

REGULAR MEETING AGENDA
TOWN OF LLOYD PLANNING BOARD

Thursday, March 27, 2025

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, Franco Zani, Gerry Marion, Lambros Violaris, Fred Pizzuto, John Dispensa, Bill Meltzer (Via Zoom), Lenny Auchmoody (Town Board); Board staff: Dave Barton, Paul Van Cott (via Zoom), and Sarah Van Nostrand

Bill Meltzer abstained from all votes

Minutes to Approve at the March 27, 2025, meeting
February 20, 2025 & February 27, 2025

Scott asked for a motion to approve the minutes.
Motion made by Lambros, 2nd by Gerry.
7-ayes, 0-nays, motion passed to approve the minutes.

Informational Meeting:

7 Dutchess LLC: Site Plan: 3555 Route 9W: SBL #88.17-9-55.111

Patti (A part of the applicant's team) said that she knows a public informational meeting was previously held and based on those comments they have made substantial changes to the project. With that in mind, they wanted to make another presentation, the applicants continue to work with DOT, the Water & Sewer Department and Fire Department. The purpose for this meeting is to review the changes since the public last saw the plan, as they move forward with the design. They are proposing 4 mixed use buildings along route 9W, they are about 14,600 square foot, footprint per building. About 2,500 square of each of the buildings along Route 9W will be store front commercial. There is a total of 140 units spread across the 4 buildings, there are a total of 81 one-bedroom which breaks down to 56 one-bedroom and 24 that are one-bedroom and a den, 56 two-bedrooms and 4 three-bedroom units. The housing was relocated from along Roberto Ave and now they only have a clubhouse proposed along Roberto. There will be controlled access to the bottom parking lot. They are working on what kind of control will be used and what the limitation will be. A robust landscaping plan has been put into place along Roberto Ave. There were some comments about retaining as many

of the large deciduous trees as possible along Roberto Ave, the surveyor went out and surveyed all the trees and they have been incorporated into the landscaping plan to the greatest extent possible. The other comment that they received from the Planning Board was the addition of a bus shelter along Route 9W. Concern about delivery trucks and possibly having an Amazon locker somewhere on site and making sure that there are ample bike racks. She showed renderings of what the site would look like. The initial trees that are to be planted along Roberto Ave will be 8-10 feet in height and are rapid growing. There will be a lot more greenspace when the project is done than what is currently on site now. They are finalizing the lighting plan and she showed the detailed of the lamps to be in the parking area and for the walkways they will be small bollard lighting.

Scott asked if they addressed the gated entrance on the Roberto side.

Patti said they have agreed that it is going to be limited access but are still discussing options with the team and fire department. They are looking into gates that can be opened easier. Then there is discussion on the limitation of the access to just deliveries, residents that have electronic access to the site.

Scott said that is the purpose to make sure it is not a throughfare for everyone.

Patti said right now they are working on what kind of mechanism they are going to use to make sure that gated access is limited access.

Scott said that the bus shelter for kids should be on Roberto Ave and not along Route 9W because he doesn't think that is a good location to have a bus shelter for kids.

Patti said that there would be a UCAT bus shelter on Route 9W, but the one for the kids will be on Roberto Ave to keep them away from the highway. As far as technical parts, fire, water, sewer, Dan (a part of the applicant's team) is working with the agency and DOT.

Justin (3 Roberto Ave) said that he is fine with the buildings, his concern is with the safety of the kids in the area. If there is access to the site off of Roberto Ave, this project would be 5-6x the normal amount of cars. He feels that the people who live there, should use the Route 9W entrance, he would appreciate no access to the site from Roberto Ave. If the police department or fire department need access, he understands and should be the only ones to have access through there. Then you are going to have people parking on Roberto to visit their friends who live in the apartments. He thinks that there should be a fence along with the trees because you are going to have people cutting through Roberto, having people parking along the street and they should leave Roberto Ave out of it.

Louis (5 Roberto Ave) said that he echoes what the other person said, he has two young kids of his own. He understands that they want the access and it is a beautiful site plan. You are going to triple the number of cars coming through there. Leaving it for

emergency vehicles fire, EMS, police and the gate is probably the best way to do that as it won't be by passable to people who want to double park on the road.

Cindy (22 Hasbrouck Ave) said that the traffic on Route 9W when she tries to get up Van Wanger now the traffic is backed up past the bridge, past both lights. What is the plan for the traffic?

