

WORKSHOP MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, June 15, 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, Bill Meltzer, Carl DiLorenzo, Sal Cuciti (arrived at 5:38pm), Lambros Violaris (alternate), Lenny Auchmoody (Town Board); Board Staff: Dave Barton, Paul Van Cott, Christian Moore, and Sarah Van Nostrand

Minutes to Approve at June 22, 2023 meeting
May 18, 2023 and May 25, 2023

Old 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 gave an overview of the meetings that have gone on.

Dave said that they are all on the same page now on what is being proposed. The ALF both the upper building and lower building all of that is being applied for from DOH. The board has seen the building plans that have come the other day. DOH will have some control of what the rooms will look like. DOH may change the rooms appearance wise, but not concept wise.

Paul said there were some concerns the PRRD was approved by the Town Board a majority of the members voted in favor of that. The underlying application for that indicated that the project components would offer certain services, you would have the independent living units, but then you would have an assisted living facility that the board has previously approved and because of the DOH licensing timeline, the applicant was finding themselves asking for certain changes to the services that would be provided in the upper building of the assisted living facility. They were becoming more like independent living units and there was some concern about that, both from the Supervisor and the chair and the rest of the board. They met with the applicants on June

1st and coming away from that meeting the applicant has agreed to go back to full DOH licensing for assisted living facility and to provide the services that they originally committed to in their application for the PRRD. The applicants are going to provide the board with detailed services that are going to be offered to the residents. He feels that they are in a good place back where they were originally in terms of what is being proposed for the PRRD and the site plan that the board is reviewing.

Scott said that the definitions were not in sync with the definitions of the board.

Kelly (A part of the applicant's team) said that they are all in agreement with what the uses are. The definitions they tried to clarify. They are working on a list of services that were going to be provided and what they are proposing now, so the board can see the similarities.

Scott said it has been steered back to what their understanding was originally of what this project was.

Kelly said that there was discrepancy between the New York State Department of Health terminology and the town's terminology and then just common terminology.

John said even the terminology in the code isn't 100% clear.

Kelly said that they are back to where they are and that they are seeking the board's approval of the PRRD with the already previously approved ALF building and ALF uses, rooms and amenities. They have up until this date provided the board with detailed drawings, grading, etc., now they are just focusing on the cottages and the independent living area. They hope to get this project back on track and schedule a public hearing and try to get it over to county planning.

Christian said that he feels that with the materials provided to date offer sufficient detail and recommends to the board to referred it to county planning for their review.

Gerry asked if there was any word on DOT?

Kelly said that the DOT comments were supposed to be issued by the end of the week, but it sounded like they pushed them to next week. They were trying to push for a phone call, so they didn't have to wait for a letter to be sent, they wouldn't agree to do it. They asked if there were any big significant items that they could know sooner than later, so they could work on them even though they think everything has been addressed and they said they would let them know.

Gerry asked if they were any further ahead.

Dave said not really, the DOT is in full agreement conceptually with what is being proposed, it is all technical details.

Kelly said that they answered a couple of comments that the board had raised were the length of the cul-de-sacs. They did a study as a part of the SEQRA review of this project and they compared the length of the roads to the codes, so they provided that.

Sal said that in that response they quoted the New York Fire Code, but he was referencing the Town of Lloyd code which limits the length of the cul-de-sac. Even if the board waives that requirement it can only be 1,200-feet long.

Kelly said that they think they meet the code, but they will look at that before next week's meeting.

Dave said that the code does speak to a maximum distance for cul-de-sacs for town roads, these are not town roads.

Kelly said these are private roads.

Sal said that he thinks the zoning says to apply those standards whether it is a private development or dedicated to the town.

Kelly said she will look into it.

Sal said he wondered how it work with the code if Apple Lane was used as an entrance and it seems to work out. You have 197 houses on one driveway.

John (applicant's agent) said that there are multiple driveways. He thinks the answer was a couple of years ago because there are multiple driveways within the development.

