

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

**Thursday, March 21, 2024**

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

**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, non-voting), and 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

**Old Business**

**Mark Renyolds: Special Use Permit: 235 Hawley's Corners Rd**

Mark (Applicant) said that he submitted new plans that the board had asked for. It is at his house in the downstairs portion. The most important thing to deal with at the moment is the square footage. The board has the square footage on the plans and he wants to bring to the board's attention, that it was said at the meeting of the Zoning Board last week, that the Planning Board does have discretion for the accessory apartment. It is his understanding that when he was last before the board that the policy is that the board doesn't allow anything over 650 square feet.

Scott said it is past precedent since he has been on the board.

Mark said if you create policy and don't allow the citizens any relief that is making law. It has been said that the board does not make law, they follow what is written in the code. By not allowing citizens to seek relief the board is making law.

Scott said the Zoning Board would be your relief. If you cannot meet the 650, he suggests that you go to the Zoning Board and ask for that relief.

Mark said what happened last week with the gentleman that the board sent there. They read the same exact stipulation which the attorney read out loud. They didn't make a decision they sent him back to the Planning Board.

Scott said he guesses that the board didn't clearly tell them to take it up with the Zoning Board. It was something that they just sent him off in that direction and they didn't take a unanimous vote on how they felt about having it done in that direction.

Fred said like in the form of a motion.

Scott said it would have to be done in the form of a motion. He thinks the board just sent him there because of the clear size of the building.

Dave said the way he reads it is the 650 was put into place because at the time the Town Board felt that anything over that would trip into an additional density related dwelling unit. Which would require double the acreage and so forth. In his opinion the code does say that the Planning Board does have the ability to waive the 650 requirement. However, in his opinion once they get up into the 900 range, he thinks that that goes way beyond what he believes is a lot to waive and therefore it would be appropriate for the board to say they are not interested in waiving that much and it would have to go to the ZBA for area relief.

Scott said that has pretty much been their past precedent.

Mark said the other thing he wanted to point out is on the map you will see that the walls on his building are 2 feet thick, that is the way it was built in the 1992. He knows that the board measures from the outside, if the board was to make the consideration the fact that they are 2 foot which is very rare for buildings, solid stone, he cannot make any adjustment to that, it would certainly bring down the square footage.

Paul said that is something that the ZBA might consider when it is looking at this application, but the Planning Board is looking at from the standpoint of the code and some of the reasons behind the code in terms of the thinking behind the 650 square foot standard. The ZBA is in a position to provide relief based on special circumstances, but the Planning Board has full discretion on whether or not to allow a modification based on the plain reading of the zoning code.

Mark said so moving forward how would the board like him to proceed.

Scott asked for a motion to send this to the Zoning Board.

Gerry asked how many acres does he have.

Mark said 3.5.

Gerry said it's not a density issue.

Mark said no his neighbors are far apart.

Gerry said and you cannot see your neighbors, it wouldn't be a problem to be two-family.

Dave said it was suggested that he apply for a two-family because they wouldn't even go back to the ZBA.

Gerry said it is a non-conforming structure doesn't a two-family have to have separate meters.

Dave said they would probably have to do that. Nevertheless, it is existing and would follow the existing building code, there would probably be no changes to the building.

Gerry said he doesn't understand how this could be such a horrible thing to go over the 650, it's not bothering anybody, it's not like it is a high-density area, he's in the middle of nowhere, over 3-acres.

Paul said it is a valid question, but the point being the zoning code is clear that what an accessory apartment allows you to do, is avoid the density requirements that otherwise would apply, that's based on the 650 square foot limit.

Gerry asked what is the criteria for the density other than the 650 square feet.

Paul said the acreage, if the applicant wanted a larger accessory apartment, then he could apply for basically an additional dwelling unit on his property. It would just be a different application. He has applied for an accessory apartment and the standards that apply are the 650 square feet, in order to provide for density. If he wants more square footage than that, the Planning Board has the right to modify it, but it is also within the Planning Board's right to say within its discretion that it is not willing to modify that square footage and you need to go to the ZBA to get that modification without effecting your density.

Gerry said that if he goes to the ZBA and they classify it as a two-family, is that another hardship of issues that he will have to undertake to comply with the two-family.

Franco said that would be a created hardship.

Gerry said the board would be creating it now.

Mark said he has no reason to want a two-family, he has no reason to enlarge the footage.

Scott said so that is off the table.

Franco asked if he had a three-bedroom house without the basement.

Mark replied correct.

Franco said it doesn't mention a finished basement, but it does list a finished rec. room.

Mark said that probably dates back as that is what it used to be called.

Franco asked the basement.

Mark said in the basement.

Franco said at three-bedrooms what size is the septic tank.

Mark said you brought that up the last time and he wants to address that, the issue of the septic system. You said that septic systems are not being considered and that it is up to the individual.

Scott said on a STR.

Mark said why would it be that versus anything else.

Scott said we are talking about an accessory apartment; someone is going to live there all the time then he thinks you have to consider the tank the way it is also.

Mark said what about Dion Property, which was approved in 23, it was for a two-family dwelling, and it was questioned by a board member, "Wasn't there an issue with the septic system or was it resolved." Dave's replied was, "The Health Department doesn't care about existing septic system. There is no way to determine it unless you dig it up, his sense was that the board didn't want that to happen. Any failures of the septic system will be the responsibility of the owner." He said that the septic system is up to him.

Gerry asked if he was adding another bathroom or bedroom.

Mark said no.

Gerry said it is a three-bedroom and is zoned as a three-bedroom and the apartment downstairs is going to be a single bedroom, so it will still be three-bedrooms or are you adding a bedroom.

Scott said it would be an add.

Franco said it would be a four-bedroom and the Ulster County Health Department requires a 1,250 tank for a four-bedroom house.

Mark said what you ruled on him was that it was not an issue. He would like to bring up the Surprise Studio. The only question asked for the septic was how is the septic. The architect said fine, and the issue was dropped, there were no more questions about it.

Scott said he believes that she wasn't putting a bathroom in that building, she might have had a bathtub for photographs, but she didn't have a bathroom.

Lambros said no was living there either.

Franco said you don't want to turn it into a two-family, so to get down to the 650, since you have basement storage could you increase it to get down to 650. Right now, you are about 309 square feet over.

Mark said one of the reasons it is a little higher is because he has two-foot walls and that's being considered because it is wall to wall outside.

Scott said that is how the board interprets it outside to outside.

