

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, October 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

Attendance: Board Members: Scott McCarthy, Charly Long, Franco Zani, Gerry Marion, Larry Hammond, Carl DiLorenzo, Sal Cuciti, Lambros Violaris (alternate), Bill Meltzer (alternate), Lenny Auchmoody (Town Board); Board Staff: Dave Barton, Paul Van Cott (via Zoom), Andy Learn, and Sarah Van Nostrand

Minutes to Approve at October 27, 2022 meeting

August 18, 2022 & August 25, 2022

Scott asked for a motion to accept the minutes as amended.

Motion made by Franco, 2nd by Gerry.

All ayes motion passed to accept the minutes as amended.

Continued Public Hearings

Chavez Garden Center LLC: Amended Site Plan: 288 Route 299, SBL # 87.2-1-9.223

Applicant is seeking to convert Lakeside Licks to a garden center.

Review Status: Public hearing was opened on July 28, 2022. Updated site plan circulated to the board.

SEQRA Status: Type II

Potential action: Close public hearing. Approval resolution.

Scott asked for a motion to open the public hearing.

Motion made by Larry, 2nd by Sal.

All ayes, motion passed to reopen the public hearing.

Mr. Chavez (Applicant) gave a brief introduction of himself.

Scott asked if there were any staff comments?

Andy said that he would like to see something that delineates the parking spaces. There is a requirement to screen the parking lot, but since this is an existing lot, the board can waive the requirement. Would like to see the snow storage area indicated on the plans.

Paul said that a draft resolution has been prepared. The resolution does address the parking issue, it is not something that requires a formal waiver as you only need to require screening to the extent practical. Due to the prior use of the property, it would be appropriate for the board to forgo the need for additional screening.

Scott asked if the board was good to forgo the additional screening?

Board is all in favor.

Carl said that as a condition he would like to see the snow removal area.

Mr. Chavez said that he spoke with the engineer this morning and he said that where the snow will be place is close to the dumpster, so it doesn't take up any parking spots.

Scott asked for a motion to close the public hearing.

Motion made by Sal, 2nd by Gerry.

All ayes motion passed to close the public hearing.

Paul read the approval resolution.

Scott asked for a motion to approve the resolution.

Motion made by Franco, 2nd by Larry.

All ayes motion passed to accept the resolution.

Administrative Business

The Villages-PRRD SEQRA Review

Kelly (applicant's engineer) said that they have submitted a phasing plan on 1-sheet compared to 5 in the last submission. A comparison map was also submitted, this is primarily for the roads and the buildings. The map shows that they have placed the stormwater ponds underground to reduce visual impacts, removed houses and structures off of the steep slopes. They are working on the visual analyst that show the views from the same vantage points. Conor from PVE is here to talk about the soil remediation and answer questions. The contaminated soils will be used under the roads and athletic courts. The amenities in the ALF will include a wellness program, meal plans, medical office, laundry, home cleaning services, bus and car transportation. There

will also be courts for bocci ball, horseshoe pits, pickleball and sidewalks and walking paths. The clubhouse will include an indoor pool, card room, library, pool tables, exercise room, ceramics/art room, computer room, community kitchen, large event space, rooms for educational classes, a community garden that is outside, there will also be a small office for a doctor.

Carl asked when the excavation of the soil starts where do you plan to store all that soil and will the plans follow DEC guidelines?

Kelly replied that week she mentioned that they were going to place the soils in landscaping berms, but they have revisited that. They are going to take all of the soil and place it under the roads and courts, so they will be completely encapsulated.

Conor (PVE) said that placing contaminated soil under hardscapes is in conformance with DEC.

Andy asked what will happen if the roads need to be dug up?

Conor replied that the soil management plan is not just for the excavation of the soils, it is for the life of the project.

Kelly said that some of the roads will need a lot of fills, so they feel comfortable that these can be buried at levels below what would normally need to be excavated if they needed to. The soil mitigation plan will also address the removal and storage of that material and dust control. It will be similar to what was done for the other part of the project. That was highly regulated and monitored by multiple agencies.

Paul mentioned that the board should have memos from him and CPL with suggestions for additional materials that the board may need. He suggested that the board request information that will help with the SEQRA review, but also for its recommendations to the town board in regards to the PRRD. It's up to the board if you feel you have enough information to draft a determination or would you rather wait another month to get more.

Dave said that there is a fair bit of cut and fill on the site. The cut and fill that will fill the space where the contaminated soils come out, are you going to have to bring fill into the site? What is going in place of the bad dirt?

Ken (Civil Engineer from LRC) said that the site is an export site with some materials that needs to be exported from the property. As part of the phasing plan, it shows where these soils come out, they are not deep soils. They will come and it will prepare us to move material quickly to the next phase in to those areas to start grading those areas back up and come to subgrade for the future development. When they move the contaminated material out from certain areas on site, then they will start to move material from the non-contaminated areas that will have grade changes into those areas, to bring it up to grade and stabilize it as they go.

Kelly said that in this section the soil contamination is shallow, where as in the other site they had deeper contaminated areas.

Conor said that typical with metals and pesticides that contamination is normally near the surface. The deepest contamination they have in the PRRD section was 2-feet.

Dave asked as you are removing the soil and moving it are you pulling the soil out of phase I and taking good soil out of phase II?

Ken replied that the areas Conor has already tested and identified that are good and non-impacted material, they will take those and move them to areas where there was impacted soil material, where it can be encapsulated and not an area that will be gone back to. If they do have to go back to an area where there is impacted material the procedure will be laid out in Conor's soil management plan.

Conor said that when he was conducting the site assessment of the PRRD site, they did multi-depth sampling. Their goal was to get to a depth of soil that meets the residential use of the site. They have data that shows where the contaminants are and how deep they are, and that the soil below meets the requirements for residential uses.