Sal said it all goes back to one entrance road.

John said correct, but there are also 2 emergency access roads as well.

Sal said that is not the point it is about the circulation and how it works as that falls under the board's site plan review.

Kelly said this went through 2 or 3 SEQRA reviews, so they will look at it again.

Sal said it is not a SEQRA issue it is a site plan issue.

Kelly said it would affect the safety.

John said that is how it came up in the SEQRA context.

Sal asked if they mentioned the definition of the independent living cottages.

Paul said that it was discussed in the beginning of the meeting, there had been concerns about the independent living cottages and the assisted living facility particularly the upper building. There have been discussions with the applicant about that. The town pushed back against some of the changes that were occurring to the project. The applicant has responded and they have gone back to have a full DOH approved assisted living facility.

Sal said the assisted living facility comes in with the houses in the first phase.

Paul said they haven't talked about phasing yet.

Sal said you could have 100 houses that don't have a zoning reason to exist if that phase doesn't get built.

Scott said they are going to see what the applicant offers the board and then they will see what they want to do, so that the board makes sure that the ALF will be built.

Paul said that there have been some staff conversations about that as they know what the board's concerns are, they want the traffic light, and they want to make sure that the assisted living facility is built. Dealing with the phasing the applicant wants to build cottages.

Sal said that he doesn't want to see 10 years from now that there is a renegade community that has no zoning basis, it would be a bunch of rental houses that have no reason to be in the zoning.

Paul said to be a PRRD it has to have both the individual living units and the assisted living facility, so they have a legal obligation. The board can come up with conditions that can ensure that.

Kelly said they can supply the phasing plan at the next meeting.

Scott said they know that they broke it up into phasing, but they don't have a construction phasing plan yet.

Sal asked is the back building still being built before the front building.

Scott said that he doesn't believe the phasing on the ALF portion will change at that point, it will be 119 beds.

Sal said all at once.

Scott replied yes all at once. It helps the board out and helps them out in construction, so they don't have to worry about how they are going to hold and maintain that building.

Dave said to be clear that won't be built until DOH approval.

Paul said that is where the phasing comes into play and conditions.

Scott said like so many buildings and then the front building and then so many buildings, however the board decides to do.

Sal asked when was the building approved.

John said September of 2021 it was a special use permit for the ALF. He thinks the final site plan was signed by the chairman in August of 2022.

Sal said it will be 2 years this fall. He asked if they have made progress with DOH.

John said that they cannot, they need the final permit from the Department of Transportation. They need everything because the idea is that the Department of Health doesn't want to worry about anything on the outside they are only going to focus on the internal stuff and they don't want anything on the outside changing.

Sal said he understands that.

Scott said your other question last meeting was something about the property line. With two different properties and that the one line divided the two properties. The board only recently received the application for the cottages and they never really thought about what could happen with that property line and whether or not someone could or could not sell it off as a separate property. He asked Paul if there was any way they could change that property line later on, to secure the town's best interest knowing that piece could never be sold off and that the zoning couldn't be jeopardized for what it is.

Paul said that they have talked to the applicant about this. There are provisions in the code that the lands in a PRRD whether or not it is under single ownership everyone is on the hook based on the plan. They are required to comply with the plan and it says in the case of multiple ownership that the approved plan shall be binding upon all the owners and such owners shall provide written certification to the town demonstrating that the approved plan is binding upon all owners.

John said it is a good question and the answer is right in the town code. Any future owners are bound by the PRRD. They can add notes to the map, they can record something in the chain of title declaration referring to that section and their obligation.

Scott asked why did they divide the lots.

John said the ALF parcel had to be separate from the cottages parcel because he understands that the Department of Health they want to make sure the ALF is independently, meets all the bulk requirements, meets all the setback requirements and is compliant by itself.

Sal said he didn't get a steep slopes map, it was just a site map with a note that mentioned the steep slopes. In the first submission it was a shaded steep slope area.

