

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

SEPTEMBER 19, 2018

Present: Supervisor Paul Hansut
Councilmember Leonard Auchmoody
Councilmember Michael Guerriero
Councilmember Joseph Mazzetti
Councilmember Claire Winslow

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

Absent: None

7:00 PM – Supervisor opened the meeting and asked Charles Busick to lead the Pledge of Allegiance.

Supervisor read the following Proclamation

PROCLAMATION

Dominick “Lindy” M. Palladino Memorial Resolution

WHEREAS, Dominick “Lindy” Palladino a lifelong resident of Town of Lloyd, was taken from our midst on August 14, 2018; and

WHEREAS, Dominick “Lindy” Palladino graduated from Highland High School and enlisted in the US Navy in 1944 at 17 years old during the height of World War II; and

WHEREAS, Dominick “Lindy” Palladino married his high school sweetheart, Peggy Hildebrant on November 26, 1949 at Highland, New York; and

WHEREAS, Dominick “Lindy” Palladino was an active member in St. Augustine’s Church and volunteered in many church organizations; and

WHEREAS, Dominick “Lindy” Palladino served the Town of Lloyd as Councilman and Town Clerk; and

WHEREAS, Dominick “Lindy” Palladino served on The Town of Lloyd Revolving Loan Fund and Assessment Review boards; and

WHEREAS, Dominick “Lindy” Palladino was a Highland Fire Commissioner for 30 years and was made an honorary member of the Highland Hose Company in 2001; and

WHEREAS, Dominick “Lindy” Palladino was a member of the American Legion for 46 years and served as Commander and Historian; and

WHEREAS, Dominick “Lindy” Palladino was a founding member of the Highland Little League; and

WHEREAS, Dominick “Lindy” Palladino was a member of the Highland Rotary and served as President and Secretary; and

WHEREAS, Dominick “Lindy” Palladino served on the Multi-County Community Development Corp, The Exchange Club, and more; and

WHEREAS, Dominick “Lindy” Palladino was a retired Senior Vice President of the First National Bank of Highland, currently known as M&T Bank; and

WHEREAS, Dominick “Lindy” Palladino was known for his kind, friendly manner, his honesty, integrity and his devotion to family and community and will be missed; and

WHEREAS, Dominick “Lindy” Palladino was respected and loved by those who knew him and the work he’s done for the Highland community will continue to have a profound and lasting impact for many years to come; and

NOW, THEREFORE, BE IT RESOLVED that this September 19th, 2018 Regular Meeting of the Town of Lloyd, Town Board, be opened in memory of Dominick “Lindy” Palladino; and

BE IT FURTHER RESOLVED that a certified copy of this resolution is delivered to Peggy Palladino, his wife, with the deepest sympathy of this Town Board of the Town of Lloyd.

7:00 PM- Supervisor opened the Public Hearing on Local Law F - 2018, a Local Law to revise Chapter 100 “Zoning”, Article VII “Special Use Permits”, Section 100-42 “Accessory Apartments” by repealing Subsection “J” thereof, which section allows Accessory Apartments by Special Use Permit as provided in the Use Table in secondary structures (garage, carriage house, etc.) under the conditions contained in Subsection “J”.

Ryan Law, Hawley's Corners Road, said he purchased property and built a house. He recently had plans drawn up for a detached garage with an accessory apartment over the garage for his wife's grandmother. He went to obtain his permit and was told to wait as the law may change. He had done extensive research prior to spending the money on certified engineers plans and was very disappointed to hear he may not be able to have the accessory apartment above the garage. He is asking the Town Board not to change the law on Accessory Apartments.

Mazzetti asked if he was recently denied submitting his permit application.

Law said that he was not denied but he was advised that perhaps he should wait as the process for the accessory apartment could take two months and cost money and the town may be changing the law.

Mazzetti asked Sean Murphy, Town Attorney if he should have been allowed to obtain the permit and if the law changed would he have been grandfathered.

Murphy responded that he should have been allowed to apply but would not be grandfathered unless he had vested rights.

Dave Plavchak, resident, asked what the logic and rational was for detached verses attached garage. One neighbor has an attached garage and the other has a detached garage; the neighbor with the attached garage could put up the apartment but the one with the detached could not.

Guerrero felt it was because it would be making it a two family.

Plavchak said it would not make it a two family because an accessory apartment is very different from a two family.

Stewart Lee, said he lives in Stoneridge but his daughter is interested in buying property in Highland. It is a three-acre parcel that has a secondary structure with an existing accessory apartment. It has a CO as an office even though it has a kitchenette and bathroom. He wondered if a compromise might be that owners of larger parcels of land be allowed to have accessory apartments. Someone with 30 acres where the setbacks are easy and there is no impact on the community verses in the Hamlet where the lots are less than ¼ acre.

They would like their daughter to be able to move to Town of Lloyd and become a part of the community.

Rebecca Koleen said her daughter wants to move to Highland. There may come a time when she may need to move a parent or child in and by eliminating the accessory apartment people's lives are restricted. They will not be able to come and stay forever.

Supervisor said he attended a Planning Board meeting last month and discussed a potential compromise. The compromise would be to allow accessory apartment over a garage in R-1-acre zone.

John Di Valentino said that he is a forty-year resident of Highland. He felt that if accessory apartments are restricted the board is taking away possible vital income to many people. The taxes in town are very high and he asked what happens to the senior citizens. He asked why the Board decided this law was not any good.

Supervisor said the Planning Board made a recommendation to the Town Board to change the law.

Di Valentino said he disagreed with the Planning Board. They are restricting someone from having a small 650 sq ft apartment to help them financially and allowing apartment complexes to be built all over town. The Board is chasing the senior citizens out of town by changing this law.

Alan Hartman, resident, felt that if half of the population can't pay their taxes, the taxes are going to double for the rest of the people.

Mazzetti commented that since 2014 only two people have applied for accessory apartments.

Murphy said the Ulster County Planning Board commented that the law should have some introductory language as to why it is being changed. The second comment was that the law has conflicting language. The way the law is drafted it doesn't disallow accessory apartments in a detached building. The law should be revised with clearer language.

Joseph LaFiandra, a resident and engineer with another municipality, said he reviews land use applications. His interpretation of the proposed law is that removing subsection J does not disallowing accessory apartments on detached structure but makes it less restrictive to have the apartment in a detached structure.

Ryan Law asked how long this process is going to take as he has already waited over a month.

Supervisor said that the Town's contract with Mobile Life Ambulance is expiring this year and he asked a representative to talk to the Board about the new contract.

William Jefferies, from Mobile Life Support Services, said that they have been serving the Town of Lloyd since 2009. They are projected to do approximately 4305 calls this year. They work closely with fire and police. They do first response and standby services for large scale events throughout the community.

Mazzetti said the Town of Lloyd is paying \$208,000.00 for Mobile Life Support Services and he spoke with a Marlborough Councilmember who said Marlborough is paying \$150,000.00.

Jefferies responded that Marlborough is paying more than Town of Lloyd. They only have coverage from 7:00 AM to 10:00 PM. The Town of Lloyd has a 24-hour ambulance and a second ambulance that covers 12 hours during the day.

Mazzetti asked if Town of Lloyd responds to Marlborough when their ambulance is not on duty.

Jefferies responded that Lloyd does not. They have 25 stations throughout the area. Two are in the Town of Lloyd; the one at the Milton Avenue firehouse is the 24-hour ambulance and the one on Rt. 299 near the Troopers barracks is for 12 hours a day and responds to other towns for the other 12 hours including Town of Lloyd.

Supervisor said the Town Board will get the Mobile Life contract for review and they can meet with them and discuss the contract.

