

WORKSHOP MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, January 19, 2023

CALL TO ORDER TIME: 5:30pm

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

OFFICIALLY OPEN THE MEETING

Attendance: Board Members: Scott McCarthy, Charly Long, Franco Zani, Gerry Marion, Sal Cuciti, Bill Meltzer (via Zoom), Lambros Violarios; Board Staff: Dave Barton, Christin Moore (Via Zoom), Paul Van Cott (via Zoom) and Sarah Van Nostrand.

Absent: Carl DiLorenzo

Minutes to Approve at January 26, 2023 meeting

November 17, 2022 & December 1, 2022

New Business

Dion Properties LLC: Special Use Permit: 612 N Elting Corners Rd.: SBL #87.1-1-24.200

Applicant is seeking a special use permit to convert a single-family dwelling into a 2-family dwelling.

Dino (applicant) said that he brought the property last year and it was being used as a two-family. The property was being advertised as a multi-family, he brought it from the bank as it was a foreclosure, he did not see the property before he brought it. It was being used as a two-family, but looks like a one-family. He would like each floor to be for one-family and each are 900 square feet. The lot is 1.8-acres, so there is enough property. He has drawings of what it looks like right now.

Dave said that Dino is correct, the property is almost 1.9-acres, he doesn't need to go to zoning as he has room for it. He is here in order to legalize the use that he brought. The building department concurs that it was probably a multi-family. There is plenty of parking on the site. He asked if the deck was still there?

Dino replied that the deck is still there, but thinks it was built illegally.

Dave said it wasn't good, but he has the knowledge and expertise to do renovations as the department has inspected his work. He is here to really legalize it as a special use permit. It is allowed in that zone, it just needs a special use permit.

Scott asked if there were going to be any structural changes or additions?

Dino replied that there are no structural changes. The first floor he is leaving the kitchen the way it was, he wants to remove the garage area and make it living space, so both floors will have the same layout.

Franco asked if Dave could pull up the property details for the parcel.

Dave showed the property details. He said that the opinion of the building department is that it was probably transformed into a two-family at some point without a permit. He is here to get the two-family, so he can pull permits to legalize it.

Lambros asked is the intention to keep the deck or tear it down and redo it?

Dino replied that his intent was to put a railing up as it currently doesn't have one. He then wants to convert the garage to living space to have two equal spaces. If it doesn't interfere with anything he would like to keep the deck.

Charly asked how do you enter the building? Is there two separate entrances?

Dino replied that it has two separate entrances.

Dave said that he believes that it was set up to be a two-family.

Dino said that he purchased the property as a foreclosure from the bank, but after he closed the deal, he found out the original owner was still living there. He spoke with the owner, and he said it was a two-family. When he asked the town, it was a one-family.

Franco asked Dave to pull up page two of the property card. He mentioned that the first-floor area was 926 square feet, and that there is a finished rec. room which is 650 square feet, which would be the basement?

Dino replied yes.

Franco said, so the basement would be an apartment and then the rest.

Dino replied if you consider that the basement as there is no real basement, it's a first floor and a second floor. The second floor already has two bedrooms, bathroom and there will be no structural changes. It is completely set up on the first floor, there was a bedroom down there, but they took a wall out and made it one big room. There is a kitchen and full bathroom and a full garage.

Franco said that he doesn't see the garage on the inventory list. It mentions a detached garage, but with 0 square footage. He asked where the garage was.

Dino replied that it is in the front of the house, the doors are faced to the street.

Franco asked, so it is attached to the main structure or separate.

Dino replied that it is downstairs.

Franco said, so you drive up the driveway and drive in.

Dino replied correct.

Sal said that he thinks the board should be looking at a floor plan for each and photographs at least. He's not saying that an architect needs to be hired, but he would like to look at something.

Franco asked how many bedrooms it was.

Dino said two bedrooms.

Franco said now you're up to four bedrooms.

Dino said yes.

Franco replied that the septic needs to be enlarged.

Dave said maybe the county has those records.

Dino replied that the owner told him that the septic was done in the last 5 years.

Franco asked if he has any plans for it?

Dino replied no, but he can ask the owner.

Franco said that if it was done in the last 5 years you may be able to get it from the Ulster County Health Department as it might still be on file.

