

**APPROVED:**

**MOTION BY:**

**AYES:**

**NAYS:**

**SECONDED BY:**

**ABSTENTIONS:**

**ABSENT:**

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By:

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Rosaria Peplow, Town Clerk

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

**Thursday August 16, 2018**

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

**PLEDGE OF ALLEGIANCE**

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

**Absent:** Scott McCarthy

**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 Public Hearings**

**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.**

Barton said the applicant has retained Lou DuBois who will arrange for a survey for the proposed project.

**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.

**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.**

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 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 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.**

Barton said the ZBA appeared to have no issue with the commercial area variance with the side yard parking. The ZBA Chair was not in attendance and the Vice-Chair decided to extend the public hearing to next month.

Michael Moriello, attorney for the applicant, said the ZBA had many questions about the site plan which he feels are questions that are the Planning Board's responsibility not the ZBA. The no-build restriction on Lot 5 is related to the open space around the pond.

Peter Brooks said one of the Planning Board's suggestions to merge that lot with the lot which would contain the apartments so the lot with the pond (Lot 5) could not be abandoned easily.

Moriello said he did not know if that would be possible but would find out.

Brooks said their concern is that if it is an open space lot on which building would not be allowed it could be easily abandoned. If the owner of the apartments also owns the lot with the pond, the lot would be more apt to be taken care of.

Barton said others option would be to have a deed restriction, however, the easiest way is to make it part of the other lot.

Moriello said he would follow up on it.

**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.**

**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, issued a negative declaration before the public hearing at the July 26, 2018 meeting.**

**The public hearing was opened July 26, 2018.**

**The public hearing was closed on July 26, 2018.**

**The resolution of approval was read.**

**A Motion to accept the resolution of approval was made.**

**A Motion to rescind the resolution of approval until additional conditions from Morris Associates are included was made. Submitted plans should be referred to the Town Highway, Superintendent of Water and Sewer, and the Fire Chief for comments. Any future improvements must also 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.**

**Counsel suggested 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.**

Barton said the Highway Superintendent only had a concern with a few of the lots. Highway Superintendent, Richard Klotz, has a concern with the sight-distance on Lot#2, Lot #3, and Lot#4. Cutting back of the slopes may be necessary to achieve safe sight distances for exits and entrances on the noted lots. Barton said he has not heard back from the fire chief but anticipates

hearing back the day of the next Planning Board meeting. The Water and Sewer Department, Highway Department and Fire Department will be involved. All lots are buildable and have access to water and sewer.

**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 made a presentation at the Town Board Workshop meeting on August 1, 2018.**

Morris Associates is putting together a feasibility study proposal.

Peter Brooks said the way he understood it is that the feasibility study would have two parts; what would be best for the sewer line and the second part would be some approximation of what the cost would be to accomplish it.

Learn said they would be looking into tying into the existing pump station or go down to Lumen Lane and what would be the better and most cost effective option.

There was discussion about the zoning.

Peter Brooks said he doesn't see segmentation as an issue at all concerning the project. He feels the Town Board has a simple question in front of them being the trade off of sewer line with an increased density of the project.

Stout said the question is simple but the issue becomes what is the impact that the change in zoning will have, which will have to be studied as part of SEQR in the Planning Board part of the project. He believes it is better to have one SEQR review process then one with the Town Board and one with the Planning Board.

Barton and Stout discussed the appropriate role for each board. It was agreed that the Planning Board would be the appropriate body to act as Lead Agency and to manage the SEQR process acting to assist the Town Board in its consideration of the rezoning.

Cuciti asked if the developer needs to generate a plan for the Planning Board SEQR review before the Town Board can make a decision on the rezoning.

Stout replied yes and that is why the applicant would resist doing all the engineering work for it.

Barton said it would be in the best interest of the Town if they own the water/sewer plant.

Winslow said it would be a good opportunity to discuss the project at the Tri-Board meeting on September 5<sup>th</sup>.

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

Applicant is seeking commercial site plan approval 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 concurrently is seeking a use variance with the ZBA at their 08.09.18 meeting and has a public hearing scheduled for the September 13, 2018 ZBA meeting.**

**The Board anticipates setting the public hearing for the September 27th meeting.**

**The Planning Board was declared Lead Agency on 07.26.18.**

**Information was circulated to all involved agencies and referral to the Ulster County Planning Board on 08.08.18.**

**The ZBA public hearing is set for 09.13.18.**

**The Planning Board anticipates issuing the Negative Declaration and setting the public hearing at the 08.23.18 meeting for the 09.27.18 meeting.**

Ciro Interrante, applicant's representative, was present to talk about new information concerning the proposed project. They have submitted a new septic design to the Health Department and attended the 08.09.18 ZBA meeting.

Peter Brooks said the applicant is expanding an existing non-conforming use.

Stout said they are creating an additional building so the 50% threshold does not apply.

Requesting a use variance is the appropriate way to go, there is no provision in the code to allow the expansion.

Barton said the easiest fix for the proposed project would have been to put kennel use back in the DB zone. He said he did not know why it is not presently in there because it used to be there.

Peter Brooks asked Andy Learn about the dog waste disposal system and whether it had the potential of harming the environment.

Learn said he has yet to get the packet back from Ray Jurkowski, Morris Associates, who was present at that meeting but when he does, he will get back to the Board.

Brooks said the Planning Board could set their public hearing subject to the ZBA approval.

Stout said the Planning Board could open the public hearing without ZBA approval and just hold it open.

The Planning Board discussed sending both the ZBA and Planning Board referrals to the Ulster County Planning Board at the same time. The Planning Board anticipates issuing the Negative Declaration and setting the public hearing at the 08.23.18 meeting for the 09.27.18 meeting.

### **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.

### **Sign Approval:**

#### **AA Groceries, 3 Main Street, SBL# 88.69-2-24 in CB Zone.**

The applicant would like to install a 21'h x 14' w sign to reflect the new business.

The Planning Board reviewed the plans and dimensions for the sign and agreed to table the approval to the next meeting. The Board is requesting the dimensions of the building for the next meeting in order to make a decision on the approval.

A **Motion** to adjourn was made by Larry Hammond, seconded by Sal Cuciti, 6:21 PM. All ayes.