

APPROVED:
MOTION BY: **SECONDED BY:**
AYES: **NAYS:** **ABSTENTIONS:** **ABSENT:**
DISTRIBUTION: OFFICIAL MINUTES BOOK – TOWN CLERK – BLDG DEPT.

Certification of Receipt
By: _____ Rosaria Peplow, Town Clerk
Date: _____

WORKSHOP MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, January 16, 2014

CALL TO ORDER TIME: 5:30pm

PLEDGE OF ALLEGIANCE

ATTENDANCE Present: Scott Saso; Chariman, Lawrence Hammond, Bill Ogden, Carl DiLorenzo, Peter Brooks, Fred Pizzuto, Fred Riley, Dave Plavchak, David Barton; Building Department Director, Andrew Learn, Engineer; Morris Associates, Michael Horodyski; Town Board Liaison
Absent: Brad Scott

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

Scott Saso introduced and welcomed Michael Horodyski. Mike is the new Planning Board Liaison from the Town Board.
Mike thanked the Planning Board saying he was honored to be a part of the Planning Board and that the changes that have been happening over the past years have been hugely beneficial to the Town. He went on to say: You have a great Chair Person and a great Building Inspector and a lot of things filter through them but you have my number and you have my email; and I would be happy to take all comments, questions, anything for the Town Board side, but the best thing I think we could do as a Town Board is to let you do your job because it has been, by all accounts, really well received. Continued success to you guys.

New Public Hearings

Cusa SCC Holding Corp; Lot Line Revision, 90 New Paltz Rd, SBL#87.4-3-21.100, in R1/2 zone.
The applicant would like a lot line revision for the purpose of relinquishing the area from Lot 1 required to incorporate the recently constructed office and garage so that all the associated improvements with said office/garage are wholly contained within Lot 2, conforming with the required zoning constraints. It is the applicants intent that the area necessary to accomplish that, 0.411 acre shall be deeded to Lot 2, Lands of SCC Holding Corp.
Scott: I think at our last review we thought this was an improvement over what was currently there. The Board had no further questions.
The public hearing is set for next week 1/23/14.

Basciano, John; SUP, 98 Half Moon Road, SBL#95.2-9-16.300, in R1 zone.

A permit was issued for the construction of a 2 car detached garage with storage over it.

Proposed is to convert this storage area into an apartment, thus legalizing a two family on a single lot.

Scott: We have gone round and round with this one a few times, there are some court orders in place. We found a loop-hole in our code and this will be one of our important issues to address early this year.

Larry: What was the court's decision? What did the court say?

Dave B: The court directed the applicant to work with our department to legalize the use or demise the use. The use has been in place for many years, it was our department's decision not to remove the use. He could apply to this Board for a two-family based on the zone in place. I could write this right into the approval.

Larry: Okay.

Peter: Wasn't there also an issue, not that it was just non compliant to the code, but it was in serious non-compliance with the Building code.

Dave B: Yes. That piece you don't care about, it's a zoning piece, yeah he has some work to do. Currently both property pieces are unoccupied.

Scott: We want to explore the limiting the number of structures.

Peter: The definition of two family vs two structures.

Larry: What is the buildable area? I know it is eight acres, but what is the buildable area? This is a mountainside. You need to have one buildable acre of area for each residential structure.

There were no topos on the map, we will reach out to Lou DuBois, the applicant's representative, to show that the applicant has the two buildable acres.

Bill: Is that a general rule for acre zoning?

Larry: If you have 100 acres and only 50 of the acres are buildable, you can only have 50 homes.

Scott: I think we are looking at it the other way; if you only have one acre and you have a small pond on it you can not build on it.

Andy: What we are talking about is generally applied to subdivisions.

The Board had no additional questions.

The public hearing is set for next week 1/23/14.

New Business

Antonio, Paulina and Benjamin, SUP for accessory apt.; 5 Cusa Dr, SBL#95.2-8-15.212, in R1 zone.

The applicants would like a special use permit to legalize their basement apartment.

Mr. and Mrs. Antonio were present for the meeting.

Scott: This is oversized but it is already pre-existing.

Mrs. Antonio informed the Board that they did get a permit to close off the garage and then additionally added a kitchen. This apartment is going to be for her mom, this is why they will be using interior access to the basement.

The Board reviewed a floor plan of the existing conditions.

Peter: What you had before was that you closed the garage and made a bedroom but you did not have a kitchen. Now you are looking to get that legalized.

Scott: This was all legal to do, the only issue was just adding the kitchen. Part of our code is we have a limit on the square footage to what can be considered an accessory apartment. Right now you have too many bedrooms and too much square footage for us to say this is okay. Currently the square footage is a maximum of 650sf.

