

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, July 27, 2023

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: Scott McCarthy, Charly Long, Carl DiLorenzo, Franco Zani, Gerry Marion, Bill Meltzer, Sal Cuciti (came in at 7:12pm), Lambros Violaris (alternate), Lenny Auchmoody (Town Board); Board Staff: Dave Barton, Paul Van Cott, Andy Learn (Via Zoom), and Sarah Van Nostrand

Minutes to Approve at July 27, 2023 meeting

June 15, 2023, and June 22, 2023

Scott asked for a motion to approve the minutes.

Motion made by Bill, 2nd by Gerry.

All ayes, motion passed to approve the minutes.

New Business

DiLorenzo, Carl: SUP: 50 S. Chodikee Lake Rd: SBL #87.12-1-2

Applicant is seeking a special use permit for an accessory apartment in the basement.

Review Status: Application and plans circulated to the board.

Carl DiLorenzo recused.

Dave (Building Department Head/applicant's agent) said that the apartment is in the basement, the den used to have a door in it, they asked him to remove it for light, ventilation issues, emergency egress issues, that den now has an arch between it and the great room. There will probably be a bed in the den, but because it is open to the great room not only can it borrow light and ventilation, but it will also have access to the emergency escape route for the facility. This is more or less already in place; they had a summer kitchen in the basement. The entry is in the rear of the building, there is a door at the top of the stairs that will be locked and separate. The user of the space will enter that space and will make the quick right-hand turn into the apartment. He is doing this as an attempt to sell the house.

Bill asked has this been used previously as a rental.

Dave said no.

Bill said is going to be turned into a STR.

Dave said he is not, his intent is to sell it, by adding value by adding this and sell it. If the next guy wants to he will have to come in and do that piece with the board.

Scott asked for a motion to schedule the public hearing.

Motion made by Sal, 2nd by Gerry.

7-ayes, 1-abstain (Carl)

Public Hearings

The Villages PRRD: Site Plan: SBL #95.2-2-3.211 & 95.2-2-9.100

Applicant is proposing 197 independent living cottages and club house and an ALF.

Review Status: Public hearing set for July 27, 2023

Potential Action: Open public hearing

John (applicant's agent) went over the history of the project. He mentioned that the people are leasing the pad sites, he is not renting out individual parcels as he cannot do that. He will be the landlord leasing the pad sites to the individuals of this community. The residents will purchase from the manufacturer that is not related to the owner. The developer will charge a one time infrastructure fee, this fee covers the foundation and slab for the actual cottage, it covers the finished grade to set the foundation and slab, it covers the utilities that have to go from the road to the cottage itself, it covers the driveway, the walkway, the infrastructure that goes from the road to the cottage as well as the landscaping around that cottage. The entry fee is applied directly to that pad site. He said that the contractor on site is about done with all the work associated with the ALF and probably in a week or 2 the crews will leave, and they don't know when they will get them back. At the workshop meeting last week there were some board members had noted that they don't want any further construction to take place at the site, unless the license is obtained from the Department of Health. That could take approximately 18 months and it could take longer. The application was electronically filed last night, paper copies were submitted along with the fee were sent today. Unfortunately, they are looking at least 18 months before a license is issued. The site in the minds of some of the board members should be put on hold for approximately 18 months, maybe 2 years, no work would take place, despite all the significant infrastructure improvements that have already been invested in, to date. They would like to figure out a way to keep the contractor on site and allow some work pending the issuance of the ALF license. The applicant is open to any reasonable conditions, the board is empowered to impose such conditions, but they have to be directly related and incidental to the proposed site plan as these are permitted uses, their review is limited to site plan review, essentially corrective

measures to protect the neighboring properties which he feels has been installed over the course of two years. He doesn't think that the board can condition the issuance of the ALF approval as a pre-condition to the construction of any cottages. Nothing in the PRRD regulations nor the Town Board's February 2023 approval authorizes or allows that as a Planning Board your jurisdiction is limited to what is permitted under the state law along with what is permitted in the code. They are willing to discuss control points with the board as long as they are reasonable and related to the site.

Gerry said that you mentioned submitting a check and an application for the ALF today.

John said it was electronically filed last night and the hard copies were sent today.

Gerry asked why now.

John said because they couldn't wait any longer.

Gerry said that the board was told that they were waiting on these permits.

John said yes they were waiting.

Gerry said you just submitted the check yesterday.

John said correct because they came to the conclusion that board members were concerned that they were not moving forward with the ALF because of the client, which is not the case, they were not moving because they didn't have all the information.

