

12-15-20

**TOWN BOARD MEETING  
Tuesday Dec 15, 2020**

A regularly scheduled Town Board Meeting was held on **Dec 15, 2020** in the Town Hall, 1 Town Hall Way, Ulster Park, NY with the following persons in attendance:

**Supervisor Shannon Harris  
Councilperson Evelyn Clarke  
Councilperson Jared Geuss  
Councilperson Kathie Quick  
Councilperson Chris Farrell**

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

**THIS MEETING WAS HELD IN THE ESOPUS TOWN HALL. VISITORS WERE WELCOME TO JOIN IN THE AUDIENCE WHILE ADHERING TO SOCIAL DISTANCING REQUIREMENTS. THE MEETING WAS LIVE-STREAMED ON THE "TOWN OF ESOPUS" FACEBOOK PAGE AND TELEVISED ON CHANNEL 23 PUBLIC ACCESS** Public comments was accepted in person, call [\(845\) 328-0483](tel:8453280483), or email [outreach@esopus.com](mailto:outreach@esopus.com)

7 members of the public were present.

**A MOTION WAS MADE BY SHANNON HARRIS TO OPEN THE REGULARLY SCHEDULED MEETING AT 7:24 PM. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS WERE IN FAVOR MOTION CARRIED.**

**PUBLIC COMMENT**

**Implementation of Local Laws** – Following closure of Public Hearings, potential adoption of the following proposed laws:

Proposed local law #10 of 2020 ( **Local Law #5 of 2020** ) – Amending Esopus Town Code § 123 "Zoning" to Add a New Section § 123-18 to Establish a Mixed-Use Floating Zone

**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 TO AMEND CHAPTER 123 "ZONING" OF THE ESOPUS TOWN CODE TO ADD A NEW SECTION 123-18 TO ESTABLISH A MIXED-USED FLOATING ZONE.**

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**WHEREAS**, the Town of Esopus Town Board proposes to adopt **Local Law No. \_5\_** of 2020, a Local Law of the Town of Esopus, Ulster County, New York; amending Chapter 123, “Zoning”, of the Town Code in the manner described above; 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 Shannon Harris, 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 adding a new Section 123-18 to the Town Code to establish a Mixed-Use Floating Zone;

**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.

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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: Councilperson Chris Farrell**

**Seconded by: Councilperson Jared Geuss**

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

<b>Councilperson Evelyn Clarke</b>	<b>AYE</b>
<b>Councilperson Jared Geuss</b>	<b>AYE</b>
<b>Councilperson Kathie Quick</b>	<b>AYE</b>
<b>Councilperson Chris Farrell</b>	<b>AYE</b>
<b>Supervisor Shannon Harris</b>	<b>AYE</b>

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

DATED: Ulster Park, New York  
December 15, 2020

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HOLLY A. NETTER, TOWN CLERK

**RESOLUTION OF ADOPTION**

**Councilperson Kathie Quick offered** the following resolution which was **seconded by Councilperson Chris Farrell**, who moved its adoption:

**WHEREAS**, a local law was introduced to be known as **Local Law No. 5 of 2020**, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 123 "ZONING" OF THE ESOPUS TOWN CODE TO ADD A NEW SECTION 123-18 TO ESTABLISH A MIXED-USED FLOATING ZONE.

**WHEREAS**, a public hearing in relation to said local law was opened on October 20, 2020 at 7:20 p.m., prevailing time, and closed on December 15, 2020 at 7:20 p.m. prevailing time; 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:** Chapter 123 of the Esopus Town Code is amended to add a new Section 123-18 reading as follows:

§ 123-18 Mixed-Use Floating Zone

A. Intent and objectives.

- (1) Intent. The Mixed-Use Floating Zone (MFZ) regulations provide a procedure for allowing flexible land use and design through creative planning and design practices as it is not always possible to determine in advance the exact location, type, standards and mixture of all uses which may benefit the Town and its residents. The MFZ regulations allow development matched to the unique characteristics of the site and allow development techniques that might not otherwise be possible through strict application of standard use, area, bulk and density specifications. Approved MFZ Districts will enable greater flexibility than conventional zoning while providing a customized regulatory framework that recognizes the unique environmental, physical, and cultural resources of the project area and neighborhood. MFZ District legislation approved by the Town Board in accordance with this section will replace the existing zoning for the parcel or parcels becoming MFZ Districts and will become the basis for detailed design, review and construction of subsequent development.
  - (2) Objectives. In order to carry out the intent of this section, all approved MFZ Districts shall:
    - (a) Encourage and direct mixed-use development that includes a combination of multi- family, commercial, civic, and other compatible uses to areas currently served by municipal water and sewer, consistent with the 2019 Comprehensive Plan, and where applicable, the Local Waterfront Revitalization Program (LWRP);
    - (b) Achieve a compact pattern of development that encourages people to walk, ride a bicycle or use available public transit;
    - (c) Discourage singular use buildings developed as isolated islands within an expansive parking lot;
    - (d) To encourage, incentivize, and facilitate the adaptive reuse of older buildings and aging strip developments that may be difficult to redevelop under existing zoning regulations;
    - (e) Encourage mixed-use, mixed-income, pedestrian-based neighborhoods;
    - (f) Provide a high level of amenities that creates a comfortable environment for pedestrians, bicyclists, and other users;
    - (g) Maintain an adequate level of parking appropriate for the uses and integrate uses safely with pedestrians, bicyclists, and other users;
    - (h) To protect and enhance the existing natural features of the Town; and
    - (i) Implement applicable goals and recommendations within the 2019 Comprehensive Plan.
- B. Approvals required.
- (1) Application required. Whenever a Mixed-Use Floating Zone (MFZ) project is proposed, before any site plan, building permits or other necessary approvals, the applicant or their authorized agent shall apply for and secure approval of such MFZ project in accordance with this section.

- (2) Until all requirements of this section are followed, including MFZ District approval and associated amendment of the Official Zoning Map by the Town Board as contemplated herein, the underlying zoning district(s) and associated regulations pursuant to this chapter remain unchanged.
- C. Minimum requirements to submit an application. The following minimum requirements must be met in order to submit an application for MFZ District approval.
  - (1) Involved base zoning districts. Applications for MFZ approval shall only be accepted for parcel(s) located in the following areas:

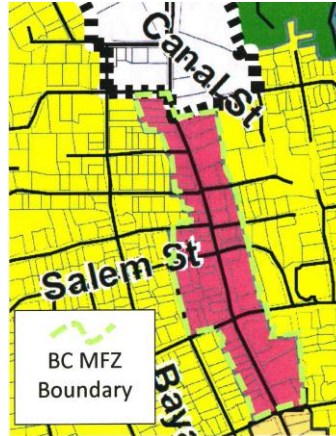


Figure 1: BC MFZ Boundary

(a) The entirety of the Broadway Commercial (BC) District - refer to Figure 1: BCMFZ Boundary.

~~1~~(b) The General Commercial (GC) District, roughly bounded by River Rd. to the north and Dick Williams Lane to the south -refer to Figure 2: GC MFZ Boundary.

(2) ~~Central-Municipal~~ water and sewer required. Properties seeking MFZ District approval must be served by ~~central-municipal~~ water and sewer.

~~2~~(3) Minimum lot sizes. The following minimum lot sizes are required in order to seek approval for a MFZ District.

(a) Broadway Commercial (BC) = 20,000 SF.

(b) General Commercial (GC) = 1 acre (43,560 SF).

~~3~~(4) Mixed-use required.

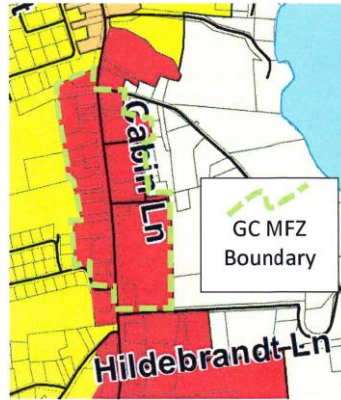


Figure 2: GC MFZ Boundary

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~~1-(a)~~ One or more non-residential uses permitted within the involved base zoning districts in accordance with the § 123-10, "Schedule of District Use Regulations," of this chapter, shall be required as part of the overall mixed-use project in accordance with the following requirements.

~~(a)~~(b) During their respective reviews, the Planning Board and Town Board shall consider whether a mixed-use development is appropriate in its context with adjacent land uses, the Intent and Objectives of this section, and serves the needs of residents in an attractive and functional manner. The evaluation of context with adjacent land uses shall take into consideration applicable Comprehensive Plan goals and associated recommendations related to the Town's future land use and zoning.

~~(b)~~(c) The project ~~shall may~~ include ~~no more than two~~ ~~or more~~ separate buildings, ~~provided at least with a minimum of~~ one building incorporates ~~ing~~ a mix of allowed residential and non-residential uses. This limitation does not extend to accessory buildings.

D. Permitted residential density and bonuses. The following process for calculating permitted residential density and increased density through one or more bonuses shall apply only to projects seeking MFZ District approval.

- (1) Base residential density. Applicants seeking MFZ District approval shall begin with the following base residential densities.
  - (a) BC Zoning District. 8 units per acre (1 unit for every 5,445 SF of lot area).
  - (b) GC Zoning District. 6 units per acre (1 unit for every 7,260 SF of lot area).
- (2) Removal of constrained lands not required. Projects seeking MFZ approval shall not be required to remove constrained lands to calculate permitted residential density.
- (3) Density bonuses. Applicants proposing to exceed the base density set forth in this section may seek approval for density bonuses with the incorporation of one or more of the following project elements.
  - (a) 20% for repurposing an existing vacant or underutilized building(s).
  - (b) 20% for projects that incorporate a minimum of two high quality pedestrian-scaled design elements. The applicant may choose two or more from the list below and/or propose additional high quality pedestrian-scaled design elements: Placement of parking lots behind buildings; provision for pedestrian connections between public sidewalks and parking areas; widened sidewalks in front of the development; and publicly-available outdoor space adjacent to public sidewalks that include opportunities for art installations, seating, landscaped areas/gardens, and other unique and attractive elements.

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- (c) 20% for providing one or more workforce dwelling units that are reserved for renters that meet the eligibility requirements in accordance with § 123-18D(6) below.
  - (d) 10% for inclusion of a pocket park or similar outdoor gathering space (separate from a publicly-available outdoor space adjacent to public sidewalks as noted above) available for the project's tenants and/or available to the public.
  - (e) 10% increase for providing two or more EV charging stations.
  - (f) 5% for incorporating solar energy systems to supplement the energy needs of the project.
- (4) Maximum residential density allowed. The approval of density bonuses shall not result in dwelling units that exceed the following.
- (a) BC= 12 units per acre.
  - (b) GC = 8 units per acre.
- (5) No project seeking MFZ approval shall result in more than 20 residential units.
- (6) Determining applicant eligibility for workforce dwelling units. Applicant eligibility shall be determined by the Town Board as follows:
- (a) To be eligible to purchase a workforce dwelling unit, the household's aggregate annual income shall not exceed 80% of the Kingston Metropolitan Statistical Area median family income, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development (HUD), and adjusted for the household size.
  - (b) To be eligible to rent a workforce dwelling unit, the household's aggregate annual income shall not exceed 65% of the Kingston Metropolitan Statistical Area median family income, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development (HUD), and adjusted for the household size.
  - (c) The Town Board shall annually revise the standard of eligibility, which shall specify income levels for varying sizes of households and shall include different income eligibility standards for buyers and renters.
  - (d) The Town Board shall separately prepare and update annually, regulations pertaining to the sales price and permissible rent and resale of, improvements to, and related requirements for the long-term administration and enforcement of workforce housing units approved under this section.
  - (e) Period of affordability. Workforce dwelling units shall be resold or rented to moderate-

income households in perpetuity. At the time of site plan approval, the applicant, owner, and or the developer, as applicable, shall execute and record restrictive covenants to restrict the future sales price and/or rental terms of the workforce housing units in accordance with the provisions of this section. The restrictive covenants shall assure that:

- [1] The restrictions of this section run with the land inperpetuity.
- [2] The covenants shall bind the applicant, and heir, assignee, mortgage or buyer, and all other parties that receive title to the property. The covenants shall be subordinate only to the first mortgage lien held by an institutional lender on the workforce dwelling unit and in no way shall impair the institutional first mortgagee's ability to exercise all remedies available to it in the event of any default of such mortgage.
- [3] The covenants shall include a provision requiring that every deed conveying title to an affordable dwelling unit shall include the following paragraph, subscribed to in the instrument by both seller and buyer, to inform all future sellers and buyers that this unit is a workforce dwelling unit subject to the provision of this section:

"This dwelling has been constructed for use by moderate-income families in accordance Chapter 123-18 of the Town of Esopus Code. Its future sale (including resale) or rent must be to persons who qualify under that section's income requirements at a price in accordance with the Esopus Town Code. The Town of Esopus shall have the power to enforce this clause and to recover reasonable attorney's fees and other costs incurred in successful efforts to remedy breaches of said provision of local law."

E. Mix of residential and non-residential uses and square feet. Providing for a healthy mix of residential and non-residential uses is a primary goal of this section. This requires a balancing of a variety of uses on a scale and design so that the various uses cannot only coexist but complement each other to create a vital and active community of shopping, service, social and residential opportunities. Therefore, the following guidance is being provided to assist in achieving an optimal mix of residential and non-residential uses.

- (1) For every one dwelling unit, the proposed MFZ project should incorporate between 200 SF to 400 SF of non-residential space.
- (2) At no time should the total non-residential space associated with a mixed-use project exceed the following:
  - (a) Broadway Commercial (BC): 7,500 SF

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- (b) General Commercial (GC): 4,500 SF.
- F. Town Board final determination of allowed dwelling units and non-residential space. The final authorized number of dwelling units and square feet of non-residential space by the Town Board will be based, at a minimum, on the sites ability to adequately accommodate the proposed project and required parking and stormwater, the projects compatibility with the surrounding neighborhood and compatibility with the Comprehensive Plan's recommendations on future land use and zoning, the capacity of water and sewer infrastructure to handle the requested density, and local traffic implications.
- G. Dimensional requirements. The following dimensional requirements shall apply to projects seeking MFZ approval.
  - (1) Front setbacks. Projects seeking MFZ District approval shall propose front setbacks within the following ranges.
    - (a) Broadway Commercial (BC): 0 ft. to 10ft.
    - (b) General Commercial (GC): 10 ft. to 30 ft.
  - (2) Side setbacks. The following side yard setback requirements shall apply to both the Broadway Commercial (BC) and General Commercial (GC) Districts.
    - (a) Side and rear yard setbacks may be reduced to 5 ft., except when abutting a parcel or parcels within a Residential (R-12) District.
    - (b) When abutting a parcel or parcels within a Residential (R-12) District, the minimum setbacks shall be 10ft. The Planning Board reserves the right to increase the side and/or rear setbacks as the project and adjoining uses dictates to ensure compatibility.
  - (3) Lot coverage. Projects seeking MFZ District approval shall not exceed the following
  - (4) percentages.
    - (a) Broadway Commercial (BC): 80%.
    - (b) General Commercial (GC): 50%.
  - (5) Height.
    - (a) All buildings (except accessory) shall be a minimum of twostories.
    - (b) The existing height restrictions set forth in the Schedule of District Area and Bulk Regulations shall apply to projects seeking MFZ District approval.
- H. Design Standards. Projects seeking MFZ District approval shall incorporate the following site and architectural designs to the satisfaction of the Town Board and Planning Board. Key elements to consider are: existing attractive architectural character of the neighborhood/district; continuity of

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building scale and architectural massing; transition to adjacent developments; treatment of the street-level and upper-level architecture detailing; roof forms; rhythm of windows and doors; and, relationship of buildings to public spaces such as streets, plazas, other open space, and public parking, including the following:

- (1) General design criteria.
  - (a) Encourage compatibility between residential and commercial uses where existing residential zones abut commercial zones.
  - (b) The variety of active uses should be complemented with facades that are "animated" along the pedestrian ways.
  - (c) Create a network of continuity of active spaces and avoid disconnected spaces.
  - (d) Design rooftops for visual interest and avoid a lack of design attention.
  - (e) Achieve compatible building styles and designs and avoid incompatible elements.
  - (f) Provide upgraded streetscapes including appropriate unified site furniture to encourage pedestrian activity, avoiding dull/bleak streetscapes that discourage walking.
  - (g) Incorporate street trees and pedestrian scale lighting (in addition to vehicle area lighting) to enhance the area.
  - (h) Provide pedestrian crosswalks to enhance connections across streets and access driveways.
  - (i) The design treatments for the area should be rich with detail and high-quality materials to promote interest for users and visitors.
- (2) Specific design standards.
  - (a) Unless otherwise stated, the following design standards are mandatory. Each applicant for a MFZ District shall comply with the required standards to the maximum extent practicable to achieve the goals and specific recommendations as set forth in the Comprehensive Plan and in accordance with the purpose and intent of the regulations set forth in this section. Where the following standards are stated as not mandatory, compliance is strongly encouraged. The term "shall" is interpreted as mandatory. The term "should" or "may" is interpreted as optional.
  - (b) Building design and orientation.
    - [1] Buildings must present their main facade and entrance toward the primary street. Buildings should be oriented parallel or perpendicular to public sidewalks and allow for parking in the rear or side of the proposed structure.

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- [2] Building scale and architectural massing shall incorporate elements for a reasonable transition to adjacent existing (or future) developments and the proposed project.
  - [3] All new buildings shall be a minimum of two functional stories.
  - [4] The first floor of new buildings shall be a minimum of 12 feet measured floor to floor.
  - [5] Buildings shall incorporate varying heights and/or other designs to create visual interest from the street. The ground level facade should have a distinct look from the stories above (e.g., using different architectural elements, such as building material or trim accent, lighting, cornice lines, awnings, projections, window treatments and sizes, and/or paint colors).
  - [6] The vertical plane of the building facade shall be broken up with a high level of articulation (e.g., projecting entry or window features, recessed elements, transparent storefronts, identifiable retail spaces and awning/entrance canopies) especially at ground level.
  - [7] Build to line. To define street frontage and pedestrian areas, buildings are strongly encouraged to be placed at the closest permitted front setback line (10 ft. in the GC District and 0 ft. or the back edge of the sidewalk in the BC District) unless outdoor dining, a plaza or other amenities will be provided in front of the building in accordance with this section.
- (c) Roof designs.
- [1] Pitched, hip (gable), and flat roofs are encouraged.
  - [2] All roofs shall incorporate a parapet with cornice details along facades facing public streets.
  - [3] Plain parapets are discouraged.
  - [4] Should complement the overall style of the building.
  - [5] Materials should not be reflective.
  - [6] Should incorporate measures to prevent falling snow and ice onto the sidewalk.
- (d) Pedestrian-oriented design criteria. The following criteria are intended to encourage buildings to be designed to a human scale for pedestrian access, safety and comfort and to promote a design which would provide direct and safe access between the site and adjacent land uses that is convenient and pleasant for the pedestrian.
- [1] The site layout shall cluster buildings and other project elements on the site to

promote linked trips via interconnected pedestrian promenades such that a pedestrian need not cross more than 64 linear feet of parking or driveway area, or one double loaded row of parking (not inclusive of sidewalks, pathways, landscaping, plazas, and other pedestrian facilities), whichever is less, between buildings.

- [2] The development should be designed to be well integrated with adjacent land uses. Integrated means that uses are within a comfortable walking distance (i.e., ¼ mile radius) and are connected to each other with direct, convenient and attractive sidewalks and/or pathways.
  - [3] The development should provide internal and/or public pedestrian connections that are direct, convenient and pleasant with appropriate landscaping and other amenities (e.g., attractive sidewalks, plantings, trash/recycle containers, and benches); and
  - [4] The development shall incorporate the following criteria where applicable:
    - [a] The building(s) have at least one primary entrance facing a street, or is directly accessible by a sidewalk or plaza within twenty feet of the primary entrance.
    - [b] The main building entrances open directly to the outside.
    - [c] Every building has at least one entrance that does not require passage through a parking lot or garage to gain access.
    - [d] Corner buildings have corner entrances whenever possible.
    - [e] Ground floor windows of non-residential space facing Broadway (US Rte. 9W) have a minimum of 50% to 75% of transparent glass that is oriented vertically.
    - [f] Include pedestrian facilities that connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
    - [g] Sidewalks and/or plazas are provided with weather protection (e.g., awnings/canopies) and appropriate pedestrian amenities (e.g., street tree grates, plantings, outdoor seating, bus waiting areas, trash/recycle containers, sidewalk displays, public art, etc.).
- (3) Off-site parking areas. Whenever feasible, parking shall comply with the following criteria:
- (a) Surface parking shall be oriented behind or to the side of a building when possible and shall not exceed a maximum depth of sixty-two feet (e.g., two-way aisle with parking on both sides) not counting any required landscaping.
  - (b) If surface parking is located at the side of a building there shall be a minimum five-foot

landscaped buffer between the parking area and edge of the sidewalk.

