

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

**Thursday, October 26, 2023**

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

**PLEDGE OF ALLEGIANCE**

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

**OFFICIALLY OPEN THE MEETING**

**Attendance:** Board Members: Scott McCarthy, Carl DiLorenzo, Franco Zani, Gerry Marion, Bill Meltzer, Sal Cuciti, Lambros Violaris; Board Staff: Dave Barton, Paul Van Cott, Andy Learn, and Sarah Van Nostrand

**Absent:** Board Members: Charly Long

**Minutes to Approve at October 26, 2023 meeting**  
September 21, 2023 & September 28, 2023

Scott asked for a motion to approve the minutes.  
Motion made by Franco, 2<sup>nd</sup> by Bill.  
All ayes, motion passed to approve the minutes.

**New Business**

**Sieverding, Joannes: Lot Line Revision: 20 Cross Creek Run: SBL #80.3-2-27.113 & 80.3-2-27.112**

Applicant is seeking a lot line revision to combine two lots.

SEQRA Status: Type II

Potential Action: Board to potentially schedule public hearing for December 7, 2023.

Scott asked for a motion to schedule the public hearing for December 7.  
Motion made by Bill, 2<sup>nd</sup> by Franco.  
All ayes, motion passed to schedule the public hearing.

**SCC Holding Corp: Site Plan: 104 North Rd.: SBL #88.1-4-24**

Applicant is seeking site plan approval to build a duplex (two-family dwelling).

SEQRA Status: Type II

Potential Action: Board to potentially schedule public hearing for December 7, 2023.

Scott asked for a motion to schedule the public hearing for December 7.

Motion made by Franco, 2<sup>nd</sup> by Bill.

All ayes, motion passed to schedule the public hearing.

## **Old Business**

### **Peppino's Food: Amended Site Plan: 304 Station Rd.: SBL #86.4-1-22.100**

Applicant is seeking an amended site plan to construct a 70' X 165' building for produce storage.

Review Status: Public hearing closed September 28, 2023.

SEQRA Status: Type II

Potential Action: Approval resolution

Paul read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Bill, 2<sup>nd</sup> by Franco.

All ayes, motion passed to approve the resolution.

### **Romeo, Randy: Amended Site Plan: 25-27 Church St: SBL #88.69-9-14**

Applicant is seeking an amended site plan to convert garage into storage space and to add a second floor with 2 apartments.

Review Status: Updated plans, elevations and lighting specs circulated to the board.

Potential Action: Board to potentially schedule public hearing for December 7, 2023.

Scott asked for a motion to schedule the public hearing for December 7.

Motion made by Franco, 2<sup>nd</sup> by Carl.

All ayes, motion passed to schedule the public hearing.

Patti (applicant's agent) asked if there were any comments for the project.

Andy said they have no comments.

Dave said he spoke with the fire chief today and the only thing he is requesting is a Knox Box. He went down and walked the property and wants a Knox Box installed for

all the units in the building.

Patti said that she talked with the owner and the sewer line is 6-inches.

Franco asked if the size of the water line was verified because the water line is coming in through the building in the front.

Patti said yes, but she didn't ask about the water line.

## **Public Hearings**

### **Klemm, Travis: Special Use Permit: 12 Falcon Dr: 86.4-3-29.110**

Applicant is seeking a special use permit for a ground mounted solar array.

SEQRA Status: Type II

Potential Action: Open public hearing

Scott asked for a motion to open the public hearing.

Motion made by Gerry, 2<sup>nd</sup> by Carl.

All ayes, motion passed to open the public hearing.

\*No public comment\*

Dave said this has been referred to the Ulster County Planning Board because it is within 500-feet of an active farm.

Scott said that they will keep the public hearing open.

Paul asked if they would like a resolution prepared for November 16<sup>th</sup>.

### **Whalen, Robert: Special Use Permit: 203 South St: SBL #87.3-5-18.200**

Applicant is seeking a special use permit for an accessory apartment.

SEQRA Status: Type II

Potential Action: Open public hearing, close public hearing, approval resolution.

Franco asked is the septic going to be big enough.

Dave said yes, its one bedroom.

Scott asked for a motion to open the public hearing.

Motion made by Franco, 2<sup>nd</sup> by Bill.

