

Town of LeRay

Planning Board - Minutes

December 7, 2023

Call to Order

On December 7, 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 6:32 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, Lee Shimel – Zoning Enforcement Officer, Jessica Jenack – Community Development Coordinator, Leland Carpenter – Town Board Member, Morgan Melancon – Secretary to Planning and Zoning, and Stephen Gracey were in attendance. Joseph Mastroianni joined the meeting via telephone at 6:40 PM, and Michele Nickles joined the meeting via telephone at 7:03 PM. Member Kerry Young was absent.

Acceptance of Minutes – November 2, 2023

The minutes from the regular meeting on November 2, 2023, were reviewed by the Board members. A motion to accept the minutes as drafted was made by Member Albrecht and seconded by Member Oatman. 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 Collette: | <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 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.

Sketch Review of a 4-Lot Minor Subdivision Application for Brooke Haukaas – proposal is to subdivide an existing 11.85-acre parcel into 4 lots: Lot 1 = 2.27 acres, Lot 2 = 1.27 acres, Lot 3 = 1.37 acres, and the remaining Lot 4 consisting of 6.94 acres will be combined by deed with tax parcel #44.00-3-1.1, located at 34784/34858 Snell Road, tax parcel #44.00-3-2.1.

Chairperson Biondolillo asked the Board to review the Sketch Subdivision Plat for Brooke Haukaas. Mr. Gracey was in attendance as the representative and gave a brief presentation. Mr. Gracey stated that the

the applicant had recently purchased the adjacent property and planned to combine tax parcel #44.00-3-2.1 with tax parcel #44.00-3-1.1 by deed so the back parcel would not be landlocked. He informed the Board that he would provide a revised Plat Map with the updated deed reference.

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 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 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. 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 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 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 determined that the Preliminary Subdivision Application was complete. A motion was made by Member Oatman and seconded by Member Albrecht 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 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 set a Public Hearing for the January 4, 2024 meeting at 6:30 PM was made by Member Moran 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. Gracey that he would need to provide three (3) copies of the Revised Plat Map no later than December 15, 2023 by noon, and that he would receive a letter in the mail outlining the upcoming Public Hearing details.

Sketch Review of a Site Plan Application for NYC Deli Style, Inc. – proposal is to open a deli/convenience store without gasoline sales, located at 26253 US Route 11, tax parcel #65.17-1-4.2.

Chairperson Biondolillo asked the Board to review the Site Plan Application for NYC Deli Style, Inc. Mr. Mastroianni was in attendance as the representative, via telephone, and gave a presentation. Mr. Mastroianni informed the Board that the Letter of Authorization for the project was pending. He stated that his client was leasing the building from 7-Eleven Inc., and there were no proposed changes to the footprint of the building. The proposal was to open a deli shop with some grocery retail, and it was noted that there would be no fuel sales. The gas tanks and the canopy island had both been removed, and parking was added where the canopy island had been. Mr. Mastroianni said the plans showed screening around the dumpster and recycling area. He noted that the concrete pad for the dumpster would be extended to fit two dumpsters. Member Albrech asked which direction the opening to the dumpster enclosure would face. Mr. Mastroianni said it would face the direction of the delivery area.

The deli would be open from 7:00 AM to 11:00 PM, seven (7) days a week with approximately two (2) employees working at a time. There was an existing sign pole from the previous gas station that they planned to utilize, in addition to adding a sign over the door. He said his client had mentioned the possibility of offering hot food and pizza in the future, but there were no definitive plans as of yet.

While reviewing the Site Plan, Mr. Mastroianni detailed how they would revise the plans to include a cross access road to Laundry 24. He stated that he would discuss the easement with Mr. Donegan. Additionally, he explained the proposed location of a sidewalk to be included in the Final Site Plans and confirmed that he would provide a sidewalk easement agreement.

Mr. Mastroianni said there were no plans to install additional lighting, as the current lights, located on the soffit of the building on two sides, were adequate for illuminating the parking lot. Chairperson Biondolillo expressed her concerns about the lighting, particularly since some had been removed when the canopy island was removed. It was decided that she would visit the site in the evening to personally assess the existing lighting and determine if it met the Board’s standards.

Mr. Mastroianni asked if the Board could clarify the landscaping requirements regarding the linear frontage of the building, which had a cut off corner as its technical frontage. Despite the unusual frontage, Mr. Mastroianni said he believed there was enough landscaping to meet the requirements.

Mr. Mastroianni also asked for clarification on the requirements for labelling the fire lane on the Site Plan. Chairperson Biondolillo clarified that he would need to show the standard maneuvering path of a fire truck, with a width of 24 feet, and label the area as a fire lane.

Lastly, Mr. Mastroianni expressed concerns about aspects of the project that may delay the opening of the deli due to the winter season, such as the landscaping or the cross access easement. He asked if the Board could grant Site Plan approval with the provision of completing these items at a later date, allowing them

to open without delays. Chairperson Biondolillo stated that the Board had the ability to grant Site Plan approval with conditions.

Chairperson Biondolillo notified Mr. Mastroianni that the submission deadline was moved to December 15, 2023, due to the holiday schedule. Mr. Mastroianni stated that he should be able to send the revised plans no later than December 15, 2023, to be at the office on December 18, 2023. He mentioned having discussed this with Mrs. Jenack, who confirmed that this arrangement was acceptable.

Mr. Carpenter inquired who held the liability for the cross access road. Mrs. Jenack clarified that the liability fell to the property owners and that the details of cross access were arranged between them. Chairperson Biondolillo asked the Board if they had any further comments or questions. The Board had none.

Mrs. Jenack had prepared Part 2 of the Short Environmental Assessment Form for the Boards review. 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 Member Jefferds. 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 Collette: | <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 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. The Board determined that the Preliminary Site Plan application was complete. A motion to deem the application complete was made by Member Oatman and seconded by Member Moran. 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 Collette: | <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 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 Jefferds and seconded by Member Oatman to send the project to the County Planning Board for their review at their December 26, 2023 meeting. 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 Collette: | <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 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. A motion was made by Member Albrecht and seconded by Member Moran to set a Public Hearing for the January 4, 2024 meeting at 6:30 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 Collette: Yes No Abstain Absent
Member Albrecht: Yes No Abstain Absent
Member Oatman: Yes No Abstain Absent
Chairperson Biondolillo: Yes No Abstain Absent

Sketch Review of a Special Use Permit and a Site Plan Application for Nickles Hauling, Inc. – proposal is to construct 6 townhomes for a total of 24 dwelling units, with individual driveways and garages with overflow parking located along each end, located at 26080 Eagle Ridge Road, tax parcel #64.20-1-22.1.

Chairperson Biondolillo said the applicant was completing the Special Use Permit process concurrently with the Site Plan review pursuant to Section 158-126 of the Town of LeRay Zoning Code. Therefore, the Planning Board would make their decision separately for each application. The Site Plan Application would be discussed momentarily. The State Environmental Quality Review (SEQR) would be done for both the Special Use Permit and the Site Plan on one form together. The Developer Agreement was awaiting Town Board review.

Michele Nickles was in attendance as the representative, via telephone. Chairperson Biondolillo asked the Board to review the Special Use Permit Application to ensure the criteria had been met. She read each statement, found on pages five (5) and six (6) of the Special Use Permit and the Site Plan Application, indicating how the Special Use met each standard as it related to the use and regulations.

The Board determined that the Special Use Permit Application was complete. A motion to deem the Special Use Permit Application as complete 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 Board concurred that the project would not be detrimental to the health, safety, or general welfare of the Town. Chairperson Biondolillo asked the Board to review the Site Plan Application. The Board reviewed the following questions and comments that were sent to the project Engineer, Michael Lasell, prior to the meeting:

- Please add the updated parcel number that was assigned after the lots were reassembled.
- Please update the Plan to show “Nickles Drive” as approved by Town Board on 11/16.
- Label the closest hydrant.

- Please add a note to reflect what Water and Sewer Districts the project is located in.
- Please let us know of an approximate construction schedule.
- Please notify me if there has been any response from Fish and Wildlife.
- Any Engineering items from the Town Engineer.

Chairperson Biondolillo informed Mrs. Nickles that a proposed location for a second crosswalk would need to be added to the Final Site Plans.

Part 1 of the Short Environmental Assessment Form had been prepared for the Boards review. A motion was made by Member Moran and seconded by Member Collette to classify the project as an Unlisted Action.

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 Board determined that the Site Plan Application was complete. A motion to deem the Site Plan Application as complete 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. A motion was made by Member Oatman and seconded by Member Moran to set a Public Hearing for the January 4, 2024 meeting at 6:30 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 Collette: Yes No Abstain Absent
 Member Albrecht: Yes No Abstain Absent
 Member Oatman: Yes No Abstain Absent
 Chairperson Biondolillo: Yes No Abstain Absent

Chairperson Biondolillo informed Mrs. Nickles that she would need to provide three (3) copies of the Revised Site Plan, and that the submission deadline was moved to December 15, 2023, due to the holiday schedule. Additionally, she informed her that she would receive a letter in the mail outlining the upcoming Public Hearing information.

Adjournment

A motion was made by Member Moran and seconded by Member Jefferds to adjourn the meeting at 7:14 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 Collette: | <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 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.