

WORKSHOP MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, October 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, Carl DiLorenzo, Gerry Marion, Bill Meltzer, Franco Zani, Lambros Violaris, Lenny Auchmoody (Town Board); Board Staff: Dave Barton, Paul Van Cott, Chistian Moore, and Sarah Van Nostrand

Absent: Board Members: Sal Cuciti

Minutes to Approve at October 26, 2023 meeting
September 21, 2023 & September 28, 2023

New Business

Sieverding, Joannes: Lot Line Revision: 20 Cross Creek Run: SBL #80.3-2-27.113 & 80.3-2-27.112

Applicant is seeking a lot line revision to combine two lots.

Joannes (applicant) said that the empty lot that is right next door to him was originally part of the property that they purchased, but that was a building lot, so they purchased it. Now it is their intent to get permission so that they can combine those two lots and keep it as it is right now.

Dave said he owns two contiguous lots, the old days he might have been able to do this with a consolidation deed, tax map no longer allows that, so he comes to you for the lot line, which is just dissolving the line between the two properties.

Paul said that this is a type II SEQRA action, so no further environmental review is required.

Bill asked why he wanted to combine the lots and not keep the lots separate.

Joannes said that he could do that, however the consolidation will increase the value of his house and also there will be a reassessment for the land tax and school tax will be looked at. They are not building a house there, so therefore there is a savings there as well.

SCC Holding Corp: Site Plan: 104 North Rd.: SBL #88.1-4-24

Applicant is seeking site plan approval to build a duplex (two-family dwelling).

Sal Cusa (applicant) said that he would like to build a two-family house on North Rd.

Scott asked is this right next to the old Would.

Sal Cusa said yes.

Scott said you were already doing work over there.

Sal Cusa said that he had a driveway permit.

Dave said that on the southern side of the driveway a swale should be put in because the water should be channeled to the road as opposed to the neighbor's property.

Scott said is this same as the last one.

Sal Cusa said it is a little different, it's like the ones he built on Pancake Hollow.

Franco asked if he was going to sell them.

Sal Cusa said no.

Franco said you are going to rent them then.

Sal Cusa said yes.

Christian said that he has some questions regarding the utility connections. The driveway might need to be designed and built to rural road standards; it might need to be a 20-foot-wide driveway with 4-foot shoulders which is more than what is being shown. Proposed parking spaces should be shown. The sewer connection is shown going at a 45-degree angle across the highway.

Sal Cusa said that's where Adam (Water & Sewer Department) wanted it because they are going to go into the manhole that sewer main is 20-feet deep in the ground.

Christian asked if he was going to go into the manhole high.

Sal Cusa said yes.

Christian said that manhole is probably going to need a drop connection because once you go in it has to go down.

Sal Cusa said yes.

Christian asked is the water and sewer really that close together horizontally.

Sal Cusa said that the water line is almost on top of the sewer line.

Christian said that the highway department is going to have sign off on as there are going to be two road cuts one for the water and one for the sewer. There are a couple of site comments, finished floor elevations.

Scott asked if the water line was upgraded in this area because wasn't there an issue there.

Dave said no.

Franco said the issue is with the sewer.

Scott asked has the sewer been upgraded at all.

Dave said no.

Christian said that he is not sure if they need to provide any architectural renderings for the board's review.

Sal Cusa said he will get that to Dave.

Scott said elevations as well, some parking, handicap parking was issues they had the last time.

Sal Cusa said that this is only single the other one was 4-units.

Franco asked how many bedrooms are in each unit.

Sal Cusa said three bedrooms.

Franco asked is a 4-inch sewer line going to be sufficient for 6 bedrooms.

Sal Cusa said they are coming across with a 6-inch.

Franco said 6-inch with 4-inch cleanouts because it says a 4-inch sewer line.

Sal Cusa said that they are coming across with a 6-inch.

Christian said that it transitions to a 6-inch at the road. At that angle bend you might want to put a small manhole there instead of a cleanout.

Sal Cusa said if he has to put a manhole in, he might as well run 6-inch the whole way.

Christian said you are still going to have the bend which is what he is concerned about as he is not sure that the health department allows bends on long lines like that.

Sal Cusa said that he will check with Adam and see what he wants.

Paul said that this is a type II SEQRA action, so no further SEQRA review is required. It appears that the property is within 500-feet of New York State Route 9W, so there will be a need for a referral to the county.

Old Business

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

Andy G. (applicant's agent) said that at this point he believes the board is ready to consider the environmental assessment form. He had the chance to speak with the Planning Board's attorney and knows that there is a proposed or at least a draft part 2 that has been prepared for the board's review.

Paul said that the board is aware they are serving as lead agency for coordinated environmental review of this project application. The project involves 520-acres of land on Upper North Rd, for purposes of a subdivision as a 166-lot conservation subdivision, but when you are looking at it for SEQRA review purposes, even though there is no construction of residential buildings at this time, you really need to look at the entire action which would include the potential for full buildout of this subdivision in terms of potential impacts. That is the proposed action for purposes of SEQRA review. As lead agency the board's role is to make a determination as you are aware of whether there are any significant adverse impacts that may occur as a result of the project. That determination is supposed to be made at the earliest possible point in their review, so that the appropriate coordination can be had with other agencies and also so that the public can be involved. For most projects that the board does the applicant will bring in a whole bunch of information and so far, most have negative declarations. In this case, for this project there are two moderate to large impacts that have been identified. In both cases the entities that have brought those issues forward has suggested that there is a potential for a significant adverse impact, if one or both of them if the board agrees that one or both of them could lead to a significant adverse impact then an Environmental Impact Statement would be required, and you would be issuing a positive declaration. Staff wanted to bring those issues to the board to see if the board agrees with the Town Board with respect to the package plant and then also with Scenic Hudson and others have raised the issue of the potential for visual impacts from the other side of the river particularly from the FDR property. The initial threshold question for the board is whether those two impacts or one or more of them has the potential to be a significant adverse impact. Beyond that what staff has done is gone through the EAF part 2 and because they are at an early point in the board's review the applicant hasn't had the opportunity to provide a lot of information that they would otherwise be providing. They haven't provided a SWPPP to show how erosion will be controlled. The board doesn't know how they are going to do their proposed wetland crossing, whether there will be erosion that would get into the wetlands and have more significant impacts, an assessment of wildlife hasn't been done, an assessment of the potential

for archaeological remains on the property has not been done and they haven't been to SHIPO yet to get a determination as to whether there might be some effect. As staff went through the EAF part 2 they looked at those as there is potentially a moderate to large impact associated with those areas and there is going to need more information, so if the board is inclined to do a positive declaration and to require an EIS then that information would be brought into the EIS, so at the end of the day you have a full record that would justify or support the board's ultimate determination with respect to SEQRA compliance. He forgot to mention that these are old farm fields and as the board has seen at other places, that is one area where the board would want to have more information is regarding historic contamination, this is going to be used as a residential subdivision, he would think that the board would want to at least know what the status is of any contamination in the soils might be. The board doesn't have to make a decision tonight, what staff would ask is if the board is inclined to do a positive declaration and require an EIS, give them the direction and then over the course of the next month, a resolution will be drafted and walk through the EAF part 2 with the board at the November 16th meeting, so the board can make a formal determination at that point.

Board agrees with a positive declaration.

Bill asked how would the package plant become the town's problem.

Christian said that a package plant is a self-contained sewage treatment system, where the sewage from the development would be collected and treated on site and discharged to surface water body. The town doesn't want to open themselves up to maintaining these things long term. What happens is it is privately owned and maintained, things tend to no longer be maintained if financial indicators go a certain way and it becomes an obligation and a burden on the town to take it over.

Bill said why is it the town's burden opposed to the homeowner's association or somebody else's.

Christian said it only becomes a burden to the town if the HOA defaults or somehow no longer upholds its obligation to keep things in running order.

Gerry said how big would the lots have to maintain their own septic and leach.

Christian said you wouldn't be able to do the development with individual septic systems, you wouldn't be able to get anywhere near the density that they are proposing.

Gerry said maybe it is too dense, maybe they should make the lots bigger, so the town doesn't have that hardship.

Christian said that they could always connect to town sewer.

Gerry asked is there town sewer up there.

Scott said no, just water.

Christian said there would probably have to be improvements made, they have to evaluate existing capacity, to serve these new units and then how to get their waste to the plant. They are proposing to treat it on site in a self-contained unit that has its share of issues and the other approach connecting to town sewer that has its share of issues.

Dave said that when the board reviews the Environmental Impact Statement the applicant is going to come up with alternatives and preferred alternatives which is something the board will decide on and that will be the board's determination at the end that the board or town would prefer, so if it is a density issue which impacts visual impacts that would be part of that, so there would be an alternative and one of the options would be a no build alternative and that is something that has been seen in other EIS. The board will have the opportunity to dig into why it might be the town's problem for all of these things once they get further in.

Scott said at this point the board doesn't want to come up with alternatives.

Franco said that treatment plants only have a life expectancy of 10-years and if Dan (applicant) decides to walk away after 10-years the DEC will walk in and tell the town to take it over. It would be a special sewer district and those people in that district will be responsible to upgrade that at their cost.

Paul said that there were two issues that the Town Board flagged in its resolution agreeing to the Planning Board to serve as lead agency. It said that they felt that a positive declaration was appropriate, and an Environmental Impact Statement should be done for two reasons. One because there is going to be discharge into a stream, so water quality concerns is one of the issues the Town Board flagged. The other issue as has been discussed is the potential increase in burden to community services, if the package plant was to fall to the town, so those were the two primary concerns for that issue and consistent with the board discussion, there will be alternatives, that will need to be looked at and developed by the applicant. As part of this process of developing an Environmental Impact Statement, just as a procedural step if the board adopts a positive declaration and requires an EIS the next step would be, and it is required step under the SEQRA regulations and that is scoping. The applicant will go away, and they will prepare a draft scope for the EIS that will kind of layout all the information they are going to provide, what alternatives they are going to analyze, what are the methodologies that they are going to use to evaluate the visual impacts and what information are they going to provide on the package plant. There was a whole bunch of information that the Water & Sewer Committee was looking for when this conversation was occurring a couple of years ago. That's probably going to be some of the same information that the Planning Board and or Town Board would want to see provided as part of an EIS. They will develop a draft scope; they will submit it to the board and then ultimately the board will adopt the draft scope and that will provide the basis for the Environmental Impact Statement that the applicant provides in draft.

Carl asked if that stream is protected by DEC.

Paul said it is a class C stream.

Dave said it is not a protected stream, it is a regulated stream.

Christian said what they would have to do if they were going to discharge treated waste to a stream they would have to do a WAC study which is a Waste Assimilation Capacity Study and they would have to study the stream, what goes into it, how big it is, where it goes to and determine what level of treatment and or what quantity of effluent could be discharged.

Carl said that is by DEC regulations.

Christian said yes and it would all be included in the design. They would probably do the WAC study before proceeding with the design approach for a package plant.

Carl asked would that be a part of the scoping process.

Paul said that would be a part of the discussion with the applicant. Another thing it may make sense if the board does a positive declaration for the applicant and their staff to have some conversation as they are working on preparing a draft scope, so the board can have some information that need to be comfortable with the draft.

Scott said what's next for a positive declaration.

Paul said no action is required tonight, but if that is the consensus of the board. They will go away and over the next month, he will draft a resolution and if it is acceptable to the board, they might reach out to the applicant to have some discussion. They plan to come back to the board on November 16th with a draft resolution.

Andy G. said that he appreciates the discussion tonight and agrees procedurally with Paul. He takes it that the board has discussed and has a consensus that a pos dec should be adopted, he thinks that staff and counsel will go back and draft the appropriate documents to do that obviously a proposed part 2 has been drafted and the board will complete part 3 so the record is complete and there will be a resolution prepared for the board's consideration, formally adopting the positive declaration. Then they will enter into the scoping process and there is usually some input from both the municipality and the applicant on what should be included in that scope and yes there will be a discussion about alternatives. Just for the record a couple of points, the first is that the pos dec really is a determination that there is the potential for at least one significant adverse environmental impact. The whole purpose of the EIS will be to analyze that and to determine whether in fact there is a significant impact and if yes can it be mitigated and if it cannot then what are the alternatives, they are prepared to get that addressed. The project as proposed is the 166-lots and the reason for that is that the lot count allowable under the zoning code for a conservation subdivision for the size of the parcel. There has been a lot of information prepared for extension of public sewer, the applicant has a lot of that information, a lot of studies have already been completed, they have a lot of engineering done, plus cost estimates for that, which can all be presented within the context of the EIS as well. What is being proposed is the lot count allowable under the code and in conjunction with that proposing the onsite wastewater treatment plant, understanding the town's concerns, but wanting to at least identify that, understand that the discharge is subject to review and permitting by DEC it will need to have an

appropriate design for the receiving water body and all of that will be included within the scope and ultimately analyzed within the EIS.

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 closed September 28, 2023.

Patti (Applicant's Agent) said that the board asked for some revisions to the site plan map, she has added a 100-foot agricultural buffer along the southernly side of the property. They had discussed increasing the agricultural buffer along the easterly side of the property to follow along the existing wood line. She has revised the map to indicate that, but she also added distances, so on the southernly end it is 50-feet and on the northernly end it is 60-feet because today they know where the wood line is, but 20-years from now they might not know where it is, she thought it more appropriate to restrict it with distances. They still left the proposed 25-foot planting area, she extended the gate and fence at the northernly end of the building, and she added a second gate at the southernly end of the building.

Christian said that he is looking for some details on the signpost, fencing, ADA stripes needs to be 8-feet wide and the lighting plan with photometrics for the parking area.

Patti said that it's not an 8-foot aisle for ADA its 5-feet and she submitted paperwork to that effect.

Dave said it is 5-feet according to the ADA code.

Paul said that if the board would like as they closed the public hearing, it is an unlisted action, so a SEQRA review will be required. If the board is inclined, they could prepare a draft resolution for their consideration at next week's meeting.

Romeo, Randy: Amended Site Plan: 25-27 Church St: SBL #88.69-9-14

Applicant is seeking an amended site plan to convert the garage into storage space and to add a second floor with 2 apartments.

Review Status: Updated plans, elevations and lighting specs circulated to the board.

Patti (Applicant's Agent) said that this project last appeared at the August meeting and at that point she believes the elevation plans were lacking, they also were not complete or in compliance with the minimum 450-square-feet, so the architect had prepared

revised plans showing the 2 units being at 471 and 458. She has included the additional elevations showing both the cantilever coming out and in addition to the cantilever, then there is the walkway of the access point. That does limit the parking, she was able to get two parking spaces down there because as you can see there are columns that are also going to be for the cantilever, but luckily, they were placed just perfectly, they were able to get two parking spaces in there. The third one she could not get in there because of the stairway, but obviously it would have to be a lower profile vehicle because she believes that it is only 8.1-feet to the lowest portion of that cantilever, so a car would be able to fit there, but there certainly won't be any deliveries back there. The applicant already has water and sewer stubbed through the first building, pretty much to the middle of it and that is what they will be bringing through. They know that they are going to need individual electric services to both of the buildings, but it will be shared water and sewer. She thinks the only other change that was proposed is because of the amount of area that the mechanical room is going to take downstairs, the applicant decided that the first floor was going to be utilized for landlord storage instead of separating it out into 5 individual units as he previously had proposed. The overhead doors will stay there, no vehicle storage will be permitted in there and it will be utilized for basically landlord storage, if he allows any of the tenants to store stuff down there then that may occur, but the landowner lives there himself and he wants to make sure he has enough room for his storage.

Scott said there are no cars going into the garage.

Patti said correct.

Franco asked if they have received comments from the fire department on this because he thinks we should.

Dave said that they can.

Christian said that they have some comments regarding utility connections. Also, are there any ADA parking spaces required for this application.

Dave said no.

Christian said that accessible apartment doesn't need any accessible parking. The Health Department should be checked with to make sure that the expansion of this use is approved. The sanitary sewer is stubbed through the building to serve the new apartments.

Patti said yes.

Christian said water is going to be fed through the same way.

Patti said yes, evidently the previous owner had originally planed on putting apartments in there, so at that point in time he stubbed everything through.

Christian said are the apartments going to be individually metered then for water or is it going to be one meter for both.

Patti said it is going to be one meter.

Christian said the only other comment he had was identify the specific light fixture that is going to be proposed along with the mounting height, based upon the photometrics on that project cut sheet it appears that there might be some light trespass that could be an issue with the neighbor to the northeast, so they need to have some photometrics to make sure that there is no stray light trespass.

Patti said that is a solid building with no windows to the northeast.

Christian said doesn't it go onto their property, is the code specific to property lines.

Dave said yes, and when they do a building permit, he will make sure that it is a down light and that is just security for parking.

Patti said correct, it is just the one light in the center of the double doorway on the upper level.

Dave said Christian is right it is no more than 1 candle foot over the property line.

Franco asked what the size of the existing sewer line that feeds the three-family.

Patti said no.

Franco said can you figure it out because if it is 4-inch you are going to have to 5 units on a 4-inch pipe, he doesn't think that is going to work.

Patti said she believes he is going to have to approve the hook ups and whatever is required for that as part of the building permit, she generally doesn't get involved in the engineering portion of it.

Scott asked how many bedrooms are in the three-family residence.

Patti said she believes that it is one bedroom per unit, but she isn't sure.

Public Hearings

Klemm, Travis: Special Use Permit: 12 Falcon Dr: 86.4-3-29.110

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

Whalen, Robert: Special Use Permit: 203 South St: SBL #87.3-5-18.200

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

Walton: Subdivision: 1 & 25 Picnic Woods Rd: SBL #94.2-2-18.130 & 94.2-2-18.141

Patti (Applicant's agent) said that this is a 2-lot subdivision located on Picnic Woods Road. There is one existing single-family dwelling, and they are creating a 2.04-acre lot because it is a flag lot, an area variance was needed. The only change she made to the map was adding the existing septic system on lot #3 as had been requested at the last meeting. She talked about the shed, the board looked at the picture of it, it is not much of a shed.

Continued Public Hearings

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 opened on August 24, 2023.

Melissa (applicant) said that she is seeking a special use permit to have her photography business on the bottom floor of her accessory building.

Dave asked her if she wanted to go over the conversation that she had earlier.

Melissa said that she took care of the 239 form for the county. She was just made aware of requests from her neighbors which she will address, one being a light over the top of her garage, that light has been there since they have moved in, they just had it replaced as it stopped working for a period of time. The request is for it to be dimmed down; she will take care of it. Second landscaping, she does actually plan on landscaping, she has several friends who are talented landscape designers, so she is hoping to take care of that hopefully next spring it is a planning process and also expense wise because it is getting expensive.

Bill asked are we talking about screening or just landscaping.

Melissa said from what she understands they are looking for landscaping around the accessory building.

Paul said that he had a conversation with the attorney for the neighbors on the way down and she sent him an email afterwards and if the board wants will go over it. For the lighting the studio structure is currently illuminated by a bright floodlight which is installed on the exterior wall of

the two-car garage which is contained in the principal residence on the site. The request is that the board explore with the applicant alternatives which will be functional, but further minimize the impact from the light, for example ground level lighting, fixtures or shielded lights, so that's the request from the neighbors. The landscaping request is that the site plan depicts landscaping, which would further meld the studio structure with the residential character of the neighborhood. That would include landscaping, planting some shrubs, ground cover and shade trees as well as perennials and annuals and other materials, such as rocks, water sculptures. This was the suggestion from the neighbor's attorney. Finally, the hours of operation which have been brought up at the last meeting, the neighbors request that the permit be conditioned to expressly limit that the hours of operations from 9am until 6pm. Finally, which hasn't been talked about, but is included there is an existing shed on the property and the request would be for the removal of that existing storage shed.

Gerry asked if the shed was permitted.

Melissa said no, when she bought the house, it was next to her garage, and she moved it to the backyard. They keep their pool supplies, planting materials and stuff back there.

Scott said when the house was built, or the previous owner was it permitted to them.

Melissa said she has no idea.

Scott said it would have to be right.

Dave said he assumes.

Scott said because every shed in the area, should be permitted if it was installed right.

Dave said he thinks that is a moot question.

Scott said it kind of is, and he wouldn't know why it would have to be removed.

Gerry said it has been there since you bought the house.

Melissa said yes.

Bill said you moved it further away from the road.

Franco said it wouldn't have come up in a CO search.

Charly said it's not in violation, its in the back of the house.

Melissa said it is moveable and it is small.

Franco said it meets all the setbacks.

Melissa said yes.

Franco said he is fine with it.

Melissa said she had 4 or 5 surveys done.

Scott said in the county when he deals with the County Planning Board, they are not allowed to set times for businesses, because it may give some other companies or businesses of the same type a disadvantage or advantage over that business. The county is not allowed to, so he would like to check on that.

Paul said that you will often get as part of an application, they have identified the hours of operation, that their preference would be. As he recalls the applicant was concerned about having restrictions on hours, even though the majority of the business is conducted during normal business hours, there are occasions on weekends and during certain times of the year when clients may come to the studio at different hours based on school schedule, work schedules and that sort of thing.

Melissa said that she mentioned in the very beginning that she works very minimal weekends when it comes to most of the year pretty much January through September, she would rather be on a soccer field watching her kids play. During this time of year, she is getting holidays, mostly Christmas cards, stuff like that, so she does work on an occasional Sunday and it's mostly in November, she knows her neighbors actually go to Florida for the good portion of the time, she is not sure when they leave. There is very minimal impact on the community and on her neighbors. Even this year they won't even see it because she is going offsite, just because she had to prepare for what was going to be the outcome. Everything is going to be offsite this year, so they don't even have to worry about it that. Again, the chances of her working an evening is extremely rare, extremely minimal, her curtains will be blocking out because the way she shoots is with her light, the windows are blacked out, they won't even know.

Gerry said you are inside right.

Melissa said that is correct, so no one will even know.

Bill said are you objecting to the 9-6, he is not sure he understands her response.

Melissa said she feels she cannot 100 percent commit to that, she feels that 80 or 90 percent of the year it's not an issue.

Scott said that is why he brought that up because he knows that they had had that exact conversation at the Planning Board last month. Who is going to know if they are clients or if they are family members a car coming in once in a while, no one will ever know the difference.

Franco asked what has the board held to other home occupation business to what hours.

Scott said he doesn't know how many they have ever really seen. He doesn't think they have ever seen a home occupation business.

Franco said there is a guy right down the street from her.

Scott asked who is that.

Franco said Esquire.

Scott asked what are his hours.

Franco said he doesn't know.

Scott said that they cannot hold her to that, but it's the type of business. It may be two different types of businesses and obviously it is a flooring company, so if they are going to buy flooring it may be something during the week.

Paul said that as importantly to even put something out on the table for the applicant to respond to, the board has to have a reasonable basis for saying that they think there is going to be a problem here.

Scott said that is where he is coming from, he doesn't see one honestly because the board won't know if she has family come over are all the neighbors going to think that they are people getting their pictures taken, so who is going to know that.

Gerry asked if she shoots her family.

Melissa said that she doesn't.

Franco said as long as all the windows are blocked, that they are not going to see flashes, that's going to be the main concern.

Scott said they were worried about cars.

Bill said you are okay with doing something with the light.

Melissa said yes.

Bill said you are okay doing landscaping.

Melissa said absolutely.

Paul asked if something could be done around the shed as well.

Melissa said in the backyard.

Paul said he guesses.

Lambros said he doesn't think you can even see it.

Scott said it's not business related, it's almost like asking them to put another dormer on the house, for what reason he doesn't understand.

Paul said that the board is looking at the site plan, he thinks it's more an accommodation for potential visual impacts related to lighting and to the new structure and potentially the existing structure he is not sure where that would be visible from.

Melissa said what looks like a block on the plan, that's the one that was relocated to the back. It's deep into her backyard, you cannot even see it from the street.

Scott asked where is it now in relation to the back of your house.

Melissa said there is a slope down the hill, it is within the setback lines, but in the back of the yard.

David C. (Neighbor) said since he is one of the individuals involved in the negotiations may he speak.

Scott said the public hearing is not on for tonight, it's for next week.

David C. said that they went over an offer that was made by his attorney.

Scott said the attorney made the offer; the board is speaking on behalf of the attorney.

Paul asked are they doing the public hearing tonight or is that next week.

Scott said they weren't, it's next week.

Melissa said if they do it today, can they end it today.

Scott said it is a little out of the norm for the board.

Dave B. said he would encourage him to speak if he has input.

Scott said just keep in mind that they are going a little out of order here.

David C. said he understands, but the attorney brought it up and the attorney that addressed him represents him, so since they are talking about changing what they had offered, he thinks he should speak to it. In terms of the hours of operation, let him say that it's their feeling that a home occupation business is not a retail business. A retail business is not permitted as a home occupation and a retail business is open at special hours, now realistically this is the home occupation that's in a residential neighborhood, if somebody wants a retail business and be open

whenever they want, they should be on Route 9, New Paltz Road, or in the city of Poughkeepsie, this is a residential neighborhood. The reason the 6:00 was selected is that its after dark during the winter and in the summer when people have finished their evening meal that's when families are going to be out, people are going to be walking in the road and it seems as so 6:00 would be an appropriate time to say let's shut this down and it's now back to a neighborhood. In the discussions that he has had with the board and his understanding is that a home occupation, is different than a retail business, now we are talking about now, when her children are no longer in school and she wants to expand the business because of whatever reason, money or whatever, who says that they cannot be open whenever they want. It's a home occupation and he doesn't think saying not being open on Sunday is a hardship. You are putting a business in a neighborhood, so what do you say that business should be and how should it operate. The second thing with the shed he has presented to the board that those two the shed and the new building, the combined square footage is 50% of the square footage of the principal building, he thinks there is too much accessory square footage on a 2-acre lot. You have 1,480 square feet of accessory buildings on the lot, how much is too much. He thinks 1,240 is too much but adding another 240 to that seems like it's over the border, over the line. Those are the reasons for those requests, now in terms of the landscaping and the lighting that's in the site plan coding, the zoning code says that there should be a landscaping plan and a lighting plan, that's all they are asking for, it's in there. The other two things and he will tell you right now, they are moving to Florida if these are not accepted.

Paul said just to respond on the hours if the board feels that you are really looking at what is the nature of the business, is it something that's impactful, is it something that having a rational basis requiring hours when you are going to be restricting a businesses operation, those are the two things to consider here. Is it impactful, is there a basis for restricting hours, that would lessen those impacts, so that's that one. As far as the shed is concerned and the amount of accessory square footage on the property, the question in front of the board is whether the special use permit, the home occupation square footage of that use and that use is less than the 30% that the code requires. If somebody wants to basically have 15 sheds on their property that aren't related to a home occupation use, they can basically cover most of their property with sheds and get building permits for that without any jurisdiction under the zoning code, so that shed is not really related to the home occupation use. He thinks the idea of trying to lessen impacts related to lighting and through landscaping, whether or not they are necessary as part of the special use permit review of this home occupation, that's a fair question. If the applicant is willing to do those in order to try to accommodate their neighbors. He thinks those can be folded into any approval of the project.

David C. said that's not acceptable to them, so the board can do whatever they want.

Franco said he believes what they have to do is take each home occupation separately. He has a couple of questions; one is what is the most number of shoots you did in a day.

Melissa said in a day is one.

Franco said so you can do one shoot a day, 7 days a week, he doesn't have a problem with that.

Scott said he was going to make a list that way, hours of operation is anyone concerned with it.

Gerry said it's all inside.

Franco said plus all the windows are going to be blacked out.

Lambros said he doesn't think that anyone would even know anyone is there.

Gerry said he would have more of an issue if it was a football game with the garage door open with a bunch of guys coming over.

Scott said the shed, what does the board think.

Board agrees that they have no issue with the shed.

Scott said that is two, the other two was the light and landscaping, so that's 4 items that they have approved on.

Scott asked for a motion to close the public hearing.

Motion made by Gerry, 2nd by Bill.

All ayes, motion passed to close the public hearing.

Paul said he doesn't have the minutes, but he thinks the public hearing was probably continued to next week.

Scott said specifically up to next week.

Paul said yes, a motion should be asked for.

Scott said a motion to rescind the motion that was made to close the public hearing.

Motion made by Bill, 2nd by Gerry.

All ayes, motion passed to rescind the motion.

New Short-term Rentals (Public Hearings)

Mulhall, Zachary: 229 Lily Lake Rd.

Review Status: Application and supporting documents circulated to the board.

Potential Action: Open the public hearing.

Franco recused as he is an abutting property owner.

Zachary (Applicant) said that they purchased their first home on 229 Lily Lake Rd about 2 months ago, they are both now remote workers, so their plan for the home is primary residence and then they would like to short-term rental when they are travelling for work or going to see family.

Scott asked how many bedrooms.

Zachary said 3.

Bill asked is Beacon too far.

Dave said it is close enough.

Bill said you are not going to rent it when you are there, you are only going to rent it when you are not there.

Zachary said correct, the full property.

Scott asked is the property outlined because the guests need to know to stay on your property.

Zachary said that in their site plan and in their binder is outlined and then their yard is outlined.

Scott asked do you have a large sign, that says you are the STR and your house number.

Zachary said yes.

Scott said it's 3 bedrooms, so 6 people.

Zachary said yes 6 people.

Scott said you have parking for 8 spots, you did ask for 8 people on the application, so they are going to change that to 6.

Bill asked if they have rented it yet.

Zachary said no.

Paul asked if they were going to open the public hearing. Then he can provide a resolution for next week.

Scott asked for a motion to open the public hearing.

Motion made by Bill, 2nd by Gerry.

6-eyes, 1-recused (Franco), motion passed to open the public hearing.

No public comment

Motion to Adjourn.