

APPROVED:

MOTION BY:

AYES:

NAYS:

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ABSTENTIONS:

ABSENT:

Certification of Receipt

By:

Rosaria Peplow, Town Clerk

MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday December 7, 2017

CALL TO ORDER TIME: 7:00 pm

PLEDGE OF ALLEGIANCE

ATTENDANCE **Present:** Dave Plavchak (Chair), Lawrence Hammond, William Ogden,
Fred Pizzuto, Scott McCord, Carl DiLorenzo, Nicki Anzivina
Andrew Learn (Town Engineer), David Barton (Building Department Director),
Absent: Peter Brooks, Scott McCord, Debra Dooley, Jeff Paladino (Town Board Liaison)

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

New Public Hearings

Cusa, Sal 67 Hawleys Corners Road, 79.4-1-12, in R1 zone.

The applicant would like to construct a 2-family dwelling in an R-1 zone. The parcel consists of 2.9 acres.

Plavchak asked if anything has changed since the Workshop Meeting.

The applicant's representative, Louis DuBois, responded no.

There were no comments from the Board.

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

Robert Chiarello, resident of 87 Hawleys Corners Rd, said a two-family house in an R 1 zone seems to be out of context with what is supposed to be built in that particular zone.

Plavchak responded that one house per acre is in the code and that this two-family residence would comply with the code.

DuBois said the dwelling will have the appearance of a one family residence as well.

Plavchak said the two-family dwelling requires a special use permit and every time that happens the Board is mandated to have a public hearing on it. The Planning Board also has the authority to make adjustments to the plan if necessary.

Marybeth Collier, 81 Hawleys Corners Rd, said she is concerned geographically they are all on the same hill and she believes that her water pressure will drop as it has with other homes constructed close to her. They are all on the same water table and she does not want to see her water pressure affected.

Barton said the dwelling will not draw that much water and they have had no problems there.

Collier said she cannot prove it but believes that it could be an issue because they are very close together.

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

A **Motion** was made by Larry Hammond, seconded by William Ogden to accept the resolution of approval with the condition of paying a \$2,500.00 Recreation Fee. All ayes.

Extended Public Hearings

Windgate Solar LLC Solar Farm, 3809-3813 Route 9W, 95.4-1-31.100, in R1 zone.
Construct 2MW solar farm on 20 acres off Perkinsville Road.

The public hearing was opened August 24, 2017.

Ann Waling, representative from Cypress Creek Renewables, said they have submitted new plans with buried cable lines as requested by the Planning Board and that they have not yet heard back from the fire department.

Waling and Mike Finen from Langon Engineering presented a slide show to illustrate the visual aspects of the proposed solar project in different seasons of the year as well as from various viewpoints. Visual slide renderings were shown of the proposed fence which will surround the farm as well as the visual coverage from several different vantage points.

Andrew Learn, Town Engineer from Morris Associates, addressed his comments concerning the project. He inquired whether the access road off of Perkinsville Road would be paved.

Finen said it would be but not to the extent of what it will be at the Rt 9W access road.

Learn said he approved of the Storm Water Prevention Program and that the boundaries of the decommissioning agent should be indicated on the plan and once there is an updated plan the Board should review it.

Comments were made by the public.

Resident of 173 Perkinsville Road said he would urge the Planning Board to go on another site visit to address what the visual impact to the neighboring properties. He felt that the tree coverage was not in keeping with what Cypress Creek Renewables has presented. Additionally, he inquired about the Town's solar law and what exactly was an acceptable as far as the visual impact.

There was a discussion amongst residents and the Planning Board on what was intended by and the semantics of the solar law and the dimensions and aesthetics of certain aspects of the plan.

Residents inquired as to how the vegetation would be controlled on the site.

Waling responded that it would be done by mechanical means and weed treatment in certain delicate spots on the site.

Residents were concerned about the use of herbicides as there are wells on their properties that surround the site.

Waling said she would provide a list of the herbicides they use.

Residents asked if the panels were made in China which was a concern to them.

Waling responded that they had not picked the panels to use at this site yet but when they do they would provide information about where they were made.

