

**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: _____	

**MEETING MINUTES**  
**TOWN OF LLOYD PLANNING BOARD**

**Thursday, March 27, 2014**

**CALL TO ORDER TIME:** 7:00pm

**PLEDGE OF ALLEGIANCE**

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

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

---

There is a Tri Board meeting on April 2, 2014. Focus will be on the Wine Village.

**Extended 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. The Town of Lloyd opened their public hearing on 2-27-14.

Ryan McGuire P.E., the applicant’s representative was present for the meeting. Mr. McGuire displayed a copy of the proposed subdivision.

Peter: I don’t want to preclude anything you are about to say but I don’t believe we have any issues with the subdivision we only have legal issues.

Scott: Correct. Dave do you have any updates on that?

Dave: I do not. Sean Murphy was to reach out to their attorney, Mike Moriello, and they will figure out the performance bond pieces.

Peter: There was the issue of how we get protected under the performance bond and then they had an issue about a drainage district.

Dave: The attorneys will figure that out.

Scott: I guess until we get that we will keep the public hearing open.

Mr. McGuire had a question on the approval process and where the performance bond comes in.

Dave B: If we give you preliminary plat, the clock ticks against you. It is six months from preliminary plat until final. The question I brought up last week was the timing of the bond. If I give you a map and you bond

the road on our side, you file the map, now you have five lots on a bonded road, perfectly legal. If you do not build the Plattekill side I still have five lots on Lloyd side with a bond and if the bond should lapse I still have five lots now on an approved subdivision with no frontage. So the question is how do we pull a performance bond to protect the entire piece until our piece gets built? If you want to take the risk of going to preliminary plat (did not finish)

Mr. McGuire: I would just like to state where we are coming from. We want to get to Ulster County Health Department but in order to do that we need preliminary plat. We need to get back to Plattekill and get their preliminary approval as well, we do not want to wait until July or August and have the Health Dept. tell us that the soil is too dry. Can you at least close the public hearing, that is what Plattekill is looking for.

Scott: So, Plattekill is waiting for us?

Tom Wilkins, Town of Plattekill Planning Board: I'd like to see the public hearing closed here and review any public comment.

Dave B: If you close the public hearing the clock begins to tick against this Board. After the clock expires you must either disapprove or it is automatic approval after the clock expires. You can give a preliminary plat and if he does not perform the conditions in the preliminary plat the plat will expire after six months.

The Board discussed extending the public hearing or closing the public hearing.

Mr. McGuire: I would feel comfortable with just the public hearing being closed and we can come back next month for you to approve it if you want. I would like to get back to Plattekill as soon as possible.

Tom W: I would just add, that in Plattekill, since we were the lead we had the first public hearing. We left our public hearing open until you had your public hearing and figured any comments you had we could take in, then you would close your public hearing and we would close our public hearing and add all of the comments together. There were two people who showed up to our public hearing and one guy just wanted to know how far away the project was and the other person had no comment.

Scott: We have had no comments here.

Larry: If we do close it what is our time line?

Dave B: 62 days, if you do not act they will have automatic approval.

Scott: We have two months, if they do not come back with anything we will have to decline it because we can not let it go onto automatic approval. Are you guys prepared for this to be closed? (speaking to Ryan McGuire)

Mr. McGuire: Can we waive the 62 day limit.

Dave B: You could.

Dave informed the Planning Board that they would need a waiver letter from the applicant.

Tom W: There are those few issues that came up last month they are not deal killers but have to be dealt with. Mainly the road issue, that could be worked out; have you phased this thing? (To Ryan McGuire)

Mr. McGuire: Typically you do not have to phase a subdivision until you have filed a map.

Tom W: We talked to you about phasing.

Scott: I think this is a conversation for Plattekill.

Tom W: This is going to be an issue, if it is not phased then the issue with the road is going to be a lot more complicated to do. If it is a two phase it will be easier to do and that is the reason I needed an answer so that you guys know and we know that we are on the same page.

Ryan McGuire offered to sit down with Mr. Wilkins after the meeting.

A **Motion** was made to close the public hearing by Dave Plavchak, seconded by Fred Pizzuto. All ayes. The Board anticipates a waiver letter of the 62 day requirement.

## **Administrative Business**

### **Hudson Valley Wine Village**

Scott: How much discussion do we want to have now, before the Tri Board meeting? Many of the Board members were at the Town Board meeting when they discussed this. Personally, it seemed like the consensus was that the residential side was too big, meaning too many homes.

Larry: I sent an email to Paul H. about tax abatement, if that is going to cover the residential as well as the rest of it.

Dave B: We checked into that and IDA's (Industrial Development Agency) do not cover residential dwellings. The board discussed IDA's.

Dave B spoke about the proposal and informed the Board that in a month or so they will begin working on the CFA (consolidated funding application) again.

The Board discussed bits of the conceptual plan of the Hudson Valley Wine Village.

Scott asked if it would be under the purview of the Planning Board to dictate the phasing to make sure that the housing does not go first.

Dave B: Well it could not go first, it would need health department. When this part comes you will demand that they can prove that they have water as part of your siteplan. For them there is a fairly low return on the single families, one of the chips on the table for general discussion is to create a park there. Right now we are in SEQRA, we have done a scoping statement and declared the document complete; now it is out for public review, ultimately the Town and your comments will contribute. The Town will do a finding statement and in the finding statement the Town will determine the total density.

The Board continued discussion.

Dave P: I thought there was to be an access road parallel to 9W. The problem, I think, you would have there are the people wanting to turn.

Dave B: There will be a slip lane for turning in both directions.

Peter: So the public hearing is open and the comment period is until April 18<sup>th</sup>? Are we kind of stuck with that structure or what?

Dave B: Yes. After the 18<sup>th</sup> we will give all of the comments to the applicant and they will respond to each one.

Scott: These are comments on the DGEIS? Once that is done and it comes to us, we are still not lead agency and will have our regular hearing, does the Town have any more public hearings?

Dave B: Legally there is no public hearing required for the finding statement. I have advocated that we do have an informational meeting before we declare our finding statement so that everyone has seen it.

Peter: Their findings will include a density limit?

Dave: Absolutely.

Brad: So the next public hearing would be here at a Planning Board meeting?

Dave: Right now the open public hearing is on the SEQRA piece and then there is a whole other zoning application.

Peter: There is not a meeting before the 17<sup>th</sup>?

Dave: No. I was going to suggest that you do a special meeting. You will not have enough time to put together your comments if you meet on the 17<sup>th</sup>.

Dave P: I think next week at the Tri-Board Meeting we will get more information.

Scott: What if we call a special meeting to review after the Tri-Board meeting. We can discuss that and come up with our own official position on the DGEIS.

Larry asked if the DGEIS was on the website. That was confirmed.

Dave: If you like, I don't like to do this in case you miss something and say Dave you missed this piece, I can put together the highlights for you and send it out so that at the Tri-Board you can have something to speak to.

Brad: Will the Tri-Board Meeting be a time for comment.

Dave: Yes. That would be a good time for comment.

Brad: Maybe we capture the comments there and then we can decide if we need a special meeting.

Carl: I know with a big project like Lowes we met many, many times with special meetings.

Dave: If you read the language in the environmental, they have to invent the zoning because we do not have any zoning that can handle something this large. It is a little combination of a bunch of things.

Carl: So we are going to get authority here as to how to tweak it, not like Highland Square because we were boxed in on that.

The Board will email out their comments after the Tri-Board Meeting.

Dave B. will give the Board Members the Traffic Mitigation and Zoning Piece and distribute before the Tri-Board Meeting.

## **Minutes**

A **Motion** was made to accept the minutes from the February 20, 2014 Planning Board Workshop by Lawrence Hammond, seconded by Fred Pizzuto. All ayes. Abstained - Carl DiLorenzo and Brad Scott

A **Motion** was made to accept the minutes from the February 27, 2014 Planning Board Minutes by Lawrence Hammond, seconded by William Ogden. All ayes. Abstained – Carl DiLorenzo, Dave Plavchak and Fred Pizzuto.

The Board reviewed a draft of Setting the Level of a Public Hearing handout. This was prepared by Bill Ogden. The Board would like to consider this being part of the agenda for public hearings to inform the public of the hearing process. Teresa Bakner is in the process of reviewing the draft.

## **Accessory Apartments**

The Board is not ready to hand a formal draft over to the Town Board on this yet. Below is a draft of what the Board reviewed.

### Accessory Apartments

One accessory apartment per single-family dwelling shall be allowed by special use permit within an accessory structure or building, or principal building as provided in the Use Table, provided that:

A. The principal dwelling on the premises is owner-occupied.

(1) The principal dwelling is defined as a detached single family dwelling.

B. The lot containing the accessory apartment contains the minimum acreage for the zoning district as set forth in the Dimensional Table.

C. The accessory apartment shall not be counted as a residential unit for the purposes of determining density.

D. The accessory apartment is self-contained, with separate cooking, sleeping, and sanitary facilities for use by the occupant(s).

- (1) The accessory apartment shall have only one (1) bedroom or be a studio apartment, and no other space shall, in the opinion of the planning board, be so configured that it could be used as a second bedroom (ie; a den, a sewing room, etc).
- E. The accessory apartment is subordinate to the principal residence and contains no greater than 650 square feet of gross floor area and no less than 400 square feet of gross floor area.
- (1) Area shall be measured from the **inside**(???) of exterior walls, and from the centerline of interior walls. It shall include all spaces accessible to the unit, including hallways, bathrooms, closets, etc.
- (2) **The 650 square foot limitation may be adjusted, with permission of the planning board, to reasonably accommodate the existing shape of the area being converted to the accessory apartment.**
- F. Off-street parking shall be provided in accordance with § **100-29**.
- G. Approval has been granted by the Ulster County Health Department for any required on-site sanitary or water supply system, including, as may be applicable, a determination that the water supply and sewage disposal facilities are adequate to accommodate the additional demands of the accessory apartment.
- ~~H. No exterior changes shall be made which will alter or extend the existing foundation of the principal structure more than 50 square feet or cause the extended structure to encroach upon any required setback area.~~
- I. Any additional exterior entrances that may be created for the principal structure shall be located at the side or rear of the structure.
- J. If an accessory apartment is created through the conversion of an accessory structure more than 50 years old, the conversion shall be accomplished in a manner that preserves the historic architectural features of the structure.
- ~~K. No exterior changes will be made which will extend the existing foundation of an accessory structure more than 100 square feet, cause the extended structure to encroach upon any required setback area, or hide historic architectural features.~~
- L. Site plan review shall be required for an accessory apartment created by conversion of a pre-existing secondary structure. Such structures:
- (1) Shall meet the minimum setback requirements for a principal structure within the zoning district as set forth in the Dimensional Table, unless it is located in an approved conservation subdivision.
- (2) Should appear related to the principal dwelling and resemble a garage or gatehouse or other traditional rural structure.
- M. The applicant acknowledges in writing to the Town of Lloyd the understanding that should the parcel be sold, the Town Code Enforcement Officer is authorized to conduct a site visit to verify that the accessory apartment is in compliance with the conditions of the special use permit issued for the property.

## COMMENTS

- Letter E. (1) the Board would like to see it read measured from the outside of exterior walls,  
(2) the Board discussed leaving the 650 limit but if waived must put the reason on the resolution.
- Letter H and K have been struck from the code.
- Letter L. (1) added  
(2) this has been discussed in some emails, Do you want to add accessory apartments into accessory buildings? The Board discussed this and is split on the vote.

Carl: My theory on this is that if you have someone in your house you know what is going on. If you have someone in a different structure you feel like you need to check up on them and make sure nothing is going on.

Larry: You are changing the character of the neighborhood.

Dave P: I do not like the second structure.

Scott: I do not like the second structure but I am also concerned that if we create this then we are going to create a whole plethora of non-conforming apartments that are pre-existing.

Bill: One of the comments I had was that it can be used as a secondary use of an accessory structure, you cannot build one and you cannot put it on the garage floor, if you do it over the garage okay.

Brad: If you have a detached garage, like Sal Cusa's, and you have someone to put in there, to me if I were doing an accessory apartment I would rather do that than put them in my house.

Dave P: I think I would be okay if it were an existing structure, but I am worried that they will put up another structure.

Peter: I am one of those people who has no opinion on it. (Asking Larry) What is your reason for not wanting to do it?

Larry: We have always had mother/daughter, for family, now they are making it a rental we are changing the whole idea. By having it in a different building you are changing the character of the neighborhood.

Carl: I remember part of the original intent was to legalize all the illegal mother/daughters. If the Board agrees that times have changed and you want to help the homeowner out with taxes then that is something to think about. I am still leaning on the intent of the original reason why we were granting accessory apartments.

Dave P: The only thing I am against is homeowners putting up the secondary structure for the purpose of an accessory apartment.

The Board continued discussion on Accessory apartments. They discussed wording for discussed draft reading 'The principle use of accessory structure is tied to principle structure.' to be added to Letter L #2.

Dave B. will update the accessory apartment draft.

Planning Board member Fred Riley has been hired in the Town of Ulster as a Municipal Code Enforcement Officer.

Scott: I do not want to be rude to our guests here, I can guess why you are here, no recusal is needed.

A **Motion** was made to adjourn by Lawrence Hammond, seconded by Dave Plavchak. All ayes.