

WORKSHOP MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, May 16, 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, Charly Long, Franco Zani, Gerry Marion, Bill Meltzer, Lambros Violaris, Fred Pizzuto, Mike Guerriero (Town Board); Board Staff: Dave Barton, Paul Van Cott (via Zoom), Christian Moore, and Sarah Van Nostrand

Absent: Board Members: Carl DiLorenzo

Minutes to Approve at the May 23, 2024, meeting
April 18, 2024 & April 25, 2024

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.

No applicant

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 there hasn't been a whole lot of major changes. The major changes are that they moved some panels and removed the battery system due to neighbor comments. The neighbor at the bottom of the hill has a historical home and has concerns about viewshed. The solar panels don't affect the viewshed of his home, but he can see the solar panels, so to be good neighbors they moved some panels, removed the battery storage and are going to plant a vegetative buffer to screen his view. In the submission they have included comment letters from both towns in the

response letter. Another thing included in the submission is the visual simulation of what the screening plan will look like. The first item is what the current conditions are and the second is what it would look like without any screening and the third is what it would look like with the screening. As you can see it is pretty adequately screened, there are two points of view, one is at the property line and the other is further in where the trailers currently are located on the property. There are some SWPPP comments, comments from the US Fish and Wildlife service, a memo explaining their outlook on their SWPPP strategy put together by their team.

Scott said he didn't realize that there was battery storage in the original plans.

Nick replied that there was, but at that point they knew they were taking them out when they introduced the project. When they submit their initial plan they have the battery storage, usually response from neighbors or site constraints they take them out. By the time they came in front of the board, they had made the decision to take them off. There was a box where the current lay down area is on the plan that showed where the battery system was going to be, but that has been removed.

Christian said that it was a little pad site that had been sketched out that wasn't detailed, and they said at the meeting that it had been removed.

Bill asked if the letter regarding the Herrington solar project was that supposed to be a part of this submission.

Nick said yes, there is that letter and there are two copies of the site plan, that is for the board's reference mostly for the SWPPP comment about that. Those are examples of projects that have been approved with the SWPPP strategy that they are employing.

Dave said that he is aware of CPL's concern about things not getting addressed in order to comply with some DEC regulations.

Christian said his main concern is that they are still proposing the use of level spreaders, in some cases very long level spreaders. His concern is that are they going to function in the long term, how are they going to function in the short term. He has to go through the materials that were provided and assess if sheet flow is going to be maintained. The Lloyd parcel he believes is all over a 10% slope, he would like to see enhancement on the steep slope maps, right now they only call out 10% or greater, but he would like to see how high that range goes. It appears that there are gaps or breaks in the panel arrays to avoid really steep slopes which would not be buildable without some regrading. They will be looking for a more detailed analysis of the steep slopes in the Lloyd parcel. They have to go through the plans and make sure that there will be no downstream impacts. In the end they have to make sure that they have a site that will not erode, it's not going to cause ongoing problems and issues. A decommission plan will be a part of it.

Dave said he reached out to Plattekill, and he is going to get the internal team together with their internal team to meet, so everyone's comments are heard and addressed.

Paul said he has no comments and that he appreciates the submission and that the board is spending time with it.

Dave said he appreciates the visual stuff that they did on Crow Hill, if it plays out the way they have depicted it to, it block some of this stuff even off Crow Hill. The proposed trees visual mitigation is it reflected on the maps now.

Owen (Carson Power) said yes there is a page with details of the species.

Nick asked due to the SWPPP comments and there being a lot of back and forth that is not really easy to do at a Planning Board meeting, would it be helpful to set up an offline meeting between the project engineers and the Town's or is there a format where they can bring in the Plattekill team as well. They are willing to come to the town, CPL's office or even online format to go over the comments to make sure everyone is on the same page.

Christian said he has no objection to having offline conversations, the only thing that the would ask is any materials that you want to submit for review they also ask it be sent to the Town of Lloyd so they are aware that there is a discussion going on outside of the public meeting.

