

**TOWN BOARD WORKSHOP MEETING  
MAY 6, 2013**

A regularly scheduled Workshop Meeting of the Town of Esopus Town Board was held on Monday, May 6<sup>th</sup> 2013 in the Town Hall 284 Broadway Port Ewen, New York with the following persons in attendance:

**Supervisor John Coutant  
Councilperson Gloria VanVliet  
Councilperson Wayne Freer  
Councilperson Donna McAuley  
Councilperson Kyle Barnett**

**Administrative Recorder: Diane L. McCord, Town Clerk  
Myles Putman, Planning Board Consultant**

**Dan Vedder, Buildings and Grounds Director  
Kathy Quick, Chairperson Waterfront Advisory Board  
Rosan Balistieri, Vice President Klyne Esopus Museum**

Supervisor John Coutant called the meeting to order at 7:32 PM.

**Public Comment: None**

**1a. Dan Vedder**

Dan Vedder would like to hire a summer helper who works evenings at the Mobile Gas Station. Kyle Lewis has recommended this applicant. Dan Vedder will be on vacation June 1<sup>st</sup>. He would like the Town Board to interview the applicant at their May 14<sup>th</sup> meeting and hire him to work forty hours a week until September when he goes to Dutchess County Community College.

Dan Vedder asked if our Maintenance Man could be hired full time? He would like him to work at the Town Hall as well as working for Dan in Grounds and Maintenance. The Town Board was not in favor of this because with full time comes benefits and we do not want to pay the benefits. Councilperson Freer asked if we could hire anyone else? Dan Vedder will check. The new employee could begin work on the Wednesday after the Workshop Meeting.

Dan Vedder explained he purchased a new mower believing the money was in the budget. The Town Board believed the money had been put aside for a new lawn mower also. The mower fee has been donated by the Community of Churches.

Supervisor Coutant explained we have \$19,000 in two funds derived from the Planning Board Recreation Fee. We could use up to \$3,000 of this money to replace the tire swing which had to be removed last year due to a hazardous condition.

**A Motion was made by Councilperson Kyle Barnett and seconded by Supervisor John Coutant to enter into Executive Session 7:40 PM to discuss a personnel matter with Dan Vedder. All Town Board Members voted in favor. Motion Carried.**

**A Motion to adjourn from Executive Session was made by Supervisor Coutant and seconded by Councilperson Kyle Barnett at 7:51 PM. All Town Board Members voted in favor. Motion Carried.**

Dan Vedder said we spend a lot of money on cleaning supplies for the town. If we could go with WB Mason they have concentrated cleaner that makes up to 55 gallons and this would save us money. Councilperson Freer said the County bid has gone with another firm to purchase their supplies. He will get the name and supply list.

Dan has suggested we could save money by taking the trash and recyclables to the Transfer Station ourselves, however, our contract with Waste Management doesn't expire until Sept. of 2014. After the contract expires Dan will take care of the trash and buy larger trash containers for that purpose.

Supervisor Coutant told Dan the plastic needs to be taken off the Waterchestnut Machine sometime soon.

#### **1b. Riverview Cemetery**

The Supervisor spoke with Rick Heins from the Riverview Cemetery about the town mowing the cemetery for the Memorial Day Parade. Rick said he has already had the cemetery mowed for the event. He will come in to discuss the dates when the town could mow.

#### **2. Myles Putman – Church Property**

Supervisor Coutant asked Myles Putman to outline the procedure to obtain the property line adjustment for the Moore property for the Town to be able to buy the Ross Park Parking Lot from Presentation Church. This transaction may have to be approved by the Attorney General.

*“A religious corporation shall not sell, mortgage or lease for a term exceeding five years its real property without applying for and obtaining leave of the court therefore pursuant to section five hundred eleven of the not-for-profit corporation law as that section is modified by paragraph (d-1) of subsection one of section two-b of this chapter, except that a religious corporation may execute a purchase money mortgage or a purchase money security agreement creating a security interest in personal property purchased by it without obtaining leave of the court therefore.”*

Myles believes the Town Board would be the governing body in this project. He suggested Attorney Paul Kellar should be involved in this and he should talk with the Attorney General's office. We now have been told the application for the grant must be redone and resubmitted according to Assemblyman Kevin Cahill's representative Tom Hoffay.

