

APPROVED:

MOTION BY:

AYES:

NAYS:

SECONDED BY:

ABSTENTIONS:

ABSENT:

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

Certification of Receipt

By: _____

Rosaria Peplow, Town Clerk

Date: _____

MEETING MINUTES

TOWN OF LLOYD PLANNING BOARD

Thursday, September 25, 2014

CALL TO ORDER TIME: 7:00pm

PLEDGE OF ALLEGIANCE

ATTENDANCE Present: Dave Plavchak, Scott Saso, Brad Scott, Lawrence Hammond, Fred Pizzuto, Peter Brooks, William Ogden, Fred Riley, David Barton; Building Department Director, Andrew Learn; Engineer

Absent: Carl DiLorenzo, 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.

New Public Hearings

Truax, Marilyn and David, 167 Upper Grand St, Special Use Permit, SBL#88.13-1-5.100, in R ½ zone.
The applicant would like to legalize a 537sf accessory apartment.

Ms. Truax was present for the meeting.

The Planning Board reviewed this at previous meetings and had no additional comments.

Scott read the legal notice as follows:

TO THE EDITOR OF THE OFFICIAL NEWSPAPER:

New Paltz Times

Email: dale@ulsterpublishing.com

THE FOLLOWING LEGAL NOTICE IS TO BE PUBLISHED:

WEEK OF: September 18, 2014

FORWARD PROOF OF PUBLICATION AND ALL BILLS TO:

TOWN CLERK, TOWN OF LLOYD
TOM SHAY SQUARE, 12 Church Street
Highland, New York 12528

LEGAL NOTICE
TOWN OF LLOYD PLANNING BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Town of Lloyd Planning Board, Ulster County, State of New York, on the application of Marilyn and David Truax for property at 167 Upper Grand St. (SBL: 88.13-1-5.100), Highland NY, 12528, proposing special use permit for an accessory apartment.

The public hearing will take place at the Town of Lloyd Town Hall on Thursday, September 25, 2014, at 7:00PM, or as soon thereafter as may be heard.

Date: September 10, 2014

Any questions, call (845) 691-2735, Monday through Friday, 8:30am – 4:30pm, or email us at prober@townoflloyd.com

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

Robert Tortorella 168 Upper Grand St.: I live across the street from the proposed apartment. Can you please tell me what a special use permit is?

Scott: This is the terminology used when the use is permitted in a zone, not automatically, but is allowed with a special use permit. This means you must come to the Planning Board to legalize the use being proposed.

Mr. Tortorella: When this addition was added to the house, was it done by the books with a building permit and authorization from the Town Planning Board?

Scott: I am not sure what happened before it came to us; that would be governed by the Building Dept.

Mr. Tortorella: This apartment had been occupied until about a month ago, I believe.

Scott: That is correct and the applicant has come forward on her own to legalize this apartment.

Mr. Tortorella: Is this rentable to anyone or is it specifically for family?

Scott: This can be rented to anyone that she would deem rentable. This is a separate apartment; there is no access between the two units.

Marjorie Tortorella: So if I put someone in my house, in my playroom, that is fine until I come to the Board to legalize it.

Dave B. informed Mrs. Tortorella that if she just let someone into her playroom, and did not make an apartment, that would be considered part of the family. (In the Zoning Code under definition of family)

Mrs. Tortorella: But this was an apartment already?

Scott: Yes it was.

Ms. Truax: Just so you know, the only people who have been in that house is family, there has been no one else. And yes I did have a permit to build an addition.

Mrs. Tortorella: I am not concerned with an addition; I am just wondering why there was an apartment. If I was going to make my playroom into an apartment, I would have to come to the Board right away.

Scott: If you were going to make an accessory use apartment it would have its own entry, kitchen, and bedroom living area, then yes, you would have to come to us for a special use permit for an accessory apartment.

Larry: How long ago was the apartment put in?

Ms. Truax: I actually do not know. When my mother was sick he built that on so he could stay there and take care of her.

Bill: Some years ago people would call this mother - daughter apartments, there are a fair number of these around and the goal here is to formalize existence and make them subject to the Building Department.

Peter: Some applications that were before the Planning Board have led to a lot of changes where the Building Department said if you want to legalize it here are the things that you need to do to make it conform to the code.

