

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

JANUARY 16, 2019

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 Commander Chris Froland to lead the Pledge of Allegiance.

7:00 PM – Supervisor opened the Public Hearing on Local Law A – 2019, a local law to temporarily suspend a land owner's or applicant's ability to obtain approvals for the construction, installation or use of Fossil Fuel Power Plants within the Town while the Town considers and adopts changes to its land use regulations to address new circumstances not addressed by the Town's current planning and zoning laws. The local law will impose a moratorium for the period of six (6) months following the date of adoption of this local law.

Supervisor asked if there were any comments.

Pam Krimsky stated that she thought it was a good idea.

Jeff Anzevino, Director of Land Use Advocacy for Scenic Hudson, said that Scenic Hudson helps citizens and communities preserve land and farms and create parks where people experience the outdoors and enjoy the Hudson River.

Scenic Hudson commends the Town of Lloyd for considering Local Law A of the Year 2019. This local law would enact a moratorium to temporarily suspend the review and approval of applications for fossil fuel power plants. Scenic Hudson believes that given the projected increase in relatively small fast-ramping "peaker" gas power plants which are not subject to Article 10 State review, the Town is wise to be proactive in amending its zoning to regulate these facilities. Treasured views, adjacent properties, air quality and residents' quality of life could be at risk without such regulation. Importantly, it is critical to ensure that protective zoning is in place before an application is submitted for a peaker plant.

In order to ensure that Local Law A is as clear and as defensible as possible, Scenic Hudson offered two recommendations:

- Section 2, Purpose, includes a line that reads *"The overall purpose of this local law is to promote community planning values by properly regulating the use, construction or installation of Fossil Fuel Power plants by enacting a carefully considered plan."* Since a zoning amendment is necessary to regulate land use, they recommend that *"carefully considered plan"* be replaced by *"carefully considered zoning;"* and
- The proposed local law should include a clear definition of "Fossil Fuel Power Plants." Scenic Hudson suggests the following as a definition: "A facility whose primary purpose is for the generation of electric power (in excess of one megawatt) powered by fossil fuel for offsite use."

The Town of Lloyd is not alone as for a variety reasons peaker plants are coming to the Hudson Valley. The Town Board's action on this issue will serve as a model that will encourage other communities to adopt protective zoning before applications are submitted. Scenic Hudson again commends the Town Board for taking this important step to protect its residents against the potential impacts of peaker plants.

Neil Curry, Chairperson, Town of Lloyd Environmental Conservation Committee, thanked the Town Board for considering Local Law B. It is something the committee has been concerned with since the article was in the Southern Ulster Times this past summer. Demand for power has decreased in the Hudson Valley and increased in New York City

which is why the Hudson Valley is being looked at to locate the peaker plants. There is excess power upstate but the transmission bottle necks being delivered to the downstate markets. He has been asked to volunteer on a committee that will provide input on regulations that the town would enact.

1. REPORTS – Town Board Liaisons

Audit –January 1 to June 30, 2019: Councilmembers Auchmoody and Mazzetti
July 1 to December 31, 2019: Councilmembers Winslow and Guerriero

ECC /Zoning Board – Councilmember Guerriero

Highland Central School District – Councilmember Mazzetti

Mazzetti congratulated Bri Rozzi who became Highland High School's all time leading Girls Basketball scorer.

The district is starting early on their preliminary budget.

The High School choir performed at the Highland Rotary Breakfast in December.

The High School AP Biology students went to SUNY New Paltz to work on Molecular Genetic Experiments; they will learn how to isolated and fragment their own DNA.

Mike Milleman, Physical Education teacher at the Middle School, is starting a Bicycle Education course so the students can learn safety, maintenance, and proper riding techniques. He is been working with donations from the YMCA, the Police and businesses in the community.

Kindergarten registration has started. Packets are available at the Elementary School.

Planning Board – Councilmember Winslow

Winslow reported that Dollar General will probably receive approval next week.

Falcon Ridge is waiting for the Feasibility Study which should be in the next few weeks. A large oil spill was found when boring test holes at 10 Commercial Avenue, property owned by Matt Smith. The NYS DEC and the Building Department are involved. The building department has had a preliminary discussion with a developer for senior housing across from Hannaford on Route 9W below Hudson Hills. It would be a continuing care community for 62 years and older with individual cottages, a doctor on site and recreation.

