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September 8, 2026

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VIA HAND-DELIVERY

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

**Re: In the Matter of the Appeal from the July 8, 2026 Determination of the Director of Building, Planning and Zoning Enforcement Concerning the Proposed Clemente Materials, Inc. Concrete Batching Plant Located at 3260 Route 9W, Town of Lloyd
Our File No.: 3691.0001**

Dear Chairman Litts and Board Members:

This firm represents Lisa Green, Eli Gottlieb, Julianna Ruiz, Lindsay Wiersma, Steve Carl, Judy Angelovich and Michael and Amy Matts, each of whom own property located in the Town of Lloyd, New York (collectively, the "Appellants"). On behalf of the Appellants, we hereby appeal the July 8, 2026 determination of the Town of Lloyd Director of Building, Planning and Zoning Enforcement (the "Building Inspector") concluding that the concrete batching plant proposed by Clemente Materials, Inc. at 3260 Route 9W, Town of Lloyd, New York (the "Project") constitutes a "Light Industry" use under Chapter 100 of the Town of Lloyd Zoning Code (the "Determination"), a copy of which is annexed as Exhibit "A".

For the reasons set forth below, the Determination is inconsistent with the Town's Zoning Code and, most significantly, with the Town Board's express classification of concrete batching plants as a "Heavy Industry" use. Accordingly, the Appellants respectfully request that the Zoning Board of Appeals ("ZBA") reverse the Determination and find that the proposed concrete batching plant does not constitute a Light Industry use and is instead properly classified as a Heavy Industry use under the Town Zoning Code. As a result, the application may not proceed at the Planning Board on the basis of the Building Inspector's Determination that the proposed use constitutes a permitted Light Industry use.

I. THE JULY 8, 2026 DETERMINATION

By determination dated July 8, 2026, the Building Inspector concluded that the concrete batching plant proposed by Clemente Materials, Inc. constitutes a “Light Industry” use under § 100-8 of the Town Code. In reaching this conclusion, the Building Inspector determined that the “closest” classification in the Town’s Use Table to the proposed use is Light Industry. See Exhibit “A”, page 1.

The Town of Lloyd Zoning Code defines “Light Industry” as follows:

“Manufacture, assembly, treatment, processing, or packaging of products that does not emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries.”

The Determination states that “proposals such as the one under consideration must be evaluated against this definition, applying a reasonable person standard to determine what constitutes “objectionable levels” and *whether the proposed use is permitted within the zoning district in which the property is located (emphasis added)*”. See Exhibit “A”, page 1.

Accordingly, the Building Inspector first considered whether the proposed operation satisfies the initial element of the Light Industry definition namely, whether it involves the manufacture, assembly, treatment, processing, or packaging of a product. The Building Inspector then separately considered whether the proposed operation would emit objectionable levels of smoke, noise, dust, odor, glare or vibration beyond the property boundaries. The Determination addresses each of these factors and concludes that, based upon the proposed operational and mitigation measures, the facility would not result in objectionable off-site impacts of the type identified in the definition.

The Determination also considered the Code’s definition of “Industrial Light,” which provides:

“Limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities such as beverage bottling, distribution and warehousing; distribution centers; ice production, storage, sales and distribution; laboratories for research, testing and experimental purposes; machine shops; manufacture of computers, computer peripherals, electrical appliances, electronic equipment, medical instruments, and other similar products from previously manufactured components; manufacture of precision instruments and equipment such as watches, electronics equipment, photographic equipment, optical goods and similar products; manufacturing of articles or merchandise from previously prepared or natural materials such as cardboard, cement, cloth, cork, fiber, glass, leather, paper, plastics,

wood, metals, stones and other such prepared materials; printing and publishing.”

Although the Determination acknowledges that this definition applies within the Walkway Gateway Zone rather than the zoning district in which the Project is proposed, the Building Inspector relied upon it as additional guidance in interpreting the scope of the Light Industry use. In particular, the Determination noted the Code’s reference to cement as a material that may be used in the manufacture of articles or merchandise within an Industrial Light use.

The Determination further considered the Code’s treatment of “cement and concrete manufacturing” as a category of light industrial use, albeit one identified as having the potential for significant impacts. See Exhibit “A”, page 4.

Based upon these provisions and the Building Inspector’s assessment of the anticipated impacts, the Determination concluded that the proposed concrete batching plant should be classified as a Light Industry use.

Appellants respectfully submit that this interpretation cannot be reconciled with the Town’s Zoning Code and, most significantly, with the Town Board’s subsequent express classification of “concrete batching plants including ready-mix plants or raw concrete manufacturing” as a Heavy Industry use.

Accordingly, Appellants respectfully request that the ZBA reverse the Building Inspector’s Determination and determine that the proposed concrete batching plant constitutes a Heavy Industry use, and therefore, is not a permitted Light Industry use within the LI Zoning District.

Enclosed with this appeal are the completed Zoning Board of Appeals application and Short Environmental Assessment Form (“Short EAF”), together with the supporting materials and exhibits referenced herein.

II. THE TOWN BOARD HAS EXPRESSLY DETERMINED THAT A CONCRETE BATCHING PLANT IS HEAVY INDUSTRY

Following the July 8, 2026 Determination, on August 19, 2026, the Town Board adopted an amendment to Chapter 100 establishing a definition of “Heavy Industry.” The definition addresses industrial uses involving, among other characteristics, raw-resource or basic manufacturing, large-scale machinery, substantial utility demands, impacts detectable beyond the property, emissions, and substantial heavy multi-axle freight traffic.

Most significantly, the Town Board expressly identified among the examples of Heavy Industry:

“concrete batching plants including ready-mix plants or raw concrete manufacturing” (emphasis added).

This language directly addresses the precise use proposed by Clemente Materials, Inc. The Town Board did not merely adopt general criteria from which the appropriate classification of a concrete batching plant must be inferred; it expressly identified concrete batching plants as an example of a Heavy Industry use.

The Town Board's enactment therefore removes the need to determine by analogy which industrial classification most closely resembles the proposed use. The Town Code now specifically addresses concrete batching plants and classifies them as a Heavy Industry use. Accordingly, the ZBA should give effect to that specific legislative determination.

III. THE PROPOSED USE CANNOT REASONABLY BE CLASSIFIED AS BOTH LIGHT INDUSTRY AND HEAVY INDUSTRY

The Building Inspector's July 8, 2026 Determination rests upon the conclusion that the proposed concrete batching plant falls within the Town's definition of Light Industry. The Town Board has now expressly classified concrete batching plants as a Heavy Industry use. Those classifications cannot reasonably be reconciled by continuing to treat the Project as a Light Industry use.

