

**Town Board Meeting
January 19, 2021**

A regularly scheduled Town Board meeting was held via zoom, live streamed on Facebook and televised on local access channel 23 on Tuesday, January 19, 2021 at 7:00 PM with the following persons in attendance:

**Supervisor Shannon Harris
Councilman Kathie Quick
Councilman Jared Geuss
Councilman Chris Farrell
Councilman Evelyn Clarke**

Recording Administrator Holly A. Netter, Town Clerk, RMC

Supervisor Harris called the meeting to order.

Councilperson Farrell asked Supervisor Harris if the Kingstonian PILOT was on the final agenda. Response was no.

COUNCILPERSON FARRELL MADE A MOTION TO ADD THE KINGSTONIAN PILOT TO THE AGENDA. THE MOTION DID NOT GET A SECOND.

PUBLIC COMMENT

Councilperson Farrell made the following statement as a resident / Board member-First I want to state I have no objection to the Kingstonian Project nor do I fault Mr. Jordan for any of the controversy that has emerged from the PILOT Proposal. He is a businessman and as a good businessman he tries to get the best value for his money. The project in itself appears to be an excellent project and one that will provide aid to the significant shortage of housing in Ulster County. Additionally, it will make improvements to a parking lot which Kingston demolished a number of years ago. The fault I believe lies in the Ulster County IDA, who on August 12, deviated from their Policy on PILOT agreements to allow for the Kingstonian Project. The Kingston Common Council is shortsighted in their belief that the Project “will have no negative tax implications, only positive”. Perhaps this is true for The City of Kingston, but not for the surrounding areas which encompass the Kingston Consolidated District; Esopus being one of those communities.

Some of my colleagues have counseled me to forget this position, stating “who cares it’s not before us” and “The Esopus Town Board isn’t responsible, and we have no standing or effect on the outcome” and “why associate ourselves with anything to do with this controversy”. To this I say we have approximately 1000 students who live in Esopus who attend the Kingston School District. Additionally, we have

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approximately 4200 parcels attached to Esopus taxpayers who pay Kingston School District taxes. So yes, we do have a stake in this controversy and to not take a position is not good government. With a PILOT agreement, the Kingstonian Project will not be factored into the Tax Base Growth Factor (TBGF) therefore the district will not be able to factor this project into their Tax Levy Limit. Once the PILOT is completed the Kingston School District will still see significantly less in their Tax Levy Limit. Ultimately this could lead to the District having to come to voters and ask them to accede the tax cap with a 60% super majority.

The Kingstonian is currently slated to receive 3.8 million in Downtown Revitalization monies, 2 million in Empire Development Corporation monies, 1 million in Restoration NY Grant and breaks in county sales tax and mortgage tax during the construction of the project. The PILOT would bring the Kingstonian an added 30 million in savings from school taxes over the scope of the PILOT agreement.

Having served on School Boards for over 16 years I believe I bring a unique and informed position. If in doubt consider the words from a recent paper written by scholars in the Benjamin Center, "Public schools are dependent on property taxes for the majority of their funding. When an entity does not pay its full share of property taxes, that burden does not go away; unless cuts are made, costs get shifted onto other taxpayers. So, when a PILOT is granted to a developer everyone else has to pay more. And even in an instance where a PILOT might contribute more than was being paid by the pre-PILOT property, that property is still not paying its full share."

My colleagues have counseled that taking a hard-line approach on this matter may cost me a bloc of 800 votes. To that I say the day that an elected public servant considers votes they will lose or gain by a position they take is losing sight of the public's needs which is why they were elected. I was elected to oversee good budgetary oversight and informed sensible policies. The Kingstonian is neither good for the taxpayers of Esopus nor is the Ulster IDA maintaining sound policy.

Local Laws 1-5 of 2021

***Proposed Local Laws 1-5 (previously known as proposed Local Laws 5-9 of 2020) were introduced on September 21, 2020 and Noticed in the Daily Freeman on September 27, 2020. Proposed Local Laws 6&7 (previously known as 12 & 13 of 2020) were introduced October 6, 2020 and Noticed in the Daily Freeman on October 9, 2020. Laws have been referred to the Ulster County Planning Board and Town of Esopus Planning Board on October 16, 2020. On October 20, 2020 the motion was made to continue all of the public hearings for the laws on December 1, 2020. On December 1, 2020 the motion was made to continue the public hearings on December 15, 2020. On December 15, 2020 the public hearings were closed. All proposed laws were available for review at www.esopus.com

Local Law No. 1 of 2021 – Amending Esopus Town Code § 123-61 “Terms Defined”

Local Law #1 of 2021 (Formally known as LL# 5-2020)- EAF parts 2 & 3 have been completed

TOWN OF ESOPUS TOWN BOARD
SEQRA NEGATIVE DECLARATION AND
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
FOR

**A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK, TO AMEND
CHAPTER 123, “ZONING”, OF THE ESOPUS TOWN CODE BY AMENDING SECTION 123-
61, “TERMS DEFINED”**

WHEREAS, the Town of Esopus Town Board proposes to adopt **Local Law No. 1 of 2021**, a Local Law of the Town of Esopus, Ulster County, New York; amending Section 123-61, “Terms Defined” of the Town Code; and

WHEREAS, this determination of non-significance, i.e. negative declaration, is prepared in accordance with Article 8 of the Environmental Conservation Law: the NY State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth in 6 NYCRR Part 617 (“Regulations”); and

WHEREAS, the Town Board is directly undertaking the Action and is the only involved agency and is therefore the lead agency for the environmental review of the Action pursuant to SEQRA and its implementing Regulations; and

WHEREAS, the name and address of the lead agency is: Town of Esopus Town Board, 1 Town Hall Way, Ulster Park, New York 12487 and the Responsible Officer is Shannon Harris, Town of Esopus Town Supervisor, with a telephone number at (845) 331-0676; and

WHEREAS, the Town of Esopus Town Board, as lead agency, has classified this Action as a Type 1 action pursuant to 6 NYCRR § 617.6 of the Regulations; and

WHEREAS, the Town of Esopus Town Board has caused the preparation of a Full Environmental Assessment Form (FEAF) for review of the Action; and

WHEREAS, the Town Board, as lead agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action; and

WHEREAS, the legislation involves updating of the Town of Esopus Town Code to add new definitions for Junkyard, Warehousing, Warehouse, Self-Storage Warehouse, and Farm Operations;

WHEREAS, this negative declaration is supported and substantiated by the following conclusions of the Lead Agency:

The proposed legislative amendments included in this action are not inconsistent with the existing Comprehensive Plan of the Town of Esopus.

The act of adopting the proposed local law will not result in any direct or physical adverse environmental impact. It will not result in indirect or secondary effects which threaten adverse physical impacts upon the environment.

The proposed legislative amendments will not propose any actions or land uses that may be different from, or in sharp contrast to current surrounding land use patterns (Full EAF, Part 2, 17[a]). They will not cause the permanent population of the Town to grow by more than 5% (Full EAF, Part 2, 17[b]). They are not inconsistent with the current local land use plan (Full EAF, Part 2, 17[c]). They are not inconsistent with any County plans, or other regional land use plans (Full EAF, Part 2, 17[d]). They will not cause a change in density of development that is not supported by existing infrastructure or is distant from existing infrastructure (Full EAF, Part 2, 17[e]). They are not in an area characterized by low density development that will require new or expanded public infrastructure (Full EAF, Part 2, 17[f]). They may give rise to secondary development impacts, in the nature of residential or commercial development, but such impacts are not currently ascertainable and will not be ascertainable until site-specific proposals are received, at which time they will be subject to legislative or administrative review, as well as review under SEQRA addressing the actual identity and nature of such proposals.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Esopus Town Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.
2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources.
3. The Action does not involve the impairment of any designated critical environmental area.

4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted.

5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character.

6. The Action will not result in a major change in the use of either the quantity or type of energy.

7. The Action will not create a hazard to human health.

8. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses.

9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action.

10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences.

11. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

12. The Action does not involve two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

BE IT FURTHER RESOLVED, that the Town of Esopus Town Board, acting as lead agency, has examined the impacts which may be reasonably anticipated to result from the Action, and has determined that it will not have any significant adverse impact on the environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town of Esopus Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

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BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the filing of this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

Resolution offered by: Councilman Geuss
Resolution seconded by: Councilman Quick

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Harris	AYE
Councilman Geuss	AYE
Councilman Quick	AYE
Councilman Farrell	AYE
Councilman Clarke	AYE

DATED: Ulster Park, New York

January 19, 2021

HOLLY A. NETTER, TOWN CLERK

RESOLUTION OF ADOPTION

Supervisor Harris offered the following resolution which was seconded by **Councilman Geuss**, who moved its adoption:

WHEREAS, a local law was introduced to be known as **Local Law No. 1 of 2021**, entitled, A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 123, “ZONING”, OF THE ESOPUS TOWN CODE BY AMENDING SECTION 123-61, “TERMS DEFINED”.

