

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, December 1, 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, Carl DiLorenzo, Franco Zani, Gerry Marion, Larry Hammond, Sal Cuciti, Lambros Violaris (alternate), Bill Meltzer (alternate), Lenny Auchmoody (Town Board); Board Staff: Dave Barton, Paul Van Cott, Andy Learn and Sarah Van Nostrand

Minutes to Approve at December 1, 2022 meeting

October 20 and October 27, 2022

Scott asked for a motion to approve the minutes.

Motion made by Franco, 2nd by Sal.

All ayes motion passed to accept the minutes.

Public Hearings

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: Public hearing opened on November 17th.

Potential Action: Close public hearing, SEQRA neg. dec and Approval resolution.

Patti (applicant's agent) mentioned that at the last meeting the public hearing was opened and there were some comments from the neighbor. The property owner has been in contact with the neighbor to alleviate the concerns as much as possible. The main concern is that the property has been vacant and not well taken care of, hopefully this site plan will address most of those concerns.

Bill asked its take-out service only and has no seating area?

Patti replied that is correct, due to the parking the site has, will not allow people to sit there and eat. They cannot even stay in their car and eat, it's a maximum of 15–20-minute parking only.

Scott said that was addressed as the board was concerned with people standing and parking alongside the highway.

Franco said at the last meeting you were not sure if the hours were going to be until 10 pm or 11pm?

Patti replied she believes that the last meeting that the hours of operation listed on the map were acceptable to the board.

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

Dave went through part 2 of the SEAF.

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)?

None in the Town of Lloyd.

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 resolution.

Scott asked for a motion to accept the negative declaration resolution.

Motion made by Larry, 2nd by Sal.

All ayes, motion passed to accept the negative declaration.

Paul read the approval resolution.

Scott asked for a motion to accept the resolution?

Motion made by Charly, 2nd by Sal.

All ayes, motion passed to accept the resolution.

Administrative Business

Elm's Main Street-

Applicant is seeking a modification of conditions of approval resolution.

Patti (applicant's agent) said that the applicant has been working with their attorney and the town about the requirements with regard to the transportation corporation. It is her understanding that it was resolved because the sewer line is private and is not part of the municipal sewer system, that this could be achieved through an easement rather than a transportation corporation. She is seeking a revision to the conditions on the original approval reflecting that change.

Paul said legally a transportation corporation was the appropriate method for dealing even with private lines. Technically a transportation corporation is the best approach. They can achieve the same legal effect through an easement. By doing this it saves a lot of headaches and cost for the applicant, a lot of headaches for the Town Board as it would go to them. There are only 2-lines to deal with, so an easement will achieve the same goal. He has drafted an amended resolution with language that would make that change from the requirement from a transportation corporation to the requirement of an easement. The easement will be drafted by the applicant's attorney, the town will review it. He recommends that the board move forward with this change.

Dave said that he spoke with the applicant, it is his intention to separate the lines once the property is subdivided and sold. He has engineering in hand for the separation of the lines.

Andy said that separating the lines is the best option.

The board agrees.

Franco asked if they have the draft easement agreement in hand?

Paul replied that it would be a condition of the permit.

Patti said that Paul would have to approve it before the chairman could sign the plat.

Paul read the resolution.

Scott asked for a motion to accept the resolution.

Motion made by Larry, 2nd by Sal.

All ayes motion passed to accept the resolution.

The Villages-PRRD SEQRA Review

Kelly (a part of the applicant's team) said that they submitted a full package for the last meeting, which included technical reports, updated visual analyst and addressed the landscaping questions that the board had. There were some concerns from the engineer regarding the water, they agreed at the end of the meeting that the Developer's Agreement had been signed. There was a minor question about fire prevention, which she feels has been addressed. There were some discussions today about stormwater, but feels those have been addressed as well.

Andy said as far as water and sewer is concerned, they did receive an updated water and sewer engineer's report that detailed the water supply design for the project and confirmed that fire flow could be supplied to the project at the required flow rates and pressures, as well as domestic flow rates and is satisfied. He received a full SWPPP design and found today some minor issues that needed to be addressed, LRC was able to work with them and were able to send sketches over, which satisfied those concerns with the respect to the design of the stormwater management practices. He reviewed the sketches and is satisfied that the design standards have been met.

Paul said that the board has two things to do tonight. The first is to make a SEQRA determination and the second is to make recommendations back to the Town Board, that with respect to the PRRD. What has been drafted for the board's consideration is a negative declaration based on the discussions that the board had and the information that has been provided by the applicant, along with an approval resolution for the negative declaration, if the board is inclined to go down that path. He has also drafted a memorandum from the Planning Board to be signed by the chair, that would go to the Town Board that would provide the recommendations that are required by the PRRD regulations and there a resolution that would approve that memo and would require its transmittal to the Town Board. If the board approves the negative declaration and makes its recommendations back to the Town Board, the Town Board would then take up the application, it will not need to do its own SEQRA review because that would have already been done for that the Town Board deferred to the Planning Board to do

the SEQRA review. The Town Board would then focus on the application and the considerations that have been provided in the PRRD regulations and make a decision on whether or not to adopt a local law that would establish the PRRD as proposed, or perhaps as modified based on discussions within the Town Board. They will also have a public hearing on the potential adoption of the local law. If the PRRD is adopted by the Town Board, in order for the project to move forward it has to come back to the Planning Board for site plan review and as part of that site plan review the board will get into some of the more technical details that come along with the review of a project.