Brad: Some applicants have come before the Board and were denied because their square footage was too large.

Mrs. Tortorella: I only ask because I have been seeing stuff taken out of there for weeks.

No further comments.

A **Motion** was made to close the public hearing by Fred Pizzuto, seconded by Lawrence Hammond. All ayes. The Board had no additional comments.

The resolution of approval was read by Scott Saso. (See attached)

A **Motion** to approve was made by Fred Pizzuto, seconded by Dave Plavchak. All ayes.

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.

Jonathan Millen, the applicant's representative, was present for the meeting.

The Board reviewed this at past meetings and had no additional questions.

Scott read the legal notice as follows:

TO THE EDITOR OF THE OFFICIAL NEWSPAPER:

New Paltz Times

Email: dale@ulsterpublishing.com

THE FOLLOWING LEGAL NOTICE IS TO BE PUBLISHED:

WEEK OF: September 18, 2014

FORWARD PROOF OF PUBLICATION AND ALL BILLS TO:

TOWN CLERK, TOWN OF LLOYD
TOM SHAY SQUARE, 12 Church Street
Highland, New York 12528

LEGAL NOTICE
TOWN OF LLOYD PLANNING BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Town of Lloyd Planning Board, Ulster County, State of New York, on the application of Frank Ottaviano for property at 40 New Paltz Rd. (SBL: 88.13-9-41.100), Highland NY, 12528, proposing a lot line revision.

The public hearing will take place at the Town of Lloyd Town Hall on Thursday, September 25, 2014, at 7:00PM, or as soon thereafter as may be heard.

Date: September 10, 2014

Any questions, call (845) 691-2735, Monday through Friday, 8:30am – 4:30pm, or email us at prober@townoflloyd.com

A **Motion** was made to open the public hearing by Lawrence Hammond, seconded by Dave Plavchak. All ayes.

There was no public comment.

A **Motion** was made to close the public hearing by Dave Plavchak, seconded by Brad Scott. All ayes. Scott read the resolution of approval. (See attached)

A **Motion** to approve this resolution was made by Dave Plavchak, seconded by Fred Pizzuto. All ayes.

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. 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. Ulster County Planning Board comments have been received.

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

Patti reviewed the comments from the Ulster County Planning Board and gave the Board updates on how the site will provide for storm water, landscaping and other site comments have been listed on the map under note number 11. Previously submitted were the signage details and elevations.

The Board had no additional comments.

Scott read the public hearing notice as follows:

TO THE EDITOR OF THE OFFICIAL NEWSPAPER:

New Paltz Times

Email: dale@ulsterpublishing.com

THE FOLLOWING LEGAL NOTICE IS TO BE PUBLISHED:

WEEK OF: September 18, 2014

FORWARD PROOF OF PUBLICATION AND ALL BILLS TO:

TOWN CLERK, TOWN OF LLOYD
TOM SHAY SQUARE, 12 Church Street
Highland, New York 12528

LEGAL NOTICE
TOWN OF LLOYD PLANNING BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Town of Lloyd Planning Board, Ulster County, State of New York, on the application of Anthony Lanzarone (All Automotive) for property on North Rd and Rt. 9W. (SBL: 80.3-1-21.122), Highland NY, 12528, proposing a commercial site plan to construct a building for use as an automotive repair shop.

The public hearing will take place at the Town of Lloyd Town Hall on Thursday, September 25, 2014, at 7:00PM, or as soon thereafter as may be heard.

Date: September 10, 2014

Any questions, call (845) 691-2735, Monday through Friday, 8:30am – 4:30pm, or email us at prober@townoflloyd.com

This meeting was duly noted and no public was present for the meeting.

Scott read the resolution of approval. (See attached)

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

Set Public Hearing

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 of Brooks & Brooks Land Surveyors PC, the applicant's representative, was present for the meeting.

Patti informed the Board that the applicant's request had changed and new maps were submitted. The two lot subdivision is the same, the lot acreage has changed. The Proposed Lot 1 will be a 6.00 acre lot with the existing residence on the east side of the road. Lot 2 will have the remaining lands with the existing barn and pool and will be 72.49 acres in size.

