

WORKSHOP MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, January 20, 2022

CALL TO ORDER TIME: 5:32pm

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: Scott McCarthy, Charly Long, Gerry Marion, Larry Hammond, Sal Cuciti, Franco Zani, Lambros Violaris, Lenny Auchmoody (Town Board); Board Staff: Dave Barton, Paul Van Cott, Christian Moore (CPL) and Sarah Van Nostrand

Absent: Carl DiLorenzo and Bill Meltzer

Minutes to Approve

December 2, 2021

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: Updated plans and memo received and circulated to board.

Potential Action: None

Patti (applicant's agent) mentioned that back in August she had received comments from the Planning Board regarding landscaping, truck turning movements, and some engineering that needs to be completed. In the fall DOT stopped accepting applications because they were going to change their application process, but the rollout is now being delayed, so she needs to find out what needs to be done to proceed with DOT. She has met on site with DOT and they gave the conceptual approval for the egress and ingress locations and the one way in, one way out. The plans have been revised to include the paving. She mentioned that they also have to dial down details on ADA compliance regulations. Also, added a chain-link fence to the site plan for when

the site is not in use as there was concern about people parking there overnight. It will be closed off, but not closed off to the point that if someone had to get off in an emergency, they would be wrecking their car trying to do so.

Dave said that some of the lighting levels in the north end of the property look to be up around a 2 and assumes that is candle power, so he would like to know what it would be at the property line. His concern is light spilling down the hill.

Patti replied that she would talk with Selux as she sees the concern about light spilling onto the Lumen Lane properties. Another issue with the lighting plan is that they say page 1 of 4 and 2 of 4, she was only given pages 1 and 2.

Dave replied that the other 2 pages might have the cut sheets that CPL was looking for. He said that he didn't see a note about what the hours of operation were going to be?

Patti replied that they have down 6am-11pm, 7 days a week, but isn't sure what kind of food trucks they will be getting in there, hopefully some will be serving breakfast and some will be serving later in the day. She doesn't know if there will be any staying until 11pm as it is late.

Christian went over CPL's comments. He would like to see a more conditional approval from DOT before site plan approval. Would like to see at least a letter stating that DOT is okay with the locations of the entrance and exit. Confirmation that all travel surfaces would be paved and the only gravel is going to be the truck parking areas. Would like the parking spaces to be looked at and shown on the plan what is being used to denote where the spaces are. Parking spaces should be revised to be at least 20 feet in depth on the narrowest side. Would like the plan to show all construction details for all ADA walkways, surfaces, parking spaces. Newly proposed walkway aisle widths should be added to the plan, include any ADA compliance requirements. The signs on the site should conform to the zoning requirements. He had a question on the installation on the outflow pipe on the east side of the property, and if there were any know erosion issues or concerns, as they are proposing the installation of a 12-inch pipe, it looks like it includes DOT drainage across the site.

Patti replied that she will have to check with the engineer.

Christian said that there were questions about the lighting plan, pages 3 and 4 that are missing. Proposed foot candle intensities should be dimmed to a more suitable level, town code requires parking areas to have an average of one foot candle or less, the average intensity for the plan submitted is between 5- and 6-foot candles. Property lines need to be identified to be sure that no more than .25-foot candles trespass is going to happen. The light at the north end seems to not conform to that. Cut sheets for all lights need to be provided, and all lights have to be dark-sky compliant. He also wants to know how the lights are to be mounted.

Patti replied that she believes that the client has not made a decision, Selux has given him 3 different options. Once a decision is made, she will make sure that everything is submitted.

Christian said that he noticed that some of the light pole locations are close to edges of travel, so they might want to have a concrete base about 2 feet high to protect the light pole or set them back a little bit, so they are not hit by vehicles.

Sal asked if there is a transformer on the pole or just a meter?

Patti replied that there is no electric service at the site now. The plan is to have an overhead utility pole place on the site coming from the westerly side of 9W. Then the service to the food trucks would be underground.

