

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, March 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

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

Minutes to Approve

February 17, 2022 and February 24, 2022.

Motion made by Franco, 2nd by Charly.

All ayes, except for Carl and Bill who abstained for not being at the meetings.

New Business:

**Mazzella, Frank: Special Use Permit for Timber Harvest: 18 Tricia Blvd.
SBL: 88.1-8-3**

Applicant (MJM Forest Products) is seeking a special use permit to selectively harvest trees at 18 Tricia Blvd.

Review Status: Application, site maps and timber contract circulated to the board.

SEQRA Review: Type II

Potential Action: set public hearing for April 28, 2022

Mike Sr. (applicant) said that he selectively harvested the property back in 1999, they cut the mature trees and some diseased trees and then let the forest grow up again. He wants to clarify that it is 8-acres not 9 as he took out the area for the house. Went to talk to the DEC on Tuesday, he met with people in wetlands and wildlife and they told him that there were no endangered species on the property and will be receiving that in writing in about 1-2 weeks. The wetlands are on the adjacent property, the property has no wetlands, but is in the buffer zone. He has a

biologist to delineate the wetlands. If there are any trees in the buffer zone, he would just leave them. Once he has everything in writing he will get the information to the board.

Scott asked has the application been refiled correctly?

Mike Sr. replied that he has not refiled and asked if that what he has to do?

Andy said that when they talk about disturbance its normally full land clearing. He doesn't think that is what the applicant is talking about.

Mike Sr. replied that they are planning on about 9 trees per acre. They don't do land clearing.

Andy said that even 8-acres seems high, as it is only selectively being harvested.

Mike Sr. said that there is an endangered species in the wetland, the Atlantic Sturgeon, but that's not going to pertain to them.

Andy asked when you spoke with the DEC did, they mention anything about bats?

Mike Sr. replied no, he was worried about the bat and a small frog, but neither showed up.

Andy said the tree clearing restrictions start at the end of the month if there are any bats.

HHH Property Management LLC: Commercial Site Plan: 24 Main St. SBL: #88.69-9-2.

Applicant is seeking site plan approval to install a 1st floor yoga studio with residential living space above.

Review Status: Application and plans circulated to the board.

SEQRA status:

Potential Action: TBD

Sean (applicant's agent) said that the owners would like to convert the 1st floor into a yoga studio, where the 2nd and 3rd floors would be the owner's primary residence and they would like to eventually add an apartment for their in-laws in the current office space. The apartment will be put in later on, they just want to get approval for it now than down the road. They plan on keeping the exterior the same for the historic nature, the only thing exterior they plan on changing is to improve the accessibility routes. They would like to put the ADA ramp in the

front of the building. There is an issue on the side of the building, there is an existing easement, which is a 3-foot sewer line and runs almost to the back of the property. Next to that is a water line and they do not know which property that is for, but they will look into what it serves, they don't think it is for this building, nor is a record of it be granted to serve a different property. On the other side of the building there is another right-of-way for the apartments behind, it is a 5-foot right-of-way for both adjoining properties. In terms of fire access, the ramp on the left side, would still provide pedestrian access, currently there is no vehicular access on that side. The code requires 3 parking spaces, 2 for the residence and 1 for the proposed apartment, none are needed for the commercial part as they are in the Central Business District. One parking spot can either be up against the building or it can be in the right-of-way. The owners would like to build a covered car structure in the back, with a separate entrance to the residency. The lot is only 60-foot deep which is non-conforming to the Business District Standards, it should be 100-foot deep. They will have to go to the Zoning Board to get relief for the car port. Right now, the entire site is paved and with the car port he feels there will be less impermeable surfaces.

Andy asked if a survey was done or if the lines were tax map lines?

Sean replied that they were tax map lines.

Andy recommended that a survey should be done due to the tightness of the lot. He has concerns about parking. The turning movements on the map are crossing parking space lines. Documentation of the easements needs to be provided and showing parking in the right-of-way is probably not a good idea. Also, the uses, number of bedrooms needs to be provided.

Sean said that because they want to occupy the 3rd floor a sprinkler system will be installed and will have 1 hour separation between the spaces. There will be 2 bedrooms in the house, and 1 bedroom in the apartment. They will also, eliminate the 2 unused side doors. The parking is tight, but they cannot create any more space as there is concrete walls on all sides.

Andy replied that is why they need a survey, so they can see just how tight the lot is.

Sean said that he will get one done as soon as possible. The only other thing that he didn't mention was the generator. It will be residential sized, either 10, 14 or 18 Kilowatts and it will be a Generac.

Andy asked if it will be natural gas?

Sean replied that yes it will be. He is meeting with Central Hudson tomorrow, to discuss routing as the gas line currently there is abandoned and a new one needs to be installed. This is the same issue with the water line on the side.

Franco asked if he has called the Water Department to trace it out yet?

Sean replied that he has not contacted them yet.

Franco said that he believes that it is water service for the building in the back.

Sean said that there is a sewer line there as well, but that is granted in a easement, the water line is not granted in an easement.

Franco asked where the sewer line goes?

Sean replied that it goes to the building on the left.

Sal asked what the extent of the permit is? Are these all-new uses?

Sean replied that they are all new uses and need site plan approval.

Sal said that he would like to see interior plans, so he has an idea on what the building is like.

Sal asked if the variance would be for the rear setback?

Sean replied yes, as there are no sideyard setbacks as they are in the business district. The building is a non-conformity, but the parking structure would encroach on that by about 15-feet.

