

Town Board Workshop Meeting

December 3, 2019

A regularly scheduled Town Board Workshop was held on Tuesday December 3, 2019 in the Town Hall, 284 Broadway, Ulster Park, NY with the following persons in attendance:

**Supervisor Shannon Harris
Councilperson Gloria Van Vliet
Councilperson Jared Geuss
Councilperson Kathie Quick
Councilperson Chris Farrell**

Administrative Recorder: Holly A. Netter, Town Clerk, RMC

A MOTION TO OPEN THE REGULARLY SCHEDULED TOWN BOARD MEETING WAS MADE BY SUPERVISOR HARRIS AT 7:46 PM. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

PUBLIC COMMENT: NONE

CHAPTER 85 DUMPING- LOCAL LAW NO. 2

A PUBLIC HEARING WAS HELD EARLIER THIS EVENING, AEF PART 2 & 3 WAS COMPLETED

TOWN OF ESOPUS TOWN BOARD SEQRA NEGATIVE DECLARATION AND NOTICE OF DETERMINATION OF NON-SIGNIFICANCE FOR A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 85, "DUMPING", OF THE ESOPUS TOWN CODE BY AMENDING SECTION 85-5, "PENALTIES FOR OFFENSES" IN ITS ENTIRETY.

WHEREAS, the Town of Esopus Town Board proposes to adopt **Local Law No. 2** of 2019, a Local Law of the Town of Esopus, Ulster County, New York; amending Section 85-5 of the Town of Esopus Town Code in the manner described above; and

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

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

WHEREAS, the name and address of the lead agency is: Town of Esopus Town Board, 284 Broadway, Ulster Park, New York 12487 and the Responsible Officer is Shannon Harris, Town of Esopus Town Supervisor, with a telephone number at (845) 331-0676; and

WHEREAS, the Town of Esopus Town Board, as lead agency, has classified this Action as 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 amending Section 85-5 in its entirety;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Offered by: Supervisor Shannon Harris
Seconded by: Councilperson Kathie Quick

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

Supervisor Shannon Harris	AYE
Councilperson Gloria Van Vliet	AYE
Councilperson Jared Geuss	AYE
Councilperson Kathie Quick	AYE
Councilperson Chris Farrell	AYE

A MOTION WAS MADE BY COUNCILPERSON KATHIE QUICK TO ADOPT LOCAL LAW NO. 2 OF 2019, ENTITLED A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 85, "DUMPING", OF THE ESOPUS TOWN CODE BY AMENDING SECTION 85-5, "PENALTIES FOR OFFENSES" IN ITS ENTIRETY. MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED

RESOLUTION OF ADOPTION

COUNCILPERSON KATHIE QUICK offered the following resolution which was seconded by COUNCILPERSON JARED GEUSS, who moved its adoption:

WHEREAS, a local law was introduced to be known as **Local Law No. 2** of 2019, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 85, "DUMPING", OF THE ESOPUS TOWN CODE BY AMENDING SECTION 85-5, "PENALTIES FOR OFFENSES" IN ITS ENTIRETY.

WHEREAS, a public hearing in relation to said local law was held on December 3, 2019 at 7:00 p.m., prevailing time; and

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

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

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

Section 1. Section 85-5 of Chapter 85 of the Esopus Town Code is amended in its entirety to read as follows:

§ 85-5. Penalties for Offenses.

Penalties for Violations.

Any person committing an offense against any provision of this Chapter shall be punishable by a fine not exceeding Two Thousand Five Hundred and 00/100 (\$2,500.00) Dollars or imprisonment for a period not to exceed fifteen (15) days, or both.

Each and every day that a violation continues shall constitute a separate offense.

Each of the provisions of this Chapter is hereby readopted without substantive change by Local Law, pursuant to the Municipal Home Rule Law of the State of New York. The provisions of this Chapter, and the provisions establishing penalties for violating this Chapter, shall supersede the provisions of the Town Law to the extent that they are inconsistent therewith.

Additional remedies.

The Town Board or any Town Officer designated by said Board, in addition to other remedies, may institute an appropriate action or proceeding to correct or abate a violation of this Chapter or to prevent any illegal act

In addition to any other remedies set forth herein authorizing the Town to enforce the provisions of this Chapter, establishing penalties, and setting forth additional remedies, the Town may seek a civil penalty not to exceed One Thousand and 00/100 (\$1,000.00) Dollars per day for each day of the violation.

The Town shall pay a sum equal to 50% of any fine or civil penalty collected by the Town to any individual who supplies information that shall lead to the detection, arrest and conviction of a person guilty of violating a provision of this Chapter, when such information culminates with a fine or penalty being paid, provided that the sum paid hereunder shall not exceed \$1,250.

