

**TOWN BOARD MEETING & PUBLIC HEARING
July 16, 2015**

A regularly scheduled Town Board Meeting was held on Thursday July 16 2015 in the Town Hall 284 Broadway Ulster Park, New York at 7:30 PM with the following persons in attendance:

**Supervisor Kyle Barnett
Councilperson Gloria Van Vliet
Councilperson Wayne Freer
Councilperson Diane McCord**

Administrative Recorder: Holly A. Netter, Town Clerk

ALSO PRESENT: Myles Putman, M.L. Putman Consulting

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

PLEDGE TO THE FLAG

MOMENT OF SILENCE IN REMEMBRANCE OF THE LATE SUPERVISOR JOHN K. COUTANT AND HIS YEARS OF SERVICE SINCE 2006 - 2015

Supervisor Kyle Barnett announced the passing of Supervisor John Coutant on June 19, 2015. John K. Coutant was a significant fixture in Town Hall, a fantastic supervisor and losing him has been a significant loss both professionally and personally to all of us. He asked everyone to rise in a moment of silence to honor the late Supervisor John K. Coutant.

PUBLIC HEARING – PROPOSED ZONING AMENDMENT

Supervisor Barnett informed the audience that before the regular meeting we have some business to take care of regarding the proposed zoning amendment that we will be making to the R40 District.

COUNCILPERSON DIANE MCCORD MADE A MOTION TO INTRODUCE THE PROPOSED LAW SECONDED BY COUNCILPERSON GLORIA VANVLIET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0.

Supervisor Barnett stated that we need to make a determination as to what type of action it is and what we are dealing with is a Type I Action in SEQR which opens up the process in terms of doing an Environmental Assessment. This Assessment will be conducted later on as part of the process in fully adopting this particular local law.

Supervisor Barnett stated that pursuant to General Municipal Law, Section 239M, this will also require a referral to interested other agencies one being the Ulster County Planning Board and the Town of Esopus Planning Board.

COUNCILPERSON WAYNE FREER MADE A MOTION TO REFER THIS TO THE ULSTER COUNTY PLANNING BOARD AND THE TOWN OF ESOPUS PLANNING BOARD SECONDED BY COUNCILPERSON DIANE MCCORD. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0.

COUNCILPERSON WAYNE FREER MADE A MOTION TO DECLARE THIS A TYPE 1 ACTION (NEGATIVE DECLARATION) PURSUANT TO SEQR SECONDED BY COUNCILPERSON DIANE MCCORD. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0

Supervisor Barnett said pursuant to our agenda and a Public Notice which was duly noticed in the newspaper pursuant to statute, we are prepared to begin with our Public Hearing on the proposed ordinance.

COUNCILPERSON GLORIA VAN VLIET MADE A MOTION TO OPEN THE PUBLIC HEARING SECONDED BY COUNCILPERSON WAYNE FREER. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0.

Supervisor Barnett informed the public of what the proposed Zoning Amendment is referenced to. The Zoning Amendment amends use which is permitted within the R40 District. In particular, it will change the schedules, regulations and guidelines of schedules regarding the use that would be permitted in an R40 District. It would allow in an R40 the establishment of what is called farm breweries, farm distilleries and farm wineries to be operated within that type of district subject to a Special Use Permit.

Supervisor Barnett read the substantive portion of the actual Amendment into the record. Myles stated for the record this Amendment will also allow the uses by site plan in some of the commercial zones in Town as well.

A. Article IV “Regulations and Standards Governing Use”; Section 123-10 of the Town of Esopus Zoning Local Law, “Schedule of District Use Regulations”, shall be amended by adding a new entry (row) following the entry, located under SIC header C, “manufacturing”, for “Wineries, accessory to a vineyard”, and before (above) the entry for “all other beverage manufacturing”, to read as follows:

Use	RF-1	RF-2	R-40	R-12	NC	BC	GC	LI	HI	W	WR	Supplem Regs
Craft breweries, farm distilleries, farm wineries (208)			◇			■	■	■	■			§123-13.D

B. Article IV “Regulations and Standards Governing Use”; Section 123-13, “Uses requiring special use permits”; shall be amended by adding a new subsection D, to read as follows:

D. Farm breweries, farm distilleries and farm wineries, as allowed for by the provisions of the New York State Alcoholic Beverage Control Law, are permitted in the R-40 District by special use permit, subject to the following standards.

(1) Location standards. A farm brewery, farm distillery and or farm winery may be established and operated on the same lot as an existing agricultural use.

