

**TOWN OF ESOPUS
TOWN BOARD MEETING
August 18, 2022
7:00 PM**

A regularly scheduled Town Board Meeting was held on August 18, 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 Absent
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*

Regularly scheduled meeting was called to order at 7:00 pm,

Pledge of Allegiance

Public Comment

Lidia Gershey 79 Riverview – In favor of saving the willow trees in Freer Park. She presented a petition of 66 signatures who were also in favor of preserving the willows and will continue collecting signatures. In addition, she provided a presentation pamphlet to the Supervisor for the Board to review. She proposes the trees are pruned and properly maintained as they are in Hidden Harbor Yacht Club. She asked if the trees had been evaluated by a professional arborist or the park management? She asked if decisions were made in accordance with the tree cutting and removal policy specified in the NYS office of Parks, Recreation and Historic Preservation’s policy on the Management of Trees? Cherry Trees, as a replacement are not the answer.

Willows are amazingly regenerative and resilient. They vibrantly respond to radical pruning to eliminate dead and dying limbs and partial disease. They can be cut back by one-third to one half their size and be assured of vibrant re-growth for decades to come. She also pointed out other trees in the area that need to be pruned and cut back.

Supervisor Freer said she would like to get a group together with members of the Environmental Committee and Building/Grounds department to work together to find a solution. Safety of our patrons are top priority.

Lorraine McGrain 157 Minturn – has been walking the Freer Park area long before the pavilion and condos were there; bird life was prevalent. The park became a sanctuary during COVID and many people used the park to be able to socialize safely. Eagles do not come land in cherry trees, but they do land in willows. Do we look at these parks as residents; are we all stewards of the space or just an administrative decision?

Supervisor Freer said in the past it may not have been handled this way, but this is a great opportunity to have a conversation with our environmental team. Keeping in mind there are things we need to do to make sure everyone is safe. Supervisor Freer explained our insurance company comes around annually and goes through our properties with a fine-tooth comb with Building and Grounds. The Buildings/Grounds/Rec department has the authority to do what needs to be done to ensure the safety of our patrons.

Mike Mulligan- Bowne Street - Attended a recent meeting and expressed his concern about recent comments made at the Planning Board meeting where they stated they would not approve the PEFD project until the Bowne Street access was opened up. They are also insisting the Town is out of compliance without providing any reason why. There was nothing said about need, cost or public safety, ignoring that plans submitted to the local and county planning boards did not include an extension to Bowne St. He wondered whether or not that should even be a concern because the fire department does not own or control the property and cannot do anything on their own about the access and egress. Their plans include alternate access and egress routes for the fire department. If the Town Council would review the town code specifically dealing with the issue of access and egress points for town streets, that may be able to resolve the issue. If not to their satisfaction, at least for them to get back to business of what the Planning Board is designed for and actually looking at the design not stating the Town was out of compliance with their own law.

Jared Geuss said this was the second time this was brought up. Opening of Bowne St has nothing to do with the Fire Departments approval. It seems to be brought up because it is a convenient way to draw attention to it. The Port Ewen Fire Department plan has a second egress to Heavenly Valley which was part of the plan for that land from a long time ago; a second phase of Heavenly Valley was projected to have an egress onto the town driveway. When the Town hall was approved the resolution approved the Town Hall road as a driveway not a road. More recently November 19, 2019 the Town Board designated and approved a portion of the driveway to be a road now known as Town Hall Way. This enabled the Fire Department to be able to purchase and develop the property. Councilman Jared Geuss said according to the Building Department we are in compliance because of the length of the Road. Whether the Fire Department is coming or not we are in compliance. Planning Board

submitted a letter to the Town Board regarding the opening of Bowne Street. Councilman Geuss said the Town Board does not have to take action; we are not holding up the project. If phase II of Heavenly Valley comes through that is when a second access would be addressed.

Jared Guess said, if you look at it this way the Fire Department currently has 1 way in and 1 way out of their property at their current location. Once the brick house is demolished the entrance on 9W will be widened.

Mike Mulligan said this was not the first time the Planning Board stated in their meeting that they would not allow the PEFD project until they get the resolution they want regarding Bowne St.

Councilman Jared Guess will follow up with the Building Department to ensure we are in compliance and prepare a rebuttal to the letter for the next meeting.

SUPERVISOR FREER MADE A MOTION TO CLOSE THE PUBLIC COMMENT. MOTION SECONDED BY COUNCILMAN KATHIE QUICK. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

PROPOSED LOCAL LAW #2 OF 2022 DISCUSSION

The Board received a final copy of this law at the July 21, 2022, Town Board Public Hearing. The Board received and reviewed the Ulster County and Esopus Planning Board comments relating to the law. The Board took the feedback under advisement and determined areas of concern which were addressed in the overall camping law.

