

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

A regularly scheduled Town Board Meeting was held November 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*

Regularly scheduled meeting was called to order at 7 pm.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Comments regarding conveyance of a portion of property on Parsell St., Sleightsburgh:

Francene Glasser, First Ave

She bought property because of wildlife and beauty. Feels like unprecedented action the town has taken to allow the sale of our beloved land. This land is sacred not only to those who live here and our ancestors but to the indigenous people who lived here before. She has witnessed over 50 species of wildlife. She feels if you are going to start selling off our sacred land, let me know and I'll buy a piece for property for \$250 and set up a glamping situation. She said she was being facetious, but that was not the point. It's about treating others with special privileges. The natural resources the homeowners love and have moved into the Sleightsburgh area because of the boating, wildlife, nature and the riverside etc. We should not be selling off

this precious land to a public person who has nothing to do with the town, nature or Scenic Hudson. Thank you for your urgent consideration.

MC Edwards

My name is MC Edwards of 730 2nd Avenue, Hamlet of Sleightsburgh. I'm commenting today on the parceling off of a portion of Sleightsburgh Park and my objection to it.

The residents of Sleightsburgh were obviously asleep at the wheel. If we had attended recent meetings, the discussions surrounding the parceling off of Sleightsburgh Park would not have gone without comment until now. Our bad. The majority of the neighborhood just found out about it; many were shocked to hear of this, myself included.

The cavalier attitude of the Board members who think it's no big deal to slice off a piece of a protected park is worrisome. I'm very concerned that this is setting a bad precedent.

THE DETAILS AS I READ THEM: In the August 4th Workshop meeting minutes, the point of the structure is described as "off the grid to honor and parallel nature and wildlife not to be obtrusive..." It also states that it is the only area that is flat. When the resolution came up, it reads that the board "investigated". Did the Board visit the site? If they had they would have seen by that time, the landowner had stripped the land of many trees and bulldozed a large portion of the property on the south side, so to say that on his 1.8 acres, that is the only flat area isn't accurate. It wasn't even his land. The deck (when it was partially built last year) wasn't on the ground but attached to trees and to say it could be "easily picked up" – maybe if you used heavy equipment.

From the August 4th Workshop, it went right to a resolution at the September 22nd Board meeting with no further updates, not even in lightning rounds to say what Scenic Hudson or the lawyers had to say. At the October 6th Workshop meeting it states that the Town Clerk was to advertise the conveyance but I couldn't find a listing in the Daily Freeman which is the Town's newspaper. It isn't on the Town of Esopus' own website either. I contacted the Daily Freeman and Michelle Martin of the DF responded by email today saying she couldn't find it either.

The resolution described the property as being "...deemed unusable by the Town and has been unused for a significant period of time...". There is no mention of the July 1996 Conservation Easement with Scenic Hudson. The property is not "unusable" but part of Sleightsburgh Park – an ecologically sensitive piece of land. The park land has already been impacted by the deforesting and bulldozing next door. Adjusting the property line will further affect the sensitive flora and fauna. You are reducing the buffer between man and the ecosystem that already exists there. There should be more strict regulation of adjacent land use not selling it off for peanuts.

IN CLOSING: The adjacent landowner was careless. He took down trees and built on Town property. He should have been fined, not rewarded. Asking for a property line adjustment for a tent stand, when there are 1.8 acres available to the landowner is ridiculous. It insults the conservation easement. The sale price of \$250? He paid \$389,000 for 1.8 acres. Going by that,

the slice would be worth over \$12,000 -- more really because it is apparently the only flat land. Again, \$250? It begs the question: who profited from this deal? Thank you for your attention.

