

**TOWN OF ESOPUS
TOWN BOARD MEETING
August 15, 2024, 7:00 PM**

A regularly scheduled Town Board Meeting was held on August 15, 2024, in person at 1 Town Hall Way, Ulster Park. Meeting. 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 7pm.

PLEDGE TO THE FLAG

Supervisor Freer asked for a moment of silence in memory of Jean Ackerson who passed away earlier this week and served the Town of Esopus as a Clerk to former Town Justice, Elizabeth “Betty” Shanley-Manicone.

Public Comment

Dennis Suraci 177 Lindorf Street -read the following Letter Follow-up regarding CEO/ZEO Power

First I would like to thank Supervisor Danielle Freer for responding yesterday to my original letter I wrote and read at the Town Board Workshop Meeting on 1 August 2024. I also want to thank her for yesterday’s phone call prior to receiving the letter from the CEO/ZEO’s timeline, which was written to the Planning Board, dated 12 July 2024.

Although this information came a bit late for my full response I appreciate the effort. I am responding to the CEO's letter on timeline since it seems to be missing two important items which failed to be mentioned in his letter to the Planning Board. Two items which I believe could change how the Planning Board can and should review the applicant's latest information. Also, direct the applicant to possibly follow up with the ZBA and request an interpretation of the section of Zoning in question. I have attached the ZEO/CEO's letter and will address my answers following his timeline entries in ***bold and italicized lettering***, please see attached letter from the CEO dated July 12, 2024 along with attachments to support my answers.

Thank you all in advance for allowing me to respond to the ZEO/CEO's letter.

Supervisor Freer asked me yesterday if I would like to meet with her and the relevant subject matter experts to discuss some of the issues and I will respond to that request in writing after I get advice from the group's attorney regarding this matter.

***1 December 2021
Letter of Determination***

Mr. Jaffee did not list or attach his first Letter of Determination, which I provided a copy of to this Town Board two weeks ago, dated 1 December 2021. The letter was addressed to the Applicant Cuney Ranch Holdings, LLC, which referred to the number of units and mixed-use requirements. In this letter he stated the applicant would need to meet the mixed-use requirement for dwelling apartments in the GC-1 zone among other things such as a Use Variance. Please note there is no mention of combining the two lots or the requirement to delete the lot line. I believe that's because the Zoning required the two lots in question to be a single lot prior to the new zoning regulations, which were adopted and in effect on September 8, 2021, three months prior to this application being filed.

January 26, 2022

Letter of Determination: determining the zoning boundary adjustment.

Not in compliance with the new Zoning Regulations

May 14, 2022

Application project review note from Shepstone. Highlighting the proposed lot line removal on page 2 and density and letter of determination to adjust the district boundary.

The Lot Line was never removed and exists today as two lots

September 6, 2022

Letter from Medenbach & Egges discussing the R-12 zoning density for entire project.

TB 8-15-24

September 14, 2022

Letter from the Planning board Engineer, CHA reviewing the density calculation submitted by the applicant to be in accordance with density of the R-12 zone.

September 15, 2022

Letter of Determination indicating the applicant meets the density calculation for the proposed amount of units based on the R-12 Zone that was on the Site Plan.

September 19, 2022

Planning Board minutes reading that the board had discussed the determination of the density calculation and its compliance with the Zoning district which is indicated on the maps as R-12 zone.

October 10, 2022

Letter written by Dennis Suraci and Kristy Nelson to the Planning Borad. The letter addresses the issue of the zoning boundary determination.

October 17, 2022

Application project review note from Shepstone. Highlighting the proposed use and density are consistent with the determination.

October 17, 2022

Planning Board minutes showing that Suraci and Nelson's letter being read at the meeting and being directed that they would have to appeal the determination and indicating a 60-day timeframe.

What is not mentioned here is that we did go to the ZBA as the Planning Board directed only to be told we have to make a proper application to be heard by the ZBA. Since there were no meetings from November 2022 thru January 2023 my letter was never addressed until February 2023. In addition the ZBA sent me back to the Building and Zoning department to file a proper application, which I did for the March 2023 agenda, see attached letter from Mr. Wick dated February 22, 2023. Also as a third party aggrieved, I am not held to the 60 day requirement. That 60 day requirement is for the applicant if he disagrees with the CEO/ZEO's letter of determination because the Letter of Determination is addressed to the applicant. Please see the attached Zoning information highlighting the third party issue, which was also included in my letter to the Board two weeks ago.

