

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

SEPTEMBER 17, 2014

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

Also present: Sean Murphy, Attorney
Terresa Bakner, Attorney
Kate Jonietz, Secretary
Rosaria Peplow, Town Clerk

Absent: None

7:00 PM – Supervisor opened the meeting and led the Pledge of Allegiance

7:01PM Supervisor opened the Public Hearing on proposed Local Law G of 2014, amending the Town of Lloyd Zoning Code and Map.

Supervisor asked if there were any comments. There were no comments. He explained that the Public Hearing will remain open until the next Regular Town Board meeting on October 15, 2014. There is a stenographer at this meeting who will record all comments. Terresa Baker, Land Use Attorney, is present if there are any questions. He noted that no comments have been received from Ulster County Planning Board as of this date and referred to a letter from the Town of Lloyd Planning Board that made some comments on the proposed law and asked that the following letter is included in the minutes of the public hearing:

Date: 9/11/2014

Hudson Valley Wine Village Comments on local law to rezone

To Town Board of the Town of Lloyd:

The Planning Board of the Town of Lloyd has reviewed the proposed local law to rezone portions of the property known as the Hudson Valley Wine Village (HVWV). The Board generally is in favor of the project, as well as the adoption of the local law which represents the culmination of a three year environmental review process, and is hopeful that the proposed development takes place. Having said that, the Planning Board members offer the following comments listed below:

- Consider revising the PUD or PRD provisions rather than establishing new Districts. If this is not possible revise the local law to make sure that there will not be any confusion.
- In the BPC district increase the Front and Rear setbacks to be more than 10 feet.
- Page 4 B. – the role of the conceptual plan and the site plan should be further addressed.
- Page 8 - 7b - Public Open Space – Consider strengthening the language from "encourage" to "will be enforced" by the Site Plan.
- Page 15 - BPC District, same comment on front/rear setback as in bulk table comment
- Page 17 - minor - spelling error in third sentence "posited."
- The minimum building setback for the BPC zone should be increased to twenty (20) feet.
- Further discussion of the maximum number of units for the hotel should take place. Clarification of who will assume liability for the open space acreage.
- Consider making the name of the district more generic and less site specific.
- Please make sure that the District boundaries and the bulk tables are clear to enhance the Planning Board administration of the Code.
- Consider removing residential units from the Business Zone.
- The provision that ensures the commercial components get built before additional residential units is excellent.
- Is there some way to include some "form based" provisions in the local law?
- Consider revising the setbacks and lot coverage provisions in the BPC, BPI, and BPMF to ensure that the Districts are not too urban. Consider deleting "Single Family Dwelling" from the permitted uses in the BPO, as it appears to not be an intended use based on the conceptual plan.
- Add a definition of Neighborhood Commercial.
- Under Bulk Regulations for Multi-Family and Apartment Type Dwelling units, there is no front yard setback, but there is a 15 foot setback from edge of road. Please address this inconsistency.
- Under section "III. Blue Point Industrial District (BPI)": The new defined term "Industrial, Light" shown on page 1 of this document seems much more permissive than this list of allowed uses. Someone needs to either expand this list to make it compatible with the new defined term or re-define the defined term. Or, if this is

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what you mean, change a. in this list so that it says "any use allowed in the definition of Light Industrial".

- Under allowable uses within the General Business 1 District, "Other than telecommunications facilities, these seem to be the same uses allowed in the Town's GB district. Why do we need a new only slightly different zone? Why not just say "same as GB except..."

The Planning Board greatly appreciates your consideration of these comments and looks forward to commencing site plan review on the Project.

Yours Truly,

Scott Saso, Planning Board Chair, Town of Lloyd

STATE OF NEW YORK COUNTY OF ULSTER
IN THE MATTER OF THE PUBLIC HEARING REGARDING
THE HUDSON VALLEY WINE VILLAGE PROJECT

DATED: September 17, 2014

Lloyd, New York

7:00 p.m. - 7:18 p.m.

Jennifer Cea, Reporter

Mary T. Babiarz Court Reporting Service, Inc. (845) 471-2511

MINUTES OF PUBLIC HEARING

APPEARANCES: 3

TOWN BOARD MEMBERS

Paul Hansut, Chairman

Michael Horodyski

Kevin Brennie

Michael Guerriero

Jeffrey Paladino

WHITEMAN, OSTERMAN & HANNA, LLP

Special Land Use Attorneys One Commerce Plaza

Albany, New York 12260

BY: TERRESA M. BAKNER, ESQ., of Counsel

STENGER, ROBERTS,

DAVIS & DIAMOND, LLP Attorneys for Applicant

1136 Route 9

Wappingers Falls, New York 12590

BY: KENNETH STENGER, ESQ.

