

**APPROVED:**

**MOTION BY:**

**AYES:**

**NAYS:**

**DISTRIBUTION: OFFICIAL MINUTES BOOK – TOWN CLERK – BLDG DEPT.**

**SECONDED BY:**

**ABSTENTIONS:**

**ABSENT:**

Certification of Receipt

By:

Rosaria Peplow, Town Clerk

**WORKSHOP MINUTES**  
**TOWN OF LLOYD PLANNING BOARD**

**Thursday April 19, 2018**

**CALL TO ORDER TIME: 5:30 pm**

**PLEDGE OF ALLEGIANCE**

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

**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.**

---

**New Business**

**JVS Ventures, LLC, 4-8 Haviland Rd., SBL# 96.1-1-14.100, in GB zone, in the Gateway Commercial subdistrict.**

Applicant proposes to subdivide a 1.25 acre parcel of land located at the intersection of Haviland Road and Mile Hill Road in the Town of Lloyd, designated as tax map Section 96.1 Block 1 lot 14.100. Property is located within the GB zoning district and the Gateway Commercial subdistrict.

Proposed Lot 1 will be a 0.70 acre parcel containing an existing one story food service building. Proposed Lot 2 will be a 0.55 acre parcel, currently vacant. See approved site plan "Rail Depot" prepared by Mauri Associates Architects, PC, last revised April 12, 2012.

Patti Brooks, Brooks and Brooks and applicant's representative, said the parcel was originally approved as two separate buildings, there is site plan approval for two buildings, but only one was constructed. The applicant has a purchaser for the existing commercial building and the proposed purchaser does not want the rest of the property. The applicant at this point in time would like to subdivide it. Cross easements will be required for the entrances. Site plan has already been addressed so it is a simple subdivision. The parcel has municipal water and sewer. Barton said the Board could set the public hearing at the next meeting for the following month and make the easements a condition of the approval.

**TRC Auto, 197 Route 299, SBL# 87.11-1-26.100, in R1 zone.**

Applicant is seeking a commercial site plan and special use permit to open a 4 bay, full service repair facility specializing in foreign automobile repairs on Route 299.

The applicant presented the proposed project. The proposed new building will include a front office and a rear shop area. The four bay shop area will face Riverside and will have a parking area of compacted stone. There is an easement through the adjacent property for customer access to and from Route 299, therefore there will not be a separate driveway or curb cut on Route 299 for the new property. There will also be a rear entrance off Riverside in the back for employee use only. They may want to shift the building slightly more towards Route 299 so they can move the location of the septic and pump tank about five feet. The well would be moved closer to Route 299.

There was a discussion of various types of proposed lighting, landscaping and signage.

**Truax, Marilyn, 167 Upper Grand St., SBL# 88.13-1-5.100, in R ½ zone.**

Applicant has an existing apartment and garage in her house which will be removed and become part of the living space of the house. Applicant seeks a special use permit and is proposing to build a garage on the property with an accessory one bedroom apartment on the second floor, adjacent to the existing home.

Applicant was present. Water and septic will be provided by the existing house. There was a discussion of what the allowable square footage of living space would be for the accessory apartment.

Barton conveyed elements of the code pertinent to the proposed project including:

(1) The secondary structure must have its use related to the principal dwelling (i.e., the garage must be primarily used for parking cars, storage, etc., of the principal dwelling).

(2) The accessory apartment must be a secondary use of the secondary structure.

(3) The accessory apartment must comply with the limitations and requirements listed for accessory apartments.

(4) The secondary structure must, in the opinion of the Planning Board, architecturally mirror and enhance the appearance of the principal structure (i.e., siding should match, windows and doors should be similar in appearance and trimmed appropriately, etc.).

(5) The secondary structure must conform with the side yard setbacks of a principal dwelling.

The Planning Board asked the applicant to bring a detailed site plan of the proposed project as well as plans of the existing house to the next meeting.

**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 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 building with retail and apartments. Lot 5 will be a vacant lot fronting on Route 9W with no currently proposed

development and the remaining Lot 6 will contain a proposed 72-unit apartment complex with a community room as well as an existing pond.

The applicant anticipates a full environmental review under SEQRA.

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

**Lead Agencies 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.**

Peter Setaro (Morris Associates Engineer) said the biggest item with the proposed project is drainage because of some potential impacts to downstream neighbors. From an engineering perspective, the general consensus is that the project will help some of the drainage issues downstream in the area by providing a little bit more detention in the existing pond more than is currently there now. There will be some modification of the outlet structure to the pond. He stated that Andy Learn has a draft SWPPP of the project that will go out soon to the applicant and will comment on to the Planning Board. Andy has also drafted parts II and III of the EAF. There will be additional easements required for both water and sewer. The applicant will need a formal waiver request to the Planning Board to avoid showing the location of individual trees that are greater than eight inches which are planned to be removed.

A discussion took place on the waiver and when it should be done.

Peter Brooks addressed the issue of the number of lots with the proposed project. Right now, he said the lot where the pond is shown as a separate lot.

Barry Medenbach, Medenbach and Eggers, PC, said it is a separate tax parcel but they are going to combine it with the lot that has the residential units with the pond being part of the open space.

Peter Brooks said the UCPB has done an informal review of the proposed project.

