

**TOWN OF ESOPUS
TOWN BOARD MEETING
March 17, 2022
7:00 PM**

A regularly scheduled Town Board Meeting was held on March 17, 2022 in person at 1 Town Hall Way, Ulster Park. Meeting was also available on TV 23, available via zoom and Live Streamed on the Town of Esopus Facebook page. The following persons in attendance:

**Councilman Laura Robinson
Councilman Evelyn Clarke
Councilman Kathie Quick
Councilman Jared Guess
Supervisor Danielle Freer**

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

4 WAYS TO GIVE PUBLIC COMMENT:

- 1.) **In-Person – Attend the Workshop**
- 2.) **Phone in: Leave voicemail on 845 331 0676 prior to the meeting**
- 3.) **EMAIL – lreynolds@esopus.com with the subject line “Public Comment”**
- 4.) **MAIL – mail written comments to:
*Town of Esopus, P.O. Box 700
Port Ewen, NY 12466***

Supervisor Danielle Freer called the meeting to order at 7:02 pm. An ARPA workshop was noticed and held prior to this meeting at 6:00 pm.

SUPERVISOR DANIELLE FREER MADE A MOTION TO OPEN THE REGULARLY SCHEDULED MEETING AT 7:02 PM. THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARK. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT – None

A MOTION WAS MADE BY COUNCILMAN JARED GEUSS TO CLOSE PUBLIC COMMENT. THE MOTION WAS SECONDED BY COUNCILMAN KATHIE QUICK. ALL MEMBERS WERE IN FAVOR: MOTION CARRIED.

APPOINTMENT OF TOWN JUSTICE

Supervisor Freer said she wanted to thank each of the candidates for stepping up to interview for the position of Town Justice. It was an absolute honor to be a part of this process and to be in the room with such upstanding individuals, who have not only done so much in their professional lives but have also already played such helpful roles within our community. When all the applicants were walking out the night of interviews, she said she remembered feeling a sense of pride knowing that we have such good people in our town who are willing to step up to help and she was so grateful for that. She thanked each of the applicants for considering this position.

Councilman Geuss also thanked everyone who interviewed. He said there were great qualified candidates for the position.

Councilman Quick said it was a difficult decision. She knew the candidates for years and they have been participating members of the community.

A MOTION WAS MADE BY SUPERVISOR DANIELLE FREER TO APPOINT PIERCE GALLAGHER AS TOWN JUSTICE WITH A TERM TO EXPIRE 12/31/2022. THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARKE. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

Local Law 1 of 2022 – Accessory Marina Campgrounds

There has been interest to help the marina increase their opportunity to expand their business through allowing camping. This idea stemmed from the Comprehensive Plan and the timing was not right, the zoning update was being worked on. The Town Board will have control over whether the project has merit and will be handled similar to the mix floating zone request procedures already in place.

Sketch plans will need to be submitted to the Town Board
The Town Board will decide if it has merit
Town Board can ask the applicant to revise plan
Once there is merit, it can go to the Planning Board for site plan review

Councilman Guess said, there is nothing different than what is already on the books only this law deals with the Marina. The marinas cannot exceed 15 campsites and would have to be renewed every year. Complaints and violations are taken into consideration, this is not a “one and done”. He endured the Town had authority to make sure they comply with the law.

RESOLUTION OF INTRODUCTION

Supervisor Danielle Freer, seconded by **Councilman Laura Robinson**, introduced the following proposed local law, to be known as **Local Law No. 1 of 2022**, entitled

A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 123, “ZONING,” OF THE ESOPUS TOWN CODE TO PROVIDE OPPORTUNITIES FOR ACCESSORY MARINA CAMPGROUNDS.

SECTION 1. Statement of Intent. The current provisions of Chapter 123, “Zoning” of the Code of the Town of Esopus are hereby amended as follows (additions are underscored and deletions are stricken):

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 Permitted Use Regulations,” is hereby amended to add “Accessory Marina Campgrounds” to the “Schedule of Permitted Uses” as a use permitted upon issuance of site plan approval and a special license by the Planning Board for marinas located within the Waterfront (W) District in accordance, with § 123-13 and §123-47 of the Town Code, and signified by the symbols “T/SP,” followed by inserting a reference to the supplementary regulations at § 123-13.F in the Supplementary Regulations column as follows:

Districts														
Use	RF-1	RF-2	R-40	R-12	RG	NC ⁷	BC	GC-1 ⁷	GC-2 ⁷	LI ⁷	HI	W	WR	Supplementary Regulations
<u>Accessory Marina Campground</u> <u>s</u>												<u>T/SP</u>		<u>§ 123-13.F</u>

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

Chapter 123, titled “Zoning,” Article IV, § 123-13, titled “Campgrounds and Hospitality Regulations” is hereby amended by removing existing § 123-13.A(4)(h) in its entirety as follows:

§ 123-13.A(4)

~~(h). No Campgrounds shall be permitted as an accessory use to any marina legally existing on the effective date of this chapter.~~

SECTION 4. Amend Chapter 123, Article IV, Section (§) §123-13 of the Town Code

Chapter 123, titled “Zoning,” Article IV, § 123-13, titled “Campgrounds and Hospitality Regulations” is hereby amended by adding a new subsection § 123-13.F titled “Accessory Marina Campgrounds” as follows:

