

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 February 22, 2018

CALL TO ORDER TIME: 7:00 pm

PLEDGE OF ALLEGIANCE

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

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

Administrative Business
Minutes to Approve:

A **Motion** was made by Fred Pizzuto, seconded by Scott McCarthy to approve the following minutes:

Planning Board Meeting October 26, 2017,
Planning Board Workshop Meeting November 16, 2017,
Planning Board Meeting December 7, 2017,
Planning Board Workshop Meeting January 18, 2018,
Planning Board Meeting January 25, 2018 and
Planning Board Workshop Meeting February 15, 2018.

New Public Hearings

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 new residential home, driveway, and 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 public hearing is set for the February 22, 2018 meeting.

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

No public comments were made.

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

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

Hurt, Steven and Susan T., 83-85 S Chodikey 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 Chodikey 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.

The public hearing is set for the February 22, 2018 meeting.

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

No public comments were made.

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

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

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 representatives were present and no new information submitted.

Peter Brooks stated “The Planning Board understands that the Town Board has adopted a new version of the Solar Ordinance at their Wednesday, February 21, 2018 regular meeting. Since the law has changed, we are waiting direction from our legal team on the impact on the Windgate Solar project and therefore will leave the public hearing open for another month.”

A **Motion** to extend the public hearing was made by Scott McCarthy, seconded by Fred Pizzuto. All ayes.

Peter Brooks said his understanding is that after the vote to approve by the Town Board the ordinance is sent by the Town Clerk to the Secretary of State. The Secretary of State needs to approve it and then a week has to go by in order for law to be complete. If all that was just stated happens then the Windgate Solar project will be essentially terminated.

A discussion ensued with residents of the Town in the audience as to what the solar ordinance would mean to the Windgate Solar project if it was in fact approved by the Secretary of State. Brooks stated again that as per counsel, once the solar ordinance becomes law it would be impossible for the current Windgate Solar project to happen as it would not be in compliance with the law. It was additionally discussed that Windgate Solar could apply for a use variance to the Zoning Board of Appeals for relief from the decision.

Barton said a use variance (a use not allowed in that zone) is very hard to achieve in as far as the “balance test”. The balance test weighs the benefits to the community and adds them to the development. He also stated that he is not an attorney but believes the developer could apply for an Article 78 against the Town Board which is relief from an administrative judge to overturn the law for some reason. The Planning Board was very careful to adhere to all the proper procedures leading up to the Town Board’s vote so he feels that it would be extremely hard pressed for the developer to receive any satisfaction from that approach.

Brooks said with all that being said, he does not believe anyone on the Planning Board or Building Department should give legal advice. Residents whose properties about the project will be noticed by mail, the agenda would be on the website if the applicant chooses to go that route or they could probably receive information at the next regular Town Planning Board meeting on March 22, 2018.

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.

Morris Associates comment letter received.

Abutting property owners were notified of an informational meeting February 22, 2018.

Barry Medenbach, Medenbach and Eggers, and Rich Tompkins, Mauri Architects, both applicant's representatives were present to give an overview of the progress of the proposed project with an emphasis on the drainage issue.

Barry Medenbach said they would be putting a controlled structure on the end of the pond that is on the property as presently the water comes out uncontrolled. They believe it will reduce the amount of runoff on the property. A water main will run through the property and connect on Mile Hill Road. The primary access for the commercial properties will be on Rt 9W and the primary access for the apartments would be off of Mile Hill Road.

Rich Tompkins addressed where the parking would be for all the buildings, the color schemes and elevations of all the buildings. They would like the buildings to have a more updated look as well as having the building's facades be similar in character.

Residents inquired about the traffic as a result of the proposed project.

Tompkins said there was a traffic study done.

Barton said any and all information about the proposed project is available for view in the Building Department.

Brooks reminded everyone that it is just an informational meeting not a public hearing and that some information is not complete at this time.

John Joseph, developer of the proposed project, was present to answer questions.

Residents were concerned about the impact of development in creating more available housing.

Peter Brooks stated that the Town has one of the lowest vacancy rates in the county, roughly 2½%.

Residents asked if the traffic flow on upper Mile Hill Road could be restricted just to residential traffic and use Ransom Road.

Brooks and Barton said that was out of the realm of both the Planning and Town Boards.

Joseph said they would be happy to install signs, with the Town's approval, to help alleviate any kind of traffic. Peter Bellizzi, President of the Hudson Valley Rail Trail inquired about the setbacks of particular buildings near the Rail Trail.

Residents asked about the water and sewer to the proposed project.

Brooks said the lands in question are serviced by municipal water and sewer.

Medenbach said the water connection would be out on Rt. 9W.

Tompkins addressed the landscaping of the project and presented a visual rendering of it. He stated that the retention ponds will have vegetation, they will be keeping several lines of trees as well as planting additional evergreens.

A discussion of drainage ensued where Medenbach said they are in the process of performing a drainage study that has to adhere to state regulations. The study will be completed in another week or so. He additionally stated that the applicant has no plans to do anything with drainage offsite but will reduce the amount of water that comes off of the site.

Learn said they have asked the applicant to reduce the flow rate as much as they can knowing the inadequacies that exist there now. He stated that the Planning Board cannot ask the applicant to work outside of their property.

A **Motion** to adjourn was made by Larry Hammond, seconded by Fred Pizzuto at 8:18PM. All ayes.