

WORKSHOP MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, November 17, 2022

CALL TO ORDER TIME: 5:30pm

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 (came in at 5:47pm), Lambros Violaris (alternate), and Bill Meltzer (alternate); Board Staff: Dave Barton, Christian Moore, Paul Van Cott (via Zoom), and Sarah Van Nostrand

Minutes to Approve at December 1, 2022 meeting

October 20 and October 27, 2022.

Old Business:

180 South Street LLC: Commercial Site Plan: 180 South St. SBL: #87.3-5-14.

The applicant proposes to construct a 24,196 sq. ft. building addition keyed onto the west, east and south axis of the existing structure along with a loading area containing 4 loading docks at 180 South Street. The proposed use is allowed in the A zone and requires site plan approval and a special use permit. The applicant is proposing to rehabilitate the structure, construct a building addition with site appurtenances and increase roof height to increase distribution center operation productivity. No changes to the remaining principal access points are proposed. No new water or sewer services are proposed.

Brian (applicant's agent) said that the last time they were in front of the board was back in April and that was after they were granted the variances needed to appear back in front of the Planning Board. A couple of weeks ago they did submit a full engineering package to the town. The plans should address most of the comments that were contained in the letters from CPL.

Dave said that a full package was submitted, the board received the updates to the plans. He said that the board can ask questions now, or wait until next meeting to unpack it. He is not sure if CPL has had time to look at it.

Christian mentioned that he needs a letter from DOH regarding the sewer demand. A stormwater access and maintenance agreement will be needed, a draft one was submitted the language looks acceptable, but input is needed from the town attorney. A flood plain development permit will be needed for the work within the regulated flood plain. A lighting and landscaping plan needs to be submitted. They also need to supply written approval from the property owner to remove the concrete pad and restoration of that area that is off site. Signage should be placed to show the one-way circulation. They have a number of comments regarding grading and drainage. For the retaining walls, the tops and bottoms of them should be shown, for walls over 48-inches in height they will be requiring a detailed design by a licensed engineer. There is a wall shown near the propane tanks that appears to be about 4-feet in height which they need verification that the wall will not hinder access for filling the propane tank. There are a few comments regarding the SWPPP, specifically regarding redevelopment credit and to make sure all peak discharge rates are pre-development or less.

Paul said that it doesn't sound like the board is ready to schedule a public hearing yet.

Charly asked about the current fire suppression system?

Dave replied that the fire suppression system is currently the fire department.

Brian said that they are currently working through what is going to be stored in the warehouse, and if fire suppression is required, whether it is underground utilities a tank either above or underground, a pump system, will be shown on the plans.

Scott asked if the fire department has received this?

Dave replied not yet.

Franco asked if there will be a sprinkler system or at least a FDC connection? He asked since this building used to be Plasmco is the original building sprinkled?

Brian replied no.

Franco asked would that be doable?

Brian said that if that is required it will be shown on the plans and they would consult the fire department for what will be needed.

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 set for November 17th.

Potential Action: Open Public hearing, close public hearing, SEQRA neg. dec and Approval resolution.

Patti (applicant's agent) said that the only changes to the plans were that she added the light cut sheets and their locations on the plans. She mentioned that they reduced the impact down to 4 mobile food trucks. She has submitted approval from DOT in regard to the access.

Scott asked for a motion to open the public hearing?

Motion made by Carl, 2nd by Bill.

All ayes, motion passed to open the public hearing.

Christian said that they are good with it as long as DOT signs off on the two entrances.

Fred (3450 Route 9W) said that he is opposed to the food trucks as there is too much garbage now. He is also concerned about traffic and that vehicles may block his driveway due to parking on the shoulder or waiting to enter the site.

Patti replied that she understands his concerns and that is why there is a fence proposed along the highway, there will be no parking along the highway, they are asking DOT if they can place no parking signs. With the site being utilized it will be gated off when not in use, so people won't be able to access it. By having it open for business and have proper refuse containers, they are hoping that it will clean up the site.

Fred said that there are weeds from this property overtaking his fence and is tired of trying to cut the weeds away from his fence. The weeds are overtaking his entire property.

Patti replied that there are evergreens proposed along the fence line, just north of the pool on the neighbor's property, to try to provide a better buffer for him.