WHEREAS, a public hearing in relation to said local law was opened on October 20, 2020 at 7:00 p.m., prevailing time, and closed on December 15, 2020 at 7:16 p.m. prevailing time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Esopus for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

Section 1. Section 123-61 of Chapter 123 of the Esopus Town Code is amended as follows (additions are underscored and deletions are stricken):

JUNKYARD

~~A facility meeting the definition set forth in § 136, Subdivision 2, of the General Municipal Law~~

Any place of storage or deposit outside of a building where any construction and demolition debris, used equipment, building materials, and/or two or more uninspected, inoperable or unregistered vehicles no longer intended or in condition for legal use on public highways or in agricultural activities are stored. Such term shall also include any place of storage or deposit outside of a building for any purpose, including the reclamation or reuse of used or spare parts or waste materials from vehicles which, taken together, equal two (2) or more such vehicles. The term “junkyard” shall also be construed to mean any place of storage or deposit outside of a building, whether in connection with another business or not, where there is accumulated therein and thereon any secondhand or used property of whatever material or any waste material, whether composed of wood, paper, cloth, cardboard, plastics, metals, stone, cement, or otherwise, which taken together, exceeds in bulk three cubic yards. For the purpose of this section any place of storage in a carport or similar structure, where such vehicle, parts thereof, or other items being stored are visible from any public road or highway, shall be considered to be outside of a building. The term “junkyard” shall not be construed to include active construction yards/sites.

WAREHOUSING

A use engage in the long-term or temporary storage of manufactured products, supplies, equipment, records and other items in a warehouse, excluding the bulk storage of flammable or explosive materials and the storage of construction and demolition debris, garbage, rubbish, junk vehicles and other debris. Warehousing uses may include the wholesale and distribution of stored products.

WAREHOUSE

A structure or structures in which materials, goods, or equipment are stored in a fully enclosed space. For the purposes of this chapter, a self-storage or mini-warehouse shall not be considered a warehouse.

SELF-STORAGE WAREHOUSE

A building or group of buildings designed to contain multiple storage compartments for use by individuals on a short-term or long-term basis for a fee, also referred to as mini-storage or mini-warehouses.

FARM OPERATIONS

An area of land consisting of not less than seven acres, unless the parcel is located in a state-certified agriculture district, where crops are grown or animals are reared for commercial purposes, together with appropriate buildings. It also includes the employment of land, including for the primary purpose of obtaining a profit, for stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows. A private garden accessory to a residential use shall not be deemed a farm operation.

Section 2. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 3. This local law shall take effect ten (10) days following publication and posting in accordance with Town Code Section 123-50(D) and filing of the local law with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Harris	AYE
Councilman Geuss	AYE
Councilman Quick	AYE
Councilman Farrell	AYE
Councilman Clarke	AYE

DATED: Ulster Park, New York

January 19, 2021

HOLLY A. NETTER, TOWN CLERK

Local Law No. 2 of 2021 – Amending Esopus Town Code § 123-15, “Prohibited & Restricted Uses”

Local Law #2 of 2021 (Formally known as LL#6-2020)- EAF parts 2 & 3 have been completed

**TOWN OF ESOPUS TOWN BOARD
SEQRA NEGATIVE DECLARATION AND
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
FOR**

**A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK, TO
AMEND CHAPTER 123, “ZONING”, OF THE ESOPUS TOWN CODE BY AMENDING
SECTION 123-15, “PROHIBITED AND RESTRICTED USES”.**

WHEREAS, the Town of Esopus Town Board proposes to adopt **Local Law No. 2 of 2021**, a Local Law of the Town of Esopus, Ulster County, New York; amending Section 123-15, of the Town Code; and

WHEREAS, this determination of non-significance, i.e. negative declaration, is prepared in accordance with Article 8 of the Environmental Conservation Law: the NY State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth in 6 NYCRR Part 617 (“Regulations”); and

WHEREAS, the Town Board is directly undertaking the Action and is the only involved agency and is therefore the lead agency for the environmental review of the Action pursuant to SEQRA and its implementing Regulations; and

WHEREAS, the name and address of the lead agency is: Town of Esopus Town Board, 1 Town Hall Way, Ulster Park, New York 12487 and the Responsible Officer is Shannon Harris, Town of Esopus Town Supervisor, with a telephone number at (845) 331-0676; and

WHEREAS, the Town of Esopus Town Board, as lead agency, has classified this Action as a Type 1 action pursuant to 6 NYCRR § 617.6 of the Regulations; and

WHEREAS, the Town of Esopus Town Board has caused the preparation of a Full Environmental Assessment Form (FEAF) for review of the Action; and

WHEREAS, the Town Board, as lead agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action; and

WHEREAS, the legislation involves updating of Section 123-15, “Prohibited and Restricted Uses” pertaining to Junkyards, used motor vehicle parts (5015) and scrap and waste material (5093) in the Town;

WHEREAS, this negative declaration is supported and substantiated by the following conclusions of the Lead Agency:

The proposed legislative amendments included in this action are not inconsistent with the existing Comprehensive Plan of the Town of Esopus.

The act of adopting the proposed local law will not result in any direct or physical adverse environmental impact. It will not result in indirect or secondary effects which threaten adverse physical impacts upon the environment.

The proposed legislative amendments will not propose any actions or land uses that may be different from, or in sharp contrast to current surrounding land use patterns (Full EAF, Part 2, 17[a]). They will not cause the permanent population of the Town to grow by more than 5% (Full EAF, Part 2, 17[b]). They are not inconsistent with the current local land use plan (Full EAF, Part 2, 17[c]). They are not inconsistent with any County plans, or other regional land use plans (Full EAF, Part 2, 17[d]). They will not cause a change in density of development that is not supported by existing infrastructure or is distant from existing infrastructure (Full EAF, Part 2, 17[e]). They are not in an area characterized by low density development that will require new or expanded public infrastructure (Full EAF, Part 2, 17[f]). They may give rise to secondary development impacts, in the nature of residential or commercial development, but such impacts are not currently ascertainable and will not be ascertainable until site-specific proposals are received, at which time they will be subject to legislative or administrative review, as well as review under SEQRA addressing the actual identity and nature of such proposals.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Esopus Town Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.
2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources.

3. The Action does not involve the impairment of any designated critical environmental area.
4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted.
5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character.
6. The Action will not result in a major change in the use of either the quantity or type of energy.
7. The Action will not create a hazard to human health.
8. The Action will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources or in its capacity to support existing uses.
9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action.
10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences.
11. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
12. The Action does not involve two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

BE IT FURTHER RESOLVED, that the Town of Esopus Town Board, acting as lead agency, has examined the impacts which may be reasonably anticipated to result from the Action, and has determined that it will not have any significant adverse impact on the environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town of Esopus Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

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BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the filing of this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

Offered by: Supervisor Harris
Seconded by : Councilman Evelyn Clark

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Harris	AYE
Councilman Geuss	AYE
Councilman Quick	AYE
Councilman Farrell	AYE
Councilman Clarke	AYE

DATED: Ulster Park, New York

January 19, 2021

HOLLY A. NETTER, TOWN CLERK

RESOLUTION OF ADOPTION

Supervisor Harris offered the following resolution which was seconded by **Councilman Geuss**, who moved its adoption:

WHEREAS, a local law was introduced to be known as **Local Law No. 2** of 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 123, “ZONING”, OF THE ESOPUS TOWN CODE BY AMENDING SECTION 123-15, “PROHIBITED AND RESTRICTED USES”.

WHEREAS, a public hearing in relation to said local law was opened on October 20, 2020 at 7:00 p.m., prevailing time, and closed on December 15, 2020 at 7:17 p.m. prevailing time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Esopus for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

Section 1. Section 123-15(B) of the Town Code of the Town of Esopus is hereby amended as follows (additions are underscored and deletions are stricken):

B. Junkyards, used motor vehicle parts (5015) and scrap and waste material (5093).

(1) Junkyards, as defined in § 123-61 of this chapter, including scrap and waste dismantling yards which would be classified in SIC Industry Groups 5015 and 5093, ~~are permitted only by a license issued by the Town Board~~ are prohibited. Farm operations within a county adopted State certified agricultural district are exempt from the application of this prohibition to the extent that such “junk” and “junked vehicles” are used by the farm operation for agricultural purposes and in an amount and type consistent with the needs and scope of the farm operation.

(2) ~~Application for a license shall be accompanied by a site plan.~~ This law shall not go into effect or be enforced until a period of 90-days after the date of the law’s enactment.

(3) ~~A decision on the junkyard license by the Town Board shall be made only after the application and site plan have been referred to and a report received from the Town Planning Board, in accordance with the procedures in § 123-51A and B of this chapter.~~

Section 2. Pursuant to Section 22 of this state’s Municipal Home Rule Law, this local law shall modify and supersede any provisions of state statute which are inconsistent with the terms of this local law.

Section 3. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 4. This local law shall take effect ten (10) days following publication and posting in accordance with Town Code Section 123-50(D) and filing of the local law with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.

