

WORKSHOP MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, September 18, 2014

CALL TO ORDER TIME: 5:33pm

PLEDGE OF ALLEGIANCE

ATTENDANCE Present: Dave Plavchak, Carl DiLorenzo, Lawrence Hammond, Fred Pizzuto, Peter Brooks, William Ogden, Andrew Learn; Engineer, Shari Riley; Code Enforcement Officer
Absent: Scott Saso, Brad Scott, Fred Riley, David Barton; Building Department Director, Michael Horodyski; Town Board Liaison.

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

Old Business

Vlamis, Leonidas (Part II), Mowbray Rd, Subdivision SBL#94.2-1-15, in A zone.

This application was re-submitted in July of 2013 in order to re-apply to the Town for subdivision approval for the identical subdivision which received preliminary approval from the Town of Lloyd Planning Board on Sept. 23, 2010.

*This was last reviewed on August 22, 2013 at a Planning Board Meeting.
8-22-13*

Dave Barton updated the Board on 'Mowbray Road'.

Dave: I spoke with Terresa Bakner, as well as the applicant's attorney and with the engineer on Friday. We sorted out the road issues with the highway engineer. They have agreed to the 5 inches of pavement. What we agreed to was that this project has had preliminary approval and SEQRA has been satisfied, a part of that issue is the layout of the road. We are going to take the Mowbray Rd. piece as a separate project. This is Town property although they are going to do it, it is going to act like a Town project. We are going to manage that piece ourselves. We are going to have them do the work not as subcontractors but almost as a gift.

Scott: So we are paying for that?

Dave: We are not paying for anything. They are going to do everything. I think we will be getting a letter from Vince Mazzone, Engineer; saying that in his opinion the original determination that occurred in the preliminary approval still stands as far as the build out is concerned. I do have one request for the applicant, from Highway and the Engineer, there is a double culvert under the road where they would rather see one large culvert.

Peter B: Did you ever resolve the issue of the Town owning the road?

Dave: We still own the road. It is still an active road.

Bill: Will the new road be deeded to the Town?

Dave: Yes it will.

Carl: Did we discuss turn arounds in the driveways?

Dave: There will be turn arounds in the driveways. That will be in the building permit.

The Board will wait for new maps before setting the public hearing.

Mr. Vlamis, Alan Dumas, the applicant's representative, and Michael Moriello Esq. were present for the meeting.

The Board was updated with a waiver letter from the Highway Dept. (See attached).

Mr. Dumas: What had been requested was that we delete the fire pond and we discussed keeping a pull off for emergency vehicles. I received a map from Dave B. showing the fire departments pull off request. So I have a map (rev. date 9-12-14) showing both pull offs, the fire departments request and what we had discussed at previous meetings.

After some discussion, the pull off will be in the location closer to the house.

Having preliminary approval the Board discussed waiving the additional public hearing and going to conditional final approval. Since there is a lapse of time between preliminary approval and presently the Board anticipates setting the public hearing next week for the October meeting.

The Board would like an updated letter from the fire department and Andy Learn, Morris Associates, to review this application.

The Board would like to have an agreement on file about the road maintenance.

Pedro, Jon (and Cunniff), 399 Elting Corners Rd, Subdivision, SBL#79.4-1-18, in R1 zone.

The applicant would like a subdivision of 45.45 +/- acres of vacant land in the R-1 zone to create four new buildable lots with individual driveway access.

Andy Learn, Morris Associates; Patti Brook and Rick Brooks, Brooks & Brooks; Nadine Carney, applicant's Engineer; Rich Klotz, Highway; and Peter Brooks from the Planning Board; had a meeting on site. Andy outlined his letter of comment from the site visit. (See attached).

Addressing some of the comments:

Patti: Additional topography has been done and sent to the applicant's engineer. It has been set at a 50 foot scale to show more of the detail.

The Board will receive revised maps when the applicant's engineer updates information.