Harry (property owner) said that he is trying to find local restaurants that want to open up food trucks. His intent is to keep it as an upscale food truck process. The businesses on Lumen Lane asked him to put in a coffee truck as there are none around.

Carl asked if hours of operation could be established?

Patti replied that right now the hours of operation are listed as 6am-11pm. Some of the food trucks may want to serve breakfast in the morning, some might serve later in the evening. The trucks might not be there the whole time, but it gives flexibility for different kinds of foods and they probably won't all be open at the same time.

Sal asked is it bollard style lighting or is it overhead?

Patti replied there are three overhead pole lights at 18-foot mounting height and then additional the bollards and were submitted in the lighting plan.

Paul said that if the board wants, he can draft a resolution of approval, that the board can adopt on December 1st.

Lambros asked if there are 4 trucks at any given time is there going to be a rotation, for example if a truck is not serving at a given time are they expected to leave the premise?

Harry replied that he plans on them staying on a monthly contract as a lease. He is going to be a landlord to the food trucks. He hopes that they will either stay there or come back on a daily basis.

Lambros asked what his expectation is of the food trucks whether open or not at any one given time?

Harry replied maybe one or two, maybe four at one time, he doesn't really know.

Sal asked if this is just a site plan review and not a special use permit?

Dave replied he thinks it's just site plan.

Sal asked if hours of operation are a part of site plan review?

Dave replied yes.

Bill said that there are not many places to eat after 8:00 or 9:00 at night in the town, this would be another option if they are open after 8.

Administrative Business

Silver Gardens- Subdivision extension request

Mr. Gerentine (applicant) said that Justin (applicant's agent) submitted a letter for an extension of the subdivision for 180-days as they are still working on getting funding from the state.

Scott asked what is the normal amount times that the board can extend something like this?

Dave replied his understanding is 90-days or if they ask for double has been done in the past. The only reason the board would deny this is if something occurred that would trigger a reason to revoke the approval.

Scott asked is there a limit on how many times it can be extended?

Dave replied that he doesn't think there is.

Paul said that the board needs to approve this tonight and he can create a resolution to their decision that can be signed off on next meeting.

Scott asked for a motion to approve the extension?

Motion made by Franco, 2nd by Carl.

6-eyes, 1-nay (Gerry Marion), 1-abstainstion (Sal Cuciti)

The Villages-PRRD SEQRA Review

Kelly (applicant's agent) went through a presentation.

Henry (Project landscaper) said that there is an overall landscape plan with a plant list for streets and common areas. Within the set there is a series of detailed plans for each zone, so the board can see tree species and placement. A third level of detail is that they have a plan that shows the landscape approaches for the individual units. Instead of giving the board a drawing of every single building, what they have done is that they have come up with templates of the units and show the plans for sunny and shady areas. Due to the fact that some of the sensitive view areas are steep what is planted below might not have any effect on shielding the project from view, it might work being so close to you. They do have some plantings around the bridge approach circles in areas where they can disturb the land. When they can plant on slopes the best plants will be smaller plants as the larger ones might not take as well. There are also proposed plantings close to the other adjacent properties that will be close to the line as the land slopes there as well and would be a more effective buffer. They also have a couple of areas that they are planning on placing the plantings into a pattern similar to an orchard that is currently existing. All the plantings are native or native suitable materials.

Bill asked you said that the sales office will be above the ALF, so what is the building down below a model?

Kelly replied that is the sales office that will be moved to the top.

Carl asked you mentioned that you have a plan for sunny and shady is that going to affect the types of plants used or is it going to be a blanket?

Henry replied that the trees are different he was speaking of the planting directly adjacent to the houses. As there you have shade created by the houses themselves and that material is more sensitive to sun and shade than the trees.

Carl asked if there was going to be a tree line along the roads to create a canopy effect?

Henry replied to the greatest extent they can, given that there are a lot of little driveways, walkways and utilities limits where they can put trees. They hope to have at least a tree at every house.

Scott asked if they would have a heavy buffer along the left hand of the property to buffer the neighboring properties?

Kelly replied that is correct.

Scott asked will you be bringing dirt into those sloped areas, so the trees can be placed?

Kelly replied yes. There is a very detailed landscape plan, which shows all the details for each tree and shrub.

