

# TOWN OF LLOYD

## TOWN BOARD MEETING

FEBRUARY 26, 2020

**Present:** Supervisor Frederick Pizzuto  
Councilmember Leonard Auchmoody  
Councilmember Michael Guerriero  
Councilmember Claire Winslow  
Councilmember Mazzetti

**Also present:** Sean Murphy, Attorney  
Wendy D. Rosinski, Town Clerk

**7:00 PM – Supervisor** opened meeting with Pledge of Allegiance

### MORATORIUM WAIVERS

**AUTO ZONE** - PH closed 2/19/2020

**RESOLUTION** made by Winslow, seconded by Auchmoody

**WHEREAS**, a local law entitled the 2019 Temporary Moratorium Law was adopted by the Town Board as Local Law 1 – 2020 on January 15, 2020 and became effective on January 16, 2020 (the “Moratorium”); and

**WHEREAS**, the Moratorium temporarily suspends for a period of six (6) months all action on applications before officials or boards of the Town of Lloyd for certain development approvals and provides that no Town decisions shall be made either approving or denying such applications while the Moratorium is in effect; and

**WHEREAS**, the Moratorium provides a process for the Town Board to vary or modify the application of the local law upon an applicant if its strict application would impose practical difficulties or extraordinary hardships and would not adversely affect the health, safety or welfare of the Town or significantly conflict with the general purpose and intent of the Moratorium; and

**WHEREAS**, the Town Board’s determination to grant or deny a request for relief from the Moratorium is a Type 2 action under SEQRA and accordingly requires no further review under that statute or its implementing regulations in 6 NYCRR Part 617; and

**WHEREAS**, AutoZone Retail Auto Parts Store (AUTOZONE) has applied to the Town Board for relief from the Moratorium in order to obtain remaining Town development approvals for construction of a new retail business approved by the Town of Lloyd Planning Board for construction at 3670 NYS Route 9W, SBL #96.1-4-18.241 (the “Project”); and

**WHEREAS**, having obtained its Planning Board approval for the Project pursuant to the Zoning Code, AUTOZONE maintains that the strict application of the Moratorium to its situation would substantially delay the construction of the Project by a contractor that has been ready to start construction since December and its operation of the new retail business so that AUTOZONE may start to see a return on its investment in the Project; and

**WHEREAS**, a public hearing was held on AUTOZONE’s application for relief from the Moratorium on February 19, 2020.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The strict application of the Moratorium would result in an extraordinary hardship to

AUTOZONE since: (1) AUTOZONE has obtained all necessary approvals for the Project from the Planning Board pursuant to the Town of Lloyd Zoning Code; (2) AUTOZONE only requires approvals unrelated to the purposes of the Moratorium in order to proceed with the Project; and (3) the strict application of the Moratorium to the Project will unnecessarily delay the construction and operation of the new AUTOZONE retail business and its benefits to the applicant and the Town.

2. Based on the Planning Board’s approval of the Project, granting the relief sought by AUTOZONE will not adversely affect the health, safety or welfare of the Town or significantly conflict with the general purpose and intent of the Moratorium.
3. AUTOZONE’s request for relief from the Moratorium is granted and AUTOZONE may seek any remaining development approvals required by the Town in connection with the Project.

**Roll call:** Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye

**Five ayes carried**

**D & D AUTO PARTS - PH closed 2/19/2020**

**RESOLUTION** made by Auchmoody, seconded by Guerriero

**WHEREAS**, a local law entitled the 2019 Temporary Moratorium Law was adopted by the Town Board as Local Law 1 – 2020 on January 15, 2020 and became effective on January 16, 2020 (the “Moratorium”); and

**WHEREAS**, the Moratorium temporarily suspends for a period of six (6) months all action on applications before officials or boards of the Town of Lloyd for certain development approvals and provides that no Town decisions shall be made either approving or denying such applications while the Moratorium is in effect; and

**WHEREAS**, the Moratorium provides a process for the Town Board to vary or modify the application of the local law upon an applicant if its strict application would impose practical difficulties or extraordinary hardships and would not adversely affect the health, safety or welfare of the Town or significantly conflict with the general purpose and intent of the Moratorium; and

**WHEREAS**, the Town Board’s determination to grant or deny a request for relief from the Moratorium is a Type 2 action under SEQRA and accordingly requires no further review under that statute or its implementing regulations in 6 NYCRR Part 617; and

**WHEREAS**, D&D Auto Parts Distributors, Inc. (“D&D”) has applied to the Town Board for relief from the Moratorium in order to obtain remaining Town development approvals to construct an accessory storage building approved by the Town of Lloyd Planning Board at 3537 NYS Route 9W, SBL #88.69-3-12.100 (the “Project”); and **WHEREAS**, having obtained its Planning Board approval for the Project pursuant to the Zoning Code, D&D maintains that the strict application of the Moratorium to its situation would: (1) jeopardize a \$19,000 deposit D&D has given to a local builder for construction of the Project; (2) place it at a continuing competitive disadvantage with other existing businesses; and (3) delay its return on its investment in the purchase of the Project site. D&D states that it made the construction deposit and purchased the Project site after obtaining and in reliance upon the Planning Board’s approval for the Project; and

