

**WORKSHOP MEETING MINUTES**  
**TOWN OF LLOYD PLANNING BOARD**

**Thursday, May 18, 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, Bill Meltzer, Gerry Marion, Sal Cuciti (via Zoom), Lambros Violaris and Lenny Auchmoody (Town Board); Board Staff: Dave Barton, Paul Van Cott, Christian Moore, and Sarah Van Nostrand.

**Absent:** Board Members: Carl DiLorenzo

**Minutes to Approve at May 25, 2023 meeting**  
April 20, 2023 & April 27, 2023

**Old Business**

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

Applicant is proposing a conservation subdivision of 166 lots.

Andy (applicant's agent) said that the project procedurally remains that the Planning Board has the preliminary plat, environmental assessment form, the other submissions from the applicant. His notes indicate that the Planning Board did circulate a SEQRA lead agency coordination notice, he is aware that the Town Board did respond to that, he is not aware of if any of the other involved agencies did. Just to refresh the board the project is on Upper North Rd the site is a little over 500-acres, proposing 166 lots in a conservation subdivision, with two access roads. There is public water, but there is not public sewer available at the project site. That is the current issue that the applicant has been working on with the town. They are still proposing a private wastewater treatment plant, the Planning Board requested that they meet with the water and sewer committee, which they did to address the issue with the sewer. At this point it is not economically feasible for this project to extend the public sewer to the project site, so they are seeking to advance the review of the project, including the utilization of the private wastewater treatment plant, knowing that it will be subject to review and approval for a SPEDS discharge permit with the DEC. At this point they would like to advance the project as proposed with

public water, but private wastewater treatment plant. They are aware of the Town Board's position on that generally the town is not supportive of a private wastewater treatment plant, but indicating that potential impacts from operations should be analyzed and at that point, they are asking the Planning Board to advance the project review including consideration of the private wastewater treatment plant knowing that the SEQRA review will need to include an analysis of potential adverse impacts from that part of the project. At this point he doesn't think the Planning Board has moved forward on declaring lead agency, he knows they indicated their intent to act as lead agency on the project and he thinks that is the current status of the proposal. Procedurally there has been no changes to the proposed layout, lot count, road layout, and just to state the current proposal includes the operation of the wastewater treatment plant to be owned and operated by a homeowner's association of the lot owners.

Paul said it has been some time since the Planning Board circulated for lead agency, so a question for the board do you want to recirculate given all the time that has elapsed. If you don't want to recirculate how does the board want to proceed with respect to its SEQRA review of the project. As Andy alluded to the Town Board when it was going back and forth on the water and sewer committee, issued a resolution in response to lead agency circulation by the Planning Board and indicated it's significant concerns with a package plant, it also indicated that water & sewer committee asked for quite a bit of information that had not been provided and that, that information was still needed in order for a proper analysis to be done of a package plant. The Town Board resolved ultimately that it believed that the project as proposed with the package plant had a potential to result in a significant adverse impact and recommended that Planning Board require an Environmental Impact Statement for the project based on that impact and any others that the Planning Board might identify. In June of 2022 almost a year ago the Town Board made that resolution and since then they have been waiting to see what the applicant wanted to do next. Does the board want to recirculate for lead agency and if not do they want to move forward with making a SEQRA determination.

Board agrees to recirculate for lead agency.

Scott said as far as the EIS goes he guesses they can start that process.

Paul said you can start that, but if you want to recirculate, you will want to wait. It will be 30-days before you can take any kind of action. The board can start to talk about it.

Andy said that recirculating the request for lead agency is okay with him, he believes that it sounds like the Planning Board will be seeking lead agency. He thinks that since the board is going to recirculate for lead agency then they should wait the 30-days to give the other agencies time to respond. He said after that the board would formally declare lead agency and start considering the determination of environmental significance.

Paul said that is correct. In the meantime, they will recirculate the information that they have, so the board can get back up to speed, including the public comments that have been received, and the resolution from the Town Board.

Andy said that he feels the procedure that the Planning Board is discussing is a good direction. One point he wants to make is the Town Board resolution was June of '22 both his client, his engineer and him continued to work with members of the Town Board after that date to try to address and resolve the issue of either a wastewater treatment or a sewer extension. He did want to make the Planning Board aware that there hasn't been inaction for a year on the project, they worked until September with the town when the discussions ended. They did make some good faith efforts to address the wastewater issue of the project. At this point the applicant is ready to advance the review based on the private plant.

Paul asked if the board thought the applicant should submit a summary of those discussions.

Scott said that is a great idea, as it gives the board more information to understand what has taken place over that year.

