

A **Motion** to accept the resolution of approval was made by William Ogden, seconded by Fred Pizzuto. All ayes.

Decker, Jason, 3 Commercial Ave, SBL#88.69-10-20, in CB zone.

The applicant would like a special use permit to include a beauty enhancement business into his home. This is classified under home occupation 1.

This application has been reviewed by the Planning Board; they had no additional comments or concerns.

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

David Finch of 5 Leonta Court asked that the Board please explain what a special use permit is and how it would affect the neighborhood.

Dave P: Our code allows various home occupations in different zones with a special use permit. The Planning Board reviews the application to make sure different variables (traffic, hours of operation, etc) do not impede on the neighborhood.

Mr. Finch: Could you tell me more specifically about this business?

Peter B: This is for a hairdressing business; it will not be on a walk in basis but by appointment only one at a time.

Dave P: The hours of operation will be from 10:00am to 7:00pm Mon. thru Sat.

Mr. Finch: There are a lot of kids all through the neighborhood. I would like to talk about the developing businesses that are crowding into the residential areas. The nursing home has been putting in applications for expanded use, there is another business going in behind Commercial Ave. and to add this business coming in. Everyone knows Leonta Ct. has very little infrastructure, it is just a little street with every house around there having children. More traffic and business now until 7:00pm, which I do not approve of in a residential area. Additional cars parked either in the front or on the side will impact visibility coming in and out of that street. This will impact this neighborhood. It is not going to be just this but there is the increase of the nursing home and increase of the traffic coming behind my house. Now that they have made Church Street a one way this is basically the only street that people get to and from Town Hall, Court and the Nursing Home and it has really impacted the neighborhood. I think for the families that live on that street have really felt the impact in the last few years so this is all a major concern.

Dave P: This is a business zone and I know a lot of things are going on Commercial Ave. This particular application should not have to use Leonta Ct. This business is by appointment one person at a time.

Mr. Finch: I frequently see vehicles that are on the side of the house.

Dave P: If there is no parking allowed on the side of the house that can be enforced. This is a low intensity business and he does have space in his own lot. From our perspective we did not think that this application had a major impact on the neighborhood.

Mr. Finch: I just think that it is one more thing added onto everything else. I have nothing against this business specifically and if they follow the guidelines I have no problem with this application.

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

The resolution of approval was read. (See attached.)

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

Smith, Matthew (Gina Marie's Dance), 10 Commercial Ave, SBL#88.17-9-5.100, in GB zone.

The applicant would like site plan approval to renovate the second floor of the building located at 10 Commercial Avenue. Gina Marie's Dance Studio would like to occupy 5770 sq. ft. of the second floor for her business. Interior and exterior renovations will be made to include a sprinkler system and fire separations from other building tenants as required.

Matt Smith, the applicant, was present for the meeting.

David Toder of Bolder Architecture PLLC, the applicant's representative, was present for the meeting.

The Board reviewed new maps.

Dave T: After our conversation last week we added some elements to protect and make a safer drop off area. In the detail sheet we show recycled curb stops with three foot tall flags. One of the reasons for the plastic curb stops is to allow them to be removable for snow plowing and then put back. The post and chain on the far end of the building is shown on the map.

Bill: What about the ding stringer warning device that was discussed?

Matt: I would love to find one of those, the old rubber one that you run over with a car is out of date.

Bill: For our purpose we will call it an audible warning device. It will warn people when a car is coming out of the garage bays.

Peter: The map should show this warning device.

Dave T: I will submit revised copies of the site plan.

Larry: For the future connection to the Rail Trail, will you be coming back to the Planning Board?

Matt: I think at first we would have to go to the Rail Trail Board as a common courtesy, then the Town Board and then to you. I would work with the Town if additional parking is needed when we consider the future connection to the Rail Trail.

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

Alan Van De Bogart of 55 Mayer Dr: I support his use of the building and I think it is a great addition to the Town and I thank him for improving the property.

David Finch of 5 Leonta Court: I would like to address the parking. I am familiar with the property, how many parking spaces will there be?

Dave T showed Mr. Finch the proposed site plan informing him that the whole right side of the site will be cleared for additional parking. Cross fit uses the parking area over on the left side of the building but some of their parking spaces are allotted to the Dance Studio.

