

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, August 24, 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, Franco Zani, Carl DiLorenzo, Gerry Marion, Bill Meltzer, Sal Cuciti, Lambros Violaris, Lenny Auchmoody (Town Board); Board Staff: Dave Barton, Paul Van Cott, Andy Learn, and Sarah Van Nostrand.

Absent: Board Members: Charly Long

Minutes to Approve at August 24, 2023 meeting
July 20, 2023, and July 27, 2023

Scott asked for a motion to approve the minutes.
Motion made by Franco, 2nd by Bill.
All ayes, Sal abstained from July 20th. Motion passed, to approve the minutes.

New Business

Minard/Poluzzi: lot line revision/subdivision: 1227 & 1215 Route 44-55: SBL #94.2-3-6.112 & 94.2-3-6.111 & 94.2-3-4

Applicant is seeking a lot line revision and subdivision.

Review Status: Application and plans circulated to the board
SEQRA Status: Unlisted Action
Potential Action: Board to schedule public hearing for September 28, 2023

Patti (applicant's agent) said that the application before the board is a 2-lot subdivision with a lot line revision of 12.63-acres of land. They are proposing a new building lot of 2.56-acres, the property is located in the A zone which requires 2-acres for construction of a building lot. The Board of Health was out at the site and the deep tests were done and it is eligible for an inground septic system. The existing house and accessory structures will remain on 4.00-acres and there is a proposal to add a 0.3-acre parcel and a 0.37-acre parcel to the adjoining lands which will then have a total of 6.07-acres with an existing residence as well.

Paul said that it this is an unlisted action, so the board will do a SEQRA review for the project.

Scott asked for a motion to schedule public hearing for September 28, 2023.

Motion made by Sal, 2nd by Bill.

All ayes, motion passed to schedule the public hearing for September 28, 2023.

Tanner: Special Use Permit: 3 Sheep Ln: SBL #95.2-3-7.200

Applicant is seeking a special use permit for a ground-mounted solar array.

Review Status: Application and plans circulated to the board

Potential Action: Board to schedule public hearing for September 28, 2023

Scott asked for motion to schedule the public hearing for September 28, 2023.

Motion made by Sal, 2nd by Gerry.

All ayes, motion passed to schedule the public hearing for September 28, 2023.

Old Business

Falcon Ridge: Subdivision: 301 & 357 Upper North Rd: SBL #80.3-1-18.110 & 80.3-1-31

Potential Action: Board to declare lead agency.

Paul said for this project an original SEQRA circulation to other involved or interested agencies indicating that the Planning Board intention to be lead agency for purposes of SEQRA review and that was more than a year ago. The board decided that it wanted to recirculate once the project came back. The 30-day period for that circulation has expired, so the action for the board tonight is a simple motion to establish itself as lead agency for purposes of SEQRA review.

Scott asked for a motion to declare lead agency.

Motion made by Carl, 2nd by Sal.

All ayes, motion passed to declare the Planning Board as lead agency.

Dave said at the next workshop the board will go through the long form EAF and suggests that the board look it over before the next meeting.

Public Hearings

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: Public hearing scheduled for August 24, 2023.

Potential Action: Open public hearing, close public hearing, approval resolution

Carl recused.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2nd by Bill.

All ayes, motion passed to open the public hearing.

Dave (applicant's agent) said that Carl asked him to represent him as he cannot. It is a studio apartment, there was a wall in the door where the flat arch is on the plan. They had the engineer remove that wall, there will be an arch there now, so it will be open that way it can borrow light and ventilation from the other room and satisfies the requirement for egress. Its at the back of the house downstairs, has a walkout.

No public comment

Scott asked for a motion to close the public hearing.

Motion made by Franco, 2nd by Bill.

All ayes, motion passed to close the public hearing.

Paul read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Franco, 2nd by Sal.

Sal asked for discussion. He said that he kind of agrees with what was done on the plans but has a problem with having a bedroom with no window. He would vote for if they put a line in there that the den is not to be a bedroom.

Scott said he has no issue with that.

Franco said it is not a bedroom as there is no closet.

Dave said the code doesn't care about closets. It is not named as a bedroom on this plan therefore when it is reviewed, it will not count as a bedroom. However, a building permit will be issued for this space to convert based on the approval and it will comply with all the pieces: egress, smoke detection and alarm.

Scott asked if they were checked periodically.

Dave said not by the department, this is still a single-family dwelling with an accessory apartment. Once you get it, unless you are a STR they never go back in.

6-ayes, 1-recused (Carl), motion passed to accept the resolution as amended.

Surprise Photography: Special Use Permit: 151 Macks Ln: SBL #96.9-1-14

Applicant is seeking a special use permit to run a photography studio out of an accessory building.

Review Status: Public hearing scheduled for August 24, 2023.

