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Statement of

**Jeffrey Anzevino, AICP
Director of Land Use Advocacy
Scenic Hudson, Inc.**

**Town of Lloyd
Town Board**

Town of Lloyd Comprehensive Plan Update

August 28, 2013

Good evening. My name Jeffrey Anzevino; I am Director of Land Use Advocacy for Scenic Hudson, a 50-year-old nonprofit environmental organization that protects and restores the Hudson River and its majestic landscapes. We do this in part by providing planning assistance to support communities' efforts to revitalize their waterfronts and conserve significant natural resources that underpin our outstanding quality of life. Scenic Hudson has created or enhanced more than 50 public parks, preserves and historic sites up and down the Hudson River – including Franny Reese State Park. We also appreciate the strong partnership we've developed with the Town of Lloyd, which has resulted in the creation of Bob Shepard Highland Landing Park and over three miles of trails on over 500 acres of Illinois Mountain.

We very much appreciate the opportunity to offer these comments. We'd like to start by acknowledging the dedication and hard work of the Comprehensive Plan Committee which has met regularly over the past two years to craft an updated plan which ensures that the town's rural qualities are not lost and their property, water resources, forested areas, views, and sense of place are maintained, while enabling developers to seek economic gain from their investments that are consistent with the plan. Hence a balance must be struck, and the plan must outline steps that identify the right places for conservation and development that follow principles of what is commonly known as "Smart Growth." The idea is to direct new development to those areas which already have development, infrastructure, public services and other amenities, in order to build greater economic critical mass and vitality, provide public services cost-effectively, and limit impacts to other more rural areas.

By working closely with Town officials and stakeholders new Walkway Gateway Zoning has been created along Route 9W in the Town Center. This smart growth approach is intended to create a stronger connection between Walkway Over the Hudson and Historic Highland Hamlet, and most importantly breathe new life into both the hamlet and underutilized parcels and buildings on Route 9W, Lloyd's commercial "heart" which already is served by excellent transportation access, and public water and sewer.

The Town of Lloyd has all the ingredients that make other communities working to achieve smart growth solutions green with envy. For starters, you boast a unique and world famous \$40 million park attracting

500,000 annual visits from tens of thousands of tourists. This park is connected by the popular Hudson Valley Rail Trail to Black Creek, which offers kayaking, canoeing and fishing, paths on Illinois Mountain, and a "loop trail" connecting wooded trails at Franny Reese State Park, Bob Shepard Highland Landing Park with and deep water access for tour boats.

From the standpoint of the Town's Comprehensive Plan, the town couldn't be better positioned, with its historic hamlet and Town Center on 9—with public water and sewer, new zoning designed to encourage infill development of the former car lots and other parcels and reuse of vacant buildings—directly connected to these incredible assets, and no expensive new roads or water or sewer expansion are needed.

Much in the proposed plan is to be commended. It recognizes that the new "Gateway" zoning can increase economic opportunity and transform Route 9W between Milton Avenue and the Mid-Hudson Bridge approach from an underutilized highway strip into a vibrant and attractive "Main Street" that builds on the existing Highland hamlet. And it promotes trail connections and conservation efforts along Black Creek and on Illinois Mountain. And, at the same time other more rural outlying areas of town will benefit from this new activity and become more attractive and viable for hospitality uses, agriculture and related commercial activities, well-planned residential development and hamlet-scaled commercial uses.

However, while speaking to the need to preserve Lloyd's rural character and create a strong town center, the draft plan also includes several new policies and incentives that would make it harder to accomplish these very goals. For example:

- #1 • Water and sewer would be extended from border to border along 9W, potentially ushering in sprawl, strip development and unnecessary traffic.
- #2 • It advocates for zoning that allows landowners "the most latitude" in developing their property, opening the door to large-scale development proposals just about anywhere in town, a scenario that can lead to decentralized development—or sprawl—which costs taxpayers more by requiring town services spread thin over a greater area, loss of rural character and farmland, and increased auto-dependent strip development.

#3 Alternatively, we believe that the Town Center with new development capacity afforded by the Gateway Zoning should be a designated "priority growth area" that can absorb additional retail, residential and light industrial development. This would create the sort of economic vibrancy the community longs for, while alleviating the need for expensive new infrastructure and negative impacts in the outlying parts of town.

#4 One critical element of the proposed new plan we are very concerned about is the deletion of references to the Northern Wallkill Biodiversity Plan, which was included in the 2005 comprehensive plan. The biodiversity plan identifies areas whose preservation continues to be essential for protecting the town's irreplaceable natural resources. Note that the biodiversity plan does not propose that these natural areas be "off limits" to development, but, instead, recommends adoption of policies that would lower the density of development, with buildings arranged to protect these important natural areas.

#5 Scenic Hudson recommends that the new comprehensive plan adopt a conservation overlay zoning district covering those areas highlighted in the Northern Wallkill Biodiversity Plan. Otherwise the town will find the significant natural resources that help prevent flooding, protect water supplies, and attract people to its parks and trails at risk.

We will submit additional written comments before the end of the comment period. Thank you for this opportunity to address this issue tonight.

David Barton

From: Jack Maguire [jacktale@aol.com]
Sent: Monday, August 26, 2013 11:34 AM
To: Paul Hansut; David Barton
Cc: Kate Jonietz; ddeeprose@optonline.net; highlandhoss@aol.com; landnham@optonline.net; dmac754@gmail.com; kellyoggenfuss@hotmail.com; ljmok60@gmail.com
Subject: 2013 Comprehensive Plan: ECC input
Attachments: comprehensive.docx

Hi, Paul and Dave--

Overall the Lloyd Environmental Conservation Council is pleased with the proposed 2013 Comprehensive Plan and think it will be a much more efficient and effective blueprint for guiding the Town's future. We do have two recommended changes that would help provide more specific help in conserving our Town's natural resources and environmental health.

Attached is a document containing these two recommendations and the rationale for them. Please distribute it to all board members and other people involved in reviewing the comprehensive plan. And please contact me if you have any questions.

Thanks--

Jack

Jack Maguire
chair, Lloyd Environmental Conservation Council
17 South Chodilkee Lake Road
Highland, NY 12528, USA
845.691.3564

ECC Recommended Alterations to 2013 Comprehensive Plan (2)

(1) [section reference:]

7.1 IDENTIFY AND CONSERVE ALL AREAS WITH SIGNIFICANT NATURAL, CULTURAL, AND HISTORICAL RESOURCES IN THE TOWN

[alteration follows this existing language:]

Action: Adopt Conservation Overlay Districts for areas with identified significant natural and cultural resources.

[proposed alteration: First, amend the above action step to read as follows (new language underlined)—“Action: Adopt Conservation Overlay Districts for all or part(s) of areas with identified significant natural and cultural resources.” Then add the following text:]

Among those areas already identified as having significant natural resources by the New York State Department of Environmental Conservation and the Metropolitan Conservation Alliance are:

Northern Swartekill Biodiversity Area

Central Swartekill Biodiversity Area

Chodikee Lake & Vicinity Biodiversity Area

Lily Lake Biodiversity Area

Illinois Mountain Biodiversity Area

Pine Hole Bog Biodiversity Area

Twaalfskill Creek Biodiversity Area

Blue Point Biodiversity Area

Black Creek Corridor Biodiversity Area

#6

(2) [section reference:]

7.2.2. WETLANDS

[alteration follows this existing language:]

In addition, the most obvious legacy of a region rich in plant, animal, and geographic diversity is that it attracts outdoor enthusiasts and enhances the lifestyle and well-being of residents and visitors alike.

[proposed alteration follows:]

[Eliminate existing language: "The Town of Lloyd rescinded its local wetlands law in spring of 2013 after a challenge to the essentially identical New Paltz law was upheld in court. Both federal and state agencies, however, have enhanced their wetlands protection in recent years." Rationale for elimination: An appeal is in process relating to the court decision in the case of the New Paltz law, and there has been no enhancement of federal and state wetlands protection since 2000. Also, in response to a request from the Lloyd Town Board and the Director of the Building and Zoning Enforcement Department, the ECC is developing a proposed new wetlands law for their consideration. This new proposal addresses the weaknesses of the rescinded New Paltz and Lloyd wetlands laws.]

[proposed new material to be substituted:]

Federal and state regulations currently apply only to wetlands in excess of 12.4 acres in size. However, the Town of Lloyd's environmental well-being is highly dependent on its many wetlands under this size, which serve as vital breeding grounds and connective habitat links for native fauna and flora, recharge areas for the water table, and erosion- and flood-control environments. To prevent the abuse of these smaller wetlands and to



ensure that the Town as well as the federal and state government have authority to protect wetlands greater than 12.4 acres, the Town needs wetlands legislation affecting all wetlands greater than 1/10 of an acre, as it is entitled to enact under the State of New York Conservation Law, Article 24.

[under existing "Actions," which immediately, follows, add the following action step]:



Enact legislation to prevent adverse effects in freshwater wetlands over 1/10 of an acre.

COMMENT FORM
PUBLIC INFORMATION MEETING
COMPREHENSIVE PLAN
AUGUST 14, 2013

Written comments are invited from anyone interested, and may be submitted at the end of the meeting or mailed to Mr. David Barton, Building Department Director, Town Hall, 12 Church Street, Highland, NY 12528.

Comprehensive Plan Public Hearing August 28, 2013 at 6:00 pm

Current wording:

2.5.4 THE HIGHLAND PUBLIC LIBRARY The Highland Public Library, located in the Town Center, has been an integral part of the community since 1921. In addition to print materials such as books, periodicals, local newspapers, and local historical records, the library offers audiobooks, music and movie sources, and computers with online databases and Internet access. The library runs many programs for children, teens, and adults, and hosts presentations by authors and book illustrators. As a member of the Mid-Hudson Library System, the Highland Public Library has access to an even broader scope of materials and resources.

Can it be updated to:

210 2.5.4 The Highland Public Library, located in the Town Center, has been an integral part of the community since receiving its provisional charter from the State in December 1915. The library had a variety of locations between 1915 and 1920. In 1920 the library Board of Trustees purchased the former office of a local dentist, Dr. Casper Ganse, on the corner of Main St and Church St directly across from the Ganse home. In July of 1929 an offer was made by the Georgianna Rose Ganse Foundation to allow the library to use the former home of Dr. Ganse and his wife Georgianna Rose Ganse rent free indefinitely if the library agreed to pay for all improvements needed to meet the requirements of the state. The renovated library opened February 3, 1930 and currently still remains in the Ganse home at 30 Church Street.

Since 1989, the Library Board of Trustees has recognized the limited space in the current building and maintenance demands of an aging structure. Many sites within the Town have been explored for library expansion along with possible new construction. A public vote in December 2010 failed by 91 votes to proceed with a new building contiguous with the Rail Trail. Since then the Trustees have responded to public concerns by starting a capital project fundraising campaign and adding new programs while continuing to develop a new building project that would have broader support. Given the deteriorating condition of the current library building and the limited space for expanded services, and lack of handicapped accessibility and parking, it is critical for the community to agree upon a direction within the next few years. This is the top priority of the Board of Trustees.

While the building size remains the same, the resident population served has increased and is reported at 12,514 as of 2012. The library offers not only print materials such as books, periodicals, local newspapers, and local historical records, but also audiobooks, downloadable audio and ebooks, music and movie sources, computers, online databases with home access, wireless access, Nooks, iPads, Kindles, and Android tablets and museum passes. In 2012 the library was 10th out of the 65 Mid-Hudson Libraries in items circulated. As a member of the Mid-Hudson Library System, the Highland Public Library has access to an even broader scope of materials and resources. As technology changes, the library services continue to change too, and it now offers, within its limited space, computers for patrons to use for word processing, Internet access, and email access. In addition, the library offers free computer and internet instruction, help with job applications and resumes. In 2012, 15,681 library computer uses were recorded.

The library offers a variety of programs for children, teens, and adults, including story times, crafts, performers, informational programs and presentations by authors and book illustrators. In 2012, a total of 2939 adults, teens and children attended 420 programs at the library.

The library promotes local business to residents and visitors by maintaining a display with brochures, fliers and menus from the town, hamlet and local area.

Since the library already gets people using the reading room when available for client meetings perhaps something can be included to reflect this.

Under 8.5 Encourage Home Based Business

#1 An additional action may be: Provide space and tools in a public building such as the library for home based business owners to use as an office for meeting with clients.

Name: Julie Dempsey, Director

Address: 30 Church St Highland NY 12528

Representing: Highland Public Library

Contact #: 845-691-6302

From: Kit Lowan
691-9390

Dear Dave and committee,

First-off, thank you, to you and the committee, for the many hours you put into updating and reworking the Comprehensive Plan. It now reads very nicely and has many good points. And thank you also for getting this document out to the public in time for us to weigh in. This is greatly appreciated.

Here are my comments and concerns:

In general, I loved the layout of the outline it's easily accessible, but I found myself wishing in places for more detail, suggestions if you will, on how certain things can be accomplished. I will list these more specifically as I go. Since it is suggested (and a good one at that) that the comprehensive Plan (CP) is to be reviewed yearly, I think more detail can and should be included.

I will list my positive comments at the end and start with the issues of concern.

Overview: 5 main issues of concern

#11

1. CP encourages following design standards but then encourages sprawl on the lower side of town (south 9w) by allowing zoning changes.

#12

2. CP recommends a 'mediation' team to work with developers when needed. This should be called **A Project Review Board** and should work with developers the minute they come to town before the project is brought to the Town Board, etc. I give more details later in notes for section 8.6.

#13

3. Too much reference to the Wine Village is made in this document. The project has not even been approved, has problems to be dealt with and should not be spoken about, at length in 3.3.2. This paragraph sounds like an advertisement for the WV and needs to be shortened or eliminated. Other areas where WV is mentioned or implied are: 2.6, 3.1.2, 3.3.2 paragraph 1& 3, 8.4, 10.2.1.

#14

4. Much more mention of the N. Wallkill Biodiversity Plan needs to be

↑
included for the preservation of species indigenous to this area. Page 712 of the 2005 CP made mention of this plan. It needs to be included extensively.

- #15
5. Benefiting developers is mentioned throughout this document. While some of these are reasonable to implement, I do not think we have to repeatedly mention it throughout the document. If anything the document should be written from the perspective of protecting the town, not the developers. Spots that mention benefiting developers:
2.6, 3.1.2, 3.2.1, 3.3.2 (twice), 8.1, 8.3, 9.1.1

Specifics:

#16

2.2 Housing - last paragraph - while historically helpful, this section sounds like gloom and doom. The last paragraph should include the suggestion that the town use the housing it has. Renovating and renting what already exists, should not be overlooked.

#17

2.3.2 Surface water and wetlands & 2.3.3 Biodiversity - while this is nicely and generally written, more details need to be included. I am enclosing the N. Wallkill Biodiversity Plan. Pages 18-21 NEED to be included. Most Highlanders do not know this information and it is the environmental backbone of this town. This also was previously included in the 2005 CP, page 712. **I have spoken to Jack Maquire and I understand that the ECC is drafting its own biodiversity plan.