The Board reviewed maps and the Environmental Form; they issued a determination of non-significance pursuant to NYS SEQR Regulations and set the public hearing for October 23, 2014.

Scott read the resolution. (See attached)

A Motion was made to approve this resolution by William Ogden, seconded by Brad Scott. All ayes.

Set Public Hearing

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

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

A revised pavement thickness letter has been submitted.

Dave Barton had a conference call with Mike Moriello, Attorney, and Alan Dumas, engineer, consultants for Mr. Vlamis, and discussed some changes needed in the subdivision agreement. Some points he made are as follows:

Bill Rhode's name is mentioned throughout (this subdivision started a while ago), this will change to something more generic and there is a piece of road to be paved shown on the map but needs to be written in to the agreement. The Board anticipates revised maps with updated vehicle pull off shown.

A public hearing is not necessary at this point, a negative declaration was declared and the applicant has preliminary approval.

A SWPPP (Storm water pollution prevention plan) was submitted in 2010, and this subdivision is not disturbing more than five acres therefore all that is needed are erosion controls.

Andrew Learn: There was mention of replacing dual culverts. My comment is if they are going to replace it, replacing it with something larger is not a good idea it should be replaced with something of the same capacity. The Board anticipates an updated subdivision agreement from the applicant.

Administrative Business

Minutes to Approve

A **Motion** was made to accept the minutes from the August 21, 2014 Planning Board Workshop by Dave Plavchak, seconded by Lawrence Hammond. 6 ayes, 0 nays, 1 absent, 2 abstained

A **Motion** was made to accept the minutes from the August 28, 2014 Planning Board Meeting by Dave Plavchak, seconded by William Ogden. 7 ayes, 0 nays, 1 absent, 1 abstained

Bed and Breakfast

The Board has been researching Bed and Breakfast information to update the zoning code.

Review of Shari Riley's memorandum letter. (See attached)

Bed and Breakfasts are to obtain an operating license from the Building Dept. and have annual inspections; there will be a maximum of six bedrooms with up to five of the rooms being rental bedrooms and the bottom end being four bedrooms, with at least two of the rooms being rented.

The fire dept. residential code considers 5 bedrooms as the upper limit for a bed and breakfast, after that it goes to a commercial use (it is no longer a single family dwelling) with this intention in mind the Board decided on five rental rooms as the maximum.

The Board continued discussion, Bill Ogden will continue to update the draft on Bed and Breakfasts. (See attached)

The Board will go by the Walkway Café and Frozen Caboose establishments to look at the overuse of signage.

A **Motion** to adjourn was made by Fred Pizzuto, seconded by Peter Brooks. All ayes. 8:04 PM

K. Schenone

**RESOLUTION
TOWN OF LLOYD PLANNING BOARD
Special Use Permit**

PROJECT NAME: Marilyn and David Truax
PROPERTY OWNER: Marilyn and David Truax
PROJECT LOCATION: 167 Upper Grand St.
IDENTIFIED AS: SBL#88.13-1-5.100

SEQR TYPE ACTION: Unlisted Action
APPLICATION DESCRIPTION: Special Use Permit for an accessory apartment

At a meeting of the Town of Lloyd Planning Board held at the Town of Lloyd Town Hall, 12 Church Street, Highland, New York 12528 on Thursday, September 25, 2014 at 7:00 p.m., there were board members:

	<u>Present</u>	<u>Absent</u>
Chairman Scott Saso	<u>✓</u>	<u> </u>
Brad Scott	<u>✓</u>	<u> </u>
Lawrence Hammond	<u>✓</u>	<u> </u>
Carl DiLorenzo	<u> </u>	<u>✓</u>
Bill Ogden	<u>✓</u>	<u> </u>
Fred Pizzuto	<u>✓</u>	<u> </u>
Dave Plavchak	<u>✓</u>	<u> </u>
Alt, Peter Brooks	<u>✓</u>	<u> </u>
Alt, Fred Riley Jr.	<u>✓</u>	<u> </u>

The following resolution was moved by: *Fred Pizzuto*

Seconded by: *Dave Plavchak*

WHEREAS, the applicant desires to renovate an existing single family dwelling on a site located on ~~Mae Lane~~ 167 upper Grand St resulting in the addition of an accessory apartment;

WHEREAS, the Planning Board of the Town of Lloyd is empowered to review special use permits;

WHEREAS, the Planning Board has reviewed floor plans for the above project, and

WHEREAS, the Planning Board held a duly public hearing on September 25, 2014; and

NOW THEREFORE BE IT RESOLVED THAT the Planning Board declared itself SEQRA lead agency and issued a Negative Declaration, deciding that the impact to the surrounding neighborhood is negligible and the proposed use is consistent with zoning for the site and in keeping with the visual appearance of the surrounding area; and

BE IT FURTHER RESOLVED the Planning Board hereby grants special use permit approval.

