

APPROVED:

MOTION BY:

AYES:

NAYS:

SECONDED BY:

ABSTENTIONS:

ABSENT:

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Certification of Receipt

By:

Rosaria Peplow, Town Clerk

WORKSHOP MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday January 18, 2018

CALL TO ORDER TIME: 5:30 pm

PLEDGE OF ALLEGIANCE

ATTENDANCE **Present:** Peter Brooks (Chair), Lawrence Hammond, Carl Di Lorenzo,
Scott McCarthy, Scott McCord, Andrew Learn (Town Engineer),
David Barton (Building Department Director), Claire Winslow
(Town Board Liaison)
Absent: Fred Pizzuto

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

Peter Brooks, new Chairperson, informed every one of the new changes to the Planning Board. He stated that William Ogden, Nicki Anzivina, and Deb Dooley have resigned and Scott McCarthy has been appointed as a new member. Ulster County has agreed to provide some training for new members as they will still need two regular and one alternate member to complete the Planning Board.

New Public Hearings

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

Applicant would like to build a single-family residence at 172 Bellevue Road in the Waterfront Bluff Overlay District.

The public hearing is set for the January 25, 2018 meeting.

Brooks stated that because the residence is proposed to be built in the Waterfront Bluff Overlay District, they have to come in front of the Planning Board to review the plans.

Barton said the residence is complying with the requirements of the Waterfront Bluff Overlay District.

New Business

Franklin Subdivision and Lot Line Adjustment, 12 Thorns Lane, 88.17-2-54.100, in R ¼ zone.

The applicant would like to subdivide parcel 88.17-2-54.100 (1.926 ac.) into two parcels consisting of the existing single-family residence (Parcel 1 - 0.978 ac) and Parcel 2 (0.915 ac.) consisting of a new single-family residence. A lot line adjustment is proposed on the western portion of Parcel 2 providing additional acreage (0.033 ac.) to the adjacent parcel 88.17-2-55.

The lot line adjustment will provide driveway access to parcel 88.17-2-55. The new parcel will be comprised of 0.915 acres consisting of a proposed new residential home, driveway, individual water supply well and sewage disposal system. Approval for an individual sewage disposal system was granted by the Ulster County Dept. of Health for the proposed parcel (Lot 2).

The applicant, Mary Ellen Franklin, was present to answer any questions and present the map of the parcel.

Brooks said all three lots will end up being close to an acre each.

Barton said the Building Department has reviewed all the information and have no issues with what is proposed. They are in receipt of the Short Environmental Assessment Form (EAF) and he additionally said that the Planning Board could set the public hearing if they are inclined at the next meeting.

Brooks said they could review the Environmental Assessment Form at the next meeting and set the public hearing for the February 22, 2018 meeting.

Hurt, Steven and Susan T., 83-85 S Chodikee Lake Rd, 87.2-6-7.100, in R ½ zone.

The applicants are proposing a lot line revision between two parcels of land, both currently owned by the applicants, located on South Chodikee Lake Road designated as SBL: 87.2-6-7.1 & 7.2. It is proposed TM lot 7.2 will convey and combine a 0.11 acre parcel to TM lot 7.1. This revised lot line will allow for an adequate side yard setback to a proposed garage on TM lot 7.1. The site is located in the zoning district R-1/2.

The area of proposed lots are as follows:

- 1) TM Lot 7.1, 1.00 acre parcel, plus Parcel A, 0.11 acre parcel: totaling 1.11 acres.
- 2) TM Lot 7.2, 1.56 acre parcel, minus Parcel A.

Neither the applicant nor the applicant's representative were present.

Barton said the proposed project of a lot line revision is very straight forward and they are actually bringing the parcel into better conformance. The reason is to make the garage more compliant.

Brooks said they could review the EAF at the next meeting and set the public hearing for the February 22, 2018 meeting.

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.

No new information.

No representatives were present.

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.

Revised subdivision plan with EAF and Preliminary Site Plan will be submitted.

Barry Medenbach, of Medenbach and Eggers Engineers, and applicant's representative, was present to give an overall review of the progress of the proposed project. He stated that since the last time he was present at a meeting they had met with Andy Learn, Town Engineer from Morris Associates, and spoke about the drainage at the site and made some modifications to their plan including moving some of the drainage away from the Rail Trail area. Additionally, they spoke to the Town of Lloyd Water and Sewer Department about an existing water line that runs right along the edge of the Rail Trail. There will be a connection from the water main on Mile Hill Road to RT 9W.

