

WORKSHOP MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, February 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

Via Zoom

Attendance: Board members: Scott McCarthy, Charly Long, Larry Hammond, Franco Zani, Sal Cuciti, Gerry Marion, Lambros Violaris; Board Staff: Dave Barton, Christian Moore (CPL), Sarah Van Nostrand

Absent: Board Members: Bill Meltzer and Carl DiLorenzo; Board Staff: Paul Van Cott

Minutes to Approve

January 20, 2022 and January 27, 2022

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.

Patti (applicant's agent) said that they have changed from gravel to blacktop for all of the parking and driveway the only gravel will be where the food trucks are located. Has changed the parking space dimensions per request. She couldn't find any ADA code requirements for a takeout restaurant; it is a relatively flat terrain. There will be car service for anyone who doesn't want to get out of their cars. They are not proposing that anyone stay on the site to eat any food, so they are not proposing any picnic tables. She does not believe there are any ADA codes for this type of project. The sign complies with the code, it is less than 50 square feet per face and is more than 15-feet off the edge of pavement. Andy W. (a part of the applicant's team) inspected the riprap and found that it is functioning properly. She is working with Central Hudson on the

layout, the utility pole will need an anchor, so the pole may need to be relocated. Also, supplied updated lighting plan along with the lighting cut sheets.

Christian asked where Patti is with DOT approval regarding the right turn in and right turn out?

Patti replied that the locations and geometry has been approved by DOT. She is not going to be able to make an application for an actual permit as DOT is in the process of changing their permit application. She said that no construction will be done on the site until the permit is obtained as there is no way to access the site.

Christian asked if DOT would be willing to issue a conceptual approval?

Patti replied that he usually will send her an email based on site review that the application is fine.

Christian said that the ADA requirements are really not clear to him, he's not sure if it falls under building code as there are no permanent structures. On every other site plan where there is ADA parking there is a designated ADA parking space with the appropriate signage.

Patti replied there is no parking, the applicant doesn't want them parking. It is more than stopping, so she guesses its standing. There is a 15-minute limit. She wants to make it clear that they are not parking spaces because if this is a take-out the food trucks don't want any cars parking there. The sooner they can get the cars in and out the better it is for their business. In this site plan there isn't any "parking spaces" per say.

Christian asked is there anything in the code for stopping or standing spaces as opposed to parking spaces?

Dave replied that the building code does not, in the way that the inspectors have been trained is that ADA states a site has to provide reasonable accommodations. He feels that there should be at least one spot that is handicap. His other fear is with reasonable accommodations if you are going to put a handicap spot in and stripe it you have to have van width and discharge area on the passenger side of the van and he isn't sure where that would be put on the site.

Christian said he is concerned about stacking/queuing up onto 9W. From a circulation stand point he is wondering if cars will start to stack up in the driveway and possibly 9W as there are only 8 parking spaces proposed. Which could hamper more customers from coming in.

Patti replied that the goal is that no one is there for more than 15-minutes, they are supposed to be ordering in advance. Since this is a new style of project and there is no other project to model this off of. Applicant is not looking to start with 5 trucks, he wanted to be able to expand up to 5. If the applicant gets 2-3 food trucks and they are busy then that is the amount he will stay with.

Scott said he is concerned about cars parking close to the truck they want to go to and that could cause cars to back up.

Patti replied that she made the spaces larger to accommodate movement of the vehicles. The hope is that people would park the furthest away to get out easier, but knows people don't always do what's expected, so that is why she made the spaces bigger than they have to be.

Scott is concerned that the slowdown lane for the site might impede on the neighbor's entrance/exit.

Patti replied that it is all guardrail in front of there, so that would not impede on that. The parking spaces are 10-foot wide, a 12-foot-wide lane and another 10-foot parking space.

Dave said that the site might have too many food trucks for a site this size.

Patti replied that she will go back to the applicant to discuss reducing the amount of food trucks on the site.

