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**AYES:**

**NAYS:**

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By:

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

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

**Thursday December 6, 2018**

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

**PLEDGE OF ALLEGIANCE**

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

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**New Public Hearings**

**Selux Corporation, 5 Lumen Ln, SBL# 88.1-6-6.100 in GB Zone.**

Applicant would like to combine a portion of the adjacent property owned by Selux (SBL 88.1-3-10) with the existing manufacturing property owned by Selux (SBL 88.1-6-6.100). The purpose of the requested lot line revision is to support a request for a change of the zone of the parcel added to the existing manufacturing property. It is currently zoned R2 and the applicant would like it to be changed to GB so that they can expand their existing plant.

**The Town Board, as Lead Agency, set a public hearing on October 17, 2018 for the November 21, 2018 meeting and issued a Negative Declaration on November 21, 2018 for the zoning change.**

**On October 25, 2018 The Planning Board set the public hearing which was held on December 6, 2018.**

Barton said the Town Board granted a re-zoning application for Selux Corporation.

A **Motion** was made by Larry Hammond, seconded by Carl DiLorenzo to open the public hearing. All ayes.

Harry Ellis, Bellevue Road landowner, said he is in favor of the project.

Dominick Martorana, 10 Bellevue Road, asked about the zoning on the parcels in question.

A **Motion** was made by Larry Hammond, seconded by Scott McCarthy to close the public hearing. All ayes.

Peter Brooks read the resolution of approval.

A **Motion** to accept the resolution of approval was made by Carl DiLorenzo, seconded by Sal Cuciti. All ayes.

**Smith, Matthew K., 10 Commercial Ave., SBL# 88.17-9-5.1 in GB Zone.**

Applicant is seeking approval for a revised site plan of a commercial park located on the westerly side of Commercial Avenue on tax parcel 88.17-9-5.1. Applicant proposes to expand the existing Cross Fit fitness center from 2,550 sq ft to 4,700 sq ft., eliminate the automotive uses, and add a new daycare center of 8,000 sq ft including the construction of a second story addition above the north end of the existing building. The dance studio will remain as currently utilized on the second floor.

**On October 25, 2018 The Planning Board reviewed the EAF, issued a negative declaration and the public hearing was set for and held on December 6, 2018.**

Patti Brooks, applicant's representative was present to give an overview of the proposed project. She discussed the plans for channelization of the parking lot, landscaping, and a sidewalk to provide safer pedestrian access. All lighting on the building will be fully shielded and will conform to the illuminating levels recommended by the Uster County Planning Board.

Additionally, she met with Richard Klotz, Highway Superintendent, and Andy Learn, Town Engineer, concerning the parking and sidewalk.

There was a discussion of where the parking and sidewalk will be located.

McCarthy asked if there will be a guardrail for separation.

Patti Brooks said she did not know but there would still be concrete bumpers.

There was a discussion on whether the amount of parking was more than satisfactory.

A **Motion** was made by Carl DiLorenzo, seconded by Sal Cuciti to open the public hearing. All ayes.

No one in attendance had any comments.

A **Motion** was made by Scott McCarthy, seconded by Larry Hammond to close the public hearing. All ayes.

Peter Bellizzi, president of the Rail Trail, said he is concerned about cars parking on the grass on the side of the rail trail when there is an overflow of cars stemming from gym events.

Barton said that is an enforcement issue for the police.

A **Motion** to accept the resolution of approval was made by Carl DiLorenzo, seconded by Scott McCarthy. All ayes.

**Tortarella, Troy E. & Alicia L.; Troys Auto Body, 78 Macks Lane, SBL# 96.9-1-24.110 in R1 Zone.**

Applicant is owner of a personal residence at 48 Macks Lane and also the owner of 78 Macks Lane. The application is for a lot line revision affecting said parcels. Both parcels are existing residential lots with single family dwellings. Lot 1 (SBL# 96.9-1-24.110) will be revised from 1.59 acres to 1.21 acres and will remedy an existing substandard side yard setback. Lot 2 (SBL# 96.9-1-24.12) will be revised from 1.72 acres to 2.10 acres to accommodate an existing fenced yard to be contained totally on said Lot 2. No new improvements are proposed on either lot at this time.

**On October 25, 2018 The Planning Board reviewed the EAF, issued a negative declaration and the public hearing was set for and held on December 06, 2018.**

A **Motion** was made by Larry Hammond, seconded by Carl DiLorenzo to open the public hearing. All ayes.

No one in attendance had any comments.

A **Motion** was made by Scott McCarthy, seconded by Sal Cuciti to close the public hearing. All ayes.

A **Motion** to accept the resolution of approval was made by Sal Cuciti, seconded by Charly Scott. All ayes.

### **Extended Public Hearing**

#### **Pavlovich and Company, LLC/Joyful Moments, 185 South Street, SBL# 87.3-5-29 in A Zone.**

Applicant is requesting commercial site plan approval and special use permit to open a daycare center in an existing building on the parcel.

**On July 26, 2018 The Planning Board reviewed the EAF and issued a negative declaration on and the public hearing was held on August 23, 2018.**

**The Planning Board is requesting a more complete site plan.**

**A survey will be prepared for the proposed project.**

**Louis Du Bois' report of the existing septic system, indicating that it was suitable for the proposed use, was received October 30, 2018.**

**No new information.**

A **Motion** was made by Larry Hammond, seconded by Carl DiLorenzo to extend the public hearing. All ayes.

### **Old Business**

#### **Black Creek Bed and Breakfast, 430 N Riverside Road, SBL# 87.2-4-15.110 in R1 Zone.**

Applicant is seeking a special use permit to open a bed and breakfast in a five bedroom house.

**At the Board's request, the applicant met with the Building Department on October 30, 2018 to resolve the particulars of the project and present a more sufficient and accurate site plan.**

The Planning Board reviewed the EAF, issued a negative declaration and set the public hearing on December 6, 2019 for January 24, 2019 meeting.

A **Motion** was made by Larry Hammond, seconded by Scott McCarthy to set the public hearing for January 24, 2019 at 7PM. All ayes.

#### **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.

**The Board anticipates the revision of the two flag lots on the parcel.**

**New maps received November 7, 2018.**

There was a brief discussion of the exactly where the proposed lots are located.

The Planning Board reviewed the EAF, issued a negative declaration and set the public hearing on December 6, 2019 for January 24, 2019 meeting.

A **Motion** was made by Larry Hammond, seconded by Carl DiLorenzo to set the public hearing for January 24, 2019 at 7PM. All ayes.

### **New Business**

#### **Long, Steven & Myriam, 15 Lockhart Ln, SBL# 88.13-8-7 in R ¼ Zone.**

Applicant is seeking a special use permit to convert their attached garage into an accessory apartment.

The Planning Board reviewed the plans and discussed the dimensions of the garage.

Barton said they meet the criteria for an accessory apartment.

The Planning Board reviewed the EAF, issued a negative declaration and set the public hearing on December 6, 2019 for January 24, 2019 meeting.

A **Motion** was made by Scott McCarthy, seconded by Sal Cuciti to set the public hearing for January 24, 2019. All ayes.

### **Administrative Business**

#### **High Bridge Place, LLC, 128 Vineyard Ave., 88.17-9-48 in R ¼ Zone.**

Site Plan Amendment Discussion

Keith LiBolt, developer of High Bridge and Patti Brooks, developer's representative, were present to explain the changes and variations they are requesting to the original approved site plan.

Patti Brooks said they would like to relocate the proposed bus shelter to the westerly side of the roadway in order to avoid the spruce tree, require less re-grading, and be on the same side of the driveway as the proposed walkway. A lamp post has been install in that location which would help with the lighting of the bus shelter and the walkway.

Barton agreed that it is the best spot for the bus shelter, there is a guardrail there and it was Andy Learn's recommendation that it go on that side.

Peter Brooks inquired about the clearing of the trees and shrubs by the rail trail overpass.

Patti Brooks responded that it was cleared out.

LiBolt said they have cleared a sizable amount.

Peter Brooks felt there was much more that needed to be cleared.

Patti Brooks asked if they wanted it clear cut in that location.

Peter Brooks responded yes and that the Planning Board's original requirement was that everything be cut down to improve the line of sight. He felt that it was unmistakably not cleared at the present time.

Patti Brooks, referring to a copy of the original site plan, added that the initial proposed gravel walking path to connect to the rail trail was eliminated in favor of a paved walkway on the westerly side the roadway. The walking path will be marked and striped from Vineyard Avenue extending all the way to the rail trail. She continued that this type of walkway is at a lesser grade,

easier to maintain, easier for weather and other modes of transportation such as bicycles and baby carriages. Additionally, a concrete sidewalk and stairway, which will be for tenant use only, was constructed to provide access from the lower parking lot to the dwelling units. The original plan called for a three foot wide walkway that ended at the end of the building. The proposal now is to extend the walkway all the way to the rail trail. There will be detailed markings on the walkway for bicyclers and pedestrian walkers. The Board had originally asked for rail trail access, so the applicant proposed a gravel walkway. Towards the end of the approval process there was concern by board members where tenants could walk to Town, get their mail etc..At that time the applicant added a paved three foot walkway to be used not only by tenants but the general public. According to Patti Brooks, the new proposed walking path will be easier to maneuver. The topography was unsatisfactory to put a gravel walking path in, the paved walkway makes more sense, and she said that Andy Learn felt it is a very viable solution. She believes it is a safer alternative than the gravel walking path.

Peter Brooks said, when it was originally discussed, the Planning Board's concern was that people would be walking in the driveway.

Patti Brooks said what was originally approved was what they are proposing now but just used for the tenants. It was always edge of pavement, white line and edge of pavement which is the curbing.

Peter Brooks responded that the Planning Board's concern all along was having people from the rail trail walking through the parking lot at High Bridge. The Board felt it would be a dangerous pedestrian and vehicle interaction, so, therefore, the walking path around the back was a better choice.

Patti Brooks stated Andy Learn had a concern about the accessibility of people coming up from the sidewalk and stairs and then bringing them around a steep grade.

Peter Brooks responded that the Board did not approve that. The Board approved a walking path around the back of the property.

Patti Brooks said that path would be very steep.

McCarthy asked why the developer could not lessen the grade. He added his concern of comingling rail trail pedestrians with vehicles in the parking lot of High Bridge.

Patti Brooks replied that they are proposing to adequately stripe it and the level of traffic will not be extreme. She also believes that pedestrian and vehicular interface is becoming more the norm. McCarthy believes that the stripes will not provide the safety needed and pedestrians will not adhere to them.

DiLorenzo inquired as to whether it could be remedied any other way.

Patti Brooks said regrading was done to accommodate the major connector box and underground utilities in that location.

DiLorenzo said he would like to hear Andy Learn's comments before anything is decided.

Patti Brooks said the boulder retaining wall originally proposed in the parking area was revised to a cultured stone retaining wall because there was concern the root structures of the trees would be disturbed with the original plan and slope.

Barton responded that was a field adjustment that he approved.

Patti Brooks stated that the emergency gate originally approved would not be possible but they would match it with a duplicate version of the existing gate that is already there on the south side of the rail trail. The Fire Department has approved it.

DiLorenzo inquired about shoring up of the bridge.

Patti Brooks said she takes full responsibility for forgetting the shirring up of the abutments as it was approved before Mr. Libolt was involved in the project so he was not aware of it. He now has a copy of the plans and it will be done.

There was a discussion of the location, maintenance and rationale of added outdoor charcoal grills and picnic tables on common area of the property.

Patti Brooks stated the developer would like to invite the Planning Board to the site to view the changes they have made. The last change is the addition of four deciduous trees on Town property in the grading and landscaping easement that the Town granted to the applicant. The trees will mirror the trees on the westerly side of the road. Peter Bellizzi, President of the Rail Trail had requested some additional trees.

There was discussion of why the developer omitted balconies on the second floor of the building. Libolt explained it was as result of insurance issues.

Peter Brooks commented there were many items of the approved site plan that were not adhered to.

Patti Brooks responded that the building plans, which were submitted to the Building Department, were not part of the site plan approval.

McCarthy inquired whether there were any outstanding contingencies.

Barton replied no. He continued that he will not give them a Certificate of Occupancy if there is no clarification of conformance to the site plan.

The Board agreed that they would like to hear Andy Learn's comments before they make any kind of decision.

McCarthy said he wanted to know what the original contingencies were and explained that approvals are needed before there are changes to the site plan.

Patti Brooks believes none of the changes are substantial and hopes the Planning Board would have a site visit at the project.

Peter Brooks said the Planning Board spoke in great length about keeping rail trail pedestrians off the driveway of High Bridge and that was what was approved. Stairs were not approved.

LiBolt requested the Board have a site visit.

DiLorenzo reiterated that they also need comments from Andy Learn.

LiBolt said this was the first he had heard that balconies were part of the approval. He said only the cover page of the site plan was signed.

Patti Brooks said it was because it was part of a set. She additionally said she would coordinate with the Building Department to have site visit with the Planning Board and Andy Learn.

### **Sign Approval:**

#### **T-Source, 180 South Street, SBL# 87.3-5-14 in A Zone.**

The applicant would like to intall a 4' h x 8'w sign to reflect the new business.

The applicant, Chris Maffeo, was present to answer any questions.

The Planning Board reviewed plans and pictures of the proposed sign and building. The Board agreed that it was in compliance.

A **Motion** was made by Larry Hammond, seconded by Carl DiLorenzo to approve the sign. All ayes.

Mark Reynolds, reporter, inquired about Affordable Housing regulations at High Bridge. He believes it should be ten percent and why would they approve the project without it.

Peter Brooks said he read the regulations, and in his opinion, the Town has not properly approved or managed Affordable Housing.

Barton said the issue has come in front of the Town Board and he advised them to consult with the Town's Attorneys. The Planning Board cannot go back on an approval. The Town, going forward, will be working on the issue of Affordable Housing. He believes the Town, however, satisfies already much of the Affordable Housing matter according to the statistics.

### **Minutes to Approve:**

A **Motion** was made by Scott McCarthy, seconded by Charly Long to approve the October 25, 2018 Planning Board meeting minutes and the November 15, 2018 Planning Board Workshop meeting minutes, as amended. All ayes.

A **Motion** to adjourn was made by Scott McCarthy, seconded by Charly Long 8:53 PM. All ayes.