Looking at your layout, this is tough because it is done.

Dave B: I have not seen this, just this afternoon I did a quick calculation and the square footage is over. They could reduce the size, which someone had suggested or they could go to the ZBA for a variance on the area. I don't think this should be before you, better that they sit here and you can give them direction of where they could lose space, perhaps renovate space to comply with the zoning code. I do think that the space of two bedrooms is a problem, if they lose one they will get closer to the 650sf. They may need to lose some of the living room as well.

Peter: Under our current rule are two bedrooms allowed?

Dave: Yes, they are.

Peter: I think our instruction should be to work with someone and see how you can get the apartment to be no more than 650sf.

Dave B: Perhaps the applicant should come in and meet with me.

The Antonios will follow up with the Building Department.

Old Business

MML Homes, Crescent Avenue Realty LLC, Subdivision SBL# 95.1-1-18.1, in A zone.

The application was submitted in March of 2010.

This application is for a 27 lot subdivision, 22 lots are in the Town of Plattekill and five lots are in the Town of Lloyd. The public hearing has been opened in the Town of Plattekill and now the applicant would like to open the public hearing in the Town of Lloyd.

The applicant's representative, Ryan McGuire from KC Engineering, was present for the meeting.

Ryan: This project started back in 2005, a 26 lot subdivision primarily in the Town of Plattekill. There are five lots at the end of a cul-de-sac in the Town of Lloyd. We have addressed all of the the Town of Plattekill's Engineer's comments. Their Planning Board opted to keep their public hearing open until we get the Town of Lloyd's input.

Peter: Also, The Town of Plattekill has talked to Rich Klotz our Highway Superintendent because of the question of who will maintain the roads for these five lots. My understanding is that Rich Klotz has agreed that Plattekill will take care of these and the Town of Lloyd will take care of Crow Hill Road. Some sort of swap.

Ryan: There is a subdivision approval agreement, offer of cession and an inter-municipal agreement that both Town Attorneys have reviewed and offered their comments. I think everything was hammered out and will be executed at final approval.

Dave: Our department was waiting for a notation along the line between Plattekill and Lloyd showing that access for us to cross the Plattekill piece was built in. Do they have a drainage district down there?

Ryan: What is going to happen is that all of the infrastructure and ponds are going to be on the side of the Town of Plattekill.

Dave: It seems to me the maps we have shows topography on the Town of Lloyd side that is a piece of the pond.

Ryan: There may be a little bit of grading there but there is nothing inside of the Pond on the Town of Lloyd side. I think it is just cut back into the bank a little bit. I believe that the plan right now has one catch basin over the line and I will address that.

Dave: Whatever happens we want a piece of the drainage piece, they will not be able to collect taxes for those five pieces on our side, but we are going to want at least some protection in the inter-municipal agreement showing that we are relieved from responsibility of maintaining the catch basin.

On file there are draft copies of these agreements, a note being made to check with Sean Murphy that agreements clearly state if infrastructure is on the Town of Lloyd property, the Town of Plattekill is responsible for it.

Ryan: The catch basin will be moved back into the Town of Plattekill.

Andy: Is the Town of Plattekill an MS4?

Ryan: I am not sure. We will incorporate that into our inter-municipal agreement.

The Board reviewed maps, talked about pond access and drainage.

Larry: Was the soil tested?

Ryan: The soil was tested for perk testing and it will be completely designed during Ulster County Department of Health review. Yes, we did do pesticides testing, I do have the results and all of the lots need to have soil mitigation. The soil will be brought across Crescent Ave. to a little flag piece and every thing will be placed back behind all the properties in one location so each homeowner does not have to worry about deed restrictions. There will be something placed on top of it then some top soil and seeding.

Scott: These lots will have Town of Lloyd Building permits?

Dave B: These lots are all Town of Lloyd's, we will do the permits, collect the recreation fees, and taxes. The Town of Plattekill is doing all of the SEQRA pieces, the Town of Lloyd will adopt their findings statement in the approval. The Town of Lloyd Planning Board anticipates setting the public hearing next week for the February meeting.

Scott Saso recused.

Dave Plavchak took the Chair.

Brad Builders-Trail View Place, Subdivision, 6 Commercial Avenue Ext, Toc. Dr., SBL#88.17-11-2, in PRD zone.

The applicant would like a two lot subdivision of 2.87 acres of land to provide a 0.27 acre lot with an existing residence and 2.60 acre remaining parcel for further development of multi-family residences.