(a) Notwithstanding the foregoing, a farm brewery, farm distillery and/or farm winery may be established on a lot without an existing agricultural use provided that such lot has frontage upon a state highway. However, the Planning Board may approve such brewery, distillery or winery with a location upon a county road or town highway subject to a finding that safe access for vehicular traffic, especially any truck traffic can be provided in such a manner that will minimize potential hazards to existing pedestrians, bicyclists and motorists on such county or town roads.

(2) Parking and Loading. One parking space shall be provided for each distillery employee. Loading areas shall be suitably located on the site. Where retail sales are proposed as part of the brewery, distillery or winery operations, such activity shall provide customer parking as required in §123-24 for retail stores.

(3) Public Assembly. Product-related events such as tastings or other activities involving the assembly of people, as otherwise permitted by state law, shall be restricted to a lot having an area of 10 acres or more.

(4) Licenses Required. The operator shall obtain all state and federal licenses to operate a farm brewery, farm distillery or farm winery within one (1) year of the approval of the special permit by the Planning Board.

Supervisor Barnett stated that this is the entire language of the proposed amendment. At this time he will entertain any comments from the public that they want to make. He asked them to come forward and state their name so we have them on the record.

Rebecca Dunn (Port Ewen resident) questioned if this was a result of the proposal that was brought to the Board for future sites to be put in. Supervisor Barnett said “no” this is actually a change that we decided would be in the best interest since it provides us much more significant opportunities to obtain commerce that we otherwise would not be able to do. She stated that there is nothing behind it. It is just something for the future. Supervisor Barnett stated that this is exactly what it is.

Councilperson Wayne Freer commented that this opens up a lot of areas throughout the Town for us to regulate and have new commerce come in. This is something that can be done by Special Use Permit so they would still have to go through the channels of anything else

coming into Town such as going before the Planning Board. It allows for certain areas to increase our commerce and business throughout the Town. Supervisor Barnett stated that there are sites within the Town that are very suitable to this type of an operation and this is the type of business that we all think would work very well in a Town like this. We need to start bringing businesses into the Town that conform with the type of community we have. Nice restaurants, venues for people to have functions and he thinks this is the type of activity that we could really benefit from. He wants to be specific that this is not directed at any particular operation. He stated that we take this as a welcoming step that is moving in that particular direction.

Sean McCabe (Port Ewen resident) – He is totally for capitalism and expanding business in Port Ewen with what is proposed here. He stated that in conjunction for what most of them are here for we are looking at a drug and alcohol rehab center coming into the Town. How will this counter with what this may be adding to the Town as far as a distillery. If we are going to have a brewery or distillery in the Town how is this going to counter with something we are against in the area? Supervisor Barnett stated that he has to be honest and that he is not following his question. Sean stated that he understands that the Board wants to pull in commerce which is great and he is totally for it but we also may have an alcohol and drug rehabilitation center in our Town which is promoting alcohol beverages at the business. Supervisor Barnett stated that would be true with every restaurant and Van Loans Beverage and Discount Center. Sean stated that we are talking about something bigger.

Someone asked if the Alcohol Rehabilitation project was a subject of this meeting or a future meeting. Supervisor Barnett stated it is not the subject of this meeting and will not be the subject of this Board at a future meeting.

COUNCILPERSON WAYNE FREER MADE A MOTION TO CLOSE THE PUBLIC HEARING SECONDED BY COUNCILPERSON GLORIA VAN VLIET. ALL MEMBERS WERE IN FAVOR. MOTION PASSED WITH A VOTE OF 4-0.

Supervisor Barnett wanted the record to reflect that he is signing the Full Environmental Assessment Form Part 1. Supervisor Barnett said that this ordinance will now be referred to the Ulster County Planning Board and the Town of Esopus Planning Board for their August meetings. If they have any suggested changes, we will review them and make a determination whether or not we think any of them are relevant or applicable and at that point assuming that there is no need for any further Public Hearing or comment we will entertain the application adopted as an Amendment to our Zoning Code.

Supervisor Barnett thanked Myles Putman for coming

Official Town Board Meeting immediately began after the closing of the Public Hearing and was called to order by Supervisor Kyle Barnett.

PUBLIC COMMENT

Laura Petit, resident of Prospect Street, continued to address the Board with concerns of the proposed chemical treatment facility at 141 Prospect Street. Laura said she realized there has not been an official application made to build the facility. This is a small residential area and does not meet the characteristics of the neighborhood. Erecting a 7,300 square foot 16 bed facility is not a residential home. She hopes the Town Board stands strong with the residents and not allow this facility to happen.

