

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, March 24, 2016

CALL TO ORDER TIME: 7:00pm

PLEDGE OF ALLEGIANCE

ATTENDANCE **Present:** Dave Plavchak, Lawrence Hammond, William Ogden, Peter Brooks, Scott McCord, Brad Scott, Carl DiLorenzo, Nicki Anzivina, Dave Barton; Building Department Director,
Absent: Fred Pizzuto

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

Erichsen's Auto Service; 8 Lumen Ln, Commercial Site Plan SBL#88.1-6-10, in GB zone.

The applicant is requesting site plan approval to put up a fence at their property located on Lumen Lane to use for the increase in business at their shop located at 170 State Route 299.

Patti Brooks of Brooks & Brooks Land Surveyors, the applicant's representative, was present for the meeting. Jerry Erichsen was present for the meeting.

Revised maps were distributed which show note number 10 delineated on the map. The storage containers have been placed in an area close to the hillside to minimize visibility from 9W. Another change to the map was the addition of a small berm near the stream to ensure that even with the 20 ft. buffer no drainage from the site will go near the stream; this was added as a recommendation of the ZBA when granting a setback area variance for the placement of the fence.

Patti: We have also received complementary comments back, on the area variance review, from the Ulster County Planning Board regarding addressing their concerns from the initial review of theirs on the siteplan. The Board had no additional concerns.

The public hearing notice was read.

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

No public comment.

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

The resolution of approval was read. (See attached)

A **Motion** to accept this resolution was made by Carl DiLorenzo, seconded by William Ogden. All ayes.

Purdy, Robert, Lily Lake Rd, Special Use Permit SBL#79.4-1-22.110, in R1 zone.

The applicant is requesting a special use permit for a timber harvest on 47 acres of his 50.1 acre parcel.

Christopher Prentis, the applicant's representative, was present for the meeting.

The Board was anticipating follow up on the Indiana Bat Habitats.

Chris: I have two follow ups one from Fish & Wildlife service which said there is a potential for Indiana Bat Habitat there but the DEC said we do not need to worry about the Indiana Bat.

Dave B: That is accurate we have conformation from Terresa. We do not understand why, but they are good to go with the Indiana Bat habitat.

Chris: The reason why is because the Fish & Wildlife views Indiana Bat coverage 10 miles from any of their caves. The State only views 5 miles being a legitimate buffer. The nearest cave is in Rosendale which is 8.5 to 9 miles away so you can go one way or the other. The Fish & Wildlife suggested a seasonal restriction but this all becomes a moot point because there are actually endangered species in that area, The Northern Cricket Frog. This supersedes the Bat issue. I met with three of the biologists at the property; they walked it, and suggested a seasonal restriction from March 15th to November 15th. We can only cut between Nov. and March.

The applicant would like to do this Timber Harvest in Nov. of 2016.

No additional Board concerns.

The public hearing notice was read.

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

Fred Hopper of 437 N. Elting Crns. Rd.: I have some question for the Board to address. My wife went to the Department of Environmental Conservation; there are four basic questions we have.

1. What the purpose is? Will he be further subdividing and selling?
2. Erosion, will this be clear cut or mature trees only?
3. Where is the access and egress for this going to be? The applicant's responsibilities for damages, if occurred?
4. Hours of operation?

Chris Prentis: This is a selective timber harvest to answer your question number one. This has nothing to do with a subdivision or development, Mr. Purdy actually has the property for sale. This harvest is about nine trees per acre so by no means clear cutting. The access is on Lily Lake Rd.

Dave B: The Town has standards for the hours of operation which is 7:30am to 5:00pm Mon. thru Sat.

Dave Plavchak informed Mr. Hopper that the applicant will also put up a bond to protect the road.

Cecilia Hopper (but the property is listed under Cecilia Van Vliet) of 437 N. Elting Crns. Rd.: I went down to the DEC today and the land on Lily Lake Rd. is a protected wetland area what provisions are made for that?

Chris Prentis: There is a small section of property where there is an existing road that does not cross the wetlands. This is the reason, I think, why back in the 1980's Mr. Purdy did not subdivide.

Mrs. Hopper submitted a map showing the wetland area around Lily Lake Rd.

Mrs. Sutton of 436 N. Elting Crns. Rd.: I am an adjacent neighbor, my house is about 75 ft. away; is there any way to modify how early they start to work in the mornings?

The Board discussed the early morning hours and will change the starting time to 8:00am.

Mrs. Sutton: I also have a question about the access?

Chris P: There is a road right up the center of the property from the last time they logged, it goes from the access on Lily Lake Rd. straight up the middle through an old farm way and winds its way down getting pretty close to your road.

Mrs. Sutton: As far as aesthetics what is left when they are done?

Chris: Stumps are left. There will be a visual difference but it would not be significantly different.

Dave B: This is a small timber harvest of 350 trees over 50 acres.

Chris: Most trees are mature trees with a diameter of 16" to 28". A timber harvest in this area can occur about every 20 years.

Mr. Hopper had a concern of people trespassing and wondered if the contractors would have identification. There will be coordination between the homeowner and the contractor to know who is on the property and when.

Larry: We have had a number of this type of application and have had no problems with them.

Mrs. Hopper: When was the last timber harvest on this property?

Chris: 1984 or 1985.

Mrs. Sutton: You said there was a buffer, how far from our stone wall will you be?

Chris: There are no trees marked for harvest against the wall. I try to respect people's backyards and property. Some of the front yards on Lily Lake Rd. I left a 75 ft. to 80 ft. buffer. I also try to use the natural terrain.

Bill: A previous Forrester made the point that timber should be harvested for the good of the forest growth. A **Motion** to close the public hearing was made by Lawrence Hammond, seconded by William Ogden. All ayes.

The resolution of approval with the conditions of clearing restriction as recommended by US Fish & Wildlife Service and the Department of Environmental Conservation and hours of operation will be between 8:00am and 5:00pm was read. (See attached)

A **Motion** to accept the resolution of approval with conditions was made by Lawrence Hammond, seconded by William Ogden. All ayes.

Set Public Hearing

Mt. Triumphant Church; 1377 Route 44-55, Commercial Site Plan SBL#94.4-1-9, in A zone.

The applicant proposes demolishing an existing 1,456 sq. ft. structure and constructing a 40' x 60' church assembly hall with associated parking, and septic system. The proposed building will include a kitchen, bathrooms, a 50 seat dining area and a small office.

Revised maps dated 3-21-16 were reviewed along with a memo from Willingham Engineering addressing Morris' comments dated March 15, 2016. (See attached)

After review the Board had no additional comments.

A short environmental assessment form was reviewed and the Board issued a negative declaration.

A **Motion** of negative declaration and to set the public hearing was made by Lawrence Hammond, seconded by William Ogden. All ayes. (See attached resolution)

The public hearing is set for April 28, 2016.

Walker, Desmond; 3945 Route 9W, Commercial Site Plan SBL#95.4-1-18, in HBD zone.

The applicant would like to move his currently established business, Ultimate Auto Inc., from 512 Route 299 to a new location at 3545 Rt. 9W.

Brad Scott abstained.

This was discussed at the workshop. Many changes have been made to clean up the site; this will now strictly be an auto repair business. The Board had no additional comments.

The short environmental assessment form was reviewed and the Board issued a negative declaration.

A **Motion** of negative declaration and to set the public hearing was made by Carl DiLorenzo, seconded by Peter Brooks. All ayes. (See attached resolution)

The public hearing is set for April 28, 2016.

Administrative Business

Minutes to Approve:

A **Motion** to approve the minutes, as edited, from the February 18, 2016 Planning Board Workshop was made by William Ogden, seconded by Nicki Anzivina. All ayes.

A **Motion** to approve the minutes, as edited, from the February 25, 2016 Planning Board Meeting was made by Nicki Anzivina, seconded by William Ogden. All ayes with Dave Plavchak abstained and Carl DiLorenzo abstained.

PRD Discussion

The Board continued discussion on the PRD draft.

Discussion included PRD expiration date; currently a PRD will expire 3 years after the Town Board approval if the proposed work has not begun. If the proposed PRD gets to the Planning Board the clock will reset for Planning Board review. Extensions thru the Town Board are possible.

Discussion included property setbacks and setting the minimum setback from the property line at 15 ft., the spacing of the buildings 15ft. for one and two stories and 25ft for more than two stories.

Discussion on Area and Bulk regulations: Lot coverage (buildings and all impervious surfaces) should not be more than 70%. Projects requiring a SWPPP review and setback regulations will also dictate a lot about lot coverage.

The Planning Board will draft another version of the PRD with minor changes for the Town Board to review.

Administrative Business

Some Board members went to a Zoning for Solar Seminar and a model law regarding solar is to come out soon.

A **Motion** to adjourn was made by Peter Brooks, seconded by Lawrence Hammond. All ayes. 8:23pm