Andy said he is comfortable with submitting a general summary, there were some discussions with a few board members, he is hesitant to get into the details of those discussions, he is comfortable submitting a general discussion description that those meetings were held, both on the private package plant as well as extension of the sewer. Is that acceptable?

Scott said he thinks a summary is enough.

Paul said that since you brought it up, he wanted to make sure he had the opportunity to put it down in writing.

## **New Business**

### **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: Updated plans circulated to the board

Scott asked Dave to give an overview of the meetings that they have had.

Dave said they have met to discuss how the project will progress, about the relationship of the various elements of the project, with Department of Health that might or might not require licensing there. He thinks that they have got to a point with the applicant where they have a sense that the town is not 100% clear on how the project would progress over time and part of that comes out of their earlier concern about what needs licensing from the state and what didn't and how the project can progress while they were waiting for the licensing to occur. He thinks that they are now at a point where he has a better understanding of what their intent is and he thinks tonight, they will represent that to the board.

Kelly (a part of the applicant's team) said that their biggest task was to explain to the town and Planning Board by using nomenclature that is in the code instead of common nomenclature for

some of these uses for what they are doing. Once that was established then they could tell if these uses required the Department of Health approval.

John (applicant's agent) said that the Town Board did approve the PRRD that consisted of two components, independent dwelling units and an assisted living facility that housed various types of uses. They are proposing three types of different units. The first one is the senior housing dwelling units or the cottages. They are the 197 units on the back portion of the property. They will be for seniors 62 and older, they will have their own driveways, their own car ports, they will be approximately 920-1400 square feet, it will be a gated community, the cottages are for more active seniors as many recreation amenities are included, a swimming pool, pickleball courts, tennis courts, gardens. There will be transportation services. The developer is in talks with a local doctor. The doctor provides what is called concierge medical services. The doctor currently provides these types of services at Woodland Pond in New Paltz, the doctor basically makes house calls. This gives the residents a chance to hook up with a doctor that can come to the units. The next component is the Assisted Living Facility on the lower portion of the property and will consist of 119 rooms or units, it will also house an adult daycare center. It is divided into two sections, an upper section and a lower section. The lower section will have 83 units licensed by the New York State Department of Health as well as the adult day care center. The upper section has 36 units a multi-room, 2-story structure, they are intended to provide housing for residents who are a little less active. There will be an attendant at a desk 24/7, each unit will have their own push button in the event of an emergency and there will be someone there to help them. There will also be a dining room and there will be a meal plan, laundry, and housekeeping services provided as part of the rent. Residents will also have the option for the concierge health services if they want to hook up with a separate doctor. Residents will also have the option to engage in what they call their home care service agencies separately, it wouldn't be through the developer, it would be separately through another licensed agency. The upper section meets the definition of an assisted living facility with respect to the town's code because it has the monitoring, it has a multi-room structure, it has everything it needs with respect to the town's definition of assisted living facility. It will not be providing personal care, supervision or case management that's going to be provided in the lower section and that is the section that needs to be licensed by the Department of Health. That is also the section that will house the memory care units, there will be 51 general assisted living beds and another 32 memory care units, for a total of 83 units. The details involved with that really go through the Department of Health. They know and understand that, that definitely needs a license, they are working on the application. They are hoping to get the application in very soon, they need a complete application and they are getting closer every day. It could take 18 months in order to obtain that license, it could even take 2 years, to go through the license process. That is why they would ask the board to consider a phasing component as far as the construction given the time frames it will take to obtain the license from the department of health.

Scott asked if they have gotten any closer with the Department of Transportation regarding the light.

Kelly said yes, but they are not there yet. They have submitted the drainage report that they sought and there were some additional comments that the team is working on. In the meantime

they are trying to start submittals out of sequence, so they can try to order some of the long lead items, which is the poles, and the signal equipment.

Dave said that the town has been talking with the Department of Transportation to get some of the pieces freed up, so they can order the items. As pedestrian crossing lights will take 6 months to receive, and that's not talking about a traffic light.

Kelly said they are trying to advance that liner line, that they usually take which is to wait until they get the permits and then try to start the submittal process with the state. They are trying to do that concurrently now, which is considered out of sequence because they don't have their final approval yet.

Paul said that Dave and him are both comfortable with what they are describing fits within the zoning code and the intent of a PRRD both in terms of the need for both the individual residential units and assisted living facility and also, the memory care and adult day care services.

Scott said that the names of the items they were called before or the designations that the applicant had didn't meet their understanding was by their definition. Although they did, you were just naming them something different.

