

# TOWN OF LLOYD TOWN BOARD

## WORKSHOP MEETING

December 3, 2014

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

**Also present:** Rosaria Peplow, Town Clerk  
Kate Jonietz, Secretary

**Absent:** None

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

**MOTION** made by Paladino, seconded by Horodyski, to go into executive session to discuss a personnel issue regarding a particular individual with David Barton at 4:01PM.

**Five eyes carried.**

**MOTION** made by Horodyski, seconded by Guerriero to come out of executive session at 4:33PM.

**Five eyes carried.**

### 1. REPORTS

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

**B. Assessor** – Jennifer Mund

**C. Building & Zoning Department** – David Barton

**D. Dog Control** – Andrew McKee is not at this meeting; he is in Georgia as his son graduated from Marine boot camp.

**E. Highway** – Superintendent Richard Klotz left the meeting.

Supervisor showed the drawings for the signs that Richard Klotz ordered for the Town Hall parking lot. Rich Klotz reported that a lot of tree limbs are down due to the snow. He suggested that anyone who needs to dispose of limbs or trees from their property place it alongside the road in front of their property and notify the Highway Department to be picked up.

**F. Hudson Valley Rail Trail** – representative is not in attendance.

**G. Justice** – Terry Elia/Eugene Rizzo, not in attendance.

**H. Police** – Chief Daniel Waage reported on the statistics of the month. The Department held a Thanksgiving food drive from November 2 to November 21 which went very well. The residents of Vineyard Commons were generous in supporting the food drive. The food was delivered to Highland Elementary School on November 21. On November 5, Lt. Phil Roloson was given a community service award by the American Legion. URGENT and Town of Lloyd Police arrested a 26-year-old Poughkeepsie man on November 6 for selling heroin at the Sunoco Station parking lot, corner of Route 9W and Haviland Road. The police escorted a refurbished World War II cannon on Veterans' Day, November 11 from the Highland Hose 1 parking lot to the American Legion Hall on Grand Street. On November 28, members attended the Thanksgiving dinner at St. Augustine's School. On the 28<sup>th</sup>, police searched for a 58-year-old man with a brain injury who went missing from a residence on Cambridge Court after going for a walk on the Rail Trail. After over 15 hours of searching, the subject was located

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in Rifton by Lloyd Police, NYS Police and Ulster County Sherriff's Department and Rangers. On October 30, Officer Peter Boutros responded to a call from Walkway over the Hudson for a possible suicidal subject; the subject was going to jump off but was pulled off the railing by Officer Boutros. Court Officer Jim Plass reports two knives and one box cutter confiscated by the Lloyd Police.

Brennie asked the Chief how the person got to Rifton.

Chief answered that the man walked to Rifton; he has memory loss due to traumatic brain injury from an accident many years ago.

Further, Chief said that he received a letter after the last snow storm, which he read, "This morning I woke up to find a large tree limb knocked down by the storm, blocking my driveway and sidewalk. It was too heavy for me to move. Along came a Town of Lloyd Police car. A young officer (Officer John Zani) pulled it across the street to a safe area to help me. I can't thank him enough; unfortunately, I did not get his name. I would like you to know what a good impression your officers make, their patrols through Bridgeview on Halloween are appreciated by the residents and their interactions with the children are great community relations. Thank you for all they do. Signed, Anne Marie Malone."

He said that the Department was given a good rate to get both the interior and exterior cameras repaired at the Police Station. The good price was attained because they were able to combine the work with Highland Hose and Mobile Life Ambulance.

Paladino asked if this is upgrading the system.

Chief replied that this is the original DVR from when the Police Department was built; there are three cameras on the outside of the building, the one in the front is no longer working; he would like the camera to work in the booking area, not only safety reasons but in the case that allegations are made.

Supervisor asked if there was money in his budget to do this.

Chief said that he has spoken with Karen McPeck, Bookkeeper, and she confirmed that there were funds for this.

Erin Quinn, reporter, asked if the Walkway over the Hudson has a suicide alert.