#18

2.3.5 Illinois Mtn - again the N. Wallkill Biodiversity Plan (NWBPs) info NEEDS to be here as well.

#19

2.4.5 Pedestrians and bicyclists - Action: the Rail Trail needs to create a bicycle team to monitor and educate both bikers and community on the rules while riding. Bikers will listen to other bikers more than just men wearing Rail Trail yellow jackets yelling at them.

#20

2.5.4 The Highland Public Library - Action: Encourage and assist the library to increase its size, whether that means renovating or moving. This is an essential element to the community. There also need to be specific ways

suggested that the town can help.

#21
2.6 Summary - last paragraph is specifically geared towards benefiting the Wine Village which has not been approved. Please take out words that allude to benefiting developers.

#22
3.1.1 Employ innovative Planning techniques - Actions: I have no problem with allowing developers to cluster on their land thus creating open space but this should not be considered 'flexibility.' Rather developers should stick to the code when it allows clustering. This sentence should read: Allow developers to create cluster building while adhering to the zoning code.

Under Actions 'Make waivers available to the mandatory requirement of conservation in the agri.Zones' What does this mean?

#23
3.1.2 Subdivision Designs - second paragraph: 'The specific standards under which these housing development alternatives operate should be outlined and guided by revision to the zoning code as needed.' Take out the 'as needed.' They should conform to the code period.

#24
Paragraph 6 - this makes a statement but has no documentation of the facts listed. It says 'the current comm.. benefits incentive section of the zoning code creates a payment per density bonus... that acts as a punishment.' If this statement is to appear in CP then it needs to be documented. Print the specific words the code states or cite what page and where it is written. This sounds to me as though it is one person's opinion who has a vested interest. Perhaps a suggestion in Actions can be to revisit the zoning code or to work with the Zoning board to revisit it.

#25
3.2.1 Housing diversity - paragraph 5 - Again, Highland does not exist to 'benefit' developers. Highland is going to boom within the next ten years, developers will be lined up to come here. Do not put language in the CP to 'benefit' developers. It is contradictory to creating a structure to work from, Rather it undermines structure.

#26
3.2.1 Housing diversity - paragraph 1 & 4 need to include bringing in the arts and artists. I tried to find the study (but couldn't) that Peekskill used when they gave great discounts (for lofts and rentals) to artists moving to the community in order to bring up the town. It took several years but it

↑
worked. Actions - take out bonus for developers and add bring in artists offering discounts for purchase & rental of available downtown properties.

#27
3.3.2 Amend Zoning - paragraph 4 - This is practically an advertisement for the Wine Village that has already been discussed that we, the public, have not been privy to. What NEEDs to come out of the wording is 'the town is best served by allowing broad discretion to the Town Board as the legislative body empowered to review and implement zoning changes.' This is not necessary to write in the CP as it is understood since the Town Board has the final say on zoning changes

#28
Paragraph 5 - 'The bulk standards can be safely reduced to a one acre minimum.' WHY? This is specifically to benefit developers again. Cite studies that state this is good practice.

#29
3.3.3 Design standards - Actions - add consequences or penalties that would be put in place if owners did not follow the protocol. Ie. What suggested actions, would be used to enforce the rules?

4.1 Expand offerings to meet community.. - These list the traditional concepts we have been working from and more creative measures need to be taken. What needs to happen is we must bring in the arts by using incentives (lower rent, revolving loans, etc) . See articles below...

Information articles:(excerpts)

Article1 - "A production incentive funded by the Minnesota Legacy Amendment's Arts and Cultural Heritage Fund. Production companies can get up to a 20 percentre imbursement of their costs if they spend more than \$5 million in the state. The new budget signed by Minnesota Gov. Mark Dayton in May solidified the program and added more funding."

Article2 - (Population of Easton, PA is 27,000)

Easton Is Hoping Artist Community Will Boost Economy

March 15, 1984|by GAY ELWELL, The Morning Call

The creation of a community of artists would be a boon for Easton's economy and could boost the city into national prominence, an artist who moved to the city last year says.

City officials, who over the years have sought many ways to revitalize

Easton, are seriously considering his ideas, and work is starting on ways to implement them.

In a four-page letter addressed to Mayor Salvatore Panto Jr., sculptor Karl Stirner, who moved to the city last year from Brooklyn, says, "The movement has already started. As of right now, I know of seven artists or art-related people who are either looking hard or are already in the process of moving here. It is my belief that with a coordinated effort by the city and certain private groups, there could be an arts movement here that would bring national prominence to Easton.

"The result of such a movement would not only be a cultural enrichment for Easton residents, but would create spin off forces that would produce enormous economic gains for the entire Lehigh Valley. It can reposition Easton to the leadership role it once enjoyed. . . . The dollar costs to make it happen are minimal, but commitment to do the task is essential."

Stirner, who opened the Stirner Art Gallery at 230 Ferry St. in the former Louis M. Ralph and Sons warehouse, which he has renamed the Easton Arts Building, says the formation of an arts community in Easton, and the beneficial effects that such a community would offer, can be a reality.

It has happened in other cities and towns, he says, and it's already started in Easton. Since Stirner moved to the city, Jerry Stern, a poet, and Pat Mangan, an artist and art dealer from Hoboken, N.J., have moved to town.

Panto says he will set up a meeting with Stirner to discuss the letter. "It's a very positive letter. I'd like to pinpoint some ideas, where he feels the city can help," Panto says.

"The goal is to make this a positive marketing strategy for downtown Easton, another option in revitalizing the city," Easton's Main Street manager, Tom Jones, says.

Panto says the city is trying to arrange an art show in conjunction with the Shad Festival that will be held at the Forks of the Delaware this spring. That show, he hopes, will attract out-of-town artists to the city.

Panto, who discussed the establishment of a "sales team" to market Easton as a place for businesses to locate, suggests that the same concept might be used in the art community development process.

But Stirner suggests it may be even simpler to bring artists to Easton. He and Jones have discussed the placement of advertisements aimed at artists in New York City publications, letting them know that quality, low-cost loft and living spaces are available in the city.

"If it is deemed desirable to bring artists here, all that is needed is that they get information on what is here now and that they will be welcomed. I know the art world - I've paid my dues there. It is a tight-knit social community. Once word of Easton is out, it will travel of its own accord, Stirner's letter says.

"Much of the space ideally suited for artist occupancy does not have a ready market in Easton, either now or in the near future. I'm referring to the upper stories of certain Northampton Street business properties and certain warehouse space and buildings elsewhere."

Panto notes that Jones, with help from Fire Chief Frank Bruneio and his department and zoning officer George Winter, is setting up a program to evaluate the potential for using vacant downtown spaces as artists' lofts.

The Easton Redevelopment Authority has been preparing an inventory of business and retail space available in the downtown area for persons interested in locating in the city. Authority Executive Director John H. Webber says that inventory is nearly completed. Details of a computer program for the inventory have been worked out, and all that remains now is to enter properties into it.

Webber says, "I think it's do-able. We're already working with clients who are looking for lease space" or who want to buy property in the city. The authority's full range of low-cost financing programs would be available for artists who want to move into the city, he adds.

Jones, whose Main Street contract with the city includes authorization to work on the development of an arts community, says he's looking for "large, underutilized spaces" to go into the inventory.

His own, "very rough" estimate is that there are 1-million square feet of vacant space in the city's downtown. Artist loft space is "one of the lowest-cost types" of renovation work that can be performed on a building, he says, and "it may be the only answer for certain types of property."

The advantages of an arts community, as Jones sees it are multiple. Property owners can find new sources of income, and their buildings could have a greater degree of security with occupancy after closing hours. And the coming of artists would add quality downtown.

Article 3

How the Arts Impact Communities, by Joshua Guetzkow (Princeton University 2002) [excerpt]

“Presence of Artists and Arts Organizations & Institutions

Increases propensity of community members to participate in the arts
Increases attractiveness of area to tourists, businesses, people (esp. high-skill workers) and investments
Fosters a ‘creative milieu’ that spurs economic growth in creative industries.
Greater likelihood of revitalization’
(see entire article attached)

#30 Chapter 5 - Agriculture - include a public outreach facet as well as the committee.

#31 5.2.2 Agritourism - Action - create a committee to implement these connections.

#32 6.2.1 A Pedestrian and bicycle friendly community - Need to include the Bob Shepard Highland Landing Park here as well and mention finding ways to bring traffic, bikes and pedestrians down to the park. One suggested way would be a Gondola.

#33 6.2.2 Bicycle Touring - Actions: create a committee of citizens (who are bicycle riders) to review safety and ways to impart rules to the public. Bikers will listen to other bikers.

#34 Chapter 7 - Objectives - I am shocked that only once is the ECC mentioned in this entire document. Sentence should read: ‘Protect wetlands, surface waters, floodplains, the watershed and other environmentally sensitive areas referring to the ECC for guidance.’

#35
7.5 Reinforce the Town's Cultural Heritage - here also need to be some reference to the reports on how the arts have improved communities (Princeton report). List ideas on how this can be supported or designate what committee handles liaison to the arts.

Actions: bring artists to the community by offering lower rents and revolving loans.

#36
Chapter 8 - Economic Development - paragraph 1 - this is the only section of CP that acknowledges that we will become a 'hub' in the area.. Please tailor language throughout CP not to sound like we give breaks to developers but rather that we are a 'hub.' This fact gives us power with how we develop. We DO not need to make concessions.

#37
8.2 Promote Tourism - Actions: Encourage owner preservation and restoration of historical commercial... How? How can the town encourage this? Do we have grant writers, revolving loans? What?

#38
8.3. Investigate and consider alternatives... - On the one hand, it is good to reduce strip malls but then the CP recommends developing water and sewer south on 9w which will definitely lead to strip malls.

#39
8.4 Attract Light Industry - Actions: Allow owners or agents to place available industrial.... on EDC's website. What is that? List it.

#40
8.5 Encourage Home-Based Businesses - Actions: Offer revolving loans to these businesses.

#41
8.6 Make Lloyd Geographic Information - I listed the Actions as Good (below) but I need to comment further. This is the crux of the problem that Lloyd has had for a long time. What needs to happen is a mediation Committee needs to be active even **before** a problem begins. The process of developers putting so much time, effort and money into a project before the public even knows about it is not working. The committee should be called **A Project Review Board**. This way, no promises are made, no town board councilmen say (at the TB meetings) "it's a wonderful project" which gives the false impression that the project is a shoe-in. The committee would review the developer's project even before applying for zoning changes, to make sure it fits the criteria (CP, zoning, planning, etc). If it doesn't, they should be required to go back and revise their plan. Only after all criteria

has been met should the town board hear about it. And it is understood by the developer, that only then has the process of the town board considering it, begun.

#42
10.1 Encourage greater use of existing recreational facilities - Actions - Promote through town's website... the recreation dept should have either its own website OR a separate page on the town's website. **Btw the town's website is seriously deficient. It is too hard for town employees to post new things on and it is not flexible enough to expand into other pages when needed. It needs to be updated.**

Good points

2.4.5 Pedestrians and bicyclists - first paragraph

Chapter 3 - 'encourage compatible mixed use...'

3.3 - pretty good

3.3.3 - well done

4.1.1 - Yes let's re-examine the Mile Run Park idea!

4.2.2 Walk able Neighborhoods - great ideas here

4.2.3 Parking - encourage local business owners ... to [use] parking lots. -

Chapter 5 - paragraph 1 is good

5.3 Promote historical barn preservation... - good

6.2.1 A Pedestrian and bicycle... Actions: Encourage developers of new subdivisions to provide multiple routes that disperse traffic... this is excellent!

7.4 Develop a Preservation Plan for Illinois Mtn - Actions: Adopt a telecommunications law to protect scenic resources on the Ill. Mtn ridge

Chapter 8 - Objectives - Make all Lloyd GIS data ... available to the public

- YES, schedule regular reviews of CP = YES

8.2 Promote Tourism - Create a permitting process for short-term rentals with a special use permit... Good

8.6 Make Lloyd Geographic information... - Actions: amend Lloyds' zoning to include mediation - GOOD

9.1 Expand water and sewer services... All good, especially Actions: mandate private developers to assist with financing...

Aug 28, 2013

To the Town Board

Re: Comments of Comprehensive Plan

I cannot attend the public hearing tonight but I would like to make the following comments:

I certainly agree with the overall Goal – to “Preserve the rural, residential and agricultural character of the community ...while encouraging commercial development that enhances the tax base without detracting from the historical settlement patterns and desired quality of life.” However, most of the land use objectives and actions are items which are desirable for developers and potentially detrimental to the existing residential land owners.

On page 74, we find the first reference to “safeguarding the ... interests of neighbors and other affected residents,” but none of the actions support this goal.

I strongly suggest the plan be amended to include at least some actions that will safeguard the interests of existing residents, the ones who funding this community with their outrageous property taxes.

I also feel if this is a “plan” and it is truly “comprehensive”, you shouldn’t need Action 3.1.1 “Build flexibility into the zoning code by allowing board discretion to those boards with authority to enact or review projects or applications brought to the town.” This is a description of “spot zoning.”

Sincerely

Joan S. Kelley

Joan S. Kelley

5 Greatview Lane

[#113]
[#114]

CMP 2013 COMMENTS
Elise Viola
39 Perkinsville Rd.,
Highland NY 12528

This Master Plan is well thought out and well researched, containing many good ideas for guiding our town in a positive direction. Many, many thanks to those who have worked so hard on it.

While I agree entirely with the "Town of Lloyd Vision Statement" spelled out in the first paragraph of Chapter I and the *Established Goals* laid out in 1.3 of that chapter, some of the Actions itemized throughout the following chapters seem to be inconsistent with that stated vision.

Also while this is obviously an extremely well researched document and the research seems accurate, I find some of the conclusions drawn from that research a little puzzling.

I will explain in more detail where and why I see inconsistencies in Actions with Community Vision and Goals in Chapter order over the next four pages, but first I'd like to capsule my largest concerns:

#145 * "Flexibility in zoning" and "Broad Discretion" to boards reviewing projects is completely antithetical to executing a specific Vision for our town. Please see my detailed comments under the Chapter 3 discussion.

#146 * I am very concerned with the issues revolving around expansion of the water district being:
a. Proceeding with a resolution to pass without a community vote.
b. The possibility of taxpayers picking up any portion of a tab for new infrastructure.
c. Opening up low-density areas to sprawl.

#147 * Overlay districts and Purchased Development Rights are the most effective means to preserving species and landscapes so critical to the beauty and sustainability of our entire region. Specific Conservation Overlays should be declared and PDR's should always be included in our CMP's as a suggested action to our goals.

Chapters One and Two:

Chapters One and Two report Census data which indicates a declining population in school age children and young working parents in our area. It also indicates that in Lloyd there has been an increase in vacant housing of all types over the last decade.

#148 The curious conclusion drawn in paragraph 3 of Chapter 2.2 on Housing and throughout other chapters is that there is a general lack of available housing. Also paragraphs 6 and 7 of this section describe stagnation in median family income. As this is a nationwide trend, I don't see it changing in the near future. As a town, we should be gearing our economic goals in the housing market toward small family housing such as apartments and discouraging big housing developments on undeveloped land.