Jeffery (10 Hasbrouck Ave) said that he echoes what the others have said. He thinks the access should not be used on Roberto. He asked if there would be traffic calming measures put into place, like speed bumps, anything to slow down traffic, prevent double parking. If that is going to be a way out, it is going to make coming out of Van Wagner to go north on 9W very tricky a lot of people pull through the fire department. People coming out of the site and going north on 9W are going to use the middle lane and if there is not a light there, then there are going to be accidents. He would like to see a traffic plan and traffic calming on the side street.

Steve (Highland Fire Department) said he doesn't know what a limited access gate means. Their biggest concern is if that gate is left open and you have 140 families coming through that parking lot coming out of that road and going through their parking lot to go downtown. They have a significant amount of people going through it now, he spoke to the police department and they feel the same way. It is an emergency services building and they have to make sure that they have access in and out and for their members they are volunteer and are told to go to the station to get their equipment and trucks.

Patti said one of the things you are concerned about is people going through your property.

Steve said it happens all day long.

Patti said for limited access there are multiple ways to accomplish that and they are having offline conversations with the fire district to come up with a plan.

Scott said wasn't it discussed to have one way access, and only into the site.

Eric (128 Vineyard Ave) asked if it is a one way in, where is the traffic coming from, would they go through the hamlet, how are they getting through there, is it out or in.

Patti said that is a two-way on 9W, on Roberto it is still up for discussion.

Eric said that they should consider the bigger traffic flow.

Patti said there is a traffic engineer who has prepared a traffic study for this site and the team will go back to him as he is the one who is the expert on traffic both externally and internally. She has not reviewed the traffic study, but it should show where most of the traffic will be coming from, where it is going to be going when it leaves the site. All of

that is a part of the traffic study that has been submitted to the board and is public record for anybody who wants to review it.

Patti said that she would have to go back to the traffic engineer regarding the traffic concerns and what could be done to mitigate them.

Bruce (314 Bellevue Rd) said that there are 140 units in this development, how much retail?

Patti said about 10,000 square feet.

Bruce said there will be about 8 one-way trip ins for multi-family units per unit. At 10,000 you are generating 10 trip ins for each 1,000 square feet, so you are generating easily on average people were talking about it being tripled, you are generating in fact 550-600 in-bound trips and 600-700 out-bound trips per day. The problem is not one with a traffic study or traffic patterns the fact is the scope of the entire project is inappropriate. The buildings are too high for the site, you have the two banks of buildings backing up on each other no more than 30 feet apart. You probably have an imperious surface ratio on this site well over 95%, your landscaping is minimal at best. You have too many units, too much parking, too little landscaping on a site that is too small and at the wrong location. They need to go back and reduce the number of units and the amount of retail.

Dave said almost all the things that were shown tonight and talked about are on the town's website. He also has printouts available to look at Monday-Friday 8am-4pm in the building department.

Old Business:

Jacobs, John: Subdivision: 111 South St., SBL #87.3-5-2.314

Applicant is seeking a 4-lot subdivision.

Dave said that they are still waiting for DEC to sign off on the wetlands.

Smyko Design: Site Plan: 71-79 Vineyard Ave: SBL #88.69-9-3

Applicant is seeking site plan to change the use from a bank to a restaurant.

Review Status: Updated plans circulated to the board.

Potential Action: Board to set public hearing for April 24, 2025.

Sean (Applicant's Agent) said that there are no updates and hopes that the board can set a hearing for next month.

Scott said the board can set hearing for next month because he thinks that there are no other issues.

Dave said not since he has adjusted the size of the assembly space down to under 100, so no sprinkler is required.

Scott asked for a motion to set a public hearing for April.

Motion made by Gerry, 2nd by Lambros.

7-ayes, 0-nays, motion passed to set the public hearing for April.

Public Hearings:

Ryan/Marshalek: Lot Line Revision: 546 N Elting Corners Rd: SBL #79.3-2-10 & 79.3-2-9

Applicants are seeking a lot line revision to grant road frontage to SBL #79.3-2-9.

Review Status: Public hearing scheduled for March 27, 2025

SEQRA Status: Type II

Potential Action: Open public hearing, approval resolution

Paul said before the board opens the public hearing could they talk about the public comment that was made about segmentation.

Scott asked where did the public comment come from.

