

APPROVED:

MOTION BY:

SECONDED BY:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

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By: _____
Rosaria Peplow, Town Clerk

Date: _____

MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, February 27, 2014

CALL TO ORDER TIME: 7:00pm

PLEDGE OF ALLEGIANCE

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

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

New Public Hearings

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

This application was submitted in March of 2010.

This is an application for a 26 lot subdivision, twenty-one lots are in the Town of Plattekill and five of the lots are in the Town of Lloyd. The public hearing has been opened in the Town of Plattekill.

Scott Saso reviewed the processes of a public hearing.

The Board is satisfied with their part in this subdivision.

The public hearing notice was read:

TO THE EDITOR OF THE OFFICIAL NEWSPAPER:

New Paltz Times

Email: dale@ulsterpublishing.com

THE FOLLOWING LEGAL NOTICE IS TO BE PUBLISHED:

WEEK OF: February 20, 2014

FORWARD PROOF OF PUBLICATION AND ALL BILLS TO:

TOWN CLERK, TOWN OF LLOYD
TOM SHAY SQUARE, 12 Church Street
Highland, New York 12528

LEGAL NOTICE
TOWN OF LLOYD PLANNING BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Town of Lloyd Planning Board, Ulster County, State of New York, on the application of MML Homes, Crescent Avenue Realty LLC for property on Pancake Hollow Rd. (SBL: 95.1-1-18.1), Highland NY, 12528, proposing Subdivision. This is a 26 lot subdivision with 5 of the lots being in the Town of Lloyd and 21 lots being in the Town of Plattekill.

The public hearing will take place at the Town of Lloyd Town Hall on Thursday, February 27, 2014, at 7:00PM, or as soon thereafter as may be heard.

Date: February 13, 2014

Any questions, call (845) 691-2735, Monday through Friday, 8:30am – 4:30pm, or email us at prober@townoflloyd.com

A **Motion** to open the public hearing was made by Lawrence Hammond, seconded by William Ogden. All ayes.

There were no public comments.

The applicant for this project was not present for the meeting. The Board thought it best to extend the public hearing so that the applicant's clock does not begin to count down towards finalization.

A **Motion** to extend the public hearing was made by William Ogden, seconded by Lawrence Hammond. All ayes.

Recused: Scott Saso and Brad Scott.

William Ogden 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 the applicant's representative was present for the meeting.

The Board's intention was to look at the two Brad Builders projects as separate applications and do the subdivision first.

Larry: Does the lot being subdivided have public access?

Patti: It has public access over a right of way to Commercial Ave Ext..

Larry: And it is buildable?

Patti: It's already been approved.

Bill O: Informed the public that there are two different applications for this builder and the Board would like to do the subdivision first.

There were no additional Board comments.

Bill read the public hearing notice:
TO THE EDITOR OF THE OFFICIAL NEWSPAPER:

New Paltz Times
Email: dale@ulsterpublishing.com

THE FOLLOWING LEGAL NOTICE IS TO BE PUBLISHED:
WEEK OF: February 20, 2014

FORWARD PROOF OF PUBLICATION AND ALL BILLS TO:
TOWN CLERK, TOWN OF LLOYD
TOM SHAY SQUARE, 12 Church Street
Highland, New York 12528

LEGAL NOTICE
TOWN OF LLOYD PLANNING BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Town of Lloyd Planning Board, Ulster County, State of New York, on the application of Brad Builders – Trail View Pl. for property at 6 Commercial Ave. Ext. (SBL: 88.17-11-2), Highland NY, 12528, proposing a Site Plan and Subdivision. The applicant proposes to subdivide this 2.87 parcel into two lots. Lot 1 will have 2.60 acres, with a residential multi-family complex on the easterly side of Toc. Dr. and lot 2 will be the remaining 0.27 acres and will contain the existing house.

The public hearing will take place at the Town of Lloyd Town Hall on Thursday, February 17, 2014, at 7:00PM, or as soon thereafter as may be heard.

Date: February 13, 2014

Any questions, call (845) 691-2735, Monday through Friday, 8:30am – 4:30pm, or email us at prober@townoflloyd.com

A **Motion** was made to open the public hearing by Peter Brooks, seconded by Lawrence Hammond. All ayes. Comments:

Sean Caswell of 36 Toc Dr.: I have lived here for about 18 years. My problem with the subdivision from the getgo is that the reason for the subdivision is to make this a multi family-property. We all live in single family detached homes and you are going to put a three story multi-family dwelling within 30 feet of my back window. To me the only reason why you are subdividing is to build the other portion of this. If this was to be subdivided into single family dwelling lots I would not have a problem with that. It is rentals and I have a big problem with that in a residential community of single family detached houses.

Patti B: Just to clarify for the Board and for the general public, it was not necessary to subdivide this property to come before the Board with a multi-family proposal. The entire property was rezoned PRD, Planned Residential Development zone.

Sean Caswell: I have never received a public notice in reference to that.

Ed Dapp of 4 Commercial Ave. Ext.: You keep referring to this right of way as public property, what makes it public?

Patti: I did not refer to it as public highway, I said they had a legal deeded access right of way out to Commercial Ave. Ext.

