



Highland, New York 12528

LEGAL NOTICE  
TOWN OF LLOYD PLANNING BOARD  
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Town of Lloyd Planning Board, Ulster County, State of New York, on the application of James Wang for property at 14 Roy Lane(SBL: 95.12-3-72), Highland NY, 12528, proposing special use permit for an accessory apartment.

The public hearing will take place at the Town of Lloyd Town Hall on Thursday, February 26, 2015, at 7:00PM, or as soon thereafter as may be heard.

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Date: February 13, 2015

Any questions, call (845) 691-2735, Monday through Friday, 8:30am – 4:30pm, or email us at [prober@townoflloyd.com](mailto:prober@townoflloyd.com)

A **Motion** to open the public hearing was made by William Ogden, seconded by Lawrence Hammond. All ayes.

Mora Schoonmaker of 15 Roy Lane spoke on behalf of herself and neighbors living at; 12 Roy Lane (The Vanzandt's), 18 Roy Lane (The Branda's), 10 Roy Lane (The Niles') and 16 Roy Lane (The Violaris').

Ms. Schoonmaker: We thought if we had one representative it would make it easier on everybody. Thank you for having us here tonight. What we would like to address is that we all object to this application and I will state why. We were blessed with this neighborhood about 8 years ago, here at Highland Hills and we have been blessed with over 30 children on that street. We have spent the last two years with Mr. Wang's house being rented out, allegedly 2, 3, 4, or 5 different rooms being rented out in that house, over the last year and a half. There has been a lot of incoming and outgoing traffic; we have had to call the police multiple times over the last year and that is all on record, there have been arrests made and it has been a deterrent for all of our children and our families for the last year and a half. We would like to keep this street residential, homes and families only. We all work very hard for our families and our children and we are afraid it this happens that this will now be opened up to more cars parked on our street, the incoming and outgoing traffic that we put up with last year, our children almost being hit by bikes and having to call the cops on that. It was a very rough summer last year. The way these applicants have been recruited for this apartment, in his house, have been on craigslist, month to month rental no background check required, would you want your children living around that, this has us all concerned. We have also had multiple residents who live in his house, knocking on our doors because they were not sure where they lived, showing up to the wrong houses in the middle of the night; we have had cabs parked on our driveways and asking to pick up certain people at our houses. This is why we are concerned and we would like to keep our street as a residential single family home neighborhood.

Fred: You said there have been arrests and that would be on record at the police department?

Ms. Schoonmaker: Yes. Yes there will.

Kory Vanzandt of 12 Roy Lane: I have three young daughters. My wife and I are both teachers, when we were off this summer I do not feel safe letting my kids out of the house, I cannot let my kids go out and play because I do not know who is living next to me, I do not know who is renting out that apartment from one month to the next. There are more than 30 kids on this block and it is not a safe situation when you know that

the person next to you is not doing background checks. I have personally called 911 myself for disputes that have been going on in his driveway, not from James himself, but from the people that are renting there. Before he began renting out the house he lived there with his family and everything was fine. Since his family has moved out over the last two years it has been nothing but one headache after another.

Fred: Did you say that there are multiple people living there? Unrelated?

Ms. Schoonmaker: Yes there are. I don't know if they are related to each other. I do know one person who lives there who does work at the same company that I do, but the others do not. The Highland cops have been phenomenal they have worked hand in hand with us over the last year.

Brad: Has it been advertised that no background checks are necessary or do you just feel that he does not do that.

Ms. Schoonmaker: That is exactly what is stated on craigslist.

Scott: (To Mr. Wang) do you live in this unit with everyone?

Mr. Wang: Yes.

Scott: Are you there full time?

Mr. Wang: Yes.

Brad: Why don't you do background checks being as there are children in the neighborhood?

Mr. Wang: I cannot afford to do the background checks.

Brad: That seems to be an issue.

Fred: That impacts the whole neighborhood.

Brad: I could see how neighbors would not feel safe. Being that people would come and go without any background checks whatsoever when you have children that are living next door. I am concerned that this property has not been in accordance with the neighborhood that it is in and I think that is part of our consideration as a Board.

