

**APPROVED:**

**MOTION BY:**

**AYES:**

**NAYS:**

**SECONDED BY:**

**ABSTENTIONS:**

**ABSENT:**

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By:

Rosaria Peplow, Town Clerk

## **MEETING MINUTES**

### **TOWN OF LLOYD PLANNING BOARD**

**Thursday July 26, 2018**

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

#### **PLEDGE OF ALLEGIANCE**

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

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#### **Extended Public Hearing**

**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 the existing Trustco Bank, Lot 2 will contain an existing Burger King, and Lot 3 will contain a proposed Dollar General retail store. Lot 4 will contain an existing retail and apartment buildings and the existing pond parcel will be Lot 5. Lot 6 will be a small vacant lot fronting on 9W with no currently proposed development and the remaining Lot 7 will contain a proposed 72-unit apartment complex with a community room.

**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 Hydro CAD 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.**

Michael Moriello, applicant's attorney, addressed a letter received from resident Geraldine Baisch at 3pm on 07.26.18 which outlined her concerns of the proposed project. He said the letter is complete redundancy from letters received from Baisch before and that the applicant has already addressed every issue in the letter. Moriello stated that the application of MCBS DG has been going on for a very long time and the Planning Board has done a very comprehensive review. He stated that it is fact that every issue contained in Baisch's letter has been addressed and in the record. Moriello continued to say that the issues in the letter are speculative, generalized and irrelevant for the Planning Board to even consider. What might possibly occur with the project has no relevance to the Planning Board; Moreover, Moriello stated, the applicant and he have addressed everything with numerous studies and memorandums concerning involved agencies such as the Department of Environmental Conservation. Contrary to Baisch's letter, Moriello affirmed, it is a fact that the DEC has been an involved agency from the beginning of the project and all the environmental concerns have been completely addressed. Moriello said, in his opinion, the last minute submittal of Baisch's letter is to delay or hamper the Planning Board's efforts and the project more. Moriello said that he believes people take advantage when the public hearing is allowed to be left open. Moriello believes that the applicant should not have to address the same redundant speculations. The only concern in the letter that is new is what will happen if Dollar General decides to vacate the building sometime in the future. Moriello stated that concern has nothing to do at all with planning or zoning or an issue that the Planning Board can even consider. Those kinds of speculations are more appropriately directed to the Town Board where that Board can appropriately zone from that point.

Peter Brooks stated that the Planning Board received two written submissions concerning MCBS DG today and asked if there was anyone else who would like to make a public comment. There were no additional public comments.

Peter Brooks asked attorney Rob Stout to clarify where the Planning Board is in the process of the project.

Stout stated there has been a public hearing open for two meetings and public comments were accepted prior to the public hearing. He said it would be appropriate to consider closing the public hearing at this time. Stout said he had a conversation with Michael Moriello prior to the meeting in which Moriello has agreed to waive the requirement that the Planning Board act within 62 days of closing the public hearing. With that protection the Planning Board won't be compelled to act in that timeframe. Stout said he has no problem with waiving the requirement. Peter Brooks said the applicant has a request in front of the Zoning Board of Appeals that should be heard next week.

Geraldine Baisch, resident, said she is new to the process and the applicant has been receptive to explaining her concerns in the past but feels some of the public comments have been very real. She said there were some new items in the letter regarding the parking, Dollar General parking, and egress and ingress to Route 9W. Baisch said she found the town records at the DEC which quantified some of her concerns. She feels that good work has been done with that information and there is real value in some of the public comments.

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

### **New Public Hearings**

#### **Cusa, Paul - 2 Lot Subdivision, 539 N Elting Corners Rd., SBL# 87.1-1-3.260, in R1 Zone.**

Applicant's parcel is part (Lot 6) of an approved subdivision on North Eltings Corners Rd by the Planning Board on September 19, 2016. Applicant proposes to subdivide Lot 6 into two lots, Lot 6A (lot approved in 2016) and a new lot 6 B with a proposed new house, septic, and well. The proposed additional lot (6B) has an approved septic by Ulster County Department of Health. The wetlands were delineated in the original 2016 submission and that delineation is still valid for the additional lot.

**The Planning Board reviewed the EAF, issued a negative declaration and set the public hearing on 06.28.18 for the July 26, 2018 meeting.**

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

Louis DuBois, applicant's representative, gave an overview of the proposed project.

There were no public comments.

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

Peter Brooks read the resolution of approval.