Mark said that is fine, but if the board took into consideration that these are two-foot walls which is rare and you then subtract as the board has the right to do, subtract that from what he has listed there, you are very close to what is allowed.

Franco said without ripping everything apart can you increase the size of your storage. Maybe somewhere down the line, the town might say hey 650 don't work we are going to 1,000, but right now they are 650 square feet.

Mark said which the board has the right to change, but the board has never done it. He is positive that the board is making law by allowing no citizen relief of that portion of the accessory apartment law.

Scott said they are not making law they are just imposing what the law is.

Carl said if you do the math the difference between an 8-inch block verses a 24-inch, which is 16-inches difference.

Franco said he is still over.

Carl said he is still over, but by how much.

Dave said the block is usually 12-inches, so about 183 square feet over.

Scott said he is still over and that's the thing. It's not up to the board to give the answers to how you want to fix this, they don't know. Can you make it 650 or not.

Mark said he would have to talk to his architect as he doesn't know. The board mentioned going to the ZBA he would be willing to do that.

Paul said his only thought is that if the motion is to not modify the 650 square foot limit, then that be specified in the motion along with the referral to the ZBA. He said that the board should be clear about the rationale for not granting the modification.

Scott said how should that be worded, so that they understand what they are requesting.

Paul said if the motion is that the Planning Board is not disposed to allow the proposed application which would exceed the 650 square foot limit, based on the zoning code provision that would otherwise allow the apartment to exist without additional density being satisfied and therefore the Planning Board refers this matter to the Zoning Board of Appeals for consideration of a variance.

Scott asked for a motion based on what was stated.

Motion made by Franco, 2<sup>nd</sup> by Gerry.

Roll Call Vote:

Fred-aye

Lambros-aye

Franco-aye

Scott-aye

Charly-aye

Carl-aye

Gerry-aye

7-ayes, 0-nays, motion passed to send this to the ZBA.

### **Conte, John: Special Use Permit: 225 Martin Ave**

Applicant is seeking a special use permit for an accessory apartment.

Review Status: Updated plans, letter and public comment circulated to the board.

John (Applicant) said that he was before the board once and he was referred to the Zoning Board, who sent him back to the Planning Board, as they said that the Planning Board has the right to make the modification. He submitted a letter and there is no density, traffic issue. He has a letter of support from his neighbor who owns the majority of the end of the road. He is like 10-acres away from his neighbor, he has almost 6-acres. He is looking to build a two-car garage, with an accessory apartment for his mother.

Franco said about 900 square feet.

John said if you take the stairs out it is 860.

Lambros asked new construction.

John said correct. He really needs the 30 x 30 garage for his business, making the apartment the size it is.

Scott asked is there anyway he could make the apartment 650.

John said no.

Scott asked if he could make the upstairs 650.

John said he guesses if he just wants to close walls in.

Gerry said you went to the ZBA and they sent you here.

John said yes and they sent him here. Three people on the board and the attorney all told him that it was a waste of his time to be there.

Franco said the issue he has is, what you are doing is creating separate dwelling units on the same lot. You can build it, just increase the size of your storage and get the living space down to 650. If the Town Board in the future decides to increase the square footage.

John said this board has the right to make that exception.

Gerry said he has already been to the ZBA and the ZBA sent him here.

Scott said the ZBA sent him here stating that they have the authority to waive it if they felt it was okay.

John said he thinks he meets the criteria. He cannot speak to other people's situations but if you look at his, there is no issue here. He was asked to move the building a little bit, which he did. He had it restamped and surveyed. The Board of Health was already out, and he has drawings for it. The ZBA told him that he would be wasting 3.5 months and that he wouldn't be able to get started this year if he had to go to the Zoning Board of Appeals. If someone could give him a reason why this exception cannot be made, he would love to hear it.

Gerry asked how many acres.

John said he has almost 6-acres, he has 5.9-acres.

Gerry said it is not a density issue.

John said he has nobody; he cannot even see neighbors.

Scott said your other option would be if you want to make it a two-family, something of that nature.

Dave said it's detached.

Charly asked if he is going to run his business out of the garage.

John said he already runs the business out of his house, but he pays for two units over in Poughkeepsie and it is over \$500 a month. He has been paying for that for 25-years and he has 6-acres, so why cannot he not build a 30 x 30 garage.

Franco said the issue is with the garage, the issue is with the square footage of the apartment that he wants to put upstairs.

John said subsequently that just makes the apartment. It's not a huge amount of square footage over the 650.

Franco said you are over by 210 square feet.

Scott said the past precedent of this board since he has been on it, the board has not granted the waiver.

John said last time he was here the board didn't know they had that right.

Scott said the board knew they had that right. They sent it right off to the ZBA because they wanted them to make that decision and grant you that variance.

John said isn't that a waste of time.

Scott said he doesn't know how they would vote on it.

John said they told me it would take 3.5 months. He thinks he has done everything right.

Franco said when you first came to the board he asked if it could be reduced in square footage.

John said he cannot, it wouldn't be feasible, it wouldn't be worth it for him to do the project he needs the 30 x 30. The apartment just happens to be that big because of the size of the garage.

Scott said you have 900 square feet on the bottom, 900 square feet on the top and you need an apartment upstairs. You cannot make out of that 900 square feet, 650 square feet and keep the rest as storage space.

John said he is sure that he could. Why would he want to build dead space or storage. He can, but then he has to go back and get new plans drawn.

Scott said his issue is if they say yes to him, they are going to have other people who came before you and argue the same thing.

John said there is no density, no traffic, he has board of health approval.

Franco said you are still going to need board of health approval if it is 900 square feet or 650.

Scott said the board just wants to make sure that everything else he is doing is in compliance.

John said he doesn't think that it is an unreasonable request. The attorney said that if he meets all the other criteria that the board could make that decision and it would save a lot of time and money.

Franco said the problem is that if the board sets a precedent because if they do it for one then others will come back.

Gerry said the problem is the square footage.

Franco said in his case too it is self-created.

John said if you look at his situation, the amount of land he has, the neighbors who have sent in letters of support.

Franco said the board has to uphold the code and that is 650 square feet.

Dave said the point here is the board does have in his opinion does have the ability to waive the 650-maximum requirement. He thinks the board could do that, though he hasn't seen it, he doesn't think the board feels comfortable with the amount of waiver that is being requested. He thinks that on the three-month issue, if they both decide to go to the ZBA he will do his best to expedite that, it will be at least two months because they need to have a public hearing. He doesn't see a real reason why it should take three months for in his opinion a simple area variance. He hears where this board is they are comfortable up to a certain amount maybe and then after that it's ZBA.