All ayes, motion passed to open the public hearing.

\*No public comment\*

Scott asked for a motion to close the public hearing.

Motion made by Bill, 2<sup>nd</sup> by Sal.

All ayes, motion passed to close the public hearing.

Paul read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Carl, 2<sup>nd</sup> by Sal.

All ayes, motion passed to approve the resolution.

### **Walton: Subdivision: 1 & 25 Picnic Woods Rd: SBL #94.2-2-18.130 & 94.2-2-18.141**

SEQRA Status: Unlisted Action

Potential Action: SEQRA declaration, open public hearing, close public hearing, approval resolution.

Scott asked Paul to give a brief overview of the project.

Paul said this is a revised approval of a 2-lot subdivision.

Patti (Applicant's agent) said this is a 2-lot subdivision of 6.23-acres, located on the westerly side of Picnic Woods Rd, with a lot line revision with an adjoining parcel. They had previously received an area variance from the Zoning Board of Appeals because the proposed driveway of 0.16-acres would make the lot undersized below 2-acres in size. She had originally applied for this with a lot line revision for lands to the north, they actually have a proposed purchases for this so they wanted to speed up the approval of this, so she has separated the applications and are now simply before the board with a 2-lot subdivision.

Paul went through the SEAF.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Board agrees no to small impact.

2. Will the proposed action result in a change in the use or intensity of use of land?

Board agrees no to small impact.

3. Will the proposed action impair the character or quality of the existing community?

Board agrees no to small impact.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Board agrees no to small impact.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

Board agrees no to small impact.

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Board agrees no to small impact.

7. Will the proposed action impact existing: a. public/private water supplies? b. public/private wastewater treatment utilities?

Board agrees no to small impact.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

Board agrees no to small impact.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

Board agrees no to small impact.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

Board agrees no to small impact.

11. Will the proposed action create a hazard to environmental resources or human health?

Board agrees no to small impact.

Scott asked for a motion to accept the negative declaration.

Motion made by Bill, 2<sup>nd</sup> by Carl.

All ayes, motion passed to accept the negative declaration.

Scott asked for a motion to open the public hearing.

Motion made by Bill, 2<sup>nd</sup> by Carl.

All ayes, motion passed to open the public hearing.

\*No public comment\*

Scott asked for a motion to close the public hearing.

Motion made by Franco, 2<sup>nd</sup> by Bill.

All ayes, motion passed to close the public hearing.

Paul read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Franco, 2<sup>nd</sup> by Sal.

All ayes, motion passed to approve the resolution.

### **Continued Public Hearings**

**Surprise Photography: Special Use Permit: 151 Macks Ln: SBL #96.9-1-14**

Applicant is seeking a special use permit to run a photography studio out of an accessory building.

Review Status: Public hearing opened on August 24, 2023.

SEQRA Status: Type II

Potential Action: Close public hearing, approval resolution.

Paul read the resolution.

