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April 9, 2021

VIA E-MAIL (svannostrand@townoflloyd.com) & REGULAR MAIL

Town of Lloyd Planning Board
12 Church Street
Highland, New York 12528

RE: The Village in the Hudson Valley, LLC ("The Village")
Proposed Assisted Living Facility
Our File No.: 14862-65453

Dear Chairman McCarthy and Members of the Planning Board:

First, on behalf of my client, we want to thank all the board members for conducting two special meetings to review the SEQRA components of this proposed project.

During the last meeting on Tuesday night, it appeared that some of the board members may need some clarification on what exactly is being proposed. Right now, the applicant is proposing an Assisted Living Facility ("ALF") at his property. The ALF is permitted in the R 1/2 zone via special use permit and site plan approval from the Planning Board. The ALF will be constructed on the lower portion of his property closer to Route 9W and the Town's commercial corridor. At this time, there is no proposed development for the upper portion of this property. Regardless, SEQRA still requires the Planning Board to study the potential development of the upper portion of the property because the applicant may potentially seek approval for a PRRD at some future date.

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Given the Planning Board's legal obligations under SEQRA, we developed a conceptual plan for a potential full build out of the entire property (including the upper portion). This conceptual plan was based on the PRRD's density and dimensional regulations to illustrate a potential development scenario for a PRRD.

When the applicant seeks to proceed with a proposal for a PRRD, the first step in the process before any application is made will involve meeting with the Town's pre-application committee made up of representatives from the Town Board, Planning Board and Zoning Board of Appeals. That committee will make recommendations to the Town Board.

Thereafter, the applicant will finalize the proposed details for the upper development, mindful of the issues raised by the Planning Board during this conceptual review stage. The Town can then proceed with a SEQRA review on the specific development plan for the upper portion. At that time, specific mitigation measures can be incorporated into the design of the upper portion of the property (e.g., further minimizing development on steep slopes, further protection measures for the Twaalfskill Creek, and specific protection measures for the contaminated soils). Thus, once the plans are further developed, detailed and finalized, the Town will have the opportunity for further SEQRA review. The Town will not be limited to its current SEQRA determination on the concept plan when reviewing the detailed development plan for the upper portion of the property.

This method is legally permitted by the SEQRA regulations. According to the SEQRA Handbook, where later development phases are uncertain as to design or timing their environmental impacts can still be examined by considering a total build out based upon sketch plans. See page 56. Here, the applicant is specifically proposing an ALF at this time (which we can call Phase I). Phase II would consist of the development of the upper portion. Since the specifics of Phase II is currently uncertain, the applicant developed a concept plan showing a potential full build out based on the PRRD regulations, as required under SEQRA. This is just a concept plan, and not a specific application request to the Town. Again, our view is that the Planning Board's present SEQRA determination is limited to the Phase I impacts of the ALF and whether, conceptually, a PRRD with the types of mitigation that have been discussed is possible without resulting in any significant adverse impacts. More detailed SEQRA review of the development of the upper portion would occur in the future based on a specific PRRD application made by the applicant to the Town.

To date, the applicant has submitted volumes of information and reports to cover both the specific SEQRA review for the ALF and the conceptual review of the full buildout of the entire PRRD development. As noted above, once the details of the upper portion are finalized, the Town will be able to conduct a further environmental review of that subsequent, but specific and certain, Phase II.

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I hope this clarifies things and alleviates any of the board members concerns, as we all must ensure the environmental review process complies with SEQRA.

Very truly yours,



JOHN W. FURST

JWF/1916596

Cc: David Barton, Director of Building, Planning and Zoning Enforcement
Paul Van Cott, Esq. (Attorney for the Planning Board)
Mark Sanderson (The Village in the Hudson Valley, LLC)
Kelly Libolt (KARC Planning)

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