Mr. Vanzandt: I would like to dispute the fact that he has been a full time resident. There was a time last winter that he was out of town for two months, I know because I live right next door, in China tending to his father. People were still renting. I know this because someone who was living there was plowing the snow and they were tearing up my lawn and putting snow in my yard and that is when I found out he was out of town for a couple of months last winter.

Mr. Wang: I cannot do the background checks but I take the time to observe the renter and may decide to ask him to move out if he is not good.

Fred: But that is after they are already there.

Larry: It is hard to evict.

Bill: Do you rent more than unit or room to different people?

Mr. Wang: Two people.

Bill: Are they a couple?

Mr. Wang: Two different people.

Bill: So the idea would be that the accessory apartment would be one rental and someone else would be renting a room?

Brad: The total population living there?

Mr. Wang: Three including myself.

Scott: How many cars?

Mr. Wang: Three cars.

Ms. Schoonmaker: Part of our concern is that by adding the accessory apartment not only will you have the same amount of renters in the same unit but this apartment will add more people, this is part of our concern.

Bill: I think what we have heard is that it will be the same amount of renters only the house internally will be divided up differently.

Ms. Schoonmaker: I have seen the ad on craigslist there are multiple rooms being rented, the ad said bedroom A, bedroom B, bedroom C all being rented as well as the bottom.

Debbie Violaris of 16 Roy Lane: I live right next door. My problem with the situation is that we have been aware that there have been more than two boarders there, which I was told that it is legal to have two boarders. There have been many more than that at the same time. My concern is that now we are going to make this legal. Why as a town are we giving him what he wants when he has not obeyed the rules for who knows how long. My other concern is if he sells this house. If he is not doing background checks now how do we know that the next person who moves in and also rents out that we won't be having the same issue.

Brad: Shari, is there anything that you can add as it relates to the past use of the home?

Shari: There have been multiple violations, one of the reasons that he is here is because we did take him to court. There were more than two boarders, there were three borders. An accessory apartment is allowed in any residential zone with a special use permit. The intention of an accessory apartment (the reason it is not a two family is because of the size of it, it is limited to 650sf.) has always been to help out elderly parents, to help out children that are home. The Town created this law to help with transitional quality of life. We understand your concerns but it is an as of right use. We have had many people apply for these and they have been used in a way as intended. Accessory apartments can be rented out. It is a way for us to enforce who has these. In the past they were considered mother/daughter, you were allowed to have them in your home and there was no way for us to enforce this. So by doing this it will add to the quality because you are not just renting a room you are renting an apartment, so the types of people that come in we are hoping would not be somebody transient. But it is allowed by use and his violation is cleared. We have not heard from you that there is more than two boarders at this time.

Ms. Violaris: Can I clarify something about boarders? Is this just two people or is that two people with spouses or girlfriends?

Shari: Two people.

Ms. Violaris: This is where I have an issue too. There were other times where maybe he technically had only two boarders but they each had guests, I don't know what the relationship is, with children. CPS came there several times it is just a mess. I understand that whole thing about mother/daughter and parents but that is not what we are talking about here, if it was that I probably would not be here. He has had so many troubles in the past; we are not talking about family we are talking about other people. He cannot afford background checks and there are thirty something kids just on that street.

Fred P: From listening to the neighborhood it sounds like he is running an illegal boarding house. I understand what accessory use apartments are and what they are used for and whether it is legal or not but I am hearing that he is renting out bedrooms A, B, C, D to unrelated people and this has been going on for some time. We have that this is a pre-requisite here that has been in existence and violations; I would like to check and see what the violations are. It sounds like a boarding house.

Mr. Vanzandt: I personally have been down to the police station before, my neighbor across the street has taken photographs of multiple cars, one car parked in the garage, two parked in the driveway, one on the road, it is clear that he has had more than two boarders for a good portion of his time there.