Christian said that he has concerns about the water supply and stormwater management. Regarding the water supply he reviewed the water and sewer report, the report mentions that the higher elevation units are being proposed to be connect to Hudson Hills with a domestic booster pump system dedicated to these areas. The report mentions modeling results, but were not included in the report, therefore the results cannot be verified. This concept would result in the higher elevation areas not having any direct hydrant or fire flow protection, with hydrant connections required from lower elevations. The CPL water feasibility study showed that a full booster pump would be required for a proposed connection from Hudson Hills, due to losses in the single 8-inch main on Apple Lane. Revised modelling will be necessary to show that there will be adequate pressure will be provided under all flow conditions, including fire flow. Revised water modelling will have to completed, confirming the size and configuration to provide a minimum pressure of 35psi under normal flow and 20 under all flow conditions. It is recommended that a minimum of a 12-inch water main size be considered for any non-looped portions of the main to support the development. For the stormwater management plan, he has questions regarding the proposed use of infiltration practices. The entire stormwater management approach is for using sub-surface chambers to infiltrate stormwater runoff into the ground. Some of the testing reports indicate there is a wide range of infiltration rates from 1 to 2-inches to 90-inches per minute, some of the proposed infiltrator clusters are proposed in areas that are being taken down as much as 20-feet. Typically, when infiltration testing is done at the elevation where the chambers are going to be installed, so they are getting a true measure of the type of soil that the project will be dealing with. That and addition with looking at the pre and post hydrology there are some concerns that need to be worked through.

Sal asked were deep pit tests done at each infiltration chamber and percolation tests done at each location?

Christian replied that he hasn't gotten that far yet, as he only got some of that information today. Infiltration test are required to be done at each location and at a proper depth and is not sure that

was done. In one case in the middle of the site the grade is being taken down 20-feet, he is not sure if the tests were done with a large pit going down 20-feet and then doing the tests at the bottom of that.

Britany (a part of the applicant's team) replied that the infiltration tests and deep tests at each stormwater system sites, they should have been at least 3-feet below the bottom of the systems to make sure there is adequate separation between the groundwater if necessary.

Sal asked if at some point if the board could get a summary of that.

Kelly asked if they should do it or if CPL was going to?

Christian replied that they will review it, but if they could provide the summary for the board that would be great.

Sal said just what the perk rates were, what kind of soil was found, what elevation the test was done at.

Christian asked were these were done in accordance with the DEC requirements for infiltration testing, with the 24-inch pipe and done as a regular septic system percolation?

Britany replied that they were done per DEC requirements.

Christian asked those were done in April of this year?

Britany replied yes, and some were done throughout the summer as well.

Christian said that the charts he looked at only listed April.

Britany replied that what happened was there were additional ones that were done throughout the summer and those were added to the list, so the date just wasn't updated.

Franco said going back to the water and the booster pump station would need to be enlarged, correct?

Christian replied that he believes that to be the case. CPL did the updated report in 2020 a full booster pump station would be needed to overcome the loss in the single 8-inch main on Apple Drive.

Kelly said as part of the developer's agreement, the developer is upgrading the booster pumps.

Franco asked will the current generator be able to handle the upgrade and the booster pumps?

Christian said that he believes that would be a part of the review process for the new pump, they would have to take into account what's supplying everything and making sure what ever backup power is necessary can keep up with it in case a pump upsizes.

Franco asked is there going to be a booster pump station on the property, with an emergency generator?

Kelly replied yes and the other booster pumps are being designed with CPL.

Scott asked is there a backup for that generator?

Kelly said that she has never heard of it.

Franco said that the main issue with generators is lack of maintenance and that would fall on the applicant's maintenance crew to do.

Christian asked is proposed natural gas a part of this project?

Kelly replied she doesn't think so.

Christian said if that is the case then the backup generator would be diesel powered.

Paul asked Christian in regards to the SWPPP and fire-suppression issue, what progress was made or what conclusion did he come to?

Christian replied in regards to the stormwater portion of the review they still have some questions that they are looking into and will be consulting with the applicant if they need more information, to get a handle on whether the overall approach is sound, based upon the reliance of the infiltration plans. Regarding the water comments he will see what level of comfort there is when it comes to fire suppression and life safety, they would take a stronger look at that than they normally would in terms of SEQRA.

