

# TOWN OF LLOYD TOWN BOARD

## SPECIAL MEETING

AUGUST 28, 2013

**Present:** Supervisor Paul Hansut  
Councilmember Kevin Brennie  
Councilmember Michael Guerriero  
Councilmember Herbert Litts, III  
Councilmember Jeffrey Paladino

**Also present:** Rosaria Peplow, Town Clerk

**6:00 PM** – Supervisor opened the meeting and led Pledge of Allegiance.

### 1. MOTIONS AND RESOLUTIONS

**A MOTION** made by seconded by to close the Town parking lot located next to Sal's Restaurant at 99 Vineyard Avenue on Monday, September 2, 2013 from 8 am to 7 pm for Sal's Restaurant to hold their Annual Labor Day Party.

**Five ayes carried.**

**6:00PM** – Open the Public Hearing for the Town of Lloyd Comprehensive Plan

STATE OF NEW YORK; COUNTY OF ULSTER  
TOWN OF LLOYD TOWN BOARD

In the Matter of

UPDATED COMPREHENSIVE PLAN

PUBLIC HEARING

Date: August 28, 2013

Time: 6:15 p.m.

Place: Highland Firehouse

25 Milton Avenue

Highland, New York

BOARD MEMBERS: PAUL HANSUT, Supervisor

KEVIN BRENNIE

HERBERT W. LITTS III

MICHAEL F. GUERRIERO

JEFFREY PALADINO

ALSO PRESENT: DAVE BARTON

KATE JONIETZ

MICHELLE L. CONERO, Stenographer/Notary Public

10 Westview Drive

Wallkill, New York 12589

(845)895-3018

**SUPERVISOR HANSUT:** We're going to call this special meeting of the Town Board. Please stand for the Pledge of Allegiance.

**SUPERVISOR HANSUT:** All right. Before we start the public hearing portion of this meeting, there's just one housekeeping item that we have to do. It's a motion to close the Town parking lot located next to Sal's Restaurant at 99 Vineyard Avenue on Monday, September 2nd, from 8 to 7 for Sal's Restaurant to hold its annual Labor Day party.

**MR. BRENNIE:** Moved.

**SUPERVISOR HANSUT:** Mr. Brennie.

**MR. PALADINO:** Second.

**SUPERVISOR HANSUT:** Mr. Paladino. All in favor?

**MR. BRENNIE:** Aye.

**MR. LITTS:** Aye.

**MR. GUERRIERO:** Aye.

**MR. PALADINO:** Aye.

**SUPERVISOR HANSUT:** Aye.

**SUPERVISOR HANSUT:** We'll now open the public hearing for comments on the Town of Lloyd Comprehensive Plan. As I have in the past, I would like to thank Chairman Brad Scott and all the members of the Comprehensive Plan Review and Revision Committee that spent -- I don't even -- I couldn't put a number on the amount of hours that they put into coming up with this final product that's before us and will be for our consideration hopefully next month. So we're going to open up the public hearing. I'd also like to thank Dave Barton and his staff for the tremendous amount of work that they put in. And Kate for getting the equipment up here. This meeting is not live scanned, however it is being recorded and it will be available for viewing on Channel 22 in the near future. The way we're going to conduct the public hearing is that we would ask you to come up to the

podium, state your name so that we have that for our records. We have a Stenographer that's with us this evening to capture the minutes and everything that is said for future reference. So thank you for being here. We will open the public hearing for anybody who would like to speak. This will be an opportunity for the public to speak. We, as a Town Board, are not going to debate or get into debate about the topics that you would like to bring out. This is an opportunity for you to state your concerns, ideas, thoughts so that we can move forward. Who is going to be the first? Well, I'd like to also recognize our Ulster County Legislator, Mary Beth Maio. Thank you for coming and being part of this. Okay. If you'd just come up to the podium and state your name, please.

MR. BARTON: Name and address.

SUPERVISOR HANSUT: Name and address. And if you could please spell your name. Thank you.

MR. MAGUIRE: Jack Maguire, M-A-G-U-I-R-E. I live at 17 South Chodikee Lake Road. I'm also chair of the Environmental Conservation Council. I sent you a letter - or an e-mail, so I'm really just confirming that I sent you an e-mail.

SUPERVISOR HANSUT: Yup.

