

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, April 24, 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, Fred Pizzuto, Franco Zani, Gerry Marion, Bill Meltzer, Lambros Violaris, John Dispensa (Alternate), Lenny Auchmoody (Town Board), Tiffany Rizzo (Town Board), Dave Plavchak (Town Supervisor); Board Staff: Dave Barton, Paul Van Cott (via Zoom), Andy Learn, and Sarah Van Nostrand

Minutes to Approve at the April 24, 2025, meeting
March 20, 2025 & March 27, 2025

Scott asked for a motion to approve the minutes.
Motion made by Bill, 2nd by Lambros.
All ayes, motion passed to approve the minutes.

Old Business:

Friedberg, Larry: Special Use Permit: 129 Costa Rd: SBL #87.3-5-28.300

Applicant is seeking a special use permit for an accessory apartment.

Potential Action: Brief update

Vineyard Ave Associates LLC: Site Plan: 88-94 Vineyard Ave (3 Milton Ave): SBL #88.69-8-1

Applicant is seeking site plan approval for a mixed-use building.

Potential Action: Brief update

Dave said that he didn't go to the ZBA meeting, but Sarah reported that the board is poised to approve both projects and when that occurs this board can act.

Scott said both projects are pushed to next month.

Public Hearings:

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: Public hearing set for April 24, 2025

SEQRA Status: Type II

Potential Action: Open public hearing

Richard (owner) said that he is seeking site plan approval for a restaurant.

Scott asked for a motion to open the public hearing.

Motion made by Charly, 2nd by John.

All ayes, motion passed to open the public hearing.

Lacy (3 Tillson Ave) said that she is very excited to see Richard open something up in the old bank, she thinks it is a wonderful idea and she thinks it will bring a lot of value to the community. The owner has involved themselves in all the local events in the town.

Scott asked for a draft resolution for next month.

Bill asked if there were still issues with the ramp.

Scott said if he remembers correctly that was taken care of because there really wasn't much they could do with it.

Dave said all they have to do is make reasonable accommodations.

Scott said it was tied in with the sidewalks and there really wasn't a whole lot they could do with it.

Continued Public Hearings:

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 opened March 27, 2025

SEQRA Status: Type II

Potential Action: TBD

Justin (Applicant) said that the DEC was at the site on April 7th and they gave him a negative JD and that there are no wetlands present on site. He said he is the owner and applicant of the project; his background is in law enforcement; he has been serving as a police officer in his community for the last 16 years. He hopes to bring his compassion and professionalism to the pet crematory business. Pets have become a part of many families, and with this small business and family-owned business. He knows most of the comments out there speak to this as a large crematory and that is not what this project intended to be. This was something that he hoped would be a service that he could bring into the community, that he could offer compassionate after-pet care with integrity throughout the whole process to local vets, but also to the community as a whole. By going to people's homes or to the business was the intention. There were some comments out there on how the animals would be stored, it never really occurred to him to speak to it further it was always his assumption that with this process and with these pets being a part of our homes and families that they would be treated with dignity, respect and care, that they would be refrigerated before any of the cremation process on site. He previously mentioned that not all of the site plan showed every detail, but there is a public area where there are going to be urns and other products that are available, but it is also his intention that this would be able to provide assistance in the bereavement process with families as they work through the loss of a pet. Another issue that also came up that he wishes to speak to is that the Environmental Conservation has passed since March of 2025 that all crematorium need to demonstrate compliance with pollution control regulations in New York State and they are phasing out cremators that don't meet those standards. In previous meetings he has mentioned the air registration requirements, which is not a part of the site plan approval, that application has already been submitted and DEC has returned it. New York State DEC being the governing body has looked at the proposal and the equipment and the site and they believe it is all acceptable and have signed off on it. In granting the air facility registration it is considered the lowest emissions that the DEC will give oversight onto. They said that air registrations typically fall under this business and other business similar to this that would fall under this registration would be a body shop. He also asked Nathan (US Cremation Equipment) to be on the call to speak to the proximity of these facilities to other businesses and where they operate without adverse impacts. He can also speak about the operation more technically than he can, but he feels that he can explain that when this equipment is functioning properly there is no visible smoke or smell. At this point he believes that was all the DEC pieces that were needed, he believes at this point in the process he has completed what was needed for site plan approval, so he would like to ask the board to consider granting that this evening.

