

TOWN BOARD WORKSHOP MEETING

September 15, 2015

A regularly scheduled Town Board Workshop Meeting was held on Tuesday September 15, 2015 in the Town Hall 284 Broadway Ulster Park, New York at 7:30 PM with the following people in attendance:

Supervisor Kyle Barnett
Councilperson Gloria Van Vliet
Councilperson Wayne Freer
Councilperson Diane L. McCord

Recording Administrator Holly A. Netter, Town Clerk

Heather Blaikie, Scenic Hudson
Audrey Friedrichsen, Esq., LLM

Supervisor Kyle Barnett called the meeting to order at 7:35

PUBLIC COMMENT:

Cathy Quick, Chairman of the Waterfront Advisory Board, expressed some concerns with the condition of Sleightsburgh Park. The Bulkhead is missing letters and looking shabby. The sign for the park is missing, wondering if it had been vandalized. Also, she reported the plexiglass in the kiosk was broken. Cathy said, although funds are tight the Waterfront Advisory budget did have money left and they are willing to spend the funds on fixing these items. Diane Dintruff had seen the letters missing while kayaking. Councilperson Freer asked Diane if she thought the size of the letters needed to be changed to avoid being damaged. The Park gets a lot of use and events are being held there so everyone wants it to look presentable.

Cathy Quick was also concerned with a hole at the end of Tilden Street where the Hidden Harbor Yacht club was dumping their dredging. Many questions were asked whether permits were received and what was being dredged. Supervisor Barnett said he would look into it.

SCENIC HUDSON REZONING PETITION

Representatives from Scenic Hudson were in attendance and requested the Town Board amend the Town of Esopus Zoning Map by changing lands owned by Scenic Hudson and currently zoned as Planned Unit Development (PUD) to (R-40). Heather and Audrey recapped their experience at the Planning Board meeting held September 9th. Scenic Hudson Representatives

said the Planning Board declared their intent to be lead agency which gives the Town Board 30 days to consent. The Town Board had previously declared them as lead agency however, another Motion was made at this meeting to clear up any confusion with the matter.

A MOTION WAS MADE BY COUNCILPERSON GLORIA VAN VLIET TO HAVE THE TOWN PLANNING BOARD ACT AS LEAD AGENCY AND AUTHORIZE SUPERVISOR KYLE BARNETT TO SIGN THE LEAD AGENCY COORDINATION FORM. THE MOTION WAS SECONDED BY COUNCILPERSON WAYNE FREER. ALL MEMBERS WERE IN FAVOR.

Supervisor Barnett asked Town Clerk Holly Netter to formally inform the Planning Board they have been declared Lead Agency in the Scenic Hudson request to have the zoning map amended from a PUD to R40. There is a Public Hearing scheduled for September 17th. It will be opened and continued because the Town Board has not received any recommendations from either the Town or County Planning Boards.

Fred Zimmer, Planning Board member, recalled when the original PUD was created the resolution stated the owner was supposed to combine all of the parcels into one. This was never done and since that time parcels have been sold off over the years .

PROPOSED BUDGET

Supervisor Barnett made sure all Board members received a copy of the working budget. The proposed budget has reduction in expenses and reserves are better. There is a proposed 0 tax increase for Town and Highway budget. Kyle prepared a cover letter with the Budget message stating that everyone will get a copy of the revised message.

Residents in the Sewer district will need to have an increase due to the loss of a major user. The cost will need to be redistributed over the district. The Board will need to make a decision of how to make up the difference in the sewer district. The Board can raise the sewer rate or raise the tax levy of those residents in the Sewer district. It can be done by assessed evaluation or usage or a combination of both.

Department heads from the Highway, Assessor, Building & Grounds and Water& Sewer will meet with the Town Board October 2nd at 9:30 am. Supervisor Barnett's goal is to hold a Public Hearing on the Budget at the Town Board meeting in October and have the budget passed by November. Brian Pickard will attend the workshop on October 5th.

Bookkeeper Debbie Kain reported we started using the Bank of Greene County. She also reported Orange County Trust has guaranteed the same interest rate as Greene County on the class funds. All accounts that are not eligible for the higher interest rate will be moved to Greene County.

Supervisor Barnett acknowledged the efforts put forth by Brian and Debbie.

FRED ZIMMER – MINTURN STREET

Fred Zimmer submitted a Complaint of Violation form from the 5 contiguous property owners where the excessive growth has occurred on Minturn Street. He feels it is a violation of the Lawn Maintenance Excessive Growth – Chapter 96 of Town Code. Supervisor Barnett said he is very concerned with putting employees on the very steep slope to cut the growth. The section of property will never be used to recreate in that area. This topic had been discussed in prior workshop meetings and concerns were again reviewed. Dan Vedder was hurt maintaining the property several years ago. Fred remembers the property being cleared one more time since Dan was hurt. A suggestion was made to look for a Town with a Long Arm Mower, possibly Rosendale. A decision regarding this matter has been tabled until the Board can look into seeing if another Town may be able to share their equipment to get the job done.

ZBA – KATHY KIERNAN

Supervisor Barnett said it was his intent to have Myles Putman here as well as Kathy Kiernan however, he was not in attendance. ZBA decisions are as important as the Planning Board and Supervisor Barnett felt they should have the same level of assistance available to them. Myles has an excellent command of land use laws and procedures. The ZBA can discuss any questions they may have with Myles and he can attend the meetings when needed to answer questions. This may head off future problems.

Kathy Kiernan felt the majority of cases that come before the ZBA Board do not require Myles assistance. In order to grant a Variance the applicant needs to prove hardship.

Supervisor Barnett clarified Myles is not an attorney and not allowed to provide legal advice.

TEXT AMENDMENT – RESOLUTION OF DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE PURSUANT TO SEQR

**TOWN OF ESOPUS, NY
TOWN BOARD
RESOLUTION of DETERMINATION of ENVIRONMENTAL
SIGNIFICANCE pursuant to SEQR**

PROJECT: Adoption of a Local Law amending the Zoning Local Law, Chapter 123 of the

Town Code of the Town of Esopus, New York; Local Law No. .1.... of 2015.

September 15, 2015

WHEREAS, the Town Board of the Town of Esopus, Ulster County, New York, has before its consideration, for

approval under Section 265 of NYS Town Law, a proposed Local Law that will amend the Town of Esopus Zoning Local Law, Chapter 123 of the Town Code of the Town of Esopus; and WHEREAS, the amendments will provide for the operation of a farm brewery, farm distillery or farm winery, in the R-40 Residential zoning district, by special use permit approval by the Town Planning Board; or in the BC (Broadway Commercial), GC (General Commercial), LI (Light Industrial) and HI (Heavy Industrial) districts, by site plan approval by the Town Planning Board; and WHEREAS, the proposed amendments will affect Article IV, "Regulations and Standards Governing Use", Section (§) 123-10, "Schedule of District Use Regulations", and §123-13, "Uses Requiring Special Use Permits", of the Town of Esopus Zoning Local Law; and WHEREAS, the adoption of the proposed zoning amendments is an "Action" that is subject to SEQR and is further classified as amendments that will affect over 25 acres of land within existing zoning districts, and pursuant to the provisions of Section 617.4(b)(2) of the SEQR regulations, the proposed amendments are classified as a "Type 1 Action"; and WHEREAS, the Town Board has determined that it is the only Involved Agency for the proposed action, as defined under SEQR, that the proposed action does not involve a federal agency and therefore Coordinated Review with other Involved Agencies is not necessary; and WHEREAS, the proposed amendments have been developed with input and opinions of the Town Board members, Town Planning Board members and other concerned parties; and WHEREAS, the Town Board, in its review of the proposed amendments, has taken into consideration the Town of Esopus Comprehensive Plan, adopted by the Town Board in 1994; and also taken into considerations all significant changes that have taken place since the adoption of the plan, including changes in the local and regional economic and employment base; changes in the pattern of new development in the Town and in the Town's population; changes in the regulatory environment, especially at the state and federal level; WHEREAS, on July 16, 2015, the Town Board of the Town of Esopus duly held a public hearing on the proposed zoning amendment, at which time no objections were raised to the amendment nor were any adverse impacts resulting from the amendment identified by the public; and WHEREAS, the Town Board has prepared Parts 1 and 2 of the Full Environmental Assessment Form (FEAF) that discusses the connections between the proposed zoning amendments and both the Comprehensive Plan and the changes in the Town that have taken place; and further the Town has also prepared a

Determination of Non-Significance (Negative Declaration) notice that sets forth concludes that the proposed

zoning amendments will have no significant adverse impact upon the environment.

