

**APPROVED:**

**MOTION BY:**

**AYES:**

**NAYS:**

**SECONDED BY:**

**ABSTENTIONS:**

**ABSENT:**

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Certification of Receipt

By:

Rosaria Peplow, Town Clerk

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

**Thursday October 25, 2018**

**CALL TO ORDER TIME:** 7:00 pm

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE**   **Present:** Peter Brooks (Chair), Carl DiLorenzo, Scott McCarthy, Sal Cuciti, Fred Pizzuto (Vice-Chair), Lawrence Hammond, Charly Long, Andrew Learn (Town Engineer), David Barton (Building Department Director), Laura Oddo-Kelly (Administrative Assistant to Planning and Zoning), Claire Winslow (Town Board Liaison), Rob Stout (Town Land Use Attorney).

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

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**New Business**

**Black Creek Bed and Breakfast, 430 N Riverside Road, SBL# 87.2-4-15.110 in R1 Zone.**

Applicant is seeking a special use permit to open a bed and breakfast in a five bedroom house.

**The Board has asked for a survey/site plan for this meeting.**

Dan Lyons, applicant, was present.

The Board reviewed the site plan the applicant submitted.

There was a discussion of lighting and parking. The Board did not see any problem with outside flood lights as there are no houses in close proximity to the residence. The applicant would utilize the existing parking.

Peter Brooks suggested the applicant meet with the Building Department to iron out the particulars of the project and present more sufficient and accurate site and building plans for the project.

**Selux Corporation, 5 Lumen Ln, SBL# 88.1-6-6.100 in GB Zone.**

Applicant would like to combine a portion of the adjacent property owned by Selux (SBL 88.1-3-10) to the existing manufacturing property owned by Selux (SBL 88.1-6-6.1).

Peter Brooks explained that the applicant is presently in front of the Town Board seeking a zoning change to add to their industrial facility. In order to get the zoning change the Town Board has requested the applicant have a description of what they are looking for, so they have asked the Planning Board for a lot-line revision concurrently.

The Board discussed and reviewed the maps.

The Planning Board reviewed the EAF.

Stout said the Town board is the Lead Agency and that they should issue the Negative Declaration.

Barton said the Town Board has already issued a Negative Declaration and set a public hearing for the zoning change.

A **Motion** was made by Larry Hammond, seconded by Fred Pizzuto to set the public hearing for the Planning Board review of the lot line revision on December 6, 2018 at 7PM. All ayes.

**Smith, Matthew K., 10 Commercial Ave., SBL# 88.17-9-5.1 in GB Zone.**

Applicant is seeking approval for a revised site plan of a commercial park located on the westerly side of Commercial Avenue on tax parcel 88.17-9-5.1. Applicant proposes to expand the existing Cross Fit fitness center from 2,550 sq ft to 4,700 sq ft., eliminate the automotive uses, and add a new daycare center of 8,000 sq ft including the construction of a second story addition above the north end of the existing building. The dance studio will remain as currently utilized on the second floor.

Patti Brooks, applicant's representative, said three major revisions were made to the original site plan map. The changes included the addition of a sidewalk, a one-way in and one-way out entrance for vehicles, and the elimination of two parking spaces. The two parking spaces will be used as an additional snow storage area.

There was a discussion about parking for the proposed project. There are 64 parking spaces on site and 10 as overflow.

Patti Brooks said it was difficult to calculate the number of parking spots for the site. They looked at the hours of operation for all the businesses involved on site and determined the number of parking spaces needed at any given time. She believes they will have an adequate number of spaces for what will be needed but are still waiting for the schedule of the daycare business for a more accurate determination.

Barton said the shared parking which has been advocated in other locations in the Town for mixed uses that are known not to share the same hours of operation makes no sense on this particular site. He said Patti Brooks did some work in coming up with a plan that clarifies the parking more accurately.

Patti Brooks said they have a landscaping plan which is a culmination of some of the UCPB comments that they had received previously. She has spoken to Highway Superintendent, Richard Klotz, about how the sidewalk should be constructed because a lot depends on the drainage.

There was a discussion on how the sidewalk will be constructed.

Patti Brooks asked if the construction and design of the sidewalks could be a group effort between the Highway Department, the Building Department and the Town Engineer so the plan would work for the site, the Town, and the drainage. She stated that the only lighting proposed is on the building.

The Planning Board reviewed the EAF and issued a negative declaration.

A **Motion** was made by Larry Hammond, seconded by Scott McCarthy, to set the public hearing for December 6, 2018 at 7PM. All ayes.

**Tortarella, Troy E. & Alicia L.; Troys Auto Body, 78 Macks Lane, SBL# 96.9-1-24.110 in R1 Zone.**

Applicant is owner of a personal residence at 48 Macks Lane and also the owner of 78 Macks Lane. The application is for a lot line revision affecting said parcels. Both parcels are existing residential lots with single family dwellings. Lot 1 (SBL# 96.9-1-24.110) will be revised from 1.59 acres to 1.21 acres and will remedy an existing substandard side yard setback. Lot 2 (SBL# 96.9-1-24.12) will be revised from 1.72 acres to 2.10 acres to accommodate an existing fenced yard to be contained totally on said Lot 2. No new improvements are proposed on either lot at this time.

Patti Brooks, applicant's representative, was present to give an overview of the proposed lot line revision.

The Planning Board reviewed the EAF and issued a negative declaration.

A **Motion** was made by Larry Hammond, seconded by Charly Long, to set the public hearing for December 6, 2018 at 7PM. All ayes.

### **Extended Public Hearing**

#### **Pavlovich and Company, LLC/Joyful Moments, 185 South Street, SBL# 87.3-5-29 in A Zone.**

Applicant is requesting commercial site plan approval and special use permit to open a daycare center in an existing building on the parcel.

**The Planning Board reviewed the EAF and issued a negative declaration on and set the public hearing on 07.26.18 for August 23, 2018.**

**The Planning Board is requesting a more complete site plan.**

**A survey will be prepared for the proposed project.**

No new information.

### **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 six (6) lots. Lot 1 will contain the existing Trustco Bank, Lot 2 will contain the existing Burger King, Lot 3 will contain Dollar General and Lot 4 will contain an existing retail and apartment buildings. Lot 5 will be the existing pond parcel (which will be encompassed with a conservation easement) in addition to a proposed 72-unit apartment complex with a community room. Lot 6 will be a small vacant lot fronting on 9W with no currently proposed development.

**A full environmental review under SEQRA was completed.**

**Revised subdivision plan with EAF and Preliminary Site Plan submitted.**

**Lead Agency notice sent 01.24.18**

**Revised Pond Outlet Plan and revised draft of SWPPP (Storm Water Pollution Prevention Plan) with new water flows off the site submitted.**

**Analysis of the water flow to the existing 21" CMP pipe near Christopher Avenue submitted.**

**Abutting property owners were notified and attended an informational Planning Board meeting on February 22, 2018.**

**Revised HydroCAD calculations, revised drainage area maps, and revised Pre and Post-Development Runoff Rate Comparison have been submitted.**

**Two Environmental Phase I reports submitted.**

**Revised 03.19.2018 Site Plan and SWPPP (Storm Water Pollution Prevention Plan) with revised runoff reduction volume totals submitted.**

**New site plan maps, a revised EAF, and a current SWPPP submitted 03.22.18.**

**New site plan maps submitted 04.16.18.**

**UCPB Recommendations received 04.19.18.**

**Smit Environmental Services, LLC, Report Review, Environmental Assessment, Proposed Lloyd Sewer Easement submitted 05.17.18.**

**Moriello Memorandum addressing SEQRA issues received 05.22.18.**

**Medenbach & Eggers revised waiver letter received 05.23.18.**

**Medenbach & Eggers revised waiver letter received 06.21.18.**

**The Planning Board reviewed the EAF and issued a negative declaration on and set the public hearing on 05.24.18.**

**Medenbach & Eggers response to UCPB recommendations letter received 06.21.18.**

**The Public Hearing was opened June 28, 2018.**

**Applicant is concurrently seeking an area variance for side yard parking in the GM Zone from the ZBA submitted 07.11.18. The public hearing for the ZBA application will be on 08.09.18.**

**Michael Moriello letter addressing public hearing comments from the 06.28.18 meeting received 07.19.18.**

**Baisch and Casabura public comment letter received 07.26.18.**

**The public hearing was closed on 07.26.18.**

**Michael Moriello, applicant's attorney, agreed that the applicant would waive compliance with the 62 day limit on final conclusions after the public hearing was closed.**

**Area Variance for side yard parking was granted by the ZBA 09.13.18.**

**Highland Fire District comment letter received 10.16.18.**

**Medenbach Response Letter to Andy Learn's Memos of 04.24 & 04.25.18 received 10.18.18.**

Peter Brooks said the Planning Board is considering the Waiver Approval and the Resolution of Conditional Approval for the proposed project tonight.

Stout read the Waiver Approval Resolution.

A **Motion** was made by Fred Pizzuto, seconded by Scott McCarthy to open a discussion of the waivers that are in front of the Planning Board.

Cuciti said he feels the waivers being granted for the project are a direct benefit to the developer. He said there are reasons for the code requirements and there is a large spectrum of things you can do from nothing to quite a bit. He wishes there would be a little more discussion on what could be done on the site to offset what is not being accomplished on the zoning.

Peter Brooks said the project has been in front of the Planning Board for a couple of years, there has been a lot of discussion, the project is different and better in many ways from the original plan and it has also been somewhat of a compromise.

McCarthy said, for the record, the next time the Board comes across a similar project where the requirements are unable to be met that the engineers take into consideration what the Town laws are before anything is put forth.

DiLorenzo said if the Planning Board does not want waivers to occur again then they have to remove them from the code.

Waiver Approval:

**Roll call:** Brooks, aye; Hammond, aye; DiLorenzo, aye; McCarthy, aye; Cuciti, nay; Long, aye.  
**Five ayes carried.**

Peter Brooks read the resolution of approval.

A **Motion** to accept the resolution of approval with conditions was made by Fred Pizzuto, seconded by Carl DiLorenzo. All ayes.

**Administrative Business**

**Minutes to Approve:**

A **Motion** was made by Fred Pizzuto, seconded by Scott McCarthy to approve the September 27, 2018 Planning Board meeting minutes. All ayes.

A **Motion** was made by Fred Pizzuto, seconded by Sal Cuciti to approve the October 18, 2018 Planning Board Workshop meeting minutes. All ayes.

A **Motion** to adjourn was made by Fred Pizzuto, seconded by Scott McCarthy 8:19 PM. All ayes.