No Meetings in November 2023, December 2023, and January 2024.

March 6, 2023

Notice of appeal from Suraci. Although the time frame did elapse, we did allow Mr. Suraci to proceed since he was not aware of the determination until later in the site plan review. During the Zoning Board initial meeting, Mr. Suraci discussed the issues with the Zoning Board and has

satisfied with the discussion and decided not to proceed with the appeal. At that time the appeal was dismissed.

Once again, this is incorrect information in this letter of timeline. The time frame did not lapse because as a third Party I am allowed 60 days from the time I found out about the project. Please see the highlighted areas in the State Zoning Guidelines attached. What is not mentioned in this paragraph is that the ZEO/CEO wrote a letter to the ZBA chair dated 12 May 2023, a copy of which was included in the package I provided two weeks ago. That letter is what voided my Appeal because it changed the entire project. The ZEO/CEO now stated the project would now be looked at as two lots and I quote from his letter dated 12 May 2023 "The Zone Boundaries are not changing for this project. They will be remaining as is. The developer will be removing the zone relocation from the plans. The use does not require a zone relocation of 200 ft. so it is a non-issue". If you remember Jared, I brought this to your attention at the next Town Board meeting on 15 June 2023 (see attached letter to Town Board). I also addressed this change in the project in the letter to the Town Board two weeks ago. I repeatedly continued to try and contact ZEO/CEO via email and continued to ask the question regarding the one or two lots and never received an answer only to be told I was still in front of the ZBA and they would contact me. In fact, two of the Zoning Board members, Gloria VanVliet and Mr. Donn Avallone commented on the letter and Mr. Avallone stated he would like to speak to the Town attorney to get a clear interpretation of the Code before commenting and making a decision on the letter the ZEO/CEO wrote on the 12 May 2023 (see attached minutes of May 16, 2023). I have never heard back from the ZBA nor Ms. VanVliet or Mr. Avallone. I was also told by the ZEO/CEO if I didn't like their response or decision I could continue with a State Court Appeal. I am still waiting to hear from the ZBA. Please also refer to my emails to the ZEO/CEO attached with my responses in RED, dated 2 June 2023.

As you can clearly see, the issue with the boundary line adjustment was reviewed and discussed numerous times in front of the Planning Board. The project proceeded under the R-12 zone review and indicates the Planning Board was aware and continued with the review. This action would indicate that the Planning Board agreed with the applicant's decision to move the district boundary line.

As far as this timeline is concerned where Mr. Jaffee included letters from different professionals and agencies, their comments are based on incorrect information and based on his Letter of Determination on the 26 January 2022, which by the way was never copied to anyone of those professionals or agencies, including the Planning Board. The fact remains there are still two lots today and the zoning requires that in order to move a boundary zone line 200'feet, it can only be within a single lot and it had to be a single lot prior to the new zoning regulations, adopted and in effect on 8 September 2021.

Diane Dintruff, Minturn Street reported a red and white boat from the CHPE Project has been seen about a mile north of Esopus. Information regarding the different boats can be found in the presentation that has been linked on the Port Ewen Water Sewer web page.

Ann Suraci, 177 Lindorf Street, read the following letter;

Good evening. I was here two weeks ago at the Town Board Workshop. I want to thank Supervisor Freer for sending me a copy of employee, Mark Jaffee, Director of Planning, Zoning and Code Enforcement Job Description from the Ulster County Civil Service website.

I have read the Job Description and I have given all of the Town Board Members here tonight a copy of it along with a copy of a section of the New York State Zoning Board of Appeals A Guidebook for Local Officials, Introduction to the Zoning Board of Appeals and the two questions that I would like answered.

Two weeks ago, I asked the Town Board the following questions:

1. Does the ZEO/CEO (Director of Planning, Zoning and Code Enforcement) have the authority to remove appeals, public hearings that either the Zoning Board or Planning Board has requested in order to review the application before them?
2. How can anyone properly appeal a letter of determination from the ZEO/CEO (Director of Planning, Zoning and Code Enforcement) or request an interpretation of a section of zoning if the Director of Planning, Zoning and Code Enforcement has the authority to override and withdraw items from the Zoning and Planning agendas?

