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MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, May 22, 2014

CALL TO ORDER TIME: 7:00pm

PLEDGE OF ALLEGIANCE

ATTENDANCE Present: Lawrence Hammond, Carl DiLorenzo, Fred Pizzuto, Dave Plavchak,
Fred Riley, Scott Saso, Peter Brooks, David Barton; Building Department Director, Michael
Horodyski; Town Board Liaison
Absent: Brad Scott, William Ogden

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

Scott Saso recused.
Dave Plavchak took the chair.
Dias, Joao, 565 Riverside Rd, Site plan SBL#88.1-1-4.200, in DB and R1 zone.
The applicant would like site plan approval for his concrete storage business.
The Board reviewed the proposed site plan. The applicant will relocate the fence according to the site plan approval.

TO THE EDITOR OF THE OFFICIAL NEWSPAPER:

New Paltz Times
Email: dale@ulsterpublishing.com

THE FOLLOWING LEGAL NOTICE IS TO BE PUBLISHED:
WEEK OF: May 15, 2014

FORWARD PROOF OF PUBLICATION AND ALL BILLS TO:
TOWN CLERK, TOWN OF LLOYD
TOM SHAY SQUARE, 12 Church Street
Highland, New York 12528

LEGAL NOTICE

TOWN OF LLOYD PLANNING BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Town of Lloyd Planning Board, Ulster County, State of New York, on the application of Joao Dias for property at 565 N. Riverside Rd. (SBL: 88.1-1-4.200), Highland NY, 12528, proposing a Siteplan for his commercial concrete storage business.

The public hearing will take place at the Town of Lloyd Town Hall on Thursday, May 22, 2014, at 7:00PM, or as soon thereafter as may be heard.

Date: May 9, 2014

Any questions, call (845) 691-2735, Monday through Friday, 8:30am – 4:30pm, or email us at prober@townoflloyd.com

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

Mr. Robert Browning 538 N. Riverside Rd.: I was not notified of this hearing it was just a coincidence that I got this information from a neighbor. I want to know what changes there will be between what is proposed and what he has there now, which are boats and junk trucks. There is stuff inside the fence that he has not moved like a motor home, a second boat and all of his forms for his concrete business. Is this out of code now?

Mr. Browning's residence is outside of the required threshold for notifying abutters.

The Board looked at some google maps that Mr. Browning had brought along with him of Mr. Dias' property.

Mr. Browning: My concern is he had all of these big plans, which never came to be, so why can we believe him now?

Dave P: On this site plan I do not see any boat storage area so, from approval on, this is the map he will need to adhere to once it is approved.

The Board reviewed the allowed uses in the DB zone.

Peter: Just so the public understands, what he is here for is that right now this fence goes outside of the business district and he is proposing to adjust the fence so that it is inside the business district.

Mr. Browning: My concern is the history.

Carl: Do the storage items have to lend themselves to the business?

Dave B: In your approval tonight you are approving a concrete business on this property, so anything on that site would have to relate to that use.

Doreen Browning, 538 N. Riverside Rd.: In the original site plan approval, there was a building and all of the equipment was to be behind the building. Does that site approval still not exist?

Dave B: There was never a site plan approval for the site before.

Peter: It was approved but it was never followed through with. The maps were never signed.

Mrs. Browning: Since there was no approval, the fence was never approved? For years this piece of property has been an eyesore with no approvals from the planning board.

Dave P: What we are approving tonight is the use and the site plan. The fence is on the site plan.

Discussion was held as to where the fence will be moved to.

Mrs. Browning asked if when this company came in was it split into two lots, and no it was not. Mr. Dias owns two consecutive lots and had applied for a lot line revision in the past. That approval was not followed through as well, the maps were never filed.

Peter B. explained that if the fence is moved to conform to this site plan a subsequent step could be that they could get a lot line revision.

Susan Dahlinger, 548 Riverside Rd.: One of the matters under first consideration was a lot line adjustment because Mr. Dias wanted to move his business from Haviland Ave., where it was somehow in the way of the Walkway over the Hudson project, which was roughly 2009. When he moved his business he was going to fence with an opaque fence, landscape, put up an office building, have bays for his trucks and he was going to put up a sound barrier so that the neighbors would not be bothered at 5 o'clock in the morning. Every morning of my life since he has moved in I wake up with my heart pounding because of pieces of concrete falling into trucks. I have talked to the workers, and called the cops. He has moved into the Red Barn Produce.