- (c) Landscape features shall include trees, hedges, shrubs or low walls of brick, wood, wrought iron, or another acceptable structure/material.
  - (d) Surface parking shall not be located on street corners.
  - (e) Shared access points are required to reduce curb cuts, where appropriate.
  - (f) Easements should be used to formalize shared access arrangements between business sites.
  - (g) Peak period (spillover) parking areas with alternative pervious paving materials are strongly encouraged and could include grass pavers and gravel surfaces.
  - (h) Parking requirements shall be governed by § 123-24, "Off-street parking and loading standards" of this chapter, except as modified by this section.
  - (i) Joint parking use. Where parking demands peak during different times of the day, parking should be shared. Parking areas should be developed as joint use parking areas under the provisions of § 123-24.
  - (j) Parking and vehicle drives should be located away from building entrances and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.
- (4) Site lighting.
- (a) Pedestrian scale and area lighting are required.
  - (b) Maximum height for pedestrian lighting shall be ten to twelve feet.
  - (c) Area lighting shall be 18 feet or two feet lower than the adjacent building height, whichever is less.
- (5) Public plazas.
- (a) Plazas are strongly encouraged. A plaza is an open space that is continuously accessible to the public and may be landscaped or paved and is typically surrounded by buildings or streets and open to the sky. A plaza usually provides amenities such as seating, ornamental fountains, lighting, and landscaping for use by pedestrians.
  - (b) Incorporation of works of art into the public spaces, exterior facade or entrance lobbies is strongly encouraged.
  - (c) The area should be landscaped with trees, perennials, annuals, herbaceous shrubbery, ornamental lighting, and benches.
  - (d) The area should be constructed on the side of the building that receives the



most sunlight, when possible.

- (6) Outdoor dining. Opportunities for outdoor dining are strongly encouraged. Outdoor dining is an area of a designated size with seating and/or tables located outdoors of a restaurant, coffee shop, or other food service establishment, which is a) located entirely outside the walls of the subject building; b) enclosed on two sides or fewer by the walls of the building with or without a solid roof cover; or c) enclosed on three sides by the walls of the building without a solid roof cover. The seating may be in addition to the indoor seating or it may be the only seating available for the establishment. The outdoor dining area must be visually and architecturally integrated pursuant to the design standards.
  - (a) Outdoor dining areas should be temporary structures and dismantled during winter months.
  - (b) No outdoor dining areas shall obstruct safe passage of pedestrians on sidewalks and a minimum five-foot wide unobstructed path shall be maintained at all times on sidewalks.
  - (c) In no case should the fence/railing combination prohibit views from the sidewalk into the outdoor dining area.

I. Procedures.

- (1) Sketch plan conference required.
  - (a) A sketch plan conference with the Town Board shall be required prior to the submission of a formal MFZ District application. In order for a sketch plan conference to be scheduled, a sketch plan application shall be made by the owner(s) of the land(s) to be included in the district or by a person or persons possessing a written contract or option rights to purchase the lands. The application shall be accompanied by a statement signed by all owners of such land indicating concurrence.
- (2) Sketch plan requirements. To assist the Town Board in making an initial determination on merit and to establish basic design principals, a sketch plan application consisting of the following shall be submitted to the Town Board. The Town Board reserves the right to, and through a simple majority vote, waive one or more sketch plan application requirements if deemed unnecessary or non-applicable given the nature of the proposed project.
  - (a) Required data for maps and plans as applicable:
    - [1] Lot, block and section number of the property, taken from the latest

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property record of the parcel(s) proposed for a MFZ.

- [2] Name and address of the owner of record.
  - [3] Name and address of the applicant if different than the owner.
  - [4] Name and address of the person, firm or organization preparing the application materials.
  - [5] Date, North point and written graphic scale.
  - [6] Sufficient description or information to define precisely the boundaries of the property.
  - [7] The locations and owners of all adjoining lands as shown on the latest tax records.
  - [8] The location, width and purpose of all existing easements, reservation and areas dedicated to public uses within or adjoining the property.
  - [9] A complete outline of existing deed restrictions or covenants applying to the property.
  - [10] The subject property's Existing Zoning District(s).
- (b) Natural features.
- [1] Existing contours with intervals of five feet or less, based on a reference system satisfactory to the TownBoard.
  - [2] Approximate boundaries of any areas subject to flooding or stormwater overflows.
  - [3] Location of existing watercourses, wetlands, wooded areas and other vegetation, rock outcrops and other significant features.
- (c) Existing structures and utilities.
- [1] Location of all existing uses and outline of structures.
  - [2] Paved areas, sidewalks and other impervious surfaces.
  - [3] Vehicular access points between the site and public streets.
  - [4] Approximate locations and flow direction of existing sewers, culverts, waterlines, as well as other underground and aboveground utilities within and adjacent to the property.
- (d) A conceptual development plan including:
- [1] Succinct narrative describing the entire proposed project, including, but not limited to the number and type of proposed residential dwelling units, the type and square

feet of proposed non-residential uses, pedestrian and bicycle infrastructure amenities, architecture and other interesting design elements, how the project meets the Intent and Objectives, and requirements of this section, how the project is consistent with the vision and applicable goals and recommendations of Comprehensive Plan, and how the project meets local and regional housing and economic needs.

- [2] The existing base residential density of the project site in accordance with the calculation method set forth in this section.
  - [3] Maximum requested number of dwelling units, including the number of units being requested through one or more density bonus. The required narrative shall identify and describe in adequate detail the project elements being proposed to obtain requested density bonuses in accordance with this section.
  - [4] Location and dimensions of proposed buildings and/or structural improvements.
  - [5] Front, side and rear setbacks for all proposed structures.
  - [6] Location and dimensions of proposed sidewalks and other pedestrian amenities.
  - [7] Location and dimensions of proposed off-street parking, number of spaces and proposed plans to incorporate shared parking arrangements to reduce the amount of off-street parking required.
  - [8] Proposed lot coverage, impervious and pervious surfaces.
  - [9] Anticipated utility improvements and approach to address stormwater requirements.
  - [10] Anticipated changes in the existing topography and other natural features.
- (e) Completed Environmental Assessment Form Part I.
  - (f) Accompanied by a fee established by the Town Board in accordance with § 123-29 of this chapter.
  - (g) Escrow required. The applicant shall deposit funds into an escrow account in accordance with § 123-29, "Fees" of this chapter for the purposes of covering costs associated with the Town's technical review of the project.
- (3) Sketch plan review by Town Board.
    - (a) The Town Board will review the MFZ sketch plan application at the next regularly scheduled Town Board meeting and determine if sufficient information has been provided to determine whether or not the application has merit for further

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consideration.

- (b) Within 45 days of receiving a MFZ sketch plan application deemed complete, the Town Board shall determine whether or not the application has merit for further consideration.
  - (c) The Town Board shall review the sketch plan application and make a determination of merit according to the following criteria:
    - [1] The proposal meets the Intent and Objectives and requirements of this section.
    - [2] The proposal conforms to the Comprehensive Plan, and if applicable, the Local Waterfront Revitalization Program.
    - [3] The proposal meets local and regional needs.
    - [4] The proposal meets any additional criteria the Town Board considers relevant.
  - (d) The Town Board retains absolute discretion to approve a MFZ District, and reserves the right to refuse to entertain an application for any reason. If the Town Board determines that the application does not merit review, it shall provide said determination in writing to the applicant and no further action on the application shall be taken. The Applicant may submit a revised sketch plan application for consideration.
- (4) Planning Board referral.
- (a) Application referral. If the Town Board determines that the application does merit Planning Board review, the Town Board shall provide their decision in writing to the applicant and shall immediately refer the sketch plan application to the Planning Board.
  - (b) Escrow required. Upon referral of the application to the Planning Board, the escrow established as part of the Sketch Plan submission shall remain in effect and be replenished as necessary in accordance with § 123-29, "Fees" of this chapter.
- (5) Preliminary Site Plan.
- (a) The Planning Board shall review the sketch plan and its related documents and shall request any additional information it considers necessary to render a decision on favorability. The Planning Board review of the referral and any additional materials requested shall constitute preliminary site plan review.
  - (b) The Planning Board shall render either a favorable or unfavorable report to the Town Board and application within 90 days of receipt of all necessary application materials. The Planning Board may, at its option, hold a public hearing prior to its action.