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 CHAPTER 123 OF THE ESOPUS TOWN CODE (ZONING) AS FOLLOWS TO PERMIT CAMPING AT MARINAS AND BOATYARDS AND CAMPGROUNDS AS A SPECIAL USE IN THE WATERFRONT DISTRICT.

WHEREAS, the Town of Esopus Town Board proposes to adopt Local Law No. 2 of 2022, a Local Law of the Town of Esopus, Ulster County, New York; amending Chapter 123, of the Esopus Town Code (Zoning) as follows to permit camping at marinas and boatyards and campgrounds as a special use in the waterfront district; 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, 1 Town Hall Way, Ulster Park, New York 12487 and the Responsible Officer is Danielle Freer, 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 a Type I 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 updating of the Esopus Town Code to amend Chapter 123 to permit camping at marinas and boatyards and campgrounds as a special use in the waterfront district; and

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

The proposed legislative amendments included in this action are not inconsistent with the existing Comprehensive Plan of the Town of Esopus.

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.

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 Danielle Freer

Seconded by: Councilman Kathie Quick

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

Resolution duly adopted.

DATED: Ulster Park, New York
August 18, 2022

HOLLY A. NETTER, TOWN CLERK

Contact Person:
Holly A. Netter, Town Clerk
Town of Esopus
1 Town Hall Way
Ulster Park, New York 12487
(845) 331-3709

RESOLUTION OF ADOPTION

Supervisor Danielle Freer offered the following resolution which was seconded by **Councilman Jared Geuss**, who moved its adoption:

WHEREAS, a local law was introduced to be known as **Local Law No. 2 of 2022**, entitled entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 123 OF THE ESOPUS TOWN CODE (ZONING) AS FOLLOWS TO PERMIT CAMPING AT MARINAS AND BOATYARDS AND CAMPGROUNDS AS A SPECIAL USE IN THE WATERFRONT DISTRICT.

WHEREAS, the Town Board Town Code is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law.

WHEREAS, a public hearing in relation to said local law was opened on July 21, 2022 and closed on August 17, 2022; 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. Revise §123-10 to make “Campgrounds” a permitted Special Use (SUP) in the (W) Waterfront District on the Schedule of Permitted Uses.

Section 2. Delete §123-13.A(4)(h) of the Town of Esopus Code (Zoning).

Section 3. Add §123-13.A(11) to the Town of Esopus Code (Zoning), reading as follows:

- (11) Marina camping. Subject to Special Use Permit, camping may also be permitted in conjunction with Marinas and Boatyards in the W Waterfront District.
 - (a) A maximum of 12 campsites altogether shall be permitted at any Marina and Boatyard, subject to the standards of §123-13.A(10)(d) hereof.
 - (b) The camping activity shall not occupy more than one-third of the property and remain incidental and subordinate to of the Marina and Boatyard.
 - (c) Marina campgrounds shall only operate between April 1 and October 31 of each year. No campsite shall be occupied between November 1 and March 31 or be the residence of the owner or any other occupant.
 - (d) All campsites shall be physically defined, numbered and designated by signs for purposes of emergency services.
 - (e) Campsites shall be separated by 10 feet from any specific marina operations, and from associated internal vehicle traffic.

- (f) Camping permitted at Marinas and Boatyards shall otherwise comply with §123-13.A(10)(e) through (i) hereof, provided the Planning Board may modify such standards during Special Use application where appropriate to reflect the amount of camping proposed, the availability of services from the Marina and Boatyard operation and similar factors.
- (g) A detailed emergency preparedness plan for evacuation in the event of a fire, imminent flooding or other disaster situation shall be provided.
- (h) Marina camping campsites shall be used only for camping purposes and maintained in a transportable condition at all times. No improvement or living unit designed for permanent occupancy shall be erected or placed on any campsite. 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 shall be prohibited.
- (i) If recreational vehicles are proposed to be on the property between November 1 and March 31, they shall be stored in a single designated storage area apart from the camping area 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.
- (j) 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.
- (k) All outdoor music and camping associated outdoor activities shall cease by 9:00 PM eastern standard time except for Friday and Saturday when the time shall be extended to 10 PM. No noxious or offensive activities or nuisances shall be permitted and fires shall be confined to designated fire pits that shall be provided by the operator, Fireworks shall be prohibited.
- (l) Pets shall be licensed, leashed and kept under control at all times.
- (m) All camping activities and improvements shall comply with Esopus Town Code Chapter 80, "Flood Damage Prevention."

- (n) The fire department shall have unimpeded access to the Rondout Creek to withdraw water as needed in case of a fire on or near the subject property.

Section 4. Add §123-14.G(5) to the Town of Esopus Code (Zoning), reading as follows:

- (5) Marina camping. Subject to Special Use Permit and §123-13.A(11) hereof, camping may be permitted in conjunction with Marinas and Boatyards in the W Waterfront District.

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 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:

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

Resolution duly adopted.