§ 123-13 Campground and Hospitality Regulations

F. Accessory Marina Campgrounds

- (1) Purpose. The purpose of the accessory marina campground regulations is to promote the health, safety and general welfare of the Hamlet of Connelly and Town of Esopus, its residents and visitors, and to protect the character, aesthetics and ecological conditions of the Rondout Creek, by allowing for and establishing specific requirements governing campgrounds accessory to existing marinas and the operation and maintenance of said campgrounds within the Waterfront (W) Zoning District. It is further the purpose of these regulations to provide additional opportunities for marinas to diversify their commercial offerings in a manner compatible with the Rondout Creek, Hamlet of Connelly and the Town of Esopus.
- (2) Applicability. An accessory marina campground may only be permitted as an accessory use to an existing marina in the Waterfront (W) Zoning District with site plan approval and issuance of an accessory marina campground license in accordance with the requirements of this chapter.
- (3) Minimum requirements to submit an application.
 - (a) Zoning district. An accessory marina campground shall only be permitted in the Waterfront (W) Zoning District and as an accessory use to an existing marina.
 - (b) Property size. The marina shall encompass a minimum of three contiguous acres under single ownership, of which, no less than one acre shall be reserved for the accessory marina campground.
 - (c) The accessory marina campground shall remain incidental and subordinate to the existing marina operation.
- (4) License and site plan approval required.
 - (a) No person, partnership, association, limited liability or other company, entity or corporation, being the owner, user, or operator of an existing marina located within the Waterfront (W) District, shall use or allow the use of such land for an accessory marina campground unless a license authorized by the Planning Board has been obtained as herein provided.
 - (b) Site plan required. Site plan approval or an amendment to an existing site plan

approval, where applicable (hereinafter referred to as “site plan”), shall be required prior to the issuance of an accessory marina campground license.

(5) License application and review procedures.

(a) License application process. Prior to Planning Board consideration of accessory marina campground site plan and license applications, applicants shall first submit to the Building Department, a sketch plan application and attend a Town Board sketch plan meeting. The sketch plan application and meeting will provide an opportunity for the Town Board to conduct a preliminary review and make an initial determination of merit. Where the Town Board finds the sketch plan application has merit to proceed, the Town Board shall refer the application to the Planning Board for site plan review and consideration of an accessory marina campground license.

(b) Sketch plan application.

[1] In order to schedule a Town Board sketch plan meeting, the owner(s) of the subject property or other person(s) having a legal interest in the subject property, or their authorized agents, shall submit the following materials to the Building Department a minimum of 14 days prior to the next regularly-scheduled Town Board meeting:

[a] A formal letter requesting an accessory marina campground license and a sketch plan meeting. The letter shall describe the proposed project, including the type(s) and total number of campsites proposed, the total acreage of the subject property and acreage devoted to the accessory marina campground.

[b] A sketch plan depicting the property boundaries, proposed layout of the campground, marina operations, and all related amenities, including, but not limited to: the location and type of each campsite, access points, internal roads, parking areas, setbacks of the nearest campsite from the Rondout Creek shoreline and adjoining property boundaries, pump out station, restroom and shower facilities, refuse collection, playground/recreational amenities, boat launch, boat storage areas, and all existing and proposed structures.

[c] The sketch plan application shall be accompanied by a fee established by the Town Board in accordance with § 123-31 of this chapter.

[d] Escrow. The applicant shall be prepared to deposit funds into an escrow account in accordance with § 123-31 of this chapter for the purposes of covering costs associated with the Town Board’s technical review of the project. If required, the amount of the initial Town Board escrow will be identified by the Town Board at or subsequent to the sketch plan meeting, as

applicable.

- [2] At the next regularly scheduled Town Board meeting following timely submission of the sketch plan application, the Town Board shall review and determine if the application has merit for further consideration pursuant to subsection [3] below.
- [3] Within 30-days of declaring the sketch plan application complete, the Town Board shall determine whether or not the application has merit for further consideration according to the following criteria:
 - [a] The proposal meets the Purpose and all requirements of these regulations.
 - [b] The proposal is not inconsistent with the Comprehensive Plan, the Local Waterfront Revitalization Program, and other applicable plans and studies.
 - [c] The proposal will not result in a potential source of danger to the health and safety of the general public or the health and safety of the occupants of the campground and/or associated marina customers and visitors.
 - [d] The proposal will not interfere with the right of residents of and visitors to the Hamlet of Connelly to quiet enjoyment of their property.
 - [e] The proposal meets any additional project-related criteria the Town Board considers relevant.
- [4] If the Town Board determines the application does not merit review, it shall provide said determination in writing to the applicant within five (5) days of the determination, and no further action on the application shall be taken. The written determination shall detail reasons for the denial. The applicant may submit a revised sketch plan application for consideration. A determination of merit by the Town Board does not authorize any earthwork, land clearing or construction of any kind related to the license application unless, otherwise permitted.
- [5] Planning Board referral. If the Town Board determines the application does merit Planning Board review, the Town Board shall provide their decision in writing to the applicant and Planning Board within five (5) days of the determination. The written determination shall detail reasons the application merits Planning Board review. The applicant shall then have the right to apply for site plan review and consideration of a license from the Planning Board.

(c) Site plan application.

- [1] Upon Town Board determination that a sketch plan application merits further

review, the applicant shall proceed to site plan review in accordance with § 123-55 of this chapter. If a site plan application is not submitted to the Planning Board within 90-days of the Town Board's sketch plan decision, said Town Board decision will become null and void, and a new sketch plan application will be required.

[2] Upon receipt of the site plan application and all subsequent documentation, the Planning Board shall immediately provide one copy each to the following: Town Board, Town Engineer, Planning Board Planner, Planning Board Attorney, the Waterfront Advisory Board, the Connelly and Port Ewen Fire District Chief(s), the Water and Sewer District Superintendent, and the Superintendent of Highways.

(d) Planning Board review.

[1] The Planning Board shall review the site plan application in accordance with this section and § 123-55 of this chapter. The applicant shall submit application materials and all associated fees and escrow in accordance with this section, § 123-13.F(6) and § 123-55 of this Chapter.

[2] Site plan approval shall be contingent upon Ulster County and/or State Department of Health approvals for the proposed accessory marina campground, where applicable. Upon receipt, the applicant shall provide to the Planning Board a copy of all such approvals given by Ulster County and/or State Department of Health.

[3] The Planning Board shall not approve any site plan unless the Planning Board finds the proposed site plan conforms to the requirements of this section, § 123-55 of this chapter, and is in substantial conformance with the Town Board-approved sketch plan.

(e) If the Planning Board approves the site plan, a copy of the approval shall be referred to the Town Board and the Building Department.

(f) If the Planning Board denies the site plan, the applicant reserves the right to amend and resubmit their application with 90-days of the denial. If a revised application is not submitted within 90-days of the denial, the applicant shall be required to submit a new sketch plan application to the Town Board.

(6) License approval.

(a) Upon Planning Board approval of the site plan, the Planning Board shall direct the Zoning Enforcement Officer to issue an accessory marina campground license. The

Planning Board shall have the authority to include reasonable conditions on the accessory marina campground license.

(b) The license shall be conspicuously displayed at all times in the campground office or other prominent location.

(c) License transfer. In the event the subject property is conveyed to a new owner and/or there is a new campground operator, the accessory marina campground license shall remain in full force and effect, provided the new owner and/or operator updates the relevant contact information with the Building Department within 45-days of the change. The license shall expire if the relevant information is not updated with the Building Department within 45-days of the change.

(d) The accessory marina campground license shall expire if the marina ceases to operate for more than 30 consecutive days between April 1 and October 31.

(e) Inspection required. As a condition of all newly issued licenses, the Zoning Enforcement Officer shall inspect the accessory marina campground to confirm compliance with the license and approved site plan.

[1] The inspection shall occur within 30-days of the opening of the accessory marina campground to guests.

[2] The Zoning Enforcement Officer may recommend revocation of the accessory marina campground license, to the Planning Board upon refusal of the owner/operator to allow the Zoning Enforcement Officer to inspect the premises or upon finding reasonable cause that the owner/operator has failed to comply with the license and/or site plan approval, and/or any other state or local law, rule or regulation, and/or upon finding reasonable cause that the conditions on the campground pose a threat to public health, safety, peace and quiet enjoyment of their property by owners of or visitors to adjacent properties or otherwise poses or causes a public nuisance.

[3] If the Zoning Enforcement Officer recommends license revocation, the procedures set forth in § 123-13.F(9) and § 123-28 of this chapter shall apply.

(f) Randomly scheduled, unannounced inspections. As a condition of all newly issued and renewed licenses, the Zoning Enforcement Officer shall have the authority to conduct randomly scheduled, unannounced inspections. Upon refusal of the owner/operator to allow the Zoning Enforcement Officer to inspect the premises, the Zoning Enforcement Officer shall have the authority to recommend license revocation to the Planning Board.

(7) Renewal of licenses. All accessory marina campground licenses shall be issued for a period

not to exceed one year, after which license renewal shall be required annually by application to the Zoning Enforcement Officer. Regardless of the initial date issued, all licenses shall expire on the 31st day of October of each year.

(a) A person holding a valid license may seek renewal of said license provided that:

[1] An application to renew the license is received by the Building Department a minimum of 60-days prior to the expiration of the existing license.

[2] The application fee is paid.

[3] The application relies upon the previously approved license and site plan with no substantial changes.

(b) A request to renew an existing accessory marina campground license shall be submitted on forms provided by the Building Department.

(c) The Building Department shall review the accessory marina campground license renewal application for completeness.

(d) Inspection required. Prior to license renewal, the accessory marina campground shall be inspected by the Zoning Enforcement Officer.

[1] Such license shall not be renewed unless the Zoning Enforcement Officer certifies that the accessory marina campground is operating in compliance with the issued license, approved site plan, and all applicable laws, rules, and regulations.

[2] The license holder shall provide all information requested by the Zoning Enforcement Officer to assist in determining compliance.

[3] It shall be the responsibility of the license holder to arrange for the inspection.

[4] The license shall not be renewed unless the Zoning Enforcement Officer is permitted to enter the property and confirm compliance in accordance with this chapter.

[5] The Zoning Enforcement Officer shall submit a report to the Planning Board indicating the results of the site inspection and Building Department review of the license renewal application.

(8) Renewal evaluation by Planning Board. The Planning Board may direct the Zoning Enforcement Officer to renew a license if, in its sole discretion and based on the Zoning Enforcement Officer's report, it determines that:

(a) The applicant conducted the use in accordance with the terms of the license, the approved site plan and the applicable requirements of this chapter and the Town Code;

(b) The accessory marina campground is not a potential source of danger to the health and

- safety of the general public or the health and safety of the occupants of the campground and/or associated marina customers and visitors.
- (c) The accessory marina campground is not interfering with the right of residents of and visitors to the Hamlet of Connelly to quiet enjoyment of their property.
- (d) The application for license renewal does not contain any substantially new elements that compel a new site plan or the substantial amendment of the approved site plan. The Zoning Enforcement Officer shall be responsible for determining if any changes to an existing accessory marina campground will require a new or site plan amendment.
- (9) Revocation or denial of license renewal. If the Planning Board recommends revocation of an existing license or denial of a request to renew an existing license, a public hearing shall be held by the Town Board.
- (a) The Town Board shall have the authority to revoke existing licenses and deny license renewal requests upon recommendation of the Planning Board and after a public hearing is held as prescribed herein.
- (b) Within 10 days of the Planning Board's determination that an existing license should be revoked or an existing licensed not be renewed, the Planning Board shall notify the Town Board in writing. Such notification shall detail the reason(s) for recommending revocation or denial of renewal, accompanied by the Zoning Enforcement Officer's report.
- (c) A written notice to the license holder and property owner(s) shall be sent by certified mail at least five (5) days in advance of such hearing. Notice of the hearing shall also be published at least once in a newspaper in general circulation in the Town at least five (5) days before the date and time set for such hearing.
- (d) At the hearing, the license holder shall be given an opportunity to be heard. In addition, the Town Board shall hear facts offered by the Planning Board the property owner, and/or any other person wishing to be heard.
- (e) The Town Board shall consider the facts provided whether the accessory marina campground fails to comply with the approved license and/or site plan approval or otherwise poses a threat to public health, safety, peace and quiet enjoyment of their property by owners of or visitors to adjacent properties.
- (f) Within 30-days of the close of the public hearing, the Town Board shall issue their findings and may direct the Zoning Enforcement Officer based upon such findings to take such action upon the license as the Town Board deems appropriate and is supported by the evidence.

(g) The license holder and property owner may also be liable for other violations in accordance with § 123-28 of this chapter including, but not limited to revocation of the site plan approval.

(10) Standards and requirements.

(a) Months of operation. Accessory marina campgrounds shall only operate between April 1 and October 31 of each year.

(b) Screening requirements. When the area designated for the accessory campground is located within 50 feet of and visible from one or more adjoining property boundaries, excepting the Rondout Creek shoreline, a screened buffer shall be provided along said property boundaries. Such screening shall be no less than 10 feet wide, consist of native vegetation, and effectively screen the accessory campground from adjoining property within one year. A planting plan specifying the types, sizes, and location of existing and proposed vegetation shall be required and reviewed as part of the site plan application.

(c) Campsites.

[1] The accessory marina campground shall be divided and marked off into campsites. The campsites shall be numbered consecutively; the assigned number shall be posted in each site in a highly visible location.

[2] The total number of campsites shall not exceed 12 sites per acre. At no time shall the total number of campsites for an accessory campground exceed 15 sites, regardless of involved acreage.

[3] Minimum sizes for individual campsites. All campsites shall be a minimum of 1,250 square feet in area and shall also be large enough to allow at least a five-foot clearance between the boundaries of the campsite and the exterior surfaces of the camping unit placed on it, so as to provide for a 10-foot separation distance between camping units on adjacent campsites. The minimum campsite size requirements

[4] The location of the designated campsites shall be properly separated from marina operations and associated vehicle traffic.

[5] Fire pits. Each campsite shall be provided with a fire pit constructed of materials approved by the Planning Board and of sufficient height to contain the fire. No fires shall be permitted outside of the fire ring. All open burning shall comply with the requirements of the Fire Code of New York State and the NYS Department of Environmental Conservation's annual ban on open burning between March 16 and May 14, as may be amended.

(d) Vehicle and pedestrian accessibility.

- [1] Every campground shall be easily accessible from a public road.
- [2] Every entrance and exit from the campground shall be so designed and located as to provide safe and convenient movement of pedestrians, bicyclists and vehicles into and out of the campground and to minimize friction with the free movement of traffic on the public road to which it connects. Every entrance and exit shall:
 - [a] Be at right angles to the public highway or street to which it connects.
 - [b] Be free of any material which would impede the visibility of a driver on a public road.
 - [c] Be of sufficient width to facilitate the turning movements of vehicles, including emergency and recreational vehicles.
- [3] Internal campground roads shall be privately-owned, clearly delineated, constructed with a stabilized driving surface, and meet the following minimum requirements:
 - [a] Fire and emergency access. Every campsite shall be accessible by fire and emergency vehicles and shall be maintained in such condition, free of obstacles to access.
 - [b] All campground roads shall safely direct the flow of traffic. Intersections shall be free of visual obstacles and allow for safe maneuvering of all vehicles.
 - [c] Pervious road surfaces are strongly recommended. All roads shall be maintained in a well-graded, well-drained condition and surfaced to minimize dust.
 - [d] Paved surfaces may be required in cases where it is necessary for safety reasons and in other situations deemed necessary by the Planning Board.
 - [e] One-way roads shall be a minimum of 14 feet.
 - [f] Two-way roads shall be a minimum of 20 feet.
 - [g] Adequate space to allow for safe pedestrian and bicyclist movement shall be provided along internal campground roads.
 - [h] Except in case of emergency, no parking of any vehicles or trailers shall be allowed on any internal campground road.

(e) Parking.

- [1] Each campsite shall have a minimum of one parking space, in addition to the

space required for a recreational vehicle and/or tent.

[2] Additional off-street parking space shall be provided at strategic and convenient locations for guests and delivery vehicles.

[3] No parking on public streets by any vehicle associated with the accessory marina campground including, but not limited to staff, campers, visitors, and deliveries, shall be permitted.

[4] No vehicle of any type associated with the accessory marina campground shall obstruct traffic outside of the campground/marina at any time.

(f) Sanitary facilities.

[1] All sanitary facilities, including waste disposal and water supply systems must receive written approval from the New York State Department of Health, the Department of Environmental Conservation, Ulster County, and/or other appropriate state or local departments or agencies, as applicable.

[2] The dumping or placement of any sanitary or other waste anywhere upon the subject property shall be prohibited, except in designated places.

[3] Plumbing fixtures within any recreational vehicles located on a campsite shall be connected to the sewage disposal system.

[4] Garbage cans shall be provided with tight fitting covers, in quantities adequate to permit the disposal of all garbage and rubbish from the campground. Such cans shall be kept covered and in sanitary conditions at all times. An adequate supply of such cans shall be kept within an appropriate distance of each campsite. Garbage and rubbish shall be collected and disposed of outside the campground as often as may be necessary to ensure that such cans shall not overflow. A centralized refuse collection/dumpster area shall be provided in an accessible location separated from campsites, enclosed, and fully screened from adjoining properties.

[5] All accessory marina campgrounds shall comply with Esopus Town Code Chapter 105, "Storm Sewers."

(g) Required records. The owner or operator of the campground shall keep a permanent record in writing of all persons occupying or using the campground and related facilities, which shall include the name and address of the occupant of each campsite and the plate numbers of all vehicles, including RVs and travel trailers.

(h) Campground manager. The accessory marina campground license holder/manager or a designated campground manager shall be responsible for the property and shall maintain the campground as required by this chapter, the issued license and site plan

approval, at all times the campground is open for occupancy. The campground manager shall be available in person or at a minimum by telephone 24-hours a day/seven days a week, for both routine and urgent campground situations with the contact information provided to each camper and posted at convenient locations throughout the campground.

(i) Emergency preparedness plan. All accessory campgrounds shall provide a detailed emergency preparedness plan for evacuation in the event of a fire, imminent flooding or other disaster situation. The plan shall be submitted with the site plan application and reviewed and approved by the Planning Board with assistance from the Connelly and Port Ewen Fire District and other individuals, agencies, or departments identified by the Planning Board. At a minimum, the emergency preparedness plan shall include the following:

[1] Contact numbers for the Campground Manager and local emergency services.

[2] In coordination with local emergency services, identify and describe evacuation route(s) from the campground and the Hamlet of Connelly with one or more color-coded maps clearly identifying the appropriate route(s).

[3] Identify how the campground will alert campers to an emergency.

[4] Identify steps campers should take in the event of a fire, imminent flooding, or other disaster situation.

[5] Confirmation that any electronic access gates will be left in the open position during emergency situations.

(j) All accessory marina campgrounds shall have appropriate numbers of staff on-site at all times for emergency and informational purposes while the campground is in operation and accommodating guests.

(k) Appurtenances. No permanent external appurtenances, including, but not limited to, carports, cabanas, or patios, may be attached to any recreational vehicle, and the removal of wheels or placement of the unit on a foundation within the campground is prohibited.

(l) Common use areas. A minimum of 5% of the gross site area of the entire subject property shall be set aside and improved as common use areas for open and/or enclosed recreational facilities. No campsite, required buffer strip, internal road, storage area, or utility area shall be counted as meeting this requirement.

(m) Occupancy.

[1] Accessory campground campsites shall be used only for camping purposes. No improvement or living unit designed for permanent occupancy shall be erected or

placed on any campsite. Mobile homes and manufactured homes shall be prohibited from accessory marina campgrounds.

[2] All recreational vehicles shall be maintained in a transportable condition at all times and meet all requirements which may be imposed by the State of New York. Any action toward removal of wheels or to attach the recreational vehicle to the ground for stabilization purposes is prohibited.

[3] No campsite shall be occupied between November 1 and March 31, and no accessory marina campground shall be the principal residence of the owner or any other occupant.

(n) On-site storage of recreational vehicles. An accessory marina campground may be permitted to store recreational vehicles year-round under the following conditions.

[1] The number of recreational vehicles located on the subject property at any one time, regardless if they are occupied or being stored, shall not exceed the total number of campsites for which the license and site plan approval was issued for.

[2] No inoperable recreational vehicles will be permitted to be stored anywhere on the subject property.