- (c) A favorable report shall be based on the following findings, which shall be included as part of the report:
  - [1] The proposal is consistent with the goals and policies contained in the Town's Comprehensive Plan and, if applicable, the Local Waterfront Revitalization Program.
  - [2] The proposal meets the Intent and Objectives of this section.
  - [3] The proposal meets the standards and requirements of this section.
  - [4] The proposal is conceptually sound in that it meets local and area-wide needs and it conforms to accepted design principals in the proposed pedestrian system, land use configuration and design, drainage system and project scale.
  - [5] There are adequate services and utilities available or proposed to be made available in the construction of the development.
- (d) Preliminary site plan approval. For the purposes of this section, the issuance of a favorable report by the Planning Board shall constitute an approved preliminary site plan. Preliminary site plan approval does not authorize earthwork, land clearing or construction of any kind until all approvals required by this chapter are obtained.
- (e) An unfavorable report shall state clearly the reasons therefor and, if appropriate, point out to the applicant what modification might be considered in order to receive a favorable report. The applicant may appeal an unfavorable report to the Town Board. The Town Board may, upon a vote of a majority plus one additional vote, proceed to hold a public hearing on its own initiative.
- (6) Application to the Town Board.
  - (a) Upon issuance of a favorable report from the Planning Board, the Town Board shall initiate the procedures for the purpose of considering designation of a MFZ District for the applicant's plan in accordance with the procedures established under§ 123-50, "Procedures," of this chapter.
  - (b) Type 1 Action. Any application for the creation of a MFZ District to accommodate a mixed-use project shall be a Type 1 Action under the State Environmental Quality Review (SEQR) Act.
  - (c) Prior to holding a public hearing, the Town Board shall render a determination of environmental significance in accord with the procedures of the SEQR. If such determination requires that a draft environmental impact statement (DEIS) be submitted and circulated, said DEIS shall be prepared in accord with the standards and procedures of SEQR. All procedures under SEQR shall be completed prior to the Town Board's action on the application.

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- (d) The Town Board shall refer the application to the County Planning Board and adjacent municipalities, where applicable, pursuant to § 123-51, "Referrals," of this chapter.
- (7) Action by the Town Board.
- (a) The Town Board may grant approval of the application and designate the MFZ District, as requested, upon demonstration that the Intent that Objectives set forth in § 123- 18A(l), of this section, will be achieved and that, based on review of potential environmental effects, the proposal minimizes or avoids adverse environmental impacts to the maximum extent practicable.
  - (b) The Town Board shall disapprove the application if it finds that, in its opinion, the Intent and Objectives § 123-18A(l), of this section will not be achieved or that adverse environmental impacts are not minimized or avoided to the maximum extent practicable.
  - (c) If the Town Board grants the application for a MFZ District, the Zoning Map shall be so notated. The Town Board may, if it feels it necessary in order to fully protect the public health, safety and welfare of the community, attach to its zoning resolution any additional conditions or requirements upon the approval, which shall be contingent. Such requirements may include, but are not confined to, visual and acoustical screening, availability of sites within the area for necessary public services, protection of natural and/or historic sites, other such physical or social demands, provision of satisfactory surety to guarantee that essential public and private utilities and facilities are completed in accord with the approved plan and time limits for various phases of development.  
The Town Board shall state at this time its findings with respect to the mix of residential and non-residential uses and the maximum residential density in accordance with § 123- 18D through § 123-18F above.
- (8) Site plan approval process for Town Board designated MFZ Districts.
- (a) Upon Town Board granting of a MFZ District, the applicant shall proceed to site plan approval in accordance with § 123-55, "Site plan approval process for Town Board designated District/ of this chapter.
  - (b) No earthwork, land clearing or construction of any kind shall take place within the limits of a MFZ District until a site plan for such development or the appropriate section thereof has been reviewed and approved, all in accordance with the procedures outlined in § 123-55.
  - (c) Substantial conformance. The Planning Board shall not approve any site plan within a MFZ District unless said Board finds the site plan is in substantial performance with the approved preliminary site plan.

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- (d) Upon receipt of the site plan application in accordance with § 123-55, the Planning Board shall provide one copy to the Town Engineer, one Copy to the Town Planner, one copy to the Town Attorney, one copy to the involved Fire District(s)/EMS and one copy to the Superintendent of Highways, all for review and report.

J. Additional regulations.

- (1) Regulation after initial construction and occupancy. For the purpose of regulating development and use of property after initial construction and occupancy, any changes other than use changes shall be processed as a special permit request to the Planning Board. Use changes shall also be in the form of a request for special permit except that Town Board approval shall be required. It shall be noted, however, that properties lying in an approved MFZ Districts are unique and shall be so considered by the Planning Board or Town Board when evaluating these requests; and maintenance of the intent and function of the mixed use shall be of primary importance.
- (2) Performance guaranties. As a condition of final approval of a request for MFZ District, the Town Board may require the posting of such performance guaranties as it deems necessary to insure the installation of necessary improvements. Said performance guarantee shall be for a period to be determined by the Town Board. The amount of the performance guarantee may be reduced by the Town as portions of the required improvements have been completed.
- (3) Fees. Fees for applications for MFZ Districting and site plan approval shall be in accord with a schedule for fees adopted by the Town Board as set forth in § 123-29, "Fees and costs," of this chapter. Such fees shall be based on the size and complexity of the proposed development and shall be sufficient to cover costs of all required reviews, including those related to the review of environmental impacts, and the retention of professional assistance, if necessary.
- (4) As condition of the MFZ District approval, the applicant/owner shall consent to periodic inspections by the Building Inspector on notice to confirm compliance with requirements of the approval and shall be responsible for associated inspection fees to monitor compliance in accordance with the fee schedule adopted by the Town Board, as amended.

K. Reversion.

- (1) In the event that a building permit has not been issued for any building construction within a designated MFZ within a period of five years and a day following the grant of final site plan approval, as set forth in §123-181(8), of this section, or any extension of site plan approval, the MFZ District zoning designation shall be rendered null and void. In such event, the lands within the MFZ District shall revert to the original zoning districts that existed prior to the MFZ District designation, and this reversion shall be noted on the Official Zoning Map of the Town.

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Section 2. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 3. 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:

<b>Councilperson Evelyn Clarke</b>	<b>AYE</b>
<b>Councilperson Jared Geuss</b>	<b>AYE</b>
<b>Councilperson Kathie Quick</b>	<b>AYE</b>
<b>Councilperson Chris Farrell</b>	<b>AYE</b>
<b>Supervisor Shannon Harris</b>	<b>AYE</b>

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

DATED: Ulster Park, New York  
December 15, 2020

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HOLLY A. NETTER, TOWN CLERK



DRAFT 12/15/2020

Proposed local law# 11of 2020 ( [Local Law #6 of 2020](#)) – Amending Esopus Town Code § 123-6 “Zoning District Purposes”

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 TO AMEND  
CHAPTER 123, “ZONING”, OF THE ESOPUS TOWN CODE BY AMENDING SECTION 123-6,  
“ZONING DISTRICT PURPOSES”.

**WHEREAS**, the Town of Esopus Town Board proposes to adopt Local Law No. 6\_ of 2020, a Local Law of the Town of Esopus, Ulster County, New York; amending Section 123-6, “Zoning District Purposes” of the Town Code to add a new subsection “O”, MFZ. Mixed-Use Floating Zone; 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 Shannon Harris, 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 1 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

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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 add a District MFZ, Mixed-Use Floating Zone in the Town;

**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.

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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).

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**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: Councilperson Jared Geuss  
Seconded by: Councilperson Chris Farrell

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

<b>Councilperson Evelyn Clarke</b>	<b>AYE</b>
<b>Councilperson Jared Geuss</b>	<b>AYE</b>
<b>Councilperson Kathie Quick</b>	<b>AYE</b>
<b>Councilperson Chris Farrell</b>	<b>AYE</b>
<b>Supervisor Shannon Harris</b>	<b>AYE</b>

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

DATED: Ulster Park, New York  
December 15, 2020

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HOLLY A. NETTER, TOWN CLERK

**RESOLUTION OF ADOPTION**

**Councilperson Evelyn Clarke** offered the following resolution which was seconded by **Councilperson Kathie Quick**, who moved its adoption:

**WHEREAS**, a local law was introduced to be known as **Local Law No. 6 of 2020**, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 123, “ZONING”, OF THE ESOPUS TOWN CODE BY AMENDING SECTION 123-6, “ZONING DISTRICT PURPOSES”.

**WHEREAS**, a public hearing in relation to said local law was opened on October 20, 2020 at 7:21 p.m., prevailing time, and closed on December 15, 2020 at 7:22 p.m. prevailing time; 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. Chapter 123, titled “Zoning”, Article III, §123-6, titled “Zoning District Purposes” of the Town Code of the Town of Esopus is hereby amended to add a new subsection O reading as follows:

- O. **MFZ Mixed-Use Floating Zone.** The MFZ District is established for the purposes of allowing for and encouraging mixed residential and non-residential developments through the use of more creative and imaginative designs than what is presently achievable under conventional land use techniques and zoning regulations, and to encourage growth and development on a scale and design that is pedestrian friendly, calms traffic, discourages large parking lots, incorporates high quality architecture, and promotes vertical development and integration of land uses rather than separation.

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Section 2. Pursuant to Section 22 of this state's Municipal Home Rule Law, this local law shall modify and supersede any provisions of state statute which are inconsistent with the terms of this local law.

Section 3. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 4. 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:

<b>Councilperson Evelyn Clarke</b>	<b>AYE</b>
<b>Councilperson Jared Geuss</b>	<b>AYE</b>
<b>Councilperson Kathie Quick</b>	<b>AYE</b>
<b>Councilperson Chris Farrell</b>	<b>AYE</b>
<b>Supervisor Shannon Harris</b>	<b>AYE</b>

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

DATED: Ulster Park, New York  
December 15, 2020

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HOLLY A. NETTER, TOWN CLERK

**CLOUGH HARBOUR & ASSOCIATES LLP( CHA )CONSULTING INC – 2021 CONTRACT**

**MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO APPROVE THE 2021 MUNICIPAL CONSULTING AGREEMENT BETWEEN THE TOWN OF ESOPUS AND CHA CONSULTING, INC. AS PER THE HOURLY RATE DEPENDING ON THE SCOPE OF WORK ACCORDING TO THE FEE SCHEDULE LISTED IN THE CONTRACT EFFECTIVE 1/1/2021. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.**

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**MUNICIPAL SOLUTIONS 2021 CONTRACT**

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO APPROVE THE CONTRACT WITH MUNICIPAL SOLUTION. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

**TRANSFER STATION - COMPACTORS**

The Board reviewed the potential approval for the purchase of three commercial compactors. These compactors are used, serviced regularly and are in good condition. They are \$1,500 each from the Ulster County Resource Recovery Agency and would be for permanent use at the Town of Esopus Transfer Station; 1 for cardboard and 2 for Trash. The purchase will decrease the number of pulls and will save money for the Town.

A MOTION WAS MADE BY COUNCILPERSON KATHIE QUICK TO AUTHORIZE THE PURCHASE OF THREE COMMERCIAL COMPACTORS WITH DRY BOXES IN THE AMOUNT OF \$4,500 FROM UCRRA. THE MOTION WAS SECONDED BY COUNCILPERSON EVELYN CLARKE. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

**TRANSFER STATION – FEE SCHEDULE**

TOWN OF ESOPUS TRANSFER STATION/RECYCLING CENTER		FEE SCHEDULE EFFECTIVE JANUARY 1, 2021	
			Proposed
RESIDENTIAL PERMIT		\$40	
SENIOR & VETERAN PERMIT	(over 60, proof required)	\$20	
LOST PERMIT OR 2ND PERMIT (MUST BE SAME HOUSEHOLD & SHOW		\$5	
REGISTRATION FOR 2ND VEHICLE		\$10	\$ 20.00
1 DAY PASS			
<b>NON RESIDENTIAL PERMIT</b>			<b>\$ 50.00</b>
<b>BULK HOUSEHOLD WASTE</b>		\$ .15 PER Lb.	<b>\$ 0.17</b>
		\$12	
		Minimum	<b>\$ 14.00</b>

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**TRASH BAGS**

COUPON BOOKLET 10 BAGS (1 30 GALLON BAG OR CAN)	\$45
45 Gallon Bag	\$7
30 Gallon Bag	\$5
10 - 13 Gallon Bag	\$3

**PROPANE**

PROPANE (SM CAMPING SIZE)	\$1
PROPANE (20 lb tank)	\$5
PROPANE (30 lb tank)	\$10

**Appliances**

Appliance with coolant – Small/ Large	\$10/\$20	<b>\$12/\$22</b>
Stoves, washers, dryers	\$10	

<b>FLUORESCENT</b>	<b>BULBS</b>	\$4	<b>Ballast</b>	\$12
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**YARD WASTES – BRUSH LESS THAN 4 INCHES IN DIAMETER AND CUT INTO 4 -6 FOOT LENGTHS, GRASS LEAVES AND DEAD PLANTS**

BRUSH (PICK-UP TRUCK LOAD)	\$10
BRUSH (DUMP TRUCK)	\$20
GRASS AND LEAVES (PICK-UP TRUCK LOAD)	\$5
GRASS AND LEAVES (DUMP TRUCK)	\$10

Leaves in Brown Bags	or single garbage can	No Charge
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**TIRES**

Under 20"/Over 20" (24.5" MAXIMUM)	\$10/\$15	<b>\$12/\$17</b>
Large Tractor tires	Call for pricing	

**MATTRESS/BOX SPRING**

SINGLE	\$10.00 PER PIECE	<b>\$ 15.00</b>
FULL/DOUBLE/QUEEN	\$15.00 PER PIECE	<b>\$ 20.00</b>
KING	\$25.00 PER PIECE	<b>\$ 30.00</b>



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**Couches/Sofas**

	Bulk waste Rate \$	
Couches & Chairs	.15/ lb.	\$ 0.17
Sleeper Sofa	\$30	\$ 32.00

**ELECTRONICS**

CRT TV'S & COMPUTER SCREENS (UNDER 19")	\$15	\$ 20.00
CRT TV'S & COMPUTER SCREENS (19" - 24")	\$25	\$30.00
CRT TV'S & COMPUTER SCREENS (25" and above)	\$35	\$ 40.00
Computer Towers	\$10	\$ 15.00

Recyclables accepted: paper products, Newspaper, magazines, books, office paper, cardboard and junk mail

