

**Town Board Meeting
August 19, 2021**

A regularly scheduled Town Board meeting was held at the Esopus Town Hall 1 Town Hall Way Ulster, Park NY. The meeting was also available via zoom, live streamed on Facebook and televised on local access channel 23 on Thursday August 19, 2021 at 7:00 PM with the following persons in attendance:

**Supervisor Jared Geuss
Councilman Kathie Quick
Councilman Chris Farrell
Councilman Evelyn Clarke
Councilman Laura Robinson - Absent**

Recording Administrator Holly A. Netter, Town Clerk, RMC

OPEN REGULAR TOWN BOARD MEETING

PUBLIC COMMENT

Jessica Smith, Ulster Park attended the Recreation Commission meeting. Ross Park summer program well organized and she was confident with Park closed during camp hours. Temperatures too high suggested a splash pad and asked how we could push this forward. She asked if the town could vote on it or seek a grant. She asked where the revenues go (answer general fund) Supervisor Geuss explained food truck event and how it was structured and set up that the funds go to the planter boxes. Offered to help if there was anything she could do to push it forward; petitions, etc.

Rebecca Dunn, Port Ewen -did not appreciate the parks being closed to the public during camp hours. Website outdated, numbers and personnel information was not current. Asked a series of questions relating to the funding of the parks and the Recreation budget. Suggested a more detailed description of what the expenditures would be. She offered to get involved. She said she never seen flyer for events that had taken place and feels the town needs a more online presence.

Diane Hull, Connelly – reiterating her request for stop signs in Connelly the speeding continues to extremely dangerous. Need more than stop signs, need speed bumps. She is frightened someone is going to get injured or killed. Speeding on Plantasia and First St. has gotten worse.

Monroe, Connelly resident lives on the corner of First St. and Plantasia. Agrees with Diane Hull there needs to be a series of speed bumps. Traffic pattern needs to be slowed down. Asked for an update on Cataway Marina.

Castaway Marina update- Supervisor Geuss said they are still in litigation and working with lawyers.

Marie Omura, Connelly resident also shared the same safety concerns relating to the speed and lack of stop signs; something needs to be done.

James Clark, Kingston advocate for public access. Thanked Alex for continuing to air the meetings and commended him for a job well done. Praised the late Brian Barnes who initially made the commitment to public access. He hoped it would continue to be better in the future. He thanked the Town of Esopus for the outstanding job it has done providing public access to keep the public informed and showing the meetings online and on cable.

A MOTION WAS MADE BY SUPERVISOR GEUSS TO CLOSE PUBLIC COMMENT THE MOTION WAS SECONDED BY COUNCILMAN QUICK. ALL MEMBERS PRESENT WERE IN FAVOR; MOTION CARRIED.

Local Law No. 8 of 2021 – Replacing Esopus Town Code §123 “Town of Esopus

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,
REPEALING EXISTING CHAPTER 123, “TOWN OF ESOPUS ZONING LAW,” AND
REPLACING IT WITH A NEW CHAPTER 123, “TOWN OF ESOPUS ZONING LAW,” OF
THE TOWN OF ESOPUS TOWN CODE.

WHEREAS, the Town of Esopus Town Board proposes to adopt Local Law No. 8 of 2021, a Local Law of the Town of Esopus, Ulster County, New York; repealing existing Chapter 123, “Town of Esopus Zoning Law,” and replacing it with a new Chapter 123, “Town of Esopus Zoning Law,” of the Town Code; and; 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 Jared Geuss, 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 an Unlisted 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 a complete update of existing Chapter 123, "Town of Esopus Zoning Law" of the Esopus Town Code; and

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]). While the proposed amendments address areas characterized by low density development which are not currently supported by public infrastructure, the changes are not anticipated to result in the expansion of public infrastructure, and the proposed changes in fact direct future development to areas already served by 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.

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

Supervisor Geuss	AYE
Councilperson Farrell	AYE
Councilperson Quick	AYE
Councilperson Clarke	AYE
Councilperson Robinson -	Absent

DATED: Ulster Park, New York
August 19, 2021

HOLLY A. NETTER, TOWN CLERK

Contact Person:
Holly A. Netter, Town Clerk
Town of Esopus
1 Town Hall Way
Ulster Park, New York 12487

(845) 331-3709

RESOLUTION OF ADOPTION

SUPERVISOR GEUSS 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. 8 of 2021**, entitled, A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK, REPEALING EXISTING CHAPTER 123, “TOWN OF ESOPUS ZONING LAW,” AND REPLACING IT WITH A NEW CHAPTER 123, “TOWN OF ESOPUS ZONING LAW,” OF THE TOWN OF ESOPUS TOWN CODE.

WHEREAS, a public hearing in relation to said local law was opened on February 16, 2021, at 7:00 p.m., prevailing time, and closed on April 15, 2021 at 7:16 p.m. prevailing time; and **WHEREAS**, said local law was subsequently revised and subject to another public hearing that was opened July 1, 2021 at 7:00 p.m. prevailing time, and closed on August 5, 2021 at 7:15 p.m. prevailing time;

WHEREAS, notices of said public hearings were 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, “Town of Esopus Zoning Law,” of the Esopus Town Code is repealed and replaced in its entirety with a new Chapter 123, “Town of Esopus Zoning Law,” of the Town Code of Esopus as follows (Refer to the attached Chapter 123, “Town of Esopus Zoning Law)

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 Geuss	AYE
Councilperson Farrell	AYE
Councilperson Quick	AYE
Councilperson Clarke	AYE
Councilperson Robinson	Absent

DATED: Ulster Park, New York

August 19, 2021

HOLLY A. NETTER, TOWN CLERK

Contact Person:

Holly A. Netter, Town Clerk

Town of Esopus

1 Town Hall Way

Ulster Park, New York 12487

(845) 331-3709

Zoning Law” with a new §123 “Town of Esopus Zoning Law”

Local Law No. 9 of 2021 – Amending Esopus Town Code §113 “Abandoned

Vehicles Law”

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
CHAPTER 113, “ABANDONED VEHICLES LAW” OF THE ESOPUS TOWN CODE**

WHEREAS, the Town of Esopus Town Board proposes to adopt **Local Law No. 9** of 2021, a Local Law of the Town of Esopus, Ulster County, New York; amending Chapter 113, “Abandoned Vehicles Law” of the Esopus 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 Jared Geuss, 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 an Unlisted 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 Esopus Town Code to amend Chapter 113, Abandoned Vehicles Law; and

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: Councilman Farrell
Seconded by : Councilman Quick

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

Supervisor Geuss	AYE
Councilperson Farrell	AYE
Councilperson Quick	AYE
Councilperson Clarke	AYE
Councilperson Robinson -	Absent

DATED: Ulster Park, New York
 August 19, 2021

HOLLY A. NETTER, TOWN CLERK

Contact Person:

Holly A. Netter, Town Clerk

Town of Esopus

1 Town Hall Way

Ulster Park, New York 12487

(845) 331-3709

RESOLUTION OF ADOPTION

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

WHEREAS, a local law was introduced to be known as **Local Law No. 9 of 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 113, “ABANDONED VEHICLES LAW,” OF THE ESOPUS TOWN CODE.**

WHEREAS, a public hearing in relation to said local law was opened on February 16, 2021 at 7:49 p.m., prevailing time, and closed on April 15, 2021 at 7:15 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 113

ABANDONED VEHICLES LAW

[HISTORY: Adopted by the Town Board of the Town of Esopus 5-28-1981 by L.L. No. 7-1981; amended in its entirety 1-11-1995 by L.L. No. 2-1995; amended in its entirety 8-19-2021 by L.L. No 9-2021.]

GENERAL REFERENCES

Junkyards — See Ch. 90.

Landfills — See Ch. 92.

Vehicles and traffic — See Ch. 115.

§ 113-1. Purpose.

The outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles and the sale of motor vehicles upon privately owned properties within the Town of Esopus is dangerous, unsightly and a detriment to the preservation of public health, the protection of property and the safety and welfare of the residents of the Town of Esopus. The outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles and the sale of motor vehicles upon privately owned properties within the Town of Esopus constitutes an attractive nuisance to children and a peril to their safety. Such storage constitutes a threat to the safety and welfare of the residents of the Town of Esopus since the fuel tanks frequently contain gasoline or gasoline fumes and may be subject to explosion in case of fire. Such storage depreciates the value of neighboring properties and is unsightly and discourages the orderly, progressive development of the Town of Esopus. The control of the outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles and the sale of motor vehicles upon privately owned properties within the Town of Esopus is therefore regulated for the preservation of the public health, safety and welfare of the residents of the Town of Esopus.

