

TOWN OF LLOYD

TOWN BOARD MEETING

September 21, 2022

Present: Supervisor David Plavchak
Councilmember Leonard Auchmoody
Councilmember Michael Guerriero
Councilmember John Fraino

Also present: Sean Murphy, Attorney
Margaret O'Halloran, Secretary
Wendy D. Rosinski, Town Clerk

Absent: Councilmember Joseph Mazzetti

The meeting was in person at Town Hall and live streamed on Channel 22 and WebEx

7:00 PM – Supervisor opened the meeting with Pledge of Allegiance led by Councilmember Fraino.

PRESENTATION of Proposed Pavilion Design – Sean Williams, Williams ReCraft

Estimated cost of the pavilion is \$250,000. The Town has a grant From Johnathan Jacobson for \$125,000.

The design is traditional with 6 bathrooms, 2 ADA Compliant. We can mount solar panels on the roof, and there are grants available for them.

MOTION by Fraino, seconded by Guerriero to **OPEN** Public Hearing Local Law H-2022; Short Term Rentals

Four ayes carried

1. REPORTS – Town Board Liaisons

A. Town Board Liaisons

Audit – January 1 – June 30, 2022: Councilmembers Auchmoody and Mazzetti

July 1 - December 31, 2022: Councilmembers Fraino and Guerriero

Beautification – Councilmember Auchmoody

They are looking into permanent hanging baskets that can be refilled each year. Not disposable plastic containers.

They will only do a small amount in the Hamlet because of the Streetscape Project.

Building Department – Supervisor

ECC (Environmental Conservation Committee) – Councilmember Guerriero

Guerriero was unable to attend the last meeting.

EDC (Economic Development Committee)- Supervisor

Highland Fire District/ Ambulance – Councilmember Fraino

Fraino reported the Fire District had a total of 464 Volunteer Mans Hours in the month of August.

Mobile Life calls volume and transport are still below pre-pandemic levels.

We expect a 5% increase for 2023 to \$348,500.

We have had the opportunity to look at several contracts with other towns in Ulster

County. With the level of service, we are receiving and the dollars we are paying, we have far better than average coverage and a good deal.

Highland Central School District – Councilmember Mazzetti

Highland Landing Park – Councilmember Auchmoody

Floors are in, doors and trim are on their way.

He thanked Peter Bellizzi for hanging all the lights.

They are aerating and trimming trees.

Lights – Councilmember Fraino

The lights for Bridgeview have been produced and they are waiting for the shipper to ship them. All the crews are ready to go.

There was a complaint on Riverside Road about a streetlight

Planning Board – Councilmember Auchmoody

No meeting this month because there isn't anything on the agenda.

Police – Supervisor

Hudson Valley Rail Trail – Councilmember Auchmoody

Peter Bellizzi reported that the Walktoberfest is October 1st and 2nd, this is a joint venture between the Walkway and the Hudson Valley Rail Trail

Water and Sewer – Councilmember Auchmoody

Committee discussed drainage issues.

Zoning Board of Appeals – Councilmember Guerriero

DePuy, Trevor: Area Variance: 4 Eagle Court: SBL #86.4-3-9.1

Alessi, Elena: Area Variance: 50-52 John White Rd., SBL # 80.3-1-19.200

2. OLD BUSINESS

A. Willow Dock Road discussion concerning nonresident traffic using the one-lane road.

B. Woodside Place agreement from 2014 allows for local business trucks to use Woodside Place.

3. NEW BUSINESS

A.

4. PRIVILEGE OF THE FLOOR

Joan Kelley, 5 Greatview Lane – Public Hearing on Short-term Transient Rentals (STR) held 9/21/2022

Comprehensive plan – Vision Statement

Preserve the rural, **residential**, and agricultural character of the community and the town's rich tapestry of environmental resources while encouraging commercial development that enhances the tax base without detracting from historical settlement patterns and desired quality of life.