BY MR. HANSUT: Good evening. It is September 17, 2014. Would everyone please stand for the pledge. (WHEREUPON THE PLEDGE OF ALLEGIANCE WAS RECITED)

BY MR. HANSUT: I would ask if everyone would please either turn your cell phone off or put it on vibrate. I would like to open the public hearing on the proposal of Law G 2014, amending the town zoning code and map. Those who wish to comment, I would ask that you please come up to the mic, state your name, please spell it. We do have a stenographer on hand that will be recording all comments this evening. Before we start that, I would like to add into the record a written comment from the Town of Lloyd Planning Board. We also have Terresa Bakner here who is our special land use attorney from Albany. She will be here tonight if any questions come up legal-wise. We will keep the public comment section open until our regular town board meeting of October for those who couldn't be here tonight that would like to place comments. We will keep it open until that October meeting. We have not received any comments from the Ulster County Planning Board as of yet. So the mic is open. The public hearing is open. Feel free. Anybody? Anybody at all? Jeffrey?

BY UNIDENTIFIED AUDIENCE MEMBER: I'm not here for that.

BY MR. HANSUT: Oh, okay. All right, well, it will remain open. If anyone would like to speak, just let us know.

BY UNIDENTIFIED AUDIENCE MEMBER: Can you give a thumbnail sketch of the lot itself, of what the changes will be?

BY MS. BAKNER: Sure, Mark. The law was pretty much covered in the Generic

Environmental Impact Statement and it is currently posted, along with the map right there, showing the various districts that are going to be established as part of the Blue Point Overlay District, and it goes through and it establishes allowed uses for each of the districts. It also covers all of the design requirements for any types of a facility in there to preserve the overall appearance of the Blue Point Overlay District and to make it cohesive and consistent. So we're looking forward to any comments anybody has on the Local Law. And as I said, everything is posted on the town's website, so it is easily accessible to anyone who would like to look at it.

BY MR. GUERRIERO: The planning board had some thoughtful comments, not just because I'm the liaison to the planning board, but I think the comments were really thoughtful. I think they will be good to implement.

BY MR. HANSUT: All right, anyone else for comments on Local Law G? If not, I would entertain a motion to close this portion of the public hearing.

BY MS. BAKNER: Keeping it open until --- (interrupted)

BY MR. HANSUT: Until --- (interrupted)

BY MR. HORODYSKI: October 1 is the workshop. The 15th.

BY MR. HANSUT: Move.

BY MR. BRENNIE: Second.

BY MR. HANSUT: All in favor?

(ALL BOARD MEMBERS RESPONDED AYE)

REPORTER'S CERTIFICATION

I hereby certify that the foregoing is a true and accurate copy of the Public Hearing Minutes recorded by me and reduced to transcript form.

JENNIFER CEA (signed)



1. **REPORTS** – Town Board Liaisons

Audit – January 1 to June 30, 2014: Councilmember Horodyski, Councilmember Brennie
July 1 to December 31, 2014: Councilmember Paladino, Councilmember Guerriero

ECC /Zoning Board - Councilmember Mike Guerriero reported that work is almost completed on the Black Creek Park and it really looks nice. It should be open by December. ECC has printed a new brochure, which is available and on the counter in the meeting room.

HCS D – Councilmember Kevin Brennie said that the school year has started and on October 28 will be the \$17.5-million capital project vote; anyone 18 years of age and registered to vote may do so even if you do not own property. New York State reimburses 66% and the local share is \$6.5-million. All the information is on the Highland Central School District website. He said that he was recently talking to a resident of Vineyard Commons and at a tenant meeting they shared that it is 90% full and this is now the most valuable assessed property in Town of Lloyd. It has reached its goal although it took a little time and there were some bumps in the road. He invited the local media to take this chance to write a positive story about Vineyard Commons.

Planning Board – Councilmember Mike Horodyski reported that he hopes to attend the Planning Board workshop tomorrow night; they are working on enhancements to the bed and breakfast law and the Lanzarone site plan. He is not prepared to speak on the Route 9W Visionary Committee as he was not able to meet with David Barton; he is hopeful that by the October workshop meeting he will be able to speak in detail on that. The idea was to identify parcels along Route 9W that would be advantageous to commercial business; the other aspect was to institute a design standard for the buildings and signs.

Police/Fire/Town Justice – Supervisor Paul Hansut thanked the Police and Fire Departments for arranging and participation in the Highland Remembers 9/11 Ceremony on September 11. There was a very good community turnout and the folks in the Town of Lloyd will never forget. There was a scheduled contract negotiation with the PBA this morning but they had to cancel due to an illness.

Water/Sewer/Drainage Committee – Councilmember Jeff Paladino reported that the discussion continues on a Town-wide Drainage Committee; there will be another meeting on October 2. However meetings are typically every other month.

Member of the audience asked if the public hearing remains open.