Jesse (applicant) said that first he would like to thank the board, the Town of Lloyd and everyone who has helped them through out this process. As someone who has personally volunteered on a board in this town, he knows this is a thankless job, these gentlemen up here are doing this for any personal gain, but for the betterment of the town and everyone should be thanking them. Second on the topic of business hours, he knows there was a bit of a resolution on that, the best comp they could think of was Peterson Studio on Brinkerhoff Ave, similar to Surprise Photography, Peterson Studio cannot adhere to normal 9-5 business hours because Ms. Peterson teaches piano to children many of them are from Highland, so obviously she cannot have a viable business that is only open when children are in school. She runs the studio directly out of her home in a residential neighborhood, the biggest difference between the two situations is that Peterson Studio brings in about 10 cars an hour, some of which wait on the street for the duration of the class while Surprise Photography will bring in one to two cars a day, parked over 100-feet away from the road. How do they know so much about this, they lived next door on 5 Maple Ave, when that studio opened, even with the increased traffic, which again is not an issue for Surprise Photography, they found the studio to be a wonderful addition to their neighborhood, anyone who brings positivity and joy to the world and enhances people's lives are welcome in his neighborhood. Speaking of neighborhood, he would like to reiterate that their neighborhood includes all of Macks Lane and Sherwood Lane that is over 25 households ranging in value from 350-840 thousand dollars, their neighbor likes to think that the only houses and opinions that matter are the \$600,000+ households at the end of the cul-de-sac. He would like to remind them, that there is no golden gate that separates them from the wonderful households at the top of the street outside of the 3-7 households that have voiced their opinions at the last two meetings and in the press, the rest of the neighborhood approves of, or are indifferent to the axillary building and Surprise Photography operating there. The two neighbors that are directly impacted with a clear view of the building and from their back porch have been overwhelming on their side and have ignored Mr. Conklin's (161 Macks Lane) approaches about joining his fight. One of those neighbors has sent a letter that will be read when he is done, the most interesting part of this all is the 3 households that will be least effected by Surprise Photography are the 3 households that have vocally complained, they have no visibility to the axillary building besides for when they drive by. Any client that comes by Surprise Photography will not even drive by their residences. Let it also be known that Mrs. Surprise (applicant) reached out to Jackie (neighbor) on June 5<sup>th</sup> to discuss any concerns that she and Mr. Conklin had, she received no response. The amount of stress and anguish that their neighbor has put their family through over the last few months is truly unbearable, to this date they have kept their heads and stuck to the pertinent facts during these proceedings, trying not to take things too personally. That being said taking this matter to the local press is too far, doing so on an open hearing is unethical and unmoral and, in his opinion, downright dirty, saying that Melissa (applicant) intentionally violated the town code is

slander, now his wife's name and reputation along with that of her business, not to mention the Town of Lloyd, Building Department and this board have publicly been put under question. Just today his 13-year-old son was teased at school by another student saying, "Your mom is building an illegal building." What 13-year-old should have to deal with that, how is that fair, how is that right. Mr. Conklin's actions and words are affecting Melissa's ability to run her business and may be costing her future clients and now is affecting their children as well. When will it stop, let it be known that they are seriously considering a civil defamation lawsuit against Mr. Conklin. All this being said they kindly request that Mr. Conklin honor the board's decision. Everyone in their family including their children have been negatively affected by Mr. Conklin's actions over the last few months, he hopes this ends tonight and they can all go on living their lives, in the end they need to continue being neighbors and that is getting hard with each passing day. Finally he would like to state that they have no issue with their neighbors, they understand that they disagree and have argued against their application, but have done so in the proper manner, if they are to obtain the special use permit, they hope to have an open dialogue if they have concerns down the line. He read a letter from Cathy Pezzo (131 Macks Lane) and is one of the neighbors who has clear visibility from her backyard to the structure that they built. He read a letter from Juile (neighbor).

Franco asked if he could state the name of the homeowner of the last letter that he read.

Jessie said Julie Kulaga.

Dave Lambert (80 Macks Lane) said that he is a resident of the road. He would like to speak out in favor of Surprise's addition. He sees no issues with traffic, he sees no issues with the addition, he sees no issue with any worry at all about depreciation of value. He thinks that is absolutely propitious. He has two kids that live on the street that routinely ride bikes, ride scooters, he is not worried about one additional car a day endangering them or anything. He would worry much more about the Amazon packages and drivers, than he would about one person going to get a nice session of portraits taken for their family. He fully supports what the Surprise's are doing, he also works part time out of his house, he is a hybrid worker. He works for Morgan Stanly some days he is in the office and other days he works in his home office. It has never been an issue if he brings a client in, it's one client and it may be two a week. There are many other people as one of the letters stated that people work from home or people support what the Surprise's are doing, he doesn't see any issues with what they are doing, he fully supports.

Sarah Ryan (Van DeWater & Van DeWater) said that she represents some of the neighbors on Macks Lane. She would first like to thank the board for considering the conditions that her clients have requested that were talked about. She is glad to see that the lighting and the plantings were included as conditions, obviously they would prefer it to be included on the site plan, but they understand that they are addressed by the approvals. Just as a matter of record subsection D under the site plan review requires that any waivers be discussed during the workshop meetings, she reviewed the minutes from those meetings over the last couple of months it does not appear that any of the waivers were discussed at that time and again they would just like the board to consider some sort of limitation on the hours of operation, whatever the board feels reasonable.

Scott asked Paul if the board could limit the hours of operation or not.