Sal said that if there is a transformer it should be shown on the plans. If there is a panel and a meter that should be shown.

Patti replied that Central Hudson determines that afterwards. She asked Sal what is his concern?

Sal replied that if there is a transformer it needs to have ballers. He knows that it could change, but would like to know.

Scott asked even if it is secondary coming down are they going to have separate utilities for each truck or will there be a separate meter for each one or how is that going to work.

Patti replied that utilities are going to be included in the monthly pad rental fee for the food trucks. The applicant is going to have one service that will power all the lights and the food trucks.

Scott said it is basically landlord use. If it was a distribution panel the board would need to know how it would be protected and or hidden from the road.

Dave asked Patti if she was going to get the board the detail on the distribution board that will house the meter and service panels?

Patti replied that she would reach out to the estimator, who will then meet with Central Hudson. Hopefully they will be able to give her a rough plan.

New Business

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: Application and plans circulated to board.

Potential Action: none

Nathan (applicant) mentioned that it is a 2-bay garage when he moved here in 99' it was on the deed that the 2nd floor was heated living space. Since then, he has done some renovations to it and would like to make it a legal apartment. The garage is structurally sound and the building itself is about 80 years old. The house is about 100 years old. The apartment is for his daughter and grandson to live in, but would like to make it legal.

Scott asked how many bedrooms is it going to be, two is what you are saying?

Nathan replied no one bedroom.

Scott asked if the storage space could be used as a bedroom if you ever decided to sell it?

Nathan replied that he supposed it could be, his grandson would be sleeping in there. If he would have someone sleeping in the storage area an egress window would need to be put in.

Scott said you are making the storage area a 2nd bedroom then?

Sal said that he doesn't even know if the code allows two bedrooms in an accessory apartment.

Scott replied that it is not allowed.

Nathan said that he'll just make it a one bedroom.

Scott said that he is worried that the storage area will become a 2nd bedroom as soon as the special use permit is granted.

Nathan said that he does see the board's concern. He asked what if he takes out the partition between the living and storage area?

Dave said the way the code reads is that the board has to be satisfied that the other space cannot be used in some way or reconfigured as a 2nd bedroom. He thinks if the partition is removed, in his opinion it would satisfy what the code requires. It is up to the board to decide if it is enough.

Scott asked if elevations were included?

Dave showed the elevation, and said minus the extra space this project is a textbook example of using a secondary structure (the garage) for an accessory apartment.

Scott asked how did this get by as an accessory apartment; did this have a special use permit in the past?

Dave replied that there is no record of when the heat was put in. Right now, it is a legal non-conforming structure in the back, but it does conform to the sideyard setbacks which the code requires.

Nathan said that it is more of a carriage house than a garage. It is all cedar siding; it has never been done over in vinyl siding. On both the house and garage he stripped all the paint off and it is now all back to what he considers original.

Paul asked Nathan if he had any kind of history of when it was made into an apartment?

Nathan replied that the previous owner used to have poker games on Friday nights in the heated space in the garage, which was electric heat. From his experience as a contractor when he took it apart it looked to be from the late 60's early 70's, but that's a guess.

Paul asked if there was a kitchen or a bathroom in there at time?

Nathan replied that there was not.

Sal asked how the board was handling this, just as an application like it is being built right now?

Paul replied that is correct.

Sal asked if there was town water and sewer there?

Nathan replied that is correct.

Dave said that they checked lot size and he is good to go there as well.

Gerry asked does he have to take the wall down if there is a closet there?

Dave said the problem is that a bedroom is any space that has a door that's how the code reads. Even if it wasn't a closet that area could be converted to a bedroom which is what the code is saying.

Nathan asked if he could just make the opening larger, so a door cannot be put on as that wall is structural.

Scott said that the code reads if a door can be put on then it could be a bedroom, so if you can get the architect to get the plan to comply to the code that is where the board is at.

Extended Public Hearings

Stewart's: Site plan review: 3733 Route 9W: SBL: 96.9-1-33.100 in Highway Business District

Applicant is proposing a new typical Stewart's Shops convenience store (3,850 sq. ft.) with self-service gasoline.

SEQRA Status: Type II

Review Status: Public hearing was opened and extended. Updated plans circulated to board.
Potential Action: None

Tyler (applicant) mentioned that they are working on the comments from CPL. He is still waiting to hear from DOT and there were no major changes to the site plan.

Christian said that the County DPW will need approval from DOT for the Chapel Hill Rd. ingress and egress. Ulster County Department of Health approval will be needed for the proposed water and sewer, which can be a condition of site plan approval. Provide documentation from the Ulster County Clerk's office showing the combination of the 3 parcels, which can also be a condition. The project is outside the Town water and sewer district, the Town Board has authorized the preparation of a map, plan & report to extend it and the reports have been submitted to the Town Board. They have some questions regarding the easements, the proposed landscaping along 9W that is near the water and sewer manholes and are asking that a note be made on the plan indicating that the Town has no responsibility to maintain or repair any landscaping that is damaged or displaced as part of that construction or through maintenance activity. This language should also be included in the easement agreement that will be filed. The shade tree should be moved away from the sewer main. An easement with the neighboring property is needed with the landowner to the south and should be indicated on the plans. Grease sampling manhole should be labeled on the plans. The pipe being used for the sewer main should be discussed with the water & sewer administration and constructing plans should be included. Separation of water and sewer crosses should be indicated on plans.

Paul said his only question would be is the board ready to consider a decision on the project at next week's meeting and if so, would the board like a draft resolution made.

Dave mentioned that it would be a fairly lengthy conditional approval if the board decides to do that. There are several things, just last night the Town Board set a public hearing for the map, plan & report for the water & sewer district extension which won't happen until February. Along with the CPL comments and DOT approval.

Scott said he has no issues with a draft conditional approval being drafted. At this time, he feels that the board is not looking for any more information, it is just engineering at this point.

Paul replied he thinks that accurate. Drafting the resolution will allow the board to see the list of conditions and their comfort level, whether to continue the public hearing and hold off until February or to close it and make a decision.

Charly said that he was good with a drafting a resolution and seeing the conditions.

Gerry said yes to drafting a resolution.

Sal said to draft a resolution, but if there are too many conditions to hold off on approval until February.

Larry said that he would like to get as much taken care of as possible before voting.

Franco said the only concern he has is that the easement is contingent on the two property owners coming to agreement. He asked Tyler if that has been done and ready to be filed?

Tyler replied that they are in the process of working with the property owner, and it seems like everything is good to go.

Dave said the property owner is onboard with the easement even if he doesn't connect to it.

Franco said as long as the easement is good to go, he is ready to move on with the project.

Lambros said that they should get as much information as possible and see where it goes.

New Public Hearings

Mountainside Woods: Lot Line Revision: 20 and 22 Emerson Terrance: SBL: 87.21-3-24 & 87.21-3-23.

Applicant is seeking a lot line revision for the purpose of meeting setbacks.

SEQRA status: Unlisted

Review Status: Application and maps circulated to board.

Potential Action: None

Scott said one thing got shifted so now they have to shift everything else?

Dave replied that is part of it, the other part is that some people want a different style of house and they have to shift the lot lines to make them fit. They also back 10 years were not expecting to have as many models as they have now.

Scott asked if the models are any different now than when they were 1st presented?

Dave replied yes, a little bit and they have evolved.

Scott asked why the board was not reviewing the different models or do they not need to?

Dave said the board doesn't have to, the Planning Boards role there was a subdivision which is done.

Sal said so if a buyer wants a certain model the board is just going keep to see these applications.

Scott asked how many empty spots are left?

Dave said that they are well into phase 1B, there is maybe 15 left.

Scott said so we could see them at least 7-8 more times?

Dave replied at least for 1B, then they will move to phase 3, which is the biggest one.

Motion to Adjourn.