MR. MAGUIRE: But just to identify the issues for the people here, I wanted to offer two changes to section 7 of the proposed comprehensive plan which deals, among other things, with the environment. The two changes I proposed were about the environment. The first one was the current plan which is back -- I congratulate you, it's much more efficient than the last plan and gives a lot of hope that things can move more efficiently. The plan, as it stands, says adopt conservation overlay districts for areas with identified significant natural and cultural resources. And so what I proposed adding to make it more specific, more targeted and more effective was the areas that have already been identified by the New York State Department of Environmental Conservation and the Metropolitan Conservation Alliance, and those are the Northern Wallkill Biodiversity area, the Central Wallkill Biodiversity area, Chodikee Lake and the vicinity Biodiversity area, Lilly Lake Biodiversity area, Sullenly Mountain Biodiversity area, Pine Hill Bog Biodiversity area, Cross Cull Creek Biodiversity area, Blue Point Biodiversity area, Black Creek Corridor Biodiversity area. I just wanted to point out the conservation overlay does not mean you can't do anything there. It just means extra consideration about things like, you know, how wastewater is removed, perhaps cluster zoning instead of other forms of zoning that might affect the environment being very sensitive. And also, it doesn't have to be over the whole area. It can be all or part of, which is another thing we suggested, they say all or parts of areas identified with significant natural and cultural resources. The other change had to do with the fact in April we rescinded our current wetlands law governing the wetlands that were any wetland in excess of .10 of an acre, and so I proposed that there be an addition to the action steps in the wetlands section that says enact legislation to prevent adverse effects in freshwater wetlands. In other words, to have a law to replace the one that was rescinded. The old law was rescinded because it did not stand up to the court challenge in New Paltz. It's a similar law as the law in New Paltz has. So since then we've been working -- the CCC has been worked on developing a proposal for wetlands legislation that addresses the problems with the New Paltz legislation, or one of the better phrases. Those are the two changes I was proposing, and I just wanted to emphasize that. Thank you.

MR. BARTON: I have Jack's and some other people's comments. I'm keeping the written records. They're all right here. Yes Jack, we do have the letter and I have some from the library, some from some other citizen. I welcome you to kind of come up and reiterate, as Jack did, what you submitted to the Town Board. This Town Board has not seen them yet. I'm going to wait until the end of the comment period and dump them on them in mass with committee recommendations. I just wanted to let you all know that they are not in a void someplace. They're actually right here in the record.

SUPERVISOR HANSUT: Don't be shy.

UNIDENTIFIED SPEAKER: I don't have a question. I just want to -- procedurally, the timeframe for once after this hearing, if you could just speak to that.

SUPERVISOR HANSUT: The public hearing will remain open for two weeks.

MR. BARTON: Three weeks. The 18th.

MR. ANZEVINO: I'm going to read this prepared statement that we have from Scenic Hudson. Good evening. My name is Jeffrey Anzevino, I'm Director of Land Use Advocacy for Scenic Hudson, a fifty-year old, nonprofit, environmental organization that protects and restores the Hudson River and its majestic landscapes. We do this in part by providing planning assistance to support communities' efforts to revitalize their waterfronts and conserve significant natural resources that underpin our outstanding quality of life. Scenic Hudson has created or enhanced more than fifty public parks, preserves and historic sites up and down the Hudson River, including Franny Reese State Park. We also appreciate the strong partnership we've developed with the Town of Lloyd which has resulted in the creation of Bob Shepard Highland Landing Park and over three miles of trails on over 500 acres on Illinois Mountain. We very much appreciate the opportunity to offer these comments. We'd like to start by acknowledging the dedication and hard work of the Comprehensive Plan Committee which has met regularly over the past two years to craft an updated plan which ensures that the Town's rural qualities are not lost and their property, water resources, forested areas, views and sense of place are maintained, while enabling the developers to seek economic gain from their investments that are

consistent with the plan. Hence, a balance must be struck, and the plan must outline steps that identify the right places for conservation and development that follow the principles of what is commonly known as smart growth. The idea is to direct new development to those areas which already have development infrastructure, public services and other amenities in order to build greater economic mass and vitality, provide public services cost effectively and limit impacts to other more rural areas. By working closely with Town officials and stakeholders new Walkway Gateway Zoning has been created along Route 9W in the Town Center. This smart growth approach is intended to create a stronger connection between Walkway over the Hudson and Historic Highland Hamlet, and most importantly breathe new life into the hamlet and underutilized parcels and buildings on Route 9W, Lloyd's commercial heart, which already is served by excellent transportation access and public water and sewer. The Town of Lloyd has all the ingredients that make other communities working to achieve smart growth solutions green with envy. For starters, you boast a world famous \$40,000,000 park, attracting 500,000 annual visits from tens of thousands of tourists. This park is connected by the popular Hudson Valley Rail Trail to Black Creek which offers kayaking, canoeing and fishing, paths on Illinois Mountain, and a loop trail connecting wooded trails at Frannie Reese State Park, Bob Shepard Highland Landing Park with deep water access for tour boats. The standpoint of the Town's comprehensive plan, the Town could not be better positioned, with its historic hamlet and Town Center on Route 9W, with public water and sewer and new zoning designed to encourage infill development of former car lots and other parcels and reuse of vacant buildings directly connected to these incredible assets, and no extensive roads, water or sewer expansions are needed. Much in the proposed plan is to be commended. It recognizes the new gateway zoning can increase economic opportunity and transform Route 9W between Milton Avenue and the Mid-Hudson Bridge approach from an underutilized highway strip into a vibrant, attractive main street that builds on the existing Highland hamlet and promotes trail connections and conservation efforts along Black Creek and on Illinois Mountain. And, at the same time, other more rural outlying areas of Town will benefit from this new activity and become more attractive and viable for hospitality uses, agricultural and related commercial activities, well planned residential development and hamlet scaled commercial uses. However, while speaking to the need to preserve Lloyd's rural character and create a strong town center, the draft plan also includes several policies and incentives that would make it harder to accomplish these very goals. For example, water and sewer would be extended from border to border along Route 9W, potentially ushering in sprawl, strip development and unnecessary traffic. It advocates for zoning that allows landowners the most latitude in developing their property, opening the door to large-scale development proposals just anywhere in Town, a scenario that can lead to decentralized development or sprawl which costs taxpayers more by requiring Town services spread thin over a greater area, loss of rural character and farmland and increased auto-dependent strip development. Alternately, we believe that the Town Center with new development capacity afforded by the gateway zoning should be designated as a priority growth area that can absorb additional retail, residential and light industrial development. This would create the sort of economic vibrancy the community longs for, while alleviating the need for expensive new infrastructure and negative impacts in the outlying parts of Town. One critical element of the proposed plan which we are very concerned about is the deletion of references to the Northern Wallkill Biodiversity plan which was included in the 2005 comprehensive plan. The biodiversity plan identifies areas whose preservation continues to be essential for protecting the Town's irreplaceable natural resources. Note that the biodiversity plan does not propose that these areas be off limits to development but instead recommends adoption of policies that would lower the density of development with buildings arranged to protect these important natural resources. Scenic Hudson recommends that the new comprehensive plan adopt a conservation overlay zoning district covering those areas highlighted in the Northern Wallkill Biodiversity Plan. Otherwise the Town will find the significant natural resources that help prevent flooding, protect water supplies and attract people to its parks and trails at risk. We will submit additional written comments before the end of the comment period. Thank you very much for this opportunity to address this issue tonight.

