

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, May 23, 2024

CALL TO ORDER TIME: 7:00pm

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, Lambros Violaris, Fred Pizzuto (alternate); Board Staff: Dave Barton, Paul Van Cott, Andy Learn, and Sarah Van Nostrand.

Minutes to Approve at the May 23, 2024, meeting

April 18, 2024 & April 25, 2024

Scott asked for a motion to approve the minutes.

Motion made by Bill, 2nd by Franco.

All ayes, motion passed to approve the minutes.

New Business:

K888 Holding LLC: Special Use Permit: 28 Toc Drive: SBL #88.17-11-4.600

Applicant is seeking a special use permit to legalize a 2-family house.

Review Status: Application and plans circulated to the board.

Robert Page (applicant's agent) said the only thing they are seeking from the board is a special use permit for a multi-family. This property was purchased by the current owner as a multi-family property, so somehow along the line it came up in the Planning Board that they needed further approval. When they did the title search it was multi-family all the closing documents reflected this as a multi-family. This was used for years as a multi-family property, there are two distinct unit, two separate entrances. It is an existing use that they need to move forward with approvals.

Dave said although they state they did a title search a CO and violation search would have come through his office. That would have stated what the department has on it versus what the assessor has on it. The county does have it as a two-family, not a multi-

family. As the board knows, sometimes the assessor and the building department don't match up. The assessor's job is to assess what's there, it doesn't mean it was created legally, just what's there. The thing is with this house is that there are still current violations, which he assumes the title if it passed through his office would have picked up. There was a deck constructed in the back without a permit. Now they are here, they have enough acreage, it is 0.52 in a quarter acre zone. They are here to request from the board a special use permit for the two-family and then what will happen is that they will have to come to the office for a building permit to physically convert it, to have the assessor's record reflect what's legal.

Scott said it has to become a legalized apartment in order for the county to understand that.

Dave said correct, it does have water, sewer, gas. It lays out okay, it was a split level. From first glance from a building perspective, it's sort of easy.

Robert said he saw documentation that the deck was new construction without a permit, when it was actually just the spindles and the tread of the stairs going down, that is the existing deck from the initial construction. Those are the two additions that he is aware of that either the prior owner or the current owner had done to satisfy the bank. They are currently in the works of getting drawings done, they have secured a contractor that is going to do the work.

Scott asked is the septic system big enough to handle this.

Dave said it is municipal sewer.

Scott said he is confused on what the board is supposed to be doing with this beside granting a special use permit for the apartment.

Bill said once they have a certificate of occupancy it will be a two-family.

Dave said it is a two-family via apartment or not, so leave the word apartment off. It is a special use permit for a two-family in the R-1/4 zone, they have more than half an acre, so they are good that way. It is just a special use permit requirements that the board looks at, impacts to neighborhood, noise, etc.

Scott said that it has been that way a long time.

Dave said he has no idea because again it was done without a permit.

Lambros asked if the applicant can clarify how many families are currently living in the home and how many individuals are there.

Robert said it is two couples and there are four individuals, two in each unit. As far as the use goes, since it was built the owner occupant was upstairs and there was another

resident downstairs, which for a time until recent ownership was the owner's mother.

Bill asked if the agent could check with the attorney that handled the sale to see if there is a certificate of occupancy search that was done because he thinks that the bank should have picked up on this as well.

Robert said they do have one, he doesn't have it on him right now, but it can be produced in the future if they need to.

Franco asked Dave what inspections are going to be needed.

Dave said all of them this has to fully comply, this would be a new build.

Gerry asked where does the county get its information from.

Fred said from the assessor.

Dave said they might drive around and go door to door; they might look at the number of electrical panels.

Gerry said they have this two-family house and had it for years.

Bill said they bought the property in 2022.

Dave said just to be clear he doesn't know how long it has been a two-family.

Gerry said it has been a two-family since the beginning and the county has it as a two-family.

Scott said the assessor is just someone who has gotten information by looking at the building and saying what it is. What makes it a two-family is a proper building permit filed and a CO.

Gerry said his problem is that everyone is saying it's a two-family and they are paying taxes on a two-family and now they are telling him it's not.

Scott said they are telling him it's not; they are saying it is illegal.

Fred said it has never been legalized though the building department.