Paul said the public comment came from a neighbor. This is a lot line not a resubdivision and it is actually a type II action under SEQRA. Before you open the public hearing one of the issues that have been raised by the neighbor is that essentially there is segmentation occurring here because the property results in new road frontage and the lot that is owned by Ryan is susceptible to further development. In the application, the applicant has indicated that all they are seeking at this point is road frontage. There is no proposal for future development of that site, but he thinks it's appropriate before the board opens the public hearing to confirm that is the case and that any future development of that lot is only speculative at this point. Otherwise, there may be a SEQRA segmentation issue and the board may want to postpone doing anything further with the application until you have more details on what is intended for the 68-acre parcel that will now have road frontage.

Scott said right now all the board has in front of them is the lot line.

Paul said that is correct.

Dave said he is suggesting confirmation from the applicant.

Scott asked what are you hear for, does the board have a full picture on what you are planning.

Terry (applicant's agent) said that the applicant is just intending to enhance his property by having road frontage, since it has no road frontage. At this point there is no plan for future development, he is seeking to build his own house on it and enjoy the property.

Paul said he thinks that's all the board needs to hear.

Dave said some background information on the project. The applicant cannot currently pull a building permit for this site because he has no frontage on an approved state, county or town road. He could have applied to the Town Board for an Open Development Area. In this instance he is benefiting and the neighbor is benefiting swapping the property, so that he can pull a building permit in the future. The last conversation he has had with the applicant was that he wanted to put a house on this property, his own house.

Paul said just to provide advice to the board, based on what he just heard there is no SEQRA segmentation occurring and the board can proceed to open the public hearing.

Scott said now that the board knows the applicant's intention for the property and understand what was put forth in front of the board.

Scott asked for a motion to approve the resolution.

Motion made by Lambros, 2nd by Charly.

7-ayes, 0-nays, motion passed to approve the resolution.

Ken (attorney for neighbor) said that he is counsel for the Richardson's who live next door. He wants to explain why he feels that there might be a segmentation issue here. He walked the property and has a drawing of an important feature of the property a stream. The stream runs from his clients property up hill behind his house to the property line and crosses over into Mr. Ryan's property and crosses back. It is vital to his clients, his client has what is called Riparian Right, they have the right to have the ability to have that stream to drain the property forever. Those are rules established in the late 1800s.

Maps of the stream location were handed out.

Franco asked does the stream run from the north to the south.

Ken said he thinks it runs from west to east or south.

Maps of the proposed transfer is taking place were handed out.

Ken said the red hash marks on the map is the area to be conveyed to the applicant. What the board has here the purpose of this application is to enhance the value of the applicant's property and that is the only that has been stated tonight. He thinks the board

needs to take note of the fact that the proposal of the exchange is a 50-foot frontage, which would be the only path of access available to the development of the 68-acre parcel behind it. There is a driveway down the road, indicated by the green stripe on the map. He walked it today it is a driveway it is 15-feet wide and that cannot support more than one house. He asked himself what is the purpose of that exchange of the 50-foot frontage and what does it do and what does it enhance. It enhances the owner and gives them the ability to put a driveway in there and build a house on that lot. It enhances the ability of the owner to get a building permit. It enhances the ability of the owner to create access from N Elting Corners Rd. to the 68-acre parcel behind it. There is an argument to be made and he urges the board to consult with counsel under those circumstances that this board may wish to say to the applicant what exactly are your long-term plans for the land here. Will you in the future be seeking access to your holdings through this parcel. You don't have to have present or current plans to ask that question, the law is very clear on that. They don't have to come to the board and say this is my plan, I am going to put 20 houses in there 3 years from now. When you consult with counsel the board can look and say you have 50-foot frontage on this road that benefits 68-acres will that someday become developed in the back. There is nothing wrong with that, what the process requires is if that potential exists that SEQRA consider it now. If that potential exists, the test is whether or not the two uses are so separate that you consider them in the same application. It doesn't require that someone come in here with a developed set of plans and say look we are going to put 25 houses in here. When you get past the legalities there are one or two real issues here that he would bring to the board and ask that the board consider in the context of this application because he looked at this and he does a lot of development work and represents developers, but he always walks the land. There is no issue here with traffic, you are not going to have an issue here with site distance on N Elting Corners Rd, he walked it and it looks good. You are going to have a real issue here whether you put a driveway in place or a road with respect to the stream. He walked the stream tonight and invites the board to walk the stream and look at it. The stream originates in the rear of his client's property, when he first bought the property there was a pond up there and the pond has generally filled. He didn't walk to the top of the mountain to find out where the stream came from, but he can tell the board that the steam was running very healthily today. That stream carries water 10 out of 12 months, maybe in July and August when it is really hot it doesn't. His client is entitled to make sure that his water that would otherwise flood his property continues to go into that stream bed, go down into the culvert and down under the road as it presently does. When you walk it, you see the slopes involved in the stream bed, where how to build a driveway would require to put in buttress structures to prevent collapse of the stream walls into the stream. You see the topo, you see the difficulty of whether you put a 15-foot driveway or a 25-foot road, how do you protect that stream. He is not here to tell anyone how to protect that stream, he is here to ask the board to go out and look at it and see his client's concern. They are not opposed to this project, not opposed to someone building a house on the hill or building 3 houses on the hill, the have a very narrow focus here, the stream needs to be preserved. You need 50-foot frontage to get a building permit, that is not always true, the driveway that services this site, he walked it today is 15-feet wide; it doesn't have the turnouts that you would expect it to have, he has no idea where it goes to, he did see