SUPERVISOR HANSUT: Thanks, Joe.

MR. ANZEVINO: I do have -- if anybody wants a copy, I have a couple copies tonight or can receive them by e-mail tomorrow.

MS. LOEWENTHAL: Good evening, everyone. My name is Joanne Loewenthal and I'm here representing the library board along with Nancy Hammond and Julie Kelsall-Dempsey, our director. And thank you to Brad Scott and Dave Barton and all of your committee members for giving us a wonderfully alive master plan that we can all participate in immediately and for the next many, many years to come. Based on Dave's request that we reiterate what we sent in writing, we have provided some additional statistics just to be as up to date as possible because our 2012 reports just came in within the past week, so we passed that on for it to be included. And we also wanted to highlight the fact that we have been in our current building for 83 years, and while the population has increased over those 83 years, our space has not changed. Our services have. The number of residents that we serve certainly has. It's time for the library to once again ask the community for its advice and its recommendations as to what our next step should be. So in terms of the master plan, we would just

like to make note of that and the fact that over the next several years it's going to be critical for the community to come together and agree upon a plan for the future of our library building and our library services. 83 years is a good time. I think we can all be proud of that. And the building has a lot of cherished memories to it. So we just really want to open the conversation through your master plan and through another meeting next Thursday night. If anyone has nothing to do or if you would like to share in this discussion, please join us at the Town Board at 6:00 next Thursday to talk about the future of the library. Thank you for the opportunity to include that in your plan.

SUPERVISOR HANSUT: Joanne, thank you, and thank you to your committee and to Julie for taking the opportunity of reaching out to the community and getting their ideas. I think that's a positive way of starting up this project. I just want to commend you on that.

MS. LOEWENTHAL: Thank you.

SUPERVISOR HANSUT: And it is going to be at the Town Hall at 6:00 next Thursday. We will offer you the live scan if you would like it on TV, or it can be recorded.

MS. LOEWENTHAL: Yes. I think Nancy has already talked to someone about that. We appreciate it. If anyone would like a tour of the library first, 5:30 at the library stairs. Thank you for your help.

CHAIRMAN HANSUT: Okay.

MS. COWAN: Hello. My name is Kit Cowan, I live on Hawleys Corners off of 299. Thanks for having us tonight, and thank you. I'm not going to say thank you, thank you to the committee and the board and everything like everybody else does. It is great and I really appreciate it. I'm going to say -- instead I'm going to say thank you so much for giving us the chance to look at it for so long as to even extend it past today. That is really wonderful. I really appreciate it. Thank you for streaming the meetings, and a lot of great things have been happening. I wrote eight pages of notes and gave them to Dave. I'm not going to read them all, of course. At the end of it I put a lot of good points, so I'm going to start with that. I'll give sections, although I have to say I was reading from the first draft so some of this might not totally sync up with the final draft. Anyway, section -- chapter 2.4.5, I thought was great, pedestrians and bicyclists, in the first paragraph. Chapter 3 encourages compatible use. I just put brief notes, and you can look at those if you want. 3.3 I thought was a very good section. 3.3.3 was well done. 4.1.1, let's examine the mile run park idea. I love that idea. Remember that plan well. That was a great idea. 4.2.2, walkable neighborhoods. That's a wonderful idea with sidewalks. Great idea. 4.2.3, parking. Encourage local business owners to use parking lots. Great idea. Chapter 5, paragraph 1, I like. 5.3, promote historical barn preservation. Great idea. I'm going quickly. They can look at the things. It's in the notes. 6.2.1, pedestrian and bicycle, the action for encouraged developers of new subdivisions to provide multiple routes that disperse traffic. This is excellent. 7.4, develop a reservation plan for Illinois Mountain, and the actions were adopt a telecommunications law to protect scenic resources on Illinois Mountain ridge. Wonderful. Great idea. Chapter 8, objective, make all Lloyd GIS data ... available to the public. Yes. Schedule regular reviews of the comprehensive plan, yes. 8.2, promote tourism, create a permitting process for short-term rentals with a special use permit. Yes. Good idea. 8.6, make Lloyd geographic information ... action, amend Lloyd's zoning to include mediation. I thought that was good. I expanded on that a little bit and I'll read that in a minute. 9.1, expand water and sewer services. All good, especially actions. Mandate private developers to assist in financing. That's the part I liked. Okay. I have five major points that I felt were issues to look at, and I hope that -- oh, I had a question. How will this -- these notes come to the committee after this? You have your notebook there. Will there be a reconvening of the committee?