Gerry said that all this time and now you file. The other thing is the DOT, he remembers that they were not going to build anything until they got the DOT permit, then they wanted to put in some sewer lines and stuff and that's all its going to be until you get the DOT permit. Now you have multi-million dollar walls and all this infrastructure and now are claiming a hardship, but you still don't have your DOT permit, which the board doesn't even know if they are going to get that and that causes problems for the surrounding neighborhoods.

John said that nothing is built right now.

Gerry said now you are proposing houses with no DOT permit.

John said that he has no problem conditioning Certificate of Occupancies upon installation of the light. The issue is tying the cottages to the Department of Health license.

Gerry said the issue with the cottages is that you have a high-density project because there is going to be an assisted living facility and the board doesn't have any guarantees that, that will be followed through if they built their cottages.

John said in order to meet in middle ground they are open to any control points, where the Planning Board can control the process, so the cottages don't get too far ahead of the assisted living facility.

Gerry asked what guarantees does the town have if you start that project and you have 50-60 built and then you decide that you don't feel like building the ALF.

John said the owner has already invested a significant amount of money.

Gerry said that is his fault that they started the project without all the permits.

John said he is leasing the pad sites, so if he doesn't want to build anymore cottages, he's not going to make much of a return. If only has 50 or 60 cottages that is 35-40% occupancy.

Gerry said he doesn't know what the end would be. The other option would be to revert back to the half-acre lots and build as many as you can.

John said he could build 120 single-family homes, unrestricted age, he guesses if you want to take the extreme worse case scenario and he is not saying it will happen. If the builder, builds the 60 cottages and doesn't do anything further then you have a 60-acre parcel with 60 cottages, where under the R-1/2 acres under zoning he would be permitted 120 single-family homes, age unrestricted.

Gerry said they don't know if it will be age restricted as it started out as an assisted living facility if the ALF doesn't get built, its no longer an assisted living facility, so that will open the door.

John said it is age restricted because that is part of the PRRD regulations it has to be for folks 62 and up, there has to be declarations and documents recorded in the clerks office which is in the code.

Paul said it is in the PRRD approval as well.

Gerry said he is concerned that they keep moving the goal post.

John said he understands that and that is why they are willing to entertain control points, so they don't get too far ahead of themselves.

Franco asked if there were any guarantees that can be given that the ALF will be built.

John said it's not a matter of if it's a matter of when, so as soon as they have the authorization to build the assisted living facility from the Department of Health, it will get built.

Scott said that at a previous meeting it was mentioned that there were items needed in order to file for the Department of Health. What were those items.

John said they needed the New York State Highway is one they would have liked to have. There was some concern amongst the Planning Board members, and they wanted to make sure they knew that they were serious about the assisted living facility, so they filed it. Before even filing some documents have to be certified by the Department of Health, before the application can be submitted. They also had to finalize an agreement, so the owner is not operating the assisted living facility, so he has to enter into an agreement with an operator. The operator is the one who does the day-to-day facilities. The operator has to enter into an agreement with a managing company who actually manages the day-to-day facilities, so it is a tri-party agreement that needed to be negotiated and executed.

Scott asked if the site plan was a part of the approval.

John said yes, he provided copies of all the resolutions as well as the final site plan that was signed by the chairperson last summer.

Scott said the risk was there, the same risk that the board presented to them last week of their concerns are and they have been there since day one, so knowing that why weren't those items at least brought about a little faster and sooner and now that they have waived that or have put it on the back burner to present them to the Department of Health for review, this could have been done sooner.

John said once the final site plan was signed at the very least that had to be signed. With respect to waiting there were other parties involved, there was the operator as well as a manager that had to sign the site plan control agreement, so there were some things outside of their control.

Scott said that the concern has always been there, especially since the goalpost has moved, the board has to at least show their concern now. Before there was no request to build the cottages, now you are looking to build cottages, that concern is emboldened now than it ever was.

John said he guesses that it wasn't expressed that they wanted to move forward with at least some of the cottages, they didn't realize that the Department of Health would be tied to the development or the construction of at least some of the cottages.

Scott said it didn't, he believes that the DOT approval for the light was included in the phase A proposal that was spoken about.

John said it still is, it's just that a Certificate of Occupancy cannot be issued until the light is in.

Paul asked if the pre-certification that was mentioned was that obtained.

John said the application was filed, it had something to do with policy or procedures.

Paul asked if the agreements were filed as well.