§ 113-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED MOTOR VEHICLES

Any motor vehicle which the owner thereof does not intend to use on the public highways. The intent of the owner of the motor vehicle may be determined by the physical condition of the motor vehicle, any statements as to its abandonment, the length of time since the motor vehicle was last used on the public highway and whether the motor vehicle is licensed or unlicensed and other relevant facts. Any motor vehicle which is required by state law to be licensed and/or registered, but which has not been licensed and/or registered for more than 12 months, shall be presumed to be an abandoned motor vehicle. With respect to motor vehicles not required to be licensed, or motor vehicles not customarily used on the public highway, the intent of the owner may be determined by the physical condition of the motor vehicle, the length of time since it was last used for the purposes intended, any statements as to its abandonment, and other relevant facts.

DEALER

A person engaged in the business of buying, selling or dealing in motor vehicles, motorcycles or trailers, including mobile home trailers, at retail or wholesale. Any person who sells or offers for sale more than five motor vehicles, motorcycles or trailers in a calendar year or who displays or permits the display of two or more motor vehicles, motorcycles or trailers for sale at any one time or within any one calendar month upon the premises owned or controlled by him, if such vehicles were purchased, acquired or otherwise obtained by such person for the purpose of resale, will be regarded as a dealer.

DISCARDED MOTOR VEHICLES

Any motor vehicle which the owner thereof, as established by surrounding circumstances, does not intend to recover possession thereof or any motor vehicle to which ownership cannot be reasonably

determined with due inquiry.

JUNKED MOTOR VEHICLES

Any motor vehicle whether automobile, bus, truck, trailer, tractor or any other vehicle intended for highway use that is unlicensed, old, wrecked, discarded, abandoned or dismantled or partially dismantled, which is no longer intended or in condition for legal use upon the public highway.

With respect to any motor vehicle not required to be licensed or a motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than three months and is not in condition to be moved under its own power shall be presumptive evidence that such motor vehicle is a “junked motor vehicle.”

MOTOR VEHICLE

Every motor vehicle designed and intended to be operated, drawn or driven or capable of being driven or operated, drawn or driven upon a public highway by any power other than muscular power. For the purposes of this chapter, “motor vehicles” shall include, but not be limited to,

automobiles, trucks, buses, motorcycles, recreational vehicles, and trailers.

RECREATIONAL VEHICLE

A vehicular-type portable structure, without permanent foundation, which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, motor homes, fifth-wheel trailers, or vans.

OWNER OF MOTOR VEHICLE

A person having property in or title to a motor vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person and also includes any lessee or bailee of a motor vehicle having the use thereof under lease or otherwise.

OWNER OF PRIVATE PROPERTY

Includes the legal owner, contract purchaser, tenant, lessee, occupant, undertenant, receiver or assignee of premises or property located within the Town of Esopus.

PRIVATE PREMISES OR PROPERTY

Includes all parcels of real property situate in the Town of Esopus, whether occupied or vacant, irrespective of size or topography.

UNLICENSED MOTOR VEHICLE

Any motor vehicle required to be, but which has not been licensed or registered with the State of New York for a period of at least 30 days from the expiration of the last valid licensing, with the exception of those motor vehicles in the possession of authorized used car dealers or automobile repair shop for the purpose of sale or repair.

§ 113-3. Outdoor storage on private lands prohibited.

A. It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise of any private property within the Town of Esopus, to store or deposit or cause or permit to be stored or deposited an abandoned, junked, discarded or unlicensed motor vehicle or vehicles upon any private land within the corporate limits of the Town of Esopus, unless:

- 1. Such motor vehicle is stored in a completely enclosed building, provided not more than one motor vehicle is stored within said completely enclosed building per lot or contiguous lots under the same ownership.**
- 2. Such motor vehicle is under repair, reconstruction, or refurbishing by the owners thereof who must actually be residing upon the premises. Not more than one motor vehicle shall be permitted at any one time on any premises. Such motor vehicle must be so maintained and protected as to not create any safety hazard or nuisance to surrounding property owners and shall not remain on the premises more than twelve months.**
- 3. Such motor vehicle is temporarily stored on the premises of a dully authorized automobile repair shop in accordance with all applicable regulations.**
- 4. Such motor vehicle is stored on the premises of an active farm operation within a county adopted State certified agricultural district and is used in connection with farm work. Such motor vehicle must be so maintained and protected as to not create any safety hazard to**

surrounding property.

5. The storage or use of such motor vehicle is specifically authorized in accordance with Chapter 123, "Town of Esopus Zoning Law."

§ 113-4. Sale of motor vehicles.

A. It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise of any property within the Town of Esopus, to sell more than five motor vehicles in a calendar year and not more than two such motor vehicles at any one time within any calendar month, except as set forth below. A New York State registered dealer, as set forth in the Vehicle and Traffic Law, may sell such motor vehicles as permitted by law, but may only do so at locations designated as a place of business on the New York State dealer's registration, and provided that the necessary approvals as set forth in this chapter are obtained.

B. The dealer shall provide, upon twenty-four-hour notice by the Town of Esopus Zoning Officer or Building Inspector, such inventory books and MV-50 forms as requested. The dealer shall display his New York State dealer's registration sign as required by New York State law at each location motor vehicles are located.

C. Any person selling vehicles contrary to the provision of the Vehicle and Traffic Law shall also constitute a violation of this chapter and shall be deemed an offenses as set forth below.

§ 113-5. Notice of violation.

If the provisions of the foregoing section are violated, the Zoning Enforcement Officer or the Building Inspector shall serve written notice, either personally or by mail, upon the owner, occupant or person having charge of any such private property to comply with the provisions of this chapter. The aforesaid town official may determine ownership of any parcel of land within the Town of Esopus from the then- current tax rolls of the Town of Esopus and may serve written notice upon such owner by mailing such notice by regular mail to the owner of the address listed in the then-current tax rolls. In the event that the aforesaid town official cannot determine the owner or address of the owner of a parcel of land within the Town of Esopus, the aforesaid town official

may serve written notice by publishing said written notice in the official newspaper of the Town of Esopus for two consecutive weeks. The notice shall be in substantially the following form:

To the owner, occupant or person having charge of land within the Town of Esopus known as:
(insert Tax Map No. or Account No.)

Notice is hereby given that an abandoned, junked, discarded, unlicensed or for-sale motor vehicle(s) has been stored or deposited on the above-described property in the Town of Esopus.

This or these vehicles(s) must be removed within 10 days from the date of this notice.

In the event that this notice is served upon you by publication, the vehicle(s) must be removed within 24 days from the first date of publication of this notice.

In case you fail or refuse to comply with this notice on or before the expiration of said 10 days from the date of this notice or before the expiration of said 24 days from the date of this notice, in the event it is served upon you by publication, you are hereby summoned to appear before the Town Justice of the Town of Esopus on to show cause why the Town of Esopus, acting through its duly authorized agents, servants, officers and employees, should not enter upon your land and remove said motor vehicle(s) and cause the same to be destroyed. In the event that the Town Justice of the Town of Esopus orders the aforementioned motor vehicle(s) to be removed and destroyed, the expense incurred by the Town of Esopus will be assessed against the above-described property and shall constitute a lien thereon and be collected as provided by law.

Town of Esopus Zoning Enforcement

Officer/Building Inspector

§ 113-6. Penalties for offenses

A violation of this chapter shall be deemed an offense, and all persons, including corporations, found

in violation shall be subject to a fine of not more than \$350 or to imprisonment for a term of not more than 15 days, or both.

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 upon filing of the local law with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.

Section 4. 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.