Chief replied that it does have phones; after hours there are gates on each end of the Walkway with trespass alerts and the department is normally advised.

Quinn asked how many calls the department has received for potential suicides and Chief said that he did not know the exact numbers.

Mark Reynolds, reporter, asked the approximate cost of the cameras.

Chief approximated \$2,700; four cameras installed with wiring as well as one additional camera installed in the lobby area and the DVR.

Supervisor noted that there is a new electronic sign on Route 299, Ultimate Body Shop, and the owner offered that if there is another incident like the missing person that he would be more than happy to put an information alert on the sign.

- I. Recreation/Buildings & Grounds – Frank Alfonso said that he would like to thank Tim Baker of Baker and Sons, who donated the Christmas tree and his time for the Light up the Hamlet celebration. The winter youth basketball program will start December 6, continuing for ten Saturdays through December, January and part of February. The wrestling program will begin Monday, December 8, the flyers have been distributed and it was advertised in one of the local newspapers. The adult Tuesday and Thursday basketball programs will continue until February. Tony Williams Park has four new

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swings and an addition to the existing playground equipment. There are two benches for parents to sit outside of the mulched area. One of the benches will be reset in the spring. The area is a little short on mulch but more will be added in the spring. Buildings and Grounds blew the leaves to the fence at Berean Park and Baker and Sons removed them. He is looking at some things that could be added to Berean Park next year that were on year 2000 'five-year' plan. He is considering paddle boats or canoes that could be used on the right side of the swimming area and a shed down by the water to keep the boat and all of the supplies for swim lessons; this would open space in the bathhouse. The bathhouse will be re-roofed either this week or next by the same gentleman who did the work at the Town Hall. He feels that Johnson/ Iorio/ DiLorenzo Park and Veterans' Memorial Park are in good condition. Keith Garbounoff and Stephen Delmar have been keeping the Hamlet streets and the roads down to the River clean. They have been going down there at least once a week and pick up a couple bags of garbage. Garbounoff and Delmar also helped to remove trees on the Rail Trail. He and Garbounoff came in to clean up after the snowstorm last week.

Paladino asked if there was any more work to be done on the Town Hall this year.

Alfonso answered that the windows are done and they are going to paint the trim on the upstairs windows. There are 17 windows downstairs and they hope to depending on their condition, paint or stain the window sills. The only other thing to get done would be the first floor rear outside door.

Supervisor said that rain was pouring off the corner of the roof of the Town Hall building and it needs to be fixed. He contacted Highland Gutters but he has not heard back from them.

**J. Town Clerk** – Rosaria Peplow

- November 13, 2014 hosted the Ulster County Town Clerks' and Tax Collectors meeting.
- December 8, 2014 attend Regional NYS Town Clerks' Association Workshop in Kingston. Jean Reo, Department of Health Program Administrator will give an update on the proposed Electronic Death reporting system.
- Hunting licenses sold generated \$1,245.00 town commission was \$68.56
- 772 Transfer Station permits have been issued to date. Transfer Station receipts were \$5,673.00 including \$186 for tires.

Supervisor said that he asked John DiValentino, Transfer Station attendant, to speak to the Board about the Transfer Station.

John DiValentino stated that he has been asked many questions regarding the future operation of the Transfer Station and the fees. His answer has been that as far as he knows, the Transfer Station will remain in Lloyd and the fees are under discussion. It is now open on Wednesday, Saturday and Sunday and he would like to change the days to Friday or Monday, Saturday and Sunday. This would give him four straight days off. The charge for a cubic yard (a pick-up load) of trash is \$40 and he would like to change that to \$60 as Ulster County charges the Town by weight. The charge for rugs/flooring is \$10 for 8x10; he would like to add \$15 for 10x12 and anything larger \$20. He feels that a single mattress should be \$10, a double should be \$12, a queen should be \$15 and a king should be \$20 as it takes a lot of space in the dumpster. He felt that the fees for couches needed to be changed; he does not feel that \$6 per cushion is enough and it