Dave said he has no idea when the conversion took place, he has no idea when the assessor created a two-family on the parcel, not from the date of construction, it could change next year again, if they put it back to a one-family without a permit, it could be 20-years before the assessor catches it, at which point they would still continue to pay taxes on a two-family. However, because they do not know of the change, they are going to ask them for a building permit because it was done without a permit in his

department. His office creates fire safety, life safety issues, they make the buildings comply with that. The assessor assesses value and that's it.

Gerry said his issue is that it sounds like a problem the town caused, not the person who owned the property.

Dave said there was no permit, it was done illegally, an assessor picked it up and said that building is a two-family or they went to the sale and the sale reported as a two-family and they didn't check upstairs to see if it was legal and here, they are.

Scott said it's not legal now, it needs to be legal.

Dave said this is an easy one, it conforms, it's an allowed use in the zone, it's double the acreage of what is needed. He cannot think of any impacts, there's plenty of parking. He feels this is an easy sort of thing in order to make it legally safe.

Franco said to the applicant's agent you mentioned that you have a CO for the basement apartment.

Robert said that it is registered as property class 220 which is a two-family and that has been since '95 when it was built. As far as making this legal, if they have to get permits, he's happy to do that, he wants to make sure that the records reflect correctly.

Scott asked if the rest of the board was in agreement to set a public hearing for next month.

Board agrees, to set a public hearing for next month.

Paul asked if he should draft a resolution.

Board agrees that a resolution should be drafted.

Ohioville Solar: Special Use Permit and Site Plan: Crow Hill Rd

Review Status: Updated Plans circulated to the board.

Nick (Applicant's agent: Carson Power) said that it is an 8-megawatt AC community solar project, 11-megawatt DC, they submitted some updates for last meeting, batteries have been removed, panels have been peeled back due to complaints from the neighbors. There has been a series of engineering comments from Plattekill and Lloyd as the project overlaps in both and they enclosed both sets of those comments and responses. The Geotech report was included, visual simulations showing what the site would look like with proper vegetation. Then a variety of SWPPP memos and reference documents, to layout their strategy that's helpful to address most of the comments that the engineers had on the SWPPP.

Andy said they are still reviewing the materials that were submitted, but they continue to have concerns about stormwater, erosion controls, and peak flow rates.

Nick asked if there was anything specific that they should look at a head of the meeting next week.

Dave said wasn't there something about making sure their side of the line was compliant with the DEC regulations.

Andy said he has reviewed their responses, there is DEC guidance and requirements that they feel still need to be complied with. They understand that the installation of the panels along the contour is not necessarily ideal, but that's what's in the guidance, so they are looking for a way around that. They have significant concerns about channelization of water coming off of the panels and causing erosion, he has seen this problem at other projects.

Travis (Civil engineer for the applicant) It is a common comment for other solar projects as far as the DEC regulations. They routinely provide updated information, level spreaders, communication to really substantiate the design and address the concerns. They are not proposing anything that has not been reviewed or approved on other projects.

Paul asked if there was anything that staff needed from the board for the meeting next week.

Dave said he doesn't think so, they did a good job with the visual impact, the trees that were planted there, the batteries have come out. The main issues are visual and stormwater, as they all know Crow Hill is a route for water, one of the concerns they have is that some of the Plattekill line will flow to the Lloyd side. One of the things that they will discuss with Plattekill is to see where they are in review of the stormwater.

Scott said he wants to make sure that they are not going to ask the applicant to build any berms that send the water to Lloyd. He asked are these panels glare resistant.

Nick said yes.

Kocho-Shellenberg, Erik: Subdivision: 149 Martin Ave: SBL #79.4-2-1.100

Applicant is seeking a two lot subdivision.

Dave said the board received the new map, and he thinks that they should be good.

Scott asked if any one else had anything.

Dave said he asked them earlier about health and they said that it has been applied for. The board will need it by the time they close the public hearing, or they could make it a condition of approval.

Scott asked if the board was ready to schedule a public hearing for next month.

Board agrees.

Old 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 accessory apartment in basement.

Review Status: ZBA granted variance for the additional square footage.

Potential Action: Board to schedule public hearing for June 27, 2024

Scott asked if the board was willing to schedule a public hearing for next month.

Bill said at the workshop meeting the applicant was resistant to answering the question about his septic system as this was a just an application to legalize an accessory apartment. When this gets moved to an STR application, will the applicant then have to deal with the septic question.

Scott said as the board has done in the past the board has always asked about the septic system, whether or not it was in compliance with the number of bedrooms that they have, that was always asked. He would say that the board asks the question again at that time and then therefore he would have to tell the board what he has. The board cannot restrict him to doing that, it would then become his issue that it is always working to not bother the neighbors and to not become a public health issue.

Dave said the board can restrict him in terms of the number of people.

Bill said he is okay with a public hearing.

Dave said the issue is that the septic system was not designed for 2 bedrooms and an office, it was designed for 3 bedrooms, so they are adding a bedroom, so the board has to be comfortable with when they get to the STR with whatever comes out of that information and comfortable with whatever is in the ground can handle it. It is very likely that it was designed for three, but he feels it won't be that big of an issue.

Scott asked what is the tank size for a three bedroom.

Franco said three bedroom is 1,000.

Board agrees to set the public hearing for next month.

Conte, John: Special Use Permit: 225 Martin Ave: SBL #79.2-2-10.110

Applicant is seeking a special use permit to have an accessory apartment above a garage.

Review Status: ZBA granted variance for the additional square footage.

Potential Action: Board to schedule public hearing for June 27, 2024

Board agrees to set the public hearing for next month.

First Presbyterian Church of Highland: Subdivision: 26-28 Church St: SBL #88.69-1-9

Applicant is seeking a subdivision to separate the manse from the church.

Review Status: ZBA granted variance for the rear yard setback.

Potential Action: Board to schedule public hearing for June 27, 2024

Board agrees to set the public hearing for next month.

Public Hearings:

Walton, Gia: Lot Line Revision: 25 & 27 Picnic Woods Rd

Applicant is seeking a lot line revision for the purpose of conveying the driveway access to the vacant parcel.

Review Status: Public hearing set for May 23, 2024

SEQRA Status: Type II

Potential Action: Open public hearing

Patti (applicant's agent) said that the proposal is to add a 0.12-acre parcel of land from the parent's lot to Gia's lot so that she will own the driveway that is accessing the area where the house is proposed. She had received some comments last month based on the changes that were made to the map were eliminating the reference to the previous filed acreages, she has submitted the revised septic plan approved by the Board of Health, they added the existing sanitary system for lot 3, changed the EAF to note the area of disturbance of 0.63 acres which had previously been added to the map.

Andy said they got the revised materials today and comments have been addressed.

Paul asked if there was a new revision date on the map.

Patti said the revision date was May 9th.

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.

No public comment

Scott asked for a motion to close the public hearing.

Motion made by Gerry, 2nd by Franco.

All ayes, motion passed to close the public hearing.

Paul read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Gerry, 2nd by Lambros.

All ayes, motion passed to approve the resolution.

Short-Term Rentals:

Coppola, Nicola: 46 New Paltz Rd.: SBL #88.13-9-42

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

SEQRA Status: Type II

Potential Action: TBD

Patti (Applicant's agent) said that she updated the map to show the expanded parking area that was put in. There were some comments from the public last week that she wanted to put into the house rules, she did supply updated house rules and read through them.

Scott said just make sure that he has the property outlined so people don't wander.

Patti said the owner had her mark out the property line. The only thing that she wants to point out, when she was typing the rules up, is that Saturdays are not mentioned in the code.

Dave said they are like weekdays as that is how the noise ordinance works.

Patti said she will make it weekday then.

Scott said you might want to put it in there anyways.

Patti said she will revise it.

Franco asked if the applicant was going to put up a sign, so nobody turns around in the neighbor's driveway.

Patti said she is not sure.

Scott said can you ask him to.

Patti said at least make sure that it is large enough for people to see.

Dave said that the department received a building permit for the additional bedroom.

Bill asked if this would only be effective once they have the three bedrooms.

Dave said that is correct.

Paul asked if the building permit condition relevant that is in the resolution.

Dave said he would leave it in because it still needs to be completed.

Scott asked for a motion to close the public hearing.

Motion made by Franco, 2nd by Bill.

All ayes, motion passed to close the public hearing.

Paul read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Gerry, 2nd by Lambros.

All ayes, motion passed to approve the resolution.

Motion to Adjourn.