Scott: What we have here are two separate issues. We have an application for a special use permit for an accessory apartment which Shari explained is an allowable use. We as a Board can rule only on an allowable use, is the use in keeping with the rest of the code that is there. I think you have given us a little bit of a crack so that maybe we can explore that maybe it is not in keeping with its current use. But we cannot say no simply because he has too many people in there because that is not what our special use is. The other side of it is that what is happening there, the current use of the structure up above is another issue that we have to do a little checking into to see how this can be handled in a legal manner. We, as the Board, are here to apply the code not interpret or enforce the code.

Mr. Vanzandt: If you have abused the code for two years does that have any weight on the decision?

Scott: Getting the special use permit now allows more enforcement ability because we have had to make sure that the units are built to code.

Bill: Prior to codifying the accessory apartments we had no control what-so-ever. This is a step in trying to apply a little bit more control. We can only do what the law allows us to do.

Ms. Violaris: Two years ago when this was going on I called and I simply asked "What is the code?" and I was told he was allowed to have two boarders. So if he has three, four, five, or six borders that is not code.

Scott: That is correct.

Ms. Violaris: Why is that not enforceable?

Shari: It was enforceable, and that is what we have done. We had to have proof and then we had gone to court, it went in front of the judge and Mr. Wang is fully aware of what his legal rights are and if we take him back to court we now have a precedent. We are trying to work with everyone to make it more enforceable and make the rooms legal.

Ms. Violaris: Has that already been deemed safe as an apartment?

Shari: That won't come until he gets planning approval and then goes for the building permit.

Scott: The building department will be in and out of there until the construction is done and only once done satisfactorily will he be able to get a certificate of occupancy.

Ms. Violaris: He clearly already has an apartment down there, so if you go in there and say "this isn't good" are there fines or something?

Shari: Yes. That is why we took him to court. You are allowed to have a summer kitchen; he had a permit for that. It is the enforcement of all of the boarders, we appreciate all of you telling us this, but we have to have proof before we go to court. In this case we did get the proof and went to court. I think we are at a stage now that Mr. Wang wants to legalize the apartment and make it enforceable.

I guess one of the questions for Terresa Bakner, Planning Board Attorney, would be can you legally take abuse of the use of the code into consideration with a special use permit?

Ms. Violaris: A question about the special use, I remember you saying it was designed for parents or children. If it were granted to Mr. Wang would it be okay for him to rent it to a stranger?

Scott: Yes, it would be.

Mr. Vanzandt: Even if he is doing it for a profit.

Shari: That is okay.

Jude Niles of 10 Roy Lane: What recourse do we have as neighbors in this neighborhood when he is not doing background checks and does not have the means for background checks. When this apartment is legalized there are going to be the same issues. I grew up in New York City and I wanted to raise a family in a very nice neighborhood that is why I moved here. The amount of traffic that I see there it is apparent there are a lot of people living there. What concerns me is late at night one, two, three o clock in the morning cars consistently back and forth it is just not normal, it is clear that there is something going on there, my concern is that this is going to continue.

Scott: Are there any additional concerns, our interpreter is getting caught up and is about to leave.

A **Motion** was made by Fred Pizzuto, seconded by Lawrence Hammond, to extend the public hearing for another month. All Ayes.

Brad: (To the group of neighbors on Roy Lane) you do have valid concerns, I think that you have conducted yourselves in a very professional and community minded way, so thank you.

The Board will do research with legal counsel.

**Colgan, Christina & Thomas, 8 Sara Ln. SUP SBL#95.2-3-15.131 in R1 zone.**

The applicant is requesting a special use permit to add an accessory apartment over their existing garage for their parents use. The total area of the apartment will be 420 sf. Board of Health approval is required.

Christine Colgan was present for the meeting.

The Board previously reviewed this application and had no additional comments.

Scott read the public hearing notice as follows:

TO THE EDITOR OF THE OFFICIAL NEWSPAPER:

New Paltz Times

Email: [dale@ulsterpublishing.com](mailto:dale@ulsterpublishing.com)

THE FOLLOWING LEGAL NOTICE IS TO BE PUBLISHED:

WEEK OF: February 19, 2015

FORWARD PROOF OF PUBLICATION AND ALL BILLS TO:

TOWN CLERK, TOWN OF LLOYD  
TOM SHAY SQUARE, 12 Church Street  
Highland, New York 12528

LEGAL NOTICE  
TOWN OF LLOYD PLANNING BOARD  
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Town of Lloyd Planning Board, Ulster County, State of New York, on the application of Christine and Thomas Colgan for property at 8 Sara Lane (SBL: 95.2-3-15.131), Highland NY, 12528, proposing special use permit for an accessory apartment.

The public hearing will take place at the Town of Lloyd Town Hall on Thursday, February 26, 2015, at 7:00PM, or as soon thereafter as may be heard.

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Date: February 13, 2015

Any questions, call (845) 691-2735, Monday through Friday, 8:30am – 4:30pm, or email us at [prober@townoflloyd.com](mailto:prober@townoflloyd.com)

A **Motion** was made to open the public hearing by William Ogden, seconded by Fred Pizzuto. All ayes. There were no comments.

A **Motion** was made to close the public hearing by Fed Pizzuto, seconded by William Ogden. All ayes. Scott read the resolution. See attached.

A **Motion** was made to accept the resolution by William Ogden, seconded by Lawrence Hammond. All ayes.

**DeGroot, Patricia, 11 Ose Rd, Two Family SBL#87.2-7-13, in R1/2 zone.**

The applicant would be requesting a special use permit to convert her father's former place of business (DeGroot Electric and HVAC) into two 1 bedroom apartments. The applicant will reside in one apartment and rent the other one.

Lou DuBois, the applicant's representative, was present for the meeting.

The Board previously reviewed this application and had no additional comments.

Scott read the public hearing notice as follows:

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LEGAL NOTICE  
TOWN OF LLOYD PLANNING BOARD  
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Town of Lloyd Planning Board, Ulster County, State of New York, on the application of Patricia DeGroot for property at 11 Ose Rd. (SBL: 87.2-7-13), Highland NY, 12528, proposing special use permit for a two family consisting of 2-one bedroom apartments.

The public hearing will take place at the Town of Lloyd Town Hall on Thursday, February 26, 2015, at 7:00PM, or as soon thereafter as may be heard.

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A **Motion** to open the public hearing was made by William Ogden, seconded by Brad Scott. All ayes. There were no comments.

A **Motion** to close the public hearing was made by William Ogden, seconded by Brad Scott. All ayes.

Scott read the resolution. See attached.

A **Motion** was made to accept the resolution by Lawrence Hammond, seconded by Fred Riley. All ayes.

## **Set Public Hearing**

### **Tarpley, Robert, 343 Orchard Rd, Special Use Permit SBL#95.2-7-10.100, in A zone.**

The applicant is looking to relocate to this location and bring along their four dogs. They currently are a small kennel operation where they breed and train german shepherds.

Mr. Tarpley was present for the meeting. Blitz, his search and rescue dog, was present for the meeting.

Scott: The previous kennel application we had, we put a maximum of eight adult dogs are permitted and when puppies reach six months they will be considered adult dogs.

Peter: You had mentioned that over time you might want to expand in the back, does eight still work for you?

Mr. Tarpley: If we do that than probably not, because if we do that I would ultimately be doing this as a full time thing and there would be some boarding and grooming, I do not know right now that would be down the road. Right now we have about 18 or 19 ten foot chain link fence panels that we can set up anywhere at anytime, they are moveable and can be put together for puppy play or big dogs.

Mr. Tarpley submitted quotes from County Waste, who are okay with handling the waste. He also submitted reviews and comments from his facebook page about what it is that he does. Approvals of his LLC, application for pet dealer license through the state and dept. of agriculture, he also informed the Board that breeders in Ulster County can have up to 9 dogs or cats a year, above that you need to pay for them to come out and take a look. Between 9 and 25 animals will cost you \$25.00 and it is a pretty easy process over 25 it is \$100.00 a year and it is a more extensive process. Mr. Tarpley also submitted photos of the buffer around his property.

Larry: The dogs will be right near your garage?