Mr. Finch: How will you get that many spaces on the gravel? If they are not marked out you may only get 1/2 of what is required, because of the way people park. Over at Hannaford's, where Gina Marie's is now, they use 30 to 40 parking spaces at a time. I do not think this is going to be enough parking and I think that they are going to start using the public roads to park. I do think that this is a great use for the property I just want to make sure all things are addressed appropriately.

Dave P: Our major concern with this plan was parking and the safety of the children.

Dave T: You are right this is an informal parking lot but we think in terms of the hours of operations of the various businesses and the total available parking established this will address the needs mostly. You are right some may use the 10 spaces up behind on the rail trail.

Dave T informed Mr. Finch of the other changes being made to the site which are shown on the map. He also explained about the narrowness of the front of the building and why channelization is not doable.

Mr. Finch: If you paved the parking lot you may be answering a lot of the parking delineation and channelization concerns.

Dave P: We talked about the infrastructure underneath this site. The Town water department does not want us to dig up where the pipes are under the property. This is one of the reasons we do not want to do that.

Another reason is the water that is being infiltrated right now would only become more runoff. We think that

where Matt goes with future uses paving may be considered, but for this use we are not enforcing that for the above reasons. With this plan our main concern is the safety of the children.

Bill: Storm water runoff is always one of our greatest concerns with plans.

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

Updated maps should be dated with today's date of May 26, 2016.

The Board discussed the resolution of approval and will wait for the Ulster County Planning Board comments before approval.

A notice will go out to let the public know that this application will be considered a special meeting, during the June 16, 2016 workshop, so that a formal action may be taken at the workshop meeting.

Hudson Summit LLC, 52 Mayer Dr., SBL#95.12-2-7, in R ½ & R1 zone.

The applicant would like a three lot subdivision. Two of the lots are for single family homes and the third the applicant would like to be dedicated to the Town.

A memo from Morris Associates dated May 13, 2016 regarding the pond maintenance has been distributed. (See attached)

A **Motion** to open the public hearing was made by William Ogden, seconded by Nicki Anzivina. All ayes. Two public comment letters were submitted as follows and read into the record.

One from Alan Van De Bogart of 55 Mayer Dr. (See attached)

One from Sylvia Marion of 49 Mayer Dr., her daughter Michelle Marion is her representative tonight. (See attached)

Michael Caso of 8 Apple Lane: I used to live at 20 Blue Point Rd. and it had a retention ditch in front of the house and I was responsible for maintaining it. It was inspected on an annual basis. The pond involved in this subdivision has lacked the maintenance after dealing with this for the first year and a half I put a pipe in my ditch so this has been maintenance free for me after \$6,000.00 to \$7,000.00 spent. How come the Town was not up on this?

Dave P: The developer has been responsible for this pond.

Dave B: There is an enforcement action pending right now.

Mr. Caso: I am not happy with the three lot proposal; I would feel more comfortable with a two lot subdivision giving the burden to the homeowner like anyone else who has to deal with storm water runoff drainage. After the way the builder has treated us (Hudson Hill homeowners) I can see the builder just walking away and never doing anything positive for the community.

Mark Wallen of 56 Mayer Dr: (Passed around brochure that was distributed when potential buyers were interested in buying a house from this developer) No brochure on file.

Mr. Wallen: I live right next to this proposed 3 lot subdivision. Part of the reason I bought the lot that I did was because it was next to the proposed 'green space', which is now being considered for the 3-lot subdivision. I could have bought around the corner and paid less money. I bought my house in 2005 which is after the contract that he signed with the Town that says he could subdivide. When he sold me my home he deceived me, what can I do?

Dave P: I understand what you are saying but I believe this would be more of a civil action.

Terresa: I agree.

Mr. Wallen: When I bought this property I was concerned about community fees, now I have been asking around about who will be maintaining the pond after this subdivision and the answer is The Town. Going back I asked who will maintain the lawn around the pond, they said the Town will take care of it. This goes back to what Alan Van De Bogart said that the developer represented to the community before he ever sold a lot that

this was going to be green space. I am not sure what the contract reads but we all know that green space adds value to your home. What I ask of you is that if he gets to subdivide, and going back he is a snake in my opinion that area has always been neglected, homeowners have been taking care of the area. This is the second time in ten years that he has mowed the pond area. I ask that you take all of that into consideration when you make your decision.

Dave P: I just want to clarify to you that for as long as he was the owner of that land he has been responsible for that pond. Once it is dedicated to the Town the Town will be responsible for it.

Mr. Wallen: He told not only those who bought but the community that this was going to be green space taken care of by the Town.

Terresa: I read all of the agreements between Hudson Summit and the pre-cursor developers and the Town of Lloyd. The developer was obligated to maintain all of the common areas that he held onto as well as the pond and the storm water requirements, but you have to remember back then there were not a lot of storm water requirements. That is part of the difficulty with this. A notice of violation was issued, which is what you are seeing and why the pond is being cleaned up with Andy Learn and other people from the Town making sure the pond is cleaned up before the Town takes it. The Town Board several, several, several Town Boards ago agreed in consideration of a lot of water improvements that the developer had made to actually accept dedication of the storm water pond. So this is unique and we had to really go back and dig through all of the agreements to really understand what the previous Boards had agreed to. I do not think that anyone who is here with the Town now was here back when these agreements were made. So the pond will be cleaned up the parcel will be subdivided and the Town will take the pond. That is all the agreement covers.

You asked (to Mr. Wallen) were these approved green spaces on the approved subdivision map? This well log map never was. We will double check that again, but right now we are confident that that was not one of the designated green space areas because they were called out by lot. You can seek legal relief yourselves but the Board cannot help you in that regard. Whatever representations were made to you that is not something the Board can really address, however much they would like to address it.

Mr. Wallen: The Board can address how it is subdivided right? You read the contract and you do not have to give him three lots. Knowing what you know you cannot give him what he is asking for.

Terresa: The Planning Board has the discretion and you have to remember that the subdivision law of the Town of Lloyd provides that if you meet certain requirements than you can have a lot. And that is what the Board has to weigh, they can't treat this applicant any differently than any other person who would come for a subdivision.

Mr. Wallen: What I am hoping is the reason for the public hearing is because there is something that can be changed otherwise why hold a public hearing.

Alan Van De Bogart of 55 Mayer: (letter on file) I think there is a potential that this might even be a criminal fraudulent inducement to buy here he represented that lot to homebuyers and he is changing that. The reason I say that is because in Aug. of 2005 he had a contract stating he would subdivide it and yet he put it in phase three unsubdivided and made representations that it would not be subdivided. I feel this is clearly intent to deceive and that is my question and that I would like the time to explore more of this.

Terresa: I would just say that the Board, they are not judges so they can't draw any conclusions on what the developer's intent was. But we understand what you are saying.

Mr. Van De Bogart: Can the public hearing be held open so that the people can have a chance to get counsel?

Dave P: I do not think we could hold the public hearing open for that reason but we could decide to leave it open until we have all of the information we need. We would not go to a resolution until we have many questions answered.

Peter B: As a follow up, was the lot as shown on the brochure approved as a lot when the subdivision was approved?

Terresa: The history of this is very complicated so I am going to preface it by saying the project changed several times. Many times it changed because the Town Board wanted the developer to pay for improvements that the Town had previously agreed to pay for. Each contract was like a negotiation in terms of additional commitment of resource for public improvement by the developer. The developer made a lot of developments to the water system which benefited, according to the contract, the (inaudible) to the Town. The plot has always been identified as the well lot and it was never identified, and we will check again, on the subdivision map, I am not saying what he told everybody, it was never identified on the subdivision map as green space or park land. There was green space that was designated and at some point the Town decided that they were going to require the payment of recreational fees instead of turning the green space into park land. Part of it was because some of the green areas were very steep but some of the green areas were to remain as common space. This well area was never a green area because it was not dedicated for recreational use; it was really dedicated for water supply uses. Part of the bargain between the Town Board and the developer were because he was doing all of these things, the Town would agree to take the pond. Several years ago the developer came to the Town and asked the Town to take the pond and at that time we did not have this agreement. The Planning Board, back then, told the developer to go to the Town Board. After many years the developer finally went back to the Town Board and the Town attorney made me aware to the agreements. The agreements are very straight forward and they go way back to Bob Shepherd, past Town Supervisor. Michele Marion representing 49 Mayer Drive: My parents live directly across from the proposed subdivision. (See attached for comments.)

Ms. Marion informed the Board about the bad condition of the pond and all of the brush that lays around the pond and potentially enters into the pond. She had additional concerns about an open drain, large in size, and the children in the neighborhood. There are other drain pipes that are not covered as well and should also be covered so that they do not become clogged; including the pipe that is laying 10 feet into the pond. Ms. Marion had many photos which are all submitted and on file.

Ms. Marion: We have all of these issues and if we take them on as a Town it is going to cost the tax payers additional money. The cost should go to the developer. He wants to put two new homes in there and if that soil runs off that is what catches the rain water. If it is not catching the rain water it goes into the pond and will get clogged up. We have a lot of concerns with that. There used to be all kinds of frogs and other wildlife at the pond, we walked over there the other day and there is nothing they destroyed it all. If we called the DEC and showed them what they did I am sure they would be fined. So what are we going to do as a town before they are given permission to subdivide it?

Dave P: Part of the agreement of the Town taking over the pond is that it will be up to the specifications of the town agreement. Our engineer, Andy Learn, has been out there and has written a memo about the pond maintenance. A lot of what you are talking about is being addressed in Andy's memo.

Terresa: Before dedication is accepted it has to meet all of the requirements that it originally met when it was designed. If there was a deterioration in care over the past years that was for the developer to take care of but for now the pond will be in tip top shape before the Town will take it over, the Planning Board and Dave Barton will make sure of that. The Planning Board will not be making the decision on whether or not the Town will take the pond that decision was made back in 2005.

Ms. Marion: Everything will be fixed and in place before we fully accept the responsibility?

Terresa: That is the plan.

A condition of this subdivision will be that the pond is in properly maintained condition as stated in Morris Associate's memo dated May 13, 2016.

Peter: One point that was made about his having cleared out all of the brush that may have included habitats it was the Town that asked him to do that. Part of getting it back into shape is it is not supposed to have any.

Andy: Just to be clear the pond is not supposed to have any vegetation growing around it. It is supposed to be mowed and grassed.

Ms. Marion: Around it. But in it you have frogs and fish, this ecosystem that is now gone.

Terresa: Because of the storm water basin they have to be maintained periodically, and this one was not maintained periodically, every time that you do go in and maintain it it does have an adverse effect on what is living in it.

Susan Lindauer of 44 Mayer Dr. I am just opposing that the Town take this over and have to maintain the pond area. If two new houses go up how will the Town have access to the pond?

Ms. Lindauer was shown the proposed map and where the access will be.

Ian Becker of 48 Mayer Dr.: My main concern was raised already with the way the area was cleared out. I have gone through two hurricanes so far where the water has come above the pond towards my house. Now with no drainage and because they are clogged, if we have another hurricane that is going to be in my house. That is a concern but my question is about the subdivision itself. With two new houses going up and all of the impervious surfaces that will be added is the pond capable of handling all of the access runoff generated. Also when I bought here I was told it was green space.

Dave: That is where we get Andy Learn, our engineer, to review the subdivision. Anything that happens to adversely affect the pond adversely affects me.

Mr. Becker will send a video of the water overflow on his property.

Terrence Wilson of 12 Salk Dr.: I did not purchase originally, I bought the house a year ago. I spend a lot of time walking around the neighborhood and this neighborhood in general has poor drainage. I see it not only at my house but a lot of people's front yards. You will see that the grass is dark in one spot yet dry in another spot. I don't know what happened when the neighborhood was developed originally but in general it is poor drainage. Please keep this in mind as you add additional houses.

The Board will review the comments and discuss this further with Andy Learn.

A **Motion** to extend the public hearing was made by Lawrence Hammond, seconded by Fred Pizzuto. All eyes.

The public hearing will remain open.

Set Public Hearing

Highland Self-Storage, 3663-3667 Route 9W, SBL#95.2-2-34.100, in GB zone.

The applicant proposes demolishing an existing commercial office building, previously a residence, and construction of two self-storage buildings with a footprint of 37,100 square feet and total square footage of 89,300 square feet. The proposal includes a phasing plan, with Building 2 commencing construction upon 75% occupancy in Building 1.

The two tax parcels will be consolidated to create one new 8.63 acre lot.

Patti Brooks, the applicant's representative, was present for the meeting.

The Board reviewed a memo from Morris Associates dated May 20, 2016 which are in addition to those comments provided in the review letter dated May 6, 2016. (See attached)

Andy Learn has been in contact with the project engineer (Andy Willingham) and they are working together to address comments.

Miscellaneous discussion regarding comments:

Patti B: There is a proposed fence in front of the pond and obviously nobody will be coming down from the rear of the property but we had discussed putting a fence on this end too. I understand that the mosquitoes are an issue but there are detention ponds in every residential development as well. This is a commercial development on 9W and the usage of this building is pretty minimal. I don't want to minimize the concern

but when you look at what the potential impacts are and the number of people that will be in that area, this is a storage area, people will be taking stuff in and out of storage it is not a park where they would be walking around. I think this is something that should be taken into consideration.

Bill: How will you get down to maintain this pond?

Andy: Technically the way this is set up it is going to have gone through a couple of different practices that would in theory have removed the sediment before it gets there. If it did need to be maintained he suggested that you would have to use a curb cut and a small excavator. Access wise you can walk in there. If the plan meets the storm water requirements, I can make suggestions about the plan but there is nothing more I can do.

Bill: I think the snow storage area should be shown on the plan.

Patti: I am making a note of that. A couple of other things that we discussed last time that I have answers to is that yes the roof is going to be beige, there will not be any units located on the roof they have three concrete pads shown on the site plan, I spoke with the applicant about up lighting and the only way that you can have it is with unique circumstances and he said if it is not permitted let's take it off the plan, so the up lighting has been eliminated.

Andy: In terms of the water district extension, I spoke to Ray Jurkowski (of Morris Associates) about the Map, Plan and Report he will be in contact with the Town attorney and he is going to reach out to you.

Patti: I did hear back from OPRHA and they requested some additional history on the property.

A notice of intent will be circulated for Lead Agent. The next meeting will fall before the 30 day notice requirement so a determination of significance could not happen at that meeting.

The public hearing will open for comment.

A **Motion** to set the public hearing for the 23rd day of June was made by William Ogden, seconded by Fred Pizzuto. All ayes. (See attached resolution.)

The Board anticipates the Ulster County Planning Board comments.

Old Business

Brad Scott recused.

Scott McCord steps in.

Vieira Sardinha Realty, LLC, Route 9W, SBL#96.1-4-18.241, in GB zone.

The applicant would like site plan approval to construct a 2,100 sq.ft. Dunkin Donuts Drive-thru restaurant with customary appurtenances.

Patti Brooks, the applicant's representative, was present for the meeting.

There was nothing new since last workshop. Patti B is waiting for engineering details, signage details from the applicant and a colored rendering of the architectural details. The applicant hopes to have all necessary information for the next workshop meeting.

Walker, Desmond, 3945 Route 9W, SBL#95.4-1-18, in 1.5 HBD & R1 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.

There is nothing new on this application.

Dave B: Teresa Bakner had advised that you could override the county which would be inappropriate because they are looking for a re-referral.

The Board will not re-refer the application until Lou DuBois, the applicant's representative, meets with the Ulster County Planning Department.

Cusa Builders 6 lot subd., N Elting Corners Rd, SBL#87.1-1-3.200, in R1 zone.

The applicant would like to develop this 23.25 acre of land into 6 residential lots.

The Department of Environmental Conservation has signed off on the limits of the wetlands.

There was nothing new on this application.

A SWPPP has not been submitted yet. Andy L. will review when information is submitted.

Dave P: We will wait for the SWPPP before setting the public hearing.

MCBS DG Highland LLC, , 88.17-6-25.110, in zone.

Taco Bell / Dollar General / Multifamily

No information submitted yet.

Administrative Business

Minutes to Approve

A **Motion** to approve the minutes, as edited, from the April 21, 2016 Planning Board Workshop was made by Fred Pizzuto, seconded by William Ogden. All ayes.

A Motion to approve the minutes, as edited, from the April 28, 2016 Planning Board Meeting was made by Lawrence Hammond, seconded by William Ogden. All ayes.

The Board discussed the pond at Hudson Summit and how detention ponds work.

A **Motion** to adjourn was made by Lawrence Hammond, seconded by Fred Pizzuto. All ayes. 9:10 pm