A **Motion** to accept the resolution of approval was made by Fred Pizzuto, seconded by Larry Hammond. All ayes.

#### **Rizzo/Schmitt - Lot Line Revision, 181 Lily Lake Rd, SBL # 87.2-2-1.110, in R 1 Zone.**

Applicants Stephen M. & Marcianne Schmitt, 243 Hawleys Corners Rd, tax map SBL: 79.4-1-32.210 proposes to convey and combine 10.71 acres to lands of Eugene J. & Rena C. Rizzo, 181 Lily Lake Rd, tax map SBL: 87.2-2-1.110. Properties are located within the R-1 zoning district. Resulting acreage: Lands of Schmitt, 22.85 acres and Lands of Rizzo, 21.80 acres.

**The Planning Board reviewed the EAF, issued a negative declaration and set the public hearing on 06.28.18 for the July 26, 2018 meeting.**

Patti Brooks, applicant's representative, stated that the maps have been redone because the Planning Board needed clarification of the ingress and egress of the existing Schmitt house on to Hawley's Corners Road. The new maps reflect that there is adequate 50 foot wide access to the Schmitt property.

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

There were no public comments.

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

Peter Brooks read the resolution of approval.

A **Motion** to accept the resolution of approval was made by Larry Hammond, seconded by Fred Pizzuto. All ayes.

**46-48 Front Street Owners / 7 Lot Subdivision, 96 North Road, SBL# 88.1-4-8.220 in GB Zone and R ½ Zone.**

The applicant proposes subdivision of parcel (88.1-4-8.220) into 7 lots. Lot 1 (0.50 acre) will contain an existing single-family dwelling. Lot 2 (0.50 acre) is vacant. Lot 3 (1.8 acres), Lot 4 (1.8 acres) and Lot 5 (9.08 acres) will be created in the R ½ part of the principal subdivided lot. Lot 6 (8.12 acres) will be created in the GB portion of the principal lot, and Lot 7 (15.22 acres) will be created and have both R ½ and GB zoning. No proposed uses are suggested at this time.

**Response letter to Morris Associates 06.28.18 comments received 07.11.18.**

**New Subdivision Plan Maps received 07.11.18.**

**Morris Associates letter dated 07.20.18 received 07.26.18.**

**The Planning Board set the public hearing (contingent upon reviewing the EAF at the 07.26.18 meeting) on 06.28.18 for the July 26, 2018 meeting.**

The Planning Board reviewed the EAF, and issued a negative declaration before the public hearing at the July 26, 2018 meeting. All ayes.

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

Linda Indelicato, resident, said she was concerned about drainage.

Peter Brooks said the applicant is in front of the Planning Board just to create a subdivision.

Issues concerning drainage will be addressed when and if the lots are proposed to be developed.

William Costello, 129 Grand Street, asked if he could obtain a map of the proposed project to refer to it.

Oddo-Kelly said she would email him a copy.

Costello asked what the applicant is proposing to do with the lots because he believes there were heavy pesticides used on that parcel of land in the past.

Stout said there would be an additional application and site plan approval if any actual development is proposed.

Hammond stated that there is a process with the DEC with any parcel of land that is to be developed to address any kind of pesticide issue.

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

Peter Brooks read the resolution of approval.

A **Motion** to accept the resolution of approval was made by Larry Hammond, seconded by Fred Pizzuto. All ayes.

Setaro and Stout said they should include Andy Learn's concerns in his July 20, 2018 letter part of the conditions of approval.

Setaro said submitted plans should be referred to the Town Highway Superintendent, Superintendent of Water and Sewer, and the Fire Chief for comments. Any future improvements also must comply with the water management and the Town's erosion and sediment control requirements, a survey of all proposed easements and right of ways, and some minor changes to the dimensional table to show the front side and rear yard setbacks for the existing structures on lots 1 and 5.

Stout said the Planning Board should wait until they receive comments back from the Town Highway Superintendent, Superintendent of Water and Sewer, and Fire Chief and possibly incorporating that into the approval as well.

A **Motion** to rescind the resolution of approval until additional conditions are included was made by Larry Hammond, seconded by Fred Pizzuto. All ayes.