Police/Fire/Town Justice – Supervisor Paul Hansut

Water/Sewer/Drainage Committee –Councilmember Auchmoody

Auchmoody reported that the main discussion was the low water pressure on Church St. and Grove St. Currently there is no section of water main on Grove St. between Church St. & Leonta Court. The plan is to replace the existing water main on Church St. from the intersection at Main St. to the intersection at Vineyard Ave. A new section of water main would be installed on Grove St. starting at the intersection of Church St. and would connect to the older/existing section of water main at the intersection of Leonta Court. This proposed new section would create a loop & provide better circulation, pressure, volume and support the fire flow that is needed. The existing section of water main on Church St. would be replaced because it is too small in size to support pressure, volume and the fire flow that is needed.

REPORT – Peter Bellizzi, President, Hudson Valley Rail Trail

Bellizzi reported that people are using the trail despite the cold weather. Winter Fest was last weekend and was very successful. The results of the Chili contest were; Hard Roll Deli, 1st place, Bagels and Bites, 2nd place and The Would Restaurant, 3rd place.

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

Auchmoody said there are sponsors for some of the benches and plaques will be installed in the Spring. He met with lighting contractors about the outside, down lights on the outdoor classroom.

Supervisor said Ray Jurkowski and Adam Littman will be at the next Workshop meeting to present the detailed plan to correct the fire suppression and flow problem that Auchmoody spoke about. Supervisor, Karen McPeck, Bookkeeper, and Kate Jonietz, Confidential Secretary, have been looking for funding possibilities to complete this. The cost is approximately \$325,000.00.

2. OLD BUSINESS

A. Affordable Housing – Guy Kempe, Rural Ulster Preservation Company, (RUPCO)

Guy Kempe said that when Supervisor Costantino was in office, there was a new Comprehensive Plan that guided the Town to consider a local law to encourage the development of inclusionary zoning; additional housing opportunities that were affordable to our citizens. RUPCO provided some technical assistance to the Town in 2009 to devise the law. A Three-County Regional Housing Needs Assessment was done and clearly outlined the expectations of all the towns. He was dismayed that the Affordable Housing Law was not implemented in this community. The law states that the implementation of the law is the responsibility of the Town Board unless it is delegated to another Board like Planning or Zoning or to an outside agency to administer it. The only affordable housing done in Lloyd since the law was adopted is Golden View which was done with RUPCO and Richard Gerantine. There is no other development which is subject to this law. He did not recommend doing a moratorium on this law as it would only delay creating affordable housing in the community. He said he is also concerned it could create legal issues for the Town as far as discrimination and prevent the town from receiving federal funds.

Mazzetti asked if RUPCO could implement the law and could they provide a proposal.

Kempe said in this law Chapter 100.36 Q identifies that the Town Board administer the law or can appoint an employee such as Code Enforcement, one of the regulatory boards or identify an outside administrator.

Mazzetti asked about waivers being issued to developers for Affordable Housing and what the Planning Board did in respect to the requirements as set forth in the zoning code.

Teresa Bakner, Land Use Attorney of Whiteman, Osterman & Hanna, responded that no waivers were issued. A revision to the law came in front of the Town Board in 2013 that would have provided for waivers and changed the required number of units from 10 to 15 but that local law was not adopted. The Mountainside Woods project does have an affordable housing plan filed in the Town. Hudson Valley Wine Village did just the zoning. The plan for Affordable Housing is covered in the Environmental Impact Statement and would be covered when they came for site plan approval. The Planning Board approved Accessory Apartments in houses which provides for a lot of affordable rental space in the town. The Dollar General project on Route 9W is required to have an Affordable Housing plan. There have been Affordable Housing plans in projects; the problem is there is no administration or implementation of the plan. There have been discussions about who would be qualified to administer the law. The Town Board has never appointed an administrator and by default the Town Board is the administrator. The other issue is confidentiality and the collection of data about personal households. She would be concerned about a board being responsible for administering the law because of confidentiality and the sensitivity of the information issues.