Scott asked for a motion to move this to the Zoning Board.

Motion made by Franco, 2<sup>nd</sup> by Fred.

Roll Call Vote:

Fred-aye

Lambros-nay

Franco-aye

Scott-aye

Charly-aye

Carl-aye

Gerry-nay

5-ayes, 2-nays, motion passed to send the project to the ZBA.

## **ZBA Referrals**

## **DePuy, Trevor**

Patti (Applicant's agent) said they appeared before the board at the workshop meeting and the board wanted the opportunity to go out and look at the property. She was unable to attend the regular meeting, so they were postponed until this month. They are looking for feedback from the Planning Board on the results of the site visit. They are before the Zoning Board of Appeals to ask for two flag lots in a subdivision. There is an existing shared driveway which previously was shared as a common driveway between DePuy (applicant) and Klemm (neighbor). Klemm was willing to convey his portion of the driveway to DePuy, so he could subdivide his property and have a building lot for his brother. Klemm put his own driveway in with access directly to Falcon Drive. They will still only have one common driveway between the two DePuy brothers. The issue is with the neighbors in the front in regards to screening and how it would be impacting them. For the purposes of the Zoning Board of Appeals the allowance of the flag lots will allow for a second lot to be constructed, but as a right a second lot could be constructed if a private roadway was put in. They had brought paperwork into the Zoning Board of Appeals in regard to the undo burden to upgrade that existing driveway up to the Town road specs. It was referred to the Planning Board for your opinion in regard to allow that second flag lot. They will be coming back to the board if they are granted approval for the two-lot subdivision. She proposes at that point in time that the Planning Board would have the option of adding whatever mitigations they thought was appropriate. She has already revised the subdivision adding another 25 feet and has proposed a 50-foot-wide buffer, the vegetative buffer currently has a lot of tall mature trees in it. The fear is if they try to put trees in there, they may have the issue that they are not going to grow if they try to put conifers, they can cut down all the big mature trees and plant conifers. That was her understanding, that's why the Planning Board wanted to go take a peek at it for themselves to see what it would look like.

Scott said currently the Zoning Board still has it.

Patti said yes, the Zoning Board is waiting for comments from the Planning Board before making their determination. The public hearing is still open with the Zoning Board.

Scott asked didn't the board make comments.

Dave said there was no formal decision.

Scott asked how are the neighbors with this.

Patti said Roosa (neighbor) is the only one that has verbalized his concern.

Fred asked if he lives in the closest house.

It was shown on the map.

Gerry asked if there were any restrictions on this type of building in that area.

Dave said not building, the issue here is that only one flag lot per every 4-lot subdivision. This is a 2 for one subdivision with 2 flag lots.

Franco said the code states you are only allowed one flag lot.

Dave said per every four lots. The ZBA and Patti's request to you is what issues do you have with the plan in front of you and those are the things that will be taken back to the ZBA.

Scott said that he would like to see more dense vegetation between the properties.

Gerry said his only concern is if there are wetlands or are there no wetlands there.

Patti said no wetlands.

Charly agrees that there should be more vegetation.

Franco said there would be a shared driveway.

Patti said yes.

Franco said there would be a driveway maintenance agreement.

Patti said there is a maintenance agreement in place now because it was shared between Klemm and DePuy, so the driveway maintenance agreement will carry over.

Dave said they will just add that lot to the maintenance agreement.

Scott asked if it was all mentioned on the print for later.

Patti said yes.

Dave said they will have to come back after the ZBA.

Bill asked what changed between the ZBA denial and now.

Patti said the last time that it appeared before the ZBA, they thought that the house was too close to the neighbor, so the entire lot was changed and enlarged, the buffer was put in to mitigate what the board issues were the first time.

Bill asked is the impacted neighbor are they aware of this change.

Patti said yes, the neighbor has been at each of the Zoning Board meetings.

Bill asked are they in favor.

Patti said they would prefer to never see a house there.

Franco asked what is the distance between the proposed septic and the well on the neighbor's properties are you over 100-feet.

Patti said yes, she believes it is over 200-feet.

Scott said they have mentioned the issues which are the vegetive buffer.

Patti said the Planning Board will be looking for screening and you will review it as part of your subdivision review, if the Zoning Board grants approval.

Lambros agrees with the other members that it is a shame to rip up mature trees.

### **First Presbyterian Church of Highland**

Scott asked where they were with that, wasn't it for setbacks or something.

Patti (Applicant's agent) said she is not sure why it is back here because the board did review it at their workshop last month and the board referred it to the Zoning Board, but perhaps you didn't get comments to them at the meeting last week they referred them back here.

Scott said weren't there setback issues or something.

Dave said yes for rear yard setback. It's in the CB Zone so there is no impact really. Setbacks in the CB Zone are kind of gloves off, except for rear yard.

Scott asked did the board send it to the Zoning Board.

Patti said yes.

Scott asked what did the Zoning Board come up with.

Patti said the same issue that the Planning Board had they would also like to see an agreement in place regarding the right-of-way which has nothing to do with the area variance. They discussed with them that was something that the Planning Board had already discussed.

Scott said the parking in the back.

Patti said there is parking in the back and right now they are working with the neighbor to come up with a driveway maintenance agreement, if not they do have a prescriptive

easement, that is not being obstructed or being contradicted by the neighbor in anyway shape or form. That gravel parking in the back would stay there, the other alternative is also on-street parking, also to the northeast of the concrete walkway it would be possible to put parking there, but there is a tree they would prefer not to cut down, but that has nothing to do with the rear yard setback.

Dave said there is on-street parking, it is CB Zone, so they are not required to have parking. In fact, this is a residential subdivision because churches are allowed in all the residential zones, even though it's CB. In his opinion, this is an easy one if the ZBA says it's good for rear yard then it is a no brainer.

Scott said this board is just waiting for the ZBA to say it's okay.

Dave said the note is a prescriptive easement, so they get to use that no matter what, but again no parking requirements.

Franco asked if there were shared utilities.