Kelly said it is on the site plan, they can shade it darker, so the board can see the area. The only other thing that they would like to ask for is to refer this to county planning tonight, so they have time to make a complete submission to them.

Scott asked for a motion to refer this to the county.
Motion made by Franco, 2nd by Bill.

All ayes, motion passed to refer the project to the county.

Public Hearings

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

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

Review Status: Public hearing set for June 22, 2023

Patti (Applicant) said that the project appeared before the Zoning Board of Appeals and the applicant owns adjoining property, she is going to be making an application for a lot line revision to add 1.59-acres, so they are going to be taking the westerly boundary line and extending it to the south. She thinks at that point they will be in a position to withdraw the application before the Zoning Board of Appeals because right now the parcel is pre-existing non-conforming, but they will be making it less non-conforming by adding the extra acreage, it won't be detrimental to the neighboring parcel. They know there is a public hearing scheduled for next week and that they have to make an application for a lot line revision, but this way they can get the public comments and address them concurrently with the application for the lot line revision.

Paul said procedurally there is no reason why the board cannot go ahead and open the public hearing since it is already notice, but you would want to continue it until the lot line adjustment comes in and then the board can pick it up from there.

Patti said they relocated the parking from the easterly side of the building to the back, they showed where the loading docks were going to be placed, how they are expanding the gravel area, so there will be ample room to turn around. One of the other questions was with regards to the suitability of the concrete pad to support the weight of the building, it's a pole barn, so the concrete pad isn't going to be supporting any of the weight.

Sal asked is it a wood frame pole barn or a steel frame.

Patti replied steel.

Charly said you would be cutting pieces of the concrete out to drill footings to rest the steel piers.

Patti replied yes.

Christian said that they wanted to know spot grading, a lighting plan.

Patti said lighting, landscaping, signage.

Dave asked if they had colors on the building or is it going to be the same.

Property owner said it was going to be the same color as existing building.

Scott asked if there were elevation drawings.

Patti said the elevations that were submitted were the ones that were sent to her by the manufacturing company.

Charly asked what is that gravel on the side of the building being used for.

Patti said right now it is providing emergency access around the building at one point in time they had parked there and they needed to remove that parking.

Charly said it is emergency access only.

Patti said she is sure that the applicant and others use it to drive around the building, but there is no parking there.

Scott said there is no pallet storage there.

Patti said no.

Christian said the only other things in their letter was lighting, landscaping and maneuvering plans to show how vehicles are going to get in and out, finished floor elevation for the new building, ADA accessible route from the parking spaces to the building entrance.

**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.

Review Status: Public hearing set for June 22, 2023

Patti (Applicant's agent) said that the Zoning Board granted the variances.

**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.

Review Status: Public hearing set for June 22, 2023

Patti (Applicant's agent) said that she just received today the soil and erosion control plan and she believes that is the final outstanding item.

Continued Public Hearings

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

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

Dave said he thinks they are pretty close, he had a meeting with the engineers regarding the flood plain permits and what the code says they need. They understand what they need, they are going to do the elevations, impact studies and get them to him. The board is waiting on colors and they were going to bring samples. The board knows what the elevations are, the traffic flow around the building.

Scott said that the pallets around the building were a concern that the board had.

Dave said that can be put right into the resolution.

Sal said that the study that they are going to do will help with the SEQRA review.

Dave said that won't be ready until after the board does its piece as that is part of the flood plain permit.

Scott Anzalone (a member of the public) asked if there was going to be restrictions on the outdoor storage of the pallets. He mentioned that there were a bunch of pallets stacked with goods in the parking lot tonight.

Dave suggested that it be put into the resolution.

Sal said so that means Scott won't sign it until all the pallets are picked up.

Scott said it will be in the resolution.

Dave said we will let Brian know that it will be a part of the resolution and as a note on the map. The way it works is once the chair signs the map it becomes the law for that property and that is

what he brings to the judge.

Sal said that Scott won't sign the map if that is a condition on the resolution until they pick up the pallets.

