

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, February 24, 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: Charly Long, Sal Cuciti, Larry Hammond, Gerry Marion, Franco Zani; Board Staff: Dave Barton, Paul Van Cott, Andy Learn, and Sarah Van Nostrand

Absent: Scott McCarthy, Carl DiLorenzo, Bill Meltzer, and Lambros Violaris.

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: CPL comments circulated to the board.

No Applicant.

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: Updated plans circulated to board.

Potential Action: Set Public Hearing for March 24, 2022.

Charly asked for a motion to set the public hearing for March 24, 2022.
Motion made by Gerry, 2nd by Larry.
All ayes, motion passed to set the public hearing for March 24.

Administrative Business

The Villages

Applicant is requesting a modification of conditions that need to be completed prior to the Chair signing the site plan.

Paul said that his understanding from the request from The Villages is that they are seeking to amend the approvals that were granted which required DOT approvals before the site plans could be formally signed by the Planning Board chair. Instead, what they are seeking is to have the DOT approvals be required before a Certificate of Occupancy can be issued. He has concerns about that because essentially at that point in time the assistant living facility could be fully built without first getting DOT approvals for the project, which includes the traffic light that was important to the Planning Board during their review. He thought that the applicant was seeking to defer DOT approval until before the building permit was issued and that is typically the way it's done. The risk that the board needs to consider is, if they were to grant the requested amendment that there could be a fully built nursing home standing on that the property without any DOT approvals for what is going on, on 9W. He feels that it is a significant risk for the town, it would put the code enforcement officer in a difficult position and the applicant would be proceeding at their own risk. He thinks it would be hard for the town to say no you cannot open your nursing because you didn't obtain DOT approval or that DOT wants something else. He requested that the board give staff another month to talk with the applicant to find some middle ground. He would recommend that it would be okay to change it to before a building permit could be issued, given the problems and delays applicants are facing with DOT.

Andy agrees with Paul as he also thought that it was before issuance of a building permit as well. He thinks it makes to make that change because he thinks part of the reason is that they were looking for this change is due to the fact that they have the site contractor on site now, doing work related to the remediation of the site and if they make this change, they can start site work, but not building work.

Charly asked if the board agreed to push this out another month?

Sal replied that he agrees to push it out another month. He would like Paul to look at the time line between the land acquisition versus DOT approval, it almost seemed in the correspondence that the real problem was the land acquisition was going to take a long time, so its not just DOT it's something besides that.

Franco said that the applicant is seeking to modify the two conditions was for the sidewalk on the DOT right-of-way and then there was the dedication to the state. The board also asked for correspondence and paperwork between The Villages and DOT was that received?

Dave replied that it was sent to the board.

Jesse (a part of the applicant's team) said that he wants to clarify to the board that the land dedication is not about acquisition, it is more regarding the sidewalk that is adjacent to their property, not across the street by the Mobil. There is no certainty that the sidewalk couldn't be built outside of the right-of-way, it's still under design, so if that is something that would have to happen then it could have that alternant timeline, not necessarily that it would.

Andy asked if the public hearing would have to be reopened on the project?

Paul replied that the board should be okay as it is a fairly minor amendment that is procedural in nature. In drafting any amended resolution, you want to make refence back to the prior SEQRA determination made by the board. It should be fine as long as the board is confrontable with the amendment and that there is no risk to the town.

Dave said what normally happens now is that the staff will meet with the applicant and come up with something that everyone agrees on, and will do that before next meeting and report back to the board.

Sal asked is it going to be a new resolution separate from the last one?

Paul replied that is probably the easiest way to do it, it would only be 1-2 pages as you won't have to redo the history and then attach that to the existing resolution.

Dave said that it would be filed with the Town Clerk and the two pieces would be joined.

Sal asked so the new resolution would only deal with this not the entire approval?

Paul replied that is correct.

Minutes to Approve

January 20, 2022 and January 27, 2022

Charly asked for a motion to accept the minutes.

Motion made by Sal, 2nd by Gerry.

All ayes motion passed to accept the minutes.

Motion to Adjourn.