

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, September 23, 2021

CALL TO ORDER TIME: 7:00pm

PLEDGE OF ALLEGIANCE

OFFICIALLY OPEN THE MEETING

Via Webex

Attendance: Board Members: Scott McCarthy, Sal Cuciti, Charly Long, Franco Zani, Gerry Marion, Larry Hammond, Lambros Violaris, William Meltzer; Board Staff: Paul Van Cott, Ray Jurkowski (filling in for Andy Learn), Sarah Van Nostrand

Absent: Board Members: Carl DiLorenzo; Board Staff: Dave Barton, Andy Learn

Minutes to Approve

July 22, 2021, August 19, 2021, and August 26, 2021

Motion made by Charly, 2nd by Franco. All ayes motion passed to accept the minutes.

Old Business:

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; public hearing closed

Potential Action: Site Plan, Special Use Permit and Subdivision decision

Paul said that he has drafted resolutions for the special use permit and site plan approval and subdivision and that the conditions that are included are typical for these kinds of projects. The chair can sign final plat and site plan once the conditions are met, there are additional conditions that must be met before a building permit can be obtained. DOT approval would have to be obtained before the chair can sign the maps, and if they cannot get DOT approval, they will have to come to the board with an amended site plan.

Ray said that all the comments in the letter are technical in nature and will not result in significant changes to the site plan. The comments also include things like easements and meets and bounds descriptions. One of the conditions of approval would be to comply and address all comments.

John (applicant's agent) mentioned that some of the comments are related to the potential PRRD part of the project and would not have to be satisfied prior to the chair signing the site plan.

Ken (a part of the applicant's team) said that did receive a letter from DOT conceptually approving the project access and improvements.

Sal questioned a comment from CPL about off the street parking. As in the code it states that in a residential district there is to be no off the street parking in the front yard setback. According to the site plan it seems that the first row of parking is with-in the front yard setback.

Ray said that comment relates to the independent living part of the project.

Sal said that it pertains to the entire project in terms of zoning. The 30-foot setback line would include the 1st row of parking. He feels that it would be best removed then they would have more area for green space.

Kelly replied that they have many meetings with the ZEO of the Town and never had this non-conformity been brought up. They have been working on this project for over a year and the parking in the front yard setback zone has been there since the beginning and Dave never mentioned that there was a deviation from the code.

John said that he believes that it would be an issue if boarding residential properties, but in this case the front yard borders Route 9W and is in a commercial zone.

Scott asked if Paul had anything on that?

Paul read the code section 100-29 (D-4). He asked Sal if what he is saying is that the parking area is within the 35-foot front yard setback.

Sal replied that it's just the first row of parking is up against the lot line.

Paul said that without Dave it is hard as there is no one who can make that zoning conformation, as the board cannot and he cannot make that determination. He asked if the applicant has looked at this issue?

John replied no as the issue has never been raised until tonight. He feels that the intent of that is to protect residential areas, but the front yard in this case is Route 9W and feels that the intent is not there.

Paul mentioned that it is not something that ever was discussed with Dave, and if the parking is within 35 feet, then the provision could apply.

Kelly replied that she feels it should be the ZEO's decision if this applies in this situation or not. This project has been before the planning for a year and Dave has been at all these meetings except this one and the parking hasn't changed the parking from the beginning of this layout until this evening, she has to believe that this is not something that he has raised, so it's not a deviation of the plan.

Paul said that without the ZEO here that the board may feel that it is a substantial enough issue to not do anything further with it.

Kelly replied that isn't the ZEO the only one to make this decision and the ZEO to this date has not.

Paul said that since the board is still within their 62 window that they may want to wait for a zoning interpretation from the ZEO which is within their right.

John suggested that the board consider the approval tonight, but add a condition to the approval, that they need to follow up with the ZEO on this issue and if something needs to be done whether it is a variance or an amendment to the site plan then they will do it.

Paul said that is an option, he understands that the applicant has been in front of the board since August of 2020, but it is still a zoning question and that conformance with the code. He feels that it would be hard for the board to approve a site plan where it is not clear there is conformance with the zoning code with respect to a dimensional requirement, he's not sure that a condition like that could be made.

John said that it has never been raised before, so how does the applicant know its an issue? The applicant has done everything the board has asked for.

Franco asked if they could add this as a condition of approval?

John mentioned that it's not unusual for site plans to be approved conditionally upon getting a variance.

Kelly said that the only who should be bringing up the issue is the ZEO.

Paul replied that it is a fair point, before a project can come to the Planning Board, the ZEO needs to confirm that they are in compliance with the zoning code and that it doesn't have to go to the Zoning Board of Appeals. If the board wanted to add a condition to get confirmation by Dave Barton on his zoning conformance determination with respect to the project and or a variance before the site plan can be signed by the chairman, that is a potential condition that the board can consider adding to the approval in front of them.

Gerry asked can't they send this to the ZBA get approval for the parking lot and then sign off on it?

Scott replied that is the condition they are talking about.

Paul said that before the chairman can sign the site plan the applicant would have to obtain conformation from Dave on his original zoning conformance determination or the applicant would need to obtain a variance from the zoning board of appeals. John is correct in that sometimes, Planning Boards in some cases do condition site plan approval upon obtaining a variance.

John suggested that another option if this is an issue, that the applicant needs a variance or maybe amending the site plan and coming back before the Planning Board.

Paul said that would be a possibility as well. The board can add the condition or set a special meeting.

John said that his concern is that he doesn't know when Dave is going to be back and how quickly he will be able to wrap his head around it.

Sal asked Ray if there was any reason why the zoning law would apply to phase 2, but not this one?

Ray replied he is not sure, but he knows there is more residential housing for the 2nd phase, so that is why he believes that it was brought out for that part.

Paul said that the options are to add a condition and still move forward and consider approval tonight or defer until a special meeting can be held.

Scott took a vote of the board on if the board wanted a condition added or to set a special meeting.

Sal-Special meeting, to give both Dave and the applicant a chance to look it over.

Gerry-Special meeting, feels that they should do it right and shouldn't rush it.

Franco-Condition, they have met everything we have asked them to do.

Scott-Condition-nothing will be done until he signs the site plan

Charly- Condition

Larry-Condition

Lambros-Condition

Paul read the subdivision resolution.

Scott asked for a motion to accept the resolution.

Motion made by Franco, 2nd by Sal.

Roll Call Vote taken:

Scott-aye

Larry-aye

Lambros-aye

Sal-aye

Charly-aye

Franco-aye

Gerry-aye

All in favor motion passed to accept the resolution.

Paul read the site plan and special use permit resolution.

Scott asked for a motion to accept the resolution.

Motion made by Franco, 2nd by Charly.

Sal said that code section 100-53 is the section that tells the board how to do site plan review and criteria. Section 100-53 2-c, sends the reader to the parking section. He believes that there is plenty of time to resolve this out before the time runs out and get the answers that the board needs. He feels that the board should not approve a site plan that might get an additional parking area. He mentioned that there are other things missing 100-53 c-9 the board is supposed to have all utilities done, which for this project they are not done. Also, the quarter inch elevations are required and they only got eighth inch scale.

Roll Call Vote Taken:

Scott-aye

Charly-aye

Franco-aye

Larry-aye

Lambros-aye

Gerry-nay

Sal-nay

5-eyes, 2-nays: motion passed to accept the resolution.

New Business

Public Hearings

Postponed due to not being published in the newspaper

Motion to Adjourn.