**WHEREAS**, a public hearing was held on D&D’s application for relief from the Moratorium on February 19, 2020.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The strict application of the Moratorium would result in an extraordinary hardship to D&D since: (1) D&D has obtained all necessary approvals for its storage building from the Planning Board pursuant to the Town of Lloyd Zoning Code; (2) D&D only requires approvals unrelated to the purposes of the Moratorium in order to proceed with the Project; and (3) the strict application of the Moratorium to the Project has the potential to unfairly and unnecessarily delay the implementation of D&D’s approved storage building and its benefits to the applicant and the Town.
1. Based on the Planning Board’s approval of the Project, granting the relief sought by D&D will not adversely affect the health, safety or welfare of the Town or significantly conflict with the general purpose and intent of the Moratorium.
2. D&D’s request for relief from the Moratorium is granted and D&D may seek any remaining development approvals required by the Town in connection with the Project.

**Roll call:** Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye

**Five ayes carried**

**JOYFUL MOMENTS CHILDCARE - PH closed 2/19/2020**

**RESOLUTION** made by Winslow, seconded by Guerriero

**WHEREAS**, a local law entitled the 2019 Temporary Moratorium Law was adopted by the Town Board as Local Law 1 – 2020 on January 15, 2020 and became effective on January 16, 2020 (the “Moratorium”); and

**WHEREAS**, the Moratorium temporarily suspends for a period of six (6) months all action on applications before officials or boards of the Town of Lloyd for certain development approvals and provides that no Town decisions shall be made either approving or denying such applications while the Moratorium is in effect; and

**WHEREAS**, the Moratorium provides a process for the Town Board to vary or modify the application of the local law upon an applicant if its strict application would impose practical difficulties or extraordinary hardships and would not

adversely affect the health, safety or welfare of the Town or significantly conflict with the general purpose and intent of the Moratorium; and

**WHEREAS**, the Town Board's determination to grant or deny a request for relief from the Moratorium is a Type 2 action under SEQRA and accordingly requires no further review under that statute or its implementing regulations in 6 NYCRR Part 617; and

**WHEREAS**, Joyful Moments Childcare, LLC ("JOYFUL") has applied to the Town Board for relief from the Moratorium in order to seek Town development approvals to operate a day-care center at 620 New Paltz Road, SBL #87.10-6-6 (the "Project"); and

**WHEREAS**, JOYFUL maintains that it must relocate from its current location and has been given notice to do so by March 31, 2020. JOYFUL indicates that if it is unable to seek and have the opportunity to obtain necessary Town development approvals for the Project it will be forced to close, adversely affecting forty-three families and twelve employees; and

**WHEREAS**, a public hearing was held on JOYFUL's application for relief from the Moratorium on February 19, 2020.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The strict application of the Moratorium would result in an extraordinary hardship to JOYFUL since, absent the opportunity to seek Town development approvals for the Project, it will potentially be forced to close its business, adversely affecting forty-three families and twelve employees.

2. No area variances are required for the day-care center proposed by JOYFUL and it is a permissible use in the location proposed, so the Project would not adversely affect the health, safety or welfare of the Town or significantly conflict with the general purpose and intent of the Moratorium. Any Planning Board approval of a special use permit for the Project would further protect the Town's health, safety and welfare and avoid conflicts with the purposes of the Moratorium.

3. JOYFUL's request for relief from the Moratorium is granted and JOYFUL may seek any necessary development approvals required by the Town in connection with the Project.

**Roll call:** Pizzuto, aye; Winslow, aye; Mazzetti, nay; Guerriero, aye; Auchmoody, aye

**Four ayes carried**

**RTH HOLDINGS, LLC** - PH closed 2/19/2020

**RESOLUTION** made by Winslow, seconded by Auchmoody

**WHEREAS**, a local law entitled the 2019 Temporary Moratorium Law was adopted by the Town Board as Local Law 1 – 2020 on January 15, 2020 and became effective on January 16, 2020 (the "Moratorium"); and

**WHEREAS**, the Moratorium temporarily suspends for a period of six (6) months all action on applications before officials or boards of the Town of Lloyd for certain development approvals and provides that no Town decisions shall be made either approving or denying such applications while the Moratorium is in effect; and

**WHEREAS**, the Moratorium provides a process for the Town Board to vary or modify the application of the local law upon an applicant if its strict application would impose practical difficulties or extraordinary hardships and would not adversely affect the health, safety or welfare of the Town or significantly conflict with the general purpose and intent of the Moratorium; and

**WHEREAS**, the Town Board's determination to grant or deny a request for relief from the Moratorium is a Type 2 action under SEQRA and accordingly requires no further review under that statute or its implementing regulations in 6 NYCRR Part 617; and

**WHEREAS**, RTH Realty Holdings, LLC ("RTH") has applied to the Town Board for relief from the Moratorium in order to obtain remaining development approvals for a new warehouse approved by the Town of Lloyd Planning Board for construction on 323 Upper North Road, SBL #80.3-1-16 (the "Project"); and