Dave said to make it easier on the board they have provided the original SEQRA determination. If the board recalls in the previous determination the areas of the part II where the board found moderate to large impacts could occur were in the impact on land, but perhaps it would be better if they went through the negative declaration by item to see if there are any changes or want to discuss.

Scott asked if there was going to be read through of the negative declaration?

Dave said that they could, but the question for the board is the proposed project significantly different than the original project and do the changes whatever they are amount in the board's minds that could result in a potential adverse environmental impact.

Paul said in the board's prior review under SEQRA, the board spent many meetings discussing it. The only question that the board flagged that could have a moderate to large impact was in regards to land and was primarily focused on slopes over 15%. As the board went through the part II there were other impacts identified, but they were all found to be no to minimal impacts. For example, visual impacts that would come along with a PRRD, but the board found no to minimal impacts. Same with plants and animals there were impacts, but they are no to small impacts. The question for the board is having reviewed the application are you still comfortable with the prior part II review or are there any other moderate to large impacts, that were not identified then, but you think should be identified now?

Carl feels that the impacts have been mitigated as much as possible.

Dave said if the board is comfortable with the previous part II in terms of the things that were selected. He would simply move them onto a blank part II and that would be the document attached to the negative declaration.

Board agrees that it will be done that way.

Scott asked if they should go through it?

Dave said it would be wise for the record to go through the main impacts. The board flagged construction on steep slopes was a potential impact, which he feels they have mitigated and Andy was working on stormwater today that was in the steep slope area.

Sal asked if there was a property line change? That would be a change and he know they have additional units.

John (Applicant's agent) said that the previous negative declaration he thinks the whole property was included, the 57-acres.

Sal said then the only change is the number of units.

John said correct and that is because of the affordable housing recommendation by the Town Board.

Andy and Paul went through the negative declaration.

Scott asked if the board had any other questions?

Sal replied that he has a few notes. Under community character there were previous discussions about ambulance service being impacted by the facility and possibly having the developer paying part of that cost. Under construction on slopes, he is not sure about the sidewalks they are 5% on the PRRD section and 10% on the plan, he is not sure the solution to that. He has a question about long term monitoring and maintenance of the performance of the stormwater measures, he thinks that is some kind of agreement?

Andy replied that is a standard stormwater management agreement that the town has for all projects with a permeant stormwater management.

Scott asked Sal if he wanted the applicant to answer his question on the ambulances?

John replied as far as the ambulance goes, the project is going to contribute to the tax base, so the taxes that are generated it will go towards the ambulance.

Bill asked don't you have one on site?

John said it was proposed at one time.

Dave said that he has discussions with the supervisor and Town Board members, related to the ambulance, the ones he has spoken with are in favor of them not supplying an ambulance. With

Mobile Life the way the contract is set up is the more calls they have the lower the cost to the town. The one he spoke with anticipate that Mobile Life will have more calls as this is a senior facility, they hope that the cost to the town will go down.

John said that the town asked them to not supply an ambulance.

Sal asked how many acres of forest are they taking out?

John said that it was in the EAF they supplied, but they don't know the number off the top of their head.

Kelly said there was no change between that project and this one.

Sal said under aesthetic resources on the east side of the site is going to get a 12-foot-high retaining wall across the front of the development it will be about 300-400-feet long. He doesn't feel it was addressed in the negative declaration. Under impact to transportation, it is not noted that there are more than 500-parking spaces. On the traffic report Macks Lane is noted at a service level F.

Kelly said with respect to the retaining wall and the threshold F, what is talked about in the negative declaration and SEQRA review is what has significantly changed from the last submission and neither of those have changed.

Carl asked if the traffic is a level F before or after the traffic light is put in?

Dave said he thinks it's F now.

Kelly replied that it is all in the traffic report and believes that the traffic light is an overall improvement to the project. Furthermore, that service level existing on the original SEQRA review and the impacts of the project remain the same.

Scott agrees.

Sal said that for community character he has that the houses for the PRRD are 5-feet apart.

Kelly replied in the code, there is a building code requirement that structure to structure are not 5-feet apart, but where you have structure to garage there are situations where they are 5-feet apart and all of those designs meet the building code.

Carl asked on the approval of recommendation interested agencies are mentioned, but doesn't think they are included in the recommendation. Is it necessary to include them?

Paul replied that they are listed in the EAF part I.

Carl said in the past he thought they were included in the resolutions?

Paul replied that they are in there, in the negative declaration.

Bill suggested that the negative declaration be attached to the memo.

Gerry asked if anything has changed with DOT approval?

Kelly replied that they are waiting for the final SEQRA decision before they can issue the final permits.

Scott asked if they have gotten any further with approvals from New York State related to the ALF?

Kelly replied no.

Paul read the negative declaration resolution.

Scott asked for a motion to accept the resolution.

Motion made by Franco, 2nd by Larry.

Roll Call Vote:

Larry-aye

Carl-aye

Charly-aye

Franco-aye

Scott-aye

Sal-nay

Gerry-nay

5-ayes, 2-nays

Motion passed to accept the negative declaration.

Paul read the recommendation and resolution.

Scott asked for a motion to accept the resolution.

Motion made by Franco, 2nd by Larry.

Roll Call Vote:

Larry-aye

Carl-aye

Charly-aye

Franco-aye

Scott-aye

Sal-nay

Gerry-nay

5-ayes, 2-nays

Motion passed to accept the resolution.

Motion to Adjourn.