Rob Stout, Whiteman, Osterman and Hanna, LLP, Town Land Use Attorney, discussed the Negative Declaration and the SEQRA determination and asked the Board if there were any questions the Board would like to address.

Peter Brooks said if the Board felt comfortable enough with the information submitted, at the next Planning Board meeting they could possibly set the public hearing for the following month.

Barton said Part II and III of the EAF would be circulated at the next meeting.

The Board will go over and discuss the EAF at the next meeting.

DiLorenzo asked if they have had any comments back from the fire department.

Barton said they have been noticed but we have not received any comments back yet.

**Hogan, Julian, 1 Tillson Ave., SBL# 88.17-7-1.200 & 1 Smith Terrace, SBL#88.17-7-1.100, in R ¼ zone.**

Applicant is seeking a lot line revision to combine two parcels 88.17-7-1.200 ( 1 Tillson Ave.) and 88.17-7-1.100 (1 Smith Terrace) into one parcel. Applicant would like to use the remaining structure on 1 Smith Terrace as an accessory to the existing house on 1 Tillson Avenue. Exact usage of the accessory building has yet to be determined at this time.

**The Board has set the public hearing for the April 26, 2018 meeting.**

## **Administrative Business**

### **Discussion of Adaptive Reuse**

Peter Brooks gave a brief description and history of the present Town of Lloyd Adaptive Reuse code. He stated that the existing code defines Adaptive Reuse as “An existing building rehabilitated or converted to a new use while preserving and saving some of the unique features of the building that have historic value to the Town.” Brooks said that it is his contention that of the original properties cited in the Adaptive Reuse section of the Code, none include a building that has any historical value. He continued that the original intent was not achieved. Instead, there are some buildings in the Town that clearly have non-conforming uses and we would like to encourage the owners to make them somehow be more conforming but not literally require them to meet what the underlying zoning is.

Barton said after non-use for one year, the use goes away. The zoning use is what the zoning is all about.

There was discussion about changing the definition as well as taking some of the properties cited off the list.

Proposed recommendations for changes of the Adaptive Reuse code include rewriting the definition and permitted uses to read:

#### **ADAPTIVE REUSE**

The process of rehabilitating or converting an existing building or site to a new use which either preserves features of the existing building that have historic value to the Town or, if the building will not be preserved, creates a new use which is more in keeping with the character of the neighborhood. In either case, the new use must conform to Paragraph B of §100.31, Permitted Uses.

---

B. Permitted uses. Permitted uses in an adaptive reuse building include retail businesses, service businesses, and multi-family dwelling units. A mix of units is allowed. A maximum of 6 dwelling units per acre is allowed for residential adaptive reuse projects. Maximum density for other adaptive reuse projects shall be controlled by the Dimensional Standards of §100-31, Paragraph C and the Minimum Floor Area requirements of §100-31, Paragraph D. This maximum may be adjusted downward by the Planning Board during site plan review based on:

- (a) The availability and adequacy of transportation systems, including the impact on the road network.
- (b) The pedestrian circulation and open space in relation to structures.

- (c) The character of the neighborhood in which the site is located, including the safeguards provided to harmonize the proposed density with adjacent properties and with the neighborhood in general.
- (d) The height and bulk of buildings and their relation to other structures in the vicinity.
- (e) Potential impacts on environmental resources including but not limited to wetlands, surface water, flood plains, and plant and wildlife communities.
- (f) The general ability of the land to support the proposed density as well as the storm water management for the development, including such factors as slope, depth to
- (g) Other factors as may be deemed appropriate by the Planning Board.

C. Dimensional standards.

- (a) If the existing building is re-used and the existing building footprint remains, the existing setbacks and coverage percentages will be allowed.
- (b) If the existing building is not re-used and the site is effectively re-developed, the applicant may use either the existing setbacks and coverage percentages as allowed in the §100-31 Paragraph C. (a) above or apply the following dimensional standards.

**Maximum Lot Coverage**

There is no maximum lot coverage for adaptive reuse sites. Applicants with sites where lot coverage exceeds 70% should consider adopting “green” practices such as permeable parking areas.

D. Minimum floor area requirements. The following minimum floor area requirements per dwelling unit are required for dwelling units in an adaptive reuse building:

\*(former 450 sq. ft. Efficiency Apartment was removed from this chart)

G. Buffer. ~~No buffer is required.~~ Buffering and aesthetics will be considered as part of the Site Plan review based on the characteristics of the site, neighborhood and proposed new use.

Claire Winslow asked if there will buffers at the current High Bridge project.

Peter Brooks responded that there will be. They were allowed to cut down trees but they are also required to put trees back in.

Peter Brooks said his suggestion is to remove the term of Adaptive Reuse and label it as the conversion of identified non-compliance sites which would offer the owners some latitude in not having to just deal with the underlying zoning.

Barton said to keep in mind that the code was written with the intent of keeping properties from being completely abandoned and building something that would be more beneficial to the Town. The Board discussed not using the term of Adaptive Reuse, will review thoroughly all the recommendations and discuss them in length at the next Planning Board meeting.

A **Motion** to adjourn was made by Carl DiLorenzo, seconded by Larry Hammond at 7:01PM. All ayes.