Andy: I think we left off with driveways being paved from the edge of the pavement to 30ft. Rich Klotz, Highway Superintendent, was concerned of gravel being washed out into the road. Paving the 30ft. will help with this concern.

Patti: The other issue was the wetlands. I have two calls into the Department of Environmental Protection (DEP) and I have not heard back from them yet. It will be their call if we need a permit to construct a driveway.

The Board continued discussions on water runoff and paving of driveways. Nadine Carney, the applicant's engineer, will submit updates on the grading. A note on this map will recommend that the first 30ft. of each driveway be paved.

This will not be on the agenda for next week's meeting.

New Business

Fisher, Armen and Cynthia, 203 Lily Lake Rd, Subdivision SBL#79.4-1-48.112, in R1 zone.

The applicants own 78.5 acres +/- located on the west and east side of Lily Lake Road. They are proposing a two lot subdivision to create a 7.39 acre lot with the existing residence on the east side of the road. The remaining lands with the existing barn and pool will be approximately 71.1 acres in size.

Patti Brooks with Brooks & Brooks Surveyor, the applicant's representative, was present for the meeting. The Board reviewed maps of the proposed subdivision.

This parcel has acreage on both sides of Lily Lake Rd. The applicant would like to subdivide so that on the east side of Lily Lake Rd. will be the newly created parcel of 7.39 acres and the remaining acreage on the easterly side will stay with the remaining land on the west side of the road to total 71.1 acres.

Patti: Because this property is on both sides of the road I showed the boundary line down the center of the road, with a note (#7) on the map. I showed an assumed road line based on two rod highway maintenance, which is basically how it is being utilized right now. If I go 25' off of the center line I am at his house.

Peter questioned the remaining land on the easterly side which would abut the new parcel, asking if it would be a buildable lot.

Patti informed the Board that they are not going to the Board to make that a buildable lot at this time; it will remain as part of lot #2. In the future if he goes to subdivide it he will need to prove that it is a buildable lot. Patti will verify the amount of land remaining on the easterly side of the road and check to see if the wells are connected.

The Board anticipates setting the public hearing next week for the October meeting.

Lanzarone, Anthony (All Automotive), Route 9W, Siteplan, SBL# 80.3-1-21.122, in LI zone.

The applicant would like to construct a 50' x 132' building for use as an automotive repair shop. The applicant proposes to access the site from North Road only. Due to the dual road frontage the applicant seeks to have on-building signage on the two sides of the building facing the roadways. A 15' side yard setback area variance was granted in March 1993. The site is currently serviced by municipal water service and Board of Health approval has been granted.

Patti Brooks, the applicant's representative, was present for the meeting.

Patti: The Ulster County Planning Board commented that they would like to see more landscaping on the 9W side so we added three more Red Maples, this being a required modification, and added additional landscaping around the parking area, this was a recommendation, it was not mandated. The other issue was in compliance to section 100-48 in the zoning code. Rather than list all of the requirements I put a note on the map (#11) saying the site is to comply with section 100-48 in the Town Zoning Code. The engineer is updating the stormwater modification. I will have that for the public hearing.

At the last meeting it was discussed that the applicant is choosing to have only one sign at this time and it will be on the North Rd. side. The applicant is aware that he will need to go to the Zoning Board of Appeals if he chooses to have additional signs.

Andy suggested that the landscaping may last longer if there was a curb or a recessed landscaped area between landscape and asphalt.

Peter: Because it is on 9W does it need DOT (Department of Transportation) review?

Patti: No, because we are not going for a curb cut.

The public hearing is set for next week, Sept. 25, 2014.

Ottaviano and Burger, 40 New Paltz Rd, Lot Line SBL#88.13-9-41.100, in R1/2 zone.

The applicant would like to revise a common lot line between the lands of Ottaviano (Lot 1) and the lands of Burger (Lot 2). An area of 0.230 acres will be relinquished from the Ottaviano parcel and added to the lands of Burger.

This application has been reviewed and the public hearing is set for next week, Sept. 25, 2014.