Nathan (US Cremation Equipment) said that the machine in question is their Sierra 300 unit and is primarily used for pet cremation and is in use in New York. It has been tested in New York and it meets the emission requirements. Most of the time if you mention a crematory, people think of a big ugly smokestack with black smoke billowing out of it, that is the concept that people have of this. It is really not that way; modern crematories are very efficient in the way that they utilize combustion 99% efficient. It has low

profile stacks and under normal operation there will be no visible emissions emitted from the exhaust stack. Unless someone knew a crematory was there, they probably wouldn't realize there was one there. There are many crematories in residential areas and business districts. There is one in Orlando FL that is right next to a restaurant. These units are able to operate inconspicuously. The other concern that people typically have is what is in the emissions, is it polluted, is it dangerous. The Environmental Protection Agency have looked at crematories in general and back when they did a study on this, they decided that crematories were not something that they were concerned about and left it up to the states to determine if they wanted to regulate crematories. Many states do not regulate them at all, New York and California have the strictest regulations and this unit's emissions absolutely meets the requirements in New York and California. The Sierra 300 model has been tested and has their seal of approval, the emissions the machine produces under normal operation will not have smoke or smell. If you go to the EPA's website and the Cremation Association of America, they address a lot of these concerns and questions that come up. Emissions that are created by a cremation units in terms of volatile organic compounds and any other sources of pollution that people might name they are far below everyday sources that are all around us, sources that most don't pay attention to. For example, a fast-food restaurant produces far more emissions than a cremation unit. A school bus driving down the road produces more emissions than a cremation unit. For these things it's a matter of putting them into perspective and because crematory units are unfamiliar, people will bring a little bit of fear into the equation. He is willing to answer any questions regarding the operation of the unit.

Franco asked if he could explain the combustion process.

Nathan said that there are two stages of combustion in the primary chamber, which is the chamber where the pet is placed. A mechanically operated door under hydrologic pressure seals tightly, once the door is closed, there is a flame that starts. Once the process is going there become a point when the machine provides its own fuel and the flame will back off some. The machine is automated, computer controlled and adjusts the temperature and even adjusts the opacity. As the combustion process happens the exhaust will go down into a secondary chamber. You have a primary combustion chamber and the smoke and gasses from that combustion will circulate down to another chamber, which is called a secondary combustion chamber or an afterburner chamber. These afterburner chambers will literally burn the gas and smoke a second time. The end result with this is an extremely efficient combustion process. After the smoke and gasses have been burned a second time in the afterburner chamber. They will exit the machine through a refractory line stack, refractory would be about 4 inches of concrete lining a carbon steel stack which goes above the opening of the roof, usually its 3-4 feet above the opening. Then the exhaust gases are cooled on their way up.

Sal (37 Brescia Blvd) said that he agrees with the person who spoke at the last meeting regarding it not being an allowed use, that 100-12 prohibits uses that are not listed in the use table. If this is a service his rhetorical question is would a slaughterhouse be considered a service business, could you put a slaughterhouse next to your elementary school. He looked at the EPA table that shows what would be emitted by cremation. He

looked up a paper from the National Institute of Health which explains that exposure to air pollution is linked to lower academic achievement and behavioral problems in children. They are especially vulnerable to it because of their brain chemistry. This facility is about 200 feet from the building where all the kids are and this site is at a lower elevation. To him you cannot ask for a worse spot. No one is against crematories in general, but at this location it is reckless to do that. He said that site plans approval can only be considered if it meets all the zoning laws of the Town of Lloyd. He said you cannot pass that along to consultants, its up to the board when they vote. He feels that this doesn't work and isn't in the best interests of the community.

Megan Bianco (41 New Paltz Rd) said that she has a kindergarten student and an incoming kindergarten student. She is also the director of engagement for Ulster Strong. A proposal before the Planning Board seeks to create a pet crematorium on a site about 200 feet from the elementary school, raises a number of concerns. The Town of Lloyd zoning code states that no visible emissions are allowed beyond a properties border. The DEC permits up to 10% opacity in emissions that would be released from a chimney a mere 200 feet from a school. If the crematory meets state regulations, it fundamentally contradicts it's local ordinances. The applicant has mention a lack of experience in operating a crematory business and struggles to provide satisfactory answers regarding critical aspects of the project. Additionally, the applicant suggests that the crematory will primarily service both picks from shelters and veterinary offices without significant implications on residential areas. Cremation is inherently combustion-based operation that generates emissions typically requiring industrial zoning or at least a special use permits, particularly when located near schools or residential areas. Ulster Strong and her support local, sustainable development and businesses and are mindful of the rights of business owners, however in this case she believes that the proposal needs to be reconsidered at the minimum and requires further study.

Meghan Quinn (10 Woodside Pl) said that she has a daughter in kindergarten and she cannot believe that this is being considered. If she was thinking about moving to a town and the school is next to a crematory that would dissuade her from moving into that town. Some of the red flags that she sees are that there is no visible smoke, no visible emissions, but there are lot of toxins and pollution that is not visible. She said that children are more vulnerable and there are children sitting there in the school with open windows and they are more vulnerable to pollutants. She doesn't understand why the board is considering putting this next to a school. She read that when crematories are not functioning normally they do not function as seamlessly with less emissions.