	AYE	NAY	ABSTAIN	ABSENT
Chairman Scott Saso	<input checked="" type="checkbox"/>			
Brad Scott	<input checked="" type="checkbox"/>			
Lawrence Hammond	<input checked="" type="checkbox"/>			
Carl DiLorenzo				<input checked="" type="checkbox"/>
Bill Ogden	<input checked="" type="checkbox"/>			
Dave Plavchak	<input checked="" type="checkbox"/>			
Fred Pizzuto	<input checked="" type="checkbox"/>			
Alt, Peter Brooks	<input checked="" type="checkbox"/>			
Alt, Fred Riley Jr.				

7 Ayes, 0 Nay, 0 Abstain, 1 Absent

Motion Carries

THIS VOTE IS CERTIFIED THIS 25th DAY OF September, 2014.

THIS RESOLUTION IS APPROVED AND HEREBY ORDERED TO THE RECORD THIS 25th DAY OF SEPTEMBER, 2014

By: *Patricia Parker*
 Secretary
 Planning Board/Zoning Board of Appeals

By: *Scott Saso*
 Scott Saso, Chairman
 Town of Lloyd Planning Board

R. Schenker
DATE/SIGNATURE

RESOLUTION
TOWN OF LLOYD PLANNING BOARD
Lot Line Revision Approval

PROJECT NAME: Ottaviano/Burger Lot Line
PROPERTY OWNER: Frank and Margaret Ottaviano, Charles and Juliana Burger
PROJECT LOCATION: 40 and 44 New Paltz Rd.
TAX MAP #88.13-9-41.100 and #88.13-9-43.100 in R 1/2 zone.
SEQR Type Action: Unlisted
APPLICATION DESCRIPTION: Lot Line Revision

At a meeting of the Town of Lloyd Planning Board held at the Town of Lloyd Town Hall, 12 Church Street, Highland, New York 12528 on Thursday, September 25, 2014 at 7:00 p.m., there were board members:

	Present	Absent
Chairman Scott Saso	<u>✓</u>	_____
Brad Scott	<u>✓</u>	_____
Lawrence Hammond	<u>✓</u>	_____
Carl DiLorenzo	_____	<u>✓</u>
Dave Plavchak	<u>✓</u>	_____
William Ogden	<u>✓</u>	_____
Fred Pizzuto	<u>✓</u>	_____
Alt, Peter Brooks	<u>✓</u>	_____
Alt, Fred Riley	<u>✓</u>	_____

The following resolution was moved by: Dave Plavchak

Seconded by: Fred Pizzuto

WHEREAS, the Town of Lloyd Planning Board received an application for a Lot Line Revision; and,

WHEREAS, the Planning Board is empowered to review Site Plans, Subdivisions and Special Use Permits and,

WHEREAS, the applicant has submitted the following materials in support of this application:

- Short form EAF
- Current Deeds and a letter of intent
- Survey map dated 08-08-14 by Jonathan Millen L.L.S. showing existing and proposed lot

DATE/SIGNATURE

lines; and

WHEREAS, the Planning Board held a duly notice public hearing on September 25, 2014; and

NOW THEREFORE BE IT RESOLVED THAT the Planning Board, as SEQRA lead agency, issued a Negative Declaration, deciding that the impact to the surrounding neighborhood is minimal,

BE IT FURTHER RESOLVED that the Town of Lloyd Planning Board hereby grants said Lot Line Revision.

