

**APPROVED:**

**MOTION BY:**

**AYES:**

**NAYS:**

**DISTRIBUTION: OFFICIAL MINUTES BOOK – TOWN CLERK – BLDG DEPT.**

**SECONDED BY:**

**ABSTENTIONS:**

**ABSENT:**

Certification of Receipt

By:

\_\_\_\_\_  
Rosaria Peplow, Town Clerk

## **MEETING MINUTES**

### **TOWN OF LLOYD PLANNING BOARD**

**Thursday May 24, 2018**

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

#### **PLEDGE OF ALLEGIANCE**

**ATTENDANCE**    **Present:** Peter Brooks (Chair), Carl DiLorenzo, Lawrence Hammond, Fred Pizzuto (Vice-Chair), Scott McCarthy, Sal Cuciti, Charly Long, Andrew Learn (Town Engineer), David Barton (Building Department Director), Rob Stout (Town Land Use Attorney), Laura Oddo-Kelly (Secretary to Planning and Zoning).  
**Absent:** Scott McCord, Claire Winslow (Town Board Liaison)

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

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#### **New Public Hearing**

**JVS Ventures, LLC, 4-8 Haviland Rd., SBL# 96.1-1-14.100, in the Gateway Commercial sub district.**

Applicant proposes to subdivide a 1.25 acre parcel of land located at the intersection of Haviland Road and Mile Hill Road in the Town of Lloyd, designated as tax map Section 96.1 Block 1 lot 14.100. Property is located within the Gateway Mercantile District. Proposed Lot 1 will be a 0.70 acre parcel containing an existing one story food service building.

Proposed Lot 2 will be a 0.55 acre parcel, currently vacant. See approved site plan "Rail Depot" prepared by Mauri Associates Architects, PC, last revised April 12, 2012.

Patti Brooks, Brooks and Brooks Surveying and applicant's representative, was present to inquire whether the Board would consider an approval of the subdivision contingent upon cross easements with the approval of the Town Attorney.

Patti Brooks and Barton suggested the approval should have conditions concerning the cross easements as dictated by the Planning Board. If the Board does not dictate the cross easement plan and the property is sold, the easement plan could possibly be counter productive for good planning concepts.

A **Motion** was made by Fred Pizzuto, seconded by Carl DiLorenzo to open the public hearing.  
A **Motion** was made by Larry Hammond, seconded by Fred Pizzuto to close the public hearing.  
No comments were received from the public.  
Peter Brooks read the Resolution of Approval.

A **Motion** to accept the resolution of approval with conditions was made by Larry Hammond, seconded by Carl DiLorenzo.

## **New Business**

### **ADC Ulster, LLC-Falcon Ridge Subdivision, 301 Upper North Rd., SBL# 80.3-1-18.110 & 80.3-1-31, in R1 and LI Zone.**

The applicant proposes to develop a 240-Lot Residential Conservation Subdivision of existing tax lots SBL's 80.3-1-18.11 and 80.3-1-31 with frontage along Upper North Road and North Chodikee Lake Road. The site is within the Town's water district and is proposed to be served with municipal water. The site is not within the existing Town sewer district and applicant proposes to extend sewer service to the project site.

**Morris Associates Review Letter received 05.21.18.**

No new information presently. The Board has requested a yield plan, information on a second road access, the cost of a sewer line, a map planning report (an investigation of the full range of costs and impacts to submit to the Town Board) and a view shed analysis.

### **46-48 Front Street Owners / 7 Lot Subdivision, 96 North Road, SBL# 88.1-4-8.220 in GB Zone and R ½ Zone.**

The applicant is proposing to subdivide the existing one acre lot into two 1/2 acre lots and create two additional residential lots of 1.8 acres each. The residential lots will have access directly onto North Road with water and sewer availability. Applicant is also proposing to create three larger lots for sale: Lot 5 - 9.08 acres in R 1/2 zone with frontage on north Road, Lot 6 - 8.12 acres in GB zone with frontage on Rt 9W and Lot 7 - 15.22 in GB and R 1/2 zone with frontage on north Road and Rt 9W.

No new information submitted.

The Board is concerned about an easement from the front property to North Road. If there is no easement, future development will be impacted by having the road outlet only onto Rt 9W.

## **Old Business**

### **MCBS DG Highland LLC, 3584-3594 Route 9W, SBL#88.17-6-25.110 & 88.17-6-16.110, in GMU zone.**

Dollar General / Multifamily

Development project of 21.7 acres of land along Route 9W. The applicant desires to take three lots (SBL: 88.17-6-15.11, 16.11 and 25.11) and subdivide and lot line revise those lots into seven (7) lots. Lot 1 will contain the existing Trustco Bank, Lot 2 will contain an existing Burger King, and Lot 3 will contain a proposed Dollar General retail store. Lot 4 will contain an existing retail and apartment buildings and the existing pond parcel will be Lot 5. Lot 6 will be a small vacant lot fronting on 9W with no currently proposed development and the remaining Lot 7 will contain a proposed 72-unit apartment complex with a community room.

The applicant anticipates a full environmental review under SEQRA.

**Revised subdivision plan with EAF and Preliminary Site Plan submitted.**

**Lead Agency notices sent 01.24.18**

**Revised Pond Outlet Plan and revised draft of SWPPP (Storm Water Pollution Prevention Plan) with new water flows off the site submitted.**

**Analysis of the water flow to the existing 21" CMP pipe near Christopher Avenue submitted.**

**Abutting property owners were notified and attended an informational Planning Board meeting on February 22, 2018.**

**Revised Hydro CAD calculations, revised drainage area maps, and revised Pre and Post-Development Runoff Rate Comparison have been submitted.**

**Two Environmental Phase I reports submitted.**

**Revised 03.19.2018 Site Plan and SWPPP (Storm Water Pollution Prevention Plan) with revised runoff reduction volume totals submitted.**

**New site plan maps, a revised EAF, and a current SWPPP submitted 03.22.18.**

**New site plan maps submitted 04.16.18.**

**UCPB Recommendations receive 04.19.18.**

**Smit Environmental Services, LLC, Report Review, Environmental Assessment, Proposed Lloyd Sewer Easement submitted 05.17.18.**

**Moriello Memorandum addressing SEQRA issues received 05.22.18.**

**Medenbach & Eggers revised waiver letter received 05.23.18.**

Caleb Carr, Medenbach and Eggers, and John Joseph, MCB Southern Realty Development, LLC, were present to provide updates and answer questions concerning the proposed project.

In response to past environmental reports concerning the property of the project, Rob Stout read the Smit Environmental Services, LLC, review (dated 04/30/18) of the environmental assessment for the Lloyd Sewer Easement that had been prepared on August 13, 1990 by Hydrogeologic Inc.. The only metal that was out of the range for natural backgrounds in the 1990 report was in respect to Zinc. There were no PCB's or volatile organic compounds detected and the TPH (total petroleum hydrocarbons) were below the allowable ppm set by the NJDEP at the time of the 1990 report and consistent with the current sampling. The Smit review concluded that the materials said to be present on the site at the time of the earlier report were not observed in the course of the site work recently completed. Any materials encountered during the site work during the proposed development project will be classified and disposed of in accordance with all state and federal regulations. Impacts reported in the earlier report were analyzed according to sample methods and guidance values set forth and utilized by the NJDEP because at the time New York did not have guidelines. These values have no correlation to the current NYSDEC guidance values. Reported impacts to the soil at the subject property did not exceed the NYSDEC guidance values at the time of the 2017 sampling, nor do they exceed the current CP-51 values for unrestricted residential use (most strict standard). Should any debris be encountered within the areas disturbed during construction activities the materials encountered, quantities, and proper disposal records will be maintained with the project file.

Stout added there were no positive readings in the 2017 sampling. Stout stated that during recent site work conducted in 2017 there were no reports of observed wastes and no positive readings for contaminants were encountered in the area of the proposed sewer line location/easement. From a SEQRA perspective, Stout said, it is the responsibility of the Planning Board to pass judgment on the environmental condition of the property based on all the reports and records to date. The Board cannot ask the DEC for their opinion as it would be abdicating the Board's responsibility and passing it to the DEC. The DEC is an involved agency but not the lead agency.

Peter Brooks noted that they have a rather complex Negative Declaration to review tonight. Cuciti asked if the Negative Declaration is dependent on the waivers. Stout responded that the Negative Declaration relates to the environmental aspect of the project. Cuciti said he sees several discrepancies between the site plan of the Dollar General Store and the zoning code. Cuciti believes the Walkway/Gateway District Code requires making it a pedestrian friendly storefront look from the sidewalk and the code says the design should avoid a proto type retail building. Cuciti feels the site plan for lot 3 will need too many waivers and goes against the intention of the code.

Joseph responded that though it says prototype on the plans for Dollar General, they have been working diligently with the Planning Board to change the building from being a prototype. He feels that the project is suitable and that they have made changes to the project, including parking, to keep within the goals of the zoning.

Cuciti asked if the entrance could be moved to the 9W side as required by the code. Joseph responded no but stated that he could put false windows on that side.

There was a discussion between Joseph and the Planning Board concerning different options for parking and landscaping.

Barton said there is an extensive list of details that need to be addressed for the project in order to keep within the code. The waiver request received from the applicant does not address all the particulars. He stated that he and the Planning Board had informed the representaives of the project from the beginning that it was imperative for them to read, adhere to the code and/or address any issues immediately. Barton said there are some concerns, he believes, which can be mitigated.

Peter Brooks suggested they do the Negative Declaration with the expectation that the applicant could address and remedy the list of issues before the public hearing.

Cuciti read from the Negative Declaration Item 3.d and questioned whether the project was in keeping with the community goals and plans in light of the fact that lot 3 was getting so many waivers. Cuciti asked if this item includes complying with the code.

Stout said there are issues with respect to the waivers and the Board would need to enumerate which waivers are necessary and/or have the applicant substantiate the need for a waiver.

Peter Brooks proposed a compromise asking if they were to adopt the Negative Declaration the way it is presently written, could the applicant work with the Planning Board and Dave Barton on figuring our what fixes could be made before the public hearing.

Stout said he believes the Planning Board has sufficient information to make a determination at this time whether the project has significant adverse environmental impact.

Barton agreed with Brooks in working with the applicant after and if the Negative Declaration were approved. He added that the Negative Declaration does not mean an approval for the project.

Stout added for clarification that a conditional Negative Declaration is not an option but a conditional project approval is.

There was discussion of the environmental issues concerning the project and on options of how and when a schedule of samplings should be taken during construction and if any type of mitigation would be required if the project was ultimately approved.

The Planning Board had a consensus to thoroughly read through and render a decision on the Negative Declaration.

The Negative Declaration was read and discussed. The Notice of Determination of Non Significance was attached to the Negative Declaration.

The resolution for the Negative Declaration and to set the public hearing was read.

A **Motion** was made by Fred Pizzuto, seconded by Charly Long to approve the Negative Declaration and set the public hearing for Thursday, June 28, 2018 at 7 PM.

**Roll Call:** Cuciti, nay; Hammond, aye; DiLorenzo, aye; Pizzuto, aye; Brooks, aye; McCarthy, aye; Long, aye. **Six ayes carried (one opposed).**

**TRC Auto, 197 Route 299, SBL# 87.11-1-26.100, in GB zone.**

Applicant is seeking a commercial site plan and special use permit to open a 4 bay, full service repair facility specializing in foreign automobile repairs on Route 299.

Charly Long recused.

Ciro Interrante, applicant's representative, said they have received septic approval from the Health Department and submitted the photometric lighting plan. He explained the positioning of the lights along and their intensity.

Peter Brooks went over Part I and II of the Short Environmental Assessment Form with the Board and read the proposed Negative Declaration of the proposed project.

A **Motion** was made by Scott McCarthy, seconded by Sal Cuciti to approve the Negative Declaration and set the public hearing for June 28, 2018. Six ayes, one recusal.

**Minutes to Approve:**

A **Motion** was made by Scott McCarthy, seconded by Carl DiLorenzo to approve the minutes, as amended, of the Planning Board Workshop Meeting of April 19, 2018. All ayes.

A **Motion** was made by Scott McCarthy, seconded by Sal Cuciti to approve the minutes, as amended, of the Planning Board Meeting of April 26, 2018. All ayes.

A **Motion** to adjourn was made by Larry Hammond, seconded by Carl DiLorenzo, 9:48PM. All ayes.