

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, January 25, 2024

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, Charly Long, Gerry Marion, Carl DiLorenzo, Lambos Violaris, Fred Pizzuto, Bill Meltzer (Via Zoom); Board Staff: Dave Barton, Paul Van Cott (Via Zoom), Andy Learn, and Sarah Van Nostrand

Absent: Board Members: Franco Zani

Minutes to Approve at the January 25, 2024 meeting
December 7, 2023

Scott asked for a motion to approve the minutes.
Motion made by Charly, 2nd by Carl.
6-ayes, 0-nays, motion passed to approve the minutes.

New Business

Sabuda, Robert: Special Use Permit: 67 Black Creek Rd: SBL #79.2-1-24.200

Applicant is seeking a special use permit to create a 2-family house.

Robert (applicant) said that the property will be a 2-family home on top, and commercial space on the bottom.

Dave said the property used to be an old horse barn and the Robert came in a bought the property and has done a good job fixing the property up. On the first floor there is all artist space and the second floor he is looking to legalize the 2-family.

Scott said this was an apartment for a long time, correct.

Dave said it has been the artist studios and the upstairs, he doesn't remember when the permits were pulled, but it has been awhile.

Scott asked is it now just a 2-family home.

Dave said no, there will be artist space downstairs, and upstairs is two units.

Scott said the board had questions on where the kitchens were.

Dave showed the space and that the kitchens were in the middle.

Scott asked where did the board leave off with this.

Dave said that the applicant couldn't make a few meetings, so it got pushed back. There is septic on it as it was done via a permit. The upstairs space was more artist living and he is now looking to turn it into a 2-family.

Scott said that there were some questions on the property.

Dave said he thinks it was the layout, one of the questions was where do they exit, which is on the west side of the building.

Paul said the board can set a public hearing for next month. This is a Type II SEQRA action, so no environmental review is required.

Scott said that the board will move this to a public hearing for next month.

Murphy, Joshua: Special Use Permit: 6 Christopher Ave: SBL #88.69-6-7

Applicant is seeking a special use permit to convert the garage into an accessory apartment.

Review Status: Application and plans circulated to the board.

Potential Action: Schedule public hearing for February 22, 2024.

Board set a public hearing for February 22, 2024.

Public Hearings

Highland 9W Self-storage: Special Use Permit: 3659 Route 9W: SBL #95.2-2-34.110

Applicant is seeking a special use permit to install a roof-mounted solar array.

Review Status: Public hearing set for January 25, 2024.

Potential Action: Open public hearing.

Dave said that the project needs to remain open as the board has to wait for Ulster County comments.

Scott asked for a motion to open the public hearing.

Motion made by Charly, 2nd by Lambros.

6-ayes, 0-nays, motion passed to open the public hearing.

Mario (applicant's agent) asked is this going to be pushed off until February.

Scott said that the public hearing is open and will move off until next month as well.

Mario asked is the approval going to take place tonight or next month.

Scott said that the board cannot approve it tonight as the board does not have comments from the County Planning Board.

Dave asked if the board continues this until next month, could the board act at the workshop, if the county comes back with no county impact.

Paul said yes.

Scott asked if a draft resolution could be prepared for the workshop in case they get the county comments back with no county comments they can take action.

Paul said he would suggest that they expressly continue the public hearing until the workshop which is February 15th and he will prepare a resolution.

Continued Public Hearings

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: Ulster County Planning Board comments received. Public hearing opened on 12/7/2023.

Potential Action: Close public hearing, approval resolution.

Dave said this project the board was just waiting for county comments and they came back with no county impact.

Scott asked if there were any comments from staff.

Dave said weren't there comments on the water and sewer connections.

Andy said no issues with it.

Paul said there is a draft resolution and there is a condition that states all comments from the town engineer have to be satisfied. This is a Type II for SEQRA, so no further review is required.

Paul read the resolution.

Scott asked for a motion to close the public hearing.

Motion made by Gerry, 2nd by Carl.

6-ayes, 0-nays, motion passed to close the public hearing.

Scott asked for a motion to approve the resolution.

Motion made by Gerry, 2nd by Fred.

6-ayes, 0-nays, motion passed to approve the resolution.

180 South St: Commercial Site Plan: 180 South St: SBL #87.3-5-14

Review Status: Updated plans circulated to the board.