It is a well-established principle of statutory construction, applicable to the interpretation of zoning ordinances, that where general and specific provisions address the same subject, the specific provision controls. *Matter of Gershow Recycling of Riverhead, Inc. v Town of Riverhead*, 192 A.D. 3d 1124, 1126 (2nd Dept. 2021); see also *Perlbinder Holdings, LLC v. Srinivasan*, 27 N.Y.3d 1, 9 (2016). Moreover, the provisions of a zoning ordinance should be construed together in a manner that harmonizes the enactment as a whole and avoids rendering any provision surplusage.

That principle is directly applicable here. The Building Inspector relied, in part, upon the general reference to "cement" contained in the Code's definition of Industrial Light, which includes the "manufacturing of articles or merchandise from previously prepared or natural materials such as cardboard, cement, cloth, cork, fiber, glass, leather, paper, plastics, wood, metals, stones and other such prepared materials." That general reference to cement as one of numerous materials that may be used in manufacturing cannot reasonably override the Town Board's subsequent and far more specific classification of "concrete batching plants including ready-mix plants or raw concrete manufacturing" as a Heavy Industry use.

The distinction is significant. The manufacture of an article or merchandise from cement as a previously prepared or natural material is not the same as the manufacture and production of concrete itself through a concrete batching operation. The Town Board's amendment eliminates any potential ambiguity on this point by expressly identifying concrete batching plants, ready-mix plants, and raw concrete manufacturing as a Heavy Industry use.

Moreover, where the language of a zoning enactment is clear and unambiguous, an administrative interpretation that conflicts with its plain meaning is not entitled to deference. *Matter of MTR Raritan Dev. Corp. v. Silva*, 91 N.Y.2d 98, 102-103 (1997). Zoning

provisions should likewise be construed, where possible, so as to give meaning and effect to all of their terms. *Matter of Toys "R" Us v. Silva*, 89 N.Y.2d 411, 421-422 (1996).

Here, giving effect to the Town Board's express classification requires the proposed use to be treated as Heavy Industry. To continue to classify this concrete batching plant as Light Industry would effectively render meaningless the Town Board's specific inclusion of "concrete batching plants" within the definition of Heavy Industry. The more specific provision addressing the precise use proposed by Clemente Materials, Inc. must therefore control.

IV. THE CHARACTERISTICS OF THE PROPOSED FACILITY ARE CONSISTENT WITH HEAVY INDUSTRY, NOT LIGHT INDUSTRY

The Town Board's express classification of concrete batching plants as a Heavy Industry use is consistent with the actual characteristics of the use proposed by Clemente Materials, Inc.

As set forth in the Project Narrative submitted by the Applicant to the Planning Board, a copy of which is annexed hereto as Exhibit "B," the proposed concrete batching plant involves the processing of substantial quantities of stone, aggregate, cement, and other materials via the use of industrial-scale equipment and the regular movement of heavy trucks to and from the site. The project narrative also identifies operational measures intended to address potential impacts associated with dust, noise, stormwater, material handling and other aspects of the proposed operation.

These characteristics correspond directly with those identified by the Town Board in defining Heavy Industry, including raw-resource or basic manufacturing, the use of large-scale machinery, substantial utility demands, impacts detectable beyond the property, emissions and substantial heavy multi-axle freight traffic.

By contrast, the Town Code defines Light Industry as manufacturing and processing activities which expressly requires that the use "does not emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries." The nature and scale of the proposed operation, including its industrial processing equipment, handling of bulk materials and heavy truck traffic further demonstrates why the Town Board specifically identified concrete batching plants as a Heavy Industry use.

Thus, the Town Board's express classification of the concrete batching plant as Heavy Industry is consistent with the characteristics of the project as described in Project submissions. Accordingly, both the classification of the use and the nature of the proposed operation support the conclusion that the Project is properly classified as Heavy Industry.

V. THE ZBA SHOULD APPLY THE ZONING LAW IN EFFECT AT THE TIME OF ITS DETERMINATION

New York courts have long recognized that, as a general rule, a land use matter must be determined in accordance with the zoning law in effect at the time the reviewing body renders its

decision, notwithstanding an intervening amendment to the zoning law. *Matter of Rocky Point Drive-In, L.P. v. Town of Brookhaven*, 21 N.Y.3d 729, 736 (2013); *Matter of Pokoik v. Silsdorf*, 40 N.Y.2d 769, 772-773 (1976). Furthermore, there is no basis on the present record to conclude that the limited “special facts” exception to this general rules applies here.

The Building Inspector’s earlier determination that the proposed concrete batching plant constitutes Light Industry does not insulate the Project from the zoning provisions in effect when the ZBA renders its determination.

Accordingly, the ZBA should apply Chapter 100 of the Town Code as it exists at the time of its determination of this appeal and give effect to the Town Board’s express legislative classification of “concrete batching plants including ready-mix plants or raw concrete manufacturing” as a Heavy Industry use.

VI. HEAVY INDUSTRY IS NOT A PERMITTED USE IN THE LI DISTRICT

Section 100-12(A) of the Town Code provides that “[t]he allowable uses in each zoning district are set forth in the Use Table” and expressly states that “[u]ses that are not listed are prohibited.”

The Use Table permits Light Industry in the LI District. It does not authorize Heavy Industry as either a permitted use or a use allowed by special use permit. Accordingly, if the proposed concrete batching plant is properly classified as Heavy Industry, it cannot be treated as a permitted Light Industry use merely because the property is located within the LI Zoning District.

The distinction drawn by the Town Board between Light Industry and Heavy Industry must be given substantive effect. A contrary interpretation under which a concrete batching plant expressly identified by the Town Board as Heavy Industry could nevertheless be treated as Light Industry would effectively render the Town Board’s specific classification meaningless.

Accordingly, upon determining that the proposed concrete batching plant constitutes a Heavy Industry use, the ZBA should reverse the Building Inspector’s determination that the Project constitutes a permitted Light Industry use. The Applicant may not thereafter reply upon the July 8, 2026 Determination as a basis for establishing that the proposed use is permitted within the LI Zoning District.

VII. THE JULY 8, 2026 DETERMINATION SHOULD THEREFORE BE REVERSED

The issue presented by this appeal is ultimately straightforward. The Building Inspector determined on July 8, 2026 that the proposed concrete batching plant constitutes a Light Industry use. The Town Board has since expressly classified “concrete batching plants including ready-mix plants or raw concrete manufacturing” as a Heavy Industry use.

The Town Board's enactment directly addresses the precise use proposed by Clemente Materials, Inc. The ZBA is therefore not required to determine by analogy whether a concrete batching plant more closely resembles Light Industry or Heavy Industry. The Town Code now answers that question expressly.

Where the language of a zoning enactment is clear and unambiguous, it must be applied according to its plain meaning, and an administrative interpretation that conflicts with the clear language of the zoning provision cannot be sustained. *Matter of MTR Raritan Dev. Corp. v. Silva*, 91 N.Y.2d 98, 102-103 (1997); see also *Matter of Toys "R" Us v. Silva*, 89 N.Y.2d 411, 419 (1996).

Accordingly, the ZBA should give effect to the Town Board's specific legislative determination and find that the proposed Clemente Materials, Inc. concrete batching plant constitutes a Heavy Industry use. To conclude otherwise would permit a use expressly classified by the Town Code as Heavy Industry to nevertheless be treated as Light Industry, thereby depriving the Town Board's specific inclusion of concrete batching plants within the Heavy Industry definition of no meaningful effect.

For these reasons, Appellants respectfully request that the ZBA reverse the July 8, 2026 Determination and determine that the proposed concrete batching plant does not constitute a Light Industry use under the Town Code and is instead properly classified as Heavy Industry. As a result, the application could not thereafter proceed on the basis of the Building Inspector's July 8, 2026 determination that the proposed use constitutes a permitted Light Industry use.

STANDING OF APPELLANTS

Appellants are owners of residential properties located in the vicinity of the proposed Project, including:

Lisa Green and Eli Gottlieb, owners of property located at 15 Elbow Lane, Highland, NY 12528, approximately 0.579 miles from the Project site;

Giulianna Ruiz and Lindsay Wiersma, owners of property located at 17 Cross Creek Run, Highland, NY 12528, approximately 0.604 miles from the Project site;

Steve Carl and Judy Angelovich, owners of property located at 16 Cross Creek Run, Highland, NY 12528, approximately 0.535 miles from the Project site; and

Michael and Amy Matts, owners of property located at 19 Cross Creek Run, Highland, NY 12528, approximately 0.612 miles from the Project site.

The closest Appellants own residential property located at 16 Cross Creek Run approximately one-half mile from the Project site.

In land use matters, a property owner has standing where the challenged determination may cause harm different in kind or degree from that experienced by the public generally and the interest asserted falls within the zone of interests protected by the applicable zoning provisions. *Matter of Sun-Brite Car Wash, Inc. v. Board of Zoning & Appeals of Town of N. Hempstead*, 69 N.Y.2d 406, 413-415 (1987). Proximity to the challenged use is an important consideration in determining whether a property owner is aggrieved. *Id.* at 414.

Although the closest Appellants reside approximately one-half mile from the Project site, that distance does not, as a matter of law, preclude standing where a particularized injury is demonstrated. In *Matter of Save the Pine Bush, Inc. v. Common Council of City of Albany*, 13 N.Y.3d 297, 304-306 (2009), the Court of Appeals found standing notwithstanding that the closest petitioner resided approximately one-half mile from the challenged project, where the petitioners demonstrated a particularized relationship to the natural resource allegedly threatened by the proposed development. Thus, the relevant inquiry is not distance alone, but whether Appellants have identified potential impacts different in kind or degree from those experienced by the public generally.

Here, the impacts alleged by Appellants are particularized concerns that directly correspond to the impacts the Town Board identified and considered in adopting the Heavy Industry provisions. In adopting the August 19, 2026 Local Law establishing the Heavy Industry classification, the Town Board specifically considered the potential impacts of industrial uses, including concrete batch plants and manufacturing involving concrete, and the associated dust, smoke, vibration, noise, hazardous materials, vehicle traffic and other impacts upon the Town and surrounding neighborhoods, and particularly residential areas.

Consistent with those legislative findings, the newly adopted definition of Heavy Industry identifies as characteristics of such uses large-scale machinery, significant outdoor storage or high-volume utility consumption; significant noise, odors, glare or vibrations inherent to the process that may be detectable beyond the property boundaries; air emissions; substantial infrastructure needs and heavy multi-axle freight traffic. Most significantly, the Town Board expressly identified “concrete batching plants, including ready-mix plants or raw concrete manufacturing” as examples of Heavy Industry.

The Town Board has therefore expressly recognized that the precise type of use proposed here presents the potential for impacts extending beyond the Project site and affecting surrounding neighborhoods, particularly residential areas. Appellants own residential properties within the vicinity of the Project and allege potential impacts from dust, noise, vibration, emissions, heavy truck traffic and other off-site effects upon the use and enjoyment of their properties. Those alleged injuries correspond directly to the impacts the Town Board considered in adopting the Heavy Industry provisions and therefore fall squarely within the zone of interests those zoning provisions were enacted to protect.

The geographic circumstances of the closest Appellants provide an additional basis for particularized injury. Steve Carl and Judy Angelovich own residential property located at 16 Cross Creek Run, approximately one-half mile from the Project site. The Ulster County Parcel

Viewer depicts a mapped surface-water feature traversing the Appellants' property and extending west toward the Route 9W corridor. That same mapped surface-water feature also traverses the residential properties of Appellants located at 17 Cross Creek Run and 15 Elbow Lane. A copy of the relevant Ulster County Parcel Viewer map is annexed hereto as Exhibit "C".

Accordingly, these Appellants' concerns are based not merely upon generalized environmental concerns, but upon the particular location and physical characteristics of their residential properties. Potential impacts to the surface-water feature traversing their properties, together with dust, noise, vibration, emissions, heavy truck traffic and other off-site impacts identified by the Town Board as associated with Heavy Industry and concrete batch plants, provide a particularized basis for the Appellant's concerns regarding the use and enjoyment of their properties. See *Save the Pine Bush*, 13 N.Y.3d at 304-306 (2009).

Prior to the Town Board's adoption of the Heavy Industry definition, another property owner, Bruce Epperson, whose property is located farther from the Project than the closest Appellant here, appealed the Building Inspector's Determination. In responding to that appeal, the Building Inspector submitted a written response to the ZBA and requested that the Board hear and consider the appeal. A copy of page 6 of the Building Inspector's submission is annexed hereto as Exhibit "D". While that prior proceeding does not itself establish the standing of the present Appellants, it demonstrates that the Building Inspector previously requested ZBA review of the merits of an appeal from this same Determination notwithstanding the appellant's greater distance from the Project.