Paul said that he will stick with what he said last week, from his perspective the board has authority to impose conditions based on the impacts that it sees. He thinks when you are talking about a business that is a pretty high bar in terms of restricting potential business activity and you really need to have a chance of having it be sustainable, you would really have to identify an impact that is very significant enough to warrant that kind of condition. He thinks they talked about if you had some sort of activity that was proposed. Ultimately what the solution is for the board would be to deny the special use permit, if you had a use that was proposed that's going to be extremely noisy during the nighttime hours that would be so out of character of the neighborhood, deny the permit, deny the application, but that's really your tool, it's not restricting the hours, it's denial of the application and you would really have to have that sustained, you have to be able to demonstrate that there is a really substantial impact that makes it's incompatible with the neighborhood.

David C. (161 Macks Lane) said that he wants to make a clarification of something that was said before to minimize any consternation, he did not contact the newspaper, he did not contact the reporter, he was contacted by him, just to ask a comment and he doesn't think he said anything that was untrue, he just answered his questions, so it was not him that contacted the newspaper.

Sal said that his concern is the same as last time, he doesn't know if they had made any changes, but the two floors if they are not separated by some kind of door or partition, that is a concern for him.

Scott said he thinks there was a separate set of stairs or something with a door going up to it.

Sal said that would be fine if that is what it was but would like to take a quick look at the floor plan.

Bill said the contractor is here, he could tell you if there was a door.

Sal said he would like to see the floor plan.

Scott said the architect is here as well, maybe he can speak to it.

Sean (architect) said that there is no door. He feels that the floors are significant separation for the spaces, that because it is on a different level and up a staircase it's not going to accidentally get tripped over and she's not going to accidentally store stuff in that space because they drew an arbitrary line and it just stops there, there is a whole floor she would have to carry stuff up the stairs a door is not going to stop her from doing that. The spaces are separated by the floors, and they feel that is sufficient.

Sal said there is no other separation, it's just like an opening and the staircase goes up, basically there is a railing or something.

Sean said yes.



Scott asked for a motion to close the public hearing.  
Motion made by Bill, 2<sup>nd</sup> by Carl.  
All ayes, motion passed to close the public hearing.

Scott asked for a motion to approve the resolution.  
Motion made by Franco, 2<sup>nd</sup> by Bill.

Roll Call Vote:

Lambros-aye  
Sal-nay  
Bill-aye  
Franco-aye  
Scott-aye  
Carl-aye  
Gerry-aye

6-ayes, 1-nay, motion passed to approve the resolution.

### **New Short-term Rentals (Public Hearings)**

#### **Mulhall, Zachary: 229 Lily Lake Rd.**

Review Status: Public hearing opened on October 19, 2023.  
Potential Action: Close public hearing, approval resolution.

Franco said he was recused because he is an abutting property owner.

\*No public comment\*

Scott asked for a motion to close the public hearing.  
Motion made by Gerry, 2<sup>nd</sup> by Bill.  
All ayes, motion passed to close the public hearing.

Bill said at the workshop he questioned that the emergency contact was too far away. After the meeting he did do a Waze search and during off hours it is a 32-minute drive.

Scott said he understands, but he thinks the board would forgive a minute or two.

Paul read the resolution.

Scott asked for a motion to approve the resolution.  
Motion made by Gerry, 2<sup>nd</sup> by Carl.  
6-ayes, 1-recused (Franco), motion passed to approve the resolution.

## **Administrative Business**

### **Silver Gardens**

Paul said at last month's meeting the board voted to extend the subdivision approval by 90 days, they needed to make that because of the clock. He has prepared a resolution, and it is consistent with the other extensions that have been given for the subdivision resolution. They promised to bring it back to the board before Scott signs it.

Bill said it's dated September 28<sup>th</sup> because it is already approved.

Paul said the board made the vote then.

Scott said it's been done, so they don't have to make a motion to approve the resolution.

Paul said no.

### **Board Discussion:**

Scott said that the board discussed making the resolutions that are read, he thinks that a motion should be made to change that.

Franco said just to read the resolve.

Scott yes. If he can have a motion.

Motion made by Sal, 2<sup>nd</sup> by Bill.

All ayes, motion passed.

Scott said unless there is an in-depth part that the board needs to have, like the conditions.

Board agrees.

### **Motion to Adjourn.**