

**APPROVED:**

**MOTION BY:**

**AYES:**

**NAYS:**

**SECONDED BY:**

**ABSTENTIONS:**

**ABSENT:**

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By: \_\_\_\_\_

Rosaria Peplow, Town Clerk

Date: \_\_\_\_\_

## **WORKSHOP MINUTES**

### **TOWN OF LLOYD PLANNING BOARD**

**Thursday, July 17, 2014**

**CALL TO ORDER TIME:** 5:30pm

#### **PLEDGE OF ALLEGIANCE**

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

**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 Business**

**Cusa SCC Holding Corp, Subdivision; 86-88 New Paltz Rd, SBL#87.4-3-21.200, in R1/2 zone.**

The applicant would like a subdivision for the purpose of splitting Lot 2 into two separate parcels so that the existing 2 story frame w/garage along with all the associated improvements will be wholly contained within a separate parcel, and the existing 2 story frame duplex along with all the associated improvements will be wholly contained within a separate parcel, accordingly with the required Zoning constraints. Both parcels are to share a common driveway by easement. No environment resources will be disturbed. It is the applicant's intent that the areas necessary to accomplish that are to be held by deed as separate parcels owned by SCC holding Corp.

Jonathan Millen, the applicant's representative was present for the meeting.

Mr. Millen informed the Board that the last time the applicant was here a lot line was created to encompass the entirety of the two story frame garage with a second story, leaving a lot with a house and pool. Now they would like a subdivision to separate the potential bedroom with garage from the duplex and they will share the driveway thru the driveway easement. The lot with the house and pool will remain the same. Therefore there will be 3 lots instead of the 2 lots currently in place.

The Board reviewed the siteplan.

Scott: In essence you will be creating two flaglots, which we do not allow.

The Board reviewed flaglots and lot frontage.

Dave P: The code reads that for subdivisions of four or fewer lots only one flag lot shall be permitted. (100-14 #4)

Scott: We cannot get past making the original flag lot into two flag lots.

Mr. Millen: Is there any potential for a variance for this?

Scott: This is not the Board for that.

The Board discussed different scenarios but the first hurdle is removing one of the flag lots. If this were to become an accessory apartment the primary residence would need to be owner occupied.

## **Old Business**

**Pedro, Jon (and Cunniff), 399 Elting Corners Rd, Subdivision, SBL#79.4-1-18, in R1 zone.**

The applicant would like a subdivision of 45.45 +/- acres of vacant land in the R-1 zone to create four new buildable lots with individual driveway access.

The applicant's representatives, Sue Demske of Brooks & Brooks and Nadine Carney of Peak Engineering were present for the meeting.

Comments were distributed from Morris Associates and the Fire Department in regards to this project (see attached).

Nadine: The FD had some concerns with turns and grades into driveways of lots 2 and 3. With lots 1 and 4 they had concerns about the lengths. I think we have addressed some of the turn outs so I don't think that is so much of an issue. As for lots 2 and 3 we have shown that they can each have individual access from the road, which meets the Town standards. But, in trying to make the driveways as safe as possible, by looking into what the FD said, we are suggesting sharing the access and splitting off the driveways as they went up the lot. Lot 2 would share with lot 1 and lot 3 would share with lot 4. This would reduce a lot of the windingness. There would be a maintenance agreement in place.

Peter: This should be looked at by the Fire Department again.

Brad: A maintenance agreement is important but I am concerned about having a maintenance agreement on something that is not blacktop.

Carl: Speaking with an attorney about the maintenance agreement may be your first step, they can usually work these things out.

Brad: I would think that if we put on the maps "black top to this point", then the developer would address that.

Peter: My reaction to the Fire District letter is that we should rethink our driveway requirements, I think we should seriously contemplate requiring shorter driveways.

Brad: For me making it safe is important and I think having a pull off makes it safe and it needs to be maintained.

Andy: Have you had a chance to look at any of the entrances?

Nadine: I did not make any changes yet, because I did not know what direction we were going in.

Andy: My concern is that when you have to go in at 5% for 30ft. I am afraid you will have a problem catching up with the grade.

Brad: Dave, as you look at this from a planning perspective, which would you prefer something that is a little better on the grades or...

Dave: In an ideal world better grades, I can not anticipate what the maintenance agreements will be, although this maintenance agreement may work perfectly.

Nadine: I guess we should talk about the Fire department concerns. There is not much I can do about the turns and the grades for those two driveways especially if I am cutting them back a little bit more I will be making some alterations. So is this something that would be pushed to the side meaning we are not going to be concerned with their (FD) concerns about the curves?

Brad: Dave, are there actually radius' and do they meet?

Dave: I do not know the answer to that.

Peter: Their only actual recommendations are fire detection and residential fire suppression.

Scott: That would solve some issues for someone who is building but we do not get to weigh in on that.

Andy: Grades are a concern safety wise. A concern I have is in regard to sediment and erosion, when water reaches the shoulder what that water is going to do to the shoulder.

The Board reviewed some of Andy's suggestions;

Nadine: We have shown some grass swales, for the sides of the driveways, which does not need to be mowed.

Peter: Andy has recommended any part of the driveway that is over 10% be paved.

Andy: Yes, because of the water and wash out concerns.

Peter: This plan may be compliant but it is terrible. You are going to cause agony for all four of these people and it will cause complaints for the Town for the next 100 years.

Nadine: Which part of it?

Peter: The driveway, the grade and the fact that they are not going to be paved.

Nadine: If there were something in the code that said for example; driveways over 10% require pavement then we could go back with something to show.

Dave P: If we put on the map that it has to be asphalt driveway it has to conform to that right?

Andy: The code for the driveway says the Board can require a bond to make sure that the road is built the way that it should be.

Bill: It sounds like the best we could do is if they go with the combined driveways, we can require it be paved in the shared section and additionally recommend anything over 8% be paved.

Peter: If you do not do the combined, we are still back to the two driveways that were siamesed together with an angled approach and the grade needs to be addressed.

The Board was polled so that the engineer knew how to move forward with the application.

Peter: The thing about combined driveways is that you are setting up two neighbors to have issues.

Bill O: If I were buying this I would not want the combined.

Brad: Neither would I.

Peter: I would personally suggest that combining is not a good answer.

The Board's comments:

Fred R.: I would say combined

Bill: I would say give them a choice, but if it is combined it has to be paved.

Fred P: Separate driveways.

Dave P: I agree with Bill, if combined it has to be paved.

Scott: I am going to agree, I like the combined but it definitely has to be paved.

Brad: I would echo Scott.

Peter: Separate.

Carl: Combined with a maintenance agreement and turn around lanes for the fire department. I lean more towards the safety; I think that is what we are obligated to do first before anything, and what the Highway Department says.

Larry: A choice. But if they go with a single, see if they can straighten them out a little bit. Especially in the winter with an oil truck; hopefully a fire truck never needs to go there, but an oil truck will be there every month.

Sue D: If the driveways stay single and they are gravel how would that come back to the Town?

Peter: Because it will wash out and the driveway will wind up in the road.

The Board majority was to give the applicant the choice. If shared, the shared area must be paved as well as over 8% grade. If not shared, the angled approach and the grade need to be addressed.

Peter: Of course paving sounds good in the beginning but all of the people who would be fighting about gravel will be fighting about who is to fix the holes in the pavement.

Sue: So this is ultimately up to the client.

Brad: Yes, but the Board is leaning toward combined with a paved maintenance. But you do have the option.

A map of site analysis dated 07-08-14 was submitted by Brooks & Brooks for the Pedro Subdivision application.

### **Old Business**

**Kane, Adam, 185 Pancake Hollow Rd, Special Use Permit, SBL#87.4-1-29, in R1 zone.** The applicant proposes to convert his existing three bedroom single family dwelling into a Bed & Breakfast establishment with two rental rooms. No interior or exterior structural changes are proposed. No changes are required for well or septic supply as no expansion to the number of bedrooms is proposed.

Sue Demske; Brooks & Brooks Surveying, the applicant's representative was present for the meeting.

Scott: This application as it sits is allowable.

The Board discussed the comment letters from neighbors, a lot of neighbors are not in favor, but it is difficult to pull out what might hold up the application. A lot of letters were received in favor of the application, mostly from out of Towners in support of the applicant.

Scott: This application can not be denied due to opposition. An application can be denied due to concern. If there are specific concerns that can not be addressed you can deny it.

The Public Hearing has been set for July 24, 2014.

### **Minard Farms LLC, 59 Hurds Rd, Subdivision, SBL#94.2-2-44, in A zone.**

The purpose of this subdivision is to separate the "Picnic Woods Farm" from the area of the "Cider Mill and Home Farm" to create two separate lots. The current 35.170 acre parcel will be split so that Lot 1 will contain 8.514 acres and Lot 2 will contain 26.656 acres.

The Board reviewed this application and had no additional concerns.

The Public Hearing has been set for July 24, 2014.

### **Minard Farms LLC (2), 168 Hurds Rd, Subdivision, SBL#94.2-1-1.211, in A zone.**

The applicant's are requesting a minor subdivision of 89.080 acres. Lot 2 will be approximately 85.739 acres and Lot 1 will be the remaining 3.341 acres. They would like to build a single family home on lot 1 for personal use.

The Board reviewed this application and had no additional concerns.

The Public Hearing has been set for July 24, 2014.

### **Cusa Builders, Paul, Park Ln, Siteplan, SBL#87.1-3-38.120, in DB zone.**

The applicant would like to construct an office/service business. It shall consist of a total of 4,500 to 5,000 square feet comprised of three offices each at 1000 sq. ft. +/- with the balance being the shop. Office occupancy unknown at this time, and shop to consist of a part time, completely under roof, limited machining service. There shall not be any outdoor storage, and no onsite automotive repairs.

New maps were submitted, dated July 18, 2014, which mapped the wetlands. There is a letter of determination, dated July 4, 2014, from Ecological Solutions, LLC about the wetlands. (See attached)

The maps are complete with "in" and "out" driveways marked out, parking spots, and enclosed dumpster.

The Board reviewed the sign and approved the design.

The Board anticipates setting the public hearing next week for August 28, 2014.

The Board discussed the status of the 9W Visionary Committee.

Dave informed the Board that the Winery was granted their SEQRA approval last night. The original number of units was 1460, then it went down to 1200 units, at the very first meeting which was 3 yrs. ago. About a year later it went down to 900, then down to 847 and was finally approved for 800 units. They can build 155 units up front, once we get past the zoning piece. They will get 150 more units once they finish and complete the conference center. Then it will be 1.5 dwelling units for every built and operating 1,000sf of light industrial or commercial space.

The findings statement will come next.

The public hearing for the rezoning could be in September.

The Board discussed PILOT (payment in lieu of taxes) programs, the potential of water being run down Route 9W, miscellaneous Winery information and signage.

Walkway Café will be looking for a site plan amendment for the Cafe to be allowed to put up new signs. It will be a site plan amendment because they are not approved for more signs than are on the site plan right now.

A **Motion** was made to adjourn by Dave Plavchak, seconded by Fred Pizzuto. All ayes 7:00PM



# Highland Fire District



P.O. BOX 872 HIGHLAND, NEW YORK 12528

**Peter D. Miller**  
Chief  
(845) 691-6248

Fax  
(845) 691-7919

June 26, 2014

Town of Lloyd Planning Board  
Town of Lloyd  
12 Church Street  
Highland, New York 12528

**RE: SUBDIVISION – North Eltings Corners Road  
Lands of Jon Pedro**

**SBL #79.4-1-18**

Town of Lloyd Planning Board:

The *Highland Fire District* has conducted a preliminary reviewed of the proposed subdivision for the Jon Pedro property on North Eltings Corners Road, Highland.

Although the driveways of the proposed subdivision appear to be in compliance with the Town of Lloyd Driveway Code, these driveways are problematic for the following reasons:

- 1) Driveway grade – although within code, the extreme gradient change is a challenge to fire apparatus should the driveway be covered with snow and ice and or plowed improperly. Highland Fire pumpers are equipped with “dropdown” chains, but with the grade and the turns incorporated into these driveways (especially lots 2 and 3) it may be impossible for fire apparatus to get close enough to the residence to effectively fight fire.
- 2) Driveway length – again, designed to code, length is an issue should a water supply be required to fight a structure fire in access of what is carried on the first due pumper. The time required under good conditions to lay a supply line can be detrimental to the outcome of the incident, without contending with steep, curvy poorly maintained driveways. (lots 1 and 4 – 1,300 and 1,500 feet long)

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JUN 27 2014

Per \_\_\_\_\_



# MORRIS ASSOCIATES

ENGINEERING CONSULTANTS, PLLC

9 Elks Lane, Poughkeepsie, New York 12601 Tel: (845) 454-3411 Fax: (845) 473-1962  
 64 Green Street, Suite 1, Hudson, New York 12534 Tel: (518) 828-2300 Fax: (518) 828-3963

July 1, 2014

Town of Lloyd Planning Board  
Town Hall  
12 Church Street  
Highland, NY 12528

Attn: Chairman Scott Saso and Planning Board Members:

**RE: Jon Pedro Subdivision**  
**SBL: 79.4-1-18**  
**MA# 214502.000**

Dear Chairman Saso and Planning Board Members:

I have reviewed the plans and reports listed at the end of this letter for consistency or compliance with the pertinent provisions of the Code of the Town of Lloyd. Based upon my review, the following comments are offered:

1. Although the subdivision plat has not been included in this review, it is recommended that a density analysis be performed to confirm sufficient buildable area exists to allow creation of the 4 proposed lots.
2. The Highway Superintendent should review the proposed plans and provide comments on the driveway locations and design.
3. The proposed driveways will require a significant amount of earthwork during construction. Although not required, we recommend that the applicant consider the use of common driveways as a means to reduce the amount of land disturbance and to explore alternate driveway alignments that may produce safer/less steep driveways.
4. Town Code Section 89-19.M.3.j provides that if the angle of approach for a driveway is less than 75° approval from the Fire Chief & ZBA are required. The angle of approach should be noted on the plans for the driveways that are not perpendicular to North Elting Corners Road.
5. Town Code Section 89-19.M.3.j provides that driveways shall not have a grade of more than 5% within 30 feet of the edge of pavement of the intersecting road. The driveway grading and profiles should be revised to reflect this requirement.
6. The available stop line sight distances should be shown on the plans or a note should be added to the plan indicating that sight distance is at least 250 feet in both directions from all driveways per Town Code requirements.
7. The proposed driveway surface of ¾ inch crushed stone meets the Town Code requirements, but based upon the slope of the proposed driveways it is

**RE: Jon Pedro Subdivision**  
**SBL: 79.4-1-18**  
**MA# 214502.000**

**Materials Reviewed**

- The following plans were prepared by Peak Engineering,:
  - o Sheet PE 1 of 3, Site & Driveway Grading and SE&C Plan, dated 5/30/2014
  - o Sheet PE 2 of 3, Driveway Profiles, Notes and Details, dated 5/30/2014
  - o Sheet PE 3 of 3, Soil Erosion & Sediment Control Details & Specifications, dated 5/30/2014
- The following report was prepared by Peak Engineering:
  - o Stormwater Pollution Prevention Plan, dated May 2014



# Ecological Solutions, LLC

Connecticut  
1248 Southford Road  
Southbury, CT 06488  
Phone (203) 910-4716  
ecolsol@aol.com

July 4, 2014

Paul Cusa  
618 North Elting Corners Road  
Highland, NY 12528

*Re: Wetland Delineation  
Cusa Property- Park Lane  
Town of Lloyd, Ulster County, New York*

Dear Paul:

Ecological Solutions, LLC completed a wetland delineation on the 1.810 acres property located on Park Lane in the Town of Lloyd in accordance with the Army Corps of Engineers (USACE) Wetlands Delineation Manual (January 1987), Routine Determination Method and recent Northcentral/Northeast supplement on July 2, 2014. Also reviewed was the New York State Department of Environmental Conservation (NYSDEC) wetland map for the area. There is no NYSDEC regulated wetland on or in the vicinity of the site. A photograph of the wetland/watercourse is attached.

The wetland/watercourse outlined on the map entitled, "Site Plan for Cusa Builders, Inc." prepared by David Rider, PE, PLLC and dated June 2, 2014 accurately depicts the federal wetlands/waters of the US delineated on the property. The wetlands/watercourse were delineated based upon the identification of the three mandatory criteria for wetland determination as outlined in the 1987 Federal Manual and supplement: dominant hydrophytic vegetation, hydric soils, and evidence of wetland hydrology. The Routine Methodology procedure for wetland delineation was used. A transect consisting of at several sample points was walked. Dominant vegetation around each sample point was identified and its percent cover quantified. The areas were checked in detail for the presence of wetland hydrologic indicators. Soil profiles were then observed and characterized at each point.

The detailed field investigation included:

1. Identification of vegetation species to determine whether there was a dominance of hydrophytic plants and areas containing transitional but primarily wetland-oriented species.
2. Determination of soil features for hydric (poorly and very poorly drained) natural soils.
3. Observation of site features displaying evidence of wetland hydrology based on the presence of inundated areas, apparent high seasonal water tables, and evidence of saturation within 12 inches of the surface (considered the root zone) during sufficient periods during the growing season to provide for anaerobic/hydric soil conditions.

The wetland/watercourse occurs as a ditch at the northeast corner of the property. There are no other wetlands or watercourses on the property. In summary, the federal regulated

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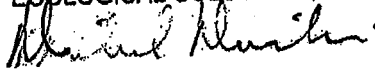
JUL 08 2014

Per \_\_\_\_\_

wetland/watercourse is depicted on the referenced plan. There are no state wetlands or regulated adjacent area located on or in the vicinity of the property.

If you need any additional information, please contact me.

Sincerely,  
ECOLOGICAL SOLUTIONS, LLC



Michael Nowicki  
Biologist