Potential Action: Open public hearing

Melissa (applicant) said that she is a professional portrait photographer, she has been professional for the last 18 years. She has been renting over in Poughkeepsie a studio for quite a few years, but it has always been her dream to build a home studio. Before the pandemic they bought a house with land that allowed her to do that. This is her profession, she doesn't have another job, this is what she does. She has been award winning. She takes her business very seriously.

Bill asked what the square footage of the first floor and upstairs of the building.

Sean (architect) said it's about 1,200 square feet. The studio itself is about 400, with a bathroom space and it's about the same above.

Sal said it's 1,200 square feet, so it's 600 on each floor.

Sean said yes.

Paul said based on the resolution they have it as 880 square feet.

Bill said when you look at the drawings it isn't very clear.

Sean said it's under 1,200 as the second floor isn't a full floor, the stairwell is open as well as wall spaces. For tonight meetings he thinks that they are taking the gross square footage, which is 20 x 30 each floor.

Sal said looking at the survey there is a square that says form work, is that where the building is.

Joe (contractor) said yes.

Scott asked if there were elevation drawings as well.

Plans were shown.

Bill asked does this work with the calculations that were done.

Dave said the reason they are hear for a type II is the size of the building. If there is an accessory structure that is over a certain square footage that trips it to a type II.

Bill said he thought the limitation was 30% of the size of the house.

Dave said the way the code reads is for a home occupation I is a space that does not occupy more than 500 square feet of gross floor or 20% of the gross floor area of the principal building. A class II is anything that occupies an area greater than that of a class I home occupation, so more than 500 square feet.

Bill said he thought it said after that it can be no more than 1,500 square feet.

Dave said up to a maximum of 1,500 square feet or 30% of the gross floor area of the principal dwelling.

Bill said that is the calculation he is concerned with is 30% of the principal building.

Dave said it is whatever is less, he will have to look into it as he doesn't know the house.

Franco asked are there going to be bathrooms in the building.

Melissa said there is going to be a bathroom.

Franco asked a full bath.

Melissa said there is a tub and a bath in it.

Franco asked can the current septic handle it. How many bedrooms is the main house.

Melissa said 3 bedrooms.

Franco asked how many bedrooms is in this building.

Melissa said no bedrooms.

Franco said here is the issue, after this has been approved and built, you turn around and sell it, someone can come back and turn it into an accessory apartment.

Melissa said maybe in 20 years.

Franco said the septic can handle both.

Sean said yes.

Paul asked isn't there somewhere on the application that says the principal building is 2,950 square feet, so this is less than 30%.

Bill said it is not, the building is 1,200 square feet it's more.

Scott said it is an or, so you can use either calculation.

Dave said it's whatever is less.

Scott said it's 1,500 max.

Dave said 1,500 max or 30% of the gross floor area of the principal building.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2nd by Sal.

All ayes, motion passed to open the public hearing.

Russ (neighbor) said that he would like to speak on behalf of the applicant. He has known Melissa for over 15 years since she started her business. He wants to assure the board that this business is not high volume, high traffic kind of commercial business, it's not that type of business. As for Melissa herself he considers her a very honorable person, if she says she is going to do storage it's going to be storage. If she is only going to have clients in there doing photography that is all she is going to be doing.

Sarah (Van DeWater & Van DeWater representing David Conklin) said that the code says that a class II home occupation can be up to 1,500 square feet gross floor area or 30% of the gross floor area of the principal building, whichever is the lesser number. The principal building according to Ulster County Parcel records has a gross floor area of 2,960 square feet, 30% of that square footage is 888 square feet. What is proposed is well over that number. Additionally, this project has started there is significant construction that has occurred without the benefit of a site plan or special use permit, which is against the provisions of the code. The zoning code section 100-53 (b) (11) states that no construction shall be started until site plan approval. Here at a minimum the construction needs to cease until there are approvals here. Additionally, the first floor is about 651 square feet, the second floor is about 589 square feet. Mr. Conklin hired his own architect to review the plans to come up with those numbers. As the project is proposed right now, it does not meet the code, it is well over what is allowed for a class II home occupation. Additionally, just a review of the application the environmental assessment form is incomplete, it even indicates that this may be outside of the character of the neighborhood as written by the applicant.

Jesse (151 Macks Ln) said that it was his impression that the purpose of this discussion was about the special use permit not about the building itself. He's not saying it shouldn't be discussed in some form, but everything that was discussed here has nothing to do with a photography studio, it's just about the structure itself, which his neighbor has been against since the beginning. If that is what they are here to discuss, great, but he was under the impression that this was about a photography studio going into an auxiliary building.