The circumstances supporting review are stronger here. The closest Appellants owns residential property approximately one-half mile from the Project, a mapped surface-water feature traverses several of those properties and the Town Board has now adopted legislation expressly recognizing the potential impacts of concrete batch plants upon surrounding neighborhoods, particularly residential areas, and expressly classifying concrete batching plants as a Heavy Industry use.

Accordingly, Appellants respectfully submit that their proximity to the Project, the particular location and characteristics of their residential properties and the specific impacts identified by the Town Board as associated with the precise use proposed establish interests different in kind or degree from those experienced by the public generally and within the zone of interests protected by the Town's zoning regulations. Appellants are therefore aggrieved by the Building Inspector's Determination and have standing to maintain this appeal.

CONCLUSION

For all of the foregoing reasons, Appellants respectfully request that the Zoning Board of Appeals reverse the July 8, 2026 Determination of the Director of Building, Planning and Zoning Enforcement and determine that the concrete batching plant proposed by Clemente Materials, Inc. does not constitute a Light Industry use under the Town Code and is instead properly classified as a Heavy Industry use.

September 8, 2026

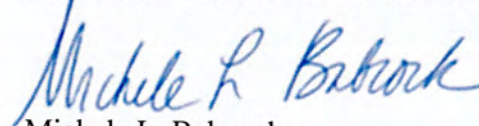
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The Town Board has now expressly classified “concrete batching plants including ready-mix plants or raw concrete manufacturing” as Heavy Industry. Giving effect to that specific legislative determination, the proposed use cannot properly be classified as Light Industry and because Heavy Industry is not an authorized use within the LI Zoning District, the Applicant may not rely upon the July 8, 2026 Determination as a basis for establishing that the proposed use is permitted within the LI Zoning District.

Accordingly, Appellants respectfully request that the ZBA grant the appeal, reverse the Building Inspector’s Determination and grant such other and further relief as the Board deems just and proper.

Respectfully submitted,

MACKEY CATANIA & WHALEN LLP



Michele L. Babcock

MLB/ms

cc Clients

David Barton, Building Inspector (dbarton@townoflloyd.gov)

Sarah VanNostrand (svannostrand@townoflloyd.gov)



Town of Lloyd Zoning Board of Appeals Application

Submission Date: September 4, 2026

Property Owner: Lisa Green, Eli Gottlieb, Giuliani Ruiz, Lindsay Wiersma, Steve Carl, Judy Angelovich

Is the owner an LLC?: No Principal Member or Managing Member: Michael and Amy Matts

Owner's Mailing Address: 15 Elbow Lane, 16 Cross Creek Run, 17 Cross Creek Run, 19 Cross Creek Run

Owner's Phone: 845-779-9930

Owner's Email: mbabcock@mackeylawyers.com

Address of subject property: 3260 Route 9W, Highland, NY

Tax Map SBL#: 80.3-2-8 Zoning District: LI

Professional Representative: Mackey, Catania & Whalen, LLP

Representative Address: 103 Executive Drive, Suite 101, New Windsor, NY 12553

Representative Phone: 845-779-9930 Representative email: MBabcock@mackeylawyers.com

Purpose of Application

- ☐ Area Variance: to allow _____
- ☐ Appealing decision of Code Enforcement Officer; OR
- ☐ Referral from Planning Board in relation to Site Plan Review without requirement for appeal from decision of Code Enforcement Officer pursuant to NYS Town Law 274-a(2a).
- ☐ Referral from Planning Board in relation to Subdivision Review without requirement for appeal from decision of Code Enforcement Officer pursuant to NYS Town Law 277(6).

Bulk Table relief sought:

Right Sideyard:	Required: _____	Proposed: _____	Relief sought: _____
Left Sideyard:	Required: _____	Proposed: _____	Relief sought: _____
Front Yard:	Required: _____	Proposed: _____	Relief sought: _____
Rear Yard:	Required: _____	Proposed: _____	Relief sought: _____
Lot Size:	Required: _____	Proposed: _____	Relief sought: _____

Other: _____

- ☐ Use Variance to allow: _____
- ☐ Appealing decision of Code Enforcement Officer. Date of decision: _____
- Pursuant to Town of Lloyd Code Chapter 100, Article _____ Section _____
- Other Code Sections, if applicable: _____
- Other Jurisdictional agencies: _____

- ☐ Interpretation of the Zoning Code:
- Town of Lloyd Code Chapter 100, Article _____ Section _____
- Other Code Sections, if applicable: _____
- Interpretation sought because: _____

cont'd next page

☒ Appeal as an Aggrieved Person

Decision creating status as an aggrieved person: Determination of Director of Building,

Planning and Zoning Enforcement Concerning the Proposed Clemente Materials, Inc. Concrete
Batching Plant

Date of Decision: July 8, 2026

Are there wetlands on the subject property? ☐ Yes ☐ No

Are there floodplains on the subject property? ☐ Yes ☐ No

All submissions must include:

1. This application filled out in full.
2. Survey of property(properties) subject to the request for relief (if applicable).
3. Narrative detailing the nature of the request and any evidence and/or arguments in support of the request.
(see below).
4. Payment of fee and Payment of escrow.
5. NYS Environmental Assessment Form
6. Letter of Agent (if represented by someone besides the property owner).

Balance tests (narrative should offer evidence and information related to the questions for that variance)

Area Variance:

- whether benefit can be achieved by other means feasible to the applicant
- would there be an undesirable change in neighborhood character or to nearby properties
- whether the requested relief is substantial
- whether the request will have adverse physical or environmental effects
- whether the alleged hardship is self-created

Use Variance:

- Applicant cannot realize a reasonable return, substantiated by submission of competent financial evidence.
- Is sustaining a hardship that is unique and does not apply to a substantial portion of the zoning district, or neighborhood within which the subject property is located, with supporting evidence.
- The applicant has presented proof that the variance would observe the spirit of the town ordinance (code) and would not change the character of the district, with supporting evidence.
- The applicant has shown that the alleged hardship is not self created.