a foundation and assumes that the house would be subject to a building permit. He doesn't know if that parcel has frontage or not. If the purpose of this conveyance is to assure that you can get a building permit for the holdings that will now enjoy that frontage. That is not the only way you can do that; you can do that by going to the ZBA and asking for relief from the 50-foot frontage requirement. The uncertain part of this application, which is why he has argued that segmentation is a possibility here if you don't look at all of it. What happens to that stream, what protection is there, something will happen in that 50-foot strip. What protection is there because the applicant hasn't told the board everything that is going to happen, the board has to consider what could happen. He asks that the board takes into consideration that stream. If segmentation is a step too far for this board, the main thing here though is it can come back later if there is ever a development, they know that, but what can be done about the stream now in the context of this application. Can the board appreciate what it is like if they don't go see it, he would like the board to adjourn the meeting and go out and visit the site when it is convenient and he will be there, it is a very unique property with very unique features. If you were to build a road in there, you are going to have a huge problem, he thinks that it will be a similar problem if you build a driveway.

Scott said you need to tell the board what you are here for is it segmentation or is it the stream. Right now, the board is looking at what is a lot revision, nothing else is before the board to say that the stream is going to be changed in any way.

Ken said let's call it segmentation, because at some point that 50-foot-wide, will be improved by some form of ingress and egress, that is a logical conclusion. Where it is going to go, how many houses are going to be serviced by it, he cannot tell.

Scott said he needs the 50-foot access in order to get into the property. The board doesn't know what else he is going to do after that, so the board cannot say segmentation he could be coming in here and saying look I want 50 houses and store, but that to him is the board approving that today and him saying what he is going to do later, but the board really doesn't know.

Ken said he gather that if he was going to stick on the segmentation, the board has an obligation to ask him what he is going to do.

Scott said the applicant made it clear.

Ken said the applicant did make it clear that he doesn't have any current plans, but current plans doesn't address the segmentation issue.

Paul said yes it does, the bottom line is what the chairman said the Planning Board is looking at a lot line revision. There are no plans for future development that are anything other than speculative at this point, so there is no SEQRA segmentation issue presented. Accordingly, he told the Planning Board they could go ahead and open the public hearing because if there were any related to that, they would have to postpone any public hearing on that matter. The matter in front of the board is a lot line change proposal that

will have no effect whatsoever on the stream. Any future development proposal, subdivision proposal or whatever is brought to the Planning Board for review, will also be subject SEQRA review, at that point in time, if there are any potential impacts on the stream or other resources or anything else that will be appropriately within the purview of the Planning Board to consider, but for tonight's purpose the board is simply looking at a lot line change on a map, that is proposed for two purposes, one is to give one of the applicant more property for their backyard, the other is to provide to Ryan the opportunity for road frontage, that may or may not be appropriate for future development and may or may not have SEQRA impacts that Planning may consider in the future.

Ken said if there is a development plan, this will be revisited, but he asks the board this, what if there is a driveway permit application. If there ever is one it will not come back to the board. That issue should be resolved before then. He agrees with what Paul said, if there is a development there is a second bite of this apple, he doesn't want to give up on the issue of segmentation, but he respects the advice that was given. He thinks that the advice the board is receiving is based on the assumption that any further development to this property will come back in front of the board and that they will exercise their responsibilities. If there is an application for a driveway permit, which will affect that stream, it won't come back to the board.