Nick said that in regards to the public hearing, it was said that the board would try to schedule it at the same time as Plattekill if it works out. Is there a point in the process that the board would be okay with scheduling a hearing, is it going to be once Plattekill schedules it or is it once all the engineering comments are satisfied that one can be scheduled.

Paul said they will have to sit with the Plattekill team and after that they will have a better idea on that.

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

Erik (Applicant) said that he bought the property about 9 years ago and has been farming it ever since. His parents want to build a house, so he wants to subdivide a little section on the northwest of the farm to give them a place to build a house. The issue that he is running into is that he doesn't know if when his parents pass away, he hopes to purchase it, if not he doesn't want to lose a lot of land and a lot of the work that he has done. The black area on the plans is the driveway and that is already getting into part of the orchard that he has been working on for 9 years and is a good part of his income, they have rare trees that no one else in the region has. What they want to do is try to push the back up septic system far north and close to the other septic system as possible or if there is a way to dispense with the backup and just say they are going to do where it is the county has already approved it and just decide to build it there. The placement of the backup the engineer keeps wanting to push it further south and he loses more trees,

he already dug out trees and he doesn't want to lose more trees. If the event happens that his parents pass away and he has to sell this off. He wants to make sure that his parents are here and can help with the farm, but he doesn't want to lose all this work he has done. He just wants to do this 1.3-acre and wants to square up with Windsor Hill Rd. Part of the reason this has been so complicated is the wetland boundary, so now it is just the back up septic system that is holding things up.

Dave said that the issue is that the map shows the wetland, but because this has been an active farm and he feels that there is no flora or fauna that would benefit from a wetland designation, these fields have been worked over 120 years. He asked the surveyor to redo the map, in order to get it to show correctly, the issue is that the house is shown right on the buffer.

Erik said anything west of that blue line on the map is all upland soil, the black dirt starts there, but that's all-drained farmland 1,000 feet to the east.

Dave pointed out on parcel viewer that the trees are up higher from where the new lot is being proposed. He asked if they had spoken with the surveyor.

The applicant's group said yes they redid the map.

Dave asked if the town has a copy of it.

The applicant's group said that the surveyor was supposed to drop it off, but it seems like they didn't.

Scott said that the board will need large copies of it. They will have to submit new maps, because the original map doesn't reflect the reality of what is there right now.

Christian said if they can revise that limit of the wetland and the adjacent area it looks like they would have a useable back yard. The way it was drawn they would be able to mow a six-foot strip behind the house before you need a wetland permit to do it, you wouldn't even be able to build a deck on it. If the wetland line is not there, it is where it is, and the maps appear to show it and just need it clarified.

Dave said since the map was created, he would suggest that the board could set a public hearing anticipating that map and hopefully it's in compliance. He would hate to waste another month.

Erik said the map is done they just didn't bring it like they said they were going to.

Dave suggested that they wait until next week to schedule the public hearing for next month and hopefully they will get the maps.

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.

Mark (Applicant) said that the ZBA gave him unanimous approval and sent him back here and he wants to know what the next steps would be.

Scott asked if the board received anything from the ZBA.

Dave said the board received copies of the resolution.

Mark asked if a public hearing could be set for next month.

Dave said that he agrees with that, the thing that was sort of holding up the board was the size, the ZBA granted that variance.

Bill asked if the board was now going to get an application for a short-term rental once this gets approved.

Mark asked if they could be done simultaneously.

Sarah replied that it will be done simultaneously as the application has been received and everything is good with it.

Mark asked if the public hearing for this would be for next month and then the month after that would be for the STR.

Franco asked the applicant to explain what type of septic system he has because he never got an answer.

Mark said this issue has come up before and he has addressed it. When the board reviewed the Dion Properties at that meeting it was talked about septic systems and if it was resolved. Dave replied that the Health Department doesn't look at existing septic systems, there is no way to determine it, unless you dig it up and the board didn't want that to happen. Dave said that any failure of the septic system is the responsibility of the owner.