#149 While I agree with the goal of having more affordable housing available, based on the statistics and future trends; creating new housing in low-density areas does not seem economically viable. The emphasis should be on enhancing, adding to and modifying our existing housing stock in our existing High-density areas. This will preserve a strong housing market for property owners who already live or own property here while providing more options for lower wage earners.

Expanding infrastructure to those low-density areas seems counterintuitive to our stated goals. Also we may want to look at number (3) in Section 100-15 of our Town Code. If I am reading this correctly, it would prohibit a cluster subdivision where multiple buildings or units are sharing common open space area.

#50 We should amend our zoning, density bonuses and bulk standards to encourage mix use, with the smallest possible population growth on the smallest footprint of land for previously undeveloped parcels. Fee in lieu and other buyouts, which increase population and develop more land per parcel, should be discouraged and the zoning should reflect that.

While on the subject of housing, there is a repeated suggestion throughout subsequent chapters for a general increase in housing to accommodate the possibility of future growth. I would like to raise two questions regarding this point of view;

a. How is an increase in population consistent with our stated community goal of preserving the rural, historical and agricultural character of our town as well as our quality of life?

b. And also, do we have a civic duty to create new housing for some prospective population of people in the future? Isn't our first responsibility to those property owners and taxpayers who already live here? Increasing our tax base without increasing our population would be a desirable objective.

Further in Chapter Two, Illinois Mountain and our Ecologically sensitive areas are discussed:

#51 The Northern Wallkill Biodiversity Plan is no longer mentioned in this current Master Plan. As suggested in the NWB plan, a conservation overlay district should be established in our areas critical to biodiversity.

#52 Allowable density should be calculated only after these areas necessary for biodiversity (i.e. wetlands, etc.) are subtracted from the acreage.

#53 Creating wildlife corridors in areas mapped out on page 35 of the NWB plan should be part of the **initial** conversation with an existing landowner or new developer when a project is brought to the table.

Chapter 3 – Land Use

I am in agreement with the stated community goal at the top of chapter 3.

I am in agreement with the suggestions in the Chapter 3 for zoning revisions, which allow two family dwellings, accessory apartments above homes and businesses, mixed use and average density zoning.

However, the Actions described for achieving the objectives are inconsistent with the previously mentioned specific zoning revisions as well as the stated Community Goal and Town of Lloyd Vision Statement.

The first Action described in this section is:

“Build flexibility into the zoning code by allowing broad discretion to those boards with authority to enact or review projects or applications brought to the town.”

I'm not sure if it's the wording of this sentence or the philosophy behind it that I find puzzling. If zoning codes are well thought out with appropriate “flexibility” already built into them, “broad discretion” would not be necessary and should be discouraged as a method for achieving a stated Vision.

#54
Allowing "broad discretion" on a per project basis only leads to a chipping away of a big picture Vision and stated community goals. **Strict adherence to a thoughtful zoning code consistent with our Vision is the most effective path to achieving that Vision in my opinion.**

The second action describes "making waivers available to the mandatory requirement of conservation in agricultural zones when the Planning Board finds that a conservation subdivision does not provide the type of conservation that is in the best interest of the town and its residents".

I wonder what a good example of this situation would be and how this furthers our goal of preserving rural character in our town. And again, I would disagree with the per project approach.

#55
In addition, amending the Bulk Standard Dimensional Table to a minimum area for dwelling to one acre instead of two, doesn't seem to preserve rural character either.

Chapter 5 – Agriculture

#56
I agree with all the stated Goals, Objectives and Actions in this chapter. My only suggestion would be when adopting a town 'right to farm law' that there be specific and detailed itemizations, defining what practices are considered farming.

I like the idea of the Farmland Protection Committee. Hopefully it would include younger people who have a vested interest in the future of farming in our town. I would like to nominate Dan Rowland and Dave Dubois, as they are farmers in Lloyd.

Chapter 6 – Transportation

The first action describes "identifying potential locations for new through roads". Does this mean purchasing a right of way through undeveloped land or does it mean creating a new exit road out of an already developed parcel to an existing road? And is one of these probably not consistent with the Vision Statement?

Chapter 8 – Economic Development

I agree with the Community Goal and the Objectives stated in this chapter. As middle-income wages stagnate and energy and resources are strained, anything we can do to promote a self-sufficient local economy is vital. I think tourism based businesses, home based businesses, agrarian based business and light industries are the future of the Hudson Valley, and hopefully our town.

Our wonderful recreational treasures will bring tourists here but we also have to preserve the rural scenic quality of our town. Tourists will not be drawn to a congested suburb.

#57
Amending zoning to exclude the type of development that doesn't pay people a living wage and takes profits out of the community would further the stated Community Goal. A good example of the type of development, which leads to unsustainable local economies, would be large corporate retail enterprises. While they are not beneficial to local economies the only appropriate place for them would be in an existing shopping plaza.

Actively courting and pursuing certain types of businesses that would enhance the positive qualities of our town would be ideal. Perhaps we could list those sought after businesses on the town website or on the proposed Economic Development Committee website along side the available sites.

#58

Business that would preserve the rural and scenic features of Lloyd while adding to the tax base would be a win – win for all. Some examples: Spas, Equine Centers, Retreat and Higher learning Institutes, Resorts designed specifically for rural experience, Cemeteries, etc.

On the subject of encouraging economic development in the Hamlet:

#59

“Pop Up” businesses are making their way into some economies. What if we invited pop ups to the Hamlet on weekends and then brought people there from the walkway via a free shuttle? Bringing the people from the walkway to the Hamlet and back would be the only mission of the shuttle. Yes, we do want people to walk and ride bikes to the Hamlet and elsewhere but the shuttle would familiarize tourists with the location of the Hamlet and perhaps when the pop ups see some success, they might stay and invest in a permanent business in the Hamlet.

Chapter 9 – Water, Sewer and Drainage

The Goals and Objectives expressed in this Chapter are all good however I have questions related to new infrastructure. A resolution to expand the water district southward on Route 9W was passed several weeks ago.

#60

As suggested in the Actions in 9.1 new infrastructure costs should be picked up by the developer who needs it for their project. I think this should be mandated. However, in the resolution passed several weeks ago it states that taxpayers could pick up the tab for unfunded water expansion up to 1.5 million dollars. I am suggesting only those directly benefiting by the new infrastructure bear the cost. This would be the landowner or the developer purchasing the land. * Let me clarify that I am referring to brand new infrastructure where non exists, not maintenance or improvement projects.

I would also like to question why expansion of the water district is not something that is brought to the town people for a vote. We are given the opportunity to vote on libraries and parks, why not expansion of water districts? These expansions have the potential to alter the character of our town influencing our quality of life. For me that suggests a public vote, especially where taxpayer dollars may be involved.

* Thank you for the Public Hearing and taking the time to consider my comments.

RECEIVED
SEP 17 2013
BY: _____

Dear Committee,

I am writing to you because I recently became aware of the new 2013 Comprehensive Plan the town drafted. I first want to point out that the town officials should make more of an effort to inform Highland residents of things like this. The major issue, or objection, I have with this Comprehensive Plan is the Mill Run Park idea. May I suggest that the authors of this plan please erase that section about the park. The reason for my strong objections to this park is because it is proposed within an earshot of where I live. I for one enjoy peace and quite. This park will impede on not only my family's quality of life, but also that of my neighbors. I have brought up the proposed ideas to a few residents and neighbors and their reaction mimic mine. They believe that this park, like many projects that have or might occur, are random. I agree, I believe this town, development wise, is full of randomness. The Mill Run Park idea will also threaten my street's security. Approximately 7 years ago my family's cars, along with a few of our neighbors cars, were broken into. This park will draw the unwanted attention of thieves and other trespassers. I am sure you are aware there is a small bridge, which I know was highlighted in a sketch of the park, that allows people to cross into the back yards of my neighbors. These unwanted people might take advantage of this gateway. Another point I want to make is this park, as I presume, might be lit. I just had the light issue on Milton Avenue resolved. These ridiculously bright lights were shining in my house and disturbing my sleep. This park will also bring unwanted noise. It is bad enough that our backyard view is either a bank or our neighbors. During certain times of the week and Saturday, the bank becomes very busy and loud. Our privacy in our back yard is non-existent. Our homes were built so close together that I can sometimes hear my neighbors, even when a party is not going on. I highly suggest that the Mill Run Park idea be eliminated from the Comprehensive Plan. I believe that the words of the residents affected by this park take precedence over others who do not have to live with the impacts of this park. I know this town is desperate to regain business in the Hamlet, but this is clearly not the way.

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On another note, I am very concerned for the scenic land that Highland graciously offers. I lived in Highland my whole life. One thing I love about Highland is its scenic views. I don't believe that unnecessary buildings should ever spoil these views. I have read somewhere, either in this Comprehensive Plan or the Highland Analysis and Action Development Plan; that proposed along 9W should be three-story buildings. I object this proposal because it's another random use of property, and it will hamper the scenic views of Illinois Mountain. I agree with the planting of more trees. Maybe Highland should consider the idea of developing solar and/or wind farms. I agree that the town itself needs a "face lift". I think the town should have alternate of the side parking. I don't think Highland should waste money on a new town sign. The one we have is majestic yet inviting. Maybe if the plants covering the sign were trimmed and more colorful flowers planted, then it would catch the eye better. May I also suggest as a solution to the Toc-Tillson-Vineyard

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intersection problem, which is Toc and Tillson roads be lined up with one another. This would save the town a great deal in money, may cut down on accidents, and make it safer for drivers and emergency officials. Also, the town should install a camera and /or a police officer to remind people of the rules of the road. There is no need to make this intersection into a round a bout. A round a bout will just make it more frustrating and an inconvenience for drivers.

I really hope you consider some of my ideas. I am a young resident who grew up here and love the uniqueness Highland offers. I cannot sit by while other people harm my town just to line their pockets with money. I understand that development must happen, but I believe it can be done in a more economical and environmentally friendly way. I appreciate you taking the time to review my opinions.

Sincerely,

Holly Snyder

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September 16, 2013

Dave Barton, Building Director
Town of Lloyd
Town Hall
12 Church Street
Highland, NY 12528

Dear Mr. Barton,

I am writing in regards to the proposed update to the 2005 Town of Lloyd Comprehensive Plan. I attended the Wednesday, August 28th public meeting and read through the bulk of the revision. I would like to express my concerns, some original but mostly in support of what was said at the meeting.

67 As a transplant myself, I left city living for a quieter, simpler, cleaner country lifestyle. Over the past 30 years, my husband and I have purchased five existing homes in Highland, and we currently own four that we have greatly improved, if not saved. I want very much to preserve Lloyd's rural character, it's the reason most of us have moved here, and a reason our children stay. I personally do not want the west side of the Hudson to resemble the east side, filled with malls, big box stores, five story office buildings, planned gated communities, etc., etc., and the urban consequences that come with it.

From what I understand, the revised plan includes several new policies and incentives that would dramatically change the initial plan. Jeff Anzevino, of Scenic Hudson and resident of Highland, outlined examples in his statement:

1) Water and sewer would be extended from border to border along 9W, potentially ushering in sprawl, strip development and unnecessary traffic. 2) It advocates for zoning that allows landowners "the most latitude" in developing their property regardless of other impacts. 3) And it opens the door to large-scale development proposals just about anywhere in town. 4) Perhaps most critical, the new plan deletes mention of the Northern Wallkill Biodiversity Plan, which was included in the 2005 comprehensive plan. The biodiversity plan identifies areas whose preservation continues to be essential for protecting the town's irreplaceable natural resources. It does not propose that these natural areas be "off limits" to development, but recommends adoption of policies that would lower the density of development, with buildings arranged to protect these important natural areas. Mr. Anzevino offered several recommendations to address the zoning issues affecting our resources to prevent flooding, to protect our water supply, our parks and trails.

68 My residence lies between the river and 9W and development along that strip in question directly affects my life. Having the town center essentially relocate there is not my personal preference. However, the walkway, the rail trail and other amenities have brought many visitors to Highland. Offering a real sense of a "town" along with these experiences invites tourists to enjoy Highland, not just visit the trails and go to New Paltz for quaint shops and specialty cuisine.

69 [The new plan with zoning changes and open ended revisions allows the Vineyard Project to build without regard for any of the above concerns. And although I respect an individuals right to develop their property and make money at it, the needs, wishes and quality of life of current residents should be the priority. I ask that the proposed zoning changes be carefully reconsidered and alterations of the original, accepted plan be minimized. I thank you for your time.

Warmly,

A handwritten signature in black ink, appearing to read "Marlene", with a long horizontal flourish extending to the right.

Marlene Wiedenbaum

DAVID K. GORDON

10 TINA DRIVE
HIGHLAND, NY, 12528

September 17, 2013

BY ELECTRONIC AND U.S. MAIL

Hon. Paul Hansut, Supervisor
Lloyd Town Board
12 Church Street
Highland, NY 12528

Dear Mr. Hansut and Members of the Board

I am a Highland resident and an attorney with 20 years' experience in land use and environmental law. I also served six years on the town Planning Board and on the committee which drafted the current comprehensive plan. I submit the following comments on the draft comprehensive plan amendments (the "Draft Plan").

The Draft Plan appropriately supports smart growth as Lloyd's pattern for development. However, the support consists primarily of generalities, with little progress on an actual plan. The Draft Plan recognizes the importance of hamlet revitalization, but offers few zoning or land use recommendations to plan for it. On this basis the Draft Plan is a limited asset in guiding the town toward smart growth, a work in progress.

70 [Unfortunately, the principal zoning recommendation would increase the density of development in the town's rural areas, which is directly antithetical to smart growth principles. The Board must reject this provision if the plan is to have any credible claim to provide for smart growth.]

Smart growth

The land use known as "smart growth" has become the favored form of development in semi-rural and suburban areas. Smart growth emphasizes relatively compact, village style land use, and the revitalization of existing villages and their downtowns. Smart growth policies and regulatory techniques have arisen in reaction to the consumptiveness of sprawl, which expands land development across the countryside.

New York adopted smart growth as the preferred form of development in 2010. The state law, known as the Smart Growth Public Infrastructure Policy Act (ECL Art. 6) specifies smart growth as, among other things, development which utilizes existing infrastructure; concentrates in or adjacent to municipal centers; is infill or in brownfields or would revitalize a waterfront; is compact; contains mixed uses;

protects natural and cultural resources; and reduces dependence on automobiles.¹ As the Draft Plan acknowledges, the key component in smart growth is the concentration of development in villages and other areas of relative density: "Smart Growth covers many economic, social, and environmental issues, but it is fundamentally about development patterns. Smart Growth principles call for mixed uses, compact development, revitalizing urban centers, preserving farms, and protecting open spaces."² "More than anything else, Smart Growth was—and remains—about a more deliberate and sensible allocation of land and development."³

Lloyd is ideally suited for smart growth. Highland is an attractive and walkable central hamlet, with substantial opportunities to improve its suitability for business, residence and street activity. Lloyd also contains sizable tracts of open land outside the hamlet, with substantial open spaces, scenic vistas and natural habitat. The Draft Plan recognizes that:

Compact development is a cost-saving means of supporting public infrastructure, such as new roads and expanded water and sewer lines. It can result in lower property taxes and lower cost to consumers. In addition, compact development in defined areas, coupled with density reductions in agricultural and environmentally sensitive areas, preserves open space and maintains rural character.⁴

71 [The Board must ensure that any comprehensive plan amendments tailor the town's development regulations to reflect the smart growth principles that can grow the central hamlet and protect the town.]

