

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, October 28, 2021

CALL TO ORDER TIME: 7:02 pm

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

OFFICIALLY OPEN THE MEETING

Via Webex

Attendance: Board Members: Scott McCarthy, Sal Cuciti, Franco Zani, Charly Long, Gerry Marion, Larry Hammond, Carl DiLorenzo, Lambros Violaris, Bill Meltzer, Claire Winslow (Town Board); Board Staff: Dave Barton, Andy Learn, Sarah Van Nostrand, and Paul Van Cott.

Minutes to Approve

September 16, 2021 and September 23, 2021

Sal made a motion to accept the minutes as amended, 2nd by Franco. All aye, motion passed to accept the minutes as amended.

Old Business:

Peppino's Foods: Amended Site Plan: 304 Station Rd. SBL: 86.4-1-22

Applicant is seeking an amended site plan originally approved on 3/21/02 to delete the 12 parking spaces on the north side of the building and add 18 parking spaces on the east side of the building.

Review Status: Updated Site Plan and response to CPL comments circulated. Letter regarding requirement of ZBA relief for side yard encroachment next to an active agricultural use received by applicant. Applicant desires to appear for Planning Board input.

Cory (a part of the applicant's team) mentioned that there was a lot combination filed for the lot on the bottom, is in the process of getting a permit from the County for the 2nd driveway, will fix the dimensional table after the ZBA, the aisle widths for the parking area are not on the plans, it is a little over 12 feet wide and the parking area is 48 feet wide, which leaves room for an 18-foot space and a 30-foot aisle. He would like clarification on what is required in the agricultural buffer and what the board would like to see, as the building is over 50-feet away from the property line. The last comment was the slope up into the building, the ramp that leads to the building for ADA access just needs to be clarified.

Dave said he knows that the building is within that setback area and that the board will have to decide if anything could or should go in that space. The code section that he cited states that the board can increase the 50-foot. He asked how far away the building was from the property line. Cory replied that the building is 55.4 feet away from the property line.

Dave said that the code says 50-foot set-back from an actively farm property in the ag zone, so the board has the power to increase that if they determine if necessary.

Sal asked if the board had received a letter from the adjacent farmer regarding this at the beginning?

Dave replied that the board did receive a letter from the adjacent farmer to the east. There was lack of clarity of who owned what because that was the old railroad there and when it was sold off it was split in half, one side went one way the other side went the other way.

Sal asked is the code referring to a vegetive buffer or is it just a building line setback?

Dave replied that it doesn't say what kind of buffer.

Bill asked if they were 55-feet for the proposal?

Dave replied the building is, but the parking goes almost all the way to the property line.

Paul said that it should be a physical buffer from the property line. The board can also make it more than 50 feet, if the board feels that it is appropriate.

Carl asked whose farm is adjacent to the parcel.

Dave replied that it is the Zimmerman's farm.

Charly asked if they are conforming to the original site plan?

Dave replied that short answer is not they are not, which is why they are in front of the board.

Sal asked what was on the railroad bed side originally?

Dave replied that it was originally the building and office, but now there is parking as they acquired 50-feet of the rail bed.

Sal asked if they will have to go for any other variance?

Dave said they might need coverage as well.

Cory replied that they do need coverage.

Charly asked if they would be adding more employees or would need to upgrade the septic system?

Cory replied that they are only adding 5 parking spaces, no employees are being added, no changes to the septic system.

Scott asked where the parking was originally?

Cory said that it was in the front, but it is not paved as the entrance to the office is where they are proposing to move the parking to.

Scott said that he would also like to review the public comment that was received before making any decisions.

Cory asked if the agricultural buffer does it apply to parking? He said that the code refers to the buffer as a setback and that setbacks apply only to buildings and would like to know why the parking is a non-conformance.

Dave replied that if it was a setback, it would be to a structure, its not calling for that, its calling for a buffer.

Charly said that because it's a buffer, they would have to maintain that 50-feet.

Dave said for example if it was residential lot, they were creating here and there was a farm next door, the board would theoretically put a buffer on the map showing what should and could go in that spot.