David (161 Macks Ln) said that he had the opportunity to come to a Planning Board meeting in June, just to see how it worked and then was invited at the end of it to speak and at that time he indicated that he lived on a 2-acre residential zoned property and all of the neighborhood on Macks Lane is in fact 2-acre residential zoned. He thinks at that time he was told they were the only 2-acre residential zoned neighborhood south of the Mid-Hudson Bridge, everything north of

the Mid-Hudson Bridge is along the Hudson River. He has told his neighbors he thinks they are very fortunate about where they live, others will speak tonight and they all back up the Franny Reese State Park. They are very fortunate, and they really do like their neighborhood and where they live. What he has given the board is what the building permit application was and as you see under the structure size it said 34 x 26 and is actually 1,240 square feet. The next is the building permit that was issued by the town Building Department and as you can see also, it is a permit for an accessory structure to be located at 151 Macks Lane. The next is the application form for the reason they are here tonight and that is the hearing on a C2 home occupancy application which requires a special use permit and a site plan approval, so it is for a C2 home occupation permit. As you can see from the application form it was submitted by Surprise Photography for the purpose of a home studio, the next page says Surprise Photography Studio auxiliary building it is actually an accessory building, but auxiliary building as home studio. He would like to say upon information and belief that he thinks was already stated this evening that this is really a request to relocate an existing business that had been located in Poughkeepsie for a period of time it is an LLC with New York State, it is also a part of the State Department of Taxation and Finance Authority to collect taxes on anything that they sell that would be taxable. They are really talking about locating Surprise Photography LLC to conduct business out of a 1,240 gross square foot building at 151 Macks Lane. Now as it has been said the building is already in progress and he would like to speak to that, right now the accessory building that's being built is 1,240 gross square feet, there is an existing shed on the property that was moved, but it is still on the property and it is 240 gross square feet, the total of the two together is 1,480 gross square feet, that's just the accessory structures, the principal building on the 2.05-acre lot is 2,960 gross square feet, so the 1,480 gross square feet of the 2 accessory buildings is 50% or 1/2 of the total gross square feet of the principal building of 2,960 gross square feet. Even if there isn't a home occupation in that building the two of them together, the two accessory buildings are 50%, 1/2 of the gross square feet of the principal building, the residence on the property. He believes that the character of the neighborhood is detrimentally affected and altered because of this, there are no other properties in the neighborhood that have more than a shed and this property will half the square footage of the house in accessory buildings. He would like to say also that they have been talking about this for awhile and he thinks that as the attorney said they really need to deal with what they have which is a building that is too large for a home occupation and a building that together has two accessory buildings that equal half of the square footage of the principal building.

Jessica (Resident) said that she has lived in Highland for over 20 years and has known Melissa just about that length of time. Since she has known Melissa all that time, she has been exceedingly generous with her skills, her profession and in the community whether it be the schools, families in need in the community and she thinks it would be very beneficial to have her skills here rather than across the river.

Sean said that first of all the building itself is the size of a two-car garage, it is designed to be converted into a two-car garage when she doesn't want to run the studio anymore, so its not abnormally large for the site and to make the argument that was made having a two-car garage would be out of character of the neighborhood for a two acre lot. He doesn't see how you could make that argument. The way this came about is that he was not counting the second story as part of the studio, thus did not realize that was going to be a part of the business because it is a

detached structure the decision came back that they had to count the whole building. That's why they have this over square footage issue. That's what they are here asking permission for. The building itself is fully within the zoning rights, there is nothing wrong with it, she is fully allowed to build this building with no objections from anybody. Operating it as a business because that second floor is there for future use her intended use is for storage, it's not even intended to be finished with anything else at the time. He understands the argument that things can change down the road, but really the issue they are talking about here today is that extra square footage on the second floor and how that throws the business that isn't using that over the limit. He just wanted to put into perspective that the building that they are talking about is a two-car garage, it is not an outrageous element being added to this site.

Gina (resident) said that she has lived here in Highland her whole life. She is here just to speak about Melissa and her character and also for the contractor, both of those people are on the up and up and do many things for the community. She knows that from the get-go, they have tried to do the right thing, gone through the right channels and for what she does for people, she makes memories for people, people that are in need, people to remember people that you have lost, as well as wonderful things like new babies and weddings, etc. She knows that they have worked very hard for this, it is her livelihood, and she is just here in support of her in this project.

Jackie (161 Macks Ln) said that first of all, this has nothing to do with Melissa's character, they don't know each other well, but any experience she has had with her one-on-one has been very positive. What this is about is about is where they live, when they bought their home 9 years ago, part of the deed included a deed restriction that expired in 2018, but it precluded any structure. The first item is that no lot shall be used except for residential purposes and no building or structure shall be erected on any lot except a one-family house and garage appurtenant there to. Although that deed restriction ran out in 2018, it certainly speaks to the character of the neighborhood and what they were buying into, 2-acres is spacious and as David C. said boarding Franny Reese State Park, it's just ideal and having a business operate next door to them is not what they signed up for. They have other neighbors who have been there much longer, who are similarly affected by this and so the building's there, it's big, it looks a lot bigger than a 2-car garage, but the code says you cannot have a business operating in that sized structure and so it seems to her to be pretty cut and dry.

Juile (100 Macks Ln) said that she is here for the permit for her business not about the building about the business. You submit the permit based upon what you are going to be doing here, she's doing photography, she's not doing car mechanics or something else, that's what the permit is written for is photography. She's having babies come in and maternity, it's not like there is going to be this crazy amount of traffic that they are making it out to be, so it's not the entire neighborhood that is not against this, there is support in the neighborhood as well.