Patti replied right now there are shared utilities, that's what they are splitting up. The new map that she has prepared which has not been submitted yet because the church is trying to go back and forth. Right now, there is only one water meter, and it is in the house. What they are proposing to do was to put a new water line into the church. Right now, the water line goes to the house and then to the church and there is only one meter in the house. They are going to put new water in the church, they were hoping that they were going to once they sold the house, that they were going to put that on the new owner, as they are not capable financially at this point in time until they sell the house. They are hoping to work that out with the proposed purchaser.

Franco asked is there separate sewer service?

Patti said everything is shared right now. In fact it goes to the house and then goes under the church and then out to the side street.

Dave said how does that work then? Doesn't before the maps get signed those services need to be unconnected because otherwise, they are looking at a transportation corporation. The church's goal is to have the services separated as part of the sale and then have the maps filed? That doesn't make sense either because the deed would be a mess.

Patti said that she told the applicant that it would be something that their attorney would need to work out with the town because she is not familiar with the rules and regulations for transportation corporations, he is aware of the situation.

Franco said it would cost less money to separate the services than to form a transportation corporation.

Patti said the applicant's attorney was going to reach out to the board's, but she guesses that they haven't yet.

Paul said not yet, but he is willing to talk to them and will involve the town's attorney as well if they need to.

Patti said that they need ZBA approval before coming back to the Planning Board and the water & sewer issue is something that the Planning Board will review.

Paul said the question for the board is to make a recommendation to the ZBA tonight.

Scott asked did they formally make one last time.

Dave said no.

Scott asked for a motion to move this to the Zoning Board.

Motion made by Lambros, 2<sup>nd</sup> by Franco.

Paul asked with a recommendation of approval or denial or any specific comments.

Scott said with a recommendation of approval because there is no real issues with the setback.

Roll Call Vote:

Fred-aye

Lambros-aye

Franco-aye

Scott-aye

Charly-aye

Carl-aye

Gerry-aye

7-ayes, 0-nays, motion passed.

### **New Business:**

#### **Cerniglia, Gene: Subdivision: 28-30 Tillson Ave: SBL #88.17-8-18.100**

Applicant is seeking a two-lot subdivision to separate the two houses onto separate parcels.

Review Status: Application and plans circulated to the board.

Patti (Applicant's agent) said that they are proposing a two-lot subdivision of the 4.19-acres located on the northernly side of Tillson Ave and the westerly side of Route 9W.

The property currently has two residential houses on it and the applicant is proposing to separate them out onto individual lots, so they can be offered for sale. The lots are both conforming in all manners.

Dave said that in fact this subdivision will make the lots more conforming. Right now, there are two dwellings on the property, and this is separating them out. He asked if there were separate services.

Patti said yes, and she thought it was shown on the map, but will add it for the next meeting.

Dave said he assumes they are.

Christian said that was going to be their comment regarding water, sewer, electric and gas is how are they served and whether or not they need to be separated. He has a question because it is a split zone the lot 1 house shows a 26-foot offset and you need 30.

Patti said that is the front yard setback.

Christian said that he doesn't think a variance is going to be required for that one. For the lot 2 house there is a 27.5-foot offset from the corner, but he doesn't know from zoning if that is a side yard or a front yard because that lot fronts on two streets.

Patti said that portion of it is in the GB zoning district because the address is Tillson Ave, she figured that was either going to be a front yard or a side yard if Route 9W was the front yard. Which would comply with the GB Zone. When she filled out the chart, she put it in as a side yard.

Dave said he agrees with Patti's drawing.

Scott said is it going to be the front yard or the side.

Patti said the street address is Tillson Ave, she believes it is up to the zoning code official to determine it, but what she did for the purpose of looking at the proposed bulk chart she said that the frontage was Route 9W.

Dave said he agrees because the house is oriented in that direction and if this ever became a business, they would probably want access from 9W.

Christian said another comment is that there is a fence that appears to cross the property line, he doesn't know if that would be taken out or if it could be clarified on who owns what.

Patti said the majority of the fencing is being retained on lot 2 and there is just a small section of fence from the deck on lot number 1 to match with that since it is all one now

and there is kind of there to get into the back yard. When they sell it, they will have to worry about getting rid of that section or leaving it if they decide that they want to.

Paul said the board can go ahead and set a public hearing on this.

Board agrees to set a public hearing for April 25, 2024.

### **Public Hearings (New)**

#### **The Villages**

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

### **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. Updated plans and letter from fire chief circulated to the board.

Sal (applicant) said that he hopefully has answered all the questions, so the project can move forward.

Scott said they received a letter from the Highway Supervisor that stated he still had some concerns.

Dave said he had a meeting with the fire chief the other day. The fire chief is pleased with the fire apparatus driveway profile, he thought this would be a much better solution.

Christian said that they had wanted to get something from the fire district which it seems they have gotten. In terms of the Highway Supervisor, he provided a letter indicating that the slope cutbacks be provided to allow better sight distance at the entrance, the letter indicates that an additional inspection needs to be done prior to final approval.

Dave said that could be done post approval, pre-building permit.

Christian said that they noticed that the proposed grading does appear to encroach on the neighboring property which the applicant does own.

Sal said he owns both lots and plans to build on it.

Christian said in terms of site plan.

Sal said if you look at the site plan, the driveway is nowhere near the property line.

Christian said that the grading is though.

Sal said there was a grading easement when those two lots were approved.

Dave said he recalls that. The other end of that though is the ditch is entirely on this property, so regardless of what happens to the property to the south, if they decide to come in and screw up all that grading the ditch will still be on this property.

Christian said he didn't know that there was an existing grading easement.

Dave said this and another one.

Christian said based on the site plan it appears that you are going to use standard residential garbage containers.

Sal said yes, just two pails.

Christian said roof leaders and footing drains were identified. Was any test pitting done to make sure that a dry well is possible to go in.

Sal said no, but they did four units down the street, and they didn't have to dig test pits.

Christian said that they don't want to have something on the plan and them dig down 12-inches and hit rock. Identify tree clearing and stabilization. You might want to get a watershed area map to make sure that the dry well is sized properly.

Sal said he is not sure he gave the right packet in, but he has it done.

Christian said he would like to see some invert elevations of the culvert that is going across the driveway to determine how deep it is.

Sal said he thinks they are going to put a steel pipe in there.

Christian said they want to see how deep that is going to be to make sure that you are not going to need to do additional grading going uphill of the culvert to make sure that it is deep enough to make sure that the water is going into it.

Dave said the one by the road.

Christian said the one in the driveway.

Dave said they could wait for the Highway Supervisor goes out.