Truax, Marilyn and David, 167 Upper Grand St, Special Use Permit, SBL#88.13-1-5.100, in R ½ zone.

Legalize a 537sf accessory apartment.

This application has been reviewed and the public hearing is set for next week, Sept. 25, 2014.

Administrative Business

Rt. 9W Real Estate, LLC 3761-3763 Route 9W SBL#95.2-3-5.100 in LB zone.

The applicant has permission from the owner to add his cab company dispatch business to the premises. The applicant would like to present his idea and siteplan needs to the Board.

Chris Pauling, the proposed applicant, was present for the meeting.

Chris: The property at 3761-3763 Rt. 9W previously had a cab company. I rented the property for the purpose of an office for dispatching; I told the owner that I bought all 50 of the old cab company cars and he offered to rent me the fenced Southside area in the yard as well. Three quarters of my business is in Poughkeepsie. They need a letter from the Town of Lloyd saying that my business is legal in the area. Shari has advised me that the fenced in area, since nothing is outlined in it, I need to do the whole siteplan. Before I went and got the siteplan I would like to know what the Board would like to see.

Shari: His business is legal. As you can see from this 2007 siteplan there were two businesses there and there are still two business there, the pool company and the cab company, so that was all in compliance. We even said it would be okay to park his cars on the North side of the property near the shed.

Chris: When NYS came through and redid 9W they took out the entrance that was there and where those parking spaces used to be is now a ditch.

Shari: But the shed is still there.

Chris: The shed is there and I can park there but it won't be exactly where the spots were before.

Shari: We were doing that to try to comply with that siteplan, while he was going through the Planning Board process. The fenced area had not been labeled for anything.

Chris: The cars are just sitting there because I am waiting for the Poughkeepsie business to put the plates on, without the letter I cannot put them on.

Shari: He is kind of in a catch 22. He is here today, other than the bushes and car storage area on the siteplan, what you would like to see on the siteplan.

Peter: If the business gets up and running what are you going to do with the cars?

Chris: The plan is that all of the cars will be licensed on the road. The reason I rented the fenced in area is because I did not want to take the parking spaces from the other business when I do not have a driver in those cars.

Peter: What about the maintenance of the cars?

Chris: Right now I am going to be using Erichsens for the maintenance of the cars.

Dave P: I think the question is if you were planning on doing repairs on this site?

Chris: No.

Peter: Once licensed, this will be the overflow?

Chris: Most nights I will have 25-30 cars on the road; this will be the overflow parking.

Dave P: How many cars are there now?

Chris: I have been selling some, there are about 30 left.

Bill: Maybe a condition on the siteplan of only so many unlicensed cars parked on the premises.

Chris: Some drivers will take the cars home and others will have their own cars and leave them while they are on the job.

Bill: What is the ground surface?

Chris: Some of it is gravel and the rest is grass surface.

Larry: You may have some problems from the neighbors during a public hearing.

Shari: Hours of operation?

Chris: 24/7.

Dave P: How close are the neighbors behind the property?

Chris: From standing at the end of the building I can see one house.

Larry: This property is an eyesore.

Carl: This whole strip is nothing but used cars; this is the type of area for this business. We should encourage this businessman to get his business off the ground.

Peter: There is a chain link fence but I do not think it is completely fenced. What we have done in other cases is asked that it be fully fenced and have those privacy slats.

Larry: Would you have security lights?

Peter: If you do lights they will have to be shielded.

Chris: The landlord said he would put landscaping all around so that you could not see anything.

The Board discussed taking a drive by to see the property and discuss what they would like to see on the site plan next week.

Shari: This is just administrative business. He has not done a formal application yet. He knows now that the lighting, the landscaping, the fencing with slats, he can put that on the siteplan and present that to you next month. This is an allowed use.

Peter: He is not looking for Planning Board approval; he needs a letter saying that it is okay to do business in this town.

Chris: Yes, that is what I need. A letter saying that I am okay to run a business out of that location. As far as Poughkeepsie is concerned you guys legally are okay with my business operating in your town.