Phil (171 Macks Ln) said that he has been in the house since 1996. It's a dead-end road and is against having a business in the neighborhood, there are no other businesses there. It's a residential neighborhood, you cannot tell him that it's not going to add traffic down Macks Lane, up at the top of the road there are kids that play all the time, they have signs out there to slow down and now you want to introduce more traffic on the road where these little kids play. He didn't buy the house for a business district, it's a residential neighborhood.

Melissa said saying that there are no other businesses on their street is actually false, there's two. Her neighbor across the street has a home business, they might not have an accessory building for it, but she does have a home business. You can look on any google map there is a flooring company four houses up from her, they have a large structure in their backyard, so there are several businesses on their street. She is also going to refute the claim that there is children, she has children, she has three children who are constantly outside, they have their friends over, so there is constantly children and noise on her side of the street. As mentioned in their last meeting, she is a low volume, high end portrait photographer, she might have two sessions a week at her house, therefore she's not leaving, the traffic is that one person coming to her.

Sarah said it's the neighbor's position that she represents, that this board is in fact not respectively submitted that it is not empowered to grant an application for a project that violates the zoning code as written. Additional if the board does choose to close the public hearing tonight, she would request that it remains open for written submissions.

Dave B. said to the attorney's point, without looking at the plans, he would agree that if the building is oversized, that this board can refer applications to the Zoning Board, during your review. He does agree with leaving the public hearing open, for written or oral comment in the future is appropriate and then they would internally send it to the ZBA, if the applicant is willing.

Paul said the only point of clarification is that they have heard different numbers floated, so he thinks clarifying that is important, but if they are over then referring it to the ZBA would be appropriate.

Scott said they would need clarification and then refer to zoning.

Paul said if that is the board's sense, if the number is over what would be allowed a referral would be appropriate and staff will go ahead and make that happen.

Bill asked would a reduction in the size of the building to 880 square feet be an alternative to going to ZBA.

Paul said absolutely, he thinks that is the whole point of discussion with the applicant what's possible.

Dave B. said he would suggest that is something they would refer to ZBA and let them unpack the alternatives.

David C. said that he would like to request that the board makes a decision on the altering of the character of the community and address the issue of the two accessory buildings, being 50% of square foot of the principal building. They are building that thing right now. The other thing he did not mention before is that they talk about size a lot, but gloss over the life expectancy of the building, we are talking about 40 years. He came to the board in June, this is August, 60 days. 40 years is 14,600 days, that building is going to be on that lot and you and the owners that built that

building are going to be going back and forth all the time is what is allowable and what's not allowable, what can they do with it because it's there.

Paul said to clarify that once this is back in front of the Planning Board, the board will be applying the special use permit standards which would take into account community character, but at this point, it's his understanding that the board is going to simply continue the public hearing and either have it referred to the ZBA or come back for further Planning Board review, if the size of the building is reduced.

Carl said that Mr. Conklin mentioned a shed on their property, he asked Dave if that was included in the gross square footage.

Dave B. said no, just the space for that which the use would consume.

Scott said they will refer this to the ZBA and push the hearing off until next month.

Dave B. said to the applicant that his office will be in contact with them about ZBA dates for next month and they will tee it up for them with this application and the discussion which occurred here, it will be packaged together for the ZBA when they get it.

David C. said that you said the shed does not count in the calculation, it is however an accessory building on the property. The calculation for the square footage of the 1,420 square foot accessory building compared to the principal structure is 42%.

Peppino's Food: Lot line revision: 304 Station Rd: SBL #86.4-1-22.100

Applicant is seeking a lot line revision to add a 1.59-acre parcel of land to his existing 4.62-acre parcel of land.

Review Status: Public hearing scheduled for August 24, 2023.

Potential Action: Open public hearing, close public hearing, approval resolution

Patti (applicant's agent) said that the lot line revision before the board is the addition of a 1.59-acre parcel of land to an existing 4.62-acre parcel to increase the lot size of an existing commercial site to 6.21-acre in size. This was a pre-existing non-conforming site that was over density, they are taking the footprint of a former concrete foundation and putting a pole up on top of it. They appeared before the Zoning Board of Appeals for an area variance for the coverage, they did have the alternative of adding this additional parcel, so they are back before the Planning Board to have determined that the Zoning Board of Appeals no longer needs to take action on it.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2nd by Bill.

All ayes, motion passed to open the public hearing.

Ryan Miller (308 Station Rd) said that he is okay with the lot line revision and adding that property, the only stipulation he would like to request is that on the back side of the property that is being added that there is a 100-foot buffer which is at the discretion of the Planning Board being added to that lot, currently it is a 50-100-foot buffer at the discretion of the board, he asks that it be 100-feet to match what is on the opposite side of their farm, that was put into place for the subdivision.