Paul said that Dave and he feel comfortable, and he hopes that the board, from a zoning code standpoint, that they are all set. In terms of DOH approvals the upper section, they have asked and are seeking confirmation from DOH, that no DOH license is required.

John said he sent an email a week or so ago.

Kelly said that what they are talking about is the little box in green on the plans. They believe that there is no Department of Health approval required.

Scott said they determination has not been made yet on if the need Department of Health license in that area.

Paul said that the staff agree that it appears they are track to move forward with the site plan review. They seem to be on the right track with the DOH license, but they need some feedback from DOH. The board has thought about that both in terms of protecting the town, but also protecting the applicant from getting too far down the road.

Kelly said that they had a conference call with the Department of Health and it was their initial feeling that this did not require a license.

John said no, it was kind of up in the air. He connected the team member who is working on the application with the Department of Health and asked for another call.

Lambros said is there any scenario that you envision that DOH would not move forward or give approval or is it more of an administrative process.

John said his understanding is the process, it's not so much as a question of if, it's a question of when. Things are a little different post-COVID, but everything he has heard is that it's just a matter of when. He is being told 18-24 months.

Dave said when he has that conference call with the state he may ask that question. In his opinion, he want this project as he thinks it can benefit the town. If they have everything, it is a matter of time and review with an approval at the end, rather than time and review and denial at the end.

Lambros said that is his concern as they are getting far in the process and for whatever reason a couple of hiccups show up and they are back to square one.

John said one of the things is that there needs to be a showing of public need, so one of the angles of this application is going to focus on is the memory care beds. According to research done by the team it has found that there is a shortage of memory care beds. He thinks that is going to be the angle of need.

Bill asked is there going to be a separate dinning area for just the 36-units.

John said that they will have their own dinning hall.

Bill said not to be used by the rest of the ALF.

John said correct.

Scott said the only hindrance on the DOH is the approval from DOT and then the certification.

Christian said that it was mentioned that the DOT asked for a drainage report, was that something that was new or impact the existing structures.

Kelly said it is not they wanted further elaboration of the SWPPP and the drainage study that they had already provided.

Bill said what they are showing as need, what is going on with the sales.

John said that he cannot speak to that, but he can have the client follow up with that. Every time that he has been there, there has been someone in the sales office.

Gerry asked is Apple Lane no longer emergency access?

John said that has always been emergency access and will remain emergency access.

Dave said that area of disturbance is for water, as he thinks that is where the water line will come in.

Kelly said that is correct.

Dave said that he wants to confirm that the traffic light will be included in phase I.

Kelly said that is correct. The red line on the map shown is phase I. The first phase includes the traffic signal and a lot of infrastructure, much of the recreational amenities, access road and the cottages. The other building they broke into 2 phases because of the need for the Department of Health. Their goal would be to start work on the cottages and the upper portion of the ALF. They are hoping to get through the Planning Board approval process and seek building permits. They have advanced construction drawings for that building because they have to for the Department of Health.

Scott said if you phase I and II, so you are going to start construction on phase I and over the process and what your sales become, is that going to hinder you from going to the next phase.

Kelly said the cottages would be market driven.

Scott said would that stop you from going into the second phase.

Kelly said that want to start construction of I and II this year. This fall they would like to start construction on the upper portion of the ALF building and the first two phases of the cottages, which she thinks ends up being 56 units.

Scott said if you start on the cottages in phase I would you be able to do the light at the same time.

Kelly said it has to be done.

Scott said they want to make sure that they are disturbing anyone from Hudson Hills, the people who would buy those places.

Kelly said it is their understanding that they could commence construction of the cottages, but there would be no CO issued until that traffic light is operational.

John said he thinks that's how it would work for the assisted living facility as well.

Kelly said when the board approved the project that was one of the conditions.

Paul said one of the conditions in the existing approval for the assisted living facility says that you need to have all of your state permits before you can get a building permit. Are they comfortable with still having that condition in place with respect to the traffic light and other approvals, except for DOH.

Kelly said the Department of Transportation, they are involved with discussions, she would like to check and see where they are before responding to that question. They would like to start

construction of the cottages while the light is being installed and not receive CO's until the light is fully working.

Paul said as long as approvals have been given for anything considered critical before a building permit is issued.

Scott said as soon as you get DOT approval you want to start on the light.

Kelly said yes.

Christian said on the phasing plan, along 9W there was a reference to phase II and III, is that not going to be part of phase I with the signal improvement.

Kelly said the sidewalk, no it cannot because DOT has not finished reviewing that portion of it yet. That is a pretty significant lift for them as far as the right-of-way area and what areas are going to need to go through any land acquisition.

Christian said they do have some comments regarding how the lower buildings are going to be built due to the grade change. It is their understanding that the lower building is going to have a full basement, so if that basement goes down that is additional vertical excavation.

Kelly said they have some drawings they can share as part of the next submission. There is part of the lower building wall that will have to be constructed due to the nature of the slope.

Paul said the focus tonight is on the phasing plan correct.

Kelly said phase a is in blue on the map and phase b is in purple on the map. It is their goal to try to commence construction on the blue and purple sections.

Christian asked when do they plan on putting in the construction road that is in orange, is that part of phase a. If you put phase a in, you are only going to have a single point of entry on 9W.

Kelly said that would be built as part of phase a.

Paul asked why are they splitting it up.

Kelly said it has to do with the slopes, retaining walls, much of the staging and logistics for construction, they have pull off areas and stacking and storage of equipment, the ability to get lowboys and trucks in and out. They have worked closely with the contractor to develop that as part of each phase.

Christian said that they need to be aware of the utilities and where they are going as it will be expensive to pick up and change if needed. It appears that the phase boundaries follow the retaining walls, so they may need a temporary grading plan for each of those, so each phase should be able to stand on its own.

Kelly said the phasing plan only indicates which units they are going to built, it doesn't necessarily include the infrastructure that needs to be required for the overall site.

Scott said can they designate which lots are going to be affordable housing. They need to be specific to the lot not to be passed, so when you are done with phase a, there will be so many of those affordable housing already in that phase.

Kelly said she doesn't know if they have to designate specific lots, but they do have to designate a certain number of units in each phase that are dedicated to affordable housing.

Scott said that he just wants to makes sure that they are not done last or skipped over.

John said according to the code they have to be proportionally built, so for every 10 market rate units you have to put in affordable housing. He will be working on a plan, so that way there is a road map going forward as far as affordable housing.

Kelly said they fixed the table so all the nomenclature matches and will add a column for affordable housing for each phase.

Scott said he wants to make sure that they are not skipped over and have to be completed before they move on to the next phase.

Dave said on other projects the board has required a certain number of houses to be built before moving on to the next phase, so that might be something to consider.

Kelly said they need the contact information for who ever manages the affordable housing in the town as they need to advise them on how they are supposed to implement it.

John said the code is very detailed, the plan that they put together will pretty much mimic the code.

Kelly said that it should be on the table, this way it is a part of the signed site plan.

Paul said you have an application, there is no SEQRA obligations as the board has already made a negative declaration. It is really a matter of confirming the DOH side of things to be able to do site plan review and looking at it in terms of what kinds of conditions the town would expect to make sure things are done in an orderly manner.

Scott said on the cottages they are supposed to be no less than 10-feet apart from each other. Some were just under the 10-foot, he thinks there was only 3 that were an issue. It was the corners hitting. He thinks a smaller house there, so they gain that footage.

Kelly said it wasn't the living space, it was the garages.

Scott said it could be and he will take a look again.

Kelly said as far as shifting this plan is so intricate, the houses are really set where they need to be. That distance had to do with the distance between garages, which was the non-habitable part of the structure which met the code.

Scott said he is okay with that.

John said procedurally is the board able to refer to the county at next week's meeting, and is the board ready to schedule a public hearing for June.

Dave said the question for the board is do you have enough information to declare this application is complete because that is what the Ulster County Planning Board will want to see.

Paul said one question there would be where is CPL with their review of the application in terms of details.

Christian said that he believes they have submitted everything, they have the soil mitigation plan, SWPPP, he doesn't think there is anything outstanding.

Kelly said water & sewer reports, landscaping, full lighting plan and grading.

Christian asked if they had done visual impacts.

Kelly said that was part of the SEQRA review.

### **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: Application and site plan circulated to the board.

Patti (applicant's agent) said that this property used to have a large fruit cooler facility, cold storage and part of it burned down in the 80's and the concrete raised pad that it was on remains. The applicant at this time is utilizing the front building for storage and distribution of food products. He is looking to expand and put an additional 65 X 70 foot storage building, within the concrete pad of the former cold storage, for additional storage. He is not increasing the number of employees, nothing else is really changing, except that he needs more area for storage. She knows that one of the issues that arose previously on the site regarding the location of parking on the easterly side of the, she did review the code with regards to that and it seems that the code indicated that the purpose of that was to protect the adjoining properties from the agricultural activities that take place on the adjoining property. Right now there is about a 50-foot buffer between where the former agricultural property was and the boundary line, there is also a topographic distance of approximately 6-10-feet in elevation, so they could put up a fence along that boundary line to protect it, but the upper land would be looking right over that fence because the grade is higher. The adjacent property has been totally cleared of the agricultural trees and they had received subdivision approval for a building lot there in 2020. She considers that now to

be a residential building lot, with an approved house, well and septic system and no longer agricultural property. They are proposing to put the parking back in there, they are still maintaining a wide separation distance from the boundary line.

