

# TOWN OF LLOYD TOWN BOARD

## WORKSHOP MEETING

July 2, 2014

**Present:** Supervisor Paul Hansut  
Councilmember Kevin Brennie  
Councilmember Michael Horodyski  
Councilmember Michael Guerriero  
Councilmember Jeffrey Paladino

**Also present:** Sean Murphy, Attorney  
Rosaria Peplow, Town Clerk

**4:00 PM** – Supervisor opened the meeting and led the Pledge of Allegiance.

### 1. REPORTS

**A. Finance** – Karen McPeck, Bookkeeper to Supervisor

**B. Assessor** – Jennifer Mund

**C. Building & Zoning Department** – David Barton reported that June was a fairly good financial month for the department. Hudson Valley Rehabilitation Center paid for the building permit for the approximately 13,000 square feet addition on the back of the building. Projects in the near future are Brad Builders, Mountainside Woods, Selux and Mr. Trapani came in today to talk about a brewery and taproom in the former Martorana machine shop on Milton Avenue. It is a good use for that property as a transitional piece between the downtown and what is hoped to be the Gateway District. There have been conversations with Zumtobel on Route 9W regarding an addition and possibly more septic.

Horodyski asked if it was possible to expand the reed beds that now service that property.

Barton responded that it is but a better long-term solution is to run the sewer line to Zumtobel. He spoke with Charlie Scott who is interested in making a substantial contribution to put in a pump station at the Little League Field on Grand Street as he owns property at Lower Grand Street and Route 9W. The property owner next to him, the owner of the piece north of him, parcels on the entire Lumen Lane and north want to develop. There is now some activity and the Town may receive new mortgage tax. There is more commercial activity that we have not had in six years. He had one fire call response in June, a water heater caught fire on Roxanne Boulevard; Anthony Giangrasso did the inspection for the repair. On July 10, Dennis Doyle and Rob Leibowitz of Ulster County Planning will be here to provide training on system technology for the Planning Board as there are so many things that are digitized now. The Planning Board would like the screen in the meeting room turned and mounted on the wall as the Planning Board cannot see it from where they sit; only the audience can see it. Pat Rober, of his office, will project from her laptop so everyone can see it.

Paladino asked how the live feed would work.

Barton replied that he does not know how to fix that. He would like to buy one tablet device this year or early next year that will project out and it can be written on – Surface Pro has that capability. This would enable the plan to be edited while the people are in the audience. There was \$20,000 in revenues this month, the best month in two and a half years. Brad Scott will pull permits for two buildings next week; Mountainside Woods has three permits this month.

Brennie asked the amount of recreation fees that Brad Scott will pay.

Barton replied that it would be \$2,500 per unit and paid every time they obtain a permit.

This falls under the PRD law and it is split three ways, 50%, 25% and 25%.

**D. Dog Control** – Andrew McKee

**E. Highway** – Superintendent Richard Klotz reported that the problem on Oakes Road has been fixed at a cost of about \$8,000. He estimated that the cost would be about \$18,000 for sidewalks in Bridgeview, from the end of Argent Drive to Sterling Place.

Supervisor explained that it is part of the site plan issue from years ago; they put us on notice and it is our responsibility if someone gets hurt.

Superintendent posed that the other item for discussion is the Transfer Station.

Supervisor responded that he is trying to come up with a date convenient for everyone to meet and asked if Tim Rose contacted the Superintendent. He understands that the Ulster County Resource Recovery is not backing off their prices; the increase might be delayed until July of next year but that will still affect the 2015 Town budget.

Superintendent said that it is going to cost the Town approximately \$1,200 to \$1,500 additional per month.

Supervisor said that on Troy Lane there is a hole and culvert, similar to the issue on Vineyard Avenue.

Superintendent stated that the Highway Department started to pave North Road; he hopes that the rain stops soon as there is a lot of blacktop and trucks out there. He is hopeful that Chief Waage keeps an eye on North Road as the department has only paved one lane and people are driving 50 MPH or 60 MPH on the road.