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should be \$8 or \$10. There are a lot of easy chairs brought to the Transfer Station and the charge is \$6, he recommends that is increased to \$10 or \$12 because of the amount of space that is taken up in the dumpster. A pick-up load of brush should be \$10 instead of the \$5 that is charged now. Small trailer loads should be \$8 instead of \$5. There is a lot of brush being brought in which takes time and money to stack and to bring someone in to mulch it. There has been no charge for leaves this year and there is a huge mound of leaves at the Transfer Station. It may be good to continue the policy not to charge for the leaves. He has talked to people using the Transfer Station as to raising the bag prices. People have agreed it should be raised if it is necessary; he recommends not more than a charge of \$5 per bag.

Horodyski asked if some of these numbers weren't included in the projected budget.

Supervisor explained that was an estimate of the revenues for next year; the Town Board has not adopted a resolution to increase any of the prices. John Di Valentino is there seeing the day-to-day operation.

Brennie asked if DiValentino has calculated what these increased fees would be on a yearly basis.

DiValentino replied that he did not but consider that on the average day the Transfer Station receives about 35 bags at \$4 per bag

Brennie suggested asking other towns what they charge for similar items.

DiValentino said that New Paltz uses a scale and charges by weight at a minimum fee.

Supervisor said that the revenues and expenses were put forth by the Highway Superintendent.

**K. Water & Sewer** – Adam Litman did not attend the meeting.

**L. Supervisor** –

## **2. OLD BUSINESS**

**A.** David Barton – comments received on the proposed Local Law I of 2014, a local law to revise Chapter 100 of the Town Code to create a new district, the “Highway Business District” (HBD), and to make related changes to the Town Zoning Code. This discussion will be held at the end of the meeting.

## **3. NEW BUSINESS**

**A.** Settlement Day – set date

Supervisor stated that he would set the date for Settlement Day and the 2015 Reorganization meeting at the Regular meeting of December 17.

## **4. PRIVILEGE OF THE FLOOR**

Mark Reynolds, reporter, asked what the Board expected to charge for a Transfer Station permit.

Supervisor answered that has not yet been determined. The Board has discussed increasing the resident permit from \$20 to \$35; seniors do not pay for their permits but it may be \$15 or \$20. Superintendent Klotz would like the permits to be hangtags for the Transfer Station instead of the window stickers; the hangtag would include license plate numbers.

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Rosaria Peplow said that she has spoken to a representative of the company from whom the stickers are ordered and she asked for an estimate for the cost of that type of hangtag.

Sean Caswell, 36 Toc Drive, said that he previously attended a Town Board meeting and asked the Board for an expanded noise ordinance so that other citizens would not be subjected to what began in the spring and continues to be a nightmare with construction noise during weekends and in the pitch black nights. He asked if Lloyd was going to be the only town in the Hudson Valley without a construction noise ordinance.

Supervisor said that is on the agenda for the first of next year.

Caswell said that he sent a letter to the Town Board requesting that the .24 acre lot directly behind his house that was sectioned off is returned to RD zoning before the property owner slaps another 3-story building five feet from his property line.

Supervisor acknowledged that he did get the letter but has not spoken to the Board about it. Caswell was hoping that it would be on the next Workshop Meeting Agenda.

Horodyski said that he is sympathetic to what is going on but since the zoning change was enacted at the behest of the property owner, it is hard to rezone a property based on an adjoining property owner's suggestion.

Caswell countered that it is hard for him to understand how it was voted on without anyone in the room. It was rezoned first when it should have been divided first and then rezoned. The reason it had to be divided is because those new buildings could not be put on the same property with the old building. According to Sean Murphy, Town Attorney, the Town Board can rezone that back.

Horodyski agreed that the Board would have the authority to do it; however, someone may come in with a disagreement with their neighbor and ask that the neighbor's property be rezoned.

Caswell disagreed with that scenario. He said that it was RD but rezoned because it was not economically beneficial to put one, two or three houses on the property; it became beneficial when it was rezoned to PRD, with no setbacks. There are buildings 10-feet away, 35-feet high. The buildings do not match anything around there. He could have done it then but it would have cost \$35,000; this is not a matter of sympathy it is a matter of what is right and what is not right. Six 3-story buildings in a residential community are not right.

Horodyski felt that type of building could not be built on the .24-acre lot.

Caswell disagreed and said that a building could be put on the edge of the property line, with a PRD there are no setbacks.

Paladino asked why the developer is not doing it now.

Caswell replied that that the house is rented; there are people living in it.

Guerriero felt that Caswell is correct that an apartment building could be on a quarter of an acre, there is a lot of room without the setbacks. It is starting to look like New York City.

Caswell invited everyone to visit his back deck and enjoy the view. He is going to erect a privacy screen as no buffers were figured into the project. The buffers that were there from the industrial plant have all been torn down.

Guerriero thinks that a noise ordinance update is important as it is very disturbing to a neighborhood.

Brennie concurred that it has to be addressed and he understands Sean Caswell's feelings.

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Horodyski cautioned that the property owner has a right to do what they want to that property.

Reynolds asked the location of Silver Gardens.

Supervisor answered that it is behind Golden View on Domenica Lane and the developer is Richard Gerentine. The Board adopted a resolution last year but there have been some changes and the letters have to be done again.

## **5. MOTIONS AND RESOLUTIONS**

### **A. RESOLUTION** made by Paladino, seconded by Brennie

**WHEREAS**, the Town of Lloyd has a long standing commitment to providing support and services for its senior residents, and

**WHEREAS**, the Town Board has reviewed the preliminary plans for the proposed 57 unit senior citizen development to be located on the property known as Section 93.029, Block 3, Lot 3.11 in the Town of Lloyd, and

**WHEREAS**, the Town Board is familiar with the site and has found those preliminary plans to be consistent with its overall planning and development goals for the area, and

**WHEREAS**, in order to continue its ongoing efforts to provide for its senior citizens, the Town Board desires to facilitate and support the proposed Silver Gardens Development, and

**WHEREAS**, any final approval for the Silver Gardens Development can only be made upon the submission and review of full plans as part of the normal local planning and zoning review and approval process, and

**WHEREAS**, the Town Board understands that Golden View II, LLC will be submitting an application for funding to the New York State Division of Housing and Community Renewal, for the Silver Gardens Development,

#### **THEREFORE, BE IT RESOLVED:**

- 1) The Town Board hereby provides its conceptual support of the Silver Gardens project.
- 2) The Town Board hereby directs the Town Supervisor to submit a letter of support to the New York State Homes and Community Renewal, indicating the Board's support of the project, and that it will support an expedited review process.
- 3) The Town Board hereby directs the Town Supervisor to take any and all additional actions that he deems may be reasonable and necessary to support Golden View II LLC's application to the New York State Homes and Community Renewal.

*Guerriero asked if this resolution assumes that the project will be approved.*

*Supervisor the resolution states that the Town Board supports this project but the developer still has to go through the approval process.*

*Brennie said that this is for funding purposes.*

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

**Four ayes carried.**

### **B. RESOLUTION** made by Paladino, seconded by Brennie, to accept the resignation of Police Officer Thomas M. Vasta, Jr., effective December 10, 2014 and to extend the best wishes of the Town Board.

*Supervisor explained that Officer Vasta has taken a position with the Ulster County Sheriff's Department and he wished him the best of luck.*

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*Kate Jonietz added that Tom Vasta has been a fulltime Lloyd Police Officer for almost ten years.*

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

**Five ayes carried.**

David Barton, Building Department Supervisor, said that there are some changes to the proposed **Bed and Breakfast** law and that he incorporated comments that Paladino had made. At the last meeting Guerriero asked about the transportability of the operating license. He said that the entire B&B law is new and replaces the existing law. He reviewed the following portion of the new law with the Board:

*(i) The operating license transfers on the sale of the property. The new owners must familiarize themselves with the regulations contained herein. If the new owners desire alteration to the existing approval, they must apply to the Planning Board for reconsideration and approval of these changes. The license terminates if the property is no longer occupied by the owner.*

Brennie asked if this was a NYS requirement.