Horodyski answered that it is open and if someone chooses to speak in the public hearing on Local Law G, the stenographer will be asked to go back on the record and take those comments.

Supervisor added that if no one has any comments at this meeting including Privilege of the Floor, the stenographer will be excused.

REPORT – Claire Costantino, President, Hudson Valley Rail Trail, reported that they are anxiously awaiting the Columbus Day weekend events. The ever popular Moon Walk, Friday, October 10 from 7 PM to 9 PM, Hudson Valley Rail Trail Pavilion, 101 New Paltz Road, Chrissie Wolcott will serve as chair of the event, featuring an after-dark walk on the Trail, cider and doughnuts, a ghostly story teller and a bonfire. A special addition to the event is a living ghost tour featuring Lloyd's history sponsored by the Highland High School Theater Club, entrance fee is \$5, children 6 and under are free. HudsonFest 14 will be held on Sunday, October 12, 10 AM to 5 PM on the Rail Trail at 75 Haviland Road, chaired by Eric Norberg. As in the past, thousands of leaf peepers are expected to crowd the Trail during the day and will have the opportunity to visit many local vendors with specialty items from local farms, vineyards, restaurants, artists and outstanding music from local musicians. We are adding a very exciting dimension to the event. We are hosting an electronic silent auction. Participants will be able to sign up to bid on auction items by using their electronic devices. We anticipate opening bidding on October 5 with bidding concluding on the day of the event at 4 PM. During that time bidders will be able to view the bidding history and increase their bids if they wish. Featured items of the auction are two first class Delta airline tickets anywhere in the 48 contiguous states and two economy tickets to London via Virgin Atlantic Airlines with two nights at a Radisson Edwardian property, more exciting items will be announced in the coming weeks. Under the direction of Rafael Diaz, two trail courtesy sessions were held on the Trail. One was held on Sunday, September 7 at 75 Haviland Road and the other Wednesday, September 10 between Vineyard Avenue Bridge and Commercial Avenue Extension. A third was scheduled for Saturday, September 13, at Mae Lane but was cancelled due to inclement weather. The individuals they engaged with were very courteous and appreciative that we are posting these trail courtesy sessions. As you are aware, use of the Trail increases on a daily basis by individuals and groups who enjoy the outdoor experience. As traffic continues to increase on the Trail safety for all users becomes extremely important and the need for all to respect and be courteous to other users is of paramount importance in an effort to maintain a high level of safety on the Trail at all times. We appreciate the cooperation and support of Chief Waage, Lt. Janso and the Town of Lloyd Police Department for this endeavor. Our fall Learn to Run program, the sixteenth such program in eight years, began on September 13 and will continue for ten weeks under the direction of Rafael Diaz. This program continues to attract more users to the Trail in the interest of improving their overall health. To date, over 170 participants have completed and graduated from the program. We anticipate conducting a slope clean-up effort in the area of the Route 9W Bridge sometime in October and Chrissie Wolcott is leading this effort. The damage at the Commercial Avenue kiosk has been repaired by Ed Hopper with Association funds. We thank him greatly for the outstanding job he did in making the repairs. The master plan is almost complete and I am hoping to be able to share the plan with you at your October Workshop.

Supervisor said that he did get the final design report for the extension of the Rail Trail on Friday; NYSDOT has their copy.

REPORT – Matthew Smith, Manager, Bob Shepard Highland Landing Park.

Supervisor said that Matt Smith is at the Park working diligently; they are hoping to apply the grass seed on Saturday; he apologizes for not being at tonight's meeting.

2. OLD BUSINESS

A. Lime Energy – additional information

Supervisor stated that the representative from Lime Energy is not here this evening with numbers as was expected.

B. Bike Racks in the Hamlet

Supervisor said that after the Workshop meeting he was contacted by the Rotary Club.

The Rotary is going to design, purchase and install new bike racks in the Hamlet and Alan Van de Bogart is going to head up this project. He said that the effort of the

Rotary is appreciated. One of the racks had to be removed due to the installation of the new gas lines.

Ray Costantino asked that the bike racks are put in the storage shed until the Rail Trail Association decides where they should be placed.

3. NEW BUSINESS

A. Tony Williams Park playground

Supervisor said that Frank Alfonso, Recreation Director, met with the company who did the original playground design; using the increased revenue to the Recreation Capital Fund, swings will be added, a walkway to the playground from the pavilion and repairs made. The paved path would make it easier for mothers with strollers to get to the playground.

Supervisor asked if anyone had a comment about the proposed local law.

Reynolds asked if he would give a thumbnail sketch of the law.

Terresa Bakner, land use attorney, said that the law is covered in the generic environmental impact statement and it is currently posted on the Town's website with the map showing the various districts established as part of the Blue Point Overlay District. It establishes the allowed uses for each of the districts, covers all of the design requirements for any type of facility to preserve the overall appearance of the Blue Point Overlay District and to make it cohesive and consistent. Information is easily accessible to anyone who would like to look at it.

Horodyski felt that the comments of the Planning Board were very thoughtful.

Supervisor said if there were no further comments, he would entertain a motion to close this portion of the public hearing; however, the comment period will remain open until the Regular meeting of October 15.

MOTION made by Brennie, seconded by Horodyski, to close the this portion of the public hearing on proposed Local Law G-2014, amending the Zoning Code of the Town of Lloyd.

Five ayes carried.

4. PRIVILEGE OF THE FLOOR

Statement of
Jeffrey Anzevino, AICP
Director of Land Use Advocacy
Scenic Hudson, Inc.
Hudson Valley Wine Village Findings Statement
Town of Lloyd Town Board
September 17, 2014

Good evening. My name is Jeffrey Anzevino, Director of Land Use Advocacy for Scenic Hudson.

Scenic Hudson is a 51-year old not-for-profit organization based in Poughkeepsie. We have about 300 supporters in the Town of Lloyd and have a history of investing in the Lloyd dating back to 2008 when we contributed \$275,000 toward the purchase of the former River Star oil terminal to help create Bob Shepard Highland Landing Park. The park is really coming along thanks to the hard work of Matt Smith and a cadre of volunteers, including individuals and local businesses that have donated resources, labor and materials. The boat launch is one of the best on the Hudson River and, in fact, the only one on the west shore between Rondout Creek and Newburgh.

Subsequent to the creation of the waterfront park, Scenic Hudson purchased 251 acres on the bluffs to create Franny Reese State Park and also conserved land adjacent to the Town's Berean Park. The later will allow the extension of trails from Berean Park up onto Illinois Mountain—and help protect the Town's drinking water supply.

We also contributed to the creation of Walkway over the Hudson and with support from the Dyson Foundation, Scenic Hudson and partners Walkway over the Hudson, the Dutchess County Regional Chamber of Commerce, and Town of Lloyd developed "Walkway Gateway" zoning in Highland along Route 9W. With Vox, Inc.'s Jonathan Nettlefield, the same partners, and again with the cooperation from the Town, we worked together to develop a plan to brand "The Greater Walkway Experience" and to promote the Town in association with Walkway. The plan includes a map of Highland and attractive signs directing Walkway visitors to Highland hamlet, Highland Landing, Franny Reese State Park, and Berean Park/Illinois Mountain.

I mention all this because Scenic Hudson has been and remains committed to improving the quality of life and economy in Highland and the Town of Lloyd.

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I am also here this evening to say that Scenic Hudson very much appreciates that the Town Board as Lead Agency has included in the Hudson Valley Wine Village Findings Statement provisions to help mitigate some of the project's environmental impacts. In addition, we commend the Town for establishing in the Findings Statement provisions that coordinate the approval of residential units with the success of the hotel/conference center and industrial space. While we might not agree on every detail with respect to the Wine Village plan, we understand the Town Board's decision as articulated in the Findings Statement.

Thank you for listening and thank you for your past support.

Supervisor thanked Jeff Anzevino and his group (Scenic Hudson), along with Assemblyman Frank Skartados, for the meetings and comments; he felt that they worked well together.

Supervisor extended a welcome home to Sean Caswell, Jr., on his return from Iraq and noted that his service to our country is very much appreciated.

Diane DiSomma, Toc Drive, spoke regarding what is going on at Toc Drive. She talked with Brad Scott, Jr. and Brad Scott, Sr. about a meeting with the residents that was talked about at Town Board meetings. Brad Scott, Jr., had no idea what she was talking about. She feels that the residents were told a lie that there would be a meeting. The meeting was intended with Brad Scott, Jr. so that he could explain the project to the residents. This was never communicated to him. She would like to know if there is going to be a meeting with Brad Scott, Jr. and the residents.

Supervisor asked if she thought that the Town Board was going to set up a meeting as the conversation that he had with Brad Scott, Jr., was that Scott was going to reach out to the residents.

Diane DiSomma said that Brad Scott, Jr., said that he never had that conversation with the Supervisor.

Supervisor replied that he would speak to Scott, Jr., about it.

Diane DiSomma and the residents still want a meeting with him.

Horodyski felt that the Board could help facilitate the meeting but they cannot require attendance of anyone.

Supervisor said that Scott, Jr., is in New York City so it is difficult.

Diana DiSomma said that he does not live here but she happened to catch him one day at the site and went to talk with him. It was her understanding that a meeting was going to be set up through the Board.

Horodyski thought that was his misunderstanding because at the end of the conversation he felt that it was just that Scott, Jr. should go to talk about the concerns of the neighbors.

