

**REGULAR MEETING MINUTES**  
**TOWN OF LLOYD PLANNING BOARD**

**Thursday, June 23, 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: Franco Zani (Acting Chair), Larry Hammond, Carl DiLorenzo, Gerry Marion, Sal Cuciti, Bill Meltzer; Board Staff: Dave Barton, Paul Van Cott (Via Zoom), Andy Learn, and Sarah Van Nostrand.

**Absent:** Board Members: Scott McCarthy, Charly Long, Lambros Violaris.

**Minutes to Approve at June 23, 2022 meeting**

May 19, 2022

Motion made by Bill, 2<sup>nd</sup> by Sal. All ayes motion passed to accept the minutes as amended.

May 26, 2022

Motion made by Bill, 2<sup>nd</sup> by Gerry. All ayes motion passed to accept the minutes as amended.

**New Business:**

**Rodeway Inn & Suites: Commercial Special Use Permit: 660 Route 299, SBL # 87.1-3-2**

Applicant is seeking a site plan and special use permit to install roof-mounted solar. The solar arrays will be mounted on the northwest and southeast facing roof planes. The total area of the combined arrays is to be approximately 5,909 square feet. Due to the location and 4-degree roof pitch, the flush mounted panels will have minimal impact on the visual character of the area.

Review Status: Application and plans circulated to the board.

SEQRA Status: Type II

Potential Action: Board to possibly set public hearing for July 28, 2022.

\*No Applicant\*

Franco asked for a motion to set a public hearing for July 28<sup>th</sup>.

Motion made by Larry, 2<sup>nd</sup> by Sal.

All ayes, motion passed to set the public hearing for July 28<sup>th</sup>.

## **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: Application and plans circulated to the board.

SEQRA Status: Type II

Potential Action: Board to possibly set public hearing for July 28, 2022.

Juan (applicant) said that he included a plan for the new sign. The sign he is proposing fits all the regulations for the zoning code. He has included some rough drafts and the design of it. He is looking at either a concrete or brick pattern for the base. He would like to use wood to be the main design and layout of the sign. He is proposing lights to be on both side of the sign, but if it is not allowed then he will only put the lights on one side. The draft shows the height and size of the sign. He is open to any suggestions that might benefit the town or the highway next to it.

Paul said that a public hearing could be set for July 28<sup>th</sup> if the board is comfortable with what has been received.

Andy said that there doesn't appear to be too many changes to the site, but according to the town code a site plan has to be prepared by an engineer or a land surveyor. They would need something like that for the next submission.

Sal said that he thinks a site plan could be done by an architect as well.

Dave replied that a site plan can be done by an engineer, architect or surveyor.

Franco asked if they could move this to a public hearing or do they need a signed map first?

Dave said that he agrees with Andy that a site plan has to be done by a licensed professional. The septic design was found for Lakeside Licks and has been circulated. The sign is nothing but an improvement to the site. He is not sure what difference a site plan that is done by a professional will show than what is only in front of the board.

Franco asked what does the board think about that?

Sal said that it is on the applicant if they can get the information needed or not.

Carl suggested that the board could refer to the 2005 site plan.

Juan asked what permits would be necessary for the blacktop parking?

Franco replied none.

Andy said that it would be part of the site plan approval.

Juan said that it would have to be the whole area and just the apron, correct?

Andy replied yes it needs to be the entire parking area. Minimum would have to be at least the ADA parking spaces and the route to the building to comply with the ADA requirements.

Paul mentioned that the Planning Board can grant waivers for site plan submission requirements.

Bill asked Paul what is he referring to?

Paul replied that under the zoning code, the Planning Board has the discretion to waive any of the submission requirements for a specific site plan. If the board has enough information the board could limit the necessity of having engineer design. He doesn't want to sway the board, but is just throwing it out there as this project is just a reuse of an existing building.

Dave said that they have the whole site plan and can send it around. If the board was comfortable accepting that with the modifications. As the applicant is not making any changes to the building or to the walkway, he is just taking the mini-golf and the ice cream out.

Carl asked if this would be a conditional approval based on CPL's comments and the board's comments?

Dave replied that the board can waive any of the site plan requirements. Andy is correct in pointing out that 100-53 says design professional. He is leaning towards Paul's thinking as the applicant is not changing anything to site except the use.

Andy asked what triggered the need for site plan review?

Dave replied significant and substantial change of use.

Andy said that's it?

Dave replied ice cream to a garden center, so he expects more larger vehicle traffic into the garden center.

Andy said that he doesn't disagree, if the applicant is not making many changes to the site.

Patti (surveyor) said that the board wouldn't be waiving the requirement for a plan being prepared by a professional because they have it.

Andy asked if the septic design plan was the site plan?

Dave replied that there is a whole site plan, building, signage, and parking requirements.

Andy said that if there is an existing site plan then it's good.

Sal said that they really shouldn't be taking a site plan done by a professional and modifying it, without there permission.

Andy said that he agrees by isn't sure if any modifications are required.

Sal mentioned that the ADA parking and paving may not be on the original and feels that the board shouldn't accept a site that has been modified by anyone other than the preparer of the site plan.

Andy agrees that it is wrong.

Dave said that the only modification not shown would be the paving and that doesn't have to be shown, but it could be added to the approval.

Carl said as part of the condition.

Dave said that would be one way. He mentioned that in the beginning of the process that it was slated to be a preliminary review and go from there with what the board needed. As he normally doesn't let anyone come before the board without a professional site plan, but because this was an already built out site and all he is doing is replacing holes with plants, but it is up to the board.

Franco asked what they thought?

Carl said that he is good with it.

Sal said that it is okay, just don't take the engineer's plan and mark it up.

Franco asked for a motion to set a public hearing for July 28<sup>th</sup>.

Motion made by Carl, 2<sup>nd</sup> by Larry.

All ayes motion passed to set the public hearing for July 28<sup>th</sup>.

### **Old Business:**

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

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

Review Status: NYS Historic Preservation Office letter circulated to the board.

SEQRA Status: Type II

Potential Action: Board to possibly set public hearing for July 28, 2022.

\*No applicant\*

Franco asked for a motion to set the public hearing for July 28<sup>th</sup>.

Motion made by Larry, 2<sup>nd</sup> by Bill.

All ayes motion passed to set the public hearing for July 28<sup>th</sup>.

### **New Public Hearings:**

#### **Elms Main Street LLC: Commercial Subdivision and Lot line Revision: 41-43 Main St. SBL: #88.69-2-31**

The applicant is proposing a two-lot subdivision of a 0.95-acre parcel of land located at 41-43 Main St. Currently the lot contains 2 apartment buildings and a laundromat along with parking. The parcel is serviced by municipal water and sewer. Proposed lot 1 will be a 0.53-acre and will include the 2 apartment buildings and parking. Proposed lot 2 will be 0.42-acres and will include the laundromat and parking. Also, proposed is a lot line revision between lot 2 and the Town of Lloyd. Lot 1 and 2 granting and reserving an easement for parking and right-of-way for ingress and egress. No new improvements on either lot.

Review Status: Abutter letters have been sent out and legal notice has been published in newspaper. Public hearing has been set for June 23, 2022.

SEQRA Status: Unlisted Action

Potential Action: Open public hearing.

Franco asked for a motion to open the public hearing.

Motion made by Gerry, 2<sup>nd</sup> by Bill.

All ayes motion passed to open the public hearing.

Patti said that she has submitted the parking and sign easements and also the sewer easement for any portion of the laterals that may extend from lot number 1 to lot 2 to the Town Board. At last weeks meeting the board determined that it was best to leave things buried and because they don't know how many laterals there are they decided an easement was best, the distribution box is located on the southeasterly side.

Paul said that he has prepared both a SEQRA resolution and an approval resolution. The approval is a conditional approval as there are CPL comments that still need to be addressed. The transportation corporation needs to be approved by the Town Board. The easements also need to be looked at and approved before the final plat can be signed. The conditions on the approval resolution are standard and if the board is okay and closes the public hearing they can go ahead and consider the approval resolution.

Andy said that without uncovering the leach field it is hard to determine where it is located. Would it be possible to add a note to the plans that provides an easement over lot 2 for the leach field or a note that if it fails in the future that building has to be connected to the sewer.

Patti replied that both have been handled. Note 12 says that building number 2 on lot 1 has an individual septic system that will be pumped regularly, and if the septic fails it will have to be connected to municipal sewer. In addition to that in the easement that is being recorded it says also, lot 2 grants to lot 1 an easement for the maintenance and repair of any existing septic laterals that may extend onto lot 2, it does not include the right to expand or extend the septic system servicing apartment building 2.

Andy asked is that in the easement?

Patti replied that is in the easement document itself.

Sal asked if comment number 3 from CPL regarding the rear setback is that going to be conditional to some future resolution?

Andy said that he made the comment that the setback doesn't meet the current code. He doesn't know if the ZBA has to grant a variance or if it something that the board can grant.

Patti asked which setback?

Andy replies that for lot 2 the rear setback doesn't meet the minimum requirements.

Patti replied that's because its pre-existing non-conforming. In the town code it provides that a non-conforming lot can be made more conforming, but you cannot make them less conforming without ZBA approval.

\*Section 100-17 (D) of the town code was read.

Dave said that he agrees with that. If you are calling the municipal parking lot the rear then, the building is actually over the line. They are doing a land swap with the town, which makes this lot less non-conforming.

Franco asked for a motion to close the public hearing.

Motion made by Bill, 2<sup>nd</sup> by Carl.

All ayes, motion passed to close the public hearing.

Dave went through the 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 impact.

2. Will the proposed action result in a change in the use or intensity of use of land?

Board agrees no impact.

3. Will the proposed action impair the character or quality of the existing community?

Board agrees no impact.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

There are 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 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 impact.

7. Will the proposed action impact existing: a. public/private water supplies? b. public/private wastewater treatment utilities?

Board agrees no impact.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

Board agrees no 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 impact.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

Board agrees no impact.

11. Will the proposed action create a hazard to environmental resources or human health?

Board agrees no impact.

Paul read the SEQRA negative declaration resolution.

Franco asked for a motion to accept the negative declaration.

Motion made by Larry, 2<sup>nd</sup> by Sal.

All ayes, motion passed to accept the negative declaration.

Paul read the approval resolution.

Franco asked for a motion to accept the approval resolution.

Motion made by Carl, 2<sup>nd</sup> by Sal.

All ayes, motion passed to accept the approval resolution.

## **Administrative Business**

### **The Villages**

Applicant is requesting a 90-day extension of the subdivision approval.

Franco asked for a motion to approve the 90-day extension.

Motion made by Larry, 2<sup>nd</sup> by Bill.

All ayes, motion passed to approve the 90-day extension of the subdivision approval.

Paul read the resolution.

### **Motion to Adjourn.**