Dave said it will come to his office and passes through the Highway Superintendent and the Fire Chief. They have new application where Highway and Fire sign off on the plans and the end result, if either of those signatures are not in place the driveway is unusable. If there is a question of culverts or stream damage he drags the town engineer into the equation to take a look.

Scott said at this point most of it is hypothetical at this point, he cannot speculate what someone might do in the future they are welcome to come back and if there is an issue they are more than welcome to come talk. All he can see in front of him is a lot line revision.

Paul said the board is constrained to a certain extent here.

Ken said his major concern is that he is just trying to protect that stream and future impacts.

Paul asked is it a DEC regulated stream.

Ken said no it is not, but it provides drainage to his clients property and without that stream functioning his clients property will flood.

Fred asked if the new regulations with the DEC do anything here.

Dave said no, this is not a regulated stream, but it does discharge into a class 2 stream, so there are certain things they are not allowed to do with it. It is against the law to

interrupt the natural flow of water and have some enforcement experience with it. It is against the law to interrupt the natural flow of water and they do their best to make sure that it doesn't happen.

Ken said could the board put a condition that states any future activity on this parcel will not interrupt the flow of water and then once and for all it is done.

Paul said he is not sure that is an appropriate subdivision condition based on what the board knows at this time. It is not at all to diminish the concerns of the neighbor, he thinks the town will do everything it can to protect the environment and the resources.

Scott asked for a motion to close the public hearing.
Motion made by Franco, 2nd by Charly.
7-ayes, 0-nays, motion passed to close the public hearing.

Scott read the resolution.

Scott asked for a motion to approve the resolution.
Motion made by Lambros, 2nd by Charly.
7-ayes, 0-nays, motion passed to approve the resolution.

Heavenly Heart Pet Cremation: Site Plan: 3525-3523 Route 9W: SBL #88.13-7-14

Applicant is seeking site plan approval to build a new building to house a pet cremation business.

Review Status: Public hearing scheduled for March 27, 2025
SEQRA Status: Type II
Potential Action: Open public hearing, approval resolution

Scott said wasn't there still some issues with this.

Andy said there are a few drawing issues, they are waiting for a response from the wetland jurisdictional determination. There are some slopes that are shown that really are not traversable by vehicle and its hard to tell the way the drawing is prepared about what is proposed and what is existing. They are missing sediment and erosion control plan. They do think they could work with the applicant to address these issues if the board wanted to make them conditions.

Scott said what is the period of time that they are waiting for some of this stuff.

Andy said it could be awhile especially the wetland JD.

Scott said he thinks they should wait another month to get all these comments answered and to get everything the board needs to make the resolution complete.

Justin (Applicant) said he can speak unofficially on the JD, he had some conversations with some folks up in Albany they are trying to move through stuff, they did communicate that they will take a look at it, but the answers have to be given in the order that they have received applications. He got ahold of someone to take a look at it and their thought is that it will ultimately fall under their jurisdiction.

Scott said the board cannot make a determination without that.

Dave said the board could do lots of other things, but the JD is specific to them. The hiccup with the JD process is if they assign buffers that are not topo driven. His sense is that he will be outside where the wetlands are currently mapped informationally, with the things he is doing, his sense is that he will probably be okay.

Scott said it is hinging on too much for the board.

Justin said it is the drawing issues, but it is really the JD.

Andy said that they also asked about the condition of the septic system, if you can get your engineer to take a look at that and let the board know, he assumes that the flows out of this building are going to be less than what was previously proposed.

Dave said it was a house at one point.

Andy said it is probably fine. He doesn't think a lot of these comments would be hard for him to address, aside from the JD.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2nd by Fred.

7-ayes, 0-nays, motion passed to open the public hearing.

Bruce (314 Bellevue Rd) said that the site is located in the GB district near the elementary school. The proposed new facility is about 100 feet north of the elementary school. The elementary school does not have central air, it relies on open windows in the spring and fall. The proposed use is a biomass incinerator for animal carcasses both funerary cremation of individual dogs and cats and bulk sanitary disposal of batches of small animals for veterinary, animal shelters, universities and other clinics. You will notice on the site plan that there is no retail space for the sale of caskets, headstones, urns or other retail funerary items. There is just a small office space and a restroom. A work area for storage and the placement of the incinerator. Much of the business will be in bulk disposal for veterinaries and humane societies. The incinerators sold in the United States are generally dual mode in anticipation for this kind of service. A modest sized unit can cremate an 11-pound cat in a half an hour, a 42-pound dog in an hour for individual service. In bulk mode they can load between 500-1,000 pounds, which is only about 8-16 cubic feet. These larger loads require between 3-4 hours to process at 200-250 pounds per hour. Thus, such a facility can process overnight about 3,000-5,000 pounds of animal remains. They are stored in individual veterinary offices in

refrigerators and transported to the site and incinerated and the ashes from the individual cremations are then returned to their source or for bulk sanitary disposal they are transported to a landfill. However, the process is not a clean one according to a 2020 EPA report one ton of animal incineration on average about 75 animals or 72 cubic feet, usually generates 3.6 pounds of nitrogen oxide, 3.1 pounds of PM 10 particulate, 2.9 pounds of carbon monoxide, 2.2 pounds of sulfur dioxide, 0.3 pounds of volatile organic compounds, 3.9 grams of hydrogen fluoride, 1.3 grams of cadmium, 0.2 grams of arsenic, 0.1 grams of formaldehyde, 0.06 grams of mercury, 0.4 grams of naphthalene, 0.2 grams of selenium along with measurable amounts of beryllium, cadmium, chromium, cobalt, fluorine, nickel, hydrogen chloride, hydrogen fluoride and selenium. In addition, the process is not continuous as he stated before each bulk incineration cycle requires up to 4 hours to process because the animal is refrigerated at the veterinary or humane society, there is no provision for refrigeration on site as indicated on the site plan. In the unexpected peak load or breakdown of the incinerator unit or down for normal maintenance, it wouldn't be surprising to see 2 tons or more of dead unrefrigerated animals piling up on site. Again, let him repeat that this site is immediately adjacent to the elementary school, there is about 100 feet of physical distance between the two buildings. New York DOT policy and standards require that driveway permits for new commercial drives opening onto state highways after September 1, 2017, meet current standards. According to aerial photos, county and private aerial photos this site has been inactive for a period that began sometime between 2009 and 2013. Thus, according to the source this site has been inactive since before the current DOT standards came into force. Thus, this is not the reuse of a currently existing site, it is a new driveway cut. A commercial driveway at a state highway, with a 55 mile an hour speed limit and 5% heavy truck traffic, requires an advanced site clearance of 145 feet. The currently proposed driveway does not meet this standard. To meet New York State DOT standards for new driveway curb cut it would be necessary for the applicant to construct dedicated right-in, right-out, acceleration and deceleration at least 240 feet long in both the north and south directions from the site. By shifting the proposed drive slightly north constructing the acceleration and deceleration lanes in both the right-of-way then dedicating them to the DOT this can be accomplished. He would also add the applicant has recently taken a 5-year lease in the DOT right-of-way for a septic tank field, so this is a physically possible correction. If DOT does not wish to accept the dedication, access will have to be secured to and from Elementary Drive and he doesn't know if that is possible. Again because of the recent lease between DOT and the landowner for the septic tank field. Finally, he has to ask the question of why are they discussing the application tonight for a site plan application, site plan approval is the last stage before building permits can be submitted. Once this site plan permit has been signed off on, it's ready for the building permit phase. Ready to exit the zoning permit process entirely. This application is not eligible for site plan approval because the proposed use is not permitted in the zoning district. It is not permitted in any zoning district, incinerators, biomass incinerators or crematoriums do not appear anywhere in the zoning matrix for the town in the zoning use table. The zoning code makes it clear that unlisted uses according to the zoning code are expressly prohibited. There are only two possibilities, the first is this is a prohibited use, it cannot even be considered for site plan approval, the second possibility is that the board staff

has determined that it fits into one of the described uses in the use table, so he asks the board which of these have occurred. Is it a prohibited use or has staff determined that this is a use that fits into either permitted uses or permitted by site plan approval that is listed in the zoning table.

Scott said it is not an open session he is not going to answer any questions. The attorney could have answered many of the questions he asked, but this is not a discussion.

Bruce said has staff made any determination to what use this falls into.

Scott asked what is on the application.

Dave said it doesn't matter.