John said yes.

Scott said what is the only thing that you need is site plan approval and the DOT to fulfill the requirements for the DOH license.

John said they already have approvals for the ALF. They still need the actual permit from DOT which he heard should be September.

Scott said you just need site plan approval from this board.

John said that they already have the site plan signed for the ALF but can update it if need be.

Bill said it was mentioned that the owner is not selling the cottages, some other company is going to get the proceeds for that.

John said that the developer is going to be a landlord and he will be leasing the pad sites, and the pad sites will contain the cottages and somebody else is selling the cottages to the individual residents.

Bill asked if those are at stated prices not market prices.

John said that he thinks the residents will be able to choose from a couple of different options.

Bill asked if the price was not market price, is it some kind of senior housing price or that just for the affordable units.

John said the affordable units will have their own special price and their own special lease. The market rates will be whatever the market dictates.

Bill said that doesn't go to the developer that is some other, that he is not apart of.

John said correct he has no involvement with the purchase of the cottages.

Gerry said we were waiting for over a year for Health Department approval and you said that you just filed for it yesterday and sent them a check.

John said correct.

Gerry said he mentioned that they have been trying to get Health Department permit, but it was just filed for yesterday, he has been telling the board years that they have been trying to get it.

John said that they never represented that they had filed the application, that was the issue the board was concerned that they hadn't filed for the Health Department license.

Scott said that at one point they didn't think that one portion of the building didn't need to have the Department of Health filing.

John said that is correct, they fixed that and modified it, to address the board's concern that they wanted the entire building to be fully licensed and that is what they applied for.

Franco said that the Department of Health needed a package that was 100 percent, because you cannot submit a partial package for review.

Gerry said they just did that.

John said that they did because the board was concerned.

Gerry said that they have been concerned for over a year.

Franco said the only outstanding issue is the traffic signal.

John said yes that is his understanding.

Franco said they are almost there.

Scott said for filing not for approval.

John said just like any process there is a back and forth, somebody submits an application to the board and they ask for clarification or more information.

Paul said that developers typically want to provide a full package that is complete because you want to minimize that back and forth, especially when dealing with state agencies. They have always wanted to include in that package the DOT permit. DOH is going to have a comment that they need that final permit and that would be September, but depending on the state agency they may start to review other parts of the application.

Sal said with the site plan and phasing plan, would the phases be in the approval package that the chair signs or is it a condition that is linked to it.

Paul said it depends on how the board designs it that would all be a part of the site plan approval, there would be conditions that basically set up milestones that would allow them to do certain things, but then have a stop point until they provide other things.

Sal asked is there going to be a signed site plan for the first phase or is going to be one overall site plan with written conditions.

Paul said basically the construct that has been suggested by the applicant is you provide an overall site plan approval and then each phase is subject to more detailed design review by the Planning Board and staff.

John said if the board desires they can have the chair sign off on each phase.

Sal said that the board's stress would disappear if the ALF was in phase one.

John said that they put the ALF in its own phase, the answer to what phase it is in, is as soon as they get authorization from the state whenever that may be.

Scott asked the board and applicant what their opinions are regarding the memo of the options that were circulated.

John said he feels that options 1 and 3 are illegal and unreasonable conditions because it is not related to site plan issues, it is related to a permit that has nothing to do with the site. He thinks that they could work with option 2, just to reach some kind of compromise where they have something more than 21 units but less than 78 and whatever that number that the board feels comfortable with, they can try to find some median hopefully in the middle and that would be the control point and once that is finished, they would have to go back to the board before going any further.

Paul went over option 2 with the board.

Paul asked what the timeframe was for phase A construction.

John said there are two components there is the site work and infrastructure work, the other is the build out. A lot of it depends on the sales. He would say for the infrastructure he thinks that it will be August, September, so this fall.

Paul continued going over option 2.

Scott said it is just a more defined way of the meeting a few months ago, the board knew there was going to be a phasing plan and how the board is going to orchestrate the progression of the construction through the Planning Board, its just a little more detailed with conditions.

John said he doesn't remember tying in the issuance of the Department of Health license to the construction of the cottages. He doesn't think legally that the board can do that, but in the interest of reaching a compromise, they are willing to work with the board on that.