Dave said that there are 5 parking spaces for employees, so the board should assume that the employees will carpool as most food trucks have 2-3 employees and if only 1 parking spot per food truck they will be parking where they are not supposed to. If the number of trucks was reduced the employee parking could be reduced as well and possibly widen the one way.

Patti said the reason the pads were made 80 x 30 is that there is going to be any number of different types of food trucks, some are trailers that are pulled by a vehicle and some are just like a van.

Lambros asked if there was a way to make just one designated pick-up spot?

Patti replied that every place you see a car is a designated pick-up spot.

Lambros said he is concerned about traffic stacking up on 9W and the potential for accidents as the traffic moves through there.

Franco asked how they are going to handle trucks pulling off onto the shoulder of 9W.

Patti replied that DOT walked the site with her and suggested not to use "No Parking" signs, but decided to go with a fence and plantings, but there is no guarantee that trucks will not.

Franco said that he is concerned about sight distances getting back onto 9W. He also asked would any of the food trucks have generators?

Patti replied there are going to be no generators that is why there is electric to the site. Also, found that the sight distance was adequate.

Christian said that he would like sight distance measurements placed on the site plan. Would like to verify that the outlet is working correctly on the outfall. He asked Patti if that was a DOT pipe that was installed.

Patti said that the applicant installed the pipe with DOT's permission there was a small drainage easement that DOT obtained on this property. The applicant when he wanted to fill the property contacted DOT and got permission to put the catch basin in and extend the pipe.

Christian asked if it was the owner's responsibility to maintain?

Patti replied to the best of her knowledge it is, she did not see the permit and was not involved in the project at that time.

Christian said that the lighting levels at the entrance/exit seem a little high around 7-8-foot candles, is there any way those could be brought down? He is concerned about glare and appear to be bollard lights.

Patti replied that they are bollard lights, she has spoken with the light designer at Selux who said the candle that is being proposed by the town is significantly under what it should be for parking lots for safety purposes and because of the bollard height about 4-feet tall and if you don't have it at that lumen level for that height it won't do any good. For the bollard lights there are 4 quadrants and only the two closest to the road are on. The response is that this is property adequate lighting for this site, but if the Planning Board still wants it reduced, is to have only one quadrant lit instead of two.

Christian asked is it easy to modify the quadrants? Is it a cap that just snaps on?

Patti replied correct.

Scott asked what are you lighting up the roadway into the property? Why are they not facing into the property?

Patti replied that they are.

Christian asked if on the cut sheet for lighting if the options chosen could be highlighted or circled. He said he didn't a detail for the light pole base, and wants to know what they are going to be affixed to?

Patti replied there are no proposals for a concrete base, so she had Selux move the light poles further off the road based on comments from last month.

Christian asked how are they going to be mounted in the ground then? Do the posts just get driven right into the ground?

Patti replied that is her understanding.

Christian said that by where the port-o-potties are there should be some type of protection as the grade drops off, like a guiderail or rocks, boulders something to protect vehicles from going over that incline.

Patti replied that she understands.

Christian said that if boulders are to be placed, would like to see some dimensional specifications on boulder size, like how big, weight, as he wants to make sure that because they are intended to stop a vehicle that they are large enough to do that.

Sal said he is concerned that 9W is a fast road, have cars coming in, and people crossing the entrance road all within 40-feet of the shoulder of the road, seems dangerous. How would you know that people will decelerate? Feels that there are too many food trucks for this tight parcel. Also, are the stones on the site plan at the top of the grade?

Patti replied that's where the top of the bank is now.

Sal asked so there is no filling?

Patti replied that all the filling is complete.

Sal said if there were less food trucks, he would like the lane moved to the west, and possible have parking along the west side, which would put the parking lot closer to 9W.

Charly asked if Sal was thinking of the Thruway, where they have those pull offs with the restrooms? Where the lane stays towards the outside of the road and everything else is on the side.

Sal replied yes.

Gerry suggested maybe installing speed bumps as that will slow people down.

Patti said, so Sal you are suggesting that they move the parking area and travel area all the way to the west and put all the food trucks on one side.

Sal feels that if the parking area and entrance were on the west side and all the food trucks on the east side that it would be safer.

Patti said that she will go back to the applicant and measure some distances, about modifying the site plan.

Scott said that in the area along 9W there is a sign and the electric line will be crossing the road there as well as the pole. He suggested that maybe the Planning Board could give the applicant a few of the spots but not all, and then they can come back to the Planning Board later on for more.

Dave replied that is feasible.

Scott asked if each of the food trucks will be different owners?

Patti replied that each food truck will be a tenant, but one person could own more than one food truck. The spots will be leased out on a monthly basis.

Christian said that he noticed that on street view there is what looks to be an overhead wire that runs from the property line in the south and runs across the property and connects to a utility pole to the north of the site. It is only a single wire, so it's probably not power. He is not sure if it will interfere with any of the site operations.

Patti replies that she does not remember seeing it in the field, but will check it out.

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.

Nate (applicant) said that he wants to get going and wants to be compliant.

Scott asked if they can move it to a public hearing for next month?

Dave replied yes.

Administrative Business

The Villages

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

John (applicant's agent) said that they are seeking a modification of two conditions of the resolution that are related to the DOT final approval. They would like to defer New York State DOT final approval until prior the issuance of the CO, right now they would need final DOT approval prior to the chair signing the site plan. As there is a huge backlog on DOT approvals and may not have full approval until the end of 2022, especially if they need a dedication. The traffic impacts won't be evident until the site is fully occupied and feels that deferring DOT approval to prior to the issuance of the CO, he doesn't feel it will have any impact on the community.

Tony (a part of the applicant's team) mentioned that it might also need a land donation to DOT, if a land donation is necessary then it will take longer to get DOT approval. DOT will not issue a permit until the land donation is complete.

Dave said that they could have a fully built building ready for a CO before they get a work permit from DOT approval. If the board approves this modification there would be no CO for the building until DOT approval is obtained and satisfied. The building permit would be twofold it will be for the building and for satisfaction of site plan. Feels that there is no risk to the town. If the board is okay with-it Paul could craft a resolution for it.

Scott asked what impact would there be for the town if the board grants this as there is conceptual approval of this from DOT already?

Dave replied that the board staff has looked this over and cannot find any risk. The risk is entirely on the applicant as they could get to a completed building and DOT could still be dragging their feet.

Franco asked would granting this set a precedent for future projects?

Christian replied that if the resolution is drafted tightly where the applicant would have to come back to the board if there are any major changes. He doesn't feel that it would set a precedent.

John said that this project already has received conceptual approval from DOT, so they could be one step ahead of others in the area.

Dave showed the letter from DOT that had been circulated to the board back in September.

Sal said that he would like to see all the correspondence between DOT and the applicant's team. He would like an outline of the DOT process and where the applicant is now in the process.

Christian replied that DOT is changing their process and no one can tell what it will be like once they release the new process. Getting all correspondence will help the board see what has been done and will leave a paper trail for others to follow.

Sal asked what would the land dedication be for?

Tony replied that it would be for the sidewalks, DOT likes to have the sidewalks entirely on DOT property.

Christian asked so, you are doing a land dedication of the sidewalk improvements into the DOT right-of-way?

Tony replied yes if necessary.

Sal said the sidewalk is currently designed to be on The Villages property and that would possible transfer to state?

Tony said that the sidewalk will be running along 9W, within the DOT right-of-way.

Sal said so right now the sidewalk is on the DOT right-of-way, so what would be dedicated?

Dave said is this regarding the sidewalk on the opposite side of 9W?

Tony replied correct.

Dave said the sidewalk would be in and around Mobil. So, when they cross and try to connect the sidewalks to the plaza. The issue is that Mobil is right on the road, the applicant is working with Mobil on this.

Sal said it won't be The Villages property that might be dedicated, but someone else's?

Dave said that is his understanding. He does have a map of that.

Scott said let's get all the paperwork and as much information as possible before having a resolution drafted.

John said that the board should be pretty up to date with all the paperwork up until the fall when the project received approval. The board is seeking the paperwork between September and now as far as getting the final work permit?

Scott said the correspondence, the sequence of how things are going to happen and that map, just so they see something.

John replied okay, he is not going to go back the last 5 years, he will just focus on from September until now.

Dave said that the board is looking for progress.

Steve's 9W Collision: 3323-3325 Route 9W, SBL: 80.3-1-21.110-Sign Approval

Applicant is seeking sign approval for a monument sign, in a previously approved location.

Sign design was shown.

Scott asked if the sign was a bigger size?

Dave replied that the size is 120 x 38, 6-feet tall, 12-inch-deep box.

Charly asked so the sign was previously approved?

Dave replied there was a sign in this location they are just changing it. All permanent signs require Planning Board review. This sign is nicer than the sign there now.

Scott asked where does the board go from here?

Dave replied even though it is a workshop meeting because it is a sign the board can move on it, via a motion to approve.

Scott asked for a motion to approve the sign.

Motion made by Gerry, 2nd by Charly.

Roll Call Vote:

Larry-aye

Scott-aye

Gerry-aye

Sal-aye

Franco-aye

Lambros-aye

Charly-aye

All ayes motion passed to approve the sign design.

Steve (applicant) said that he came back into the meeting to make sure that the board understands that the sign is going from a 4-foot X 8-foot (32 Sq. Ft.) to 38-inches x 120-inches (32 Sq. Ft.), it is just a longer and narrower sign to accommodate the logo.

Board said he was good.

In-Person Meeting Discussion

Scott asked the board for their thoughts on how they want meetings to continue, do they want virtual or hybrid. If board votes for in-person meetings that it be for next month, not next week. Between board members and staff there are about 12-14 people which is a lot and could be tight in the room if everyone shows up.

Franco asked if we vote to go back to in-person meetings is the board going to require everyone to wear a mask?

Scott replied it should be if you want to wear a mask you wear a mask, he is not going to tell someone to wear or not to wear a mask.

Gerry said why not just follow what the state is doing, if you want to wear mask you wear one, if you don't want to wear a mask then don't.

Larry asked if the meetings can be virtual as well? This way if someone is afraid to come in, they can join via the computer?

Scott said he's concerned about the staff and adding extra work to them. If it is no issue to the staff then he thinks it is a great idea. Another issue is that the board wouldn't be 100% in-person.

Sal asked if the board could limit the number of people of who attend for each project?

Scott said who does the board tell can come in and who cannot?

Sal said that he was saying if there is a big project and who have 10 people on their design team, the rest of them could be virtual.

Scott replied he sees Sal's point.

Franco asked if the board decides to do hybrid, if a member decides to join virtually, are they allowed to vote?

Scott said that the board is voting virtually now and is not sure that matters.

Franco asked if the board goes in-person and virtual what's the plan for voting? What would be legal?

Scott replied that the Town Board is doing it now.

Charly asked how it is working out for the Town Board?

Dave replied that it is working out well. He thinks that the state is still allowing hybrid meetings. There has been some discussion and a ruling that states if you are a board member who votes when you announce the location of the meeting it would be Town Hall, 12 Church Street, and the address of the person who is virtual because the public needs to have access to where decision making happens. In his opinion if you are all there and he recognizes you and are all talking it is as if you are in the room.

Scott said it is not about what the members need or want it is about the safety of others.

Lambros said that he is okay with in-person, but based on news reports, feels that this should be pushed back another month as there is going to be changes on CDC guidelines and state guidelines sometime in the month of March.

Scott asked if the board wants to make a decision now or wait another month?

Charly- wait

Franco-wait

Larry-wait

Gerry-wait

Sal-wait

Lambros-wait

Dave said he doesn't have a vote, but feels it is a wise idea to wait another month.

Motion to Adjourn.