## **Old Business**

### **ADC Ulster, LLC-Falcon Ridge Subdivision, 301 Upper North Rd., SBL# 80.3-1-18.110 & 80.3-1-31, in R1 and LI Zone.**

The applicant proposes to develop a Residential Conservation Subdivision of existing tax lots SBL's 80.3-1-18.11 and 80.3-1-31 with frontage along Upper North Road and North Chodikee Lake Road. The site is within the Town's water district and is proposed to be served with municipal water. The site is not within the existing Town sewer district and applicant proposes to extend sewer service to the project site. The applicant proposes a 211 lot subdivision if the sewer extension is granted and a 166 lot subdivision if the sewer extension is not granted.

**Morris Associates Review Letter received 05.21.18.**

**Resource Analysis Map, Lot Yield Calculation Memo, and Revised Sketch Subdivision Plan submitted 06.14.18.**

**An informational meeting was held on 07.19.18.**

The applicant is scheduled to appear at the next Town Board Workshop meeting on August 1, 2018.

### **Cusa, Sal - Pancake Hollow Rd - 3 Lot Subdivision, SBL# 95.1-1-4.150, in R1 Zone.**

Applicant would like to subdivide parcel, SBL 95.1-1-4.150 into three lots, two will be building lots and the remaining lot for future development. The septic design for Lots 1 and 2 are pending Ulster County Department of Health approval.

**The Board anticipates the revision of the two flag lots on the parcel.**

No new information.

## **New Business**

### **Bark Place of Ulster, Inc, 296 Route 299, SBL# 87.2-1-14 in DB Zone.**

Applicant is seeking commercial site plan approval and use variance to construct a 3000 sq ft, one story building for a dog training, boarding and daycare facility for an established business since June 2008.

**The applicant will be concurrently seeking a use variance with the ZBA at their 08.09.18 meeting.**

**The Board anticipates setting the public hearing for the September 27<sup>th</sup> meeting.**

Ciro Interrante, applicant's representative, displayed plans that included the revised fence and a proposed new septic system.

Peter Brooks inquired about the information on the waste disposal system of animal feces that the Planning Board requested.

Interrante supplied the Board with a specification sheet of the enzyme disposal system.

Peter Brooks said he is inclined to defer the negative declaration until the Board sees what transpires with the ZBA.

Stout said the Board could do SEQR at the August 23<sup>rd</sup> meeting and set the public hearing for September 27<sup>th</sup>.

A **Motion** was made by Larry Hammond, seconded by Fred Pizzuto to declare the Planning Board as Lead Agency. All ayes.

Oddo-Kelly will circulate information to all involved agencies and send a referral to the Ulster County Planning Board.

### **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 a special use permit to open a daycare center in an existing building on the parcel.

The Planning Board had requested the particulars of the business sign.

Eboni Cook, applicant, provided a rendering of the sign with measurements.

Peter Brooks read the short EAF and the Board members agreed to issue a Negative Declaration.

Peter Brooks read the resolution to set the public hearing.

A **Motion** was made by Larry Hammond, seconded by Fred Pizzuto to set the public hearing for August 23, 2018 at 7PM. All ayes.

### **Wild / Agor, 24 Carolyn Drive, SBL# 94.2-4-18.210 in TR1 Zone.**

Applicant Tara Wild, SBL 94.2-4-18.210 proposes to convey and combine 0.075 acres to lands of Craig & Barbara Agor, SBL 94.2-4-18.220.

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

Peter Brooks read the short EAF and the Board members agreed to issue a Negative Declaration.

Peter Brooks read the resolution to set the public hearing.

A **Motion** was made by Larry Hammond, seconded by Fred Pizzuto to set the public hearing for August 23, 2018 at 7PM. All ayes.

### **Administrative Business**

#### **Sign Approval:**

##### **Shape-Up Nutrition, 6 Main Street, SBL# 88.69-9-16 in CB Zone.**

The applicant would like to change the existing business sign to reflect the new business.

The Planning Board was supplied with pictures of the proposed new business sign. The applicant will be using the same sign structure and just substituting their business name and logo in it.

Peter Brooks asked if the existing sign is a conforming sign.

Charly Long said he measured the sign and said it conforms.

A **Motion** was made by Larry Hammond, seconded by Fred Pizzuto to approve the sign. All ayes.

#### **Minutes to Approve:**

A **Motion** was made by Charly Long, seconded by Fred Pizzuto to approve the minutes, as amended, of the Planning Board Workshop Meeting of June 21, 2018, Planning Board Meeting of June 28, 2018 and Planning Board Workshop Meeting of July 19, 2018. All ayes.

A **Motion** to adjourn was made by Fred Pizzuto, seconded by Larry Hammond, 8:11 PM. All ayes.