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 the 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 Shannon Harris	AYE
Councilperson Gloria Van Vliet	AYE
Councilperson Jared Geuss	AYE

Councilperson Kathie Quick AYE
Councilperson Chris Farrell AYE

.....
CHAPTER 101, "RENTAL PROPERTIES REGISTRATION AND INSPECTION", (PH #3)

PUBLIC HEARING WAS HELD EARLIER THIS EVENING AND AEF PART 2 & 3 WAS COMPLETED

A MOTION WAS MADE BY COUNCILPERSON JARED GEUSS TO TABLE THIS LOCAL LAW BASED ON THE COMMENTS RECEIVED THIS EVENING AT THE PUBLIC HEARING. THE MOTION WAS SECONDED BY COUNCILPERSON GLORIA VAN VLIET. ALL MEMBERS PRESENT WERE IN FAVOR.MOTION CARRIED.

**A DECISION WAS MADE BY THE BOARD TO HOLD FOR FURTHER REVIEW.

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AMENDING THE ZONING MAP OF THE TOWN OF ESOPUS TO CHANGE THE ZONING DISTRICT (PH #4)

PUBLIC HEARING WAS HELD EARLIER THIS EVENING AND AEF PART 2 & 3 WAS COMPLETED

A MOTION WAS MADE BY SUPERVISOR HARRIS TO TABLE AMENDING THE ZONING CODE OF THE TOWN OF ESOPUS TO CHANGE THE ZONING DISTRICT DESIGNATION OF:

- 161 ULSTER AVENUE (TAX PARCEL NUMBER 63.2-2-1) FROM THE HI DISTRICT TO THE GC DISTRICT
- MTN (TAX PARCEL NUMBER 56.19-3-13) FROM THE HI DISTRICT TO THE GC DISTRICT
- ULSTER AVENUE (TAX PARCEL NUMBER 63.2-2-2.300) FROM THE LI DISTRICT TO THE GC DISTRICT
- 163-171 ULSTER AVENUE (TAX PARCEL NUMBER 63.2-2-8) FROM THE LI DISTRICT TO THE GC DISTRICT
- 352 MOUNTAIN VIEW AVENUE (TAX PARCEL NUMBER 56.20-1-4) FROM THE LI DISTRICT TO THE GC DISTRICT
- NO ADDRESS (TAX PARCEL NUMBER 56.20-1-6) FROM THE LI DISTRICT TO THE GC DISTRICT

AND CONTINUE OUR SEQRA REVIEW. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

**A DECISION WAS MADE BY THE BOARD TO TABLE CONTINUE SEQRA REVIEW.

AMEND CHAPTER 123, "ZONING", OF THE ESOPUS TOWN CODE BY AMENDING SECTION 123-26, "ENFORCEMENT: PENALTIES FOR OFFENSES" IN ITS ENTIRETY

PUBLIC HEARING WAS HELD EARLIER THIS EVENING AND AEF PART 2 & 3 WAS COMPLETED

TOWN OF ESOPUS TOWN BOARD SEQRA NEGATIVE DECLARATION AND NOTICE OF DETERMINATION OF NON-SIGNIFICANCE FOR A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO **AMEND CHAPTER 123, "ZONING", OF THE ESOPUS TOWN CODE BY AMENDING SECTION 123-26, "ENFORCEMENT: PENALTIES FOR OFFENSES" IN ITS ENTIRETY.**

WHEREAS, the Town of Esopus Town Board proposes to adopt **Local Law No. 3** of 2019, a Local Law of the Town of Esopus, Ulster County, New York; amending Section 123-26 of the Town of Esopus Town Code in the manner described above; and

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

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

WHEREAS, the name and address of the lead agency is: Town of Esopus Town Board, 284 Broadway, Ulster Park, New York 12487 and the Responsible Officer is Shannon Harris, Town of Esopus Town Supervisor, with a telephone number at (845) 331-0676; and

WHEREAS, the Town of Esopus Town Board, as lead agency, has classified this Action as 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 amending Section 123-26 in its entirety;

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

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

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

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

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems;
2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources;
3. The Action does not involve the impairment of any designated critical environmental area;
4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted;
5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character;
6. The Action will not result in a major change in the use of either the quantity or type of energy;
7. The Action will not create a hazard to human health;
8. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses;

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

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

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

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

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

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

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

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

Supervisor Shannon Harris	AYE
Councilperson Gloria Van Vliet	AYE
Councilperson Jared Geuss	AYE
Councilperson Kathie Quick	AYE
Councilperson Chris Farrell	AYE

A MOTION WAS MADE BY Councilperson Kathie Quick TO ADOPT LOCAL LAW NO. 3 of 2019, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 123, "ZONING", OF THE ESOPUS TOWN CODE BY AMENDING SECTION 123-26, "ENFORCEMENT: PENALTIES FOR OFFENSES" IN ITS ENTIRETY. MOTION WAS SECONDED BY Councilperson Chris Farrell. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED

RESOLUTION OF ADOPTION

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

WHEREAS, a local law was introduced to be known as **Local Law No. 3 of 2019**, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 123, “ZONING”, OF THE ESOPUS TOWN CODE BY AMENDING SECTION 123-26, “ENFORCEMENT: PENALTIES FOR OFFENSES” IN ITS ENTIRETY.