Patti Brooks of Brooks and Brooks P.C., the applicant's representative, was present for the meeting.

Peter: The subdivision from my recollection is very straight forward.

Patti: Yes. We are separating the existing house from the rest of the parcel.

Peter: And this a conforming lot.

Patti: Yes. There are no issues with that. Originally we were showing it on the site plan and then it seemed cleaner to do the subdivision first and have the site plan on the remaining land.

Bill: Is this Town sewer?

Patti: Yes Town water and sewer.

Peter: There is frontage on the road?

Patti: Yes. This started out as a right of way and when the Maybaum subdivision was done the Town of Lloyd took title to the land. They still have access out to Commercial Ave. because this road still has not been built, but they do have road frontage. So it meets the provision of the code of having road frontage because it states "road frontage shown on a plat approved by the Town". This was a pre-existing non-conforming lot, now at least it is conforming in that it has frontage on a Town owned road, it just has not been dedicated yet.

Peter: So it is Town owned property not exactly a Town owned road.

Dave: It is actually laid out like a road, as a part of the Maybaum subdivision that is how they laid it out.

Peter: What was it called.

Patti: Roseanne Way or something like that.

Peter: Has the Town thought about making it a road?

Dave: The Town has been in consultation with Brad Scott, previously. In order to subdivide further into the property Mr. Scott suggested that he may pave it out to where the curb is. Frank Lombardi at the time was going to pave it himself to solve a lawsuit, which dealt with drainage issues, the road would have helped mitigate it. We found another way to mitigate that so the road never got built.

Andy: Has there been any discussion on a connection to the Rail Trail?

Patti: Yes, we will use one of two ways to hook up to the Rail Trail. One sketch shows it coming through the property and hooking up to the Rail Trail, the other one would be going through Mrs. Torsones property. Ruthann Torsones has indicated a willingness to grant a pedestrian access. This is the preferred way.

Dave: Patti Brooks has done an EAF on this, so we will review the EAF, send to the County for review and set the public hearing.

Peter: This has already been to the County.

Andy: The subdivision has been to the County?

Patti: Yes, we showed the subdivision for the PRD approved by the Town Board.

Andy: One other question on the bulk requirements. The PRD does not have any bulk requirements?

Patti: Correct.

Andy: Maybe the minimum lot area should be changed to read N/A instead of 2.87.

Patti: I will change that, it is a cut and paste mistake from the PRD site plan.

Patti: I will need to change the EAF form, when you try to make a change on the mapper on line it does not change. So I will need to come in and hand change that with some white out.

The Board anticipates setting the public hearing next week for the February meeting.

Brad Builders - Trail View Place, Site Plan, 6 Commercial Avenue Ext, Toc Dr., SBL#88.17-11-2, in PRD zone.

The applicant proposes to construct a 36 unit residential multi-family complex on a 2.6 acre parcel of land located on the easterly side of Toc Drive. The subject parcel was re-zoned as a PRD by the Town of Lloyd Town Board on 8-21-13.

A total of six buildings with six residential units per building are being proposed. Access to the Rail Trail, on site mail receptacle, playground and bus shelter are all included in the design. The project will be served by municipal water and sewer services and will be a single phase construction project.

The applicant proposes to subdivide this 2.87 parcel into two lots. Lot 1 will have 2.60 acres and Lot 2 will be the remaining 0.27 acres.

Patti Brooks of Brooks and Brooks P.C., the applicant's representative, was present for the meeting.

The Board reviewed an updated site plan as well as the comments from the Building Department Director.

Dave P: This is recommended as an unlisted action, it does not appear to trip the type 1 list. Are we all okay with this?

Peter: The only thing it has got is the wetlands and that doesn't trip it?

Andy Learn, Town Engineer, was given permission by the Board to speak directly with Medenbach, Civil Engineer and Land Surveyor.

Bill: I remember one of the concerns was is this going to be the straw that breaks the camel's back at the intersection of Toc Drive and Vineyard Avenue, as far as traffic is concerned?

Dave B: I do have a note in my letter (see attached), that you guys did discuss this and I talked to Patti Brooks a while ago. How many parking spots are there?

Patti: There are 36 units with 72 spots.

Dave B: So even if they all left at one time it is only going to add 30 seconds at the stop sign, and that is only if they all leave at once.

Peter: The original traffic study indicated that way more traffic could be tolerated.

Bill: Is anything moving on that intersection?

Dave B: There is a report that it will still be a two way intersection, and it is back to the re-alignment piece. The Board discussed the Tillson/Toc intersection and the traffic there being the product of the **via-duct** and travelers from New Paltz not Toc. Dr.