1. REPORTS – Town Board Liaisons

Audit –January 1 to June 30, 2018: Councilmembers Auchmoody and Mazzetti

July 1 to December 31, 2018: Councilmember Winslow and Guerriero

ECC /Zoning Board – Councilmember Guerriero

Guerriero reported that Bark Place of Ulster on Rt. 299 applied for a commercial use variance to construct a 3000 sq. ft. one story building for a dog training, boarding and daycare facility. The Zoning Board of Appeals approved it.

The applicant for the Dollar General project on Rt. 9W was seeking side parking and the Zoning Board of Appeals approved it.

Highland Central School District – Councilmember Mazzetti

Mazzetti reported that the High School has 556 students for 4 grades the Middle School has 397 students for 3 grades. The 8th grade class is 142 students and the senior class is 143 students. Enrollment is staying the same.

High School students were greeted at the start of school by staff and signs with inspirational quotes. There was staff in the hallways to help guide students. Guidance Counselors were stationed in the cafeteria during lunch to help students address class schedule issues quicker.

The 6th graders were welcomed with cheers and applause to the Middle School by the 7th and 8th graders in the gymnasium. Students were in the hallways to help the incoming 6th graders find their lockers and classrooms.

All staff members wore photo shirts to show their spirit.

PBIS (Positive Behavior In School) has been introduced in the Elementary school. PBIS is a research-based, school-wide system approach to improve school climate and create a safer and more effective school. It is a process that focuses on improving a school's ability to teach expectations and support positive behavior for all students. The three school wide expectations are: BE SAFE BE RESPECTFUL BE RESPONSIBLE. There will be PBIS rallies to help students understand ritual and routine.

Kindergarten had two orientation sessions on September 5th and retired Elementary School Principal Rosanne La Manna came out of retirement to help.

There is a new project called The Garden. The raised beds are located behind the school and students will have first hand experience planting and caring for herbs and vegetables.

Planning Board – Councilmember Winslow

Winslow reported that the Planning Board Workshop meeting is tomorrow, August 20th at 5:30. Bark Place of Ulster, Inc, 296 Route 299, SBL# 87.2-1-14 in DB Zone is seeking commercial site plan approval to construct a 3,000 square foot, one story building for a dog training, boarding and daycare facility for a business established since June 2008. The Planning Board set the public hearing for September 27th. The ZBA granted a Commercial use variance on September 13, 2018 for Pavlovich and Company, LLC/Joyful Moments, 185 South Street, SBL# 87.3-5-29. The applicant is requesting commercial site plan approval and special use permit to open a daycare center in an existing building on the parcel. They are waiting for an updated survey. The public hearing remains open.

Dollar General and Falcon Ridge remain in review.

There was a Tri-Board meeting on September 5th with a Power Point presentation by Dave Barton, Building Department Director, on Conservation Subdivisions, Falcon Ridge. The meeting was very informative.

Police/Fire/Town Justice – Supervisor Paul Hansut

Water/Sewer/Drainage Committee – Councilmember Auchmoody

Auchmoody reported that the Committee met with a couple of homeowners in town that are having drainage issues from Town roads. Ray Jurkowski, Town Engineer, and Rich Klotz, Highway Superintendent, will meet at the sites to see what can be done.

REPORT – Peter Bellizzi, President, Hudson Valley Rail Trail

Bellizzi reported that the ceremony for the opening of the Rail Trail Phase IV will be at the parking lot on Rt. 299 on September 21st.

The Rail Trail Association bought four trees from Baker and Sons to plant at 101 New Paltz Road.

The Eagle Scout project is progressing. They have formed out the caps on the footings, and will do the rebar soon. The steel beam for the bridge is being fabricated.

Guerriero asked if Bellizzi has to utilize or obtain access to the property behind the Ulster County Visitors Center that NYS Parks wants to acquire.

Bellizzi said that he does not need to obtain access to the property and NYS Parks will install a fence along the 14 foot right of way and have a 12-foot gate.