Public Hearings:

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: Public hearing set for March 24, 2022.

Potential Action: Approval Resolution

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2nd by Gerry.

All ayes, motion passed to open the public hearing.

No public comments

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

Scott read the approval resolution.

Scott asked for a motion to accept the resolution.
Motion made by Franco, 2nd by Gerry.
Carl abstained as he missed the previous meetings. The rest of the board were ayes, so the motion to accept the resolution was passed.

Administrative Business

The Villages

Applicant is requesting a modification of conditions that need to be completed prior to the Chair signing the site plan. The applicant is also requesting an extension of the subdivision approval.

Paul said that the subdivision extension resolution was crafted because if the board does not extend the resolution for the requested 90-day period it will expire at the end of the month. The changes to the site plan resolution are still under discussion, between staff and the applicant. He proposes that the board hold off on discussion regarding the modification as the applicant is still gathering the information that the board requested at the workshop meeting. The subdivision extension resolution is simple it just allows an extension of the subdivision resolution for 90-days. There are 2 conditions left to be fulfilled which are the developer's agreement and easements need to be signed off on. Staff recommends to the board to extend the approval for 90-days.

Scott read the resolution.

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

The Views

Applicant is requesting an extension of site plan approval.

Paul said that the project was granted approval back in March of 2021, under the Town's Zoning Code that approval will expire after one year, if an extension is not granted, so the resolution in front of the board is for a one-year extension. The applicant is still waiting for DOT and DEC approvals as required by the conditions of the site plan. They are also waiting for the Town Board to extend the water & sewer and need more time. Staff recommends that the resolution in front of the board, granting a one-year extension be approved.

Scott asked for a motion to accept the resolution.

Motion made by Larry, 2nd by Franco.
All ayes, motion passed to accept the resolution.

Mazzella, Frank & Regina

Applicant is seeking an extension of their special use permit for their garage and accessory apartment.

Dave said that back on August 28, 2020, the Planning Board voted unanimously to approve the Special Use Permit for the accessory apartment because COVID got in the way everything stalled. They are looking to extend the Special Use Approval for another year.

Scott asked for a motion to extend the special use permit for another year.
Motion made by Larry, 2nd by Sal.
All ayes, motion passed to extend the permit another year.

Other Discussions

Draft Cannabis Law

Sal suggested that the buffer zone be smaller or in a case-by-case basis the Planning Board should have the option to lower the buffer area. The license should be obtained before approval. The stock should be removed before licenses runs out. He doesn't know if they were going to allow any growing or not.

Bill said that in the draft it said that should be no delivery from site, but he doesn't see why there would be an objection to that. Sending it to people who need it delivered as opposed to driving into the site. The proposed law mentions both retail and lounges, but it doesn't really mention lounges, so some language should be added stating if they are allowed and where they will be.

Scott said his comments were that the buffer should be increased. He also added that areas of worship should be buffered. Those are state mandates that were already in place. Towns can make a law more restrictive than the state, but not less.

Franco said that he likes the 500-foot buffer. Do we know what zones are going to be allowed? The problem with the 1000-foot buffer is that from Tillson Ave to the fire house is 1000-feet, and there is a daycare across the street. If you go the other way on 9W, you have step-one, so if you take that 1000-foot and drew a circle around it, it knocks out a lot of places. As far as lounges keep them up on the other side of 299.

Scott asked what is a lounge? Do they just bring their own stuff and just use it there?

Franco replied they buy and use there.

Scott said that most of these are very secure. Another board member mentioned one they hear about when people go in there, there is a screening room, before even entering the facility, where you have to show ID.

Carl asked if under New York State law they were allowing lounges?

Bill replied yes, both retail and consumption places, some places are even talking about allowing edibles.

Dave said that there was discussion about lounges being allowed in any zone that allows adult use.

Gerry asked what about at Town Parks would it be allowed?

Dave replied smoking is not allowed on any town property. After Bill's comments he added that the rail trail is exempt from a place where children gather because if you buffer that 500-feet it would take out the entire Gateway zone. He could add there is to be no consumption on Town property.

Carl asked if there is an age restriction?

Bill replied that you have to be 21 years old to be a customer. Is the limit of permits 3, per legislative district?

Scott replied yes that is what it was.

Bill said that the Town would get like 1 at the most? In the draft law it states that the facility cannot be within 500-feet of another, but that's not going to happen.

Dave replied not yet.

Scott said laws change, and it is going to start with 3, it may end up being 20. Once one town starts making money, another town is going to want in. It is like 4%, right?

Dave replied that if the town got one, they would get the lion share of the tax revenue, that the county would normally collect. Right now, the county collects all the taxes and then distribute it based on population. Any town that gets a dispensary that town would get most of the tax revenue.

Scott said that he can see this growing, so its better that the town is proactive to get a law into place now.

Dave replied that most of the law was taken from Massachusetts that already has laws in place.

Franco said that the town should look into farming, as years ago the cash crop used to be apples, but in the future, he thinks it could be marijuana.

Andy said if this a potential money maker for the town, maybe the buffer between lounges and dispensaries be defined. It may be more desirable to have a dispensary.

Dave replied that the town has already decided not to encourage it, but to allow it. The only zone that the town will allow lounges is the upper end of town in the Light Industrial Zone. Dispensaries would be in the Gateway Zone, some GB, some DB. There was talk about the Highway Business District, but they are up against residential uses, so more will be discussed about that.

Bill said that he thought the hamlet was out?

Dave replied that the hamlet is out because of Step-one and the church.

Motion to Adjourn.