Councilmember Winslow asked Kempe if RUPCO could administer the law before the Town decides to hire someone else.

Kempe responded that they do have the capacity to administer the law. They provide those services for a consultant's fee and with an agreement. As far as confidentiality, when they discuss an applicant they meet in executive session and the information is returned to a locked safe so that the information does not go public.

Winslow asked how RUPCO administers New Paltz.

Kempe responded that there is a board of five that meet periodically. They go into executive session and assemble a list of eligible renters interested in affordable housing in the community. They did some marketing to get the information out to the public. They don't interfere with the landlord and renting process; they just match a renter and a property. If for some reason the tenant doesn't work out such as not paying their rent, the landlord has the same rights as with any of their other tenants.

Bakner stated that the Town of Lloyd has a healthy stock of multi-family housing and no one could say that the Town excludes anyone from the opportunity to live here. The Town has a model law which is very progressive. She said she there is no reason for the board to adopt a moratorium but rather should move forward and administer the law it has.

3. NEW BUSINESS

A.

4. PRIVILEGE OF THE FLOOR

Commander Froland of the Post 193 American Legion said it will be the 100th year of the Highland Legion Post. They want to do a town wide event in early August. August 8th is the actual anniversary. They would like to do a street festival and end the evening with fireworks. The legion is tied into the community and they want to include the entire community and hope the town can help them plan.

Supervisor asked what they were looking for from the Town.

He said they have no idea how to plan an event like this, they are hoping to have it downtown, something compared to the Fourth of July celebration. He is looking to work with someone to help them plan the event.

Supervisor recommend he speak with the Highland Business Association.

5. MOTIONS AND RESOLUTIONS

A. MOTION made by Mazzetti, seconded by Winslow to approve the minutes Workshop Meeting December 5, 2018 and the Regular Meeting December 19, 2018

Five ayes carried.

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

General	G - 1	to	G - 92	\$ 195,056.57
Highway	H - 1	to	H - 38	\$ 48,014.17
Miscellaneous	M - 1	to	M - 21	\$ 167,733.70
Prepays	P - 1	to	P - 37	\$ 53,768.65
Sewer	S - 1	to	S - 22	\$ 23,307.02
Water	W - 1	to	W - 38	\$ 51,360.88

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

Five ayes carried

C. MOTION made by Auchmoody, seconded by Winslow to accept the resignation of Martin Szostak, court officer effective January 31, 2019.

Five ayes carried.

D. MOTION made by Auchmoody, seconded by Mazzetti to appoint William T. Brown to the Assessment Review Board to fulfill the unexpired term of Liza Lanzarone Mackey which expires 12/31/2021.

Five ayes carried.

E. MOTION made by Winslow seconded by Guerriero to appoint Dominick Martorana to the Assessment Review Board to fulfill the unexpired term of Jody Pavero which expires 12/31/2022.

Five ayes carried.

F. MOTION made by Winslow seconded by Guerriero to appoint William "Bud" Walker to the Assessment Review Board with a term that expires 12/31/2023.

Five ayes carried.

G. RESOLUTION made by Mazzetti, seconded by Winslow to authorize the purchase for the Building Department of a 2019 Chevy Equinox from Ruge's Chevrolet in Millbrook, NY for \$23,697.50 at the lowest bid. The bids received were as follows: \$24,395.00 from Healy Bros; from Romeo Chevy \$25,225.00 and from Barton Chevy \$27,155.00.

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

Five ayes carried

H. MOTION made by Winslow seconded by Mazzetti to close the Public Hearing on Local Law "A" of 2019 at 7:15PM.

Five ayes carried.

The Town Board agreed to include the following changes to the local law "A" as recommended by Scenic Hudson:

Section 2, Purpose, ...

"carefully considered plan" be replaced by "carefully considered zoning;" and include a clear definition of "Fossil Fuel Power Plants."

"A facility whose primary purpose is for the generation of electric power (in excess of one megawatt) powered by fossil fuel for offsite use."