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RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Harris	AYE
Councilman Geuss	AYE
Councilman Quick	AYE
Councilman Farrell	AYE
Councilman Clarke	AYE

DATED: Ulster Park, New York

January 19, 2021

HOLLY A. NETTER, TOWN CLERK

LOCAL LAW NO. 3 OF 2021 – REPEALING ESOPUS TOWN CODE § 90, “JUNKYARDS”

Local Law #3 of 2021 (Formally known as LL# 7-2020) - SEQRA not required

RESOLUTION OF ADOPTION

Supervisor Harris offered the following resolution which was seconded by **Councilman Geuss**, who moved its adoption:

WHEREAS, a local law was introduced to be known as **Local Law No. 3 of 2021**, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO REPEAL CHAPTER 90, “JUNKYARDS” OF THE CODE OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK.

WHEREAS, a public hearing in relation to said local law was opened on October 20, 2020 at 7:00 p.m., prevailing time and closed on December 15, 2020 at 7:18 p.m., prevailing time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Esopus for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

Section 1. Chapter 90 of the Town Code, "JUNKYARDS" is repealed.

Section 2. Pursuant to Section 22 of this state's Municipal Home Rule Law, this local law shall modify and supersede any provisions of state statute which are inconsistent with the terms of this local law.

Section 3. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 4. This local law shall take effect immediately upon filing with this state's Secretary of State and posting in accordance with Town Code Section 123-50(D) and filing of the local law with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Harris	AYE
Councilman Geuss	AYE
Councilman Quick	AYE
Councilman Farrell	AYE
Councilman Clarke	AYE

DATED: Ulster Park, New York
January 19, 2021

HOLLY A. NETTER, TOWN CLERK

**LOCAL LAW NO. 4 OF 2021 – AMENDING ESOPUS TOWN CODE § 123-10 ATTACHMENT 1
“SCHEDULE OF PERMITTED USES” TO ADD USE REGULATIONS FOR
WAREHOUSE/WAREHOUSING AND SELF-STORAGE WAREHOUSE; AND TO REMOVE MOTOR
FREIGHT TRANSPORTATION AND WAREHOUSING (42) IN ITS ENTIRETY**

Local Law #4 of 2021 (Formally known as LL#8-2020)- EAF parts 2 & 3 have been completed

**TOWN OF ESOPUS TOWN BOARD
SEQRA NEGATIVE DECLARATION AND
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
FOR**

**A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO
AMEND CHAPTER 123 “ZONING” OF THE ESOPUS TOWN CODE BY AMENDING
123 ATTACHMENT 1, SCHEDULE OF PERMITTED USES OF SECTION 123-10 TO
ADD USE REGULATIONS FOR WAREHOUSE/WAREHOUSING AND SELF-
STORAGE WAREHOUSE; AND TO REMOVE MOTOR FREIGHT
TRANSPORTATION AND WAREHOUSING (42) IN ITS ENTIRETY.**

WHEREAS, the Town of Esopus Town Board proposes to adopt **Local Law No. 4 of 2021**, a Local Law of the Town of Esopus, Ulster County, New York; amending 123 Attachment 1 of Section 123-10, Schedule of Permitted Uses, of the Town Code in the manner described above; and

WHEREAS, this determination of non-significance, i.e. negative declaration, is prepared in accordance with Article 8 of the Environmental Conservation Law: the NY State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth in 6 NYCRR Part 617 (“Regulations”); and

WHEREAS, the Town Board is directly undertaking the Action and is the only involved agency and is therefore the lead agency for the environmental review of the Action pursuant to SEQRA and its implementing Regulations; and

WHEREAS, the name and address of the lead agency is: Town of Esopus Town Board, 1 Town Hall Way, Ulster Park, New York 12487 and the Responsible Officer is Shannon Harris, Town of Esopus Town Supervisor, with a telephone number at (845) 331-0676; and

WHEREAS, the Town of Esopus Town Board, as lead agency, has classified this Action as a Type 1 action pursuant to 6 NYCRR § 617.6 of the Regulations; and

WHEREAS, the Town of Esopus Town Board has caused the preparation of a Full Environmental Assessment Form (FEAF) for review of the Action; and

WHEREAS, the Town Board, as lead agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action; and

WHEREAS, the legislation involves updating of 123 Attachment 1 of Section 123-10, Schedule of Permitted Uses in the Town;

WHEREAS, this negative declaration is supported and substantiated by the following conclusions of the Lead Agency:

The proposed legislative amendments included in this action are not inconsistent with the existing Comprehensive Plan of the Town of Esopus.

The act of adopting the proposed local law will not result in any direct or physical adverse environmental impact. It will not result in indirect or secondary effects which threaten adverse physical impacts upon the environment.

The proposed legislative amendments will not propose any actions or land uses that may be different from, or in sharp contrast to current surrounding land use patterns (Full EAF, Part 2, 17[a]). They will not cause the permanent population of the Town to grow by more than 5% (Full EAF, Part 2, 17[b]). They are not inconsistent with the current local land use plan (Full EAF, Part 2, 17[c]). They are not inconsistent with any County plans, or other regional land use plans (Full EAF, Part 2, 17[d]). They will not cause a change in density of development that is not supported by existing infrastructure or is distant from existing infrastructure (Full EAF, Part 2, 17[e]). They are not in an area characterized by low density development that will require new or expanded public infrastructure (Full EAF, Part 2, 17[f]). They may give rise to secondary development impacts, in the nature of residential or commercial development, but such impacts are not currently ascertainable and will not be ascertainable until site-

specific proposals are received, at which time they will be subject to legislative or administrative review, as well as review under SEQRA addressing the actual identity and nature of such proposals.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Esopus Town Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.

2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources.

3. The Action does not involve the impairment of any designated critical environmental area.

4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted.

5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character.

6. The Action will not result in a major change in the use of either the quantity or type of energy.

7. The Action will not create a hazard to human health.

8. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses.

9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action.

10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences.

11. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

12. The Action does not involve two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

BE IT FURTHER RESOLVED, that the Town of Esopus Town Board, acting as lead agency, has examined the impacts which may be reasonably anticipated to result from the Action, and has determined that it will not have any significant adverse impact on the environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town of Esopus Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the filing of this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

Resolution offered by: Supervisor Harris
Seconded by: Councilman Clarke

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Harris	AYE
Councilman Geuss	AYE
Councilman Quick	AYE
Councilman Farrell	AYE
Councilman Clarke	AYE

DATED: Ulster Park, New York
January 19, 2021

HOLLY A. NETTER, TOWN CLERK

RESOLUTION OF ADOPTION

Supervisor Harris offered the following resolution which was seconded by **Councilman Jared Geuss**, who moved its adoption:

WHEREAS, a local law was introduced to be known as **Local Law No. 4 of 2021**, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 123 “ZONING” OF THE ESOPUS TOWN CODE BY AMENDING 123 ATTACHMENT 1, SCHEDULE OF PERMITTED USES OF SECTION 123-10 TO ADD USE REGULATIONS FOR WAREHOUSE/WAREHOUSING AND SELF-STORAGE WAREHOUSE; AND TO REMOVE MOTOR FREIGHT TRANSPORTATION AND WAREHOUSING (42) IN ITS ENTIRETY.

WHEREAS, a public hearing in relation to said local law was opened on October 20, 2020 and closed on December 15, 2020 at 7:18 p.m., prevailing time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Esopus for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

Section 1. 123 Attachment 1 of Section 123-10, Schedule of Permitted Uses of the Esopus Town Code is amended to add “Warehouse/Warehousing” in the “use” column, and to insert symbol “■” in the column for GC, LI and HI.

Section 2. 123 Attachment 1 of Section 123-10, Schedule of Permitted Uses of the Esopus Town Code is amended to add “Self-Storage Warehouse” in the “use” column, and to insert symbol “•” in the column for HI.

Section 3. 123 Attachment 1 of Section 123-10, Schedule of Permitted Uses of the Esopus Town Code is amended to remove Motor freight transportation and warehousing (42) from the “use” column in its entirety.