David (3 Tillson Ave) said that his wife and three children are here tonight and two of the kids attend the school. He wants to remind them that the mascot of the school is the husky, which is a dog and he doesn't think this sends a good message to the community. He refutes the claim that the EPA says this is viable, looking at their website there is a study from 2020 where that the WHO and the EPA both say that care should be taken to limit exposure to crematory emissions, particularly vulnerable populations including children. Aside from the health concerns that they have about this, they want to know what happens when it is not functioning properly. Is the mental and emotional state of

the children that are there, they are already having trouble as children processing death or emotion. He found three studies one from the American Academy of Child Adolescent Psychiatry that says the death of a pet tends to make children remember other painful losses giving them trauma. The European Child and Adolescent Psychology journal says pet death may be traumatic for children and associated with subsequential mental health difficulties later on. This is all while they are in class, five days a week during business hours and that is assuming the business doesn't stay open 24 hours a day to handle the volume. 90% of pets are cremated, where humans are not all cremated, also it is a growing business and is expected to grow 12% more in the next five years. From his research there is about 1,000 children who go to this school on this campus not including the high school and that each animal produces 155 pounds of CO₂, a 100 animals would be 15,000 pounds of CO₂ a day, which is the equivalent of driving from here to New Mexico. It is also the equivalent of driving 3 Indy 500s in one car. He knows that the applicant has sited his compassion to children, he asks him to consider compassion to their children. He said that Nathan mentioned that you wouldn't pay much attention to it, nobody would know it if it is next to a restaurant, but it is not in this case, its next to a school where children attend. Next to the school is the village park, adjacent to that is the hamlet where they have town functions and next to that are baseball fields and soccer fields where those children spend their weekends.

Lacy (3 Tillson Ave) said that she has three kids and eventually all of them will have attended the elementary school. She is a child therapist and one of the things that she has been thinking about is that there aren't many conversations about the children. She hasn't seen anything about the psychological effects, it hasn't been discussed yet and she feels that it is really important as a community that they think about these things because it is not just a business. She is not against business and not against crematoriums, but the optics of this are terrible. This would be the only crematorium in the entire state this close to a school, she has gone through every one in the state and they are all at least 500 feet, most of them are set back in rural areas or are already on a cemetery. She feels that this is because the applicant doesn't have much experience with crematories business, that he didn't think about how close to a school it would be. She feels that people have to get a special variance and take their time to make sure this fits into community and that it fits with the goals and fits in with the health and wellbeing of the most vulnerable people which are the children. It was stated that there would be no visible emissions, no smoke, but particulate matter is very small, it's the size of a grain of sand and you cannot see it, but it will come out of the smokestack if it's operating ideally, it will come out a little grain of sand, but no one really knows how many particles are going to be coming out of the smokestack. They don't know if its going to be operating well or if there are going to be problems. They have to do testing of the stacks prior to opening the business and that involves excess emissions. Any amount of particulate matter is dangerous and not good for development as they accumulate overtime.

Kim Goodall (Resident) said that she has been a lifetime resident of the town. She had the pleasure of raising her three kids in the town, so this is definitely a concern to her. She understand the need to have compassionate care for pets that is not the issue, the issue is the location. They are talking about building a crematorium that is literally a

stone throw away from where children play and growing. A lot of people have spoken of the toxins that would potentially be in the air. Another key factor is in the elementary school there isn't any AC in the classrooms and on warm days they have the windows open, fans are on and what is that going to potentially going to bring into the classrooms while kids are learning. As they have said it is not completely free of emissions, there is going to be something in the air and that is what is concerning. The other thing she wanted to bring up is that children's lung are not fully developed until 8 years old. Most kids are entering kindergarten at the age of 5 and their lungs continue to develop, which is something that needs to be considered.

Ashley (6 Hillside Pl) said that she is against this project due to the location of it.

Elizabeth (389 South St) said that she just learned about this and is surprised. She understands that growth is important. She has lived in the area for years and her kids went to the elementary school and it is a wonderful place. She is worried about the precedent that this might set if it is approved, what other business might come and want to get the same approvals. Would they have to be approved because they approved this one. She also worried about the liability this might lead to if kids do get sick. What happens if something goes wrong, it is too much of a risk to take and put the town in that position, she doesn't understand why this would even be approved.

Kim (6 Woodside Pl) said that she is only just learning about this. Her understanding from what she has been able to read is that this would be a deterrent to the young children and it is right next to the school. She is also highly against this.

Allison (1 Woodside Pl) disagrees with the location of the facility. She wants to stress what her neighbor mentioned, she has a 2-year-old child and decided to settle down in Highland because she has heard wonderful things about the schools and the community. If she hadn't moved here yet and heard that there was a crematory next to the school they would have looked elsewhere. It will really be detrimental to the community and school district.

