

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, August 22, 2024

CALL TO ORDER TIME: 7:06pm

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

OFFICIALLY OPEN THE MEETING

Attendance: Board Members: Scott McCarthy, Charly Long, Carl DiLorenzo, Gerry Marion, Bill Meltzer, Lambros Violaris, Fred Pizzuto, Evan Pendleton (Alternate); Lenny Auchmoody (Town Board); Board Staff: Dave Barton, Paul Van Cott, Andy Learn, and Sarah Van Nostrand

Absent: Board Members: Franco Zani

Minutes to Approve at the August 22, 2024, meeting
July 18, 2024 & July 25, 2024

Scott asked for a motion to approve the minutes.

Motion made by Charly, 2nd by Lambros.

All ayes, motion passed to approve the minutes.

New Business:

**Marion, Thomas & Eric: Lot Line Revision: 213 & 215 Vineyard Ave:
SBL #87.4-5-21 & 87.4-5-22.100**

Review Status: Application and plans circulated to the board.

Gerry recused as applicant is his brother.

Brendan (Applicant's Agent) said that the address is 213 & 215 Vineyard Ave., there is a lot going on the property there are old barns and garages. Essentially the clients want to clean up the lots by putting all the barns and garages on 213 Vineyard Ave and leave the one standalone 2 story house on 215. Right now, the lot line is going through the existing garage, so they just want to clean it up and make it more user friendly.

Dave said that he sent an email around earlier on this to give the board some clarity on 90-3 (D) states that every lot that is created must have frontage on an approved official road, this is similar to what state law requires, the state offers town boards the possibility of an open development area. In his opinion that would not be required here because

later in the subdivision standards it suggests that “The Planning Board may modify the requirements of this chapter, in an individual case, where in the Board's judgment such modification is in the public interest.” In his opinion, this is creating two more conforming lots than the vastly non-conforming lot that currently exists. His advice would be to allow that modification.

Andy said that he has questions about easements and access mostly for lot 1. There is a water line that crosses through lot 2, so at least a utility easement should be granted in favor of lot 1. He wants to know how lot 1 is accessed currently, is it through the right-of-way or it is through the farmland and which one would be utilized.

Dave said it is accessed through the other property.

Andy said if that is the way it is going to be he would suggest an access easement through the farm. He sees that there is a centerline right-of-way is that the existing access.

Brendan said yes, through lot 2 as it exists.

Andy asked if that could be extended to lot 1.

Brendan said they can do that. The main goal is to use the existing 50-foot on the other side.

Andy said that they would also need to see where the septic is located for lot 1 as they want to make sure that it is on the lot.

Fred asked if this property was out by the nursing home.

Scott said yes.

Brendan said that he will take care of the issues and resubmit, but can a public hearing be held next month.

Board set public hearing for September 26, 2024.

Public Hearings:

Villages PRRD

Review Status: Public hearing scheduled for August 22, 2024

Potential Action: Open public hearing, close public hearing, approval resolution.

John (Applicant's agent) gave a history of the project. They are here tonight for the public hearing for phases B-F. Some of the things that they would like to do is to have

the ability to get the site plans signed once ministerial and non-discretionary items are taken care of. Before he thinks it was a little unclear with the last resolution. He thinks that it has hopefully been clarified and that the site plans are able to be signed. Any construction or development will be subject to conditions before signing the site plans as well as making sure the infrastructure is maintained, and all the necessary infrastructure is installed as appropriate. Essentially the site plans for phases B-F haven't changed, it is exactly the same as the board reviewed and saw back in 2023. There are some more details and one of the reasons they structured it the way they did is there was a lot of information, and they tried to break it down, the board has the detailed information for B-F, they are hoping to get conditional approval for that. He believes that the engineers are reviewing those plans and had some technical comments, his understanding is that changes were very minor in respect to the stormwater, the idea is that the site worked last year, and it works now as they worked down into the weeds for each phase. He knows that there are some improvements on Apple Lane, his client is ready, willing and able to do, once the resolution has been finalized. In addition to that there is the traffic light which it behooves him to install sooner rather than later. Unfortunately, the situation right now the traffic light is very expensive, it's something that cannot be funded without a lender, without that money there is no traffic light, without the traffic light there are no COs. It is important to have the ability to have these site plans signed sooner rather than later, so that it helps with the lending institutions. Without the lender the applicant is not going to be able to put in the traffic light himself, all the work that he has done has pretty much been out of his own pocket. Now he wants to get some lenders involved so he can finish the project and move it forward. One of the other items he was hoping to address was the hours of operation, in prior resolutions it did mention weekdays through 5:00. They were hoping to have that changed slightly, they do have some deadlines, the idea is to have the Apple Lane improvements done by October 31st, their goal is to have the traffic light in by September of next year, so they would like some flexibility to have limited hours on Saturday, maybe 8-3 on Saturday's given their time constraints, the noise code does allow for work on Saturday and Sundays and it actually allows up to 8:00 at night, so they would be less than what the code permits.