Ed Dapp: Technically the house and everything does but the rest of it goes to your second part of this application, so I will hold off on this comment for now. I just want to make clear that this is not any kind of public road.

Patti: I agree, I am not disputing that at all.

Arlene Krikelis of 2 Commercial Ave. Ext.: I was just involved in a law suit concerning my property with the Town concerning encroachment on my property. I am not feeling well and I have been sick all week. I have to say that that right of way is a deeded right of way to my house and it goes back 100 years. And in that right of way my property actually exists on that road. It is a one way dirt road. The public does walk through there now entering the rail trail and my problem with that is people enter my property use my swings, they think it is part of the rail trail. I feel like here is the encroachment coming again. Part of the agreement on our lawsuit was that we would not have any encroachment onto my property and I don't care if it is a car driving on that road or it is people walking on that road if somebody falls at that driveway and it happens to be where my property extends then I am sued. I would also like to make it clear, it is a deeded right of way from my house 25 ft. on each side of that road from the middle of the road. I am pretty upset because I saw Mr Scott put his tail between his legs and run out of the room. I did not even know that he was on this Planning Board. I think that this is a little bit of a conflict of interest, I know that people want to make money off of their land, I understand that, but don't do it at my expense. He should have this thing he wants to have, but I don't think the people walking through there is the right thing for any of us.

Cassandra Krikelis: If someone falls on our property my mother is the one who will get sued, not Mr. Scott, not the Town of Lloyd but my mother. We have had people come through our back yard from the rail trail, I have had people actually slam their hand on my car as I am trying to get in and out of my home.

Bill: Some of this is a problem with private property.

Arlene Krikelis: They are selling this complex to come and walk on the rail trail. I don't think any of you care because you don't live there and it is not where you have to reside. Mr. Scott he just wants to make money.

Sean Caswell: Two people on the Board are involved in the project they still have influence in the Board's planning. What was it zoned before it was changed? Residential, not public development. You have three story buildings going in a community that has single family houses. Just for giggles, being as I am in the construction business, what kind of rental property is this? What is going to be the price point of this property?

Peter: We do not know, that is not part of our preview.

S. Caswell: Because that will tell me whether it is low income housing rentals or if it is medium income housing rentals and then my property value will crash, because if it is low income housing, state subsidized, our property values go down.

Patti: I want to clarify that Brad Builders is not Brad Scott's business, who sits on the Board, it is his sons. This project which has been going on for over a year, both Brad and Scott have recused themselves from any deliberation. So they did not leave the room because they did not want to necessarily hide from anyone, they left the room because that is what the Board has decided would be the best option for them to take so that the Board could act autonomously. Every person on this Board plus any independant consultant that reviewed the project looks at this independently. My personal opinion is that this Board is well versed enough to make independent decisions and that is one reason why they do want anyone who is involved with the project to leave the room. When there are deliberations the Board is not happy with they can speak as freely as they want without feeling like there would be any repercussions from fellow Board Members.

In regard to the roadway access, the majority of it actually is owned by the Town of Lloyd. Although it has not been improved as a Town Highway it was deeded to the Town as part of the Roseanne Realty subdivision. I agree with you that there is a 25ft. right of way on either side of the roadway, which is to benefit the houses there.

Mrs. Krikelis: How are you going to keep these people out of my yard, and off of the road the part that was not deeded to the Town?

Patti: I am not disagreeing with you in any way, I am pointing out where the boundary line is between the Town property and your property. I could only suggest additional no trespassing signs.

Mrs. Krikelis: I have a lot of signs, my son is a NYPD officer and he has put out a lot of them. I want to talk about another thing. Where the rail trail is coming across the right of way there are two stop signs that are for pedestrians to stop and cross the road safely. When people are walking I have no problem because you can see the people. Now that Spring is coming people will be riding their bikes, they are riding their bikes so fast they don't even stop. I have almost hit so many people on bicycles. I have people walking through my yard thinking they can do what ever they want. Now we are going to have three story apartment buildings with who knows what kind of people coming from Poughkeepsie to live in them and they won't care about my property. They are going to run back and forth through there. That road is on my property. This Planning Board better look into this a little bit better.

Bill: I understand that part of the road is your property and part is the Town's property.

Cassandra Krikelis: If this is a public road then how come every time there is a snow storm the Town does not come up and plow us out. Mr. Dapp does it. We had to beg at the last snow storm for someone to come and plow us out. You do not maintain it and you do not do anything to the road and you think that people should be able to come on my mother's property. Do you think it is right, I don't think it is right. Seriously there is an encroachment issue, you have already had one law suit, do you want another? I have an issue with the Town of Lloyd and the Board because I have watched you screw my parents over ever since we have moved into this Town. You think you can go and just give people's property away, because that is what you are doing with Maybaum and that is what you did with whoever built Rivers' house and all of them, that is why you had a lawsuit.

Bill: Alright your concerns are in the minutes.

Peter: (to Patti B.) Is that the only way to get to the rail trail.

Patti: At this point in time the right of way is existing there, the applicant is working with another adjoining land owner so potentially there would be an alternative access. If the alternate access is able to be received I know that to keep peace in the area that would be the preferred route.

