

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

WORKSHOP MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday June 21, 2018

CALL TO ORDER TIME: 5:30 pm

PLEDGE OF ALLEGIANCE

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

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 Business

Cusa, Sal - Pancake Hollow Rd - 3 Lot Subdivision, SBL# 95.1-1-4.150, in R1 Zone.

Applicant would like to subdivide parcel, SBL 95.1-1-4.150 into three lots, two will be building lots and the remaining lot for future development. The septic design for Lots 1 and 2 are pending Ulster County Department of Health approval.

Jonathan Millman, applicant's representative, was present to present an overview of the project. There was a discussion of the proposed right of way. If it were a town road with a cul de sac at the end of it, it would give road frontage to Lot 2.

Barton said he believed the Town would be reluctant to take a road that only serves one lot. Additionally only one flag lot is allowed but the applicant has two proposed presently.

There was discussion on measurements of the road; frontage and the acreage required as to what would be beneficial for providing frontage to the lots.

Barton asked if there was septic at this point.

Millman said no and inquired about the road for the proposed subdivision.

Barton suggested he speak to Richard Klotz, Highway Superintendent.

The Board anticipates updates and revised maps.

Cusa, Paul - 2 Lot Subdivision, 539 N Elting Corners Rd., SBL# 87.1-1-3.260, in R1 Zone.

Applicant's parcel is part (Lot 6) of a subdivision on North Eltings Corners Rd that was approved by the Planning Board on September 19, 2016. Applicant proposes to subdivide Lot 6 into two lots, Lot 6A (lot approved in 2016) and a new lot 6 B with a new house, septic, and well. The proposed additional lot (6B) has a septic system approved by Ulster County Department of Health. The wetlands were delineated in the original 2016 submission and are still valid for the additional lot.

Barton said the applicant's representative, Lou DuBois, was unable to make the meeting but he would present information on the project on his behalf.

Barton explained that it was a fairly simple subdivision and that there is plenty of acreage to satisfy the subdivision.

The Board anticipates more detailed plans at the next meeting.

The Board anticipates setting the public hearing at the June 28, 2018 Planning Board meeting for the following month.

Rizzo/Schmitt - Lot Line Revision, 181 Lily Lake Rd, SBL # 87.2-2-1.110, in R 1 Zone.

Applicants Stephen M. & Marcianne Schmitt, 243 Hawleys Corners Rd, tax map SBL: 79.4-1-32.210 propose to convey 10.71 acres to Eugene J. & Rena C. Rizzo, 181 Lily Lake Rd, tax map SBL: 87.2-2-1.110. The Rizzos own property adjacent to the 10.71 acre parcel. Properties are located within the R-1 zoning district. Resulting acreage: Lands of Schmitt, 22.85 acres and Lands of Rizzo, 21.80 acres.

Patti Brooks, Brooks and Brooks Surveyors and applicant's representative, was present and provided new maps concerning the proposed lot line revision and presented an overview of the proposed project. She stated that it is a simple lot line revision where Schmitt will be conveying 10.71 acres to the lands of Rizzo in the upper north corner of the property.

The Board anticipates setting the public hearing at the June 28, 2018 Planning Board meeting for the following month.

Nack, Kathe – Special Use Permit, 73 Hurds Rd., SBL #94.2-2-27, in Zone A.

Applicant would like to convert an existing 784 sq foot office/den over the garage into an accessory apartment.

Ciro Interrante, applicant's representative, explained that a two car garage with an office above was built in 1989 on the parcel. The applicant/owner would like to convert the office space to an apartment for herself. Interrante said that there will be no change to the existing house.

Nack explained that she would like to live above the garage and rent or sell the existing house.

Peter Brooks stated that according to the Town Code, the owner needs to live in the primary residence. She can apply for a special use permit to convert the office space to an apartment but she would, as the owner, still have to live in the existing main residence.

There was a discussion of how the accessory apartment could be rented but not the other way around.

Hammond interjected that both buildings would have to be sold in a sale. Additionally, the maximum square footage would be 650 and it could only be a one bedroom apartment.

There was a discussion whether the proposed space could be reduced.

Stout interjected that the use variance through the ZBA would be hard to obtain because it requires no other economic beneficial use.

Peter Brooks said area variances are easier to obtain than use variances.

The applicant said they would discuss their options and come back.

Old 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 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. The applicant proposes a 211 lot subdivision if the sewer service is extended or a 166 lot subdivision if the sewer service is not extended.

Morris Associates Review Letter received 05.21.18.

Resource Analysis Map, Lot Yield Calculation Memo, and Revised Sketch Subdivision Plan submitted 06.14.18.

Justin Dates with Maser Consultants and applicant's representative, Andy Gilchrist, applicant's attorney and Dan Gueron, General Manager were in attendance to present the particulars of the proposed project.

Gilchrist said he wanted to address the issues of lot count and the extension of the public sewer. The economics of the project work to extend the public sewer with the 211 lot count, which would require a re-zoning of the LI (Light Industrial) zoned portion of the project to residential and R ½ zoning for the entire parcel. If the property is not rezoned to R ½ then the project would not economically support the extension of the public sewer. As an alternative, the project could be a 166 lot subdivision with a private wastewater treatment plant. Gilchrist added that through a municipal perspective the extension of the public sewer provides great public and municipal benefits. He said he realizes that the applicant would have to petition the Town Board for a zone change and that they are discretionary.

Barton said the Town board would eventually look to the Planning Board for comment.

Peter Brooks said there are many things to consider besides the number of lots that are proposed for the project.

Barton explained that there are watershed issues with the proposed project as well. He stated that he has spoken to Scenic Hudson who has done their own preliminary watershed analysis from the historic estates district across the Hudson river in Dutchess County. Barton suggested that a meeting with them offline would be beneficial in sharing information.

DiLorenzo asked who would own or administer the waste water plant if it were to be built.

Gilchrist said the property owner would own it.

DiLorenzo stated if in the event the property owner could not do that then it would become the responsibility of the Town to administer and take control of it.

Barton said in the past when a treatment plan was put in, they would build it to the Town's specifications and typically the Town would take it over. He additionally suggested that the applicant would benefit from attending the Water/Sewer Committee meetings.

Peter Brooks suggested that the applicant work for a time with the Planning board before going to the Town Board. If the Town Board were to ask the Planning Board right now about the proposed project they would not receive much information back.

DiLorenzo inquired as to what the applicant plans on doing with the property zoned LI.

Gilchrist said the property will stay open but they will be able to use the acreage for the density calculation.

DiLorenzo asked if they could make the housing plan more creative.

The Board looked at the resource analysis map.

Dates said the topography of the property basically dictates the design.

Cuciti remarked that the design and number of houses is optimistic because it is a tough steep piece of land to build on. Even if it was zoned R1, Cuciti believes it would be tough to get that many houses on that particular piece of property.

Learn said he will take applicant's numbers because he is unable to measure steep slopes. Based on the numbers he was given by the applicant he agrees that it would 166 or 211 homes.

Barton suggested they should go through with the 166 number, keep that review going, go to the Town Board for the re-zoning and see how that goes. If the case is made with the Town Board, the Planning Board would have already done a lot of the work associated with the project and they could adjust it to the larger number.

DiLorenzo commented on whether the area could handle all the additional traffic.

There was a discussion on various traffic options.

Stout said there is also a use issue relative to the access point of the property. If the access points are only through the LI zone that would be a problem because it is not allowable to traverse a zone in which a use is prohibited in order to reach a part of the property where the use is allowed.

Peter Brooks asked how they would deal with that.

Stout said it would have to be by way of a zone change or an alternative access to the property.

Peter Brooks said he believes the LI district spans the whole front of the property and there is no other access on Upper North Road.

Stout said even at 166 units the access points would be an issue.

Gilchrist said either a use variance, which would be difficult to obtain or a discretionary zone change would be needed. If the Town Board were to deny the discretionary zoning, the property would not be able to be developed. There is no other viable alternative access to the property.

Learn suggested to move forward with the review of the project with 166 units keeping the option of possibly expanding to the larger amount of units.

Gilchrist said the property owner could move forward with only 166 units and would then only focus on what is allowable and take the extension of the public sewer out of the proposal. He added that that would be a lost opportunity for the Town if the owner were to build a private waste water treatment plant.

Barton suggested a meeting with the Town Board to discuss the project.

The Board anticipates updates.