There are numerous publications and professional resources to assist the town in applying smart growth principles. The United States Environmental Protection Agency (EPA) has published smart growth manuals for rural and suburban land uses, both of which should be focal points of the comprehensive plan.⁵ Additionally, many private groups research and have prepared guidance on smart growth, and there are many planners who are familiar with its principles and could help the town develop a

¹ ECL §6-0107(a) - (f).

² Draft Plan at 40, quoting Indicators of Smart Growth in Maryland, The National Center for Smart Growth Research and Education at the University of Maryland, January 2011 at 38.

³ Draft Plan at 40, quoting Kaid Benfield, NRDC Switchboard, April 24, 2012, available at switchboard.nrdc.org/blogs/kbenfield/smart_growth_is_only_a_start_i.html (last visited September 17, 2013).

⁴ Draft Plan at 53.

⁵ *Essential Smart Growth Fixes for Urban and Suburban Zoning Codes* ("EPA Suburban Guidance"), EPA 231-k-09-003, November 2009; *Essential Smart Growth Fixes for Rural Planning, Zoning, and Development Codes* ("EPA Rural Guidance") EPA 231-K-12-001 March 2012

smart growth plan.⁶ Unfortunately, it appears that none of these were consulted in developing the Draft Plan.

Highland as the center of growth

72 [The concentration of development in the Town Center is the core of smart growth, and the Draft Plan recognizes the importance of revitalizing the Highland hamlet. However the Draft Plan does not specify any zoning or land use regulatory actions to implement this essential element. The only applicable action item in the Draft Plan is to “encourage higher density development in and around the Town Center to make appropriate use of the infrastructure investment and enhance the vibrancy of the community”⁷ There is no specification of the desired density, or where it would occur in the hamlet, or what types of redevelopment are envisioned. There is nothing in the section on expanding density in the Highland hamlet other than this single, general item.]

73 [In this, the Draft Plan misses obvious critical actions. For example, it should have recommended that significant community facilities, in common use by the general public, be located in the hamlet. This is especially important since the town may need to consider a new location for town hall, as the library board is already doing for the library. Both of these are cornerstones of the hamlet, and the Draft Plan should require them to remain there for the hamlet’s viability, especially since it recognized the detriment caused by the departure of the post office in the 1990s. EPA recommends a policy to “locate all major governmental service and offices in the town center or designated growth areas to take advantage of existing infrastructure, support the community’s vision for these areas, and encourage private investment nearby.”⁸ Under the circumstance, there is no reason why Highland does not merit this protection.]

Worse, the Draft Plan’s omits any plan for increased density in the hamlet. It does not specify the areas of the hamlet where redevelopment should go, to “make it clear to developers and residents where the community wants growth to occur and to

⁶ An initial list of organizations with materials on implementing smart growth would include, in addition to the EPA Office of Sustainable Communities, the Congress for New Urbanism, www.cnunewyork.org, and its New York chapter, www.cnunewyork.org, Lincoln Institute of Land Policy, the National Center for Smart Growth Research & Education, smartgrowth.umd.edu, Smart Growth America, www.smartgrowthamerica.org/, and the US Green Building Council, which develops the LEED standards and rating criteria for neighborhood development. www.usgbc.org/neighborhoods.

⁷ Draft Plan at 53.

⁸ EPA Rural Guidance at 7.

protect sensitive natural areas and prime agricultural areas.”⁹ Specifically, the town should:

Remove obstacles to mixed-use development by creating ..zoning districts that allow mixed-use development by right (i.e., without the need for a rezoning or special discretionary approval process).

Develop a variety of mixed-use districts, including vertical ..mixed uses and horizontal mixed uses, as needed. The context of uses (e.g., main street, neighborhood setting) is important for determining the type of mixed-use district.¹⁰

74 [Neither current zoning nor the Draft Plan provides any such plans for redevelopment of the hamlet.

75 [The failure to specify, in any serious detail, code changes to spur revitalization of the hamlet is an enormous missed opportunity in the Draft Plan. The failure is especially remarkable coming barely a year after the town adopted a progressive form based zoning code for the gateway district along Route 9W from the Walkway to Milton Avenue. While the Gateway may ultimately benefit the hamlet, it represents the development of “a new community hub”¹¹ along Route 9W. Revitalization will require planning and redevelopment of the hamlet’s own streets and properties, a job which the Draft Plan only rhetorically begins to undertake.

Conversion of rural areas to development

The Draft Plan’s proposals for the town’s rural areas are the opposite of smart growth and should be rejected.

76 [The most important, and most destructive, of these is the increase in allowable density in the agriculture zone to 1 dwelling unit per acre. This is directly contrary to smart growth principles, which as noted seek to concentrate development in existing hamlets, and discourage it in the countryside. There is no basis for it either in smart growth generally, or in the Town’s individual characteristics, and the Draft Plan reports none.

The committee which researched and drafted the existing comprehensive plan agreed to decrease the density of rural development in the town to four acre zoning to limit sprawl. Ultimately, a compromise resulted in the two acre zoning in the current code. The Draft Plan recommendation would revert the zoning density back to the sprawl

⁹ *Id*

¹⁰ EPA Suburban Guidance at 5.

¹¹ Draft Plan at 50.

that prompted the prior committee's and Boards' modernization of the code, which occupied a decade of effort and review.

77 In light of the lack of any concrete mechanisms to concentrate development in the hamlet center, the recommended reversion to one acre zoning would accelerate, rather than reverse, sprawl in the town. As a result, this provision alone requires rejection of the Draft Plan in its present form.

78 The recommendations to liberalize the town's floating zones would further reduce the control of development in the town's outlying areas. Smart growth encompasses such liberalization in the Town Center, but not to accelerate development in rural areas.

EPA warns against over reliance on ad hoc districting, reporting that communities have "increasingly recognized the downside of relying too heavily on PUDs and negotiated developments."¹²

The Draft Plan, in contrast, relies on these provisions to justify a strategy to facilitate development in the town's rural areas. It reports that "large lot zoning by itself can consume open space rapidly and lead to sprawl development unless it is paired with other conservation planning techniques that produce what is referred to as 'Smart Growth.'" Draft Plan at 40. While the concern about large lot zoning is justified, the reliance on techniques such as clustering to avoid sprawl is simply wrong. Clustering will preserve some of the habitat and open lands which might otherwise be part of a subdivision, but it they still represent sprawl, along with most related negative impacts, when it is located far from existing communities and infrastructure.

79 According to the most definitive research on the town's ecology and habitat, clustering based on individual project review is insufficient to maintain the town's biodiversity. Instead, planning on a townwide scale to identify wildlife habitats and corridors is necessary. The Northern Wallkill Biodiversity Plan, prepared by the Metropolitan Conservation Alliance to help New Paltz and Lloyd identify and conserve their habitats, explains the importance of planning for such corridors given the nature of suburban development:

Today's land use patterns are entirely different from those of historic times Highways, parking lots, and subdivisions fence in remaining tracts of habitat, fragment them into smaller pieces, and isolate them from other tracts. These permanent land use changes that sever habitat connections make it difficult, if not impossible, for wildlife to adapt in the face of changing land use, increasing the likelihood of extirpations (i.e., local extinctions) of species in the near-term. Compounding the problem for wildlife is that at the same time that habitat connectivity is diminishing, it will become increasingly important in the long term,

¹² EPA Rural Guidance at 13

as global warming proceeds. Species will need to migrate northward to adapt to new temperature regimes and resulting changes in habitat structure and composition; where sprawl blocks this migration, species are likely to face extirpation. The transitions that are occurring within our landscape today are more permanent than past changes and they do not accommodate our native biodiversity. . . .

Landscape Configuration: Planning at the Landscape Level

As sprawl proceeds, large tracts of habitat within our landscape are fragmented into ever smaller components. *To maintain biodiversity, we must ensure that remaining habitats are of sufficient acreage to support viable wildlife populations and that they are arranged in such a way to allow dispersal of animals across the landscape.* Although careful planning can mitigate some of the adverse impacts of sprawl, most planning occurs on a site-specific scale, and does not consider much larger landscape-scale ramifications. Ironically, the land review process, as practiced in the Northern Walkkill towns and as required by the New York State Environmental Quality Review Act (SEQR), may actually foster fragmentation by considering too small an area in the review process.

To ensure that development is compatible with biodiversity, core wildlife habitat areas and the corridors that connect them must be accommodated. In general, larger core areas are better able to support healthy, viable wildlife populations than smaller areas. The connections between core areas are of paramount importance as they enable dispersal of animals among the core areas, maintaining gene pools and preventing extirpations. Such connections have traditionally been referred to as "corridors" Development should be located so that there are sufficient spaces for wildlife to move through and around development nodes, rather than attempting to force wildlife movements into human-created linear configurations.

Because we are making permanent changes to our landscape, it is imperative to carefully identify where the matrix of wildlife habitats and corridors occurs. It is not sufficient to randomly protect small parcels of habitat across the region in the hope that they will be beneficial to wildlife. Instead, we must discover where species already occur (i.e., which habitats are most valuable) and use this information as a template for making future land use decisions. If we apply this template to guide development patterns, it may be possible to maintain

biodiversity and ecological health. Without this template to guide us, loss of biodiversity is a certainty.¹³

The *Northern Wallkill Biodiversity Plan* found nine separate concentration areas for biodiversity in the Town of Lloyd, in addition to three major streams which play an important role in maintaining connectivity.¹⁴ The Draft Plan does not take any of these into account in its recommendations to increase development in the town's open spaces.

80 Given this approach, it is doubly inappropriate for the Draft Plan to dismiss the need for wetlands laws. The implication that state and federal laws reduce the need for a local wetlands law is nonsense. The federal laws contains numerous provisions for nationwide permits, including for commercial and residential development, and wetlands are also now subject to connectivity requirements to local streams before federal jurisdiction can even apply. On the state level, DEC freshwater wetlands protection only extends to wetlands 12.4 acres or greater, with smaller wetlands subject to local jurisdiction. Especially given the Draft Plan's removal of restrictions on development and its acknowledgement that Lloyd has the greatest concentration of wetlands of any municipality in Ulster County¹⁵ there is an increased, not a decreased, need for local wetlands protection in Lloyd.

Conclusion

The Draft Plan is a step backwards. It generally recognizes the benefits of smart growth and revitalization of the Town Center as important goals, but it does not take any concrete action to plan for growth in the hamlet. In particular it does not specify the areas where increased density and redevelopment should occur.

The Draft Plan would allow increased damage to the town's rural areas by weakening the existing protections. It would downzone the agricultural district to one acre zoning, essentially installing the classic sprawl density. It fails to adopt or even review the town's guidance on ecological protection, or any guidance on smart growth implementation. In short, as the town should be seeking to concentrate development in the Town Center, the Draft Plan would reverse the progress toward smart growth and increase development of the countryside.

¹³ LaBruna, D. T. and M. W. Klemens. *Northern Wallkill Biodiversity Plan: Balancing Development and Environmental Stewardship in the Hudson River Estuary Watershed*, MCA Technical Paper No. 13, Metropolitan Conservation Alliance, 2007 ("*Northern Wallkill Biodiversity Plan*") at 8-9 (emphasis in original).

¹⁴ *Northern Wallkill Biodiversity Plan* at 18-22.

¹⁵ Draft Plan at 68

Hon. Paul Hansut
September 17, 2013

Page 8

Any comprehensive plan revision should include a smart growth plan for the town, including a revitalization plan for the hamlet. The Draft Plan falls far short of this goal, and should be revised.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David Gordon".

David Gordon

Scenic Hudson, Inc.

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Tel: 845 473 4440
Fax: 845 473 0740
email: info@scenichudson.org
www.scenichudson.org



HAND DELIVERED

September 18, 2013

The Honorable Paul Hansut, Supervisor
And Members of the Town Board
Town of Lloyd
12 Church Street
Highland, NY 12528

RE: Town of Lloyd Comprehensive Plan Update

Dear Supervisor Hansut and Members of the Town Board:

Scenic Hudson is writing to supplement its August 28th public hearing testimony with more detailed and substantive comments on the Town of Lloyd Comprehensive Plan Update.

Overview

From the standpoint of the Town's Comprehensive Plan, the town is already well positioned for future growth. Its historic hamlet and Town Center on 9W are served with public water and sewer and the area presents several opportunities for infill development on the former car lots, other large parcels, and by the reuse of vacant buildings. These development sites are directly connected to incredible assets, such as Walkway Over the Hudson and the Hudson Valley Rail Trail—and no expensive new roads or water or sewer expansion are needed to service this development.

Just recently, new Walkway Gateway Zoning encouraging mixed use commercial, residential and light industrial development has been created along this very area on Route 9W in the Town Center. This Smart Growth approach, which also greatly increases the capacity, scope and scale of future development, is intended to create a stronger connection between Walkway Over the Hudson, the rail trail, and Historic Highland Hamlet, and most importantly breathe new life into Lloyd's commercial "heart."

As a result, the Town of Lloyd has all the ingredients that make other communities working to achieve Smart Growth solutions green with envy. The Town boasts a unique and world famous \$40 million park attracting 500,000 annual visits from tens of thousands of tourists. This park is connected by the popular Hudson Valley Rail Trail to Black Creek, which offers kayaking, canoeing and fishing, paths on Illinois Mountain, and a "loop trail" connecting wooded trails at Franny Reese State Park, and Bob Shepard Highland Landing Park with and deep water access for tour boats. But, again—and perhaps most importantly—the Town has an abundance of suitable development sites

served with public infrastructure and they are directly adjacent to or in direct proximity these assets attracting tens of thousands of new visitors annually.

General comments on the Comprehensive Plan Update

Much in the proposed plan is to be commended. It recognizes that the new "Gateway" zoning can increase economic opportunity and transform Route 9W between Milton Avenue and the Mid-Hudson Bridge approach from an underutilized highway strip into a vibrant and attractive "Main Street" that builds on the existing Highland hamlet. And it promotes trail connections and conservation efforts along Black Creek and on Illinois Mountain. And, at the same time other more rural outlying areas of town will benefit from this new activity and become more attractive and viable for hospitality uses, agriculture and related commercial activities, well-planned residential development and hamlet-scaled commercial uses.