Andy said that the DEC issues they had have been satisfied, but there are still issues with the site plan.

Scott asked if there was anything that Nathan could speak to.

Nathan said that the public has done their research and have listed off a myriad of chemicals that are released during the combustion process. He is not here to say that there are no emissions. The main thing he has learned in this industry is that the other sources of emissions people are fine with because they are familiar with them, a residential fireplace, a fast-food place, a bus driving down the road, these things put out far more of the various chemicals that they are discussing here. He can answer questions like how the machine operates and that it does meet the most stringent requirements in the entire county as far as emissions are concerned. There are no laws or regulations that this machine would break in terms of emissions, the types of emissions. It is New York

State safe which means New York has looked at this and determined that the emissions produced by this is well below anything that they would consider hazardous.

Scott asked Paul if he had anything to add.

Paul said that it depends on what the board would like to do next, the board may want to consider putting the hearing forward for an undetermined amount of time. They haven't talked about the fact that there has been an appeal submitted to the Zoning Board of Appeals questioning the building department's determination that this is a service use. That will be on the ZBA's agenda for discussion at its May meeting. If the board determines to accept that appeal it could potentially have its own public hearing to both hear from the public but also from the appellate, so it could take a month or so before the ZBA decides what it wants to do with that appeal. This board is not foreclosed moving forward with the site plan review and the board could close the hearing and direct that a resolution be drafted, but the board may want to wait and see what the ZBA says. That is why he suggested that they continue the public hearing with a date to be determined to allow for the possibility that the ZBA does a hearing.

Scott asked the board if they wanted to wait for the Zoning Board.

Board agrees.

Scott said at the same time he would like to get some more information.

Franco said what the board heard tonight were a lot of questions about the combustion and what happens during the combustion process if the burner is not working to spec.

Nathan said that the old cremation units would operate off of timers and basically analog type equipment. The modern machines are computer controlled they have sensors that will adjust gas and air to compensate as things fluctuate during the process. Primarily as you were asking what happens if the combustion process goes in a direction that you don't want it to, then there is what is called an opacity sensor. At the base of the exhaust stack as the emissions are starting to rise, there is a laser that passes through the exhaust stack and it measures the opacity of the emissions as they are moving up the stack. It is a very sensitive device, it will sense any changes in the opacity, if it goes in the negative, it will automatically adjust the burn and air flow to compensate and make sure things stay on track with the combustion to eliminate the smoke that might emit from the stack.

Scott said in the event there is an issue with that burner and it is going south, what does the EPA do? Do they come in and shut them down immediately?

Nathan said to say that they would shut them down immediately is a stretch. They are required to keep records. One of the things that indicates if a machine has had an issue with emissions or smoke whether it is visible or not. The machine is equipped with a graph, it's a chart recorder and that is a physical record of what is happening with that machine during the process. The facilities are typically required to keep a circular paper

chart thing that goes around and tracks the cremation. You would remove that graph and put it in a file and store it. The DEC would come out and do an audit and based on what they are looking at with this charts. If something happens and some smoke emits from the stack there may be a case where someone might call and say they saw smoke. They will investigate that, maybe it was for a moment, maybe it was something that went wrong (operator error), but there will be a record of that. If they have violations there where either the machine hasn't been maintained properly, yes they will shut it down.

Resident said that 1 Woodside Place used to be a funeral home and they refused to do any cremations there and she doesn't know what the past practice was. Was it past practice that it wasn't allowed there. She doesn't know if the other funeral home do cremations or not.

Fred said he doesn't believe they do.

Another resident said that Nathan mentioned that there is a record of the performance of the machine which he would define as reactionary measure. What preventive measures are there with this advanced technology. What is the preventive measure that takes places before something goes wrong.

Lacy said there must be a period of time when this could malfunction and they don't know how long that is allowed to go on. She found articles online from neighboring states where a crematorium was pouring out black smoke for five years all the time and there are a bunch of similar ones. As town they have to decide if this is something that they want and hope that it goes well, and if it doesn't then how long would it take to get rid of it.

Scott said with everything everyone in the room said he doesn't think one spot of smoke would go unnoticed for more than an hour. They do have regulations.

Lacy said the dual chamber machines are much better than the ones of old, but even changes of the moisture, of the temperature can affect the machines and are out of everyone's control.

Dave said the board is poised to move the public hearing to an undetermined date. Just because the public hearing is open doesn't mean that you have to come to a meeting to have your voice heard, you can email the department at any time.

Scott asked for a motion to push this to an undetermined date.

Motion made by Franco, 2nd by Bill.

All ayes, motion passed.

Motion to Adjourn.