I have given you all a copy of a section of the NYS Zoning Board of Appeals A Guidebook for Local Officials, Introduction to the Zoning Board of Appeals because it states that

The Zoning Board of Appeal (ZBA), otherwise known as the board of appeals or board of adjustment, is an administrative body that acts as a buffer between the property owner, or aggrieved applicant, and decisions made by the zoning enforcement officers (ZEO) and the State Supreme Court.

An applicant or a third-party person should feel comfortable and should be allowed to freely present their case at the Zoning Board. It seems that the Director of Planning, Zoning and Enforcement has been withdrawing people's appeal. If the Director of Planning, Zoning and Code Enforcement believes that an applicant wants to have their appeal dismissed and not to proceed forward with their appeal, then a written statement stating that fact should be signed by both parties and be made part of the record.

At the June 18, 2024, Esopus Zoning Board of Appeals, Chairperson Wick stated that there would be separate public hearings on each item that had been on the agenda that night and the following month the Public Hearing was removed from the agenda by the Director of Planning, Zoning and Code Enforcement without notification or permission by Chairperson Wick. The people that were planning on speaking at the Public Hearing were taken away from their rights and were not allowed to freely present their case at the following month Public Hearing. If the public were informed that there would be a Public Hearing the following month, their rights should have been exercised and not taken away. It takes time for the public to research, write and prepare for a public hearing and to have it taken away from them, in my opinion, is a

disservice. The people in the Town of Esopus had a right to have a Public Hearing when Chairperson Wick stated that there would be one the following month.

At the last Town Board Workshop, I asked if you could please answer my two questions, which I have given you all copies of. I would greatly appreciate it if you could please answer those questions tonight and tell me where questions #1 & #2 attached are noted in the Director of Planning, Zoning and Code Enforcement Job Description.

I have one question for Supervisor Freer - Yesterday you called my husband, Dennis Suraci, on the phone and you had a conversation with him. Was that phone conversation recorded?

Supervisor Freer responded no.

Supervisor Freer reminded Mrs. Suraci that public comment is for the public to address the board with their topics, not for a back-and-forth conversation. She added she was not comfortable getting into details on specific topics that are currently in front of the Planning Board and Zoning Board of Appeals without having the subject matter experts and town attorney involved given that the Suraci's mentioned they are consulting with their own lawyer. Supervisor Free went on to explain that the purpose of her call to Mr. Suraci was to give him a heads-up that she was unable to answer all their questions but would do her best to provide information where she could.

Steve Britton, 174 Lindorf St. Prior ZBA member and chair for 7 yrs. The function is viewing the building decisions. He said he talked to Karl Wick ZBA Chair and said he hadn't seen the 2 letters of determination that the building department had written. All he saw was the letter the building department gave him was nullifying the appeal. The only info he had wasn't even accurate. The code is explicit, and he feels the topic should have needed a variance from the beginning. Concerned Karl had not seen the letters.

Arlene Post, 205 Lindorf St Questioned why there were no more microphones and why the meeting was not televised. Audience cannot hear well; public needs to hear all meetings.

Supervisor Freer replied that the volunteer who was helping the town with this has been unable to do so at this time. She does not believe the Tonw Board needs microphones, there had been issues with people hearing the public comment which is why the microphone was placed there tonight. If there is feedback from the Board that microphones are needed, she is open to it, and we can work on it.

Rob Nelson, 172 Lindorf St reported there continues to be issues regarding the property maintenance at 172 Clay Rd. He will share pictures with the building department so they can follow up.

SUPERVISOR FREER MADE A MOTION TO CLOSE THE PUBLIC COMMENT. THE MOTION WAS SECONDED BY COUNCILMAN LAURA ROBINSON. ALL MEMBERS PRESENT WERE IN FAVOR: MOTION CARRIED.

There are a few responses coming out of public comment:

Supervisor Freer provided an update stating the CHPE project is getting closer to installation in our portion of the Hudson River. Information for those interested in learning more about the project can be found on the Port Ewen Water Sewer website, as well as the Hudson 7 and Riverkeeper websites. Public Safety is a top priority and water quality will be carefully monitored by our water department and third-party company. If anyone has specific questions about the project or what they are seeing, they should contact CHPE.

Regarding Building Department violations, we have been tackling rough properties throughout the entire town, not just Port Ewen. The Building Department is proactively driving through town and issuing orders to remedy where needed. Anyone with concerns about properties should contact the building department so they can track the issues.