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Section 4. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 5. This local law shall take effect ten (10) days following publication and posting in accordance with Town Code Section 123-50(D) and filing of the local law with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Harris	AYE
Councilman Geuss	AYE
Councilman Quick	AYE
Councilman Farrell	AYE
Councilman Clarke	AYE

DATED: Ulster Park, New York
January 19, 2021

HOLLY A. NETTER, TOWN CLERK

LOCAL LAW NO. 5 OF 2021 – AMENDING ESOPUS TOWN CODE § 123-10 ATTACHMENT 1 “SCHEDULE OF PERMITTED USES” TO PROVIDE FOR REGULATION OF BUS SHELTERS; AND AMENDING § 123-15 “PROHIBITED & RESTRICTED USES” TO PROVIDE FOR REGULATION OF BUS SHELTERS; AND AMENDING § 123-61 “TERMS DEFINED” TO ADD A NEW DEFINITION FOR BUS SHELTER

Local Law #5 of 2021 (Formally known as LL# 9-2020)- EAF parts 2 & 3 have been completed

**TOWN OF ESOPUS TOWN BOARD
SEQRA NEGATIVE DECLARATION AND
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
FOR**

**A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK,
AMENDING VARIOUS PROVISIONS OF CHAPTER 123 “ZONING” OF THE ESOPUS
TOWN CODE AS FOLLOWS: AMENDING SECTION 123-10, SCHEDULE OF
PERMITTED USES PROVIDING FOR REGULATION OF BUS SHELTERS;**

AMENDING SECTION 123-15, PROHIBITED AND RESTRICTED USES PROVIDING FOR REGULATION OF BUS SHELTERS; AND AMENDING SECTION 123-61 TO ADD A NEW DEFINITION FOR BUS SHELTER

WHEREAS, the Town of Esopus Town Board proposes to adopt **Local Law No. 5 of 2021**, a Local Law of the Town of Esopus, Ulster County, New York; amending various provisions of Chapter 123, of the Town Code in the manner described above; and

WHEREAS, this determination of non-significance, i.e. negative declaration, is prepared in accordance with Article 8 of the Environmental Conservation Law: the NY State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth in 6 NYCRR Part 617 (“Regulations”); and

WHEREAS, the Town Board is directly undertaking the Action and is the only involved agency and is therefore the lead agency for the environmental review of the Action pursuant to SEQRA and its implementing Regulations; and

WHEREAS, the name and address of the lead agency is: Town of Esopus Town Board, 1 Town Hall Way, Ulster Park, New York 12487 and the Responsible Officer is Shannon Harris, Town of Esopus Town Supervisor, with a telephone number at (845) 331-0676; and

WHEREAS, the Town of Esopus Town Board, as lead agency, has classified this Action as a Type 1 action pursuant to 6 NYCRR § 617.6 of the Regulations; and

WHEREAS, the Town of Esopus Town Board has caused the preparation of a Full Environmental Assessment Form (FEAF) for review of the Action; and

WHEREAS, the Town Board, as lead agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action; and

WHEREAS, the legislation involves updating of various provisions of Chapter 123 pertaining to Bus Shelters in the Town;

WHEREAS, this negative declaration is supported and substantiated by the following conclusions of the Lead Agency:

The proposed legislative amendments included in this action are not inconsistent with the existing Comprehensive Plan of the Town of Esopus.

The act of adopting the proposed local law will not result in any direct or physical adverse environmental impact. It will not result in indirect or secondary effects which threaten adverse physical impacts upon the environment.

The proposed legislative amendments will not propose any actions or land uses that may be different from, or in sharp contrast to current surrounding land use patterns (Full EAF, Part 2, 17[a]). They will not cause the permanent population of the Town to grow by more than 5% (Full EAF, Part 2, 17[b]). They are not inconsistent with the current local land use plan (Full EAF, Part 2, 17[c]). They are not inconsistent with any County plans, or other regional land use plans (Full EAF, Part 2, 17[d]). They will not cause a change in density of development that is not supported by existing infrastructure or is distant from existing infrastructure (Full EAF, Part 2, 17[e]). They are not in an area characterized by low density development that will require new or expanded public infrastructure (Full EAF, Part 2, 17[f]). They may give rise to secondary development impacts, in the nature of residential or commercial development, but such impacts are not currently ascertainable and will not be ascertainable until site-specific proposals are received, at which time they will be subject to legislative or administrative review, as well as review under SEQRA addressing the actual identity and nature of such proposals.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Esopus Town Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.
2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources.
3. The Action does not involve the impairment of any designated critical environmental area.
4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted.

5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character;

6. The Action will not result in a major change in the use of either the quantity or type of energy.

7. The Action will not create a hazard to human health.

8. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses.

9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action.

10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences.

11. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and

12. The Action does not involve two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

BE IT FURTHER RESOLVED, that the Town of Esopus Town Board, acting as lead agency, has examined the impacts which may be reasonably anticipated to result from the Action, and has determined that it will not have any significant adverse impact on the environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town of Esopus Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the filing of this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

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Resolution offered by: Supervisor Harris
Seconded by: Councilman Quick

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Harris	AYE
Councilman Geuss	AYE
Councilman Quick	AYE
Councilman Farrell	AYE
Councilman Clarke	AYE

DATED: Ulster Park, New York
January 19, 2021

HOLLY A. NETTER, TOWN CLERK

RESOLUTION OF ADOPTION

Supervisor Harris offered the following resolution which was seconded by **Councilman Quick**, who moved its adoption:

WHEREAS, a local law was introduced to be known as **Local Law No. 5 of 2021**, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK AMENDING VARIOUS PROVISIONS OF CHAPTER 123 "ZONING" OF THE ESOPUS TOWN CODE AS FOLLOWS: AMENDING SECTION 123-10, SCHEDULE OF PERMITTED USES PROVIDING FOR REGULATION OF BUS SHELTERS; AMENDING SECTION 123-15, PROHIBITED AND RESTRICTED USES PROVIDING FOR REGULATION OF BUS SHELTERS; AND AMENDING SECTION 123-61 TO ADD A NEW DEFINITION FOR BUS SHELTER.

WHEREAS, a public hearing in relation to said local law was opened on October 20, 2020 at 7:00 p.m., prevailing time, and closed on December 15, 2020 at 7:20 p.m., prevailing time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Esopus for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

Section 1. Chapter 123, titled “Zoning,” Article IV, §123-10, titled “Schedule of District Use Regulations,” is hereby amended to add “Bus Shelter” to the “Schedule of Permitted Uses” as a use permitted upon issuance of License by the Town Board in accordance with § 123-15 of the Town Code.

Districts												
Use	RF-1	RF-2	R-40	R-12	NC	B C	GC	LI	HI	W	WR	Supplementary Regulations
<u>Bus Shelter</u>	T	T	T	T	T	T	T	T	T	T	T	

Section 2. Section 123-15 of the Town of Esopus Town Code is amended to add a new subsection “C” reading as follows:

C. Bus Shelters.

(1) Applicability and required approvals.

- (a) Bus shelters, as defined in § 123-61 of this chapter, shall be permitted only by a license issued by the Town Board.
- (b) Bus shelters may be permitted only at bus stops designated by Ulster County Area Transit or when associated with multi-family housing, senior housing, or similar uses that serve a large number of tenants or customers and who would benefit from a sheltered location to await rides.
- (c) In addition to the Town Board license, bus shelters proposed within a public right-of-way shall be subject to following additional approvals.
 - [1] Subject to approval from the Town of Esopus Highway Department when proposed within a Town of Esopus maintained right-of-way.
 - [2] Ulster County Department of Public works when proposed within a Ulster County maintained right-of-way.

[3] New York State Department of Transportation when proposed within a state maintained right-of-way.

(2) Setbacks.

- (a) Bus shelters approved in accordance with this section shall be exempt from the yard setback requirements of this chapter.
- (b) Where a curb is present, there shall be a minimum of four feet of clearance from the face of the curb to any portion of the bus shelter or the bus shelter shall be placed at the back of the existing sidewalk.
- (c) Where no curb is present, the front of the bus shelter shall be at least 10 feet from the edge of the pavement of the adjacent road.
- (d) Additional setbacks may be required depending upon existing conditions.

(3) Bus shelter standards. Bus shelters shall comply with the following standards.

- (a) Proposed bus shelters shall comply with the following dimensions unless otherwise required by site conditions and/or county or state organizations or agencies having jurisdiction.
 - [1] Height: 8 feet.
 - [2] Width: 4.5 feet.
 - [3] Length: 8.5 feet.
- (b) The bus shelter shall comply with all applicable American with Disabilities Act (ADA) requirements.
- (c) A minimum of five feet of pedestrian passby, including clearance between poles, hydrants, and other obstacles shall be maintained on the adjacent sidewalk.
- (d) The bus shelter shall be fully transparent, with the exception of the roof.
- (e) No advertising signage shall be allowed on any bus shelter, with the exception of bus schedules and related information, including public safety information.
- (f) Sitting benches are encourage, provided they do not inhibit accessibility or compromise safety.
- (g) Lighting of the bus shelter and the boarding area shall be optional. When a bus shelter is proposed to be illuminated, only the minimum amount of light shall be permitted to ensure the safety of passengers.

- (h) Bus shelters shall be maintained in good repair and owners, agents or operators of bus shelters shall be responsible for the cleaning, repairing or replacement of any part thereof.
 - (i) The Esopus Town Board, and the appropriate involved organization or agency, including, but not limited to Ulster County Area Transit, Ulster County Highway Department, and the New York State Department of Transportation, shall retain the right to require specific design elements for bus shelters that are under their jurisdiction.
- (5) Review and Application procedures.
- (a) Town Board License. No bus shelter shall be constructed without a license from the Esopus Town Board and a building permit from the Building Department. When a proposed bus shelter is associated with a project requiring one or more approvals from the Planning Board, the Planning Board shall forward the necessary application materials to the Town Board for consideration of the license.
 - (b) An application for a license from the Town Board shall include, at a minimum, the following information.
 - [1] Plans of the proposed bus shelter, landing pad and all related elements, including the location, dimensions and a rendering or photographic example of the proposed shelter.
 - [2] Identification of adjacent pavement width and right-of-way.
 - [3] Identification of above ground and underground utilities.
 - [4] Identification of all proposed utility connections.
 - [5] Identification of all easements to be continued, created, relocated or abandoned and written approval from the owner of land on which the bus shelter is proposed.
 - [6] If the proposed bus shelter is located on private road, the applicant must have written documentation from the owner or their representatives where the bus shelter is proposed to be located, approving the erection and maintenance of said bus shelter.
 - [7] Identification of any existing traffic signs or any obstructions to sight clearance within 15 feet of the proposed bus shelter.
 - [8] Additional information as may be requested by the Town Board.
- (6) Pre-existing, non-conforming bus shelters.