MR. BARTON: I believe there will be.

MS. COWAN: Okay. Just curious. All right. So issue number one, it's as Jeff touched upon, the standards that allow development south of Town I felt could lead to sprawl as -- and I think Jeff elaborated quite a bit about that. I think that's something to look Issue number two, the mediation. I thought -- we always had this problem with developers coming in and, you know, then they do so much work, they spend so much money and then they sue the Town when we say no, you can't do something. So wouldn't it be -- when I visited Dave he said I was the only one that thought this, but wouldn't it be a good idea to have a project review board which reviews development before it actually gets sent over to the Town Board so that some of these things could be avoided? A mediation team is certainly wonderful short of a review board. Maybe all of that could be avoided if we reviewed it first and it met the standards. Just a thought. Number three, I felt throughout the plan, and I read it front to back, I spent two weeks reading it, I felt there was too much reference, either inflection or direct reference, to the Wine Village. I understand that you guys are excited about it. I understand that. I've been told that numerous times. And I'm not -- I'm not saying I'm totally against it or -- and I should say that I represent -- currently represent the Lloyd Development Association. I'm the president of it. Soon not to be. But there are things that need to be dealt with. In talking with you, Dave especially, the brief conversation we had, we're -- the citizens don't know where it's at with Wine Village. Where I left off, and I probably know more than many of the people, is 900 homes and, you know, the rest of the plan. And I hear that that's not so. So I'm just saying that to make such reference in a document, that should be a balanced document between development and citizen needs in the Town, I think was too much. Specifically as mentioned in 2.2 -- 2.6 rather, it was

mentioned in 3.1.2, it was mentioned in 3.2.2 paragraph 1 and 3, it was mentioned in 8.4, it was mentioned in 10.2.1. A lot. So I would request, and especially the paragraph that talks extensively about the Wine Village as though the history of it we all need to know. I was -- I felt it was too much. Let's see. Is there any more point about that? Okay. Number four, we've mentioned the different biodiversity plans. Jack brought up the different ones and Jeff brought up the Northern Walkkill, which I actually looked at. I haven't seen the ones that Jack mentioned. As a citizen I felt that I needed more detail. For instance, I was shocked to know that the spotted turtle on Hawleys Corners is a rare species. I was shocked. We people don't know what we have in this Town as far as wildlife. And I think that yes, we should list all of those things. I would say to Jack that I wish he said more, you know, about what were in those documents. We need to list more in the comprehensive plan, specifically what the details are, so that -- even briefly compared to what there really is so that citizens can see that because it's wonderful. It should be listed. It should be itemized more. All right. Number five, I also felt that the document overall had too much -- we were talking about balance, and I asked Brad Scott at the last meeting if this document should represent a balance for both development and for citizens, and I felt that there was too much slanted toward development personally. I guess I'm not a developer so I guess I felt that way. Some of these are totally reasonable, and I don't claim to be a professional at zoning. I think it was too much. And specifically spots that benefited developers were 2.6, 3.1.2, 3.2.1, 3.3.2 twice, 8.1, 8.3 and 9.1.1. Okay. Thank you.

SUPERVISOR HANSUT: Thank you.

MR. DIAZ: My name is Ralph Diaz, D-I-A-Z, I live on North Elting Corners Road. First of all, I think this is a very good plan. One of the things I've judged that by is the fact that you're not offering coffee and cookies to try to qualify it, so that's really good. I want to address specifically in the transportation section of 6.21 and 6.22, which are on pages 63 and 64. I think it has a good start here. It points out -- it refers to the Town should take action guided by the principle of protection first. It does bring up the New York State Vehicle and Traffic Laws that specify the rights and responsibility of cyclists and pedestrians on public roads, and then later under the 6.22 it talks something about putting up signs that bikes share the road. One of the things I see with the revolution of bike tourism and people -- more and more people riding bikes on our public roads and on something like the rail trail is the potential conflicts. I think something more should be put in here to try to avoid them. One place I think that there's a -- under 6.22 there are actions, and one mentions -- I think the fourth one says creating a pedestrian and bicyclist brochure that identifies routes, including Hudson Valley Rail Trail, Walkway, et cetera, connection to the Town bike loops and so on. In that brochure there should be some strong statements --

SUPERVISOR HANSUT: Ralph, just put the mike up a little bit.

MR. DIAZ: I'll start again.

SUPERVISOR HANSUT: Not from the beginning.

MR. DIAZ: A greater pedestrian and bicyclist brochure identifying various routes, and within that I think there should be some tips or statements about safety and courtesy considerations for both cyclists and the pedestrians. We're seeing that at least on the rail trail. We had this happen on our roads, big groups of cyclists come through that the cyclists have not obeyed the Traffic and Vehicle -- Vehicle and Traffic regulations of the State. I think something should be stated there in the brochure. Just put some good points, even though we've been talking about them, for the Rail Trail. Just have something like that. It's going to be overwhelming and I think it's best to start off with clearly stating these kind of courtesy and safety considerations. Thank you.

SUPERVISOR HANSUT: Thank you. We can put in here personal responsibility and common sense. Put that in there.

MR. BARTON: Sounds great.

MR. PALADINO: To make a quick comment, I attended a lot of the meetings with the Comprehensive Review Committee, and again I want to commend them. Great job overall. One of the comments that was made throughout these meetings is that it is meant to be in essence a living document. So in theory this should be reviewed on an annual basis as economic times change, as a need or a development happens within the Town or surrounding area that may want us to consider making changes to this document. It can happen. This is not in stone forever, obviously. So just keep it in mind that Ralph brings up good points about biking and what not as the Rail Trail and Walkway hopefully develop into the future and we get more of that type of traffic. There is opportunity, as we go forward, to make changes that would be initiated into this document. So keep that in mind with all the chapters. It's not obviously just that. It is meant to be a living document, and we hope to have a Comprehensive Review Committee review this at a minimum on an annual basis and as necessary. So just keep that in mind when you're looking at specifics. We try to keep this -- they tried to keep along with our discussions. As I said at the board meeting, this document was probably four times the thickness, lack of amount of pages that was in before, than what it currently is because it's supposed to keep it a little more general, more guidelines for the future of Lloyd so you are able to make the changes you feel are necessary going forward. I just wanted to make that comment for everybody to understand that that was the intention.

08.28.2013

SUPERVISOR HANSUT: Good point. Thank you. Yes.

UNIDENTIFIED SPEAKER: I just couldn't hear over there.

SUPERVISOR HANSUT: Anyone else?

MR. PALADINO: I do have another comment. I'd like to bring it up if you don't mind. Is there is anyone in the audience right now, public?

SUPERVISOR HANSUT: Sir.

MR. LONG: Yes. My name is Bert Long; I live at 77 Mackey Road. I have a mobile home park there. my concern was -- I've been there 34 years. When I first bought it the guy said we'll probably have water in five years. I think he was wrong. But anyway, I hear a lot of things as far as the water being tied in with Marlboro and as far as the Town of Lloyd and Marlboro. I just wonder how it's going to run and if I can tap into it when it goes down? Pretty like simple. It is for me. In fact, I think we had an arbitration in the Town Hall as far as houses being built up on top -- across from me. I'll put it that way. I think they drilled twelve wells or something like that, and I don't know how good they were as far as what they produced. What is the gallons per minute for a home? Is it three or five gallons a minute? Does anybody know?

MR. BARTON: The Health Department --

MR. PALADINO: That's a Board of Health question.

MR. LONG: Okay. Thank you.

MR. PALADINO: Ulster County.

MR. LONG: But I was against it, number one. They should have put the line -- they should put a line in, I'll put it that way, for all them houses that were proposed. Did that deal fall through?

MR. BARTON: It's on hold now.

MR. LONG: On hold?

MR. BARTON: Yup.

MR. LONG: Okay. It's not going to happen.

MR. BARTON: Tough environment.

MR. LONG: Okay. So what else do I want to say?

MR. PALADINO: I think the water, if it does go down further south, would help that development overall. If there is an opportunity for them to connect into municipal water --

MR. BARTON: And you as well.

MR. LONG: Say that again.

MR. BARTON: And you as well.

MR. LONG: Yes. I proposed that when we had the engineers there and the lawyers there and everything else, and they said they weren't going to solve the problem that night but do you have any suggestions, and I piped right up, put a main line right down through there, we'll all tap into it and be happy ever after. You have trouble like with wells sometimes, they get plugged, they don't drain or people overuse it or let a toilet run for a couple days, you know. Idiots. I shouldn't say that.

MR. BARTON: It's in the record now.

MR. LONG: I have other words I could use too but I won't. I know it's sparsely populated in the sense maybe for the Town and like that. But the other thing that's going up within twenty years, this hotel, a twenty-year project that's supposed to go. Is that going to have any bearing on what we get down there?

MR. PALADINO: I think the proposal is to get it down to Marlboro, period. Whatever can connect on that that would be feasible for the Town --

MR. LONG: Here comes the loaded question. When?

SUPERVISOR HANSUT: At this point we're working on financing and funding of the project. We had two meetings with the County --

MR. LONG: Okay.

SUPERVISOR HANSUT: -- and I can assure you that at both of those meetings I expressed my interest, in moving forward with this project, that we get the water over to your side of the street.

MR. LONG: That would be great. Here's the other thing. Usually when you're going to do a building or excavating or anything like that, you usually put sewer in first on the bottom, water on the top. Is that going to happen or --

SUPERVISOR HANSUT: I think right now we need to secure the funding.

MR. BARTON: It's a money issue.

SUPERVISOR HANSUT: There are grant opportunities. So you don't know if we're going to get the grant opportunities. I think once we get into the funding portion of it, I think there will be, I think, further conversations. I know right now we're talking strictly water down to the Marlboro/Lloyd town line --

MR. LONG: Okay.

SUPERVISOR HANSUT: -- with the thought that Marlboro at some point will hook onto that line.

MR. LONG: And Marlboro will be paying the Town of Lloyd for that or will it be a joint venture?

SUPERVISOR HANSUT: Currently right now we've taken on running the water. We have -- on behalf of the Town we've applied for the grants, and in the two meetings we had with Marlboro they were --

their considerations and thoughts that there might be some wells out there that they could drill into, and they've been drilling for several months.

MR. LONG: I see.

SUPERVISOR HANSUT: Dave and I spoke about it and there was a time restraint on the funding, the consolidated funding application, so we decided we're going to move forward and down the road if it's something they want to do, they can pay to hook in.

MR. LONG: Now what about the tunnel that's being done there by the Hickory Inn in Middlehope?

MR. PALADINO: Delaware Aqueduct.

SUPERVISOR HANSUT: That's the aqueduct which is on the other side of Marlboro. The DEP, they were part of our meetings that we had with the County and they kind of strongly recommended to Marlboro that they join on with this water from the Town of Lloyd.

MR. LONG: Perfect. Thank you very much.

SUPERVISOR HANSUT: All right, sir.

MS. COWAN: Since you're on the subject, depending on the grants that you secure for that, that would be increased taxes for Highland people? A portion of that would be taxes?

SUPERVISOR HANSUT: No. Our goal is and the funding sources that we're looking at are DEP, Consolidated Fund, Empire, the County. The County is proposing money and the developer down there. So it's our hope at this point, as long as all the funding sources come together, it will be at no cost to the taxpayers.

MS. COWAN: Okay.

MR. PALADINO: Or at minimum you may have the opportunity to tie in with Marlboro and we'll be getting paid from the developers on use of the water.

MS. COWAN: But we're going forward before Marlboro comes into the picture?

SUPERVISOR HANSUT: We didn't want to lose the opportunity.

MR. BARTON: The DEP has been pushing for an interconnection with Marlboro for over two decades.

MR. PALADINO: New Paltz is also on their radar as an interconnection also. It's part of their overall plan.

SUPERVISOR HANSUT: Our hope is to have that water at the end of the town line, and then when the DEP says to Marlboro we're shutting you down, they're going to jump online.

MR. BARTON: Do you think?

SUPERVISOR HANSUT: One can only hope. Anyone else? MR. LONG: When are they going to shut down the aqueduct?

SUPERVISOR HANSUT: 2016 is the target date.

MR. LONG: It should be hooked up before they shut it down; right?

SUPERVISOR HANSUT: You would hope so.

MR. LONG: I mean I'm going to attack from all sides. That's all.

MR. BARTON: Keep looking in the paper. There will be more public hearings on the extension.

MR. PALADINO: Anyone else?

(No response.)

SUPERVISOR HANSUT: The public hearing will remain open for three more weeks. You can go on the website, you can make your comments to Dave Barton. I know some people don't like to speak in public, which is fine. You can feel free to reach out to Dave, anybody on the Town Board, and, you know, your comments are very, very important from the time we've started this process about a year ago informing the committee. For those who don't know, it's a very diverse committee. There were folks from every walk of life, from town, political parties. Both parties were represented. It was a very good committee and they did a lot of diligent work, and I commend Brad again for his leadership in keeping everybody focused and moving forward. The 2005 comprehensive plan, I think it took almost seven to eight years to get to the finish line. This has taken a little over a year. And it's a great document. So if there are no other questions --

MR. PALADINO: I do have some comments. I've got to bring up the issue that I brought up at the tri-board meeting, my concerns about chapter 5, agricultural. In general I think it's the overall objective, and some of the goals are very well written, but I do have a little bit of an objection to density transfers, 5.1.3, and also purchasing of development rights. I think these two items -- one I just don't believe should be in there. Density transfers I think can become a legal nightmare, quite frankly. What that means is that basically one developer or one landowner can, in essence, buy development rights and transfer them to another property, therefore leaving that one land without the right to develop it, and they can transfer it to a different location. From a perspective -- a legal perspective I should say, I think it's a slippery slope and I wouldn't be in favor of that particular item being in our comprehensive review plan. Secondly is the purchasing of development rights. I think it should be in the rights of the landowner, not necessarily to the Town. It's something that, quite frankly, I don't ever foresee being affordable. It's not in the Town's best interest to buy a development right from one individual and why not me in the future type of add attitude in the future I would say. It could happen from a legal perspective. A lot of question marks from the community at large. As a former farmer, it's something that if I have the opportunity to do it with a private individual, Jeff Anzevino is in the back, Scenic Hudson is probably one of the most active development right purchasers in the

area, that property would have the rights then to do so. But I don't feel that this should be a part of our plan within the Town. It should be a property owner's decision.