NOW THEREFORE BE IT RESOLVED, that:

The Town Board of the Town of Esopus, New York hereby renders a Determination of Non-Significance

(Negative Declaration) pursuant to SEQR for the proposed amendments to the Zoning Local Law.

and BE IT FURTHER RESOLVED, that

Copies of the attached Negative Declaration statement for this Type 1 Action be distributed to the following

agencies and/or individuals as follows:

One digital copy of the notice must be filed with
Environmental Notice Bulletin

625 Broadway; Albany, NY 12233-1750

enb@gw.dec.state.ny.us (as per the attached filing form)

One paper copy must be filed each with

1. Esopus Town Board; P. O. Box 700; Port Ewen, NY 12466-0700

2. Town Supervisor Kyle Barnett; P. O. Box 700; Port Ewen, NY 12466-0700

Motion made by: Councilperson Wayne Freer

Seconded by: Councilperson Diane McCord

The vote of the Town of Esopus Town Board being as follows:

Supervisor Kyle Barnett	AYE
Councilman Wayne Freer	AYE
Councilwoman Diane McCord	AYE
Councilwoman Gloria Van Vliet	AYE

RESOLUTION TO AUTHORIZE TOWN SUPERVISOR TO SIGN A CONTRACT WITH SUPERIOR TELEPPHONE SYSTEMS

BE IT RESOLVED, by the Town of Esopus, in the County of Ulster, State of New York, the following:

The Town Board of the Town of Esopus authorizes the Town Supervisor to sign the Contract with Superior Telephone Systems in the amount for \$1,962.49.

Resolution offered by: Councilperson Diane McCord

Resolution seconded by: Councilperson Gloria Van Vliet

Supervisor Kyle Barnett	AYE
Councilman Wayne Freer	AYE
Councilwoman Diane McCord	AYE
Councilwoman Gloria Van Vliet	AYE

EXECUTIVE SESSION:

A MOTION WAS MADE BY COUNCILPERSON MCCORD TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING SOLAR CONTRACT NEGOTIATION SECONDED BY COUNCILPERSON FREER AT 8:50PM.

A MOTION WAS MADE BY COUNCILPERSON FREER TO COME OUT OF EXECUTIVE SESSION AND WAS SECONDED BY COUNCILPERSON GLORIA VAN VLIET AT 9:30 PM.

Sun Edison has made an installment payment to the Town according to the original PPA approximately \$30,000. We are in the process of transferring the NYSERDA grant from Sun Edison to Standard Solar, assuming contract negotiations are successful. Sun Edison is looking to recover the installment payment which the Town has held in escrow. In an effort to secure Sun Edison cooperation going forward, a suggestion to return the payment to Sun Edison as soon as possible and confirm the authorization to sign the letter of intent with Standard Solar dated 9/2/15.

Motion was made by Councilperson Wayne Freer to return the payment from Sun Edison back to Sun Edison as part of obtaining their cooperation of transferring the PPA and NYSERTA grant and Seconded by Councilperson Gloria Van Vliet. All Board members were in favor.

Motion to confirm the Letter of Intent from Standard Solar dated September 2, 2015 was made by Councilperson Diane McCord and Seconded by Councilperson Wayne Freer.

ADJOURNMENT

A MOTION TO ADJOURN AT 9:33 PM WAS MADE BY COUNCILPERSON DIANE MCCORD AND SECONDED BY COUNCILPERSON WAYNE FREER. ALL TOWN BOARD MEMBERS VOTED IN FAVOR. MOTION CARRIED.

Respectfully submitted,

**Holly A. Netter
Town Clerk**