REPORT – Leonard Auchmoody, Manager, Bob Shepard Highland Landing Park

Auchmoody reported that the stairs from the north river walk toward the river are complete. They river walk will continue an additional sixty-three (63) feet North and then turn west to the kayak launch. That should be formed and ready to pour in the next couple weeks. They are installing conduit to the education center and the dock but he is not sure when the electrical wires will be run. He ordered five benches that will be placed along the river walk facing the river.

Supervisor said that this Friday, September 21st at 9:00 AM is the ribbon cutting for Phase IV of the Hudson Valley Rail. The ceremony will take place at the new parking lot on Rt. 299 across from Lowe's Home Center. All are welcome to attend.

Phase III is on schedule with the first of November completion date. They have started back filling and hope to re-open South Riverside Road by the end of October.

The Town is having a free Shred Event on Friday, October 12th from 3:00 PM to 5:00 pm behind the Town Hall.

The letters with the appraisal offer for the Tillson/ Toc project were signed last week and will go out to the homeowners. Councilmember Auchmoody met with the engineers from Barton & Loguidice, Ray Jurkowski from Morris Associates (CPL), and Adam Litman, Water and Sewer Administrator, and discussed infrastructures issues.

Auchmoody added that Dave Campala, Water/Wastewater Foreman, was able to answer almost every question about the infrastructure and where everything was. He had maps from 1930. The decision was made to replace all the water/sewer lines from one end of the project to the other. They will use GPS to digitize all the lines in the project and create a map.

Supervisor said that there are four trees in the Hamlet that are creating a problem as they are in the power lines. The trees are in the bump out on Vineyard Avenue by the fountain. They called DiLorenzo Tree Service, reached out to Hugh's Tree Service and they met with Baker and Sons to have them trimmed. The thought was to remove four trees and replace them with trees that are more manageable. Then perhaps install benches or more bike racks. Supervisor said the cost for Baker and Son to remove each tree is \$1,400.00 for a total of \$5,600.

Bill Brown, resident, suggested trimming the trees now and putting in new trees after the new sidewalks are done.

Supervisor said it will be a year from now before the sidewalks can be done and the trees need to be addressed now.

2. OLD BUSINESS

A.

3. NEW BUSINESS

A.

4. PRIVILEGE OF THE FLOOR

Joe LaFiandra, resident said that he has a bumper sticker that says if you see something say something and that is why he is here tonight. He is pleased to see the upward trajectory of the Town. He deals with Accessory Apartments in his business. He works for a municipality with the title, Engineer, but his job description includes Land Use Administration. He reviews all the land use applications for three Towns and twelve Villages. He reviews three to four applications a day because there is a great amount of growth particularly in the religious community in the area where he works. The projects are being sent to a Land Use Committee because of the rapid growth. They are trying to get a hold on development to be sure the projects are following Municipal Law which seemed to be a problem with some of the smaller municipalities. He knows that Falcon Ridge is a 200+ unit housing development in a part of town that is away from the hamlet with a limited ingress and egress. He sees Falcon Ridge becoming a religious community for Ultra-Orthodox and Hassidic Jews. The applicant requested a zone change and has a number of LLC's all at one address which is the same as he runs into in his reviews of land use applications. He feels the religious community would favor such a development because of the large number of units, high density, the isolated location, limited ingress and egress and it is near Camp Karlin Stolín at 775 North Chodikee Lake Road. This religious camp could ultimately become a school. The average size family in the religious community is 13 children.

Guerriero asked if he were speculating.

La Fiandra responded that from his experience that is what this project appears to be. There was a 125-unit golfing community in Bloomingburg but suddenly they wanted 5000 units.

Mazzetti said the former Cabrini school on Route 9W is for sale and it is already built, you could look at that for a school.

Mark Reynolds, reporter, said the Dollar General project violates the Walkway-Gateway Zone. He wanted to inquire of each Town Board member if they are aware of the waivers that both the Planning Board and the Zoning Board of Appeals have granted and if so what are they going to do about it.

Auchmoody said he only heard about it when Councilmember Guerriero gave his report.