Peter B: Is there or isn't there going to be rail trail access?

Patti: Absolutely.

Peter: Well it is not here yet.

Patti: The preferred was is through Ruthann's. I cannot show it until I get it on the dotted line, I have been working with her, I have gotten a verbal but I need it written.

Bill: He does have it.

Patti: Yes, he has it right now. Right now you can go down the right of way onto the rail trail. This is the worst case scenario. The next worst case scenario would be coming down along the edge of the property and then back up to the rail trail. The preferred way is the Torson property.

Patti: I will show some direct access and if I get better access I will change it.

It was encouraged that the applicant possibly put up a small no trespassing sign on the rail trail side.

Dave P: Before we review Andy's memo, was this sent to the fire dept?

Patti: Yes. I met with the fire department back in October. We incorporated several issues and concerns of Pete Miller at that point in time. He had supplied us with the turning radius of the big fire truck and we have taken care of that, and I actually have another meeting with him tomorrow morning at 8:00am to review the changes we had made and make him aware that we are putting the other hydrant at the end of the water line in addition to the one that we have.

Andy: You should probably show the turning radius on one of the sheets. I do think that this layout is much better than before.

Attached is a copy of Andy's memo and below are some comments discussed regarding the memo.

Additional comments:

Andy: If there is going to be a sign, it will need to be shown, we had talked about a playset or some amenities in the back.

Patti: We had talked to the applicant about that and he had a concern about the liability of having a playground on site, so he would like to put a lawn area that could be a play field. We are so close to Berean Park and the Rail Trail, we were hoping that the Board would consider that.

Larry: Put that in the motion when we make it.

Andy: I know that the area is overgrown right now but the Board may want to weigh in on if they think that the abutting Marcellino property could use some additional buffering.

The Board agreed that there is a lot of vegetation there right now.

Inaudible comment

Dave B: That area is pretty open right there maybe a little landscaping.

Andy: Or a fence.

Dave B: Good idea.

Patti: I will do that.

Andy: Same comment about the screening, there is a light pole on the corner of the Marcellino property that the light levels go a little bit higher than the 2.25 that is allowed.

Patti: I realized that today and we are working on that.

Andy: Are any of the lights going to be on timers or motion sensors?

Patti: None of the lighting are proposed to be shut off at night or equipped with motion sensors as they are for safety and security purposes and will remain on all night. (Patti had the specs for the light)

Andy: You may want to check with the post office about the mailbox location.

Patti: I will do that. Where it is shown on the site plan is not where I proposed it to be. I think the engineer moved it. I did not want some one to park and leave their car there while they went to get the mail. I had shown the mailbox next to the bus stop with a sidewalk down to it so that people would park near their apartment and walk down to the mailbox. I will meet with the post office and add the detail to the plan. I have two different types of mailbox choices. We are suggesting three separate boxes rather than one cluster of mailboxes.

Andy: The Board may want to think about a post and rail fence near and around the pond.

Patti: What they are proposing is a black wrought iron fence on top of the retaining wall. There is a guard rail all around to keep people from wandering in.

Bill: There usually is no standing water in that is there?

Andy: There is about four feet of water all the time.

The Board and Patti discussed the liability and the fencing.

Larry: If there is going to be standing water how about an aerator or something to keep the mosquitos away.

Andy: Per the DEC if you make it 4 feet deep you should not have mosquitos.

Andy: I asked about the easement on the property for the sewer, the rest of the comments are really technical and I am not going to get into the SWPPP comments.

Larry: Can we turn the buildings a little bit.

Peter: I think to remind everyone the thing that the County was all on about was that as originally designed the buildings looked like rectangular boxes.

Dave B: We have a solution for that.

Patti showed the Board three different elevations being the same plan just different colors. The applicant has not seen these yet.

Dave P: So are we waiting to hear back from anyone?

Dave B: I met with Patti earlier today and we went over this letter that Andy did, which I think is as good as we could have ever expected, so thank you for that.

Patti: And for doing it so promptly.

Dave B: Because of the comments we have gotten back I recommend in my letter, that I think I heard you guys say negative declaration on this, there is no significant environmental impact, therefore you could probably set the public hearing for February. I also recommend that I would like to hear the public's comments.

In case adjustments are needed.

The Board anticipates setting the public hearing next week for the February meeting.

Dias, Joao, 565 Riverside Rd, Site Plan, SBL#88.1-1-4.200, in DB and R1 zone.

The applicant would like site plan approval for his concrete storage business. The Board is waiting for Mr. Dias to obtain a building permit for the fence that is shown on his siteplan, then they will resume site plan approval.