Andy: Maybe the solution is a letter saying that what he doing is okay but needs siteplan approval.

Shari: That is not true; technically he is in violation because he did not get siteplan approval. I cannot write a letter stating he is in compliance.

Bill: He is not in compliance because of the cars. He needs a letter for the dispatching part.

Shari will get in touch with Sean Murphy.

Peter: If it does work out you would need to understand that there is still some conditionality, that two months from now it could still fall apart, but it may keep you afloat for some time.

Chris: Once I get that license and can operate over in Poughkeepsie, whatever I have to do make this happen will happen.

Shari: Needing the application, we will move forward.

Scenic Hudson

Lloyd Historical Preservation Society and the Scenic Hudson Land Trust are in discussions about subdividing a small portion of the 242 acre Gaffney Farm Estate and transferring it to the Preservation Society at no cost for its use in furtherance of its charitable mission.

Peter Brooks recused. His wife is a member of the Board of Trustees of the Historical Society.

Peter Brooks left the meeting.

A letter was distributed to the Board on behalf of Scenic Hudson. (See Attached)

Shari: The Historical Society is thinking of purchasing part of the Gaffney Farm from Scenic Hudson. They would like to use the house as part of the Historical Society. The lot with the house would have approx. 200ft road frontage, leaving 100ft road frontage on the second parcel. Don't quote me on the numbers; this is what I have been told. Right now the entrance is on what would be the Scenic Hudson parcel; they would be looking for a right-of-way over that. Asking on behalf of the Historical Society, are there any issues with this subdivision?

The Board looked at a sketch of the property and discussed the sharp curve in front of the property on Vineyard Avenue.

Shari: In the past whenever this property was looked at it was always the same concern; the curve on Vineyard Avenue. I think they are looking at some suggestions from the Board. It is a beautiful opportunity for the Historical Society.

Carl: Would they be able to get a curb cut there? I would like to see what the DOT would have to say. Board members will do a drive by taking a look at the entrance/exit.

Bill: The subdivision is nice but they will need to figure out the driveway.

The Board will look at this after the Historical Society or Scenic Hudson get some input from the Department of Transportation.

Bed and Breakfast

The Board has been researching information for updating the Bed and Breakfast Code.

Dave P: Thank you Bill for writing up a draft sample of a proposed Bed and Breakfast code.

Shari: Fred could not be here tonight but he asked me to bring up that there is a definition of Bed and Breakfast in the N.Y. State Code. The definition in the state code:

Bed and Breakfast:

An owner occupied residence resulting from a conversion of a one family dwelling used for providing overnight accommodations and a morning meal to not more than 10 transient lodgers and containing not more than five bedrooms for such lodgers.

The fire code says there is a *minimum of three bedrooms and not more than five bedrooms* for such lodgers.

The Board continued discussion on Bed and Breakfasts.

Shari: A home occupation II, which a bed and breakfast is, does need siteplan approval.

Bill: For our education what is the difference between this and someone renting out a couple of rooms?

Shari: We do allow up to two boarders in a single family dwelling. A Boarder means they rent a room and they use the whole house. They do not get breakfast; it is not transient in nature.

Bill: And for a boarder there are no approvals required?

Shari: Correct.

Andy: I am curious if the State Code says anything about the number of bathrooms?

Shari: No. But the Town can be more restrictive. I am wondering why the Fire Code has a minimum amount of bedrooms where the residential code did not have a minimum number of bedrooms. I will research this some more.

A **Motion** to adjourn was made by Lawrence Hammond, seconded by Fred Pizzuto. All ayes.