- (a) Bus shelters existing at the time of the effective date of this section and which do not comply with the requirements of this section shall be considered pre-existing, non-conforming structures.
- (b) The Town of Esopus finds that non-conforming bus shelters may present a danger to the residents and visitors of the Town of Esopus and the traveling public and further may be adversely impacting the aesthetics of the Town. The Town of Esopus further finds that bringing non-conforming bus shelters into compliance or removing non-conforming bus shelters is critically important to protecting public health, safety and welfare and the aesthetics of the Town.

(c) Pre-existing, non-conforming bus shelters shall comply with the following requirements.

[1] The owner, agent, or operator of said bus shelter and the property owner on which the bus shelter is located shall be notified by the Town of Esopus Building Department that said shelter shall be required to come into compliance with the requirements of this section within [90-days] of receipt of the letter. The written notice shall be served by posting a copy of such notice upon the bus shelter and mailing a copy of such notice by certified mail, return receipt requested, to the owner, agent or operator of said bus shelter and the property owner on which the bus shelter is located.

[2] If said bus shelter is not brought into compliance with this section within the [90-day] timeframe, both the owner, agent, or operator of the bus shelter and the property owner on which the bus shelter is located shall be in violation of this section and the requirements of § 123-10(C)(7) shall apply.

(7) Notice of Violation and Enforcement.

(A) Notice of violation. All written notices under this section shall be served by posting a copy of such violation notice upon the bus shelter in violation of this section and mailing a copy of such notice by certified mail, return receipt requested, to the owner, agent or operator of said bus shelter and the property owner on which the bus shelter is located.

(B) Public hearing; removal by Town; assessment of expense. Upon the failure of an owner, operator or person in control of the bus shelter and/or the property owner on which the bus shelter is located, to correct the condition complained of within 30-days of the date the notice was posted and mailed, the Town Board shall schedule a public hearing.

[1] The public hearing shall be held upon notice posted conspicuously on the affected property and forwarded to the owner, operator or person in control of the bus shelter and the property owner on which the bus shelter is located, as it appears on the current assessment records of the Town, by certified mail, return receipt

requested. Posting and service of such notice shall not be less than 10 days prior to the date of the public hearing. The public hearing shall be held within 30-days of the posting and service of such notice.

[2] The Town Board, after a public hearing as required herein, may cause the removal of the bus shelter from any premises within the Town of Esopus, upon the failure of the owner, operator or person in control of the bus shelter or the property owner on which the bus shelter is located, to comply with the order. Said removal may be performed by the Town of Esopus, by its designee, or agent, including a private contractor. The Town Board shall ascertain the cost of the proceeding and the costs of removal and assess such expense, plus a fee for administration and overhead of 25% against the record owner of the property. Thereupon, said charges shall become and be a lien upon the property on which the removal was performed and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes levied and assessed against such property.

Section 3. Section 123-61 of Chapter 123 of the Esopus Town Code is amended to add a new definition reading as follows:

BUS SHELTER

A small roofed structure no larger than [38.25 square feet] in area, located near a street and designed primarily for the protection and convenience of bus passengers.

Section 4. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 5. This local law shall take effect ten (10) days following publication and posting in accordance with Town Code Section 123-50(D) and filing of the local law with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New

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York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Harris	AYE
Councilman Geuss	AYE
Councilman Quick	AYE
Councilman Farrell	AYE
Councilman Clarke	AYE

DATED: Ulster Park, New York
January 19, 2021

HOLLY A. NETTER, TOWN CLERK

*****LOCAL LAW NO. 6 OF 2021 – AMENDING ESOPUS TOWN CODE § 123-61 “TERMS DEFINED” TO INCLUDE THE DEFINITION OF MOTOR FREIGHT TERMINAL**

*****LOCAL LAW NO. 7 OF 2021 – AMENDING ESOPUS TOWN CODE § 123-10 ATTACHMENT 1 “SCHEDULE OF PERMITTED USES” TO ADD USE REGULATIONS FOR MOTOR FREIGHT TERMINAL**

A MOTION WAS MADE BY CONCILPERSON GEUSS TO TABLE LOCAL LAWS 6 & 7 OF 2021 UNTIL THE FEBRUARY 2, 2021 MEETING. THE MOTION WAS SECONDED BY COUNCILPERSON EVELYN CLARKE. ALL MEMBERS PRESENT WERE IN FAVOR; MOTION CARRIED.

2021 AGREEMENT KINGSTON WORX FOR EAP/SAP SERVICES

A MOTION WAS MADE BY COUNCILMAN QUICK TO APPROVE THE 2021 AGREEMENT WITH KINGSTON WORKX FOR EAP/SAP SERVICES IN THE AMOUNT OF \$750. THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARKE. ALL MEMBERS WERE IN FAVOR; MOTION CARRIED.

Councilperson Farrell asked how many people utilized the service last year; answer 1. Supervisor Harris said the union and the insurance company require that we have this service.

MCCABE, COLEMAN, VENTOSA, & PATTERSON COUNSEL FOR EFC GRANT

A MOTION WAS MADE BY COUNCILMAN FARRELL TO AUTHORIZE SUPERVISOR HARRIS TO SIGN THE RETAINER AGREEMENT BETWEEN THE TOWN OF ESOPUS AND MCCABE, COLEMAN, VENTOSA, & PATTERSON LAW FOR USE OF THEIR FIRM AS COUNSEL FOR EFC GRANT CLOSINGS ACCORDING TO THE SCOPE OF WORK FEE SCHEDULE. THE MOTION WAS SECONDED BY COUNCILMAN QUICK. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

***Legal fees are reimbursable by the grants.*

WRIGHT ARCHITECTS, PLLC – PROPOSAL FOR 289 BROADWAY

Andrew Wright and Sonia Lemus presented a preliminary proposal for a mixed use project at 289 Broadway, Ulster Park. They presented preliminary renderings of the project which would include townhouses with

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parking in rear, mixed use building with 2 store fronts, apartments and a pocket park all nestled between First Place Auto and the Port Ewen Diner. They would also like to install 2 electric vehicle charging stations and utilize solar energy. The mixed use building would have a common area and a lap pool with 2 lanes. As the project was presented there are 16 units; 12 Town Homes with their own yards and patio space, 4 apts (2- 1 BR and 2 – 2 BR). As presented they would be market rate town homes and provide benefit for the community. Vegetation would be used to create privacy. They are not asking for a PILOT, they are trying to make it survive on its own merit.

Councilperson Geuss thanked Andrew and Sonia for their interest in investing in Esopus. He said this is a good example of how the Town can work together to utilize the floating zone while providing beautification to the corridor. This project is important and sets a trend on how we develop the Broadway corridor moving forward. The look is the most important because it will be a trend setter.

Supervisor Harris thanked them for bringing the concept of mixed use. She asked what type of retail would be in the mixed use. It will be a place to display merchandise but still have business online; retail professional. She also thanked them for implementing public space as outlined in the comprehensive plan. There will be potential for jobs, walk-ability and housing.

Matt Roger of Laberge Group gave an overall summary of how the process would work. If they want to proceed with the project, sketch plans would need to be presented to the Board to make a determination based on merit to move forward. The Planning Board would then make recommendations to the Town Board. Rezoning would be needed which does fit within the new mixed use floating zone. The Town Board would have to review the overall concept of the project. The owner is Blue Stone Realty, LLC

SLEIGHTSBURGH SPIT PARK – Discussion of the Park's status and future improvement plans.