Scott said the board was not mandating anyone to upsize their septic system, due to the amount of people they had in the room, so what the board decided to do was base the size of the system based off of the number of bedrooms being used in the STR, but that is not what is in front of the board currently. The board is talking about an accessory

apartment, in that case for the STR you would be correct in what you said, but he believes as far as the apartment goes and adding another bedroom to it, is the septic system able to handle the size of the house.

Mark said that what the board asked Dion, he did a two-family, did the board request that specifically.

Dave said it was an existing two-family.

Franco said with Dion explained to the board that it was a concrete septic tank.

Dave said it was an existing two-family and that he agrees with Mark in this case, he doesn't know if they knew what the size was if the conversion to the two-family was legit when it happened, and they legalized it. In this instance he would tend to agree with Mark, if you look at the plans, it's not like he is going to get 6 people in there and overload the system that he has there. He thinks 2 maybe 2 and a child at most in this space.

Mark said correct.

Discussion about Dion took place.

Mark said if you are not asking about septic for one person then why would the board do it for another person.

Scott said he thinks it is just a question on his part. Knowing in an STR use he will go back to what he said what the board was doing on the STR's was making sure the size of the septic system was meeting the amount of bedrooms you had in the building.

Franco said if you have to have it pumped more often that is on the owner.

Mark said he regularly has it pumped and he has never had it back up before.

Franco said when you have your tank pumped what does the pump company have, and what type of system is it.

Mark said he doesn't know.

Gerry asked are the number of bedrooms increasing, is it still going to be the same number of bedrooms. How many bedrooms do you have upstairs compared to downstairs. Are you going to take one away from upstairs and put it downstairs.

Mark said he has 2 bedrooms upstairs and then there is an office, downstairs is just what is shown in the plans.

Gerry said so it is 3 bedroom. What is it assessed for.

Franco said Ulster County has it listed as 3 bedrooms upstairs.

Gerry said it doesn't matter what floor they are on.

Bill said he said he is using one of his bedrooms as an office.

Franco said but it is still a bedroom.

Gerry said the board has recommended at its meetings that someone should use a bedroom as an office.

Scott said he doesn't think the board has ever done that.

Gerry said you are not increasing the bedrooms it is 3 bedrooms and it's still going to be 3 bedrooms.

Franco said he has 3 bedrooms upstairs regardless of whether it is an office or not, and then you are adding a bedroom downstairs.

Gerry said what if you take away a bedroom upstairs then it will still be 3 bedrooms.

Franco said when the house gets sold it will get sold as a 4-bedroom house.

Scott said 3 upstairs and 1 downstairs.

Gerry said or 2 upstairs and 1 downstairs.

Scott said the board is trying to understand the size of the septic tank for the amount of bedroom in the house and the type of septic system and whether it can handle it or not.

Gerry asked if this had been inspected.

Dave said it would be compliant for an STR.

Scott said the board is not talking about an STR, the board is talking about a special use permit for an accessory apartment in his home. It is listed as a 3-bedroom home because right now you don't have an apartment down there.

Dave said this is an addition of space, in his opinion he doesn't see this as impactful for a system that was designed for a 3-bedroom house.

Gerry said if it fails it is on him.

Bill asked how is the town assessor notified.

Dave said that is the building permit. He will have to get approval from the board if they go there, then he will have to get a building permit to convert the space and then it will be sent to the assessor.

Scott said that the board will set a public hearing next week, 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.

John (applicant) said that he wants to build a 2-car garage with an accessory 1 bedroom apartment above it.

Scott said you went in front of the Zoning Board, and they granted you permission for the additional square feet.

John said yes.

Scott said the board will set the public hearing at next week's meeting for next month.

Franco asked if he was going to put a pump station in.

John said yes.

Franco asked if he was going to install a generator hookup there or a plug, in case the power goes out.

John said he is an electrician.