Bruce said this public hearing has no meaning; this is an absolute prohibitive use. It cannot be considered a service business. The American Planning Association defines a service establishment as one who's primary activity is a provision of assistance as opposed to products to individuals. Look at the site plan. What you see is an office, staff bathroom and a work area, there is no sales area, no provision for retail sale. The services are provided by the veterinaries to their clients to individual pet owners. This site provides for the incineration process to support the retail services of the vets. If you look at the APA's definition of an industrial service they define that as establishments providing continuous actions that changes one or more raw materials into a finished product through manufacturing, fabrication, processing, reduction or destruction of a substance, article or commodity or any treatment thereof in such a manner as to change its forms, character or appearance. Because the proposed use be either a crematory or biomass incinerator is not listed on the use table, it has not been contemplated under the towns comprehensive plan and thus the application is not eligible for a use variance that would incorporate it. A legislative change in form of an amendment to the zoning is necessary. That is the procedure that was done when the town decided to incorporate short-term rentals into the zoning code. Two years later from 2022 to 2024 it expanded that to the CB and GB it again legislatively through the town board expanded it again. There is no possible variance there is no way to include it, it is simply flat a prohibitive use. It is not even eligible for consideration as a site plan.

Pushed off until next month.

**Terrapin > He's Gone LLC: Special Use Permit: 134 Vineyard Ave:
SBL #88.17-8-1.110**

Applicant is seeking a special use permit for mixed use commercial and residential in existing buildings.

Review Status: Public hearing scheduled for March 27, 2025

SEQRA Status: Type II

Potential Action: Open public hearing, approval resolution

Ray (applicant) said that the plan was to breathe new life into the property and has been looking to do that for a long time, he convinced the previous owner to sell it to him. He is moving his company into the large building. In doing renovation work he was approached by two architects who were looking for space and he came to terms with them. This week he had water and sewer put in by Adam and team, so they are moving forward.

Sean (Applicant's Agent) said they are here to consider building 1. They are seeking a special use permit for 3 commercial spaces above and 1 retail space below.

Andy said most of the comments have been addressed, he is surprised to learn that there was work being done without approval and is wondering if water and sewer is aware of the work that went on.

Ray said that he pulled a permit.

Scott said it is an existing building.

Scott asked for a motion to open the public hearing.

Motion made by Fred, 2nd by Lambros.

7-ayes, 0-nayes, motion passed to open the public hearing.

Angela (129 Vineyard Ave) said that her and her family use the sidewalk to get to town. Its pretty upsetting that there are water lines and sewer lines being put in, when it is extremely dangerous to get past this building. You can fall right off the sidewalk, roll down the bank into moving water, there is glass there, rocks, branches, she feels that needed to be addressed as soon as the property switched hands. Another safety issue the Toc, Tillison, Vineyard intersection this year has become increasingly dangerous, at least once a month she witnesses an accident. She hasn't looked at the plans, so she doesn't know how many parking spaces are required and people cannot be coming in and out on Vineyard Ave. right there because it is really bad. People speed down the road and there are too many blind spots right there. She loves the idea of this place being taken over and whatever they want to do with it is great, but the access there is bad.

Scott said let me address your concern as it is a safety issue. There is no access going out on Vineyard Ave. He said talk to Dave to look at the plans, the parking and what they plan on doing there.

Gail (2 Linwood Ave) said that she has experienced the intersection and that there have been 7 accidents in a year. When it was a lumberyard hardly anyone came down Linwood Ave. Not only are they having people take their road and turn around because they couldn't get down to Vineyard Ave or they couldn't take Smith Ter, on the other side. There are a lot of children on Smith Ter and dogs constantly coming down to go to the rail trail, she would not recommend people coming into the site off of Linwood Ave as it would be a big mistake and it's too small of a road. There are children on the road and everyone has a dog, she is happy to see Ray come and clean up the lumberyard and

do something successful with it, but something has to be done to improve the situation. She spoke to the police years ago about the traffic and how fast people go. She feels that the town is growing up too fast, the village is thriving with people of all nationalities, which is good, but it is just going too fast. Listening to the 9W project and what they propose for it and she just thinks of how hard it is to get onto 9W. Listening to the project and having people come out of there onto 9W it is crazy. She thinks Van Wagner would suffer and destroy them. She knows her intersection and there have been more accidents in 9 months than the last 9 years. She has the closest driveway to that intersection. If you want to get into the driveway, you got to look both ways and just hold your breath, there was supposed to be a sign put up that says do not block driveway. If she comes either north or south onto Tillson trying to get into their driveway, she holds her breath and hopes that someone doesn't hit her from behind. If she knows that someone is coming she will go up to Linwood and she shouldn't have to do this, she does have a driveway over the back property. She is really happy for what Ray wants to do, but if the state doesn't fix the sidewalk or the road it's going to collapse anyways.