YMCA SUMMER CAMP FUNDING DISCUSSION

Previously, the Board had budgeted \$5,000 to assist Esopus families with the expense of the YMCA camp. It was determined earlier this year that Esopus Families could receive \$50 per child per session. There are currently 5 families participating: 8 children attending. Supervisor Freer said she would like to increase the assistance to \$100 per child per session since there were so few children. She said the Board will need to discuss whether to continue with the program at budget time.

A MOTION WAS MADE BY SUPERVISOR FREER TO INCREASE THE PAYMENT TO \$100 PER CHILD PER SESSION. THE MOTION WAS SECONDED BY COUNCILMAN JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR: MOTION CARRIED.

MOTION TO SET DATE FOR FIRST 2025 BUDGET MEETING

SUPERVISOR FREER MADE A MOTION TO SET A DATE FOR THE FIRST 2025 BUDGET WORKSHOP MEETING TO BE SEPTEMBER 5, 2024, AT 6 PM. THE MOTION WAS SECONDED BY COUNCILMAN JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR; MOTION CARRIED.

MISCELLANEOUS

Town Clerk- Holly Netter

Steven McCardle co-founder of The G-Squad Cares Foundation in Kingston, has requested the use of Ross Park. This not-for-profit organization runs multiple fundraisers throughout the year to raise funds for different causes in our area.

They are in the early stages of setting up a basketball tournament and were interested in hosting it at Ross Park sometime in Sept/October; 1 day event and if possible, have electric available for a DJ who works all of their events.

They are looking to donate all proceeds to a local organization that they will be choosing; either The CAPS Fund in Kingston, or the Ulster County Christmas Wishes, also based out of Kingston. For those not familiar with the CAPS FUND of Kingston it is a not-for-profit organization that assists families with their fight with cancer and other catastrophic illnesses.

COUNCILMAN EVELYN CLARKE MADE A MOTION TO ALLOW THE G-SQUAD CARES FOUNDATION TO UTILIZE ROSS PARK'S BASKETBALL COURT FOR THEIR EVENT AT NO CHARGE WITH THE UNDERSTANDING THEY ARE RESPONSIBLE FOR PROVIDING AN APPLICATION WITH AN INSURANCE WAIVER LISTING THE TOWN OF ESOPUS AS AN ADDITIONAL INSURED.THE MOTION WAS SECONDED BY COUNCILMAN JARED GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR; MOTION CARRIED.

** a trash deposit check will be held to ensure the park is cleaned up

LIAISON LIGHTENING ROUND:

Supervisor Freer:

Highway Department –

Call for driveway concerns in the Clay Road area

SIGNS - TRIMMING/STRAIGHTEN TOWN WIDE

CHIPPING BRUSH/BAGGED LEAVES AS NEEDED TOWN WIDE

MOWING - STARTED 2ND ROUND

DRAINAGE MAINTENANCE WITH HYDRO VAC /SEWER JET - WILLIAM WHITE/MAIN ST REMY

STORM CLEAN UP - TREES/LIMBS - TOWN WIDE AS NEEDED -

NO MAJOR DAMAGE FROM DEBBY. A FEW TREES DOWN - SALVATORE/SWARTEKILL/COW
HOUGH/BURROUGHS

HOT PATCHING AS NEEDED - FLOYD ACKERT/CANAL/GURNEY

SERVICE/MAINTENANCE-TRUCKS /EQUIPMENT AS NEEDED

LOAN TO - TOWN OF ULSTER / TOWN OF LLOYD FOR HAULING

**ASSIST WATER DEPT WITH BREAKS/VALVE SACKETT/HERRIMAN@HOYT - VALVE ON PARSELL
REPAIRS -**

ASSIST REC DEPT WITH WORK AT ST REMY PARK / PAVING OF TENNIS COURT WILL BE THE WEEK OF THE 19TH.

TREE WORK TRIMMING AND TAKE DOWNS MILLBROOK/CLAY/SWARTEKILL

PROJECTS THAT ARE SCHEUDLED TO BE DONE JULY & AUGUST

CALLANAN: COMPLETED

MILLBROOK - PAVING COMPLETE ROAD (SALEM-CONNELLY RD)

CLAY - MILL & FILL COMPLETE ROAD - CHANGE NECESSARY PIPES (9W - MT VIEW)

PARK LANE (WEST PARK) - MILL & FILL COMPLETE ROAD

PECKHAM: COMPLETED

HARDENBURGH - SECTION PAVE (MIDDLE)

RIVERVIEW COURT- PAVE COMPLETE ROAD

HIGHWAY:

CLAY ROAD - DRIVEWAY APRONS AND DITCHES NEED TO BE FINISHED

WEST SHORE - PAVE COMPLETE ROAD (FLOYD ACKERT - DEAD END)

BURROUGHS (CHRISTIAN BROS) SECTION PAVE - (9W WHERE THEY LEFT OFF)

September is Emergency Preparedness Month. September 28 is Applefest and in lieu of trying to pull together the expo at Ross Park, Supervisor Freer would like to have a backpack event at Town Hall similar to what was done a few years ago.