Kelly replied that there was extensive amount of work done on this developer's involvement on the upgrades to this booster systems, and it sounds as if there is more information that is missing on CPL's side.

Paul said in terms of that what is your thinking of a time line for providing any additional information on the fire suppression? It sounds as if it is a matter of reviewing the SWPPP for CPL, but for fire suppression there is additional information that is needed.

Kelly replied that she feels that there is no additional information that is needed, she believes that everything has been provided. There was report supplied in the water & sewer report that provides additional information on the booster pump being proposed on site, plus the upgrades to the booster pump that are agreed to as part of the developer's agreement. She thinks that it is just a matter of making sure that CPL has all the necessary documents, if they don't have them, she will get them over.

Paul said that he was just keeping the board schedule in mind as they meet again in two weeks then don't meet again until January. He wants to give the board time to make its determination on SEQRA and its recommendation to the Town Board. The board has time to take its time on a determination for SEQRA, but there are certain time frames under the zoning code for their recommendation, so he is trying to balance that a little bit.

Sal asked regarding the supply for the sprinkler system, what question under the SEQRA review would it be?

Dave replied that they are not. He thinks the goal for SEQRA is to figure out does the town have capacity to supply water. What he heard tonight was mostly engineering. In his mind the town has plenty of water that can be supplied, and in site plan the board can work out the details for sprinkler systems, sizing, etc.

Paul said that the point of it is that there is sufficient water to supply the project. The question that remains is whether the project can meet the necessary standard for flow for fire suppression purposes. He thinks that this does factor into SEQRA from a community services standpoint, otherwise the fire department would have additional responsibility as they would have to try to serve that need. Is there a quick way if the board wants to satisfy this question of fire suppression?

Dave asked is that a matter of them proposing the appropriate pumps, what information would satisfy that question?

Kelly replied that she thinks there is a huge volume of materials that CPL is missing. They went through this very lengthy developer's agreement where they agreed to make all of those improvements to the booster station.

Sal said that he thinks they are far enough along with SEQRA to not be worried about a booster pump, but it would be good if CPL saw it and reviewed it. He doesn't think it would be a problem to place a booster pump with a generator on site. It does factor in, but he doesn't feel that it is a scary issue.

Franco said as long as the board knows they are going to add it, that the board can move forward with it. They know it is going to be added, and upgraded, he thinks the board can move on.

John (applicant's agent) said that he thought this was done about two years with the Water and Sewer Committee? Where they did tests and tried to figure out the flow needed from Apple Lane and back then they were proposing 2-3 story apartment buildings and now they are only one story. The upgrades to the pump stations that they agreed to were to make sure there was enough pressure for fire suppression.

Kelly said that they have agreed to those improvements and that it has already been signed and filed.

Paul asked if there was a way the applicant could provide a short memo that details the status of this issue and your commitment to making the sure the fire suppression issue is dealt with in accordance with the standard that it needs to meet?

Kelly replied that she believes that it has been addressed in the EAF section on water, they will highlight it and get it to the board.

Paul said that would be helpful to the board and feels that just stating their commitment might be enough.

Kelly replied that they will get it over in short fashion.

John said that it should all be in the developer's agreement.

Sal suggested that it should at least be written into a resolution somewhere.

Dave said that is probably the best idea put it in the approval record that way it is forever. He mentioned that the board received a document for SEQRA the blue is additions and the red is deletions and would like the board to look it over for next meeting.

Kelly said that in paragraph nine of the developer's agreement: "The developer's agree to under take at their sole cost of upgrades reasonably necessary to increase the pumping capacity to give the off-site water supply pump station along Vineyard Ave that serves the Hudson Hills high pressure water system to serve the water supply needs of the project upgrades that may include, but are not limited to replacement of the pumps, piping, and upgrading the electrical system, generator and controls."

Dave said that the board should read through the pervious determination for next meeting, and will go through the EAF again. The board also received the draft memorandum which would be the response back to the Town Board that is based on the other document.

Paul said what he has heard from the board is that they are not much in a different place than when they were looking at the conceptual PRRD in terms of the impacts. They used the original documents as a template for a potential negative declaration and they also used the Tri-board Committee's recommendations as the potential template for the board's recommendations back to the Town Board.

Motion to Adjourn.