8/82
These parks and trail projects, which attract hundreds of thousands of out of town visitors annually and provide a sense of local pride and world class recreation for residents, are recent benefits to the Town. These assets are the product a concerted effort involving careful planning and investment by both the public and private sector and have improved Lloyd's prospect for sustained, long term economic development. However, our excitement for some of the plan's positive aspects is tempered by our concern that some elements of the plan update, particularly proposed infrastructure extensions to outlying parts of town, proposals for extended development along Route 9W, and doubling of density in agricultural and rural areas, will reverse these positive gains, of which we are all proud.]

8.3
83a
In order to remedy this [we believe that these policies should be revisited and the Town Center with new development capacity afforded by the Gateway Zoning, should be specifically designated as a "priority growth area" that can absorb additional retail, residential and light industrial development.] Specific action items should then be identified to direct growth to the Town Center. This would create the sort of economic vibrancy the community longs for, while alleviating the need for expensive new infrastructure, provision of town services that are costly to taxpayers, and negative impacts in the outlying parts of town.]

Positive aspects of the Update

First, Scenic Hudson supports many of the elements in the plan update. The plan recognizes (Chapter 4) that the new "Gateway" zoning can increase economic opportunity and transform Route 9W between Milton Avenue and the Mid-Hudson Bridge approach from an underutilized highway strip into a vibrant and attractive "Main Street" that will extend and activate the existing Highland hamlet. The plan also recommends (Chapter 4) that the Town reexamine the prospect of creating a "Mill Run Park" along the Twaalfskill Creek behind the buildings along Vineyard Avenue. These are Smart Growth approaches that promote a stronger hamlet and Town Center. We believe that with a strong hamlet and Town Center, other more rural, outlying parts of town will benefit from this new, centrally located activity and they will become more attractive and viable for hospitality uses, agriculture and related commercial activities, well-planned residential development, and hamlet-scaled commercial uses.

The plan rightly recognizes (Chapter 5) the need to protect rural character and of agricultural resources, including appointing a Farmland Protection Committee and adopting a Farmland Protection Plan.

We support the plan's goal of (Chapter 6) reducing traffic congestion by encouraging alternative modes of transportation and creating a friendlier bicycle and pedestrian environment in town. It also acknowledges that safer and more convenient bicycle facilities can benefit the economy through increased Walkway- and trail-related tourism. Local residents can also benefit with better transportation choice and recreational activities that promote physical activity, social interaction, and connection with nature.

We commend the plan for promoting (Chapter 7) trail connections and conservation efforts along Black Creek and on Illinois Mountain. These are important initiatives that create synergy with the Hudson Valley Rail Trail and Walkway Over the Hudson. And, finally, the update also recommends (Section 7.1.1) developing an Open Space Plan and conservation overlay zoning district for areas with identified significant natural and cultural resources—programs we strongly support and urge the town to implement swiftly.

Below, we offer some suggestions on several ways that the plan update can be strengthened in order to avoid inconsistencies within the plan and more effectively achieve some of these worthy goals and objectives.

Ways that the plan can be improved

Unfortunately, some of the most beneficial and agreed upon premises underlying the proposed plan update—creating a strong town center and protecting rural character, and preserving farmland—would be put at risk by several new policies and incentives proposed in the update. These policies, which are inconsistent with important plan goals include:

- 84 • Water lines to be extended from border to border along 9W, potentially ushering in a wave of costly sprawl, strip development, and unnecessary traffic;
- 85 • Zoning amendments that allow landowners "the most latitude" in developing their property, and allowing PRDs that would open the door to large-scale development proposals just about anywhere in town. This scenario can lead to decentralized development and sprawl, which costs taxpayers more by requiring town services spread thin over a greater area, loss of rural character and farmland, and increased auto-dependent strip development; and, finally
- 86 • Doubling the permitted density from two acres per residential unit to one acre unit in agricultural zoning district.

All three of these proposed policies would diminish the prospect of promoting commercial and residential development in the Town Center and hamlet, which is the place that makes most fiscal

sense for Town taxpayers. The update indicates (Section 3.1.1) that it recognizes the fundamentals of Smart Growth as articulated by the Natural Resources Defense Council's (NRDC) Kaid Benfield:

"by building homes, shops, and services on vacant land and underutilized land left in our older communities by decades of disinvestment, and by building in more compact development patterns with more efficient transportation links, we can reduce the spread of environmental harm and Smart Growth in emissions while conserving valuable wilderness and rural land outside of the development footprint. More than anything else, Smart Growth was—and remains—about a more deliberate and sensible allocation of land and development."

Kaid Benfield, Director, Sustainable Communities, Urban Land, May 2, 2012

However, then, inexplicably, the update reverses the direction taken in the 2005 Comprehensive Plan by proposing several aforementioned policies that open the door to increased development in rural parts of town, thereby undermining the "deliberate and sensible allocation of land and development" upon which Smart Growth depends.

Infrastructure expansion competes with a strong Town Center and hamlet and destroys rural character

87 Perhaps the most counterproductive aspect of the plan is a proposal to extend water and sewer along Route 9W and to allow a continuous stretch of development along the corridor. This is contained in Action 8.4, which proposes that the Town apply for Community Development Block Grants to extend water and sewer district north and south on Route 9W from the Esopus to the Marlborough borders. The plan proposes design guidelines as a way to mitigate this development. However, while design guidelines may serve to make development more attractive, they do not address the traffic, infrastructure and fiscal costs of strip development.

Further, new commercial development in the 9W corridor north and south of the Town Center will compete with potential development in the Town Center and undermine plan goals to direct development there. Simply put, there is a finite amount of development capacity to go around. As written, the plan update does not outline a vision for specific places where future development should go; instead it invites development almost any place in town and proposes to evaluate those proposals on their merits. This approach also does not provide landowners and developers the certainty they seek that would otherwise be the product of a plan with clear guidance as to priority development areas. Likewise, under the scenario proposed in the plan update development would be spread more evenly throughout the Town and not contribute to a strong Town Center and hamlet.

The historic hamlet and adjacent Town Center on 9W—both of which are served by public water and sewer—have the capacity for significant amount of infill and adaptive reuse of existing buildings. This is particularly the case along Route 9W between the Mid-Hudson Bridge approach and Milton Avenue where new "Gateway" zoning has been designed provide a greater intensity of development. Therefore, we ask the Town to reconsider policies, such as the PRD floating zone, one-acre agricultural zoning, and border to border water line extensions and associated General

Business (GB) zoning, which promote development in parts of Town away from the Town Center and hamlet.

88 **Proposed infrastructure expansion is inconsistent with New York State Smart Growth Public Infrastructure Policy Act of 2010**

The Smart Growth Public Infrastructure Policy Act requires that New York State must determine that public investment in new infrastructure does not lead to sprawl development. The Act declares that it's fiscally prudent to maximize social, economic, and environmental benefit from existing public infrastructure. In other words, if expanded water, sewer, transportation, or housing infrastructure would lead to sprawl, it should not be funded by state resources.

The proposed water line expansion would promote development in these more remote and rural parts of town on parcels without public water and sewer or existing roads. In fact, the update states on page 39 that the infrastructure extension is intended to allow large-scale residential, commercial, and light industrial development site of the old Borgese Winery. There is an active proposal before the Town for the redevelopment of this site as the Hudson Valley Wine Village. The comp plan update indicates that "the development of this property has been forestalled by the lack of municipal water and sewer lines in this area."

89 **Proposed infrastructure expansion is inconsistent with Lloyd's LWRP**

The proposed water and sewer extension—particularly to the south—would likely undermine Policy 5 of the Town of Lloyd's adopted and approved Local Waterfront Revitalization Program (LWRP). LWRP policies pertain to the part of town east of Route 9W, which is in New York State's Coastal Zone. Policy 5 encourages the location of development in areas where public services and facilities essential to such development are adequate. The policy's explanation states:

"Development, particularly large scale development in the Waterfront Area will be encouraged to locate within, contiguous to, or in close proximity to, existing areas of concentrated development where infrastructure and public services are adequate, where topography, geology, and other environmental conditions are suitable for and able to accommodate development. The Highland hamlet area, which is located just outside the Waterfront Area, is of particular concern in this regard, as it is an area of concentrated development and the traditional Central Business District of the Town. The hamlet and immediate outskirts provide water and sewer to residents in this area. As development proceeds along the Route 9W corridor, the Town is interested in ensuring the continued revitalization of the hamlet area."

The policy is intended to accomplish the following:

- Strengthen the existing residential, industrial, and commercial centers, such as Highland Landing and the hamlet area;
- Foster an orderly pattern of growth where outward expansion is occurring;
- Increase the productivity of existing public services and moderate the need to provide new public services in outlying areas; and
- Preserve open space in sufficient amounts.

Therefore, as per the plan update, the proposed water line extension would facilitate a proposed large scale development at the aforementioned former Borgese Winery, which is located in New York State's Coastal Zone.

90 **New use of "Town Center" instead of "Hamlet"**

The updated plan proposes to combine the Route 9W corridor and the hamlet of Highland (many locals refer to this as "the village") into a more all-encompassing place called the "Town Center." While there may be some merit in defining a broader "town center," we believe that abandoning the hamlet as a separate entity will be counterproductive to attracting new business and economic growth in the commercial district along Vineyard Avenue and Main Street.

Because the context of Route 9W's five lane highway and the Vineyard Avenue and Main Street are so different, we suggest that, the plan retain the use of the "hamlet" for this historically significant part of town. In fact, as you know, Scenic Hudson has worked collaboratively with town officials and other stakeholders over the past year to design a branding program for Highland in association with Walkway Over the Hudson. Four "Discovery Zones" have been identified, perhaps the most important of which will be designated as the "Hamlet of Highland." Therefore we believe it would be in the town's best interest to retain a separate identity for the hamlet apart from a broader Town Center.

91 **Mill Run Park**

While the proposed plan update recommends "reexamining the prospect of creating a Mill Run Park," we suggest in order to capitalize on the hamlet's unique geography and sense of place, Action 4.1.1 should be strengthened to state that the town will promote a plan to develop Mill Run Park. This concept involves promoting and encouraging development behind the buildings along the side of Vineyard Avenue to front a park-like environment along the Twaalfskill Creek. The plan should include some specific language that identifies the benefits of such as plan: create a unique sense of place, offer expanded commercial activities on patios and terraces overlooking the mill run, provide public access along the stream, and increasing the visibility of the hamlet by opening up views from passing traffic on northbound 9W. Communities large and small, such as Great Barrington, MA and Greenville, SC, have embraced similar strategies that integrate parks and open space into downtown development to create vibrant public places, promote jobs, and economic opportunity. We recommend that in order to increase economic activity in the hamlet, a similar approach should be taken.

92 **Designate the hamlet and Town Center as a "priority growth area"**

We recommend that the hamlet and Town Center, which now has new development capacity afforded by the Gateway Zoning, should be a designated "priority growth areas" that can absorb additional retail, residential and light industrial development. This is consistent with Kaid Benfield's description of Smart Growth and would create the sort of economic vibrancy the community longs for, while alleviating the need for expensive new infrastructure and negative impacts in the outlying parts of town.

The plan update should protect sensitive environmental resources

93 One extremely positive aspect of the proposed update is a recommendation (Section 7.1.1) to developing an Open Space Plan and associated conservation overlay zoning district for areas with identified significant natural and cultural resources. However, this plan update has deleted references to the Northern Wallkill Biodiversity Plan, which was included in the 2005 Comprehensive Plan. The biodiversity plan identifies areas whose preservation continues to be essential for protecting the town's irreplaceable natural resources. Note that the biodiversity plan does not propose that these natural areas be "off limits" to development, but, instead, recommends adoption of policies that would lower the density of development, with buildings arranged to protect these important natural areas.

Scenic Hudson recommends that the new comprehensive plan adopt a conservation overlay zoning district covering those areas highlighted in the Northern Wallkill Biodiversity Plan. This conservation overlay district should be adopted before the adoption of other zoning changes that would open up other parts of town to increased development. Otherwise, the town will find the significant natural resources that help prevent flooding, protect water supplies, attract people to its parks and trails, and thereby support the local economy, at risk.

Increase density

We fully support Section 4.3 and its intent to "continue to encourage higher density development in and around the town center to make appropriate use of the infrastructure investment and enhance the vibrancy of the community." To be sure, this is the basis behind Smart Growth and should be the underlying premise throughout the plan update.

94 However, the update proposes no real actions to achieve this goal. In fact, as stated previously, several other proposed policies, such as the proposed infrastructure extensions and reduction of lot size from two-acres to one-acre in the agricultural districts will encourage development in the wrong places and directly compete with the goals of this policy. Simply put, by allowing increased development throughout the entire town, the plan is diminishing the prospect of development in the Town Center where it makes the most sense due to available properties and previous investment in water and sewer infrastructure.

95 **Adopt a local "Complete Streets" policy**

While many of the transportation objectives (Chapter 6) are commendable, we suggest that the plan update specifically propose that the Town adopt a local complete streets policy. Ulster County and New York State have complete streets policies that relate to county roads and state highways, respectively. However, the missing component is a local complete streets policy that covers Town roads. This is the best way to achieve better pedestrian and bicycle environment for both providing transportation choice for local residents and promoting recreational-based tourism that has been generated by both Walkway and the Hudson Valley Rail Trail.

96 **Wetlands**

The plan (Chapter 7.2.2) acknowledges that Lloyd has the greatest concentration of wetlands of any municipality in Ulster County and cites the critical role wetlands play in flood abatement, improving

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water quality, recharging aquifers, and supporting a diversity of rare, endangered and threatened flora and fauna. The plan also states (Chapter 3.3.1) that "most of these wetlands are protected by state and federal law." While federal and state laws do protect larger wetlands, those under 12.4 acres are unregulated by New York State law. Therefore, it is widely acknowledged that state and federal wetland laws and the 100-foot required buffer are insufficient to protect wetlands, particularly small wetlands and vernal pools, of which Lloyd has many.

ab { The Town had previously passed a local law designed to protect wetlands and watercourses. However, Lloyd's local law was subsequently rescinded when the New Paltz wetlands law, on which Lloyd's was based, was challenged in court. It is our understanding that the Town of Lloyd Environmental Conservation Committee (ECC) has been working on a new wetlands law. We highly recommend that the plan update affirm the town's commitment to adopting a new wetlands law and acknowledge the work of the ECC in this regard.

Conclusion

Scenic Hudson greatly appreciates the strong working relationship we've had with the Town of Lloyd. We believe that by working together we've accomplished much. The Town's portfolio of parks and trails is second to none in the Hudson Valley. Together, we've developed a well-thought out consensus plan to promote Lloyd and Poughkeepsie in association with Walkway Over the Hudson. The Greater Walkway Region includes branding, logos, and a series of signs to deliver Walkway's 500,000 annual visitors to soon-to-be-designated Discovery Zones: Historic Highland Hamlet, Highland Landing, Franny Reese State Park, and Berean Park/Illinois Mountain.

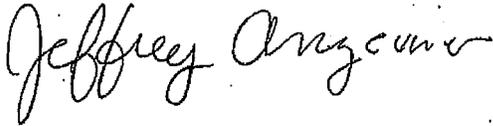
New Walkway Gateway zoning has greatly increased the capacity for new commercial residential and light industrial development along a ½-mile stretch of Route 9W that is served with water and sewer and is adjacent to the struggling hamlet. These are Smart Growth solutions that outline a long-term vision for balanced economic growth and conservation and position the Town well as it competes for future growth.

