

WORKSHOP MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, March 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, Gerry Marion, Sal Cuciti, Bill Meltzer, Larry Hammond, Franco Zani; Board Staff: Dave Barton, Christian Moore (CPL), Paul Van Cott, and Sarah Van Nostrand.

Absent: Charly Long, Carl DiLorenzo, Lambros Violaris.

Minutes to Approve

February 17, 2022 and February 24, 2022.

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

Mike Arnold Jr. (applicant's agent) said that the timber harvest is going to take place on 9 of the 10.5-acre lot. There will be about 90-trees harvested on the 9-acres, which is about 9-10 trees per acre. Normally when they mark the trees it is about 60 per acre, so this will be a low impact harvest. He mentioned that his father had done a timber harvest on this property back in 1999. He also mentioned that they adhere to all State and local guidelines. When it comes to environmental impacts, they follow best management practice plans.

Franco asked on the application it says that you are harvesting on 9-acres out of the 10.5-acres, but on the Short Environmental Assessment form it says 8-acres out of the 10.5.

Mike said that it may have been a typo.

Franco asked if he could correct the typo, so that both documents reflect what they are planning on doing?

Mike said he will have to check and make sure which number is correct.

Franco said he is also concerned as bat season starts April 1st, until October 31st, isn't that correct?

Mike replied that he doesn't know what type of bats would be on that wetland, but they decided to ask the town 1st. They originally wanted to harvest sometime in the summer time, but if that's not feasible then they would have to go in the winter months, when the ground would be frozen.

Christian said that they should check on cutting restrictions with the DEC regarding the Northern Long Ear Bat. He wants to make sure that proper erosion control measures are going to be installed and followed. He feels that a full erosion control plan won't be needed as it appears ground won't be disturbed, as he understands that the trees are just going to be felled and taken off site. He would like to know if there is any proposed regrading?

Mike replied the only regrading will be on the skid roads as it prevents the rutting. During and after the timber harvest they adhere to the New York State best management guidelines. The skid roads will be regraded, water bars will be installed where there is slope greater than 10-15%, which could be dirt mounds or hay bales.

Christian said that so instead of a full-blown plan, he would like a condition in the resolution of approval stating that proper erosion control measures in accordance with New York State DEC will be followed, subject to review by Town personnel. He would like to suggest that the Highway Department review the condition of the driveway and the entrance to make sure that it can properly support the vehicles in this operation. On one of the maps provided it appears to be a stream on the property and the site staging area was right next to it, is there possibly another location for the staging area that is not quite so close to a stream?

Mike replied that they can either move it further up the driveway or move it a little bit closer to the house, the way the topography goes it is very rocky up behind the house. The log landing area is in the same place as it was back in 1999 when the property was logged. Changing the landing might change the skid roads as well.

Christian said that there also appear to be some pockets of wetlands on the site as well. He just wants to make sure that in conjunction with the erosion control provision that those wetlands are properly protected. The wetlands may not have been identified or mapped back in 1999 when the lot was 1st logged.

Dave said that one of the wetlands is a DEC wetland and there is typically a 100-foot buffer around them and maybe they should check with DEC.

Mike replied that most of the trees are behind the house. There were very few trees marked near the property lines and they never cut in wet areas as they won't be able to get the machines in there.

Christian said that the limit of the DEC wetland according to the map goes right up to the property line and there is a 100-foot adjacent area and typically anything done in that area requires a permit from the DEC. On the DEC website there is a resource mapper that will show if there are any critical environmental areas, endangered species, which will help the board assess what environmental impacts there may be.

Mike said that he will check with the DEC and also will talk to his father and the property owner about whether it was 8 or 9 acres.

Christian asked it is not going to be 8 or 9 acres of disturbance of ground cover?

Mike replied no it is not 8 or 9 acres completely.

Christian said that if it over 1-acre then you would need a general permit.

Mike replied that they try to do a selective harvest.

Christian asked if they were just going to fell the trees and take them offsite or are they going to be processed?

Mike replied that they are not going to be processed onsite. They sell the logs to Tri-State Hardwoods a log buyer.

Franco asked what they planned on doing with the stumps?

Mike replied that they are going to cut the trees as close to the ground as possible, to obtain as many board-foot of timber as possible. The tops are going to be harvested for firewood and any tops left in the woods are usually lopped down to within 4 feet of the ground.

Sal asked what their working hours were?

Mike replied that they run chain saws from 8am-4pm, but normally stop around 2pm and they don't work on the weekends.

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.

Craig Tunks (applicant) mention that they would like to have a yoga studio on the 1st floor, with the 2nd and 3rd floors being residential for themselves. They plan on keeping the frontage the same, as most of the work is interior. They plan on adding a car port in the back with a deck on it for a potted garden.

Sal asked if the 2nd and 3rd floor are going to be their own primary residence?

Craig replied that yes it will be their primary residence.

Sal asked is there an apartment going in on the 1st floor?

Craig replied no the 1st floor will be entirely the yoga studio. There is a back add-on space that eventually they would want to look into making it an in-law unit at some point for family.