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.

Patti (applicant's agent) said that the Zoning Board of Appeals granted the area variance. The church has been in contact with Adam (Water and Sewer Administrator) regarding separating the utilities. They have a layout in place, she will submit the email. At this point she thinks they are ready to schedule a public hearing. If they get the utilities spilt before then that would be great, if not they would be looking for conditional approval.

Dave asked if the water and sewer are both going to be coming out of the front.

Patti said the sewer to the house will come off of Church St, the sewer for the existing church already comes out to Grove St and the water lines will both be coming off of Church St.

Scott said the board will set the public hearing at next week's meeting 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

Patti (applicant's agent) said that she has obtained a copy of the septic plans. She thinks the only question when she was here was that they obtain a permit to construct showed the septic going on the southernly side of the lot along the existing driveway, they did receive revised approval from health to move that to the northernly side of the property. She has submitted the approved plans for that. They did not get a new permit to construct, the board said they didn't need a new one because the permit is still good.

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: Open public hearing.

Bill asked is it a three-bedroom house or a two-bedroom house. In the application it says it is a three bedroom and, on the County, it shows it as a two bedroom. He thinks that Dave said that maybe the public records were wrong.

Dave said that they have already done an inspection on the house and when the inspector came back, they reported three bedrooms.

Bill asked does that make it a legal three already.

Dave checked the County and said that they have it as a 2-bedroom, so he doesn't have an answer. The board cannot review it as the applicant isn't here.

Patti (applicant's agent) said that the applicant reached out to her today to represent him at the meetings. She took a quick look at the application, but she cannot answer that question. Nick just bought the property back in December of 2022 and it was three-bedrooms he did not add a bedroom.

Dave suggested that Patti contact the office and figure out if a permit is needed, it is in the water and sewer district and if the bedroom complies with the building code.

Bill asked if Patti represented him at the closing.

Patti said she did the survey for the property, but never went inside.

Gerry asked is there any reason why it couldn't qualify for a three-bedroom house.

Dave said not to his knowledge the only hold-up could be lack of light and ventilation, and emergency access. He has not been in the house, so he cannot say for sure. He does feel comfortable with the board moving forward based on the issuance of a building permit.

Scott said it is not changing anything besides adding a bedroom.

Patti said that she looked through the application and noticed that there are a couple of changes that the applicant she is going to suggest he make in his house rules.

Scott asked for a motion to open the public hearing.

Motion made by Gerry, 2nd by Bill.

All ayes, motion passed to open the public hearing.

Denise Mannese (48 New Paltz Rd) asked what does a short-term rental mean, what is he seeking to do, what kind of individuals is he going to have occupy this space.

Patti said the house rules stipulate who is going to be able to be in the house, what the rules are, what the quiet hours are, no camping outside, no parties or events. The town has house rules regarding what is and what isn't allowed.

Denise asked is this like an Airbnb.

Dave said it is like an Airbnb.

Denise asked are the individuals that are going to be occupying this space going to be screened. Are there going to be illegal immigrants coming in and occupying this space for a length of time because that she would have a concern with. This house has not been a well-kept house, he has recently worked on it, but they are concerned about the people who will be coming in.

Patti said he has not owned the property for very long, she knows he has done some

improvements to it and wants to be a good neighbor.

Dave said if it is though Airbnb, they have their own screening process. The deposit all passes through the service. It is an allowed use in that zone, it is a residential use. They cannot speak directly to who he will have in that home, but the town and this board have worked hard to come with a set a regulations where if there is a negative impact to the neighbors, they can call the office and they put their boot down pretty hard. There has only been 1 complaint since they have started this two years ago.

Bill asked is this just a two-year approval.

Dave said it is a two-year approval.

Bill said if there are complaints it may not get renewed.

Scott suggested that they take a look at the code and see what the board is looking for and what is required by the applicants. They do have the system where if they are getting too many complaints and the police are called and they are not acting as good neighbors, Dave has the right to pull the permit. They haven't had issues, yet he believes.