Paul said from looking at the code it states that there needs to be 50-feet between uses, which includes accessory uses like parking. Right now, the planning board is trying to determine whether 50-feet is enough or does it need to be more. Then they will go to the ZBA to seek the relief needed, then when it returns to the planning board, then it will be looked at for site plan review.

Sal said that 50-feet for him would be enough and feels that it should be a vegetative buffer.

Charly asked so the applicant has cleared and paved that area?

Cory replied that it has been paved since 2008.

Charly asked it was their property when it was paved?

Cory said that Phil (applicant's agent) is better to answer that question he thinks it was owned by the rail-bed and the deed got lost and it was never conciliated into their lot.

The board agrees that more information is needed (timeline of ownership and work done).

Scott said also, when the law went into effect.

New Business

Suleiman, Saman: Subdivision: 465 Red Top Rd. SBL: 88.1-2-4.110

Applicant is seeking a subdivision of a 36.6-acre parcel into a 7.02-acre lot and a 29.5-acre lot. Proposed lot 1 will be a 7.02-acre lot with an existing house, well and septic system. Proposed lot 2 will be the remaining lands, a 29.5-acre vacant lot upon which no construction is proposed at this time.

Review Status: Application and maps circulated to board.

Potential Action: Board to set public hearing for December 2, 2021 at 7pm.

Scott asked for a motion to set the public hearing for December 2.

Motion made by Gerry, 2nd by Franco.

Vote was taken, all ayes, motion passed to set public hearing for December 2.

2007 Route 9W LLC: Commercial Site Plan: 10 Lumen Lane, SBL: 88.1-6-1.100

Applicant is proposing an expansion of use at the commercial site at 10 Lumen Lane Highland, NY, SBL 88.1-6-1.100. The proposal includes the addition of a 15,000 sq.ft. warehouse building to the parcel existing office/warehouse use on site. The new building shall be accessed through the existing parking area and be provided with additional parking. The site is serviced by municipal water and on-site subsurface sanitary treatment facilities. An expansion of the existing sanitary facilities is proposed to accommodate the connection of bathroom facilities and additional staffing requirements.

Review Status: Application and site plan circulated to board.

Potential Action: Applicant to return with additional information.

Scott asked if the applicant had supplied anything new? As the board asked for photometric plan, landscaping plan, handicap parking, drainage.

Nadine (applicant's agent) mentioned that they didn't add anything new to the plans, as a lot of information is needed. She hopes to have more information for the board for next month's meeting.

Lombardo, David: Special Use Permit: 8 Sheep Ln. SBL: 95.2-3-7.100

Applicant is proposing a small-scale ground mount solar, hidden from the neighborhood on a 7-acre parcel. Array will be 20' x 40'.

Review Status: Application and site plan circulated to board.

Potential Action: Board to set public hearing for December 2, 2021 at 7pm.

Scott asked for a motion to set the public hearing for December 2.

Motion made by Franco, 2nd by Gerry.

Vote was taken, all ayes, motion passed to set public hearing for December 2.

Public Hearings

Stewart's: Site plan review: 3733 Route 9W: SBL: 96.9-1-33.100 in Highway Business District

Applicant is proposing a new typical Stewart's Shops convenience store (3,850 sq. ft.) with self-service gasoline.

SEQRA Status: Type II

Review Status: Updated site plan and SWPPP response circulated to board.

Potential Action: Open public hearing

Scott asked for a motion to open the public hearing.

Motion made by Charly, 2nd by Carl.

Tyler (applicant's agent) said that he has submitted updated turning radius diagrams for fire trucks entering from 9W.

Bill said that he is still concerned about the Chapel Hill entrance and exit location. They have one on 9W and South Chapel Hill, Chapel Hill Rd itself is a very busy road that is backed up every day. He understands the discussion about using that for their deliveries, he has 3 or 4 about eliminate Chapel Hill exit and hasn't received any kind of answer on that.

Ken (a part of the applicant's team) said that the 9W access point is a right in and a right out, allowing traffic to avoid Chapel Hill Rd., similarly to Chapel Hill Rd. the access there is limited to right in and right out. The only full access driveway is South Chapel Hill Rd. Cars entering the site from Chapel Hill will enter the site quickly, but leaving will only function as well as the light as people will wait for the queue to clear before pulling out. The underground storage tank

loading area is on that side of the canopy, so with the access there, primarily the right turn in it will be convenient for the fuel delivery truck.

Bill said that his concern is the right turn out being so close to the signal. He feels that people are not going to wait and are going to jump right in there.

Ken replied that they did an analyst on that and found that it doesn't change the operation much, as all that traffic would be exiting onto South Chapel Hill Rd., but that is up to Stewart's to decide if they could deal with that being an entrance only.

Sal said he doesn't think that entrance and exit should be there at all. As there are also some people who would let everyone out of Stewart's and hold up the entire line of traffic on Chapel Hill.

Andy asked if the analyst took into account any potential accidents as a result of these entrances?

Ken replied that is difficult to predict if there are going to be accidents or not, they know that as you increase traffic, you increase the rate of accidents. There is some potential here given the congestion here on the approach, as any access point you have become a potential accident location.

Andy said so, the less access points you have the less potential there is for an accident.

Ken replied not necessarily because you could have too few access points and concentrating all the traffic at one location, if that location doesn't give you adequate access, then you could find that people will accept smaller gaps (pulling out in front of people more often) because traffic is so busy, they cannot get out.

Scott said that by looking at the turning movements for the tanker and noticed that if the tanker is waiting to get out onto Chapel Hill that it would block any cars from entering the site.

Ken mentioned that cars coming into the site would see the truck and go around it.

Carl asked what the hours of operation are for the store?

Tyler replied 4:30 to 11:30.

Carl asked if those deliveries could be made late at night without a manager signing off on it? As that would solve a lot of the problems as he feels that the deliveries cannot be made any time during the day.

Andy asked if they have had any further contact with the County or DOT or any comments from them about the access points?

Ken said he has reached out, but hasn't heard anything yet.

Andy mentioned that for the fire truck turning movement that there might be a conflict with the light pole near the South Chapel Hill entrance.

Ken said that the light pole could probably be moved further into the grass or moved to the other side.

Sal asked about the comment that mentions hot spot and stormwater and would like to know what it means?

Andy mentioned when you have a SWPPP they are guided by the New York State Stormwater Management Design manual, which helps engineers design and treat stormwater. In the manual there is a section on types of uses that produce higher levels of pollutants of concern. The manual states that in these cases you are not allowed to infiltrate the water into the ground, so they have special requirements that they have to meet to prevent that from happening. What Stewart's has done because of space restraints on the property have provided infiltration chambers with a geomembrane liner, so the water cannot infiltrate into the ground.

Sal asked where does the water end up eventually?

Andy replied it is treated to the extent it is required then it discharges to the ditch.

Franco asked if it was a filter pipe system, where the filters would have to be cleaned out?

Andy replied that it is a biorientation filter and does have to be maintained.

Jim Horan (lawyer for Chapel Hill Mart) asked how many fueling stations there were?

Ken replied that there are 4 pumps with fueling stations on each side.

Jim Horan asked if the board considered reducing the number of pump islands? Would that reduce the traffic?

Ken replied that if the number of pump islands were reduced it would reduce the traffic, but there is also a point at which you can have too few islands and have people waiting for gas or you can have too many that they are not filled.

Scott asked for a motion to extend the public hearing.

Motion made by Sal, 2nd by Gerry.

All in favor to extend the public hearing.

Rozzi, Thomas-Subdivision; Station Rd., SBL #86.4-3-3.1

Applicant is seeking a 3-lot subdivision on existing 26 acres on Station Rd.

SEQRA Status: Unlisted Action.

Potential Action: SEQRA determination, open public hearing

Open public hearing

Trevor Depuy (4 Eagle Court) mentioned that there is a stream that runs through his property and would like to know if the wetlands have been flagged and what will be done to prevent the stream from being blocked and flooding his property?

Thomas (applicant) replied that the wetlands have been flagged and they are all in the front of the parcels and that the 3 homes that are proposed are back away from the wetlands, so none of the stream will be affected.

Sal asked if Trevor was on the other side of Station Rd?

Trevor replied no he is off of Falcon Dr.

Scott Anzalone (310 Station Rd.) Mentioned that this lot had a 100-foot ag buffer created for the original subdivision. He would like to know if the 100-foot buffer is still in place for these parcels and what can and cannot be done in the buffer zone.

Thomas replied that the 100-foot buffer is still in place and they are nowhere near there and the driveway is not going there and the buffer will be untouched.

Scott A. asked what is allowed to be done within the 100-foot buffer?

Dave replied the only thing they can do in there is agricultural.

Thomas asked if tree cutting would be allowed in the buffer?

Scott A. replied that it is a buffer and he wants to keep the buffer maintaining as much growth as possible to limit exposure to either side.

Andy said something for the board to consider is that with wetlands, typically a marker or fencing is used to delineate the boundary of the buffer to prevent any disturbance.

Scott A. said that he has known the family for years and have no issues, but is concerned with the future if the property is ever sold and the new owners want to put something in that buffer like a driveway to connect to the right-of-way one that has been there for 100 years. Will there be anything to stop them from going through that buffer or doing anything else besides leaving it a buffer?

Dave replied that he is not who enforces the buffer, if it is a civil matter then it might be a good idea to have conditions built in.

Paul said it depends on what the board wants, if the board wants to nail down some restrictions on the use of a buffer, then those would be appropriate conditions. The board can also decide that they need to do a little more homework before granting an approval.

Thomas said that most of the buffer is wet that is why he gave up on the idea of putting the driveway through the buffer.

Scott A. mentioned that he wants to make sure that the buffer is adhered to on this side before it becomes an issue.

Carl asked if the wetlands were DEC?

Thomas replied that they are Army Corp., there are no DEC wetlands.

Sal said that he did look in the code and that the board can require plants or a fence.

Paul said that he is not sure what the neighbor's concerns are.

Scott A. mentioned that he just wants clarification that nothing else can be done in that buffer, so that will keep the buffer forever between the 2 properties.

Dave asked Thomas how he feels about the use of the buffer, as the board could add a condition to the draft approval.

Thomas replied that he is conformable added a stipulation in about that he would never connect the driveway to the existing right-of-way.

Paul asked if that was good for the neighbor?

Scott A. replied that he is okay with normal maintenance or if they want to walk through the buffer, but is concerned about the site plan getting approved and then the applicant not following it, and would like to see nothing else done in the buffer.

Paul mentioned that nothing being done is a little boarder, then just not having a driveway.

Scott A. replied as far as construction wise, he doesn't think anything should be built.

Thomas said that he thinks that's already the definition of a buffer, that no construction will be done in that area.

Paul said that he could add no new land use or construction in the buffer area.

Scott A. said that was fine.

Thomas said that he was also okay with it.

Franco asked if emergency access would be an allowed use for the existing driveway to access the rear of the property.

Dave asked was it used when the barn was on fire?

Scott A. replied no, but it would have been nice.

Paul said that he can add a condition in that no new land use or development shall occur or the board can add that the applicant will have to go back to the planning board.

Scott M. asked will this carry to any future owners?

Dave replied that the approval will run with the land, also when Thomas does the deeds, he is required to reference 100-15 saying they are in proximity to an actively farmed property.

Scott M. asked for a motion to close the public hearing.

Motion made by Franco, 2nd by Gerry.

Vote was taken all in favor, public hearing is closed.

Dave reviewed the draft SEAF with the board.

Board accepts it as written.

Paul read the negative declaration.

Scott M. asked for a motion to accept the negative declaration?

Motion made by Larry, 2nd by Charly.

Vote was taken all in favor motion passed to accept the negative declaration.

Paul and Dave read the approval resolution.

Scott M. asked for a motion to accept the resolution?

Motion made by Franco, 2nd by Gerry.

Vote was taken all in favor, motion passed to accept the resolution.

Mountainside Woods-Lot Line Revision, 1 & 3 Emerson Terrace, SBL #87.21-1-25 & 87.21-1-26

Applicant is seeking a lot line revision for purpose of meeting set back requirements.

SEQRA Status: Type II Action

Review Status: Application submitted and circulated to Board.

Potential Action: SEQRA determination, open public hearing

Open public hearing

No public comment.

Paul read the resolution.

Scott asked for a motion to close the public hearing.

Motion made by Franco, 2nd by Charly.

Scott asked for a motion to accept the resolution.

Motion made by Larry, 2nd by Charly.

Vote was taken all ayes, motion passed to accept the resolution.

Costantino, Raymond- Subdivision, 136 Bellevue Rd., SBL #88.1-3-24.114

Applicant is seeking a two-lot subdivision if a 7.43-acre vacant lot to create a 2.76 acre, and a 4.67-acre parcel with a proposed house, well and septic system on each lot.

SEQRA Status: Unlisted Action

Review Status: Updated map received and circulated to the Board.

Potential Action: SEQRA determination, open public hearing

Patti (applicant's agent) said that this project had received a variance for minimum lot width from the ZBA back in March, Ulster County Health approval was submitted for both of the lots.

Open public hearing

Nancy DiLorenzo (112 Bellevue Rd.) Mentioned that a culvert pipe was put in as water was coming off their driveway and flooding her property, and would like assurance that the culvert pipes will be maintained.

Patti said that she will put a note on the map to make sure all current drainage is maintained.

Sal asked is it just a 12-inch pipe at the end of the driveway?

Patti replied that is correct.

Nancy asked if she could get some kind of assurance to make sure the pipe stays unclogged?

Scott asked Dave if there was anything he could do?

Dave replied no, but if it does clog Nancy can call the building department and he will see what can be done.

Patti mentioned that she will add a note that states the culvert is to remain free and clear at all times, while this doesn't put the town in a position to enforce it, but it will allow Nancy to get it enforced in some other civil way.

Scott asked for a motion to close the public hearing.

Motion made by Larry, 2nd by Gerry.

Vote was taken all in favor, motion passed to close the public hearing.

Sal asked if Patti added a note about the bluff line?

Patti replied that note 11 says that all development of these lots shall comply with all applicable regulations outlined in 100-25 Waterfront Bluff Overlay District.

Scott asked for a motion to accept the EAF as written.

Motion made by Sal, 2nd by Gerry.

Vote was taken all ayes, motion passed.

Dave read the negative declaration resolution.

Scott asked for a motion to accept the negative declaration.

Motion made by Larry, 2nd by Franco.

Vote was taken all ayes, motion passed to accept the negative declaration.

Dave read the approval resolution.

Scott asked for a motion to accept the resolution.

Motion made by Franco, 2nd by Carl.

Vote was taken all ayes, motion passed to accept the resolution.

AT&T- Lot Line Revision, Illinois Mountain, SBL #87.4-5-24.100 and 87.4-5-4.112

Applicant AT&T Communications is the owner of a 23.09-acre parcel (SBL 87.4-5-24.100) and a 2.81-acre parcel (SBL 87.4-5-4.112) located on Illinois Mountain. It is proposed that the 23.09-acre parcel will convey 0.5 acres to the 2.81 parcel to create an unencumbered vacant 22.59-acre parcel. The resultant 3.31-acre lot contains communication facilities and no new construction is proposed.

SEQRA Status: Type II Action

Review Status: Updated map received and circulated to the Board.

Potential Action: SEQRA determination, open public hearing

Opened public hearing

No public comments.

Scott asked for a motion to close the public hearing.

Motion made by Gerry, 2nd by Franco.

All in favor motion passed to close the public hearing.

Dave read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Larry, 2nd by Sal.

Vote was taken, all ayes, motion passed to accept the resolution.

JTK Management- Site Plan, 86 North Rd., SBL #88.1-4-21

The applicant proposes construction of two two-family dwellings on the property. It is located primarily in the R-1/2 zone, and is located in a mixed-use area of single-family residences, multi-family residences and businesses. Each dwelling will be serviced by Town of Lloyd municipal water and sewer service.

SEQRA Status: Unlisted Action

Review Status: Updated site plan circulated to board.

