

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, August 26, 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

Attendance: Board Members: Scott McCarthy, Sal Cuciti, Carl DiLorenzo, Franco Zani, Gerry Marion, Larry Hammond, Lambros Violaris, Bill Meltzer; Board staff: Dave Barton, Paul Van Cott, Andy Learn, Sarah Van Nostrand

Minutes to Approve

June 17, 2021, June 24, 2021, and July 15, 2021

Motion made by Franco, 2nd by Gerry.

All in favor, motion passed to accept the minutes.

Old Business:

Basciano, Stephanie- Lot line revision, 404 Pancake Hollow Rd., SBL #87.1-2-19.300 & 87.1-2-19.400

Applicant is seeking a lot line revision between 4 existing lots on Pancake Hollow Rd. located in the R-1 zone and A zone.

SEQRA Status: Negative Declaration issued

Review Status: Final received and circulated to board.

Potential Action: Final Plat decision

Patti (applicant's agent) said that the board of health plan that she submitted was not approved last week. There is no permit to construct yet, but it is added as a condition.

Paul said that there is a draft resolution with the condition that Patti mentioned.

Paul read the resolution.

Scott asked for a motion to accept the resolution.

Motion made by Larry, 2nd by Carl.

Roll Call Vote taken:

Sal-aye

Charly-aye

Franco-aye

Scott-aye

Carl-aye

Gerry-aye

Larry-aye

All ayes, motion passed to accept the resolution.

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: ZBA variance and Stewart's response to CPL comments circulated

Potential Action: Schedule public hearing for September 23rd.

Sal suggests that on Chapel Hill Rd., there should be only an entrance for tankers, but no exit because it would be better for traffic. The level of service for traffic is F, and traffic is going to queue up there.

Jesse (traffic expert for applicant) said that the intent for the right turn out for the tanker was, so it could go north on 9W, they would need to turn right onto Chapel Hill, then left onto 9W or use the South Chapel Hill Rd intersection, then turn right onto Chapel Hill and then left onto 9W. The goal of having that driveway is to keep traffic away from South Chapel Hill Rd. and not shift it over to there.

Carl said that he would like to see the tanker deliveries to be during off-peak hours and he would like to see that as a condition for approval.

Tyler (applicant's agent) replied that they can control when deliveries occur.

Scott said he would like to see signage to show where they would be coming in and out of.

Tyler asked signage where?

Scott replied signage for that specific truck, so they are not trying to get out in another area.

Tyler said they put signage up.

Franco mentioned that they are on the schedule for the Water & Sewer Committee for September for the water & sewer extensions.

Scott asked for a motion to set a public hearing.

Motion made by Larry, 2nd by Charly.

All ayes, motion passed to set a public hearing for September 23.

Cuisine Machine, INC.: Site Plan Review: Route 9W: SBL: 88.1-3-18 in DB zone.

Applicant is seeking site plan approval of a site plan to permit a Restaurant Use of Mobile Food Trucks with Take Out service only.

SEQRA Status: Unlisted Action

Review Status: Updated plans and memo received and circulated to board.

Potential Action: None, need applicant response to workshop discussion.

Patti (applicant's agent) mentioned that she spoke with the applicant about gating the entrance at night, landscaping, etc. She said that she will be coming back with a revised plan.

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.

Review Status: Application Submitted and circulated to Board.

Potential Action: None, need applicant response to workshop discussion.

Thomas mentioned that they are going with the current mapping and not using the existing dirt road to access the project site. He said that the pull offs have been drafted. He also said that he is going to install 2 culvert pipes, 24 inches in diameter to go through the 2 crossings.

Charly asked if according to the code it was okay for 2 people to share a driveway?

Dave replied that it has to be on one property, but there is a maintenance agreement between property owners to share responsibility for its maintenance to keep it free and clear of debris, overgrowth and keep it clear for emergency apparatus.

Thomas said that lot 1 has the driveway and there is a 50-foot easement built in there will be a deeded shared right-of-way agreement for usage of all 3-lots for access.

Charly asked is that the farm road?

Thomas replied that is not the farm road.

Charly asked if there was going to be any clearing up there?

Thomas said no, where the driveway is being proposed there is minimal disturbance of vegetation, minimal wetland disturbance and all the houses sit on the high end in the back away from all the wetlands.

Andy said that he noticed that in the notes it mentions previously approved easements, he thinks drainage easements.

Thomas replied that they were a part of the original subdivision when it was Pleasant View, but when they consolidated the lots into one and sold as is, they became null. He said that there are no current easements or drainage on the site.

Andy said that he would to make sure that there are no drainage easements or that they are no longer applicable. He also said that generally if you have a concentrated flow a drainage easement is required.

Paul asked the staff if they felt this project was ready to go for a public hearing?

Dave said that he is okay with moving forward. He also mentioned that he recalls when Peak Engineering re-subdivided the land and combined lots that the bank did away with all those easements because there was no future addition of drainage and no road that was going to in. He feels that the board can set a public hearing and then the original maps can be pulled and looked at to confirm about the easements.

Scott asked if the applicant could provide one set of plans.

Charly asked is there a 100-foot buffer around the wetlands?

Dave replied there is a 100-foot buffer to the west and 2 small ones in the south, then it reduces down to 50 on the south end. That is due to the old code that stated that there had to be a buffer between agricultural lands and any new residential building.

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

Motion was made by Carl, 2nd by Franco.

All in favor, motion passes to set a public hearing for September 23.

New Business

180 South Street LLC- Commercial Site Plan, 180 South Street, SBL #87.3-5-14

The applicant proposes to construct a 30,600 sq. ft. building addition keyed onto the west axis of the existing structure along with a loading area containing 5 loading docks at 180 South St. The proposed use is allowed in the A zone and requires an area variance, site plan approval and a special use permit. The applicant is proposing to rehabilitate the structure, construct a building addition with site appurtenances and increase roof height to increase distribution center operation productivity. No changes to the remaining principal access points are proposed. No new water or sewer services are proposed.

SEQRA Status: Unlisted Action

Review Status: Application and site plan circulated to board.

Potential Action: None, applicant is before the ZBA.

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: Schedule public hearing for September 23rd.

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

Motion made by Charly, 2nd by Franco.

All in favor, motion passed to set a public hearing for September 23.

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

Applicant is seeking a two-lot subdivision of 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: Application submitted and circulated to the Board.

Potential Action: Schedule public hearing for September 23rd

Patti (applicant's agent) mentioned that there were some questions about the location of the waterfront bluff overlay district, she has it shown on the map at this time based on the previous subdivision that was approved back in August of 1997 and she knows that there was some concern about the location of the line and the 20% grade coming off the Hudson River. She said that the code read the bluff line is defined as the line at the top of the bluff, cliff or steep slope rising from the Hudson River shore line or at the upper elevations of a slope of 20% or more above the Hudson River shore line. She mentioned that this area has a well-defined bluff line as it is a sheer cliff and even though it is 20% grade above that, that was not applicable to this particular area. She believes that they are ready for a public hearing to be set, but she is concerned about the bluff line issue.

Scott asked if she would be able to have a better answer at next month meeting?

Patti replied that she would be able to. She also said if any board members wanted to go out and look at it that they were welcome to.

Sal said that he isn't sure if the bluff line even needs to be on the subdivision map or not.

Patti said she could remove the line and leave the note.

Carl asked is lot 1 43 feet wide, if so, has the lot received the variance needed?

Patti replied yes, she has ZBA approval for 2 variances granted on March 11, 2021.

Dave asked Patti if she was going to remove the bluff line from the map?

Patti replied yes.

Scott asked for a motion to set a public hearing.

Motion made by Carl, 2nd by Sal.

All in favor, motion passed to set a public hearing for September 23.

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 0.05 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: Application submitted and circulated to Board.

Potential Action: Schedule public hearing for September 23rd

Patti (applicant's agent) has received Andy's comments. She has no question about Andy's comments and feels that she has answered all the board's questions, and is ready for a public hearing.

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

Motion made by Gerry, 2nd by Franco.

All ayes motion passed to set a public hearing for September 23.

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: Application submitted and circulated to Board.

Potential Action: Schedule public hearing for September 23rd

Patti (applicant's agent) mentioned that the board had some questions about 2 duplexes being constructed on the site or if there was a requirement that it be one fourplex. She reviewed the code on what a multifamily was, and the use table to see the required uses. She thinks this project is in a gray area, as in the use table in the R-1/2 by special use permit, 2 family houses, multifamily, townhouses and they are proposing 2 multifamily dwellings. Also multifamily are allowed in the R-1/2 zone. The definition of a multifamily is a building containing separate living areas, for 3 or more families that share common building entrances, the definition of a two-family is a detached building containing 2 dwelling units only. According to the code we know that 2 family dwellings and multifamily are allowed and they are proposing a multifamily use with 2-2 family dwellings. She said that no where in the code does it say this use is prohibited, but it is also not specifically spelled out in the code that it is allowed.

Carl mentioned that this site is in the water and sewer district. He said that now you cannot build 2-2 family houses in a R-1/2 zone, who need a well and septic, he doesn't think it would meet the distance between well and septic of 100 feet. There is nothing that addresses that in the code. Dave said there is nothing in the code.

Patti replied that it is up to the board to apply the code to the best of their knowledge.

Carl said he is okay with this project because it is in the water & sewer district.

Sal said that 2 family are allowed when there is twice as much area, which could be applied for this project. For example, if there is 4 times as much area then you could have 4 as long as its not prohibited by the code.

Franco said that he has Patti scheduled with the Water & Sewer Committee as there are some issues with the sewer.

Patti replied that Andy W. confirmed that he would be at the meeting.

Franco asked Andy L. if he thought that the water & sewer issues would be ironed out enough for the board to set a public hearing, even if they need a transportation corporation?

Andy L. said that he wasn't sure about a transportation corporation.

Franco asked if the town was going to take the sewer over?

Patti said that this will be under common ownership, there won't be separate owners. This will just be 2 buildings, four units, owned by one individual, no different than any other multifamily in the town there is no transportation.

Franco said that there is a shared sewer line between 4 families are you going to turn the sewer line over to the town?

Patti replied that its under one owner, and was under the impression that it had to do with ownership not the number of units.

Franco asked if the units were all rented?

Patti replied that all the units will be rented.

Franco asked is there any possibility that in the future they could be sold off?

Patti said no, they would have to be condominiums or subdivide the land. They are here for site plan approval not for a subdivision, so they would have to be under the same ownership as they are on 1 lot.

Franco asked Andy L. if they will everything hammered out by September 23?

Andy L. replied that they should unless the applicant is asked to make any major changes to the utilities at North Rd.

Larry said three bedrooms, a total of 12?

Patti replies that she believes that's what it was.

Larry asked you have 3 parking spaces?

Patti replied that there are 12 parking spaces.

Larry said that she might need more.

Patti said that according to code there are 8 parking spaces required and from experience the code requirement never seems to be enough for multifamily, so they are proposing 12. Enough for not only 2 adults per household, but for additional parking spaces.

Carl asked about ADA compliance?

Patti said that she thought that an ADA parking space was not required for residential individual housing.

Carl said he would like to see it.

Patti replied that there is enough room for it.

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

Motion was made by Sal, 2nd by Gerry.

All ayes, motion passed to set a public hearing for September 23.

Public Hearings

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 Action

Review Status: UCPB comments received, CPL comments received.

Potential Action: Close public hearing; SEQRA determination; project decision.

Scott asked for a motion to open the public hearing.

Motion made by Larry, 2nd by Carl.

Public hearing open:

Arthur Upright (resident at 661 and 663 New Paltz Rd.) said that he has no issue with the proposed use. He does have issues with the current lights right now his trees provide screening from the lights. He said the lights from the site shine into his bedroom. He would like the applicant to provide shields for the lights. He also would like the board to make sure when looking at this project that they comply with the ordinance.

Scott asked if the property was fenced in?

Dave said that Kelly (applicant's agent) mentioned plantings, fully shielding the lights and slats in the fence. He feels that whatever the board decides it should be in the resolution.

Scott said that he agrees with that.

Sal asked if the lighting plan could be shown.

Scott asked if there were photometric plans included?

Dave said if there was, he doesn't have them.

Franco asked Mr. Upright if he is having problems now with their lighting with the existing site in the winter?

Arthur replied yes.

Kelly said that she can update the board on the lights.

Sal asked what kind of lights are they?

Kelly said the lights that are on the existing building were installed by Central Hudson because they were energy efficient lights and did not come with shields. They walked the site with the neighbor and found out that the ones that face his property were not shielded. They ordered the shields and have finally received them; the maintenance person is working on installing them now. For the new buildings all the lights will come with the shields.

Scott said that all the lights are on the road paths and not on the ends, correct?

Kelly said that all the lights have shield except for the ones in the area that the neighbor can see and they are working on correcting that.

Scott asked if Kelly could speak to the vegetation that could be placed in that area and the slats on the fence?

Kelly replied that they are happy to put slats on the fence, there is an extensive vegetive buffer currently, they have identified 3 trees that have died and have put in the plan that they will be replaced. She doesn't think that putting slats in the fence is going to help the light issue as there is a big elevation difference and the neighbor's house is at a much higher elevation.

Sal said that the shielding should work then. He asked if the applicant could provide a picture of the shield?

Kelly replied that the lights and shields were put on the plans.

Franco asked Kelly if it was possible to remove the lights on the end of the buildings and put them on a post and face them south?

Kelly said that she is happy to notified the town once the shields are on and do a site inspection and then will make changes if necessary.

Sal asked if they could put 12 evergreen trees in?

Kelly said that they cannot put that many as there is only a swale to plant them in, but they are happy to plant trees where the ones that died were.

Gerry said that the slats may not be a bad idea for eye sore purposes.

Scott said that the other property is higher than the fence and the slats wouldn't help. He then asked Paul where the board goes from here, do they close the public hearing?

Paul said that the board could close the public hearing or leave it open. If the board closes it, there are draft SEQRA resolution and approval resolution. He also said based on discussion the board may want to think what other conditions for approval that need to be added.

Scott asked for a motion to close the public hearing.

Motion made by Franco, 2nd by Gerry.

Motion passed to close the public hearing.

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 to small impact.

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

Board agrees no to small impact.

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

Board agrees no to small impact.

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

Board agrees no to small impact.

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 to small 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 to small impact.

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

Board agrees no to small impact.

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

Board agrees no to small 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 to small impact.

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

Board agrees no to small impact.

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

Board agrees no to small impact.

Paul read the negative declaration.

Scott asked for a motion to accept the negative declaration.

Motion made by Franco, 2nd by Larry.

Sal asked about Andy's comment regarding that the wetland boundary should be verified by a professional prior to endorsement of the site plan and would like to know why?

Andy said the maps show a wetland boundary, but the boundary is from the pervious approval, he doesn't think that there would be much change, but feels that it should be verified.

Carl asked what the wetland boundary was? Is it ACOE?

Dave replied that he believes that it is Army Corp.

Paul said when they get to the approval resolution that is one of the comments that would have to be addressed.

Ken (a part of the applicant's team) asked if he has the biologist submit a letter that he verified what was there or do they have to go out and survey?

Andy replied if you mark the boundary based on the map and then have the biologist go out there and say that it's good it will be fine by him.

Roll Call Vote taken:

Sal-aye

Charly-aye

Franco-aye

Scott-aye

Carl-aye

Gerry-aye

Larry-aye

All ayes, motion passed to accept the negative declaration.

Paul read the site plan resolution.

Scott asked for a motion to accept the resolution.

Motion made by Larry, 2nd by Sal.

Roll Call Vote taken:

Sal-aye

Charly-aye

Franco-aye

Scott-aye

Carl-aye

Gerry-aye

Larry-aye

All ayes, motion passed to accept the site plan resolution.

The Village in the Hudson Valley: Site Plan Review and Special Use Permit Route 9W: Master parcel # 95.12-1-15.100

Applicant is seeking approvals for an Assisted Living Facility.

SEQRA Status: Negative Declaration issued

Review Status: UCPB Comments received; CPL comments received

Potential action: TBD

John (applicant's agent) mentioned that the lighting is dark-sky complaint. The team reduced the bright light in the middle of the site. The team agrees with the construction times from the County and it's in the plan which is 7am-5pm on weekdays. The team has no problem in submitting an energy conservation plan and the cost benefit analysts. The team will consider

NYS stretch energy code if feasible. The applicant is willing to add the infrastructure for the charging stations for future use.

Board agrees that they need more time to look at the newest submission.

Sal asked what role the storage lot plays in the plans?

John replied that it plays no role in the ALF and shouldn't have been included.

Sal mentioned that there is a catch basin on the northeast side that has no swale or berm attached to it. There should be a swale attached to it or it's not going to work.

Ken (a part of the applicant's team) replied that it is a connection point for future development, it is there as a bypass. They are planning on possibly connecting a swale to it, to prevent it from going onto the neighboring property.

Sal asked if they could calculate the output of the flows that are being outputted on the neighbor's property.

Ken replied that its outputs on their lot and goes to the south.

Andy suggested that they get the swale built first as it will help keep construction runoff away from the other lot.

Sal said that he is concerned that there is a soil stock pile on top of a stormwater area.

Ken said that he would look into it.

Sal mentioned that the building is right up against the setback line in the front and right up against the setback to the north, and he feels that the team should back it up away from the residential houses.

Carl said that they have a 20-foot loading zone, which is not practical for a 3-point turn for almost any van or vehicle. Are all deliveries going to back into that area to unload?

Ken replied yes that is the intent.

Carl asked if they could shift the building to make the loading area wider?

John said that he would have to check with the rest of the team if it could be done.

Kelly (a part of the applicant team) replied that the other reduction was tough as there are aisles, rooms and so forth that are allocated. She thinks that they meet and exceed the setback, but vegetation can be added. It's not easy to reduce the building by even a few feet as it addresses room sizes that are carefully laid out which use health department requirements and aisle width, etc.

Carl asked if the project received ZBA variance for building height as it exceeds 35 feet?

John replied as per the code its based upon the average grade and average height.

Carl asked so it meets the code?

John replied that is correct.

Scott asked for a motion to close the public hearing.

Motion made by Franco, 2nd by Larry.

All in favor, motion passed to close the public hearing.

Motion to Adjourn.