Dave asked Patti if she was going to address the rules.

Patti said yes.

Scott said make sure about the parking to make sure there are not too many cars on the property or on the road. For this one he thinks it was 4-5 cars that they had space for without cars being on the grass.

Dave said one of the thing he would suggest the board to have the applicants put a note in the rules about respecting neighbors, which the board has said to every applicant. Maybe it could be baked into the rules to put the renters on notice that there are people around.

Scott said the board also asks them to post the outline of their property, so the guests don't wander onto the neighbor's property.

Dave said if it is a noise complaint, you can call the police 24/7.

Franco asked what is good about this one is that Nick lives in the area and doesn't live far away.

Denise said that she thought Nick owned the property for a long time.

Franco said he just bought it.

Scott said his mother owned the property before Nick.

Scott asked if Patti could check whether it is two-bedrooms or three-bedrooms before next week that would be great. As it would make a difference on the number of guests he can have.

Patti mentioned that a prior project that got approval Cerniglia has separated all the utilities, and they did receive final approval, but the final approval was submission that the two homes have separate utilities, compliance with any comments of the Planning Board engineer and fees. When she gets the comments, some of them she has no problem with and some of them she generally does not do as part of an approval process, she would like to know how to reconcile that. One of them being provide written meets and bounds descriptions for the proposal for review by the town attorney and engineer. The town attorney and engineer do not review the meets and bounds descriptions, that might happen in some municipalities it does not happen in the Town of Lloyd, but when she has a resolution that says you have to meet all the conditions of the engineer's comments, she is kind of like well now what do I do.

Paul said he thinks if there are comments from the engineer that you object to, let's talk about that and see if it can be resolved some other way and if they need to, they can bring it back to the Planning Board.

Dave said he spoke with Andy yesterday and they talked about some of the comments that might go beyond what might be required for a simple review.

Scott said that is something that should have been rectified before it coming to the board.

Dave said staff is working on it.

Paul said part of the issue is that the comments come in late, so he thinks there needs to be flexibility of how that condition is resolved.

Patti said she doesn't necessarily get the comments until the public hearing and by then the resolution is drafted and she has no recourse at that time.

Dave said they will work on it.

Patti said her last question is to make sure that everyone is comfortable, she has the revised map that shows all the new water, sewer, and electric lines are. Because there are easements that are going to be needed, it was talked about at the meeting, the gas lines are separate, but the electric line and gas service for lot 2, goes over a portion of lot 1, but they are not necessarily in positions where she can do a good meets and bounds description of here is a 10-foot wide easement, so she was going to do it more in a blanket easement form.

Franco said that works.

Patti said she just wanted to make sure that it was going to be satisfactory before she submitted the final maps. The only issue she had was in regards to the written meets and bounds description because she generally doesn't do them until after the map has been filed. The only other issue was in regards with the minor encroachments they are not planning on removing them at this time because they have a situation where it is very likely that the same purchaser is going to buy both lots, so comments 1 and 5 were difficult to meet. Again, because that is in the resolution, she didn't want to present the final maps to the town until this was resolved. If CPL is okay with those revisions.

Scott with those encroachments would they add a note on the print that if later there was a separate owner they would remove it at that time.

Patti said well it's a fence and a gate and a walkway, so it's not a permanent structure.

Dave said if it was on someone's property, and they wanted to take it down they could.

Patti said at this point does she need to come back to the board again or at this point in time can CPL say they are minor issues and are okay with it. In the resolution it says compliance with any remaining comments of the Planning Board engineer. At this point in time, she has a memo dated May 5th and they have addressed items 2, 3 and 4. She asked Christian if he still considers items 1 and 5 still be remaining comments or have, they been satisfactorily been addressed though this discussion.

Christian said he thinks that through this discussion they have been satisfactorily been put to bed.

Patti said if that is part of the record is that acceptable Paul.

Paul said yes.

Motion to Adjourn.