Scott said the board's concern is for the Town of Lloyd, their concern for the Town of Lloyd is making sure that they don't end up with cluster homes up there on a property that is a PRRD today, but if an ALF is not built, it won't be a PRRD anymore. Therefore, it somehow has to be rezoned if possible, so rezoning it back or it falls back to its original R-1/2, these homes will already be clustered together not meeting what that requirement would be. What would the Town of Lloyd be left with a bunch of slabs that may not even be sold. The board does know that you put a lot of money into infrastructure, but it is of no value other than the items you said were directly involved with the town itself.

John said all the items he mentioned directly benefited the town.

Scott said that is all good, but now when you have the picturesque part of town that you are going to be looking at now a sea of slabs because they didn't get their guarantee of a DOH.

John said you are kind of assuming the worst.

Scott said the board has to as they don't know.

John said he thinks you can look at his client's history and the money that he has invested that he is in this for the long haul.

Scott said that the board will give you something, but the town gets something in return.

Bill asked if you are going to build 197 units.

John said that is what was approved by the Town Board.

Bill said are you only building 156 units as that's what the phases add up to currently.

Lambros said let's assume the worst-case scenario that the Department of Health license never comes, now they are stuck with 21 cottages and the infrastructure for B and C with no CO's. What do you think your client will do in that scenario.

John said let's think the worst which he finds unusual, but if the Department of Health says no, there are other licenses that they can seek from the Department of Health. They are seeking an assisted living facility with memory care, if the Department of Health says no to that, there are other adult care facilities that are licensed by the Department of Health where the application process is not as grueling and not as long, so they can submit for one of those. This is the one they want as they feel memory care is a good angle and there is really a need for memory care in this community.

Dave said that if the project doesn't get licensed and has to change, they can always come back for site plan again for either a different building, a different use, there are lots of other things in the PRRD language that are allowed in a PRRD. If the ALF doesn't get built we will have cottages, sort of clustered up on the hill, but that doesn't mean the other site will not ever be PRRD it has been zoned a PRRD by the Town Board. There is an underlining zone, but it doesn't revert to that until someone decides to revert it back and that is a Town Board legislative action. If the owner sells the other property there were concerns that the next person could come in a build whatever they want, they can do whatever as long as it complies with the PRRD language and the uses therein. He has thought about the cottages being in zoning limbo, but that is only true until someone comes along to build the front part of the property. Maybe it won't be the big ALF that was approved, maybe there is a smaller building. They have applied to the state he has seen the documentation.

Gerry said they still don't have the DOT permit, so you are going to have a small town up there with all the traffic going on to Mayer Dr.

John said that there are going to be no CO's issued until the traffic light is installed.

Gerry asked what's to stop you from coming back for hardship, like it was done with the walls and infrastructure if you don't get the DOT permit and a year later the board is discussing the same issues.

Paul said that DOT has delayed their review of the project and the approval of an important traffic light. The difference is that is an appropriate condition for the board to require because you don't want anymore traffic going on that road until that traffic light is installed, so nobody is going to be allowed to live there until that traffic light is installed. He doesn't know of any of the board who would want to give way on that condition.

John said the issue he has is tying the cottages with the Department of Health license approval, which he believes is illegal.

Andy said that they reviewed the plans that were submitted. His main concern about the phasing is that he wants the detailed plans to be very well defined in terms of what's in each phase. He doesn't want to go by these high scale plans and try to figure out which wall is in which phase and which manhole and pipes are in each phase, he wants that detailed out.

Ken (a part of the applicant's team) said that as was discussed once everyone is on the same page with what the phases are those phase lines will be placed onto the detailed plans with notes specific to that, so as you look through each grading or site plan you will see clear definitions of what would be the phase line, where they plan on ending each utility, so they can make sure that it is all buttoned up and tight together.

Scott asked for a motion to open the public hearing.
Motion made by Bill, 2nd by Franco.
All ayes, motion passed to open the public hearing.

Nick (108 New Paltz Rd) asked how much tax revenue would bring to the town if this project was completed.

Scott said that is not in the purview of the board.

Nick said you wouldn't even have a ballpark figure with what it might do to stabilize the taxes in the town. He figures it would be about \$2.2 million which would level the taxes, wouldn't that be good for the town.

Scott said that any construction like this would be good for the town.

Nick said you know how many jobs this will create and wouldn't that be good for the town.

Scott said that has all been reviewed.

Nick said that listening to the conversation about putting the breaks on the project then all the site work would be an eyesore for the town. He understands the board's concerns and would feel the same way, is he going to go through with the entire project, but on the other hand he has also

put skin into the game, he did stuff that didn't necessarily benefit him, but it benefited the town. The jobs that a project like this would create would help the local businesses earn more revenue.

Marianne (50 Sterling Pl.) said that she received a notice of the meeting and would like to know why she would need to be concerned because she lives across the street.

Dave explained that tonight is the public hearing for the project they don't typically debate, but if you have a question, he would be more than happy to show them the plan.

Marianne said isn't it a little late for her to be receiving the notice.

Dave said no, they have done informational meetings in the past on this project, it has been under review for at least 4 years.

Marianne said why is she getting the notice now.

Dave said because that is a requirement for public hearing of a project of this type for New York State.

Marianne said what should she be concerned about.

Dave said the project is going to add 197 senior cottages 62 and up. The board was concerned about traffic, visual impacts, about water and sewer impacts and have now done a 4 and change year review and making sure the applicant does mitigation items to alleviate those issues. He asked if she lived on Mayer Drive.

Marianne said no she lives on Sterling Place.

Dave said that she is included in the circle that is drawn around the project there is a distance that is applied. You would be visual impacted, and he feels that the board has been careful to make sure that the project is as attractive as possible as it could be knowing that there is more review to come for the larger building that will be in the front that will be an assisted living facility with memory care, nursing care that kind of thing.

Brian (lives on Apple Ln) said that he came to an informational meeting about 4-years ago and listened to the developers traffic expert claim that there is not going to be any significant impact on traffic. He has a problem with that now as he did then, how can you tell that 197 units more than doubling the size of Highland Hills all entering and exiting onto Mayer Dr and Route 9W and that there is going to be no impact on traffic. Has the board hired any independent traffic expert to get an opinion on this.

John said that as part of the project proposal the developer is proposing a new traffic light at the intersection of Mayer Drive and Route 9W, so that is alleviating any of the traffic concerns. They had a traffic expert submit reports and supplemental reports and the Planning Board has their own traffic expert that review those reports and made comments on those reports, so between the two traffic consultants, that's where based upon that, that's where the Planning Board came up

with the conclusion that there was no environmental impacts related to traffic. He also wants to note that even though there are 197 units, they are cottages, they are one- and two-bedroom cottages that will be restricted to seniors, so it's not going to have the same bedroom count impact that the existing community has. You are not going to have adult parents with adult children in the same household. This community is going to be seniors 62 and older, they are not going to have the traffic impact that a typical family has. It was all discussed in the traffic study and there specific ITE traffic counts depending on the type of proposal, so they submitted reports that the Planning Board engineer reviewed those reports and that is how they came to the conclusion that it's not going to be a significant environmental impact, so long as they add the traffic light which they are going to add as soon as they get that DOT permit as part of any potential mitigation for this project.

Brian asked why the Town Board and Planning Board are not hiring their own traffic expert.

Andy said that he is the town's engineer for the Planning Board, and they have their own traffic engineer that has reviewed the materials submitted by the applicant.

Paul asked Andy if he could speak about the town's review and conclusions.

Andy said that he has reviewed the materials submitted and have commented, they have responded to the comments and addressed them and at this point they feel that the proposed mitigation is appropriate and addresses the concerns and will not have a significant impact.

Brian said that the property goes out to Vineyard Ave, so you could have the residents enter and exit off of Vineyard. If there were 180 houses there is on average two cars per house, so he doesn't understand how 197 units, plus an assisted living facility, plus staff, plus deliveries and all the different traffic that is going in and out of that intersection is not going significantly impact the traffic.

Andy said what you need to keep in mind is that these are retirement age individuals, so they are not going to be travelling at the same time as most people. They will be travelling mostly on off hours, outside of rush hour time frames. The ALF has direct access to Route 9W which will hopefully limit the impact of staff that would have on Mayer Drive.

Brian said that is his concern, he doesn't think that this will have no immediate impact on traffic or no significant impact on traffic. Once this project is done, there is no undoing it, you cannot go back and fix this later, so if they have to sit in traffic coming down Mayer to 9W, they will be stuck with it.

Franco said what they are doing is cleaning up the intersection because when you come down Mayer you cannot make a left turn, that is illegal.

Brian said he understands, but now shutting down north and south traffic on 9W for that extra light is definitely going to add to traffic on 9W.

Scott said that having the engineer advise the board on what he reviewed and what the board has reviewed and then there is a time study on what traffic is on 9W, the board has seen all of that and they have mitigated any issues or shown how it does not have any adverse impact to it.

Paul said he thinks there are signal timing changes as well that are included in the mitigation.

Andy said that is correct, but that is more to keep traffic flowing on 9W better. Not only did office review everything, but the DOT also reviewed all the documents and that is part of the highway work permit that they are waiting to get.

Brian asked if the New York State DOT state that it will add no impact to traffic.

Dave said New York State does not, but their report which has been reviewed by CPL and the DOT actually shows improvements at the Mayer Drive and 9W intersection for the turn north which is illegal.

Brian said it is the 197 individual units that concern him, that are all going to be entering and exiting off of Mayer Drive and the 9W intersection. He feels that could be alleviated if they would build an entrance on Vineyard Ave, but that is up to the Planning Board to make changes to the plan before it goes any further. Is there going to be any access to Apple Lane.

Scott said only for emergency access he believes.

Tricia (Salk Dr) has concerns about traffic as well, and it does defy common sense that, that much increase in population won't affect the neighborhood and the traffic, it might not be significant by an engineer's measurements, but it will have an effect. As they already have been affected by the construction traffic in the area. She is glad that there has been a discussion regarding the light, but is frustrated as they have been talking about it for four years now. She would like to know how many units will be built before the light has to be put in.

Paul said the way this scenario is set up, the first phase which is 21 units, they could be built, but they cannot be occupied until that traffic light is installed. No cottage would be occupied until that traffic light is up and running.

Tricia said so 42 drivers potentially, there would be people coming in and out, there would be construction vehicles. There is increased traffic just because of the project, even though people are not living there. She wants to know what else can be done to speed up getting the permit, even before people are living there in the cottages.

Robin (Mayer Dr) said that this project has been a challenge since it has been underway as her property borders the project's driveway. She is wondering if the board can tell her aesthetically what is going to happen to those properties that borders the commercial drive, will there be some sort of trees planted, a high fence that will be placed, her concern is that when this assisted living facility is finally built that people will be looking directly into her house.

John said that there is going to be a vegetative buffer along the back sides of the houses along Mayer Drive. There is already an existing vegetative buffer that will be preserved, in addition there will be landscaping throughout the property, to preserve and mitigate any potential impacts to the folks along Mayer and Apple. There is also a landscaping plan that has been submitted.

Robin said that she was wondering if they were going to have some kind of blockade while construction is going on because once the trees lose their leaves and they have bare trees, what she finds is that when the construction crew is there were lights shining in their homes in the darkness and there were tractors right outside their properties and it was difficult to look at, so if there was some sort of fencing that would kind of protect the properties and their views.

John said that he would look into it.

Dave said he will probably make them put a construction fence up, so that kids cannot wander through the heavy equipment areas, and he will see what he can do along the Mayer Drive properties.

Robin said that she agrees with her neighbors regarding traffic and feels that they should find another outlet as you are going to have a lot of traffic on Mayer Drive if that is the outlet.

John said that Mayer Drive is not the only entrance and exit, there is one on 9W. He thinks that part of the study looked at the potential for queuing on Mayer Drive and it was part of the analysis.

Andy said that the study did look at the stacking of cars on Mayer and he believes that it was no more than 6 cars.

Dave asked if they wanted to discuss changes to option 2.

Scott suggested that John discuss changes with his team and bring that back to the board.

John said that he can provide some feedback to the board now. Option number 2 step 4, it says approval of phase A being 21 units, he thinks at that point he would like to see more units than that. Whether it is A, B and C or something to that effect, but something more than the 21 units would help, but not getting too far a head of ourselves, but still allow the applicant to start leasing some of the pad sites, so he can start making some money.

Scott asked how many cottages are in A.

John said A has 21, B has 41 and C has 17, so maybe if it is A and B if that is amendable to the board.

Scott said one of the board concerns in their discussion last week was that they could see swapping B and C because they definitely wanted to have the recreational building built while A is there, this way they had something to do when there.

John said B and C go hand in hand, if the site work can be done for B and C, but maybe cap the number of units for A, B and C, so not necessarily allowing all the units in B and C, but allowing the site work because C involves construction of the road, the retaining wall and the club house which is all very expensive but it is only 17 units. If they can get more than that he thinks it will go a long way.

Franco what about this, phase A, phase C and part of B which would be about 13 more units.

Dave said that would be along with all the infrastructure for B.

Franco said yes they would have to do the infrastructure.

John said that is something he can take back to his client.

Sal said the goal of this zoning is to kind of create a senior health housing situation and obviously something this big has to be phased, but it seems the basis for the first phase of housing is how many do you need to support the ALF business. Let's just say an ALF of this size needs a specific number of houses to support it.

Scott said that he doesn't believe that the ALF has a bearing on the cottages because they are two separate things.

Dave said they are going to populate the ALF with people who need to go to the ALF.

Scott said they are not hand in hand, it is only because of the PRRD, but the cottages are not supporting residents in the ALF.

John said they are not directly supporting it, but there is an opportunity.

Sal said he is basing his thinking on the definition of the independent living units which says they are in a health care community and the new zoning uses that terminology the intent is for this to be some kind of community.

Scott said you are thinking of an age in place community.

Sal said that is what he thought this is, if that is what you are operating on then you need a certain amount to start that off. Let's said they would need 25% to get the business going, so that would be a basis for a number of houses that makes sense. If they need 100 units to break even, what do they need to start, is it 25 or 30.

Scott said you gave us the phasing the plan, all the board is doing is putting conditions in between.

Sal said that the ALF should be in phase A and you are going to need so many houses to run the ALF.

John said according to this option the board will allow the construction of 21 units, but no CO will be issued until a traffic light is installed and DOT permits for the sidewalks are issued. His understanding in order to put the sidewalks in there might need to be some real estate transactions involved and if that is so it's going to take a long time to work with the DOT on that. That is one issue he doesn't think that will be resolved in a matter of months.

Scott said that he thinks that it should be taken back to the team and talk it over with them.

John said he just wants to give the board major issues. The other issue is the New York State DOH approval, they would like 50-60 units prior to Department of Health approval.

Scott said another factor is how many can you sell.

John said that is true.

Scott said if you sell all of phase A then you can come back to the board and ask for more from phase C and B.

John said maybe the solution is to focus on phase A and then without getting into all the details of the future phases just say up to this point and come back. Instead of focusing on 13 steps it might be easier just to focus on the first, four.

Dave said if the board is comfortable with it start with infrastructure for A and maybe even building permits for A.

Mark Sanderson (Property Owner) said that he agrees with Dave that they should do phase A and they have to wait until they get approval on the light to get the CO's on whatever pads have been leased out. He would like to continue on B at least the infrastructure, he doesn't want to have to stop on the infrastructure because the A infrastructure may not take that long. He likes Franco's idea to the infrastructure for A and part or all of B infrastructure but limit the amount of pads that they can get permits for, subject to CO's for the light.

Paul asked the board what would they like staff to do with the applicant.

Scott said try to pull this together a little better based on what the applicant has to offer and what the board has suggested as far as phasing. They gave the board a phasing plan with A, B, C, D, E, and F and would like to stay in tune with those with each time coming back to the board and asking how much further they can go.

Paul asked if he should start to put together a draft resolution.

Scott said yes.

John said so it would be an overall site plan approval and then the site work on A.

Paul said then we just need to figure out conditions that will make sure that they come back to the board for phases and allow the board to impose conditions to require stopping at a certain point.

Continued Public Hearings

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

Review Status: Public hearing opened on 4/27/23
SEQRA Status: Unlisted Action
Potential Action: TBD

Chuck Andola (210 South St) said that he borders the project and has looked over the new plans and he is concerned about the drainage. He has located the drainage pipe and he hopes that the applicant has seen it and that they will address it, as it is not addressed in the new plans. He is concerned if they dig and break the pipe.

Dave said if they break it, they will have to fix it.

Chuck said that during the recent storms the flood plain has been evident and he is concerned that if the put 4-feet of fill into the flood plain that it will act as a dam and restrict the flow of the water.

Peppino's Food: Amended Site Plan: 304 Station Rd.: SBL #86.4-1-22.100

Applicant is seeking an amended site plan to construct a 70' X 165' building for produce storage.

Review Status: Public hearing opened June 22, 2023

Short-term Rentals (Public Hearings)

David Cervini- 151 Bellevue Rd.

Potential Action: Close public hearing, approval resolution

Mark (153 Bellevue Rd) said that he has lived there since 2000 and is at the end of the flag lot. The road that accesses their properties is a private road and they had a previous owner of 151 Bellevue Rd had an Airbnb there and it was done under the radar it kind of violated their privacy. There were numerous occasions where there was loud partying, people wandering around, up their driveway, they have a very private place and they would like to maintain it. They have a good relationship with Dave C. (property owner) and he understands that he wants to have the ability to have short-term rentals. He has discussed this with him and have discussed certain conditions that he would like to see met, for example they would like him or someone who

represents him to be on site at all times, so that it wouldn't become a typical Airbnb, where strangers are arriving at all hours of the night, unusual cars that they are unfamiliar with, it is a very private setting that they have and they would like to preserve that as much as possible. He has discussed this with Dave C. and feels that they have come up with a pretty good agreement, but he would like to make sure that whatever decision is made that conditions be met, where it doesn't go to a typical Airbnb where 20 cars show up and that someone who owns the place isn't supervising the situation.

Scott said the board has a check list they go through that lists all their concerns and there is a limit on the amount of cars that would be here on the property, they cannot restrict when people come and how they get there. As far as the items you are concerned with before there were no rules to an STR, now there is a law that is implied that they have to follow and the applicant has to follow the law that is written and most of your concerns are addressed in that law. They cannot say what was in the past, but hopefully the owner does what is required by law and if not, if anyone complains they can use that at the next evaluation at the next time he's trying to renew it, then they can bring forth any complaints that have been issued.

Mark asked what is the duration of the permit.

Scott said is it two years.

Dave B. said it is every two years.

Dave C. said that he thinks Mark would be concerned if he ends up selling the house, that permit does not stay with the property it stays with the owner. Is that correct.

Scott said that is correct.

Dave C. said if he winds up selling the house, the permit wouldn't be extended to the new owner.

Scott said it is non-transferable.

Mark said that is good to know, but a precedent would have been set.

Dave B. said the way the law works because it is an allowed use, by a legislative act the precedent is the allowed use, the legislative act creates the legal use of a property for a short-term rental via the special use permit. Just because he gets one doesn't mean the next person automatically gets one, it's all based on the application that the next person might submit. The non-transferability doesn't mean that the next person who moves into that property automatically gets a short-term rental, they still have to go through this process.

Dave C. said that he feels they have a pretty good agreement on their situation.

Mark said he understands the situation and that it is their understanding that this is a temporary need that the owner is trying to fill is that correct.

Dave C. said that is correct.

Mark said that if you get a 2-year permit that you may not need to use it for the entire duration of those two years.

Dave C. said that is correct.

Paul said that he had mentioned that he wanted someone on premises, the zoning code requires that if the property owner is not on premises or does not reside within 30 miles of the Town of Lloyd then they must designate a local manager as an agent. If Dave C. is not going to be around, he has to designate someone who can be contacted to come if there are any complaints. If you guys agree to something else that would be between them.

Mark said they don't have to be on site then.

Franco said that they need access to the site and near the site in case of an emergency.

Dave C. said that he knows the issues with the previous owners and some of the problems with them. He has also seen Airbnb on their block, and he doesn't want his house to be that. He lives on a natural cul-de-sac, and he wants to be respectful of his neighbors. He added to the house rules to try to overcompensate for his neighbors' concerns about what happened in the past, as far limiting the amount of people on the property, limiting the number of cars, the speed at which they can drive on the shared road, he did all that to make sure that none of that happens again to them and to the other neighbors.

Scott said do you have a large enough sign there to make sure that people know what the address is, so nobody goes onto his property and the property line is marked so people don't drift off into someone else's property.

Dave C. said he showed the fire inspector all the charts they have by the front door, and it outlines the property. Also, in the rules the guest cannot go close to the property lines, he purposely defined an area where people can walk with the idea of keeping them away from neighbors, he has 3.7-acres, so it is a pretty big property. When he put together the house rules and keeping in mind the problems that they had before, he addressed them with who ever will be staying there regarding the limitations.

Scott asked for a motion to close the public hearing.

Motion made by Bill, 2nd by Franco.

All ayes, motion passed to close the public hearing.

Scott said that in the resolution it has 10 guests.

Paul said the number is 8.

Scott said he thought it was 6.

Dave B. said there are 3 bedrooms.

Scott asked are there only 3 bedrooms.

Dave C. said 3 legal bedrooms.

Scott asked if there was an illegal bedroom.

Dave C. said there is a storage room in the basement.

Scott asked if there were any beds in there and nobody is sleeping there.

Dave C. said that he puts the kids in there to take a nap.

Scott said it is a 3-bedroom home and people are not permitted to sleep in a closet in the basement, so the board will only allow 6 people to stay there at a time.

Dave C. said correct.

Paul read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Franco, 2nd by Bill.

All ayes, motion passed to approve the resolution.

Administrative Business

Silver Gardens: Subdivision Extension

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

Potential Action: Extension approval

Paul read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Charly, 2nd by Carl.

6-ayes, 1-nay (Gerry), 1-abstain (Sal)

Motion to Adjourn.