SUPERVISOR HANSUT: Looking in the audience, I see Mr. Pavero. I didn't want to put you on the spot. Your thoughts?

MR. PAVERO: I agree with Jeff. I think that Scenic Hudson should deal directly with farmers that own the land, not have the Town involved with it. That's a separate deal that the farmer would make with Scenic Hudson. I don't think the Town really needs to be involved at this time, Jeff.

MR. PALADINO: I don't at all. I don't think it's a land government –

MR. PAVERO: It's a buy/sell situation. It doesn't really involve the town.

SUPERVISOR HANSUT: That's Jeff Pavero, P-A-V-E-R-O. Are there any more farmers that would like to -- I didn't see anybody else. Yes.

Ms. VIOLA: I have a question for Jeff.

SUPERVISOR HANSUT: We need you to come up here so she can hear. Thank you.

Ms. VIOLA: Elise Viola, 39 Perkinsville Road. Just to question what you just said, are you suggesting that because it's in the plan, that it would be something that's mandated?

MR. PALADINO: Not that I think it's mandated but it's something that in essence -- it's kind of that two-edged sword. At times you're hopeful that things are in your plans so you can address it because it's there in the document so you can question something. On the other side, it then -- I'll bring up a specific example which Jeff already brought up. When we talked about development south of 299, in the current comprehensive plan it actually says development should be encouraged north of 299, light industrial, et cetera. Since it was mentioned in the document, it became a flag in the document. So it gave, in essence, Jeff, and I'm not trying to pick on any individual, this was a topic that came up specifically in the last couple of years. So it says -- here it says in your comprehensive plan that you should not encourage development south of 299. Is that really the right thing for the Town to truly consider? I would say the same thing is here. Well did you consider purchasing development rights from that landowner, therefore why didn't you do it and did you explore it. In essence it delays, deters development from potentially happening, and it creates that question mark over that development, whatever it might be. I think we have enough layers of government or boards, specifically the Planning Board, that reviews all concept plans. And getting back to one of Kit's comments about reviewing plans prior to them getting to the Town Board. That's what we have a Planning Board for, quite frankly. I think Dave is a planner, starts that process going and gets a little questioning and answering going and they come up with a concept plan -- a developer would come with a concept plan and say what do you think, then they do their first round of review. That's the process. I think if you've got sound decision making people on these boards, quite frankly, and knowing that the introduction of this document is, in the mission, in essence of what the current Planning Board is, and hopefully going forward always keeping conservation subdivisions in mind, cluster development in mind, all the pluses that we talk about, it's already there. This just creates, as far as I'm concerned, a question mark that can be challenged.

MS. VIOLA: How would you suggest then preserving open space? What methods?

MR. PALADINO: I think you do it through conservation subdivisions, cluster development.

MS. VIOLA: What about preserving open space that might be suitable for no type of development?

SUPERVISOR HANSUT: If I could just remind --

MS. VIOLA: Like one of the biodiverse --

SUPERVISOR HANSUT: I don't mean to cut you short. This is a public hearing to discuss the comprehensive plan. We're kind of getting back and forth in a debate.

MR. PALADINO: I don't mind answering the question. I think they're important. I appreciate the comment. Again it comes down to rights. So if you feel or if a group of people feel that a farm scape, several acres, 20 acres, 100 acres, in your opinion or a group of people's opinion say that's undevelopable, I don't think you really have the right to say that. I think the Planning Board by zoning tells you what has the right to be done.

MS. VIOLA: That's correct.

MR. PALADINO: If it's zoned as a residential neighborhood, therefore the development can come in under right to say we could have a residential development. For other people to come and say that should remain as open space can be debatable. It can be salvaged to a certain degree by cluster development or conservation subdivision.

MS. VIOLA: Yes. I'm not suggesting that it be mandated on somebody's land. I'm asking you -- I read it like all the other things in the plan as a suggestion, as a method for achieving the stated community goals and visions statement for the Town of Lloyd.

MR. PALADINO: Fair enough. I think there is private -- I'm saying there is private entities out there that will be willing and able to do that and negotiate. I think Jeff and their Scenic Hudson group has purchased development rights for several land parcels in the Town of Lloyd and surrounding areas. I mean that's always open for negotiation and as an opportunity for landowners that they have interest in.

SUPERVISOR HANSUT: I think there were other farmers that had similar concerns that have -- I don't know if they filed questions yet but I know there were some other ones that couldn't be here tonight.



MS. COWAN: This is the exact thought that I had about it in the comprehensive plan, that there was too much -- it's stating flexibility to developers. You're stating that it shouldn't be stated in the master plan because then it becomes the way it should be. I say the same thing about stating a lot in the plan, that there should be flexibility towards development. That wording was actually used, flexibility for developers. So I feel the same way.

MR. PALADINO: But it is important also, when we talk about flexibility, flexibility could be the change of the economic environment.

MS. COWAN: But if you put it in the plan, then it's expected. I'm not saying it isn't there. I'm just saying don't put it in the plan in words so that it's expected.

SUPERVISOR HANSUT: Duly noted.