Scott said they should do it first, because right now it is a mess.

Dave said when the board gets to the point direct them that the maps won't be signed until the site is cleaned up.

Administrative Business: Referrals from ZBA

Rozzi, Thomas: 3 Orchard Lane: front yard variance and front yard setback for a garage

Scott said it's in front of the ZBA right now, so there is no determination on it.

Dave said that the ZBA is looking for comments, it is an accessory structure in the front yard. Thomas is a contractor and he needs a place to put his contracting stuff.

Scott asked the only place he can put it is in the front yard.

Dave said yes, in the back it drops off and he thinks there is a pool in the back.

Paul said the septic system is back there.

Dave said if he it puts it along the driveway he can get to his vehicles, he has a box type van.

Scott said it is in the front yard though.

Dave said yes it is in the front yard.

Scott said that is one of the board's biggest issues that they have here on the Planning Board.

Paul said where his driveway comes in there is a lot in front of him before you get out to the public road.

Bill asked if there was something built on the front parcel.

Dave said yes.

Paul said the neighbor will be notified. There is a tree line between the two properties, he has a basketball court in the corner. You can see how constrained it is in the back of the property, the open space directly behind the house is where the leech field is.

Scott asked what is to the right of the driveway.

Paul said it is steeper and he has a retaining wall there.

Scott asked the board what recommendations do they have to send to the Zoning Board.

Sal said make it as unintrusive as possible to the neighbors.

Dave said he has seen the plans and its actually very attractive.

Franco asked is it two stories.

Dave said 1 and a half, he thinks there is storage upstairs, but just loft storage.

Paul said it is a substantial building.

Sal asked what size was it.

Paul said the board could hold and give comments next week.

Scott said let's do that, he thinks they should do a site visit out there.

Peppino's Food: 304 Station Rd: Commercial area variance for building and lot coverage

Dave mentioned that the ZBA referred this to the board, though it might be withdrawn does she know that will be the case.

Paul asked if she had done the math.

Patti said either way they will be adding 1.59-acres, so no matter what they are taking a pre-existing non-conforming and making it less non-conforming, does it need to be 100% conforming in order to withdraw.

Paul said you are not increase the non-conformance.

Patti said correct, she is decreasing it by adding the 1.59-acres because they only need 1,360 square feet they were adding.

Paul said for the Planning Board if you support the direction that the ZBA is heading in that would be sufficient. He will get an answer for Patti.

Patti said she wants to withdraw it only if it is appropriate to do so.

Paul said for that he would like to go through Anthony for that.

Patti said she will supply both of them the math.

Paul said that the ZBA chairman was adamant about is there a way to avoid the need for or minimize the need for a variance and came up with this idea of using land from the adjoining lot.

Sal asked if it could be summarized quickly, it's an area variance and what are the numbers roughly.

Patti said the site has a pre-existing non-conforming lot coverage of 39%, the applicant seeks to increase the coverage by 1,360 square feet to provide additional gravel parking and to allow for ample maneuvering for trucks at the site. The area variance sought is 1,360 square feet or 0.03-acres which is a 1.7% increase in the existing lot coverage, increasing from 39.25% to 39.9% coverage. By adding another 1.59-acres, they are taking the 4.62-acres and adding the 1.59-acres which is substantially more conforming.

Franco asked if the sale of that is going through.

Patti said he owns both parcels.

Scott asked where does the board go from here.

Paul said any comments that you have on the ZBA's application and the way they are heading with that and you can just make those part of the minutes and he can make sure that the ZBA gets those.

Patti said if the Planning Board looks favorably with them adding the 1.59-acres.

Scott said if you are making it more conforming, its better.

Patti said at this point they might not need ZBA approval, but they are not sure yet.

Sal said for instance if you had a house that was pre-existing non-conforming and you were adding on to it, but you were not making the problem worse and making it better, generally looked upon as not needing a variance.

Motion to Adjourn.