Dave B: Would the applicant and the Board possibly, I hear the Krikelis's issues, be willing to give it up?

Peter: Give up what? This as a method of access to the rail trail, keeping open only other possibilities.

Cassandra Krikelis: Everytime we call the Town for help we are told it is a Private Drive and that we do not get any help at all. We do not get plowed, we do not get sand or salt, we do not get anything. If you are a private drive you do not get help if you are a public road you get that. We do not get that. We had to beg for it at the last big storm.

Dave: I did not say it was a road, if it were a dedicated road you would get sand and salt.

Cassandra Krikelis: We don't get any notice or any-thing else everyone on this Town Board in this Town thinks they can screw everyone else.

Dave: Maybe if we could just stay focused on the issue at hand. The issue of access to the rail trail seems to (cut off)

Peter: I am a little confused about the right of way issue, it was referred to as a deeded right of way. The small house (part of this application) has deeded right of way and will continue to and will people who live in these apartments also have the right to do that. Dave, you are suggesting that (cut off).

Dave: The site plan suggests that there is an access path down the right of way onto the rail trail but hearing this issue now

Mrs. Dapp: And you are going to hear it from me too.

Dave: OK. But I may be solving this.

Sean Caswell: If that project is addressed for Commercial Extension.

Patti B: Just the little house.

Sean Caswell: Right now before the split that property is addressed for Commercial Ave. Ext., the whole property. My concern, living on Toc Dr., I have someone clocked at 68mph on that road. You are going to make the entrance come out onto Toc Dr., we have tractor trailers going up and down the road from Ultra-tab, we have multiple vehicles from Sunnybrook and now you are going to add 36 more apartments with two vehicles in each. There are kids outside and you have cars passing buses. This whole thing does not belong in a single family residential community, it is not supposed to be there. I left Wappingers to come over here because it was calm and quiet, buildings are going up in every direction, it is all about money. My biggest thing is that you are going to decrease our property value by putting in a bunch of rental properties that are going to cost less than \$1,000.00 a month to rent. There is not even central air in these units, I just did a commission on a building 27 condos inside a common area. Every building I do now today has central air and heat these are the first things to go into those buildings. What tells me this is low income is there is not any going in there.

Peter: I think this really goes with the second part of this hearing this is just the subdivision.

Sean Caswell: It is all tied together, for them, for us, for the Dapps, it is all tied together. They all want to develop and they want to develop for a reason. It is all about money and it has nothing to do with our neighbors. They all live local, they don't care how we feel about it and our property, it is all about making the buck.

Bill: You are a builder also? Do you make money?

Sean Caswell: I am in the security industry, I make money but I do not poop where I eat.

Diane of 19 Toc Dr.: I never received notification of this hearing, I only heard of it through word of mouth. I am wondering how many of my other neighbors did not hear of it and that is why they are not here to fight this.

The abutter list was provided to Diane, she was not delivered an abutter notice because her house does not directly abut the project parcel.

Diane of 19 Toc Dr.: I live in a duplex and the person attached to me received notification. (Not sure of the address) If Toc. Dr. is going to be another entrance into this complex how come every one on Toc Dr. did not receive notification?

Patti B: When Toc Dr. was originally created in the 1960's, this property was actually labeled as an industrial site and was light industry at the point in time that we converted it to PRD. The reasoning was that it would be a buffer from the light industrial use, to multi-family use, to single family use.

Sean Caswell: I am going to have a building 15 ft. off of the back of my property. There is no way you can fit six of those buildings on that lot subdivided without it... by the way what are the easements are they 30 ft. from the back of the building to the edge of the property line?

Peter B: Dave do you have some clarification on who would get noticed.

Dave: Typically it is only the abutters that require notification we apply an additional 100 ft. buffer to that anticipating more people would be interested in it because of the type of project it is.

Larry: It is also in the newspapers.

Diane 19 Toc. Dr.: I have two small children. This is going to create a monstrosity of more traffic and to add 36 apartments...the traffic. You can not even pull out of Toc. Dr. At 5:00pm Tilson Ave., Toc Dr., Rt.44/55 it is going to take you an hour to get out of Toc Dr. off of Tilson Ave.

Sean Caswell: The Mountainside Woods people are going to be privately owned homes they will be paying taxes to be there, the people renting those buildings and I am sure this whole big development is getting a tax shelter of some sort, they will not be paying equal tax value on that property as the value of it.

Mrs. Krikelis: Mr. Barton, how come I never got a notice that this would be affecting my property even for tonight. Mrs. Dapp called me and told me.

Dave: The buffers are supplied by a mapping program, we do not pick them one by one, so if the buffer does not include your property you would not have gotten a notice for it. The second part of the equation is that because you are here you are considered to have received notice.

Krystyna Gawek, 30 Toc Dr.: At 32 Toc. Dr., Scotts property, I just want to let you know what happened this past winter. A car went off of the road and right into his yard and went out towards SunnyBrook. This is my comments as they were talking about the heavy traffic and its impact. With Mountainside Woods, this project and we already have traffic problems where a car lost control and could have done real serious damage.

Bill: Mountainside Woods (MSW) had done a huge study, the State controls Vineyard Ave. and they are looking to do something and the Town is pushing to get that intersection fixed one way or another.

Dave: There is a fair bit of money into that study already, we are waiting for the State to make its final determination on the design.

Bill: They say the intersection is not overloaded, it is more dangerous because of the layout of it.

Diane, 19 Toc Dr.: I moved where I moved, I bought where I bought, I bought it. These are going to be rentals, I work for an insurance company anybody that rents they do not take care of what they are renting. This is going to become a low income housing, it is going to decrease the value of the home I work hard and struggle to pay for. It is going to bring down the value of my property, that is my biggest concern.

Mr. Caswell: It should not be subdivided, not for those houses.

Peter: The point that was made before is that whether or not it was subdivided it is still zoned for building the multi-family.

Mr. Caswell: It was changed in August without anybody knowing about it.

Bill: That would be taken up with the Town Board.

Mr. Caswell: I am not saying it is you, that type of building should not be placed in a residential single family housing area. It is all tied into the zoning, if he can't split that lot it's a done deal, he can't do it.

Bill: It is already zoned for it and it can be done with out subdividing, this just makes it cleaner.

Patti: I understand that emotions are very high but I would also like to dialogue. I do understand the frustration but regardless of whether or not we subdivide the property the density for the PRD is 15 units per acre. Basically they would be able to put more units on there if they left the single family house.

Mr. Caswell: How is that possible, when I have to have a 30ft. easement on the back of my house with 15ft. on one side and 30ft. on the other. How would that be possible to put 15 buildings on a 2.5 acre lot.

Impossible to have those easements.

Bill: There are six buildings going up.

Mr. Caswell: Not to mention where in this Town are three story apartment buildings? Except for that big monstrosity down on Rt. 44/55, that is partially empty.

Patti: The building height on this will be the 35ft. which is required as a maximum height in the Town.

Mr. Caswell: Perfect I am going to put a third story, my house is still zoned Industrial, I know it is because I was going to have a builder put a roof on my house and they found out what the zoning was for it so they could draw the plans properly. I am going to put a 25 ft. detection security sign lit on the edge of my property, because I can go up 35ft. right. The Planning Board and the Town Board does not care about anybody's property, it's all about making money.

Peter: One of the things I heard you say was that you are worried that this will be low income housing? I am not sure why you are thinking that. We do not have any indication that that is the plan.

Mr. Caswell: The apartments up the street, that are not on Toc. Dr. but the address is Toc Dr., which I can not understand, they are not very expensive. We already have a problem with her house and a neighbor next to her where people renting down the street, they were renting at a low income rate in one of the duplexes, and broke into a couple of houses down there. Then I found out from a contractor that bid on this property that they are not putting central air into these buildings. I find that kind of strange, every building I do in the Hudson Valley, brand new, has central air and heat, even if it is a little 1200sf house.

Peter: We do not know how they are building the interior of it, I don't know if you do either. Remember that the role of the Planning Board is to determine whether or not applications are fully compliant with the zoning regulations and I think that one of the things that I am hearing here is that not everyone is happy with how this got rezoned. But our job is to say does this application fit the zoning regulations. It is not to say is it going to be high end, middle end or anything like that. It is the size of the units, the placements of the units and the number of units per zoning. If the proposal meets the zoning regulation there is not really a lot for us to say, one way or the other.

Diane of 19 Toc.: What is the point of us being here, if you fill out the application correctly it is going to get approved.

Peter: The issue that was raised about the right of way is one that might get some action.

Diane of 19 Toc Dr.: So they will come out of Toc Dr. and that will make it worse for Toc Dr.

Ruth Dapp of 4 Commercial Ave. Ext.: That walking path will come out to right across from where we park our cars. There is no room between my property and the property that is subdivided off. If some one is riding a bike or pushing a stroller I have no-where to go. I can not get in or out. This is my concern.

Bill: What we are hearing is that we need to rethink possibly blocking that right of way. We will consider this. Are there any other comments about the subdivision itself?

Mrs. Krikelis: Where would I bring all of my deeds showing my deeded right of way to you guys in the Planning Board, tell me where I can bring those and I will come with every single deed I have. And that will show how my property extends into the right of way.

Dave B: I think the Board is amenable to removing that access to the rail trail after hearing these concerns.

Mrs. Krikelis: I don't want to bring up bad things but when you allowed Maybaum to put up those houses, you let him build on two right of ways that went to that property. You allowed him to remove a well that was in my deed and in the Dapp's deed as well. Not you but the old Planning Board, if that Board was so crooked and let those things happen are we going to have the same problem again?

Mrs. Dapp: If you look at the letter I gave in to the Building Dept. you will see my concerns about a house being built on the way out. We had a house fire in 1998, the fire truck came back and could not get out. They remembered the other way out through Toc Dr. and they attempted to drive out that way and there was a house. This is what you have here.

Dave B: If I could speak to Patti Brooks' maps, if you look at Patti's maps you will see that the mapping technology today is vastly superior to the old pen and ink. If you look at the map you will see some interesting and strange things. Some of the properties in question that we talked about tonight are actually encroaching on the other piece, which is interesting, again the map of technology has changed. In the past the Building Inspector would not know where the property line is, I know now with the GPS unit to the sub decimeter, so less than 10 inches I can tell you where a point is in space. It is because of maps like that, that we know what is what.

