

**WORKSHOP MEETING MINUTES**  
**TOWN OF LLOYD PLANNING BOARD**

**Thursday, August 19, 2021**

**CALL TO ORDER TIME: 5:30pm**

**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 (arrived at 5:47pm), Sal Cuciti, Carl DiLorenzo, Gerry Marion, Charly Long, Franco Zani, Larry Hammond, Bill Meltzer, and Lambros Violaris; Board Staff: Dave Barton, Paul Van Cott, Andy Learn and Sarah Van Nostrand

**Minutes to Approve**

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

**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

Final Plat received and circulated to board.

Final Plat approval

Dave mentioned that either tonight or next week the board can waive the final plat public hearing as the code allows the board to do that.

Sal asked if the board was okay to waive the final plat public hearing?

Board agrees to waive the final plat public hearing.

**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

Dave said that the ZBA granted the requested variances for lot coverage and sign height. Ryan (applicant's agent)- said that there are no new updates. He mentioned to the board that they shrunk the building size by removing a shed to gain green space. They also shrunk the porch, sidewalk and removed some parking. The team is working currently on updating the landscape plan.

Sal asked what the final lot coverage for the site?

Paul replied 59%.

Bill said that he thought there was discussion about removing the exit onto Chapel Hill, due to the fact that there is traffic already backed up on Chapel Hill Rd. everyday.

Jesse (traffic expert for applicant)- mentioned that they have received the traffic comments from the board, they did submit a letter on August 10 responding to it. He said that if you were to restrict the right out of there, it just shifts the traffic to South Chapel Hill Rd. and then go up to the stop sign there and make the right turn, so you can either have the vehicles wait for a gap in traffic at the proposed driveway or wait for a gap in traffic at the South Chapel Hill Rd. intersection. The letter that they submitted showed that by shifting the traffic there wouldn't be an impact on the level of service at South Chapel Hill Rd. intersection, it is really just dependent on the traffic light cycle at the time.

Sal said that he has seen other Stewart's with only 2 entrances and are just fine and he is not sure why this one need 3.

Jesse replied that the reason for the 3<sup>rd</sup> entrance is for tanker trucks, which would allow them to have better access into the site.

Sal said, so if he is following them correctly the tankers would be coming in from Chapel Hill Rd. eastbound then turning and going to the north side of the pumps?

Jesse replied yes, and in order for him to back north he would have to exit onto Chapel Hill Rd., and head north on 9W. That would be the only way to head north as the South Chapel Hill Rd., is weight restricted.

Sal asked if he could enter from South Chapel Hill Rd., go around the pumps and then exit back out on South Chapel Hill Rd.?

Jesse replied that South Chapel Hill is weight restricted.

Franco said that it is a 3-ton weight restriction.

Sal said that the board had mentioned turning lanes, striping northbound on 9W, is there any progress on that?

Jesse said that they did reach out to DOT to discuss potential striping on 9W. The County, Town and DOT all indicated that they were happy with the access configuration as shown, particularly restricting the left turns at 9W. The roadway is somewhat wide down at South Chapel Hill, and there may be potential to stripe that left turn and that would all be done through the DOT as part of the highway work permit, the team is currently working on a submission to them.

Carl asked if gas deliveries could be done at night, when there is less traffic at that intersection?

Ryan replied that they can do that, they do it at a lot of locations mainly due to the size of the lot, so they don't have any conflicts with the customers and can put it in the language.

Sal suggested that they could do just a right in from Chapel Hill, but have no exit. He is concerned about people going out into traffic from that exit.

Franco asked if a letter was sent to the Town Board on the water/sewer extension?

Andy said that he hasn't seen the request yet, but his understand is that it was submitted.

Ryan said that he believes that Tyler (applicant's agent) had submitted the petition. He also mentioned that they are trying to finalize the plans.

Andy replied that the plans are far enough along that it wouldn't hurt to appear before the Water & Sewer Committee for the proposed improvements, so they can make a recommendation to the Town Board.

### **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.

Updated plans and memo received and circulated to board.

Patti (applicant's agent) said that she has completed the survey, site plan and topography. She also mentioned that DOT has been out to the site and have submitted forms to them. She said that each operator has to have a permit from the department of health.

Scott asked what they were going to do for bathrooms?

Patti said that there were going to be porta potties and that they will be in a fenced, gated, screened area. They are proposing take-in, take-out and parking spaces are limited to only 15 minutes. There will be no picnic tables. She hopes that it will be order in advance and just stop and pick up. They have accommodated additional parking spaces if needed for employees. The site is one-way in, one-way out. There are 5 potential pad sites, only starting with 2.

Scott asked where water runoff is going?

Patti replied that everything is contained in the trucks.

