

Dear Scott Saso, Planning Board Chair, et al. :

I have reviewed the application for the property on New Paltz Road noted above and have the following comment:

This application proposes to create a Lot Line amendment. I am very familiar with the lots being adjusted, and have two concerns based on my knowledge versus what I see in the submitted maps. First, the area in green, being absorbed into the Hill and McNulty lot, is very steep. While technically correct, the building setback lines are unrealistic, based on the topography. The additional lot area is partly responsible for supporting Kisor Road, and the intersection with Weeds Mill, and therefore any removal or alteration of the slope would need to be based on some serious engineering review.

The lot area demarcated in pink is the remnant of the lot after the lot line. While not considered wetlands according to the official maps, there is water (flowing) on the property, and I do not see that area (unbuildable) accounted for. The entire site in is a flood area (AE) and has a fairly wide floodway through it. According to 100-13.C.2:

Unbuildable natural features consist of wetlands and any required one-hundred-foot adjacent areas, water bodies, watercourses, lands within a FEMA-delineated one-hundred-year floodplain, cemeteries, steep slopes (2,000 square feet or more of contiguous sloped area at least 10 feet in width), and acreage subject to a long-term easement that expressly prohibits development. In addition, a fifteen-percent allowance for roads, drainage features, and lot shape irregularities shall be deducted from the unconstrained acreage. Permissible residential density shall be based on the amount of acreage that remains after deducting the acreage of unbuildable natural features and the roadway/drainage allowance.

Thus, if the map I have attached is accurate, and I believe it is, the remainder lot has some unbuildable features on it, and those should be accounted for, via subtraction from the buildable acreage. I do note that this is a lot line revision, not a subdivision, but I fear that the Planning Board would be allowing a lot that already is probably very difficult to build on become even more difficult (by losing the steep area on the north side of the road).

I do not think this should forbid the lot line. Perhaps the area on the south side of the road could find another lot to consolidate with (the Rail Trail is a direct abutter).

I have no other comments at this time.

Yours Truly,

David E. Barton II

Town of Lloyd, Building Department Director, Code Enforcement Officer

Carl: Are we creating a non conforming use?

Shari: No.

Larry: We are not suppose to create an unbuildable lot.

Shari: But it is buildable.

Mr. Millen: This is already there. The portion that is to be transferred is not a buildable portion and there is no intention of any building to be done on it.

Peter: The question is *Are you somehow disapproving the remainder of the lot?*

Mr. Millen: My observation is that you could not make this lot any worse.

Carl: Dave's letter is basically saying that this is a non buildable lot. The Black Creek runs through there, it should be a protected stream.

Bill: He is just asking for a lot line revision, he is not asking to build anything.

Shari: If this were a subdivision it would be a bit of a different story. You are not creating a non buildable lot any more than it already is.

Brad: Why is he separating the two and not selling the whole parcel as is?

Mr. Millen: I do not think he has any use for the portion that the Black Creek is on. I think he felt the only useable part was the part across the road as it might be something of interest to Mr. Hill. The benefit to Mr.

Hill's property is that it makes it a conforming lot and would give them additional acreage for zoning purposes and maximum coverage. Mr. Hill would have more flexibility for a future addition.

Peter: A cure to some of our concerns would be if Mr. Ottaviano could simultaneously not only sell half to Mr. Hill but find someone, like the Rail Trail, to take the remainder.

Mr. Millen: We had discussed that, Mr. Ottaviano and myself.

Mr. Millen will contact the Rail Trail committee.

Shari: Right now you have a house on a non-conforming lot and you have a non-buildable second lot. If you do the lot line revision you will have one conforming lot with a second non-buildable lot. You have not increased the number of unbuildable lots and you have made one of the lots conforming.

Carl: I think we should just check in the code book that we are not creating a non-conforming use. I know you are creating a conforming use for the lot with the house but you are separating the lot and creating a new lot.

Discussion continued about the lots and how there are two lots to begin and two lots to end.

Peter: Maybe to rephrase Carl's question are you making the remainder of the lot less buildable than before?

Mr. Millen: I would argue that it was not buildable to begin with.

Brad: I think we should do this. I do think that there are probably ways that it could be built on. It is one lot we would be making it a smaller lot, we are helping something to be conformed to. I do not understand why Mr. Hill would not want that property, if I lived here I would like to have this extra piece to protect the area across the street. I think conceptually it is the right thing to do for the community and the homeowner. My thought is that we should agree to it with the conformation that we are not doing anything wrong.

The Board requested updated maps to show the Creek, the flood plain and flood zone. They requested that the applicant reach out to the Rail Trail or see if possibly Mr. Hill is interested in the additional acreage.

Mr. Millen: We will be adding expense onto Mr. Ottaviano's cost. This will have to be surveyed again. What point does this serve in terms of allowing one piece become a part of the other piece. Nothing will be built there. The reason why this property became this way was because the railroad came in and went right through the property making it unsuitable. They have this orphaned piece of property and now Mr. Ottaviano has an opportunity to recoup something from this hardship.

Peter: I think Mr. Millen has a good point, if we can get a resolution to where this is going we probably do not care if anything is on the map. It is a little more troublesome if it is just hanging around.

Mr. Millen: This is already there it is an existing condition.

Peter: It is pretty clear that the remainder lot is in some sense less buildable than it is before the lot line revision.

Carl: For instance if the Black Creek runs right in the center of it, and if it is protected, it would stop anybody(did not finish)

Mr. Millen: That is what I am saying; I do not see how anyone would build on this side.

Brad: If this were in Westchester County or LA County this would be engineered to build upon. I do not think it is economically feasible here. I disagree that this could not be built on as long as it has the necessary acreage. I do not think that this will happen here so that is why I think just conceptually and theoretically we should do this.

Scott: I agree.

Carl: And find a home for the remaining land.

Bill: That is not particularly our problem.

The Board discussed the possibility of Mr. Hill taking the extra piece if the Rail Trail is not interested.

Brad: At the next meeting the applicant can give us an indication on whether any of those two options are feasible.

Shari: If someone was to build on that property the limitations are there and they are very difficult to meet, if, like Carl is saying, they can even build where the Black Creek is. You may not even need to worry about that if that was a concern.

Dave P: It would be nice to have some insight on this remaining piece of land.

Peter: I would worry less about Carl's question if this piece had a home.

Brad: We would like to make this work. We do not want the owner to incur the extra expense but we would like to know of their interest or the other parties interest, whether it is Mr. Hill or the Rail Trail. We would like that diligence before you come back. The majority of the Board has spoken that they would like to see this happen with the least cost necessary.

Serini, Michael, Special Use Permit for 2 Fam. SBL# 88.17-4-34.100, in R ¼ zone.

The applicant would like a special use permit for a two family.

Mike Serini, the applicant, was present for the meeting.

The Board reviewed a zoning comment letter from Dave Barton, Building Department Director as follows:

Application Review re: Serini, Michael SUP 2 family

S.B.L.88.17-4-34-100

Zone: R 1/4

Date: 07/10/2015

Dear Scott Saso, Planning Board Chair, et al. :

I have reviewed the application for the property on Bell Drive noted above and have the following comment:

This application proposes to create a two family dwelling via Special Use Permit on Bell Drive. The hand drawn sketch on the survey probably needs to be formalized a little more, and if the intent of the Board, as has been the case in the past, to have the two family appear to blend into the neighborhood, some attention to design should be included in the application. There are no submitted elevations or designs with this application.

Further, the site appears to have a substantial pitch from south to north, with a swale along the roadway. It appears that there is also a low area on the south center side of the hand drawn house location, which indicates to me that water probably sheet flows through this area. Some consideration should be given to how water is managed on the site so as not to cause any additional downhill storm water issues.

I am unable to determine from the sketch the parking area size. Again, a more formalized sketch might be considered.

I have no other comments at this time.

Yours Truly,

David E. Barton II

Town of Lloyd, Building Department Director, Code Enforcement Officer

The Board reviewed a survey of the applicant's property.

Mike Serini informed the Board that Lou DuBois is working on getting Board of Health approval. The two family house will be two residences with two bedrooms in each and he would like to have a two car garage. The Board asked about the design and informed Mr. Serini that they would like to keep the design within the character of the neighborhood. If he is building a two family house in a single family neighborhood they would like it to look like a single family.

Mr. Serini was asked to submit a scaled drawing showing where his well and septic will be and show where the neighboring wells are located. Conceptually the Board has no problem with the request but requested elevations of the proposed house and garages.

Extended Public Hearings

Wang, James, Special Use Permit, 14 Roy Ln, SBL#95.12-3-72, in R ½ zone.

The applicant would like a special use permit to legalize an accessory apartment in his home. The apartment will be approximately 600sf.

The Board will extend the public hearing next month.

Administrative Business

Sign - Rose Hill Manor II, 3548 Route 9W, SBL#88.17-6-7.100, in GMU zone.

Mark DeFabio would like to present the Board with information on a sign that he would like to put up at this location.

Mark DeFabio was present for the meeting. Mark showed the Board a rendering of what the proposed sign will look like. (Two possible color selections are on file)

Mark: This is the old Nardone site on 9W. The reason there are no dimensions yet is because I found out what the dimensions were and went to Jerry Strapola, the dimensions are to be 6ft high, 50 sf. per side. When this is done we will have the right sizes but this is just a concept of what we are doing.

Bill: Could you shorten the posts and have it more monument style?

Mark: The only problem with that is the only person who will see that is me because there is a wall and a 4ft. fence. This may be a Zoning Board of Appeals issue for me because I may need 9ft. so that 6ft. of it you could see because the other is below the fence.

The current fence is not Mr. Defabio's it is State owned.

Scott: Any lights?

Mark: I would like to have a light on both sides of the sign.

Peter: They should not be facing the road.

Bill: (inaudible) just the visible part of it.

The Board discussed the location of this sign.

Shari to Mark: The Planning Board will approve the color and design. The size is with the ZBA.

The applicant will come back to have his final copy approved.

Mark: Sept. is a big month with back to school.

Shari: The ZBA is a process. If you get it in for the August meeting you could potentially have approval by the second week of September. You can also do a temporary event sign.

Sign - First Choice Auto Repair, 84 New Paltz Rd, SBL#87.4-3-22, in R ½ zone.

The applicant, First Choice Auto Repair, would like to replace the existing sign with a new 6'H X 4'5"W sign.

Joe Duffy, the applicant and proprietor, was present for the meeting.

Mr. Duffy informed the Board that this sign will go in the same location that the previous sign (Absolutely Automotive) was approved for. The inside of the sign has a light that lights around the perimeter which gives the sign a glow. The shape of the sign looks little different because it is turned in a different direction.

Shari: He has a permit for a temporary sign right now. When this sign goes up the temporary sign will come down.

Carl asked about the cars without license plates.

Joe: A customer brought us the Cavalier to fix, it was a tow down?(inaudible) The Dodge truck is my old truck and there was a Volkswagon that was mine, but I sold that.

Carl: So you are not storing them there for months or anything?

Scott: That is the concern; we just want to make sure it does not become a parts graveyard.

Brad: I think we would prefer if you made it shorter, I know you do not have to. A monument would make it more attractive.

Joe: There will be landscaping around the bottom of the pole, so you won't see as much of the pole.

Bill: If it was a little bit lower it would be a little more visible and maybe a little more effective,

Carl: Will you have specials?

Joe: Yes, we were thinking about having a dry erase black board for weekly specials.

Shari: That was part of Absolutely Automotive's sign. That is not a part of your sign. We are going to tell you no, you can not do that.

A **Motion** was made to approve the sign proposed was made by Carl DiLorenzo, seconded by William Ogden. All ayes.

Administrative Business

The Board discussed lot lines and subdivisions.

Carl: There is a gray area when we do lot line revisions. By taking some acreage from one lot and giving it to another lot the remaining land is a new lot and that new lot cannot be a non-buildable. This has come up over the years.

Shari: I spoke with Andy Learn about this, and he will be happy to come to the next meeting, he said that in the code it is not a subdivision. The subdivision law says we have to subtract out wetlands and steep slopes, and that means you are creating a lot. In this case (referring to the Ottaviano lot line application) and when I spoke with Andy because it was not wetlands he said that it is still a potentially buildable lot so that 1.7 acres is potentially buildable. So you are not creating a non-buildable lot. If that were a wetlands you would not be able to do that.

Carl: I know that it is not wetlands but the Black Creek runs through there and may be a class C stream which could be protected but not under DEC.

Scott: He could super impose the floodplain and pencil in the buildable on the map.

Shari: He does have how much acreage it is so you could potentially ask for how much buildable acreage there is without he having to put all the other stuff on the map.

The Board does not want to think the Town would benefit if that piece of land was just given away as discussed above.

A **Motion** to adjourn was made by Fred Pizzuto, seconded by Lawrence Hammond. All ayes. 6:49pm