Christian said their earlier comments regarding water and sewer have been taken care of.

Franco said he would like to see storm drain on the cover, so nobody pipes anything else into it.

Sal said okay.

Paul said this was a Type II SEQRA action as a two-family dwelling.

Scott said that the public hearing is for next week.

Paul asked if the board would like a resolution for next week.

Board agrees to have a draft resolution for next week.

### **Short-Term Rentals (Public Hearings)**

#### **Llorens, Stevens: 144 South St.**

Review Status: Application and supporting documents have been circulated to the board  
Potential Action: Open public hearing

Steve (Applicant) said that he has a single-family home, and he would like to put it on a short-term rental basis. They are up here about every other weekend and figured this would be an opportunity to help them maintain the property. They listed it and got notified that he had to go through a procedure to follow the regulations of the town and they went ahead and did that and since everything has been approved and that is why he is here tonight.

Scott asked how many bedrooms.

Steve said 3.

Dave said that he is only asking for 4 people. This is the house that is sort of in the golf course on the east side.

Scott asked if he had signs stating where the rental was and perimeter markings, so people know not to go any further.

Steve said yes.

Scott said you don't want them going across the golf course that's for sure.

Lambros asked are you also the manager of the property as well.

Steve said yes.

Scott said will you be on site.

Steve said is not on site, but he does have local people as well.

Scott said they have to be listed so they know who to contact if there is an issue. He asked they have to be within 30 minutes right.

Dave said the local manager is Jeane and she lives at 11 Main Street.

Scott asked if there is proper sizing of the parking lot.

Franco said he is only looking for 4 people, in a 3-bedroom house.

Scott asked if the inspection was done and if it is all good.

Scott asked for a motion to open the public hearing.

Motion made by Gerry, 2<sup>nd</sup> by Fred.

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

\*No public comment\*

Paul said they have a draft resolution prepared and will get it ready for the board next week.

### **Beals, Christopher: 40 Hurds Rd.**

Review Status: Application and supporting documents have been circulated to the board  
Potential Action: Open public hearing

Christopher (Applicant) said that he would like to rent out the house at 40 Hurds periodically. He has a local manager for the property and has friends and family that live nearby.

Scott asked if the rules and regulations are posted.

Christopher said rules and regulations, parking area, fire exit plan for each of the floors posted there.

Scott asked if there was a sign or something large enough that says where you are and who you are.

Christopher said the frames next to the front door have the contact information and then the rental managers contact information.

Bill asked is the house number visible from the street.

Christopher said the house is pretty far back from the street, there is a number posted on the front of the house, but you wouldn't be able to see it from the street and then there is a number on the mailbox.

Scott said just post a larger number, so they know where the house is.

Christopher said he can drive a sign into the ground next to the mailbox.

Scott asked is the land outlined so they know where they are supposed to be going.

Christopher said that he printed the maps and the outlines.

Franco said this has never come up before, but the outdoor fire pit, can they still burn even when DEC says you cannot burn.

Dave said recreation fires are exempt.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2<sup>nd</sup> by Gerry.

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

\*No public comment\*

## **Administrative Business**

### **ADC Ulster: Falcon Ridge**

Potential Action: Consultant approval

Paul said as requested by the Planning Board they have three proposals from consultants to help the board review the draft scope and the DEIS for the ADC Ulster project. He has George Janes who is a visual consultant that he has worked with, the board has his proposal and background information. The board also has a proposal from Hudson Cultural Services to review the cultural resources in regard to the scope and DEIS, Beth Selig is the principal of Hudson Cultural Services. He notes for the record that Franco's son works for this group, so he would be recused from a vote on whether to recommend approval of this consultant to the Town Board. Both the applicant and Scenic Hudson indicated that they have no issues with the Planning Board recommending to the Town Board, Hudson Cultural Services. With respect to wildlife and wetlands, CPL has recommended Aspen Environmental Group, Andy wrote an email saying that he has worked with this group on various projects over the years and knows the principal Karol Knapp to be very professional and very thorough. He understands that the applicant has some concerns about this firm, and he knows the applicant's agent will speak to those. Without having the opportunity to ask the Planning Board he asked for an alternative proposal from Hudsonia, which is a group which does this sort of work, the principal is Erik Kiviati. What is before the board tonight is to make recommendations on each of these three consultants to the Town Board and then the Town Board will actually go through the process of hiring these consultants by

contract to assist the Planning Board with its review of the draft scope, also, with it's review of the DEIS for the ADC Ulster project.

Andy (Applicant's agent) said that the applicant does appreciate the opportunity to review the proposals. No issue or objection to the visual consultant or cultural resources. At this point the applicant has no further comment or objection to Aspen Environmental.

Paul said at this point he would ask for a resolution recommending these consultants to the Town Board to assist the board in review of the draft scope and DEIS. The board may want to do them separately as votes, so that Franco can vote on everything except for the cultural resource consultant. He doesn't think they have to be very detailed motions.

Bill asked for clarification on which consultants the board is going with.

Paul said the applicant has withdrawn their objection, the recommended wildlife and wetland consultant was Aspen, and the applicant has withdrawn any objection to the Planning Board recommending the hiring of that consultant. The three consultants that the board will be making recommendations one would be George Janes for visual, Aspen Environmental for wildlife and wetlands, the third where Franco needs to be recused is Hudson Cultural Services to review the cultural resources aspect of the DEIS process.

Scott asked for a motion to approve Hudson Cultural Services.

Franco recused himself as his son works for the company.

Motion made by Gerry, 2<sup>nd</sup> by Lambros.

6-ayes, 1-recusal (Franco), motion passed.

Scott asked for a motion to approve George Janes.

Motion made by Charly, 2<sup>nd</sup> by Franco.

7-ayes, 0-nays, motion passed.

Scott asked for a motion to approve Aspen Environmental.

Motion made by Franco, 2<sup>nd</sup> by Gerry.

7-ayes, 0-nays, motion passed.

## **The Views**

Paul said that there is a last minute request from The Views at Highland.

Franco said that it's for sale.

Paul said that is correct. They have a site plan approval that will expire this weekend. The board has already granted two extensions because it was initially approved back in 2021 and in 2022 the board granted the extension and then another one in 2023. They have run out of extensions; they are ready with some final details to get the site plan signed. They wanted to bring them in tonight to get them signed. It was pointed out to them that they have not paid their recreation fees, which they were not aware that they were included in the other fees that was a part of the

site plan approval. In order to avoid their having to reapply for approval of the same project, what was suggested to them is that staff would recommend to the board a minor amendment to their site plan approval that would grant them 90-days to pay their recreation fees and to get the site plan signed by the chairman and rec. fees do need to pay before the site plan can be signed. If the board is amenable to that amendment request, then staff are willing to recommend it. He thinks it can be done by simple motion to allow that amendment based on the request that has been made by the applicant and staff's recommendation.

Gerry asked when did they come to the board.

Scott said 5:30 tonight.

Paul said they got the first email from them at 2:30 this afternoon and at that point everything exploded. The applicant is online and can elaborate on that. He thinks there was a misunderstanding of what was required of them in terms of payment of fees, it is a substantial amount of money that they are talking about, it's probably about \$50,000-\$60,000.

Dave said it is \$52,500.

Paul said they were not simply able to cut a check for that today.

Scott said the check is one thing but knowing that their time is up at 5:30 or 2:30 in the afternoon the day of the meeting. Was nobody checking, were we not aware.

Franco asked when does it expire.

Scott said Saturday. If the board wants to entertain it, it's up to them.

Gerry said he is a no.

Alec (applicant's agent) said they were just waiting to get the site plans ready to go, but to remind everyone in March of 2023, they applied for the last extension they had provided the town with everything else regarding the conditions of approval and provided the proof that they had met all of the conditions like the NOI, stormwater maintenance agreement, proof of the water district extension. The town has had in front of it for over a year everything that is needed for the conditions, the only outstanding thing was the site plan to be signed.

Gerry said and the money.

Alec said yes, which they were not aware of.

Scott said your time running out when was that recognized.

Alec said they were working on it.

Scott said that the board has said it many times something coming in at 5:30 and the board is

blindsided by what is going on and to make an immediate decision on something of this nature. The board doesn't want to hurt anybody, they understand, they are here to help, but they can only help those who help themselves.

Alec said prior to this afternoon, they thought all they had to do was submit plans and the chairman would sign them after the meeting, they didn't know it was going to be this whole thing.

Franco said the sale of the property the way it is listed is that it has an approved site plan and that's not true.

Alec said they have site plan approval.

Dave said they have approval the maps just are not signed yet. Just as a general point, what Paul and him are recommending to the board is purely a procedural matter, it is simply an extension of three months in order to collect the money to pay the rec fees to get the map signed.

Paul said it is not an extension because that's not authorized by the zoning code, but it is an amendment to clarify that the recreational fees are a part of the other fees that are required and to the extent that there was a misunderstanding before today that much is clear now. Their assessment at the staff level was that rather than put the applicant and the board through an entirely new application and approval process for this procedural glitch, it would be appropriate to amend the site plan approval to grant the 90-days for the applicant to pay the recreational fees and get the site plan signed.

Scott said it's going to take them 90-days to get the money.

Dave said no they are just giving them a window.

Scott asked why can't they get the check in tomorrow and he'll come in and sign the site plan.

Alec said they need more time, it is his understanding that they need more time to get everything in order.

Gerry said he is a no.

Paul said if the board is inclined to a shorter period of time, that is their choice as well.

Bill asked can they do it by next meeting.

Scott said when did this come up was it on our end or on their end. He said the fees were necessary to be done a long time ago.

Dave said fees are required prior to signing the plans.

Fred asked how long have they known about the money.

Bill said he doesn't think the board wants to start over.

Scott said he doesn't want to start over, but he thinks every applicant knows how the board runs. He said this is something that they should have known way prior to this meeting.

Paul said he does believe that they did not appreciate that the recreational fees were something that had to be paid prior to the signing of the site plan and in the resolution, it just says other fees. Different municipalities do it different ways, Dave has indicated that their practice is for those to be paid prior to the signing of the site plan. The applicant did contact the town at 2:30 and they indicated that they wanted to come in tonight to get the site plans signed and the town let them know that they still needed the recreation fees and that has been the conversation over the course of the afternoon. He doesn't think it is something that either the applicant or staff had anticipated. If 90-days is too long of a period of time, the board can pick whatever time frame they feel is appropriate.

Scott said the length of time doesn't really matter if the board gives them the extension it won't expire, if the board doesn't give them the extension it will expire on Saturday, and they will have to do this all over again and will screw up their sale on their property as it won't be approved it will have to be done all over.

Paul said the board went through a very extensive process.

Scott said it is grueling on the board's end and grueling on their end, but the board is the ones sitting here trying to make a decision in an hour and a half.

Gerry said it's not their fault.

Scott said as disagreeable as he is, by them coming here at 5:30 asking this or 2:30 whatever time it was, but the board is learning about during this meeting, he doesn't want to go all over that again, there is a lot of time, money and a lot of other issues involved with it.

Dave said if they cannot pay the rec fees prior to the signing of the map, the site plan will expire. They can reapply with the exact same project. That would be generally procedural, none of the other regulatory authorities have changed their laws significantly, but it could be a relatively painless, reup, it will cost the applicant less than having to pay the rec fees all at once, they would have the regular two years and two extensions. They will still have to pay the rec fees at some point.

Scott said it's more time and space for other applicants. Maybe the board is more amenable to a week.

Franco said why doesn't the board give them until the board's regular meeting in April, which is in a little over 30-days.

Carl said why not give them the 90-days and if they don't have it by then, don't come back and

ask for extensions.

Dave said there are no more extensions.

Scott said this is an amendment, there were no more extensions.

Franco asked they are out of all their extensions, would this set a precedent for any other projects.

Dave said this is not an extension, this is an amendment to the approval, the approval says escrow and all other fees. This will change that to clarify it to rec fees. The time window that staff is suggesting is because the applicant may really have not known. They were in contact with his office a little bit ago asking about escrow and the response was that they were up to date with escrow, there was no mention in that email about other fees that were owed. They didn't ask that question, the response could have been the fact that there was this other fee that was owed, then they would have been on notice. As it was when they got the email today, he responded what about the rec fees and that is how this tumbled down hill. The window that they are suggesting is granting of a grace period as it may be the case that they truly did not know.

Scott said they didn't have a signed map, so they must have known something was missing.

Dave said if there wasn't the fees to be paid prior, they could have had that signed tonight.

Paul said these are unique circumstances, if they had failed for example to provide or satisfy one of the other conditions of the approval, that would be a whole different question. This does seem to be a procedural glitch and perhaps a miscommunication from the applicant in terms of what was required of them. It does not seem that it was in bad faith, which is why they feel comfortable recommending this amendment.