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 Geuss	AYE
Councilperson Farrell	AYE
Councilperson Quick	AYE
Councilperson Clarke	AYE
Councilperson Robinson -	Absent

DATED: Ulster Park, New York
August 19, 2021

HOLLY A. NETTER, TOWN CLERK

ADD EAF 1,2 3

Local Law No. 10 of 2021 – Repealing Esopus Town Code §96, “Lawn Maintenance”, and replacing with a new §96, “Property Maintenance Law”

**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
REPEALING CHAPTER 96 “LAWN MAINTENANCE” AND REPLACING WITH**

**CHAPTER 96, “PROPERTY MAINTENANCE LAW”
OF THE ESOPUS TOWN CODE.**

WHEREAS, the Town of Esopus Town Board proposes to adopt Local Law No. 10 of 2021, a Local Law of the Town of Esopus, Ulster County, New York; to repeal and replace Chapter 96 of the Town of Esopus 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 Jared Geuss, 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 an Unlisted 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 Esopus Town Code to repeal and replace Chapter 96 of the Town of Esopus Town Code; and

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.

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

Supervisor Geuss	AYE
Councilperson Farrell	AYE
Councilperson Quick	AYE
Councilperson Clarke	AYE
Councilperson Robinson	Absent

DATED: Ulster Park, New York
August 19, 2021

HOLLY A. NETTER, TOWN CLERK

Contact Person:
Holly A. Netter, Town Clerk
Town of Esopus
1 Town Hall Way
Ulster Park, New York 12487
(845) 331-3709

RESOLUTION OF ADOPTION

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

WHEREAS, a local law was introduced to be known as **Local Law No. 10** of 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK REPEALING CHAPTER 96, "LAWN MAINTENANCE" AND REPLACING WITH CHAPTER 96, "PROPERTY MAINTENANCE LAW," OF THE ESOPUS TOWN CODE.

WHEREAS, a public hearing in relation to said local law was opened on February 16, 2021 at 7:56 p.m., prevailing time, and closed on April 15, 2021 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 96

PROPERTY MAINTENANCE LAW

§ 96-1. Title.

This chapter shall be known as the “Property Maintenance Law of the Town of Esopus.”

§ 96-2. Legislative intent.

The purpose of this chapter is to provide for a sanitary and hazard-free environment for the citizens of the Town of Esopus. This type of environment is declared to be of vital importance to the health, safety, and welfare of the citizens of the Town of Esopus. It is also the intent of this chapter to provide minimum standards for the maintenance of all property to be enforced by the Town in its effort to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation within its borders, and to ensure that all premises within the Town are maintained in a manner consistent with their use and which protect the health, safety, and welfare of the general public. Such enforcement is deemed essential to the maintenance and continued development of the diverse economy of the Town of Esopus. Therefore, recognizing the above and the need of the community for an effective and well-regulated procedure for the maintenance of all property, public or private and whether improved or vacant, the Town Board does hereby enact this chapter.

§ 96-3. Applicability and exemptions.

- A. Compliance required. Except where specifically exempted, all residential, commercial, industrial, and public property located within the Town of Esopus, whether improved or vacant, shall be maintained in conformity with the provisions of this chapter.
- B. Agricultural operations. Except were otherwise indicated, the requirements of this law shall apply to Agricultural Operations, as defined herein, and which are conducted within a state-certified agricultural district.

§ 96-4. Compliance with Building Code.

Any alterations to buildings, structures or appurtenances thereto which may be caused directly or indirectly by the enforcement of this chapter shall be done in accordance with Chapter 56,

“Building Construction” of the Town of Esopus Code, and all other applicable sections of the Town of Esopus Code, and the New York State Uniform Fire Prevention and Building Code.

§ 96-5. Conflict with other laws.

Where a provision of this chapter is found to be in conflict with any provision of an existing Town of Esopus law, ordinance, or regulation, or regulations of the State of New York or any of its agencies or authorities, the provisions or requirements which are more restrictive or which establishes the higher standard shall prevail, unless exempted by New York State.

§ 96-6. Abandoned, junked, discarded and unlicensed motor vehicles. Except where stated otherwise herein, the outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles shall be regulated by Chapter 113, “Abandoned Vehicles” of the Town of Esopus Code.

§ 96-7. Effect on existing remedies

Nothing in this chapter shall be deemed to abolish or impair existing remedies of the Town of Esopus or its officers or agencies relating to the repair, removal or demolition of any buildings which are deemed to be dangerous or unsafe to the public from any cause whatsoever, in accordance with **Chapter 59, “Unsafe Building Demolition Law”** of the Town of Esopus Code.

§ 96-8. Responsibilities of occupants.

Unless specifically exempted herein, all owners, operators, and tenants of property in the Town of Esopus shall be responsible for compliance with the provisions of this chapter.

§ 96-9. Lot maintenance.

No person owning, leasing, renting, occupying, being in possession of or having charge of any property in the Town, including vacant lots, shall maintain or allow to be maintained on such property, any of the following conditions, unless otherwise exempted:

- A. Junk, trash, litter, discarded boxes, discarded lumber, salvaged materials, construction and demolition debris, crates, pallets, broken or discarded furniture, household equipment, furnishings, or other similar materials in any front yard, side yard, rear yard, or vacant lot, excepting when placed in appropriate trash receptacles for regular removal. This prohibition shall not include salvaged material, crates, pallets and other similar material not considered junk, trash, litter or similar debris, and which is directly associated with a legally operating business. Said materials associated with a legally operating business may be allowed to be stored outside provided they are adequately screened from public rights-of-ways and adjoining property and the operation is in compliance with all applicable regulations and approvals.
- B. The storage of abandoned, wrecked or unregistered boats (for those requiring registration) or other watercraft.

- C. The use of a bus, uninhabited manufactured home, truck trailer, horse trailer, semi-trailer, tank truck, or similar vehicle units for storage, unless specifically authorized in accordance with Chapter 123, "Town of Esopus Zoning Law."
- D. Attractive nuisance affecting the health of Town of Esopus residents or visitors, including, but not limited to, the storage of abandoned, broken or neglected equipment, machinery, refrigerators and freezers, or leaving exposed open excavated areas, including, but not limited to wells or shafts.
- E. No shopping baskets, carts, or wagons shall be left unattended or standing in open areas. For commercial businesses, baskets, carts, or wagons shall be collected at the close of business each day by the owner or operator of the associated establishments and removed to the interior of the building or buildings, or to a designated storage area which does not hinder pedestrian or vehicular movement.
- F. Any accumulation of grass, weeds or undergrowth which exceeds an average height of 10 inches, except for that which is kept in a neat and orderly manner for human consumption, or any accumulation of dead organic matter, offal, rat harborages, stagnant water, combustible materials and similar materials, or conditions which would constitute a fire, health, or safety hazard. However, this shall not apply to trees, cultivated flowers, gardens, or agricultural uses.
- G. Any vegetative overgrowth that adversely affects neighboring properties, sidewalks or public rights-of-ways.

§ 96-10. Lot maintenance on agricultural operations within state-certified agricultural districts.

Lot maintenance on agricultural operations within state-certified agricultural districts shall be regulated as follows.

- A. Agricultural operations within state-certified agricultural districts are strongly encouraged to maintain areas of their property visible from public rights-of-ways free of junk, trash, litter, discarded boxes, discarded lumber, salvaged materials, construction and demolition debris, crates, pallets, broken or discarded furniture, household equipment, furnishings, or other similar materials, excepting when placed in appropriate trash receptacles for regular removal.
- B. Salvaged material, equipment, crates, pallets and other similar material not considered junk, trash, litter or similar debris, which is associated with the agricultural operation within state-certified agricultural districts, may remain visible from public rights-of-ways. The Town of Esopus strongly encourages such material to be stored and maintained in a manner that does not negatively detract from the Town's desired community character of well-maintained properties.
- C. Attractive nuisances affecting the health of Town of Esopus residents or visitors, including, but not limited to the storage of abandoned, broken or neglected equipment, machinery, refrigerators and freezers, and leaving exposed open excavated areas, including, but not limited to wells or shafts, shall be prohibited.

- D. The use of a semi-trailer, tank truck, bus, truck trailer, horse trailer or similar vehicle units for storage of materials associated with an agricultural operation within a state-certified agricultural district is permitted. The Town of Esopus strongly encourages vehicle units used for said storage to be located in such a manner as to minimize their visibility from public rights-of-ways. Alternatively, it is strongly encouraged for such vehicle units to be located adjacent to or nearby existing structures, equipment or other vehicle units to consolidate, limit their overall visibility and contribute towards the Town's desired community character of well-maintained properties.
- E. No vehicle unit or equipment of any kind shall be stored in a manner that endangers motorists, bicyclists or pedestrians or that may otherwise threaten public health and safety.
- F. Any unused semi-trailer, tank truck, bus, truck trailer, horse trailer, or similar vehicle units stored on property of an active agricultural operation within a state-certified agricultural district are strongly encouraged to be located in areas and/or screened to limit their visibility from public rights-of-ways to assist the Town in preserving and enhancing the desired community character of well-maintained properties.