Office Use only:

Intake officer: _____ Date of Receipt: _____

Fee: _____ Method of Payment: ☐ Cash - ☐ Check - ☐ Credit Card

Escrow initial deposit: _____

Survey submitted date: _____ NYS SEQR EAF submitted date: _____

Narrative submitted date: _____

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Appeal from July 8, 2026 Determination of Director of Building, Planning and Zoning Enforcement			
Project Location (describe, and attach a location map): 3260 Route 9W, Highland, New York			
Brief Description of Proposed Action: Appeal to the Zoning Board of Appeals from the July 8, 2026 determination classifying the proposed concrete batching plant as a Light Industry use under Chapter 100 of the Town Code			
Name of Applicant or Sponsor: Green, Gottlieb, Ruiz, Wiersma, Carl, Angelovich, Matts		Telephone: 845-779-9930	
		E-Mail: MBabcock@mackeylawyers.com	
Address: 15 Elbow Drive, 16, 17 & 19 Cross Creek Run			
City/PO: Lloyd		State: New York	Zip Code: 12528
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If No, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☒	YES ☐
3. a. Total acreage of the site of the proposed action?		0 _____ acres	
b. Total acreage to be physically disturbed?		0 _____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0 _____ acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): N/A Administrative Appeal. No physical development proposed by Appellants. ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☒
b. Consistent with the adopted comprehensive plan?	☐	☐	☒
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☒	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify:	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:	☒	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

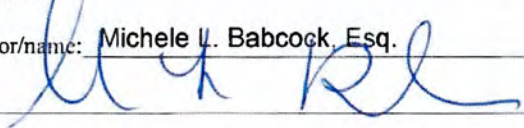
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐
16. Is the project site located in the 100-year or 500-year flood plain?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO ☒ ☒ ☒	YES ☐ ☐ ☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO ☒	YES ☐
21. Is the project located within, or within ½ mile of, a disadvantaged community? If No, could impacts from the project affect a disadvantaged community? If Yes to either question in 21, answer the following question. a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management): _____	NO ☒ ☒	YES ☐ ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Michele L. Babcock, Esq.</u> Date: <u>September 4, 2026</u> Signature: <u></u> Title: <u>Attorney for the Appellants</u>		

EXHIBIT “A”

Determination: Concrete Batch Plant as Light Industry Use

Date: July 8, 2026

Background

An applicant, Clemente Materials, Inc., applied to the Planning Board for a Concrete Batch Plant (CBP) located at 3260 Route 9W, Highland, NY 12528 (S.B.L. 80.3-2-8) in the Town of Lloyd. A CBP is a facility used to store materials for, mix, and deliver wet concrete to a job site. As such, the CBP has storage for various items, such as aggregate, sand, water, and cement. Discussion concerning the type of use the plant would fall under in the Zoning Code was held. The closest classification in the Use Table is Light Industry, defined in §100-8 of the Zoning Code as follows:

LIGHT INDUSTRY

Manufacture, assembly, treatment, processing, or packaging of products that does not emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries.

Proposals such as that here under consideration must be reviewed against this definition using the reasonable person standard to assess what would constitute objectionable levels, as well as whether the proposed use is permitted within the zoning of the parcel under consideration.

Light Industry Manufacturing/Processing

Concrete is made by processing various raw or previously processed materials by mixing them and adding water. Concrete is a product of that processing and is customarily "batched" by truckload for delivery to a job site. Accordingly, any proposed operation must satisfy the first element of the Light Industry definition — the manufacture, assembly, treatment, processing, or packaging of a product as well as whether the operation, as proposed, would emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries. Each of these factors is addressed in turn below.

Dust

Of all the items listed, cement has the most potential for the creation of adverse dust production.

The proposed use must be designed to contain, to the greatest extent possible, any dust associated with the storage, mixing, or transport of the various materials used in the creation of wet concrete. This may be achieved by creating areas of dust collection that use depressurization and dust collection bags to capture any possible dust at two points where dust could otherwise escape containment: (1) where the cement product is moved into the batching portion of the plant, and (2) where the concrete is ported into the concrete truck for transport to the job site. At this second point, the chute that delivers the concrete into the truck should be sealed against the intake of the truck, preventing dust from escaping.

Such measures would ensure against levels of objectionable dust beyond the property line.

Noise

Noise is another concern that has traditionally been associated with CBPs. At some facilities, aggregate is processed on site using rock crushing machines, which are very loud and create both noise and vibration. This will not be the case at this site.

Some noise would be expected from the use of conveyor systems, hoppers, and mixing units. A large portion of the mechanical equipment used in any proposed facility must be located inside structures, and enclosing the cement hopper, under which concrete trucks are loaded would further suppress noise emissions.

Based on these measures, no levels of objectionable noise are expected beyond the property line.

Smoke

No smoke is expected to be generated on site. No levels of objectionable smoke are expected beyond the property line.

Glare

No glare is expected to be generated on site. No levels of objectionable glare are expected beyond the property line.

Odor

No odor is expected to be generated on site. No levels of objectionable odor are expected beyond the property line.

Vibration

Vibration is possible due to various equipment on the property. Loaders are often used to move some materials into a transfer system. Vibration is also possible from the mechanical equipment associated with batching materials to create concrete loads. As noted above, this could be eliminated through the use of enclosed structures to suppress any noise or vibration emanating from the property.

Based on these measures, no levels of objectionable vibration are expected beyond the property line.

Additional Items Considered

The Zoning Code of the Town of Lloyd (Chapter 100 of the Town of Lloyd Ordinance) contains two definitions in §100-8 – Definitions which could be interpreted as applying to Light Industry uses. The primary definition is noted above but is repeated here for clarity:

LIGHT INDUSTRY

Manufacture, assembly, treatment, processing, or packaging of products that does not emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries.

This has been the traditional definition. Similar language existed in the Zoning Code adopted in 1974 and continued until the adoption of the Zoning Code in 2013. The 1974 Code listed concerns about smoke, dust, odor, and vibration, indicating that the Town has long anticipated potential environmental impacts in connection with Light Industry uses and has long considered impacts of this kind — if not always this exact list of factors — relevant to that classification. The Town's qualitative, impact-based approach to defining Light Industry has remained consistent since 1974, even as the specific list of factors has been refined.