Memorandum

Morris Associates PLLC

To: Scott Saso
Dave Barton
Patti Brooks
Nadine Carney

From: Andy Learn, PE 

Date: September 15, 2014

Re: **Jon Pedro Subdivision**
Site Meeting
SBL# 79.4-1-18
MA# 214502.000

As discussed at the August 21, 2014 Planning Board Workshop, a meeting was held at the site of the proposed Jon Pedro Subdivision on September 9, 2014. Those in attendance at the meeting were as follows:

Peter Brooks, Planning Board Member
Rich Klotz, Town Highway Superintendent
Patti Brooks, Project Surveyor
Rick Brooks, Project Surveyor
Nadine Carney, Project Engineer
Andy Learn, Planning Board Engineer

The focus of discussion was primarily on the location and orientation of the proposed driveways. It was observed that sight distance for the combined Lot 3 & 4 driveway is limited and additional grading will be required to remedy this concern. It was agreed that revisions to the design of both the Lot 3 & 4 driveway as well as the Lot 1 driveway would be provided to make them intersect with the roadway at an angle closer to 90 degrees. Where the driveways cannot be made to intersect perpendicularly the driveway aprons may be widened to accommodate larger emergency or delivery vehicles that will need to access the lots. The location of the Lot 3&4 driveway may need to be shifted to the north and/or retaining walls may be necessary to achieve a more desirable configuration. Although the Planning Board generally discourages the use of common driveways, it may be necessary for Lot 3 & 4 if the driveway must be shifted and the corresponding adjustments to the proposed lot lines cannot maintain the required lot frontage. It was agreed that if a common driveway is necessary for Lots 3 & 4, the length of the driveway that is common will be minimized.

Rich's main concern was that the proposed un-paved driveways with steep slopes will likely result in gravel washing off the driveways and onto the Town Road during storm events, something that has happened elsewhere along North Eltings Corners Road recently. As a result, it was agreed that at a minimum the first 30 feet of the driveways (measured from the existing edge of pavement) will be paved. In addition, in order to provide the required

culverts under each driveway, the existing roadside ditch must be re-graded by the applicant, particularly immediately south of the current Lot 3 & 4 driveway and north of the Lot 1 driveway where the existing 12 inch culvert under North Eltings Corners Road will be covered by the proposed driveway grading. It was recommended that the existing 12 inch culvert be replaced by a new 18 or 24 inch culvert. The revised grading and culverts should be indicated on the site and driveway grading plans.

In order to minimize the amount of runoff that reaches the road from each lot, it was agreed that runoff from the site will be diverted and dispersed to existing level areas along each driveway as much as possible. Additionally, in order to reduce the increase in runoff that will result during lot development, it was recommended that a tree clearing note be added to the plans indicating that tree clearing for yard creation purposes will be limited to a certain distance from each residence.

It was also noted during our meeting that a DEC wetland exists along the west side of North Eltings Corners Road immediately across from the proposed development. Although the development does not directly impact the wetland, the proposed driveways are likely to be within the 100 feet adjacent area of the wetland. The applicant should contact the DEC to determine if a permit will be required prior to construction of the driveways.

If there are any questions please feel free to contact me at (845) 454-3411 x20 or via email at alearn@morrisengineers.com

GAFFNEY FARM



SCENIC HUDSON
land ■ parks ■ advocacy

SAVING THE LAND THAT MATTERS MOST

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September 12, 2014

Mr. Scott Saso, Chairman
Town of Lloyd Planning Board
12 Church Street
Highland, NY 12528

Dear Chairman Saso and Members of the Planning Board:

The Scenic Hudson Land Trust, Inc. (Scenic Hudson) and the Lloyd Historic Preservation Society are in discussions about sub-dividing a small portion of the 242-acre Gaffney Farm Estate and transferring it to the Preservation Society at no cost for its use in furtherance of its charitable mission. The current plan has Scenic Hudson retaining approximately 100' of frontage on Route 44/55 (Vineyard Ave) leaving approximately 200' of frontage on the sub-divided parcel.

Included for your review and comment is a sketch depicting the current sub-division plan.

Thank you for the preliminary review and we look forward to hearing back from you.

Sincerely,

Steve Rosenberg, Executive Director
The Scenic Hudson Land Trust, Inc.

ENCL: Sub-division Concept Map

CC: Charles Glasner, Lloyd Historic Preservation Society; File