I think we have heard about the question of access, we will hopefully alleviate your concern with out people walking across your property. I will speak to that real quick. There is a trespass issue involved and we don't want the Board to push people to trespass toward your property.

Cassandra Krikelis: I have had kids throw rocks at me on my own property, my brother put signs up and people take them down, and when you call the police the police don't even come. There are drug deals

happening at night in the parking lot of the rail trail and the cops don't even come. Would you feel safe? I feel safer walking in the city of New York than I do getting out of my car when I come home at 11:00 at night. If there is more housing up there we are going to have more problems.

Bill: You have made your point and we have it on record. Are there any other comments on the subdivision of this property? It does not increase the density, they can build apartments on it as it is right now, the subdivision is just to make it a cleaner lot ownership.

A **Motion** was made to close the public hearing for the subdivision by Lawrence Hammond, seconded by Peter Brooks. All ayes.

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 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.

Patti Brooks, the applicant's representative, was present for the meeting.

Peter Setaro, Engineer with Morris Associates, was present for the meeting.

A **Motion** was made to open the public hearing for the site plan application by Lawrence Hammond, seconded by Fred Riley. All ayes.

Mrs. Dapp made a comment about the GPS system noting that delivery trucks go down Commercial Ave. Ext. to get to Toc Dr.

Patti Brooks: The proposal before the Board is to put six, six unit apartments on a 2.68 acre parcel of land as show in the configuration on her maps. We had a walking path there, which we are hearing discussion tonight about the neighbors having an issue with that. We have been working with the Board and the consultants for approximately a year now on this plan. We have changed it numerous times; I think this is the fourth building layout that we have had, to try to impact the neighbors as little as possible. We knew that storm water was going to be a major concern given that there already are difficulties in that area. This will be a 36 unit multi-family, two bedroom units per apartment. The issues of greatest concern that we tried to mitigate to the greatest extent were storm water, traffic and buffering against the residential properties. Ruth, I know you had some concerns; the Building Department had contacted me, about the area adjacent to your property.

Mrs. Dapp: How far are those two buildings from my line?

Patti: Anywhere from 10 to 18 feet.

Mrs. Dapp: That is not good. That area by the shed,

Patti: That is 80 ft. from your house.

Mrs. Dapp: That area by the shed is where our picnic area is, and that is where our sons' memorial garden is.

Diane of 19 Toc.: This is going to be the South Central of Highland. This is the rental area of Highland. This is not why I moved here.

Patti: If they put 100ft. section of fence that would put it about 30 feet behind the shed to try to retain your privacy.

Mrs. Dapp: Would I still have trees? I had mentioned to Brad that I wanted mature Pine Trees that do not lose their leaves because I have lived here for 34yrs. and never had people looking down into my yard.

Mr. Caswell: How do we get an easement of 10ft. from the back of a building to the edge of the property when ours have to be 15ft. on one side 30 ft. on the other side and 30ft. from the back.

Peter: Every zoning district has different zoning setbacks.

Mrs. Dapp: I came to Town Hall one day and while we were talking (speaking to Dave Barton) you told me you would not give me a building permit.

Dave: For What?

Mrs. Dapp: To build anything. You said we were landlocked.

Dave: If you subdivided your property and the property was landlocked I could not give you access without road frontage on the access road. So I could not give you a building permit, State law prohibits me from doing that. If you had access, because it is a Town right of way, you know the actual section of roadway that never got built, I could give you a building permit but only if it had the appropriate frontage which is 50 ft.

Mrs. Dapp: What if my kids wanted to build on my property?

Dave: They could not build a separate house unless they came to the Town Board for a two-family. Do you have enough acreage there?

Mrs. Dapp: I have just under an acre.

Dave: You would have to apply to the Town for a two family.

Peter: I suspect that we heard a lot of the comments when we were discussing the subdivision.

Bill: Does anyone have any new comments?

Diane of 19 Toc: I don't want to live in a rental community. This is just a comment, my residential area is going to become a rental community and rental communities bring values down. Highland is not typically a rental community, you go over the Mid-Hudson bridge right there is rental communities and we all know what that looks like and it is going to bring the value of Highland down. Highland has never been like that, the schools have always been great. People have been coming over from other areas and things have been happening in the schools and it is going to happen in Highland and that is not why I moved here. Low income housing, I am assuming because we have no numbers, which we do not need for the application and seems silly to me but if you can just take that into consideration that is all I ask.

Patti: I just want to ask, have you seen what the buildings are going to look like? I don't think that someone would put such architectural detail and energy into proposed buildings like this if they wanted them to be low income.

Krystyna Gawek 30 Toc Dr.: My comments are about flooding.

Bill: Before you get started that is one thing that the Board and Consultants spent a lot of time discussing.