RESULTS OF THE VOTE ON THE ABOVE RESOLUTION WERE:

	AYE	NAY	ABSTAIN	ABSENT
Chairman Scott Saso	✓			
Brad Scott	✓			
Carl DiLorenzo				✓
Lawrence Hammond	✓			
William Ogden	✓			
Dave Plavchak	✓			
Fred Pizzuto	✓			
Alt, Peter Brooks	✓			
Alt, Fred Riley				

7 ayes, 0 nays, 0 abstentions, 1 absent

VOTE IS CERTIFIED BY:

Patricia Rohn

9/25/14
Date

THE RESOLUTION IS HEREBY APPROVED AND ORDERED TO THE RECORD BY

Scott Saso
Scott Saso, T/Lloyd PB Chair

9/25/14
Date

K. Senovone

**RESOLUTION
TOWN OF LLOYD PLANNING BOARD
Commercial Siteplan Approval**

PROJECT NAME: Lanzarone-All Automotive Commercial Site Plan
PROPERTY OWNER: Claire Costantino
PROJECT LOCATION: Route 9W / North Rd.
IDENTIFIED AS: 80.3-1-21.122

SEQR TYPE ACTION: Unlisted Action
APPLICATION DESCRIPTION: Site Plan for automotive repair shop

At a meeting of the Town of Lloyd Planning Board held at the Town of Lloyd Town Hall, 12 Church Street, Highland, New York 12528 on Thursday, September 25, 2014 at 7:00 p.m., there were board members:

	<u>Present</u>	<u>Absent</u>
Chairman Scott Saso	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brad Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lawrence Hammond	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carl DiLorenzo	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dave Plavchak	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Ogden	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Pizzuto	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt, Peter Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt, Fred Riley	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The following resolution was moved by: Fred Pizzuto
Seconded by: Lawrence Hammond

WHEREAS, the applicant would like to construct a 50' x 132' building for use as an automotive repair shop.

WHEREAS, the Planning Board of the Town of Lloyd is empowered to review site plans;

WHEREAS, the applicant has submitted the following materials in support of this application:

- Short form EAF
- Current Deed and a letter of intent
- Surveyed siteplan map submitted Brooks & Brooks, Land Surveyor dated July 22, 2014, revised August 27, 2014 and revised again on September 15, 2014; and

WHEREAS, the Planning Board discussed the signage, lighting, buffering, landscaping and parking;

WHEREAS, at its regular meeting on August 28, 2014 the Planning Board set a public hearing, and as SEQRA lead agency issued a Negative Declaration deciding that the impact to the surrounding neighborhood is negligible; and

NOW THEREFORE BE IT RESOLVED THAT the Planning Board held a duly noticed public hearing on Thursday, September 25, 2014 at 7:00pm.

BE IT FURTHER RESOLVED the Planning Board hereby grants site plan approval with the following conditions:

1) Parking Spot Fees \$50⁰⁰ x 18 payable w/ building permit.

	AYE	NAY	ABSTAIN	ABSENT
Chairman Scott Saso	✓			
Brad Scott	✓			
Lawrence Hammond	✓			
Carl DiLorenzo				✓
Dave Plavchak	✓			
William Ogden	✓			
Fred Pizzuto	✓			
Alt, Peter Brooks	✓			
Alt, Fred Riley				

7 Ayes, 0 Nay, 0 Abstain, 1 Absent

Motion Carries

THIS VOTE IS CERTIFIED THIS 25th DAY OF September, 2014.

THIS RESOLUTION IS APPROVED AND HEREBY ORDERED TO THE RECORD THIS 25th DAY OF September, 2014.

By: Patricia Rohn
Secretary
Planning Board/Zoning Board of Appeals

By: Scott C. Saso
Scott C. Saso, Chairman
Town of Lloyd Planning Board

K. Selookom

RESOLUTION
TOWN OF LLOYD PLANNING BOARD
NYS SEQR Determination of Non-significance
And
Set Public Hearing

PROJECT NAME: Armen Fisher
PROPERTY OWNER: Armen Fisher
PROJECT LOCATION: 203 Lily Lake Rd.
TAX MAP #79.4-1-48.112
SEQR Type Action: Unlisted
APPLICATION DESCRIPTION: 2 lot Subdivision

At a meeting of the Town of Lloyd Planning Board held at the Town of Lloyd Town Hall, 12 Church Street, Highland, New York 12528 on Thursday, September 25, 2014, at 7:00 p.m., there were board members:

	Present	Absent
Chairman Scott Saso	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brad Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lawrence Hammond	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carl DiLorenzo	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dave Plavchak	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Pizzuto	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Ogden	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt, Peter Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt. Fred Riley Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The following resolution was moved by: William Ogden
Seconded by: Brad Scott

WHEREAS, the applicant would like a two lot subdivision of 78.5 acres of land to provide a ^{6.00} ~~7.39~~ acre lot with an existing residence on the east side of the road. The remaining lands with the existing barn and pool will be approximately ~~71.1~~ ^{72.49} acres.