The applicant has submitted a building permit for a fence. He is sick and could not make the meeting.

Administrative Business

Sign Approval

Sign-Galm, William, Sign Approval, 599 Route 299, SBL#87.1-3-17, in LI zone.

The applicant would like to change the sign for his business. The structure is existing, he would just like to replace the sign.

The ZBA has given an interpretation that this use, selling of sheds, is the same as the previous use, selling of modular homes, and it is retail.

The Board looked at a map that showed the size of the structures that used to be on the property and the square footage was 5800sf. The new use proposed is coming in around 3200sf. The office will remain with half being the sales of the modular homes. This is not being sent to the Planning Board for site plan review because it under the use. Our site plan trips for existing buildings at over 2000sf more. He is going less than what was on site before.

The sign being replaced is the same size and in the same location. The Board had no sign concerns.

A **Motion** was made to accept the proposed sign by Fred Pizzuto, seconded by Dave Plavchak. All ayes.

Mountainside Woods

The project known as Mountainside Woods would like to extend their final approval date. They are presently in the process of meeting their conditions and would like an additional six month extension to fulfill their obligations.

According to the State the applicant allowed two 90 day extensions.

Bill: What is the basic problem for the need of the extension?

Dave: The bond company that he originally worked with, come to find out is not certified in New York State. He did get backing to protect the performance bond.

Bill: So there is no problem with the plan.

Dave: No there is no change to the plan.

The Board will grant the extension at the meeting next week.

A **Motion** was made to adjourn by Fred Pizzuto, seconded by Dave Plavchak. All ayes.

PHONE (845) 691-2735

12 Church Street
Highland, NY 12528

Town of Lloyd
BUILDING DEPARTMENT
"The Gateway to Ulster County and the West"
OFFICE OF BUILDING DEPARTMENT SUPERVISOR

Application Review re: Trail View multifamily project: Toc Drive

S.B.L. #88.17-11-2

Date: 1/15/2014

Dear Dave Plavchak, Planning Board Acting Chair, et al. :

The following is our response to the application submission received on the above project. I have reviewed the plans and have comments on the project.

I recommend that the action under SEQRA is an unlisted action as it does not appear to trip the Type I list of thresholds nor does it appear on the list of exempt actions under Type II.

The use is an allowed use [multifamily] in the PRD zone.

The applicant has submitted a drawing showing the location of the property, the proposed and existing items on the lot, and the lots around the property. The submission was prepared by Brooks and Brooks et al, and is dated January 6, 2014.

I have reviewed the recent letter from Andy Learn, of Morris Associates, dated, 1/15/2014, and find it a full review of the project. I have also met with Mrs. Patti Brooks regarding the letter from Andy. She is prepared to respond to the letter in full, with modifications as needed. Technical issues will be resolved with Barry Medenbach or his representative. Andy should be given permission to contact Patty Brooks and Medenbach directly as they respond to the appropriate comments.

I find the buildings situated appropriately throughout the site, and have been involved in discussions as the design team has gone through various incarnations of site design. I have also been involved in discussions of the building design. The Planning Board has seen a few of the variations of site design and building appearance. Several design modifications have been considered, and the currently proposed design is a marriage and compromise of the best and most cost value added elements of each of the previous versions. The buildings will comply with the PRD requirements in terms of height, coverage and density. Stormwater is covered in a SWPPP, and uses some low impact techniques to minimize water flow off the site. Andy Learn also has, under separate cover, a list of items that Medenbach and his team will address. I have met with Billy Crowder, who will perform the site work and excavation, and have covered various elements of soil and sediment erosion control (see sheet included in the submission) and I have suggested further test

holes dug to check in various locations on the property for occurrence of ledge rock, which may impact building construction, but which will probably not impact the Planning Board's considerations.

The Planning Board has discussed previously the parking numbers, and considered the traffic load addition to Toc Drive. It is my understanding and belief that the Board believes that the parking is sufficient (in fact, per the code, they are actually over the required amount) and that the board has previously determined that the additional traffic load would not add a significant negative impact to the traffic pattern on Toc Drive.

I believe that many of the items brought up in the letter from Andy Learn will be addressed with some speed, as they include things like details for fencing and whether or not building wall packs will be used for illumination. I feel that the Planning Board, based on discussions to date, feels that this will be a Negative Declaration, and therefore, I recommend that the Planning Board, at its January 23rd meeting, make its SEQRA determination of Negative Declaration and set a public hearing for the February meeting.

Yours Truly,

David E. Barton II
Town of Lloyd, Building Department Director, Code Enforcement Officer