Public comment

Chris Marta - I live on Parsell Street. I'm here today really just to share some feedback that I've received from the residents. So I'm speaking on behalf of the Sleightsburgh Residents Association. These two individuals didn't really feel comfortable to come and voice their opinion in an open setting, in a public manner, and I think that speaks volumes to how they're feeling about recent events at the Spit. They are more than willing to speak to individual Board members on a one-on-one phone call basis if you'd like to speak to them. They just don't want to come up. Essentially, both of these individuals have made it clear that since the tragic accident that recently took place on Steven's property, they're both very afraid, and insecure about using the waterfront that's immediately in front of their homes and our properties. So the first message is... "Dear Chris, I request that you read my statement at the meeting with the Town of Esopus Board on Tuesday evening. I feel worried about possible repercussions for my safety, as well as my dog's safety and therefore won't attend the meeting in-person. Since a neighbor was caught close to a gunshot that was fired upon his property I no longer feel safe walking in Sleightsburgh, I haven't gone down to the Spit, as I feel bullets might hit me from hunters. I often load my dog up into the car and drive to an environment that is safer, where I know there won't be any gunshots. I love everything about Sleightsburgh and I'm a taxpayer but feeling threatened in my own neighborhood makes me rethink the viability of remaining here as a homeowner. I'm fearful of accidentally being injured, or worse, being hit by bullets. I implore you to take our fear seriously. Thank you, Sleightsburgh Resident." The second letter is a bit shorter. "Good afternoon. I fear walking my dog due to not knowing if a bullet will hit me. There's absolutely no reason for hunting by our houses. It's against the law, and I don't know why the Town is allowing it anymore; especially after someone almost got struck by a bullet. This is so wrong, in more ways than one, stop it all together." I know that, you know, we can hear things like this, and we could feel that it's overdramatic. We can think, you know that they're over playing their hand or in some ways, exaggerating the situation. But I think you can't deny the impact that recent events has had on individuals, how they feel, the safety that they are literally missing in their day to day lives. To have residents now fearful of walking out of their homes is something that is completely unacceptable. I think that there's a ton of things that we can do to find a better way to have residents, hunters, sportsmen,

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kayakers, and anybody else that wants to enjoy the Spit; there has to be a better way for all of this to work. I think that we need to make sure that that happens.

Doug Mains asked what the incident was.

Chris Merta-It was not an incident, it was a tragic accident experienced by Mr. Lewis.

Andy Vanderpool said it would be better if I heard what everybody had to say and maybe I can address those concerns as well. As far as bullets flying through the air, that doesn't happen with duck hunting at all. He explained if you're duck hunting, the guns used shoot about 200 small pellets that are smaller than a BB. These pieces of steel are smaller than BBs and they don't travel more than 200 yards. Their effective range to take down a duck is about 35 yards, after that they lose all their energy and they're not harmful at all. Are they loud? Absolutely they're loud. The reason they let people hunt on the river in front of people's houses less than 500 feet is that the DEC deem it safer that they're in that position shooting away from the homes. The information is right on the DEC website that's the reason they allow it rather than hunters being out on the water shooting in towards land, which wouldn't be safe. But the threat of bullets whizzing through the air, it is not like the old west; it's not a war zone. Its shot guns and the pellets that come out are extremely small; they lose their effective energy rather quickly.

I don't know if I addressed all your concerns. But I think if you folks have more concerns, I might be able to address them. I like to reserve the right to come back to the podium.

Supervisor Harris thanked Andy.

Steve Lewis - I'm actually the person that was shot at and I was in my yard. I'm up on a hill, the rivers below me. I saw a group of ducks come over the hill. I heard the shots go off and noticed they were close. There were shots through the tree over my head. So that was illegal by any standard. I called the Sheriff they told me to call the DEC. The agent came right away. It happened to be a day when there was three feet of snow on the ground. I was impressed; he stayed there for about two hours. He said he was unable to issue a summons for shooting at me because I was the only witness. But he said he would issue other summons. Now I've filed a FOIA request to receive the summons. I haven't received it yet. Apparently, there's a 20 day waiting period. The incident happened on December 26th. I think I filed right around New Year's or a little bit thereafter and I'm still waiting for the incident report. In terms of what's going on, there's been a lot of stuff that I think is kind of questionable. I know I'm not against hunting. I grew up around guns, I've had guns. That's not my issue. It's that there's a lot of unsafe behavior. There are a lot of people in this neighborhood and maybe in the past there were fewer people but there are a lot of places that have been redeveloped. It's a little bit "cowboy" down there. There have been a bunch of incidents. There was a deer carcass left at the bus stop, the cables were cut that the Town put up, somebody rammed a telephone pole down there trying to spot the Deer at night. This isn't an isolated incident. I'd like to say that everybody was responsible, as I assume you are but the case is that not everybody is. My issue is the there's just too much stuff that's going on, it's getting dangerous. I have a kid, my neighbors have two other kids and a lot of times there's four or five kids in our yard. This was a real incident, it happened. I filed a report with a DEC and I called the Sheriff's department. It's on the record. It's not imaginary.

There was question about the deer carcass and whether it had been shot or diseased and died.

Doug Mains said he heard about the deer but there's no evidence that that was dropped there by a hunter. I don't know who put it there, but I do know that there has been some illegal activity from some of the people on your side. Somebody took it upon themselves to lock the gate three times last year, if they're willing to do that. Who's to say they didn't cut the power to the camera? Who's to say they didn't drop the deer there? Who's to say they're not harassing Miss Harris by saying there's somebody's target practicing down there. Why are you calling Shannon if they are jacking deer, call the DEC call the Sheriff's office.

If somebody down there is target shooting, it's not going to be for five or six minutes. They're going to be there for half an hour. If you call the Sheriff's, they can go down there and they can act. It seems like there's a lot of allegations being made against the sportsmen that are totally unfounded. There's a deer there, who put it there? Not me. I didn't put it there. So to say that the sportsmen are responsible is not how that works in

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this country, you have to have evidence. I think if we had the cameras that would be wonderful. I don't mean one or two, I mean, maybe three or four. So we can see for sure what's going on down there and who is responsible? I think there are certain people who just don't want to share that park with anybody. They don't want to share the roads. They don't even want to share the river.

Doug Mains continued: We've been fighting for two years down there. First it was fires on the gas line, then it was dealing drugs then it was this and it was that every time it's something else. Last February, we got the keys back next thing you know there were complaints of people down there fishing in April, having parties. I got stuff from the Sheriff saying they were told there were 50 people down there partying and doing stuff. The Sheriff went down there to address the complaint; it was a party of three, a family fishing. So now that we got the keys back. Now they're targeting hunting because we're the ones that primarily use that ramp to get out to the river to hunt. We paid for that ramp, the sportsmen paid for that ramp, and to cut us off and make allegations is not right. I'm not saying that Mr. Lewis is a liar. It happened, he called the Sheriff, they come and they look to see if anybody's doing anything illegal down there. I got no issues with guy's getting fines, but don't take the ramp we paid for. I've been hunting down there for 40 years. I've never had an issue. Actually, I did have one issue. One gentleman called the Sheriff's on me probably 10 years ago said I was shooting at his house. I never fired a gun. The Sheriff came down, I talked to the Sheriff's department, and that was all good. I was way out by the old lighthouse. I told him where I was he saw where I came from. He goes, Yeah, I have no issues. You're more than 500 feet. I was way away from the house and everything was resolved. It wasn't this gentleman. It was somebody else. I knew who it was I'm not going to say but he did call the cops on me and said I was shooting at his house, which I wasn't. Like I said the sheriff was there. He had his canine he saw where I came from. As far as dropping the deer off, you know that could be anybody. If somebody is driving around looking at jacking deer get the license plate, call DEC plain and simple. If I see people, on River Road that shine flashlights near the farm, I write their license plate number down and if I hear a gunshot. I'm calling to DEC to take a look, this guy just shot a deer near such and such property and they come and get him.

Supervisor Harris- Do you have an ask?

Doug said I want to keep the way it is and give us keys and allow access.

Trish Lewis : As a mom, when this happened, I was at work. My husband sends me a text tells me I was outside on the top of the hill working and I hear gun shots, coming up I see ducks flying up, and they hit the tulip tree that's at the top of our hill, which is very far from the river. I don't know what they were shooting. I don't know how much ammunition they had. I don't know anything about guns. I was furious. We have 6 - 7 kids sometimes running around our yard. If one of those kids got hit in the eye or arm, I don't care where, we would all be outraged. It would be a criminal scene, right? We wouldn't be talking about deer or permits or any of that. If any of this happened to one of your kids, you would be livid. Today I ask the Board, if we can please take action. We're not against the hunters, we're not against hunting. We just want more management, so this doesn't happen again because to me, one time is one time too many. I don't care if there's another deer jacking, if somebody shoots at somebody's house, we need to know that the Board is going to take some kind of action. What can the Board put in place to regulate this and make the residents feel safer? The hunters I know are traditionally good stewards of parks and the land and the nature that they hunt in. I think we can work together. I don't think we should be accusing each other saying that we're lying. I think we need to find solutions. I'm sure the Board understands because it's been years of discussing this but we've only lived here for four years and I think every year we come and talked about this. So I asked the Board to please put in place some kind of guidelines, stricter regulations on hunting and permits. Can we have background checks? We need to know who has permits. Do they have violations; take away their permit. We just want it to be safe. We want to be able to walk in the park. We don't want to feel like we're against hunters or that it's an acrimonious relationship. We want this to be a park that everybody can use.

Supervisor Harris- What's your ask of the Board?

We're not against hunters but better tracking of who has access when they go in, that they're permitted and qualified to be doing whatever it is that they choose to do down there is going to go a long way to make sure

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that if anything ever happens, we know exactly who to go to, to find out. It's really not that difficult. The access needs to be better managed and better enforced. If keys are the answers, so be it. I personally think there are a lot of other options.

What's your ask

Andy Vanderpool said I agree with you and I think we can work together. With that incident, unfortunately, it did happen and the DEC acted accordingly, the DEC oversees that. Have a better vetting process as to who can acquire the keys, maybe that's something going forward, that will work. But the one thing I want to say is just because you hear gunshots, and there are a lot of gunshots some days down there, there's no denying it. But just because you hear gunshots doesn't mean you're in the line of fire. You know, if everything's working according to plan, they're shooting out away from the shore over the water, totally harmless to any people and totally safe. Any of the residents in the neighborhood, I realize you do get the noise but if the truth be told, that's maybe 15 days out of the year. So you got 350 quiet days outside of Fourth of July. I just wanted to say that I'm not against hunting either. I just want to keep the access available to all those responsible people who act accordingly.

Laura Petite. I'm the Ulster County legislator for Esopus. I have been getting phone calls for about three or four years now about Sleightsburgh. What I'm seeing is a divide, even when I came to sign in; it was are you a hunter/fisherman or are you a Sleightsburgh resident. So and I'm seeing that people really do want to work together. I think my ask of the Town Board would be to follow the codes that you have in the books already. Your parks are only open from Dawn to Dusk. Really hunting isn't allowed when it gets dark unless you're hunting coyote and I don't think there's any coyote hunting going on. It's also very seasonal. I think if we hold to the laws that we have, and manage the gates, that the problems will be eliminated. You know, it started when the gates were open 24/7 and I saw it myself, I was called down there. I could see the tire tread marks where somebody peeled out; so it is really going on. It looks like a quiet neighborhood until you go into this beautiful sanctuary. The ecosystem down there is truly amazing. I think what would really resolve a lot is stick to what's on the books. Keep it closed dusk till dawn. I believe that would eliminate a lot of your issues.

Supervisor Harris said we have received quite a bit of public comment elsewhere and that will all be entered into the record everything that the Board has received from individuals who have expressed their concerns to us via email and telephone call. That's going to be part of the record of this. So thank you for submitting that.

Councilman Clarke asked where the gentleman's house was located in proximity to the river. Mr. Lewis said where the hunter was located was legal if they were shooting out over the river. However they were shooting towards the Lewis household. She asked the hunters, if there would be a problem with posting a sign that denies somebody shooting in that direction, making it clear that the shots cannot be aimed toward land.

Andy replied, it's hard to speculate. I mean, there are lots of responsible hunters, this was probably kids. Andy said this goes back to somebody who gets a DWI. Does that mean you take all the cars away; of course not. This was an incident. It was unfortunate. We don't condone that, but it happened. You know, you're not going to shut the whole place down because of one incident in how many years - 75?

My thought would be that we make it clear, that hunting is in the direction of the river. Signs reminding them because not all licensed hunters know, although they should know, but clearly some are not following the rules and it would support the DEC's enforcement.

From the hunters, this is a common sense situation, these people didn't have any common sense. Can you decide who has common sense? You know people know they're not supposed to drink and drive and they do it all the time.

They may not necessarily come into that space from the spit. It's a river people go up and down the river all the time. Andy said he knows people come from Westchester to hunt up here and they put their boat in the Hudson across the river. Then they go up and down the river. So these guys might not even come in to our town to get permits.

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Councilman Geuss said I don't have any questions. I think just from what we're hearing and what we have been through over the past few years on both sides, we went through getting into details of the gate so I don't think we have to go into all that tonight. Right now it just looks like how do we better manage, and that's on us. That's, what we have to look at, we need to, do our due diligence to see what can be done. When we look at this right now, what can we regulate? We can't regulate the Hudson River, and the DEC is going to regulate hunting and fishing. One thing I did send an email out earlier in the week to some of the Board members and I think we can control who we allow to hunt, or who we allow to fish in the Sleightsburgh Spit area. I think that could be a good start for us, as well as the gate and the cameras. As far as managing, who we allow to be the sportsmen down there; do the background on them and have them sign an agreement which would hold them responsible to the Town not only for the hunting laws and the fishing laws that they wouldn't necessarily have, but they would be held responsible to where, one strike, you're out. I know, we have reached out to Heather Blakey of Scenic Hudson because they offer hunting on Shaupeneak Ridge based on a lottery system and she was going to send some information so we can look to mirror. I don't see deer hunting in discussions with people as being necessary down there, because I don't think you even have the footage requirement. So I don't think that's necessarily an issue. It's our park, we can't regulate a lot because of the easement and because of state laws and the river laws, but we can regulate our property. I think we vet people, we try to know who and what they're doing down there. It's a different park; it's different than any other park. I don't think we can group it in with all our other parks; it has a niche market. I think that the better signage is going to be helpful. I think to make sure that all the neighborhood and neighbors understand what dates the seasons are which are set by NYSDEC.

The Waterfront Advisory Board would like to open more trails up this year, they're looking and actively getting volunteers this year for trails. So I think that signage will also be important for the sportsmen, you're going to have trails in this area, you know, preferably stay away. So I think we can have different buffer zones that we could set.

I think if they improve and reopen some of those trails that go toward the cove and south of the river that may be helpful for the hunters during that season because they can get close to the waterway. Right now most of it is so overgrown and there is limited walking.

Councilperson Quick said I think just different management of who's who would work at this point. I think especially the residents that are responsible people that maybe want to bring their boat in and out should have access. If they go to dinner and then come back after dark they should be able to get in and out. We have to know who they are and know they're responsible people; they don't have any outstanding warrants or anything terrible going on. I think that would certainly make the residents feel a lot safer. I think definitely signs on the river to remind people because they can come from anywhere. Signs reminding people that there are residential areas and be mindful will help.

Supervisor Harris - I'm just going to try to bring together what I'm hearing different people say, we're hearing that the Town Board needs to take a more active role and management of the park. I'm hearing that both from the residents and from the hunters. I'm also hearing a willingness to explore the possibility of the kind of management that the only other similar comparison that I was able to find, because we consulted lawyers, and we consulted the DEC that covers the entire region. There are no other municipal town parks that allow hunting anywhere near here. So we could not find another town to compare this with. We did do some research and for instance, Scenic Hudson has hundreds of acres of preserve and they through a lottery system a lot a limited number of hunting permits. During that season, the hunters can use their preserve, to hunt. What they also do I understand is they manage carefully the rules. They clarify the different zones of hiking and pedestrian versus hunting, there are maps that clarify this. When the permits are given to the hunters they were tagged so they're identifiable. I also heard that they post signs and I think a program where we in addition to posting signs, telling people where the hunting zones are or posting maps we can start to require that people using the park for hunting in Sleightsburgh register with the Town if they want special access. The hunters usually want earlier access in the morning, and the gate is locked. In order to get access to that gate, we could require registration with the town and have the town confirm that there are no outstanding suspensions on their license. We could get essential information and in exchange give them that

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special access. Once they've cleared that check they would be made to read the rules of the park and understand all of the rules of the park broken down into the different users so that if boater are coming, they read some of the park rules about not entering in with boats over 23 feet. So our park rules would be a combination of New York law and our own policies that we've already set up based on recommendation of the Waterfront Advisory Board. In addition, the park could benefit from seasonal signs of seasonal reminders so that different users of the park are aware which seasons, different activities are more likely to be occurring. If we were able to have that kind of system where they register and we run a background check, that's an additional measure and step we're taking to ensure that someone's not just shooting and already has a suspended license through the DEC. If they have a suspended license they could be banned from our park for either attempting to use our park or shooting from our park, or creating an infringement within the park. That's a violation of the gun rules. So those two people who already violated the law could be banned from the park and never be given a special permit or special access to come and hunt. Given what they've already done those individuals who were ticketed and fired shots toward the land could be denied if they were to ever come and seek a special access permit. The Town would be within its right to deny it. It's important to really clarify the rules within the park. Deer Hunting is not in the easement. The setbacks for hunting on land are much stricter. There is hardly any room there to hunt deer or trap and do that type of sporting on the land there. There are plenty of other places to hunt deer, though. So I think it's important to clarify that deer hunting is not and has never been allowed there. Also posting that if there's a deer carcass, and it looks like it came from someone who did whatever with the deer intentionally and it wasn't just a hit deer, then it may be beneficial to clarify that. I heard security; the hunters even suggested having a few more cams, that's something for the Board to consider if it's within the budget to add one or two more cameras of different angles. I think also posting numbers for who people can call if they do need help. If they do see a violation, the numbers to call the DEC environmental officers or the Sheriff, depending on the kind of activity they see would be helpful.

I'm hearing some agreement between the two constituencies and hearing from the Board different ideas about how to manage this. I think what we can do is follow some models, even if they're not directly comparable, look to what see scenic Hudson does and see how we can apply it to our situation and follow in step with all of the components of the maps, the rules that someone's made to read before they get the special access key, the tags to identify that they are permitted to be hunting there. We can't control people who come from elsewhere, but what we can post is if they hunt on our shores, they must be specially permitted by us and there's a process for that. We'll put that number on there as well to call Holly, and she would be more than happy to help them. So that's my thoughts. If we combine all that together, I think, work with writing up what the rules would state from A to B on how this would work. I'm hopeful that we would be able to implement something like that. Maybe even by striper season, in April, the gate does open and close with the sunrise and the sunset.