Container Products- Container Glass, Food & Beverage Cans, Plastic Containers

**Automotive**

Car batteries	\$5
Motor oil (recycled)	\$0

**Reminder All recycling must be observed** -Only waste generated in Esopus is permitted to be disposed of at the Transfer Station

**A MOTION WAS MADE BY COUNCILPERSON JARED GEUSS TO ADOPT THE PROPOSED PRICE INCREASE EFFECTIVE JANUARY 1, 2021. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.**

**GRANT FUNDING**

Authorization is needed for the Supervisor to finalize information requirements and execute contract in NYS Grant Gateway to accept grant award by DEC Hudson River Estuary program for Tributary Restoration & Resiliency. The Town of Esopus was awarded \$430,200 in funding to replace problematic culverts (extensive public and county vetting process proceeded identification of these sites) at Dashville Rd and Hardenburgh Rd. This project builds on the Comprehensive Culvert Mapping Project in Esopus that was completed in 2017-19. It is a no cash match grant. Instead of cash, \$130,900 of in-kind labor from the Highway and Supervisor's office will offset the Town's share of \$561,100 total project costs. The grant budget includes all

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materials, engineering services and legal funding to obtain temporary or permanent easements to replace culvert crossings through 2023 to implement the project.

**TOWN OF ESOPUS RESOLUTION  
AUTHORIZING THE TOWN SUPERVISOR  
TO ACT AS GRANTEE CONTACT SIGNATORY**

**WHEREAS**, in February of 2020, the Town of Esopus applied to the New York State Department of Environmental Conservation’s Hudson River Estuary Tributary Resiliency and Restoration Grant program to request funding for the replacement of two culverts deemed high priority for replacement -- Culvert No. 48925 on Hardenburg Road, and Culvert No. 49129 on Dashville Road, and

**WHEREAS**, the Town of Esopus has been selected for a grant of \$430,200 for the replacement of said culverts under the 2020 Hudson River Estuary Grant Program issued by the NYS DEC, and

**WHEREAS**, said grant funds have been approved by the Office of the State Comptroller pending approval and execution of the grant contract by the Town of Esopus;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby authorizes Supervisor Shannon Harris to act as the ‘Grantee Contract Signatory’ and execute grant contracts on behalf of the Town of Esopus.

**Resolution offered by:** Councilperson Jared Geuss  
**Seconded by:** Councilperson Evelyn Clarke

Councilperson Evelyn Clarke	AYE
Councilperson Jared Geuss	AYE
Councilperson Kathie Quick	AYE
Councilperson Chris Farrell	AYE
Supervisor Shannon Harris	AYE

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

**ENVIRONMENTAL BOARD REQUEST**

Mark Ellison, Chairman of the Esopus Environmental Board joined the meeting by zoom to discuss the desire of the Environmental Board to become the Environmental Conservation Board. They would like to be involved in environmental issues, matters consisting of education coordinating with groups on environment, documenting any actions throughout the year. They

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would like to have more input on projects that are presented to the Building Department, Planning Board and Zoning Board. Mark said they did not want to impede the process but sees opportunity to assist in the building the future of Esopus. Supervisor Harris said there is a legal difference as to what you are now and what you want to become by adding a conservation commission. Supervisor Harris asked how it would be different than what is being done now. What kinds of activities would take place than what you do now? The Environmental Board wants to play a larger role with more responsibilities and be more than an advisory board.

Councilperson Kathie quick said the Environmental Board always wanted to be involved and help, they really care.

Councilperson Jared Geuss said he felt sitting in on pre-submissions was too soon in the process. He said the Town Board takes input from every Board and said no one discounts the opinion of the Environmental Board on projects because they are an Advisory Board. He felt all Boards have taken letters that have been written by the Environmental Advisory Board seriously and have given them careful consideration.

Kathie Quick said the Environmental Board has never been asked to write a letter of opinion before, but maybe we should. If they have concerns they can voice their opinion.

Councilperson Farrell asked Mark how the new title would be any different. He suggested appointing a member of the EAB to attend the Waterfront Advisory Board, Zoning and Planning Board and bringing the information back for discussion and when Public Hearings are held, that the Environmental Board express their concerns or share suggestions.

Councilperson Evelyn Clarke asked why do you feel the need for a larger role. Mark replied to give greater responsibility. He said they do not have representation in the Building Department or Zoning Board. The Environmental Board proposed to review and play a more official roll in the Town of Esopus. The Board pointed out that the Building Department issues permits based on the code and existing law. Major projects have to go before the Planning and Zoning for approval so there is not much input that can be given at that level.

The Board made a suggestion to assign a representative to attend the ZBA and bring back information to the group what relates to environmental issues. Have a discussion and then provide write comment based on laws, rules and best practices. The Environmental Board can do this now without a change in Board title. The Town Board thanked Mark and will for an update to see how this new participation works. No action on a name change was taken.

To gain some clarity on how this would differ than what is being done now, Supervisor Harris said she would like to see an example of how this would work. How they assign someone to attend the Planning and ZBA meeting, how they bring back info to the group and perhaps at a Public Hearing speak up on matters that they feel are important. Councilperson Geuss said relating to presenting a detail scope of work. Supervisor Harris said each Board that the Environmental Board wants to have collaboration with has their own laws codified in the code. The Boards act on code and written law and said she is trying to understand how your request would interplay. Before any decision can be made the Board has to see how this would work and they have asked Mark to follow through on their recommendations and provide feedback to the Board in the early part of 2021.

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### **INTERNSHIP OPPORTUNITY**

Supervisor Harris reviewed the job description seeking interns from BOCES, SUNY New Paltz and Ulster County Community College for a data entry position. This program is a non compensated position but would allow students to earn college credits while gaining work experience for their resume. This person would be responsible for assisting in manual / automatic data entry to transition the Building Department archives and files to their new Muncity 5 management software and possible future entry for the Riverview Cemetery. The Board was in agreement to post the position and receive applications from interested students.

**COUNCILPERSON JARED GEUSS MADE A MOTION TO APPROVE MODIFYING THE JOB DESCRIPTION AND MOVING FORWARD TALKING TO THE BUILDING INSPECTOR AND COORDINATING THE NEXT STEP. THE MOTION WAS SECONDED BY COUNCILPERSON EVELYN CLARKE. ALL MEMBERS WERE IN FAVOR; MOTION CARRIED.**

### **2020 FORECLOSURE REPORT**

This year Supervisor Harris was asked to sign off on the foreclosure report which was sent by the County. She shared the information with the Board and said there were 30 properties on the list in 2019 and 8 went to auction. This year the list has 33 prospective properties, times are difficult. The question is how many will get paid down and how many will go to auction. Habitat for humanity or Youth Build may be interested in the list and perhaps be able to work with the homeowner or County.

### **KINGSTONIAN PILOT**

A discussion of proposed PILOT agreement for the large Kingstonian Project was held among Board members. The City of Kingston and County have approved the PILOT agreement for this project. The Kingston City School district did not. Councilperson Farrell said PILOT programs can be harmful to local government and school districts. He said he was annoyed that the 2 Legislators for our area did not consult with the Town leaders for their opinion prior to voting. He questioned what benefit we will receive for this project. Esopus residents' school and county taxes will be affected by this. This project has 144 apartments of which only 14 will be available for persons in need. It will also include a boutique hotel and new parking garage. He said it benefits the City of Kingston but minimal benefits to Esopus residents. Councilperson Farrell said it is not a good agreement and asked the Board to take the time to read through the documents he provided and see how it affects the taxes of Esopus residents, a good majority of which are in the Kingston City School District. He would like the Board to consider making a statement of objection to the PILOT agreement.