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 proposes subdivision of parcel (88.1-4-8.220) into 7 lots. Lot 1 (0.50 acre) will contain an existing single family dwelling. Lot 2 (0.50 acre) is vacant. Lot 3 (1.8 acres), Lot 4 (1.8 acres) and Lot 5 (9.08 acres) will be created in the R ½ part of the principal subdivided lot. Lot 6 (8.12 acres) will be created in the GB portion of the principal lot, and Lot 7 (15.22 acres) will be created and have both R ½ and GB zoning. No proposed uses are suggested at this time.

Barry Medenbach, Medenbach and Eggers and applicant's representative, presented updates and new maps of the proposed project. He said they put a utility easement to lot 6 to have access to the water and sewer on North Road. The owner renegotiated with the buyer for lot 6 to include the pond.

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 notice 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 HydroCAD 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 received 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.

The Board issued a Negative Declaration at the May 24, 2018.

Rich Tompkins, Mauri Architects, Barry Medenbach, project engineer, John Joseph, developer and Michael Moriello, applicant's attorney, addressed the new waiver letter received 06.21.18 (see attached) with the Board.

There was a discussion of the 75% frontage of the buildings along Rt 9W to which the applicant is requesting a waiver of 11%.

Cuciti asked whether the applicant not wanting to adhere to the code justifies a waiver. He does not believe it does.

Peter Brooks said he would like to grant them the waiver because they have done everything to the best of their ability to conform to the standard of frontage in an area that it has been difficult to achieve.

Medenbach said it was an topic from the beginning that was acceptable to the Board.

Pizzuto said he did not recall it being discussed until recently and it was a different Planning Board at that time.

DiLorenzo said they have all talked about how the Gateway Zone may not exactly look like the artist's rendering they had in mind. It's a wonderful vision but it may not be precisely what was envisioned.

McCarthy said if they are too flexible it may get out of hand.

DiLorenzo said he realizes that and was in agreement.

Stout said the waiver would not be a precedent because in the code it states that each proposal is unique and does not set a precedent.

Moriello was in agreement and reiterated that it would not set a precedent.

Stout said the applicant has been addressing the waiver requirements but it is up to the Board to determine if the hardships are substantial enough to grant the waivers.

The waiver was discussed and put to a vote. Cuciti-no; Hammond-yes; DiLorenzo-no; Pizzuto-no; Brooks-yes; McCarthy-no; Long-yes. Four not in favor; three in favor of granting the waiver. Medenbach asked if anything short of fully complying would be considered favorably.

DiLorenzo asked if there could be any other retail store besides Dollar General.

Joseph responded no.

There was a discussion of options to be in compliance with the code.

McCarthy said he understands the applicants' dilemma. However, he said, in his opinion, the engineers should have addressed the issues from the beginning before moving forward on the project and give options for how the project could comply.

Medenbach said that they did.

Tompkins said they are locked to what they can do by the existing building along Route 9W.

Moriello suggested the Planning Board speak with counsel as to what position the applicant is being put in. He added that not having a project is not a viable solution

A **Motion** was made by Scott McCarthy, seconded by Sal Cuciti to go into executive session.

A **Motion** was made by Sal Cuciti, seconded by Scott McCarthy to come out of executive session.

The Planning Board and applicant's representatives discussed the remaining requested waivers which included the requirement for shop fronts being glazed no less than 70% of the sidewalk level story and the requirement to provide trees at 40 feet on center along Route 9W (see attached). Discussion additionally took place on more lighting details and landscaping.

Peter Brooks asked if the applicant was going to comply with affordable housing.

Tompkins said yes.

Moriello said they are going to have a stenographer come in the night of the public hearing on June 28th to get an accurate record of the public comments.

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.

No new information.

The public hearing is set for the June 28th meeting.

Administrative Business

Discussion of Accessory Apartments

Discussion took place on whether the Board members were or were not in favor of accessory apartments in a secondary structure on a parcel.

A **Motion** was made by Larry Hammond, seconded by Scott McCarthy, to delete, in its entirety, section J, of the 100-42 code concerning accessory apartment zoning.

The Planning Board voted 5-2 (Cuciti-yes; Hammond-yes; DiLorenzo-yes; Pizzuto-yes; Brooks-no; McCarthy-yes; Long-no) in favor of recommending deleting Section J, 100-42 (which allows accessory apartments in a secondary structure) from the code to the Town Board.

Stout said the Planning Board may want to further clarify the intent with any other sections of the codes.

A **Motion** to adjourn was made by Larry Hammond, seconded by Sal Cuciti, 8:16PM.