WHEREAS, a public hearing in relation to said local law was held on December 3, 2019 at 7:00 p.m., prevailing time; and

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

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

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

Section 1. Section 123-26 of Chapter 123 of the Esopus Town Code is amended in its entirety to read as follows:

§ 123-26. Enforcement: Penalties for Offenses.

Enforcement Officer. It shall be the duty of the Zoning Enforcement Officer, who shall be appointed by the Town Board, to enforce the provisions of this Chapter and all rules, conditions and requirements adopted or specified pursuant thereto. The Building Inspector shall serve as the Zoning Enforcement Officer and, along with an authorized deputy, (including the Fire Inspector), unless a different Zoning Enforcement Officer and deputy is designated by the Town Board.

Powers and Duties of the Enforcement officer.

The Zoning Enforcement Officer, or an authorized deputy, shall have the right to enter any building or enter upon any and all land at any reasonable hour as necessary in the execution of his or her duties, provided that:

The Zoning Enforcement Officer, or authorized deputy, shall display identification signed by the Town Supervisor upon commencing an inspection.

The Zoning Enforcement Officer, or authorized deputy, shall first make reasonable efforts to alert any occupants present at the time of the inspection to identify himself or herself and the reason for the inspection.

The Zoning Enforcement Officer shall keep a record of every identifiable complaint of a violation of any of the provisions of this Chapter and of the action taken on such complaint. These records shall be public records.

The Zoning Enforcement Officer, or authorized deputy, are authorized to issue desk appearance tickets as defined in §150.10 of the Criminal Procedure Law of the State of New York to enforce the provisions of this Chapter and all rules, conditions, and requirements adopted or specified pursuant thereto. Such desk appearance ticket shall be returnable within thirty (30) days in the Town of Esopus Justice Court.

The form of the desk appearance ticket issued by the Zoning Enforcement Officer, or authorized deputy, shall be governed by the Criminal Procedure Law and the Uniform Justice Court Act of the State of New York. The content of such appearance ticket and the method of prosecution thereunder shall always be subject to the Criminal Procedure Law and the Uniform Justice Court Act of the State of New York.

In January of each year the Zoning Enforcement Officer shall annually submit to the Town Board a written report summarizing all complaints of violations and actions taken as a result of such complaints since the date of the last report.

See Penalties for Violations.

Any person committing an offense against any provision of this Chapter or violating any provision or requirement of any statement, site plan, application, permit or certificate approved under the provisions of this Chapter shall be punishable by a fine not exceeding Two Thousand Five Hundred and 00/100 (\$2,500.00) Dollars or imprisonment for a period not to exceed fifteen (15) days, or both.

The owner of premises shall be responsible for compliance with all the requirements of this Chapter, and it is no defense that the culpable action or failure to act may have been done by others. The foregoing notwithstanding, any person who commits or takes part or assists in a violation or who maintains any building or premises in which any such violation exists shall also be guilty of a violation.

Written notice of any alleged violation of this Chapter shall be given by mail, at the address listed on the most recent assessment roll for the Town of Esopus, or personal service to the record owner of the subject premises at least five (5) days prior to the commencement of any proceeding to enforce any provision of this Chapter; provided, however, that such notice shall not be required, where in the judgment of the Zoning Enforcement Officer, or authorized deputy, that the alleged violation constitutes a threat to life, health or safety, in which case no such notice shall be required.

Taking emergency action. If in the opinion of the Zoning Enforcement Officer, or authorized deputy, a violation exists which requires immediate action to avoid a direct hazard or eminent danger to the health, safety or welfare of the occupants of a building or to other persons, the Zoning Enforcement Officer, or authorized deputy, may direct that such a violation immediately be remedied or may take such action on her or his own initiative to abate the hazard. Any costs incurred by such action shall be paid by the owner, occupant or person responsible for the violation. The Zoning Enforcement Officer, or authorized deputy, shall keep on file an affidavit stating with fairness and accuracy the items of expense, including actual time expended by town personnel on such enforcement, and date of execution of action taken.

Each and every day that a violation continues shall constitute a separate offense.

