

WORKSHOP MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, August 17, 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, Franco Zani, Gerry Marion, Bill Meltzer, Sal Cuciti, Lambros Violaris, Lenny Auchmoody (Town Board); Board Staff: Dave Barton, Paul Van Cott, Andy Learn, and Sarah Van Nostrand

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

New Business

Reynolds, Mark: Special Use Permit: 235 Hawley's Corners Rd: SBL #79.4-1-30

Applicant is seeking a special use permit to legalize an accessory apartment in the basement.

Review Status: Application and floor plan circulated to the board

Mark (applicant) said that the house was built in 1942 and it seemed like there was an apartment downstairs. It was very old and they just updated it and about 5 years ago they started the Airbnb. It has its own separate entrance, own kitchen and bathroom.

Scott said you are looking to make it an accessory apartment.

Mark said that they were told that, that has to happen first and then the short-term rental.

Scott said that from the print it appears to be 1042 square feet.

Franco said it is over the 650 square feet limit for accessory apartments.

Scott said the other thing is that it should be on a stamped drawing.

Kit (applicant) asked what is a stamped drawing.

Scott said it is stamped by an engineer. What that does is it verifies what the board has. The board has to make sure that it meets the code, so he believes the town building department will have to go in and make sure that it is to code.

Mark said that they were out there and did a full review and asked if something was submitted.

Scott said that he doesn't see anything.

Dave said that the board wouldn't have anything. He said that the board needs to make sure the use is legal.

Scott said the use is not legal because it is over the square footage. You are applying for a special use permit for an accessory apartment.

Gerry asked when was that apartment put in.

Mark said they moved in 1996, and it had been there. It just had old cabinets and that sort of thing.

Gerry said isn't it considered a non-conforming structure due to the age of it, because the age of the apartment doesn't it not need to conform to the 650-square-foot requirement because it is always been there, long before zoning.

Dave said that is not how zoning works, at the moment of application is when zoning applies. Unfortunately, as they do with all applications there was research done and the assessor has had this as a single family much earlier than the purchase by Mark. There is no indication on any of the old assessment records that there is another dwelling in the building at all. He is sure that it was pre-existing, but probably should have been done with a building permit.

Franco said if it dates back that far it should be on the inventory on Ulster County Parcel Viewer.

Sal asked is this part of the house.

Mark said it is downstairs.

Sal asked is it the whole lower level of the house.

Kit said it is the whole lower level.

Sal asked is there an outdoor staircase.

Kit said there is a patio and a separate entrance.

Scott said that the square footage is 1,002 square feet, is what you have according to the drawing. 650 is the required.

Franco asked if the 3 bedrooms were upstairs.

Kit replied yes.

Franco asked if the full bathroom was downstairs.

Mark said they have two, one upstairs and one downstairs.

Franco said that is not on the inventory.

Dave said it is probably their finished rec room.

Franco asked when was the bathroom put in.

Mark said there always was a bathroom, they just upgraded it to make it a nicer bathroom.

Franco asked if there were any building permits or inspections.

Mark said that he doesn't recall.

Scott said that the board needs stamped drawings and what ever else is needed to get the apartment down to 650-square feet, though a variance might be needed.

Franco said that the other thing that you can do is change your application and apply for a two-family.

Kit asked isn't it grandfathered in.

Scott said no.

Kit asked why not.

Scott said like the planning director said it's based on when you filed for that application, that's when the zoning kicks in.

Kit said she doesn't understand.

Scott said there are a few reasons, and it was upgraded as well.

Kit said what do you mean upgrades, they renovated the bathroom.

Scott said that's it right there renovated.

Franco asked if there were any upgrades to the electric.

Kit said no.

Franco asked is the electric separate for the basement, than it is for the rest of the house.

Mark said there is a panel downstairs, and it is all from that one panel.

Franco asked so the whole house is run by that panel.

Scott said if you are going to make it a two-family then you would have to have separate services.

Mark said they were told that they first had to get the apartment approved and then the short-term rental following that.

Franco said what needs to be done is you have to legalize the apartment. So you have a short-term rental that is illegal.

Paul said procedurally you have a zoning determination that's been made by the building department and if you wanted to challenge that determination to basically say that you should be grandfathered, then that application would need to go to the Zoning Board of Appeals as a challenge to the building department's determination.

Mark asked where would that have come from.

Paul said it would have come from the building department.

Dave said it didn't come from him, he will have to ask the others.

Paul said that could be provided to challenge it, but what's been done and this what you need to get after the fact approval for what you have as an accessory apartment. The Planning Board cannot change the zoning determination, they just apply the law as it has been interpreted.

Dave said the best thing for them to do is to apply for a two-family, they have the acreage. It would probably be the easiest route for them, in order for them to legalize.

Kit asked what does that mean a two-family.

Franco said that you would be assessed as a two-family house, instead of a single-family home because right now you have an illegal apartment that you haven't been paying taxes on.

Sal said that if a family has a two-family do, they have split the electric.