We ask the town to reconsider some of the plan's policies that are contradictory to the goals of Smart Growth, particularly those that decentralize development by extending water and sewer infrastructure, allow PRDs in rural areas, and increase density in agricultural areas. We suggest that the town to revisit certain parts of the plan so that it provides a framework for growth and a vision for the future that builds upon recent successes. As written, these policies open the door to increased development in the wrong places—places that are likely to compete with and stifle development in the Town Center and hamlet, which the plan presents as the priority for development.

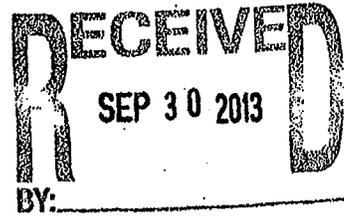
As we look ahead five or ten years will we see Lloyd become a town that has created a consensus vision for itself, managed its growth, and directed it to the places that fiscally make the most sense? Will the hamlet and Town Center become the heartbeat of the community? Will we see the green infrastructure network of parks and trails blossom and continue to attract visitors to support the local economy?

Scenic Hudson's successful collaborations with the Town have all been with that outcome in mind. We hope we will continue to be able to work closely with the Town to build upon our past success and make this Smart Growth vision a reality.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey Anzevino".

Jeffrey Anzevino, AICP
Director of Land Use Advocacy



Gerri Ritchie
440 N Riverside Rd
Highland, NY 12528

Hon. Paul Hansut, Supervisor
And Members of the Town Board
Town of Lloyd
12 Church Street
Highland, NY 12528

Dear Mr. Hansut and Members of the Town Board:

I am writing as a 28 year resident of Highland in regards to the revised Town of Lloyd Comprehensive Plan. Although I recognize and appreciate the hard work and many hours that went into drafting the plan, I have deep concerns about some obvious flaws found in parts of the draft.

Let me begin by saying that there are many positive aspects of the plan i.e., recognizing the importance of developing the Town Center and hamlet to bring business into the area; the need to protect the rural character and natural resources of the town; ideas to reduce traffic congestion; recommendation for the protection of open spaces. However, there are proposed policies in the draft that are contradictory to some of its stated goals.

97 While there are no specifics mentioned about how to develop the Town Center and hamlet, the plan discusses expanding water lines throughout the town. Such expansions would detract from the focus of developing the Town Center and hamlet, while creating sprawl. This would be a costly endeavor at the expense of the taxpayers and a loss to the rural aesthetics of the town.

98 The proposed zoning amendments in the plan allow developers too much latitude and give the Town Board the discretion and liberty to override zoning laws to suit developers' proposals. A plan worth writing should be followed and should not allow deviation based on developers' plans and the opinions of members of the Board.

Focusing on the development of the Town Center and hamlet creates density where it is desirable and makes fiscal sense. Increasing the density in outlying areas is contrary to

99 [maintaining the rural character of the town, creates a need for costly infrastructure, and adds to sprawl. [Changing two acre residential zoning to one acre zoning in agricultural districts would create density in parts of the town that should remain more open for reasons as aforementioned.]

In conclusion, I ask you to reconsider the revised Comprehension Plan's policies that are in opposition to its stated goals and facilitate changes where needed. I love my home, town, and community and only want what's best for all its members, including myself.

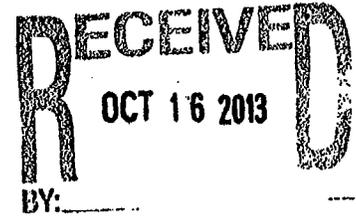
Thank you for taking the time to read my letter, and thank you for working on behalf of the community.

Sincerely,

Geri Ritchie

Geri Ritchie

Supervisor Paul Hansut and members of the
Town of Lloyd Town Board
12 Church St.
Highland, NY 12528
10/13/2013



Dear Supervisor Hansut and Town of Lloyd Board members,

I am writing in response to the Town of Lloyd Comprehensive Plan Update.

When the concept of Smart Growth first made its popular debut more than fifteen years ago, it was already being discussed by small groups of people in co-housing communities. The notion of protecting open spaces, allowing for economic development, preventing suburban sprawl and providing for alternate methods of transportation (including the use of self propelled methods like cycling and the use of ones' feet! It was a win win situation with everyone benefitting.

But, it seems as if the recent Town of Lloyd update is not quite what the early Smart Growth folks had in mind. This update appears to be looking out for the developers interests instead of the best interest of the taxpayers. Developers will bulldoze the forests, eradicate wildlife corridors and run amok over that which is Lloyd's best aspect; the charm and rural character of the town.

The plan and its update seem to have ignored the wants and needs of the population of Lloyd. Neither do they appear to be concerned with the environment which is being laid to waste to accommodate the building of superfluous housing.

There are already hundreds of homes on the market in Lloyd and another development is about to be built. Nobody seems to be buying houses these days, and nobody wants one hundred plus new homes in Lloyd. If by chance, they should be sold, nobody wants the cars or the new school or the taxes inherent therein.. Why is Lloyd allowing more houses to be built on beautiful land that will certainly become a cemetery for "Little boxes on a hillside";? Nobody wants more pollution or traffic gridlock. Nobody wants more flooding

The Gateway area might be able to protect the Town from unsightly strip malls up and down 9W and 299. Who will protect the land? It may sound cliché but as Will Rogers said, "they ain't making any more of it". We all know that clustering homes is supposed to protect land. The concept, however is falling into disfavor. Maybe we should be encouraging land owners to leave a real legacy for future generations by establishing land trusts. That way, everybody wins.

When the Plan is "re-updated", we all hope that Lloyd's best feature, its charm and rural character, will be preserved to the benefit of all.

Mary Genne' Phillips
Sunnybrook.

David Barton

From: Peter Brooks [psbrealestate@msn.com]
Sent: Saturday, August 24, 2013 4:15 PM
To: Brad Scott
Cc: Scott Saso; David Barton
Subject: Comprehensive Plan - Linkages
Attachments: Comprehensive Plan - Goal 9 - Linkages.docx

I'll be away next week, but wanted to send you a draft of what I had in mind about the linkages between the Town and other entities. The attached is a draft of the goal and the Implementation Plan for the goal, in skeletal form. If it seems like the germ of a good idea, let me know (along with any suggestions for improvement) and I'll try to flesh it out when I return. If not, let me know and I'll stop thinking about it! By the way, one of the suggestions I submitted previously was to number each goal and refer to it by its number in subsequent references (Chapter 3 deals with Goal 1, for example) to make things easier for the uninitiated reader to follow. Therefore I refer to this as Goal 9 because by my count there are currently 8 goals.

Thanks,
Peter

Peter S. Brooks
20 Bellevue Road
Highland, NY 12528
Home: (845) 691-9316
Cell: (914) 523-5107
psbrealestate@msn.com

Goal 9: Linkages

Consider the impact of Town plans and actions on other entities, both governmental and non-governmental, and be aware of the plans and actions of those other entities

The Town of Lloyd does not exist in a vacuum. Adjoining towns, Ulster County, regional organizations, and State and Federal entities may take actions which impact our Town and vice versa. The linkages between the Town of Lloyd and these other entities may be physical, such as roadways, rail trails, and water and sewer lines, or they may be conceptual such as the Ulster County Greenway Compact or the publicity campaign surrounding the Walkway over the Hudson.

1.4 Implementation Plan

Community Goal

Chapter 12 (or, logically, Chapter 11 and re-name existing Chapter 11 as Chapter 12 because Chapters 3 – 10 cover each of the existing 8 Goals)

Linkages

Consider the impact of Town plans on other entities and be aware of the plans of those other entities

Objectives

12.1

Be aware of Town plans and actions which have potential impact on other entities

Actions

12.1.1

Maintain an inventory of Town plans and actions which have potential impact on other entities, such as planned extension of a water line to the border of an adjacent Town.

Communicate on a regular basis with those entities that may be impacted, providing updates on Town plans and ascertaining the intentions of those entities.

12.2

Be aware of the plans and actions of other entities which may have an impact on the Town of Lloyd.

12.2.1

Maintain an inventory of known entities and relevant plans or actions they have taken or may take that may impact the Town of Lloyd. These might currently include Ulster County plans such as the Long Range Transportation Plan, the "Ulster Tomorrow" document, the Priority Strategies to Support Housing Development in Ulster County, the Ulster County Open Space Plan and the upcoming Ulster County Greenway Compact. Similarly New York State and federal programs should be inventoried and updated as relevant.

Non-governmental agencies such as Patterns for Progress, Scenic Hudson, and the Walkway over the Hudson foundation should also be monitored for programs which may impact the Town of Lloyd.

{I believe that there are several examples of these kinds of linkages scattered throughout the current draft of the Comprehensive plan – in some cases they should probably stay where they are, but in some cases it may make sense to move them to this chapter. I haven't made a list of them all yet.}



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** ALSO ADMITTED IN CT

*** ALSO ADMITTED IN NJ

October 16, 2013

Town of Lloyd Town Board
12 Church Street
Highland, NY 12528

Re: 2013 Comprehensive Plan Amendments

Dear Honorable Town Board Members:

I write on behalf of Hudson Valley Wine Village, Inc., a taxpayer and property owner of the Town of Lloyd. Hudson Valley Wine Village, Inc. (HVWV) has reviewed the draft amendments to the Town of Lloyd Comprehensive Plan as well as certain comments that have been made and it wishes to put its comments on the comprehensive plan amendments in the public record.

At the outset, HVWV thanks the Town Board, on behalf of all of the taxpayers of the Town of Lloyd, for recognizing that the economic climate of the Town of Lloyd, the County of Ulster, the State of New York, the United States and indeed the world has changed since the prior Comprehensive Plan was adopted in 2005 and that these economic changes require the Town of Lloyd to take action now. Since 2008, revenues to the town from sales tax, mortgage tax and state aid have declined while the town's expenses continue to increase. In 2011, the NYS Legislature imposed property tax caps on municipalities in New York State. Reductions in revenues have required the Town Board to reduce services to keep its budget under the property tax cap. In order to provide needed services to the taxpayers of the Town of Lloyd, new jobs and businesses must be enticed into the Town of Lloyd and a business friendly environment must be sustained to keep the existing jobs.

Chairman Brad Scott and the members of the Comprehensive Plan Review Committee should be commended for committing their valuable time, expertise and effort to draft the proposed amendments to the Comprehensive Plan which will foster economic diversity in the Town of Lloyd. Chairman Scott and the Comprehensive Plan Review Committee acknowledged the economic challenges for the Town and proposed needed measures to achieve those ends.

Deficiencies in the 2005 Comprehensive Plan

The 2005 Comprehensive Plan focused on halting the scourge of uncontrolled sprawl but was greatly lacking with respect to the creation of a diverse economic future for the Town of Lloyd. The 2005 Comprehensive Plan focused on measures to halt unwanted forms of residential development

but provided very limited options for business and industry in the Town. Great emphasis was put on revitalizing the Hamlet as the economic driving engine for the Town, however this reliance seems to be pie in the sky.

In 2011, the Town of Lloyd presented the Highland Hamlet Development Analysis and Action Plan for the Town of Lloyd. This study identifies 10 vacant or underutilized properties within the Hamlet that have a combined total of 22,861 square feet of commercial space with the largest building having 6,258 square feet. These properties are only suitable for small retail or service businesses. No sites for potential new construction and development are noted.

What becomes apparent from the Highland Hamlet Development Analysis and Action Plan is that the Hamlet is essentially built out. Because of the costs associated with environmental review, site plan approval and subdivision approval, major changes to small properties like those noted in the Hamlet study are unlikely to take place. The razing of existing buildings and construction of new ones are unlikely as they are not economically feasible.

It should also be noted that the Hamlet is composed of small parcels that are in separate ownership. Major development of small parcels in separate ownership is unlikely unless there is an urban renewal project or some other coordinated development proposal. Because of political concerns and the costs of eminent domain proceedings, a government funded urban renewal project is not feasible and there is little economic incentive for a private developer to acquire parcels for a large scale project. To limit future development to the Hamlet is to maintain the status quo and prevent real future development for the Town of Lloyd that would provide needed economic diversity.

Development along Routes 9W and 299

The 2005 Comprehensive Plan was virtually silent about the development of Routes 9W and 299, two vitally important transportation corridors in the Town which have much existing development as well as additional development potential. Opponents of commercial development in the Town of Lloyd cited the 2005 Comprehensive Plan as standing for the proposition that any new development could only take place in the Hamlet, this position was belied by the zoning map which allows for commercial development outside of the Hamlet along Routes 9W and 299.

The Comprehensive Plan Committee recognized that limiting growth to the Hamlet is folly and it acknowledged in Section 4.3 and in Section 9.1 as well as other sections that compact development in accordance with smart growth principles in areas along Route 9W and Route 299 should be encouraged. Bringing municipal water and sewer to the developed and developing areas along Routes 9W and Route 299 will help create economic diversity along those transportation corridors and will allow the Town to effectively leverage the substantial capital investments that have been made in the existing water and sewer plants. The Ulster County Planning Board advises that rezoning along Route 9W should be limited to large parcel activity centers.

Hudson Valley Wine Village Project Is an Activity Center

The County Planning Board supports the extension of the water main along the Route 9W and 299 corridors but indicates that these extensions should be “tempered with language that indicates these extensions will be used to foster growth in specific areas (activity centers) and not along the corridor as a whole.” The Hudson Valley Wine Village project is an integrated, compact development designed in accordance with smart growth principles. The project is located on a large, 300 acre parcel between the Route 9W corridor and the Hudson River Bluff. Virtually all of the developed areas will be screened from Route 9W and the Hudson River. The integrated development will provide a place for new residents to live, work and play. The development will have convenient access to Route 9W and will create a vital activity center that will be self-sustaining but will also create demand for businesses in the existing developed areas in the Town of Lloyd. The development provides a mixture of industrial uses to provide jobs, a hotel and conference center to draw visitors and residential uses to provide a conveniently located place for the new residents to live. This development is consistent with the “activity center” that is described by the County Planning Board.

Expansion of Water & Sewer Service

As noted at the outset of Chapter 9 of the 2013 Comprehensive Plan Amendments, the Town of Lloyd has treatment capacity for 4 million gallons of water per day but only uses approximately 600,000 gallons per day of it. It is demonstrably plain that the 3.4 million gallons per day of excess capacity can be used to supply other water users without impact on the existing users of the system. The concern of the County Planning Board with respect to water capacity seems misplaced and additional study is not warranted. In point of fact, expansion of the number of users in the Highland Water District will expand the rate base which can ultimately reduce the costs to the existing users.

The stated legislative intent found in N.Y. Town Law § 272-a(1)(g) states that a comprehensive plan should foster cooperation among governmental agencies to implement capital projects that affect the municipality. The 2013 Amendments foster cooperation between the Towns of Lloyd and Marlborough and County of Ulster to bring about an interconnection for water between the Towns. This laudable goal is supported by the County Planning Board. The expansion of the water main along Route 9W allows the Town of Lloyd to realize infrastructure improvements that were previously made.

The water supply for the Highland Water District and the sewer plant for the Highland Sewer District were designed with surplus capacity for future users. It makes little sense to adopt a Comprehensive Plan which restricts the ability of the Town of Lloyd to utilize the excess capacities that were bought and paid for with taxpayer funds. The Water and Sewer districts currently serve the Hamlet and any expansion will necessarily occur outside the Hamlet. As noted above, the Hamlet is essentially built out and there is little potential for additional water and sewer usage.

Section 9.1.1 of the 2013 Comprehensive Plan Amendments sets forth a realistic goal for the extension of Water & Sewer service by promoting public/private partnerships to enhance the infrastructure of the Town. In these times of tight municipal budgets, the extension of municipal water and sewer systems have to be borne by property owners seeking to develop their property

with help from government grant or loan opportunities. It has been the practice in the Town of Lloyd to require a petitioner seeking to extend the water or sewer district to bear the costs of the extension, which would include any new mains, pumps or other facilities. This practice is continued in the 2013 Comprehensive Plan. Public/private partnerships are needed because property owners have difficulty obtaining loans to finance the substantial costs of infrastructure which must be installed at the beginning of the project long before any return on the investment can be realized. Municipal backing can be used to obtain matching grants and low interest development loans to finance infrastructure improvements that benefit the property owner as well as other properties in the area. Public/private partnerships can achieve the goal of expanding the water & sewer districts at no cost to the existing users. The expansion of the water & sewer systems would thus allow additional users to connect to the system at a lower cost.

School Age Children Projections Not Consistent with other Sources

Recent demographic studies show that the population of Ulster County is aging rapidly and new births are sharply declining. According to the New York State Department of Health, live births to mothers residing in Ulster County declined from 1,922 in 1997 to 1,666 in 2011, a decline of 13.3%, the decline in the Town of Lloyd has been less steep. The 2013 Comprehensive Plan Amendments do not appear to acknowledge this trend.

The proposed Comprehensive Plan Amendments make some demographic projections regarding school age children, which are contradicted by other studies, and it also makes a generalized statement regarding increases in school taxes that is not supported by the data. At page 17 of the proposed Amendments to the Comprehensive Plan the following statement is made:

Much discussion has taken place concerning school tax increases due to increased population. Part of the long-term vision for the Town of Lloyd must focus on this issue since the town population, as noted earlier is projected to increase to just over 12,000 by the year 2020. If the projection is correct this figure will include an increase of about 200 school age children in the town.

The increases in school taxes are not a result of an increase in school age population; it is a result in an increase of spending per pupil. Below is a chart generated from the data of the Cornell Program on Applied Demographics based on information from the New York State Education Department. The NYSED also funded the work of the Cornell PAD. The chart shows that between 1993 and 2011, total enrollment in the Highland Central School District increased from 1813 students to 1849 students (an increase of 36 students or 1.99%). Over that time period, expenditures per pupil increased 131% and local revenue from property taxes and other sources increased 140%. Since 2005 enrollment has been decreasing yet school property taxes have continued to increase and there is an overall increase in per pupil spending.

HIGHLAND CSD

	Total enrollment	Expenditure per Pupil	Local Revenue	State Aid	School Tax Relief (STAR)	Total Expenditure
1993	1813	\$ 8,566.89	\$ 9,167,663.00	\$ 5,240,750.00		\$ 14,957,797.00
1994	1800	\$ 8,741.79	\$ 10,293,746.00	\$ 5,591,007.00	\$ -	\$ 15,298,139.00
1995	1837	\$ 8,987.00	\$ 10,132,887.00	\$ 5,534,995.00	\$ -	\$ 16,051,329.00
1996	1834	\$ 9,289.35	\$ 10,819,268.00	\$ 5,812,124.00	\$ -	\$ 16,665,097.00
1997	1847	\$ 9,912.96	\$ 11,156,970.00	\$ 6,427,413.00		\$ 17,714,457.00
1998	1819	\$ 10,326.48	\$ 10,926,354.00	\$ 6,953,361.00	\$ 519,721.00	\$ 18,422,445.00
1999	1869	\$ 10,658.00	\$ 10,917,966.00	\$ 7,223,831.00	\$ 977,340.00	\$ 19,322,461.00
2000	1883	\$ 11,724.00	\$ 11,986,624.00	\$ 8,355,775.00	\$ 1,492,806.00	\$ 21,572,457.00
2001	1903	\$ 13,893.00	\$ 12,512,010.00	\$ 10,046,060.00	\$ 2,110,853.00	\$ 25,132,053.00
2002	1912	\$ 13,540.00	\$ 13,073,557.00	\$ 9,905,988.00	\$ 2,144,832.00	\$ 26,254,998.00
2003	1891	\$ 13,682.00	\$ 13,831,428.00	\$ 9,850,205.00	\$ 2,212,099.00	\$ 26,569,587.00
2004	1913	\$ 14,529.00	\$ 15,181,696.00	\$ 10,719,568.00	\$ 2,247,855.00	\$ 28,171,610.00
2005	1943	\$ 15,498.00	\$ 16,381,502.00	\$ 11,241,937.00	\$ 2,308,867.00	\$ 30,361,170.00
2006	1935	\$ 16,690.00	\$ 17,026,073.00	\$ 11,442,930.00	\$ 2,355,199.00	\$ 31,811,329.00
2007	1926	\$ 18,398.00	\$ 17,329,654.00	\$ 12,845,541.00	\$ 2,266,229.00	\$ 32,895,301.00
2008	1907	\$ 17,840.00	\$ 17,897,249.00	\$ 12,765,116.00	\$ 2,115,186.00	\$ 34,288,858.00
2009	1929	\$ 17,557.00	\$ 19,364,082.00	\$ 11,053,053.00	\$ 1,993,095.00	\$ 33,972,525.00
2010	1852	\$ 19,486.00	\$ 20,520,438.00	\$ 11,373,284.00	\$ 2,264,833.00	\$ 36,146,213.00
2011	1849	\$ 19,791.00	\$ 22,023,523.00	\$ 10,953,575.00	\$ 2,343,144.00	\$ 37,088,454.00

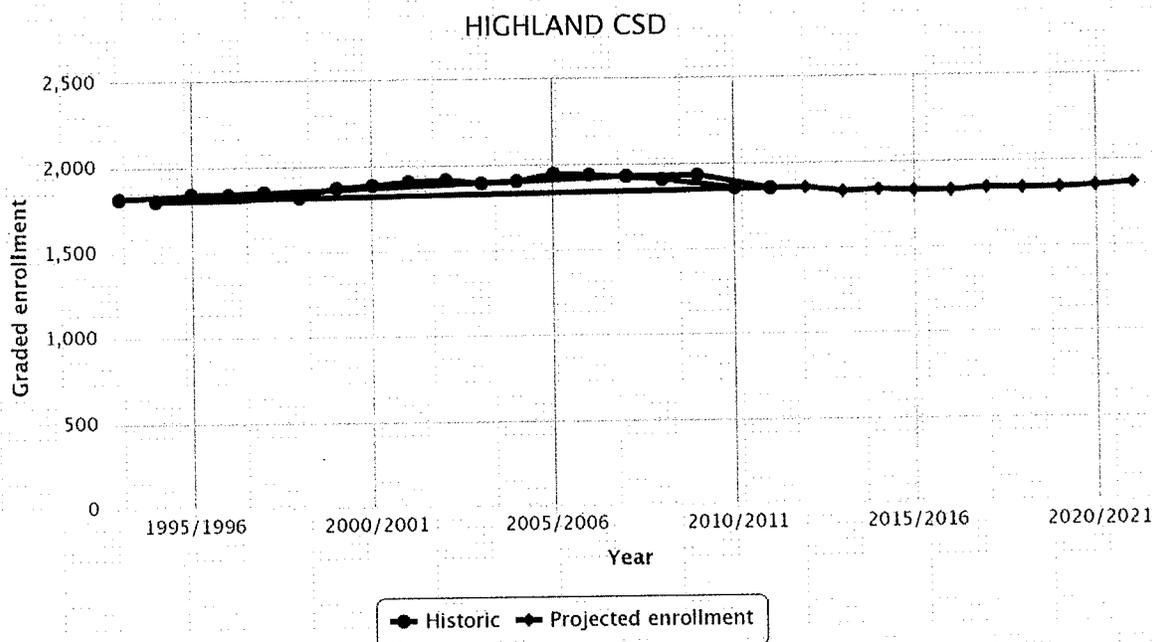
Data generated on Oct 16, 2013

Data generated from pad.human.cornell.edu/trends1.cfm

Cornell Program on Applied Demographics

The increases in the Highland Central School District spending is not driven by an increase in pupils, but rather is caused by increases in salaries, benefits, health costs and retirement costs.

The Cornell Program on Applied Demographics projects the school enrollment in the Highland Central School District in 2020 to be 1846 pupils, which is essentially unchanged. The 2013 Comprehensive Plan projects an enrollment increase of 200 students which is substantially different from the Cornell PAD projection and should be investigated further. A chart of the CPAD enrollment projection for the Highland Central School District is shown below.



Diverse Economic Development Is Needed to Attract Young Families

As a result of the Great Recession, the threat of uncontrolled sprawl has passed and the need for a sustainable diverse economy has grown. In a recent report entitled *The Empty Classroom Syndrome*, Hudson Valley Patterns for Progress predicts enrollment declines for all school districts in Ulster County based on the live birth data and other statistical indicators. The statistical data for the report is from the Cornell Program on Applied Demographics. The Empty Classroom Syndrome cites the lack of jobs as factor in declining student enrollment. Because of its business friendly economic climate, the Town of Lloyd has fared much better than other municipalities in Ulster County. Making the Town of Lloyd even more business friendly, will insure that robust growth will occur in the Town to enhance the tax base and attract more jobs.

The Empty Classroom Syndrome cites the following reasons for the decline in student enrollment in the Hudson Valley:

- *Babies: there are fewer of them. The number of babies born in our counties each year has been flat or declining. From 2001-2011, the number of babies born in the Hudson Valley dropped by 11%, or about 1% each year.*
- *Continuing unemployment and a sparse influx of new jobs, is impacting family size; so is the cost of housing. To some extent, young couples are weighing whether they can afford to support more than one or two children.*
- *Families with children are not moving to the Hudson Valley from urban areas at the rate they once did. Taxes and the high cost of living in New York State are two reasons for this. The population spike of those fleeing New York City post 9/11 is over.*

- *Growth in the region and the state has slowed. Orange County, once among the fastest growing counties in New York State, slowed to an annual growth rate of less than 1% in the 2012 census figures. Only two counties in the state showed a growth of more than 1%; none grew more than 2%.*
- *School age populations are among the fastest shrinking. In the region, the fastest growing age brackets by far are those 65 and older, often growing at 10-times the rate of the 0-19 year old set.*

These factors affect the Town and the County not just the school districts. These factors highlight the need to create a diverse local economy to provide needed jobs and to lower the property tax burden for residents. It is submitted that the proposed amendments to the Comprehensive Plan will take the initial steps to achieving those goals.

Attracting and maintaining well-paying jobs is a key to maintaining the economic vitality of the Town of Lloyd, Ulster County and the Hudson Valley Region. The study, *Ulster Tomorrow, A Sustainable Economic Development Plan for Ulster County*, prepared by the Ulster County Development Corporation, the Ulster County Industrial Development Agency and the Ulster County Department of Planning also recognizes the importance of creating new high value jobs. The geographic location of the Town of Lloyd at the west side of the Mid-Hudson Bridge with access to important transportation corridors such as Route 9W and Route 299, as well as convenient access to Metro-North at Poughkeepsie gives the Town an important edge. The Town of Lloyd should be proud of its partnership with Ulster County's economic development agencies and it should continue to foster those relationships.

A Diverse Economy Benefits Agriculture

Agriculture is an important part of the economy in the Town of Lloyd and economic diversity is a benefit to agriculture rather a destructive factor. Because of the seasonal nature of farming and the rising costs of operation, farm families must obtain employment off the farm to meet expenses. According to the US Department of Agriculture 2007 agricultural census, there were 501 farms in Ulster County. Only 286 farmers listed farming as their primary occupation and 190 farmers worked off the farm for more than 200 days annually. Maintaining economic diversity in the Town of Lloyd is important to provide the additional revenue necessary to sustain the existing farms.

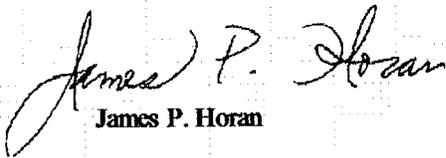
In addition to providing needed jobs for farmers, added tax revenues will lower the property tax burden. The Ulster County Agricultural and Farmland Protection Plan notes: "Farmers in Ulster County have unequivocally stated that property, school and estate tax relief is needed to ensure viability." The intent of the 2013 Comprehensive Plan Amendments are to create more economic development opportunities in the Town of Lloyd which will expand the assessable tax base, which in turn should provide relief to all of the taxpayers of the Town including its farmers.

Conclusion

In this competitive global economy, the Town of Lloyd needs to take proactive steps to position itself for future economic growth. The location of the Town of Lloyd gives access to the New York City and a good transportation network. Developing a business climate in the Town of Lloyd that is responsive to the needs of key industries will allow the Town to attract meaningful jobs which will provide the residents with a high quality of life. It is submitted that the proposed amendments to the comprehensive plan will capitalize on the Town's natural strengths and provide new opportunities for the future of the Town.

Very Truly Yours,

STENGER, ROBERTS, DAVIS & DIAMOND, LLP



James P. Horan

JPH/so

cc: David Barton, III
Sean Murphy, Esq.
Terresa Bakner, Esq.

RECEIVED
OCT 03 2013



REFERRAL RESPONSE

ULSTER COUNTY PLANNING BOARD
General Municipal Law of New York State
Article 12B
Sections 239-1 and 239-m

Referral Number **2013144**

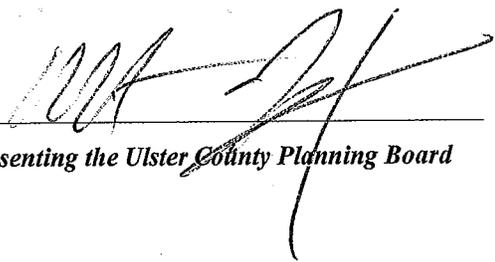
Municipality Lloyd
Referring Agency Local Governing Body
Type of Referral Comprehensive Plan

Name of Applicant Town Of Lloyd
Name of Project Comprehensive Plan
Project Location
Description Updated Comprehensive Plan

Local File Number

UCPB Decision **Required Modifications**

See Attachments

Referral Officer: 
Representing the Ulster County Planning Board

Date Received 8/19/2013
Date Reviewed 9/4/2013
Form Date 9/6/2013
Status Reviewed

Ulster County Planning Board



Dennis Doyle, Director

Paul Hansut, Supervisor
Town of Lloyd
12 Church Street
Highland, N.Y. 12528

RECOMMENDATION

REFERRAL NO: 2013-144
DATE REVIEWED: 09/04/13

Re: Town of Lloyd – Comprehensive Plan

Summary

This is a proposal to update the Town of Lloyd's Comprehensive Plan.

The following materials were received for review:
Draft Comprehensive Plan
Full EAF

Discussion

The original framers of the legislation that enabled zoning laws saw the need to remove the planning process from the immediate political considerations and allow for more objective analysis of community growth and need. Born from that concern was the requirement that zoning be "in accordance with a comprehensive plan." "The Comprehensive Plan was envisioned as a means to connect the circumstances and the locality to the zoning law. It was, and is, insurance that the law bears a reasonable relationship between the end sought to be achieved by the regulation and the means used to achieve that end."

Over the intervening years comprehensive plans have created visions, set goals and provided strategies to meet those goals. They have allowed communities to establish a course for change or embody existing land use patterns and values into the future. With an ever increasing amount of knowledge, technology, and outside regulatory influences they were, for a time, wonderfully detailed two dimensional graphic representations of a community's future, both in terms of where it wanted to grow and what that growth should accomplish and look like, as well as what should be preserved and how to preserve it.

Unfortunately, it seems that the more we understand the less we are inclined to utilize to "connect the circumstances and the locality to the zoning law." The result has been a gradual move away from mapping and graphics that clearly illustrate where and how to apply the circumstances toward a reliance on simple recommendations, goal statements, criteria or calls for additional studies. Unless highly engaged, this leaves the public wondering what the plan means for the community as a whole or for them individually.

Unfortunately, this plan follows that pattern with an absence of maps and other graphics that would provide a clear representation where and what land use pattern is envisioned. The Plan also seems to use well documented planning principles out of context with a close reading of what is proposed. As a result the plan goals include "smart growth"; "avoid strip commercial development"; "maintain agriculture.... that contributes to community character"; and bring "life and commerce back to the traditional town center." Yet, recommendations included in it allow for:

- the ability on a case by case basis to rezone anywhere in the town for higher densities rather than identify these areas in the plan or place overlay zones on a zoning map that says this is where the town wants to grow,
- the rezoning of over 1.5 miles of NYS Rt. 9W for commercial use, and
- reducing needed acreage for residential development in agricultural areas from 2 acres to 1.

These recommendations belittle the goals of smart growth, agricultural preservation, and town center focus, leaving the plan at odds with itself. That said, even with these missteps, much of the plan comes away with a positive grade. The transportation and natural, cultural and historical resource sections are on point and the water, sewer, and drainage section lay out an investment strategy to support land use although it lacks specifics.

Overall the Town has accomplished much in the past decade, including its most recent planning and subsequent rezoning for the Rt.9W Highland hamlet area, its rail trail work and its progressive approach to transportation and water and waste water infrastructure. The Town's planning ability and its capital project implementation is sophisticated and responsive. Accordingly, the community would be well served by a comprehensive plan that mirrors this ability.

Our recommendations support the overall plan policies while calling out language that suggests a less than forthright approach to the community's future. In this we have been guided by the need to "connect the circumstances and the locality to the zoning law."

Land Use Goals

Rt 9W Rezoning:

The proposed plan speaks to avoiding strip-commercial development through the use of the Town's design guidelines and smart growth principles, yet also calls for the rezoning of a portion of Route 9W, south of Macks Lane to the Town of Marlborough line to General Business (GB). No amount of design guidelines will rescue this 1.5 miles of commercial zoning from being strip commercial and there will be real consequences for the transportation system as well as for existing commercial activity centers.

Where to Grow:

The plan would allow the town board, on a case by case basis, to decide where rezonings that would alter underlying uses and/or allow for increased densities could occur. This is the antithesis of comprehensive planning and smart growth. The Town should take the time to think critically about precisely where and how they desire to grow, recognizing that plans can be revisited and amended under changed circumstances, but should not at the outset be guided by project proposals.

Agricultural Areas:

Section 3.0 also calls for the zoning of agricultural zoning district lands to reduce density requirements from 2 acres to a single acre. This affects major areas of the town yet no explanation or purpose is provided within the plan. Nowhere in the plan's goals can we find support for this recommendation and indeed nearly all of the land use goals would suggest just the opposite is needed.

Density Transfers:

This section supports the use of transfer of development rights, but does not designate or recommend a specific area where the appropriate receiving districts are to be located. Instead it relies on a set of criteria, one of which is consistency with the comprehensive plan. Since the plan lacks a sense of where it wants to grow, and indeed would allow the Town Board to make this decision on a case by case basis, it is unclear how such receiving districts or parcels will be consistent with the comprehensive plan or perhaps better said it seems that anywhere decided by the town board would be consistent.

Community Facilities:

The UCPB also notes that there is little to no mention of community facilities and where they fit in the long term. The Town is missing an opportunity to plan for these needs and should be considering a policy that retains these facilities within the Town Center.

Required Modification – Rt. 9W Corridor

Rather than rezone the Rt. 9W corridor as proposed, the Plan should target growth to specific activity centers along the corridor and then make these areas the focus of zoning and infrastructure investments while recognizing that the areas between these centers of activities should remain as low density areas.

The language in the Plan should identify large properties capable of development away from the corridor with access to it, rather than along it. They should not be associated with farmland or other sensitive areas, including but not limited to, viewsheds; and should build upon areas already connected to or within the existing water and sewer district in order to consolidate development as consistent with the New York State Smart Growth Public Infrastructure Policy Act (ECL Art. 6).

These areas should be considered for rezoning so as to create complete communities that include a place to live, work and play. Strip commercial zoning and land use along the corridor should be discouraged.

Required Modification – Agricultural Zoning

Agricultural zoning district parcels should remain at 2 acres and the Town should consider larger minimum lot sizes for critical core farm areas. These should be designated in the Plan, considering farms in state certified agricultural districts as a starting point. For the critical areas, the use of conservation subdivision practices should be mandatory. The UCPB would suggest 3-5 acre zoning for these core areas leaving the remainder of the agricultural zones 2 acres.

Required Modification – Transfer of Development Rights

Rather than simply applying criteria to establish acceptable receiving districts or parcels for transfer of development areas, the Town should use the criteria in conjunction with specifically targeted areas with infrastructure available to support increased densities. Most important is to insure that the plan clearly indicates that these decisions are not on a case-by-case basis with the town board as sole determinant.

Housing

Housing has been placed within the Land Use section of the Comprehensive Plan. As one of the key factors within a Comprehensive Plan, housing merits its own chapter alongside Transportation, Economic Development and Natural Resources.

Chapter Two indicates that "It is anticipated that the demand for a wide range of housing, especially affordable units, will increase dramatically in Lloyd over the next two decades." The UCPB agrees that more affordable housing is needed, per the Three-County Housing Needs Assessment that includes figures that show how the Town is meeting its demand for affordable housing and how demand will grow through 2020.

That said, population projections from a variety of sources for Ulster County do not support the statement that the demand for housing will increase dramatically over the next two decades. The Town's Plans own projections show a similar rate of growth in housing needs, as the town has already previously experienced these last two decades. It would be better for the Plan to look at historical building permit data and use them to characterize growth rather than toss around words like "significant increase." It would also help if the plan began to anticipate change in market demands that suggests that housing in central places along with attached units and rental housing will be more in demand than single family units in rural areas.

Regarding affordable housing, the plan calls for allowing the Planning Board to waive the "affordable housing requirements for projects where an affordable housing component would not be in the town's best interest." This language is in real conflict with the Plan language that speaks to need and federal law that requires communities to take affirmative action to meet their portion of the regional housing needs.

Required Modification

The language in the Plan regarding affordable housing waivers should be dropped in favor of language that states that the goal of the community is to meet its affordable housing needs by integrating affordable housing with other market rate units as part of approving projects. Only where projects are of such scale that such integration would be burdensome may waivers of this provision be considered and such waivers should require payments to be held in escrow to assist in development of affordable units where appropriate.

Advisory Comment

Housing should be moved from the Land Use section to a section of its own.

Advisory Comment

The Town should consider revising its statement regarding dramatic demand for housing and should consider additional data, such as that available from building permits, or the Cornell Institute for Economic Research.

Advisory Comment

The Three-County Housing Needs Assessment should be included in a discussion of the Town's existing conditions with respect to meeting the demand for affordable housing and helping the Town to establish a means of meeting its share of affordable housing in the future.

Economic Development

The document discusses means and ways of creating economic development opportunities, but does not take advantage of programs available at the County level to

help these efforts. For example, the County offers both the Ready2Go and the Shovel Ready programs, which merit inclusion in this plan. In addition, part of the economic development process is to streamline approvals and the Plan could make clear recommendations to provide for more as of right uses in the zoning statute, to waive site plan review for reuse of certain existing buildings, and to create its own Ready2Go Program at the local level.

The UCPB also notes that the community already has a tool in its zoning statute that could be better utilized, and that is the robust sketch plan review section found within the Traditional Neighborhood zoning district language. If utilized for other types of planning board reviews, it could help to streamline the development review process as a whole. This is likely to become even more important with the advent of the new SEQRA forms. The County programs are explained below:

Shovel Ready Program

Ulster County assists applicants and municipalities to extend water, sewer and transportation infrastructure programs through its unique Shovel Ready Bonding Program. The program provides up to 50% of the costs of a feasibility study up to \$10,000, and up to 25% of the funding for the implementation of a project up to \$500,000 per project. Ulster County just recently released its Shovel Ready Strategic Plan, which is available on the County website for download.

Ready2Go

Ulster County assists applicants to obtain site plan approval on their projects. The Ready2Go program matches 50% with private property owner funding, the other 50% to hire a set of engineering and legal consultants to pursue site plan approvals on the relevant property. The Ready2Go program takes a mortgage on the property for the Ready2Go portion of the funding (50%), which will be reimbursed at the time the property is either developed or sold. Thus, the Ready2Go program funding is revolving and self-replenishing.

Advisory Comment

The economic development section calls for coordination with the County's Office of Business Services and to take advantage of the programs available at the county level that can streamline and reduce the costs of the development review process. The Plan should recommend the use of sketch plan review, such as that outlined in the Town's TND section, for all development activities.

Water Sewer and Drainage

The importance of water and sewer infrastructure and the need to ensure that these are adequately maintained and can support the land use goals of the town is critical. The Plan takes this on with the creation of a water, sewer and drainage committee and calls for continued maintenance. In addition, the Plan calls for the expansion of water and sewer to areas close to the town center, as well as along Rt. 9W, Rt. 299, North Road and where public health is a concern. Clearly, when looked at in the context of the town as a whole, the plan seems to simply indicate that the goal is to expand water and sewer along every major corridor in the town, without regard to capacity, zoning or other goals within the plan.

Advisory Comment

As we have indicated, water and sewer infrastructure is a major determinant of land use and environmental protection. Done correctly water and sewer can create compact development patterns that reinforce town centers, while at the same time provide key

areas of growth outside them that support community and regional goals. We strongly urge that this component be amended on several levels including:

- Recommendations to extend water and sewer along the corridors should be tempered with language that indicates these extensions will be used to foster growth in specific areas (activity centers) and not along the corridor as a whole.
- Any extension of this infrastructure should be conditioned on the capacity of the systems to serve the town center as a whole. The plan should call for a study of this capacity need, particularly in light of the recent rezoning that if implemented is likely to increase demand within the district.

The UCPB will not reject proposals to extend water along Rt.299 and Rt.9W corridors as these extensions can become part of an interconnected regional system. The UCPB does, however, reject the use of this infrastructure to encourage commercial development along the corridor as a whole, supporting the delineation of carefully considered activity centers, which can be supported not only by the water infrastructure, but also by the transportation infrastructure and environmental conditions. It should be noted that it is unlikely that the economic demand is such that it will support commercial growth in the Highland town center area of Rt. 9W as well as along the corridors. Allowing both will likely disrupt the success of the town center. Getting the mix right is likely to reinforce investment in the town center and allows for more significant projects to proceed that add to the community context adjacent to it.

Graphics and Mapping

The proposed plan is well organized and succinct in its layout and wording, but is lacking in its ability to relate the existing conditions, goals, and objectives in a visual way not only just at the community level itself, but how the Town of Lloyd relates to the rest of Ulster County and the region. This is particularly noteworthy considering the plan mentions and advocates the use of its existing town design guidelines, GIS capabilities, and other graphic design tools. Yet none of these features or abilities is on display within the draft plan, making it a less accessible document than it could be.

Advisory Comment

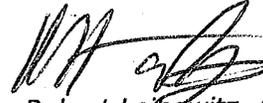
The Town should take advantage of this well thought out document to make it more easily accessible through the use of GIS mapping, charts, and tables to illustrate key points and to express existing conditions, as well as long term goals. An easy way to accomplish this would be to include the additional graphics within the plan while adding the maps as a separate map booklet and referencing them in the plan. Ulster County used this technique as part of its Open Space Plan. Mapping that should be considered is:

- Activity centers along major corridors and/or priority growth areas
- Key farming areas – agricultural districts, soils of statewide significance and from there the core farming regions that should be preserved
- Environmental Constraints mapping
- Current public facilities and location of any proposed facilities
- Recreation and trails maps showing important interconnections

2013-144 Town of Lloyd
Comprehensive Plan

- Any proposed local road additions or critical interconnections
- Regional map showing how Lloyd fits into the region

Reviewing Officer



Robert Lebowitz, AICP
Principal Planner

FINAL ACTION REPORT FORM



Per GML 239-m and -n FINAL ACTION REPORTS ARE REQUIRED TO BE SUBMITTED WITHIN THIRTY DAYS AFTER FILING

Complete the local agency final action box, add the local file number, include any required submittals, and sign the form

Name of Project: Comprehensive Plan
UCPB Decision: Required Modifications

Referral Number: 2013144

Local Agency Final Action:

Approve Disapprove

Member Vote: Yes: No:

- County Planning Board Decision - Reviewed no County Impact
- Concurs with County Planning Board Modifications or Disapproval
- Contrary to County Planning Board Modifications or Disapproval (see required submittals if checked)

- Required Submittals Attached
- Resolution Attached

Local Officer: _____

Date: _____

Required Submittals:

Within thirty days after final action, the referring body must file a report of the final action it has taken with the UCPB. A referring body that acts contrary to a recommendation of modifications or disapproval of a proposed action shall set forth the reasons for the contrary action in such report attached to this form.

Local File Number:

Municipality: Lloyd

Referring Agency: Local Governing Body

Type of Referral: Comprehensive Plan

Name of Applicant: Town Of Lloyd

Project Location:

Description: Updated Comprehensive Plan

~ For Ulster County Planning Board Use Only ~

Local Board Decision:

Original Date Received: 8/19/2013

Original Review Date: 9/4/2013

Final Action Date Received:

Status: Reviewed

Return Form to:

Referral Officer
Ulster County Planning Board
Box 1800 Kingston, N.Y. 12402

Need Help? Telephone: 340-3340

UCPB Date Stamp