Dave mentioned what the distance for parking is between the food trucks and parking? He also suggested some landscaping along 9W to shield the pads when they are not in use.

Charly asked what the hours of operations are?

Patti replied that each food truck would probably establish their own hours, she did list on the plans that the hours would be 6am-11pm, 7-days a week, also stated is that any vendor serving food after dark would need to provide safety lighting.

Andy said that the applicant needs to drill down the details for lighting. He doesn't think that it should be left as safety lighting, there should be something on the plan saying what will be provided, as glare and lighting levels have to be thought about.

Patti said as for the shrubbery there is already a post rail fence along the highway right-of-way line, maybe what they could do is behind that fence put some shrubbery. The reason for putting the fencing there is because they want to discourage anyone from pulling over into the shoulder of Route 9W and trying to hop into the food trucks.

Franco asked Patti how the applicant is going to deal with commercial vehicles like box trucks and tractor trailers moving through the site?

Patti replied the hope is that people are going to see what the site is and will use appropriate precautions.

Franco asked if the site will be used year-round?

Patti replied that it is proposed that the site will operate year-round.

Franco mentioned that he is concerned about the snow storage only being on the south as the plow will have to back into 9W.

Patti said that there are 3 different snow storage areas, one is to the south end, one to the north, the 3<sup>rd</sup> place was next to the porta potties.

Sal asked about the spots on the plan that are labeled 1,2, and 3, and are there spots in front of them that are blocking them?

Patti said that the spots that are labeled are for employees.

Scott asked Patti if there were going to be signs on the road that say no trucks?

Patti asked John (DOT) if they could put signs up and he said to make it a part of their application to them and they will review it.

Scott asked if anyone has reviewed if a tractor trailer cannot get into the site?

Patti said that she has not.

Scott asked if she could do so?

Patti said that she would.

Franco asked about ADA parking spaces?

Patti said that the entire site is flat and that she has added site elevations to show that. There are also walkways that are not grass to get to the windows of the food trucks.

Andy mentioned that part of ADA is slope, but the other part is access itself, and if the site was going to be paved or gravel.

Patti said that the applicant is looking into a very fine crushed shale that binds in place. She hopes to have more details on that next month.

Andy replied that there would also need to be signage and reserved parking as well.

Charly asked if they are operating until 11pm and then nobody is there cars could go through there, it's not gated, they are not shutting that access off?

Patti said that is something she should discuss with the applicant.

Sal said it would become a place to park overnight, or even have people camping there.

Patti replied that she would raise the concern with the applicant.

## **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.

Dave said that is lot is a part of the Pleasant View Subdivision and has a lot of wetlands. The driveway that the applicant is proposing is along the old proposed road. Station road is a county road. Adam Dietz (DOT) has no real issues with the proposal.

Thomas (applicant) mentioned that there is an existing right-of-way on the western side of the property that is an existing driveway, and has the same access point. It is an existing right-of-way on his property that allows access to the farms and it is not an exclusive right-of-way. They would have shared rights for that.

Dave mentioned that there was some discussion about the flag piece, in the code you are allowed one flag lot per every 4 lots which they don't come anywhere near it. Lots 2 and 3 both satisfy the lot width for the A zone. Lot 1 would take 25' of frontage with a 50' right-of-way.

Sal asked if the driveway was already built or graded?

Thomas said that it was a gravel driveway right now, 15' wide.

Andy mentioned that he is concerned about abandoning the right-of-way and turning it into a private road, because of the original subdivision and the fact that its going to create cul-de-sac that exceed the maximum allowed.

Dave said that he thinks when they came in and re-subdivided the lots that are to the south of this, he thinks at that time Peak Engineering abandoned the right-of-way.

Thomas said that the road on the map is the one that was originally proposed for the original subdivision for the entire Pleasant View and he had his engineer just draft it, so they could turn into the 3-lots up there. There are no existing right-of-ways besides the one on the western side. Andy said that Falcon Drive exists now, and feels that it is over the limit now and he thinks the original plan was to loop it around.

Dave said yes, the original plan was to loop it around, the right-of-way on the map is actually to the west of Falcon Drive and the lots on the bottom of the map are all on Falcon Drive. He mentioned that there will have to be an Army Corp. crossing across the wetland. He said that there would need to be at least one pull off, but would like to see 2 for fire trucks.

Tomas said that he has looked into how many pulls off would be needed.

Andy mentioned that the code requires that if a driveway is over 900 feet, then there has to be a pull off ever 750 feet.

## **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.

Application and site plan circulated to board.