A second definition reads:

INDUSTRIAL LIGHT

Includes limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities such as: beverage bottling, distribution and warehousing; contractors offices and storage buildings; including general contractors, plumbers, electricians, heating, ventilating, air-conditioning contractors, masons, painters, refrigeration contractors, roofing contractors, and other such construction occupations; distribution centers; ice production, storage, sales and distribution; laboratories for research, testing and experimental purposes; manufacture of computers, computer peripherals, electrical appliances, electronic equipment, medical instruments, and other similar products from previously manufactured components; manufacture of precision instruments and equipment, such as watches, electronics equipment, photographic equipment, optical goods and similar products; manufacturing of articles or merchandise from previously prepared or natural materials, such as cardboard, cement, cloth, cork, fiber, glass, leather, paper, plastics, wood, metals, stones and other such prepared materials; printing and publishing. [Added 10-15-2014 by L.L. No. 4-2014]

This definition was added in 2014 in connection with an addendum to the Blue Point Overlay District. It is helpful to the understanding of Light Industry that this definition includes "...manufacturing of articles or merchandise from previously prepared...materials, such as...cement..." are among the materials contemplated for "Industrial Light" uses.

Another location in the Zoning Code that describes Light Industrial uses is §100-38 – Supplementary standards for the W-G District. Under §100-38.C, Light Industrial uses are allowed in the Walkway Gateway Zone if they follow specific standards. Section 100-38.C(3) states specifically that:

Light industrial uses deemed to be high-impact uses are expressly prohibited. High-impact uses include industrial or manufacturing processes engaged in the production of any products classified under the following North American Industry Classification (NAIC) 2007 system code numbers: Veneer, Plywood and Engineered Wood Product Manufacturing (3212), except for Truss Manufacturing (321214), which shall

not be included as a high-impact use; Pulp, Paper and Paperboard Manufacturing (3221); Petroleum and Coal Manufacturing (3241); Basic Chemical Manufacturing (3251); Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing (3253); Other Chemical Products and Preparation Manufacturing (3259); Clay Product and Refractory Manufacturing (3271); Glass and Glass Product Manufacturing (3272); Cement and Concrete Manufacturing (3273); Lime and Gypsum Manufacturing (3274); Other Nonmetallic Mineral Product Manufacturing (3279); Iron Steel Mills and Ferroalloy Manufacturing (3311); Steel Product Manufacturing from Purchased Steel (3312); Alumina and Aluminum Production and Processing (3313); Nonferrous Metal (Not Alum) Production and Processing (3314); Foundries (3315); Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing (3252); Rubber Products Manufacturing (3262); and Leather and Allied Product Manufacturing (3161).

This section of the Code, although it does not apply to zones besides the Walkway Gateway Zone, states specifically that "Cement and Concrete Manufacturing" is a category of light industrial use, albeit one treated as having high-impact potential.

It is helpful that the list of uses classified as light industrial in this section includes cement and concrete manufacturing, even though that use is excluded from the Walkway Gateway Zone specifically. That exclusion makes sense given that the Walkway Gateway District is designed to be a pedestrian-friendly zone with mixed uses that act as an extension of the traditional downtown area known as the Hamlet of Highland. The Walkway Gateway District imposes a categorical, mitigation-blind prohibition on certain Light Industrial uses because it is a special pedestrian/downtown extension zone, whereas the Light Industry classification under §100-8 turns solely on the actual impact of the use at the property line — impacts for which the applicant, Clemente Materials, Inc., has proposed specific mitigation measures, and which the Planning Board would further consider during its site-plan review. A concrete batch plant is accordingly a Light Industry use appropriately located within the Town's Light Industry zone.

Determination

Pursuant to §42-4.B of the Town of Lloyd Ordinance, the Code Enforcement Officer, David Barton, interprets the Use Table as follows.

Using the reasonable person standard, the Building Department finds that the proposed concrete batch plant satisfies the definition of Light Industry. Wet concrete is a product, and batching the constituent materials to create it is a form of manufacture and processing. Based on the mitigation measures described by the applicant — including dust collection and depressurization at the cement transfer point, a sealed delivery chute at the truck-loading point, and the substantial enclosure of mechanical equipment within structures — the Department further finds that a concrete batching plant designed to protect against objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries would not violate the definition.

Section 100-38.C(3) of the Code identifies Cement and Concrete Manufacturing (NAICS 3273) as a light industrial use that is treated as high-impact, and on that basis prohibited, within the Walkway Gateway District specifically. That prohibition is a categorical, district-specific policy choice for a pedestrian-oriented zone and does not apply to or limit the Light Industry zone, where the governing test is the actual, measured impact of the use at the property line rather than its NAICS classification. The Department accordingly concludes that a concrete batch plant is an appropriate Light Industry use within the Town's Light Industry zone.

This determination is conditioned on the batch plant being constructed and operated substantially as represented to the Department, including the dust collection and depressurization systems, the sealed truck-loading chute, and the enclosure of mechanical equipment described above. Any material deviation from these representations that results in objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries shall void this determination and require re-review by the Department.

EXHIBIT “B”

Project Narrative

3260 Route 9w Highlane NY LLC

Concrete Batch Plant

NYS ROUTE 9w

Town of Llyod

Ulster County, New York

March 10, 2026

Prepared By:

The Environmental Design Partnership, LLP

900 Route 146

Clifton Park, NY 12065



**ENVIRONMENTAL DESIGN
PARTNERSHIP, LLP.**

Shaping the physical environment



The attached plan represents the concept development plan for a Proposed concrete Batch Plant to be located at 3260 Route 9W. The site is identified as tax parcel 80.3-2-8 and zoned LI Light industrial. The plan illustrates the general intent of the site development and the configuration for the major elements of the proposed design program. The Site Plan Application was compiled in accordance with the Town of Llyod Zoning Ordinance. The plan is to develop a 4600± sf Batch plant with conveyer system and aggregate piles the existing on-site building will be repurposed as office and support space for the plant.

The project will disturb greater than one acre and will be subject to the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-002). A Full Stormwater Pollution Prevention Plan SWPPP that includes erosion and sediment control measure will be provided.

Beyond the local Land use boards, the project will requires permitting from USACE for wetland disturbance and from NYSDOT for curb cut modification.

Below is a general overview of the Batch Plant Operations.

Concrete is sold by the cubic yard which is a volumetric measurement equal to 27 cubic feet. There are 5 ingredients that, when combined through a mixing process in the mixer drum, will produce ready mix concrete. There is sand (also called fine aggregate), stone (also called coarse aggregate), cement (the powdered binder), admixtures (concrete enhancement water-based solutions) and water (reacts with the cement to make the hardened finished product). Each load of concrete has a specific recipe or mix design to create specific physical characteristics such as compressive strength of the placed concrete.