WHEREAS, the Planning Board is empowered to review Site Plans, Subdivisions and Special Use Permits and,

WHEREAS, the applicant has submitted the following materials in support of this application:

- Short form EAF
- Current Deed and a letter of intent
- Subdivision Map dated ~~December 9, 2013~~, by Brooks & Brooks, Land Surveyors, PC.
Sept. 3, 2014

WHEREAS, the Planning Board discussed the proposed subdivision;

NOW THEREFORE BE IT RESOLVED THAT the Planning Board, as SEQRA lead agency, issues a Negative Declaration, deciding that the impact to the surrounding neighborhood is minimal,

BE IT FURTHER RESOLVED that the Town of Lloyd Planning Board has set a date for a public hearing to be held on Thursday, October 24, 2014 at 7:00 PM.

~~~~~  
RESULTS OF THE VOTE ON THE ABOVE RESOLUTION WERE:

|                     | AYE                                 | NAY | ABSTAIN | ABSENT                              |
|---------------------|-------------------------------------|-----|---------|-------------------------------------|
| Chairman Scott Saso | <input checked="" type="checkbox"/> |     |         |                                     |
| Lawrence Hammond    | <input checked="" type="checkbox"/> |     |         |                                     |
| Carl DiLorenzo      |                                     |     |         | <input checked="" type="checkbox"/> |
| Brad Scott          | <input checked="" type="checkbox"/> |     |         |                                     |
| Dave Plavchak       | <input checked="" type="checkbox"/> |     |         |                                     |
| William Ogden       | <input checked="" type="checkbox"/> |     |         |                                     |
| Fred Pizzuto        | <input checked="" type="checkbox"/> |     |         |                                     |
| Alt, Peter Brooks   | <input checked="" type="checkbox"/> |     |         |                                     |
| Alt. Fred Riley Jr. |                                     |     |         |                                     |

7 ayes 0 nays 0 abstentions / absent

VOTE IS CERTIFIED BY:

Patsia Parker

9/24/14  
Date

THE RESOLUTION IS HEREBY APPROVED AND ORDERED TO THE RECORD BY

Scott Saso  
Scott Saso, T/Lloyd PB Chair

9/24/14  
Date



# MEMORANDUM

**TOWN OF LOYD** BUILDING DEPARTMENT  
12 Church Street, Highland, New York 12528

**TO: Planning Board**

**FROM: Shari L. Riley, CPESC**

**SUBJECT: Comments on Bed and Breakfast Zoning Law**

**DATE: 9/22/2014**

---

---

I have been reviewing the definitions of Bed and Breakfast in the NYS DOS Residential Code and Fire Code.

Both state that a Bed and Breakfast is owner occupied one family dwelling used for providing overnight accommodations and a morning meal to not more than ten transient lodgers and containing not more than five bedrooms for such lodgers.

The Residential Code adds "residence resulting from a conversion of a one- family dwelling..." and the Fire Code adds "containing at least three but not more than five bedrooms for such lodgers."

(The Codes in their entirety will be attached.)

Due to my experience with using the Code books it is in my opinion that the definitions differ because of the scope of the books. The Fire Code requires inspections and evacuation routes as well as certain fire and carbon monoxide alarm placements, etc. for what the Fire Code states is a bed and breakfast. This, in my opinion, does not mean that a bed and breakfast must have at least 3 bedrooms for lodgers, just that the Fire Code kicks in when it does.

N.Y. EXC. LAW § 378 : NY Code – Section 378: Standards for New York state uniform fire prevention and building code – See more at: <http://codes.lp.findlaw.com/nycode/EXC/18/378#sthash.4Sw0Gdg9.dpuf>