MS. QUINN: Erin Quinn from The New Paltz Times. Dave and Jeff, just a question. Is the PDR, is that mentioned in an agricultural chapter, I don't have it on me, or is it part of the open space plan? PDR in New Paltz, it's part of their open space plan but it's not in general zoning.

MR. PALADINO: PRD, planned residential development?

MS. QUINN: Purchase development rights.

MR. LITTS: It's listed in 5.1.2.

MS. QUINN: I'm asking are you referring to PDR in a separate section?

MR. BARTON: It's in the agricultural chapter.

MR. LITTS: 5.2.

MS. QUINN: Because the plan does call -- the comprehensive master plan does call for an open space plan to be created.

MR. BARTON: That's correct.

MS. QUINN: But this PDR is mentioned in a separate section?

MR. BARTON: Agricultural.

SUPERVISOR HANSUT: Just one point of clarity for Jeff's point. Any entity can come and buy or purchase your development rights. That's a transfer between two parties. The only thing is that if it's not in our master plan, a developer cannot come to the Town and say I won't purchase your development rights so that I can enhance development or increase development on my piece of property, because that's more than just a transfer between the parties, that's a zoning issue. So you're not protecting a developer's rights by not allowing either transfer or purchase of development rights. That is, an individual transfer can be an individual transfer. They purchase your rights for your land to stay open, but that does not give them the right to increase density on their property just because they bought your rights. That has to be done through zoning in the Town. And in order for that to take place, it has to be in the comprehensive plan. So it's a double-edged sword. You need to look at both sides of the issue.

MR. PALADINO: Bullet number 5, 5.1.3, the density transfer must be consistent with the Town of Lloyd comprehensive plan and the zoning code.

MR. LITTS: If you take development rights and transfer rights out of that, that section goes away and that statement is not in the comprehensive plan.

SUPERVISOR HANSUT: Any more questions from the public?

MR. ANZEVINO: Jeff Anzevino. Transfer of development rights, -- I mean Herbie is right, it's a program that can be very effective in preserving open space. By the way, I think one of the great suggestions is adopting an open space plan. That's a great thing. One of the things that can be in the open space plan is a recommendation that the Town adopt a transfer of development rights policy, and that means the Town would identify the places in Town where it would like to see development, sort of the priority areas, like in and around the hamlet, it could be other places, it's up for you to decide, and then places where development really would be not -- not the best place for a lot of development. Willing property owners in what is called the sending zone and receiving zone. The sending zone is the place where development should be lower scale. The receiving zone is where you want to send those development rights. This works on -- it's a market-based systems. So good for all those capitalists, people that want to buy the development rights, say on 100 acre parcels out in Lloyd's pan handle. Maybe it's a farm. Maybe they want to keep farming. They can sell those development rights, and the person that buys those rights has this bundle of rights and they can use that to develop more intensely on another parcel that's in a place that the Town has designated. It's got to have water and sewer for the increased development. So it's actually -- it's a little bit of work to do it.

MR. PALADINO: Jeff, it is more intense. You could develop more intensely.

MR. ANZEVINO: That's right. That's the bonus. That's why somebody is going to pay the farmer tens of thousands of dollars so he can build twice as many homes or half as many homes. The Town has to decide what the right number is where the places are. It's a good tool. Purchase of development rights is different, and I don't know that Scenic Hudson has done any PDR, purchase of development rights, in the Town of Lloyd. We do a lot in Red Hook and Columbia County. That's where we work. We get Federal grants and County money in Dutchess County and Columbia County, and we actually pay farmers for their development rights. They continue -- they're willing -- all on a willing basis, the farmer continues to farm their land, they continue to live there, and they get paid to not

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build houses on it, and they use that money to buy farm equipment and whatever they need to make their farm viable. I think they are both legitimate things, and I think if someone said no one forces any of this on anybody and the Town doesn't really -- doesn't necessarily have to get involved in funding any of it. Some towns decide that protecting open space is important to them, like the Town of Warwick, and they'll pass a bond to raise money that can be used as matching funds to leverage Scenic Hudson's money or State funding. So I think that one option that the Town could do is say we generally like the idea of purchase of development rights. It doesn't necessarily mean you have to bond any money for it. It's just saying it's a legitimate way and you can always explore and see if it's right for the Town. So that's just kind of a little clarification on those two issues.

SUPERVISOR HANSUT: Thank you.

MS. WADLIN: Vivian Wadlin. I just wanted to add to that that development rights can be bought and never used somewhere else. So some organization could get together, put up the money, buy rights from my farm and never use them but just make sure that my property never has development on it.

MR. LITTS: And that's the difference between a PDR where you purchase them and you can do whatever you want or hold on to them forever, and transfer is so that you can develop more densely in an area once you purchase those rights from someone else. That's really the only difference between transfer and PDR.

SUPERVISOR HANSUT: Any more comments on the comprehensive plan?

(No response.)

SUPERVISOR HANSUT: Make a motion to adjourn?

MR. LITTS: So moved.

MR. BRENNIE: Second.

SUPERVISOR HANSUT: Thank you all for coming. Keep your thoughts coming.

(Time noted: 7:08 p.m.)

#### C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

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DATED: September 15, 2013