Sal said so, other than interior renovations they actual construction is basically a car port with a deck?

Craig replied yes, they are also planning to extend the deck on the left side to make it ADA compliant. They also want to change the overhangs, but keep the same look and feel.

Sal asked if because the applicant has a commercial use is that why it is requires site plan approval?

Dave replied that is correct they tripped a requirement for site plan approval.

Scott asked what is the 2-story building off the back sided used for now?

Craig replied currently it appears that it was used as office space as at the time of the walk-through there were desks and filing cabinets. In the future they would like to make that space into a one-bedroom in-law space.

Sal asked how many parking spaces were proposed looking at having?

Craig replied the plan calls for 2 in the back underneath the car port, and then one on the right-hand side, for a total of 3.

Paul asked if in the office space, is there currently a bathroom or kitchen associated with it now or is it just an office?

Craig replied that it is just an office.

Christian said that they should have a survey done with the plans provided it is hard to tell where property lines are and will need dimensional offsets, along with a bulk regulation table. To identify any potential need for variances. The site plans need to clearly show what is existing and what is proposed, including the total number of units and bedrooms. Also indicated is a 5-foot-wide right-of-way that goes from the street to the rear parcel, but is shown as 9-foot wide the width of a parking space, he would like information on what that right-of-way is to be used for. If it is used for the rear parcel to gain access across the applicant's parcel, then there may be restrictions as to what the applicant can do in it. Currently there is one parking space shown in that right-of-way. The proposed ADA ramp is shown to be on top of a water line and along side a sewer line, he just wants to make sure that the construction will not hinder any access to those lines. The ramp may obstruct an alleyway between the buildings, so he suggests that the building department and fire department review those proposed structures for access reasons. What provisions are going to be for garbage are going to be provided, right now there is just individual bin units. The proposed emergency generator, identify the fuel service.

Craig replied that the utilities mentioned go to the parcel to the south.

Christian said that they need to be identified and may need an easement granted for access.

Craig said that the generator would be gas, but they cannot afford it right now.

Christian asked would it be a small pad mounted one?

Craig replied yes, just something to keep the power on during an outage.

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.

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.

John (applicant's agent) mentioned that they were before the board in February asking for DOT approval be postponed until before issuance of a CO, and the board at the following meeting needed more time to look into the request. He also has submitted a letter asking to extend the subdivision approval as it expires after 180-days. He has been working with the town on the easements, but the developer's agreement is a condition of the resolution before the subdivision map can be filed. He suggests that the developer's agreement as a condition of the subdivision approval be removed as it is already a condition of the special use/site plan approval, which would allow them to file their subdivision map in the next couple of weeks.

Paul went over staff recommendations for the different requests.

Potential Amendments to Villages Approvals

1. Applicant seeks extension of Subdivision Approval by 90 days for compliance with conditions.

Staff recommendation: We believe this is a reasonable request.

2. Applicant seeks elimination of requirement in Subdivision Approval for Developer's Agreement prior to signing of plat.

Staff recommendation: We believe more discussion on this is required with the Applicant during the extension period.

3. Applicant seeks modification of Site Plan/SUP Approval to allow construction of the ALF building prior to obtaining NYSDOT approvals.

Staff recommendation: We recommend allowing the Applicant to install utilities but not the building prior to obtaining NYSDOT approvals.

4. Discussions with Applicant also raised the question whether NYSDOH approvals should be required before any or at least the Adult Day Care portion of the ALF building is constructed.

Staff recommendation: We believe this is a policy question for the Board based on the potential risk that NYSDOH is not granted.

John showed a possible phasing plan for the 2 buildings. What is being proposed is, if the requirement for the building permit being contingent on Department of Health approval, they have two buildings the upper one is the assisted living facility portion and does not require approvals from Department of Health, however in the front building where the memory care adult home is does require approvals. His client doesn't want to build the building for Department of Health approval; however, he is asking that the upper building be built without the contingency of DOH approval because it doesn't need it.

Scott said that when the project 1st came before the board it was a one-shot project, not phased and with a conceptual in the rear. He would like to see the buildings go in there in one-shot and not phased.

John said that they are not afraid of not getting DOH approval, but are afraid of losing their contractor for months on end.

Gerry said build the building like you are supposed to and wait for DOH and DOT approvals.

Franco asked where they were at in the process for DOH approval?

John replied that they are still in the pre-application phase and they have a lot of paper work to fill out and agreements to be signed. Once DOH approves that, the next phase is the program and policy phase. Which is where they review the specific programs and policies for your facility.

Franco asked if for next week if they could get a time frame?

John replied yes.

Sal asked is this actually a resolution for a phased building and is that even something the Planning Board has delved into?