Ms. Gawek: I just put this together (photos), showing the flooding progression from year 2000 and year 2008, then you installed a catch basin (showing a picture of an overflowing catch basin), well it is not working. You are doing all of these developments and I do not see you replacing this drain. Your project is going to impact 34 Toc and he is flooding us. (More photos of flooding that have been continuous). We moved in year 2000 and I tracked the water, I will show you what it is doing currently. In 2010 you were doing road work incompetently so I had to go and figure out what was going on. When Maybaum built these houses they put in a swale in front of 32 Toc. The water from Toc Dr. goes into 40 Toc. Dr. and goes down. There are no drains until you come to 32 Toc. You have to worry about several things, I have had to figure this out for you guys because for 15, 17, 19 Toc the water was running off of the driveways and there was suppose to be a catch basin there and you guys were not taking care of it. Basically water was going down Toc Dr. building in a corner and dumping on us. I have to always figure out things for you guys.

Patti: When you talk about you guys who are you referring to?

Ms. Gawek: Town of Lloyd. (Photos of gutters not taken care of, 32 Toc. running back to lot #4, anything that goes onto lot #4 is coming onto us. It comes onto our property from two sides. I have built my yard up with dirt. Lot #5 floods, the whole thing.

Bill: How about we hear a little about the water management.

Peter Setaro, Engineer with Morris Associates: Our office has been working extensively with the applicants.

When this application came in the Town was very adamant about this area having experienced some pretty significant drainage problems over the years. Andy Learn an Engineer with Morris has been working very hard with the applicant to make sure that there is not going to be any further drainage issues. If we just look at the project itself, there is approximately one acre of this property that currently drains down to the area that Ms. Gawek was referring to. As part of this plan, even though they are creating buildings and impervious areas, all of this water which goes down will be trapped by catch basins, rain gardens, wet swales and it will be guided to a proposed stormwater management basin which will hold the water for a certain amount of time and gradually let the water out. The whole concept of stormwater management is any proposed project can not increase the amount of water running off of the property after the project has been built. It has to match or decrease the amount of runoff from the property. This piece of property is divided up into two water sheds, one as I said goes this way (pointing to the site plan drawing) (about 2.5 acres), this is all going to be caught with a stormwater management basin and will drain through this existing area and drain up through the back of the existing commercial property. Here now, currently, there is approximately one acre and all of that water now comes down through here (pointing to the site plan drawing) (towards Ms. Gaweks property). With this project they are going to take about one half of an acre of that one acre and bring it back into the site, so it will pick up the roof leaders, asphalt in the other parking lot. One half acre of that total acre will be taken back into here and run through the stormwater management catch basin. So this last building, the roof leaders are going to be going into a series of rain gardens and those are planted areas where you excavate and put in some good material in there. With this project, the calculations that were done show that the drainage area that goes here now (pointing to the site plan drawing) (toward Ms. Gawek's property) will be decreased because again, the applicant's are taking care of that one acre that drained down here before and are taking that half of an acre and bringing it back into the site so you should be left with less than what was here before. Going back to some of the things that were commented on before, some of that water you are commenting on (to Ms. Gawek) yes, probably came from this one acre of this site, but much of the stormwater problems that you have been talking about seem to be existing problems that are out on the roadways with potentially inadequate catch basins. That is not something that the Planning Board may have control over, that would be a Highway Dept. issue or a Town Board issue. This Planning Board and our office is charged with making sure that whatever is developed on this site does not create an adverse impact for any of the adjoining. I can tell you again we have taken a lot of pains to make sure that it is going to be managed correctly. The other thing that you should know, because the Town is known as what is called an MS4 community, they have a designated stormwater officer, who, whatever is put in here as far as stormwater management, they have to go out and make what is an annual inspection. If they find anything that is deficient, not maintained properly or not doing what it is supposed to do on this particular site, then they have certain remedies that they can take with the property owner. This project will take care of their own increase in storm water and it will also help, a little bit, what is happening from this one acre that is currently draining down towards this area where you are saying a lot of the problems are. Unfortunately some of the things that you are talking about tonight have to be taken up with the Highway Superintendent or the Town Board. This Planning Board and this applicant they cannot be responsible for the problems that are already out there.

Ms. Gawek: My issue is that you should not even be doing this you should be replacing that drain by the boulders. If there is additional water right now that drain is not working. Why planning all of these things without replacing that.

Mrs. Krikelis: There is a drain right in the middle of my yard. There was suppose to be a catch basin on the other side of the rock going toward Toc. At the time they put it in the Town had someone supervising but something happened. My husband was in construction and he actually saw them take that catch basin put it on a truck and drive away, it was never installed. So for all of these years we have been flooded out, and we just

thought we were getting straightened out when they put the catch basin in and that is not catching water the right way.

Dave: When I came here there was litigation involved and that litigation has been satisfied. I will check with Richie Klotz who is the new Highway superintendent and I will find out what the situation is.

Ms. Krikelis: I was just looking at the map, and there is no consideration of my property at all on that map the two questions I would like to ask are; There are topos taken of the elevations around the property and the other question is will the elevation change when this project is done?

Peter S: The site will obviously be graded, I do not believe there are going to be any significant cuts or fills. This will not be a level site, but it is not a hilly site.

Ms. Krikelis: I have the lowest topos so if you create or cause another flooding condition my house is going to be directly in the path.

Peter S: Well that is what I went through before, there is approximately one acre of this site that drains down towards where your property is, I also said that one half of the acre is going to be taken back into the site and run through the stormwater management basin and go out this way. So they are taking one half acre of area that drained toward your property and taking it away so it should be better.

Ms. Krikelis: That drainage is flowing on top of the ground why don't we create a drain underground.

Patti: Basically, if you look at the elevations there is a high point here and it also gets lower in this direction as well as it does in this direction. When this site is graded the water that hits the ground is going to sheet flow, it will drain this way (pointing to the site plan drawing). All of the drainage is heading in this direction to the detention and then through the wetlands and in that direction. There are no catch basins proposed heading in your direction.

Ms. Krikelis: Shouldn't you be notifying the people who are living on Commercial Ave. that water is coming their way.

Patti: But it is not.

Ms. Krikelis: But you said it is going to come that way.

Peter S: The existing water, water that flows there today, last week, last year. Again, the Planning Board is here to make sure that they control the drainage on (the applicant's site). They are not going to be responsible for problems a half of a mile or a mile away.

Ms. Krikelis: So they are not responsible if the water gets diverted on to someone else's land?

Peter S: The water is not going to get diverted, that is why our office is here and why the applicant hires professionals. The Town has said you guys need to make sure that this is not going to create a problem because we have an existing drainage problem. So the only thing that this applicant can do is manage his own water on his own site and make sure that it does not go on to someone else's property and create an issue for them. That is why we are here to make sure that does not happen.

Peter B: If I hear you right what you are saying is there should be less water coming off of this site than there has been so far, that may however not cure the problem. They won't be making it worse, they may be making it slightly better, sounds like there are a bunch of other issues that have already been there.

Patti: You certainly can understand the sensitivity of the people who have purchased in that subdivision because at that point in time the process was not the same. We did not have the stormwater knowledge back then that we have now, stormwater controls were totally different, the DEC now has new regulations, MS4 is in almost every community. Because of development people have understood that they don't want people to end up in situations like you have ended up in, which is why you spend a year working on these projects before they come to the Board or the public hearing. By the time it gets to the public hearing we have been working on it for a year back and forth but it is difficult for an adjoining land owner to hear about it for the first time.

Ruth Dapp: There is an area on our property that after a heavy rain gets water and at those times we have a pump running in our basement.

Peter S: They are going to be cutting that water off that currently goes to your property. All of this is going to be cut off by the parking lot and the buildings and it is going to be taken through drainage in the parking lot, there are wet swales..

Ruth Dapp: And a wet swale is?

Patti B: A shallow ditch.

Ruth: Well as long as it is not a burm.

Bill: In addition to the water we have talked about some other things. Our orders are we can not make the water situation worse and it is nice if we can improve it. I think it has been improved on both down sides of the lot.

Ruth: There is a lot of rock. We put an above ground pool in and he had to jack hammer out pieces in our pool area. When they were building Maybaums on Toc Dr. they ran that water sewer line and they had to blast. And my fear is that they are going to have to blast.

Patti: It is a very valid issue. The contractor has already been out there and done some testing in the rock areas, they did 12 test holes before they even started the design work. The contractor feels pretty confident and pretty comfortable that they are going to be able to hammer out that rock and not need to blast. In the event that they do need to blast they need a permit through the building department.

Dave: They do and they will follow the NYS protocol.

Ruth: If the blasting occurs, and our well gets ruined, what do we do?

Dave: There is a bond attached to the blasting. With a time table attached to the bond.

Ruth: In the past we have been told that is a civil suit.

Ms. Krikelis: My property is not even shown on this map what if my well gets damaged?

Dave: Any well. If there is any impact. Just so you know if there was any impact we would probably use the bond to connect you to municipal water.

Ruth: Who would pay for that.

Dave: We would pay for the connection to your house.

Mrs. Dapp: To my house?

Dave: Yes, to your house, the bond would pay for it.

Mrs. Dapp: When Maybaum did all of this and talked about building a road, they would give a 25ft runnage and we would have to pay to do the rest.

Dave: Typically in a regular subdivision that is what would occur. They would lay out the road and you would connect as you needed. Again if there is any damage to your potable water we will make it right.

Ed Dapp: In the past we have been screwed. They just let things go any way they want. We are not blaming you folks for what is going on, it is just that what has happened in the past has made us skeptical of what is happening now.

Bill: I can understand that we are just doing the best we can.

Mr Dapp: When Mr. Maybaum, Roseann Realty did these houses, we came to the Planning Board meeting.

They had nice site maps and the Planning Board wrote things on the maps that he would have to address before final approval was given. We found out later that he went to a workshop meeting and they just erased everything. I am not trying to blame you folks that is just they way things went.

Mrs. Dapp read from her letter. (on file) and said I am just trying to explain why we are all here.

Dave: I know Paul Hansut went out to speak with you direct and I think that is indicative of the new world that it is.

Dave (to Mrs. Dapp) When you guys met in Paul's office way back when, I heard your concern and I have known your concern (to Ms. Krikelis) because when I came here the litigation was still going on. So when this applicant came in we asked Morris Associates to be very careful with the stormwater and they have spent a fair bit of time and applicant's money making sure that you are not going to get extra water.

Ms. Krikelis: We are talking about other Planing Boards that were crooked we are not talking about this one.