Dave said yes, the code requires it.

Gerry asked when did you purchase the property.

Kit replied 1995 from the original builder.

Mark said they put in that apartment which was just outdated in terms of what it had.

Dave said for clarification the County record or assessment record, doesn't inform of legality, it only informs of what the assessor knows, or thinks is there. It's the building department though a building permit that creates things that are safe and secure.

Scott said it would let the board know by the Town's assessor of what they are taxing the building for. That is why the board is looking at it and it doesn't tell them that there was another apartment down there.

Mark said he is surprised that the building inspector didn't submit anything.

Dave said they normally don't, but for short-term rentals the board does.

Scott said that for the short-term rentals it would be an inspection to make sure that it is safe. Currently you are asking for a special use permit, so you are asking the board if you could make this into an accessory apartment downstairs. Right now you need an engineer stamp on the plans and it has to be 650-square-feet, if it doesn't you need to get a variance from the zoning board.

Franco asked how big is the septic tank.

Mark said he has had Dawes Septic handle it for many years, it's a Roman Cistern style and it is about 1,000-gallons and the apartment downstairs they really only have two people at a time.

Franco said you have 3 bedrooms upstairs, correct.

Mark said it's just the two of them.

Franco said you have 3 bedrooms upstairs, you have 1 bedroom downstairs, you have a 4-bedroom house which requires a 1,250-gallon tank.

Mark said one bedroom he uses as an office, so it's not a sleeping one.

Scott said that doesn't matter, it's how many bedrooms you have equates a certain sized gallon tank and you have a fourth bedroom in the apartment downstairs, so it is undersized.

Andy said a 4-bedroom house requires a 1,250-gallon septic tank. The other question he has is that you mentioned the electric service, does the septic have to be separate for a 2-family house.

Dave said no.

Franco said that the leech fields would also have to be increased. The problem is he has that cistern type, you might have to have an engineer look at it.

Dave said the other problem would be the pipe to the system.

Paul said he just wants to note that the Planning Board has the authority to waive the 650 square feet, its not something that they have done, but they can.

Scott said the board has been pretty consistent with most of the people who have come before the board.

Dave said to be clear the board needs engineered plans, a new application that is for a 2-family house and some idea of what the septic is as there is no record of it.

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

Applicant is seeking a lot line revision and subdivision.

Review Status: Application and plans circulated to the board

Patti (applicant's agent) said that she is proposing a 2-lot subdivision to create a 4-acre lot with an existing house and a new 2.56-acre parcel of land located in the A-Zone which needs a minimum of 2-acre building lots. DOT has given verbal approval for the location of the new driveway. On the northernly side of the property are two separate parcels owned by the Poluzzi's they want to combine both of the parcels because one of them is pre-existing non-conforming of 0.37-acres, they purchased it several years ago and removed the dwelling that was on it. They are also going to get additional land and straighten out that lot line, so they will have when they get done 6.07-acres.

Andy said that Health Department will need to weigh in. He asked about the existing well on lot 2, are the applicant anticipating on reusing that, what is the intention for the dwelling on lot 2.

Patti said for lot 2, she showed a proposed new well, in the upper northwesterly corner of the lot. The well down by the barn, they may continue to use for irrigation or something, but they are not planning on utilizing that as the water supply for this dwelling.

Andy asked if any soil testing was done for the proposed septic.

Patti said the applicant is contracted with Andy W. who is doing the work on that, she knows they have to get Health Department approval before they get final approval with the Planning Board.

Dave said it is good Ag soil.

Patti said that they did remove the trees on this a few years ago, so it has been an open field, but it is surrounded by Hurds Orchards.

Andy asked if the barn is going to remain.

Patti said the barn is going to remain as an accessory structure.

Andy asked if the existing barn would require a variance for setback.

Dave said no, it is 3 feet away from the property line, it's a pre-existing building, the lot is not non-conforming, the building is, so they are not changing the building they are just changing the lot, so he would say it is copesettic as it is. If something happened down the road where they wanted to expand the barn, then it would trip into ZBA.

Paul said that this project is an unlisted action for SEQRA because it involves a two-lot subdivision. The board can at next week's meeting schedule a public hearing at its meeting next week.

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

Applicant is seeking amended site plan approval to add a second story to the existing garage to construct two one-bedroom apartments. The lower level will be converted into 5 storage units, to provide one for each residential unit.

Review Status: Application and plans circulated to the board

Patti (applicant's agent) said that there is an existing 3-family residence on this parcel land 0.09-acres. In the rear of the property there is an existing garage. The applicant is looking to convert the first floor of the garage into 5 individual storage units for the rentals and add a second floor for two proposed apartments. This is in the CB zone it would require site plan and special use permit. There is very minimal off-street parking, but there is on street parking, and they are within 200 feet of the municipal parking lot.

Franco asked what is he looking to store there.