Lambros asked what the cost of the light is.

John replied hundreds of thousands.

Kelly (a part of the applicant's team) said about \$500,000.

Dave said that he is okay with Saturday hours, but no holidays.

Scott said and no turning up on the hill.

Dave said one of the other issues that the board is concerned about is construction traffic into the site prior to the light going up and after that, commercial traffic was limited to Mayer Drive, he would like that to continue.

Kelly said there were some issues with vehicles going past the entrance to the site on

Mayer Drive, they went up there and installed signage that stated no Villages traffic past this point.

Scott said yes.

Kelly said so just reinstating that same process, understood.

Scott said having construction traffic coming in off of 9W, up until Health Care Lane, it is going to be issue with them coming back out of there. They may want to go north, so they are going to have go around some place to go north if they are headed south since that is the only way. This is where the board's concern about getting that light in sooner than the year if it can be.

Kelly said she thinks the owner is equally interested in getting the traffic signal completed he wants to alleviate all the concerns as well. It will be a timing issue once they get closer to winter.

Scott said the board considered that as well.

Scott asked for a motion to open the public hearing.

Motion made by Fred, 2nd by Bill.

All ayes, motion past to open the public hearing.

Terrence Wilson (Salk Drive) asked if the approval of phases B-F are contingent on phase A being completed or does it allow for other phases to proceed regardless of phase A.

Kelly said no restriction on moving forward with the other phases except site work that is required for the phases.

John said they added a note to all the plans that said the necessary infrastructure has to be place before they move on and develop a pad site, so that way the proper utilities are in, roads, curbing and everything else needed to make it safe enough for the building inspector to feel comfortable, so that a certificate of occupancy can be issued. It is going to be dictated by construction, market demands, but also the construction limitations.

Paul said what will occur is that you will have complete neighborhoods in terms of the infrastructure that needs to be installed before they can get certificates of occupancy for any cottages. They are going to have an incentive to do it and to do it in a way that makes sense logistically, but you will end up with complete neighborhoods, the only thing that won't be installed until the final certificate of occupancy is issued, is the landscaping and that will be at the discretion of the building department.

Kelly said it will be predominantly the street trees that will be installed along the roads, they won't be installed mostly because construction will have to go back and forth in front of cottage, and they will be installed after each house is completed.

Paul said this was a balance between the flexibility that the developer wanted in order to be able to market the cottages, but then also to make sure that as the Planning Board has insisted that the community that is being built is assured to have the neighborhoods as you go.

Kelly said the thought process is by phase as you don't want to have a single house without sidewalks or lighting. It will be a complete phase once the first CO is issued.

Terrence asked if the nursing home or ALF was still a part of phase 1.

John said that the application has been submitted to the DOH, and that they should have the license within 6 months, there is just one more document that includes all the emergency technology within the rooms.

Scott asked for a motion to close the public hearing.

Motion made by Fred, 2nd by Bill.

All ayes, motion passed to close the public hearing.

Paul read the resolution.

Scott asked if the board was accepting of work on Saturday between the hours of 8-3.

Carl asked how much of difference is this going to make in the project to have that extra day.

Kelly said for a full year it is 17% of a work year for contractors, you have to factor in that they will be dealing with winter conditions.

Board is okay with the Saturday hours.

Scott asked for a motion to approve the resolution.

Motion made by Fred, 2nd by Bill.

Roll Call Vote:

Fred-aye

Lambros-aye

Bill-aye

Scott-aye

Carl-aye

Gerry-no

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

Applicant is seeking a special use permit and site plan approval for a solar array.