Mr. Tarpley: Yes, it will be right to the side, we want them close, we do not want them far away.

Brad: They actually live in the house?

Mr. Tarpley: Yes. There is a partially finished basement and that is where the puppies will be until they are 8 to 12 weeks old and then they will go home. We have never had a problem getting rid of the puppies, there is a pedigree database and people actually come looking for us.

The Board had no additional comments.

Scott read over and reviewed the Short EAF form.

A **Motion** was made to accept the resolution of negative declaration and setting of public hearing by Fred Pizzuto, seconded by William Ogden. All ayes.

See attached resolution.

### **Sorbello, Sal, 612 N Chodikey Lake Rd, Special Use Permit SBL# 79.4-2-11, in R1 zone.**

The applicant would like a special use permit to legalize his 575sf accessory apartment.

The Board reviewed this application at last week's meeting and had no additional comments.

Scott read the resolution of negative declaration and setting of the public hearing.

A **Motion** was made to accept this resolution by William Ogden, seconded by Lawrence Hammond. All ayes.

See attached.

## **Administrative Business**

**Minutes to Approve:**



A **Motion** was made to accept the minutes from the January 15, 2015 Planning Board Workshop by Brad Scott, seconded by Fred Pizzuto. All ayes.

A **Motion** was made to accept the minutes from the January 22, 2015 Planning Board Meeting by Lawrence Hammond, seconded by William Ogden. All ayes.

## Signs

Peter: I sent around comments that sort of lined up with what Dave sent us with the comments that Bill and I had made.

Bill: We should at least be able to get the gas station one in there.

Peter: It already refers to the mandatory gas pump signs, that you have to have right on the pump, but it is also required to have prominently displayed prices. More and more this is changing to the LEDs, so that would be a logical allowed thing to include.

I see Dave gave us something on illuminance vs luminance.

Bill: This is two different conflicting measurements. It is easier to talk about nits and footcandles. The footcandle one is a lot easier to measure and the footcandle is as it is whereas the nits are manufacturing specs that change over time.

Peter: If I had my absolute druthers, I would have a standard for both even if one is more easily enforceable it would still be nice to have a standard for both. And for whatever reason what is currently written you have the more complex one the nits rather than the footcandles written in the book.

The Board reviewed an engineering chart that was distributed.

Peter: The footcandle method is kind of easier to monitor, it would not hurt to have both methods to monitor.

Dave: Can you help me with the calculations of what one is vs the other one.

Bill: No. That is the problem.

Dave: Right it's not apples and apples.

The Board discussed various means of measurements for LED sign brightness.

Bill informed the Board that this type of sign is known as an electric message center. He also added that he thinks it should be added into the code that the signs can not make noise or talk.

The Board discussed the expense of this type of sign and should business owners invest in this sign and the code changes, would they be grandfathered in to the code as it were.

Peter: The elephant in the room is that for some reason we have eliminated the exclusion of, billboards, it seems to me like a dreadful idea.

Shari: Existing billboards will be eliminated in 2019.

Peter: This new law does not have any exclusions for billboards it allows them anywhere.

Dave: Not anywhere just in certain zones.

Scott: If one person wants a billboard I don't know why we would add it back into the code. I think as a Board we can come to some consensus on billboards that we can recommend to the Town. Our exercise was to review this paperwork and make some suggestions to the Town Board. I guess the issue is allowing new ones or allowing the existing ones to stay.

Peter: There is what looks like a new billboard on the east side of 9W down where they put up the new Welcome to Highland sign.

Shari: I do not know that one off the top of my head but they are allowed to do repairs. I will check it out.

Bill: When does a sign become a billboard? If you have a billboard sized sign saying motel in this direction, this comes down to very specific definitions.

The Board discussed billboards and the proposed draft sign code.

**Accessory Apartments**

Bill: I think we missed something with the code change but for the future I think we should add a line that says No other rental space shall exist in the structure.

The Board discussed accessory apartments and how the intent of the use since first proposed could be taken to another degree.

A **Motion** to adjourn was made by Scott Saso, seconded by William Ogden. All ayes.