

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, May 27, 2021

CALL TO ORDER TIME: 7:00pm

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: Charly Long, Larry Hammond, Lambros Violaris, Carl DiLorenzo, Scott McCarthy, Gerry Marion, Sal Cuciti, Bill Meltzer, Franco Zani, Board Staff: Dave Barton, Andy Learn, Paul Van Cott, and Sarah Van Nostrand

Minutes to Approve

April 6, 2021-special meeting, April 15, 2021 and April 22, 2021

Motion made by Franco, 2nd by Sal, all ayes motion to accept minutes passed.

Old Business:

Villages ALF: Site plan and SUP. Route 9W: master parcel # 95.12-1-15.100

Applicant is seeking a SUP and site plan approval for an ALF.

New maps received and circulated to the board.

Scott said that at their April 22, 2021 meeting they approved the negative declaration, and the board is now focused on the site plan of the ALF and that the applicant has provided updated site plan maps and subdivision. The board has asked for more information, there were some concerns and questions about the retaining wall along 9W, the board's engineer has provided an additional memorandum. He asked the board's staff if they had anything to add.

Andy L. said that he apologizes to the applicant team as they only got his comments a few minutes ago. He said he won't go through everything in his letter unless the board wants him to.

Scott asked the board if there was anything in the comments that they had concerns about?

Sal mentioned that he noticed that most of the comments refer to upcoming stormwater counts that haven't been provided yet and it seems that most of the comments haven't been resolved yet, it's in progress he guesses.

Scott said that's good way to say it, that it is in progress. He said the next steps for the planning board when they have enough information would be to schedule a public hearing and refer the application to the county for review on the villages.

John Furst (applicant's agent) mentioned that there were some comments last week, so they were able to put together some renderings, re-examined the retaining wall and were able to put together some calculations for the average height. He said the team can present that tonight and that their goal is to have the board schedule a public hearing for next month, so they can open this up to the public and also to have the board refer this project to Ulster County Planning.

Kelly (part of applicant's team) showed the presentation, she mentioned that they do have items that the team has addressed that were raised at last week's meeting.

Andy W. (part of applicant's team) said that last week they heard a lot of concerns about the height of the retaining wall, the team was able to make some big improvements, the stormwater pond was a big reason that the large retaining wall near the entrance was so big, so what the team did was make the pond much smaller and increased the size of the underground retention to compensate for the volume loss. The team was able to reduce it from 26 feet tall down to 6 feet tall that is retained height, there is another 3 feet that is going to stick out that is decorative, that could be a guide rail in that location if the board prefers that. They also reduced the length from 440 feet down to 138 on that main wall along Health Care Center Way.

Sal asked if, the pond at the bottom was down to 324 elevation, is that now raised up a little bit more it was a pretty deep pond.

Andy W. replied yes, it is raised up, its smaller, it's only about 6 feet deep now, but they are going to do underground retention instead, which the team feels is a better choice here. The other change they made was the wall along the parking they had it at 10 feet tall, they were not doing any grading in the right-of-way, but the decide to do some grading and they were able to reduce the wall from 10 feet down to 2 feet tall and that is retained height as well, so it will be 5 feet with 3 feet coming out of the ground, so it will look like a 3-5-foot-high stone wall along that full length with the regrading.

Don (part of applicant's team) showed the elevation cross view and said the elevations are taken within the area ways that the building sits within, so they do appear slightly larger and taller than they would appear to the general public. He also said that they are in the process of finalizing all the material selection as they get closer, they will be able to turn over the list to the board for review. He asked to Kelly to show the renderings, he said the first rendering the board has seen before this rendering is taken about 75 feet above 9W, looking down at the entrance what the team has done, marked with a red dot is where they would take a pedestrian level angle on the retaining wall and the sidewalk to see what would be seen walking parallel to 9W, which is seen in the next rendering. What they have is the sidewalk which is about 20 feet from the retaining wall within those 20 feet the rise is about 10 feet vertically then from there they are retaining about 2 feet of grade the top of the wall is about 5 feet above the adjacent grade, so that is the look of the retaining wall along 9W close to the entrance drive to the facility. When you are looking perpendicularly directly looking at the facility from the sidewalk you can imagine a 15-foot-tall wall or that the top of the wall is 15 feet above you, it's going to cut off a significant amount of the building, but when looking tangentially you are going to see more of the facility. The front of the facility shares about 64 feet from the edge of the wall back, so in this way you can see a bit more of the front of the building the most prominent component, but when you are looking 90 degrees straight on the wall the building is mostly cut off up to about that 2nd floor

eve. He mentioned that they have developed a site section that shows that a little bit more, as well as how the building fits into the grade, so route 9W is an elevation of about 334 feet, you have the sidewalk there which is about 2 feet taller, then the wall to the parking lot which is at 349 feet. He said that the dashed line on the site section is the existing grade, so you see how they have broken up the building to try to work with the existing land as it steps back up to what is Health Care Center Drive at the rear to the back, so the building is fairly complex assembly and massing and they have calculated out the building height. He showed the diagram of how the building height was calculated, he said that according to the zoning code building height is the vertical distance measured from the average elevation of the finished lot grade on all sides of the building to either the highest point of the roof if flat or to the average level between the eaves or the highest point of the roof if the roof is any other type. The maximum building height allowed in a R-1/2 zone is 35 feet and per their calculations the building height would be 29.5 feet, they are taller at the front of the building and are shorter at the rear. They have averaged all the calculations out to come with their calculations. He mentioned that the calculations were submitted to Dave back in October, and he reviewed the analysts and was in agreement with their numbers.

Kelly said the only other item that was updated is the landscaping plan. She mentioned that Chazen worked with Andy W. and Don to create a landscaping plan that is reflective in the rendering that they had provided and this is focusing on just the ALF and the entrance drive. There have been improvements to the screening on the site, they wanted to modify it, so it was reflective of the rendering that was shown. She said at this point she thinks that the team has addressed all the issues that were raised last week and have made some adjustments to the plans for this week. She hopes the board has enough information, so a public hearing can be scheduled for next month to get comments from the public and move forward with Ulster County Planning review as well.

Sal said he had a question, he knows that the 1st pond was raised up, but there is a 2nd pond behind that next to the building, so is that also 6 feet deep?

Andy W. replied that one has not been changed and it is still 10 feet deep, but the team can look into reducing the size of it and put more underground retention to that as well.

Sal said that on his map it's pretty deep and probably doesn't look great, maybe it could be given the same treatment or let the board know if you can.

Andy W. said okay.

Carl mentioned that he had asked about the loading dock area last week the driveway there, is there enough room there for a turnaround, if they are going in nose first to deliver or are they going to back in there to deliver?

Andy W. said he didn't forget and he's pretty sure Andy L. is going to come up with the same thing for truck turning movement, so they are definitely going to address that, they didn't have the time to turn it around that quick, they will look into it and widen it where ever they need to make the trucks work.

Carl said that it would depend on the size of the trucks that are going to be going in there.

Scott asked if any of the staff had anything to add?

Andy L. said that they asked for turning movements. He also mentioned that he would like to know the impacts of having that loading area right there by the one-way entrance if trucks are backing in or backing out of there if it is going to cause any kind of obstruction to that entrance,

which could be a problem for the DOT, maybe the team should think about that, when they do those turning movements.

Andy W. said that the team will do that.

Andy L. mentioned that he had talked about the developer agreement last week. One of his comments was about the vegetative buffer for the neighboring properties which looks like it has been significantly improved upon based on the map that was shown. He mentioned that last week they had talked about the sales office and the need for connecting sidewalks to include it in the parking table, to make sure there is adequate parking spaces for that building. He had a few comments about the utilities which he doesn't need to go into now, except the need to extend the water line to the southern end of the property, the sewer line would also have to be extended, he can work with the team to determine whether it will be forced or gravity main or a combination of thereof. The other comment he had was about the water pressure flow for the sales office to make sure that the town can serve it with adequate fire flow.

Scott asked if any of the other staff had anything to say?

Dave suggested that a material list would be helpful, so the board can get a better sense. He asked if the renderings show the landscape plan proposed or is it just generic landscape plan shown in the renderings at the moment?

Kelly replied that the renderings were supposed to be reflective of the landscape plan.

Dave said if it was possible to have a couple more renderings done from other locations.

Scott asked if Paul had anything to add or any other board members have questions?

Sal asked is it one building or two buildings as it is labeled as building A and building B?

Don replied that it was one building, but connected by an elevator tower that's between the two of them and based on the area requirements there are a true fire walls between the two buildings at the elevator tower, so they are independent structures, but are one building.

Sal said okay, so it's legally one building. He asked what size trees were they going to plant initially?

Kelly said she would get the size/height of the trees.

Andy W. replied that right now they are 2-2.5 inches caliper on deciduous, 8-10 inches on evergreens.

Sal said his thinking is that it's a large building, so small trees out front would get lost.

Kelly said the team could talk to the landscapers about options, she can also give the board some perspective on the height of the trees would be when they are planted. She said they can have it for the next meeting.

Scott asked Paul if they can move the project to a public hearing for next month or should the board wait until they have more information.

Paul said that the board can still gather information even if the board moves it to a public hearing

Scott asked for a motion to set a public hearing.

Franco made the motion, 2nd by Larry.

Vote was taken all ayes, motion past to set a public hearing.

John asked if the referral to the county planning does the board have to pass a formal resolution for that or will it just be sent on?

Paul said that they are good to go and Dave will refer it to the county.

Dave said he would send it to the county asap. He said if there is anything new, if the team can get it over to him because Rob will take electronic and he will need a hard copy of everything new.

Kelly said that the team was ready for that and would get it over to the office tomorrow.

John said that Dave mentioned additional locations for some more renderings do you happen to know those now, so they can have them for the public hearing next month?

Dave said that he would defer to the board, but there has been a lot of concern about the houses from Mayer Drive and Apple Lane, he doesn't think it could be seen from Apple Lane, but the Mayer Drive folks sure can and he thinks the back side (east side) of Apple probably can as well, so those folks would probably want to know what they would see. It might be helpful to supply that.

John said that they will do that.

Sal thinks that one from the McDonalds drive-thru would be good.

Dave said that's a good idea too.

Franco asked if it would be possible for the team to put together a 3-D rendering for the public hearing of this project then they could show all landscaping, the trees, that kind of stuff is that doable?

Don replied that they don't have capability of 3-D modelling the entire site, they have a model of the building which the render utilizes to be able to find and create additional views, so creating additional views is not that difficult, not that costly, but they don't actually have a 3-D model that they can rotate in real time.

Dave said seeing it from McDonalds might be helpful then you see the big picture.

Sal mentioned that he meant from the parking lot across the road, far back, from the middle of the parking lot would be a great view.

Franco said that would work.

John said that the team would work on it.

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

Traffic study received and circulated to the board.

Scott mentioned that the next steps for the planning board when they have enough information would be to set a public hearing and refer to the county. Scott asked Tyler (applicant) if there were any updates for either the ZBA or concerns raised at the last meeting.

Tyler (applicant) mentioned that he took all the comments in from everyone and with Kenneth W. they are going to address the comments for next month's meeting. He also mentioned that he reached out to the highway superintendent to get his feedback on South Chapel Hill Rd. for the access configuration and what his thoughts were on the road and integrity as a whole, so he is hoping for a response shortly as soon as it is received, he will forward it to Dave and Andy for review and circulation. In terms of the ZBA they are in front of the ZBA for sign height as well as lot coverage, they are making modifications for lot coverage to try to shrink that amount of variance needed by reducing parking spaces and going back and addressing some turning angles, tightening up the dimensions for example he believes that they are at 38' between the canopy and Chapel Hill Rd. to the curbing on that side on the Chapel Hill Rd. side, they are going to reduce that to 35', so he will be submitting updated plans early next week to the planning board and zoning board.

Scott asked if that was all the new stuff?

Tyler replied that is all the new stuff at the moment. He also, mentioned that they have agreed to put sidewalks in on Chapel Hill Rd. and Route 9W in front of their site.

Scott asked if the staff had anything to add?

Dave said no, they are still pending ZBA approval which meets in 2 weeks, so he doesn't think there is much more the board can do because if the area variance for lot coverage goes sideways for them, its going to require a fair bit of change, so the board is basically in a holding pattern until they get the extra information for the new maps and the ZBA.

Scott said that's probably right, we'll see how they pan out and go from there. He asked if there were any other questions from the board?

Sal said that he is worried about traffic on the corner being pretty intense. His main question is should the entrance off of Chapel Hill Rd., he is worried that it will get stuck in traffic, he is worried that people pulling out there are going to hinder traffic and he was wondering if the right out there could go away, he would like to make some kind of move towards making that intersection a little calmer, he thinks it would still work if the entrance was eliminated and just use the 9W and South Chapel Hill Rd. entrance, he thinks the site still works fine. The 9W entrance is for southbound people and the South Chapel Hill Rd. entrance is for northbound people. He mentioned that his comment last week that there should be stripping for a turning lane coming northbound on 9W to turn into South Chapel Hill Rd. and a couple of other things like that.

Scott asked if Dave or Andy L. could remind the board what the traffic study was for this project and how the county felt about it when they reviewed it? He thought the county was okay with where everything was.

Dave said he was involved in the discussion with the county, the county gave their approval to the design, there weren't too many alternatives offered, but hears what Sal is saying it is a tough intersection until there is some other way to get people through that intersection if it will ever be much approved, he thinks it is 100' away from the right turn out onto Chapel Hill to South Chapel Hill Rd. extension.

Ken (part of Applicant's team) asked where are they talking about.

Sal said that he was talking about eliminating the Chapel Hill Rd. entrance and by using the South Chapel Hill Rd. and 9W exclusively.

Ken mentioned that there were some circulation issues with the gas pumps and where the underground tanks are for truck movements. He said that Tyler could speak more on where the trucks are going to be entering and exiting. There are going to be times where regular Chapel Hill Rd. will be queued up where you're not going to be able to pull out the right out only, you will be stopped there in the parking lot waiting for that traffic clear before you will be able to pull out.

Sal said he is worried about a car coming east on Chapel Hill making a right into the site and being stopped because there is another car on the pavement, you cannot clear the lane, so now a queued-up line of cars is being held up, going around him and he knows Stewart's are very busy sites. His pitch to the Board is if they would like to talk about just using South Chapel Hill Rd. and Route 9W because north and southbound are covered.

Ken said he knows relative to the pavement even with car stopped at the fuel position there is still 30' to the canopy and concrete curb, so they could line up cars 3 cars wide with no problem, so there are options there on the movement in as you are pulling in and if you are going up to the store and you want to park in front there should be plenty of room to pull around and head into there, if you are coming around to the gas pumps and lets just say that there is 3 cars queued up at the exit and you cannot pull to the north side of the canopy, you will still have plenty of room to come down around the south side of the canopy and make a left turn and pull back into any of the fueling positions that you need there.