What the Planning Board has to do is easy, a lot line adjustment, however it gets more complicated after you review Myles paperwork. Councilperson Kyle Barnett said he needs to look into this and he needs to speak with Attorney Paul Kellar so that more research can be done. The Councilperson will call Attorney Kellar.

The following is a Proposed conveyance of land from Archdiocese of New York (Lot Line Adjustment – Summary and procedural Outline:

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#### A. Summary

1. This office has examined the maps prepared by Michael Vetere LLS in reference to the proposed conveyance by the Archdiocese of New York to the Town of Esopus, specific to that portion of the lot used as a parking area for Ross Park.
2. This office believes the proposed conveyance, which is subject to subdivision approval by the Planning Board under Chapter 107 of the Town Code, can be approved expeditiously as a “lot line adjustment”, subject to the procedures set forth in Section 107-16A of the subdivision local law.
3. To obtain approval of the “lot line adjustment”, this office recommends that the lands to be conveyed to the Town of Esopus be legally attached to the Ross Park parcel, and not set aside as a separate parcel of land.
4. This office is also aware of the encroachment on the site by the driveway which serves the lands of Moor, just to the north of the site; and also of the proposal to convey this portion of the property to the Moore’s.
5. The proposed action is subject to a review, classification under SEQR and a Determination of Environmental Significance. The SEQR process may need to encompass both the lot line adjustment and the grant being applied for, in order to avoid “segmentation”.

#### B. Documentation. The Planning Board will require submission of the following:

1. Application for a Subdivision/Lot Line approval. This application should be completed and signed by the landowner (in this case an organization entity), or its designated agent (s) surveyors, attorneys, other professionals, and prospective purchasers, with written authorization from the landowner (s).
2. SEQR FORMS. An Environmental Assessment Form (EAF), to be completed by the applicant or agent. A Short EAF is usually adequate for a lot line adjustment, but if a full EAF has been completed for the park grant application, or is required by SHPO, then the FEAF should be used for the SEQR analysis and determination for the lot line adjustment.
3. Public Hearing Waiver. A letter requesting waiver of the public hearing, as provided for pursuant to Section 107-16 of the subdivision local law, should be submitted by the applicant or the authorized agent.
4. Map. A survey map is required that shows all existing property lines to be deleted, all proposed new property lines; lot lines to remain, all with appropriate text labels. In addition, the map should show means of access into the site, all improvements such as buildings, structures, paved surfaces. The map should also include a tabulation of existing (“before”) and proposed (“after”) lot areas; a tabular summary of zoning bulk standards; and separate spaces for the signatures of two (2) Planning board members and also the signature(s) of the landowner.

5. It is recommended that the new lot line with Moore be located ten (10) feet to the south of the encroaching driveway, consistent with the standard in Section 123-24A (2)(h) of the zoning law.

#### C. Possible Schedule

1. Town Board submits subdivision application with maps and supporting documents by 4 pm, May 29, 2013.

2. The Planning Board will review the maps and documents on June 12, 2013 for completeness and will give the project a SEQR classification.

3. If a letter is submitted to the Planning Board requesting a waiver of the hearing under the provisions of Section 107-16.A of the Esopus Town Code, the Planning Board can grant the waiver and be in a position to act on the subdivision map the same night (June 12):

- The Planning Board would make a SEQR Determination; and then
- The Planning Board would approve, by motion, the subdivision plat, subject to the signature of the authorized representative or officer of the current landowner.

4. As per a phone conversation with the Supervisor earlier today, the application for the grant is not subject to review under SEQR.

5. Lot line adjustments are not subject to the review of the County Planning Board.

#### **2b. Myles Putman – Town Zoning**

Councilperson Wayne Free asked Myles how are we making out on Rt. 9W rezoning? Myles said he had no further direction from the Town Board on re-zoning. The Supervisor said Attorney Graham has been working of the environmental impact of a zoning change.