SEQRA Status: Unlisted

Potential Action: TBD

Brian (Applicant's Agent) said that the updates that have been discussed with the project have been centered around the elevations. The other item that he would like to update the board on is the location of the drainpipe that has been in question. The drainpipe location has been found; it was an open channel drainage. It was a county crossing where a pipe went under South St and discharged to an open swale and then flowed to the Black Creek. Over the years that pipe was covered up. They used a video rover that they put into the pipe and found that it was a substandard pipe run. They county only knows about the crossing and not about what was covered up over the years, so no one could really tell them what was in the flow path. It seems to be made up of different size pipe, different materials and it discharges into the Black Creek which is shown in red on the plans. There were no structures put into this pipe to make any turns. The pipe is draining the west side of a smaller watershed, so they cannot impede the flow. What is shown in red on the plan is going to interfere with the project, so what's shown in blue on the plan is what has been presented to Ulster County Public Works. When they uncovered the pipe, they were on site to help understand the situation and what they were planning on doing. Ulster County Public Works does not have a problem with what they are proposing. They are still finalizing the details of where to place the storm sewer manhole A, that is a new manhole they are going to drop in. The reason they are showing a new pipe crossing is that they shared the video with the county and the current pipe is experiencing some degeneration, so they are going to replace it at the time of them doing the project.

Dave said the 24-inch pipe is the new pipe and it is similar in size or larger than the existing one.

Brian said yes, part of CPL's comments do suggest how they are arriving at the size of the pipe. They are working with the County to see the size of the pipe that is going to be installed across the road and the County is giving them guidance on it. As it is proposed now, they have a much larger pipe than what is currently there.

Andy said that the applicant did supply some pictures of the pipe, he doesn't know the inlet size of the existing pipe, but he does know there was at least one section of the pipe that reduced in size. Installing this 24-inch pipe will increase the capacity of the pipe and given that it is a plastic pipe it will have a much better carrying capacity compared to the existing steel and concrete pipe.

Dave asked if he had any concerns about clean outs.

Andy said they have the catch basin, and they have a structure at the turn, which is what they are looking for, 400-feet is kind of a long run that sized pipe should be okay.

Scott asked what size is the pipe.

Dave said 24-inches.

Andy said this was the last comments from him besides the stormwater maintenance agreement, which can easily be done as a condition of approval. He is okay with it, but he wants to work with them to make sure it is okay.

Brian said he can forward any final correspondence from the County to him. It is in the applicant's best interest to put the catch basin where the County wants it, that 400-foot length of pipe might become longer if they move manhole A closer to the right-of-way.

Scott asked if there is any issue with the 450-feet.

Charly asked is the new pipe under pavement or is off on the grass.

Andy said it looks like it is on the edge of the pavement.

Charly said it's 400-feet and it could get longer, can they put in another basin.

Andy said it would make it easier to find in the future.

Charly said if they had an obstruction, it would make it easier to clean it out.

Brian said they still have some work to do, they may have to drop another manhole to make it easier. He hopes that this addresses all the board's concerns.

Scott said that he feels that it does as their main concern was they didn't want anything built over the pipe.

Brian said that prior to last week's meeting there were updated renderings submitted. The renderings show break-ups in the façade like the board requested. He knows that there was some feedback regarding the up and down lighting.

Dave asked if there was any response to the up-lighting issue.

Brian said Peter (a part of the applicant's team) just made him aware of the issue before the meeting.

Dave said that the board was in love with the lighting, but they were reminded that the town does not allow uplighting and any sky shine. If the board is comfortable with Andy reviewing a final cut sheet for lighting and along with whatever technical comments he has left as conditions, it is the last piece of the puzzle that the board brought up last week.

Brian said that he will get the cut sheet, and what he is hearing is no uplighting and to only provide downlighting. Is the downlighting okay.

Scott said that it looks good.

Brian said that it seems a pretty simple ask of them to provide the cut sheet of the lighting to make sure that the photometrics are going to be sufficient and to give the board an update on the lighting.

Paul said that the board has a draft resolution, the only question that he has is, that there is a condition that requires satisfaction of CPL comments, but he tags the January 22, 2024, letter that Andy provided. His suggestion is if they are going to add some additional needs to satisfy CPL comments to lighting, that he would take out the January 22, 2024, reference from the resolution and just say satisfy any remaining CPL comments and that would seem to cover it.

Andy said that his only question is that the elevations show the uplighting, if you take that away it's going to look different, does the board want to see revised elevations.

Scott said it should just be for the record.

Dave said no uplighting, but move the lighting further up the building, it would give more illumination on the building and even help a little bit with the photometrics. Andy is right, it will change it.

Scott said if they move it, they will have to use a different light fixture to project the light down, so it may not look the same either.

Paul said that he did reference the renderings that were provided on January 17th and made a condition that indicated that all lighting shall be downcast as upward lighting is prohibited by the zoning code. He tried to cover all the bases in case of a potential board

approval. The only thing that they have to do if the board wants to see something more and make sure that CPL is comfortable with it, is to make reference to the January 22, 2024, letter and make it a little more open-ended.

Charly said that the lighting is coming down from above, so if they cap the ones on the façade then to him it's not that big of a deal.

Andy said it makes sense to him and personally he thinks it will look fine without moving the lights up, if they made them down lights only.

Chuck Andola (210 South St.) asked if when they followed the pipe if they physically saw the end.

Brian said yes, they did.

Chuck asked how big was it.

Brian said it looked to be about a 12-inch, the end of the pipe was submerged in the edge of the Black Creek and the edge of the pipe was degraded.

Chuck said the new pipe is going to be moved off to the side on the other side of the LP tank.

Brian said that is correct.

Chuck said it is coming out at a shorter distance to the creek, than the original one was.

Brian said that is correct.

Chuck said that the exit is right along side of the LP which had 2-foot of water around it during the last flood. The pipe is coming out the wrong side of the LP tank, if you are going to discharge wouldn't you want it on the other side of it to get past it before more water hits it.

Brian said what is not shown on the plan, is under the end of the pipe right there is that there is a creek in the wetland, and it comes up to a point and they don't want to disturb that wetland, so they are discharging at the edge of the riparian buffer and from a grading perspective they are not concerned where they are showing this discharge.

Andy said that he doesn't have a significant concern of the pipe discharge.

Dave said let's say it's a 24-inch pipe the creek is multiples of that, so whatever water is coming out of that pipe isn't going to dramatically change the amount of volume and doesn't think it is a major problem.

Carl asked if the flow rate into the creek would increase.

Andy said no, although they are installing a bigger pipe, it's the same water getting there, it might get there a little bit faster, but overall, it's not going to have a significant effect.

Chuck said that the pipe should have a 5-foot push on it at least, so that would help it get out.

Brian said that it is an improvement as the current pipe was probably under sized, it varied in diameter, and it was submerged and still generally didn't cause flooding on the road. They are improving that scenario with the build condition.

Andy said the design of the new pipe that you are not proposing to submerge the end section.

Brian said you are correct.

Andy said that will allow it to flow more freely.

Scott asked for a motion to close the public hearing.
Motion made by Gerry, 2nd by Charly.

Chuck asked in regards to Andy's letter that in some cases a damaged structure may be relocated within a FEMA designated floodway, the floodway is a narrower portion of the river floodplain and must be kept clear of new development to pass flood flows without increasing flood elevations by any measurable amount. If a damaged structure is within a floodway and has been deemed to be substantially damaged the structure may be repaired on the same site provided that it is in accordance with the floodplain. Development requirements in the floodplain and that the footprint does not exceed the pre-existing footprint of the structure. If the footprint of the structure expands within the floodway and if the owner plans to bring fill into the floodway and an engineering analysis required to prove that the encroachment does not increase flood elevations. If they have the pipe going through, about 4-foot of fill coming in and a building being put up inside the floodplain which already had 2-foot of water in it. It seems that it would be displacing an amount of water, but he doesn't know the calculation. Looking at Andy's letter it states that a floodplain permit will be required before any building permit can be issued.

Paul said there are conditions in the permit that require the applicant to provide a stormwater control facility maintenance easement agreement for approval in terms of foreign substances by the Planning Board attorney and engineer before the site plan can be signed by the chairman. Then they require that a floodplain development permit must be obtained, and the stormwater control maintenance agreement must be filed with the county before any building permit can be issued.

Chuck said that he understands, but he saw 2-feet of water running behind that building

like a river. He is sure that they will figure out if that building will displace more water than what is safe for the residents that are upstream from them.

Scott asked for a motion to close the public hearing.

Motion made by Carl, 2nd by Fred.

6-ayes, 0-nays, motion passed to close the public hearing.

Dave went through the Part II SEAF with the board.

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 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.

Paul read the SEQRA negative declaration.

