

APPROVED:
MOTION BY: **SECONDED BY:**
AYES: **NAYS:** **ABSTENTIONS:** **ABSENT:**
DISTRIBUTION: OFFICIAL MINUTES BOOK – TOWN CLERK – BLDG DEPT.

Certification of Receipt	
By: _____	
Rosaria Peplow, Town Clerk	
Date: _____	

WORKSHOP MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, January 19, 2017

CALL TO ORDER TIME: 7:00pm

PLEDGE OF ALLEGIANCE

ATTENDANCE **Present:** Dave Plavchak, Lawrence Hammond, Fred Pizzuto, William Ogden, Peter Brooks, Nicki Anzivina, Carl DiLorenzo, Andrew Learn; Town Engineer, David Barton, Building Department Director, Jeff Paladino (5:50pm); Town Board Liaison
Absent: Scott McCord

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

Extended Public Hearings

Hudson Summit LLC 2016 (3 lot subdivision), 52 Mayer Dr, SBL#95.12-2-7, in R ½ & R1 zone.

The applicant would like a three lot subdivision. Two of the lots are for single family homes and the third the applicant would like to be dedicated to the Town.

This application has been extended for some time; the applicant has been notified of Planning Boards intention to Deny without prejudice.

The applicant submitted map (dated 12/12/16) revisions which need to be reviewed by our engineer.

Andy L: I spoke with the applicant’s engineer to discuss the outstanding issues. The main concern I have is that where the catch basin is on the north side of the road, there is an existing water line there. I want to make sure that this plan is not conflicting with the water line. The applicant needs to do a little more field work and they should be able to figure out what they need to know to be able to avoid the water line. In my opinion there is just a little more technical work to make sure the pipe goes into the ground correctly. Other than that all of my other concerns have been addressed.

Dave P: Going back to the public comments I do not think that the people found anything more based on their public comments. There is nothing right now that I see other than getting the maps corrected.

Dave B: The only thing that is still hanging out there was Peter’s concern of how many lots total. The contract does not say how many lots the applicant can get out of it.

Set Public Hearing

Mountainside Woods Site Plan Amendment for Bulk Table Modifications

The applicant of the Mountainside Woods development would like to discuss the following:

1. Modifications to the Bulk Table

A. Lot Width and B. Lot Depth and C. Deck surface Area

2. Language Added to Deed Restrictions

A. Flood Plains and B. Dam Failure

David Weinberg, applicant, was present for the meeting.

At the last meeting the Board reviewed the Bulk Table change request by the applicant. (See attached)

Dave W: After our last meeting I was sitting with my attorney figuring how to structure the changes and there was another issue that came up that I would like to discuss with you. In the deed restrictions there is one restriction, General Provision a, which talked about what may be left outside, on site, in the driveways by residents. When this was first discussed I was not in favor of putting recreational vehicles, boats, and big RV's on site. In retrospect I think we went a little bit too far in terms of what we were going to restrict. We got into pickup trucks, vans, golf carts, snow mobiles etc. These are single family homes and there are a lot of working people who bring their vans home who work for different companies or own construction companies. I would like to see if you would consider limiting the onsite stuff to recreational vehicles, boats, mobile homes, RV's tractor trailer and leave out some of the other little stuff.

The Board discussed different lengths of vehicles that are stored on properties now and what would be reasonable for this development.

Dave W: Me as the developer, I do not want any of these vehicles but the prospective home buyers see the restrictions and question that they can't bring a work van home. They have said that nobody else has these types of restrictions.

Peter: It sounds to me like the length of the vans and the size of the pickups would be most helpful. Most of the rest of the things sound like things you would not want to have lying around.

Dave W: I have working people coming in to look at these properties and they see the restrictions and say *'I am a working guy and you are telling me that I can't bring by work van home'*. I get into it with him telling him I am trying to protect your neighbor. You would not want your neighbor parking a mobile home next to you. But I do think what is written in now is too restrictive.

Carl: A lot of companies really do not want to store their vehicles in their own parking lots, so the employees will bring them home. So maybe restrict it to the size.

The Board would like to see a draft deed restriction rewrite.

Dave W: My next point will be a benefit to the Town in the long run. These were done as deed restrictions, after talking to my attorney, as well as talking to some of the buyer's attorneys; I think we are making a mistake. The deed restrictions were to give notice and we wanted to make sure that the deed restrictions were on there. The problem with putting deed restrictions on is that once you put a deed restriction on it is there forever and you cannot change it. I believe that for the benefit of future residents you should be able to be flexible. The reason I came back to this was because I had a handicapped person come back and said to me *'what do you mean I cannot put a van here? I have a van, a handicapped van'*. If this was in the deed restrictions he would be restricted. I do not want to be site specific on this because I think that in five years from now, we will regret doing this. For instance it says no structures and somebody raised to me; if we start developing solar or wind or someone wants to put in a generator that would hook up to this we would have to put a structure there to be able to handle it. So I would suggest that the deed restrictions go into the approval. So it would be a condition of approval. It is on the map. All of these would not be called deed restrictions they are conditions and restrictions of the subdivision. The notice would go into the deed. In every deed

would be a reference that Mountainside Woods has restrictions set forth in the subdivision set forth...etc. This would give you the flexibility later on.

The Board will get its attorney's advice on this matter.

The public hearing is scheduled for next week on the bulk regulation table and language in the deed restrictions.

New Business

Watkins, Charles & Corinne, Special Use Permit, 22 Blue Point Rd, SBL#96.3-1-14, in R1 zone.

The applicant would like to construct a small addition and modify the existing garage to provide a 638 sq. ft. accessory apartment for personal family care.

Louis DuBois, the applicant's representative, was present for the meeting.

Lou: This apartment is for the applicant's mother. We will be taking 8 feet from the existing garage, leaving enough room in the garage for one car, and add that to a 16 foot extension. This will create a nice little apartment. The applicant's mother does not drive so she will not be needing space in the garage.

The Board reviewed the floor plan, and discussed how the apartment gets measured.

Dave B (looking at the plan): You are adding a new addition so you will need to meet the setbacks. The total side yard setback requirement is 50 ft. You will need to go to the Zoning Board of Appeals for a variance of 20 feet. You, the Planning Board, can review this concurrently with the ZBA.

The Board had no additional concerns.

The Board anticipates setting the public hearing next week for the February meeting.

Curci, Michael, Special Use Permit, 812 New Paltz Rd, SBL#87.1-1-21.111, in R1/2 zone.

The applicant would like to add a 656 sq. ft. accessory apartment above his existing detached garage.

Mr. Curci, the applicant, was present for the meeting.

Frank Skiles, the applicant's representative / builder, was present for the meeting. The Board reviewed the proposed plans and photos of the existing garage.

Dave P: It was controversial but I think that we are now allowing accessory apartments above detached garages.

The applicant will have to comply with regulation egress window size in the bedroom.

Larry: Will this tie into the septic system?

Frank: It will have a tank that ties into the existing septic system.

The Board had no additional concerns.

The Board anticipates setting the public hearing next week for the February meeting.

Old Business

Highland Assisted Living at Village View (former New Village View), Siteplan; 1, 7, & 9 Grove St, SBL#88.69-1-10, 11 & 12, in R1/4 zone.

This project consists of a 18,310 s.f. expansion to an existing assisted living facility. The expansion will allow a total of 80 beds and not more than 13 employees per shift. There will be a total of 15 parking spaces. The proposed expansion will continue to utilize existing central water and sewer facilities.

Feb. 17, 2016 - 1 Grove, 7 Grove, and 9 Grove Street were rezoned from CB to R 1/4.

July 2016 - New submittal with name change (formerly New Village View) Highland Assisted Living Center at Village View.

This application is for siteplan approval and lot line revision. The applicant has an application running concurrently with the Zoning Board of Appeals requesting a lot coverage variance and building coverage variance.

Terresa Bakner, Planning Board Attorney, joined the meeting via speakerphone.

Terresa informed the Board that the Zoning Board is waiting on the Planning Board to make a determination of significance under SEQRA. The Planning Board is the lead agency. The Board at this point does not feel as if they have enough information to make a determination. The Board is waiting on storm water and engineered plans which will then be reviewed by our engineer, Andy Learn.

Andy: The applicant did submit full engineered plans and I had a four page comment letter dated Oct. 21, 2016 on what needed to be addressed.

Dave B: How much does this Board need in order to make a decision on SEQRA?

Terresa: It depends. If Andy was waiting for information that was highly technical, like information on retaining wall or design of specific structures, just more engineering in nature, I would think that you would not really have to wait for that. In terms of the storm water you have a fairly high level of detail on how they are going to meet the requirements of the storm water design manual. My sense is that both Boards are stuck at this point so what we should do is send a specific list of information that is needed in order to make the determination of significance.

Andy: Just to remind everybody this project does not disturb over an acre so it does not require a Stormwater Pollution Prevention Plan (SWPPP) but because it is a significant project we did ask them to do a drainage analysis which we have not received at all. That is a significant issue for SEQRA. I will sit down with Stu Mesinger, the applicant's engineer to review what is needed to move forward.

Terresa: It is not unusual to have engineering review occur as a condition to approval to some precise things so I think identifying what you need to make the determination is a good idea especially when you already have comments back from Ulster County Planning Board and they did not have any objections or comments. The Board anticipates SEQRA review and determination in February.

Administrative Business

Mountainside Woods

Deed and Deed Restriction Modifications

Dave B: Mr. Weinberg was in tonight and has a public hearing set for next week on bulk table modifications and language added to the deed restrictions. He does have other concerns; one which is removing the entire language concerning deed restrictions and make a deed note to say that there are restrictions on the plat. In other words change the approval to take the deed restrictions away and make a comment on the deed saying there are deed restrictions on the plat, therefore leaving it up to the buyer. As I recall this Board's intent at the time was to notify the buyer of other restrictions in the most apparent way possible.

Peter: To explain the applicant's point of view there is a lot of detail and the applicant thought as an eternal deed restriction they were overly specific.

Terresa: When we were doing this I remember saying that the deed restrictions were like a zombie once you put them on there it is hard to get rid of them. It is certainly within the Board's authority to instruct that the

deed restriction refer to what is on the plat the problem is that it makes it less likely that an honest purchaser will have any idea that these deed restriction exist. That is the only problem.

Dave B: If the deed restrictions are not on the plat it is not enforceable by me. If it stays on the deed it stays civil.

Terresa: Well the conditions in the deed restrictions were a condition of approval so they are still enforceable by you. If the subdivision plat doesn't currently show these limitations then Dave Weinberg would have to re-file the plat to show them. The applicant can come to you for relief and the deed restriction can be modified, yes you can amend a deed restriction, but the problem becomes with the other people who have already purchased and are subject to the deed restrictions may have something to say about that.

Peter: We can change deeds that are not signed but we cannot change deeds that are already signed.

Dave B. will check the plat to see if the deed restrictions are on the map.

Terresa: It is really common to have these types of covenants and restrictions because people who buy into these developments like knowing that someone is not going to park an RV in the driveway.

Before next meeting I will check about both ways with the Title Company and see if it raises any problems.

Old Business

Tremont Hall Corp., Vineyard Ave, Site Plan, SBL#88.17-9-48 & 54.200, in R1/4 zone. (Adaptive Re Use Building)

The applicant would like to convert an existing vacant 9600 square foot lumber storage building into a multi-family residential structure with 20 apartments, with associated parking and amenities.

Nothing new submitted.

Dakota Field Properties (Storyk), Subdivision Martin Ave, SBL# 79.2-2-10, in R1 zone.