Dino replied that he would reach out to the old owner and see if he has anything.

Franco said that they need to know the size of the tank, the leech field.

Charly said that the system was put in with the structure and the one done in the last 5 years was probably a repair.

Scott said that the board needs to know about the septic system. The other thing is some kind of drawing to go with this, so when this goes to the town all the changes that you are making is logged and recorded, so if you sell it again it is there.

Dino said that he is going to hire an architect.

Fanelli, John: Special Use Permit: 26 Gabriety Rd.: SBL # 95.4-2-26.210

Seeking approval for principal and accessory structures approved by ZBA on 10-8-20.

Bill Meltzer recused.

William Hurst (applicant's attorney) said that the applicants are seeking a special use permit and site plan approval for what is now an accessory structure on their property. The cottage has been there for many years and is an established part of the neighborhood. This property was a part of a very extensive area variance proceeding a couple of years ago. The area variance was issued by the zoning board that was later challenged and upheld. That process resulted in a series of findings and determinations by the ZBA as to matters that very closely track and hope that will inform this board of the standards of section 100-40-C. Much of the discussion of the area variance centered on landscaping and visual and in fact the zoning board left the final determination of those things up to the planning board and deferred to them to determine what that final landscaping plan might look like. He believes that the board has some updated renderings and drawings. He hopes to get the process rolling and to get this structure approved as previously mentioned.

Scott mentioned that there are no measurements on the drawings of the accessory apartment. That drawing would be helpful if there were measurements on it, knowing what the square footage is, what the size of the building is.

John Fanelli (applicant) asked on which building?

Franco replied on the accessory apartment.

Scott said that in one of the meetings he had with the applicant there was talk about having enough of a buffer with different trees.

John replied that who ever drew that up, they were at odds with it. He thinks if he remembers correctly, it was like maple trees every 6-feet apart, staggered in two lines. One of the provisions in it was that he had to maintain the trees. He said no problem he would take care of them. He went to hire a landscaper to do it because as the board knows, if you hire a landscaper, they have to then warranty their work. Everyone said who drew this plan up, the trees are going to kill one another. The roots are going to grow into each other. Is there buried electric on the property? Yes, he does, right where the trees are proposed to go. It's going to destroy the neighbors (Mr. Meltzer's and Mr. Cordovano's) driveway. Maple trees grow pretty big, and they have been trying to get back in front of the board for over a year now, just to say that. This plan is not doable. He would like to go forth doing is planting a berm like a 4-foot-high dirt one and then

doing like a green thuja, evergreens in leu of maple trees. Once a maple tree is mature what are they shading from, like space, drone pictures? You are going to see through right past the trees. That was their concern, and that's the only reason it hasn't been done is because they haven't been able to get in front of the board.

Scott said that therefore a print would be something that the board could look at, showing the board exactly what you are proposing to do.

John replied that they had sent it in. Six-foot on center, it tells you how far apart the trees are going, how tall they are going to grow, what they are going to look like when they are mature. This stuff has been sent in and has been sent in for a long time.

Franco asked you sent in a landscape plan?

John replied that is correct.

Franco said that he didn't see it.

John said that he believes it.

Sal asked what goes on upstairs in the building?

John replied a bedroom.

Sal said there is no bedroom on the first floor.

John said that's right.

Scott asked what the total square footage is?

John replied that he thinks its 850.

Scott replied that the maximum allowed is 650 square feet.

William Hurst said its 686 total. The board can change that under subsection F (2) assuming that's its not already pre-existing non-conforming.

Sal said one question is whether or not accessory buildings need to have a use to the main house and how it relates to the use of the building. The board needs to get a definition for that and is there an accessory use. Has the board done any that are not?

Scott replied no, they all had garages underneath.

Drawings were asked about and shown on the screen.

William said that they all should have gotten a packet with pictures that show a series of arborvitaes. He asked Stacie (applicant) if the plans shown were the most up to date?

Stacie replied yes.

Scott said that they did receive them, but assumed that they were what they looked at on the big map. He cannot clearly see what it is from the pictures, it should be a print that the board can look at.

John said that it is in 3-D. If he sends in digital 3-D renderings colored everything.

Stacie said that it is a scanned version. It's a little more clearer on the other version.

Stacie passed her version around.

Stacie said that once they got approval from the board to go forward with something new, they obviously would put together something a little more formal, but to go through that and have a professional put that together when they don't even know the type of trees. The ZBA was so specific on what they wanted, but that's not feasible according to multiple professionals that they have reached out to.

John said three to be exact.

Sal read from the ZBA resolution, 8-foot coniferous, deciduous trees, depicted as shown on the plan and planted 10-foot on center as shown on the plan.

Scott held up a plan and asked so this one is no good to the board.

Stacie said if you see it is pointing out the types of trees.

Scott said this one said the maple trees in two separate rows and 8-foot tall, 4-foot wide.

John said that was the original.

Scott asked is that what you are going to have or not?

John answered no.

Scott okay that's out of the picture. He asked if the picture of the house is what exists right now too?

John replied they both do. He asked which picture he is looking at?

Scott said that he is looking at the accessory apartment. That's the way it is right now with the porch on it and all that, that's all still there? It looks like a porch or an overhang of some sort.

John said that the front of the house jogs out.

Franco asked so its an enclosed porch?

John replied yeah.

Scott said lets get some prints that they can look at.

Franco asked if they could get the board something to scale?

Scott said that is where he was going with that, something so they can see what size the building is, the lot itself, so they can see where the trees are going to go. The first drawing you had, just get something like that made up again, they way you are going to have.

John asked if he could take a look at the plan the board is referring to. He said so you want something like this.

Scott said with your proposal of what its going to look like.

Franco what you are going to do is included with that is have a landscape plan and actually say the number of trees, the type of trees, whatever plantings you plan on doing, so that would be a separate page.

Scott said and the buildings with measurements on it, the accessory building with measurements on it, square-footage, that all needs to be identified.

Sal said on page 5 of the resolution for the variances it says that there is a proposed mitigation plan with trees shown on it. The board has to compare what you plan on doing to that. It mentions that on the proposed mitigation plan that shown are 8-foot coniferous or deciduous trees as depicted on the proposed mitigation plan, 10-feet on center in the location as depicted on the plan.

Scott said that is the plan he is not using.

Dave said that is the ZBA's determination and decision was based on that.

William said that in the paragraph above the one that was just read in the ZBA resolution they called out this board to authorize a modified site plan and landscape design that is no less protective of community character to nearby properties than the one the board is looking at for the maple trees.

Sal said so this board can approve something equivalent. We need a layout of those plants and you have an electric line underground there?

John replied yeah.

Sal said just show the utilities.

Franco said pretty much now you are going to do, you will have a utility page showing all the utilities underground. You said you want to put a 4-foot berm that will have to be on the plan because you are changing the contour of the property.

Paul asked if the board has talked about the need for an updated landscaping plan that would actually be on the applicants property. He believes that was one of the issues.

Scott replied that is the topic of their conversation right now.

Charly asked what is the septic for that accessory apartment? Is just a tank and dry well?

John replied there is a tank. With one lateral coming out from it. Its just one lateral and a small tank.

Scott said that needs to be on the print as well, so the board can see that clearly.

Franco asked if he could identify the size of the tank. He thinks as it only has one lateral that it is probably 500-gallons.

John said that its pretty accurate.

Franco asked if it was steel?

John replied no, its concrete.

Charly said that he thought anything under 1,000-gallons was steel.

Franco said the applicant has to verify it, as it has been pumped out, so there has to be pump tickets for it.

Scott mentioned that the drawing of the apartment doesn't show the porch on it, which is another reason for the updated drawings.

John said that there is no porch. You just walk into the house.

Charly said its just bump out with its own roof line.

Sal said that the board also needs a drawing of the upstairs of the apartment. As they need to check the square footage of the apartment.

Scott said its two floor, so they need the square footage of both.

Dave said that the board was given his original memorandum from December 2020 and Mr. Hurst's response. He suggested the board to review both, as Mr. Hurst goes through the special use permit considerations, which is what the board will do as they perform their review.

Short Term Rentals (Public Hearings)

Fred Wilklow: 362 Pancake Hollow Rd: SBL #87.3-2-3

Review Status: Application and documents sent to the board. Abutter letters sent, and hearing notice published in newspaper.

Potential Actions: Open Public hearing, close public hearing, approval resolution.

Scott asked for a motion to open the public hearing.
Motion made by Sal, 2nd by Franco.

Paul said that the board should open the hearing if the public was noticed.

Fred Wilklow (applicant) said that they have been using the house as an Airbnb for a little over a year. They just got the notice, they looked into it and at the time nothing was required by the town to do that. He guesses that a new law got passed as he got a notice and here he is.

Dave said that this is a pretty nice piece, its one bedroom which is upstairs, the downstairs is sort of a living, dining and kitchen area. It's a decent sized parcel right across from the farm. He did the fire safety inspection which is required before appearing before the board. It complies with all fire safety and property maintenance codes. He understands all the rules and requirements, that are set forth in the permit application. All those bits and pieces are in the building. There is plenty of parking. He doesn't think there would be too many people having a party in the house making a lot of noise because as part of the special use permit review is things like noise, character of the neighborhood, additional impacts and things like that. This is not one of them that will be a problem for anybody.

Sal asked how many bedrooms is it?

Fred replied its one bedroom.

Olivia Della Monica (owner of 368 Pancake Hollow Rd.) said that her concern is that its an Airbnb, that there would be transient people coming and going. She didn't realize that it was an Airbnb to begin with. The house that is at 368 is occupied by tenants and they have little children. Her concern is the proximity to little children with having people coming and going. She is not objecting to it, she is just voicing her concern.

Sal asked so you own 368 and rent it out to others?

Olivia replied yes, she does.

Scott said that the Airbnb people will be concerned about the renters next door.

Olivia said that she understands, but her tenants have been there three years and the Airbnb people come and go and you have heard what they do to some homes. You don't know who you are going to get because they go online, rent a place and then show up.

Scott said that he believes that is part of the vetting process of owning an Airbnb, is that do vet the people who are coming in. No one can ever be responsible for or understand what someone might do.

Olivia asked what happens when someone wants to own an Airbnb, do you have to have special insurance in order to cover an incident that might happen?

Gerry said he thinks that if you sign up for Airbnb that they cover it.

Fred said that they have a lot of insurance due to all the things that they do. He drives by it 20 times a day, so he always keeps an eye on what's going on because he doesn't want a problem there either. If a lot of cars start showing up, he's going to show up as well.

Sal said this is more of an owner occupied or owner adjacent property.

Scott agreed.

Sal asked if there were any plans to add lighting.

Fred said no. There is a light that you can turn on and there is a motion light as well.

Sal said being a one bedroom its probably for two people.

Fred said that there is also a couch downstairs that opens up, so he thinks it allows up to three.

Scott said maybe 2 couples as long as its not 40 people.

Scott asked for a motion to close the public hearing.

Motion made by Gerry, 2nd by Sal.

Dave said that they drafted a resolution that said per the regulations in the code at property so and so, the property was found to comply with the requirements of that code. Any other conditions that the board might have can be added. The board could approve the resolution right now with conditions.

Scott with conditions if they have any.

Sal asked shouldn't they wait to approve the resolution at next week's meeting?

Scott said the board could leave the public hearing open.

Dave said that's not a bad because if between now and next week any other conditions come up they can be added. They will prepare the official resolution for the chairman to sign next week.

Scott said that he doesn't think there are any conditions. They will leave the public hearing open until next week.

Straw Poll:

Sal-aye

Bill-aye

Bill said that he thought that this became administrative business that Dave takes care of without the board's input.

Dave said next time, when he gets a renewal then its administrative, but right now it's a special use permit.

Straw Poll Continued:

Franco-aye

Scott-aye

Charly-aye

Gerry-aye

Administrative Business

Stewarts' Shops

Applicant is seeking an extension of the approval resolution for 1 year.

Dave said that Ryan (applicant's agent) is on the line. They have been back and forth with the DEC who decided to investigate the amount of effluent that would come from Stewarts. The final document was signed by the Supervisor today to get back to the DEC. What he needs now is to get the extension so that this all can be finalized for DEC and get a shovel in the ground.

Ryan said that he is still waiting for Ulster County DOH for the water as well as DOT.

Scott asked for a motion to grant the extension.

Franco made the motion, 2nd by Gerry.

All ayes.

Motion to Adjourn.