DATED: Ulster Park, New York
August 18, 2022

HOLLY A. NETTER, TOWN CLERK

Contact Person:

Holly A. Netter, Town Clerk
Town of Esopus
1 Town Hall Way
Ulster Park, New York 12487
(845) 331-3709

Supervisor Freer said letters were received from Esopus Planning Board and they were fine with the law. The Ulster County Planning Board letter came back with a few comments. Supervisor Freer confirmed with Building Inspector, Mark Jaffee these areas were covered in the existing camping code.

Councilman Quick said I think we have addressed the issues of the crowds very well. The law tightens rules, addresses noise and how late the noise can go and limits traffic. A lot of adjustments have been made since the initial law based on input received.

Councilman Evelyn Clarke asked who has the burden to enforce, the town or owner? The owner needs to be onsite or able to be on site within 10 minutes to address concerns. It is treated like any other special use. It comes down to the operating permit and what is set through the Planning Board. If there are issues, the permit can be canceled or not renewed if there is noncompliance.

Councilman Jared Guess said he has been down there numerous times and every time things have been running smoothly. Very comfortable with the law. Planning Consultant, Tom Shepstone, did an excellent job writing the revision. Mark can also fine or put someone on notice since this is part of our code.

Councilman Laura Robinson said she has heard a lot of great comments about the restaurant down there. The law was well written and clear.

Councilman Evelyn Clarke said hopefully it will be good economically for the marinas and will not cause concerns with the residents.

SEPTEMBER MEETINGS

SUPERVISOR FREER MADE A MOTION TO SCHEDULE A BUDGET WORKSHOP MEETING ON SEPTEMBER 8TH, AT 4:30 PM, TO RESCHEDULE THE SEPTEMBER WORKSHOP FROM SEPTEMBER 1ST TO SEPTEMBER 8TH AT 7 PM AND TO RESCHEDULE THE SEPTEMBER TOWN BOARD MEETING FROM SEPTEMBER 15TH TO SEPTEMBER 22ND AT 7 PM. THE MOTION WAS SECONDED BY COUNCILMAN JARED GEUSS. ALL MEMBERS WERE IN FAVOR; MOTION CARRIED.

CENTRAL HUDSON NATURAL GAS LEAK PRONE PIPE REPLACEMENT PROGRAM UPDATE

Key dates to include for Central Hudson Gas Leak Prone Pipe Replacement Program

- 8/4: Central Hudson presentation to the Town Board
- Week of 8/8: Letters notifying customers of planned work were mailed out. Online communication plan begins
- 8/18: mention again at tonight's meeting
- 8/23: Central Hudson Town Hall for residents to ask questions at Ross Park at 5pm
- Early September: Work begins

Mike Mulligan suggested the Town check with the Attorney on a few liability issues. As of October 1st, Landlords are required to provide heat to their tenants. Although October weather is typically still warm if the project continues into December that will have an impact. If they must shut off gas and it is not turned back on within the allotted time frame, does the town have a liability for not asking for a better plan or idea from Central Hudson? Is there an alternative plan? Also he wanted to make sure if there was an accident the liability would fall on Central Hudson and not the Town. He was concerned that the Central Hudson meeting night was the same as the Primary Election, those who are working the polls are unable to attend. For anyone unable to attend the Central Hudson meeting, a suggestion was made to call Shaun Farrell direct from Central Hudson with any questions or concerns.

LIAISON UPDATES AND KEY DATES DISCUSSION

Evelyne Clarke-EDC did not meet in August they will resume in September.

Laura Robinson – Parks and Rec will be hosting MOVIE NIGHT at Ross Park Saturday August 27th. The movie will be Karate Kid. Activities and a Martial Arts demonstration will be given by MooDo self-defense at 6pm. A subcommittee for the winter wonderland parade is being put together. Some of the original recreational commission are volunteering to assist.

Kathie Quick – Seniors had a successful trip to see a Kenny Rogers tribute on August 9th. A defensive driving class was also given on August 15th for the seniors. Next trip is Frankie Valli in September. She has 32 participants and can have up to 40 people; still room \$60 members/ \$70 nonmembers.

MISCELLANEOUS

The annual bid for propane for the water treatment plant will be posted on the town website and advertised in the Daily Freeman. Sealed bids will be received at the Town Clerks office until Wednesday September 21 at 1 pm at which time the bids will be opened. For more information visit [www. Esopus.com](http://www.Esopus.com)

Building Inspector Mark Jaffee is asking for the cooperation of all Fire Departments. To help prevent fires during this ongoing dry season, he is imposing a burning ban until the end of

PORT EWEN WATER	224182 - 224205	\$36,206.60
Capital Water		
ARPA	227005 - 227007	\$16,096.31
Visa		
		\$170,779.25

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

Resolution duly adopted.

ADJOURNMENT

A MOTION TO ADJOURN THE MEETING WAS MADE BY SUPERVISOR DANIELLE FREER AT 8:15 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*