There are four primary components to a concrete batch plant: Ground aggregate hoppers, conveyor systems, inside aggregate storage and batching building and cement silos. The ground hoppers are loaded with dump trucks with sand and stone. These hoppers are fully enclosed on four sides and bottom, but open on top to allow for dump truck to dump the sand and stone into the grated hopper. There are small gates on the bottom of the hoppers that are powered by compressed air and electricity. As needed, the batch computer controls an electrical signal that is sent to the requested gate which operates a pneumatic ram that opens and allows the material needed to flow onto the conveyor. The conveyor belt is covered and transports the sand and stone to the aggregate hoppers inside the aggregate building. These hoppers are a set of storage bins separated by steel walls. These internal storage bins are positioned over an aggregate scale. Based on the required mix design, the materials are weighed through a system of pneumatic rams controlled by the batch computer using electrical signals and sensors to make every batch of concrete an exacting recipe. During the



manufacturing process, when the batch computer determines it is time to add the aggregate to the concrete mixer, a long gate at the bottom of the scale opens. In a controlled and continuous manner, the material falls out of the scale onto a running conveyor belt below the scale and elevates the material into a loading hopper that allows the aggregate to fall into the concrete mixer below.

Next to the aggregate building there is a rectangular cement silo containing three individual and separate compartments. The cement silos are designed at a height that facilitates the gravity feeding of the cement into the mixer. Cement is transported to the site using fully enclosed cement haulers. Cement is discharged into the cement silos pneumatically (using low pressure compressed air). The cement hauler is pressurized to pneumatically deliver the cement product to the top of the cement silo using an enclosed and sealed pipe from the cement hauler. In order to prevent over pressurizing of the cement silos during loading, excess air pressure is relieved through a bag house (aka fabric filters) at the top of the cement silo. Such discharges are scrubbed of particulates prevent discharge of fugitive cement emissions to the environment. These filters are routinely inspected in order to maintain efficient and effective filtration. The cement is discharged from the silo using a fully enclosed rubber boot at the bottom of the cement silo into a scale. The batch computer controls a butterfly valve to facilitate and control the flow of cement out of the silo and into the cement scale. Once the batch computer determines the cement is ready to go into the concrete mixer it will use another butterfly valve to control the continuous and gradual flow of material out of the scale and into the concrete truck below. The plant will be equipped with a shroud that is inserted around the discharge hopper at the mixer drum opening. This shroud will utilize a vacuum system with separate filtration to catch fugitive cement emissions during the mixer loading process. The captured cement emissions are recycled, through a blower system, back into the cement silo to be used on the next load. As the cement is placed in the mixer drum it immediately comes into contact with the wet aggregate already in the mixer drum which quells the potential for dust coming from the mixer drum.

There are small portions of water-based admixtures added to the mix (typically measured in ounces) to enhance the desired concrete product as needed for project requirements or weather conditions. The admixtures are stored in tanks inside the aggregate building. The batch computer controls the pumping and metering of the liquid admixture. The admixture is introduced into the waterline at the discharge hopper where it immediately flows into the concrete mixer as the aggregate is being loaded into the concrete mixer.

Well water is also added to the mixer during the loading of the sand, stone, and cement. The water used in the concrete is stored inside a large water tank inside the aggregate building. In the winter, the water is heated using a steam diffuser from a boiler run on nature gas/propane. The water tank is piped into a pump that delivers the necessary water into the concrete mixer



as it is being loaded. If there is water contained in the washout basins, such water will be used in the concrete mix. If the recycle washout basins are empty, well water is used.

The ground floor of the aggregate building will contain a closed-loop three side-by-side wash out basins that are used to rinse the mixer drums at the end of each day for final washout. The washout water is discharged into the first basin to allow the heavier aggregates to settle out. The washout water from the first basin travels to the second basin where the finer material settles out. The washout water continues to the third basin where it is relatively clear of sand and aggregate. The washout water is recovered and is reused in plant operations. The residual sand, stone and cement are recycled and used in future concrete production.

The sand and stone will generally come from aggregate mines generally located within Ulster, Orange and Dutchess counties. The cement will typically be procured from regional cement providers. The cement for this plant will generally be transported from over 2 hours away. The water is sourced from an on-site well and the admixtures are transported from New Jersey. The sand and stone make up about 70 percent of the final combined volume, water making up about 16% and cement making up about 14 percent.

Once all the stone, cement, water, and admixtures are loaded into the truck, the truck will then move to wash out basin where the ingredients are mixed together (at about 17 revolutions a min for 7-10 mins to create the final combined concrete product) and any material on the truck is washed into the washout basin. Once the concrete is of a consistent uniform mix, the truck is ready to leave and deliver the concrete to the local homeowner or business.

Attached for your consideration are some pictures of an existing concrete plant owned by us

EXHIBIT “C”