Brian (applicant's agent) mentioned that the site is 6.5-acres with 620 feet of frontage on South St. On the parcel there is currently an 87,000 square foot structure. The topography of the land is that it slopes gently west to east. There is no stormwater on the site currently, there are a couple of dry wells, but generally it just sheet flows to the creek. The vegetation on the site is minimal, they do have a wood lined buffer along the north and have a tree line along the Black Creek to the east. The site is serviced with 2 road onto South St., the site is serviced with a single water well, the septic is pumped off site to the south which is not part of the parcel. According to the survey there are no easements on the site. The applicant is seeking to construct 30,600 square

foot additions that will take place in three areas on the site. The first is going to be the southeast corner which is presently the loading area, the addition there is to make the loading docks easier for the trucks to get to. The 2<sup>nd</sup> addition is to the north and that is going to be squared off. The 3<sup>rd</sup> and final addition is going to be to the east in the general courtyard area, everything will be removed to make way for more warehouse square footage. The applicant is going to be disturbing more than an acre of land, but they will be treating 100% of the stormwater which will be better than the site today. The map shown is dependent on the ZBA granting the variances needed. The applicant is in front of the ZBA for 3 variances; minimum side yard setback, total side yard setback and minimum parking. According the code this site would need 69 parking spots, the applicant is proposing 36, but the applicant feels they only need 31. The narrative submitted has the hours of operation as 24 hours a day, but right now it is only one shift. For traffic some recent counts for County Route 22, mentioned that there are about 2,000 cars per day with about 5% of that traffic being truck. This project would generate about 39 trips for peak am, and 42 trips for peak pm. He mentioned that all lighting will be dark-sky compliant. Paul added that the ZBA asked the applicant to look into reducing the number of loading docks and therefore potentially avoid the need for the variance.

Andy mentioned that the existing septic system needs to be looked into by Ulster County Department of Health as it is possible that the flows could be increased. He would like to know if multiple lots are contributing to the septic system if that is the case then according to state law it would have to be maintained by a municipality or be under a transportation corporation. He would like to see the wetlands flagged by a wetland biologist and then located by a surveyor, so they will know if a wetland permit is required. More robust plan truck turning movements especially how the trucks are going to get into the site loading docks. The pavement is shown up to the property line may need to be moved away. The flood plain elevation needs to be shown on the plan and a flood plain development permit will be required. He also mentioned that any stormwater practices on the site need to work during a 100-year flood.

Paul asked if the board could get a copy of the easement for the septic?

Brian said that he would have to look into the septic as far as who is tied into it and the language of easement. He asked Andy for clarification about the contours.

Andy said that he will not only have to see the existing contours, but the ones proposed also, to make sure that nothing will be disturbed off the property.

Brian doesn't think that any of the grading will have to be done off site. He also said that the wetlands were flagged and found by a surveyor earlier in the year and can make a note in the plans.

Dave asked if elevations were prepared as in the narrative, it was mentioned that the roof line was changing?

Brian said not yet they are working on it.

Dave asked in section B (on the map) there are a lot of mechanicals in there, and assumes that they are going up on the roof? If they, are it would need to be screened on at least 3 sides.

Brian said that he noted that.

Carl asked if the wetlands were DEC or Army Corp.?

Brian replied that they are Army Corp wetlands.

Franco asked what would the addition bring the lot coverage up to?

Brian said the lot coverage will be 68.25% and it is currently 70.5%.

Franco asked if they would need a variance for lot coverage?

Brian said that they might potentially have to have 2 more variances in addition to the 3 that were already mentioned. The other 2 would be for lot coverage and building coverage. He mentioned that because the condition is existing and that they were not increasing the size of the building more than 50% that a variance was not needed, but the ZBA also mentioned it, so it is being looked into.

Carl asked what the maximum lot coverage is?

Brian said that the maximum lot coverage is 10% and the max building coverage in the zone is 8%.

### **Fanelli, John- Special Use Permit, 26 Gaberity Rd., SBL #95.4-2-26.210**

Seeking approval for principal and accessory structures approved by ZBA on 10-8-20.

Bill recused himself from the project as he is a neighbor.

Dave said that he asked the applicant for a more complete submission.

Paul said that he hasn't heard anything from the applicant's attorney regarding a more complete application. He said that one of the things left out of the application is what the applicant is looking for which is a special use permit with site plan approval for an accessory apartment. He mentioned that what the ZBA did was to grant a variance that allowed the accessory structure to remain in the front the yard.

### **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.

Dave mentioned that they are just moving the lot line over to meet the required setbacks.

Scott asked why do they come in front of the board every couple of months instead of looking at the project as a whole?

Dave replied that the developer said that their engineer screwed it up.

### **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.

Patti (applicant's agent) said that ZBA approval was obtained for lot road frontage. They have board of health approval. The houses are also proposed out of the bluff overlay. Both lots have existing access cuts on Bellevue Rd.

Paul said that there was a lot of discussion about how to avoid the need for a variance, ultimately the ZBA was persuaded that it would be better to have the lots broken up the way they are now, rather than having a flag lot.

Patti said that they could have done a flag lot and have not needed a variance, but the design and layout of the lots was better this way from a planning perspective to grant the area variance.

Sal asked Patti how she found the bluff line? He thought it followed a 20% slope and when the slope became less than 20% that's where the face of the bluff would be. Patti replied that she used the original survey map for the subdivision that was approved in 1997. Sal mentioned that the board doesn't make the law and it says that the bluff line is where the slope is less than 20%. Patti said she would look into it.

### **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.

Patti (applicant's agent) mentioned that Scenic Hudson has purchased quite a bit of land on the top of the mountain and are in contract to purchase lot number 2 the 22.59-acres. They are not interested in purchasing any of the structures from the utilities.

Dave asked which line is the revision?

Patti replied that the lot line revision is in the south.

Andy said that it looks like there is encroachment on the southern portion of the property.

Patti said American Tower has encroachment on AT&T lands, AT&T is trying to work with American Tower to remedy that and they don't want to hold up their connivance to Scenic Hudson while they are working with American Tower.

### **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.

Patti (applicant's agent) mentioned that the property is primarily in the R-1/2 zone, there is a small portion in the rear that is located in the GB zone. The total area is 2.69-acres. The applicant is proposing 4, 3-bedroom units in 2-duplexes. She also, said that there were some questions about the lot being a flag lot, but the parcel has 102 feet of road frontage and lot width and it's required to have 100, so the lot does conform to code as far as that goes. She has submitted engineering plans, grading plans, water & sewer hook up and soil and erosion control plan.

Larry asked when did the town allow 2 residential structures on a common lot? Normally they would each have to have their own lot.

Patti replied that in the R-1/2 zone, multiple dwellings are permitted, by special use permit and site plan.

Franco mentioned that Patti should appear in front of the Water & Sewer Committee as there are issues with the septic.

Patti replied that she would let Andy W. (a part of the applicant's team) know.

Sal said that if they were connected it would be multi-family, but in this case, they are 2, 2-family.

Patti said that she would review the code on that.

Franco asked if there would be future development.

Patti replied that there is no future development and that this plan is the full build-out.

Andy said that he needs more detail regarding grading and drainage. He said that if you reach .95-acres disturbed then a SWPPP needs to be prepared. He said that if a SWPPP is not prepared then he would like to see the roof leaders drain into a dry well.

Dave said that there should be landscaping to screen from other houses.

Patti replied that the applicant along all those houses, there is going to be a berm with plantings on top of it for a sound buffer and visual buffer and will provide details of that in a future submission.

## **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

### **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: Referred to UCPB

John (applicant's agent) said that they submitted the SWPPP for the project, a memo about water & sewer calculations that needed to be redone, updated the subdivision map, landscaping plan and the scales on the elevations.

Andy said that he is not seeing the requested drainage easement on the map.

John mentioned that the meets and bounds were requested for the drainage easement towards the bottom near Mayer Drive and Route 9W. They also have the meets and bounds for the proposed Health Care Center Lane.

Andy replied that he would like to see it on the map, but a description is fine as well. He still has some comments on the truck turning movements, mostly on the movements from vehicles entering from the south and moving north through the site to reach the loading dock area, he doesn't see where that was revised.

Kelly (a part of the applicant's team) mentioned that they looked into it and have shown that for garbage trucks it would meet the design criteria if they were coming in from 9W southbound and pulling in and then backing into the loading area. They did provide truck turning templates to show that movement, they also showed the turning movements for the fire trucks. They feel that where the garbage containers are is the best place as they are out of sight and out of mind and would prefer to not move them.

Andy asked about the soil management plan and how it was created, he also would like to see more notes on the map as it is a concern for this site.

Kelly said that she would call him tomorrow to work out what notes need to be added.

Andy said that he was a little unclear about how the underground storage will be able to accommodate future development.

Britany (a part of the applicant's team) said that she did was all the impervious area that is planned for in the upper development, the impervious area was taken into account for the storage of the porous pavement and underground system, within the stormwater calculations.

Andy mentioned that he didn't see that.

Paul said that the board should take another look at the comments from the County and make sure there are no other modifications needed.

Scott asked what the modifications has the applicant already made?

Paul replied that the applicant has provided a response memo to the county comments, for some comments they clarified that the plan already meets the comments, in other instances they did not offer anything new that would provide compliance to the County comments. If the applicant does not meet all the county comments then the board would need a super majority vote for approval.

**Motion to Adjourn.**