Supervisor did not think there would be an official meeting; he does not recall saying that there will be a Town-wide meeting. The last conversation he had with Scott, Jr., he suggested that Scott call him when he was in Town, and they would go for coffee to discuss the problems. He will reach out to Scott, Jr. tomorrow.

Sean Caswell, Toc Drive, said that he is at the meeting tonight due to his concern that there is not a proposal to change the noise ordinance law. Lloyd is the only Town in the Hudson Valley that allows commercial construction done by weekend warriors, 4 PM to 8 PM, every night of the week, including Saturdays, Sundays and holidays from the beginning of summer until now. He recommended that the Board reads the Code Book, under every stipulation, it says, 'the AHJ has the ability to alter these codes for good reason'. The authority with the jurisdiction is the Building Inspector. He said the Building Inspector over-reached his boundaries and targeted him but he did not over-reach his boundaries on the noise. Every Saturday morning beginning at 7 AM, there is jack-hammering which lasts all day long. Supervisor heard the noise; however, the other Town Board members don't live there. The reading was 95 decibels on his porch for nine hours; that is an issue. He would like the whole community to get involved and contends that if 'woodchuck' contractors work in the Town, this is what you get: no sleep for people who work second shift and babies who are awakened. He asked where the August 2013 bedrock study is as the whole place is bedrock. There were two huge backhoes with hydraulic and pneumatic hammers on them, beating all day long. Someone with jurisdiction should say to Mr. Scott, Sr., that he needs to tell his son-in-law who can only work from 4 PM to 8 PM, because he has a regular job. Caswell has no problem with people making extra money but not by taking away Caswell's quality of life. He feels that the Planning Board really needs to be looked at as they did not protect his quality of life. Caswell said that he cannot sit on his porch and have a cup of coffee. He uses a DB meter in his work with life-safety devices and 65 DB's are

required so that a sleeping person can hear a smoke alarm. He asked the Board to imagine that noise of 95 DB's all day long. He suggested to the Board to go home and turn on their smoke alarms right by their heads and to do that for a couple of days. He is asking the Board to be cautious for future developments. Caswell feels that it is too late for his neighborhood because they put the trailer park quality apartments in. He approves of the Winery project and feels that they are competent builders but he would like the Board to protect the people in the community. He would like protection for the people on Blue Point Road so that at 8 AM on a Saturday there are not tractor-trailers with backhoes racing up and down the road. He noted that his work is not noisy; however, his workers were almost arrested in Westchester County. His truck was at the site on a Saturday morning and the Police told his workers that they had to leave or they would get arrested. There is a noise ordinance law that prohibits construction on Saturdays or Sundays. This was not in a residential area; it was in a commercial area. He feels that the Town needs to have the authority to do the proper thing.

Horodyski asked the name of the town in Westchester as he would like to read their code.

Caswell replied that it was the Towns of Ardsley and Tarrytown.

Guerriero and other members of the Board thanked him for coming forward.

Jessica Caswell, Toc Drive, expressed her concern about the speeding in the neighborhood which has been going on for many years; she displayed a file of communications with the Town about the speeding issue. She noted that STOP signs and speed bumps have been recommended and asked why there is a wait.

Supervisor replied that Rich Klotz, Highway Superintendent, has ordered the STOP signs and he will put them up as soon as they arrive.

Caswell suggested checking with NYSDOT as a speed bump cannot be put on a Town road.

Jessica Caswell said that she did look into it and approval is needed from Ulster County and NYS to put a speed bump on a Town road; the Town is liable if there is damage to a person or a vehicle.

Supervisor concurred that it was discussed about the STOP signs and about the speed bump. He was unaware that there cannot be a speed bump and he never heard from the Highway Superintendent that one could not be installed.

Jessica Caswell said that she feels badly for Ruth Dapp as to what has happened to their front and side yards; she is asking this builder to do something nice for them. Give them a buffer as they do not have the complete privacy that they had before.

Supervisor said that he had hoped to discuss this at the cup-of-coffee meeting with Brad Scott, Jr.; he added that all five of the Board members acknowledge the situation.

Jessica Caswell asked that steps be taken to stop trespassers from coming through the right-of-way. Further, after the property was rezoned from Residential to PRD, the deed was split for the former Torsonne house and it is now PRD. The area is all residential except for the project that is being built next to them and she would like to have the Torsonne property changed back to Residential as it is a rental house. She asked who is to say that in the future Brad Scott will not tear down that house and put another one of his trailers on the property.

Supervisor asked Sean Murphy, attorney, if the property owner must ask for the change or if the Town Board can do that.

Murphy answered that the Town Board can do a zoning change on its own motion.

Horodyski said that whole area is surrounded by PRD's, designed and built as PRD's.

Jessica Caswell contended that they are townhouses and single family houses.

Horodyski agreed that the character is different from the existing buildings.