Supervisor asked what he found out about the piece of machinery.

Superintendent replied that he is still looking into the cold patch machine and will wait to make a decision. He would like to pave Main Street and Church Street this year.

**F. Justice** – Terry Elia/Eugene Rizzo

**G. Police** – Chief Daniel Waage reported on the Department's patrol activity data. Police Department members attended the Mount Hope Academy graduation in Esopus on June 6; June 12, there was a meeting with Walkway over the Hudson to discuss the July 4 fireworks event; June 12 there was a meeting with BikeNY for the upcoming bike tour on June 29. On June 16, Officer Anthony Ventura threw the first pitch at the Hudson Valley Renegades game during "Home Town Heroes Night" at the stadium. Chief Waage and Sgt. Roloson received training in lifesaving opiate overdose nasal spray and they will train the rest of the Department. From June 17 to June 21, numerous members of the Police Department volunteered their time to look for a lost City of Poughkeepsie Police K9, which was found safe on June 21 near the Division for Youth Facility on North Chodikee Lake Road. Members patrolled during the St. Augustine Church Bazaar on June 17 through June 22. On June 19, a meeting was held with Town officials and the Fire Department about the upcoming Town fireworks event on July 5 and a meeting with Rail Trail members about trail safety and upcoming events. Members attended training regarding aquatic deaths/drowning investigations on June 20. The Cops and Pizza fundraiser was a success on June 23 at Vigneto's; the members made over 100 pizzas and served approximately 175 people. The Police raised \$700 for the American Legion and presented Commander Vito Dispensa with the check. The members patrolled Highland High School Graduation on June 26. On June 27, a meeting was held with the Rabbis from Camp Stolín and residents of North Chodikee Lake Road, regarding the upcoming camp season. The BikeNY tour with over 2000 bicyclists was on June 29 and Police Department members assisted with the event. Officer Jim Plass reported that he confiscated three knives and one Leatherman tool at the Town of Lloyd Court.

Paladino commented that Cops and Pizza was a nice event and Chief replied that he was very pleased with the way it turned out.

**H. Rail Trail** – Rafael Diaz said as the Chief reported, BikeNY was held and went very well as far as the Rail Trail is concerned. There were monitors from BikeNY. Unfortunately, the signs were delayed and he was not able to get them out as early as he wanted. They used the cones that Superintendent Klotz provided. He met with Chief Waage on June 19 regarding safety on the Rail Trail and he is willing to help when he can. They met at 9 AM and at 11 AM a woman went to the Police Station to file a report on being hit by a bike rider the night before. She was knocked unconscious and broke her elbow; the accident happened on the Rail Trail under the overpass of Mile Hill Road. The cyclist did not stop. Information is very sketchy on the accident. Bike traffic has tripled since last October.

Paladino stated that he received questions about advertising closure of the Rail Trail and asked if there is another way of getting out the information other than signs. He suggested putting it on the Town of Lloyd.

Diaz said that the notice was on the Rail Trail website, Facebook, and perhaps should put it on Channel 22 TV station. He has sent notice of closures to the local newspapers but they are never printed. Diaz had arranged with BikeNY to place signs the weekend before the event but the signs were delayed in being delivered to him. They were placed Monday morning which missed the weekend users of the trail.

**I. Recreation/Buildings & Grounds** – Frank Alfonso reported on Recreation activity and said that Tony Williams Park, Berean Park and Village Field are in good condition. A lot of baseball, softball and Rail Trail events are going on at TW Park. Tennis courts are being used and the basketball league continues. Swim lessons started at Berean Park this Monday, June 30. The park has been open on weekends for the last month

and daily this past week; it has been busy and we have gotten a lot of compliments on the improvements. He and the Committee have more to address for the future at Berean Park. SummerFun also started on Monday; the Arts and Crafts program had an enrollment of 75 children, which is very good for the first week; Sports had 23, which is a little low. Week #3 for Arts & Crafts is filled and has been closed; 85 campers are enrolled which is the cap which is based on the number of picnic tables and counselors. Trips are usually on Friday but as Friday is July 4 both groups will be going to the Ulster County Pool on Thursday. The camps will be open on Friday, July 4 and, as in the past there have been decent amount of children that day. T-shirts for the campers have arrived and all the paperwork has been completed; permits should be received soon. Paperwork had to be submitted for the counselors, along with first aid and CPR training.

Regarding Buildings and Grounds, the trailer was picked up last week for Buildings and Grounds and Keith Garbounoff has been using it. He feels this will make work easier and more work will be done instead of wasting time going back and forth to borrow a trailer. The parks are in good shape. Johnson Iorio Park, the Veterans' Memorial park, the Biancardi parking lot, the Municipal parking lot, as well as the highway and other parcels have been mowed. He will probably skip a week or two as it has been so dry. He believes that money should be budgeted for those parks to buy mulch and picnic tables. He does not know if this is the responsibility of the Town and would like to address this. Plans for the Town Hall need to be discussed. There are issues with the air conditioning, windows and flooring need to be addressed and improvements to get this building up to 2014 or continue as we have been. The flashing came off the roof of the records storage room, water leaked down the wall and into the server. It has been repacked and caulked; the IT from Northeast Computers is here and there is one piece to the server that has to be replaced and he will return tomorrow morning to get the computers up and running. The phones are back up now.

Supervisor said that the insurance inspector was at the Town Hall and went through the whole building; he is concerned about the ramp off the back of the building and the records room. He will be submitting a report. He agreed with Alfonso that it has to be decided on what direction to take. He clarified misinformation about the trailer. The trailer was not purchased to do the lawns of the houses that are neglected.

Alfonso said that the trailer is being used for Recreation, Buildings and Grounds. Buildings and Grounds is not mowing the neglected houses at this time.

Supervisor asked about the resolution for the SummerFun counselor.

Alfonso explained that some of the people who were expected to work for SummerFun found other jobs and decided not to be counselors.

Paladino asked if it was still being considered that Buildings and Grounds would handle the real estate mowing issues.

Supervisor said that he wanted to clear up the inaccurate information that the trailer was for the houses.

Guerriero commented that the resolution did not state what the trailer was for.

Supervisor said that the resolution stated that it was for Buildings and Grounds.

Horodyski felt that the confusion was that Dave Barton started the conversation.

**J. Town Clerk** – Rosaria Peplow reported the following:

*~Tax collection*

\$515,292.03 was paid to the Ulster County Commissioner of Finance; the warrant was settled on June 13, 2014 and there are 216 unpaid taxes which is the same amount as last year.

*~Town Clerk*

643 Transfer Station permits have been issued to date; collected \$482.00 in Berean Park passes, \$21,111.00 for SummerFun and \$30.00 for swim lessons. Reminders were sent to all Town of Lloyd Officials, Department Heads and the Highland Fire District of the National Incident Management System (ICS100) training on July 10 at Esopus Town Hall and sponsored by the Ulster County Town Clerks' and Tax Collectors' Association and asked for a response by July 8 as lunch will be served. Ulster County Sheriffs Cp. Joseph Decker and Lt Charles J. Polacco III will conduct the class. Supervisor will attend.

Supervisor noted that all Town Board members are supposed to have ICS100.

Peplow agreed and said that she has taken the class twice and the class can be taken online; she is not aware that it expires. The prerequisite for this one is 700.

*~Record Management*

On the agenda is a resolution to hire a young woman from the Town of Lloyd, who is attending college, to scan the Planning and Zoning records into the Municipality program which is something that we wanted to get done for many years and thanks to the Town Board there is money to do so.