Patti said if this is approved, he'll end up with 5 residential apartment units and he wants to be able to provide storage units for each one of the tenants, so they have accessory storage. They would not be rented out as separate storage units, they would solely be for the use of the tenants.

Bill asked is the garage currently being used as a garage.

Patti said when she was there was one vehicle in there, but she doesn't know that it was running, and it was just storage. There are overhead garage doors.

Bill said you are losing 3 parking spaces.

Patti said no, they were not parking in there.

Sal said you are just adding a story.

Patti said yes, they are adding a full story.

The garage layout was passed around to the board members.

Sal said it looks like the drainage is not changing. It will be the same blacktop area and the same basic roofline.

Patti replied that's correct. She thinks the top roof is going to be cantilevered over, but it's the same footprint.

Sal said it is the same impermeable area.

Patti said it's the same impervious surface. That is another area they are over the 80% limit, but all of the pre-existing non-conformities are going to stay the same.

Franco asked if there was a deck behind this.

Patti said there is a cantilever that they are proposing.

Scott said over the garage doors.

Patti said she would look into that.

Sal asked on the plan where it says overhang is that where the cantilever is.

Patti said no because that overhang is existing.

Scott asked is there stairs in the front of the building.

Patti said it is her understanding that the stairs were going to be where the jog is.

Franco said one set of stairs to get into both apartments.

Scott said so it is a landing above the garage entrance.

Bill asked if the neighboring building will lose light.

Patti said that they are at the same elevation and that also is apartments.

Bill asked is that building high enough that adding the addition on that light won't be blocked for that building.

Patti said that the building is a one-story building, and it is at the same elevation as the one story. The access to that is off of Main Street.

Andy asked if she had a sense of where the water and sewer services enter the building.

Patti said she would find out.

Andy said given the location of the property line, you might want to make sure it is not going through the adjacent property. If it's not already in place he would recommend a common driveway easement or agreement. Since this is fully walk up he assumes that ADA parking requirements would not apply.

Dave said it is tripped by the number of units.

Andy said that is all of the comments.

Dave said that he spoke with the applicant months ago and he wanted to do apartments on the ground floor which is not allowed in the CB Zone, they suggested this, and he feels that this is a much better answer because when the department talk to tenants, storage is an issue.

Paul said that the board may consider requiring some elevations, so they can see what it is going to look like.

Sal asked are they using the entire square footage of the garage for the apartments.

Patti said the garage would be converted into 5 storage units.

Sal said that it would be better with internal stairs, it would look a little cleaner and you wouldn't have to shovel them off.

Patti said she would make a note of that.

Sal said it's not required he just figured it might be good if all the space wasn't being used.

Patti said the applicant doesn't have a final layout yet, but she feels that it is something that could be discussed as the project moves forward.

Franco asked if the utilities were going to be separate for the two new apartments or are they going to be run from the house in the front.

Dave said that the code requires them to be separate.

Scott said so there would be a utility closet downstairs or mechanical room and if that could be shown on the plans as well.

Franco said it would be awful tight.

Scott asked if the apartments would match the garage footprint.

Patti said it is her understanding that because of the minimum square footage for the apartment that there is going to be a cantilever on the second floor that will extend out beyond the footprint of the existing garage.

Scott said the garage is smaller than the footprint of the apartments.

Sal said that he would like to know the dimension of the cantilevers.

Scott said that and the deck in front of it.

Carl said that there should be a note added to the plan that the storage units are for the apartments only.

Patti said that she was going to put a note on the plan as she thought about it because she hadn't thought about them possibly being rented out separately, so she was going to put a stipulation that the storage units were for tenant use only and that there was one unit per apartment. The major concern of this project is in regards to parking.

Scott said where does everyone park now in the street or in the blacktop area.

Patti said when she has been down there, there haven't been any cars in the blacktop area, so she is not sure exactly how many of them have vehicles.

Scott said it could change and that is the board's concern.

Patti said she is under the belief that whatever parking they do is either in the municipal lot or on the street.

Scott suggested lines to show the parking on that blacktop would make some sense to the board.

Patti said she can do that; she has never seen cars parking down there. When she started laying out dimensions of putting an 18-foot parking space and then the rear back up, there is not enough width there, could people do it, sure, but would she be able to show parking spaces there that would be in adherence to the current code, probably not.

Franco asked if there was a curb cut at that 8-foot right-of-way.

Patti said yes.

Dave said he agrees with Patti that he has never seen a car go down there.

Scott said things can change.

Sal asked what does the code require.

Dave said for CB it gives the board the power to waive it because everyone in the CB Zone have access to the municipal lots and on street parking, which is not always the case in other parts of the town. In the past the Planning Board has waived the requirement for parking, he thinks if lines could be shown, maybe the applicant can assign parking to 3 units and the other 2 would just be waived and can park wherever.

Patti said she knows she can get parallel parking in.

Andy said that he is not sure where she is thinking of putting the parking, but maybe angling the parking spaces might be an option.

Patti said she tried that, but then they would have to back out.