**WHEREAS**, having obtained its Planning Board approval for the Project under the Zoning Code, RTH maintains that the strict application of the Moratorium to its situation would substantially delay: (1) the construction of the warehouse and its use before at least next winter; (2) the creation of three new jobs; (3) its realizing any benefit from its existing, substantial investment in the property and the warehouse; (4) planned growth of its business; and (5) its plans to offer a student internship program; and

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**WHEREAS**, a public hearing was held on RTH's application for relief from the Moratorium on February 19, 2020.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The strict application of the Moratorium would result in an extraordinary hardship to RTH since: (1) RTH has obtained all necessary approvals for its warehouse from the Planning Board pursuant to the Town of Lloyd Zoning Code; (2) RTH only requires approvals unrelated to the purposes of the Moratorium in order to proceed with the Project; and (3) the strict application of the Moratorium to the Project will unnecessarily delay the implementation of RTH's approved warehouse and its benefits to the applicant and the Town.
2. Based on the Planning Board's approval of the Project, granting the relief sought by RTH will not adversely affect the health, safety or welfare of the Town or significantly conflict with the general purpose and intent of the Moratorium.
3. RTH's request for relief from the Moratorium is granted and RTH may seek any remaining development approvals required by the Town in connection with the Project.

**Roll call:** Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye

**Five ayes carried**

Michael Torsone Memorial Funeral Home – Public Hearing is open  
Motion to leave Public Hearing open until March 4, 2020.

P We Holdings LLC – Public Hearing is open  
Motion to leave Public Hearing open until March 4, 2020.

Village in the Hudson Valley – Public Hearing is open  
Motion to leave Public Hearing open until March 4, 2020.

**GLIDEPATH** - PH closed 2/19/2020

**RESOLUTION** made by Winslow, seconded by Auchmoody

**WHEREAS**, a local law entitled the 2019 Temporary Moratorium Law was adopted by the Town Board as Local Law 1 – 2020 on January 15, 2020 and became effective on January 16, 2020 (the "Moratorium"); and

**WHEREAS**, the Moratorium temporarily suspends for a period of six (6) months all action on applications before officials or boards of the Town of Lloyd for certain development approvals and provides that no Town decisions shall be made either approving or denying such applications while the Moratorium is in effect; and

**WHEREAS**, the Moratorium provides a process for the Town Board to vary or modify the application of the local law upon an applicant if its strict application would impose practical difficulties or extraordinary hardships and would not adversely affect the health, safety or welfare of the Town or significantly conflict with the general purpose and intent of the Moratorium; and

**WHEREAS**, the Town Board's determination to grant or deny a request for relief from the Moratorium is a Type 2 action under SEQRA and accordingly requires no further review under that statute or its implementing regulations in 6 NYCRR Part 617; and

**WHEREAS**, Glidepath Power Solutions, LLC ("GLIDEPATH") has applied to the Town Board for relief from the Moratorium in order to obtain remaining development approvals to construct an energy storage facility at the intersection of NYS Routes 9W and 288, SBL # 88.1-3-3.200 with access through part of SBL # 88.1-6-3.100 to Lumen Lane (the "Project), which was conditionally approved by the Town of Lloyd Planning Board at its December 5, 2019 meeting; and

**WHEREAS**, having obtained its conditional Planning Board approval for the Project pursuant to the Zoning Code, GLIDEPATH maintains that the strict application of the Moratorium to its situation would prevent it from removing trees from the Project site within the November 1st to March 31st window required for the protection of sensitive bat species, thereby delaying construction of the Project until after November 1, 2020 and likely resulting in cancellation of the Project, which GLIDEPATH is advancing simultaneously with projects in other jurisdictions that are collectively the subject of a NYSERDA incentive agreement. Additionally, GLIDEPATH indicates that it has explored and failed to identify any alternatives to avoid having to make this request for relief; and

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**WHEREAS**, a public hearing was held on GLIDEPATH's application for relief from the Moratorium on February 19, 2020.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The strict application of the Moratorium would result in an extraordinary hardship to GLIDEPATH since: (1) GLIDEPATH has obtained conditional site plan approval for its energy storage facility from the Planning Board pursuant to the Town of Lloyd Zoning Code; (2) GLIDEPATH only requires approvals unrelated to the purposes of the Moratorium in order to proceed with the Project; and (3) the strict application of the Moratorium to the Project has the potential to unfairly and unnecessarily delay the construction of GLIDEPATH's energy storage facility and its benefits to the applicant and the Town.

2. Based on the Planning Board's approval of the energy storage facility, granting the relief sought by GLIDEPATH will not adversely affect the health, safety or welfare of the Town or significantly conflict with the general purpose and intent of the Moratorium.

3. GLIDEPATH's request for relief from the Moratorium is granted and GLIDEPATH may seek any remaining development approvals required by the Town in connection with the Project.

**Roll call:** Pizzuto, aye; Winslow, aye; Mazzetti, nay; Guerriero, aye; Auchmoody, aye

**Four ayes carried**

**MOTION** made by Winslow, seconded by Mazzetti to adjourn at 7:25 PM.

**Four ayes carried**

Respectfully submitted,

Wendy D. Rosinski  
Town Clerk