Sal asked if his house is behind there.

Ryan said his property is next door, 308 Station Road is the 5-acre parcel. There is no house on the property currently, but there might be one there eventually.

Patti said the lot line revision parcel A that is being referred to is actually surrounded by lands of Zimmerman.

Ryan said it does not abut his property but it abuts his mother in-law and his family's farm, which is part of their whole farm.

Patti said the application before the board right now is for the lot line, and the buffer she believes is something that would be discussed during site plan review.

Scott said yes.

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

Paul read the resolution.

Scott asked for a motion to approve the resolution.
Motion made by Bill, 2nd by Sal.
All ayes, motion passed to approve the resolution.

Continued Public Hearings

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 on June 22, 2023

Patti (applicant's agent) said that she has presented a plan before the Planning Board as she mentioned last week at the workshop meeting, they met the landscaper out there and have added to the map the location of some of the larger deciduous trees that are

located on the adjacent parcel of land of Anzalone and Miller. They are proposing at this point in time a 25-foot agricultural buffer zone with a planting area to encompass the open area that had previously been mowed. They did stake out in the field the 25-foot buffer line a few weeks ago with the landscaper, so that he would be able to direct his staff to not mow that area anymore and to allow it to grow up and be naturalized. They have proposed that there would be 5 evergreen trees, 3 oak, and 2 maple trees, 4-feet to 6-feet in height to be randomly planted as determined by the landscaper. Additionally, no mowing is to occur within that 25-foot eastern boundary line and the area is to be returned to a naturalized state. They did talk to the landscaper about the possibility of planting the trees up on a berm, the problem that he says happens when you try to plant the trees up on a berm. One the roots start growing very quickly in the bermed area because it is a soft soil, and it is easy for them to grow and then they hit the more difficult soils and they cannot expand their growth anymore and that often times will kill the trees. The other problem with putting them on a berm is as far as water retention for the roots, it's more difficult for them, so for those reasons he did not feel that it was appropriate, he felt it would be much better to excavate the ground that is there now and plant the trees that way because then, they from the very beginning become normalized in the soil in which they are introduced initially. There are other outstanding items that need to be addressed engineering wise and detail wise, but the applicant before he proceeds with that wants to try to resolve this issue because this seems to be the most concerning issue to the board and the general public.

Andy said that he hasn't seen any new plans yet, but the one thing that was discussed was the gate added. He asked if the new parking area is going to be blacktopped.

Patti said correct.

Scott said it's two gates.

Franco asked if they were going to remove the berm to plant the trees.

Patti said no, the berm is not on lands of the applicant. The berm is on the adjacent lands, so that berm will remain in place. She has added some additional spot elevations, so basically the slope of land from approximately 25-feet on average on lands of Miller down to the boundary line is ranging in grade between 60-80%, so it's a rather steep slope there right now, she knows that the neighbors want to be able to utilize their property right up to the boundary line and reserve the right to cut all those trees down. She would contend the only way they are going to actually be able to utilize that for planting or agricultural purposes is if they put up a 10-foot retaining wall to be able to fill it, to be able to use up to the boundary line. They are just looking for something that is reasonable and equitable, they agree with the agricultural buffer rules and regulations and what they are intended to achieve, she understands that when you are up against a residential neighborhood where houses have not been built yet, that, that can be a great concern. The situation here is totally different because these two properties have been co-existing with the same uses for over 20-years at the point in time when this business was originally approved, this agricultural buffer did not exist, so the property existed

here for approximately 6-years before that agricultural buffer was put into place, so this is more or less a pre-existing use to the site. She did some research on it; she found the railroad maps from 1916 and this building is shown on that at that point in time the Anzalone property was labeled as a vineyard. She has a survey of the property that was done in 1969 and at that time the railroad tracks were still in place, and you can see that there were 2 sidings going into the building. This has been a commercially utilized property for as long as the agriculture has existed on the adjacent property, they understand the neighbors concerns, they are trying to mitigate them to the greatest extent possible, while at the same time being reasonable in what the expectations are on both sides.

Scott asked what was the quantity of trees you said you were proposed.

Patti said 10 trees, and she had suggested that they all be evergreens, but the landscaper said that he did not feel that, that would be appropriate and that it would a lot more naturalized if he put in the 5 evergreens, 3 oaks and 2 maples.

Scott said in the amount of time to get that buffer because they are small trees that are being talked about. The trees are going to be 4-6 feet in height and the berm is 8 feet high, so these would be below the berm for a while.

Patti said they will be.

Scott said that is still his concern, for a substantial amount of time to get the oaks to grow or the evergreens to grow high enough to where it is actually buffering is going to be the issue.

Patti said she guesses the question is what are they buffering.

Gerry said they have been here since the beginning of time it looks like, they are trying to put an effort in to plant the trees, granted it's going to take 6-10 years to grow, but what are you supposed to do stop everything and wait for the trees to grow.

Andy said looking at the grading, it looks like the embankment is about 12-feet high at the center of the building, it looks like it goes down in height as you go towards Station Road is that right.

Patti said yes.

Andy said depending on where you are and where the trees are planted, you might get better screening.

Sal said on the map it seems like you are going to plant trees on someone else's land.

Patti said she is showing the existing trees on the neighbors property.

Sal pointed on the map and asked if that area was where the trees were going to be planted.

Patti said that she didn't show exact placement of the trees because when she tried to pin the landscaper to what tree are planting where, he said to let him decide that when he brings the trees out here and decide which tree is appropriate to put where.

Sal said that the board should have a planting plan, for the board's purposes, that could be subject to change.

Ryan Miller (308 Station Rd) said that they are back and constantly fighting the same battle as stated here tonight that they are currently actively changing and altering the buffer every single week. They put stakes now in it where they are 25-feet in from the 50-foot buffer line that is on the property and are mowing it every week, they are not allowing the buffer to just be the buffer and stay the same. This has been the problem the whole entire time. Originally this property had trees there, the property was not owned by the applicant, the applicant then took the trees and cut them down, they went onto his property and cut them down and created a bigger berm that what is there now. Now they are asking for hardship, this was a self-induced, self-causing problem at the time of the fight for the property his family was paying the taxes on the land where the parking lot was put in. They subdivided off a piece of property, the piece of property is now his and that property, then finding out that they are taking that off of the main farm was not owned by them even though they were paying taxes on it. The applicant then went and claimed the land and got the land. They removed the parking lot, now once the parking lot was removed because they were told to remove it, to go back to the original site plan. They are still actively mowing this property now, they let grass grow, but they are actively mowing the 50-foot buffer, this is the problem and not letting things just grow. He understands putting trees in it, but they are still going against the town code and what is put in there for the agricultural buffer being 50-foot around their farm. The problem is that this applicant keeps doing whatever they want, whenever they want, and then asking for forgiveness.

Gerry said he knows the buffer has to be 50-feet, but does it state anywhere if it has to be left alone, has to have vegetation.

Patti said the code reads, "The buffer area as part of the new residential or other nonfarm use shall consist of an enhanced setback of at least 50 feet and, at the discretion of the Planning Board, up to 100 feet depending on the type of agriculture or farm use, the topography, and the proposed design of such buffer." It says that it needs an enhanced setback of at least 50-feet. Then it goes on to say, "Appropriate landscaping and/or vegetative screening shall be established and maintained on such buffers. Such buffer and its standards shall be noted on any approved subdivision plat or site plan." Her contention is that the setback needs to be 50-feet, but that doesn't mean that the entire 50-foot setback area needs to be planted and they are proposing a 25-foot, so that they still have ample space around the building which would be 30-feet at that point.

Ryan said that in the town code regarding the 50-foot agricultural buffer is that there is no noise, so that's where the coverage comes in, where you cannot necessarily maintain it and you cannot mow it.

Patti said the applicant is stating that area since it has been marked off has not been touched since last month.

Paul said the only thing he will add is that the board needs to reflect on what it wants for landscaping, there is no requirement that the entirety of the buffer has to be planted with trees.

Scott said that the board asked her last to have a landscaper come in and propose a plan to the board.

Paul said you have a start to that, and it should be shown as a planting plan as well. Then the board can decide if it is enough or not, are the trees tall enough are there enough trees.

Patti said with regards to the direction that they are heading in and the width that they have, it is staked. It is clearly marked where they are proposing the edge of the buffer to be and she would just ask the board to consider, if the buffer has to be up to the building then they will have a whole different application before the board and doesn't want to address all the other comments until the buffer is satisfied.

Scott said that he thinks the board has already established the 50-foot, now it's just what is going to go into that space where you are going to provide the vegetation. The board wants to see what that will look like before they can add to it. He said 25-foot buffer and you have the 30 going to building, so you have designated that growth area.

Paul asked what do you need the 30-feet for, it's an appropriate question to round out why 25 is what is proposed, what's the rationale for not planting the other 30-feet.

Scott said he thinks there was a road going back there.

Patti said it was for fire access, the minimum fire access road is 20-feet wide and you don't want to be right next to the building with that, so that is where the 30-feet came from.

Ryan asked when was it decided that it didn't have to be 50-feet.

Patti said she knows that the board has never waived the fact that they need to have the enhanced setback of 50-feet. The 25-feet is in regard to the area of planting and the area of space that needs to be vegetated.

Sal said there is going to be a line on the map that shows the 50-foot buffer, but what

goes on in that 50-foot buffer, the board is going to decide over the next couple of meetings, so part of it might be planted and part of it might not be.

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

Peter (applicant's agent) said that they had submitted some building renderings for approval, the last time they were here.

Dave said the only thing he still has hanging out there is a fence along the southern property line. He suggests to the board that they condition that in. There is an approval crafted for the board tonight in case they are inclined. They talked about putting a fence there, so that when the trucks came in around the back of the property, if they had headlights on, they wouldn't sweep across the properties to the south and there are residential properties in that direction.