12. a. Standards for bed and breakfast dwellings shall be promulgated for fire safety. Notwithstanding any other provision of this article, for the purposes of this subdivision a "bed and breakfast dwelling" shall include an owner-occupied residence providing at least three but not more than five rooms for temporary transient lodgers with sleeping accommodations and a meal in the forenoon of the day. Such standards shall distinguish bed and breakfast dwellings from one and two family dwellings, provide specific options for hard-wired single-station smoke detectors and provide a notice to each guest that contains: (i) the location of nearest exits and fire alarms; (ii) procedures to be followed when fire or smoke detectors give warning; and (iii) procedures to be followed in the event of fire or smoke development. b. Such standards shall also include egress design options to preserve the aesthetic charm and historical significance of such dwellings that shall be limited to one of the following: (i) an automatic sprinkler head in the stairwell area of any means of egress; (ii) an external second floor egress; or (iii) a portable escape device for each guest room. c. The standards required by this subdivision shall be promulgated and implemented not later than one hundred twenty days after the effective date of this paragraph. – See more at: <http://codes.lp.findlaw.com/nycode/EXC/18/378#sthash.4Sw0Gdg9.dpuf>

---

---

As standard procedure we do not have to do fire safety/property management inspections on B and B's but as suggested we can request an operating license that will ensure that the fire safety requirements are followed.

2010 Residential Code of New York State ]

**BED AND BREAKFAST DWELLING.** 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 ten transient lodgers and containing not more than five bedrooms for such lodgers.

2010 Fire Code of New York State ]

**BED AND BREAKFAST DWELLING.** Owner occupied one-family dwelling used for providing overnight accommodations and a morning meal to not more than 10 transient lodgers, containing at least three but not more than five bedrooms for such lodgers.

**Shari L. Riley, CPESC  
Code Enforcement Officer  
Town of LLOYD Building Dept.  
12 Church Street  
Highland, NY 12528  
845-691-2735 x116  
845-691-6672 fax**

**From:** Bill Ogden [billogden@optonline.net]  
**Sent:** Friday, September 26, 2014 9:36 AM  
**To:** Patricia Rober; David Barton  
**Subject:** Re: draft PB Minutes 8-21-14 and 8-28-14  
**Attachments:** B&B.txt

Attached (and listed below) is a cleaner version of the B&B paper. After thinking about it, I added a bit about the B&B operating license not being a permit for construction of B&B facilities. If you think it is OK, please forward it to the whole planning board.

Bill

### Bed & Breakfast Establishments

1. A Bed & Breakfast establishment is not the same as a rooming or boarding house. The details in this section define the operation of a Bed & Breakfast establishment.
2. Operating a Bed & Breakfast establishment is a normal home occupation and typically occurs in residential zones. The residence must be owner-occupied. Provided the rules in this section are met, no additional planning board or zoning permits or exceptions are required.
3. A Bed & Breakfast establishment shall have at least four bedrooms in the residence, using at least two but not more than five for paying guests. At least one bathroom must be dedicated to guest use. No guest shall stay for more than 14 contiguous days. Payment may be a direct money transfer or some other type of direct or indirect compensation.
4. An appropriate sign must be displayed near the driveway entrance. The boundaries of the property must be clearly marked in a reasonable manner. Off-street parking, with designated spaces, must be provided for all guests.
5. An annual operating license, at a nominal cost, is required. The license may involve an inspection by the building department covering, but not limited to, parking places, smoke and carbon monoxide detectors, sign location, and dedicated bathroom facilities. The Bed & Breakfast operating license does not include permission for residence modifications that would otherwise require a building permit or planning board permission. Any such modifications or extensions require the same permits and permissions required for any residential construction or extensions.
6. Breakfast should be routinely provided.
7. A routine guest curfew shall be no later than midnight. Late night noise must not disturb the neighborhood. Repeated noise complaints (if justified) are cause to revoke the operating license.
8. The operating license terminates on sale of the property; it does not transfer with the property. The license terminates if the property is no longer occupied by the owner. A new owner-occupier can apply for a

new license.

9. Deviations from the requirements in this section require special use permission from the Lloyd planning board. Any special use permit runs concurrently with the operating license