Bill: Are there any other new comments?

Ms. Gawek: I would like to clarify something to what the Building Inspector had asked. Ms. Gawek spoke about a catch basin drain that is too high, not correctly installed and of another drain further along on Toc that is not doing a good enough job.

Ed Dapp: You have three of these buildings looking straight into my yard, this is an invasion of privacy. They are too close to me, that's is my opinion.

Mrs. Dapp: Two of the buildings are too close. One other thing I want to bring up is that in the past we have had construction vehicles on our property, I am going back to Maybaum.

Patti: Absolutely, positively everything will be done off of Toc Dr.

Dave B requested that this be added to the resolution as a condition.

Ms. Krikelis: I am respectfully asking that you take everything I have said into consideration. It is a one way road we do not have two lanes of traffic on that right of way and when people are walking on it we are going to have a problem accessing our own home.

Mrs. Dapp: Now you guys can all promise me that when this is all underway I am not going to call you and say this is wrong, and you are not going to say it is a civil suit hire a lawyer.

Cassandra Krikelis: I want to ask a personal question because my mom's property is not on the topographical map if there is flooding are you going to refer back to it and say there are no ramifications to fix it? I am just asking because I think most of you people on the Planning Board think most of us are stupid out here and I am not because I am a real estate paralegal I don't plan the Town Board Planning but represent developers and I know this whole format because I have been doing this for 15 years and I have a college education. I just wanted to know.

Dave: Yes I will.

Cassandra Krikelis: My mother has a heart condition, I watched my father go crazy and die, stressed out when he was dying of cancer because of us being flooded and no one in this Town cared.

Dave: If it is built according to the plans, I trust my reviewers to tell me we'll mitigate some of the water, a little bit of the water, down your direction and it is built correctly I will absolutely point back to the map.

Ms. Dapp: Asked about a buffer requesting big trees and a big fence.

Patti B: The height restriction for a fence in the PRD zone is 6ft. This will obviously not shield the entire building.

Bill: Incidentally one of the reasons the buildings are where they are was to ensure that fire trucks could turn around.

Cassandra Krikelis: Once subdivided, is the access to our right of way to that parcel of land null and void so that people from that development are not going to drive in and out on our driveway?

Patti: There is no proposal for anybody from this development, there is no way for them to drive through. It is going to be blocked by a building.

A **Motion** was made to close the public hearing by Peter Brooks, seconded by Lawrence Hammond. All ayes. The Board discussed the project and adding some conditions to the resolutions.

Bill read the resolution for the TrailView PRD site plan. (See attached)

Bill read the resolution for the TrailView subdivision. (See attached)

Old Business

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

Mr. Dias did not show up for the meeting.
Brad Scott and Scott Saso returned to the meeting.

Administrative Business

Mr. Tom Wilkins, who is a Planning Board member in the Town of Plattekill came to speak with the Board regarding the MML project.

Mr. Wilkins: My best recollection is that when this got going we were going to take the lead on this. We have five lots in the Town of Lloyd. We are working on the preliminary, which we do at the end of the public hearing. How we go on from here is a bit of a wording difference. There are issues that are going to be sticklers I see.

One of them is an easement to a storm water pond, on the Town Line but on the Plattekill side, this is where the drainage from Lloyd will be going into. The applicant said that Lloyd wants a separate easement to go into that storm water pond in case they have to take care of it.

Dave: That has been resolved we want access across their easement in case we need to get into it.

Mr. Wilkins: We do not need the two easements that will only tick off the people who own the houses, one easement everyone goes the same way.

Another thing is that since the drainage goes into Plattekill, Plattekill goes with drainage districts; I don't believe Lloyd has drainage districts.

Dave: We do.

Mr. Wilkins: I don't know if Lloyd will be doing their side of the drainage district, I don't know how that works.

Dave: We won't apply drainage districts in our Town for lots that don't have drainage issues on them.

Mr. Wilkins: For the water coming into Plattekill to maintain that pond, I think Plattekill wanted to have a drainage district and there is a way through the assessment.... (Did not finish)

Scott: to have those people pay into Plattekill?

Dave: That is not going to happen. There is no way to transfer taxes between towns.

Mr. Wilkins: There is a possibility of phasing, it was not on the maps, and it may be two or three phases.

Dave: That is going to be a problem. We have a performance bond we need to maintain. The Board cannot sign maps unless there is a performance bond or a built road. We need to be assured that Plattekill will maintain that bond to satisfy our last road. This is going to be a problem. We may need to bring legal in on this. The Board discussed the logistics of road bonds, phasing and two Towns involved.

TN WB Vineyard Commons LLC, 2 Merlot Dr.; SBL#95.2-6-2

This is an amendment to the site plan. (See attached resolution)

Minutes to approve:

A **Motion** was made to approve the minutes from the January 16, 2014; Planning Board Workshop by William Ogden, seconded by Lawrence Hammond. All ayes.

A **Motion** was made to approve the minutes from the January 23, 2014; Planning Board Meeting by Lawrence Hammond, seconded by William Ogden.

A **Motion** to adjourn was made by Peter Brooks, seconded by William Ogden. All ayes.