

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, January 27, 2022

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 Zoom

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

Absent: Charly Long, Carl DiLorenzo

Minutes to Approve

December 2, 2021

Motion made by Franco, 2nd by Sal to accept the minutes as amended. All in favor motion passed to accept the minutes as amended.

Old Business:

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: TBD

Dave said that the board sent Patti (applicant's agent) away with some homework, the board had questions about electrical service and about adding some more landscaping. An email was received from Patti saying that she is not ready for tonight, so she is going to go do her research and come back next month.

Scott asked if they were going to put some kind of rail, so nobody goes off that edge?

Dave replied that there is something proposed back there, but said he could put the site plan up.

Scott said that it appears to be a big drop.

Dave replied that the board should have another look at the property as it is pretty small for 5 food trucks.

Scott said that he agrees it seems like a small for 5 trucks, and then with the drop off in the back. He doesn't know how they will put all that in there and a vehicle pulling off the highway will work.

Dave replied there is no fence proposed, but there is landscaping and stone.

Franco asked if the applicant was going to fill the property in?

Dave replied no, the property is what it is.

Andy said what Dave described as rock and landscape is actually boulders which would take the place of guardrails.

Scott stated that would work as long as they are large enough. He also asked if there was any restriction on the size of the food trucks?

Dave replied that they are licensed by the County Health Department he thinks there is, but isn't sure of the numbers. The Health Department can license up to a full-sized tractor trailer, but that is not what is proposed here, these are probably 16-foot maybe 18-foot trucks.

Franco asked if comments were received from DOT?

Dave said not yet.

Franco said that the road curves there and the grade rises, so what happens when someone during the hours of operation and someone else is flying up the road and there is a backup to get into the property there is going to be a problem.

Dave said that issue was brought up to Patti about queue up on 9W. Franco is right that is a sharp turn. The speed limit is posted as 55, but travel is closer to 70. Any queue out there is going to be a problem. If you have more trucks, there will be more queuing as there will be more locations for people to go to.

New Business

Lewis, Nathan: Special Use Permit: 240 Vineyard Ave: SBL: 95.2-2-21

Applicant is seeking a SUP for renovating the 2nd floor garage into living space. The space is 22.5X 22.5 feet for a total of 506 Sq. Ft. There is a deck and stairs for an outside entrance to the space.

SEQRA Status: Type II

Review Status: Application and plans circulated to board.

Potential Action: Possibly set public hearing for February 24, 2022

New plans were shown.

Dave said in the past the board has required design professionals to mark up the maps. The map is original with a markup above it with what is to be removed.

Sal asked if that wall was supporting a ceiling, but not the roof?

Dave replied that it is not load bearing. The real question is will; the board accept a non-design professional bubble.

Scott said in his opinion he doesn't want to set a precedent and have others come in with the same thing.

Bill asked if this is just a delay in the filing and the work was done between May and now?

Dave replied no, this is his attempt to legalize the existing apartment.

Bill said so, you went to him and said legalize?

Dave replied no we gave him a choice; we could take him to court or come to the Planning Board to legalize it.

Gerry said if he cleans up the drawing, he sees no issue with it.

Andy asked if they were stamped drawings from an architect?

Dave said yes, they are stamped plans from an architect.

Andy replied technically it's against NYS education law for anyone to modify a drawing, if you are not a licensed professional.

Scott asked the board if they wanted corrected drawings from an architect or would accept what was shown.

Bill said that it looks like it was revised last week, is the issue the written note did that come from the owner or developer?

Dave said if an architect does it, they would reproduce the map with a call out.

Sal replied he thinks there is a place on the title block for reissue dates as well.

Sal-revise
Franco-revise
Bill-revise
Scott-revise
Gerry-revise
Larry-revise
Lambros-revise

Extended Public Hearings

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

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

SEQRA Status: Type II

Review Status: Public hearing was opened and extended. Updated plans circulated to board.

Potential Action: Conditional Approval

Sal said that the code states a buffer or a fence should be provided. He would like to know if more landscaping could be provided.

Scott asked in the Highway Business District don't they have to provide a buffer if there is residential around?

Dave replied that is exactly right. He asked Sal if he meant the south end of the property?

Sal said along Chapel Hill Rd as there is residential on the other side of the road. There is a fence there, and believes that there isn't enough room for plantings. Would like to talk about adding some pine trees or something there to help out the neighborhood.

Scott asked if that fence is 6-foot high?

Andy replied that it is a 6-foot-high fence. He thinks it is vinyl.

Sal asked Andy if that triangle area also contained the infiltration system?

Andy replied that their infiltration system is in that area all underground and also an easement, so they cannot plant a buffer, which is why a fence was chosen.

Gerry asked maybe the fence could be more of an earth tone color and not a blinding white.

Tyler (applicant) replied that they are very limited in space for plantings in that southern area as there is a lot of infiltration and an easement to the Town in that area. The color of the fence is going to be cream or almond.

Dave asked if the fence matches the color of the building.

Tyler replied that it is close in color.

Dave asked if they were going with lighter cream/white color.

Tyler replied that it is grey in color.