Peter said the applicant was agreeable to that.

Dave said they would that as a condition in the resolution.

Andy mentioned that there were some outstanding comments that need to be addressed in terms of stormwater. There is also this question of a pipe crossing through the property.

Dave said he crafted something but didn't circulate it and one of the conditions is that should any damage occur to the concrete pipe that drains the water from the west side of South Street underground and discharges to the stream on the east side of the property at 180 South Street. The applicant will repair and/or replace that line in order to maintain the long-standing draining flow pattern.

Andy said that works for him, but his concern is that there is some stormwater stuff in that area that may need to be reconfigured as well.

Dave said in his opinion they could figure it out in the field, it's a very old pipe. If they are working out there and water starts backing up, everything will stop until they figure out why.

Scott said the board could add that as a condition of approval.

Dave said the goal is to keep the long-standing drainage pattern, and he thinks between the building permit and Andy's inspections they will get there.

Scott thinks that it should show the pipe on the map.

Dave said they can do that on the final map for his signature and the fence.

Scott said he thinks it needs to be at least addressed that it is there and that they are going to

assume responsibility for maintaining it.

Franco asked are they going to need an easement.

Dave said there has never been one, it was sort of a handshake deal before South Street became what it is today. He thinks it might be wise to have one across the street for the other property to maintain, the issue is that the line may run directly next to the loading docks.

Scott asked can it be relocated.

Dave said that was what his point was in the note if it is damaged, they are going to repair and/or replace it and if it is to replace, they are going to make them move it.

Sal asked if he could see the elevations and if there was a second level on the building.

Peter said there is a second level just in the office area.

Scott said there were supposed to be revised elevation drawings as it was suggested that they make the building stand out and not have it look like a blanket building.

Peter said they broke it up with windows.

Dave said that the renderings are not an accurate representation of what the building is going to look like. The system that they are using is a new core system, is broken up almost panelized.

Scott said it misrepresents what the board wants to approve, it needs to have something of reality to it.

Sal said he suggested having a column line like every 40-feet of a different color. He thinks as a Planning Board they should ask as it is a large flat building.

Scott said that it was asked for and the board agreed.

Gerry asked if there were mechanicals on the roof.

Peter said there will be.

Dave said there will be a parapet around them.

Peter said that he thought by breaking it up with window bays because it is really hard to break a metal panel and break it in the middle and overlap it.

Scott said maybe something that could be a column, just to break it up some of the length.

Gerry asked if there was an existing drawing.

Rending was shown.

Peter said that they can break the panels at the window bands and change the color above.

Scott said you cannot change the color from the window down. Maybe some kind of striping or even build a column, he agrees that its too flat, especially for the area that it is in.

Pete said they are architectural renderings, that is what they propose to have it look like.

Scott said it was pretty clear that the board wanted some kind of column to show that it's not one long building.

Sal said it could be many different things, it doesn't have to be a column.

Board agrees that a new drawing is needed.

Gerry said that they should have actually elevations showing how high and how long the building will be.

Andy said maybe the board should ask for samples of the materials.

Chuck Andola (Neighbor) said that the pipe is important for all of South Street, its not just him, its all the neighbor's right on down the line down to Station Road.

Thomas Bilotti (184 South St) his biggest concern is the fence that they are going to put in, 8-feet to him does not sound adequate for a tractor trailer coming in and out all day long. In the past it used to be one or two tractor trailers going into the site with their supplies. They are going to be coming in and out all day long, lights are already an issue, even on the weekends when they are supposed to be there.

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 opened on July 27, 2023

John (applicant's agent) said that at last week's meeting there was a continued public hearing and a draft resolution that was proposed to the board and there were some changes since then. They reviewed the draft resolutions, and they have no objections to the resolution that is before the board members.

Paul went over the history of the project and the resolutions. Any changes to the plan would have to go back to the Town Board for reapproval of the PRRD. Highlighted the changes to the resolutions.

Carl asked regarding UCAT and private property, is there any chance that you cannot

have bus stops in The Villages to pick up people, he knows that Dave mentioned something last week that they cannot go onto private property is a separate agreement possible.

Dave said that's accurate, and Paul has put into the approval that the applicant will be responsible for ongoing negotiations in the future with UCAT. This way if UCAT wants to expand its services and the town is aware of that, they will go out to the applicant and let them know that the town will work with UCAT to get a stop either on 9W or up onto their site. It will be an ongoing discussion and UCAT is not interested right now.

Paul said one of the things the Planning Board will be able to do is every time they come back for a phase ask the question, how's it going with UCAT, what have you done and make sure that their efforts are documented.

Carl said it should help mitigate traffic there considerably.

Paul continued to go over the draft documents.

Lot line revision map was shown.

Gerry asked what were the filing dates for the DOT permit and Department of Health license.

John said that the Department of Health was filed for last month.

Gerry asked what the filing date for the DOT application was.

Kelly (A part of the applicant's team) replied sometime in 2020, she doesn't have an exact date.

Gerry asked if they could provide receipts of the actual filings, as there has to be money receipts.

Kelly said DOT is the opposite, so you submit to DOT and you don't pay the fees until the end when they review the project, so all of the fees went in.

Gerry said the DOT application was when.

Kelly replied it was 2019 or 2020, she doesn't know the original start date on the application.

Franco asked if he was looking for the file dates.

Gerry said when they actually started to apply for the permits.

Kelly said that DOT is opposite, so you send everything in and you start the application process with them which was back in 2018 or 2019, you advance the project and then they tell you when they are ready for you to submit the permit and they don't ask for the permit until the project is accepted. She can get the date for the permit application.

Gerry said he thinks there were land easements or right-of-ways for crosswalks that were an issue too, have they started on that, when was that application filed.

Kelly said she doesn't have those dates in front of her.

Gerry said his only concern is that there were a lot of people in and out of here tonight, and they all had homework, the board didn't give them what they wanted, they had to go back. He feels uneasy moving forward once again without these permits that has been going on forever, it's a big concern why is this project so special that they have to grant this before they get their permits, when other people come in and out of here and the board sends them away to get their permits.

Carl asked how much land are you gaining from the lot line revision.

John said about 4-acres.

Carl asked how much land do you have now including that.

John said the land that is going to be left for the self-storage facility is like 190,000 square feet and he thinks the zoning code requires 15,000 square-feet.

Mark (reporter) asked is this the stage where they have affordable housing units.

Scott said each one of the zones if he is not mistaken will consist of so many affordable housing units.

Paul said that is correct.

Scott said that they were going designate where they were going to be in each zone.

John said that one of the conditions of the approval before the site plan gets signed for phase A is a submission of an affordable housing plan which would designate the locations.

Carl said it should be 10%.

John said it is 10%, but they have to spilt it up evenly amongst the phases that way there is not a high concertation of affordable housing in one phase because you want to spread it out and that is all in accordance to the plans.

Scott asked for a motion to close the public hearing.

Motion made by Franco, 2nd by Bill.
All ayes, motion passed to close the public hearing.

Paul read the lot line resolution.

Scott asked for a motion to approve the lot line resolution.
Motion made by Franco, 2nd by Bill.
5-ayes, 2-nays (Sal and Gerry), motion passed to approve the lot line resolution.

Paul read the site plan resolution.

Scott asked for a motion to approve the site plan resolution.
Motion made by Franco, 2nd by Carl.

Roll Call Vote:

Lambros-aye

Sal-nay

Bill-aye

Franco-aye

Scott-aye

Carl-aye

Gerry-nay

5-ayes, 2-nays, motion passed to approve the resolution.

Paul said can the board make a quick motion to have minor technical amendments,
subject to the chair's review prior to signing.

Scott asked for a motion to accept minor technical modifications.
Motion made by Franco, 2nd by Bill.
5-ayes, 2-nays (Sal and Gerry), motion passed to accept the minor technical
modifications.

Short-term Rentals (Public Hearings)

Perez, Luis: 134 South St

Review Status: Public hearing opened on August 17, 2023
Potential Action: Close public hearing, approval resolution

No public comment

Scott asked for a motion to close the public hearing.
Motion made by Gerry, 2nd by Sal.
All ayes, motion passed to close the public hearing.

Franco read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Gerry, 2nd by Sal.

All ayes, motion passed to approve the resolution.

Brimberg, Bud: 5 Felsen Ln

Review Status: Public hearing opened on August 17, 2023

Potential Action: Close public hearing, approval resolution

Mike (16 Blue Point Rd) said that he is here to speak on behalf of Bud, and they work together now and is the property manager.

Scott asked for a motion to close the public hearing.

Motion made by Bill, 2nd by Sal.

All ayes, motion passed to close the public hearing.

Paul read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Franco, 2nd by Gerry.

All ayes, motion passed to approve the resolution.

Agarwal, Impa: 114 Hawley's Corners Rd

Review Status: Public hearing opened on August 17, 2023

No applicant, pushed to next month.

Shah, Sagar: 28 Tano Dr

Review Status: Public hearing opened on August 17, 2023

Mahesh Shah (applicant) said that it is a 4-bedroom house that they bought they live in the city and love travelling to upstate New York and fell in love with area. They often come up on the weekends and they also thought it was a great opportunity to set up a short-term rental.

Scott asked how many people are you looking to occupy the rental.

Mahesh said 8.

Dave said it's in the water and sewer district.

Scott asked if there was a clear sign on the house with the address.

Mahesh said yes.

Scott asked if there is something outlining the property, so your guests are not going onto neighbors property.

Mahesh said yes.

Scott asked for a motion to close the public hearing.

Motion made by Franco, 2nd by Sal.

All ayes, motion passed to close the public hearing.

Paul read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Bill, 2nd by Gerry.

All ayes, motion passed to approve the resolution.

Motion to Adjourn.