Scott asked for a motion to approve the negative declaration.

Motion made by Charly, 2nd by Gerry.

6-ayes, 0-nays, motion passed to approve the negative declaration.

Paul read the approval resolution.

Scott asked for a motion to approve the resolution.

Motion made by Gerry, 2nd by Fred.

6-ayes, 0-nays, motion passed to approve the resolution.

Old Business

The Villages

Review Status: Next phase plans circulated to the board.

Scott said the board is not signing off on anything tonight, just conversation right.

Paul said that is correct.

Kelly (a part of the applicant's team) said that last week they were before the board and explained the submission that they delivered and there were a couple of comments from the board, they received CPL's letter, so they are working on those modifications. The overall site plan is in the town's possession for review and for the chairman's signature and phase A is forthcoming. Comments 17 on from CPL pertain to phase A, so they will get all of those comments addressed in the submission when they drop off A. That will leave the balance of the comments 1-16 that they will address which really pertain to phase B, C1 and C2.

Andy asked if he can get a response letter.

Kelly said that he will get a response letter, she just finished reviewing it this morning. There were some easements that were referenced and are done, reviewed, and filed. The next response letter will address comments 1-16, when they resubmit. She is not sure if the board has had a chance to look at the plans, they don't differ significantly from what the board reviewed when they reviewed the overall site plan, it was just a matter of resubmitting and going through the sequencing.

Short-Term Rentals (Public Hearings)

Hashemian, Zahra: 39 Reservoir Rd.

Review Status: Public hearing opened 1-18-2024

SEQRA Status: Type II

Potential Action: Close public hearing, approval resolution.

Scott said that on the new drawings a lot of the areas that had beds have been crossed out, as he was concerned about some of the sleeping areas.

Zahra (Applicant) said she submitted updated drawings.

Scott said his only concern is the office where it mentions there is a bed for 2 people. Did the board talk about 6 people.

Paul said the board did.

Zahra said that there are 3 bedrooms.

Lambros said that she probably forgot to cross off the office.

Zahra said that she took the drawings from her agent.

Gerry said the office is a bedroom and there are 3.

Zahra said yes, it has closet storage and windows.

Dave asked how do you get to the bathroom from the office area.

Zahra said there are two rooms and its like a nursey or like a smaller bedroom off the second bedroom and you go through the bedroom to get to the bathroom.

Carl asked what are the dimensions of the bedroom.

Zahra said 7 by 9.

Joslin (36 Reservoir Rd) said that she lives across the street from 39 Reservoir Rd, she would like to know if there are going to be any noise ordinances, is it going to be used for Airbnb, any sort of regulations.

Zahra (Applicant) said at the last meeting they went over the rules, but in general if you are going to have an Airbnb in the township, there are noise regulations, so there is a certain time period where you cannot make noise. That is in the house rules and guidelines for anyone that's booking, and she is very clear and vets all the people who book. It's her home and she plans on spending time there herself and be very active. She wants it to be safe and wants people to feel comfortable. She will address any issues or problems at the rental.

Joslin said that she wasn't able to make the last meeting and therefore just wanted to know if it had been discussed.

Zahra said that she doesn't allow parties or pets and certain time periods it has to be quiet.

Scott said that at anytime you can go to the town's website and look up the code for the

STRs and you can see what is required of them for the property.

Fred asked so there will never be more than 6 people at any time sleeping there.

Zahra said correct.

Charly said you mentioned that for the most part you will be there, when you are not there you do have someone to enforce these rules.

Zahra said she has someone in Rosendale.

Mark (Newspaper reporter) asked what is the total square footage.

Zahra said it is like 1,250 square feet.

Mark asked is 1,250 allowed for a STR.

Scott said it could be the whole house, it's not an accessory apartment.

Scott asked for a motion to close the public hearing.

Motion made by Carl, 2nd by Gerry.

6-ayes, 0-nays, motion passed to close the public hearing.

Paul read the resolution.

Scott asked for a motion to approve the resolution.

Motion made by Lambros, 2nd by Fred.

6-ayes, 0-nays, motion passed to approve the resolution.

Other Discussion

ADC Ulster

Paul and Dave mentioned that the board at next month's meeting will be getting proposals from the outside consultants for ADC Ulster.

Scott asked are there going to be informational meetings where larger groups can meet.

Paul said he will work with the applicant to come up with a schedule for to let the public know.

Motion to Adjourn.