Councilperson Quick said with the gate opening and closing with the sunrise and sunset, but that would still allow people special access pre dawn. The plans to have the electronic gate are already made. We already have that money set aside for that.

The question is, can we get it in the ground and get these policies to go along with it prior to April 1, when the park will be much more heavily used.

Supervisor Harris said I understand that you want me to put together what this plan would look like to ensure a little bit better management and coordination between the different park users complete with signage, and written rules. And potentially talking with the lawyer about what the outcomes would be if the rules aren't abided by? What the Town would do.

Councilperson Quick added we want people to feel safe in their homes in the neighborhood and we want people to enjoy our lovely park and waterfront access. I love going down there walking my dog, my boys like to put their boats in there and kayaks . It's a lovely place.

Supervisor Harris thanked everyone for their participation.

Miscellaneous:

Councilperson Chris Farrell made a request that the agenda be placed by five o'clock in the Councilmen's drop Box the Friday prior to the Board meetings and the final agenda is posted. It also should be forwarded to our Town Clerk so that she can gather any information needed to prepare for the meeting.

Supervisor Harris said she will attempt to get it to the Board on Friday with supporting documents so they have time to review it over the weekend. Supervisor Harris said she thought a more reasonable deadline is by Monday at noon but will do her best to get it prepared by Friday.

UPDATES

- **Port Ewen Post Office** – Per Supervisor's requests for an update on the status of the post office building in Port Ewen, USPS leasing agent Kurtis Bullard reported that Federal funding for the new post office at 194 Broadway in Port Ewen was just approved in Washington last week. Construction bids for the new location will go out in the next two weeks.
 - **Commemorating Sojourner Truth** – Discussion of tentative 2021 plans to commemorate Sojourner Truth during Black History Month. For more information, contact Kimberly Kae at kimberly@metalhousecider.com or Frank Waters at fwatersonline@yahoo.com .
 - **Zoning Update concluding** – The Town Zoning Update is nearing completion with a public release and/or possible adoption via public hearing during the March 16th Town Board Meeting. Councilperson Geuss shared the upcoming schedule:
 - 1-19-21 Send to internal reviewers
 - 1-25-21 Comments back from the internal reviewers. Matt Rogers will work with Kyle to get the documents in local law format and sent to the Town Board in advance of the February 2nd meeting.
 - 1-29-21 Draft local laws sent to Town Board. They will need to be formally introduced at the February 2nd meeting.
 - 2-2-21 Draft Local Laws introduced to Town Board. Schedule a Public Hearing for February 16. Refer Draft Chapter 123 and Draft Noise regulations to Town Planning Board. Refer all local laws to Ulster County Planning Board.
 - 2-3-21 Alex makes necessary referrals. Must occur on this day to meet Ulster County Planning Board referral requirements
 - 2-15-21 Town Planning Board meets
 - 2-16 Open Public Hearing
 - 3-3-21 Ulster County Planning Board meets
 - 3-9-21(special meeting) or 3-16 close public hearings. All county and Planning Board comments should have been received.
- March 16 consider adoption however adoption may need to wait until April 6 to address any minor edits and ensure the Town Board receives the final version 7 days before adoption.

- **Assessor’s office** – Written report from Daniel Baker evaluating the Town of Esopus’ assessment administration capabilities and future opportunities – attachment was missing from Boards Drop Box
- **Lakeshore Villas** – Sale of Black Creek Apartments, Lakeshore Villas & other properties in Kingston pending, expected to close at the end of January with new ownership.
- **PILOT** – Star Vodka Distillery, established on the former Christian Brothers property in West Park, has a PILOT agreement with the Ulster County IDA for payments totaling \$8,680.04 per year.
- **\$5 million EFC grant** – the Town of Esopus anticipates closing its Project Finance Agreement with the New York State Environmental Facilities Corporation on January 21st for SRF projects #15616 & #18744 totaling \$4.728 million in grant funding and \$3.724 million in financing.
- **Call for volunteers** – We have received 4 applications for the Parks & Recreation Commission and 1 application for the Planning Board. There are openings on our Environmental Board. Please inquire to volunteer today!

BUDGET ADJUSTMENTS

Be It Resolved, by the Town Board of the Town of Esopus, County of Ulster as follows:

Whereas, the Town of Esopus has been presented with budget adjustments and the adjustments have been examined and approved by the Town Board.

Therefore, Be It Resolved, that the following budget adjustments be approved for payment:

BUDGET ADJUSTMENT FOR DECEMBER 2020- FINAL

AO 0599.000 Fund Bal	AO 1420.400	\$ 2,132.75
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ATTORNEY CONTRACTUAL

	AO. 5182.401	\$ 8,430.36
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ESOPUSOL

A MOTION WAS MADE TO APPROVE THE

BUDGET ADJUSTMENTS.

OFFERED BY:	Councilman Quick
SECONDED BY:	Councilman Farrell

Councilman Evelyn Clarke	AYE
Councilman Jared Geuss	AYE
Councilman Kathie Quick	AYE
Councilman Chris Farrell	AYE
Supervisor Shannon Harris	AYE

ALL TOWN BOARD MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED.

RESOLUTION AUTHORIZING PAYMENT OF BILLS DECEMBER 2020- FINAL

BE IT RESOLVED, by the Town Board of the Town of Esopus, County of Ulster as follows:

WHEREAS, the Town of Esopus has been presented with vouchers for payment and these vouchers have been examined and approved by the Town Board,

THEREFORE, BE IT RESOLVED, that the following vouchers be approved for payment:

GENERAL FUND	201607 - 201641	\$66,098.61
HIGHWAY FUND	202253 - 202274	\$71,964.32
STREET LIGHTS		
PORT EWEN SEWER FUND	203143 - 203150	\$ 1,432.98
PORT EWEN WATER FUND	204285 - 204306	\$51,590.70
CAPITAL	200403	\$49,420.00
Water Treatment		
TOTAL		\$240,506.61

A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.

OFFERED BY: Councilman Geuss
 SECONDED BY: Councilman Farrell

Councilman Evelyn Clarke	AYE
Councilman Jared Geuss	AYE
Councilman Kathie Quick	AYE
Councilman Chris Farrell	AYE
Supervisor Shannon Harris	AYE

ALL TOWN BOARD MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED.

RESOLUTION AUTHORIZING PAYMENT OF BILLS JANUARY 2021

BE IT RESOLVED, by the Town Board of the Town of Esopus, County of Ulster as follows:

WHEREAS, the Town of Esopus has been presented with vouchers for payment and these vouchers have been examined and approved by the Town Board,

THEREFORE, BE IT RESOLVED, that the following vouchers be approved for payment:

GENERAL FUND	211000 - 211021	\$24,325.56
HIGHWAY FUND	212000 - 212002	\$16,771.75
STREET LIGHTS		
PORT EWEN SEWER FUND	213000 - 213004	\$ 13,402.40
PORT EWEN WATER FUND	214000 - 214009	\$33,053.12
CAPITAL		
Water Treatment		
TOTAL		\$87,552.83

A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.

OFFERED BY: Councilman Quick
SECONDED BY: Councilman Farrell

Councilman Evelyn Clarke **AYE**
Councilman Jared Geuss **AYE**
Councilman Kathie Quick **AYE**
Councilman Chris Farrell **AYE**
Supervisor Shannon Harris **AYE**

ALL TOWN BOARD MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED.

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EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILMAN QUICK TO ENTER INTO EXECUTIVE SESSION AT 9:22 PM FOR THE PURPOSE OF DISCUSSING THE HISTORY OF EMPLOYEES IN THE ASSESSOR'S OFFICE AND HIGHWAY DEPARTMENT AND A POSSIBLE UPDATE SUBJECT TO ATTORNEY/CLIENT PRIVILEGE. THE MOTION WAS SECONDED BY COUNCILMAN GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

SUPERVISOR HARRIS MADE A MOTION TO COME OUT OF EXECUTIVE SESSION AT 10:13 PM AND WAS SECONDED BY COUNCILMAN GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

ACTION TAKEN:

A MOTION WAS MADE TO APPOINT THE FOLLOWING INDIVIDUALS TO THE PARKS AND RECREATION COMMITTEE. KEVIN BOLLER JR. & EZRA ZIMMERMAN, TERM TO EXPIRE 12/31/2023; STEVEN & TRICIA LEWIS TERMS TO EXPIRE 12/31/2025. THE MOTION WAS SECONDED BY COUNCILMAN JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR; MOTION CARRIED.

A MOTION WAS MADE TO PAY PATTY SMITH, ACTING ASSESSOR A \$200 STIPEND PER MONTH. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILMAN CLARKE TO ADJOURN THE MEETING AT 10:15 PM. THE MOTION WAS SECONDED BY COUNCILMAN QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

Respectively submitted,

Holly A. Netter
Town Clerk, RMC