Myles Putman suggested the following:

1. Broadway Commercial expansion.
2. Extend the General commercial zoning to West Park to include Esopus Farms.
3. The PUD on the 35 acres owned by Ken Silver be changed to General Commercial. It is a prime property.

Councilperson Freer thought we had discussed this with Myles and that he was going forward? Attorney Peter Graham took all the information and we are waiting for him to put it together said the Supervisor. Councilperson Freer will call Attorney Graham. Myles stated that in Green County they are working with the IDA on their zoning and perhaps we could ask Rob Libowitz from Ulster County to help us with our zoning changes. Following our change in zoning in 1994 we have not seen a growth in commercial uses. Supervisor Coutant wants to move forward with Esopus Farms and we need the re-zoning in West Park.

Myles suggested including apartments in our commercial zone because we have had several questions about this at pre-submission hearings.

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Concerning the Silver Property, the Supervisor said there were concerns about the wetlands and Silver believes he has more control having a PUD. Myles said functionally it is a problem. Mr. Silver has done nothing with the PUD in years and years. It was suggested we could send a certified letter to Mr. Silver stating he has ninety days to make a decision. He did not comply with the PUD rules and regulations. Councilperson Barnett asked why not wait for the fight until we have to do it?

There was discussion about the State purchase of the Winery property and will it become a New York State Park? The lake above the property has been filled with fish according to the Supervisor.

Councilperson Gloria VanVliet wants Myles Putman to proceed.

### **2c. Riverkeeper River Sweep**

Kathy Quick said there will be the Great River Sweep on Saturday, May 11<sup>th</sup> 9:00 AM – 11:00 AM at Lighthouse Park – Esopus Meadows Preserve. Diane Dintruff and Marion Zimmer will attend as Kathy's replacement since she has a prior meeting.

### **3. Memorial Day Parade**

A letter has been received asking about the Town Board's participation in the Memorial Day Parade on Monday, May 27<sup>th</sup>. The Supervisor will answer stating the Town Board will participate.

### **4. Elections**

The towns still are responsible for Elections and their costs. Ulster County now has pressure to assume the costs of elections, since the towns have no input into the election operation. The County function has been mandated by HAVA and the additional burden on the townships has added to the already stressful budgetary process.

The Town has returned the old voting machines, originally purchased through town expense, to the County complex on Golden Hill. The money derived from the metal when these machines are discarded will again go to the County. When HAVA took over the elections all machines became the property of the County. The process of turning the expense for the election operations to the County is in the hands of the County Ways and Means Committee and will not be voted on this month according to Councilperson Gloria VanVliet.

Early Voting, a procedure done in many states, could cost the County over \$100,000 in expenses.

### **5. Town of Esopus 21 and Over Volleyball**

Supervisor Coutant explained Kathy Robinson has done an excellent job on preparing the Volleyball application which has been reviewed by our Attorney Paul Kellar.

**5a. Logging Operation on Salem Street**

According to Councilperson Kyle Barnett, we have had no complaints about the logging operation on Salem Street.

According to the Building Department monthly report the amount taken in for April was \$12,321. There were 31 Building Permits issued with a total construction value of \$852,960. There were no new house permits issued.

**5b. Steve Hummel Demolition**

Steve Hummel wants to take down the condemned building himself. Councilperson Barnett said this would be permissible, however, he will contact the Building Inspector about the time frame of this demolition.

**6. Goose Problems**

Councilperson Freer said there is a way to curb the goose infestation at the beach with slow yellow flashing lights, on a battery, placed in the trees. The Supervisor suggested placing the lights on the Water Chestnut Machine. This is truly a strobe light and the Supervisor believes we should get a couple of them.

**A Motion to adjourn was made by Councilperson Kyle Barnett at 8:38 PM and seconded by Councilperson Wayne Freer. All Town Board Members voted in favor. Motion Carried.**

**Respectfully submitted,**

**Diane L. McCord  
Town Clerk**