Andy asked is there any sampling that takes place during the removal process or do you rely on the sampling done ahead of time?

Conor replied that they are relying on the existing data, but there is monitoring that takes place during the earthwork. They do community air monitoring to make sure that nothing is migrating off site.

Kelly said that they get a report at the end of every week, and that gets distributed to everyone involved at the same time.

Andy asked is there a beneficial use determination from the DEC for this or is it all based on guidelines?

Conor replies that it meets pre-determined beneficial use, based on the analytical and intended use of the material.

Andy said so there wouldn't be an official letter or anything regarding this?

Kelly replied that's correct.

Carl asked as you remove the soil and relocate it, do you mark the piles that you are moving, so you know which soil is good and which is bad?

Conor replied that it will be surveyed in its final destination, so when the ground is broken into that area, it is when the soil management plan comes into play.

Dave replied that is a good idea and when they are done with the site work, the town should have a copy of it.

Conor replied that there is also a physical demarcation layer as well. This way once you break through that layer you will know that it is contaminated soil and is when the site management plan comes into play.

Andy said it usually a layer of orange fence.

Conor replied it is normally something that will you catch your eye that it doesn't belong.

Andy said that they put it over the bad material and then backfill over that.

Scott said that they won't have to worry too much about, unless they have to break the road.

Kelly said that their plan is to bury the soil deep enough below the utilities, so if they need to fix a water or sewer line the soils would be below that.

Bill asked how is the scope of the project declining when 18 more units have been added? Is it because it was bigger before then?

Kelly replied that the original was much larger.

Andy said that his first comment was about the comparison map which was supplied. One thing that would be helpful in addition to the map would be to quantify especially for steep slopes the differences in the area of disturbance between the original and the current. The next comment is regarding the water and sewer, the sewer he has no concerns with, for the water he asked for evaluation of how the development itself would be served and how adequate water pressure will be provided. The plan is to serve the upper section off an 8-inch water line from Apple Ln., which based on testing appears to be adequate, but there is a lot of piping as it is a very large system. They would like to see conformation that the furthest sections of that system can be served.

Jim (a part of the applicant's team) said that they are in the process of fine tuning a model to address the concerns of that. Back in January of 2021 they did do fire flow testing on Apple Ln.

and demonstrated that there would be adequate supply for the PRRD. At this point they are just looking at a model to determine final pipe sizing and the configuration of the pipes.

Andy replied that they will need it before they can make any determinations. The next comment is impact on aesthetics which is being worked on. The next one is the soils management plan, which is also being worked on. He has no issue with traffic. A big one is the SWPPP, diving into that to make sure that all the requirements are satisfied in terms of water quality, runoff reduction, channel protection and peak flow. He mentioned that for impacts on land, that the steep slopes should be avoided and reduce steep slope disturbance as much as possible. One of the issues will be that in the original negative declaration, it talked about if you are disturbing steep slopes the disturbance should be less than 5-acres. With the cut and fill that you have it will be challenging. There is a certain amount of open space that needs to be preserved, he believes that it should be 10.2-acres, they want to make sure it is set aside in deed restrictions to keep it forever preserved. Lighting and noise there isn't a lot of information on and it is something that the needs for site plan, the lighting needs to be dark sky compliant, not over lighting the site and keeping glare down.

Paul said on the lighting there needs to be some comfort level for the board on that issue for SEQRA purposes.

Kelly replied that a full lighting plan has been submitted with all the details for the lights.

Paul said that they have received a letter from the DEC and feels that issue is resolved. There are a few other points from the original negative declaration that the board might want to consider which are consistency with the comprehensive plan and character of the community. Lastly there is the issue which the Town Board had asked the Planning Board to address which is to make sure that there is a plan for how affordable housing will be provided within the PRRD, including management of affordable housing to comply with the requirements of the zoning code. The applicant should make a commitment to provide affordable housing at the specified level and begin to sketch out how it would comply with the zoning code, using RUPCO who is contracted with the town to administer the affordable housing.

Bill asked will be subjected to a regulatory agreement for the affordable units?

Kelly replied she doesn't know if the town requires it or not.

Paul said that he doesn't believe so.

Kelly replied that if the board needs a commitment, then they will talk with John (applicant's agent) to figure out the format.

Scott asked does that include designated units?

Dave replied probably during site plan.

Kelly said with respect to the consistency with the comprehensive plan and character, they provided an analyst in the part III EAF, if there is additional information, she can supply that to the board.

Scott asked what is the time frame for each phase?

Kelly replied that total time would be about 24 months, she can provide more specific times for each phase next month. There will be a slight modification given the 5-acre steep slopes requirement specifically the phase in the back. That phase may be split into 2. They will get the percentage for the steep slopes, information on the water lines, impact on aesthetics, soil mitigation will be worked on, traffic has been addressed, SWPPP and some more information on the comp plan and community character.

Carl asked about landscaping between the houses?

Kelly replied that there is a detailed landscaping plan. They provided a full sheet with all the plants called out. They also took the full sheet and broke it into 5 sheets and they showed typical landscaping between each structure and what it would look like.

Ken said what they did because to complete such a detailed plan around each house it would make the plans hard to read. What they did was there is a set of details for each type of house/unit that is on the site, therefore rather than showing each one, it shows which type of unit would have what kind of landscaping around each one.

Kelly said that they will present that at the next meeting.

Larry asked about visitor and overflow parking?

Kelly replied that they can go over the parking count at the next meeting. There is more than enough on the site. Some of the houses have garages, and there are overflow parking spaces throughout the site. They also have a parking lot down on the bottom if there was a large event going on and will have cart services to shuttle them up.

Motion to Adjourn.