The applicant is requesting a two lot subdivision of his 17.143 acre parcel of land. Lot 1 will consist of 6.257 acres for a proposed single family dwelling and Lot 2 will be the remaining land consisting of 10.886 acres.

Board of Health approval has been granted for the proposed residence.

The Board looked at the proposed subdivision map.

Dave B: The applicant would like to split the parcel and put a house on the front piece. The applicant has received Board of Health approval. The map marks out the wetlands, on the property, with a 100 ft. buffer.

The Board had no additional concerns and anticipates setting the public hearing next week for February.

Administrative Business

Deny without prejudice

These applications have been dormant for some time, the applicants have been notified of Planning Boards intention to Deny without prejudice. The Board will move formally on these applications at the January 26, 2017 Planning Board Meeting.

Cruz Bonifacio, 132 Weeds Mill Rd, SBL#87.11-3-10, in R1/2 zone.

The applicants would like to convert their current unfinished basement into a self-contained apartment for family. *Last Board appearance 10-20-11.*

O'Dell, Bethany, 236 Pancake Hollow Rd, 236 Pancake Hollow Rd, SBL#87.3-2-27.120, in A zone.

The applicant would like to obtain a special use permit to run a non-profit animal rescue.

This application has been dormant for some time; the applicant has been notified of Planning Board's intention to Deny without prejudice. *Last Board appearance 7-21-11.*

On 1-4-17, the applicant submitted a letter requesting an additional extension.

Busick, Charles, 228 Hawleys Corners Rd, SBL#79.4-2-28, in R1 zone.

The applicant is proposing a two lot subdivision of a 3.89 acre parcel of land located in the R-1 zoning district. Lot 1 currently has two dwellings, an existing 2 family dwelling and a structure to be converted to a non-habitable accessory building. Lot 2 will be a new board of health approved building lot. The resultant lot sizes will be: Lot1- 2.13 acres and

Lot - 2 1.76 acres.

This application has been dormant for some time; the applicant has been notified of Planning Board's intention to Deny without prejudice. *Last Board appearance 3-20-14.*

Highland Estates L.L.C., Route 9W, SBL#96.9-1-35.200, in HBD zone.

The applicant would like a four lot subdivision of a vacant 19.85 acre parcel of land to create three new residential building lots with access to Sherwood Lane, a Town Road. The remaining 11.23 acres to be developed commercially at a later date with existing access to Route 9W and Mack's Lane,

This application has been dormant for some time; the applicant has been notified of Planning Board's intention to Deny without prejudice. *Last Board appearance 4-17-14.*

Lee, Mi-Sun, 76 Bellevue Rd, SBL#88.13-4-32.300, in R2 zone.

The applicants are proposing to build a single family residence in the WBOD.

This application has been dormant for some time; the applicant has been notified of Planning Board's intention to Deny without prejudice. *Last Board appearance 6-23-11.*

Pezzo, Anthony, 41-43 Main St, SBL#88.69-2-31, in CB zone.

Subdivision for the purpose of separating residential buildings and commercial building to separate lots and a Lot line revision for purpose of resolving existing encroachments.

This application has been dormant for some time; the applicant has been notified of Planning Board's intention to Deny without prejudice. *Last Board appearance 8-25-11.*

Adaptive Re-Use Discussion

The Board discussed a **draft** rewrite of the Adaptive Re-Use code. (See draft attached.)

The Board discussed density and how to regulate density on adaptive reuse properties.

Dave P: Currently there are no density requirements you just need to fit into the minimum size apartment requirements. This may be good for some sites but not for all sites whether the issue is parking, safety or where the site is located. We want to rewrite the code to keep with the comprehensive plan and at the same time give the Planning Board some leeway to restrict density where the Planning Board feels it should be restricted.

The Board will continue working on this draft code and discuss next week.

A draft will be reviewed by the Planning Board attorney.

A **Motion** to adjourn was made by Dave Plavchak, seconded by Fred Pizzuto. All ayes 6:46 pm