Congressman Pat Ryan Event – Social Security and Medicare C.A.R.E.S. Van Event 28

Vendors/Agencies to assist the community, August 16, 2024, 11am to 2 pm in the Community Center located in the lower level of the Esopus Town Hall.

Councilman Geuss:

Water & Sewer – At the meeting they discussed different budget items including upgrading the fleet of trucks.

8/20 Service will be out from 7 am to 2 pm between third Ave and Parsell St.; any issues call Nick Butler, Highway Superintendent.

Nick is checking in daily with CHPE for updates; feel free to reach out. Supervisor Freer added that water quality is being tracked and they are watching trending reports.

Councilman Quick

ZONING BOARD OF APPEALS

There will be a meeting of the ZBA on Tuesday August 20. A discussion of Seasonal and Ridgeline. There is a request for an area variance.

WATERFRONT ADVISORY BOARD

The Waterfront Advisory Board will meet on Wednesday August 28 at 7 PM. There will be discussion of the LWRP and possibly another action.

ASSESSOR’S OFFICE

The Assessor's office is beginning the 2025 cycle year. There were not any small claims for the year 2024. We settled on one challenge.

ESOPUS SENIORS

The Esopus Seniors went on a trip on 8/13 to the Brownstone in Paterson, NJ. A delicious luncheon was enjoyed by all along with a show "Islands in The Stream" a musical tribute to Kenny Rogers and Dolly Parton. There was also a cover musician playing dance music for the seniors to enjoy dancing.

There will be a meeting for the Seniors on Monday, August 19, 1 pm. We will begin collecting signups for the trip on October 22 to the Riverview Inn in Matamoras PA for "Fritz and Freida's Oktoberfest Wedding, with food, music and all kinds of dancing.

Councilman Clarke:

EDC – has not had a meeting. New antique & Café open on Broadway and East Stout check it out.

Environmental Board -Scenic Hudson, Riverkeeper and Clearwater working with the Town of Lloyd for Black Creek; several members attending the seminar tonight

Councilman Robinson:

Parks & Rec task force met twice, great ideas. ARPA for playground, new basketball courts side by side, one with lower hoops for younger kids. Tennis court will be Black topped this week then fence will go up. Movie night -not well attended. They will be working on Halloween 10/26 Trunk or Treat

BUDGET ADJUSTMENTS AND VOUCHERS

BUDGET ADJUSTMENTS AUGUST 2024

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:

| | | | |
|---------------------------------|-----------|---------------------|-------------------|
| AO.0599.000 Fund Balance | to | A0.3310.400 | \$1,151.00 |
| | | TOWN SIGNAGE | |

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

Resolution duly adopted.

RESOLUTION AUTHORIZING PAYMENT OF BILLS AUGUST 2024

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 | 241805 - 241842 | \$ 61,389.24 |
| HIGHWAY FUND | 242159-242176 | \$ 9,413.08 |
| STREETLIGHTS | | |
| PORT EWEN SEWER FUND | 243106 -243119 | \$ 13,632.74 |
| PORT EWEN WATER | 244117-244131 | \$ 22,656.03 |
| Capital Water | 245021 -245022 | \$ 44,218.40 |
| ARPA | | |
| ESCROW | 248001 | \$3,555.16 |
| Total | | \$154,864.65 |

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

Resolution duly adopted.

KEY UPCOMING DATES

8.16 Congressman Pat Ryan's Social Security and Medicare C.A.R.E.S. Van [Event](#) 9.2

Town Offices Closed: Labor Day

9.5 Budget workshop 6 pm

9.5 Next Town Board Workshop 7 pm

9.15 Honeybee Jubilee hosted by the Environmental Board | 10am-3pm @ Ross Park

9.19 Next Town Board Meeting

9.28 Applefest in Port Ewen

ADJOURNMENT

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