Ulster County Parcel Viewer



September 3, 2026

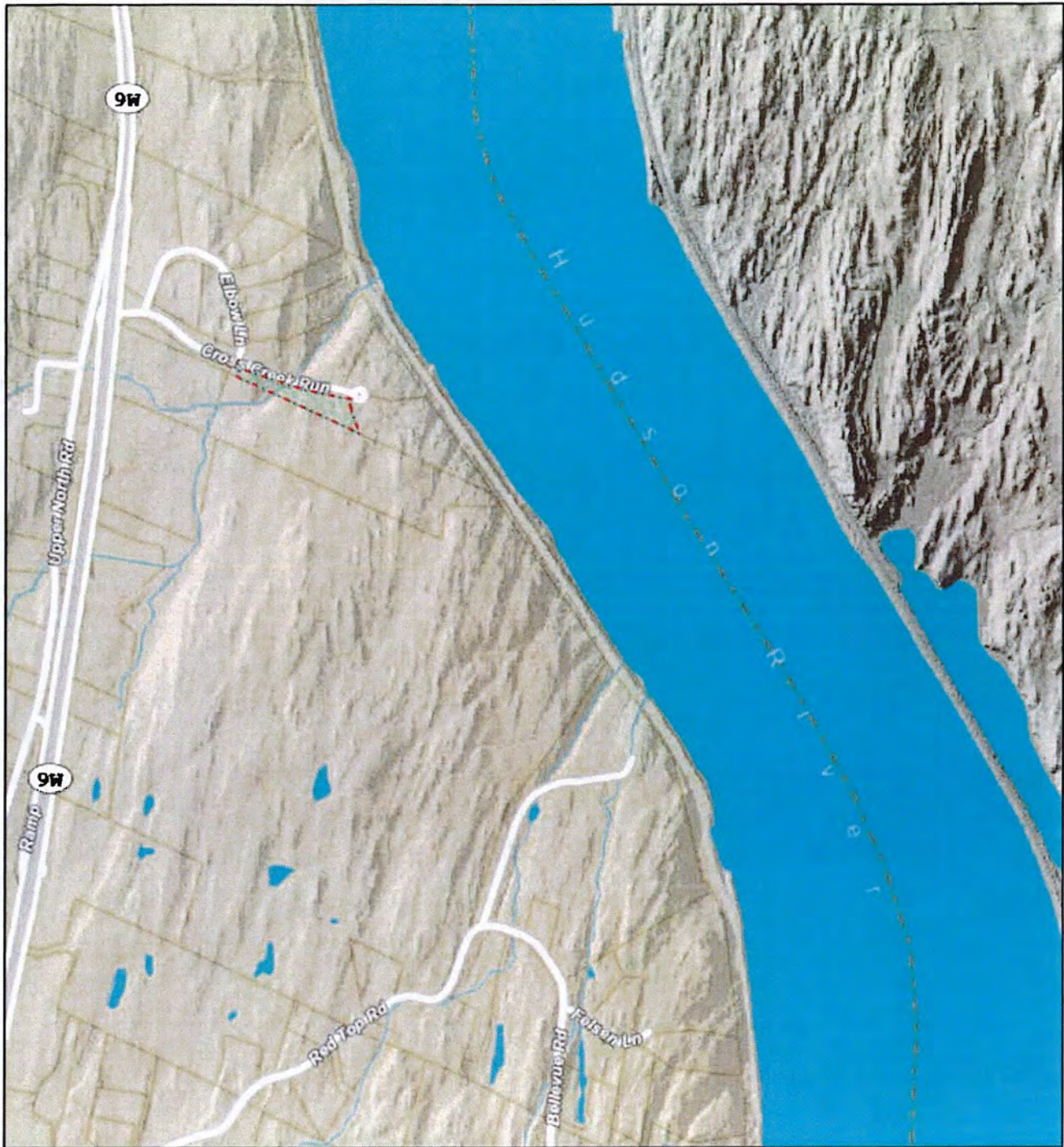
Override 1

Override 1

1:5,657
0 0.04 0.07 0.1 0.14 mi
0 0.05 0.1 0.2 km

1

Ulster County Parcel Viewer



September 3, 2026

-  Override 1
-  Override 1

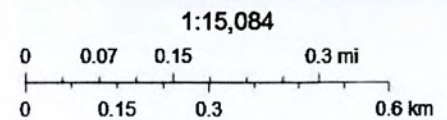


EXHIBIT “D”

evidence that the classification is wrong. It is a description of where in the process the application currently sits — and the process is the one the Code prescribes.

III. THE QUESTION BEFORE THE BOARD AND THE APPLICABLE STANDARD

18. Under Town Law § 267-b(1), this Board may reverse, affirm or modify the determination appealed from and make such determination as in its opinion ought to have been made by the administrative official. The Board's review is of the Determination.
19. The question presented is narrow: does the proposed use, as represented and as conditioned, fall within the § 100-8 definition of Light Industry? The Board is not asked to decide whether a concrete batch plant is a desirable neighbor, whether this parcel is the best available site, whether additional studies would be useful, or whether the Town's Use Table should be amended. Those are legislative and site-plan questions. They are not before the Board.
20. Where a zoning determination requires the application of a code definition to a set of facts, and rests on familiarity with local conditions, the interpretation of the official charged with administering the code is entitled to deference and will be sustained if it has a rational basis. *Matter of Toys "R" Us v. Silva*, 89 N.Y.2d 411, 418–19 (1996); *Matter of Frishman v. Schmidt*, 61 N.Y.2d 823 (1984); *Matter of Appelbaum v. Deutsch*, 66 N.Y.2d 975 (1985). A determination is arbitrary and capricious only if it is without sound basis in reason and taken without regard to the facts. *Matter of Pell v. Board of Educ.*, 34 N.Y.2d 222, 231 (1974).

IV. STANDING (PRESERVED, NOT PRESSED)

21. Appellee preserves an objection to the Appellant's standing but does not ask the Board to dispose of this appeal on that ground. The issues raised are better resolved on their merits, and are addressed on their merits below. Three observations are nonetheless appropriate for the record.

Giulianna Karin Ruiz



Town of Lloyd

Letter of Agent

I, Amy Matts, am the owner of the real property located at
19 Cross Creek Run Highland, NY 12528 identified as Tax Map SBI.# 80.3-2-27.150

I hereby authorize Mackey, Catania & Whalen, LLP

doing business as

to act as my agent in an application for

Appeal of Building Inspector Determination

(If owner is an LLC or other type of corporation, supply name, address, phone and email of principal member of the LLC below)

LLC or Corporate Principal Member Amy Matts PRINT NAME

Principal member mailing address: amy.t.matts@gmail.com
845-242-8904, 19 Cross Creek Run

Principal member phone: Highland, NY 12528

Principal member email:

Check all that apply:

☐ Town of Lloyd Planning Board

☒ Town of Lloyd Zoning Board of Appeals

☐ Town of Lloyd Building Department

Amy Matts
Owner or Principal Member Signature
(notarized)

Amy Matts

Print Name

9/5/26
Date

State of New York

County of Allegheny

On the 05 day of SEP in the year 2026
Amy Matts

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



[Signature]
Notary Public

Commonwealth of Pennsylvania - Notary Seal
Prasad S.R. Pullabhotla, Notary Public
Allegheny County
My commission expires February 17, 2028
Commission number 1366080
Member, Pennsylvania Association of Notaries



Town of Lloyd
Letter of Agent

I, LISA GREEN, am the owner of the real property located at:
15 Elbow Lane Highland, NY 12528 Modified as Tax Map S81.8 80-3-2-27-131

I hereby authorize Mackey, Catania & Whalen, LLP

doing business as _____
to act as my agent in an application for Appeal of Building Inspector Determination

(If owner is an LLC or other type of corporation, supply name, address, phone and email of principal member of the LLC below)

LLC or Corporate Principal Member: _____ PRINT NAME _____

Principal member mailing address: _____

Principal member phone: _____

Principal member email: _____

Check all that apply:

☐ Town of Lloyd Planning Board

☒ Town of Lloyd Zoning Board of Appeals

☐ Town of Lloyd Building Department

[Signature]
Owner or Principal Member Signature
(notarized)

Lisa Green
Print Name

7/6/26
Date

new York

State of _____
County of Ulster

On the _____ day of _____ in the year _____, before me, the undersigned notary public, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public