Caswell said he would have commented if he would have known in July 2013. He further said that although he can be told that the buildings will be quality but he just saw two trailers go down his road with modular houses on them. He deals with Toll Brothers, who build luxury apartments; Trail View is not luxury apartments.

Paladino commented in defense of the developer, who is local and everything that he has done so far means something and he is investing in our community. He is not defending the noise but he feels that it is over-stepping to term the buildings as trailers; the buildings are not trailers, it is modular construction.

Caswell stressed that the buildings are not luxury just because there is a granite countertop in the kitchen; the construction is not luxury.

Jessica Caswell is concerned that Scott mentioned that when this project is complete he is going to hold on to it for a little while; that sounds to her as if he is doing this only to make money and not to benefit the community. She is asking the Board for protection.

Brennie said that the idea of being a developer is to make money.

Horodyski said that he and his family lived in Sunnybrook and it has completely changed; it went from owner-occupied to rental. The quality at Sunnybrook is nowhere near what it was and it is a problem. The Town Board cannot control to whom a private owner is going to rent; we could talk to the Homeowners' Association and ask them to enforce the 70% ownership requirements.

Caswell stressed that his house has lost about \$20,000 in property value because of this project.

Ruth Dapp invited the Town Board to come to see her yard. She said that the first floors are towering over her property already.

Horodyski said that he has been to the site.

Brennie said that the developer cannot build over 35-feet.

Ruth Dapp showed a picture of the grade along her property line and the height which is three or four feet; then, there is another step down of two or three feet and another step down of two or three feet.

Horodyski asked at what point would be 35-feet.

Ruth Dapp showed Horodyski the PRD from 2011.

Supervisor said that according to the site plan and what they are telling the Board, all of the water is going to go (he indicated, 'this way'); however, Ruth Dapp said that water lays 'over here'.

Horodyski said water can't be discharged from one property to another.

Ruth Dapp would like to be assured that there will be a buffer zone.

Supervisor said that he cannot insure it but he will speak with Scott about it.

Paladino said that the foundation plan was approved and cannot be changed but he understood that she would like some sort of vegetation buffer.

Brennie posed that he did not think a buffer was an unreasonable request.

Ruth Dapp asked if they would look into the PRD and the Supervisor agreed to do so.

Brennie asked, based on Caswell's expertise, what he thought would be an acceptable noise level.

Caswell replied that they should not be working on a weekend. No contractors do work from 8 AM until 5 PM.

Horodyski suggested that he might do that when building a house on his own acre of land.

Caswell said commercial versus residential, there is nowhere near that type of noise. Tarrytown, Westchester County, motors are not allowed to start before 8:30 AM and that is residential.

Caswell played a recording of the sound of the jackhammers for the Board and said that normally a project of this magnitude a company is employed who works from 9 AM to 5 PM. He contends that the family did not consider the community and he does not want to hear about the great things that they have done for the community because they have ruined his whole summer.

Reynolds asked about what Guerriero brought up last week on the Mountainside Woods passive recreation area. He did receive agreement copies and a map from Dave Barton. Guerriero asked if the developer was allowed to remove dirt from the Town property and actually dig into that ground as opposed to just grading it for a future park. He asked if the Supervisor had comments on that.

Supervisor replied that he looked into it this week; apparently it was discussed at the Planning Board level.

Andy Siedel, engineer, recalled that area is intended to be a playing field so they would have to grade it somehow to level it.

Guerriero explained that they were extracting dirt from the Town area and moving it to the other side of the road.

Siedel said that it is supposed to be a stockpile area.

Guerriero said that he asked for the contract and he has not yet received it; he has gone through his paperwork and it is not there. He acknowledged that he voted on it;

Siedel said that there is a \$3-million bond.

Supervisor thinks there was discussion at the time to lessen the impact on the neighborhood, they were going to move dirt from that area to the retention pond rather than bringing in large 10-wheel dump trucks of dirt up Toc Drive. It was less of an impact to take it from the Town property where the passive park is going to be and moving it over. He added that they are not going to make this hole and take off; there is a bond. A local resident called him and he went to see what was going on. He called David Weinberg immediately and asked what they were doing. They talked about the

passive park and moving the fill from there to the retention pond with the intention to replace the dirt. There is a grading plan in place.

Reynolds said that in the agreement he did not see anything in the wording that they could use that dirt in fact using Town property for their own project.

Terresa Bakner said that there was discussion about that in the agreement particularly in the period of time when construction was taking place as there was even some thought that equipment could be staged over there if needed. There was a distinction between when construction was taking place and subsequent to construction. That was covered in the environmental impact statement that was done on the project. There were a lot of discussions about cuts and fills and phasing. The Planning Board looked at that meticulously. They could only go ahead in certain areas once they had done a certain amount in other areas; that was to hold down noise and disturbance and so that it was not all open at once. The idea behind it was to balance the cuts and fills to make sure that there was less disturbance, less traffic, to keep everything focused and controlled.

Guerriero asked if that was going to continue for the whole project.

Bakner said once they are done with the first phase it will be finished and grassed; it is complete in terms of the stormwater and then after Andy Siedel and David Barton sign off that everything has been taken care of they move on to the infrastructure of the other phase.

Reynolds clarified that there is wording in the EIS to the effect that the developer can excavate and use it for his berm.

Bakner explained that there was an area across from the stream and that was to be used as part of the development, grades are covered as far as stormwater. There was no limitation as to what could be done there. The point is to make sure that what is disturbed is reclaimed and then that phase will be done. The idea was to stage things back there. It was supposed to be flat as a passive park but people will have to walk somewhere in order to access the trails on Illinois Mountain and Scenic Hudson is helping the Town with that.

Reynolds said that what he thought Guerriero was asking is if any developer can go onto a Town parcel and take material.

Bakner said that this is completely different as the reason why the developer gave the land to the Town was as part of the overall project and it is not a situation where the developer is saying that he is going to a Town park and taking materials off of it. This was approved as part of a cohesive whole. That was the development agreement, the bonds were posted and everything was done to make sure that it was taken care of; they are going to have equipment on that property as they always were.

Guerriero said they were originally on Town property with their equipment and the Board did not know about it.

Bakner said that is why there is insurance.

Guerriero responded that we were unaware of it and had to find out.

Bakner said that the insurance requirement was in the development agreement that was approved by the Town Board; she and Sean Murphy try to think ahead to make sure that the bonds and insurance and all of these eventualities are covered.

David Weinberg, Mountainside Woods, clarified that on at least 15 pages of the final site plan and subdivision map, shows the passive recreation area and shows the area that they were going to use for stockpiling, storage of equipment, excess fill, tree stumping. It was always part of the entire planning process in order to accommodate the needs that were stressed by the Planning Board and the Town Board about separating and limiting the disturbance in each individual phase. They cannot go to another phase until there are a certain amount of units sold. Throughout the process there was discussion to use the back area as a place for storage, stockpiling, pit, and whatever was needed to finish the development in order to limit the disturbance and impact on the neighbors. The area would then be restored to make it a passive park. If the question is was there a specific line item for the park, there is not. The entire project has been discussed extensively with the Planning Board.

Guerriero said that he would like to see it in writing.

Murphy said that there is a bond agreement and a developer's agreement that as Terresa Bakner said, there was a quid pro quo. The developer gave over 150 acres to the Town and agreed to do the improvements to the passive recreation area and the trails that will hook up to the trails on Illinois Mountain. Part of the plan is the grading plan for the recreation area and the improvements for the trails. The staging area was always intended to be this parcel and the Town granted an easement to the developer so that

they could stage there. That area is disturbed already so they are using that area as a stage area for working on the pond and eventually will go to Phase 1A. Part of the agreement is that the plan has to be progressed according to the plan and the bond protects the plan.

Horodyski said that he would understand if at the end of construction there was no passive park but this is the beginning of the construction phase; bonding protects the Town.

Supervisor asked if Guerriero has asked for information from David Barton and he has not received it and if not, would he would like to go upstairs to get it.

Guerriero replied that he asked for the information from Barton at the meeting and he said that he was going to give it to him. He said that he did not feel that he should have to do that as he requested it at a public meeting and he said that he would send it to him.

Murphy clarified that that there is no specific line item that says the developer can take property off of this parcel.

Supervisor said that the concern was expressed two months ago and he feels that inspections are being done and the Town is protected.

Guerriero said that the concern was the developer was taking Town property.

Reynolds asked for the time frame that the passive park will be put in place and the Board did not know but Horodyski felt that it would be toward the end of the project.

Weinberg thought that they need to use it throughout the construction phase.

Guerriero posed that if the development of the project lasted for ten years or five years the developer would remain on the Town parcel.

Weinberg confirmed and said that the easement runs for ten years.

Caswell has heard that the Building Inspector and the Planning Board were greatly concerned about the construction impact and the noise from the Mountainside Woods project but yet the project behind his house started a great deal later and neither the Planning Board nor the Building Inspector seemed to care about the noise. Mountainside Woods was held to more stringent impact concerns. Trail View is ready to set a building but they have not dug the sewer trench to connect the line to his neighbor's house and get rid of a right of way and turn it into an easement and closing off the right of way.

Horodyski said that he knows the neighbor and the issue and it is a bigger issue than simplifying in that way. Commercial Avenue Extension has been an issue for many years.

Caswell replied that he is not talking about Commercial Avenue Extension he is talking about the right of way through his neighbor's backyard. There will be a sewer line running through the right of way and they are going to close it off.

Ruth Dapp said that at last month's meeting Sean Murphy said that a right of way cannot be taken away.

Supervisor said that when Mountainside Woods was in the four-year planning process there were 162 houses, six public hearings, and the Trail View is six-buildings, 36 apartments. He said that he did not have information on the Kimlin right of way but he will get back to the Caswells.

5. MOTIONS AND RESOLUTIONS

A. MOTION made by Horodyski, seconded by Brennie, to approve the minutes of the Workshop Meeting of August 6, 2014, the Special Meeting of August 6, 2014 and the Regular Meeting of August 20, 2014

Five ayes carried.

B. RESOLUTION made by Brennie, seconded by Horodyski, to authorize the payment of vouchers as audited by the Audit Committee:

General	G670 to G756	\$58,048.30
Highway	H367 to H400	\$31,334.96
Miscellaneous	M126 to M137	\$29,824.06
Prepays	P297 to P341	\$37,780.64
Sewer	S229 to S266	\$19,120.85
Water	W257 to W278	\$ 8,541.45

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

Five ayes carried.

C. RESOLUTION made by Paladino, seconded by Brennie, to authorize adjustment for Account #2735, Dreamhouse Enterprises, 85 Vineyard Avenue for the May 1, 2014-August 1, 2014 billing cycle of \$227.48 credit for water and \$141.96 credit for sewer.

The bill was estimated because sewer leakage prevented access to meter; meter was upgraded August, 2014 at the recommendation of Adam Litman, Water and Sewer Administrator.

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

Five ayes carried.

D. RESOLUTION made by Horodyski, seconded by Paladino, to authorize adjustment for Account #4296, Dresser Properties, LLC, 36 Grand Street for the May 1, 2014-August 1, 2014 billing cycle of \$30.09 credit for water and \$53.30 credit for sewer; bill was estimated and new owner purchased at tax sale and upgraded on August 18, 2014.

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

Five ayes carried.

E. MOTION made by Horodyski, seconded by Brennie, to amend the July 16, 2014 MOTION D. to read to authorize the use and closing of the Hudson Valley Rail Trail Parking Area at 101 New Paltz Road and the portion of the Hudson Valley Rail Trail which will be closed from the Highland Rotary Pavilion to Tony Williams Park from 8:30 AM to 12 noon on Saturday October 18, 2014 for the Highland High School Interact/Task Force Club's Pumpkin Run at the request of Claire Costantino, President of the Hudson Valley Rail Trail Association.

Five ayes carried.

F. TABLED Resolution to install NO PARKING signs on either side of Sterling Place.

Supervisor explained that the No Parking regulation requires a local law and there are other places in Town that may need to be added. He discussed this with Sean Murphy who will look at other places in Town that may need a change in parking regulations. Murphy will then prepare a proposed local law that includes all needed changes.

Murphy agreed that there are several areas in Town that need to be modified. There has to be a local law to change the parking anywhere and it is prudent to do all at once.

G. RESOLUTION made by Brennie, seconded by Guerriero, to approve collecting additional interest payment of \$382.49 to be added to \$3,761.13 tax due for a total of \$4,143.62 for 2013 Lloyd Park I PILOT.

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

Three ayes carried.

H. MOTION made by Brennie, seconded by Horodyski, to close Vineyard Avenue from Milton Avenue to Main Street for the Octoberfest event on Saturday, October 18, 2014, from 3 PM to 10 PM.

Five ayes carried.

I. MOTION made by Brennie, seconded by Guerriero, to close Main street from Church Street to the intersection with Vineyard Avenue and Vineyard Avenue from Main Street to Milton Avenue on Saturday October 25, 2014 from 3pm to 10pm for the celebration of Halloween in the Hamlet; and to close Church Street from Main Street in a southerly direction to the intersection with and including that portion of Vineyard Avenue to Milton Avenue from 4:45pm to 6:30pm for the Lil' Goblins Parade and to re-open Church Street and said portion of Vineyard Avenue from Milton Avenue to Church Street upon the parade's completion.

Five ayes carried.

J. TABLED Motion to transfer administration of the Transfer Station from Highway Superintendant to Supervisor's Office effective October 1, 2014 at the recommendation of the Supervisor.

K. MOTION made by Horodyski, seconded by Brennie, to accept the resignation of Meredith Engle from the Town of Lloyd Zoning Board effective immediately.

Five ayes carried.

L. RESOLUTION made by Brennie, seconded by Paladino, to approve the following budget amendments for the 2014 budget:

General Fund

Building Dept Equip 8010.20 +\$7,761.00

09.17.2014

Building Dept CE 8010.40 - \$7,761.00
(Building Dept Ford vehicle)

Roll call: Hansut, aye; Horodyski, aye; Brennie, aye; Guerriero, aye; Paladino, aye.
Five ayes carried.

MOTION made by Brennie, seconded by Paladino to adjourn the meeting at 8:10 PM.

Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk