation                                      | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| eliminate or adversely affect parking  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| necessitate the review of exterior facades   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| other potential adverse effects to public health, safety, or welfare                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| 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 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 Young and seconded by Member Jefferds. 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 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 to grant approval for the Modified Site Plan was made by Member Jefferds and seconded by Member Young. 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 Albrecht: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Abstain | <input type="checkbox"/> 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. Thompkins that he would receive an approval letter in the mail.

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

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Mrs. Jenack provided an update on the new regulations for Municipal Separate Storm Sewer Systems (MS4) issued by the New York State Department of Environmental Conservation (NYSDEC). She also noted that the Comprehensive Planning Committee was scheduled to meet the upcoming Monday.

The Board received documentation related to the proposed Local Law for Battery Energy Storage Systems. This included a copy of the proposed local law, the Notice of Public Hearing, SEQR (State Environmental Quality Review) Parts 1, 2, and 3, and the proposed Resolution from the Town Board, all of which were distributed for the Board's review.

### **Adjournment**

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A motion was made by Member Young and seconded by Member Collette to adjourn the meeting at 7:20 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 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.