§ 96-11 Buildings and structure maintenance.

The following requirements shall apply to all properties and uses within the Town of Esopus.

- A. Exterior walls, roofs, and other parts of buildings shall be free from loose, unsecured and improperly secured objects and materials. Such objects or materials shall be removed, repaired, or replaced.
- B. The owner of vacated buildings shall take such steps and perform such acts as may be required from time to time to ensure that all buildings and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public. All openings shall be securely fastened to prevent trespassing or animal or vermin entry or harborage.
- C. All lighting systems shall be maintained in a fully operable, clean, and safe condition.
- D. All swimming pools shall be maintained and operated in a clean, safe, and sanitary manner. Swimming pool recirculation and disinfection equipment shall be operated to maintain water quality.
- E. All decorative pools, fountains, architectural garden features, and similar items shall be maintained free of litter and operated as intended. Should these devices be abandoned or should they deteriorate because of lack of adequate maintenance, the owner shall either repair, remove, or replace these items within five days of written notice.

§ 96-12. Drainage

The following requirements shall apply to all properties and uses within the Town of Esopus.

- A. Surface and subsurface water shall be appropriately drained to protect property, including buildings and structures and to prevent the development of standing water.

- B. No roof, foundation, or sump pump drainage shall be discharged directly onto adjacent property, across or onto a sidewalk, town, county or state road, or any public right-of-way or in a manner that creates a nuisance to the owners or occupants of adjacent premises or to the public or creates a structural, safety, or health hazard by reason of construction, maintenance, or manner of discharge.
- C. Any drainage or discharge which creates a nuisance to the owners or occupants of adjacent premises or to the public or a structural, safety, or health hazard by reason of construction, maintenance, or manner of discharge, shall be immediately abated by the owner of the drained area.
- D. For the purposes of this section, a nuisance includes, but is not limited to, the discharge or drainage of water that results in the accumulation of standing or freezing water or which causes the erosion of soils on any public property, right-of-way or neighboring private property.

§ 96-13. Trash disposal and receptacles.

The following requirement shall apply to all properties and uses within the Town of Esopus.

- A. Adequate sanitary facilities and methods shall be used for the collection, storage, handling, and disposal of garbage and refuse.
- B. Dumpsters and similar large receptacles shall be screened from public streets, rights-of-way, and areas where pedestrians frequently travel. Said screening shall consist of a solid row of evergreens, or solid fencing to hide the dumpster/receptacle from public view.
- C. Shopping centers, supermarkets, and similar businesses shall provide appropriate sanitary litter receptacles for public use. Receptacles shall be of sufficient numbers and size to accommodate small items of patron's trash and be appropriately emptied at regular intervals.

§ 96-14. Notice of violation.

All written notices under this section shall be served by posting a copy of such violation notice upon the front portion of the property or upon the main structure and by mailing a copy of such notice by certified mail, return receipt requested, to the last known address of the property owner as it appears on the current assessment records of the Town.

§ 96-15. Public hearing; removal by Town; assessment of expense.

Upon the failure of an owner, operator or person in control with notice to correct a condition complained of within 30-days of the date the notice was posted and mailed, the Town Board shall hold a public hearing.

- A. The public hearing shall be held upon notice posted conspicuously on the affected property and forwarded to the last known address of the property owner, 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.

- B. The Town Board, after a public hearing as provided for herein, may cause the correction of the violation, upon the failure of such owner, operator, or person in control to comply with any requirements and/or conditions of the Town Board. Said correction of the violation may be performed by the Town of Esopus or 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 against such property.
- C. The correction of the violation by the Town in accordance with this chapter shall not operate to excuse such owner, operator or person in control from properly maintaining the premises as required by this chapter, and such owner, operator or person in control shall, notwithstanding such action, be subject to any other penalties as provided for herein.

§ 96-16. Penalties for offenses.

- A. A violation of this chapter or regulation is hereby declared to be an offence, punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed 15 days, or both.
- B. Each 24 hours during which a violation shall continue constitutes a separate and distinct violation within the meaning of this chapter. However, for the purpose of conferring jurisdiction upon courts and judicial officers, violations of this chapter or regulations shall be deemed violations, and for such purpose only, all provisions of law relating to violations shall apply to such offenses.

§ 96-17. Severability.

If any provision, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

§ 96-18. Conflicts.

All other chapters, ordinances or local laws and any parts thereof which are inconsistent or conflict with any part of this chapter are hereby repealed to the extent of any inconsistency or conflict.

§ 96-19. Definitions.

A. Word usage. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

B. As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURAL OPERATIONS

Lands primarily used for Agricultural Uses, as defined herein and which may or may not be conducted within a state certified agricultural district. Agricultural lands need not be in active use and maybe considered such if left to lay fallow as part of regular crop rotation or any prevailing market circumstances.

AGRICULTURAL USES

The practice of cultivating soil, producing crops, and raising livestock and other animals or insects and/or the preparation and marketing of the resulting products in compliance with State regulations. Uses shall be either traditional in the Hudson Valley or those recognized as agricultural in nature by the State of New York Agriculture and Markets Laws.

BOAT

A vessel capable of carrying one or more people and intended for use on the water. For the purposes of this chapter, “boat” shall include a canoe, rowboat, kayak, paddle board, motor boat, Jet Ski, wave runner and other similar watercraft.

BUILDING

Any structure which is permanently affixed to the land, has one or more floors and a roof and is intended for the shelter, housing or enclosure of persons, animals or equipment or goods.

JUNK

Discarded, broken, or disabled material including, but not limited to, furniture, appliances, toys, or other items that are not in functioning condition.

LITTER

Discarded waste materials, including but not limited to, paper wrappings, packaging materials, discarded or used bottles, and discarded or used cans.

MOTOR VEHICLE

All vehicles propelled or drawn by power other than muscular power, including automobiles, all-terrain vehicles, motorboats, recreational vehicles, and towing and travel trailers.

OWNER

Any person owning property, as shown on the real property records of Ulster County or on the last assessment role for taxes; and shall also mean any lessee, tenant or other person having control or possession of the property.

PROPERTY

A lot, plot, or parcel of land, including any structures thereon.

STRUCTURE

A static construction of building materials, including buildings, mobile homes, stadia, platforms, towers, sheds, storage bins, antennas and other receivers, swimming pools and the like.

TRASH

Waste food products and other household garbage.

VERMIN

Various small animals, such as rats, that may be destructive or injurious to health and/or property.

YARD

A space unoccupied by structures on the same lot with a building or structure.

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 upon the filing of the local law with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.

Section 4. 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.

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 Geuss	AYE	
Councilperson Farrell		AYE
Councilperson Quick	AYE	
Councilperson Clarke	AYE	
Councilperson Robinson	Absent	

DATED: Ulster Park, New York
August 19, 2021

HOLLY A. NETTER, TOWN CLERK

Add EAF 1,2 & 3

Local Law No. 11 of 2021 – Creating Esopus Town Code §101 “Rental Properties Registration”

**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
CREATE CHAPTER 101, “RENTAL PROPERTIES REGISTRATION,” OF THE
ESOPUS TOWN CODE**

WHEREAS, the Town of Esopus Town Board proposes to adopt **Local Law No. 11 of 2021**, a Local Law of the Town of Esopus, Ulster County, New York; to create Chapter 101, “Rental Properties Registration” to the Town of Esopus 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 Jared Geuss, 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 an Unlisted 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 Esopus Town Code to add a Chapter 101, Rental Properties Registration; and

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.

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

Supervisor Geuss	AYE
Councilperson Farrell	AYE
Councilperson Quick	AYE
Councilperson Clarke	AYE
Councilperson Robinson	Absent

DATED: Ulster Park, New York
August 19, 2021

HOLLY A. NETTER, TOWN CLERK

Contact Person:

Holly A. Netter, Town Clerk

Town of Esopus

1 Town Hall Way

Ulster Park, New York 12487

(845) 331-3709

RESOLUTION OF ADOPTION

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

WHEREAS, a local law was introduced to be known as **Local Law No. 11** of 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO CREATE CHAPTER 101, "RENTAL PROPERTIES REGISTRATION," OF THE ESOPUS TOWN CODE.