Learn said he briefly looked at the plans and requested that the Board review them now.

There are several site restrictions that prohibit some of the zoning requirements. There was a discussion about the new plan for the sidewalks and landscaping. The sidewalks will be narrower than eight feet wide in some areas and some low-rise landscaping.

Learn said that Central Hudson has a list of trees available if planting will be done under overhead wires that the Planning Board may want to consider.

Elevation maps were presented. Discussion took place on the different options that would be available for the façade of the buildings as well as the signage. Plans for screening from the Rail Trail were presented and discussed.

Learn said he was concerned about the concentrated discharge from the drainage of the existing pond. He said it could require an easement from the owner of the abutting property that will allow that water to flow through their property. The best way to avoid it would be to pipe the discharge to the central manhole which is now being piped down to the pond. Additionally, he said he spoke to Richard Klotz, Highway Superintendent, and his concern was that the discharge from the pond has no real defined drainage pathway and there are some existing flooding issues downstream.

Hammond said part of the problem is one of the drain pipes on the other side of the road isn't big enough so then it backs up.

Learn suggested they extend their analysis down to where the water reaches the creek. They would need to analyze the flow entering the pipe now and see what they could do to reduce the flow. Another request is to send as little water to the Rail Trail as possible. As far as he can see, it appears that Dollar General may need more parking or possibly a shared lot agreement with the other businesses.

Barton said that lighting should be low intensity lighting in that district.

It was agreed to circulate a notice designating the Planning Board as lead agency and to notify abutting properties of the next informational meeting.

Learn said he reviewed the revised EAF and it was satisfactory to him

Administrative Business

Revised Proposed Solar Law-Discussion and Recommendation:

LOCAL LAW C - 2018

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LLOYD CHAPTER 100 TITLED “ZONING”, ARTICLE VI, TITLED “SUPPLEMENTAL REGULATIONS”, SECTION 100-39.1 TITLED “SOLAR ENERGY FACILITIES”

Section 1

The Code of the Town of Lloyd, Chapter 100, titled "Zoning", Article VI, titled “Supplemental Regulations”, Section 100-39.1, titled “Solar Energy Facilities, be and the same hereby is amended by canceling existing Subsections E.(1), and E.(3)(d) and enacting new Subsections as follows:

“E. Approval standards for large-scale solar energy systems as a special use.

(1) Large-scale solar energy systems are permitted through the issuance of a special use permit within agricultural, industrial, and commercial zoning districts, subject to the requirements set forth in this Section, including site plan approval. Applications for the installation of a large-scale solar energy system shall be reviewed by the Code Enforcement Officer and referred, with comments, to the Planning Board for its review and action, which can include approval, approval on conditions, and denial.”

“E. Approval standards for large-scale solar energy systems as a special use

(3) Special use permit standards.

(d) The electrical and control equipment of all large-scale solar energy systems shall be enclosed by six-foot-high fencing to prevent unauthorized access. Warning signs with the owner’s contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Planning Board. The fencing and the entire System shall be situated and screened so as to be invisible (not to be seen) from streets, public ways, and all neighboring properties.”

Section 2

This local law will take effect when filed with the Secretary of State in accordance with the Municipal Home Rule Law.

Peter Brooks said that the Town Board started to have hearings about revisions to the solar law and whenever it is about a revision to zoning they ask the opinion of the Planning Board. He went further to say that the proposed revised law limits the places where solar systems can be built to agricultural and industrial/commercial zoning districts thereby removing them from residential districts. Additionally, part of the law which states “The fencing and the entire System shall be situated and screened so as to be

invisible (not to be seen) from streets, public ways, and all neighboring properties.” he said he takes issue with. Brooks stated that he didn’t think it was possible to build anything in America that is invisible and believes that the verbiage needs to be worked on.

Barton said, Teresa Bakner, the Town’s land use attorney, suggested they add “to the greatest extent practicable” on to that section of the law. No judge would ever support “invisible” if it was ever challenged. He said Bakner also has an issue with the wordage of “all neighboring properties” because it creates exclusionary zoning which is illegal in New York State.

Brooks also stated that several towns have added limited language concerning agricultural areas in the way that New York State has defined the desirability of farm land or productive soils. What this means is that the most productive farm land should not be repurposed as solar.

Their recommendations were tabled to the next Planning Board meeting.

A **Motion** to adjourn was made by Larry Hammond, seconded by Carl DiLorenzo. All ayes 7:12PM.