**K. Water & Sewer** – Adam Litman, Administrator, reported that during the month of June water production was and continues to be 100% reservoir. If the weather pattern continues, they will be 100% river by the end of the month. They have been taking care of the stand pipes, upgrading the chlorine feed pumps which are considered booster pumps. They pump small amounts of chlorine into the standpipes to keep water at a decent amount of chlorination. Installation of the third river pump is underway. At that facility they are moving old electric panels and starting to install new ones. He does not have the exact date for the replacement of the pump. Right now the sewer facility is a mess as there has been three to five inches of rain. Operation continues as usual. They have been doing a lot of mark-outs as Central Hudson is working on the gas lines. There was a vacuum pump failure at the Sterling Place, Bridgeview, pump station and a new one was ordered and replaced. The pump station is now working better as the vacuum pump wasn't primed to main sewage pumps. It took six to eight minutes for it to pull prime which is a bad situation and makes the level go up; the new pump pulls prime in less than two minutes. They have finished the replacement of the hydrant on Route 9W.

Supervisor asked if a hydrant was removed in Bridgeview.

Litman answered that there is a hydrant missing and he believed that it was hit over the weekend. He has spoken to Dave Campala and he has it in the back of his truck. He is gathering information on it and there will be an insurance claim. He does not know who hit the hydrant Replacements are expensive.

Paladino said that the Water/Sewer/Drainage meeting is next week and Litman concurred that it will be July 10.

**L. Supervisor –**

**2. OLD BUSINESS**

**3. NEW BUSINESS**

**4. PRIVILEGE OF THE FLOOR**

Charlie Meuser, 526 North Chodikee Lake Road, noted that it is summer and the summer residents are back at Camp Stolin. The speeding has started and they have only been there three or four days. Yesterday, he witnessed a near head-on collision in front of his house as the driver was using a cell phone and almost hit Dave Roehrs' 10-wheeler. This needs to be addressed with the people at Camp Stolin along with the people at the NYSDFY. He asked if this could please be done before someone gets killed.

Supervisor said that he thought that was part of the conversation that Chief reported.

Meuser felt that it did not sink in with them and that the buses have been regularly delivering people.

Ruth Dapp said that she and her husband attended the last Planning Board meeting and she asked if she could look at the site plan for Brad Builders Trail View Place; she was allowed to look at the plan briefly but noticed a few things about which she has questions. Once again, as she has in each meeting that she has attended, questioned the walking path. At previous Town Board meetings and at the public hearing she was told that it was off the map. It is still shown on the map, although shortened. She feels that 'off' means 'off', not *half* off, which is what is indicated on the site plan.

Guerrero recalled that Dave Barton did say at the last meeting that it was off the map.

Supervisor asked Barton about the walking path.

Barton said that the walking path does not continue; the path to the Rail Trail is off the map and he indicated that the path now comes off the side of the building and goes to a little rain garden and stops short of the edge of the property and does not travel down to the right of way to the other property that was subdivided. That was at the request of Ruth Dapp.

Ruth Dapp said that her request was that it not be there because they are going to walk through anyway

Barton posed that they will have to trespass across another property to get to a right of way which is owned by the property that is being trespassed on. All you have is a right of way. The right of way is actually deeded to the other property.

Ruth Dapp explained that she and her husband studied the map on Sunday, June 29, and noticed that two of the apartment buildings are 10-feet from her property and the factory, Ultra Tab has 30-feet between their property and the apartment building.

Paladino asked if there were other constraints.

Barton replied that the area is wet and Paladino asked if they were putting infra-structure drainage behind that building.

Ruth Dapp then asked about disturbing the federal wetland with a paved road.

Barton responded that there has been an application to the Army Corps of Engineers for a JD, which is for permission to disturb the wetland.

Ruth Dapp commented that when there is going to be a zoning change it is not fair to not tell the people who abut the zoning change. As she understands it once the zoning is changed, it goes to the Planning Board and the Planning Board's main purpose is to look out for the builder.

Supervisor disagreed and said that they are looking out for the best interest of the Town.

Horodyski added that the zone will determine what they are going to build there.

Ruth Dapp explained that people need to know before the zoning is changed because once you come to a public hearing, it is all over. She got the notice but not everyone did.

Supervisor did not feel that was true and explained that advice from legal counsel was that if notices of zoning public hearing are sent and someone was missed or someone did not get it, the Town would be opened up for a lawsuit; the law was followed as to what the Town was supposed to do. He did not feel that she should have a complaint because he spoke with her five months before the project. The notice is in the paper; the meetings are live-streamed.

Guerriero posed that the Planning Board sends out notices in other instances and no one is missed; he asked why anyone would be missed with the zoning change notice.

Barton said that question becomes the area of intent and what the minimum distance is that might be chosen for notice of rezone.

Ruth Dapp felt that it would depend upon what is being built and who is being impacted.

Supervisor said that he discussed with Dapp that Brad Scott came in for a zoning change to PRD; across the street on Toc Drive is PRD, Cambridge Court is PRD; the property was light industrial which was switched to PRD. The Town would have been subject to a lawsuit if it denied Scott's zoning application for PRD.

Barton agreed.

Ruth Dapp said that she told Brad Scott that she was not trying to stop him from building there and she understands that he is in it to make money but she feels that the biggest impact is on her property with a three-story building looking into her yard and a walking path that is not a walking path. She asked if a fence could be put up to prevent people from walking through.

Supervisor suggested that would be the responsibility of the builder.

Dapp responded that he does nothing on the right of way and that her husband plows out the builder's tenants.

Supervisor acknowledged that there were quite a few questions as to the developer working on Sunday but he was within the Town ordinance; he contacted Barton who contacted the contractor and asked him if he could start later on Sundays; on the fourth of July work will end at 1 PM and he does not believe any work is being done on Saturday.

## 5. MOTIONS AND RESOLUTIONS

**A. RESOLUTION** made by Brennie, seconded by Paladino, to hire Caleigh Duggan, as a SummerFun Arts and Crafts counselor at the rate of \$8.00 per hour at the recommendation of Frank Alfonso, Recreation Director.

**Roll call:** Hansut, aye; Horodyski, aye; Guerriero, aye; Paladino, aye; Brennie, aye.

**Five ayes carried.**

**B. RESOLUTION** made by Brennie, seconded by Paladino, to hire Marissa Totten as part-time seasonal clerk at the rate of \$10.50 per hour for a maximum of 16 hours per week for the purpose of document and plat scanning at the recommendation of David Barton.

**Roll call:** Horodyski, aye; Guerriero, aye; Hansut, aye; Brennie, aye; Paladino, aye.

**Five ayes carried.**

**C. RESOLUTION** made by Paladino, seconded by Horodyski,

**WHEREAS**, Amanda Circle is a roadway that was on an approved map off Martin Avenue, upon which only partial construction has been accomplished; and

**WHEREAS**, the Developer had intended to build and dedicate the roadway known as "Amanda Circle" off Martin Avenue, shown on a certain map of subdivision entitled "Williams/Tirrito", S-B-L 79.002-1-9.35, encompassing 1,200 lineal feet of roadway; and,

**WHEREAS**, the Developer has not performed to completion, and the original time to complete has been extended twice, first to October 31, 2011 and then to October 31<sup>st</sup>, 2012; and,

**WHEREAS**, pursuant to a road improvement agreement, dated August 7<sup>th</sup>, 2006, as amended October 14<sup>th</sup>, 2009 and July 25<sup>th</sup>, 2011, the Town is in possession of cash security in the amount of \$298,922.00; and,

**WHEREAS**, the Developer has been put on notice that if the road was not completed by June 30<sup>th</sup>, 2014 that the Town intended to exercise its right to this cash security and complete the necessary improvements; and,

**WHEREAS**, the Town Highway Superintendent Richard Klotz has recommended that the Board exercise its rights to the security for the purposes proceeding with the work to complete the roadway including surveying, engineering, purchase of materials, and provision of labor to complete the roadway for ultimate dedication to the Town.

**NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:**

1. The cash bond deposited with the Supervisor in the amount of \$298,922.00 be, and the same hereby is, forfeited by the Developer, and the Supervisor is authorized to apply the funds to legal, engineering and construction of the roadway to be known as "Amanda Circle", and the Developer shall be notified by the Town Attorney of this action.
2. The Highway Superintendent is to commence work at his earliest convenience, and pursue it to its completion so that the road can be accepted as a public highway in the Town of Lloyd.

*Sean Murphy, Town Attorney, noted that as the Town Board is aware, Amanda Circle has not been completed and over the winter there were some issues; he sent a letter to the developer and has spoken to their attorney, giving him copies of the notices that were sent out and advised him that the Board was going to exercise the security of \$293,000 and proceed. This resolution authorizes Highway Superintendent to start to do work that needs to be done. .*

*Horodyski asked for an estimate of what it is going to cost as he would like to know how short the funds are.*

*Superintendent said that he needs to do the engineering first; he does not feel that the funds will be short and the Highway Department will be doing some of the work.*

*Paladino asked what happens if the bond does not cover the work.*

*Murphy replied that the Town could go after them.*

*Horodyski said that he is good with it but would like to have a sense of what it is going to be.*

*Superintendent said that he had to have Brooks & Brooks do a survey first to help determine what actually has to be done.*

*Supervisor said that this resolution authorizes Superintendent to start the process*

*Murphy added that the first thing to be done is the surveying and engineer work so he is putting the developer on notice that the Town is attaching his cash security and is going to start spending it.*

*Superintendent asked if the money goes back to the developer if there is any left over.*

*Murphy agreed and said that what can be done is to build the road that is necessary for the improvements that are located on the development at this time; if it calls for a road a mile in length and the development ends at a half mile, that is as far as the improvements go.*

*Horodyski asked what happens if the developer builds more in three years.*

*Murphy said in this case that does not apply as it ends where it is.*

*Guerriero asked if that was just for the road or if it includes the detention pond.*

*Superintendent said that it includes everything; however, there is lighting and he does not know if that is done.*

**Roll call:** Hansut, aye; Horodyski, aye; Paladino, aye; Guerriero, aye; Brennie, aye.

**Five ayes carried.**

- Ruth Dapp contended that the right of way is on their deed, it was on her grandparents' deed and Brad Builders does not own it.
- Murphy acknowledged that Barton did say that but it could be that her deed says 'together with a right of way over this strip of land'.
- Ruth Dapp said that they do not go over Brad Builders land to get to their house his land is beyond that. They go over the right of way which is a forever right of way.
- Murphy explained that he would have to see the deed and see the picture of the property; he asked if the right of way is on her property. Generally speaking, if the deed says that there is a right of way that means it is a right of way over somebody else's property; a right of way is not needed if you own the property.
- Ruth Dapp said that she believed that the property was owned by rail road that is from whom she has the right of way. She explained that there are three houses, three pieces of property.
- Barton said that part of it is Brad Scott's and the rest of it is Town of Lloyd.
- Horodyski clarified that it is the former Torsone property and the Town of Lloyd.
- Barton said that the Dapp family does not 'own' the right of way but they do have the right to go on the right of way and said that the part that the Dapp driveway comes out on is the Scott/Torsone property.
- Ruth Dapp contended that it is not the Scott/Torsone property.
- Sean Murphy stated that he has had some discussions with Jonathan Miller, surveyor, as he called last week about Frank Ottaviano's request; he suggested that he come to the meeting tonight for a discussion about a possible right of way over the property and an open development area (ODA) on the other side. There is a right of way in the deed but a building permit cannot be issued with a right of way. Building permit(s) would be needed for development on the property and one way to achieve that is an ODA. If the Town Board would decide in favor of an ODA, the first thing that would have to be done is refer it to the Planning Board. He spoke with the attorney for the Planning Board today about this and she said that she would prefer that the Town Board not refer it to the Planning Board right now as she feels that it is premature.
- Brennie asked for an explanation.
- Horodyski explained that it is property on Old New Paltz Road across from the firehouse.
- Murphy said that there are 15 acres with access over the old railroad bed; not the Rail Trail yet but it is tied up with the Town of Lloyd.
- Jonathan Miller said that it is zoned for two acres; at one time Ottaviano owned up to 1200 feet of frontage along the NYS road. The railroad came along and took the frontage and there is a right-of-way in the deed back to the time of the railroad that says that there is a right of way for access across the railroad to the state road. When the railroad was there with all of the power and authority that the railroad entailed, they had a right of way in the deed to cross that railroad right of way to get to the state road. He noticed that there are parcels of land to the north that somehow when the railroad abandoned the right of way, those parcels got that right of way back and is now part of their parcels.
- Murphy said that some parcels to the north toward New Paltz bought the land from Ulster County and the County had taken the land from the railroad. They do not have a right of way but own the land.
- Miller posed that the railroad abandoned the land and the County took the land and the County is going to sell the land back to the people that the railroad took the land from in the first place. Ottaviano once had 1200 feet of frontage along the state road, the railroad took their frontage from the point of the railroad constructed they have had in their deed, a right of way to cross the railroad. This is really not a request for a right of way they already have a right of way.
- Horodyski said that the request is to develop the land and the land cannot be developed off a right of way.
- Miller explained that they would like to have the 50-foot wide frontage to get into the property and it is two acres only. The development would be subject to whatever land restrictions that would be encountered; it may be 3, 4 or 2 lots. Potentially there could be six lots but no more with valid septic systems. This would allow them to build houses on 16 acres of property that was landlocked by the railroad and when the railroad abandoned the property, there was no opportunity to purchase the land. He does not understand if the people were given the opportunity to buy the land from the County why Ottaviano was not given the opportunity to purchase the land that was taken by the railroad. It is two-acre zoning and the development may start out with just a couple of lots.

- Horodyski asked if it was true that with an ODA the Board is granting some level of concept of what the ODA may yield.
- Murphy said that the Board is granting with the presumption that there is going to be some development; the Town Board has to statutorily refer it to the Planning Board and the Planning Board has the authority to put rules and restrictions on it. The Planning Board is saying is that they will need some kind of plan to determine if it is a good idea, what the recommendations will be and the rules that may or may not be appropriate.
- Miller showed the Board a map and pointed out Ottaviano's property, where they propose the 50-foot frontage and the additional 14 acres of property that is landlocked behind Ottaviano's that their deeds have a right of way to cross Ottaviano's property.
- Horodyski commented that it is opening up a can of worms; it is not this particular property but the connections to the rest of it, all going over a 50-foot deeded right of way.
- Frank Ottaviano said that all he wanted to do was to have the right of way so that the property is sellable and whoever wants to develop it, they can go to the Planning Board with a plan; he is not going to develop it. He said that he has a letter to the Board to stress that the family has lived in Lloyd all of their lives and he feels that he, as property owner, has the right to have access to his land. He said that he cannot believe all he has to go through to get the right of way that the railroad took away from him and should have been given back to him at the demise of the railroad.
- Horodyski said that he does not have an issue to try to help but he does not feel that six houses have a chance over a 50-foot right of way, he does not know what marketability that would be; the issue is protecting from people laddering right of ways to having 15 to 17 houses over a 50-foot right of way. That is a lot.
- Miller felt that the Planning Board would have the right to create conditions with limits to Ottaviano's property.
- Horodyski asked, hypothetically, if the Board grants access to the Ottaviano property, why not also grant access to the adjoining property owners.
- Murphy said the other owners do not have access.
- Miller felt that the answer is that the other properties did not have frontage. in all fairness to Ottaviano's investment in this process, Miller had discussions with Murphy at the beginning and the discussion was that he would like you to get a real estate assessment of the value of the easement to cross the railroad right of way and present it to the Town so that there would be a price to pay to have this easement across the railroad right of way. That is how this whole thing started.
- Murphy agreed and said that Miller called him and said that they were looking for a right of way in some area that they were not sure that it was a fluid area. He told Miller that he needs to locate it and tell the Board what he is looking for and where; he needed to specify what he is looking for and if he wants the Town to grant an interest in real property, an offer needs to be made and if so a value is needed.
- Miller explained that Ottaviano hired him to come up with a place to make the crossing so he invested the money to determine an area where it was feasible, in his professional opinion, to get access to the property with the least impact on the right of way.
- Horodyski said that his is less concerned about a price for the right of way as much as granting the open development area along the right of way; he understands the need for a market value and that as a Town the land cannot be given away as well as the argument that this is a right of way already there and that the Town is asking Ottaviano to pay for something he believes that he has.
- Murphy said that it may be that there is a right of way in the deed.
- Horodyski is concerned about what the right of way will do in this area and what the plan is.
- Supervisor asked if it has been determined if there is a right of way in the deed.
- Miller said that there is a right of way in the deed and he has deeds going back to 1900.
- Supervisor asked how this can be accomplished.
- David Barton explained that he already has an easement and an ODA is possible and he believes that the ODA could be locked in the resolution of approval; it will be interesting to ask the potential buyer of the Ottaviano property for a development plan.
- Horodyski asked if there is a potential buyer .
- Miller replied that he had one but he does not know if that person is still interested.
- Barton asked if the person is someone we know the family and if that person came in with five lots on those acres, the only way that he can be given a building permit for the property is to give him an ODA.
- Horodyski said that he just needs to see a sketch and he would lock the ODA based on the sketch. He asked Miller if it could be marketed with the potential for ODA because it