Scott asked if the board has received everything else, they needed. Wasn't it some kind of water or sewer paperwork needed?

Dave replied that the Town Board authorized a map, plan and report be done. That work has been done. The Town Board has set public hearings on the extension of the water & sewer district for this property and Wagon Wheel and that is set for next month.

The conditions for approval were shown.

Dave said they need DOT and DPW approval for the state and county road cuts, DOH approval, they need to combine the 3 parcels, extension of the water & sewer district, a water & sewer easement is needed, all CPL comment need to be fulfilled, and any fees and escrows must be paid to the town.

Paul added that due to the fact that the board wanted fuel delivery was to be limited he added into the resolution that there are to be no fuel deliveries during morning and evening rush hours.

Scott asked if the board could go ahead and approve this tonight?

Dave replied that it would be a conditional approval and all the conditions are related to other agencies.

Sal asked if it was out of turn if they approve the project before the Town Board hearing?

Dave replied that is a good question, the board has done Health Department approval as a conditional approval. They have also done it with County DWP approval. He understands the board's concern, but it's his understanding that the board voted unanimously to set the public hearing, so his sense is that the board is interested and inclined to approve it.

Paul said that these are conditions that have to be met before Scott can sign off on the site plan. If there are any amendments from any of the agencies, they have to come back to the board. If the board wants to see more progress, they could leave the hearing open, or the board could close the hearing in anticipation for potentially a decision by the Town Board within the next month.

This project is a SEQRA type II project as it less than 4,000 sq. ft. in size. Paul also mentioned that the findings have been including outlining all the criteria for site plan approval.

Scott asked what are the benefits of approving the project tonight?

Paul replied that it is just checking a box on their end and realizing that they have gotten to be where they need to be. There is no reason the board can't hold it open or close it.

Dave said that if they don't check all the boxes, they don't get the approval. The benefit of closing the project means they might be able to secure more funding. What's the harm to the board, he cannot think of anything.

Larry asked does there have to be a time gap between when the public hearing is closed for the public to make comments?

Paul replied no that would end the public comment process, but the board would have 62 days to make its decision.

Scott asked for a motion to close the public hearing.

Motion made by Gerry, 2nd by Larry.

All ayes motion passed to close the public hearing.

Paul read the conditional approval resolution.

Scott asked for a motion to accept the conditional approval.

Motion made by Gerry, 2nd by Sal.

Roll Call Vote:

Bill-aye

Scott-aye

Larry-aye

Franco-aye

Sal-aye

Gerry-aye

Lambros-aye

Motion passed to accept the conditional resolution.

New Public Hearings

**Mountainside Woods: Lot Line Revision: 20 and 22 Emerson Terrace: SBL:
87.21-3-24 & 87.21-3-23.**

Applicant is seeking a lot line revision for the purpose of meeting setbacks.

SEQRA status: Type II
Review Status: Application and maps circulated to board.
Potential Action: Approval resolution

Scott asked for a motion to open the public hearing.
Motion made by Franco, 2nd by Larry. Public hearing open.

No Public comment

Scott asked for a motion to close the public hearing.
Motion made by Larry, 2nd by Franco. All ayes, public hearing closed.

Scott read the resolution.
Scott asked for a motion to accept the resolution.
Motion made by Larry, 2nd by Franco.

Sal asked for a discussion. His question was that he didn't have a chance to look at the map as he couldn't find it in his email.

Map was shown.

Sal asked that is lot 70 and 71?

Dave replied that is correct.

Sal was confused as the map only showed the lot number and didn't see 70 or 71 in the resolution.

Dave said it is a constant theme with them. They'll either use lot numbers or they will use addresses.

Scott asked if they used the correct section, block and lot number, correct?

Dave replied yes.

Scott did a vote. All ayes, motion passed to accept the resolution as read.

Adaptive Reuse Comments

Scott mentioned that last week through email the board received information on the new Adaptive Reuse Law, that is being proposed.

Dave mentioned that the public hearing is set for the 16th of February, it has been referred up to the County and has been referred to the Planning Board. As the board doesn't meet again until the day after it may require a quick meeting to get a vote or comments.

Bill mentioned that he had read it over and submitted comments already. Which were that he would like to take a closer look at what the definition of “underutilized” should be here. He feels that it is open to, too much interpretation on a case-by-case basis.

Sal asked in the Central Business District now, you cannot have apartments on the 1st floor is that correct it has to be commercial? Would this law change that?

Dave replied in theory it would, but probably not in the CB District, he thinks they would still have to go for a variance for the ground floor. There is someone now who owns a building on Milton Ave, who is going to put together an application for an old unused section of the building. He fixed the building up, but cannot have units on the 1st floor and would like to put 8 units in and the code in the Hamlet Overlay District (CB zone) there is to be no residential on the 1st floor.

Sal asked so, this doesn't open a door for that?

Dave replied that his sense is that if you are in the CB zone, the overlay already applies to you, and the overlay says no residential on the 1st floor. If there is another overlay which would be the Adaptive Reuse, he thinks that it has to sit on top of the existing overlay. Which means to get your residential 1st floor under Adaptive Reuse they would have to get a variance. He would have to do some research to see if that was possible.

Sal said the unintended consequences are if the market goes one way, like right now residential is super-hot, you could lose commercial because it is allowed.

Dave said that is a good point. He has spoken with the supervisor about this who is inclined to make sure there is a commercial component to any adaptive reuse.

Paul said that they need to go back and look at what was drafted to make sure there are no unintended consequences. He also thinks that the question about underutilized is a good one. He thinks that the sooner the Planning Board can get comments to the Town Board, the Town Board can look at them and incorporate them in any potential changes as it moves forward.

Scott said that he has looked at the definition of adaptive reuse and it doesn't really change, it is the reutilization of a building or a structure. Is there any way to put a percentage to that as far as to what the old structure was? It could be a building that has a historical value, architectural value, copying the same building footprint those are the main issues. The way he thinks they fell into problems before was what the actual meaning of the word adaptive reuse was and what it was implying. The intention the law is derived from always comes to the board, what is the intention of the law when it was written, maybe that should be described in the zoning. Later on, someone might say okay what is the historical or architectural value that should be kept, to make this law apply to it. There is no historical society in the town that could determine the historical value of a building or structure. His opinion is that the definition needs to be stated clearly, and what is the intention of the origin of the law.

Sal said that the way he reads it, the building could be totally gone.

Dave replied that is how he read it as well.

Scott said that is not the definition of the law, the building has to have those values to it, structural, architectural, or historical. Those are some of the issues, those are some of things that you have to look at. What are you going to have when you knock the building down? He is not opposed to it, he thinks it is a great idea, but it needs to be clear for any board coming in after this one.

Paul said that Sal is right with this law drafted, someone could take the building right down to the foundation. It would be limited to reconstruction based on the existing footprint, if they wanted to take advantage of the existing overlay district regulations, but there really isn't other criteria, it has to be non-residential, it has to be served by existing water and sewer, has to be on a quarter acre or more of land, and it needs to propose a mixture of uses. It is not restricted to historical structure. When talking about historical are you talking about the ones on the registry or structures over a certain age? Who would make that call? The question of definition is important, what is underutilized, what do you mean, is it a vacant building, or one that is not at its highest and best value, who's making that call? You can define adaptive reuse any way you want, you can have a historic component to it, but you don't have to. You can say it's certain types of buildings, is it just these old coolers, or old storage facilities. In the old law it was based on certain addresses, which seemed a little bit odd because what do you do if someone else has a building like that? Setting up those parameters of the definition of the buildings and properties you want to reusing and what are the goals for those buildings. Like if it is an old cooler and someone wants to put a coffee shop in with apartments upstairs, that is a good thing, maybe that is something that should be incentivized, regardless of its historic status, regardless of how much of the building is taken down.

Scott said that the County Planning Board will be asking the same questions about the definition and are going to have questions about the way the law reads now. The way it is wrote now is that a building can be taken completely down and not based on any definition of adaptive reuse. What are the intentions of the creation of this law or what was the purpose?

Dave said that the law originally was concerned with just the building, now it is spilt based on the building and the property. The density is limited to the underlying zoning, most of the properties are located in the R-1/4 zone, so if you have 1-acre you get 4 dwelling units, if you want more, they would have to go to the Town Board. In the old law there was no real limitation, there was no language to how many units you could have and now there is. Right now, if they want more units than allowed it would be \$20,000 per unit, it will also speak to some of the issues they had back then about coverage, if you are going to spend that much money, you are going to have less parking and maybe they won't spend that money, maybe that will incentivize more green space. Maybe the Town Board and Planning Board can find a way to build that into the law. This new law is stronger as it limits the applicant on how much they can ask the board for, which they didn't have before.

Larry said that there is good on both sides, he can see in some cases taking the building down, but don't change the footprint, but the good qualities should be brought back of the old building.

Sal said that is a good point, but what about the churches or the banks, like beautiful buildings that we don't want to lose? We don't want to see those ripped down.

Scott replied this is what we are authorizing the demolishing down to the footprint.

Sal said then something should be put in to protect the significant buildings.

Scott replied that is where he was coming from with the architectural or historical values. For example, the Methodist Church might go up for sale one day, does the board want to see that go away and put apartment buildings there? The intention of the law should be defined for the future boards.

Paul said that this would be subject to a special use permit so it could be something the board denies if there were some architectural guidelines built into the regulation, would that be helpful? What the board is balancing against is that you do want to provide some flexibility and to provide some incentive so, someone will come in and do something with these buildings and that is the balance. There are issues that could come up like you have mentioned.

Scott asked since it is a special use permit could the board institute those things, so if it did come across us could the board make them keep the architectural value of that building. In other cases, say we do want to see it knocked down.

Paul replied the board can deny a special use permit if it doesn't fit in with the neighborhood and if architectural sideboards around, then what happens to the reuse of the building or reuse of the property, it might be a little stronger than the special use standards.

Scott asked if any other board member had anything to add.

Franco said that the law should be tightened up as it seems kind of vague right now.

Motion to Adjourn.