Supervisor Kyle Barnett reiterated again that the Town Board has no jurisdiction over the Boards. They are autonomous. Supervisor Barnett said it was his understanding they have not made an application. Supervisor Barnett said the Building Inspector has notified RRS that they will have to pursue an application through the Planning Board and possibly need to go to the Zoning Board. Eventually those Boards will conduct Public Hearings. Supervisor Barnett said at that time the Public can attend those meetings to express their concerns. Public comments that go into the record at those meetings have significant impact on the action taken. The process was reviewed regarding how to find out if and when the facility would be on the agenda for these boards. **Rebecca Dunn** stressed she did not want to wait for a public hearing and sticking together as a community to let this facility know they are not welcome in their neighborhood is important.

Bill Haber of Hasbrouck Lane asked if the residents could have a conduit from the Board to inform them when the facility is going to the Zoning and Planning Board. Town Clerk Holly Netter offered to show Mr. Haber or anyone who was interested how to access the agenda from the Esopus Website if they stop by her office. Mr. Haber asked if the Board had an opportunity to look into his request to purchase a paper road that abuts his property. Supervisor Barnett acknowledged the receipt of the request and said with the passing of the Supervisor Coutant there have been many other items that needed to be addressed and assured him it would be looked into.

Nicole Petit, Prospect Street resident said she has worked in human services for the past 10 years and finds the substance abuse patients are the most challenging. The relapse rate is extremely high. She shared information and statistics that she previously shared at the June Town Board meeting. We do not have the Police presence in our town to monitor this type of facility. She asked if anyone knew why there were gas and water markings on the street. The Town Board was unaware of any markings and suggested she call Water Superintendent Don Kiernan in the morning to see if he had any information.

2016 Budget Status

Supervisor Barnett said the budget process has been started. All Department head were asked to submit their budgets with the hope of getting the proposed budget together by early fall so it can be analyzed.

Solar Update

The Town of Esopus entered into contract with SunEdison last year for the installation of solar panels at our landfill which will allow us to generate enough power for the Highway Department, Water & Sewer and all of municipal government. We are working on becoming energy independent and stabilize costs over the next 20 years. Supervisor Barnett said this project was important to all of the Board members. Prior Supervisor John Coutant was quite proud of the progress that the Town made toward energy independence. Supervisor Barnett said the Board is committed to making sure this project comes to fruition, for this generation and future generations. Supervisor Barnett said he hopes within the next year, we will be on our way of having our new solar panels.

Scenic Hudson Escrow

Scenic Hudson has made an application to remove a P.U.D. from the Zoning Map.

Councilperson Wayne Freer made a MOTION to establish an escrow account for Scenic Hudson in the amount of \$2,000 to pay the legal expense of the attorney’s review. The motion was seconded by Councilperson Diane McCord. All members were in favor.

BUDGET ADJUSTMENTS – NONE

RESOLUTION AUTHORIZING PAYMENT OF JULY BILLS

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	151311 - 151361	\$ 30,337.83
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Highway Fund	152180 – 152209	\$ 13, 486.50
Street Lights	156007	\$ 5,716.42
Port Ewen Sewer Fund 153071 -153084		\$ 8,866.20
Port Ewen Water Fund 154178 -154207		\$23,756.63
Total.....		\$82,163.58

A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.

OFFERED BY: Councilperson Diane McCord
SECONDED BY: Councilperson Gloria Van Vliet

ALL TOWN BOARD MEMBERS VOTED IN FAVOR. MOTION CARRIED.

Supervisor Kyle Barnett	AYE
Councilperson Wayne Freer	AYE
Councilperson Gloria Van Vliet	AYE
Councilperson Diane McCord	AYE

APPROVAL OF MINUTES

A MOTION TO APPROVE THE MINUTES OF PREVIOUS MEETINGS WAS MADE BY COUNCILPERSON WAYNE FREER AND SECONDED COUNCILPERSON GLORIA VAN VLIET. ALL TOWN BOARD MEMBERS IN ATTENDANCE VOTED IN FAVOR. MOTION CARRIED.

COMMUNICATION & REPORTS ARE AVAILABLE IN THE TOWN CLERK’S OFFICE

ADJOURNMENT

A MOTION TO ADJOURN AT 8:12 PM WAS MADE BY COUNCILPERSON WAYNE FREER AND SECONDED BY COUNCILPERSON GLORIA VAN VLIET. ALL TOWN BOARD MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED.

Respectively Submitted,

**Holly A. Netter
Town Clerk**