Potential Action: Open public hearing

Opened public hearing

Patti (applicant's agent) said that she submitted updated site plans, lighting plans, grading plans, also the distance between the buildings was increased from 15 feet to 30 feet and increased the number of parking spaces to 14.

Dave asked if there was an increase in the depth of the turn-around area?

Patti replied yes, but it is not reflected on the plan.

Carl asked if there was any handicap parking?

Patti replied that there were stripped parking spots, but has not labeled them, but is willing to if the board wants.

Carl said that he would like to see it label as he feels that a tenet may have need of one.

Dave asked if the parking area was fully paved?

Patti replied yes.

Andy mentioned that there is light spilling over property line, and feels that the driveway is long enough that it might warrant another light on it.

Patti said that the applicant is not looking to light the entire driveway for someone to be able to get from the building to the roadway, it is a safety issue to light the parking lot, so when people drive up at night they can safely get into the building.

Andy mentioned that there was a culvert added at the low point, he knows that it may be necessary, it raises a concern, it prevents the driveway from flooding, it ends up as concentrated runoff and a concentrated discharge pointed at the property line, if that is the way it goes a drainage easement with the neighboring property will be required.

Patti replied that she talked with the Highway Superintendent and he mentioned that there is currently an issue there and he has been looking to make some drainage improvements that potential would include both this property and the neighboring property.

Franco asked what the distance from the town man-hole to the one labeled number 2? Is that a drive able easement if not the only way to clear a backup would be with a flusher and most flushers only carry 600 or 650 feet of hose.

Patti replied 300 feet.

Charly asked what the 1,000-gallon dry well is for?

Patti replied that it is for on-site infiltration for the storm drainage.

Andy said that he asked them to put the roof leaders into it as a way to minimize some of the runoff from the property as it is less than an acre and don't have to do a SWPPP.

Charly asked if both buildings are draining into that 1,000-gallon tank?

Andy replied that it appears so. It might be a little small if that is case.

Dave asked where the overflow would go?

Andy replied that he doesn't see an overflow. One thing they could do that would be better than adding an overflow area would be to put overflows on each downspout with a splash pad to distribute it better.

Patti said that she would have Andy W. (a part of the applicant's team) coordinate with Andy L. on that.

No public comment

Andy mentioned that one thing the board should look at before approval is the landscaping plan. Patti replied that she had worked with a landscaper and that they plan on having a heavy evergreen buffer along the eastern side.

Scott asked for a motion to close the public hearing.

Motion made by Franco, 2nd by Charly.

Vote was taken, all in favor, motion passed to close the public hearing.

Board Discussion-Stewart's Shops

Carl asked if since they are self-contained with their routing and trucks is there any way it can be done from 11:00 on, it may solve a lot of problems that may occur?

Dave replied that he will reach out to them about this issue, he will also have to think of how it can be crafted into the resolution as it will be tough to enforce. He is more frustrated with them in relation to Bill's concern and Sal's concern about the right turn out and feels that a good answer was not given, but it is up to the board.

Andy said that he doesn't see a reason why they couldn't enter from Chapel Hill and exit onto South Chapel Hill Rd., as the turning movements looked fine.

Scott said that he agrees that there was not a good answer for the exit onto Chapel Hill Rd.

Bill asked when the Sunoco was built did, they want to have an exit onto Chapel Hill Rd?

Dave replied that he wasn't here then, but feels that it wouldn't have been allowed as it is so close to the light.

Scott asked everyone to give their opinion on the Chapel Hill Rd exit.

Gerry agrees that it should be a one-way in only.

Scott asked for a straw pull vote.

Scott-no right turn out.

Charly-no right turn.

Franco-no right turn.

Bill-no right turn.

Carl-no right turn.

Lambros-no right turn.

Gerry-no right turn.

Larry-right turn in, no right turn exit.

Sal-no access at all from Chapel Hill Rd.

Franco suggested that all deliveries should be made during off-peak hours, if possible.

Scott said he doesn't know if trucks coming in after hours would be a concern to the residents that live in that area or not.

Carl said he is not sure if the other delivery trucks could be limited to when they can drop off, but they are smaller trucks.

Scott said at least no other delivery trucks during rush hours.

Motion to Adjourn.