I. RESOLUTION made by Winslow, seconded by Mazzetti

WHEREAS, proposed Local Law "A" of 2019, a local to temporarily suspend a land owner's or applicant's ability to obtain approvals for the construction, installation or use of Fossil Fuel Power Plants within the Town while the Town considers and adopts changes to its land use regulations to address new circumstances not addressed by the Town's current planning and zoning laws, was introduced at a meeting of the Town Board held on the 19th day of December, 2018, at 7:00 p.m.; and,

WHEREAS, the Town Board of the Town of Lloyd, having determined that this matter constitutes a Type II action under the State Environmental Quality Review Act (SEQRA) and is exempt from further proceedings under such act; and

WHEREAS, a public hearing has been held thereon on the 16th day of January, 2019, at 7:00 p.m., at which time all interested persons were given an opportunity to be heard thereon.

NOW, THEREFORE, it is resolved that Local Law "A" of 2019 be enacted as in the amended form attached hereto as Schedule "A" as fully as if set forth herein, being a local law to temporarily suspend a land owner's or applicant's ability to obtain approvals for the construction, installation or use of Fossil Fuel Power Plants within the Town while the Town considers and adopts changes to its land use regulations to address new circumstances not addressed by the Town's current planning and zoning.

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

Five eyes carried

J. RESOLUTION made by Winslow, seconded by Guerriero

WHEREAS, a proposed local law has been drafted as Local Law B-2019, a Local Law to revise Chapter 100 "Zoning", Article VII "Special Use Permits", Section 100-42 "Accessory Apartments" by revising 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 said Subsection "J" by adding a new subparagraph "J" "1" which provides that the lot where on the secondary structure accessory apartment unit is proposed must have a minimum of two (2) acres regardless of the zone it is in where such use is allowed and re-numbering current subparagraphs 1-6 as numbers 2-7, respectively.

WHEREAS, this Board will hold a public hearing on the adoption of the said local law attached hereto.

WHEREAS, this is a Type I action under SEQRA, and Part I of a Full Environmental Assessment Form has been prepared on behalf of the Town Board, with the Town Board assuming lead agency to do all necessary reviews in this matter;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. A public hearing will be held at the Town Hall, 12 Church Street, Highland, New York, at 7:00 P.M. on the 20th day of February 2019 with respect to the adoption of the aforesaid local law;
2. The Town Board is designated as lead agency to conduct all necessary reviews in this matter.
3. The Town Clerk is directed to publish and post a notice of said public hearing in accordance with law and circulate, pursuant to the Town of Lloyd Code and the New York State General Municipal Law, to the Town of Lloyd Planning Board, the Ulster County Planning Board, and any other interested agencies for response prior to the public hearing.

LOCAL LAW B - 2019

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LLOYD
CHAPTER 100, ARTICLE VII, SECTIONS 100-42 (J), RELATING TO ACCESSORY
APARTMENTS.**

The Code of the Town of Lloyd, Chapter 100 "Zoning", Article VII, "Special Use Permits", Section 100-42 "Accessory Apartments" being the same hereby is amended by revising existing Section 100-42 (J) by adding a new Subsection 100-42 (J) (1) as follows:

"J. If a secondary structure (garage, carriage house, etc.) is used to house the accessory apartment, the following conditions must be met:

(1) The lot where on the secondary structure accessory unit is proposed must have a minimum of two (2) acres, regardless of the zone it is where such uses are allowed."

Section 100-42 (J) is further revised to re-number Subsections 1-6 as numbers 2-7 respectively.

Section 2

This local law will take effect when filed with the Secretary of State in accordance with the Municipal Home Rule Law.

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

Five ayes carried

K. RESOLUTION made by Mazzetti, seconded by Winslow

WHEREAS, a local law, being proposed as Local Law C – 2019, was introduced at this meeting as follows:

Local Law C – 2019, a local to amend Chapter 100, entitled "Zoning" of § 100-12 entitled "Allowable uses" to prohibit the placement of Assisted Living Facilities and Nursing Homes in the R-2 (single- family residence, 2 acres) zone.

(copy of Local Law attached)

WHEREAS, this is a Type I action under SEQRA, and Part I of a Full Environmental Assessment Form has been prepared on behalf of the Town Board, with the Town Board assuming lead agency to do all necessary reviews in this matter; and

WHEREAS, the Town Board desires to hold a public hearing with respect to the adoption of said local law.

NOW, THEREFORE, BE IT RESOLVED that a Public Hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 20th day of February, 2019 at 7:00 p.m.

LOCAL LAW C of the YEAR 2019

SECTION 1.

This local law shall be known as a local law chapter 100, entitled "Zoning", § 100-12 entitled " Allowable uses" of the Code of the Town of Lloyd.

SECTION 2. Purpose

The purpose of this local law is to revise chapter 100, entitled "Zoning", § 100-12 entitled "Allowable uses" to prohibit the placement of Assisted Living Facilities and Nursing Homes in the R-2 (single- family residence, 2 acres) zone.

SECTION 3. § 100-12

§ 100-12 is hereby amended by revising "Zoning Attachment 1" by deleting "SP*" from the "R-2" column next to the "Assisted Living Facility" use and the "Nursing Home" use.

SECTION 4. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

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

Five ayes carried

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

GENERAL

Justices PS	1110.10	+\$ 2,035.00
Supervisor PS	1220.10	+\$ 68.00
Audit /Accting	1320.40	+\$ 500.00
Assessor PS	1355.10	+\$ 27.00
Town Clerk Deputies PS	1410.30	+\$ 1,183.00

January 16, 2019

Building & Grounds CE	1630.40	+\$ 3,000.00
Police Officers FT PS	3120.10	+\$18,059.00
Police Dispatchers PS	3120.14	+\$ 5,412.00
Street Signs CE	3310.40	+\$ 203.00
Parks CE	7110.40	+\$ 8,000.00
Parks Rail Trail CE	7110.41	+\$ 500.00
Highland Landing CE	7110.42	+\$ 600.00
Celebrations	7550.40	+\$ 50.00
Bldg / Zoning PS	8010.10	+\$ 1,260.00
Bldg / Zoning CE	8010.40	+\$ 1,200.00
Transfer St PS	8260.10	+\$ 660.00
Transfer St CE	8260.40	+\$ 3,800.00
Social Security	9030.80	+\$ 6,877.00
Medical Insurance	9060.80	+\$19,760.00
Police Officer PT	3120.11	-\$ 700.00
Transfer Station UCRRA	8260.30	-\$ 4,460.00
Flea Markets	00-2560	-\$ 50.00
Mortgage Tax	00-3005	-\$ 67,984.00

HIGHWAY

General Repairs PS	5110.10	+\$13,111.00
Machinery Equip	5130.20	+\$ 1,408.00
Garage	5132.40	+\$ 4,455.00
Medical Ins Buy Out	9060.10	+\$ 268.00
Medical Ins	9060.80	+\$ 6,446.00
Unallocated Ins	1910.40	-\$ 6,008.00
Brush & Weeds PS	5140.10	-\$ 4,937.00
Snow Removal PS	5142.10	-\$ 12,481.00
Social Security	9030.80	-\$ 1,616.00
Workers Comp	9040.80	-\$ 646.00

WATER

Supply Power PS	8320.10	+\$ 9,708.00
Supply, Power CE	8320.40	+\$ 2,630.00
Purification CE	8330.40	+\$13,375.00
Trans & Distribution PS	8340.10	+\$ 2,784.00
Trans & Distribution CE	8340.40	+\$14,260.00
Social Security	9030.80	+\$ 618.00
Medical Ins	9060.80	+\$ 8,343.00
Metered Sales	20-2140	- \$51,718.00

SEWER

Sewage Collection PS	8120.10	+\$ 5,174.00
Sewage Treatment CE	8130.40	+\$12,789.00
Medical Ins	9060.80	+\$ 3,145.00
Metered Sales	30-2120	- \$21,108.00

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

Five ayes carried

MOTION made by Mazzetti, seconded by Winslow to go into executive session to discuss contract and personnel at 8:25PM.

Five ayes carried.

MOTION made by Mazzetti, seconded by Winslow to come out of executive session to at 9:10PM.

Five ayes carried.

MOTION made by Mazzetti, seconded by Winslow to adjourn the meeting at 9:15 PM.

Five ayes carried.

Respectfully submitted,

January 16, 2019

Rosaria Schiavone Peplow
Town Clerk