Ms. Dahlinger was informed that Red Barn Produce is not Mr. Dias property.

Ms. Dahlinger: Whatever that is, they get up at 2:00 in the morning and start shoving things around so I am awakened at 2:00am, 4:00am, and there are tractor trailers coming into a residential area. There are trucks running out of Mr. Dias' company and all kinds of trucks running out of this produce company. There are lights blazing all night long, I can't sleep there anymore. The thing is he promised to build us something beautiful, I expected that he was back today to make good on his promises. In addition to which I cannot keep a tenant on my property anymore because of the noise on that corner. I see kids on their bikes and getting off of school buses, people walking and jogging, they are going to be road pizza one of these days. I come home from work at 10:00pm and I have problems parking, they won't move their trucks. This is unconscionable what he has done, I pay very good taxes to this place and I am losing income because I cannot keep a tenant, his place is such an eye sore. He has a rock crusher tool, which he would run day and night, this runs at 80 to 82 decibels this level needs protective gear. The fence is supposed to be opaque, but we can see right through the fence.

Peter: It sounds like some of your complaints don't relate to you but relate to the people going in and out of the Red Barn. That is not an issue that is in front of us tonight.

The Board and Ms. Dahlinger discussed the Town noise ordinance.

Ms. Dahlinger: This concrete business should not be allowed around a residential neighborhood and I can't see why anyone would approve it anyway.

Peter: It has been zoned for this kind of use since 1974.

Ms. Dahlinger: Whoop Di Doo, why would you ask all of the neighborhood to come down and talk about it if it was not something that was completely congenial about the situation, something that was going to drive us crazy, something that was going to keep us up at night, something that was going to make it impossible to keep tenants, something that was going to keep us up at night and then allow a man who can basically be accused of fraud for not performing under the original agreement come back before you to do other stuff.

Dave B: We do have previous maps but it is not the action before you tonight.

Mr. Browning: So the question is that you guys lost the documentation? Where did that paperwork go? He has no legal right to do what was originally approved?

Ms. Dahlinger: Because the paperwork is lost and you cannot prove (mumbled, two people talking), if nothing was filed and nothing was agreed on and it does not exist, than he should not be there.

Mr. Browning: He put up a fence that he needs to move. What gave him the authority to put up the fence? His older site plan was never filed so he did not have the right to put up the fence in the beginning.

Ms. Dahlinger: What gives him the right to lie to his neighbors and not perform?

Dave B: A building permit was issued for the fence which is by right; anyone can put up a fence. The use has been before this Board for quite a few years. Here we are at the end of that road, I hope, he has been under review by this Board to come to this end.

Mr. Browning: But nobody has challenged anything that he has done there, right?

Dave B: That is inaccurate. There is an action before the Board tonight, if you have a comment, comment on the action. If you have a comment on the enforcement you can come and see me in the Building Department.

Mr. Browning: You are trying to fix something that he had no right to put up to begin with.

Dave B: Actually what we are doing tonight we are approving something that he has applied for by right.

Ms. Dahlinger: If he applied for that fence and he applied for what went inside of it and you have lost the paperwork (did not finish)

Dave B: Why do you keep saying that?

Ms. Dahlinger: Because that is what I have been told.

Dave P: No one said we lost the paperwork.

Ms. Dahlinger: Well where is it?

Dave P: We said there was a prior approval which never got filed therefore it expired. That is not losing paperwork.

Ms. Dahlinger: If the approval has expired doesn't he need to reapply?

Dave P: Here we are.

Peter: For some years now the applicant has not been in compliance, this Board and Dave have been trying to close that gap to get him into compliance. We do not deal with noise, we can deal with what is the purview of the Planning Board. If this plan is approved it will bring this site plan into compliance with our Planning and Zoning Boards.

Dave B: I am sensitive of the noise issue, the Building Dept. used to enforce that; you could condition the approval to hours of operation.

Larry: Can we add that anything around the fence should pertain to the business.

Liz Weiss 414 N Riverside Rd: We are talking about compliance and that so many years have gone by. I think that it was mentioned some of the items currently being stored on the property that may not necessarily be appropriate, is that right? It is hard for me to understand what boats, on the property, have to do with a concrete business.

Carl: That is what Larry just mentioned. What can be stored there can only be lending to the business.

Liz W.: So am I right in thinking that the Planning Board will be taking a look at what is currently there and telling them what has to be removed?

Peter: The Planning Board does not do that the Building Department does. I do not think that our Planning and Zoning ordinances require that everything that is on the property be related to the business, we may choose to make that a condition.

Liz W.: Can this commercial traffic be re-routed so that it is not going through the residential area?

Dave: I don't know if that is in this Board's scope to limit what can pass across a County Rd.

Peter: From earlier conversation, some of these trucks may be from another business.

Ms. Dahlinger: Mr. Dias is the one who wakes me up at 5:00am; he is the one I care about.

Dave P: This is not a debate, if there is a noise issue you will have to take that up with the police.

Mr. Browning: I did not get notice of this meeting. I think you guys need to send to all neighbors. I live across the street within 500ft.

Dave B: We never buffer for 500ft., never for anything in the Town of Lloyd. Our requirement is abutters, people who touch the property, I use 150ft.

Mr. Browning: My property is across the street from the orchard which he cut down part of the property which was supposed to go residential because it never got filed it is still part of the same thing.

Ms. Dahlinger: And the destroyed habitat there has forced the animals across the street, my mature garden has just been chewed down to the roots.

The Board discussed Mr. Dias' property and clarified that he has two adjoining lots. The lot line that he applied for in the past, although approved, was never filed, leaving him with his two original lots.

Ms. Dahlinger: I am sorry it did happen it just did not get filed.

Dave P: If it did not get filed, the lot line revision did not happen.

Ms. Dahlinger: I was sitting right here.

Mr. Browning: May I suggest you extend your invitations out to 500ft so you can get more of the people in the area?

Peter: The 150ft. we use now is larger than the law requires. The law requires abutting owners only to be notified. We are being more inclusive by going to 150ft.

Mike H: We have encountered issues where that notice has caused angst and issues but given the counsel and conversations from the professionals the 150ft is a generous buffer.

Liz W.: There was a mention about there having been some fines?

Dave P: That was Ms. Dahlinger when she referenced calling the police.

Liz W.: How do follow up to see if those fines have been paid?

Dave B: You could F.O.I.L. that information from the police department.

Liz W: So if you have a property owner and the property owner has been fined for violations and those violations have not been paid, are you going to go ahead and approve something new for that property owner?

Paul Gargiulo: There is \$3000.00 in an escrow account, if there are any penalties it would be taken out of that account.

Mr. Browning: The point she is trying to make is if there are penalties would the Board know and use that as a judgment on them doing something else.

Ms. Dahlinger: No one is going to object to him moving the fence because it is non-compliant. Our issue with him is that he lowered the properties of the neighborhood by putting this up in the first place. (mumbling)

I am about as angry as a person can be. I moved out up here from the quiet of Woodstock and I do not have it any more. I do not have a house that I can sell and retire elsewhere because nobody wants to live next to this.

Mrs. Browning: Would it be reasonable to request that he put up a better fence, one that kept his equipment better hidden? If this is going to a storage business, which it was not originally planned for, isn't it reasonable to ask for some kind of fence that would be less unsightly than what we have right now.

The Board and applicant discussed the fence, plantings would not help because they would be plowed over in the snow. Currently the applicant has a chain link fence with slats going in one direction. Mr. Dias will add slats in the other direction so that the area inside the fence is better screened.

Ms, Dahlinger: Do you have anywhere a copy of his original application?

Dave P: All copies would be in the Building Department.

A **Motion** was made to close the public hearing by Peter Brooks, seconded by Fred Pizzuto. All ayes.

The Board discussed conditions of approval as read on the resolution.

1) Anything stored on the property has to be related to the concrete business and everything else must be removed.

2) Anything stored, shall be stored inside the fence.

3) The hours of operation shall comply with the Town Code.

4) The fence will have reverse slats for better screening.

5) Maps will not be signed until the conditions are met.

Dave Plavchak read the resolution (see attached)

A **Motion** was made to approve this resolution by Carl DiLorenzo, seconded by Lawrence Hammond. All ayes.

Scott Saso returned to the meeting.

DiCapua, Alyssa and Peter, 168 South St, Special Use Permit; SBL#87.3-5-12, in A zone.

The applicant would like to start a home occupation business consisting of a high end, one bedroom bed and breakfast suite. Parking will be located on site. There will be no additional external lighting, other than what is already present. A small discreet engraved sign will be placed above the front door.

Alyssa and Peter DiCapua were present for the meeting. The Board reviewed this application and had no further comment.

TO THE EDITOR OF THE OFFICIAL NEWSPAPER:

New Paltz Times

Email: dale@ulsterpublishing.com

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WEEK OF: May 15, 2014

FORWARD PROOF OF PUBLICATION AND ALL BILLS TO:

TOWN CLERK, TOWN OF LLOYD
TOM SHAY SQUARE, 12 Church Street
Highland, New York 12528

LEGAL NOTICE
TOWN OF LLOYD PLANNING BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Town of Lloyd Planning Board, Ulster County, State of New York, on the application of Alyssa and Peter DiCapua for property at 168 South St. (SBL: 87.3-5-12), Highland NY, 12528, proposing a Special Use Permit for a one bedroom bed and breakfast.

The public hearing will take place at the Town of Lloyd Town Hall on Thursday, May 22, 2014, at 7:00PM, or as soon thereafter as may be heard.

Date: May 9, 2014

Any questions, call (845) 691-2735, Monday through Friday, 8:30am – 4:30pm, or email us at prober@townoflloyd.com

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

Planning Board Minutes 5-22-14

There were no public comments.

A **Motion** was made to close the public hearing by Dave Plavchak, seconded by Carl DiLorenzo. All ayes. Scott read the resolution of approval. (see attached)

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

Administrative Business

MINUTES TO APPROVE:

A **Motion** was made to approve the minutes from the April 17, 2014 Planning Board Workshop by Dave Plavchak, seconded by Fred Pizzuto. All ayes. Scott Saso and Peter Brooks - abstained. Brad Scott - absent

A **Motion** was made to approve the minutes from the April 24, 2014 Planning Board Meeting by Dave Plavchak, seconded by Lawrence Hammond. All ayes.

Administrative Business

The Board will organize the 9WSVC (9W South Visionary Committee)

Design Guidelines were distributed to the Board.

Mike H: From a Town Boards prospective the formation of this committee was to take comments seriously. We have a very, very astute Board now and if we could keep this Board in perpetuity it would be great, but in the event that this Board is not here and that those guidelines may be interpreted differently we want to kind of standardize the guidelines. I think it is important from a development standpoint that the developer, as much as the Town, know what they are getting themselves into. In my opinion we want to give them the perfect play book so they know exactly what this Town is looking for in a specific zone, as opposed to guidelines, spell it out to them; ie: we want to see..., this is what we want to see...and that is what this committee is set to do. We are talking significant development, potentially, along the corridor. We would like to see that what the business looks like fits.

Scott: Looking through the Design Guidelines booklet it does have an architectural section, where it does talk about roofing, windows, siding, parking it talks about a lot of the things you talk about when you design, a lot of the work has been done.

Mike H: A lot of the work has been done. What has not been done is it has not been put into standards as opposed to guidelines. As you look at topography moving down 9W, what I would like the effect of the committee to be is to rationalize and identify those parcels where it works; here is why it works, here is why we feel it works and the others where it does not work; here is why we felt this parcel is staying X zone, it is not going to work here. It is important to have a rational for the restrictions. What is needed is the arcitectural detail of the uses, the use is already there.

Samples designs of other communities were passed around.

The Board reviewed maps of and discussed Route 9W(about 1.3miles of it.), Uses along 9W, property limitations and strip mall concerns and rational for restrictions.

The Visionary Committee will meet next Wednesday at 7:00pm.

A **Motion** to adjourn was made by Fred Pizzuto, seconded by Peter Brooks. All ayes.