

WORKSHOP MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, April 18, 2024

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, Franco Zani, Gerry Marion, Bill Meltzer, Carl DiLorenzo, Fred Pizzuto, Lenny Auchmoody (Town Board); Board Staff: Dave Barton, Paul Van Cott (via Zoom), Christian Moore, and Sarah Van Nostrand

Absent: Board Members: Charly Long and Lambros Violaris

Minutes to Approve at the April 25, 2024, meeting
March 21, 2024

New Business:

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

Applicant is seeking a two-lot subdivision.

Review Status: Application and plans circulated to the board.

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: Application and plans circulated to the board.

Patti (applicant's agent) said that it is a minor lot line revision to convey a 0.12-acre parcel of land containing a driveway to the adjoining parcel to own the driveway that they have been using. She has revised Board of Health approval on this the engineer originally had the line going along the driveway, the applicant's preferred to have it on the other side of the pond, they don't have much room next to the driveway anyway, so that approval has been granted.

Bill asked is there a limit on how far away the septic system can be from the house.

Dave said she has health department approval.

Bill said he doesn't know how long this run is.

Dave said it's 474 feet from the house.

Franco said there needs to be clean outs every 100-feet. He asked if it was an 8-inch pipe.

Patti said she has the Board of Health approved plans and will submit them.

Christian said that he thinks its going to be a pump station with a force main.

Patti said she didn't look at the plans.

Christian said that is how they would have to do it.

Dave said its flat.

Patti said yes it is.

Franco said he was wondering why they were using 8-inch to feed that. You are going to have 400 feet of 4-inch pipe.

Carl asked how they are going to run the line with the pond right there.

Dave said they are going to run the line around the pond.

Christian said there is a pump station, but the line is not the same on the plans submitted.

Patti said that is the original and she knows they have gotten the updated plans approved. She said this is a lot line revision, they are not creating a new building lot, so the septic issues she feels can be handled during the building permit process.

Christian said that the plans need to be updated to show where the force main is now. He wants to know if they plan on installing everything for the septic system at once because if they are they might go over the limit of disturbance. Right now, they are 0.64 acres, he just would like a clarification if the reserve and the primary have to be installed at the same time.

Patti said they never install the reserve unless the initial system fails.

Christian asked for the BOH approved plans to be supplied. The area of disturbance

should be listed on the EAF. There was a discrepancy on one of the area label for lot 3 and he wants to make sure that an easement wasn't required for the back of the lots and wants to make sure the board is comfortable for that.

Patti said that she already added a note on the map that had been accepted on the previous subdivision, saying all lots granting and reserving the rights in and to the drainage ditches and each lot owner, their successors and assigns are responsible for maintaining and keeping free of debris the ditches located on their respective properties.

Christian said as long as the board is okay with that then he considers that comment completed.

Patti said you mentioned a typo on lot 3.

Christian said on lot 3, in one part it says the area is 2.39 acres and in another spot it said it was 2.18.

Patti said she has it as 2.06. She explained that the change in acres is due to the other lot line adjustment and will remove it from the map.

Paul said the board can schedule a public hearing at next week's meeting. This is a Type II action, so no SEQRA review is required.

Public Hearings (New)

Cerniglia, Gene: Subdivision: 28-30 Tillson Ave: SBL #88.17-8-18.100

Applicant is seeking a two-lot subdivision to separate the two houses onto separate parcels.

Review Status: Public hearing scheduled for April 25.

Patti (Applicant's agent) said that she knows there was an issue last month with making sure that the applicant had separated water, sewer, electric and gas. There is a bit of an issue at this point with Tillson Ave being worked on and the town not having the ability to allow any changes to happen while the construction is going on. She thinks as of today, she knows that the applicant has been working with the town and she thinks that on lot 2 they started to dig a new sewer line to come out to 9W. The applicant is aware that the Planning Board is not going to be able to sign off on the map until they prove that all the separations have been made, but she thinks they are okay to go ahead with the public hearing if that is okay with the board and they could get a conditional approval and hopefully within a quick time frame everything will be separated.

Franco said he believes there is a manhole on 9W, he asked if that is the one they are going to tap into.

Patti said she is not involved in the construction part of it. She just knows that it has been worked out with the town and is being done.

Christian said behind the one house closer to Tillson there is a Central Hudson guide pole in the back.

Dave said there is.

Christian said he doesn't know why they would put a guide pole there.

Patti said it was an old situation because you can also see at the southeasterly boundary line between lots 1 & 2, there is now underground electric along the driveway, and you can see the electric meter off the corner to make sure that was separate.

Paul asked if the board would like a resolution to consider for next week's meeting.

Scott said he doesn't see why not as long as the conditions are a part of it.

Dave said the condition for the board for clarification is separation of utilities and any remaining comments from CPL.

Scott said he knows there was something with the fence.

Christian said they just had suggestions to separate some of it. There is a walkway that goes across the new division line. Their suggestion was to redo fences or make it, so the lots appear like separate lots.

Patti said she thinks they will do that before the sale to individual parties because it may be that the same party will buy both lots in which case they will not want to do that. The applicant has requested that it not be done as a condition of approval particularly if the same party buys both lots.

Dave said where the new curved line, that is setback from the fence that is the barrier for the pool, is that set that way because what will happen is the people of lot 1 will think that fence is their property line.

Patti said it is set off there because there is also a landscaped garden which is kind of the natural barrier fence when you are out there.

Franco asked what the setback between the pool house and the edge of the property is, it's not listed there, and they won't need a variance right.

Patti said it is about 12.5 feet and about 14 feet on the other side.

Prizzia, Anthony: Special Use Permit: 14 Lily Lake Rd

Review Status: Public hearing scheduled for April 25.

Scott said that the public hearing will be next week, and they do have a letter stating someone's concern about the project. After speaking with Dave, it sounds like something that the board would consider. The board has no say as a civil issue if you cut trees down on someone else's property, it becomes a civil issue.

Anthony (applicant) said he spoke with his neighbor as this has been going on for 12-years. The individual in question in his opinion goes around buying landlocked properties and sues the people to get right-of-ways through. When he realized that at the time he didn't know this he gave him his survey he thought he was going to be a good neighbor. He warned his neighbor about this guy and told him that he was going to go after him and sue him to. When he told his neighbor this, he went and got two more checks on his title, their title reaffirms that this survey is accurate and has been insured. Even if his neighbor did cut a tree down and it was somehow, somehow the 100-year filed survey was wrong the title insurance would then be liable because they certified it twice.

Scott said it is still a civil issue. The board is just going to move on to a public hearing next week.

Dave said he believes that this issue is not under the board's jurisdiction.

Anthony said he double checked there is no litigation, no paperwork, he has not been contacted in any way shape or form.

Paul asked if the board would like him to prepare a resolution.

Board said yes.

Paul asked is there any conditions that the board needs.

Scott said the only thing would be to make sure that the road is clean.

ZBA Referrals

Reynolds, Mark & Conte, John

Paul said at the ZBA's meeting they looked at both of these accessory apartment referrals, they started to review them. Staff advised them regarding the Planning Board's perspective in terms of their concerns about potential density and basically staying within the standards that exist and not exercising your waiver authority. They are working though the variance standards, and their inclination was that, so long as there were not significant impacts to neighbors or the environment that this could be an area

variance that they could see their way to granting. They will take it up again at next month's meeting, but in the meantime, they referred this back to the Planning Board for any additional comments.

Scott asked the board if they have any additional comments.

Gerry said let them have it.

Bill said does it matter to the board at all how these applications came to the board. He thought at least one of them was because they were in violation.

Dave said the one was applying for an STR and there was no permit for the space where the STR was going to occur, that is where this comes in. They have to legalize that space first, as a conversion to an accessory apartment and then the STR can continue.

Bill said the fact that it has been used and rented out for years is something the board can or cannot factor into the decision to let them go bigger than normally allowed as a recommendation. If the board is deferring to the ZBA, they should know the board has concerns.

Gerry said their concern was density, these parcels that are in question are 3 or 3.5-acres and the other one is 10 and they have no neighbors that they can see, so he thinks the density issue is settled. As far as the variance goes, what effect would it have on the community.

Bill said he is not sure if the ZBA is aware of the background.

Dave said they are.

Bill said he just wants to make sure that it is included.

Scott said it should definitely be included.

Carl asked Paul to go over the standards that the ZBA uses.

Paul said it is a balancing test under New York State Town Law, and it balances the determinant to the town by the granting of the variance, how would it affect the board's standards, how it would affect the neighborhood, how would it affect the environment, so that is balanced against the benefit to the applicant though the granting of the variance. He went through the standards.

Scott asked Paul when he says determinant, does that include safety.

Paul said he would say any public safety, health or welfare, anything within the prevue in terms of its police powers would be a potential determinant. He continued going through the standards. The board goes through those standards and then does a straw

poll, on their thoughts on each of those factors and then they do this balancing test and they come with a decision on whether or not to grant the requested variance.

Carl said in their situation where they have been sending the projects back and forth, the board is correct in sending these applications to the ZBA because the board is not within prevue to make a decision based on variances.

Paul said he thinks that the process has been adjusted properly, where if someone comes to the board and they want an accessory apartment that is more than 650 square feet, the board has the authority to grant a wavier, but the board doesn't have to. The board doesn't have any standards in the zoning code that tell the board what to look at. The difference here is, the board had a motion that the board didn't want to consider these waivers and it was sent off to the ZBA. He thinks once it is properly received in position with the ZBA they do have full area variance tests, very specific factors they have to look at and they can make that judgement call based on those standards on whether the variance ought to be allowed.

Bill asked what is the ZBA expecting in terms of the board's comments.

Paul said it is a requirement of the zoning code and in most instances, the board would not have already expressed an opinion. By nature of the making a decision on whether or not to grant a waiver, the board already has expressed an opinion and that was shared with the ZBA. They understand the concerns about density, and they understand that the Planning Board in applying its authority under the zoning code doesn't want to create potential additional density that is not contemplated by the 650 square foot accessory apartment that's allowed by the code. The ZBA took that information, but then they went through their balancing test, they seem to be inclined to grant the requested area variances. The zoning code has them send it back to the Planning Board anyway to see if the board has anything in addition. If you have anything to add they can pass that along to the ZBA otherwise the board can stand by what they have already said.

Scott said at this point it would be the consideration that the one property, obviously self-inflicted, but being in violation of being an accessory apartment, he doesn't know if the property is still being rented out or not, but that has been a concern that the board has had, he doesn't know if the property is in violation of any codes or if it is just in its use. The board doesn't know the safety factor that would be injected into that decision that the ZBA would make. He feels that the board should concern themselves with the safety of the public in the building that is being rented out.

Gerry asked if these buildings were inspected or not.

Scott said those are STRs, they are coming before them for accessory apartments.

Gerry said so they haven't been inspected.

Dave said if it was an STR they would be.

Gerry said these two have not.

Scott said they are not STRs.

Dave said one doesn't exist yet.

Scott said one doesn't exist, but it is not going in as an STR. The accessory apartment is what is under application right now. The one is being used as an STR at the same time. There are two issues here, but only one issue is here right now and that is the accessory apartment.

Paul said when the one does come before the board as a proposal for an STR, one of the requirements for the application is that a building inspection has been done. That is something that the board will have in front of them on the application for an STR.

Scott said since it is a finished apartment, how does the building department do it then, do they inspect it then to make sure that the apartment is up to code.

Dave said the residential code will drive the boat, it happens to be existing building code, but it will drive the boat.

Paul said his understanding of what is going back to them is to make sure they understand the history of the one property that has been in violation and make sure the ZBA is aware of that and can consider that in its balancing test.

Motion to Adjourn.