Franco asked if the board needed a resolution.

Paul said just a motion to basically amend the site plan approval to allow 90-days for the applicant to get the rec fees paid and to get the site plan signed by the chairman.

Scott asked for a motion to approve the 90-day amendment.

Motion made by Carl, 2<sup>nd</sup> by Franco.

Roll Call Vote:

Fred-aye

Lambros-aye

Franco-aye

Scott-aye

Charly-aye

Carl-aye

Gerry-nay

Motion passed to grant the amendment.

## **Informal Discussion**

### **Ohioville Solar**

Potential Action: Plattekill Planning Board is seeking lead agency

Nick (Applicant, Carson Power) said that the project is an 8-Megawatt AC community solar array off of Crow Hill Rd. The top parcel (on the site plan) is in the Town of Lloyd, the bottom parcel is in the Town of Plattekill.

Franco asked is Plattekill lead agency.

Nick said yes.

Scott asked who are you to the project again.

Nick said he is the developer with Carson Power.

Fred asked how big is it.

Nick said it is 8-Megawatts AC and 11.76 DC. Total acreage in Lloyd is only 2.7-acres to comply with the solar law it is only 10% coverage. The parcel is 27-acres, so 10% is 2.7-acres. In total the project is just about 40-acres. They have been working with Plattekill and the neighbors to work things out. Upon receiving all the comments, they will submit another set and the difference will be that there is no battery storage on the project site anymore. There is a slight amount of panels are going to be removed or moved as stormwater was a major concern, so one way to mitigate that was to remove some of the panels off the ridge.

Bill asked if one of the Town Board members is an abutting owner to the project.

Dave said no, it is a different Auchmoody.

Franco said right now this is a working orchard, are you going to strip all the trees out.

Nick said not all of them. Right now, there are trees on the Plattekill portion, some of the site has already been cleared. In the words of the property owner the trees have all outlived their life.

Franco asked are you going to do some drainage work up there.

Nick said from a stormwater perspective they have submitted a full SWPPP, so there will be stormwater mitigation. New York requires 50% ground coverage as the max, so it's not like they are going in and putting in just solar panels, there will be 15-feet of meadow and they plant a local grass species.

Scott said and that will absorb some of the water.

Nick said yes.

Dave asked if it was pollinator friendly.

Nick said yes.

Scott asked if panels were going to be anchor or are you digging it all out.

Nick said they are ground screws.

Owen (Carson Power) said that the site is going to use ground screws that go 6-7 feet into the ground.

Scott asked if they think it will go 6-7 feet into the ground.

Owen said if they have shallow bedrock, which they do on this site, then it becomes a pre-drilled site where the vendor does a pilot hole a little bit smaller than the hole and then the screw goes into bedrock.

Bill asked if Plattekill is lead what is the board's role then.

Paul said the board is an involved agency for SEQRA purposes. One of the things the board needs to consider is if the board wants to agree with Plattekill being the lead agency for SEQRA and if you want to identify any concerns for potential impacts that the board may have for the project that you are particularly interested in to make sure that the coordinated review is robust and includes the board's consideration, any studies that need to be done, whether it is for stormwater, visual impacts or other types of issues that are typically associated with this type of project.

Bill said he knows the board has already received some public letters that state some concerns that they have, he would like to know how the board is receiving them if the project is just starting.

Nick said it is the double edge sword of community outreach, is that it can go both ways. They have always been on the side of early and often. They have gotten in front of all the adjacent landowners, showed them the plans and got their input. Two of the neighbors in Lloyd said as long as a full SWPPP is done they are all for this project, the golf course won't have any impacts from this project. On the Lloyd parcel there are 5 rows of panels spread out, they have since updated it and pulled it in. Either way the trees will be maintained, the orchard will be maintained on the western side of the Lloyd parcel.

Scott said there won't be any more battery storage.

Nick said correct, the site plan shows them, but they have removed them, and it will be reflected on updated plans. The Clintondale Fire Chief said that they have no issues with the project.

Bill asked is the town only required to notify the adjacent landowners. These parcels are on a steep slope with a creek that people are worried about runoff. Is there a thought that additional neighbors that are downhill need to be notified.

Dave said the notifications which have not been done as there is no piece of this yet that needs to be notified for, they notify people who will be effected, that doesn't mean that he is going to go all the way down Black Creek to where it discharges into the Hudson.

Bill asked will it impact Station Road and all of the stuff that is going on down there.

Dave said it shouldn't, in fact because this will be generally a meadow with steel and glass over it, he doesn't think there will be a lot of stormwater although it is one of their concerns that they will push towards Plattekill. Another concern for people on Station Road might be visual impact. He drove that road and you cannot see the top of the slope. If you drive up Crow Hill, you won't see this until you get to the top.

Scott asked they are non-reflective panels as well.

Nick said that is correct. They have submitted a decommissioning plan up to state standards. They demission it in the same state it is in today.

Scott asked what the longevity of the panels are.

Nick said it is very good now a days, the life span is 25-years, with the option to extend up to 40.

Dave said within the decommissioning plan they post a bond that will protect the town if they decide to walk.

Nick said in regards with stormwater, an orchard has the same hydrology profile as the solar panels because the actual disturbance is not that substantial with just the ground screws as there is spacing in between the panels. The SWPPP improves the current conditions.

Scott said getting from all the panels to the junction boxes and going down the line further, is any of that underground or is it above ground.

Nick said he believes it is all above ground risers.

Owen said that there are two questions there. The low voltage DC will be trenched throughout the site and then there is underground trenching lines shown on the map, it is underground medium voltage until you get to the connection with Central Hudson at the property line where they come up to poles and the distribution network.

Franco asked how would they take care of the maintenance up there, the field is going to have to be mowed.

Scott said they don't mow the fields do they.

Nick said twice a year, they mow between the rows.

Owen said two to three times a year is mowing, depending on the rain and that is included in the operations and maintenance plan which he believes was a part of the submission.

Fred said if Plattekill is going to be lead agency what does staff recommend that the board does to protect themselves.

Dave said he would agree that Plattekill should be lead agency, they have the bulk of the project, in their response to Plattekill include whatever concerns the board has like viewshed, stormwater, it will be a coordinated review. As Plattekill develops responses to the SEQRA review they will share them with the board and the board can make sure they are dotting their I's and crossing their t's. Plattekill will give the board their responses before they make a determination, and the board will see if they agree with it, and if they don't then they can make adjustments if they desire. Once that is done, they will make a determination whether it is pos dec or neg dec, the applicant has submitted a ton of information, most of it will satisfy a great deal of the SEQRA questions.

Paul said what he would add to that the town has concerns in regards to visual impacts and/or stormwater. He feels that the board should be at the table in regards to what information is needed in terms of SEQRA. The board may want to consider hiring their own visual consultant to help participate in reviewing the reports and simulations that are submitted and evaluating the potential effects to the Town of Lloyd.

Dave said a part of that would be before next week when they will finalize the response to Plattekill, he encourages the board to drive out there and take a look.

Nick said that he would be happy to do a visual analyst. There are some sites where a visual analyst would need to be done, but for this site it is all wooded up top and there really is no view shed.

Paul asked if they had done any site line or anything in respect to visual that would validate what you are saying, apart from someone driving out there and taking a look.

Nick said from a Lloyd perspective no because it is completely enclosed, with heavy wooded areas. The most effected with viewshed would be the golf course which will be all remained with orchard. They have done a line of site from the entrance to the parcel as part of that neighbor outreach and that would be Plattekill residents not Lloyd residents.

Christian said regarding this project the most important thing that they will be looking at very closely is stormwater. For solar panels constructed on slopes the individual rows are generally installed along a contour so the rainwater shoots down the slope. The plans here don't show that, the arrays are being run along contours, what happens is you are changing the hydrology of the site. In other town that he works with there was a project similar in size to this one and it was a

disaster and they had to install post-stormwater control measures. They are going to be looking very closely at hydrology, these are being installed across slopes in one area, in one of the arrays it was a 20-foot drop. He understands that in order to capture sunlight they need to be arranged facing south but to be efficient they need to find a property facing south over the whole range which is difficult. What happens is you will have the panel arrays where runoff will shoot off the array and then cut a channel between the rows. They are showing proposed level spreaders, he would like to know how they are going to function and some of them are several 100 feet long, unless those are constructed using brick and mortar or concrete, you are not going to ensure that a level spreader is going to discharge evenly over the entire length, all the flow needs to do is find one low point and it is going to concentrate on that point and then instead of sheet flow you have concentrated flow and that is what impacts the hydrology of the site.

Scott asked if they could predict the amount of water that will be running into the Black Creek.

Christian said that is what they will have to do. They will have to do an existing conditions analyst which they can do. For the post-condition's analyst, they will have to look and see how the panels are going to change the time of concentration. That is just the time it takes for a given element of water to travel through the watershed to its discharge point. For a situation like this where you have fields it's easy to calculate that, but when you start putting in infiltrators, panel arrays and additional level spreaders, you start changing all those numbers, they never go down. The peak rate of runoff always increases, not just the rate, but also the volume.

Dave said all the water is going to go into the town.

Christian said it is all going to go into the Black Creek. There was a letter received that said based on the most recent storms there has been an increase in the flow.

Franco asked how many years is the project going to take for full buildout.

Nick said 6 months of construction and 25-years of operation, which can be extended up to 40-years. It is community solar, so it's local distribution, power generation. The neighbors once this is built will get a letter from the electric company that they can pull power from this and they get 10-20% off their bill. He asked about the process regarding moving forward.

Paul said that once the board has a complete application it will need to be referred to the county and at that point the Planning Board would typically set a public hearing and continue the public hearing as long as necessary to the point of having a SEQRA determination. The board will have to see where Plattekill is with the SEQRA determination because if they are inclined to make a positive declaration then there would be a need to have a hearing on the SEQRA process. That may affect the timeline of the board opening a public hearing because they want to coordinate those hearings as much as possible.

## **Town Board Referrals**

### **Auchmoody, Ricky: Crescent Ave-ODA**

Dave said that the applicant has a subdivision that was approved in 2005. The subdivision is off of Pancake Hollow, it is a 5-lot subdivision. The applicant had a proposed town road and wants now to revise the subdivision map to make it a private road. It will be built to private road standards, which are almost like rural road specs. In order for building permits to be issued for the 3 lots in the back he needs an Open Development Area because in New York State a building permit cannot be issued on any road that doesn't have frontage on a State, County or Town road. The town does allow private roads, but he will have to come back to the Planning Board to revise the map as it is a filed map with the county. The town board has to refer it to the Planning Board and to request comments, before sending it back to them for final consideration. If he gets that, he will come back to the board for the revision of the map, the only thing revised is all the comments that refer to the road as a town road will be changed to private road. This road had a bond and several years ago the Town Board let the bond lapse because the amount that was approved in 2005 for that bond couldn't possibly have built the road with today's prices.

Gerry said he is not in violation of any existing laws.

Dave said he is not. The only thing he cannot do right now is build a town road without a bond in place. Building permits cannot be issued for any of the lots without Pancake Hollow frontage, it's just not allowed.

Gerry said that map was approved for a public road and he wants to change it.

Dave said if you look at the rural road specs, they are the same for what the town has now, the build will basically be a town road that won't be owned by the town.

Scott said you build a private road to town specs.

Dave said he needs to be able to supply fire apparatus coverage. What the town wants is to not have to plow that road because it is such a short road.

Scott said wasn't there an ODA on a property down by the river.

Paul said yes.

Dave said the easiest route for an applicant to seek relief for the lack of frontage is the town board awarding an open development area.

Scott said he could have asked for that originally, but if he built a town road and dedicated it to the town, then he would have had road frontage. Now he is not going to do that, the bond is not necessary, it's an ODA that is required to have some frontage. Why didn't he ask for an ODA in the beginning.

Dave said because this was going to be a town road. When he comes back to the board he will need to have a maintenance agreement in place.

Gerry said if it is being built to town specs why not keep it the way it is.

Dave said it will be town spec, but it won't be town owned.

Franco said didn't the original road have drainage.

Dave said it does.

Franco said is the private road still going to have drainage.

Dave said it will be the same.

Scott said he doesn't have an issue with it.

Paul said for the board under New York State Town Law, it has been referred to the board for advice and any recommendations that you want to make back to the Town Board. If the board is good they can make a recommendation that the open development area be allowed as proposed.

Scott asked for a motion to send a recommendation to the Town Board to approve the ODA.

Motion made by Fred, 2<sup>nd</sup> by Charly.

6-eyes, 1-abstain (Gerry).

**Motion to Adjourn.**