Nancy (144 Vineyard Ave) said she is concerned about traffic.

Dave said there are only 4 units going into the back building closest to where her right-of-way is. There are 2 offices, some warehouse space that Ray will use for his business which is sound stuff. He thinks that the board would embrace the bridge if it was in good shape. You know how the sidewalks are, the bridge was impacted as well.

Eric (129 Vineyard Ave) asked if this was the only time for public comments as it seems there is a lot happening in there.

Scott said there really is not much happening in there and has been in front of the board at least three times.

Eric said he only got one letter. He supports what the other neighbors have said in regards to safety.

Scott said he understands their concerns and suggested speaking to the town board.

Scott asked for a motion to close the public hearing.
Motion made by Franco, 2nd by Fred.

Andy said that their last comment is that he would like to see how they are closing off the Vineyard Ave bridge, if it is going to be a barricade, chain, whatever they are going to do.

Scott said propose something to Dave that he would accept.

Lenny said that they have done such a nice job cleaning that place up, he would hate to see them gate something up so that people cannot look up into there.

Scott said maybe a gate that is bright yellow that swings into the site.

7-ayes, 0-nays, 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 Fred.

7-ayes, 0-nays, motion passed to approve the resolution.

Merando, Peter: Special Use Permit: 45 Gabriety Rd: SBL #95.4-2-2.125

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

Review status: Public hearing scheduled for March 27, 2025

SEQRA Status: Type II

Potential Action: Open public hearing, approval resolution

Bill recused as he is a neighbor.

Scott said this is a special use permit for what.

Dave said this is a special use permit for a ground mounted solar array that needed DEC sign off, which was received.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2nd by Fred.

7-ayes, 0-nays, motion passed to open the public hearing.

No public comment

Scott asked for a motion to close the public hearing.

Motion made by Fred, 2nd by John.

7-ayes, 0-nays, motion passed to close the public hearing.

Paul read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Franco, 2nd by Charly.

7-ayes, 0-nays, motion passed to approve the resolution.

Continued Public Hearings:

Vineyard Portfolio LLC: Special Use Permit: 19-25 Vineyard Ave: SBL #88.69-3-5

Applicant is seeking a special use permit to convert former commercial space to two apartments.

Review Status: Public hearing opened February 27, 2025
Potential Action: TBD

David Farkas (Applicant) said that the first floor was commercial and he is seeking to convert it to residential and is seeking a special use permit.

Scott said the zoning change went through and if there is anything from staff.

Andy said most of their comments have been addressed, there are just a couple of drawing issues. He asked if this one required sprinklers.

David said yes, it does require sprinklers.

Andy said is the water service going to be able to accommodate that.

David said no, he has applied for a permit to open up the road and add a new 2-inch for sprinkler service, the existing service is going to be used for the residential side.

Pete (Fire Chief) said that he needs to confirm and check the sprinkler design.

Dave said that they need to make sure the fire department is the correct mount connection for what they use and they will take care of that once they get into sprinkler design.

David said that he has submitted plans for the sprinkler system to the building department already.

No public comment

Scott asked for a motion to close the public hearing.
Motion made by Franco, 2nd by Fred.
7-ayes,0-nays, 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.
7-ayes, 0-nays, motion passed to approve the resolution.

3509 Corp: Amended Site Plan: 3509 Route 9W: SBL #88.13-2-9

Applicant is seeking an amended site plan to add a food truck on current site.

Review Status: Public hearing opened February 27, 2025

Potential Action: Close public hearing, approval resolution

Dave said that Patti (applicant's agent) spoke with the owner, the owner has already put mufflers on the vacuums. They are resistant to put a timer on them as they don't feel that that is the solution. The owner is going to plant evergreens along the road to block some of that noise. They determined that the new use was probably not going to impact the neighbors, but the owners wanting to be good neighbors put in all the modifications to the other side of the site.

No public comment

Scott asked for a motion to close the public hearing.

Motion made by Franco, 2nd by John.

7-ayes, 0-nays, motion passed to close the public hearing.

Paul read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Franco, 2nd by Lambros.

7-ayes, 0-nays, motion passed to approve the resolution.

Short-Term Rentals

Nee, Kevin: 400 N Elting Corners Rd

Review Status: Application and supporting documents circulated to board.

SEQRA Status: Type II

Potential Action: TBD

Scott said the applicant did not do what the board asked, so it will be tabled until next month.

Motion to Adjourn.