WHEREAS, a public hearing in relation to said local law was opened on February 16, 2021 at 7:59 p.m., prevailing time, and closed on April 15, 2021 at 7:19 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 101

RENTAL PROPERTIES REGISTRATION

§ 101-1 TITLE

This Chapter shall be known and may be cited as the Rental Property Registration Law of the Town of Esopus.

§ 101-2 DEFINITIONS

A. As used in this Chapter, these terms shall have the meanings indicated as follows:

Action or Proceeding

Any Action or Proceedings which may be instituted in the Town Court of the Town of Esopus or the County Court of the County of Ulster or the Supreme Court of the County of Ulster or any court of competent jurisdiction with an alleged violation of any law of the Town of Esopus.

Building

Any improved real property, residential or mixed use (commercial-residence), located within the Town of Esopus that has five or more rental units.

Managing Agent

A person over 21 years old, residing or doing business within 30 miles of the subject rental property, who shall be responsible for the care and management of such property and is authorized by the property owner to accept legal process on behalf of the owner when the owner resides or has its principal place of business located more than 30 miles from the subject rental property.

Owner

Any individual or individuals, partnership, Limited Liability Company, Corporation or any business organization, whether for profit or otherwise, in whose name title to a Rental Property is held, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm, Limited Liability Company or corporation directly or indirectly in control of the property.

Rental Property

Includes all properties in the Town of Esopus which have five or more residential units that are either rented, leased, let or hired out to be occupied for residential purposes and shall include residential or mixed use (commercial-residential) properties.

§ 101-3 LANDLORD REGISTRATION STATEMENT

- A. Every Owner of a Rental Property as above defined shall file with the Building Inspector

of the Town of Esopus, within 90 days from the enactment date of this law, a landlord registration statement on forms to be supplied by the Building Inspector of the Town of Esopus.

- B. It shall be unlawful for any Owner of a Rental Property to offer for rent, or to rent any unit, or to allow any rental unit to be occupied without having first registered pursuant to this article as required herein within the time prescribed for such registration. Failure to receive notice of the registration deadline will not excuse failure to register the Rental Property. It is the Owner's responsibility to fulfill the requirements of this article.
- C. The registration form shall contain:
1. A description of the premises by street number or block and lot number, including tax identification number.
 2. The Owner's name, residential address, and mailing addresses together with their business telephone number, home phone number, cell phone number, fax number, as well as e-mail address, or if such Owner is a corporation, Limited Liability Company or other entity, the name and address of such corporation, Limited Liability Company or other entity, and the name, residence, business address, together with the residence, business telephone numbers, cell phone numbers, fax numbers and e-mail addresses, if any, of all officers.
 3. Designation of managing agent. The Owner must designate a managing agent. The Owner shall provide the following information to the Building Inspector of the Town of Esopus: the name, residence, business and e-mail address and residence, business and cell telephone numbers of a natural person, 21 years of age or over, who shall reside within a 30 mile radius of the subject rental property, and who shall be designated by such Owner as a managing agent responsible for and in control of the maintenance and operation of such dwelling, and who shall be designated as the person upon whom process may be served on behalf of the Owner. The managing agent and/or Owner shall keep a current record of all the tenants, and their names and addresses, who are renting, leasing or living in the premises. There shall be endorsed upon such statements a written consent to such designation signed by

such managing agent. An Owner who is a natural person and who meets the requirements of this subsection as to the location of the residence or place of transacting business of a managing agent may designate themselves as such managing agent.

4. The Owner shall be obligated, at all times, to keep this information updated, and when there is a change in Ownership or a change in the managing agent, the Owner shall be obligated to update the information by amending the landlord registration statement within 15 days from the date of any such change.
- D. Upon completion and execution and submission of the landlord registration statement as aforesaid, said registration shall be reviewed by the Building Inspector of the Town of Esopus or its designee for adequacy. Should the Building Inspector and/or its designees determine that said application is incomplete, defective or untruthful for any reason, said application shall be marked "rejected" and returned to the filer. A rejected application shall not be deemed to comply with the following provisions of this article.
 - E. It shall be the responsibility of each Owner to timely notify the Building Inspector of the Town of Esopus whenever the information provided in the landlord registration statement has become outdated or for any reason is inaccurate.
 - F. A copy of the approved application shall be required and shall be a condition precedent before the Owner shall be entitled to rent any unit contained in the Rental Property.
 - G. Where, after filing of any landlord registration statement in relation to any Rental Property under the applicable provisions of this article, the Owner of such property shall have granted or transferred their right, title or interest therein or in any part thereof, such Owner shall file with the Town of Esopus Building Inspector within 15 days after such grant or transfer a written statement which, under oath, shall contain the name and residence, business addresses, business and home telephone, cell phone numbers, fax numbers and e-mail of the grantee, transferee or other successor of such right, title and interest, or if such grantee, transferee or successor is a corporation, the name and address of such corporation, including the names of all officers, their addresses,

business and residence phone and cell numbers as well as e-mail addresses and fax numbers. If the Owner is a Limited Liability Company, the names of all Managing Members, their addresses, business and residence phone and cell numbers as well as e-mail addresses and fax numbers. If the Owner is unable with due diligence to secure the aforementioned information, then the Owner shall immediately notify the Building Inspector of the Town of Esopus in writing of this fact.

- H. Where, after the filing of any landlord registration statement with the Building Inspector of the Town of Esopus pursuant to the applicable provisions of this article, any change other than a designation of a different managing agent or a change of Ownership or interest occurs in any name, residence or any business address of a list of officers required to be included in such statement, the Owner, within 15 days after such change shall file a statement under oath setting forth the particulars of such change so as to supply the information necessary to make currently correct the last landlord registration statement filed pursuant to the applicable provisions of this section.
- I. An Owner may terminate such designation by filing with the Building Inspector of the Town of Esopus a sworn written statement designation a new managing agent made in conformity with the provisions herein above cited.
- J. Any landlord registration statement or designation of a managing agent required to be filed with the Building Inspector of the Town of Esopus by any Owner of a Rental Property under the provisions of this section shall be signed by such Owner, or if such Owner is a corporation, by an officer thereof, or if such Owner is a partnership, by a partner thereof or if said Owner is a Limited Liability Company, by a Managing Member thereof and said statements must be sworn to under the penalties of perjury.
- K. Any such landlord registration statement or designation of a managing agent shall be deemed prima facie proof of the statement therein contained in any criminal or civil prosecution against the Owner or managing agent of a Rental Property.

§ 101-4 INSPECTION REQUIREMENTS

- A. In accordance with the Fire Code of New York State and Property Maintenance Code of New York State, the Building Inspector of the Town of Esopus or its authorized designee or agent shall make provisions for inspections of each Rental Property, which is subject to the provisions of this article. The Building Inspector shall notify each Owner and/or managing agent of each Rental Property as to the time and place of such inspection. The inspection shall be for the purpose of determining compliance with all applicable rules and regulations concerning safety and maintenance of all rules and regulations applicable to said Rental Property. In addition, the Owner and/or managing agent shall be obligated to review the contents of the landlord registration statement to determine if all said information is up to date, complete and accurate in all respects.

- B. Any inspection report issued pursuant to Subsection A of this section which reveals the presence of a violation shall be remedied by the owner within the time stated in the report. Failure to bring any building and/or residential rental property into conformance with such report and/or to remedy within the time set forth therein shall constitute a violation of this article, it being expressly understood that this provision shall not constitute the exclusive remedy of the Town of Esopus but shall be an addition thereto. The inspection shall follow the following procedure:

- C. Tenant List. The property Owner shall certify or affirm that their name, address and contact information for each tenant or subtenant occupying each dwelling unit. Any property Owner who fails to maintain said information shall be guilty of a violation of this chapter, which is hereby declared to be a violation, and upon conviction thereof, shall be punished by a fine not to exceed the amount set forth in the schedule or penalties, fees and fines set forth herein.

101-5 OWNERS' OBLIGATIONS

- A. In the event that the Owner schedules or the Owner learns that the utility service provider is scheduling a cessation or interruption of: electric power or of gas or fuel to the Rental Property, Owner shall notify the Tenants and the Town of Esopus Supervisor and Building department at least 48 hours in advance of said cessation or interruption of

service.