Councilperson Clarke said she agreed with preparing a statement but after more research and discussion has taken place. Councilperson Quick said she would like to know what the difference would be for the Town with and without the PILOT. The current PILOT offers discounted taxes of \$26 million dollars over a 25 year period. Other options that have been

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suggested reduced the dollar amount significantly and increases taxes on an annual basis as the business gets established which would have less impact on the residents.

Councilperson Geuss said this has happened in other areas and gave an example of Tech City, nursing homes and housing facilities. Councilperson Farrell said nursing homes and housing facilities could be considered a public benefit because it provides housing as a benefit to those in need. Councilperson Geuss said we see PILOT after PILOT and asked why is there a need for PILOT time after time. As an example he said it would make sense to negotiate and gave an example of the project was approved for 20 more units could that income offset the amount taxes that would be paid. Councilperson Quick said it seems like developers expect it. Councilperson Farrell, they are getting several other exemptions as well, but to ask the school district give up revenue that would normally come in on a project like this is not fair.

Councilperson Quick said will it help the economics in the area?

Councilperson Farrell said you could make an argument that it could or will it cause further burden on the school district?

Councilperson Clarke asked if RUPCO got a PILOT for Energy Square. They did not think so but RUPCO received other funding.

Councilperson Farrell said it will add housing but at \$2000+ per month

Councilperson Geuss said Esopus had a project that was given a PILOT and the Town was never asked. They went over the Planning Boards' head, straight to the county; it was a 20 year PILOT. Councilperson Geuss said PILOTS should have certain stipulations and only if certain criteria are met they can continue to receive the PILOT.

Supervisor Harris said to preserve our interest in the Town of Esopus and sticking our nose into another municipality's situation may come back to hurt us in the future if we decide we need to offer a PILOT. She said she was against the letter and personally for the project.

Councilperson Farrell said if we are sticking our nose in, it is out of concern of our school children that are part of our Town.

Supervisor Harris said, we can speak as individuals. It will cause a precedent of towns getting involved in others towns. It is not effective and potentially could be harmful and disruptive. She said it was a great project. It will bring lots of business and nurse other struggling businesses back to health, bring housing, public space and infrastructure which is needed. It will inject more residents who will pay more taxes into the school and said she thinks Esopus could benefit from this project in the future. If Kingston becomes a destination, people will come and we could experience an overflow through a trickledown effect. If Kingston is a destination it would benefit business development and infrastructure. More taxes will be paid and injected into the economy. Councilperson Clarke said the people who live in that building will not be paying taxes because they are rentals. Supervisor Harris said without incentives to get the projects established, injections are needed to lay the foundation for productive taxes in the future. Evelyn Clarke said but there isn't affordable housing; only 14 units. Councilperson Clarke said with the pandemic and people losing their apartments and their jobs, it seems obscene to have something like that.

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Councilperson Farrell said there is a project proposed to make 200 apartments in the old jail and will be affordable to all. They also have plans to partner with Gateway Industries to provide housing for disabled individuals. Reusing a building that is not a taxable building now and turning it into a building providing homes is a worthy project.

Supervisor Harris asked everyone to think about it and they will revisit this matter after the holidays.

**VIDEO PLAYBACK POLICY**

Supervisor Harris made a request to modify the video playback policy to include particular personnel to be able to retrieve surveillance footage at all outdoor parks, gates and parking lots. A form will be developed and will be triggered by an incident report. Protocols will need to be followed and there must be an incident report provided to show cause for the need to review the tape. Supervisor Harris will work on the form and it will be further discussed for approval at a future meeting.

**UPDATES**

- **Call for volunteers** – Open positions on the Parks and Recreation Commission, Planning Board and Environmental Board. Please inquire to volunteer today!
- **LWRP Update** – A project page for the Esopus Local Waterfront Revitalization Program ('LWRP') Update is now available at [www.esopus.com/projects](http://www.esopus.com/projects). Next LWRP meeting is tomorrow, December 16, at 7 PM via Zoom.
- **Organizational meeting** – Reminder that the Town Board organization meeting will take place at Esopus Town Hall on Tuesday, January 5 at 7 PM.

**BUDGET ADJUSTMENTS**

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

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

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

**BUDGET ADJUSTMENT FOR DECEMBER 2020**

AO 0599.000 Fund Bal	AO 1420.400	\$ 2,741.82
	ATTORNEY CONTRACTUAL	
	AO 1620.405	\$1,739.09

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BLDG TELEPHONE & FAX

AO. 5182.401            \$14,423.11  
ESOPUSOL

A MOTION WAS MADE TO APPROVE THE BUDGET ADJUSTMENTS.

**OFFERED BY:**            Councilperson Chris Farrell  
**SECONDED BY:**        Councilperson Jared Geuss

Councilperson Evelyn Clarke        AYE  
Councilperson Jared Geuss            AYE  
Councilperson Kathie Quick          AYE  
Councilperson Chris Farrell          AYE  
Supervisor Shannon Harris          AYE

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

**RESOLUTION AUTHORIZING PAYMENT OF BILLS DECEMBER 2020**

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	201551-201606	\$84,906.61
HIGHWAY FUND	202240-202252	\$17,619.62
STREET LIGHTS	206010	\$ 6,216.33
PORT EWEN SEWER FUND	203131 -203142	\$ 18,276.46
PORT EWEN WATER FUND	204261 -204284	\$14,458.59
CAPITAL		
Water Treatment		
TOTAL		\$141,477.61

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A MOTION WAS MADE TO APPROVE THE PAYMENT OF VOUCHERS.

OFFERED BY: Councilperson Kathie Quick  
SECONDED BY: Councilperson Jared Geuss

Councilperson Evelyn Clarke	AYE
Councilperson Jared Geuss	AYE
Councilperson Kathie Quick	AYE
Councilperson Chris Farrell	AYE
Supervisor Shannon Harris	AYE

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

**EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILPERSON JARED GEUSS TO ENTER INTO EXECUTIVE SESSION AT 9:15 PM FOR THE PURPOSE OF DISCUSSING A REQUEST AND MATTERS RELATING TO PERSONNEL IN THE HIGHWAY DEPARTMENT, WATER DEPARTMENT, BUILDING AND GROUNDS AND TAX COLLECTORS DEPARTMENT. THE MOTION WAS SECONDED BY COUNCILPERSON CHRIS FARRELL. ALL REMEMBERS WERE IN FAVOR. MOTION CARRIED.

**ACTION:**

A MOTION WAS MADE BY COUNCILPERSON FARRELL TO HIRE NORMAN STAFFING, SUBJECT TO LEGAL REVIEW FOR THE POSITIONS OF CUSTODIAN AND TAX COLLECTOR DEPARTMENT AND POSITIONS FILLING TEMPORARY POSITIONS IN THE TOWN OF ESOPUS. THE MOTION WAS SECONDED BY COUNCILPERSON KATHIE QUICK. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILPERSON CHRIS FARRELL TO ADJOURN THE MEETING AT 9:45 PM. THE MOTION WAS SECONDED BY COUNCILPERSON JARED GEUSS. ALL TOWN BOARD MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED.

*Respectively Submitted,*

*Holly A. Netter  
Town Clerk, R.M.C*



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