Trish Lewis, Parsell St

For the record, a brief timeline of the glamping platform event that gave way to selling .06 acres of riverfront parkland for \$250:

- Property markers at 139 Parsell Street are moved into Sleightsburgh Park
- Property owner then encroaches into this parkland, takes down 8-10 park trees, and builds a glamping platform.
- Residents complain
- Town makes property owner take down glamping platform
- Property owner applies to town board to purchase the parkland
- Town board agrees to sell .6 acres of riverfront property for \$250

As a resident of the hamlet of Sleightsburgh and the Town of Esopus, I and many of my neighbors protest the town selling this parkland. We have reached out to state agencies and representatives to question the right of the town to act autonomously in the selling of parkland, per the New York State common law "Public Trust doctrine". From the office of the NY state comptroller:

"The core legal basis governing the use of parkland comes from common law, called the "public trust doctrine." The doctrine is defined by 150 years of State court decisions, which explain when municipalities must seek State legislative approval to alienate public parkland.

In order to convey parkland to a non-public entity, or to use parkland for another purpose, the municipality must receive prior authorization from the New York State Office of Parks, Recreation and Historic Preservation (State Parks) in the form of legislation enacted by the New York State Legislature (Legislature) and approved by the Governor. The bill by which the Legislature grants its authorization is commonly referred to as a parkland alienation bill."

The parkland alienation process applies to any dedicated municipal parkland no matter its size.

We ask the Town Board to not sell this park land, or hopefully ANY parkland in the Town of Esopus, to appease the interests of a single property owner, at the expense of the town's parks and residents. And certainly not to accommodate a glamping platform.

Keith Shore Parsell St.

Attending meeting because he does not know his rights as a property owner or what the rules are. The idea of someone living in a tent in front of his house is not appealing. It's unfair. The person has been burning wood, leaving it on overnight and leaving the property unattended. Asked if the person was going to the bathroom down there? Doesn't know how it happened and needs to know the rules around it. As a homeowner and resident, he does not want someone living in a tent in front of his door. "Is living in tents in the town fine?"; he asked if someone could get back to him.

Mike Knutsen, Senior Land Project and Conservation Easement Program Manager for Scenic Hudson.

Scenic Hudson holds a conservation easement over Sleightsburgh Park. He said he hoped the Board received a letter that was sent to them earlier that morning. Just became aware of this proposal last week. They were disappointed to find out about it so late into the process. He appreciated Supervisor Freer and others meeting with them. The purpose of the easement is to conserve the open scenic natural and recreational character of the property and to promote its use for public recreation by restricting use and development of the property to that which is consistent with conservation purposes of the easement. We have given careful consideration and thought after understanding the project. They (Scenic Hudson) have concluded the proposed conveyance to be a violation of the conservation easement. He asked the Town not to proceed with the conveyance.

Supervisor Freer said they did receive the letter this morning and is now with the Town Lawyer for review.

Gary Siegel First Ave.

When someone new moves in and is breaking rules, we expect someone to step in to say “you can’t do that and there is a consequence for doing that”. The consequence starts to look like there are special favors being made. He said that is what it looked like to him and just wanted to bring it to their attention. He is hoping someone will step up and take care of what needs to be done. The trees will never be replaced: it was just wrong.

Chris Marta, Parsell St.

I must first acknowledge that I am torn in a few different directions on this matter.

Firstly, Nick is my immediate neighbor and I want to be accommodating.

I have no reason to stop him from cutting down trees, after all every tree he fells improves my view.

I have no reason to hinder his development of his own land, since after all whatever he builds there will most likely increase my own properties value.

Secondly, I am a bit of a procedural geek to be honest and I enjoy the process of researching and interpreting law, deeds, codes, etc. Everything that I’ve learned so far from being on the zoning board, and from conversations with our chairman Karl, speaks to finding a way to accommodate whilst deviating “as little as possible” from the guidelines, rules, etc. So, the specificity of situation and how that fits within the aforementioned rules, regs is critical.

Thirdly, there was an unfortunate start to this thing... His choice of contractor, their disregard for the sanctity of the park, and their attempts to cover up their tracks has created a very negative aura on this thing. And for better or worse, this continues to taint the issue. Am not sure if that is fair or not, but it just is.

Procedurally speaking – as I understand/read the deed/easement

Section 2 of the deed/easement gives you the right to sell portions of the park

Section 6.2 requires you to give Scenic 30 days notice of any such action

Also based on what I can see of the August meeting minutes... you understood this approval was needed.

Did that happen? Did you notify Scenic in writing? From what I've gathered it was one of the residents that alerted Scenic and that just happened.

Does this then mean that your decision to approve the lot line adjustment application is then Null & Void?

Supervisor Danielle Freer relayed it has not gone to the Planning Board yet. What we did was just at the Town Board level; we just approved that it was okay to go to the next step.

Chris continued to quote from past meeting minutes.

The Board said they will need to reach out to Scenic Hudson as well as our lawyer to see what can be done. Councilman Geuss suggested reaching out to the town lawyer to see how we handled a similar case near the Ross Park parking lot. He remembers a neighboring fence was built on town property and a lot line adjustment was made. We also need to check the Scenic Hudson Easement to see if that would be impacted at all.

The point of the structure is it's off the grid to honor and parallel nature and wildlife not to be obtrusive and is a non-permanent structure. The platform can be picked up; however this is the only area that is flat. The structure needs to rest on trees, if it is moved to another location, it would need pilons which are not permitted. He has been in touch with the DEC and must submit a permit.

As it pertains to other notes/comments on the August meeting minutes

"The platform can be picked up" – Please show me how that actually works... given the size

"The only area that is flat" – I've heard this referred to as a tree house by many. Since when does a tree house require a flat area? Isn't the flat area needed provided by the platform itself?

"The structure needs to rest on trees" – The property is literally littered with trees on 392 feet of the waterfront with only the northern most 71 feet having trees arguably too young to support such a structure.

Trying to be accommodating he feels a better solution can be found.

I do want to take this opportunity to thank Mark Jaffe, Danielle Freer, Kathy Quick and Lisa Mance, for taking the time to discuss this in great detail earlier this week. Please know that I did convey to residents how open you were to hearing our concerns.

Stephen Lewis Parsell St - read letter from Donna Gaudio-Marchetta Resident at 629 Third Ave Sleightsburgh, couldn't make the meeting.

I am completely appalled in hearing the information regarding selling off a portion of Sleightsburgh Park to benefit an individual. This sale is not only outrageous, but the ridiculous below market price of historic property that can be attached to the DH canal. As we all know, the park was given as a conservation property for the protection of the wildlife & use by the public in perpetuity. I was told that the town doesn't have any money to fix the broken newly installed gate to the park & now the town wants to sell it off in bits & pieces. Who is benefiting from the lack of preservation of this park & what gives the town the right to sell off what was deemed for the public to an individual?

Steven said on behalf of himself he has been around since the tenant first moved there. There was a road put in and trees cut down. What happened later is the view for his glamping platform was on park property was expanded, trees were cut down and then the platform was put down. Everyone knew it was clearly over the property line and that is why it was brought to the town's attention. Instead of him being fined, if anything for cutting down tree, he was rewarded with a piece of riverfront property for \$250. He would have appreciated it if the board members brought this matter to their attention. The property owner left without attending burning trees, he built a pile poured gasoline and was smoldering. They reached out to a representative to see if they should call fire department, then they learned of the sale.

Supervisor Freer thanked everyone for coming to speak. This has been a hot topic for a few days. Chris was in to talk about it. Nick presented at a meeting and as mentioned earlier, the Town Board was okay with this going to the next steps, which would be the Planning Board. Now we have received a letter Scenic Hudson and forwarded it to our lawyer for review. We get where you are in regard to the property - no way we were looking at doing special favors. She said to her knowledge and in her eyes (not speaking for the board) this was just a neighbor who wasn't aware that his contractor had moved the property stake to accommodate this treehouse. Nick came to us to explain this all and was simply asking for a few feet. We were trying to do the neighborly thing. Hearing how upset everyone is, we will continue to take the next steps discussing with Scenic Hudson and the Planning Board and we can go from there.

Councilman Jared Geuss said we did receive Scenic Hudson letter and sent it to our lawyer. There could be an outcome with the lawyer tomorrow, it may not even make it to the Planning Board. The sooner the better for all involved. He said he appreciated everyone coming out and we will continue to work through it.

Francene Glasser added that the Board should see the Spit as a sacred piece of land; it is a treasure.

Roger Burgold West Park, has brought this matter before the Board at several meeting. He said his neighbor continues to make excessive noise from the construction of his home, operating outside of permitted hours. For three – four days he said there was large equipment operating as early as 4:30am -5 am. Lights are being shined in the direction of Mr. Burgold's home. The sound of diesel machinery is heard constantly throughout the day. He implores the Board to reconsider the noise ordinance. When he called the Sheriff, he was told they couldn't do anything about it because there was not a nose ordinance.

VIA EMAIL

Brenda Palumbo 739 2nd Avenue

By way of this email, please note my opposition to the Town's decision to convey town property to Nick Fitzhugh. The property in question is located at Parsell Street, SBL 56.44-2-13.400. My understanding is that the Town Board accepted an offer of payment of \$250 for a portion of its property to accommodate Mr. Fitzhugh's deck which he built in opposition to the town's zoning requirements. I vehemently oppose this decision for the following reasons:

1. As per the Deed, the Town is to give Scenic Hudson 30-days' notice of such action. My understanding is that Scenic Hudson did not receive this notice and therefore the Town's decision is null and void as it does not adhere to the deed.
2. The information supporting this decision included that the owner needs a flat piece of land to accommodate his glamping platform. This is certainly no sound reason to accommodate a landowner. As a landowner in the neighborhood, I too wanted a flat piece of land to locate a shed. The Town did not come to my rescue. Why is the Town accommodating this individual that knowingly purchased his land "as is" and then proceeded with construction in violation of the Town's zoning laws when he realized a portion of the Town's land better met his needs.
3. The Town is essentially rewarding the homeowner for building in violation of the town's zoning laws by accommodating this request. The Town has a very poor track record of upholding the zoning and building codes. When are you going to start?
4. There are at least 2 adjacent properties to the Town's land. You are setting a precedent that you will essentially "give away" Town's land to those that request it after their attempts to violate the zoning laws fail.
5. While I do not at all agree with the Town's decision to "sell" land to this landowner, the Town's acceptance of a fee of \$250 is preposterous. As noted in #4, \$250 today is essentially giving the land away. The Town should be working in the best interests of ALL residents and therefore should have requested a market value rate for that

land. This is an embarrassment that you would even consider excepting such a paltry sum.

Thank you,

Brenda Palumbo
739 2nd Avenue

Sharon Jones, Sue & Jay VanVliet

Please read during "Comment" on tonight's Town Board meeting.

Good evening,

He purchased this undeveloped land, had a survey done, knew the layout of the land. But, decided he needed a flat piece of land for a tent base. Tent bases can be built on all types of land. Adjust the base! Why can he not move the tent base location over onto HIS property? Or, install a small RV to live in while building his home? He cut down trees on Town land, did he pay a fine for this action? It seems like the Town Board just wanted this to quietly go away in hopes no one would notice selling Park land with beautiful Hudson River views, so cheaply!

Sharon Jones
Sue & Jay VanVliet

A MOTION WAS MADE BY SUPERVISOR FREER TO CLOSE THE PUBLIC COMMENT PERIOD. THE MOTION WAS SECONDED BY COUNCILMAN JARED GEUSS. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

SRI Fire Sprinkler Inspection Contract

SUPERVISOR FREER MADE A MOTION TO APPROVE THE SRI FIRE SPRINKLER INSPECTION CONTRACT IN THE AMOUNT OF \$1500.00 TO PERFORM 5 YEAR/INTERNAL INSPECTIONS. THE MOTION WAS SECONDED BY COUNCILMAN ROBINSON. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

RESOLUTION FOR ONE-YEAR EXTENSION ON MIXED-USE FLOATING ZONE PROJECT

WHEREAS, the "Hamlet" development was approved by the Town of Esopus under § 123-22 of the Town of Esopus Code pertaining to the Mixed-Use Floating Zone, and

WHEREAS, the Town Board, in its Preliminary Approval of the "Hamlet" required the Developer to secure a final site plan approval within a period of one year therefore, and

WHEREAS, various regulatory and other obstacles have legitimately rendered it unlikely this one-year deadline has been met, and

WHEREAS, the Developer of the "Hamlet" has diligently pursued the project, which is viewed by the Town Board as having a very positive potential economic and housing impact on the Town of Esopus,

BE IT, THEREFORE, RESOLVED, that the one-year deadline previously set by the Town Board for the "Hamlet" to secure Final Site Plan approval shall be extended an additional one-year.

Resolution Offered by: **SUPERVISOR DANIELLE FREER**

Seconded by Councilman: **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

November 16, 2022

No Budget Adjustments

RESOLUTION AUTHORIZING PAYMENT OF BILLS NOVEMBER 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 | 221539-221590 | \$111,197.10 |
| HIGHWAY FUND | 222256-222278 | \$166,207.55 |
| STREETLIGHTS | | |

| | | |
|-----------------------------|----------------------|---------------------|
| PORT EWEN SEWER FUND | 223137-223163 | \$92,590.15 |
| PORT EWEN WATER | 224234-224252 | \$30,311.04 |
| Capital Water | 225002-225003 | \$21,525.00 |
| ARPA | 227034-227046 | \$261,481.87 |
| Visa | | |
| | | \$683,312.71 |

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 |

MISCELLANEOUS

LIAISON LIGHTNING ROUND

COUNCILMAN CLARKE:

EDC – We are in recruitment mode, including for the Chairperson position, but will continue to meet to figure out what the Committee looks like moving forward and the role it plays in supporting businesses (i.e. ongoing communications, vendor fairs, celebrating milestones like 30 years of Headless Horseman, etc.). Winter Wonderland Parade has been a great example of how to incorporate businesses into town events.

BUILDING DEPARTMENT 9W Property is going before the Planning Board; Friedlander sold Castaway

ENVIRONMENTAL BOARD- Continues to discuss Freer Park and the willow trees, Climate Smart Task Force is working on how to earn more points to reach the bronze level status and presented at last meeting. EV charging stations locations are being discussed potentially for Town Hall or Ross park, points will be awarded when complete.

COUNCILMAN GEUSS

WATER & SEWER DEPARTMENT – WM Schultz was awarded the general control for the water plant improvement contract. The Bid opening was held on November 9th for the HVAC, electric and plumbing. Bids have been forwarded to the Tighe and Bond for review of completeness and feedback. Jared said he was pleased that the low bid on the electrical was from Sass electric that has a shop here in Port Ewen.

PLANNING BOARD – Cuney property, two worst offender manhole work complete. Supervisor Freer mentioned we were awarded the Engineering Planning Grant to help plan the additional work that needs to be complete on the sewer line. Nick Butler, Water Superintendent will weigh-in on the flow meters.

TRANSFER STATION – Compactor project nearing completion which will help the town to save money because we will require less pulls from UCRRRA.

SUPERVISOR FREER:

HIGHWAY DEPARTMENT – Gearing up for winter weather 10-6 am Nov 1 no parking. Central Hudson project continues. She will walk the project with them to understand next steps and road/sidewalk repairs.

COUNCILMAN QUICK:

ZONING BOARD – quiet but they need a new member

WATERFRONT ADVISORY BOARD – Margaret Phalen and the Board continue working on the LWRP. They are planning an open house in January to obtain more public outreach.

ASSESSOR'S DEPARTMENT – Still working on tax certifications

SENIORS – Had several nice trips this year. Their Christmas party will be Dec 12 with a snow date of 12/13

COUNCILMAN ROBINSON:

Parks & Rec – Also in recruitment mode and need to start to discuss 2023 priorities and activities (i.e., movie nights had low turnout). Winter Wonderland Parade will be held on December 3, 2023.

PARKS, BUILDINGS & GROUNDS

Gaga pit is up at Ross Park, new fence is up at Cas Landi, new basketball hoops have been installed. New pickle ball courts are waiting until the spring.

ADJOURNMENT

A MOTION TO ADJOURN THE MEETING WAS MADE BY SUPERVISOR DANIELLE FREER AT 7:55 PM. THE MOTION WAS SECONDED BY COUNCILMAN GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

*Respectively Submitted,
Holly A. Netter
Town Clerk, R.MC*