Current State

- 1) STR are not permitted in residential districts
 - a. ZBA interpretation 1/14/2010
- 2) Prohibition of STRs has not been enforced
 - a. Code enforcement claims definition is inadequate
 - b. Town doesn't want to spend the money on legal battles
- 3) Illegal STRs are not regulated
 - a. No emergency contacts, no information on number of people in the house
 - b. No health/safety checks (swimming pools, deck capacity, water quality, septic capacity)
 - c. No requirement to have homeowner's policy cover renters
 - d. No code enforcement – burn permits, garbage cans out all week, cars parked in front yard, noise, fire, trespassing on neighboring property,
 - e. No collection of taxes

Proposed Amendment

This amendment attempts to address some of the regulation problems without addressing the fundamental issues. It adds a lot of cost overhead to the building department, without improving the chances of enforcement.

A simpler, more cost-effective solution

- 1) Copy the zoning provisions of City of Kingston, instead of Town of Rochester
 - a. If it's advertised as a STR, it's a STR
 - b. If is owner-occupied STR, it's a B&B, currently allowed in Residential zones with a special use permit
 - c. If it's not owner-occupied STR, it's a hotel, currently allowed in Commercial zones.
 - d. All the regulations, inspection, and enforcement procedures are already in place.
 - e. No need for a grandfather clause, since STRs are currently illegal in residential zones.
- 2) Enforce it
 - a. Fine advertisers of illegal STRs, increasing fines for multiple offenses
 - b. Fine violations of renters
- 3) Measure it
 - a. Fees collected vs. regulation costs (building department, police, administration)
 - b. Number of inspections, violations, complaints

Nanci Bonar. My husband Jeff and I bought 383 Upper North Rd in August with the intention of it being a STR. We fell in love with it: a beautiful stone home, built in the 1820s, ideally situated for everything the town of Lloyd and the Hudson Valley has to offer. We knew that the house needed lots of love to restore its beauty and grace, and we were excited to take that on.

The house is currently grandfathered in as a pre-existing non-conforming single-family residence, even though it is in Light Industrial zone.

Besides being a STR, we will also be using the house as a vacation destination for our growing family - both kids in committed relationships, one grandson - and hopefully more on the way soon.

At the time of our purchase, we were aware that a new STR ordinance was under development, but we were not aware that STRs were not going to be allowed in Light Industrial zones.

I want to share our plan and vision for the home. After doing that, we have a request regarding the new STR rules.

We are building a restful, charming, unique place that allows our guests to enjoy the Hamlet of Highland. How many times can you say that you stayed in a 200-year-old stone home??!! We already have people that have stayed there and a waiting list of people anxious to stay there after the renovation is complete.

As I said, we see this house as needing lots of love to restore it to its beauty. We are renovating the kitchen and bathrooms, painting everything, refinishing the floors, and with creating new gardens and outside patios. We are also dealing with some water runoff issues from the hillside as well. We plan to put a sauna in the shed that is in the back of the house.

Our current plans are to section off a portion of the home so there can be 2 STR units, or optionally one bigger unit. Only the main unit will have a stove. The "apartment unit" will just have a microwave, coffee machine, and small refrigerator.

A big part of the charm of 383 Upper North is the proximity to local businesses in Highland.

We're sure our guests will love Underground Coffee, the Hudson Ale Works, Bagel Bites, Vigneto Cafe, and Sal's Place, along with the Walkway over the Hudson (and I am sure plenty more we haven't discovered yet). Our plan is that the guests that stay with us will bring revenue to the Hamlet of Highland.

Now to our request: our home is in a unique situation. We have been grandfathered in as non-conforming use single residence, even though still in an LI zone. Unfortunately, the current proposed ordinance restricts STRs in LI zone.

We request that the law be adjusted to allow us to continue our STR after December 31st, even though we are in a LI zone.

In particular, we request that the law be changed to allow pre-existing STRs to be in LI zones. This would allow us to finish the renovation and start booking off our waiting list this fall. Essentially, we are asking for the same rights that all other owners of pre-existing STRs have.

Our lawyer, Kyle Barnett at Van DeWater Law, Esq, who is familiar with Hudson Valley zoning rules, has offered to supply proposed wording if you would find that helpful.

We note that our house is in a quiet, residential part of Upper North Road. Even though it is zoned LI, our planned STR will not in any way disturb neighbors or clash with nearby light industrial activities.

We thank you for your consideration and look forward to playing our part in helping bring new visitors to discover the beauty, charm, fun, and convenience of the Hamlet of Highland.

5. MOTIONS AND RESOLUTIONS

A. RESOLUTION to authorize the payment of vouchers as audited by the Audit Committee. SEE OCTOBER 5, 2022 WORKSHOP

B. RESOLUTION by Auchmoody, second by Fraino
ESTABLISHING TOWN OF LLOYD TOWN BOARD AS LEAD AGENCY AND
DETERMINING THAT ACTION TO CONSTRUCT THE STREETSCAPE
IMPROVEMENTS IN HIGHLAND HAMLET PROJECT (PIN. 8762.55) AS AN
UNLISTED ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT
ON THE ENVIRONMENT

WHEREAS, a Project for Streetscape Improvements in Highland Hamlet in the Town of Lloyd, Ulster County, identified as PIN 8762.55 (the "Project") involves constructing and improving sidewalks and crosswalks using Americans with Disabilities Act (ADA) guidelines as well as add wayfinding signage to connecting routes between Highland Hamlet and the Hudson Valley Rail Trail - now part of the Empire State Trail; and

WHEREAS, these enhancements will improve safety and accessibility for pedestrians and motorists and will contribute to the revitalization of Highland Hamlet with the improved bicycle and pedestrian connections between the Hamlet and the Hudson Valley Rail Trail; and

WHEREAS pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations at 6 NYCRR Part 617 (the "Regulations"), the Town desires to comply with SEQRA and the Regulations with respect to the Project; and

WHEREAS, the Town Board desires to conduct an uncoordinated review pursuant to SEQRA; and

WHEREAS, pursuant to the Regulations, the Town Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the short EAF for the Project, including the facts and conclusions on Pages 1, 2, and 3 of the EAF, together with other available supporting information, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the areas of relevant environmental concern:

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby establishes itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that based upon an examination of the short EAF and other available supporting information, considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Town Board's knowledge of the area surrounding the Project and such further investigations of the Project and its potential environmental impact as the Town Board has deemed appropriate, the Town Board makes the following findings and determinations: the Project constitutes an "Unlisted action" (as the quoted term is defined in the Regulations), and no significant adverse environmental impacts are noted in the EAF for the Project and none are known to the Town Board. Therefore, the Town Board hereby determines that the Project will not have a significant adverse environmental impact and will not require the preparation of a Draft Environmental Impact Statement (DEIS) with respect to the Project; and

BE IT FURTHER RESOLVED, the Town Supervisor is hereby authorized to execute the EAF on behalf of the Town of Lloyd; and

BE IT FURTHER RESOLVED, that as a consequence of such determination and in compliance with the requirements of SEQRA and the Regulations, the Town Board as Lead Agency, based on the above-described environmental review and the contents of the EAF, hereby determines that the Proposed Action will not have a significant effect on the environment and hereby issues a Negative Declaration of Environmental Significance in accordance with 6 NYCRR § 617.12; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Roll Call; Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, aye

Four ayes carried

C. RESOLUTION by Guerriero, seconded by Fraino to accept the resignation of Christina Dzubak, Part-Time Dispatcher, effective 9/9/2022 at the recommendation of Chief James Janso.

Roll Call; Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, aye

Four ayes carried

D. RESOLUTION by Fraino, seconded by Auchmoody to establish the base rate of pay of the Second Deputy Town Clerk at \$17.00 per hour.

Roll Call; Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, aye

Four ayes carried

Wendy D. Rosinski, Town Clerk, appoints Jennifer West Acosta as Second Deputy Town Clerk as of September 22, 2022.

E. RESOLUTION by Auchmoody, seconded by Fraino to make PT Typist position at Water/Sewer Department at \$16.23/hour base to a Full-Time position at \$17.50/hour

base (budget supported) at the recommendation of Adam Litman, Water Sewer Administrator.

Roll Call; Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, aye

Four ayes carried

F. RESOLUTION by Auchmoody, seconded by Fraino to hire Billie Jo Jenkins as Full-Time Typist at the Water/Sewer Department at \$17.50/hour base (budget supported) at the recommendation of Adam Litman, Water Sewer Administrator

Roll Call; Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, aye

Four ayes carried

MOTION by Fraino, seconded by Auchmoody to adjourn at 7:50 PM

Four ayes carried

Respectfully submitted,

Wendy D. Rosinski
Town Clerk