Andy said you would have to back out with parallel spaces too.

Sal said in general the town allows them to use municipal lots and the board should stay consistent with what they have been doing.

Franco said another problem is that there is no snow storage.

Patti said there is a small landscaped area.

Franco said so all the snow has to be pushed out onto Main Street.

Patti said Church Street.

Andy said the other thing would be refuse storage closure.

Dave said they go out in cans to the street currently.

Scott asked if there was any lighting in the back.

Patti said she is not sure.

Dave said isn't there one by the stairs that would be required.

Patti said yes, there is a light and a security camera on the corner.

Sal asked is the right-of-way shared with the old fire department building.

Patti said yes.

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

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

Review Status: Application and plans circulated to the board

Sean (applicant's agent) said that this is the second ground-mounted solar array on Sheep Lane, the other one is across the street. The applicant is just looking to save money on their electric bill.

Bill asked if there was a buffer between the properties.

Dave said yes there is a tree line.

Franco asked what the height of the panels were going to be.

Sean said 10-feet high.

Franco said the only time you would see the panels is during the winter.

Andy said he doesn't have much to say on solar panels, but he believes that the property is on a septic system, so he would want to make sure that the board knows where it is located.

Sean said he knows where the trench is going to be, for systems like this that are small, you are talking about a 1-inch PVC that's like a garden hose going through the ground to the house.

Scott asked about the anchors.

Sean said that the anchors don't need any heavy machinery. Within a half hour they have all their pegs in the ground and are like adult screws.

Scott said you just don't want to screw through any septic line.

Sean said you can actually see the leech field, below the array. They need to go to the right of the array and go directly to the house where the back patio is.

Scott said you might want to show the septic system on the site plan anyways.

Dave said would the board be open to a window of space where the array could go, if they do run into issues with the septic or do they want to know the exact location.

Scott said he feels a window is fine as there is a buffer around the property.

Sean said that the property owner has lived there for 30-years and asked him to place the array in that location as he has an idea of where everything is.

Dave said that if the board wanted to, they could schedule a public hearing for next month.

Franco said that he would like to see where the well is located also.

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 the board recirculated for lead agency coordinated with all involved agencies and what is in front of the board tonight is determination of establishing or reestablishing lead agency under SEQRA for the project.

Paul said he can confirm that, what staff would recommend is at next week's meeting, that the board establishes itself as SEQRA lead agency. He will note that the form was received back from the National Park Service, they were a part of the involved and interested agencies that the notice was circulated to. They have indicated that consent to the Planning Board serving as lead agency for purposes of coordinated SEQRA environmental review. One of the other things that staff would suggest the board consider that the board has previously received information that was provided by staff concerning potential visual impacts of the project and you have also received the Town Board resolution indicating its concern about the proposed use of a package plant for the project. One possibility for the board for next week is to consider those potential impacts in maybe a little bit more detail. He went over the SEQRA process.

Andy G. said that in the event the board does adopt a positive declaration and they go through the EIS process, once the draft EIS is complete they would reiterate the request that if they could then have the public hearing for both the DEIS as well as the preliminary plat that would be preferable, but that would be up to the board.

Public Hearings

DiLorenzo, Carl: SUP: 50 S. Chodikee Lake Rd: SBL #87.12-1-2

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

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

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

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

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

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

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

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

Patti (applicant's agent) gave a brief overview of the project.

Continued Public Hearings

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

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

Review Status: Public hearing opened on June 22, 2023

Patti (applicant's agent) gave a brief overview of the project.

Dave said that he has been getting phone calls regarding the buffer, and he feels that the board has not yet dug deep enough into the area that is the old railbed, at some point the board will need to make a decision if they are comfortable allowing it to stay grass, is something more needed. It might be a good idea to ask the applicant for a proposal.

Patti said she had her field crew go out there and mark a line that was the distance that the board had discussed at the last meeting. She met out there with the landscaper and the applicant, they marked that line, so that the landscaper would be clear on where the mowers would stop. The vegetation is being allowed to grow up easterly of that, they are not maintaining that as a lawn anymore. He also came up with a rough landscaping plan which she hopes to have for the public hearing next week. He had some concerns about the trees on the adjacent property and the size of them and the shade they give off, of what if anything could be planted there and what would work.

Charly asked if that plan will show the gate that was discussed.

Patti said she has quite a few site plan issues that still need to be addressed. She hopes to have an answer next week regarding the buffer, so the applicant can finalize the rest of the details.

Gerry asked if any of the calls that were received if there was anything specific that they would like to see done with it.

Dave said when he was on the phone, he said that the board typically will ask for the applicant to come up with a plan and then the board would critique that plan based on what they expect it to have in terms of view shed, sound, spraying in this case. He suggests that maybe evergreens would work as they tend to grow in some of the worse places, but they don't thrive.

Charly asked when the lot line adjustment gets approved, what is the buffer going to be used for the rest of the property.

Patti said that is already fully wooded.

Andy said that he doesn't recall the board's decision on the gravel access road and whether it was allowed to continue around the building.

Patti said it's allowed to continue around the building, but it had to be gated on both ends.

Scott said that was requested.

Patti said that would happen after as the overhead door is currently on that building since it was constructed 100 years ago, that still needs accessibility until the new building is up.

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

Review Status: Public hearing opened on 4/27/23
SEQRA Status: Unlisted Action

The Villages PRRD: Site Plan: SBL #95.2-2-3.211 & 95.2-2-9.100

Applicant is proposing 197 independent living cottages and club house and an ALF.

Review Status: Public hearing opened on July 27, 2023

Kelly (a part of the applicant's team) said that they have split phase C into two phases C1 and C2. Phase B and phase C were swapped because the point was to get the club house in sooner rather than later.

Scott brought everyone up to speed from the last meeting.

Kelly said the other phases D, E and F remain the same. Phase A is the phase that they are hoping to continue construction on and hope to get some model houses up there.

Scott asked what is the status of the light?

Kelly said the resubmission went into DOT, and one of the long lead items for the submittals to go into DOT. They are waiting for DOT to say that they are happy with it. The goal is to call DOT on Monday.

Scott asked what else do they owe them.

Kelly said nothing.

Scott said any update on DOH?

Kelly said the application went in, they did receive an email back from the Department of Health and from the applicant that the Health Department opened the portal and started their review. The email they got back was one of the quickest responses that they have seen from the Department of Health in years.

Paul went over the documents that the staff drafted.

Paul said that if the board feels that more discussion is needed that the postpone making a decision next week.

Kelly mentioned that they have had conversations with the attorney for the applicant and they feel that they are in a position to review the proposal.

Paul went over the documents that the staff drafted.

Scott asked what was the purpose of the building that is down in front.

Kelly said that is the sales building, they are seeking to build model houses for people to see.

Scott said he thought it was a model sales building.

Kelly said no that is the sales building, these would be model homes and are the first two on phase A.

Paul said 2 buildings, 3 units.

Kelly replied yes, one is a double and one is a single.

Paul said that John (applicant's agent) wanted added in that one retaining wall, wall 11 because that is the driving force for the need and desire for phase A.

Kelly said that wall is along the road in phase A.

Andy said construction of wall 11 is important in terms of the grading of the site. They were very specific in the plans in terms of how much of that wall that they need to construct, he was looking for hard stopping points, so they know exactly where they can build to.

Kelly said it is 712 liner feet of that wall.

Scott said his other concern is the installation of the construction entrance to Apple Lane and Mayer Drive. The construction entrance on Apple was never discussed doing that, and he believes that they said they were going to bond the road on Mayer Drive going up to their driveway going into the property, for access and road damage.

Kelly said that she doesn't remember a conversation about bonding it, but she can have that discussion. They have been working closely with the highway department.

Scott said maybe bonding was the wrong word, he just wanted to make sure that they would redo the road because the weight of the trucks that are going on that are going to do substantial damage.

Kelly said that the developer's agreement addresses that and one of the conditions for them is for them to resign the developer's agreement. There were a few things that they spoke to the engineers about that they might want to add into that developer's agreement, but they can make sure that, that is in there.

Scott said his main concern was going up any further up than your road going into the property. Apple Lane in his opinion is a no go, he thinks that is going to create an issue.

Andy said there is one bond that they would be looking for and that is a true performance bond would be the water line on Apple Lane as that will be turned over to the town.

Paul asked when you said no go, what do you mean by that.

Scott said he doesn't want to see anything go on Apple Lane.

Board agrees.

Carl said you don't have a staging area up there do you.

Kelly said she would look into it, as she doesn't recall personally that they discussed having construction entrance on Apple Lane. They do have the water line that has to go in as part of this phase, but that is minor as far as the construction is concerned and that would be bonded.

Paul said if staff was to present a resolution for next week it would not include Apple Lane.

Kelly said in leu of that wall 11 should be added.

Paul continued going over the documents.

Andy asked when the infrastructure for phase A will be authorized. The document mentions infrastructure for phase B and C.

Paul said that would be a part of the initial approval. He continued to go over the draft documents.

Discussion about documents took place.

Gerry asked how many units are they going to permit before the ALF gets built.

Paul said up to that point it would be 80, that could be built until they get their DOH permit. They would have the license at this point and then get the building permit for the ALF. They wouldn't be able to build anymore units until the foundation and exterior building for the ALF is constructed. They also have to provide proof of NYS DOT right-of-way permit needed for the sidewalks and that point they could get 36 more units, which would bring them up to 116, basically the building is built, but all the internal work would need to be done. The last 82 units would not get Certificates of Occupancy, until a Certificate of Occupancy is issued for the ALF and proof of construction of the sidewalks.

Gerry said that they only filed for the DOH license last month when the board was led to believe that it had been filed a while ago.

Dave said he hears the concerns and staff has been reminding the board that they have control over the project by the phasing plan. The board has the authority to as they go along to make reasonable conditions attached to them.

Scott asked if there would be a resolution for each of the phases.

Dave said that is correct.

Sal said there is no reverse in this and it is a risk. If you end up with a configuration without a supporting DOH facility, there is no way back.

Scott said that is what everyone has had a concern about. He agrees with that but at the same time if they don't do someone else can, he doesn't know how long that process would take, but it is still a PRRD zone, so it would have to maintain that zoning status.

Charly asked if they build that whole project up there, can they still maintain that PRRD status.

Paul said in order to be a PRRD it needs to have both.

Dave said they cannot build the whole thing out and that's why the phasing is so important. The staff is proposing these documents to the board, but it's your decision. There might be a piece of the project that is built, but the PRRD status doesn't go away because another applicant could come in and request a nursing home, but that would come back to the board.

Charly asked if they wanted to keep going and sell that parcel off, it would come back to the board, but the applicant would have to come back to the board.

Dave said it would stay a PRRD that is what the map shows. The Town Board has legislature authority to change the zoning and they did so, and it is going to stay that way until another Town Board changes it.

Charly said they would have to go before the Zoning Board to rezone it.

Paul said they would have to go back to the Town Board. The important thing from the regulations is that even if you have two separate lots, they together are bound by the PRRD. The idea of subdividing off the independent living unit lot, would violate the PRRD.

Scott said that they need the applicant to assure the board that, that won't happen.

Kelly said that with the phasing plan, the bonds that they are proposing and the developer's agreement, he is going to do this. Like Dave said, this is under the board's control they have to come to the board for each phase.

Gerry said that his concern is what are they going to build as it keep changing.

Kelly said that have to build what is on the plan as that is what they are bound by and if anything changes they would have to come back before the board.

Dave said it wouldn't take much to have them return to the board for site plan changes. Especially for a project this size, with the impacts that have been discussed, it would be hard for him to send them back to the board if anything changes.

Scott said that he felt the board was more comfortable after last month's meeting being done like this, seeing what the board wanted and what the applicant would accept. There would be a draft resolution between the phases of construction, which would stop them from doing anything not proposed to the board.

Sal said at last month's meeting the applicant's attorney said that the houses are independent legally from the ALF and that they cannot be linked.

Scott said that the Town Board accepted the ALF and the cottages the way they did as the PRRD zoning.

Paul said the difference for zoning purposes is that they are linked because it is a PRRD, and you cannot have one without the other. He feels that the language in the PRRD law as established by the Town Board underscores what the regulations say in terms of the need to look at the two properties together. You cannot have a PRRD that is simply independent living units. The link he may have been talking about is the DOH link.

Kelly said that is correct.

Paul said when they had originally come in for the PRRD, what everyone thought they were looking at was a NYS DOH facility, that included the independent living units and included the

assisted living facility. The applicant started backing away from that when they came in for site plan review. There was push back from the town, so the applicant came back to proposing a NYS DOH assisted living facility. The independent living units do not require NYS DOH license, they are different than the assisted living facility, but the properties in order to be a PRRD they have to be considered as one and it has to include both the independent living units and the assisted living facility.

Sal said that the definition uses the term CRCC for the community type that New York State uses, it linking them in terms of contract, not linking them in terms of saying if you get this then you can build 197 houses that can be anything. The definition for those houses is that they are linked by a contract, so the zoning says they are connected to it.

Dave said the zoning doesn't say that New York State says that.

Sal said the definition of the independent living units.

Dave said he has weighed in on that and the determination has been sent around. The important thing is that the board is focusing on is who owns the property and who is building it. The only thing he is interested in is the uses on each property because the uses are linked. If you are going to build cottages, you are going to build an ALF. At some point if you don't get the ALF underway, you stop. Then you don't start again until either the ALF gets built or they come back to the board and pitch something else that fits the zoning because it requires a mix.

Gerry said that for a year and a half, you have come in and told the board that you were still waiting for the permit.

Kelly said that they reported to the board the information that they had.

Paul said that they are trying to balance the fact that there has been a significant investment that has already been made, a significant investment that is proposed to be made in the town, with making sure that it happens in a way that the Planning Board is comfortable and is consistent with the application that is now in front of them. It cannot be perfect there are risks, but this is one way of trying to make sure that you get the traffic light at Mayer Drive, this is one way to make sure you get the sidewalks along New York State Route 9W, this is one way to ensure that even as their allowed to start to do some of the construction work on the property at some point they come up to a hard stop where they cannot do anything more until they have their DOH license, until they start construction of the assisted living facility and until the assisted living facility is fully constructed and are applying for a Certificate of Occupancy. That's the best that can be done, they have tried to build in some performance security requirements to make sure that they have the traffic light, to make sure you have the sidewalks, but there is always risk.

Bill said his concern is that the board continues to make accommodations and somehow the board gets blamed for it.

Kelly said they have worked very hard to work with the board and consultants, she feels that the resolution and conditions that have been provided, have taken a lot of work and a lot of

forethought in trying to create control and giving control to the Planning Board and steps and sequences that the town gets what they are looking for which is some of the mitigation impacts with the traffic light and sidewalks all the sanitary and water upgrades. There is a collaborative effort here to try to move forward with advantages to the town and advantages with the applicant.

Bill said the board should not be taking on so much risk.

Paul said one accommodation that is occurring here is allowance of additional infrastructure construction, there is language in there that says at the applicant's own risk that they are moving forward with that. The acceptance of these conditions and milestones by the applicant is so critical, if they accept them, they don't challenge this approval, then they are buying into it.

Carl said he was reading the Ulster County Planning Board comments and it mentions transit and charging stations, he would like to know if they are incorporating it into the plan.

Kelly said charging stations they were absolutely interested in incorporating into the plan. In regards to the transit, it's a bus stop. They have had several conversations with UCAT, and they have indicated that this is not a bus stop location, and they are not intending to put any bus stop locations at this particular property.

Carl asked how did they arrive at that determination.

Kelly said she doesn't know how they do their planning; she doesn't know how they determine where to put bus stops along the roadway.

Scott asked is there one over in the mall across the street.

Kelly said she doesn't know but can find out.

Dave said his understanding is that UCAT doesn't go onto private property. If they did have to stop, they would have to stop at the road. They don't go onto private property because the liability is so great. The issue for this site is that there is no good spot for UCAT, the best place to put it would be right in front of the ALF, but they won't go onto private property.

Carl said it could possibly go somewhere on Mayer Drive or Apple Lane, but he doesn't know if you would get a lot of seniors to walk.

Dave said he doesn't know if UCAT would want to make that turn because then they would have to go up and all around to get out as opposed to picking people up along the highway.

Carl said that traffic came up in some of the meetings, so he figured that might help somewhat.

Dave said that the applicant is planning on supplying a drive service.

Carl said he was going to bring that up as they have companies that do that.

Dave said he thinks that the applicant is going to do that.

Kelly said that they are going to have their own car service, so there will be a bus that is available to bring seniors to events, to doctor offices, so yes there will be a service that is available.

Andy asked what about public transit for employees.

Dave said there is a stop just down the road, but there are no sidewalks to get there. He thinks there is one across the street, but there won't be any sidewalks as it is just on the south side of Hannaford's entrance, there will be a crossing right.

Kelly said the sidewalks will go down Mayer and there will be a crossing.

Dave said that might be an option, but it's only northbound.

Lambros said going back to the light it was mentioned that they are going to touch base with DOT on Monday is that correct.

Kelly said yes.

Lambros said what do you anticipate that conversation is going to be about.

Kelly said they just continue to ask what the update is, so again as far as they are concerned, they have provided everything they think they need, so they continue to email them asking them for the status update. At this point they are waiting for them to say that they are ready to issue the permit.

Lambros asked if they feel that the permit is coming sooner rather than later.

Kelly said she thinks this is it, the last conversation she had with the permit engineer was that there were 4 sheets that had printed blank in the set, so he was looking for those. He asked them for updated insurance and then the DOT misplaced their original bond and all of their checks, so they asked for all of those to be FedExed over to them, they are just waiting for one more check. They have the bond and the other check, so those will be FedExed over to them and that is generally the last thing they are looking for when they issue the permit.

Resident said that she disagrees with the statement about things not being perfect, there are a lot of flaws with the project and things can be much better than what they are. She said that there was mention of a bus possibly picking people up on Apple Lane and the residents don't want that in their neighborhood at all they don't want that traffic. Isn't there access to Vineyard Ave, and why cannot they have an entrance/exit for the project there, so it doesn't affect Highland Hills development. She is concerned about the entrance/exit on Mayer Drive because it is kind of narrow and it's on a angle and she thinks that is going to be a lot of traffic coming down. With all the construction going on it can be tough to see to make the turn out of Mayer Drive onto 9W,

she is concerned at this point in time about not having the light in. There was mention about the pump station on Vineyard Ave are they going to be using the same pump station and are they going to be using their water tower.

Maureen (168 Sterling Pl) is concerned about traffic as there have been 5 accidents in the past 10 days on Route 9W. Adding 197 new potential residents and only one traffic light, is there anything else that can be done to manage the traffic, so that there aren't more accidents.

Franco asked were the accidents during rush hour.

Maureen said that she doesn't know she was only reading the response reports online.

Jackie (Apple Lane) said that she moved to the area in 2020 and thought she was moving into a quiet residential area, but it has been nothing but construction. She cannot leave her house as you cannot pull out onto 9W, nor can you pull out onto Chapel Hill. Also, thinks that there shouldn't be a bus stop at the end of her cul-de-sac.

Scott said there was never anything presented to the board to have a bus stop on Apple Lane, nor was that going to be access or an entrance into the new development, it is emergency access only.

Jackie said that the discussion was that there was no good place for a bus stop, someone mentioned it, but never said it was happening.

Andy said that Apple Lane is only to be used as an emergency access and should have no construction vehicles on it besides for putting in the water line. A traffic impact study has been submitted and was reviewed by the DOT and his office and has been found to be acceptable. The key to keep in mind with this facility is that it is a senior living facility, which generally means that the traffic from this facility will not coincide with rush hour traffic, which will significantly reduce the impact of the vehicles coming and going from this facility during those times.

Jackie said that she understands it is a senior living facility, but to assume that people won't be coming to visit their loved ones on their way home from work, she doesn't think is true and she does think that there will be people working there as well, there is definitely going to be traffic regardless of who is living there.

Terrence (Salk Dr.) said that he cannot believe that there isn't going to be any impact because they are elderly folks, and they are not commuting to work. He wants to know if that is a valid traffic engineered approved factor that the age of the residents means they won't be coming and going during rush hour.

Andy said it is a legitimate aspect of the traffic impact study that has been accepted by the New York State DOT and is standard practice for those studies.

Terrence asked when was the study done.

Kelly said that she believes it started in 18, but there have been updates constantly.

Paul said that the building department can provide a copy or a link to the traffic study to be looked at. There have been numerous updates that have been provided for that traffic study. Not only did the report take into account a larger PRRD that was originally proposed, but it also contemplated all possible future development, including all the other different projects that have been reviewed, or under construction in the town.

Andy said there will be an impact, it's just not a significant impact for traffic.

Terrence asked if the traffic study assumes that there will be a traffic light installed on 9W.

Paul said absolutely, in addition to signal timing changes.

Maureen asked is there an answer on when the traffic light is going to be installed.

Scott said that is still being applied for.

Short-term Rentals (Public Hearings)

Perez, Luis: 134 South St

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

Luis (applicant) said that he runs an Airbnb at 134 South St.

Scott asked is there is only 1-bedroom.

Luis said correct.

Scott asked if it would be the whole house.

Luis said no he lives at the property as well, its just one unit.

Dave said he just wants to be clear that you are saying a maximum occupancy of two.

Luis said correct for the rental unit.

Dave asked if the unit is in the house or in the building in the back.

Luis said in the house, each unit in the house has its own entry on the side of the house.

Scott said it's one bedroom, 2-person occupancy and you are one person, so you are saying another person can come in there and there is only one bedroom on this property.

Dave said there is a unit in the building that is a one bedroom that he is renting.

Scott asked if there is a sign out front saying that is where you are, so someone coming there knows the address.

Dave said it is on the house.

Board asked for a draft resolution.

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

No public comment

Brimberg, Bud: 5 Felsen Ln

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

Bud (applicant) said that he built the house in 2012 and got the CO in 2013. He occupied it for a while and then it has been a short-term rental for a while to help him carry it. It has been running it with no complaints that he knows of ever. It is very isolated and he follows the rules.

Gerry asked how many bedrooms.

Bud said there are 3 bedrooms.

Franco said you are looking for 8 people where would the other 2 people sleep.

Bud said he has couches in the house.

Scott said they have to be bedrooms.

Dave said that the a board will change the occupancy to 6 and there can be talk about changing things in the future.

Scott said that it needs to abide by all the other rules of the STR.

Bud said he has conformed to them with the help of the building department right down to the smallest detail.

Scott asked if the town has been out there.

Dave said yes.

Scott asked if there was a perimeter, so they are not going to go on another property.

Bud says it has a number on it.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2nd by Bill.

All ayes motion passed to open the public hearing.

Nicole and Kenneth (4 Felsen Ln) said that Bud has been very good with his rentals that he has in the past, including the movie scene from Poker Face. After reading what his requirements are for rental of that property, he thinks it is good standing with the rest of the residents on the street to make sure there aren't any issues.

Bud said he doesn't allow instant bookings, so no body can rent it without being vetted by him and the vetting process is that he knows who they are first and last name, he has to verify who they are on LinkedIn, he checks all there various online accounts, makes sure that they are of appropriate age and stability and maturity. That is they way he has been running it to protect the property, neighborhood and town.

Agarwal, Impa: 114 Hawley's Corners Rd

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

No Applicant

Bill said he has the same issue with number of bedrooms.

Dave said he is not sure where the parking is, the property is half an acre with a well and septic on the property.

Gerry asked how many bedrooms does the property have.

Scott said it's 3 bedrooms.

Dave said that the inventory says 3 bedrooms.

Scott said same issue on maximum occupancy.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2nd by Gerry.

All ayes, motion passed to open the public hearing.

No public comment

Shah, Sagar: 28 Tano Dr

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

No applicant

Dave said this is in the water and sewer district. He thinks a building layout might be more important to the board in this instance, in terms of what counts as a bedroom.

Scott asked for a motion to open the public hearing.

Motion made by Bill, 2nd by Gerry.

All ayes, motion passed to open the public hearing.

No public comment

Motion to Adjourn.