Sal said he will leave it there for the Board to think about to discuss at another meeting.

Carl asked if the site plan they were looking at is based on if they don't lose lot coverage from ZBA correct?

Tyler replied that is correct they would only tighten up the 30' near where the tanks are, that would be 35', they did a turning radius and lot circulation is still fine at this point.

Scott asked if there were any more questions? He also, said that this project is still pending as the Board will need more information after the ZBA and whether it passes or doesn't pass the variances they are asking for. He asked if Paul had anything to add.

Paul said no he does not.

Selux Corporation: Solar Array, site plan (subject to site plan and SUP under Zoning Code 100-39-1); 5 Lumen Lane, in GB zone.

Applicant is seeking commercial site plan and special use permit approval to construct and maintain a 750 KW solar array in an unused portion of the parcel.

SWPPP received and circulated to board.

SEQRA status: Unlisted

Zach (applicant) said that he met on site with Central Hudson earlier today as they have an interconnection agreement aid executed with them. He knows the project has

to go to the county and get feedback from them and then have the opportunity to go to a public hearing.

Scott asked if there was anything from the staff?

Dave asked Andy L. if a SWPPP was done?

Andy said that they did a SWPPP and the applicant did a pretty nice job on it, he had a few clarifications on it and a few modifications that they are looking for, but he doesn't think its anything significant and they had a couple of leftover site plan comments that they would like to see cleaned up, but otherwise he thinks they are in pretty good shape. He asked if this was intended to serve just the facility or do you have the ability to feed the grid as well?

Zach replied that it's going to serve the facility. He asked if Andy wanted him to address the comments now or if the board was going to provide a bullet point list of comments, so he can reply to them?

Dave said to Zach that he would get Andy's letter.

Zach replied okay, perfect.

Dave said he has nothing more on this.

Scott asked if Paul had anything?

Paul said no, it's really up to the board at this point again if you feel like you have enough information to move into a public hearing the board can do that tonight and also referring to the county for their recommendation pursuant to the general municipal law.

Scott asked for a motion to set the public hearing for next month.

Gerry made the motion, 2nd by Sal.

Carl asked about SEQRA status of the project as it said undetermined, does the board have to make a SEQRA determination?

Paul said that Scott mentioned that it is an unlisted action, so before you approve it, the board will have to make a SEQRA determination.

Scott asked and before the public hearing is open next month or not?

Paul replied no the board can wait until after the public hearing is underway. It's just before you make a final decision on the project you will have to make a SEQRA determination.

Scott said thanks Paul for clearing that and thanks Carl for asking.

Vote was taken all ayes, motion passed to set a public hearing for next month.

Rover Contracting (Riverside Corners): Site Plan Review: 251 N. Riverside Rd.: SBL: 87.8-1-10.3 in LI zone.

Applicant is seeking site plan approval to permit construction of a 9,800 square foot warehouse building for storage and maintenance of equipment for a construction company, with an attached two-story office and file storage annex totaling 3,000 square feet in size.

SEQRA status: Unlisted

Updated maps received and circulated to the board.

Andy said that last week the board talked about the screening between the project and the adjoining neighbor they are proposing some plantings along the property line and there is some existing vegetation which the board was going to look at if they had a chance to swing by to see if that was sufficient for the site. There were also some comments about the area of disturbance the applicant is right at the limit, they are less than the limit for a SWPPP at this point, but would like them to be very cautious, if they stay where they are at before they start construction, they are going to want those limits staked out by a surveyor and marked out with a fence to make sure they stay within those limits. He also mentioned that they had talked about the water line connection the applicant is actually proposing to connect the building from Upper North Rd. through a property (the one to the northeast), which is also owned by the same entity, which is fine, but the applicant does need to provide easements to show that to make sure if the land changes hands at some point they want to make sure that easement is there and they also want to include some language that the line if it's the same line that feeds both properties, then there needs to be some language in there that it has to be separated if the land changes hands because you get into selling water and that's a problem you have to have a transportation corporation to do that or the line has to be owned by the municipality. He said the rest of it has been talked about as it relates to the entrance and the wide pavement area and Patti explained that's it's intended to be the wider section in front of the building is exit only, as long as there aren't trucks maneuvering to back into the building, he is less concerned about that, but in the end it's really DPW's (county's) jurisdiction as it's their road.

Scott asked if there was any other input from staff?

Dave said that Patti drafted a very nice letter in response, as there were some concerns last week about the type of paint, acetone, and other solvents, the letter that came out today mentioned that the applicant's company will be doing some steel fabrication which will be done entirely inside the building. He said that Franco asked what kind of company they were, and they are primarily a civil painting company and they mostly do bridges, so they sandblast and paint, some of the steel fabrication that they do is part of that work and his understanding is it's not a spray on paint it is a roller or brush paint, so it is all hand work. He mentioned that because of this the board doesn't have to worry about them pouring solvents out. He asked if Patti wanted to speak about anything else?

Patti (applicant's agent) said that she hopes the memo was circulated to the board, so they can have an opportunity to review. She said that she has been working with the head of Rover Contracting regarding information on the building and what they do. She mentioned that they are a very environmentally friendly company in the memo that was provided there were links to the cleaning supplies they use, the paint that they use, and what their operations are as well as certificates that they have received because of their environmentally friendly use. The other item requested was in regard to the building, they provided the elevation view that they have and type of building, she also said that the building would have radiant floor heat. The buildings would be serviced by radiant floor heat, water, electric, there is natural gas service available. She spoke with the land owner today to clarify if there was a sleeve or if there actually was a water line in place and there is a 6-inch cast iron pipe that goes across the street and is separated in a valve box, so there is an opportunity there to split to individual lines, so she thinks that should address some of the questions that Andy had last week in regards to the water service.

Scott asked if there was going to be any oil separator as far as cleaning off the vehicles and retaining that oil so it doesn't get into the natural runoff anywhere?

Patti replied that she talked to Andy W. and because of the cleaning they will do on the site and because of the floor radiant heat they are proposing to do, they are not proposing an oil & water separator, she thinks that the memo she submitted address how they handle their waste product and if the board has any additional questions, they will address them.

Scott asked if anyone from the board has any questions?

Sal asked Patti if she could walk him though how the surface drainage will work, he sees catch basins that seems to be connected, where are they going?

Patti said she could not walk him through that.

Andy L. said that as far as he can tell its mostly sheet flow, but they do have a catch basin out in the front that looks like it will discharge into what looks like a swale or may be a roadside ditch.

Patti said there is a pretty substantial roadside ditch, they have 2, 15-inch culverts that are proposed and have been approved by DPW.

Sal said, so the catch basins really don't go anywhere.

Andy L. replied yea, they are connected to this ditch.

Sal asked if there should be some kind of retainage area, where the parking area spills over onto the grass?

Andy L. replied that they technically aren't required to because they don't go over the 1-acre. He did ask the applicant if the roof leaders could go to a dry well or some sort of infiltration system, but he understands that the soils are not that great for it, he believes that there might be shallow bedrock, so their options may be limited in that sense.

Sal asked if there are any slab drains under the building and where would they go?

Patti replied that she is not aware of any slab drains, but she will raise the issue with Andy.

Dave said from a building perspective let's not have slab drains in the building.

Sal said no drains in the floor will end the issue there.

Dave replied that would be preferable.

Patti said then the answer to that would be no slab drain.

Sal asked if there was anything else to add.

John Barchella (applicant) said he would like to address the catch basin. He said that Ray advised him that there is a pipe already under the ground, there is an easement for where Red Barn is, when he was going to sell the land to him and that already goes over to, it is already under the road into Diez's that's where it dissipates, which Andy wasn't aware of either. They would most likely just pick it from there.

Patti said, so for next month they need to figure out where that is and where it goes, so that Andy's aware.

Andy L. said if Patti could show that on the map as well.

Scott asked if there was anything else?

Patti said that this evening she was looking for is a referral to the Ulster County Planning Board and a public hearing scheduled for next month if the Board would entertain that.

Scott asked Paul if there was any reason that they cannot legally?

Paul replied legally none, it's really entirely up to the board in terms of their comfort level.

Scott asked the board how they felt and if anyone wants to make a motion to move this to a public hearing for next month?

Charly made the motion and 2nd by Franco.

Scott asked if anyone was opposed.

Sal said he is opposed as he didn't get the elevations.

Patti said she is not sure what else Sal is looking for.

Sal said believe it or not every time the board gets one of these, he reads through the zoning section and it says the board is supposed to get elevations, he mentioned that they can be very simple elevations, he knows it's industrial, but the board is supposed to consider the math and the scale and all these other things and it says that elevations are a part of the site plan approval. That is why he asked for it, the building is about 13 or 14 thousand square foot building, it's not like it's a garage or something, so that's why he asked for it.

Scott said fair enough we can get that before the next workshop meeting.

Gerry said he was a nay as well, as if the board is supposed to have the elevations, then they should have it.

Scott said okay, anyone else a nay? He also, said as long as the board sees it next month before the hearing would be wonderful.

Patti said she needs clarification on what an elevation is because she believes that she has submitted an elevation and it is consistent with the elevations previously submitted to the board that have been acceptable, so perhaps she just needs a better definition of what the board is looking for because she thought that the planning board purview was to look at the aesthetics of it and kind of the scale and that's what was submitted. She has stated that it is a prefabricated metal building.

Scott asked if Gerry could explain what he is expecting for the elevation or Sal since they were nays.

Sal mentioned that he got the documents, but saw Patti holding up the drawing, maybe that drawing could be emailed to him. He said all he has is the basic set of 7 sheets. He would like to see a drawing of the office with the building behind.

Patti said it was submitted with the original package that went to Sarah, so she will resend that.

Paul said that Sal is right that the code does require elevations at a scale of 1/4 inch for all exterior siding, so really the question is whether the board is waiving getting that specific type of elevation and if what Patti provides and Sal has an opportunity to look at it, is sufficient then that would be appropriate (legally).

Patti showed the picture and said that she would make sure to get it to the board.

Sal said if the vertical dimensions on that that would be good.

Patti replied that she did submit a separate sheet with the vertical dimensions, interior dimensions, and construction materials, she will make sure that it gets to everyone before next month's meeting, so there are no misunderstandings.

New Business

ADC Ulster, LLC- Falcon Ridge Subdivision, 301 Upper North Rd., SBL# 80.3-1-18.110 &80.3-1-31, in R1 and LI zone.

The applicant proposes to develop a 166 lot-Conservation Subdivision with frontage along Upper North Road and North Chodikee Lake Road. The applicant is proposing to connect to the Town water system. The applicant is proposing an on-site Sanitary Sewer Treatment Plant.

SEQRA status: Type I

Scott mentioned that they have a resolution to seek lead agency for the proposed subdivision. He asked is there a motion to do that?

Sal made the motion, 2nd by Charly.

Scott asked for a roll call vote.

Charly-yes

Gerry-yes

Franco-yes

Carl-yes

Larry-yes

Sal-yes

Scott-yes

All ayes, motion passed to circulate for lead agency.

Scott said that it is his understanding that the board will be receiving preliminary comments on the sketch plan and resource analysis map from staff for future board consideration and that the board provided some additional comments to the applicant at the workshop. Last week he believes that the board asked the applicant to present themselves to the Water & Sewer Committee and asked if Franco wanted to touch base on that?

Franco said that he had sent the committee an email about the meeting and that the meeting would be in person at the town hall at 4:00 next Thursday, which is when they will discuss the water and sewer.

Scott read the resolution to circulate for lead agency.

Paul said that he could read just the resolve paragraphs as the resolution has already been approved, just for the public's benefit we can do that.

Scott said let's do that.

Paul read the resolution.

Larry asked does this project have to go before the town review board, that was enacted in the first part of the year?

Scott said he was going to ask Paul to answer that, he believes it would be right?

Paul asked which town review board are you referring to, he is not aware of that.

Scott replied the review committee that was established during our code change.

Paul said that committee is only set up through review, proposed plan retirement residential retirement district, it's not formally established for any other type of project.

Scott asked does it have to be? Is it only for that? Why wouldn't it have that review committee involved, something of this size?

Paul replied he thinks that it is certainly something that the board could discuss with the town board, but really at this point you just have the subdivision regulations that guide the review of a subdivision and that provides basically where we are at right is that they have submitted a sketch

plan and the resource analysts map which is really supposed to help the board to kind of get an idea of the constraints the site may have in terms of development and help the board think about alternative approaches to doing the subdivision. It is a conceptual review process that once the board is satisfied that you have something that the board can work with, the applicant would then come in with a preliminary plat application, so there is a pretty rigorous process in front of the Planning Board, but it doesn't necessarily fully involve the town board or the zoning board of appeals at this point in the conceptual committee that was set up for the planned residential retirement districts. You do have the town board involved in terms of the sewage issue because Franco and his team will make some recommendation, presumably at some point to the town board and the town board has oversight of different alternatives that might be suggested relative to providing sewage to the project, so that's where the town board will come in.

Scott asked if the applicant had any other information that they would like to provide?

Andrew Gilchrist (applicant's attorney) said that he agrees with the town's attorney that is properly in front of the Planning Board at this point on the preliminary review, the sketch plan review for the proposed subdivision, he would add that he also agrees that the town board is involved in connection with the proposed wastewater treatment plant and to that end, just note that there is one correction that does need to be made in the environmental assessment form, that is on page 2 of the full EAF section b, listing out the agencies that are involved currently it does indicated that the town board is not involved, obviously the town board will be involved, so they will get the board the corrected part 1 of the EAF to note that, they just want to make sure the record is correct.

Paul said that is a very good point Andy and it goes to your question in the resolution the board just adopted the staff did go a head and identify the town board as an involved agency and as a part of the overall SEQRA review the town board has a voice in that as well and since they are doing a coordinated review that means they are welcome and actually encouraged to comment and review thoughts for the Planning Board's consideration as they move through this process. Andrew said that he agrees on that and he looks forward to being in front of the Water & Sewer Committee next week on the project to start discussing the proposed-on site wastewater treatment plant and how that work, how it's designed, Justin will be prepared to address that and how the town board itself is involved in that process for the onsite private wastewater treatment plant. He is grateful that Paul picked that up and that the town board will be include in the lead agency coordination.

Scott asked if anyone else from the team had anything to add?

Justin (applicant's agent) asked if Paul in his circulation document does it identify that it is a conservation subdivision they are proposing, he hasn't seen the document, but it is a part of the code that they are looking to apply to this project?

Paul said the document focus' on the sketch plan with resource analyst map at this point, so he thinks that really goes to the conceptual stage that the board is at with the proposal at this point.