Review Status: Public hearing scheduled for August 22, 2024

Potential Action: Open public hearing

Nick (Applicant's agent-Carson Power) said that included in the proposal is 11.5 MW DC and 8 MW AC, ground-mounted fixed tilt solar project, providing energy to approximately 1,200 homes on the Central Hudson distribution network. 2.7-acre of the project is in Lloyd and the rest of the approximately 40-acre project is in Plattekill, it is a permitted land use in the zoning district via a special use permit. Currently the parcel is used as an apple orchard and would mostly be replaced by the project. The project proposes installation of stationary anti-glare solar panels on existing grade with disturbance associated with the construction of the access driveway, equipment pads, construction of stormwater management practices. Access will be on Crow Hill Rd via a gravel access road, with ingress and egress to the public portion of Crow Hill Rd. The project will be constructed, owned and operated by a company called Nexamp. They are a national owner and operator of solar projects, so what you see on the proposal is what they will build. He went over the history of the project. Construction of the project is pending approval, but takes approximately 6-8 months, hopefully be later this year or early next year, starting with the tree clearing. Light construction traffic will occur within the 6-8 months and after that minimal traffic for maintenance, it will be all fenced in and gated for both towns. The fire department will have access to the site via a Knox Box. From operation and decommission standpoint they will mow 2-3 times a year and after construction they will be planting native meadow species under the panels. At the end of the project's life, decommissioning will occur for which a bond will be posted for both towns. Finally, as a community solar project what will occur after operations or shortly before community members will receive a subscription to opt in to allow them to receive energy from this site.

Scott asked if Plattekill had their hearing.

Nick said Plattekill has their hearing on the 27th.

Andy said they have reviewed it and the only question they have are stormwater related and the most significant comments have been addressed at this point.

Bill asked if the letters that the board received have been addressed.

Nick said that they have not received them.

Paul said since a decision cannot be made this month, just continue the public hearing, until next month.

Scott asked for a motion to open the public hearing.

Motion made by Bill, 2nd by Lambros.

All ayes, motion passed to open the public hearing.

Sena Goldman (neighbor) said that she wants the public hearing to remain open for additional written comments, the letter that her neighbor received said that the comments had to be provided before tonight and they are on vacation and wanted to submit a letter.

Scott said that the public hearing will be left open.

New Short-Term Rentals:

Naranjo, Cesar: 269 Pancake Hollow Rd.

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

SEQRA Status: Type II

Potential Action: Open public hearing.

No applicant

Administrative Business

53 Oakes Rd

Dave showed pictures of the proposed parking.

Stephaine (Applicant) said that she is seeking a 3-car gravel parking area.

Dave said that they are here for the special use permit for the STR, the board had concerns about parking and some of the photos that they have will reflect that.

Fred asked how is the grade.

Dave said it is steep.

More pictures were shown.

Dave said that a car went off because anything past the item 4 is down the hill.

Scott said that grade is going to be an issue for this.

Charly asked shouldn't the board have stamped engineer plans.

Dave said that the board could ask for that.

Scott said that they need a site plan for this property, first to determine the elevation, the grade of the driveway. They need an engineered stamped print of the property, so the

board knows what is happening here.

Andy said that includes topography.

Mujjahidul (Applicant) asked the board where are they to park when they stay at the house.

Scott said it is a public road down there, so you don't have the right to park there, you should be parking on your own property. The board cannot give authorization to park anywhere else, but their property.

Dave said you can park in front of the house, but his understanding is that they are continuing to rent and that is forbidden until you have a permit from this board. Where you park in front of the house is actually in the right-of-way in theory if someone ever wanted to use the property behind yours, you could be blocking them, since the access is so tight. You can park in front of the house, but there shouldn't be any renters in the house.

Scott said if you want to park in the road and possible be a detriment to the neighbor behind you. There shouldn't be any renters in the house without a special use permit and none of them should be parking on that road.

Mujjahidul said that is fine, they want to know if they can park there.

Scott said you can park there at your own risk, the board cannot give them the permission to do that. He asked them to provide the maps that the board needs to determine where the parking is going to go and whether it is done to the code. Once the board has the maps they will re-evaluate the application.

Mujjahidul said he understands.

Scott said that there is not to be any short-term rentals at the property until a special use permit is obtained.

Mujjahidul said that is clear.

Motion to Adjourn.