Barton replied that it was not, this was a license from Lloyd, and explained that this operating license will allow him to go into a single-family dwelling on a yearly basis to re-inspect for safety; otherwise, he would have no cause to go into the house.

Paladino questioned that if a B&B owner had an opportunity to buy a neighboring property they could operate under the same license.

Barton commented that it would require two licenses and the second property would not be owner occupied and therefore ineligible.

Horodyski felt that it would then be considered a lodge and would change the character of the neighborhood.

Paladino then asked if another individual opened another B&B in the second property.

Barton responded that the Planning Board has determined that the limit is five units because if it is not in the Water and Sewer District anything over five requires a commercial septic design. Windsor Hill, a B&B in Lloyd is not in the W&S District and there are six units but he spent almost \$15,000 to put in a double commercial-grade septic system. The Planning Board felt that over five units was more like a hotel. He feels that the Planning Board has a fairly romantic vision as to what a B&B looks like and they think of The Inn at Twaafskill or Stonegate i.e. beautiful, large, old houses. Applicants have come to the Planning Board with one unit and to them it did not feel like a bed and breakfast.

Paladino posed converting a six-unit apartment building to a B&B.

Barton replied that it would have to be owner-occupied and they would have to have no more than five rented units. The difficulty would be owner occupation, if it was a boarding house the owner may not live there and it would act like a B&B as long as breakfast was supplied.

Paladino feels that five is low as there may be only three rentable units and that six or eight is not a lot.

Discussion continued as to the number of bedrooms/units allowed.

There are no changes to the **Affordable Housing Regulations**; the law mandates that, if there are ten or more units in a residential development, the developer must supply at least one affordable housing unit. That language has been stricken from this proposed

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law, it is on Page 2. In order to encourage developers to include affordable housing in their projects, it now reads the following density bonus of one extra unit shall be applied. For example if there are ten units, and one is affordable, the developer will be given eleven in density making each of the lots a little smaller. How that works in our Code under NYS Law 283J, we can say that we can do an average lot density.

Paladino said that he did not like any part of this.

Barton agreed and said that it forces applicants to supply affordable housing. He felt the way to do that effectively was to increase the amounts of eligibility. In order for a person to occupy an affordable housing unit, they have to make 120% of the Kingston-Ulster County metropolitan statistical area median family income. The old language was 80%. Dennis Doyle, Ulster County Planning, reviewed the Comprehensive Plan and thought that it was too low. This is a benefit for the developer because he will get eleven. Guerriero had the concern that someone would come in and say that they would do all affordable housing but this language allows only 10% affordable housing.

Guerriero asked if this would require handicapped accessible housing.

Barton answered that it is a separate statute; the NYS Building Code requires that 1 unit in 8 units are handicapped accessible.

Regarding the **Sign** language; he incorporated some language that Paladino gave him. He referred to the last three pages of the document he gave to the Town Board which he feels is the most important part: **Off Premise Signage** is allowed in any commercial district, subject to the listed restrictions. He was considering monument signs with different businesses listed on them. Serve Pro is going in at the end of Lumen Lane with a 20,000 square foot building with 2,500 feet of office space, they will join Selux and other small businesses; the only sign is Lumen Lane. The owner of the former gas station, at Lumen Lane and Route 9W may be willing for a cost to allow a monument sign for these businesses to be put up on his property. Rich Ronkese, On a Roll Deli at Milton Avenue and Route 9W, may be willing to put a monument sign on his property directing people down Milton Avenue to the Hamlet.

Paladino offered that the Town has to state the maximum number of businesses allowed on a sign.

Horodyski and Brennie would like the sign ordinance to make sure the sign has a look of quality.

Barton asked the Board to review this and make recommendations to him. Billboards have an amortization period which says that billboards must demise 10 years from the adoption of the Code, which would be 2020. He argued against this when they adopted it and he feels that when the Town does this, Clear Channel is going to lawyer-up. He suggested that A, DB, GB and HBD billboards can be no closer than 1,000 feet apart, which will limit the stacking of them down the highway.

