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**MEETING MINUTES**  
**TOWN OF LLOYD PLANNING BOARD**

**Thursday, September 24, 2015**

**CALL TO ORDER TIME:** 7:01 pm

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE** **Present:** Acting Chairman; Dave Plavchak, Carl DiLorenzo, Lawrence Hammond, William Odgen, Fred Riley, Peter Brooks, Shari Riley; Code Enforcement Officer  
**Absent:** Scott Saso, Brad Scott, Fred Pizzuto, 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.**

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**New Public Hearings**

**Shamrock Liquors (Khodiyar LLC), 3559 Route 9W, Siteplan SBL#88.17-9-25.100, in GMU zone.**

The applicant would like site plan approval for an addition of 7,520 sq. ft. to an existing 4,270 sq. ft. commercial building for use as a mixed commercial space building of retail business, service business, restaurant, office and medical uses.

Patti Brooks of Brooks & Brooks Land Surveyor, the applicant’s representative, was present for the meeting. Nadine Carney of Peak Engineering was present for the meeting.

Eric Neiler with Tinkelman Architecture PLLC was present for the meeting.

This application has been reviewed by the Board at previous meetings. Patti Brooks informed the public on the proposed application.

Eric N. informed the public of the architectural look of the addition which will harmonize with the materials that are there. He informed the Board that if there were to be a full two story section it would only be on the back section.

Patti B: Ulster County Planning Board comments had some recommendations one of them was in regard to existing cross access connection with the parcel immediate to the North. As we had discussed at the workshop it is not feasible to put it in a new location now but we did add to the map an area of possible future cross access connection in the back of the property. The other issue raised was in regard to signage. I have discussed this with the applicants and it is difficult for them to determine what they want to do about signs because they do not know who their tenants are going to be. There is a note on the map that no new signage is proposed right now and that site plan approval will be required for the location and design of all future signage to ensure compliance to the Town zoning. Eric N. has addressed the advisory comment from UCPB, regarding the second story, and there were two required comments that Nadine will address.

Ulster County Planning Board Comments are on file.

Nadine: I reviewed the comments from Morris Associates were are very reasonable and we will add them into the plan. There was some concern about the storm water runoff that goes to the back of the property and runs to the property to the north. The applicant will be installing an additional catch basin to that line so that we could direct drainage directly to that. I will revise a plan and submit for the next meeting. I have submitted a letter which outlines our plan. (Letter on file)

Dave P: Did you talk to Andy about Nadine's comments?

Shari: No. I am okay with Nadine's comments it addresses every concern that Morris Associates had.

Nadine: This site has a lot of impervious as it exists; we are actually decreasing the impervious area so before we even add in any of the comment that Morris Associates had we had reduced the storm water runoff from the site post construction to pre construction.

Shari: This disturbance is under an acre so legally it does not need a full SWPPP we are just addressing the stormwater runoff issues it does not need an MS4 signoff.

Fred: We spoke about whatever the HVAC systems might be will they be on the roof?

Patti: They will be on the roof and as discussed with the Board they will be a condition of the zone, that they be fully screened.

Dave read the public hearing notice.

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

Larry Roberto of 9 Roberto Ave: I live directly behind this site?

Patti B: Yes they do have frontage on Roberto Ave. but all access will be off of 9W. There is a vegetative buffer which will remain there.

Mr. Roberto: There are parking lights that are ridiculous. (Mr. Roberto had photos) Mike Silvestri was supposed to put a buffer there and he never did. He owned the Chevrolet car place. Highland diner left us with all kinds of a mess of trucks and noise starting at 6:00am. This has nothing to do with this applicant but we had two and a half lengths of football fields full of vegetation, M&S said to the Board at that time 'we can't afford this right now, when we do better'. Three years later they are out of business and we are left with this disaster. What I hope you can do, because if you have enough money to do that addition you have enough money to do this first, put up a bunch of trees. They are doing a good business I am all good with that, I go there but the buffer is super substantial.

Patti B: (Showing Mr. Roberto the map) they only have control over this small section. They certainly can do something but only in this area.

Carl: As we are doing something new here it will translate to the rest of the applicants to come.

Dave P: We rezoned that district and we put more astringent restrictions in and more astringent design standards in so as the properties are invested in they will improve. The applicants here are the first in this new district. I think to Carl's point when the neighboring property sells the new owner will be forced to follow the new guidelines.

Mr. Roberto: You are talking about apartments back there and now you are talking about more parking. Every single night all I hear is boomba boomba car radios bass is shaking my house. I am not against this project there are just some things that I would really appreciate that you seriously pay attention to. I pay \$9,000.00 a year in taxes and that is what I have to look at. I have been in that house for 59 years; this is a mess that has been created since then.

Mrs. Roberto: The adjacent lot was never made to put up the visual screening that they were supposed to.

Mr. Roberto: We are looking for all of that stuff first.

Peter: I think we are only addressing a small part of your larger problem.

Larry: It is a start.

Mr. Roberto: I get it they only have so much land. The fact that the building will be as high as you say means it will create a lot of lighting issues for us.

Patti: There is an existing berm in the rear of the property we will plant trees on that.

Mr. Roberto: If you put 6ft. trees on top of that berm it would probably be doable. Just please look at it from our point of view.

Karen Lawrence of 11 Roberto Ave.: I have the same concerns with the noise and the lights and the visual.

John Vett of 7 Roberto: A new parking light was put in their lot recently, it is very bright.

Mr. Patel: The old ones were 1000W each and these are 230W each.

Mr. Vett: Regardless it is brighter.

Discussion was had on lighting and shielding. The neighbors will still see the light because they are down below under the light. A white light will be brighter, if a yellow tint is added more lighting will be needed. All of the lighting concerns may not be addressed until other properties update lights on their own property.

Dave P: How high are the lights?

Eric N: The new lights are 20ft. poles. A lighting plan was done for the new lights and the light that goes over the property line is less than a quarter of a foot-candle, but I am not sure about the existing lights.

Mr. Patel: The lights that are there were put up for security so I can get the whole parking lot, but we can adjust them.

Mr. Vett: I live right there I do not want people sneaking around in the dark.

Mr. Patel: We do have some cameras in the back too.

Patti: Just to clarify there are 7 lights on the exterior perimeter of the parking lot and those are 12ft. in height. The lights that are of 20ft. in height is because of the elevation and needs to be that high in order to get the same security lighting.

Bill: Are there timers on the lights.

Mr. Patel: Yes. They turn off at 11pm.

The problem of the lights does not seem to be the luminance level it is the angle of the light.

Mr. Vett: I am happy to see the new zoning go into effect. I am a fan of the new zoning and happy to see what it is going to produce. Thanks for hearing our concerns.

Ryan Anderson, representing Mr. Brodsky of 3555-3565 Rt. 9W: I am curious about the retaining wall and what that is going to be made out of, has the storm water been figured out how it is going to be controlled and is the one pipe in the back of the property going to be big enough to handle the new roofing over the years?

Dave P: If I remember our intent and the applicant's intent was to not have to do a retaining wall. They tried to talk with the neighbor about that but they were not interested. With that aside there will be a retaining wall.

Peter: Our understanding is that the applicant went to Mr. Brodsky to talk about creating a common plan so that they would not need a retaining wall.

Nadine: The retaining wall design has not been composed yet. There are a couple of different options that the applicant can choose from. The storm water does not go over the retaining wall. All of the storm water is contained on the site until it reaches the back of the site. There will be a catch basin added onto this site. Additionally based on the engineer's review we are going to do some infiltration of the roof drainage, some dry swales or infiltration under the parking lot.

Mr. Anderson: Will the existing drainage system be big enough to add to it?

Nadine: The way the site is designed it has more green space and less storm water runoff from the impervious areas going to there now and with the additional storm water practices that we are going to put in will be much less storm water going to the basins after the project is completed than what is there now.

Mr. Anderson: Great. The choices for the retaining wall on Brodsky side will that be a masonry wall?

Nadine: Could be.

Mr. Anderson: Not wood though? It will be stone or concrete or something?

Nadine: Right.

Discussion continued as Mr. Anderson reviewed the plan.

Patti: The stormwater plans are done.

Nadine: We just received the engineer's comments so the plans will be revised for next month.

The Board talked about the new zoning code and how it encourages internal roadways parallel to 9W. But there will never be access from Roberto Ave.

Dave P thanked the public for their professional presentation of questions.

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

The Board would like to review the revised plans before they vote on this project. The resolution will be held until next month.

The Board would like to see buffering and lighting updates keeping the public's comments in mind.

### **Selux Corp., 5 Lumen Ln, Siteplan SBL#88.1-6-6.100, in GB zone.**

Selux is planning 2 additions and other future improvements to the building at 5 Lumen Lane.

Selux-South is an 8,800 s.f. light industrial addition with a loading dock that will be used for product assembly and warehouse space, starting construction as soon as possible.

Selux-North is a 5,980 s.f. commercial addition for a showroom and office space, starting construction this fall. The 4,560 s.f. first floor will be completed in phase 1; the 1,420 s.f. second floor will be completed in phase 2.

Dave Todor, the applicant's representative, was present for the meeting.

Peter: In regards to the Ulster County Planning Board review there were two comments. This addition does not trigger a stormwater plan but when it is added to last year's addition, and they never had a storm water plan at any time, so we are not asking for a SWPPP we are asking for a sediment and erosion plan. We are also asking for a lighting plan.

Dave Todor: In terms of lighting it happens that those two additions are in areas where there are existing lights. So there will be very minimal impact from these additions. In terms of the storm water Brinnier and Larios is working on that now.

Because of the minimal change the Board considered adding the lighting plan on a condition of approval. The sediment and erosion plan will also be a condition of approval.

Carl: One of the comments was about the site having poor soil?

Dave T: As part of this they are looking to improve the septic system, which is up on a hill and they found surprisingly good soil there. They also did about a month ago, 12 test holes, in that area it was fairly sandy it was not clay soil.

Shari: It is my understanding that Dave Barton is comfortable with the storm water that is going into the drainage that is there and that the expansion is not going to affect anything that is there. We have already been on site and will be inspecting on a regular basis through the permit process.

The Board had no additional questions.

Dave P. read the public hearing notice.

A **Motion** to open the public hearing was made by Carl DiLorenzo, seconded by William Ogden. All ayes. There were no public comments.

A **Motion** to close the public hearing was made by William Ogden, seconded by Carl DiLorenzo. All ayes. The resolution of approval was read with the following conditions: satisfactory lighting plan, sediment and erosion control plan and parking fee due at time of building permit.

A **Motion** to accept the resolution was made by Lawrence Hammond, seconded by William Ogden. All ayes. (See attached)

**Behnke, David 244 Pancake Hollow Rd, Subdivision SBL#87.3-2-21.150, in R1 zone.**

The applicant proposes to subdivide their 9.863 parcel of land. The existing house lot would have an area of 1.233 acres, and the vacant lot would have an area of 8.630 acres. The vacant lot is to be conveyed to their son with the expectation of building a 4 bedroom house. The vacant lot would have a new driveway from Pancake Hollow Rd, a drilled well and a subsurface sewage disposal system.

Bob James of A. Diachishin and Associates, PC, the applicant's representative, was present for the meeting. The Behnkes' were present for the meeting.

Dave B. will be reviewing the SWPPP. Board of Heath approval was received. Highway permit was submitted.

The Board reviewed map with revision date of 09-04-15.

There were no additional Board concerns.

Dave P. read the public hearing notice.

A **Motion** to open the public hearing was made by Lawrence Hammond, seconded by Peter Brooks. All ayes. Robert Pardy of 4 Tina Dr. (requested looking at the map.): I am not against the development I just want to know what the plan is one house or more houses. We have had issues in the past with noise from this property. Mr. Behnke: It has been vacant for 15 years.

Mr. Pardy: Just a couple of nights ago we were in the house watching TV and the noise was coming from their property at about 9:00 at night. (Mr. Pardy had a video of some noise recorded on his phone) My concern is that they are going to be good neighbors and that they are not going to be doing construction for six months at night.

Peter: The proposal is to build a single family house.

Larry: They would have to come back to the Planning Board for additional subdivision.

Mr. Pardy: And I would be notified again.

Dave P: Yes.

Shari: There is a noise ordinance just so you are aware.

Mr. Pardy: Yes, I know. I rate that up there with some of the other ordinances around here. It is who you know.

Mr. Pardy: We put up with a lot of noise from the dog rescue.

Carl: There are ordinances in the Town, which sounds like a civil issue you would have to log a complaint with the police. I have an abandoned house next to be that the grass would be on top of the roof right now if I did not keep calling Fannie Mae and have them cut it.

Shari: We do enforce that. Just so everyone knows there is a law on our books that after the process of sending out complaint letters and order to remedies the Town will go in and mow the grass and it will go onto their tax bill. We do follow that through in our office.

Mr. Pardy: Will they be taking the orchards down?

Mrs. Behnke: We do not have an orchard any more.

Dave P: This is a subdivision with a proposed one family. Noise is a factor for anyone but the only way to enforce that is to call the police department.

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

Dave P. began to review the resolution but it was not voted on due to the fact that it was discovered that the new lot line did not meet the pool setback.

The applicant was given the choice of taking the pool down or moving the lot line. The applicant will move the lot line. New maps will be submitted for next month when anticipated approval will be given.

**Ireland, David, 66 Mayer Dr, SUP Accessory Apartment SBL#95.12-2-13, in R1/2 zone.**

The applicant is requesting a special use permit to add a 425sf accessory apartment into his residence. David Ireland was present for the meeting.

The Board has reviewed this application and had no additional concerns.

Dave P read the public hearing notice.

A **Motion** was made to open the public hearing by William Ogden, seconded by Carl DiLorenzo. All ayes. There was no public comment.

A **Motion** to close the public hearing was made by Lawrence Hammond, seconded by Fred Pizzuto. All ayes. The resolution of approval was read. (See attached)

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

**Set Public Hearing**

**Apple Greens (Roehrs), 161 South St, Siteplan Amendment SBL#87.3-5-15.100, in A zone.**

The applicant would like site plan amendment to include a barn wedding venue.

Judi Roehrs, the applicant, was present for the meeting.

This application has been reviewed at past meetings.

Mrs. Rohers showed the Board a lighting plan in which lights will be placed along the driveway used to transport guests to and from a venue at the barn.

Peter: Wasn't there a question about the sprinkler system needed in the barn?

Shari: That will be through the building permit.

Mrs. Roehrs: I thought Dave said it would be considered a pavilion because there is so much open/exit space in the barn.

The applicant has satisfied the Board.

The Board reviewed the EAF form and issued a negative declaration. (See attached resolution)

A **Motion** to accept the resolution of negative declaration and setting the public hearing was made by Lawrence Hammond, seconded by Carl DiLorenzo. All ayes.

The public hearing is set for October 22, 2015.

**Servpro - Gil Morrissey, 10 Lumen Ln, Siteplan SBL#88.1-6-1.100, in GB zone.**

The applicant proposes to construct a 2,700 sq.ft. office space and 15,000 sq ft. warehouse with on-site parking, and on-site wastewater treatment system. The site is serviced by municipal water. This space is intended to be occupied by SERVPRO which is an emergency response cleanup and restoration service for water, fire and mold. The operation consists of 24 employees including 12 office staff and 12 technicians (working off site). The office is generally open from 8am to 5pm. A portion of the warehouse is used for equipment and product storage. Other portions of the warehouse are used to clean, deodorize, organize, and store customer's belongings and carpets.

Work in the warehouse is limited as most work is done at the customer's home/business site.

Gil Morrissey, the applicant, was present for the meeting.

Nadine Carney of Peak Engineering, the applicant's representative, was present for the meeting.

Nadine submitted correspondence from the Dept. of Heath informing the applicant of the requirements they need to meet.

The Board began review of this application last week. (Original application was in Jan. 2015 and then went on hold)

Nadine: New plans were submitted recently, tonight we are submitting building elevations with colors and a lighting plan. There were no changes in the plan just information submitted.

The Board reviewed documents and plans and used a checklist for review accuracy.

Shari: Dave B. will be reviewing the SWPPP and if he feels like it should go to Morris Associates he will send it there.

Mr. Morrissey: I have the size of the sign, 75”L X 46”H, and draft of sign design (on file), it will go on the side of the building that faces 9W between the two garage doors.

The Board suggested thinking of a monument sign on 9W at a later date.

Carl: I was thinking that this area is becoming an industrial park. Will anybody be selling any retail?

Nadine: No.

The plan shows an enclosed dumpster, handicapped access, some landscaping and lighting. Because of the site location there will not be any light impact on anyone. There is plenty of room around the parking lot for snow storage.

Mr. Morrissey: In the future I may come back to put a fence around my trucks.

The Board requested the plan go to UC Planning Board, Health Department, Water and Sewer department, Highway Dept. and Fire Dept.

The Board reviewed the short EAF (environmental assessment form) and issued a negative declaration. (See attached resolution)

A **Motion** to accept the resolution of negative declaration and setting the public hearing was made by Lawrence Hammond, seconded by Peter Brooks. All ayes.

The public hearing is set for October 22, 2015.

### **DiCapua, Alyssa 168 South St, SUP Bed & Breakfast SBL#87.3-5-12, in A zone.**

The applicant currently has a special use permit for a one bedroom Bed and Breakfast. They are converting a current portion of the house to add another suite with a private entrance and private bathroom. The applicant would like to change their special use permit from a one bedroom Bed and Breakfast to a two bedroom Bed and Breakfast.

Mr. & Mrs. DiCapua were present for the meeting.

An email from the Board of Health was submitted stating that the fourth bedroom was permitted.

The Board reviewed a floor plan done by the applicant for their bed and breakfast. The applicant will need to submit a new floor plan without a stove in the proposed renovation. The Bed and Breakfast will now be a two bedroom Bed and Breakfast, and there will be two bedrooms for the homeowners.

The Board asked for a copy of their survey.

The Board discussed bed and breakfasts and read through BnB code regulations.

The short EAF (environmental assessment form) was reviewed and the Board issued a negative declaration. (See attached resolution)

A **Motion** to accept the resolution of negative declaration and setting the public hearing was made by Lawrence Hammond, seconded by Carl DiLorenzo. All ayes.

The public hearing is set for October 22, 2015.

### **New Business**

#### **Olson, Louis 275 Pancake Hollow Rd, SUP Accessory Apartment SBL# 87.4-1-14, in R1 zone.**

The applicant would like to legalize a 990sf accessory apartment into the lower level of this residence.

Lou Olson was present for the meeting.

The Board reviewed this at a previous meeting and requested that Lou Olson come to this meeting.

Lou: The lower level of this house has been an apartment since 1975, I never realized it was not zoned a two family. Shari said because it is not 2 acres it cannot be a legal two family. Is there something such as grandfathered in? This has been like this since before 1975.

Dave P: The title has transferred twice since then, why wasn't it caught then?

Shari: There is paperwork from the assessor's office that says it only has one kitchen, which would make it a one family, so we have to go by that latest paperwork.

Lou: Was that recent paperwork?

Shari: It is what you signed when you bought it.

Peter: We had two issues with the plan you submitted. One issue is that we have a size limit and we also had a question because the accessory apartment needs to be in an owner occupied home.

Shari: There were two suggestions I made; he can go to the ZBA for a variance or do a lot line revision to get some acreage and make a legal 2 family. You own adjoining land that you can take from.

Larry: Was the Board of Health ever checked out when that was put in?

Lou: There is 1200 gallon tank there.

Shari: Either way you will need a special use permit for the two family. October 8<sup>th</sup> is the next ZBA meeting if that is the way you want to go. You would need a variance of .62 acre. If you do the lot line revision you can get the special use permit at the same time.

It was advised that Mr. Olson revise his application that is on file and request a lot line revision.

## **Old Business**

### **Ottaviano, Frank, New Paltz Road, Lot Line SBL#87.2-8-2.115, in R ½ zone.**

The applicant is requesting approval for a lot line revision for the purpose of conveying the 0.602 acre portion of land, from SBL87.2-8-2.115 lying on the northerly side of New Paltz Rd. to the lands of Hill and McNulty SBL87.11-3-35.

Shari: At the last meeting there was a discrepancy on whether buildable acreage is needed for a lot line revision. According to Teresa Bakner's email we have nothing in our code that separates a lot line revision from a subdivision. There is nothing in our code that speaks directly to a lot line. Therefore it has always been a small subdivision. In a small subdivision you cannot create a lot that does not meet the buildable acreage within the zone. I spoke with Jonathan Millen, the applicant's representative, and asked him if he could squeak a half acre out of it. He has to show us that there is a half acre of buildable lot.

The applicant has tabled this application until further notice.

## **Administrative Business**

A letter for the ZBA regarding Sawyer Savings Bank sign was reviewed. (On file)

### ***Minutes to Approve***

August minutes will be approved at the October meeting.

A **Motion** to adjourn was made by William Ogden, seconded by Lawrence Hammond. All ayes. 9:37pm.