Residents asked if the products submittal had been submitted to the Planning Board for review.

Waling said they had not done that yet.

Residents were concerned that such an integral part of the project had not been presented yet and that the law states that every component needs to be submitted.

Waling said she wasn't sure what has been submitted at this point.

Plavchak said it needs to be submitted when they apply for a permit, not as part of the site plan and not part of the resolution that the Planning Board would vote on.

Residents asked to have a base line study of the soil prior to construction to see if the soil becomes contaminated by the products used or components of the solar farm. They are additionally concerned with their water supplies because of the possible contamination.

Plavchak said soil remediation is part of the code and he said the Board will go through the decommissioning plan. He additionally said that he believes any of the components made elsewhere have requirements set forth by the U.S. before they are able to utilize them for any project.

A discussion ensued about the solar law and the language dealing with land returning to its original state after a project is no longer in process.

Plavchak said the Planning Board will look thoroughly at all aspects of the proposed project before they come to any kind of a decision.

Residents inquired whether the solar company had any objections if the landowner were to move the project closer to RT 9W.

Waling responded that she had spoken to Mr. Demasi, landowner, on a number of occasions and he has not wanted to do that. He is only willing to lease a certain part of his property.

The Planning Board has reached out to the land owner concerning this and is awaiting his response.

A **Motion** by was made by Larry Hammond, seconded by Fred Pizzuto to extend the public hearing. All ayes.

New Business

Fuller, Robert, 172 Bellevue Road, 88.1-2-6.210, in R2 zone.

Applicant would like to build a single-family residence at 172 Bellevue Road in the waterfront bluff overlay district.

No new information has been submitted.

A **Motion** was made by Larry Hammond, seconded by Carl DiLorenzo to set the public hearing for January 25, 2018. All ayes.

Old Business

MCBS DG Highland LLC, 3584-3594 Route 9W, SBL#88.17-6-25.110 & 88.17-6-16.110, in GMU zone.

Dollar General / Multifamily

Development project of 21.7 acres of land along Route 9W. The applicant desires to take three lots (SBL: 88.17-6-15.11, 16.11 and 25.11) and subdivide and lot line revise those lots into seven (7) lots. Lot 1 will contain a bank, Lot 2 will contain a Burger King, and Lot 3 will contain a proposed Dollar General retail store. Lot 4 will contain an existing retail and apartments and the existing pond parcel will be Lot 5. Lot 6 will be a vacant lot with no currently proposed development and the remaining Lot 7 will contain a proposed 72-unit apartment complex with a community room.

The applicant anticipates a full environmental review under SEQRA.

New Maps have been submitted.

Barry Medenbach, Medenbach and Eggers, applicant's engineer, was present to give an overview of the project and the changes that have been made. He stated that they have made changes in drainage as requested by the Board and have prepared a SWPP. New parking plans were submitted as were water and sewer plans which included a central pump for the commercial buildings. The water system will be extended through the site.

Learn said in terms of drainage there are some very specific site requirements in that zone. There was a discussion of easements that would be required where drainage pipes would be located and discharged.

The Planning Board reviewed the elevation maps with the applicant's representative.

Plavchak said there are several aspects of the plans that need to be revised.

Learn said shoe box light fixtures are prohibited in the district of the proposed project.

There was a discussion of a fire truck turnaround and where it would be.

Barton said there are no comments yet from the fire department as it is too early in the process.

Learn said as far as SEQR, this project is a Type 1 Action which means they need a full EAF for the project and a coordinated review.

The Planning Board agreed that the project is a Type 1 Action.

Medenbach said he would supply the full EAF.

A **Motion** was made by Fred Pizzuto seconded by Larry Hammond to declare the Town Planning Board as lead agency. All ayes.

Minutes to Approve

A **Motion** was made by Larry Hammond, seconded by William Ogden to approve the Planning Board minutes of July 7, 2017. All ayes.

A Motion was made by Carl DiLorenzo, seconded by Larry Hammond to approve the Planning Board minutes of August 17, 2017. All ayes.

A **Motion** to adjourn was made by William Ogden, seconded by Carl DiLorenzo. All ayes 9:21PM.