Paul replied phasing relative to them obtaining those approvals. They have already been allowed to do grading, but they had to supply security, stormwater control and that sort of things. The next step is approval of the site plan, and signing of the site plan and figuring out what the applicant needs to do to get that to happen. The next step is how to break up the building permits, Dave felt comfortable to issue a building permit for the utilities prior to DOT approvals, but not

the building itself. The building permits could be separated out and the board could decide that the circumstances justify allowing that, if you choose to. The board could also say, get all your approvals then the building permit could be issued. The staff are trying to come up with a way to keep their contractor working and that won't put the Town at risk.

Sal said his understand is that the board approved the use and approved the layout. He understands that you can put conditions on it and then it gets a little more complicated. Now to make it even more complicated it seems that only the rear building might get built and then things can stop and feels that the board is getting way off base.

Paul replied that they just want to give the board options. There is risk, every step away from getting their approvals and then getting the permit. The board thought there was minimal risk in terms of the clearing and grading, so that was allowed. They thought there was too much risk if you put everything off and let the building be built and then just not give them the Certificate of Occupancy.

Sal said he agrees with Gerry.

Scott said that he agrees as well. There needs to be a clear better understanding and more inline with what the board approved, which is not what they are seeing coming to the table at this point.

Franco said as far as the buildings he is not totally sold on doing them in phases. He is in favor of them doing the water extension, sewer extension, there is a lot of infrastructure to put in and if they want to keep the contractor busy.

Larry said he agrees with Franco, let them put the utilities in, but hold off on the buildings.

Bill said that he is concerned about any additional risk that the Town should take on this project.

Scott asked what he felt about allowing them to put the utilities in? As he feels that it is not much different, but trying to wait on a Department of Health issue is.

Bill replied that the board has no control over the Department of Health. If getting the utilities in is helpful he has no problem with it.

Paul said that he would need authorization from the board to draft a resolution to extend the subdivision approval.

Scott asked if anyone on board opposed the subdivision extension?

There was no one opposed to granting the subdivision an extension.

John said that he would get the board more information on the DOH approval process for next week's meeting.

The Views

Applicant is requesting an extension of site plan approval.

Alec (applicant's agent) said that they are seeking a one-year extension of site approval as they are still working on getting through their conditions of approval. He mentioned that at last night's Town Board meeting they extended the public hearing on the extension of the water district. They do have conceptual approval from DOT, they had an issue with sidewalks, but now that, that is resolved the engineer should be filing for the permit soon.

Scott asked if anyone on the board wanted to speak to this? He sees no reason why they couldn't grant the extension.

Sal asked where they were in the process for DOT approval?

Alec replied that they have conceptual approval that they received back in July, for the right-in-right out. What was holding up the 2nd part was that the reviewer was looking at more recent projects that and why they all had sidewalks and that this one didn't.

Dave mentioned that he talked with the permit person at DOT who thought it was all good, but also asked about the sidewalks. He told her that the board had a long discussion about it and that considering where it was, the speed of the cars, putting people across that slip lane was a bad idea.

Franco said that he is okay with the extension. He talked to Andy and the Water & Sewer Administrator they had an issue with the sewer going to the Bridgeview Pump Station, he would like to have connected by gravity. The applicant might need to come back to water & sewer on April 7 at 4:00pm.

Alec said that he has no problem going back to the board and to see what works best for all parties.

Christian said that he has no problem with the board granting an extension. He said that Town wants the applicant to explore connection by gravity sewer to the North along 9W.

Sal said this one seems pretty simple and has no major issues.

Other Discussion

Cannabis Dispensary

Scott said that where in the Town should they be located? At the Tri-board it was discussed that maybe be located in GB Zone, maybe even the Light Industrial Zone if it had a lounge. The Planning Board has a say in what the restrictions should be, or the locations.

Dave said that the staff has done a discussion draft of some possible laws, for recreational sales, lounge use for marijuana. He said that Larry's point of regulating lounges as adult use is a good one, therefore it could only occur in the Light Industrial zone. Retail sales would be allowed in any zone that allows that. It would be a special use permit and site plan approval, even in an existing building. Some criteria would be distance to schools, liquor stores, rehab centers, churches, in addition to other things. One of those things would be signs, that some of the Town Board said that they don't want to see any 5-leaved signage, they wanted to see a professional sign, which the Planning Board would review.

Scott said there are other things to consider, like the time it is open, the locations, the manor of the restrictions.

Short-term Rentals

Scott these are the Air B&B's, etc. Other towns have laws, but there are all different restrictions on them. Some of the good ones are what to charge for the application fee, and whether it will be charged yearly or every 2 years. Most of the people are respectable people, he has never seen any of these keg parties that people have been talking about. Also, to consider what short-term is, how many bedrooms and how many people should be in a house.

Sal said that he thinks in New York State law the owner has to live in the house and not just rent it out.

Bill replied that he doesn't think that is the case with Air B&B's and can rent the whole house.

Scott said that they can do anything they want. It can be requested that the owner lives within a few miles of the house.

Sal said that if the person who owns the house lives there and are just renting a part of it out, then there wouldn't be any keg parties because they are going to want to deal with it. If they own the house and don't live there then they may not care as much, as long as they get the money.

Motion to Adjourn.