Scott said the other property has a subdivision.

Patti said yes.

Charly asked once it's done like that they give up their agricultural rights, because he has seen houses in the middle of orchards before. They have the right to replant.

Dave asked is there anyway that parking could go in front of the new addition?

Patti said the reason she showed as many parking spaces as she did, as she has been there on 4 different occasions in the last 6 weeks, she has never seen all 13 spaces on the north side of the building filled. He has 40 employees, she is not sure what all of them do or how they get there, but its not by car.

Scott asked for the parcel to be shown as he thought at one point there was parking on the front edge of the proposed new building.

Patti said she is not sure what he means by the front edge, they are going to have some loading docks there.

Scott said didn't they get a 35-foot variance or something. He pointed out the cars parked on the side of the building.

Patti said that is all gone now and they don't park there and the boundary line is in the wrong location.

Scott said he is talking about on the other side where the tractor trailers are.

Patti said that is where they are showing parking spaces 14-20.

Scott showed on the map the area he is talking about.

Patti said that is where the loading docks are.

Charly asked if there were any permits issued to do any kind of work there because they have been putting a roadway or a gravel driveway.

Patti said that she hasn't seen any new activity there and she was there are recently as last Friday.

Charly asked if the new building is going to be put onto the previous concrete or are they taking that out.

Patti said no it is going right on top.

Charly asked is it all structurally sound.

Patti said it is a pole barn.

Dave said they would need an engineer to determine that.

Charly asked how long has it been since the fire, over 20-years correct.

Dave said they would need a structural engineer.

Patti said the cars park on the gravel near the dumpsters.

Gerry asked what the agricultural setbacks now.

Charly said they are supposed to be 100-feet right.

Dave said 50-feet.

Scott said didn't they talk about leaving enough space so a fire truck could go through there and they didn't give them any parking and they believed that the determination that the Zoning Board was in line with what they suggested. One of their main concerns is the parking on the buffer area.

Patti said she has not reviewed the ZBA determination. She didn't put the parking on the other side of the building as they need to have room for the trucks to back up in and out of the loading docks. If the board's and previous determinations are that they are not able to enough of a screened area there to accommodate what the requirements are for the agricultural setback zone, then they will have to move it.

Paul said apart from the parking issue, in terms of a SEQRA review this is an unlisted action, but from a SEQRA standpoint whether it is an agricultural property next door or residential the visual impacts are relevant to the board's review and worth considering. The ZBA denied the area variance and told them to move the parking back to the front of the building and that was based on the agricultural buffer requirement, but even if that some how goes away because the use of the property next door has changed, but either way in terms of SEQRA it is fair game for the board.

Dave said Patti brought up a good point as the swing of the trucks entering the site, the area might be difficult. In the original plan there was parking along that area, but he would encourage her not to do that.

Christian said he has a number of comments and one of them is a truck maneuvering plan because he believes the new building is going to have 4 overhead doors, on the northwest corner.

They also want to know if any lighting is going to be required as he believes the hours were 7-7, so in the winter months it will be dark.

Dave said if the gravel area was expanded past where it is now, he is concerned about coverage.

Christian said that in the application it said they needed to get an area variance because they exceed the maximum coverage.

Patti said the maximum lot coverage is 10% and its already existing at 37%, so it is pre-existing non-conforming and since they are increasing it will have to be looked at.

Christian asked you are going to put the new building on the existing foundation, provided that it meets an engineer's report.

Franco asked if it was going to be cold storage.

Patti said it is going to be dry storage.

Christian asked if the board had a chance to look at the proposed elevations as he knows they were included in the package. He doesn't know if they have any issues with the elevations. He also wants to know if any grading is required for these improvements because there is some stuff in front of the building that may have to come out. He believes that there were some concrete slabs that were there on the northwest side of the proposed building.

Charly asked what kind of building was it going to be.

Patti said a metal Butler building type, pre-fabricated.

Charly said, so there are no new footings that need to be dug at all. It is going right on the original concrete that was there.

Patti said she cannot speak to that.

Franco said because it is dry storage are they going to do a FDC connection.

Patti said she is sure that it will be circulated to the jurisdictional fire department.

Scott said elevations and pictures of the buildings will help the board.

Christian said that they were provided not in the plan packet, but separate.

Patti said it was not in the plan set. With prefab buildings they don't give you a lot of information.

Scott said the board will need to know the color as he doubts the neighbors will want an orange building out there.

Patti said the applicant is looking to make it comparable to the existing storage building, but she will confirm.

Paul said that their homework for next week will be in position to square off on the zoning issues, whether they are zoning compliant or if they need to go to the ZBA.

**Sabuda, Robert: Special Use Permit: 67 Black Creek Rd., SBL #79.2-1-24.200**

Applicant is seeking a special use permit to legalize 2 apartments.

Robert (applicant) said that the building is currently a mixed-use building which serves as an art center. The center has artist studios, exhibition space, and hosts outdoor events. He is requesting a use change the second floor from artist studios to short-term rentals. Everything the building department has requested has been submitted.

Dave showed the board the parcel.

Charly asked didn't it used to be a horse barn.

Dave said yes it used to be a horse barn.

Charly asked doesn't the Wallkill Valley Land Trust have something to do with that area.

Dave said not to his knowledge. Robert bought the property which is contiguous with the one across the creek, which separates the town from New Paltz, and there is a house on the property in New Paltz. It was all one parcel, but was split by the municipal line. There are artist studios in the building and he is requesting a use change for short-term rentals.

Bill asked if there was a map of the floor plan, because there were no kitchens shown on the plan.

Scott said there were two apartments, split down the middle and neither had a kitchen.

Robert said that there is a large space with a sink in the middle and there is a stove and cabinetry to the left and right of the sink.

Franco asked what the square footage of each apartment was.

Robert said that he doesn't have that information in front of him.

Scott said so the kitchens are in room b and e and there is a fire extinguisher right next to the stove.

Robert said that is correct.

Scott said you are looking for approval so these have been apartments for awhile and now you want to turn them into legalized apartments.

Robert said they were studios and during COVID, they started to do short-term rentals because everything was such chaos.

Scott asked if the building department has gone out to inspect this property.

Dave said no, there is an application to legalize two apartments an application for the short-term rentals and he's going to the ZBA for the two short-term rentals on one property.

Scott said that there is not much the board can do until someone does an inspection to make sure the apartments are up to code.

Dave said he doesn't have a permit for the apartments, so that is something that he will have to dig into.

Charly said they redid this and since then there have been people staying there overnight.

Dave said it is an artist space, and it was the intent for someone to stay upstairs, but the division is new to him.

Scott asked what is on the downstairs of this.

Dave said studios.

Scott said that is the art studios and the apartments are going to be upstairs. They are being used already as a STR without having a legal apartment.

Robert said he wasn't aware that he had to make any changes of use until the building department told him.

Charly said it was a horse barn.

Dave said that have a change of use permit for that for the artist space.

Charly said but not for living.

Dave replied not for living.

Franco asked when was the living space added.

Robert said it was during COVID at the beginning.

Franco said so about 2020, so it has been an illegal apartment for 3 years.

Dave said he is not even sure about use.

Paul said since the board is looking at this as apartments and not just an artist studio wouldn't you want to have a full site plan and know about parking and all that.

Scott said the building department will reach out to him and iron out what needs to be done before coming back to the board.

### **Continued Public Hearings**

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

The applicant proposes to construct a 24,196 sq. ft. building addition keyed onto the west, south and east axis of the existing structure along with a loading area containing 4 loading docks at 180 South Street. The proposed use is allowed in the A zone and requires site plan approval and a special use permit. The applicant is proposing to rehabilitate the structure, construct a building addition with site appurtenances and increase roof height to increase distribution center operation productivity. No changes to the remaining principal access points are proposed. No new water or sewer services are proposed.

Review Status: Public hearing opened on 4/27/23

### **Old Business**

#### **Delta Contracting Enterprises: Site Plan: 219 Upper North Rd.: SBL #87.8-1-10.100**

Applicant is seeking site plan approval to construct a 2226 square foot storage building on a 1.13-acre parcel located on the westerly side of North Rd.

Review Stats: Public hearing was closed on 4/27/23

Patti (applicant's agent) said that she did receive final approval at the last meeting, she just has the final maps and there was discussion about making sure they had the rear door. With the maps she is submitting a copy of the purchase order from Future Buildings which includes a complete end wall service door. She asked them where it was going and they sent her email that stated that the man that they provided in the contact will be field located, so it could be placed in the rear of the building. Originally they were going to put the man door in the front, but what they said they would do is that they have the overhead door in the front and they don't really need 2 doors in the front, so the overhead door will be in the front and they will put the man door in the back.

#### **Relyea, Susan: Lot Line Revision: 1 Maple Ave & Brinkerhoff Ave, SBL #88.17-10-3.200 & 88.17-10-4**

Applicant is seeking a lot line revision to convey a 0.44-acre parcel from tax parcel 88.17-10-4 to tax parcel 88.17-10-3.200. The resultant parcels will be lot #1 a 0.79-acre parcel containing all the improvements currently appurtenant to the lot and lot #2 a 0.18-acre parcel with an existing 2-family dwelling and attached garage and will require an area variance.

Patti (applicant's agent) said that it is appearing before the Zoning Board of Appeals, they had their first meeting and a straw poll to authorize counsel to draft a resolution of approval, so she would like the Planning Board to be up to date on that.

**Walton, Gia Marie: Lot Line Revision & Subdivision: 1, 25, and 27 Picnic Woods Rd, SBL #94.2-2-18.130, 94.2-2-18.141, 94.2-2-18.142**

Applicant is seeking a 2 lot subdivision with 2 lot line revisions. Proposed lot #1 will be 2.01-acres in size and is improved with an existing house, well and septic system. Proposed lot #2 is a new buildable flag lot 2.04-acres in size and will need an area variance. Proposed lot #3 will be a 2.06-acre lot improved with an existing house, well and septic system. Proposed lot #4 is a previously approved vacant residential lot that will be increased in size from 4.05-acres to 4.17-acres, so the existing driveway is located entirely within the lot bounds.

Patti (applicant's agent) said that it is appearing before the Zoning Board of Appeals, they had their first meeting and a straw poll to authorize counsel to draft a resolution of approval, so she would like the Planning Board to be up to date on that. Her only issue is that there were some issues raised about impervious surface and disturbance and if a SWPPP was going to be required. Basically, what they have here are two totally separate applications, that she chose to put on one map because she thought it would be easier to streamline it. Although part of the application is a lot line revision to add some land to an existing building lot, that building lot is already in place and could get a building permit tomorrow, so she was not including that in the impervious surface because the action of the lot line revision is not creating the impervious surface, that lot is already existing. She just wants to be clear that the board and CPL are comfortable with the fact. She thinks that was the only issue still unresolved.

Christian said if you can just put that in a letter and get that to them he will check with Andy because on face it seems kind of like segmentation a little bit. Wasn't there also an issue with a wetland being possible filled in.

Patti said just because the EAF mapper shows that there are federal wetlands, it doesn't mean that they are always accurate. They do have Board of Health approval for a septic system for that lot. If it was filled in at one point in time she doesn't know when it was.

Christian said the question is when was it filled in, if it was an Army Corp. wetland, chances are it is more than tenth of an acre of disturbance. He would like some kind of idea of when it was done because they have aerial photographs that show earth moving equipment with soil piles right where, if you go to the previous image taken there was a wetland there.

Patti said if it was filled in it was done before the survey as when she went there was no wetland there.

Christian asked how close were you to an acre of disturbance?

Patti said she did not calculate that separate lot that is already an approved building lot. There are 3 lots involved in this application and they are dependent on one another, so if she has to she will remove that lot for the time being. It is not segmentation if they are not dependent on each other, they are two distinct independent actions.

Christian said if he recalls the lot line revision was going to take care of the driveway encroachment.

Patti said yes.

Christian said that is what brought that north lot into everything.

Patti said that is the only thing that brought the north lot into it. She understands the two lot subdivision is an action it is going to have disturbance she will calculate the areas that will be, it will be definitely under an acre, but if they bring the other lot in, it would be over an acre.

Patti said she will work with CPL over the next week, as her hope for next week is that the board will be able to schedule a public hearing.

### **New Short-Term Rentals (Public Hearings)**

#### **Hidden Gems NY Stone Home: 383 Upper North Rd: SBL #80.3-1-30.200**

Review Status: Application and documents circulated to the board.

Potential Action: Open public hearing

Nanci (applicant) said that it is a two-family home and is requesting two short-term rental permits, she received a letter of determination in April that it had lawfully been in compliance that they had two short-term rentals prior to the end of December when the short-term rental law went into effect on January 1. She is in the process now of continuing to beautify the home. Her request is to have two permits for short-term special use permits. There are very few neighbors, so she doesn't think there would be any impact to the neighborhood. Her intent is to bring people to Highland and having it as a place beauty for people to see.

Dave said his question is that it is a 1,000-gallon tank and she is asking for 8 people.

Nanci said the 1,000-gallon tank is set up for 6 people full time. They are not ever going to have 8 people there full time. They figure on average there will be 4 people per month, where weekends would be more prominent than weekdays. She spoke with Dawes Septic who suggested that because it would be a short-term rental that it should be cleaned every year, which she will be doing to keep a working septic system.

Scott asked how many bedrooms are the units.

Nanci said one has one, and the other has three.

Scott said the tank is still small for 4 bedrooms.

Nanci said 4 bedrooms should be 1,250.

Lambros said aren't they to assume that there will be 8 people.

Nanci asked 8 people full time.

Scott said if you say that you are not going to have that many, he doesn't know why they are asking for 8 people. Normally what they have been doing is they have been going through how many bedrooms there are and how many people they would have in the bedroom and the size of the tank matters to them. You do have a remedy of pumping it out more often, since no one is there to police you in how many people you are going to have. They have come up with that formula, to make sure that they are still within that realm. That tank the board doesn't know what you are going to do.

Franco said she said that she was going to pump it out every year.

Scott said have they put that on any of the other applicants. The board has sized them up each and every time.

Franco said that they aren't going to be able to police the number of people there. If the septic goes belly up, she will be out of business.

Gerry said what they have been doing is that they have been keeping it uniform is if it is a 3-bedroom house a 1,000-gallon tank, 6 people. If it is a 4-bedroom, 8 people. The board should stick to that system because otherwise they are just going to wind up in trouble down the road, that doesn't quite fit. He thinks its better to stick to the formula that the board has unofficially adopted.

Scott agrees.

Franco said the problem is this is a 4-bedroom house, but only has a 1,000-gallon tank which is undersized.

Gerry said he guesses around that would be is if it is a non-conforming structure because it is an older house because it is a 4-bedroom house. It is an older house and doesn't conform to the 1,250-gallon tank because it was built before the codes were in place, if the board wants to take that into account.

Bill said why don't we do what they did with another property and that is make them pump it out every two years.

Franco said what type of tank is it, concrete, steel?

Dave said it is concrete it is in the packet.

Charly said he knows that they talk about bedrooms and they talk about septic tank size, but people seem to neglect or not understanding how the whole septic system works, so the tank gets filled up and then once it meets its water line its mean level of operation, when someone takes a shower, somebody turns on a faucet, when somebody flushes the toilet, if 1.6-gallons go in, 1.6-gallons goes out. A lot of people think that they have a big septic tank it's perfectly fine, it really has to do with the field. If you are going to be going through this, you should probably get an engineer, that could do an inspection because he would be in favor of saying you have to change your tank.

Franco said or your other option is to go with low-flow fixtures.

Nanci said that she has changed everything over to low-flow fixtures.

Bill said she has already put in low-flow fixtures, she could get a few more people.

Franco said that they did it for another property.

Scott said he doesn't know if it has been acknowledged by the town.

Dave said for this one no. The fire safety has been done, but they haven't checked for low-flows yet.

Scott said the town would have to check and get back to the board. As that was probably the only time they had changed the amount of bedrooms and people that they were allowing in there.

Bill asked wasn't there talk last night about two STRs on the same property was okay?

Dave said this is pre-existing.

Bill said the managing agent for this seems to be in Cornwall is fairly far they try to have it within 30 minutes.

Nanci said he is.

Bill said he is in Cornwall and he can make it in 30 minutes.

Nanci said she thought it was 30-miles.

Dave said between now and next week, someone will go out there and check for low-flows and come back next week and let the board know.

Scott asked for a motion to open the public hearing.

Motion made by Gerry, 2<sup>nd</sup> by Franco.

All ayes, motion passed to open the public hearing.

\*No public comment\*

### **Continued Short-Term Rentals**

#### **Micah Straight: 14 Tina Drive: SBL #87.3-3-19**

Review Status: Public hearing opened on 4/20/23

\*No public comment\*

Scott asked for a motion to close the public hearing

Motion made by Franco, 2<sup>nd</sup> by Bill.

All ayes, motion passed to close public hearing.

Paul asked if there were any conditions the board wanted.

Dave said the issue was character of the neighborhood, he is not sure for a residential use what additional things the board could condition beyond the regulations that are already in the law.

For a residential use even though it might act like a business, he is not sure what conditions the board could do that would restrict residential use, none of the board would want restrictions on themselves for their own homes.

Gerry said that was a 3-bedroom maxed out a 6 people.

Paul said he would add that in.

Dave said that since this has opened up there have been more fire calls on that street for other properties and not the STR.

Paul said STR's are a different kind of residential use and it generally has the same sort of impacts that a residential use would have. When it gets outside of that, that's what the regulations address and that's why it is a special use permit because they have to get biannual renewals, if there are problems you have enforcement, you can revoke it, if there are problems when they come for their renewal you can say no.

**Motion to Adjourn.**