Reynolds said the Dollar General is a prototype building which is not allowed in the zone.

the ZBA just approved the building being allowed to face sideways and parking on the side which is also not allowed in the zone.

Mazzetti said that everyone wants the Town to move forward in a positive direction but he questioned at what cost. The people that adopted the zoning code had a vision for the Town but it seems many of the codes have loopholes. Developers can't be stopped from building something on their property if it is zoned for that but the self-storage monstrosity of a building on Route 9W is not his vision. The Dollar General does not fit; it should have been somewhere else. He felt the Gateway Zone was meant for mom and pop type stores.

Auchmoody said that Shamrock Liquors on Route 9W has parking on the side and asked how there could be an exception made for one and not the other.

Mazzetti responded that Shamrock was a preexisting building.

Reynolds said there are three serious violations of the code and he would like every member of the board to comment publicly.

Guerriero asked if it were a year and half before someone said they were in a very restricted zoning area.

Supervisor said that he, members of this audience, Scenic Hudson and other town committee members were part of the Gateway Zone committee. There were several public hearings. The ideal would be store fronts along the sidewalk on the road, perhaps apartments on top and parking in the rear. They wanted that but the market didn't drive it and there was no interest in any of the properties. Burger King and the bank have parking on the side. The past and current Planning Boards did their due diligence in reviewing the site plans that were brought to them but as in any planning there is always some flexibility. This project has been reviewed for a year and a half by the Planning Board and the Zoning Board. They have taken dozens of public comments. He would prefer a Panera Bread, a Trader Joes or other businesses but they have not come to Lloyd. He supports what the Planning and the Zoning Board have done.

Winslow said this project was on the table before she came to the Town Board, but like the Supervisor she stands behind the Planning Board and the Zoning Board. They have

done everything they should and have had a lot of conversation before making decisions.

Supervisor said that all the Boards are guided and take advice from their legal staff who deal in these types of developments. The Planning Board leans heavily on their legal advisors to give them advice on proceeding. The Boards have a responsibility to 10,565 residents of this town and they are not going to please them all. They have to protect the residents and taxpayers from legal action. A private organization of citizens filed an article 78 against the town regarding a proposed project at the intersection of Routes 299 and 9W. The project was commercial, assisted living and an Alzheimer facility. The lawsuit cost the taxpayers \$50,000.00.

Mazzetti said that if the Town Board tried to reverse the decision the Planning Board made it could file an Article 78.

Winslow said the Boards spend a lot of time talking to each other and researching to be sure they make the right decision for the good of the Town. Projects like Falcon Ridge that offer to pay for a sewer line is a big benefit for this town but the benefit should not overshadow whether the project is right for this town.

5. MOTION AND RESOLUTIONS

A. MOTION made by Winslow, seconded by Auchmoody to approve the minutes of the August 1, 2018 Workshop Meeting and August 15, 2018 Regular Meeting.

Five ayes carried.

B. RESOLUTION made by Auchmoody, seconded Mazzetti to authorize the payment of vouchers as audited by the Audit Committee.

General	G - 790	to	G - 884	\$	96,169.56
Highway	H - 374	to	H - 405	\$	13,885.91
Miscellaneous	M - 180	to	M - 211	\$	257,868.22
Prepays	P - 446	to	P - 512	\$	11,739.93
Sewer	S - 254	to	S - 296	\$	34,564.09
Water	W - 293	to	W - 338	\$	33,403.36

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried.

C. TABLED Motion to close the Public Hearing on Local Law F - 2018, a Local Law to revise Chapter 100 "Zoning".

Murphy said there needs to be discussion. The law as written now does not outlaw accessory apartments on detached structures. The law needs to be re-written Based on the Ulster County Planning Board's recommendations. He asked the Board if it is still their intent to not allow accessory apartments on detached structures in every zone in the town.

D. RESOLUTION made by Auchmoody, seconded Winslow to execute the Memorandum of Agreement between the Town of Lloyd and the CSEA regarding Timothy Rhodes medical insurance extension through December 31, 2018 due to extenuating circumstances.

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried.

E. MOTION made by Auchmoody, seconded by Guerriero to authorize at the request of Peter Bellizzi, President HVRTA, the 2018 Walk to End Alzheimer's scheduled for Saturday October 20th 2018 from 6:00am to 3:00pm on the Hudson Valley Rail Trail 75 Haviland parking lot to Walkway Over the Hudson. The organizers of the event will contact Rafael Diaz, Trail Safety and Courtesy Coordinator, before the event to coordinate necessary signage and the use of monitors on the trail before and during the event.

Five ayes carried.

F. MOTION made by Winslow seconded by Auchmoody to authorize at the request of Peter Bellizzi, President HVRTA, the 2018 Hudson Valley Walk to Defeat ALS on Sunday October 21st 2018 from 6:00am to 3:00pm on the Hudson Valley Rail Trail 75

Haviland parking lot to Walkway Over the Hudson. The organizers of the event will contact Rafael Diaz, Trail Safety and Courtesy Coordinator, before the event to coordinate necessary signage and the use of monitors on the trail before and during the event.

Five ayes carried.

G. MOTION made by Auchmoody, seconded by Guerriero to suspend the NO PARKING on the south side of Haviland Road for the 2018 Walk to End Alzheimer's scheduled for Saturday October 20th, 2018.

Five ayes carried.

H. MOTION made by Winslow, seconded by Guerriero to suspend the NO PARKING on the south side of Haviland Road for the 2018 Hudson Valley Walk to Defeat ALS on Sunday October 21st, 2018.

Five ayes carried.

I. MOTION made by Guerriero, seconded by Winslow to authorize Walkway Over the Hudson to close the parking areas at 75 Haviland Road and 100 Haviland Road on the evening of October 5th, for the "Starry Starry Night Benefit Celebration" from 5:00 PM to 11:00 PM. at the recommendation of Hudson Valley Rail Trail Association.

Five ayes carried.

J. RESOLUTION made by Mazzetti, seconded Auchmoody to approve and authorize the Supervisor to sign the contract for Town of Lloyd Police Chief Daniel Waage for a contract term of April 17, 2018 through December 31, 2023.

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, nay; Hansut, aye; Auchmoody, aye.

Four ayes carried.

K. RESOLUTION made by Mazzetti, seconded by Guerriero to approve and authorize the Supervisor to sign the contract for Town of Lloyd Lieutenant James Janso for a contract term of April 17, 2018 through December 31, 2023.

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried

L. RESOLUTION made by Mazzetti, seconded by Winslow to approve the following budget amendments to the 2018 budget:

GENERAL

Highland Landing Park	7110.42	+\$ 7,500.00
Parks Capital Improvements	7110.50	+\$ 2,125.00
Berean Park PS	7310.12	+\$ 8,468.00
Summer Fun PS	7310.13	+\$ 2,207.00
Parks PS	7110.10	- \$ 3,000.00
Contingency	1990.40	- \$17,300.00

HIGHWAY

Lower Grand St	5112.81	+\$1,381.00
Dog Wood Knolls	5112.85	+\$ 263.00
Black Creek Rd	5112.86	+\$3,026.00
Clearwater Rd	5112.82	- \$4,670.00

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried

M. MOTION made by Winslow, seconded by Mazzetti 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 27, 2018 from 3pm to 10pm for the celebration of Halloween in the Hamlet; and to close Church Street from Main Street

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in a southerly direction to the intersection with and including that portion of Vineyard Avenue to Milton Avenue from 6:00pm 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.

MOTION made by Winslow, seconded by Mazzetti to go into executive session to discuss personnel at 8:26PM.

Five ayes carried.

MOTION made by Winslow, seconded by Guerriero to come out of executive session 8:56PM.

Five ayes carried.

MOTION made by Guerriero, seconded by Winslow to adjourn the meeting at 8:57PM

Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk