

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, March 28, 2024

CALL TO ORDER TIME: 7:00pm

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

OFFICIALLY OPEN THE MEETING

Attendance: Board members: Scott McCarthy, Charly Long, Carl DiLorenzo, Franco Zani, Gerry Marion, Lambros Violaris, Fred Pizzuto, Bill Meltzer (Via Zoom), Lenny Auchmoody (Town Board); Board Staff: Dave Barton, Paul Van Cott (Via Zoom), Christian Moore, and Sarah Van Nostrand.

Minutes to Approve at the March 28, 2024, meeting
February 15, 2024 and February 22, 2024

Scott asked for a motion to approve the minutes.
Motion made by Lambros, 2nd by Gerry.
5-ayes, 2- abstain (Franco Feb. 15 and Carl both)

Old Business

Prizzia, Anthony: Special Use Permit: 14 Lily Lake Rd

Review Status: Updated information circulated to the board
Potential Action: TBD

Anthony (applicant) said that this is a very conservative maintenance. They are working with the DEC and using a forester approved by them. The trees that that marked is really just for canopy maintenance. His neighbor, who he is an agent for as well, is a leader for the boy scouts. At the last meeting it came up about the maintenance of the tracks or skids where they will bring the logs in. The boy scouts wanted him to groom some of those areas to make a hiking trail moving forward to let the boy scouts use the property as well. It is a pretty low impact canopy management. None of the commercial property next to his is being harvested. The road that he has, his driveway is built to road spec, 25-feet wide all stone. Trucks will be loaded on the driveway, so there won't be any mud on the road going out and if there is he will make sure it is clean.

Christian said that the revised EAF needs to be signed. The EAF identified that Northern

Cricket Frog under threat or endangered species, so if they could get something from DEC saying that they are okay with it.

Anthony said in the original application and in the email from DEC their forester said that there is none of the species on the property.

Christian asked if the DEC agreed with that assessment.

Anthony said he can ask his forester if he sent it to the DEC, he works everyday with the DEC, he is a certified forester who does this all the time. He found those frogs on another parcel on the other end of Lily Lake Rd, but when he did a survey of the property, they were not present.

Christian said they would like to get a little conformation from the DEC on that.

Anthony said he will have his forester send another letter stating that there are no frogs.

Christian said typically that is done by a certified wetland biologist or an environmental specialist, he is not sure if a forester falls under those.

Anthony said he will refer it to his forester, but he was assured that there were none on site.

Christian said the locations of the wetlands and the 100-foot adjacent area needs to be shown on the harvesting map. It is just not clear whether or not any of the clearings proposed are within the buffer.

Anthony said where there are no trees being harvested is the entire wetland. Again, they are not touching it, there are going to be no trees falling into it. The only crossing is the legal crossing that he got many years ago. Where they disturbed one foot and had to create 9 according to the DEC. They have worked with the DEC on the last two harvests, back then they would come out and mark it for you, but they don't do that anymore. They are doing the exact same footsteps that have done with the DEC the last two harvests.

Christian asked how long ago was that crossing put in.

Anthony said 15+ years ago.

Christian said if you can provide information that the DEC authorized that.

Anthony said he couldn't have gotten a CO if he didn't have that.

Christian said that he would like a timing schedule for the timber harvest. A note requiring immediate removal of anything tracked out onto Lily Lake Rd.

Anthony said he thinks they added it the last time.

Dave said that due to the scope of what will be coming out of the property he is comfortable putting some of Christian's comments into conditions. He would advise the board to set a public hearing for next month.

Anthony said that his forester will be there monitoring the harvest when it happens. He is not the logger, but he is the one who marked the trees, he surveyed the entire property, he was the one who came to them from the DEC. The quicker the board can get him approval, that is when he will bid it out, he will be managing the harvest as he gets a percentage. Right now, in the best-case scenario it looks like it will be winter.

Scott asked how often do the trees need to be cut.

Anthony said according to the forester and DEC it should be every 15 years at the minimum and they only take 1 tree out of every 5-8 possible trees in a cluster. When you walk his property, it is almost hard to find a blue line because you will look at 30 trees and they are only taking one. It makes the rest of the trees grow better.

Scott asked for a motion to set a public hearing for April.

Motion made by Fred, 2nd by Gerry.

7-ayes, 0-nays, motion passed to set a public hearing.

Public Hearings (New)

The Villages

Review Status: Public hearing scheduled for March 28, 2024.

Potential Action: Open the public hearing

Scott asked how is the project going.

John (Applicant's agent) said that they have done everything they could as far as construction, they have worked to what the conditions have authorized them to do. They are looking forward to taking it to the next step. They need the board's approval to move forward with that.

Scott asked where they expect to be in 4-6 months.

John said he thinks they would like to be starting to sell some units. They are still waiting on the signature for phase A site plan and that is the first step there.

Scott asked what do you need in order to get signature.

John said they just received a comment letter from CPL for some outstanding

engineering items for phase A, it looks like there are 7-8 comments.

Scott said just keep the public up to date on what you owe.

John said they have comments from the town's engineer. They have the NYS DOT permit, they have amended the developer's agreement, they have recorded the necessary easements, recorded the necessary deed restrictions. He has to follow up with the town on the updated developer's agreement as it was sent to the town a couple of months ago and check to see if it has been signed.

Scott said construction will start as soon as you get a signed map.

John said yes, that is the goal they cannot file for building permits until they have a signed map for phase A.

Scott asked if they owe anything else before they get a building permit.

John said yes, they have to pay the rec fees upon submission of a building permit. A energy conservation plan, a final utility plan.

Scott asked when you say utilities and infrastructure, what do you or the developer define as a utility.

John said the utility plan is referring to the ground-mounted transformers and electrical systems, which has to be confirmed with Central Hudson.

Scott asked in terms of water, sewer, gas, where do they stop are the main trunk line going down the road or does it branch to the individual houses.

John said he doesn't know the details of the utility plan.

Scott said he just wanted to know what the definition of infrastructure was to the developer if it was just the main or if it branched.

John said he doesn't think they have branched out yet because they don't have any building permits.

Charly asked if the phase A infrastructure is in.

John said yes, it is, back in August of 2023 the board approved the overall site plan for the ALF as well as the 197 cottages. In that resolution it authorized some infrastructure and some construction activities in phase A prior to the signing of the map.

Scott said that included the water, the signal light, and things of that nature.

John said yes.

Lambros asked how many of the 197 cottages are ready to close.

John said he has no idea about that.

Charly asked as of now you have none sold.

John said he doesn't know; they have had the sales office open for a while now.

Dave said at this point the developer is looking to move into phase A to construct the cottages, along with all the bits and pieces, sidewalks, etc. He believes that they are looking to move forward with the infrastructure for phases B and C.

John said that right now the public hearing is for the detailed site plan for phase B, C1 and C2. The board has already approved phase A, it's just a matter of completing the conditions and then having the chairman sign the map, once sign off from the engineers has been given. What the board saw and approved in August is the same, the only change is details in the stormwater. A couple of things they are changing is the level spreaders, some notes that didn't match what was shown on the map, there was some clarity regarding the separation of the phases, one of the other things was providing these plans on a larger scale, so they can be seen. They are back for approval of phases B, C1 and C2.

Scott said to start infrastructure in that area.

John said that is correct.

Scott said not cottages, just infrastructure.

John said the approval would be for everything, but the cottages wouldn't be started until the chairman signs off on the site plans for B, C1 and C2.

Charly said they wouldn't be signing off on it until phase A is complete, is that what the board is discussing.

John said if the board wants to wait until phase A is complete, that's up to the board. They are close on phase A, he thinks it is just the engineer's comments and the amended developer's agreement.

Dave said he has been talking to some of the board members, he thinks the board would be more readily approve because they are broken out into phases, the reason why it was phased was so the board could look at it as they were going. Some of the board members are more amenable to completing a phase and then moving on to the next one in terms of the housing. He is not sure how the board feels about infrastructure, he would be comfortable with them putting infrastructure in throughout. He thinks the board's concern was that it might be piecemeal all over the place. If it was organized in a way

where the infrastructure was in and then phased development through A into B, C1, C2.

Scott said development as far as cottages go.

Dave said yes that way it sort of feels more regulated.

Scott said that is the control the board is looking for. When they are looking at completion of a phase before moving onto the next one. He asked what the applicant considers complete. Complete meaning what you have pretty much sold the customer a neighborhood, so that they can walk around, have lights, the landscaping being correct and them living in that as it was a finished project, that is what the board is calling complete.

Franco asked if they need to be CO ready.

Scott said a CO is different, the CO is for the building, and he is talking about zoning as far as the lights, streets, and sidewalks.

Dave said they pulled a permit for site work that wouldn't have included the finished product like sidewalks, trees, and lights because they are not public utilities, not dedicating that to the town. He understands Scott's point that the board is looking for complete streets, sidewalks, trees, lights to the end of the phase before moving on to the next phase.

Scott said if he is not mistaken, they ran into an issue on another development, where certain items were missing, that still weren't done because they didn't complete the whole road. Since they are doing it in phases, they want to make sure it is a completed phase and people can live there for what they bought.

John said if someone is interested in purchasing, they may want a different location, they may not want to be located in phase A, maybe they want to be located in phase B. Does that mean you cannot sell phase A and phase B at the same time.

Dave said you probably could, the board is saying before B got constructed, they want to see phase A in a finished way.

John asked what do you mean by finished, does that mean all 17 units have to be built.

Scott said yes he believes it would have to be built because that is what the idea was for phase control.

Dave said in another development that is in town with a phased plan that seems to be working, is the idea of having a percentage of each phase constructed before constructing houses in the next phase. Mountainside Woods was a concrete number they had to finish a certain number in one before moving to two and the board could generate that number.

John said what if you just have 3 or 4 lots or units within those 21 units and maybe somebody doesn't like where it is, so can they have the option of going to another phase and opening up the next phase. From a marketing standpoint you are locking those last 5-6 buyers in.

Scott said what if everyone wants to buy them in E and F and nobody wants to buy in A or B, so then what.

John said that is different E and F are not in consideration, they are only looking for site plan approval for phase B, C1 and C2.

Scott said that is one issue, the second issue is the one they are bringing up is the cottage development. When phase A is done, the cottages are all built, the board would give the authority to move onto phase B and building cottages there. He is guessing that phase A complete means 21 homes that are in phase A are going to be completed.

John said that really limits the developer's selling then because those first 10-15 units are sold then the next 5-6 people have no choice but what is left in phase A, but what if they prefer a different location, what if they want to be in phase B, something else that is approved.

Scott said what they are looking at for this project is people wanting to walk down a completed street is all he is concerned with.

Gerry said what about a fire truck or an ambulance if the street is not completed and there are manholes sticking up.

John said he guesses that CO's wouldn't be issued in phase A if there were fire truck issues.

Scott said that is extreme, he is talking about a walking sidewalk, you sold them sidewalks.

John said are you talking about complete infrastructure installment, he understands, but his concern is if every unit has to be sold before they can move on to the next approved phase.

Charly said maybe not sold, but built.

John said right, or even built.

Charly asked what be a percentage, if you had to come with a percentage what would it be.

John said he would have to ask his client, he wasn't prepared for this.

Scott said it has been within the board and conveyed to the applicant, that the board was looking at phase B being started when phase A was complete. He said that is why he was asking what they determine complete to be. To him complete is all 21 houses, with sidewalks connecting, and lights, and finished landscaping, like its own little neighborhood. Now it's complete, now you can construct phase B.

John said he thinks the landscaping, the lights, sidewalks he agrees with that, but he disagrees with the fact that every single unit has to be sold or built or under construction before you can move to the next phase because that is kind of controlling the marketing. Again, what if someone really doesn't want to be in this phase, if there is only one location left in phase A, what if the person doesn't want to be there, what if they would rather be further up.

Scott said the board cannot come up with a solution to that, the board is letting you know what they are looking at and convey it back to the applicant. As far as the houses go maybe the board can consider a percentage of homes that should be built, he feels the board already voted on it, it will be 21 homes and then you went to B.

Franco said what if the board gave him 80% that would be 17 homes.

Fred said everything else complete.

Scott said as long as everything else is complete, he doesn't have an issue going with a percentage.

Dave said he thinks the board's concern is having a disconnected community. You might have houses all over the place and you might lack connectivity. This project is intended to be a community, so he hears what the board is saying about the disconnect, if you do a percentage maybe 70% is too high. He hears that the board wants to be an orderly construction of a community.

Carl asked how they are marketing their homes; are you going to build them and then sell them or are you going to have people come in and then tell you what they want and then build to suit.

John said there is a sale office and there is only a certain number of models they can choose from. He thinks as part of the package it includes what the models will look like. They are all preconstructed homes and they come in and drop the home on a slab or foundation.

Scott said are they selling them off into locations as well.

John said the sales office is selling the locations and figuring out where people want to go and the people work with the modular company to figure out which model they will like.

Carl said if someone came in and wanted to be on top of the hill, that phase is not going to be finished until A is done, so it is going to be something they are going to have to wait for.

John said he understands. You are talking about A and F, he is just talking about A, B and C which is a little cluster, that only has about 70 homes.

Scott asked if they are just marketing those 70 homes.

John said he doesn't know.

Scott said that is why he was suggesting it be a completed neighborhood, he realizes that other people want to live on the back side and have nothing to do with a view.

John said that he understands, but his concern is giving some flexibility between B and C because they are all clustered lower on the hill. You should be able to kind of pick and choose.

Scott said with a project this size you would think 21 in A shouldn't be hard to sell. He was thinking that the 21 would be built then they would move on.

Paul said the other thing that is important here is that before Certificates of Occupancy can be issued for phase A cottages, the applicant was supposed to show the upgrades of the Vineyard station had been completed and also that the traffic signal on Mayer Drive had been installed. Just trying to make sure that before you have too many cottages that are authorized to be constructed, the board wants to make sure that work has been completed because that's part of the infrastructure, the critical issues that the Planning Board had identified at the outset in the phasing plan.

Scott said he is in agreement.

John said that is in the resolution.

Paul said the point being now for B and C cottages and the infrastructure for A is not 100% done, none of the infrastructure for B and C has been installed, so that puts the board in a tough position because the Vineyard upgrade has not been done yet and the installation of the traffic light has not been installed yet.

Scott said they are not asking for a certificate at this point, they only want a signing of B and C's infrastructure.

Paul said part of the approval of the phase A site plans included the B and C infrastructure, that has not been signed off at this point. The board is talking about solutions, but it's a little bit premature because there are still things outstanding. Part of the whole reason for holding off on approvals for Certificates of Occupancy for phase A

was to make sure that the Vineyard pump station was upgraded, make sure the light at Mayer Drive was installed, so that it would support the cottages being sought for approval and that includes B and C, so that's why it's relevant.

John said tonight the only consideration they are asking for is a resolution from the board saying that they are good with the detailed site plan for phase B, C1 and C2. At some point they will have some conditions to complete before the chair can sign them and then after the chair signs them, they still have to submit a building permit. After the building permit is issued then the CO's.

Scott said it was only for clarity of what the board expects when they do get the building permits for A and then proceed to go on, so they are all on the same page of what is expected at completion of the cottages.

Paul said the reason he brings all of this up is because it is relevant to conditions that the Planning Board may want to consider as part of any approval of the site plans for B and C for those cottages. To be clear they are only talking about the site plans for the B and C cottages because the board already approved the cottages for phase A and infrastructure for B and C, those plans remain to be signed by the chairman based on the complete fulfillment of the conditions of the original site plan resolution. Tonight the board has in front of them you have the site plans for B and C the cottages and CPL is pretty much satisfied with those, but what the board is talking about is the conditions relevant to that.

Scott asked for a motion to open the public hearing.

Motion made by Fred, 2nd by Carl.

7-ayes, 0-nays, motion passed to open the public hearing.

No public comment

Scott asked for a motion to close the public hearing.

Motion made by Fred, 2nd by Franco.

7-ayes, 0-nays, motion passed to close the public hearing.

Scott asked for a draft resolution to be prepared for next month's meeting.

Continued Public Hearings:

SCC Holdings Corp: Special Use Permit: 104 North Rd

Applicant is seeking a special use permit to construct a duplex.

Review Status: Public hearing opened on December 7, 2023.

SEQRA Status: Type II

Potential Action: Close public hearing and approval resolution

Sal (applicant) said that he has received the comments from CPL that he has addressed. There was some concern with the site distance that was approved by the Highway Supervisor, and he also approved the drainage swales that are on the proposed plan.

Christian said regarding the site distance he would like to get something from the Highway Department in writing.

Sal said he also included a dumpster enclosure on the plan.

Scott said didn't you have that on there.

Sal said they wanted more details.

Scott asked for a motion to close the public hearing.

Motion made by Franco, 2nd by Gerry.

7-ayes, 0-nays, motion passed to close the public hearing.

Scott read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Franco, 2nd by Charly.

7-ayes, 0-nays, motion passed to approve the resolution.

Short-Term Rentals (Public Hearings)

Llorens, Stevens: 144 South St.

Review Status: Public hearing opened March 21, 2024

Potential Action: Close public hearing, approval resolution

Scott asked for a motion to close the public hearing.

Motion made by Fred, 2nd by Franco.

7-ayes, 0-nays, motion passed to close the public hearing.

Scott read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Lambros, 2nd by Franco.

7-ayes, 0-nays, motion passed to approve the resolution.

Beals, Christopher: 40 Hurds Rd.

Review Status: Public hearing opened March 21, 2024

Potential Action: Close public hearing, approval resolution

Scott asked for a motion to close the public hearing.
Motion made by Fred, 2nd by Gerry.
7-ayes, 0-nays, motion passed to close the public hearing.

Scott read the resolution.

Scott asked for a motion to approve the resolution.
Motion made by Franco, 2nd by Lambros.
7-ayes, 0-nays, motion passed to approve the resolution.

Informal Discussion

Ohioville Solar

Potential Action: Plattekill Planning Board is seeking lead agency

Nick (Applicant's agent, Carson Power) said that they went through most of the details of the project last week, it is a community solar project on Crow Hill Rd, mostly in Plattekill. There is a 27-acre parcel in Lloyd with 2.7-acres of solar with this proposed project. They received the comment letter from the engineers, and they are working on incorporating them into the plans. They will submit updates plans that will reflect the changes that they spoke about last week, like the battery removal and that some of the panels have shifted.

Dave said that Paul created a consent to the Town of Plattekill for being lead agency. The two elements that Paul pointed out were potential stormwater and visual impacts. He feels that the applicant can handle them, but he wants it to be on record with Plattekill that they need to take a hard look.

Christian said that he has nothing new from last week, just that they will be taking a close look at stormwater because the panels are going to be installed on slopes.

Paul said that the action for the board is to consent to lead agency by the Town of Plattekill and to make clear that you are interested in participating in coordinated review for potential environmental impacts.

Scott read the resolution.

Scott asked for a motion to approve the resolution.
Motion made by Fred, 2nd by Gerry.
7-ayes, 0-nays, motion passed to approve the resolution.

Motion to Adjourn.