- B. Owner will provide each tenant as well as the Town of Esopus Supervisor and Building Department with the name, address, telephone number and email address of the Managing Agent to contact in the event of an on-site emergency other than dialing 911. Said individual(s) must be able to respond and address on site emergencies 24 hours per day, every day of the year.
- C. Owner shall maintain a master list for all rental units identifying the head of household with their unit number and their landline or cellphone or telephone number. Owner shall immediately contact each such individual in the event of an emergency to apprise the tenant the nature of the emergency and the action that must be taken.
- D. Owner shall provide each Tenant with a current list of all motels/hotels within an eight-mile radius including those facilities which accept pets and which could be used for temporary shelter in the event that tenants must be relocated due to an emergency or other on-site condition requiring the tenants to vacate.
- E. Owner shall prepare and provide to each Tenant and to the Town of Esopus Supervisor and Building Department the protocol which the Owner will follow for individual and mass communications to ensure that each Tenant is promptly notified of any on-site emergency.
- F. Owner will prepare and provide to the Town of Esopus Supervisor and Town Building Inspector a diagram showing the location of each building, apartment, and structure on the Rental Property and also delineating the location of all utility lines and utility facilities extant on the Rental Property.

101-6 ENFORCEMENT

This local law may be enforced by seeking civil penalties or by instituting a criminal Proceeding or both.

- A. The Owner(s) or a designating managing agent of an Owner may be served with a notice of violation, order of remedy, order of violation, an appearance ticket or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law as it actually served upon the Owner.

- B. No Owner who designates a managing agent pursuant to the provisions of this article may assert the defense of lack of notice or lack of in person jurisdiction based solely upon the service of process upon his designated agent.

§ 101-7 SERVICE OF PAPERS - NOTICE OF VIOLATIONS

Service of papers and notice of violations shall be:

- A. By delivering to and leaving a copy of the same with any person or persons violating or who may be liable under any of the several provisions of this article; or
- B. By registered or certified mail to the Owner or Managing Agent at most current address on file in the registration statement; or
- C. If none is on file, to the most current address for the Owner available at the Town of Esopus Assessor's Office by registered or certified mail to the Owner and/or Managing Agent; and if such person or persons cannot be served by any of the aforesaid methods after diligent search shall have been made for him/her or them, then such notice or order may be served by posting the same in a conspicuous place upon the Rental Property where such violation is alleged to exist, or to which such notice may refer, or which may be deemed unsafe or dangerous, which shall be the equivalent of personal service of said notice upon all parties, including the Owner and/or managing agent for whom such search shall have been made; or
- D. By any other method or service pursuant to New York Civil Practice Law and Rules.
- E. If the Owner or person(s) or any of them to whom said notice is directed, do not reside in the County of Ulster and have no known place of business therein, the same may be served by delivering to or leaving with such person or persons or either of them a copy of said notice. If said person or persons cannot be found with due diligence search, then by posting a copy of the same in a manner aforesaid and depositing a copy thereof in a United States Postal Service box or office, enclosed in a sealed wrapper addressed to said person or persons at his/her/its last known place of residence with the postage paid thereon, and said posting and mailing a copy of said notice shall be equivalent to personal service of said notice.

§ 101-8 PENALTIES FOR OFFENSES

Violations of this article will constitute an offense within the meaning of the Penal Law of the State of New York, punishable as provided for herein. In addition, a violation of any provision of this article shall constitute a municipal infraction and will be subject to applicable penalties under this article, and the Town of Esopus may choose to enforce this article as a criminal or civil matter, or both. Any Owner who violates, disobeys, neglects or refuses to comply with any of the terms of this article shall be subject to a fine/penalty of up to \$1,000.00 and/or up to 15 days in jail. Each week a violation continues shall be deemed a separate offense subjecting the offender to additional fines/penalties of up to \$1,000.00 per day and/or additional jail sentences of up to 15 days.

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 upon the filing of the local law with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.

Section 4. 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.

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 Geuss	AYE
Councilperson Farrell	AYE
Councilperson Quick	AYE
Councilperson Clarke	AYE

Councilperson Robinson Absent

DATED: Ulster Park, New York
 August 19, 2021

HOLLY A. NETTER, TOWN CLERK

ADD EAF !,2,3

**Proposed Local Law No. 12 of 2021 – Amending Esopus Town Code Chapter 123,
“Zoning,” and the Zoning Map of the Town of Esopus to Establish the Mixed-Use
Floating Zone District Known as the “New Hamlet MFZ”**

**NOTE: Proposed Local Law #12 previously referred to a draft local Noise Regulations law,
which is not being considered for action at this time.**

RESOLUTION OF INTRODUCTION

Supervisor Geuss, seconded by Councilman Farrell, introduced the following proposed local law, to be known as **Local Law No. 12** of 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 123, “ZONING,” OF THE ESOPUS TOWN CODE AND THE ZONING MAP OF THE TOWN OF ESOPUS TO ESTABLISH THE MIXED-USE FLOATING ZONE DISTRICT KNOWN AS THE “NEW HAMLET MFZ.”

BE IT ENACTED by the Town Board of the Town of Esopus that Chapter 123 of the Town Code is amended and reads as follows:

SECTION 1. TITLE OF PROPOSED MIXED-USE FLOATING ZONE

This local law shall be known as “Local Law No. 12 of 2021 of the Town of Esopus Chapter 123, “Zoning” of the Code of the Town of Esopus, providing for the creation of a Mixed-Use Floating Zone to be known as the “New Hamlet MFZ.”

SECTION 2. AMENDMENT

The Code of the Town of Esopus, as adopted August 19, 2021 by L.L. No 8-2021 and the Zoning Map of the Town of Esopus set forth therein and made part thereof are amended by changing from the existing zoning district General Commercial – 1, as herein described and creating within the boundaries of said newly described area attached hereto as Appendix “A” and made a part hereof, to a Mixed-Use Floating Zone (MFZ) and creating within the boundaries of said described area a MFZ to be known and described for purposes of this legislation as the “New Hamlet MFZ.”

SECTION 3. BOUNDARY

The acreage involved in The New Hamlet MFZ is 2.2 acres and it is bounded and described in Appendix “A” attached hereto. The area is situated on the eastern side of US Route 9W, approximately 430 feet south of the intersection of US Route 9W and River Road, in the Town of Esopus, Ulster County, New York. The one involved parcel is listed on the Ulster County Tax Map as Section 56.76, Block 1, Lot 16.

SECTION 4. SKETCH PLAN

- 1) Current Sketch Plan: The Sketch Plan for the development and the proposed uses dated 1/07/2021, and last updated 4/12/2021 is set forth in Appendix “B,” and shall be filed in the office of the Town Clerk and the office of the Building Department, and shall be used by the Town and applicant as a general guideline for the overall development of the site.
- 2) Request for changes to the Sketch Plan: If during site plan review, additional residential units are proposed, the general layout of the project is modified, or it becomes apparent that other elements of the Sketch Plan, as it has been approved by the Town Board through this Local Law, are unfeasible and in need of significant modification, the applicant shall then present their solution to the Planning Board. The Planning Board shall then determine whether or not the modified plan is still in keeping with the intent and objectives of § 123-22, “Mixed-Use Floating Zone,” of the Town Code and this Local Law.
 - a) If a negative decision is reached, the site plan shall be considered disapproved. Such negative decision shall be forwarded to the Town Board.
 - i) The applicant may then revise the Site Plan in conformance with the approved Sketch Plan and this Local Law. If an affirmative decision is reached, the Planning Board shall so notify the Town Board, stating all of the particulars of the matter and its reasons for finding that the project should be continued as modified. Site Plan approval may then be given only with the consent of the Town Board, through resolution.
 - ii) Alternatively, the Applicant may seek an amendment to the Sketch Plan and this

Local Law pursuant to Article, X, “Amendments” of Chapter 123, of the Town Code. Upon approval of requested amendments, the Applicant may then proceed to Site Plan review.

SECTION 5 PURPOSE

It is the purpose of this ordinance to provide for the means of development of a mixed-use development that includes a combination of multi-family and compatible non-residential uses in an area served by existing municipal water and sewer and identified for higher intensity mixed-uses, in accordance with the Town of Esopus 2019 Comprehensive Plan. To allow the proposed mixed-use development, flexibility in design concepts and criterion, residential density, and setbacks must be allowed so as to permit the economically viable development of this site while employing good design techniques which promote a project of an acceptable visual quality while incorporating concerns for the on-site and off-site nature of the environment in which the site exists.

SECTION 6 USES AND CHARACTERISTICS

The proposed New Hamlet MFZ development as proposed shall include the following elements:

- 1) Residential:
 - a) Density Bonuses: The applicant requested and was granted the following density bonuses by the Town Board:
 - i) 20% increase for the provision of pedestrian connections between public sidewalks and parking areas, along with bike racks and the mixed-use building plaza/public art and seating area.
 - ii) 10% increase for the provision of two electric vehicle charging stations.
 - b) Base Density. The base density for the project site is 13 units. The requested density bonuses would result in a total of seventeen (17) units.
 - c) Permitted Density: No more than seventeen (17) residential units are approved. The breakdown of the residential units shall, at a minimum, consist of the following:
 - i) Two (2) one-bedroom workforce housing units and two (2) two-bedroom market rate units in the building labeled “Mixed-Use Building” on the Sketch Plan; and
 - ii) Twelve (12) two-bedroom market rate units/townhouses in the second building as depicted on the Sketch Plan.
 - d) Workforce Housing: The two (2) proposed workforce housing units shall comply with the eligibility requirements in accordance with § 123-22D(6)(a) of the Esopus Town Code.
- 2) Retail: Within the Mixed-Use Building, the proposed New Hamlet MFZ will include approximately 3,200 gross square feet of first-floor space dedicated to retail and/or office uses.
- 3) Public Amenities:

- a) A pedestrian community/pocket park will be constructed as indicated in the Sketch Plan.
 - b) Outdoor seating will be provided in front of the Mixed-Use Building as indicated in the Sketch Plan.
- 4) Parking:
- a) Planning Board Waiver Request. As proposed, the 16 residential units and 3,200 gross square feet of retail/office space would require 48 parking spaces pursuant to § 123-24, “Off-street parking and loading standards.” Through the Planning Board Site Plan Review, a reduction of the number of required parking spaces pursuant to §§ 123-26.A(2)(g) and 123-26.A(2)(i)[3] of the Esopus Town Code, for a total of 40 spaces (including two electrical vehicle charging stations) will be requested.
- 5) First Floor Building Height:
- a) Town Board Waiver Request: Pursuant to § 123-18.H.(2)(b)[4] of the Esopus Town Code, first floor building heights shall be 12 ft. measured floor to floor. While the Applicant is proposing a first-floor building height of 12 ft. for the Mixed-Use Building, the first floors for the residential townhouse are proposed to be 10 ft. 8 inches. The Applicant requested a waiver of the required 12 ft. building height.
 - b) Building Height: The Town Board grants a waiver, permitting the first floor of the residential townhouse building to be 10 ft. 8 inches in height. The first floor of the Mixed-Use Building shall be 12 ft. in height.
- 6) Townhouse Front Setbacks:
- a) Town Board Waiver Request: Pursuant to § 123-18.G(1) of the Esopus Town Code, buildings in the GC-1 Zoning District are required to have front setbacks no greater than 30 ft. The proposed mixed-use building and townhouses TH-1-TH5 will comply with the maximum setback requirement. In an effort to improve the aesthetics of the townhouses, they are proposed to be stepped back from one another. As a result, TH6-TH12 will exceed the 30 ft maximum setback by approximately 8-1/2 inches to 5 ft. 4 inches. The intent of the setback limitation is to facilitate an active streetscape with buildings closer to the sidewalk and to leave sufficient room for parking in the rear of the buildings. The proposed exceedance of the 30 ft. maximum setback will not negatively impact the streetscape, and the parking lot is proposed at the rear of the building. In addition, the stepped building concept will improve the overall aesthetics of the project as viewed from Rt. 9W.
 - b) Front Setbacks: The Town Board grants a waiver, permitting a front setback no greater than 36 ft for TH6-TH12 as depicted on the Sketch Plan.
- 7) Building Orientation:
- a) Town Board Wavier Request: Pursuant to § 123-18.H(2)(c)[1] of the Esopus Town Code, buildings must present their main façade and entrance toward the primary street. While the Mixed-Use Building faces Rt. 9W, the entrances to the Townhomes are located in the rear. This is required due to the slope of the site and the fact that parking is located in the

rear of the buildings. The Applicant has improved the townhouse front facades in response to past Town Board requests, and as proposed, will establish an attractive streetscape.

- b) Building Orientation: The Town Board grants a waiver, allowing the Townhouse building to provide their primary entrances at the rear of the building.
- 8) Project Design: Excepting the waivers granted above, the New Hamlet MFZ shall comply with all other applicable standards and requirements set forth in § 123-22, “Mixed-Use Floating Zone” of the Town Code.

SECTION 7: INFRASTRUCTURE

- 1) Municipal Water and Sewer: The completed project as developed shall be serviced by municipal water and sewer lines meeting applicable state, county and local standards. The on-site and off-site costs associated with the installation of required municipal water and sewer infrastructure shall be the Applicant’s. The costs associated with the maintenance of on-site municipal water and sewer infrastructure shall be the Applicant’s.
- 2) Stormwater: The Applicant shall design and construct a stormwater retention system in compliance with applicable state, county and local standards. The cost for the construction and maintenance of the stormwater retention system shall be the Applicant’s.

SECTION 8: CONSTRUCTION STANDARDS

All construction standards for buildings and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects, or engineers. All costs associated with the preparation of necessary plans shall be borne by the Applicant. Further, all completed construction shall be certified to the Town of Esopus by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith.

SECTION 9: SUBMISSION OF PLANS

Pursuant to § 123-22.I(9) of the Esopus Town Code, upon granting of this MFZ District, the Applicant may apply for Site Plan Approval in accordance with § 123-55, “Site plan approval process for Town Board designated District.”

SECTION 10: EXPIRATIONS

The MFZ approval for this site through this Local Law shall expire if Site Plan approval is not granted by the Esopus Planning Board on or before January 31, 2023. The zoning for this site shall revert to the zoning district in existence for this site at the time of the enactment of this legislation.

SECTION 11: VALIDITY:

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 12: EFFECTIVE DATE

This Local Law shall take effect ten (10) days following publication and posting in accordance with the 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.

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of New York (State Environmental Quality Review Act) (“SEQRA”), the Town Board, as lead agency has classified this Action as an Unlisted Action as defined under said regulations; and

WHEREAS, pursuant to General Municipal Law §239-m and Esopus Town Code §123-51, the matter must be referred to the Ulster County Planning Board and to the Town of Esopus Planning Board for review and recommendation; and

WHEREAS, Supervisor Geuss advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. He offered the following resolution which was seconded by **Councilman Chris Farrell**, who moved its adoption; and

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 1 Town Hall Way, Ulster Park, New York, on September 2, 2021, at 7:00 clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Esopus, by the Town Clerk, at least ten (10) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Esopus will hold a public hearing at the Town Hall, 1 Town Hall Way, Ulster Park, New York on September 2, 2021 at 7:00 p.m., on **Local Law No. 12 of 2021**, entitled “A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 123, “ZONING,” OF THE ESOPUS TOWN CODE AND THE ZONING MAP OF THE TOWN OF ESOPUS TO ESTABLISH THE MIXED-USE FLOATING ZONE DISTRICT KNOWN AS THE “NEW HAMLET MFZ.”

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Esopus, at the Town Hall, 1 Town Hall Way, Ulster Park, New York between the hours of 9:00 a.m. and 4:00 p.m. by appointment and online at the Town of Esopus Website: <https://www.esopus.com/> on all business days between the date of this notice and the date of the public hearing.

DATED: Ulster Park, New York
August 19, 2021

HOLLY A. NETTER, TOWN CLERK

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

Supervisor Geuss	AYE
Councilperson Farrell	AYE
Councilperson Quick	AYE
Councilperson Clarke	AYE
Councilperson Robinson	Absent

DATED: Ulster Park, New York
August 19, 2021

HOLLY A. NETTER, TOWN CLERK

Highway Dept. – review and discussion of planned signage installations for the hamlets of Sleightsburgh and Connelly.

Councilman Farrell said he would like to move forward on a request for a speed reduction to 25 MPH to slow traffic in Connelly. Once the Town Board moves to lower the speed limit the

request then goes to the County and State which will take time. He would like to see that in all densely populated areas.

He suggests a series of stop signs to slow traffic down, First Street and both ends of Plantasie. At least two speed bumps; one in the middle of First Street and the other between Second St. & Third St. A three -way stop sign from Connelly Rd. & Plantasie. Suggests the stop at Mary's Ave. be replaced; is not very visible.

Councilman Clarke asked what the Highway Department's thoughts were on speed bumps. Will it make it difficult to plow? Would we have to purchase them or can they be made?

Temporary speedbumps may be an option and removed in winter months. Diane Hull confirmed the traffic is busier April – October when the marinas are open.

Supervisor Guess asked all Councilmen to email their suggestions and they would compile a list to discuss with the Highway Superintendent Mike Cafaldo who could not be at the meeting.

COUNCILMAN FARRELL MADE A MOTION TO REQUEST A RESOLUTION TO LOWER THE SPEED LIMIT TO 25 IN THE HAMLET OF CONNELLY AND BRING TO THE COUNTY AND STATE. THE MOTION WAS SECONDED BY SUPERVISOR GUESS. ALL MEMBERS PRESENT WERE IN FAVOR: MOTION CARRIED.

Kathie quick said there needs to be stops signs placed on Second and Third Avenues in Sleightsburgh.

A MOTION TO APPROVE THE RECOMMENDED SIGNAGE IN SLEIGHTSBURGH WAS MADE BY COUNCILMAN CHRIS FARRELL AND SECONDED BY COUNCILMAN EVELYN CLARKE. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

Sleightsburgh New Signage Installation List

Large Wayfinding (arrow direction to Spit & NO BOATS >23' LOA)

- **Riverview Ave x N Broadway (facing Southwest)**

Basic Wayfinding (arrow directions to Spit)

- **Third Ave x N Broadway (facing South)**
- **Second Ave x N Broadway (facing South)**
- **First Ave x N Broadway (facing South)**
- **First Ave x Everson St (facing West)**
- **Everson St x Spit Entrance (facing South)**

STOP Signs

- **Third Ave x N Broadway**

No Parking Signs

- **N Broadway bus stop**

No Loitering Signs

- **N Broadway bus stop**

Park Signs

- **Entrance / Main Rules (on Everson, facing West)**
- **Boating Rules (next to Boat Launch, facing South)**
- **Park Rules Signage (next to southern trailhead, facing West)**
- **Waterfowl Hunting Area Notice (on southern trailhead, facing West)**
- **No Crossing (at end of southern trailhead, facing West)**
- **Fishing Rules 1 (on dock railing, facing South)**
- **Fishing Rules 2 (on dock railing, facing South)**

Contractual – consideration and potential approval of a contract with Laberge Group to develop a proposed local law for the Town of Esopus pertaining to special use permitting on waterfront properties.

Councilman Quick made a motion to authorize the Supervisor to work with Laberge and defendant’s attorney to draft a local law. Motion was seconded by Councilman Clarke. After discussion the **motion was tabled.**

Councilman Farrell said the Planning Board denied the application and said we should take a hardline position if someone breaks the law. Due to the sensitivity of this being a litigated matter with attorney opinion, the conversation moved to an executive session.

A MOTION WAS MADE BY COUNCILMAN CLARKE TO ENTER INTO EXECUTIVE SESSION AT 8:20 PM FOR THE PURPOSE OF LITIGATION AND INVITED MATT ROGERS OF LABERGE INTO THE SESSION. THE MOTION WAS SECONDED BY SUPERVISOR GUESS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

SUPERVISOR GUESS MADE A MOTION TO COME OUT OF EXECUTIVE SESSION AT 8:50 PM. THE MOTION WAS SECONDED BY COUNCILMAN CLARKE. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

NO ACTION TAKEN AND PRIOR MOTION HAD BEEN TABLED.

Planning Board – Lead Agency 263 Mountainview Avenue

A MOTION WAS MADE BY COUNCILMAN FARRELL TO DESIGNATE THE TOWN PLANNING BOARD AS LEAD AGENCY FOR SEQRA REVIEW OF A PROPOSED APARTMENT COMPLEX LOCATED AT 263 MOUNTAINVIEW AVENUE. THE MOTION WAS SECONDED BY SUPERVISOR GUESS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

City of Kingston – Lead agency

A MOTION WAS MADE BY SUPERVISOR GUESS TO DESIGNATE THE CITY OF KINGSTON COMMON COUNCIL AS LEAD AGENCY FOR SEQRA REVIEW OF A PROPOSED MODIFICATION TO THE KINGSTON WASTEWATER TREATMENT PLANT OUTFALL. THE MOTION WAS SECONDED BY COUNCILMAN FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

TOWN BUDGET WORKSHOP MEETING

A MOTION WAS MADE BY SUPERVISOR GUESS TO HOLD A BUDGET WORKSHOP MEETING ON WEDNESDAY SEPTEMBER 8, 2021 AT 6 PM AT THE ESOPUS TOWN HALL. THE MOTION WAS SECONDED BY COUNCILMAN QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

Miscellaneous

National Business Technologies – looking to update users

EDC – Pursuing a 3rd kiosk to be placed by Perine’s Bridge. Matt Rogers said they are working on improvements to the LWRP and there are other items that need to be address in that area. He feels the Kiosk needs to be part of a larger process. There is signage already in the area and improvements to the parking is needed to allow for safety. He said he would encourage the LWRP to team up with the EDC when the time is right.

PEFD- REQUEST FOR PARK FEE WAIVER

A MOTION WAS MADE BY COUNCILMAN CLARKE TO APPROVE THE WAVING OF FEES FOR USE OF FREER PARK FOR THE PORT EWEN FIRE DEPARTMENTS PICNIC ON 9/18/2021. THEY WILL BE RESPONSIBLE FOR TAKING THEIR TRASH AND PROVIDING ISURANCE NAMING THE TOWN OF ESOPUS AS ADDITIONAL INSURED. THE MOTION WAS SECONDED BY COUNCILMAN FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

ENVIRONMENTAL BOARD – WORD PRESS ACCOUNT

A MOTION WAS MADE BY SUPERVISOR GUESS TO APPROVE A WORDPRESS ACCOUNT TO BE CREATED FOR THE ENVIRONMENTAL BOARD TO MODIFY THEIR PAGE. THE MOTION WAS SECONDED BY COUNCILMAN QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

UPDATES

1. Now Hiring – Seasonal Maintenance Worker. Visit www.bit.ly/EsoopusEmployment for more information.

2. Sleightsburgh Recreation Program – the deadline for applications is this Friday, 8/20, at 4:00 PM. Visit www.bit.ly/EsoopusSRP2021 for more information.

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 AUGUST 2021

SS 0599.000	Fund Balance	AO 1420.400	\$2,312.49
		Attorneys	

A MOTION WAS MADE TO APPROVE THE BUDGET ADJUSTMENTS.

OFFERED BY: Councilman Chris Farrell
SECONDED BY: Supervisor Jared Geuss

COUNCILMAN LAURA ROBINSON	ABSENT
COUNCILMAN EVELYN CLARKE	AYE
COUNCILMAN KATHIE QUICK	AYE
COUNCILMAN CHRIS FARRELL	AYE
SUPERVISOR JARED GEUSS	AYE

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

RESOLUTION AUTHORIZING PAYMENT OF BILLS AUGUST 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	211377 – 211432	\$64,438.26
HIGHWAY FUND	212126 – 212151	\$86,700.40
STREET LIGHTS	216006	\$6,082.21
PORT EWEN SEWER FUND	213074 - 213086	\$9,188.50
PORT EWEN WATER FUND	214156 -214182	\$15,062.66
Water Capital		
Rec Escrow		
TOTAL		\$181,472.03

A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.

OFFERED BY: Councilman Chris Farrell
SECONDED BY: Councilman Kathie Quick

COUNCILMAN LAURA ROBINSON	ABSENT
COUNCILMAN EVELYN CLARKE	AYE
COUNCILMAN KATHIE QUICK	AYE
COUNCILMAN CHRIS FARRELL	AYE
SUPERVISOR JARED GEUSS	AYE

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

ADJOURNMENT

A MOTION WAS MADE BY SUPERVISOR JARED GEUSS TO ADJOURN THE MEETING AT 9:05 PM. THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARKE. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

*Respectively submitted,
 Holly A. Netter
 Town Clerk, RMC*