Justin replied okay, thank you.

Scott asked if there was anything else from the board?

Carl asked as part of the board's interested agencies are fire, highway, county, etc. included?

Paul replied they didn't have the highway department or the fire department those 2 were not included, they certainly had the county planning department and also the county department of health.

Carl said that he would like to see them included, if the rest of the board would like to.

Paul replied that the board can certainly circulate to those entities, so that they have copies of the same package and he will work with Dave to do that.

Peppino's Food- Amended Site Plan, 304 Station Rd., SBL# 86.4-1-22, in Ag Zone.

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.

Scott mentioned that there was information needed on this project and asked if anyone was on to speak for the applicant?

Phil (applicant's agent) said that the chair said there was information the board needs.

Scott said anything that Phil would like to add, he thinks based on the last meeting was there anything requested from the workshop meeting?

Phil replied that there was no information requested, he was told that no one had addressed his application yet as they needed time to review it.

Scott asked if Dave, Paul or Andy L. had anything to add?

Andy L. said that he had a chance to look at it comparing the current site to what was originally proposed and there definitely are some changes there are 2 driveways now compared to the original site plan approval. He has some questions as far as lighting, handicap parking and the garbage enclosure and where it is located if there is one, so he has a letter that he will circulate.

Scott asked if Paul had anything?

Paul said no.

Scott asked if Dave had anything?

Dave said not really, he is just wondering about stormwater, he asked Andy if there was anything in his letter that might speak to that with the additional parking?

Andy L. said that was a good point comparing the overall impervious area, it's hard for him to tell what's going on as far as stormwater is concerned, without topo, that's probably something that we should have to be able to understand how the site drains.

Dave said it's pretty flat.

Phil said the land is flat and before they paved the driveway there was no impervious area besides the building the original site plan had gravel parking. The applicant acquired the property in 2001 the original site plan was in 2002, the property that is between the 2 driveways was not owned by the applicant nor did they own a strip of land to the east, but in 2004 from this aerial they started parking on the east side of the building with gravel parking because that side of the building is where the offices are and that is where the office entrance is, so they started parking there with a gravel driveway coming in. In the 2009 aerial you can see where they blacktopped in 2008. He showed an email from a surveyor that states that the new blacktop area was 0.28-acres. He mentioned that there was a 50 foot wide strip of land that was half of the old railroad bed that used to go along through there, the applicant acquired that strip of land on the east side of the building, but they also acquired that small parcel of land that was owned by Roehrs construction in 2007, what the applicant is proposing now is a consolidation deed and that's why the new site plan takes it's new shape the parking originally on the old site plan there were 12 spots depicted here on the northside and again it was all gravel parking, no paving at all, what they have today

they still have the original driveway and parking along the westside of the building which services the loading docks for the trucks and then on the eastside they have been utilizing for the offices, if you look at the original site plan, there is an office entrance and the new parking is only for cars and only for the offices and it has been used like this since 2004.

Andy L. asked the area in front of the building that used to be parking is that lawn currently?

Phil replied that it's just grass, it was never lined, never paved, there is some evidence that back in 2004 that they had driven across the grass, the applicant says that those spots were never utilized for parking. As far as lighting the original site plan shows that there is a light by the door, there is a proposed entrance light, there are no parking lot lights. The topography is the same as it has been it's a flat site, along the railroad bed, he believes it was an elevated railroad bed and what they did in order to install the parking lot they excavated the applicant's half of the railroad bed, so right now along this property line there is about 7- or 8-foot wall of dirt, it's an embankment and there is a small swale if you visit the site along the blacktop, so it just sheet flows off the driveway into the grass or the small swale.

Andy L. asked if there were any stripped ADA spaces?

Phil replied that he doesn't think that there are any signs or stripping for handicap at this time.

Scott asked if there was wheelchair access for sidewalks?

Phil replied there is no sidewalk and he doesn't know if the building itself is handicap accessible or not. He believes the west side is all loading docks, there is an entrance with a doorway, he believes that it is either at parking lot level or there is a short step. There were building permits pulled when the offices were built, they were in contract to buy this property pending ZBA approval for a use variance. There was a use variance granted April 12, 2001, they purchased August 17, 2001, then they submitted the original site plan, the approval was granted March 21, 2002.

Scott asked if there were anymore staff comments or anyone from the board?

Carl said that he would like to see the building handicap accessible.

Phil said make the building handicap accessible.

Carl replied whatever is required by law. He asked if Andy L. had any comments?

Andy L. said he doesn't know about the building itself, but the parking there needs to be handicap spaces, signage and an accessible route, he cannot speak to the building itself, but that defiantly is a requirement. There also needs to be lighting for the parking lot is also a consideration he doesn't know if there is any indication of what kind of lights are provided for those spaces that were created.

Phil replied as far as he knows there is only a light for the office entrance. The offices are Monday through Friday 9-5.

Scott said it still gets dark in the winter at 4, so that needs to be considered. He agrees that the parking lights need to be addressed also.

Franco said that Phil mentioned that it was an apple cooler that was converted to what type of building?

Phil said that it is a warehouse now, Peppino's Foods is a restaurant and pizzeria wholesale supplier.

Franco asked is the septic system adequate for the number of employees that are on the site now?

Phil replied that nothing has changed since 2002, so he suspects that it does. He said all they are trying to do is bring the site into conformity as they blacktopped a dirt driveway, they are changing the 12 lot spots from the front to the side. He doesn't know the septic situation, he can inquire about it, to see if his client knows.

Scott said he thinks those points are very valid. He asked the applicant to bring back that information on that. He asked if anyone else had anything to add?

Mountainside Woods- Lot Line Revision, 2 Benjamin Dr. and 23 Vista Dr., SBL# 87.21-3-11 and 87.21-1-39.100

Applicant is seeking to revise lot size to accommodate setbacks.

SEQRA status: Unlisted

Scott asked if there was anything he missed from last meeting.

Sal replied that the board was going to set a public hearing.

Scott asked for a motion to set a public hearing, for the board's June 24 meeting?

Motion made by Gerry, 2nd by Larry.

All ayes, motion passed to set public hearing for June 24th.

All Space Storage- Site Plan, 480 Route 299, SBL# 87.1-2-28, in DB zone.

Applicant is seeking site plan approval to add additional storage facilities to an existing site already containing storage facilities.

SEQRA status: Unlisted

Scott mentioned that the town's engineer provided a comment letter for this meeting. He asked if Andy L. wanted to touch base on the letter? He mentioned that he remembers reviewing this at the county and it went over really well, highly recommended this project as for being a developer setting the standards for the way these types of buildings should be built.

Sal asked if it got a variance or is it waiting one?

Paul replied the variance was granted. He doesn't remember if there was resolution or not yet?

Dave and Kelly (the applicant's agent) both replied yes.

Dave said it is filed with the clerk.

Paul said that's right it was all done, he also said that a copy can be supplied to the planning board if they would like it.

Sal said no that's okay, last he knew is that it was before the ZBA and didn't know how it came out.

Paul said that the applicant reduced the size of the variance at the ZBA's request and came back with they thought was a really good project.

Scott asked if the rest of the staff had any input?

Dave said that Kelly and him have had a conversation about reaching out to the neighbor to see what their concerns are. He said that one of the board members mentioned fencing or screening along the back of the property. He asked Kelly if they were going to do that?

Kelly replied yes, and they have a meeting scheduled already with the neighbor next week, she will have the entire team there so they can talk about lighting and screening. She mentioned that she went over screening with the engineer for this project and she doesn't think it is a concern, she thinks they can accommodate that. She mentioned that they did a full lighting plan,

maintenance control plan, drainage plan and have done a drainage report that has been submitted to the town. She said when she gets Andy's letter she will go through and see what else needs to be addressed.

Scott asked if anyone else on the board had anything? He then asked if Andy L. had anything to say or any comments?

Andy L. mentioned that he circulated his letter to the board, but he didn't get it to the project team. He said it was pretty much unchanged from last week the main things he is looking for is turning movements to make sure that fire apparatus can get around the perimeter of the new storage buildings and will need the full SWPPP to review.

Scott asked Paul if the board should move it on to a public hearing or wait until these other issues are resolved 1st?

Paul replied that it is the board's preference because that is certainly within their judgement.

Scott said he thinks there are a few items that the board still has on the table as far as the screening goes and what not and she still has a meeting with the neighbors.

Dave said that they are still waiting for the SWPPP and the county will want that when they refer it because the board doesn't refer to the county until it has all the pieces.

Scott asked the board how they would like to go on this?

Sal said that for elevations what was provided was a picture of what it would look like and it's the same colors and all that correct?

Kelly replied that's correct.

Sal said that's okay for this.

Scott said to keep consistent with the requirements that the board has asked of other applicants an elevation drawing with measurements and such, and if the board can have those items, it would be good for the board showing consistency across requirements. He said as far as moving it to a public hearing next month the board should wait until they have the issues resolved.

McGahan, Ryan- Solar Array (roof), 21 Falcon Dr. SBL# 86.4-3-36

Applicant is seeking to install a 1242 sq. ft. roof mounted solar array.

SEQRA status: Type II

Scott asked for a motion to set a public hearing.

Franco made the motion, 2nd by Gerry.

All ayes, motion passed to set public hearing for next month.

Public Hearings

Garcia/Trainor: Lot line Revision: Pancake Hollow Rd. SBL: 87.3-2-10 and 87.3-2-11

Applicant proposes to convey a 0.15-acre parcel of land from her unimproved 6.84-acre parcel to adjoining lands of co-applicant. The approximately fifteen-foot-wide fee parcel of land

will supplement an existing twelve-foot-wide right-of-way over an existing driveway leading from Sundial Lane.

Dave went through the SEAF with the board.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Board agrees no impact.

2. Will the proposed action result in a change in the use or intensity of use of land?

Board agrees no impact.

3. Will the proposed action impair the character or quality of the existing community?

Board agrees no impact.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Dave said there are no CEAs in Lloyd.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

Board agrees no impact.

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Board agrees no impact.

7. Will the proposed action impact existing: a. public/private water supplies? b. public/private wastewater treatment utilities?

Board agrees no impact.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

Board agrees no impact.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

Board agrees no impact.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

Board agrees no impact.

11. Will the proposed action create a hazard to environmental resources or human health?

Board agrees no impact.

Board agrees that there will be no negative adverse environmental impacts.

Scott asked for a motion and a 2nd for a determination that the lot line revision will not have any significant adverse environmental impacts and no EIS will be required.

Motion made by Larry, 2nd by Sal.

Scott asked for a motion to open the public hearing?

Motion made by Franco, 2nd by Sal.

Public hearing opened.

Scott asked if the applicant would like to address the board?

Patti (applicant's agent) said that the chair did a good job stating what the project is. She said it is a simple lot line revision to convey a fee parcel of land to a pre-existing non-conforming lot that currently has no road access, the lot that is going to be receiving the fee access strip of 15' in width is currently improved with a single-family dwelling both of the lots are traversed by a

Central Hudson transmission line and the remaining parcel will be conveyed to Central Hudson after this lot line revision, so that they have access to their transmission line.

Scott asked if anyone from the board had any comments or anyone from the public?

No public comment.

Scott asked for a motion to close the public hearing.

Sal made the motion 2nd by Gerry.

All ayes, public hearing closed.

Scott asked for a motion to accept the resolution.

Franco made the motion, 2nd by Carl.

Scott asked if there was any discussion on the matter?

All ayes motion passed to accept the resolution.

Silver Gardens (was Goldenview II): site plan. Argent Drive. #96.29-3-3.11 in PUD

Applicant proposes to construct a three story, 55,000 square foot (total, all floors) affordable, rental housing complex for senior citizens. The complex will include 57, one-bedroom units, outdoor parking areas, a new roadway configuration from Argent Drive to access the complex and pedestrian connections to Argent

SEQRA status: Type I Action based on Part 1 of SEAF.

Hearing status: Site plan review hearing opened, continued; Subdivision hearing cannot be opened until a SEQRA determination.

Sal recused, Lambros filling in.

Scott mentioned that the board went through part 2 of the EAF and was circulated for board review. He asked Dave to recap.

Dave said as you recall, he read the part 2 at the April meeting, and that Paul and Sarah captured the comments and have been circulated. He asked if there were any amendments needed to the part 2 of the EAF. Hearing none, he asked Paul what the next steps would be?

Paul mentioned that a draft declaration has been circulated to the board for their consideration and a resolution for approval if the board is inclined to. He read the negative declaration.

Scott asked for a motion to accept the negative declaration.

Carl made the motion, 2nd by Franco.

Scott asked if there was any discussion?

Paul read the negative declaration resolution.

Scott asked for a roll call vote.

Charly-aye

Franco-aye

Gerry-no

Larry-aye

Carl-aye

Lambros-aye

Scott-aye

6-ayes, 1-nay

Motion passed to accept the negative declaration.

Scott asked for a motion to open the public hearings?

Franco made the motion, 2nd by Carl.

Public hearing open.

No public comments.

Scott asked for a motion to close the public hearings.

Motion made by Carl, 2nd by Larry.

Scott asked for a roll call vote.

Carl-aye

Larry-aye

Gerry-aye

Franco-aye

Charly-aye

Scott-aye

Lambros-aye

All ayes, motion passed to close public hearing.

Scott said that the public hearings are now closed and asked Paul what the next steps are.

Paul said as far as the subdivision is concerned it's a 2-part approval process, the staff has prepared a draft resolution for the approval of the preliminary plat which the board could do tonight if the board wants to now that the public hearing is closed and what that would do would be to make it so that in June if the board is ready to take action on the final plat and the site plan, the board could do those both at the same time and that would represent the board's final decision with respect to the project. The staff recommendation is that the board probably shouldn't make a decision on the site plan tonight, it would be better to do that at the same time as the final plat, but the board could go a head and make a decision on the preliminary plat tonight, it is a 2-lot subdivision so it's not in terms of the subdivision it's really a minor subdivision and as he said before the staff has prepared a draft resolution.

Paul read the resolution.

Scott asked for a motion to accept the resolution.

Motion made by Franco, 2nd by Charly.

Scott asked for a roll call vote.

Scott-aye

Charly-aye

Franco-aye

Gerry-nay

Larry-aye

Carl-aye

Lambros-aye

6-ayes, 1-nay

Motion passed to accept resolution.

Mike Moriello (applicant's lawyer) asked Paul if on the final approval of the plat provided that the preliminary plat and the final plat are in agreement, will the final resolution reflect a waiver of a final public hearing, he thinks that it should be in it if that indeed becomes the vote in June.

Paul said that's a fair point.

Scott asked would it be a waiver or just not necessary to have?

Mike replied that he believes that it would have to be a formal waiver to be valid.

Paul said that staff would make an assessment upon the final plat that is received and would provide a recommendation on whether or not a public hearing is necessary as long as it is in conformance with the preliminary plat, the staff recommendation would be no additional public hearing is required.

Administrative Business

Cerniglia- ODA

Scott asked Paul or Dave to give the board highlights of this project?

Dave said that in NYS there is a requirement for direct frontage on an approved state, county or town road in order to get a building permit. He mentioned that the Cerniglia's are in discussion with someone else who wants to buy a piece of property on Mile Hill Rd., that house would be serviced by a driveway that would cross what is now Cerniglia's property, there is a little extra confusion in that the roadway that services the Cerniglia's property does not actually meet the property although it does have access, so he couldn't even issue a permit for a driveway without an ODA, so the Cerniglia's have this in front of the town board and the town board has referred it to this board for comments.

Scott asked if Paul could help the board out as well?

Paul said as requested at the workshop that staff look more closely at the state law that governs this and try to figure out the scope of the planning board's role is here. The single family dwelling will ultimately be proposed will require site plan approval because its in the WBOD, so as part of the planning board will be looking at the driveway, so between that and the state law which really requires the planning board to provide advice back to the town board, the scope of the planning board review is to really look at the road and make sure that it is something that will meet town standards including the standards for the water bluff overlay district, so the staff recommends was for the planning to direct the town engineer to do a complete review of the proposal and to provide comments to the planning board for consideration and that way we can work with the applicant to see if there is a way that the road can meet all applicable town standards and then provide advice and a recommendation back to the town board based on that.

Scott asked if there were any other board members that had an input on this?

Franco said basically the town road ends, there's 75' that is needed to get back to that property, correct, so what if the applicant just extends the road up to the town's standards and dedicate that portion of the road to the town, is that doable? That meets all the criteria.

Ms. Cerniglia (applicant) said she doesn't know if that is possible.

Mr. Cerniglia (applicant) said that they are in contract with the property that the right-of-way crosses, so they cannot change anything on that property as they are in contract to sell on that house. They cannot change anything, but the right-of-way remains there. Now Prospero Drive was a right-of-way from Dominick Drive from Mile Hill Road and the town just acquired it a few months ago, so the right-of-way is there its already established they just need to get permission from the town board to connect to the town road now that is stopping short of that lot, which is approximately that 75', it's always been there, there used to be a house on that lot on the piece of property that is in question and that the right-of-way goes to, so he cannot

understand where there would be a conflict of just approving of the right-of-way to connect to that town road which is a town road now, which is going to be blacktopped within the next couple of weeks.

Ms. Cerniglia said that the interested parties that are requesting to purchase that property are also on the call, they are at a standstill as well as we are because of this restriction.

Mr. Cerniglia said that in other words if he didn't get permission for the town and help the town acquire that road, he would not have a problem because there was an established right-of-way grandfathered in there 60 years ago and they have it on the surveyor's map and they have it on everything that is there, it's established, it's in writing that the right-of-way is there.

Ms. Cerniglia said that what happened was the was demolished back on the mentioned property in 2008. The town was maintaining the road up until the lot before that, so they never went back to that lot, so when they acquired the property, it just went to the existing house there now and they didn't do that extra 75', now they are in the process of selling that back property, but that doesn't connect to that town road.

Dave said its not a question of access it's about frontage. He said the reason why there is a hiccup is because the state requires that a property in question has frontage on the road, so he agrees that there is access.

Mr. Cerniglia said that the property never touched the town road for 100 years, so when the town took over the road it land locked the property which in turn, he signed the affidavit to help the town get the road and now he is paying the price for it because now he has a property that is absolutely useless to him.

Paul said there is a little bit of distinction here because the provision of the state law that they are proceeding on is one that establishes the Open Development Area and calls upon the town to approve by resolution an Open Development Area and that is something that would relate to your access whether by right-of-way or easement and so all of that, the staff to the Planning Board are suggesting is that the town engineer should look at that, confirm that it meets standards including the fact that this will ultimately be part of a site plan review for the single-family dwelling and the full access down to that dwelling and then the staff can provide advice to the planning board, so they can provide that advice back to the town board, so that they can act on their proposal. His suggestion is that more homework needs to be done, the town engineer needs to review what the applicant has proposed and provide comments back to the planning board that's the step that needs to happen.

Ms. Cerniglia asked at this point what else needs to be reviewed since this has been talked about for quite some time, she has sent Sarah and the board members material from Brooks & Brooks, so she doesn't understand what more needs to be reviewed and doesn't understand what the holdup is.

Andy L. said that in particular the driveway is proposed across the Waterfront Bluff Overlay, it's going to require a significant amount of excavation and he doesn't think that the plan that was received is complete, he doesn't think that it shows the full extent of the grading that is going to be required and just skimming through the Waterfront Bluff Overlay District requirements a head of this meeting it talks a lot about preserving the bluff and preventing erosion along the bluff.

Mr. Cerniglia said that's on the other lot the 4.7-acre lot that they plan on building on, but the lot they are in question for the Open Development Area has nothing to do with that other than that they are going to use it as access, so what they are going for is the open development for that lot alone. The open development permit is going for that lot to gain access to the other lot so the

engineering study is on the other lot to get from that lot to the other lot. His question is the parcel of property they are talking about right now is separate from that.

Ms. Cerniglia said that Pete Miller (fire chief) took a look at it, but doesn't know what his recommendations were to the engineer for that back property, but she thinks it was workable, she thinks it was something that the engineer was working on. She doesn't understand what the holdup is, as they own the property on both sides and feels that the board is landlocking her lands.

Paul says what needs to happen is connecting the dots, the engineer has not reviewed what has been submitted yet and the planning board ultimately has to look at all of that, when the site plan comes in for the single-family dwelling, they are going to be looking at the driveway access as well.

Mr. Cerniglia said that the property in question had a house on it, that they took down.

Paul said just in terms of the planning board's role in order for them to do their job and provide complete advice to the town board the staff's suggestion was that they need their engineer's opinion and if Pete has some information and some thoughts that he has come up with, he should be talking with the town's engineer about it, then the engineer can provide those thoughts both to the applicant and to the planning board for consideration to try to get this resolved for them.

Cameron Moss (co-applicant) said that he would like to know what he can do to move this forward. He hears what the board is asking for and intended to purchase the original lot in January and he has gone through the town board about purchasing land to build a driveway through the town land to get access to this property, 3 months later they get the no from the town, then they were spending twice as much to buy another property, they have submitted the driveway plan from their end 2 months ago and they feel the town is holding up 2 sales. He would like to know if their engineer has to provide more information at this point?

Scott asked Dave when this was presented to the town and then to the board, was their last workshop meeting the 1st the board had seen it?

Dave replied it was, it was just referred from the town board for the last meeting, but he has been going back and forth with Cameron with the other property about 8 months.

Scott said that based on what he is hearing right now is that the board just got this offered to the board, so the board needs some time to have their staff review this, he realizes that the town may have had some of this information for a while. The Planning Board listens to what the applicant has to say, then they get staff recommendations, so they can make a decision or what the board thinks is needed, then the board will make that recommendation back to the town board, but that is where the board is at with it right now since the board has only gotten limited amount of time and information on this, the board needs more time to review in order to advise the town board in which direction to go from what the board sees and learns.

Paul said he doesn't want to speak for Andy, but he thinks that Andy would be more than willing to work with the applicant's engineer and once he has had a chance to look at the materials and to provide some comments to back and forth with their engineer on, so perhaps there will be a solution by the next planning board meeting to recommend to the town board.

Ms. Cerniglia said that she is a little disappointed in the board, she feels that it should be looked at quicker than this.

Scott said that he doesn't know how long the town has had this, but only have just been referred to the board a short time ago, the board doesn't work with the town board on every issue that they have to involve either. The town board presents it to them then they deal with it.

Mr. Cerniglia said the way he is feeling right is if the town never took over that roadway, they wouldn't be having this problem right now. The property has been in their family for 100 years, and the right-of-way had been grandfathered in and was not a problem and now all of a sudden after the town takes over the road and they have a big issue.

Scott asked Paul to help with this one, he understands what the applicants are saying, but he doesn't know where else to go.

Paul said he thinks everyone on the call understands the applicant's frustration and concerns, he thinks what the chairman indicated is accurate this really just came to us in the last couple of weeks and as the attorney for the Planning Board, but in order for the staff to fulfill their responsibility to the Planning Board the engineer really needs to have a look at this and be able to provide comments.

Ms. Cerniglia said what does the board need from them to get this settled in a most sufficient way?

Andy L. replied that he needs to have a little time to review the plan that he has in front of him and apply them to the applicable codes, he will put together a letter that he will circulate to the board and he will ask Dave and his staff to circulate and include the applicant in that letter.

Open meeting vote:

Scott said that he has come to his attention that the push for open meetings back in the Town Hall for every board, which is fine for some boards. The county is still doing the zoom meetings because they have the same understand that he does and that would be this, if the board was going to have in-person meetings there are numerous things that come with it and that is subjecting the public to a possibility of getting COVID regardless of whether or not you have the shots, he can understand everyone's feeling of picking up a piece of paper and wanting to read it and having the board across from one another or whatever the case might be, but he feels compelled having a numerous amount of people in his family and friends of other people that he knows have gotten COVID and some not being with us anymore and some being compromised to the extent that it is a long term thing, he doesn't want to be that type of person to make that decision allowing the public and the board to get together, he doesn't feel that it is a one person decision, so what he is going to suggest is he is going to explain the rest of his case, being on the Planning Board we have applicants, attorneys, everyone that comes with an applicant, architects, the public, 9 board members, and 4 staff members and being in such a limited location of where the meetings are held in the Town Hall and being in our comfort zone, he thinks that the board would not be serving the public, by opening up the doors and having everyone come in. The board doesn't have staff that they pay to do screening before the people come in to stand there and have a safe environment for them to be in, the board doesn't have the staff to do that. The board doesn't have the space for 6 feet distancing, the board cannot ask applicants to come to the Town Hall and then have them stand outside to wait their turn, look we are already 2 hours into this meeting and some of them last even longer which is a big factor to consider. He understands everyone's concern here and their own personal desire to have these in person meetings where his perspective isn't a personal understanding of it, it is more of what is safe for the public and he doesn't feel it is at this stage, but he will ask the entire board by roll call vote for in-person meetings or continue zoom meetings? There has been suggestions of hybrid meetings which the board really doesn't have the staff for that either because Dave actually does the zoom meetings and he controls that very well along with staff and himself they try to keep a well organized way

of conducting a meeting unlike some of the other meetings the board has seen over the last year maybe even longer, that they are kind of unruly and not well organized and he would have to say on behalf of the board, their staff and everyone else who has been involved, the board has always managed to keep an extremely professional meeting, so that being said he is going to take a roll call vote and we will see where the board stands.

VOTE:

Scott-no for open meetings at this stage.

Carl-no would like to keep it the way it is right now.

Franco-no

Gerry-you have been vaccinated and shouldn't live in fear, so yes.

Charly-no

Sal-yes

Larry-no

Lambos-fine either way, willing for the time being to follow county guidelines.

Bill-no

Meetings will continue to be webex only until further notice.

Scott said that if state guidelines change then the board will follow state guidelines. Since he has been under pressure from the Town Board, the newspapers and fellow Planning Board members, he had to bring it to light at this stage because it isn't just his decision, he believes that each one's health and safety and the public's health and safety is paramount, not whether or not we feel that we want to look at papers in person or see each other across the room, he would rather much know that everyone is safe. He said thank you all for the vote.

Carl said didn't the board receive an email from the Planning Board federation about a webinar series, they are still looking to do that virtually and, in the email, it stated that a decision is to be made sometime in June pertaining to that, so he thinks that what Scott is saying is on board with the Planning federation, that he is in compliance with how they feel. He is in agreement, when the state says they can meet publicly then maybe that's what they should do. Its working, he didn't think it would work, but it did, but Dave proved him wrong.

Scott said that there have been many people in other towns that have commended the board on the way they run their meetings, they have had the county actually look at things too and how they were doing with it and they have been commended on their professionalism and just the way they are able to hold their meetings, he would have to agree with it. He asked if anyone else would like to speak on it.

Charly said that just thinking and counting the board members and the people that would be included on their end between the staff, there is like 13 people right there, how many people can you actually have in the building and if they are worried about applicants and stuff, some of them come with 5-6 other people, he feels that they could then come back saying that the board isn't giving them their share because they cannot have their people in the building at the time of the meeting, so he thinks they should follow the guidelines and the board might be opening themselves up to something else if the board does allow to have meetings in person.

Sal said that the board can operate with 11 people, that's the minimum amount needed, there are 7 board members and 3 staff, so there would be 11.

Bill said there are 9 members as there are 2 alternates.

Sal said the board wouldn't have to bring in the alternates or only bring them in through webex. Franco asked what about public hearings, you cannot shut the public out.

Sal replied we would do for public hearings is what we would do now, it would be on webex.

The only difference would be the board would be at the table.

Scott said what if a member cannot call in a timely manner and now you need an alternate that may be required and now the board would have to get him, maybe he's not on the meeting. There are so many possibilities of not being able to do it in the fashion that the board would be limited to, but if the board is doing it this way and it's working why is it hurting so much?

Sal replied that it's working marginally, it could work a lot better.

Scott said he doesn't know who would take care of the webex part of it as he is trying to do the meeting itself, Dave does both and it's very hard for him to do both ends of it.

Sal asked what is the town board doing?

Scott said that the Town Board is limited they don't have a lot of people, but he doesn't know how they are doing it.

Sal said they are in-person and on webex.

Scott asked do they get a lot of public people answering to them?

Sal replied if they do a hearing, he assumes that it would be open on webex.

Scott said that the meetings work they way there, and they might not work as well hybrid, and there is a risk of someone getting sick whether or not they have been vaccinated, you can still carry the virus and you can still pass it on to someone else.

Gerry replied that's already been debunked by the CDC.

Scott said that's another debate. He asked what Larry wanted to say.

Larry said that they had approximately 40 people online tonight, right now they still have 21, that's still a small room for that many people.

Scott said well the board has made its decision, unfortunately for those who want to have an open meeting and its not happening, he's not saying its not going to happen, but lets take some more time until we are in a safer period, so that we can do it.

Carl asked what the capacity was in the Town Hall anyways?

Scott says they say 49 as far as there not being COVID and with COVID he thinks Fred had it down to 17 people.

Carl said so that would kind of limit the amount of people that can be in the Town Hall to begin with.

Scott said it would be close just with the board and staff, he doesn't want to slight the public or team members, or the staff or board members, by not coming to a meeting.

Gerry said the Town Board does both.

Scott said the board has made their decision to not open the meetings.

Motion to Adjourn.