Each of the provisions of this Chapter is hereby readopted without substantive change by Local Law, pursuant to the Municipal Home Rule Law of the State of New York. The provisions of this Chapter, and the provisions establishing penalties for violating this Chapter, shall supersede the provisions of the Town Law to the extent that they are inconsistent therewith.

Additional remedies.

In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used, in violation of this Chapter or any regulation made under authority conferred thereby, the Town Board or any Town Officer designated by said Board, in addition to other remedies, may institute an appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such a violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises. The Zoning Enforcement Officer shall serve notice by posting in a conspicuous location on the property that is the subject of the violation and either personally on the owner or by mail, at the address listed on the most recent assessment roll for the Town of Esopus, on the person or corporation committing or permitting the same, and if such violation does not cease within such time as the Zoning Enforcement Officer may specify and a new certificate of occupancy is not obtained, he shall, with the authorization of the Town Board, institute such of the foregoing actions as may be necessary to terminate the violation.

In addition to any other remedies set forth herein authorizing the Town to enforce the provisions of this Chapter, establishing penalties, and setting forth additional remedies, the Town may seek a civil penalty not to exceed One Thousand and 00/100 (\$1,000.00) Dollars per day for each day of the violation.

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 Shannon Harris	AYE
Councilperson Gloria Van Vliet	AYE
Councilperson Jared Geuss	AYE
Councilperson Kathie Quick	AYE
Councilperson Chris Farrell	AYE

.....

AMENDING SECTION 123-61, TO INCLUDE THE DEFINITION OF "FAMILY".

PUBLIC HEARING WAS HELD EARLIER THIS EVENING AND AEF PART 2 & 3 WAS COMPLETED

TOWN OF ESOPUS TOWN BOARD **SEQRA NEGATIVE DECLARATION** AND NOTICE OF DETERMINATION OF NON-SIGNIFICANCE FOR A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 123, "ZONING", OF THE ESOPUS TOWN CODE BY AMENDING **SECTION 123-61, TO INCLUDE THE DEFINITION OF "FAMILY".**

WHEREAS, the Town of Esopus Town Board proposes to adopt **Local Law No. 4** of 2019, a Local Law of the Town of Esopus, Ulster County, New York; amending Section 123-61 of the Town of Esopus Town Code to include the definition of "Family"; 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, 284 Broadway, Ulster Park, New York 12487 and the Responsible Officer is Shannon Harris, Town of Esopus Town Supervisor, with a telephone number at (845) 331-0676; and

WHEREAS, the Town of Esopus Town Board, as lead agency, has classified this Action as 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 amending Section 123-61 to include the definition of “Family”;

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

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

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

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

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

threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources;

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

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

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

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

Offered by: Supervisor Shannon Harris
Seconded by: Councilperson Gloria Van Vliet

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

Supervisor Shannon Harris	AYE
Councilperson Gloria Van Vliet	AYE
Councilperson Jared Geuss	AYE
Councilperson Kathie Quick	AYE
Councilperson Chris Farrell	NO

VOTE PASSED: 4 AYE , 1 - NO

A MOTION WAS MADE BY COUNCILPERSON KATHIE QUICK TO ADOPT LOCAL LAW NO. 4 OF 2019, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 123, "ZONING", OF THE ESOPUS TOWN CODE BY AMENDING SECTION 123-61, TO INCLUDE THE DEFINITION OF "FAMILY". MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED

RESOLUTION OF ADOPTION

COUNCILPERSON KATHIE QUICK offered the following resolution which was seconded by **COUNCILPERSON JARED GEUSS**, who moved its adoption:

WHEREAS, a local law was introduced to be known as Local Law No. 4 of 2019, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 123, "ZONING", OF THE ESOPUS TOWN CODE BY AMENDING SECTION 123-61, TO INCLUDE THE DEFINITION OF "FAMILY".

WHEREAS, a public hearing in relation to said local law was held on December 3, 2019 at 7:00 p.m., prevailing time; and

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

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

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

Section 1. Section 123-61 of Chapter 123 of the Esopus Town Code is amended as follows:

FAMILY:

- A. One of the following:
- B. One, two or three persons occupying a dwelling unit; or
 - (1) Four or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.
 - (2) It shall be presumptive evidence that four or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family.
- C. In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:
 - (1) The group is one which in theory, size, appearance, structure and function resembles a traditional family unit;
 - (2) The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family;
 - (3) The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
 - (4) The group is permanent and stable. Evidence of such permanency and stability may include:
 - a. The presence of minor dependent children regularly residing in the household who are enrolled in local schools.

- b. Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration and filing of taxes;
- c. Members of the household are employed in the area;
- d. The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
- e. There is common ownership of furniture and appliances among the members of the household; and
- f. The group is not transient or temporary in nature;

(5) Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

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 Shannon Harris	AYE
Councilperson Gloria Van Vliet	AYE
Councilperson Jared Geuss	AYE
Councilperson Kathie Quick	AYE
Councilperson Chris Farrell	NO

Law adopted VOTE: 4 AYE , 1 – NO



ZONING” OF THE TOWN CODE TO ADDRESS REGULATIONS OF COMMERCIAL EVENT VENUES

PUBLIC HEARING WAS HELD EARLIER THIS EVENING AND AEF PART 2 & 3 WAS COMPLETED

TOWN OF ESOPUS TOWN BOARD SEQRA NEGATIVE DECLARATION AND NOTICE OF DETERMINATION OF NON-SIGNIFICANCE FOR A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK AMENDING ARTICLE IV AND ARTICLE XII OF CHAPTER 123 “ZONING” OF THE TOWN CODE TO ADDRESS REGULATIONS OF COMMERCIAL EVENT VENUES.

WHEREAS, the Town of Esopus Town Board proposes to adopt **Local Law No. 5** of 2019, a Local Law of the Town of Esopus, Ulster County, New York; amending Chapter 123 “Zoning” of the Town of Esopus Town Code in the manner described above; and **WHEREAS**, this determination of non-significance, i.e. negative declaration, is prepared in accordance with Article 8 of the Environmental Conservation Law: the NY State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth in 6 NYCRR Part 617 (“Regulations”); and

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

WHEREAS, the name and address of the lead agency is: Town of Esopus Town Board, 284 Broadway, Ulster Park, New York 12487 and the Responsible Officer is Shannon Harris, Town of Esopus Town Supervisor, with a telephone number at (845) 331-0676; and

WHEREAS, the Town of Esopus Town Board, as lead agency, has classified this Action as 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 amending Chapter 123, “Zoning” of the Esopus Town Code to address regulation of commercial event venues;

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

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

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

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

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems;
2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources;
3. The Action does not involve the impairment of any designated critical environmental area;
4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted;
5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character;
6. The Action will not result in a major change in the use of either the quantity or type of energy;
7. The Action will not create a hazard to human health;
8. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses;
9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action;

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

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

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

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

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

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

Offered by: Supervisor Shannon Harris

Seconded by: Councilperson Chris Farrell

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

Supervisor Shannon Harris	AYE
Councilperson Gloria Van Vliet	AYE
Councilperson Jared Geuss	AYE
Councilperson Kathie Quick	AYE
Councilperson Chris Farrell	AYE

A MOTION WAS MADE BY COUNCILPERSON KATHIE QUICK LOCAL LAW NO. 5 OF 2019, ENTITLED A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK AMENDING ARTICLE IV AND ARTICLE XII OF CHAPTER 123 "ZONING" OF THE TOWN CODE TO ADDRESS REGULATION OF COMMERCIAL EVENT VENUES. MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED

RESOLUTION OF ADOPTION

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

WHEREAS, a local law was introduced to be known as **Local Law No. 5** of 2019, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK AMENDING ARTICLE IV AND ARTICLE XII OF CHAPTER 123 “ZONING” OF THE TOWN CODE TO ADDRESS REGULATION OF COMMERCIAL EVENT VENUES.

WHEREAS, a public hearing in relation to said local law was held on December 3, 2019 at 7:00 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. Statement of Intent

The current provisions of Chapter 123 “Zoning” of the Code of the Town of Esopus are hereby amended with those items underlined added.

SECTION 2. Amend Chapter 123, Article IV, Section (§) 123-10 of the Town Code

Chapter 123, titled “Zoning,” Article IV, §123-10, titled “Schedule of District Use Regulations,” is hereby amended to add “Commercial Event Venue” to the “Schedule of Permitted Uses” as a use permitted upon issuance of a special use permit in accordance with §123-46 of the Town Code.

Districts												
Use	RF-1	RF-2	R-40	R-12	NC	B C	GC	LI	HI	W	WR	Supplementary Regulations
Commercial Event Venue			•									

SECTION 3. Amend Chapter 123, Article IV, Section (§) 123-13 of the Town Code

Chapter 123, titled "Zoning," Article III, §123-13, titled "Uses Requiring Special Use Permits," is hereby amended by adding a new subsection §123-13 W titled "Commercial Event Venue."

§123-13. Uses requiring special use permits

W. Commercial Event Venue.

Restaurants, hotels, bed and breakfast establishments, or agriculture/farm-based businesses with banquet facilities where commercial event venues are accessory uses shall not be subject to this regulation.

Applicants shall provide a plan subject to site plan review standards along with specificity pertaining to the types of events.

The special use permit shall limit the number of participants/attendees for each event, set forth the permitted hours of operation and the maximum number of events per year.

The applicant shall provide safety/security/emergency access plans with its application.

All temporary structures must be removed within 3 days of the event.

The commercial event venue shall be located on a site with a minimum of three (3) acres.

The site of the commercial event venue shall have access on a County or State Road. Access to a Local Road or street, may be permitted by the Planning Board upon a finding that it can handle the traffic volume for the proposed event.

Parking areas may be designated on fields or lawn areas that are capable of handling motor vehicle traffic.

Catering services, including the use of food trucks, are allowed to provide the food and beverages for the special event. On-site preparation of food shall be subject to all applicable Board of Health approvals.

Any venue, which provide overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.

Alcoholic beverages may be consumed on-site provided the venue or catering service has appropriate insurance coverage and complies with local laws. Open or cash bars are allowed subject to New York State Liquor Authority rules and regulations.

In each year subsequent to the special permit approval, a notice shall be sent to the commercial event venue / property owner reminding the person that they are holding a special permit under this section and that a yearly renewal is required. If there are no reports of violations

after the first year, a biennial (i.e., taking place every other year) renewal may be granted by the Building Department.

There shall be a fee paid at the time of the initial application, and additional fees upon Planning Board approval based upon the number of anticipated events. The applicant shall pay fees to the Building Department in accordance with a fee schedule adopted by the Town Board.

SECTION 4. Amend Chapter 123, Article XII, Section (§) 123-61 of the Town Code

Chapter 123, titled "Zoning," Article XII, §123-61, titled "Terms Defined," is hereby amended to include the following definitions:

GENERAL EVENT VENUE - The actual location(s) in which the special event gathering is to occur on the subject site.

COMMERCIAL EVENT VENUE - An establishment where small gatherings and events, such as, but not limited to, weddings, parties, fundraisers, small conferences and similar events, are held subject to the standards set forth in Article IV, § 123-13 W, of this chapter.

SECTION 5. Severability

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

SECTION 6. Effective Date

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 Shannon Harris	AYE
Councilperson Gloria Van Vliet	AYE
Councilperson Jared Geuss	AYE
Councilperson Kathie Quick	AYE
Councilperson Chris Farrell	AYE

DRAINAGE STUDY AND STORM WATER PLAN

A presentation was given by Supervisor Harris with the Highway Superintendent, Storm Water Officer and Water/Sewer Superintendent on the initial ideas and steps they plan to take based on the recommendations. She thanked the Board for their support of the Storm Water Study, Don Kiernan, Sal Morello, Mike Cafaldo and all who participated on the Storm Water Taskforce. Councilperson Jared Geuss said they listened, are taking action and doing what they said they were going to do. Dan Valentine, Tighe and Bond said some of the roads with issues are State or County roads and they have been raised to the appropriate area to address the issues. A small section of River Road recently was paved and deeper swales were installed.



Town of Esopus

Stormwater Plan Review 2019-2020

2019

What We've Done

► ORGANIZATION

- **Completion of Tighe & Bond Stormwater Assessment**
Available online at bit.ly/Esopus-Stormwater-Study or Esopus.com
- Planning for 2020 Repairs & Maintenance

► REPAIRS & MAINTENANCE (some done 2018-2019)

- Millbrook Dr/Andorn Ln - Pipe Upgrade
- Valley Rd - Pipe Replacements (per Stormwater Assessment)
- Swartekill Rd - Cross-Pipe Replacements (2 miles), Concrete to Steel Pipe upgrade
- Floyd Ackert Rd - Pipe Replacement, Concrete to Steel
- Maple, Cedar, Pine St - new basins, replacement of all systems
- Cow Hough Rd - Pipe Replacements (whole road)
- Hudson Ln - Swale repair

2020

What We're Doing

- ▶ Based on Tighe & Bond Stormwater Assessment
- ▶ **1.) Primary Areas:**
 - ▶ Sentar Lane
 - ▶ Lindorf Street
 - ▶ Clay Road
- ▶ **2.) Tilden Street**
 - ▶ pipe investigation via camera
- ▶ **3.) Emergency repairs as-needed**
 - ▶ May affect budget



3 Primary Areas

Why?

- ▶ All 3 sites determined as priority flooding areas in Esopus through Stormwater Assessment
- ▶ Recommended repairs affect the most residents, work on largest problems before moving to smaller ones
- ▶ Plans already developed through Stormwater assessment - ready to implement in Spring 2020 after collecting easements

Sentar Lane

▶ **Issue:**

- ▶ Undersized pipes
- ▶ Catch basins cannot handle water volume

▶ **Solution:**

- ▶ Replacement/upgrades
 - ▶ 2,200 ft of pipe
 - ▶ 11 catch basins
 - ▶ 1 manhole



Lindorf Street

▶ **Issue:**

- ▶ Undersized pipes
- ▶ Catch basins cannot handle water volume

▶ **Solution:**

- ▶ Replacement/upgrades
 - ▶ 750 ft of pipe
 - ▶ 8 catch basins



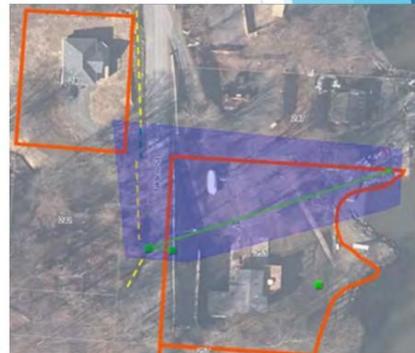
Clay Road

- ▶ **Issue:**
 - ▶ Undersized pipes
 - ▶ Catch basins cannot handle water volume
 - ▶ Natural drainage pattern insufficient
- ▶ **Solution:**
 - ▶ Replacement/upgrades
 - ▶ 200 ft of pipe
 - ▶ 1 catch basin
 - ▶ 1 manhole
 - ▶ Installations
 - ▶ 1 vegetated bioswale



Tilden Street

- ▶ **Issue:**
 - ▶ Potentially undersized pipes
 - ▶ Catch basins can't handle water volume
 - ▶ Swale insufficient
- ▶ **Solution:**
 - ▶ Needs further investigation
 - ▶ CCTV Pipes to verify current condition



2020 Timeline

- ▶ **WINTER 2019-2020**
 - ▶ Potential roadwork limited by weather/moratoriums
 - ▶ Acquire easements from affected residents
 - ▶ Develop repair plans
- ▶ **SPRING 2020**
 - ▶ Repairs begin for stormwater drainage, CHIPS repaving
 - ▶ Focus on priority areas, bottom-up. Other repairs as needed
- ▶ **FALL 2020**
 - ▶ Review spring progress based on goals
 - ▶ Re-establish budget
 - ▶ Refocus priority areas
- ▶ **WINTER 2020-2021**
 - ▶ Acquire easements from affected residents
 - ▶ Develop repair plans



Repair Strategy

Considering Tomorrow, Today

- ▶ **Work From Bottom-Up**
 - ▶ When replacing pipes with larger ones, replacements must be done from the exit of pipe upwards. Otherwise, water will still be bottlenecked further down the pipeline.
- ▶ **Track & Map Replacements**
 - ▶ Even brand-new components have a lifespan. Using GIS, we keep track of what was replaced and when in order to predict upcoming system failures 50+ years down the line.
- ▶ **Passive Replacement Strategy**
 - ▶ For non-priority roads.

Passive Replacement Strategy

Making the Most of Routine Maintenance

▶ How It Works

- ▶ Highway gets funding through Town budget and through NYSDOT via CHIPS
 - ▶ CHIPS not eligible for drainage repairs
 - ▶ CHIPS money goes to repaving

▶ How We Save Money

- ▶ When Town roads are repaved, we also replace/fix drainage at that time.
- ▶ Saves on labor (no need to dig up again) and overhead (nor repave twice).

Potential Hurdles

▶ Easements

- ▶ Town needs permission to do any work on a resident's property
- ▶ If recommended repairs encroach on a property and the owner does not wish to sign an easement, an alternative repair must be developed around them. Takes additional time & money

▶ Weather

- ▶ Bad storms, or freezing conditions can postpone work

▶ Budget

- ▶ Repairs cannot proceed beyond what's financially possible for 2020

Step One: Easements

- ▶ Are you willing to have the Town of Esopus do work on your property in order to repair the greater drainage system?
 - ▶ Town is required to leave property in the same condition it was in before work started - no need to worry about damages
 - ▶ Remember - improvements to drainage can help slow degradation of property assets
- ▶ Do you currently have an Easement with the Town?
 - ▶ Inquire with Building Department

SOME EASEMENTS STILL NEEDED FOR RESIDENTS OF SENTAR LANE

email outreach@esopus.com with any questions

CONTRACTUAL - EAP

A MOTION WAS MADE BY SUPERVISOR HARRIS TO SIGN CONTRACT WITH KINGSTON WoRX OCCUPATIONAL HEALTH SERVICES FOR EAP PROGRAM COVERING UP TO 20 EMPLOYEES IN THE AMOUNT OF \$500. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

VOLUNTEER BOARDS:

We have received inquiries from applicants for volunteer positions on the Planning Board, ZBA, Environmental Board and Water and Sewer Board. These applicants will be first interviewed by the respective boards and referred as appropriate to the Town Board at a later meeting.

EXECUTIVE SESSION - INTERVIEWS

A MOTION WAS MADE AT 8:35 PM BY COUNCILPERSON KATHY QUICK TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF INTERVIEWING CANDIDATES FOR THE WATER AND SEWER DEPARTMENT WATER TREATMENT OPERATOR TRAINEE POSITION. THE MOTION WAS SECONDED BY COUNCILPERSON GLORIA VAN VLIET. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED. WATER SUPERINTENDENT DON KIERNAN WAS INVITED INTO THE SESSION.

A MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION AT 9:05 PM BY COUNCILPERSON KATHY QUICK. THE MOTION WAS SECONDED BY COUNCILPERSON GLORIA VAN VLIET. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

ACTION:

A MOTION WAS MADE BY COUNCILPERSON JARED GEUSS TO APPOINT SHAWNE DEGROAT AS A WATER PLANT OPERATOR TRAINEE AT A RATE OF \$24.26 CONTINGENT UPON A PRE EMPLOYMENT BACKGROUND CHECK, DRUG TEST AND CHARACTER REFERENCES. SUBJECT TO A 90 DAY PROBATIONARY PERIOD AND SUPERINTENDENT KIERNAN PROVIDING AN UPDATE EVERY 90 DAYS ON PERFORMANCE. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. MOTION CARRIED.

EXECUTIVE SESSION – LITIGATION SETTLEMENT

A MOTION WAS MADE BY SUPERVISOR HARRIS AT 9:05 PM TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING A PROPOSED RESOLUTION/SETTLEMENT FOR A CERTAIN LITIGATION MATTER. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY SUPERVISOR HARRIS TO COME OUT OF EXECUTIVE SESSION AT 9:15 PM. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR; MOTION CARRIED.

ACTION:

A MOTION WAS MADE BY SUPERVISOR HARRIS TO APPROVE THE LAST CHANCE AGREEMENT FOR A PARTICULAR INDIVIDUAL IN THE WATER DEPARTMENT WITH THE CORRECTION OF ERROR IN THE EAP COMPANY NAME OF KINGSTON W_oRX. THE MOTION WAS SECONDED BY COUNCILPERSON GLORIA VANVLIET. ALL MEMBERS PRESENT WERE IN FAVOR MOTION CARRIED.

EXECUTIVE SESSION – EMPLOYMENT HISTORY

A MOTION WAS MADE BY SUPERVISOR HARRIS AT 9:35 PM TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE EMPLOYMENT HISTORY AND POSSIBLE DISCIPLINARY ACTION FOR A PARTICULAR TOWN EMPLOYEE. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION AT 9:45 PM. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

ACTION: NONE

UPCOMING EVENTS

12/6 Friday: 5:30-8:30 PM Presentation Church/Sacred Heart Pasta Dinner, Community room.

12/7 Saturday: 5:30-8 PM Winter Wonderland Parade featuring Mr. & Ms. Claus beginning at Medrex Building.

12/11 Wednesday: 7 PM Fred Zimmer retirement party prior to Planning Board mtg, Town Hall.

12/12 Thursday: 1 PM AARP Christmas Party; 6-8 PM Citizen Emergency Preparedness training and free response kits, Town Hall upper Courtroom -- **MUST REGISTER:** <https://prepare.ny.gov/training-events>

12/13 Friday: 10-12 AM Citizen Emergency Preparedness training and free response kits, Town Hall upper Courtroom -- **MUST REGISTER:** <https://prepare.ny.gov/training-events>

12/14 Saturday: 9 AM Klyne-Esopus Museum meeting, Town Hall.

12/15 Sunday: 8 AM-12 PM Port Ewen FD Special Breakfast with Santa Claus.

12/15 Sunday: 10 AM-12 PM Breakfast with Santa Clause for residents of St Remy Fire District residents.

12/16 Monday: 12 PM Esopus Seniors Christmas Luncheon featuring dancing, raffles and holiday cheer.

12/17 Tuesday: 7:30 PM Town Board meeting, Town Hall.

12/20 Friday: 11 AM Town Hall employees Christmas luncheon, retiring elected officials celebration and Secret Santa exchange (all Town Board members and elected officials please join).

12/24-25: Town Hall closed at Noon on 12/24 and on 12/25 Town Hall closed for Christmas.

12/31-1/1/20: Town Hall closed at Noon on 12/31 and on 1/1 Town Hall closed all day for New Year's, EXCEPT for Town Board Organizational meeting, which begins at 12 PM Noon and is followed by a light luncheon.

ADJOURNMENT

A MOTION WAS MADE BY SUPERVISOR HARRIS TO ADJOURN THE MEETING AT 9:45 PM. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR, MOTION CARRIED.

Respectively submitted,

Holly A. Netter
Town Clerk, RMC