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would be hard for the Board to approve 2 acre zoning, it is 15 acres. That would be seven houses.

Miller posed that the developer could submit something for two houses.

Horodyski agreed that is a plan that shows two houses; the ODA is locked into no more than two houses on a 15 acre parcel or whatever the number turns out to be.

Paladino asked if the easement is opened could the abutting owners access that also from a legal perspective.

Murphy responded that a title search has to be made; those parcels may be landlocked and have no right over the Ottaviano parcel.

Guerrero offered that they might be able to go out through Chodikee Lake Road.

Murphy added that the big parcel abuts the Rail Trail up behind the Wolf Tec property but there are two pieces that look as though they are completely landlocked. They might have access out to Pancake Hollow.

Barton recommended to the Board that they do not give 50-foot right of way which would be possible to create a road; a shared driveway could be done.

Miller asked if this could be on the agenda for July 16.

Murphy clarified that Miller is asking if he comes up with a plan, would the Board look at it and if it were acceptable, refer it to the Planning Board.

Miller asked if it would be a standard ODA if the restriction that the right of way is less than 50-feet.

Barton said that it would; the ODA relieves the applicant from frontage.

Miller said that they would have shared driveway and he would put together two potential lots.

Horodyski cautioned that it would be however many lots they chose; private road so that the Town does not have to plow.

Miller added that the ODA is the crucial thing for Ottaviano.

Murphy wanted him to understand he would be allowed the number of houses that is locked in by the Board.

Paladino said that would have to be some sort of service agreement regarding the Rail Trail.

Horodyski offered that if they want mortgage documentation will be needed that they have access i.e. someone is plowing the road. The plan comes to the Town Board and it is then referred to the Planning Board who makes a recommendation to the Town Board and then the Town Board grants the ODA.

Barton confirmed that and felt that due to the composition of the Planning Board, they will think this is a big deal.

Miller reiterated that he did have an interested buyer but he does not believe that person is still interested; at that, Barton recommended to Miller that he comes to see him.

Murphy suggested that a letter is sent to the Town Board requesting the ODA based on the attached plans for the July 16 meeting. This is not subject to permissive referendum for actually transferring an interest in real property.

**MOTION** made by Horodyski, seconded by Paladino, to adjourn the meeting at 5:20 PM.

**Five eyes carried.**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk