**Present:** Supervisor Frederick Pizzuto **Also present:** Sean Murphy, Attorney

 Councilmember Leonard AuchmoodyWendy D. Rosinski, Town Clerk

 Councilmember Michael Guerriero

 Councilmember Claire Winslow

Councilmember Joseph Mazzetti

**Also Present:** Rob Stout, Attorney, Whiteman, Osterman and Hanna

 Paul Van Cott, Attorney, Whiteman, Osterman and Hanna

**7:01 PM – Supervisor** opened meeting with Pledge of Allegiance led by Councilmember Auchmoody.

Councilmember Mazzetti congratulated the Valedictorian and Salutatorian.

**Ishani Bansal** has been named the 2020 Valedictorian of Highland High School. Bansal earned a GPA of 103.29, and plans to double major in Biomedical Engineering and Applied Math as part of the pre-med WISE Honors program at Stonybrook University.

**Minh Tran** has been named this year’s Salutatorian of Highland High School. Tran earned a GPA of 102.8.  This fall, he plans to begin a 7-year combined Bachelor and Medical Degree program at the College of New Jersey and Rutgers New Jersey Medical School. He hopes to study oncology and radiology.

Mazzetti said these are two very smart individuals and he is so proud of our school for doing such a great job, and their families for supporting them. We hope they will come back to our community.

Mazzetti reported the school budget passed 1700 to 823 for $44 million, the bus referendum also passed. Mrs. Welsh and Mr. Barone were reelected to the School Board.

The Town Board sent their Congratulations.

**Public Hearings continued**

Villages in the Hudson Valley

The Commons / The Views at Highland, Inc**.**

**Villages in the Hudson Valley**

Rob Stout, Land Attorney, said the Town’s previous concern was the Public not being able to adequately participate through this media during the Covid pandemic. The Town Board has made substantial efforts for Public Comment and directions for submitting comment on these waiver requests; including posting notice of the meetings on the town’s website, additional notices in the newspapers, putting notice on the local access channel, putting notice on Facebook, and through individual outreach by board members. These outreaches go above and beyond the Governor’s Executive Order 202.15 which allows public hearings to continue if the public body is able to hold the public hearing remotely, through use of telephone conference, video conference, and/or other similar service. This is the first instance where the Governor has specifically authorized the holding of public hearings remotely, as opposed to meetings, although most communities had interpreted the prior orders as conveying that authority. This Executive Order confirms that approach.

Stout did an overview of public comments received (see attached) on both projects.

Councilmember Mazzetti asked how many letters were received.

Stout responded a petition with 85 signatures, and 7 comments were received. Of those 7 comments, two people commented twice and two commented on both projects.

Mazzetti said it seemed like he got a lot more than 7 emails.

Stout responded he was in touch with both the Town Clerk and the Supervisor’s secretary, and the comments he has are the ones that went through those channels.

Mazzetti asked if the Supervisor is going to read these comments in their entirety and enter them into the minutes.

Supervisor responded that he forwarded them to Mr. Stout, for him to summarize, and they were also sent to the Town Board.

Mazzetti asked if they will be in the minutes.

Supervisor said yes.

Stout said the Town Board review tonight is whether to allow the project to proceed to the Planning Board. It is not to approve the project design elements or allow the project to be constructed. This is just an Assisted Living Facility, which is a permitted use under the existing code. The project has to go to the Planning Board for site plan review, a special use permit review, and full SEQRA review. It is to start the Planning Board review process.

John Furst, Attorney for owner Mark Sanderson who is proposing the Villages in the Hudson Valley development, said they have been before the Planning Board for over a year, and they had a public informational meeting last year. The project halted when the moratorium was issued. They sought the original waiver in February and later modified the request to allow the project to proceed with the Assisted Living Facility (ALF) only. Again, as Stout said, they are not seeking project approval tonight, only that the Town Board allow them to proceed with the Planning Board review. He asks the Town Board and residents to support the *process*, not necessarily the project. As Stout noted, they will go through all the environmental, design, and site plan requirements.

Again, they are only moving forward with the ALF. The proposed project last year also consisted of 219 senior housing units, a medical office and urgent care. They had two meetings, in person, in February, then revised the project and modified their request, and then had another in-person meeting in March on just the Assisted Living Facility. There were few to no comments and hardly any people at those meetings. There were no comments at the February meetings and one comment at the third meeting in March. Most comments were site plan and design related which they addressed at that time. The materials have been on the website for over a month. They are proposing a two-story facility with 135 beds in a 5200 sq. ft. footprint. There would be 105 employees over three shifts. Perhaps the salutatorian would come back and have a job in the Town of Lloyd in 10 years. The cost of care they are looking at is about $4200 - $4800 for the adult care, and approximately $6000 per month for the memory care. This includes housing, meals, amenities, medical supervision and medical care. The price is based on the median income in the Town of Lloyd which is about $60,000. This is not a low-income HUD project. They are getting a loan from HUD, but there are no low-income requirements. They are getting a loan for health care purposes which is another arm of HUD. The price is based on income and expenses.

They submitted a rough concept plan in April, and they are happy to go over the details with the public during the Planning Board process.

As far as the remainder of the property, it is on hold until the Town finalizes the zoning amendments.

If this waiver is approved, they will have multiple public meetings through the Planning Board.

The virtual meetings seem to be working well. You can pick up your phone from home while sitting on the couch and participate. The Planning Board has been doing this, the Town Board granted several waivers while holding these virtual meetings. This is the new normal. The Town of Montgomery approved a 1.3 million sq. ft. warehouse, virtually. The information is out there and the ability to comment is available.

Furst said, as for the standards for the waiver, they showed their monetary hardships at one of the last meetings. They have spent over half a million dollars on fees and are already almost a year in front of the Planning Board. There are also the HUD fees, appraisals, etc. The second factor is that there is no negative impact on the health, welfare and safety of the citizens. They are still willing to move forward with the traffic light at Mayer Drive, and the widening of 9W. They have been conceptually approved by the Department of Transportation during their planning board review last year. The ALF will fill a need for seniors in the Town of Lloyd and improve the quality of life for senior citizens.

The facility will provide 105 long term jobs in the medical field, construction jobs, and ratables adding to the town’s tax base, without impacting the schools.

The secondary economic benefit to the businesses is with the construction workers who will be shopping and eating in the community.

This does not specifically conflict with the moratorium law.

As for the moratorium, the Ulster County Planning Board was not in favor of it, but you had a super majority and were able to overturn their decision. We are asking for a waiver from the moratorium which the county never supported to begin with.

With all these factors we are asking the board to grant us the waiver to move forward to the planning board. We are asking you to trust the process.

**OPEN TO PUBLIC COMMENT**

Stout reminded everyone of the rules for comments.

Susan Lindauer, a Hudson Hills resident, asked John Furst what comes after the Assisted Living, no one is addressing the future for the rest of the property. What is going to be next?

Stout responded by giving some history. When the Villages applied for a Continuing Care Community, Dave Barton, Building Department Director, told him it was not a permitted use under the current zoning. They appealed that decision with the ZBA. The appeal was tabled due to the moratorium. Once the town board has completed and adopted the new zoning codes, the Villages will be able to make a decision as to what they can do with the property.

Lindauer asked if the $60,000 income, that is the basis for the cost of the ALF, is per couple or per individual.

Hurst said the income limit is $60,000 whether it is 2 people or one person.

Amanda Wilcox, of 38 Mile Hill Road, said she supports the waiver request to allow the project

 to go to the planning board to review the plan for the Assisted Living Facility. She knows

 several people in the community who are on an 8-month waiting list for surrounding facilities.

 They would love to remain in Highland, and the Villages is much more affordable than many

 others for around the clock care. This is what her parents need. It is great news that they will

 specialize in Alzheimer’s and dementia care. She is excited for this project.

Paul Hansut, a Vineyard Ave. resident, called in to show support for the Town Board to approve this waiver. As the previous speaker said, they are not approving the project, they are approving the process. This is something that is needed in our community. Our population is growing older. As a Supervisor he received many calls from people looking for places to live. This is going to be a beneficial project for the town.

Cassandra Seifert, of 40 Mile Hill Road, said she grew up in Highland, as did her parents. She approves of this project moving forward. She plans on staying in Highland, as do her parents, and if the time comes that they need assisted living, it is nice to know they can stay in Highland.

**MOTION** made by Winslow, seconded by Auchmoody to close the Public Hearing for the moratorium waiver request for Villages in the Hudson Valley.

 **Five ayes carried**

**MOTION** made by Winslow, seconded by Auchmoody to grant a waiver from the moratorium, with conditions, because the project has been scaled back to a use allowed by the code. The project is not a continuing care retirement community, it is only an Assisted Living Facility. Conditions: the project must include a proposal to provide a traffic light at Mayer Drive; the widening of Route 9W as stated in the March 2020 letter from the applicant’s attorney; Mayer Drive will be used strictly for emergency access only; and an informational session is to be held to reintroduce the scaled back project to the public.

*Guerriero voiced that he wants to be assured the traffic light and the 9W widening for a turn off lane will take place now that the proposed project is smaller in scale. He is getting mixed signals. And Barton has mentioned he is not sure the traffic study will go through, given the shortfall in the county due to Covid-19.*

*Mazzetti stated that in the motion Winslow read, she said “proposal” not “must” when referring to the traffic light and 9W widening. He thinks it is unjust to pass this motion before letting the taxpayers physically participate in an informational meeting.*

**RESOLUTION**

**GRANTING VARIANCE FROM MORATORIUM TO**

**THE VILLAGES OF THE HUDSON VALLEY, LLC**

**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 Town Board may vary or modify the Moratorium if its strict application

to an applicant for a development approval would impose practical difficulties or extraordinary

hardships and if granting the relief 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 the State Environmental Quality Review Act and its

implementing regulations in 6 NYCRR Part 617 (collectively, “SEQRA”); and

**WHEREAS**, The Villages of the Hudson Valley, LLC (the “Applicant”) has applied to the

Town Board for amended relief from the Moratorium in order to seek development approvals for

an assisted living facility proposed for construction on NYS Route 9W on lands comprised of a

portion of the following tax parcels: SBL ## 95.12-1-1, 95.12-1-5, 95.12-1-15.1, 95.2-2-3.21,

95.2-2-9 and 95.2-2-10 (the “Project”); and

**WHEREAS**, the Applicant had initially sought relief from the Moratorium for the

continuation of Planning Board review of a proposal for a Continuing Care Retirement

Community (“CCRC”) but, in an effort to comply with the intent of the Moratorium, has

significantly scaled back its proposal by reducing the size of the assisted living facility and

eliminating altogether the independent living units and other aspects of the CCRC that were

originally proposed; and

**WHEREAS**, the Project, as an assisted living facility, is a permissible use subject to

special use permit and site plan approval in the R ½ zoning district where it is proposed to be

undertaken; and

**WHEREAS**, the Applicant has submitted the following documentation in support of its

application to the Town Board for amended relief from the Moratorium:

1. Email letter dated April 7, 2020 with a copy of the concept plan and elevations for the

proposed 2 story Assisted Living Facility;

2. April 6, 2020 Site Plan;

3. March 26, 2020 Elevation;

4. March 4, 2020 letter from John Furst, Esq.;

5. Letter dated February 26, 2020 with additional information from Concordia;

6. Affidavits submitted by Mark Sanderson and Ron DeVito (submitted at public

hearing on 2/19/20) in further support of waiver request;

7. Letter dated February 4, 2020 with the initial request for a waiver from the

moratorium to Town Board; and

**WHEREAS**, according to the Applicant, the Project will serve persons 62 years of age

and older who are, by reason of limitations associated with age, physical or mental disabilities, or

other factors, unable to live independently; and

**WHEREAS**, in support of its amended application for relief the Applicant asserts that

strict application of the Moratorium would impose practical difficulties or extraordinary

hardships that threaten the viability of the proposed assisted living facility. Specifically,

according to the Applicant, further delay of Planning Board review due to the Moratorium will

threaten federal financing for an assisted living facility and increase the costs of its development,

resulting in the need to charge higher rates for residents seeking to live in the facility. The

Applicant claims that these increased costs would make living in the facility unaffordable for

median income Town of Lloyd seniors, and that without them the assisted living facility would

likely not be viable; and

**WHEREAS**, the Applicant asserts that granting the variance from the Moratorium would

not adversely affect the health, safety or welfare of the citizens of the Town because an assisted

living facility is a permissible use in the R ½ zoning district where the Project is proposed to be

located, and the Applicant proposes to scale back the size of the facility based on the elevations

submitted and to make traffic improvements to improve public safety. Further, the Applicant

maintains that the Project will improve the quality of life of Town of Lloyd seniors by providing

a new local assisted living facility; and

**WHEREAS**, the Applicant maintains that granting the variance would not significantly

conflict with the general purpose and intent of the Moratorium because an assisted living facility

is a permissible use in the R ½ zoning district where the Project is proposed to be located and,

based on the Applicant’s revised proposal, is no longer a CCRC; and

**WHEREAS**, granting the requested waiver does not in any way constitute approval of the

Project; the Applicant will need to withdraw its existing application and submit a new

application to the Town of Lloyd Planning Board for its review and for public hearings on the

Project as required by the Town of Lloyd Zoning Code; and

**WHEREAS**, the Town Board closed the public hearing on the application from the

Applicant for a variance from the Moratorium on this date.

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

1. Strict application of the Moratorium and the resulting delay of Planning Board review would

impose practical difficulties or extraordinary hardships upon the Project that threaten its

viability consistent with the reasons asserted by the Applicant.

2. The Project will not adversely affect the health, safety or welfare of the Town so long as:

a. A new application is made to the Planning Board formally withdrawing the

Applicant’s proposal for a CCRC and proposing the Project; and

b. The new application to the Planning Board is only for an assisted living facility

consistent with the April 6, 2020 Site Plan and March 20, 2020 Elevation

provided to the Town Board by the Applicant; and

c. The new application to the Planning Board includes the proposed traffic

improvements identified in the March 4, 2020 letter from John Furst, Esq.; and

d. Use of the Project access onto Mayer Drive shall be strictly limited to emergency

access to the facility.

Special use permit and site plan review by the Planning Board pursuant to the Zoning

Code will further ensure that the Project does not adversely affect the Town’s health,

safety or welfare.

3. Granting the Applicant’s requested variance from the Moratorium to allow Planning

Board review of the Project will not significantly conflict with the general purpose and

intent of the Moratorium for the following reasons:

a. The Town Board adopted the Moratorium to allow sufficient time for

consideration of potential revisions to the Zoning Code that would support the

Comprehensive Plan’s goal of providing for “the orderly development and

redevelopment of properties located within the Town and to ensure that uses

within the Town are appropriately located in relation to each other and consistent

with the community character of the Town;”

b. After such consideration, the Town Board has proposed to replace existing CCRC

provisions in the Zoning Code with a Planned Residential Retirement District

overlay zone to provide the Town with more effective tools for encouraging

retirement communities in the Town while also limiting their impacts consistent

with the goals of the Comprehensive Plan and the Moratorium; and

c. Assisted living facilities, by themselves, have not been considered as a use that

needed to be addressed under the Moratorium and are a permissible use in the R

½ zoning district where the Project is proposed to be located; and

d. The Applicant’s new application for the Project, which no longer seeks Planning

Board review for a CCRC and is a permissible use in the R ½ zoning district, will

therefore, not conflict with the general purpose and intent of the Moratorium;

4. The Applicant’s request for relief from the Moratorium is granted and the Applicant may

submit a new application to the Planning Board which:

a. Withdraws its pending application for a CCRC and proposes an assisted living

facility consistent with the April 6, 2020 Site Plan and March 20, 2020 Elevation

provided to the Town Board by the Applicant; and

b. Includes the proposed traffic improvements identified in the March 4, 2020 letter

from John Furst, Esq.; and

c. Strictly limits the use of the Project access onto Mayer Drive to emergency access

to the facility; and

5. Nothing in this determination shall be construed to limit in any way the discretion of the

Planning Board or other Town officials in their review and any decisions related to the

Project, particularly the review of the Project pursuant to SEQRA. Given the changes in

the Project’s scope, the Town Board asks that, in addition to any public hearing required

by the Zoning Code, the Planning Board hold an informational session for the public as

early as possible in its review process to reintroduce the Project to the public.

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

 **3 ayes, 2 nays Resolution PASSED**

*Councilmember Mazzetti asked if, because the project has been amended, and the building has changed, are they required to submit a new application.*

*Stout responded they will strike the word “amended” and they will submit a new application to the planning board, which withdraws its original application.*

*Auchmoody said he is putting his faith in our building department and planning board, and they will make sure nothing on this project goes through that is not proper.*

John Hurst thanked everyone and said he is looking forward to working with the Planning Board and the Town, and to move forward on this very exciting project.

Winslow stressed the importance of setting the time and date for the informational meeting.

Discussion:

Cristal Hammond, a Highland resident, thanked Guerriero and Mazzetti for voting no. She said since they are closing Mayer Drive, where will the entrance and exit be for Highland Hills.

Stout responded that that will be determined during site plan review with the Planning Board.

Barton responded that Mayer Drive is not being closed, and it was never proposed to close it off. Highland Hills will still have access from the south bound lanes to Mayer Drive.

Hammond said she heard Mayer was going to be used for emergency only.

Barton responded there will be an emergency access to the Assisted Living Facility off Mayer Dr. for fire apparatus. Fire code requires fire access within 150 feet of any building.

Hammond asked if that was for south bound only.

Barton said that is correct, that is the way it is now. Making a left-hand turn into or out of Mayer Dr. is illegal.

Hammond responded that they do it anyway. If they could get the people that come off Chapel Hill to slow down, it would be helpful. We are either going to get hit on 9W or Chapel Hill.

Barton said if DOT allows the traffic light on 9W at Mayer Drive, as a result of this project, it will make it legal to turn left out of Mayer Drive to go north.

Barton shared the proposed site plan to better explain where the emergency access road will be.

Access to the ALF (Assisted Living Facility) building is from 9W only.

Barton told Hammond this is not the forum for this. They can participate in the Planning Board process.

Hurst said the information is on the website and in Town Hall and they would be happy to walk through the project.

Rob Stout reviewed comments sent in from the public (attached).

Alec Gladd, Attorney for The Views, attended the videoconference with Engineer Mike Morgante, Traffic Engineer Andrew Villari, and the Architect Carlo Mazzarelli. They have been in the public hearing phase for the moratorium variance since March 13. This project is a mixed-use project in the Highway Business District and it is a fully zoning compliant proposal. No variances are required. It is two modest buildings consisting of 44 residential units and 14,000 sq. ft. of commercial space. 10% of the residential space is affordable, consistent with the town’s 2013 Master Plan. He reviewed the difficulties and hardships that the moratorium is causing for the project that were presented in April. In addition, since that meeting, the proposed zoning changes will require a redesign of the project which further increases the cost of the project significantly. A three-month extension of the moratorium, and possible extension until 2021, would cause further hardship.

Again, they are just asking for the opportunity to go in front of the Planning Board. The Planning Board protects the health, safety and general welfare of the community.

To address two specific concerns which were raised at the April 15th meeting, the greenspace is 1.81 acres or 50.3% of the property. And the second concern was the traffic mitigation on South Chapel Hill Road, which is a county road. On June 16th the County granted conditional approval of proposed improvements. These are site plan issues which will be addressed by the Planning Board during the site plan process, and they are asking the town board to permit them to appear before the planning board. (attach letter)

Mike Morgante, Project Engineer, shared maps of the original proposed project.

This project does not require any variance and meets the zoning code for the HBD district.

In terms of density, they have prepared a reduced scale plan. This plan keeps the same footprint, but eliminates apartment units, going from 44 units to 22 units. There is existing heavy vegetation at the rear of the project which will remain. They will also put in additional screening and evergreen trees. This scaled back proposal will result in 2.26 acres of green space or 62.7%.

Carlo Mazzarelli, Architect, said this plan meets the intent of what the Planning Board requested. They have taken the 3-story building and made it a 2-story building, lowering the height of the building.

Rob Stout asked Alec Gladd if they submitted a revised waiver request, because the project they are showing here is not the project they are requesting the waiver for.

Gladd said this could be an option, they are asking for relief so they can go back to the Planning Board.

Stout said if you are proposing a 50/50 split of commercial/residential, then you are asking for something different. It is less, but different.

Gladd said they haven’t been able to submit anything to the planning board because of the moratorium. They are showing that they can amend the project. They are prepared to go to the planning board with the reduced plan.

Stout said that is not what this public hearing is for and not what the public has been commenting on. If you are amending your waiver request, they need to take that into consideration.

Mazzarelli showed the floor plan.

Morgante said if they reduced this to a 70/30 split that the town is seeking in the zoning amendments, you can only imagine what the building would look like. It would be out of character for the district.

Andrew Vallari, Traffic Engineer, said they have done a very comprehensive review and analysis for this project that has been submitted to multiple public agencies: NYSDOT for Rt 9W, Ulster County Department of Public Works for Chapel Hill Road and South Chapel Hill Road; and the Town of Lloyd’s professional consultants, CPL Engineering, for the technical aspects of the project. They sat down with all these agencies in September 2019 to discuss the project. The main part of the discussion was the proposed improvements to South Chapel Hill Road, which is totally under the jurisdiction of Ulster County Department of Public works. They submitted a road permit to Ulster County and yesterday they received conditional approval to modify a brief portion of South Chapel Hill Road from one way south bound to two way in the future. They are very excited about this project. (attach approval letter)

They will need to obtain a small piece of property from the existing gas station on the corner of Chapel Hill Road and South Chapel Hill Road. It is his understanding that the owner is on board with this because it will also improve access to his business.

Barton said the new plan is new to him and he is much more interested in it now based on the conversations they have had over the last year. He asked if the traffic count was based on the larger project.

Vallari responded yes.

Barton said, with the proposed reduced size and reduction in density of the project, the county will probably embrace it even more.

Vallari said yes, there will be less of a traffic impact.

Rob Stout said he wants to be crystal clear on what the board is voting on tonight. The applicant’s March 13 request for a variance is based on the entire project, not a scaled back project. In the supplemental submission from today there was nothing referencing the proposed amended project. The concept was referenced in an April 23 letter that was sent to the Town Board and the Planning Board in the context of submitting comments on the proposed zoning changes. That was during the time that the Planning Board was considering its comments on the proposed zoning amendments to be submitted to the Town Board. In that context the project proposed a viable minimal site plan that illustrates a 50/50 commercial/residential mixed-use project. They said they were doing that as part of the zoning amendment changes. They did not submit it as part of their waiver request. If they want to do that, that is fine, but it should be a separate request.

Based on the papers that have been submitted and circulated to the public for comment, the waiver request is currently for the entire project, and whether, or not, to approve that waiver request. They are welcome to submit another waiver request.

Public Comment

There was no public comment.

**MOTION** made by Winslow, seconded by Auchmoody to close the Public Hearing for a moratorium waiver request for The Commons / The Views at Highland, Inc.

 **Five ayes carried**

**The Commons / The Views at Highland, Inc.**

**RESOLUTION**

**DENYING VARIANCE FROM MORATORIUM TO**

**THE COMMONS AT HIGHLAND, INC.**

**WHEREAS**, a motion was made by Winslow and seconded by Mazzetti, and 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 Town Board may vary or modify the Moratorium if its strict application to

an applicant for a development approval would impose practical difficulties or extraordinary

hardships and if granting the relief 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 the State Environmental Quality Review Act and its

implementing regulations in 6 NYCRR Part 617; and

**WHEREAS**, The Commons at Highland, Inc. (the “Applicant”) has applied to the Town Board

for a variance from the Moratorium in order to seek development approvals for a mixed-use

commercial and residential project proposed for construction on NYS Route 9W on lands in the

Highway Business District comprised of the following tax parcels: SBL ## 95.2-2-12.1 and 95.2-2-12.2 (the “Project”); and

**WHEREAS**, the Applicant asserts that the strict application of the Moratorium would impose

practical difficulties or extraordinary hardships on it. Specifically, the Applicant claims the following difficulties or hardships due to the Moratorium: (1) additional carrying costs; (2) difficulty in obtaining financing, funding or investment; (3) lost opportunity for constructing the Project during summer months; (4) delayed commercial and residential tenant identification and leasing; (5) inability to make temporary use of the site; (6) approximately $950,000 in soft costs incurred; (7) the pendency of potential zoning amendments that would require the re-design of the Project; and (8) the potential further extension of the Moratorium, as further detailed in the Applicant’s March 13, 2020 letter, April 15, 2020 public hearing presentation and June 17, 2020 letter; and

**WHEREAS**, in adopting the Moratorium the Town Board directed the Town’s

Comprehensive Plan Review Committee (the “Committee”) to consider amendments to the Zoning Code in furtherance of the purposes of the Moratorium; and

**WHEREAS**, the Committee made recommendations to the Town Board for changes to the

standards applicable to the Town’s Highway Business District, where the Project is proposed to be located; and

**WHEREAS**, pursuant to the Zoning Code the Town Board referred the recommended changes

to the standards applicable to the Highway Business District to the Town’s Planning Board for any recommendations and the Planning Board reported back to the Town Board in favor of those proposed amendments to the Zoning Code; and

**WHEREAS**, the Town Board believes that amendments to the standards applicable to the

Highway Business District will further the general intent and purposes of the Moratorium and are necessary for the protection of the public health, safety and welfare of the Town. Pursuant to General Municipal Law § 239-m, the Town Board has referred the recommended changes to the standards applicable to the Highway Business District to the Ulster County Planning Board (“UCPB”); and

**WHEREAS**, if a variance from the Moratorium is granted to the Applicant by the Town

Board, the Project may not be subject to any amendments to the Zoning Code for the Highway

Business District that may be adopted by the Town Board in furtherance of the objectives of the

Moratorium that have been the considered by the Committee, the Town of Lloyd Planning Board, the UCPB, the Town Board, and ultimately, the public. Moreover, the Town Board notes that the Project does not comply with the current draft of the amendments under consideration by the Town Board; and

**WHEREAS**, the Applicant presented its request for a variance from the Moratorium in a

public hearing at the Town Board’s regular meeting on April 15, 2020. That public hearing was

continued by the Town Board and closed on this date.

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

1. The Project is located in the Highway Business District, which is the subject of the above

referenced proposed zoning amendments and, moreover, would not comply with the proposed

zoning amendments that are currently under consideration for the Highway Business District.

Accordingly, the Town Board finds that the Project may adversely affect the health, safety or

welfare of the Town, which prohibits the issuance of a variance from the Moratorium to the

Applicant.

2. Granting the Applicant’s requested variance from the Moratorium would significantly conflict

with the general purpose and intent of the Moratorium for the following reasons:

a. The Town Board adopted the Moratorium to allow sufficient time for consideration of

potential revisions to the Zoning Code that would support the Town of Lloyd

Comprehensive Plan’s goal to provide for “the orderly development and

redevelopment of properties located within the Town and to ensure that uses within

the Town are appropriately located in relation to each other and consistent with the

community character of the Town;” and

b. Based on recommendations from the Town’s Comprehensive Plan Review Committee

and Planning Board, in furtherance of the objectives of the Moratorium, the Town

Board is actively considering proposed amendments to the Zoning Code that will

modify standards in the Highway Business District and has referred the proposed

amendments to the UCPB for recommendations pursuant to General Municipal Law §

239-m and, if it decides to consider the adoption of such amendments, will hold a

public hearing to gather public comments on them; and

c. The Project would not comply with the proposed amendments that are currently under

consideration for the Highway Business District, which proposed amendments are

under consideration by the Town Board in furtherance of the general purpose and

intent of the Moratorium.

3. Because it does not meet the standards for granting a variance set forth in the Moratorium, the

Applicant’s request for relief from the Moratorium is denied.

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

 **Five ayes carried**

**Motion** made at 8:46 pm by Winslow, seconded by Auchmoody to open Public Hearing Local Law C-2020 entitled “Signs”, a local law to amend Chapter 100, Zoning, Section 100-28 of the Code of the Town of Lloyd.

 **Five ayes carried**

Supervisor said they have not received the comments from the Ulster County Planning Board.

**MOTION** made by Winslow, seconded by Auchmoody to extend Public Hearing Local Law C-2020 entitled “Signs”, a local law to amend Chapter 100, Zoning, Section 100-28 of the Code of the Town of Lloyd to July 1, 2020.

 **Five ayes carried**

**1. REPORTS –** Town Board Liaisons

 **Beautification - TBD**

 **ECC (Environmental Conservation Committee) -** Councilmember Guerriero

 Guerriero said they had a speaker, Nikki Chung, from Scenic Hudson who spoke about

 the proposed Danskammer project. They want to build a new power plant south of the

 existing one and once it is built, they want to revitalize the old one. She would like to

 come to the Town Board to inform the public.

 Supervisor asked if the new plant was going to be gas fired.

 Guerriero responded yes.

 **EDC (Economic Development Committee) –** Councilmember Auchmoody

 **Highland Fire District –** Supervisor Pizzuto

 **Highland Central School District –** Councilmember Mazzetti

 **Hudson 7 –** Councilmember Auchmoody

 **Lights –** Councilmember Auchmoody

 **Planning Board –** Councilmember Winslow

 Winslow reported there isn’t anything new with planning, the same items are on the agenda and they are still having two virtual meetings per month.

 **Police –** Supervisor Pizzuto

 **Water and Sewer –** Councilmember Auchmoody

 Auchmoody reported the Bid opening, for the water and sewer line to the Park, is Tuesday, July 7, 2020. He thinks there are about five bidders.

 **Zoning Board of Appeals –** Councilmember Guerriero

 Guerriero reported they have two applicants both seeking a variance for an accessory

 structure in the front yard; one on Gabriety Road and one on Austin Dr. Their public

 hearings will be in July.

**REPORT –** Peter Bellizzi, President, Hudson Valley Rail Trail

Bellizzi reported the trail has become an essential park during this pandemic. Everyone needs the space to get out of their homes. Highway is going to start the repair and repaving in about two weeks.

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

Auchmoody reported they have 2 new benches, and the pads for them have been poured. The 12-foot lights for the back of the parking lot have been ordered. After they are installed, we will consider video cameras.

The park is being very heavily used. The broken south dock has been repaired.

They also poured a pad for the new garbage dumpster.

They still have lights that can be sponsored.

The bid opening is July 7th for the water/sewer line under the railroad tracks. There are five bidders.

Supervisor said that several months ago when the pandemic struck, the state comptroller made us aware of shortfalls that we may be facing. A little less than 10% of our budget comes from mortgage tax, sales tax and court fees. The initial projections were a shortage of 12-17% and that grew to 22-23%. This was February/March timeframe. The Town of Lloyd looked at our budget and asked where we would be if it got to 50%. We immediately froze all unnecessary spending, and everything else had to be pre-approved. We also froze overtime, other than cases of emergency.

Since then, there has been a boom in the real estate market. We got our first half payment of the mortgage tax and it looks like, with the increase of sales, we may offset the shortages originally anticipated.

We met with all the departments and didn’t take money away from them, but we did park it. There’s a couple hundred thousand each in Highway and Water/Sewer. And there’s $150,000 in Police, so we have a reserve of about $500,000.00. At this point it looks like our shortages are going to stay down in the teens. He told his departments to start reviewing their budgets now, for next year.

We like to think we can operate solely, but that is not true in government. He is very fortunate that he has employees, both current and prior, that he can rely on and look to for advice. He said he would be remiss if he did not take this opportunity to thank Elaine Rivera for her expertise in finance. He is the ninth supervisor, in a long line of supervisors, who has relied on her assistance.

Mazzetti said that at the last meeting Supervisor said they were in the black, and now you are saying you’re projecting a possible loss of 50%.

Supervisor said they are in the black. The anticipation is that the sales tax numbers will go down in the fourth quarter. We want to make sure we have money set aside in reserves if they need it.

Mazzetti said remember you cannot go into the reserves without board approval.

Supervisor said he is well aware of that.

Mazzetti said he is very cautious about going into the reserves because they are saying this virus could possibly come back in September with a vengeance. I hope that is not true. We should be planning now.

Mazzetti said he asked at the last board meeting where we were with Covid expenses.

Supervisor said he has it. Fortunately, the County and the Fire Department supplied us with a lot, so we have only spent $1,650.00. There has not been any overtime. Of that $1650.00, $750.00 was for cleaning and sanitizing the building. The rest was for masks, shields and cleaning supplies.

Mazzetti said as we approach Phase III, we will be able to open Town Hall. I recommend we make a plan of what that is going to look like - increased cleaning costs, are we cleaning every night.

Supervisor said the building department and the town clerk are working on modifications for their offices so they can receive the public. They will have guidelines from the County on the other areas. We are also modifying the assessor’s office. The public will not be able to wonder around the building. They will only be allowed between the two sets of swinging doors.

Mazzetti asked if that could be put in writing.

Rosinski said she is preparing her office for the public, and Barton is preparing his office, but it is the Town Board’s responsibility to put a plan into action.

Mazzetti said Winslow said she and Supervisor were working on it and talking about it.

Winslow responded she goes into town hall, she talks to the employees, and she checks on the departments.

Supervisor said going forward, they will talk about a plan. The state has a safety plan template for moving forward.

Guerriero said he was at the clerk’s office today and saw the two plexiglass guards and nothing has been done to protect those girls from the public. He said with three women in that office, they need to put protection up.

Pizzuto said the plexiglass is not going to work, they are too small and not sufficient, and Rosinski said she knows that. What he saw is not what they are using.

Barton said what he would like from the Town Board is monies to be allocated to better secure the building.

Rosinski said the original plexiglass she ordered wasn’t high enough for the town clerk’s office, so they gave them to the court. This is new for all of us.

Barton said they have decided to do pass-through slots on the window, so people will not actually enter the office. What they need is money to do what needs to be done to protect the people who work in the offices in all the town hall departments, including building, town clerk and assessor. We are presently meeting people at the door and going outside to conduct business.

Rosinski commented that when she does notaries, she does them on the garbage can out front.

Barton said we are thinking about what we need and trying to move forward. The Town Board needs to allocate some funds so we can order what we need, and get buildings and grounds to install it, but currently we are insufficiently protected from air droplets. Although Covid is on the decline in the state, we are not out of the woods yet.

Guerriero said the Wappingers Town Clerk was encased in plexiglass, and you had to use a telephone to talk to her.

Mazzetti addressed Rosinski and Barton and said they are more familiar with what your offices need. He asked them to come up with a list, and the cost, and present it to the Town Board, and they can do a resolution to spend the money.

Winslow asked who he was directing that to.

Supervisor said Schmaling Glass has been out to look at the office windows.

Mazzetti said they should go back to purchase orders so nothing can be purchased without a purchase order signed by the Town Board.

Supervisor said he will speak to Sadie Becker, Bookkeeper, about this.

**2. OLD BUSINESS**

**A. Proposed extension on Moratorium**

**B. Proposed Zoning Amendments**

Rob Stout stated they have not received the comments back from the County yet on either subject. Hopefully before the July 1st meeting, then they can schedule those public hearings**.**

**3. NEW BUSINESS**

**A**. Mazzetti said he received an email from the Supervisor’s office called “meeting protocols”.

 He does not believe it is a legal document. He has sent it to the attorney. He doesn’t believe

 the supervisor has the authority to prevent councilmembers from asking moments.

**4. Privilege of the Floor**

Dave Plavchak, resident, asked what the answer was about going back to using purchase orders.

Supervisor said he will speak to the bookkeeper, and will ask the Supervisors and Mayors Association what they do.

Plavchak said vouchers are after the fact, and he doesn’t think you would want to use the unexpended funds when you don’t know what next year’s budget looks like.

**5. MOTIONS AND RESOLUTIONS**

1. **MOTION** made by Winslow, seconded by Auchmoodyto approve the May 6, 2020 Town Board Workshop Meeting minutes.

**Five ayes carried**

1. **Resolution** made by Winslow, seconded by Auchmoodyto authorize the payment of vouchers as audited by the Audit Committee.

 GENERAL G-546 - G623 $ 102,146.78

 HIGHWAY H-214 - H235 $ 14,951.32

 MISC M-113 - M-134 $ 45,951.32

 PREPAYS P-270 - P-322 $ 101,659.60

 SEWER S-125 - W-140 $ 8,188.19

 WATER W-188 - W-233 $ 10,147.78

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

**Five ayes carried**

1. **Resolution** made by Winslow, seconded by Auchmoody to renew the health insurance plan, as is, with MVP Bronze 6 HDHP EPO Plan with the Reis Group as insurance carrier, effective July 1, 2020, as well as Disability Insurance with Shelter Point (through Reis Group), effective June 1, 2020, and authorize Supervisor to sign agreement.

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

 **Five ayes carried**

1. **Resolution** made by Winslow, seconded by Guerriero to hire Adam Montfort as part-time Police Officer at a rate of $21.20 per hour, effective June 18, 2020, at the recommendation of Chief James Janso.

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

 **Five ayes carried**

1. **Resolution** made by Mazzetti, seconded by Auchmoody

**WHEREAS**, In a letter dated March 26, 2020 from Region 8 of the NYS Department of Transportation the Town of Lloyd received authorization to proceed with Preliminary Design and Right of Way Incidentals for PIN 8762.55, Streetscape Improvements in Highland Hamlet in Town of Lloyd; and
**WHEREAS**, In September 2019, The Town of Lloyd, using the NY State County Highway Superintendents Association (NYSCHSA) Locally Driven Selection Arrangement (LDSA) procedures and list for Region 8 to select a consultant for this  project issued a Request for Qualifications for Expressions of Interest from all consultants on the Region 8 LDSA list for full project coordination, engineering design through construction support, incidental ROW and construction inspection services; and
**WHEREAS**, The Town of Lloyd received several consultant responses prior to the stated deadline of September 30, 2019 and evaluated these responses by ranking each responding firm by the understanding of the work to be done, experience with similar kinds of projects and/or work, quality of staff for work to be done, familiarity with Federal and State requirements, organization and financial responsibility, and logistics and familiarity with the project area; and

 **WHEREAS**, The top-ranked consultant response was submitted by Barton & Loguidice, DPC ranked as most qualified to meet the Town of Lloyd's and project needs; and

 **WHEREAS**, By Resolution dated April 15, 2020 the Town Board authorized the Supervisor to begin Contract negotiations with Barton & Loguidice, DPC establish an acceptable scope of service, total fee and project schedule for full project coordination, engineering design through construction support, incidental ROW and construction inspection services; and

 **WHEREAS**, Barton & Loguidice, DPC has submitted a proposed Contract to the Town for the Board’s consideration which Contract consists of the following:

1. Architectural/Engineering Consultant Agreement,
2. Attachment “A”- Project Description and funding;
3. Attachment “B”- Scope of Services;
4. Attachment “C” as applicable, staffing rates hours, reimbursables and fees; and

 **WHEREAS**, The Town Board has reviewed and considered the Contract and finds same acceptable and believes that it is in the best interest of the Town to enter into said Agreement with Barton & Loguidice, DPC.

 **NOW, THEREFORE**, The Architectural/Engineering Consultant Agreement with attachments “A”, “B”, and “C” between the Town and Barton & Loguidice, DPC be, and the same hereby is approved by the Town Board.

 1. A copy of the Contract as approved is attached hereto and made apart hereof as Exhibit “1”.

 2. The Supervisor is authorized to sign the Agreement on behalf of the Town.

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

 **Five ayes carried**

 Supervisor asked Frank Alfonso, Recreation Director, what the cost and savings is going to be having lifeguards on for the next 8 weeks, and not having the concession stand or summer fun.

 Alfonso answered that they will be open this Saturday June 20th through August 9th. They will be open weekdays from noon to 7 PM, and weekends from 11 AM to 7 PM. There are people using the park and going swimming, even though there are “no swimming” signs up. The plan is to have one lifeguard at the gate to check cars and ID’s to make sure they are Highland residents, or Highland CSD residents. He thinks it should cost $25,000.00.

 In past years they have budgeted $40,000.00, and last year they were a little under that.

 They don’t have swim lessons, so the day is shorter.

 Mazzetti asked if they could generate revenue to pay the lifeguards if someone opened the concession stand.

 Alfonso said he does not know if the county is issuing permits for that.

 Supervisor said the county only issued permits for pools and swimming resources like the reservoir.

 Mazzetti said the concession is take-out.

 Supervisor said he will call the health department.

 Mazzetti said he wants to amend the resolution to allow residents to bring in only 2 guests.

 Auchmoody asked if there are restrictions on how many people can be in the park.

 Alfonso said yes. The tables are spread out enough to allow social distancing and they won’t allow large groups to gather in the pavilion. When phase IV happens, they are going to be able to host leagues. It won’t be just Highland residents. The teams will be from other towns.

 He said at Berean Park he feels it should be limited to Highland residents only.

 Rosinski said they get calls to use the Scenic Hudson trails, and you know they are going to go to the park and the pavilion.

 Alfonso said they go through the park to get to the trails.

 Bellizzi asked if the lifeguards, who are teenagers, are going to tell adults they can’t swim.

 Supervisor said they have adults and resources.

1. **Resolution** made by Mazzetti, seconded by Auchmoody to hire the following lifeguards and waterfront staff for the 2020 season at Berean Park:  Thomas Palazzo, Waterfront Director at a salary of $18.00 per hour;  Adam Albright, $12.00 per hour; Emily Angelillo, $12.00 per hour; Christian Canino, $12.00 per hour; Michael Canino, $12.00 per hour; Attilio Crimi-Varoli, $12.00 per hour; Bogregory Garcia, $12.00 per hour; Christopher Hammond, $12.00 per hour; Nicholas Metz, $12.00 per hour; Harrison Pietrzak, $12.00 per hour; Jan Anthony, $12.00 per hour; Mason Hordoyski, $12.00 per hour; Emily Boesch, $12.00 per hour.

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

 **Five ayes carried**

**G. MOTION** made by Mazzetti, seconded by Auchmoody to amend Resolution D of the June 3rd workshop meeting to read; to restrict access at Berean Park, Tony Williams Park and Johnson-Iorio Park to residents only and two (2) guests only.

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

 **Four ayes carried**

 **MOTION** made by Mazzetti, seconded by Guerriero at 9:42 to adjourn.

 **Five ayes carried**

 Respectfully submitted,

 Wendy D. Rosinski

 Town Clerk