[3] Recreational vehicles shall not be stored on any designated campsite between November 1 and March 31. If recreational vehicles are proposed to remain on the property between November 1 and March 31, they shall be stored in a single designated storage area identified on the site plan. Such area shall consist of a suitable and well-drained surface, and be located a minimum of 50 feet from the mean high-water mark of the Rondout Creek and a minimum of 20 feet from adjoining property boundaries, from which all recreational vehicles shall be fully screened. The number of recreational vehicles stored on the property shall not exceed the total number of approved campsites.

[4] Other than incidental and emergency repairs needed to maintain drivability and/or to protect the health and safety of guests and staff, no on-site vehicle repairs shall be permitted.

(o) Nuisances.

[1] All outdoor music and campground-sponsored outdoor activities shall cease by 9:00 PM eastern standard time

[2] No noxious or offensive activities or nuisances shall be permitted on any accessory marina campground or anywhere else in the associated marina. Such offensive activities and nuisances shall include, but not limited to:

[a] Uncontrolled fires or any burning which results in soot, cinders, smoke,

noxious fumes, gases or unusual odors emanating beyond the property line of the campground and associated marina.

[3] The responsibility for meeting such requirements shall extend in all circumstances to individual occupants of the accessory marina campground sites as well as owners and operators.

[4] Fireworks, as defined by § 270(1) of the NY Penal Law, as amended, shall be prohibited.

[5] Pets shall be leashed and kept under control at all times.

(p) Flooding. All accessory marina campgrounds shall comply with Esopus Town Code Chapter 80, “Food Damage Prevention.”

(q) Fire Department Access. All accessory marina campgrounds shall ensure the fire department has unimpeded access to the Rondout Creek to withdraw water as needed in case of a fire on or near the subject property.

SECTION 5. Amend Chapter 123, Article IX, Section (§) §123-45 of the Town Code

Chapter 123, titled “Zoning,” Article IX, § 123-45, titled “Powers and duties” is hereby amended by adding a new subsection § 123-34.A(4) as follows:

§ 123-45.A(4) Review and approve, approve with modifications, or disapprove Accessory Marina Campground licenses, and to recommend to the Town Board, license revocation or renewal denial.

SECTION 6. Amend Chapter 123, Article XII, Section (§) §123-61 of the Town Code

Chapter 123, titled “Zoning” Article XII, § 123-61, titled “Terms defined” of the Esopus Town Code is hereby amended by the addition of the following term and definition:

ACCESSORY MARINA CAMPGROUND

A campground that is incidental and subordinate to an existing marina located in the Waterfront Zoning District.

SECTION 7. 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 8. Effective Date

This local law shall take effect upon filing the local law with the Office of the Secretary of State of the State of New York in accord with Article 3 of the Municipal Home Rule Law.

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of New York (State Environmental Quality Review Act) (“SEQRA”), the Town Board, as lead agency has classified this Action as a Type I Action as defined under 6 NYCRR §617.4(b)(2); and

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

Supervisor Freer advised the Town Board that, pursuant to (a) Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law; and (b) Town Code Sections 123-51(A) and (B), it will be necessary to refer this Zoning Code amendment to the Town of Esopus Planning Board and the Ulster County Planning Board. She offered the following resolution, which was seconded by **Councilman Laura Robinson**, who moved its adoption:

WHEREAS, on March 17, 2022, **Supervisor Danielle Freer** has introduced this local law for the Town of Esopus, to be known as “Town of Esopus Local Law No. 1 of the Year 2022, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 123, “ZONING,” OF THE ESOPUS TOWN CODE TO PROVIDE OPPORTUNITIES FOR ACCESSORY MARINA CAMPGROUNDS.

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 1 Town Hall Way, Ulster Park, New York, on **April 7, 2022, at 6:45 p.m.**, Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Esopus, by the Town Clerk, at least ten (10) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Esopus will hold a public hearing at the Town Hall, 1 Town Hall Way, Ulster Park, New York on **April 7, 2022, at 6:45 p.m.**, on Local

Law No. 1 of the Year 2022, A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 123, "ZONING," OF THE ESOPUS TOWN CODE TO PROVIDE OPPORTUNITIES FOR ACCESSORY MARINA CAMPGROUNDS.

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

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

DATED: Ulster Park, New York
March 17, 2022

HOLLY A. NETTER, TOWN CLERK, RMC

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

COUNCILMAN LAURA ROBINSON	AYE
COUNCILMAN EVELYN CLARKE	AYE
COUNCILMAN KATHIE QUICK	AYE
COUNCILMAN JARED GEUSS	AYE
SUPERVISOR DANIELLE FREER	AYE

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

DATED: Ulster Park, New York
March 17, 2022

HOLLY A. NETTER, TOWN CLERK, RMC

BQ ENERGY – WEST SHORE SOLAR LLC

Alicia Scott, BQ Energy gave an overview of the project. West Shore Solar, LLC, a subsidiary of BQ energy Development LLC is developing a 2.0 MW Solar project on the closed landfill in West Park. They have had a lease agreement with the town for several years and now have the necessary approvals to move forward with the construction of the project. Payment on \$10,000 per year has been made to the town and the original agreement was for a 20-year lease with 2 optional extensions with rent increasing to \$26,500 annually once the project is complete. This rate will increase 2 % annually. Since this agreement was made Ulster County

has implemented a PILOT for solar projects which will be deducted from the annual lease payment made to the Town.

BQ will start selling energy. It will be available to Central Hudson customers who qualify at a 10% discount. They are looking to start construction this summer providing there are no supply chain issues

RESOLUTION OF THE TOWN OF ESOPUS TOWN BOARD (“TOWN BOARD”) APPROVING AN AGREEMENT FOR PAYMENT IN LIEU OF TAXES FOR THE WEST SHORE SOLAR PROJECT

Project Name: BQ Energy West Shore Solar Project (“Project”)

Location: 70 West Shore Court a/k/a West Shore Drive (SBL: 71.4-4-28.210; 71.4-4-28.220; 71.4-4-28.230) (“Site”)

WHEREAS, BQ Energy LLC (“BQ”) and West Shore Solar LLC (“West Shore” and collectively with BQ “Applicants”) seek to develop and operate a 2.0 megawatt (“MW”) solar photovoltaic facility (“Project”), on an approximately 10-acre portion of a 34.8 acre parcel of land located at 70 West Shore Court a/k/a West Shore Drive (SBL: 71.4-4-28.210; 71.4-4-28.220; 71.4-4-28.230), in the Town of Esopus (“Town”), Ulster County (“County”), which entails the installation of solar panels, ancillary support equipment, buried electrical equipment, and related improvements; and
WHEREAS, the Town of Esopus Planning Board, by resolution dated June 21, 2021, previously issued all necessary zoning approvals for the Project; and

WHEREAS, the Project is a Type II action for purposes of the State Environmental Quality Review Act (“SEQRA”) because it involves the installation of solar energy arrays where such installation involves less than 25 acres of physical alteration on a closed landfill such that no further review of the Project pursuant to SEQRA is required; and

WHEREAS, pursuant to Section 487 of the N.Y. Real Property Tax Law (“RPTL”), certain energy systems, including solar energy systems, are exempt from taxation to the extent of any increase in the value thereof by reason of inclusion of the solar energy system; and

WHEREAS, RPTL 487(9)(a) authorizes certain taxing jurisdictions that have not opted out of this exemption to enter into a contract with a project developer for payments in lieu of taxes (“PILOT”); and

WHEREAS, the Project is a solar energy system as that term is used in RPTL 487; and

WHEREAS, neither the Town nor the County have opted out of the tax exemption provided in RPTL 487; and

WHEREAS, West Shore submitted a written notification of its intent to construct a solar energy system to the relevant taxing jurisdictions; and

WHEREAS, the County timely indicated its intent to require a PILOT agreement for the Project; and

WHEREAS, the Town, the County, and West Shore have negotiated the PILOT agreement provided herewith as Schedule A (“PILOT Agreement”);

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF ESOPUS AS FOLLOWS:

Section 1. Based upon a thorough review and examination of the Project, the PILOT Agreement, and such further investigation as the Town Board has deemed appropriate, the Town Board hereby determines that it is in the Town’s best interest to enter into the PILOT Agreement and hereby agrees to enter into the PILOT agreement.

Section 2. The Town Supervisor is hereby authorized to execute any documents and the Town Clerk and other Town officials are hereby authorized and directed to take any such actions as may be necessary to implement the provisions of this Resolution.

Section 3. This Resolution, is effective immediately.

Resolution offered by : Supervisor Danielle Freer

Seconded by: Councilman Jared Geuss

COUNCILMAN LAURA ROBINSON	AYE
COUNCILMAN EVELYN CLARKE	AYE
COUNCILMAN KATHIE QUICK	AYE
COUNCILMAN JARED GEUSS	AYE
SUPERVISOR DANIELLE FREER	AYE

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

DISCUSSION REGARDING PARK SCHEDULES AND FEES

There is increase interest in kayak storage at Freer Park. Town Clerk Holly Netter will work with Carol Tomasetti and Parks & Rec personnel to determine how to maximize the capacity and look into exterior racks where the Kayaks can be stored and chained. When the shed was initially built the program was set up to be run as a lottery for the space. Up to this point we have been able to accommodate everyone. Town Clerk Netter has been compiling a list of interested people and will be contacting the individuals who are currently renting to see how many desire to have seasonal storage from May 1 – October 31. She said her objective is to find enough space to accommodate everyone. She would like to have the authority to explore the options and run a lottery if it is necessary.

COUNCILMAN LAURA ROBINSON MADE A MOTION TO INCREASE THE MONTHLY STORAGE RATE FROM \$10 TO \$15 AND COUNCILMAN GEUSS ADDED TO AUTHORIZE THE TOWN CLERK TO RUN THE LOTTERY AS NEED FIT. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

Sleightsburgh Spit Fob

The Spit has had 2 fob agreements sold since last year. Supervisor Freer said she would like to see as many people as possible using the park and feels the fee is a barrier. Councilman Geuss said, they will be pouring a pad on the backside of the gate within the next week or two to alleviate the issues with the gate operation. Councilman Guess said, there is a possibility of lowering the fees. Fob access is for additional hour use to nature watch, hike, boat, fish, and kayak. The current fob agreements end June 15, 2022. The Board agreed to prorate the fee from March to June as we do for other fees throughout the town. A review of the timeline, 2022-2023 fees and agreement will be continued at a workshop.

Laura Robinson gave an update regarding info at the parks:

Egg Hunt 4/9 2 pm – 4 pm Freer Park for children Pre-k – 4th grade
Chances to win discount or free session from the YMCA.

Esopus Methodist Church - ham and scalloped dinner is Friday, April 8th 4-6 pm. Take out only
4/22 Environmental Earth Day – Community Center at Town Hall.

Spring festival and car show 5/21 at Headless Horseman from 10- 3.
May 30 Memorial Parade.

BUDGET ADJUSTMENTS

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

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

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

BUDGET ADJUSTMENT FOR MARCH 2022

AO 0599.000	Fund Balance \$6,928.81	to	Insurance	AO 1910.400	\$6,928.81
	Fund Balance \$ 280.46		Otis Elevator	AO 1620.434	\$280.46

A MOTION WAS MADE TO APPROVE THE BUDGET ADJUSTMENTS.

OFFERED BY: SUPERVISOR DANIELLE FREER

SECONDED BY: COUNCILMAN LAURA ROBINSON

COUNCILMAN LAURA ROBINSON	AYE
COUNCILMAN EVELYN CLARKE	AYE
COUNCILMAN KATHIE QUICK	AYE
COUNCILMAN JARED GEUSS	AYE
SUPERVISOR DANIELLE FREER	AYE

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

RESOLUTION AUTHORIZING PAYMENT OF BILLS MARCH 2022

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

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

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

GENERAL FUND	221072 - 221127	\$194,133.98
HIGHWAY FUND	222035 -222069	\$124,186.18
STREETLIGHTS		
PORT EWEN SEWER FUND	223019 -223023	\$1,222.37
PORT EWEN WATER	224036 - 224093	\$70,067.23
Capital Water		
ARPA		
		\$389,609.76

Offered by: SUPERVISOR DANIELLE FREER

Seconded by: COUNCILMAN KATHIE QUICK

COUNCILMAN LAURA ROBINSON	AYE
COUNCILMAN EVELYN CLARKE	AYE
COUNCILMAN KATHIE QUICK	AYE
COUNCILMAN JARED GEUSS	AYE
SUPERVISOR DANIELLE FREER	AYE

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

EXECUTIVE SESSION

SUPERVISOR DANIELLE FREER MADE A MOTION AT 8:06 PM TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF INTERVIEWING CANDIDATES FOR VACANCIES ON THE RECREATION BOARD, DISCUSSION OF ONGOING LITIGATION AND DISCUSSING EMPLOYMENT HISTORY OF PARTICULAR PERSONNEL. MOTION WAS SECONDED BY COUNCILMAN GEUSS. ALL MEMBERS IN FAVOR. MOTION CARRIED.

A MOTION TO COME OUT OF EXECUTIVE SESSION WAS MADE BY SUPERVISOR DANIELLE FREER AT 8:55 PM. MOTION WAS SECONDED BY COUNCILMAN GEUSS. ALL MEMBERS IN FAVOR. MOTION CARRIED.

INTERVIEW ACTION

A MOTION WAS MADE BY SUPERVISOR DANIELLE FREER TO APPOINT MARILOU ABRAMSHE AND ZINA MATGERA AS MEMBERS OF THE RECREATION COMMISSION WITH TERMS EXPIRING 12/31/26. MOTION WAS SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS IN FAVOR. MOTION CARRIED.

LITIGATION ACTION – NONE

PERSONNEL – ACTION

TOWN BOARD RESOLUTION

WHEREAS, the members of the Board of the Town of Esopus have determined and agreed that it is necessary and appropriate to change the maximum hours for one Clerk of the Justice Court position to 35 hours per week, (“full time”) and

WHEREAS, upon the advice and consent of the Hon. Kyle W. Barnett, Justice to the Town of Esopus, Marianne Wells, be appointed to the full-time position referenced herein and enlarge, increase, and impose further and other duties to serve as Clerk of the Justice Court to both Town Court Justices for the Town of Esopus and supervise all other Court Clerks and employees of the Town of Esopus Justice Court, and

IT IS HEREBY RESOLVED that one Clerk of the Justice Court position shall be changed to a full-time position as referenced herein, and

BE IT FURTHER RESOLVED that the full time Justice Clerk shall serve as the Clerk of the Justice Court to both Town Court Justices and serve in a supervisory capacity to other Court Clerks and employees of the Town of Esopus Justice Court, and

BE IT FURTHER RESOLVED that the Town Board hereby appoints Marianne Wells to the full-time position of Clerk of the Justice Court effective on the 18th day of March, 2022.

BE IT FURTHER RESOLVED that the compensation for the full-time Justice Court Clerk shall be changed to \$20.12 per hour for the 2022 fiscal year.

Resolution offered by: **SUPERVISOR DANIELLE FREER**

Resolution seconded by: **COUNCILMAN LAURA ROBINSON**

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

COUNCILMAN LAURA ROBINSON	AYE
COUNCILMAN EVELYN CLARKE	AYE
COUNCILMAN KATHIE QUICK	AYE
COUNCILMAN JARED GEUSS	AYE
SUPERVISOR DANIELLE FREER	AYE

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

DATED: Port Ewen, New York
March 17, 2022

HOLLY A. NETTER, TOWN CLERK, RMC

ADJOURNMENT

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

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