Paladino asked about the existing billboards.

Barton replied that they have to be separated by at least 1,000 feet; driving north on Route 9W there aren't many locations left for billboards. Regarding electronic display billboards there is no way to exclude these in the zoning code. These billboards must have at least 20 seconds between their façade changes.

Guerriero asked what is going on at the billboards on Haviland Road as they are clearing out the area.

Barton replied that he did not know but he would look into it.



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Reynolds referred to the demise of the billboards in 2020 and in the event that would happen asked what basis would Clear Channel have to lawyer up as the law was passed in 2010.

Barton answered that NYS allows an amortization period to demise a use and a certain amount of time is given to recoup costs out of that, 10 years. There has been some litigation that Clear Channel has performed and some amicus briefs by some sign companies to help Clear Channel. There is a question of first amendment rights for your property and if advertising can be limited on that property. So far, the courts have sided with Clear Channel. In order to handle that municipalities have imposed limits and regulations; for example, if Clear Channel wanted to put up a digital sign along the Bridge approach, they would have to give up another sign, losing two static signs for one digital sign. That will help regulate the number of digital signs as no one will want to give up the second sign and revenue.

Reynolds asked if the sign companies own the land.

Barton replied that they own some sites; however, on Route 299, they rent the space and added that Clear Channel owns some of the property along the bluff but he does not know how much.

Horodyski commented that if the electronic billboards cannot be excluded then stricter conditions should be put in the Code. One minute between changes would make that type of billboard less useful.

Paladino and Brennie felt that a minute is too long and it should be a shorter amount of time between changes.

Barton and the Board are concerned about the electronic sign on Route 299 which he will look into tomorrow. He has received complaints about the sign. There are different levels of resolutions for the signs. He feels that 12mm pixel pitch is the right number for the Town of Lloyd. He showed pictures of electronic signs to the Board. The Zoning Board of Appeals determined that a change of façade should be at 20 seconds when Highland Hose put up their sign. Electronic billboards are more distracting than static ones as drivers know it is going to change and will watch it because they want to see what is next.

Guerriero said that in Florida the electronic signs are large but far off the highway and there is time to see the sign information.

Barton said that there is a coefficient for distance; according to the standards the sign on Route 299 is too small; in order for people to grasp any detail at 55 MPH it would have to be larger.

Supervisor asked if he came to the Building Department before he put up the sign.

Barton answered that he did but at the time not enough was known to judge it. Their judgment was based on the sign at the firehouse.

Barton displayed the map of the **Highway Business District**; nothing has been changed. The **design standards** are a mix of the old and new Codes. He pointed out the Highway Business District and the uses are indicated in red. A new use in the LI District is Service Business, to include indoor recreational businesses; he had two separate groups come in to buy Matt Smith's building for indoor rock climbing. The LI District is the only zone that allows a height of 45-feet; recreational and service businesses are not allowed in LI. The last thing is the dimensional table for the new Code, a blend of codes.

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Supervisor related that there is interest in putting a business in stripping cars and selling the parts in a store at the old Wonder Bread building on Route 9W.

Brennie said that has been an eyesore for a long time and Guerriero thought it sounded like it would be a junkyard.

Supervisor said that it was not presented that way but it would be like Milano's back in the day; most of the sales will be through the internet.

Barton said that he would call that a motor vehicle repair shop and that is allowed by special use permit in the LI zone. A site plan would be required and he felt that the motion of taking a car apart would be a 'repair'; he noted that there is a market for parts.

Brennie felt that they should listen to all proposals.

Guerriero asked what they will do with the stripped cars.

Supervisor understood that they are going to strip the cars and then remove the cars from the site.

Barton said if the Board is comfortable with the language that he recommends scheduling public hearings

**MOTION** made by Horodyski, seconded by Paladino, to adjourn the meeting at 5:55 PM.

**Five ayes carried.**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk