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**TOWN BOARD WORKSHOP
February 2, 2021 - 7 PM**

A regularly scheduled Town Board Meeting was held on February 2, 2021 via zoom and Live Streamed on the Town of Esopus" Facebook page due to the winter Storm and ongoing pandemic 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

Public Comment: None

***Proposed Local Laws 6&7 (previously known as 12 & 13 of 2020) were introduced October 6, 2020 and Noticed in the Daily Freeman on October 9, 2020. Laws have been referred to the Ulster County Planning Board and Town of Esopus Planning Board on October 16, 2020. On October 20, 2020 the motion was made to continue all of the public hearings for the laws on December 1, 2020. On December 1, 2020 the motion was made to continue the public hearings on December 15, 2020. On December 15, 2020 the public hearings were closed. Laws 6 & 7 were on the agenda at the January 19, 2021 and a motion was made to table these laws until February 2, 2021. All proposed laws were available for review at www.esopus.com

Local Law #6 of 2021 (Formally known as LL#12-2020)- **EAF parts 2 & 3 have been completed**

**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 123-61,
"TERMS DEFINED"**

WHEREAS, the Town of Esopus Town Board proposes to adopt **Local Law No. 6 of 2021**, a Local Law of the Town of Esopus, Ulster County, New York; amending Section 123-61, "Terms Defined" to add a new definition for Motor Freight Terminal, of the Town Code; 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 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 Town of Esopus Town Code to add a new definition for Motor Freight Terminal;

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

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

The act of adopting the proposed local law will not result in any direct or physical adverse environmental impact. It will not result in indirect or secondary effects which threaten adverse physical impacts upon the environment.

The proposed legislative amendments will not propose any actions or land uses that may be different from, or in sharp contrast to current surrounding land use patterns (Full EAF, Part 2, 17[a]). They will not cause the permanent population of the Town to grow by more than 5% (Full EAF, Part 2, 17[b]). They are not inconsistent with the current local land use plan (Full EAF, Part 2, 17[c]). They are not inconsistent with any County plans, or other regional land use plans (Full EAF, Part 2, 17[d]). They will not cause a change in density of development that is not supported by existing infrastructure or is distant from existing infrastructure (Full EAF, Part

2, 17[e]. They are not in an area characterized by low density development that will require new or expanded public infrastructure (Full EAF, Part 2, 17[f]). They may give rise to secondary development impacts, in the nature of residential or commercial development, but such impacts are not currently ascertainable and will not be ascertainable until site-specific proposals are received, at which time they will be subject to legislative or administrative review, as well as review under SEQRA addressing the actual identity and nature of such proposals.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Esopus Town Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.

2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources.

3. The Action does not involve the impairment of any designated critical environmental area.

4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted.

5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character.

6. The Action will not result in a major change in the use of either the quantity or type of energy.

7. The Action will not create a hazard to human health.

8. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses.

9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action.

10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences.

11. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

12. The Action does not involve two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

BE IT FURTHER RESOLVED, that the Town of Esopus Town Board, acting as lead agency, has examined the impacts which may be reasonably anticipated to result from the

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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: Supervisor Harris
Seconded: Councilman Chris Farrell

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

Supervisor Harris	AYE
Councilperson Clarke	AYE
Councilperson Geuss	AYE
Councilperson Quick	AYE
Councilperson Farrell	AYE

DATED: Ulster Park, New York
February 2, 2021

RESOLUTION OF ADOPTION

WHEREAS, a local law was introduced to be known as **Local Law No.6 of 2021**, 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 123-61, "TERMS DEFINED".

WHEREAS, a public hearing in relation to said local law was opened on October 20, 2020 at 7:00 p.m., prevailing time, and closed on December 15, 2020 at 7:23 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:

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Section 1. Section 123-61 of Chapter 123 of the Esopus Town Code is amended to add a new definition reading as follows:

MOTOR FREIGHT TERMINAL

A building or area used for the receipt, transfer, short-term storage, and dispatching of goods transported by trucks, and may include the servicing of trucks associated with the terminal. Shall also include buildings or areas where trucks are parked or located for any period of time as a base of operation, regardless of whether said vehicles are serviced or maintained at the site, and regardless of whether loading, transferring or other shipping activities are carried on at the site. For the purposes of this chapter, Motor Freight Terminal shall not include the use of tractor trailers or similar containers for storage purposes, unless said storage is directly associated with a legally operating Motor Freight Terminal use.

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.

Resolution offered by: Supervisor Harris

Seconded by: Councilman Jared Geuss

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

Supervisor Harris	AYE
Councilman Geuss	AYE
Councilman Quick	AYE
Councilman Farrell	AYE
Councilman Clarke	AYE

DATED: Ulster Park, New York
 February 2, 2021

Local Law #7 of 2021 (Formally known as LL#13-2020)- EAF parts 2 & 3 have been completed

**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
123 ATTACHMENT 1, SCHEDULE OF PERMITTED USES OF SECTION 123-10 TO
ADD USE REGULATIONS FOR MOTOR FREIGHT TERMINAL.**

WHEREAS, the Town of Esopus Town Board proposes to adopt **Local Law No. 7 of 2021**, a Local Law of the Town of Esopus, Ulster County, New York; amending 123 Attachment 1 of Section 123-10, Schedule of Permitted Uses, 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 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

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identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action; and

WHEREAS, the legislation involves updating of 123 Attachment 1 of Section 123-10, Schedule of Permitted Uses 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:

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1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.

2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources.

3. The Action does not involve the impairment of any designated critical environmental area.

4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted.

5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character.

6. The Action will not result in a major change in the use of either the quantity or type of energy.

7. The Action will not create a hazard to human health.

8. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses.

9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action.

10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences.

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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.

Resolution offered by: Supervisor Harris
Seconded by : Councilman Kathie Quick

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

Supervisor Harris	AYE
Councilperson Clarke	AYE
Councilperson Geuss	AYE
Councilperson Quick	AYE
Councilperson Farrell	AYE

DATED: Ulster Park, New York February 2, 2021

RESOLUTION OF ADOPTION

WHEREAS, a local law was introduced to be known as **Local Law No. 7 of 2021**, 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 123 ATTACHMENT 1, SCHEDULE OF PERMITTED USES OF SECTION 123-10 TO ADD USE REGULATIONS FOR MOTOR FREIGHT TERMINAL.

WHEREAS, a public hearing in relation to said local law was opened on October 20, 2020 at 7:00 p.m., prevailing time, and closed on December 15, 2020 at 7:24 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. 123 Attachment 1 of Section 123-10, Schedule of Permitted Uses of the Esopus Town Code is amended to add “Motor Freight Terminal” in the “use” column, and to insert symbol “●” in the column for GC, LI and HI.

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.

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Resolution offered by: Supervisor Harris
Seconded by : Councilman Jared Geuss

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

Supervisor Harris	AYE
Councilperson Clarke	AYE
Councilperson Geuss	AYE
Councilperson Quick	AYE
Councilperson Farrell	AYE

DATED: Ulster Park, New York

February 2, 2021

Local Law No. 8 of 2021 – Repealing Chapter 123, “Zoning”, and replacing it with a new Chapter 123, “Zoning”.

RESOLUTION OF INTRODUCTION

Supervisor Harris, seconded by Chris Farrell,

introduced the following proposed local law, to be known as **Local Law No. 8 of 2021**, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK REPEALING EXISTING CHAPTER 123, “TOWN OF ESOPUS ZONING LAW,” AND REPLACING WITH A NEW CHAPTER 123, “TOWN OF ESOPUS ZONING LAW,” OF THE ESOPUS TOWN CODE.

BE IT ENACTED by the Town Board of the Town of Esopus that Chapter 123 of the Town Code is repealed and replaced and reads as written in the following section:

Section 1.

CHAPTER 123

TOWN OF ESOPUS ZONING LAW

See attached.

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.

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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 Town Law § 254(1), and filing of the local law with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of New York (State Environmental Quality Review Act) ("SEQRA"), the Town Board, as lead agency has classified this Action as a Type 1 Action as defined under said regulations; and

WHEREAS, pursuant to General Municipal Law §239-m, Esopus Town Code §123-51, and Town Law § 264(2), the matter must be referred to the Ulster County Planning Board, the Town of Esopus Planning Board for review and recommendation and to adjacent municipalities; and

WHEREAS, Supervisor Harris advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. She offered the following resolution which was **seconded by Councilperson Chris Farrell**, who moved its adoption; and

WHEREAS, on February 2, 2021, **Supervisor Harris** has introduced this local law for the Town of Esopus, to be known as "Town of Esopus **Local Law No. 8** of the Year 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK REPEALING EXISTING CHAPTER 123, "TOWN OF ESOPUS ZONING LAW," AND REPLACING WITH A NEW CHAPTER 123, "TOWN OF ESOPUS ZONING LAW," OF THE ESOPUS TOWN CODE.

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 1 Town Hall Way, Ulster Park, New York, on February 16, 2021, at 7:00 p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Esopus, by the Town Clerk, at least ten (10) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Esopus will hold a public hearing at the Town Hall, 1 Town Hall Way, Ulster Park, New York on February 16, 2021 at 7:00 p.m., on **Local Law No. 8** of the Year 2021, A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY,

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NEW YORK TO CREATE CHAPTER 123, "TOWN OF ESOPUS ZONING LAW," OF THE ESOPUS TOWN CODE.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Esopus, at the Town Hall, 1 Town Hall Way, Ulster Park, New York between the hours of 10:00 a.m. and 2:00 p.m. by appointment and online at the Town of Esopus Website: <https://www.esopus.com/> on all business days between the date of this notice and the date of the public hearing.

PLEASE TAKE FURTHER NOTICE THAT, given the global COVID-19 pandemic, given the global COVID-19 pandemic, and in accordance with the provisions of the Governor's Executive Order 202.1, the Town Hall is open to the public, but with very limited space and with special requirements (masks, social distancing, and sign-in) for public attendance. However, the Town Board meeting, inclusive of this public hearing, will also be accessible to the public through the media platform called Zoom in order to proceed with Town business and safely maintain social distancing requirements. Members of the community can access the Town Board meeting through Zoom information below. Zoom direct link: <https://zoom.us> Via the Zoom website or application ("app"): Meeting ID 870 6744 3486 Password: 122056. Through Zoom members of the community will be able to participate in the Town Board meeting via computer or phone audio. Members of the community can also simply call into the meeting using the following phone number: 1-646-558-8656 and the meeting ID and meeting password above. Members of the community may submit comments in the form of a voicemail message by calling (845) 328-0483, and by submitting written comments electronically to outreach@esopus.com. The meeting is also broadcast live on Public Access TV Channel 23 and Facebook. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

DATED: Ulster Park, New York

February 2, 2021

HOLLY A. NETTER, TOWN CLERK

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

Supervisor Harris	AYE
Councilperson Clarke	AYE
Councilperson Geuss	AYE
Councilperson Quick	AYE
Councilperson Farrell	AYE

DATED: Ulster Park, New York

February 2, 2021 _____

HOLLY A. NETTER, TOWN CLERK

Local Law No. 9 of 2021 – Repealing Chapter 96, “Lawn Maintenance”, and replacing it with a new Chapter 96, “Property Maintenance.”

RESOLUTION OF INTRODUCTION

Supervisor Harris, seconded by Councilman Evelyn Clarke , introduced the following proposed local law, to be known as **Local Law No. 9** of 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 113, “ABANDONED VEHICLES LAW,” OF THE ESOPUS TOWN CODE.

BE IT ENACTED by the Town Board of the Town of Esopus that Chapter 113 of the Town Code is created and reads as written in the following section:

Section 1.

CHAPTER 113

ABANDONED VEHICLES LAW

[HISTORY: Adopted by the Town Board of the Town of Esopus 5-28-1981 by L.L. No. 7-1981; amended in its entirety 1-11-1995 by L.L. No. 2-1995. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Junkyards — See Ch. **90**.

Landfills — See Ch. **92**.

Vehicles and traffic — See Ch. **115**.

§ 113-1. Purpose.

The outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles and the sale of motor vehicles upon privately owned properties within the Town of Esopus is dangerous, unsightly and a detriment to the preservation of public health, the protection of property and the safety and welfare of the residents of the Town of Esopus. The outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles and the sale of motor vehicles upon privately owned properties within the Town of Esopus constitutes an attractive nuisance to children and a peril to their safety. Such storage constitutes a threat to the safety and welfare of the residents of the Town of Esopus since the fuel tanks frequently contain gasoline or gasoline fumes and may be subject to explosion in case of fire. Such storage depreciates the value of neighboring properties and is unsightly and discourages the orderly, progressive development of the Town of Esopus. The control of the outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles and the sale of motor vehicles upon privately owned properties within the Town of Esopus is therefore regulated for the preservation of the public health, safety and welfare of the residents of the Town of Esopus.

§ 113-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED MOTOR VEHICLES

Any motor vehicle which the owner thereof does not intend to use on the public highways. ~~The intent of the owner of a motor vehicle not to use the motor vehicle on the public highways.~~ The intent of the owner of the motor vehicle may be determined by the physical condition of the motor vehicle, ~~the any~~ statements ~~of the owner of the motor vehicle~~ as to its abandonment, the length of time since the motor vehicle was last used on the public highway and whether the motor vehicle is licensed or unlicensed and other relevant facts. Any motor vehicle which is required by state law to be licensed and/or registered, but which has not been licensed and/or registered for more than 12 months, shall be presumed to be an abandoned motor vehicle. With respect to motor vehicles not required to be licensed, or motor vehicles not customarily used on the public highway, the intent of the owner may be determined by the physical condition of the motor vehicle, the length of time since it was last used for the purposes intended, any statements as to its abandonment, ~~and the statement of the owner~~ and other relevant facts.

DEALER

A person engaged in the business of buying, selling or dealing in motor vehicles, motorcycles or trailers, including mobile home trailers, at retail or wholesale. Any person who sells or offers

for sale more than five motor vehicles, motorcycles or trailers in a calendar year or who displays or permits the display of two or more motor vehicles, motorcycles or trailers for sale at any one time or within any one calendar month upon the premises owned or controlled by him, if such vehicles were purchased, acquired or otherwise obtained by such person for the purpose of resale, will be regarded as a dealer.

DISCARDED MOTOR VEHICLES

Any motor vehicle which the owner thereof, as established by surrounding circumstances, does not intend to recover possession thereof or any motor vehicle to which ownership cannot be reasonably determined with due inquiry.

JUNKED MOTOR VEHICLES

Any motor vehicle whether automobile, bus, truck, trailer, tractor or any other vehicle intended for highway use that is unlicensed, old, wrecked, discarded, abandoned or dismantled or partially dismantled, which is no longer intended or in condition for legal use upon the public highway. With respect to any motor vehicle not required to be licensed or a motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than three months and is not in condition to be moved under its own power shall be presumptive evidence that such motor vehicle is a "junked motor vehicle."~~Any motor vehicle in such condition as to cost more to repair in order to place such motor vehicle in operating condition than the value of the motor vehicle at any given time.~~

MOTOR VEHICLE

Every motor vehicle designed and intended to be operated, drawn or driven or capable of being driven or operated, drawn or driven upon a public highway by any power other than muscular power. For the purposes of this chapter, "motor vehicles" shall include, but not be limited to, automobiles, trucks, buses, motorcycles, recreational vehicles, and trailers, tractors used exclusively for agricultural purposes, self-propelled combines, self-propelled corn and hay harvesting machines and self-propelled Caterpillar or crawler type equipment and shall also include motorcycles, omnibuses, trailers and house trailers.

RECREATIONAL VEHICLE

A vehicular-type portable structure, without permanent foundation, which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, motor homes, fifth-wheel trailers, or vans.

OWNER OF MOTOR VEHICLE

A person having property in or title to a motor vehicle. The term includes a person entitled to

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the use and possession of a vehicle subject to a security interest in another person and also includes any lessee or bailee of a motor vehicle having the use thereof under lease or otherwise.

OWNER OF PRIVATE PROPERTY

Includes the legal owner, contract purchaser, tenant, lessee, occupant, undertenant, receiver or assignee of premises or property located within the Town of Esopus.

PRIVATE PREMISES OR PROPERTY

Includes all parcels of real property situate in the Town of Esopus, whether occupied or vacant, irrespective of size ~~of~~or topography.

UNLICENSED MOTOR VEHICLE

Any motor vehicle required to be, but which has not been licensed or registered with the ~~proper~~ authoritiesState of New York for a period of at least 30 days from the expiration of the last valid licensing, with the exception of those motor vehicles in the possession of authorized used car dealers or ~~garagemen~~automobile repair shop for the purpose of sale or repair.

§ 113-3. Outdoor storage on private lands prohibited.

- A. It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise of any private property within the Town of Esopus, to store or deposit or cause or permit to be stored or deposited an abandoned, junked, discarded or unlicensed motor vehicle or vehicles upon any private land within the corporate limits of the Town of Esopus, unless:-
 - 1. Such motor vehicle is stored in a completely enclosed building, provided not more than one motor vehicle is stored within said completely enclosed building per lot or contiguous lots under the same ownership.
 - 2. Such motor vehicle is under repair, reconstruction, or refurbishing by the owners thereof who must actually be residing upon the premises. Not more than one motor vehicle shall be permitted at any one time on any premises. Such motor vehicle must be so maintained and protected as to not create any safety hazard or nuisance to surrounding property owners and shall not remain on the premises more than twelve months.

3. Such motor vehicle is temporarily stored on the premises of a dully authorized automobile repair shop in accordance with all applicable regulations.

4. Such motor vehicle is stored on the premises of an active farm operation within a county adopted State certified agricultural district and is used in connection with farm work. Such motor vehicle must be so maintained and protected as to not create any safety hazard to surrounding property

~~B. Anything to the contrary notwithstanding, one roadworthy unlicensed vehicle or one unlicensed antique car in the process of restoration may be stored on private property in the Town of Esopus for a maximum of 12 months.~~

§ 113-4. Sale of motor vehicles.

- A. It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise of any property within the Town of Esopus, to sell more than five motor vehicles in a calendar year and not more than two such motor vehicles at any one time within any calendar month, except as set forth below. A New York State registered dealer, as set forth in the Vehicle and Traffic Law, may sell such motor vehicles as permitted by law, but may only do so at locations designated as a place of business on the New York State dealer's registration, and provided that the necessary approvals as set forth in this chapter are obtained.
- B. The dealer shall provide, upon twenty-four-hour notice by the Town of Esopus Zoning Officer or Building Inspector, such inventory books and MV-50 forms as requested. The dealer shall display his New York State dealer's registration sign as required by New York State law at each location motor vehicles are located.
- C. Any person selling vehicles contrary to the provision of the Vehicle and Traffic Law shall also constitute a violation of this chapter and shall be deemed an offenses as set forth below.

§ 113-5. Notice of Violation.

If the provisions of the foregoing section are violated, the Zoning Enforcement Officer or the Building Inspector shall serve written notice, either personally or by mail, upon the owner, occupant or person having charge of any such private property to comply with the provisions of this chapter. The aforesaid town official may determine ownership of any parcel of land within the Town of Esopus from the then- current tax rolls of the Town of Esopus and may serve written notice upon such owner by mailing such notice by regular mail to the owner of the address listed in the then-current tax rolls. In the event that the aforesaid town official

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cannot determine the owner or address of the owner of a parcel of land within the Town of Esopus, the aforesaid town official may serve written notice by publishing said written notice in the official newspaper of the Town of Esopus for two consecutive weeks. The notice shall be in substantially the following form:

To the owner, occupant or person having charge of land within the Town of Esopus known as:
(insert Tax Map No. or Account No.)

Notice is hereby given that an abandoned, junked, discarded, unlicensed or for-sale motor vehicle(s) has been stored or deposited on the above-described property in the Town of Esopus. This or these vehicles(s) must be removed within 10 days from the date of this notice.

In the event that this notice is served upon you by publication, the vehicle(s) must be removed within 24 days from the first date of publication of this notice.

In case you fail or refuse to comply with this notice on or before the expiration of said 10 days from the date of this notice or before the expiration of said 24 days from the date of this notice, in the event it is served upon you by publication, you are hereby summoned to appear before the Town Justice of the Town of Esopus on to show cause why the Town of Esopus, acting through its duly authorized agents, servants, officers and employees, should not enter upon your land and remove said motor vehicle(s) and cause the same to be destroyed. In the event that the Town Justice of the Town of Esopus orders the aforementioned motor vehicle(s) to be removed and destroyed, the expense incurred by the Town of Esopus will be assessed against the above-described property and shall constitute a lien thereon and be collected as provided by law.

Town of Esopus Zoning Enforcement
Officer/Building Inspector

§ 113-6. Penalties for offenses

A violation of this chapter shall be deemed an offense, and all persons, including corporations, found in violation shall be subject to a fine of not more than ~~\$250~~350 or to imprisonment for a term of not more than 15 days, or both.

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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 upon filing of the local law with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of New York (State Environmental Quality Review Act) (“SEQRA”), the Town Board, as lead agency has classified this Action as an Unlisted Action as defined under said regulations; and

WHEREAS, Supervisor Harris advised the Town Board that, pursuant to (a) Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law; and (b) Section 239-m of the General Municipal Law, it will be necessary to refer this Local Law to the Ulster County Planning Board. She offered the following resolution which was seconded by **Councilperson Eveylyn Clarke**, who moved its adoption; and

WHEREAS, on February 2, 2021, Supervisor Shannon Harris_ has introduced this local law for the Town of Esopus, to be known as “Town of Esopus **Local Law No. 9 of the Year 2021**, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 113, “ABANDONED VEHICLES LAW,” OF THE ESOPUS TOWN CODE.

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 1 Town Hall Way, Ulster Park, New York, on February 16, 2021, at 7:00 p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Esopus, by the Town Clerk, at least ten (10) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Esopus will hold a public hearing at the Town Hall, 1 Town Hall Way, Ulster Park, New York on February 16, 2021 at 7:00 p.m.,

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on **Local Law No. 9** of the Year 2021, A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 113, "ABANDONED VEHICLES LAW," OF THE ESOPUS TOWN CODE.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Esopus, at the Town Hall, 1 Town Hall Way, Ulster Park, New York between the hours of 10:00 a.m. and 2:00 p.m. by appointment and online at the Town of Esopus Website: <https://www.esopus.com/> on all business days between the date of this notice and the date of the public hearing.

PLEASE TAKE FURTHER NOTICE THAT, given the global COVID-19 pandemic, given the global COVID-19 pandemic, and in accordance with the provisions of the Governor's Executive Order 202.1, the Town Hall is open to the public, but with very limited space and with special requirements (masks, social distancing, and sign-in) for public attendance. However, the Town Board meeting, inclusive of this public hearing, will also be accessible to the public through the media platform called Zoom in order to proceed with Town business and safely maintain social distancing requirements. Members of the community can access the Town Board meeting through Zoom information below. Zoom direct link: <https://zoom.us> Via the Zoom website or application ("app"): Meeting ID 870 6744 3486 Password: 122056. Through Zoom members of the community will be able to participate in the Town Board meeting via computer or phone audio. Members of the community can also simply call into the meeting using the following phone number: 1-646-558-8656 and the meeting ID and meeting password above. Members of the community may submit comments in the form of a voicemail message by calling (845) 328-0483, and by submitting written comments electronically to outreach@esopus.com. The meeting is also broadcast live on Public Access TV Channel 23 and Facebook. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

DATED: Ulster Park, New York
February 2, 2021

Holly A. Netter, Town Clerk, RMC

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

Supervisor Harris	AYE
Councilman Geuss	AYE
Councilman Quick	AYE
Councilman Farrell	AYE
Councilman Clarke	AYE

DATED: Ulster Park, New York
February 2, 2021

Holly A. Netter, Town Clerk, RMC

Local Law No. 10 of 2021 – Creating a new Chapter 91 of the Esopus Town Code, “Noise Control.”

RESOLUTION OF INTRODUCTION

Supervisor Harris, seconded by **Councilman Chris Farrell**, introduced the following proposed local law, to be known as **Local Law No. 10** of 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK REPEALING CHAPTER 96, “LAWN MAINTENANCE” AND REPLACING WITH CHAPTER 96, “PROPERTY MAINTENANCE LAW,” OF THE ESOPUS TOWN CODE.

BE IT ENACTED by the Town Board of the Town of Esopus that Chapter 96 of the Town Code is repealed and replaced and reads as written in the following section:

Section 1.

CHAPTER 96

PROPERTY MAINTENANCE LAW

§ 96-1. Title.

This chapter shall be known as the “Property Maintenance Law of the Town of Esopus.”

§ 96-2. Legislative intent.

The purpose of this chapter is to provide for a sanitary and hazard-free environment for the citizens of the Town of Esopus. This type of environment is declared to be of vital importance to the health, safety, and welfare of the citizens of the Town of Esopus. It is also the intent of this chapter to provide minimum standards for the maintenance of all property to be enforced by the Town in its effort to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation within its borders, and to ensure that all premises within the Town are maintained in a manner consistent with their use and which protect the

health, safety, and welfare of the general public. Such enforcement is deemed essential to the maintenance and continued development of the diverse economy of the Town of Esopus. Therefore, recognizing the above and the need of the community for an effective and well-regulated procedure for the maintenance of all property, public or private and whether improved or vacant, the Town Board does hereby enact this chapter.

§ 96-3. Applicability and exemptions.

- A. Compliance required. Except where specifically exempted, all residential, commercial, industrial, and public property located within the Town of Esopus, whether improved or vacant, shall be maintained in conformity with the provisions of this chapter.
- B. Agricultural operations. Except where otherwise indicated, the requirements of this law shall apply to Agricultural Operations, as defined herein, and which are conducted within a state-certified agricultural district.

§ 96-4. Compliance with Building Code.

Any alterations to buildings, structures or appurtenances thereto which may be caused directly or indirectly by the enforcement of this chapter shall be done in accordance with Chapter 56, "Building Construction" of the Town of Esopus Code, and all other applicable sections of the Town of Esopus Code, and the New York State Uniform Fire Prevention and Building Code.

§ 96-5. Conflict with other laws.

Where a provision of this chapter is found to be in conflict with any provision of an existing Town of Esopus law, ordinance, or regulation, or regulations of the State of New York or any of its agencies or authorities, the provisions or requirements which are more restrictive or which establishes the higher standard shall prevail, unless exempted by New York State.

§ 96-6. Abandoned, junked, discarded and unlicensed motor vehicles. Except where stated otherwise herein, the outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles shall be regulated by Chapter 113, "Abandoned Vehicles" of the Town of Esopus Code.

§ 96-7. Effect on existing remedies

Nothing in this chapter shall be deemed to abolish or impair existing remedies of the Town of Esopus or its officers or agencies relating to the repair, removal or demolition of any buildings which are deemed to be dangerous or unsafe to the public from any cause whatsoever, in accordance with **Chapter 59, "Unsafe Building Demolition Law"** of the Town of Esopus Code.

§ 96-8. Responsibilities of occupants.

Unless specifically exempted herein, all owners, operators, and tenants of property in the Town of Esopus shall be responsible for compliance with the provisions of this chapter.

§ 96-9. Lot maintenance.

No person owning, leasing, renting, occupying, being in possession of or having charge of any property in the Town, including vacant lots, shall maintain or allow to be maintained on such property, any of the following conditions, unless otherwise exempted:

- A. Junk, trash, litter, discarded boxes, discarded lumber, salvaged materials, construction and demolition debris, crates, pallets, broken or discarded furniture, household equipment, furnishings, or other similar materials in any front yard, side yard, rear yard, or vacant lot, excepting when placed in appropriate trash receptacles for regular removal. This prohibition shall not include salvaged material, crates, pallets and other similar material not considered junk, trash, litter or similar debris, and which is directly associated with a legally operating business. Said materials associated with a legally operating business may be allowed to be stored outside provided they are adequately screened from public rights-of-ways and adjoining property and the operation is in compliance with all applicable regulations and approvals.
- B. The storage of abandoned, wrecked or unregistered boats (for those requiring registration) or other watercraft.
- C. The use of a bus, uninhabited manufactured home, truck trailer, horse trailer, semi-trailer, tank truck, or similar vehicle units for storage, unless specifically authorized in accordance with Chapter 123, "Town of Esopus Zoning Law."
- D. Attractive nuisance affecting the health of Town of Esopus residents or visitors, including, but not limited to, the storage of abandoned, broken or neglected equipment, machinery, refrigerators and freezers, or leaving exposed open excavated areas, including, but not limited to wells or shafts.
- E. No shopping baskets, carts, or wagons shall be left unattended or standing in open areas. For commercial businesses, baskets, carts, or wagons shall be collected at the close of business each day by the owner or operator of the associated establishments and removed to the interior of the building or buildings, or to a designated storage area which does not hinder pedestrian or vehicular movement.
- F. Any accumulation of weeds or other vegetation which exceeds an average height of 10 inches, except that which is kept in a neat and orderly manner for human consumption, or any accumulation of dead organic matter, offal, rat harborages, stagnant water, combustible materials and similar materials, or conditions which would constitute a fire, health, or safety hazard. However, this shall not apply to cultivated flowers, gardens, or agricultural uses.

- G. Any vegetative overgrowth that adversely affects neighboring properties, sidewalks or public rights-of-ways.

§ 96-10. Lot maintenance on agricultural operations within state-certified agricultural districts.

Lot maintenance on agricultural operations within state-certified agricultural districts shall be regulated as follows.

- A. Agricultural operations within state-certified agricultural districts are strongly encouraged to maintain areas of their property visible from public rights-of-ways free of junk, trash, litter, discarded boxes, discarded lumber, salvaged materials, construction and demolition debris, crates, pallets, broken or discarded furniture, household equipment, furnishings, or other similar materials, excepting when placed in appropriate trash receptacles for regular removal.
- B. Salvaged material, equipment, crates, pallets and other similar material not considered junk, trash, litter or similar debris, which is associated with the agricultural operation within state-certified agricultural districts, may remain visible from public rights-of-ways. The Town of Esopus strongly encourages such material to be stored and maintained in a manner that does not negatively detract from the Town's desired community character of well-maintained properties.
- C. Attractive nuisances affecting the health of Town of Esopus residents or visitors, including, but not limited to the storage of abandoned, broken or neglected equipment, machinery, refrigerators and freezers, and leaving exposed open excavated areas, including, but not limited to wells or shafts, shall be prohibited.
- D. The use of a semi-trailer, tank truck, bus, truck trailer, horse trailer or similar vehicle units for storage of materials associated with an agricultural operation within a state-certified agricultural district is permitted. The Town of Esopus strongly encourages vehicle units used for said storage to be located in such a manner as to minimize their visibility from public rights-of-ways. Alternatively, it is strongly encouraged for such vehicle units to be located adjacent to or nearby existing structures, equipment or other vehicle units to consolidate, limit their overall visibility and contribute towards the Town's desired community character of well-maintained properties.
- E. No vehicle unit or equipment of any kind shall be stored in a manner that endangers motorists, bicyclists or pedestrians or that may otherwise threaten public health and safety.
- F. Any unused semi-trailer, tank truck, bus, truck trailer, horse trailer, or similar vehicle units stored on property of an active agricultural operation within a state-certified agricultural district are strongly encouraged to be located in areas and/or screened

to limit their visibility from public rights-of-ways to assist the Town in preserving and enhancing the desired community character of well-maintained properties.

§ 96-11 Buildings and structure maintenance.

The following requirements shall apply to all properties and uses within the Town of Esopus.

- A. Exterior walls, roofs, and other parts of buildings shall be free from loose, unsecured and improperly secured objects and materials. Such objects or materials shall be removed, repaired, or replaced.
- B. The owner of vacated buildings shall take such steps and perform such acts as may be required from time to time to ensure that all buildings and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public. All openings shall be securely fastened to prevent trespassing or animal or vermin entry or harborage.
- C. All lighting systems shall be maintained in a fully operable, clean, and safe condition.
- D. All swimming pools shall be maintained and operated in a clean, safe, and sanitary manner. Swimming pool recirculation and disinfection equipment shall be operated to maintain water quality.
- E. All decorative pools, fountains, architectural garden features, and similar items shall be maintained free of litter and operated as intended. Should these devices be abandoned or should they deteriorate because of lack of adequate maintenance, the owner shall either repair, remove, or replace these items within five days of written notice.

§ 96-12. Drainage

The following requirements shall apply to all properties and uses within the Town of Esopus.

- A. Surface and subsurface water shall be appropriately drained to protect property, including buildings and structures and to prevent the development of standing water.
- B. No roof, foundation, or sump pump drainage shall be discharged directly onto adjacent property, across or onto a sidewalk, town, county or state road, or any public right-of-way or in a manner that creates a nuisance to the owners or occupants of adjacent premises or to the public or creates a structural, safety, or health hazard by reason of construction, maintenance, or manner of discharge.
- C. Any drainage or discharge which creates a nuisance to the owners or occupants of adjacent premises or to the public or a structural, safety, or health hazard by reason of construction, maintenance, or manner of discharge, shall be immediately abated by the owner of the drained area.
- D. For the purposes of this section, a nuisance includes, but is not limited to, the discharge or drainage of water that results in the accumulation of standing or

freezing water or which causes the erosion of soils on any public property, right-of-way or neighboring private property.

§ 96-13. Trash disposal and receptacles.

The following requirement shall apply to all properties and uses within the Town of Esopus.

- A. Adequate sanitary facilities and methods shall be used for the collection, storage, handling, and disposal of garbage and refuse.
- B. Dumpsters and similar large receptacles shall be screened from public streets, rights-of-way, and areas where pedestrians frequently travel. Said screening shall consist of a solid row of evergreens, or solid fencing to hide the dumpster/receptacle from public view.
- C. Shopping centers, supermarkets, and similar businesses shall provide appropriate sanitary litter receptacles for public use. Receptacles shall be of sufficient numbers and size to accommodate small items of patron's trash and be appropriately emptied at regular intervals.

§ 96-14. Notice of violation.

All written notices under this section shall be served by posting a copy of such violation notice upon the front portion of the property or upon the main structure and by mailing a copy of such notice by certified mail, return receipt requested, to the last known address of the property owner as it appears on the current assessment records of the Town.

§ 96-15. Public hearing; removal by Town; assessment of expense.

Upon the failure of an owner, operator or person in control with notice to correct a condition complained of within 30-days of the date the notice was posted and mailed, the Town Board shall hold a public hearing.

- A. The public hearing shall be held upon notice posted conspicuously on the affected property and forwarded to the last known address of the property owner, as it appears on the current assessment records of the Town, by certified mail, return receipt requested. Posting and service of such notice shall not be less than 10 days prior to the date of the public hearing. The public hearing shall be held within 30-days of the posting and service of such notice.
- B. The Town Board, after a public hearing as provided for herein, may cause the correction of the violation, upon the failure of such owner, operator, or person in control to comply with any requirements and/or conditions of the Town Board. Said correction of the violation may be performed by the Town of Esopus or by its designee, or agent, including a private contractor. The Town Board shall ascertain the cost of the proceeding and the costs of removal and asses such expense, plus a

fee for administration and overhead of 25% against the record owner of the property. Thereupon, said charges shall become and be a lien upon the property on which the removal was performed and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes levied against such property.

- C. The correction of the violation by the Town in accordance with this chapter shall not operate to excuse such owner, operator or person in control from properly maintaining the premises as required by this chapter, and such owner, operator or person in control shall, notwithstanding such action, be subject to any other penalties as provided for herein.

§ 96-16. Penalties for offenses.

- A. A violation of this chapter or regulation is hereby declared to be an offence, punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed 15 days, or both.
- B. Each 24 hours during which a violation shall continue constitutes a separate and distinct violation within the meaning of this chapter. However, for the purpose of conferring jurisdiction upon courts and judicial officers, violations of this chapter or regulations shall be deemed violations, and for such purpose only, all provisions of law relating to violations shall apply to such offenses.

§ 96-17. Severability.

If any provision, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

§ 96-18. Conflicts.

All other chapters, ordinances or local laws and any parts thereof which are inconsistent or conflict with any part of this chapter are hereby repealed to the extent of any inconsistency or conflict.

§ 96-19. Definitions.

- A. Word usage. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.
- B. As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURAL OPERATIONS

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Lands primarily used for Agricultural Uses, as defined herein and which may or may not be conducted within a state certified agricultural district. Agricultural lands need not be in active use and may be considered such if left to lay fallow as part of regular crop rotation or any prevailing market circumstances.

AGRICULTURAL USES

The practice of cultivating soil, producing crops, and raising livestock and other animals or insects and/or the preparation and marketing of the resulting products in compliance with State regulations. Uses shall be either traditional in the Hudson Valley or those recognized as agricultural in nature by the State of New York Agriculture and Markets Laws.

BOAT

A vessel capable of carrying one or more people and intended for use on the water. For the purposes of this chapter, "boat" shall include a canoe, rowboat, kayak, paddle board, motor boat, Jet Ski, wave runner and other similar watercraft.

BUILDING

Any structure which is permanently affixed to the land, has one or more floors and a roof and is intended for the shelter, housing or enclosure of persons, animals or equipment or goods.

JUNK

Discarded, broken, or disabled material including, but not limited to, furniture, appliances, toys, or other items that are not in functioning condition.

LITTER

Discarded waste materials, including but not limited to, paper wrappings, packaging materials, discarded or used bottles, and discarded or used cans.

MOTOR VEHICLE

All vehicles propelled or drawn by power other than muscular power, including automobiles, all-terrain vehicles, motorboats, recreational vehicles, and towing and travel trailers.

OWNER

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Any person owning property, as shown on the real property records of Ulster County or on the last assessment role for taxes; and shall also mean any lessee, tenant or other person having control or possession of the property.

PROPERTY

A lot, plot, or parcel of land, including any structures thereon.

STRUCTURE

A static construction of building materials, including buildings, mobile homes, stadia, platforms, towers, sheds, storage bins, antennas and other receivers, swimming pools and the like.

TRASH

Waste food products and other household garbage.

VERMIN

Various small animals, such as rats, that may be destructive or injurious to health and/or property.

YARD

A space unoccupied by structures on the same lot with a building or structure.

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 upon filing with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of New York (State Environmental Quality Review Act) ("SEQRA"), the Town Board, as lead agency has classified this Action as an Unlisted Action as defined under said regulations; and

WHEREAS, pursuant to General Municipal Law §239-m the matter must be referred to the Ulster County Planning Board for review and recommendation; and

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WHEREAS, Supervisor Harris advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. She offered the following resolution which was seconded by **Councilman Chris Farrell**, who moved its adoption; and

WHEREAS, on February 2, 2021, **Supervisor Harris** has introduced this local law for the Town of Esopus, to be known as "Town of Esopus **Local Law No. 10** of the Year 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO CREATE CHAPTER 96, "PROPERTY MAINTENANCE LAW", OF THE ESOPUS TOWN CODE.

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 1 Town Hall Way, Ulster Park, New York, on February 16, 2021, at 7:00 p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Esopus, by the Town Clerk, at least ten (10) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Esopus will hold a public hearing at the Town Hall, 1 Town Hall Way, Ulster Park, New York on February 16, 2021 at 7:00 p.m., on **Local Law No. 10** of the Year 2021, A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO CREATE CHAPTER 96, "PROPERTY MAINTENANCE LAW", OF THE ESOPUS TOWN CODE.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Esopus, at the Town Hall, 1 Town Hall Way, Ulster Park, New York between the hours of 10:00 a.m. and 2:00 p.m. by appointment and online at the Town of Esopus Website: <https://www.esopus.com/> on all business days between the date of this notice and the date of the public hearing.

PLEASE TAKE FURTHER NOTICE THAT, given the global COVID-19 pandemic, given the global COVID-19 pandemic, and in accordance with the provisions of the Governor's Executive Order 202.1, the Town Hall is open to the public, but with very limited space and with special requirements (masks, social distancing, and sign-in) for public attendance. However, the Town Board meeting, inclusive of this public hearing, will also be accessible to the public

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through the media platform called Zoom in order to proceed with Town business and safely maintain social distancing requirements. Members of the community can access the Town Board meeting through Zoom information below. Zoom direct link: <https://zoom.us> Via the Zoom website or application ("app"): Meeting ID 870 6744 3486 Password: 122056. Through Zoom members of the community will be able to participate in the Town Board meeting via computer or phone audio. Members of the community can also simply call into the meeting using the following phone number: 1-646-558-8656 and the meeting ID and meeting password above. Members of the community may submit comments in the form of a voicemail message by calling (845) 328-0483, and by submitting written comments electronically to outreach@esopus.com. The meeting is also broadcast live on Public Access TV Channel 23 and Facebook. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

DATED: Ulster Park, New York

February 2, 2021

Holly A. Netter, Town Clerk, RMC

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

Supervisor Harris	AYE
Councilman Geuss	AYE
Councilman Quick	AYE
Councilman Farrell	AYE
Councilman Clarke	AYE

DATED: Ulster Park, New York

February 2, 2021

Holly A. Netter, Town Clerk, RMC

Local Law No. 11 of 2021 – Creating a new Chapter 101 of the Esopus Town Code, “Rental Properties Registration.”

RESOLUTION OF INTRODUCTION

Supervisor Harris, seconded by Councilman Quick, introduced the following proposed local law, to be known as **Local Law No. 11** of 2021, entitled A LOCAL LAW OF THE TOWN OF

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ESOPUS, ULSTER COUNTY, NEW YORK TO CREATE CHAPTER 101, "RENTAL PROPERTIES REGISTRATION," OF THE ESOPUS TOWN CODE.

BE IT ENACTED by the Town Board of the Town of Esopus that Chapter 101 of the Town Code is created and reads as written in the following section:

Section 1.

CHAPTER 101

RENTAL PROPERTIES REGISTRATION

§ 101-1 TITLE

This Chapter shall be known and may be cited as the Rental Property Registration Law of the Town of Esopus.

§ 101-2 DEFINITIONS

A. As used in this Chapter, these terms shall have the meanings indicated as follows:

Action or Proceeding

Any Action or Proceedings which may be instituted in the Town Court of the Town of Esopus or the County Court of the County of Ulster or the Supreme Court of the County of Ulster or any court of competent jurisdiction with an alleged violation of any law of the Town of Esopus.

Building

Any improved real property, residential or mixed use (commercial-residence), located within the Town of Esopus that has five or more rental units.

Managing Agent

A person over 21 years old, residing or doing business within 30 miles of the subject rental property, who shall be responsible for the care and management of such property and is authorized by the property owner to accept legal process on behalf of the owner when the owner resides or has its principal place of business located more than 30 miles from the subject rental property.

Owner

Any individual or individuals, partnership, Limited Liability Company, Corporation or any business organization, whether for profit or otherwise, in whose name title to a Rental Property is held, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm, Limited Liability Company or corporation directly or indirectly in control of the property.

Rental Property

Includes all properties in the Town of Esopus which have five or more residential units that are either rented, leased, let or hired out to be occupied for residential purposes and shall include residential or mixed use (commercial-residential) properties.

§ 101-3 LANDLORD REGISTRATION STATEMENT

- A. Every Owner of a Rental Property as above defined shall file with the Building Inspector of the Town of Esopus, within 90 days from the enactment date of this law, a landlord registration statement on forms to be supplied by the Building Inspector of the Town of Esopus.
- B. It shall be unlawful for any Owner of a Rental Property to offer for rent, or to rent any unit, or to allow any rental unit to be occupied without having first registered pursuant to this article as required herein within the time prescribed for such registration. Failure to receive notice of the registration deadline will not excuse failure to register the Rental Property. It is the Owner's responsibility to fulfill the requirements of this article.
- C. The registration form shall contain:

1. A description of the premises by street number or block and lot number, including tax identification number.
2. The Owner's name, residential address, and mailing addresses together with their business telephone number, home phone number, cell phone number, fax number, as well as e-mail address, or if such Owner is a corporation, Limited Liability Company or other entity, the name and address of such corporation, Limited Liability Company or other entity, and the name, residence, business address, together with the residence, business telephone numbers, cell phone numbers, fax numbers and e-mail addresses, if any, of all officers.
3. Designation of managing agent. The Owner must designate a managing agent. The Owner shall provide the following information to the Building Inspector of the Town of Esopus: the name, residence, business and e-mail address and residence, business and cell telephone numbers of a natural person, 21 years of age or over, who shall reside within a 30 mile radius of the subject rental property, and who shall be designated by such Owner as a managing agent responsible for and in control of the maintenance and operation of such dwelling, and who shall be designated as the person upon whom process may be served on behalf of the Owner. The managing agent and/or Owner shall keep a current record of all the tenants, and their names and addresses, who are renting, leasing or living in the premises. There shall be endorsed upon such statements a written consent to such designation signed by such managing agent. An Owner who is a natural person and who meets the requirements of this subsection as to the location of the residence or place of transacting business of a managing agent may designate themselves as such managing agent.
4. The Owner shall be obligated, at all times, to keep this information updated, and when there is a change in Ownership or a change in the managing agent, the Owner shall be obligated to update the information by amending the landlord registration statement within 15 days from the date of any such change.

- D. Upon completion and execution and submission of the landlord registration statement as aforesaid, said registration shall be reviewed by the Building Inspector of the Town of Esopus or its designee for adequacy. Should the Building Inspector and/or its designees determine that said application is incomplete, defective or untruthful for any reason, said application shall be marked "rejected" and returned to the filer. A rejected application shall not be deemed to comply with the following provisions of this article.
- E. It shall be the responsibility of each Owner to timely notify the Building Inspector of the Town of Esopus whenever the information provided in the landlord registration statement has become outdated or for any reason is inaccurate.
- F. A copy of the approved application shall be required and shall be a condition precedent before the Owner shall be entitled to rent any unit contained in the Rental Property.
- G. Where, after filing of any landlord registration statement in relation to any Rental Property under the applicable provisions of this article, the Owner of such property shall have granted or transferred their right, title or interest therein or in any part thereof, such Owner shall file with the Town of Esopus Building Inspector within 15 days after such grant or transfer a written statement which, under oath, shall contain the name and residence, business addresses, business and home telephone, cell phone numbers, fax numbers and e-mail of the grantee, transferee or other successor of such right, title and interest, or if such grantee, transferee or successor is a corporation, the name and address of such corporation, including the names of all officers, their addresses, business and residence phone and cell numbers as well as e-mail addresses and fax numbers. If the Owner is a Limited Liability Company, the names of all Managing Members, their addresses, business and residence phone and cell numbers as well as e-mail addresses and fax numbers. If the Owner is unable with due diligence to secure the aforementioned information, then the Owner shall immediately notify the Building Inspector of the Town of Esopus in writing of this fact.
- H. Where, after the filing of any landlord registration statement with the Building Inspector of the Town of Esopus pursuant to the applicable provisions of this article, any change

other than a designation of a different managing agent or a change of Ownership or interest occurs in any name, residence or any business address of a list of officers required to be included in such statement, the Owner, within 15 days after such change shall file a statement under oath setting forth the particulars of such change so as to supply the information necessary to make currently correct the last landlord registration statement filed pursuant to the applicable provisions of this section.

- I. An Owner may terminate such designation by filing with the Building Inspector of the Town of Esopus a sworn written statement designation a new managing agent made in conformity with the provisions herein above cited.
- J. Any landlord registration statement or designation of a managing agent required to be filed with the Building Inspector of the Town of Esopus by any Owner of a Rental Property under the provisions of this section shall be signed by such Owner, or if such Owner is a corporation, by an officer thereof, or if such Owner is a partnership, by a partner thereof or if said Owner is a Limited Liability Company, by a Managing Member thereof and said statements must be sworn to under the penalties of perjury.
- K. Any such landlord registration statement or designation of a managing agent shall be deemed prima facie proof of the statement therein contained in any criminal or civil prosecution against the Owner or managing agent of a Rental Property.

§ 101-4 INSPECTION REQUIREMENTS

- A. In accordance with the Fire Code of New York State and Property Maintenance Code of New York State, the Building Inspector of the Town of Esopus or its authorized designee or agent shall make provisions for inspections of each Rental Property, which is subject to the provisions of this article. The Building Inspector shall notify each Owner and/or managing agent of each Rental Property as to the time and place of such inspection. The inspection shall be for the purpose of determining compliance with all applicable rules and regulations concerning safety and maintenance of all rules and regulations applicable to said Rental Property. In addition, the Owner and/or managing agent shall

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be obligated to review the contents of the landlord registration statement to determine if all said information is up to date, complete and accurate in all respects.

- B. Any inspection report issued pursuant to Subsection A of this section which reveals the presence of a violation shall be remedied by the owner within the time stated in the report. Failure to bring any building and/or residential rental property into conformance with such report and/or to remedy within the time set forth therein shall constitute a violation of this article, it being expressly understood that this provision shall not constitute the exclusive remedy of the Town of Esopus but shall be an addition thereto. The inspection shall follow the following procedure:
- C. Tenant List. The property Owner shall certify or affirm that their name, address and contact information for each tenant or subtenant occupying each dwelling unit. Any property Owner who fails to maintain said information shall be guilty of a violation of this chapter, which is hereby declared to be a violation, and upon conviction thereof, shall be punished by a fine not to exceed the amount set forth in the schedule or penalties, fees and fines set forth herein.

101-5 OWNERS' OBLIGATIONS

- A. In the event that the Owner schedules or the Owner learns that the utility service provider is scheduling a cessation or interruption of: electric power or of gas or fuel to the Rental Property, Owner shall notify the Tenants and the Town of Esopus Supervisor and Building department at least 48 hours in advance of said cessation or interruption of service.
- B. Owner will provide each tenant as well as the Town of Esopus Supervisor and Building Department with the name, address, telephone number and email address of the Managing Agent to contact in the event of an on-site emergency other than dialing 911. Said individual(s) must be able to respond and address on site emergencies 24 hours per day, every day of the year.
- C. Owner shall maintain a master list for all rental units identifying the head of household with their unit number and their landline or cellphone or telephone number. Owner

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shall immediately contact each such individual in the event of an emergency to apprise the tenant the nature of the emergency and the action that must be taken.

- D. Owner shall provide each Tenant with a current list of all motels/hotels within an eight mile radius including those facilities which accept pets and which could be used for temporary shelter in the event that tenants must be relocated due to an emergency or other on-site condition requiring the tenants to vacate.
- E. Owner shall prepare and provide to each Tenant and to the Town of Esopus Supervisor and Building Department the protocol which the Owner will follow for individual and mass communications to ensure that each Tenant is promptly notified of any on-site emergency.
- F. Owner will prepare and provide to the Town of Esopus Supervisor and Town Building Inspector a diagram showing the location of each building, apartment, and structure on the Rental Property and also delineating the location of all utility lines and utility facilities extant on the Rental Property.

101-6 ENFORCEMENT

This local law may be enforced by seeking civil penalties or by instituting a criminal Proceeding or both.

- A. The Owner(s) or a designating managing agent of an Owner may be served with a notice of violation, order of remedy, order of violation, an appearance ticket or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law as it actually served upon the Owner.
- B. No Owner who designates a managing agent pursuant to the provisions of this article may assert the defense of lack of notice or lack of in person jurisdiction based solely upon the service of process upon his designated agent.

§ 101-7 SERVICE OF PAPERS - NOTICE OF VIOLATIONS

Service of papers and notice of violations shall be:

- A. By delivering to and leaving a copy of the same with any person or persons violating or who may be liable under any of the several provisions of this article; or

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- B. By registered or certified mail to the Owner or Managing Agent at most current address on file in the registration statement; or
- C. If none is on file, to the most current address for the Owner available at the Town of Esopus Assessor's Office by registered or certified mail to the Owner and/or Managing Agent; and if such person or persons cannot be served by any of the aforesaid methods after diligent search shall have been made for him/her or them, then such notice or order may be served by posting the same in a conspicuous place upon the Rental Property where such violation is alleged to exist, or to which such notice may refer, or which may be deemed unsafe or dangerous, which shall be the equivalent of personal service of said notice upon all parties, including the Owner and/or managing agent for whom such search shall have been made; or
- D. By any other method or service pursuant to New York Civil Practice Law and Rules.
- E. If the Owner or person(s) or any of them to whom said notice is directed, do not reside in the County of Ulster and have no known place of business therein, the same may be served by delivering to or leaving with such person or persons or either of them a copy of said notice. If said person or persons cannot be found with due diligence search, then by posting a copy of the same in a manner aforesaid and depositing a copy thereof in a United States Postal Service box or office, enclosed in a sealed wrapper addressed to said person or persons at his/her/its last known place of residence with the postage paid thereon, and said posting and mailing a copy of said notice shall be equivalent to personal service of said notice.

§ 101-8 PENALTIES FOR OFFENSES

Violations of this article will constitute an offense within the meaning of the Penal Law of the State of New York, punishable as provided for herein. In addition, a violation of any provision of this article shall constitute a municipal infraction and will be subject to applicable penalties under this article, and the Town of Esopus may choose to enforce this article as a criminal or civil matter, or both. Any Owner who violates, disobeys, neglects or refuses to comply with any of the terms of this article shall be subject to a fine/penalty of up to \$1,000.00 and/or up to 15 days in jail. Each week a violation continues shall be deemed a separate

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offense subjecting the offender to additional fines/penalties of up to \$1,000.00 per day and/or additional jail sentences of up to 15 days.

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 upon filing of the local law with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of New York (State Environmental Quality Review Act) ("SEQRA"), the Town Board, as lead agency has classified this Action as an Unlisted Action as defined under said regulations; and

WHEREAS, Supervisor Harris advised the Town Board that, pursuant to (a) Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law; and (b) Section 239-m of the General Municipal Law, it will be necessary to refer this Local Law to the Ulster County Planning Board. She offered the following resolution which was seconded by **Councilman Quick** who moved its adoption; and

WHEREAS, on February 2, 2021, **Supervisor Harris** has introduced this local law for the Town of Esopus, to be known as "Town of Esopus **Local Law No. 11** of the Year 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO CREATE CHAPTER 101, "RENTAL PROPERTIES REGISTRATION," OF THE ESOPUS TOWN CODE.

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 1 Town Hall Way, Ulster Park, New York, on February 16, 2021, at 7:00 p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of

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Esopus, by the Town Clerk, at least ten (10) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Esopus will hold a public hearing at the Town Hall, 1 Town Hall Way, Ulster Park, New York on February 16, 2021 at 7:00 p.m., on **Local Law No. 11** of the Year 2021, A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO CREATE CHAPTER 101, "RENTAL PROPERTIES REGISTRATION", OF THE ESOPUS TOWN CODE.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Esopus, at the Town Hall, 1 Town Hall Way, Ulster Park, New York between the hours of 10:00 a.m. and 2:00 p.m. by appointment and online at the Town of Esopus Website: <https://www.esopus.com/> on all business days between the date of this notice and the date of the public hearing.

PLEASE TAKE FURTHER NOTICE THAT, given the global COVID-19 pandemic, given the global COVID-19 pandemic, and in accordance with the provisions of the Governor's Executive Order 202.1, the Town Hall is open to the public, but with very limited space and with special requirements (masks, social distancing, and sign-in) for public attendance. However, the Town Board meeting, inclusive of this public hearing, will also be accessible to the public through the media platform called Zoom in order to proceed with Town business and safely maintain social distancing requirements. Members of the community can access the Town Board meeting through Zoom information below. Zoom direct link: <https://zoom.us> Via the Zoom website or application ("app"): Meeting ID 870 6744 3486 Password: 122056. Through Zoom members of the community will be able to participate in the Town Board meeting via computer or phone audio. Members of the community can also simply call into the meeting using the following phone number: 1-646-558-8656 and the meeting ID and meeting password above. Members of the community may submit comments in the form of a voicemail message by calling (845) 328-0483, and by submitting written comments electronically to outreach@esopus.com. The

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meeting is also broadcast live on Public Access TV Channel 23 and Facebook. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

DATED: Ulster Park, New York
February 2, 2021

Holly A. Netter, Town Clerk, RMC

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

Supervisor Harris	AYE
Councilman Geuss	AYE
Councilman Quick	AYE
Councilman Farrell	AYE
Councilman Clarke	AYE

DATED: Ulster Park, New York
February 2, 2021

Holly A. Netter, Town Clerk, RMC

Local Law No. 12 of 2021 – Amending Esopus Town Code Chapter 113, “Abandoned Vehicles.”

RESOLUTION OF INTRODUCTION

Supervisor Harris, seconded by **Councilman Farrell**, introduced the following proposed local law, to be known as **Local Law No. 12** of 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO CREATE CHAPTER 91, “NOISE CONTROL,” OF THE ESOPUS TOWN CODE.

BE IT ENACTED by the Town Board of the Town of Esopus that Chapter 91 of the Town Code is created and reads as written in the following section:

Section 1.

CHAPTER 91

NOISE CONTROL

Article I General Provisions

§91-1 Title

This chapter shall be known and may be cited as the “Town of Esopus Noise Control Law.”

§91-2 Purpose and intent.

It is hereby declared to be the public policy of the Town to reduce the noise level in the Town, so as to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the inhabitants of the Town, prevent injury to human and animal life and property, foster the convenience and comfort of its inhabitants and visitors and to facilitate the enjoyment of the natural and man-made attractions of the Town. It is the public policy of the Town that every person is entitled to noise levels that are not detrimental to life, health and enjoyment of their property. It is hereby declared that the making, creation or maintenance of unreasonable noises within the Town affects and is a threat to public health, comfort, convenience, safety, welfare and the prosperity of the Town. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purposes.

§91-3 Interpretation.

This chapter shall be liberally construed so as to effectuate the purposes described herein. Nothing herein shall abridge the powers and responsibilities of any police department or law enforcement agency to enforce the provisions of this chapter.

§91-4 Conflicts.

If this chapter conflicts with any local, state, or federal legislation then, in that instance, the more stringent law shall apply. A law shall be determined to be more stringent if it requires lower sound levels, more restrictive timeframes, or includes additional specifically prohibited acts, then what is permitted by this chapter.

§91-5 Severability.

If any article, section, subsection, paragraph, sentence, clause or provision of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the validity of the other provisions of the chapter or application thereof to other persons and circumstances.

§91-6. Unreasonable noise prohibited.

No person shall make, cause, allow, or permit to be made any unreasonable noise within the geographical boundaries of the Town of Esopus. In addition to specific examples of

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unreasonable noise set forth in **§91-7** herein, the following criteria shall be used in determining whether an unreasonable noise exists.

- A. The volume of the noise.
- B. The frequency of the noise.
- C. Whether the noise is unusual and incongruous with the surrounding environment.
- D. The volume and frequency of the ambient noise, if any.
- E. The proximity of the noise source to other properties.
- F. The use, nature and character of the zoning district of the immediate area where the noise source exists.
- G. The time of day or night the noise occurs.
- H. The duration of the noise.

§91-7. Specific acts considered to be unreasonable and therefore prohibited.

Unless otherwise exempted in accordance with this chapter, any of the following acts and causes thereof which either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities are declared to be in violation of this chapter and to constitute unreasonable noise.

- A. No person shall cause or permit to be caused any noise that originates from residential property, public property or a public right-of-way between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Thursday or between the hours of 9:00 p.m. and 8:00 a.m. Friday and Saturday that is in excess of 65 dBA as measured by a sound level meter. Refer to **§ 91-9** herein for instructions on measuring sound levels.
- B. No person shall cause or permit to be caused any noise that originates from commercial or industrial property that, in the opinion of the Building Inspector/Code Enforcement Officer, either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities. Such determination by the Building Inspector/Code Enforcement Officer may be based on one or more of the following: The type of commercial or industrial use in question, current status of compliance with applicable Special Use and/or Site Plan approvals, the sound levels being generated, the length of time the current noise levels have occurred, the types of surrounding land uses, the existing ambient noise levels of surrounding land uses, and other variables deemed relevant.

- (1) If in the opinion of the Building Inspector/Code Enforcement Officer, the noise levels originating from a commercial or industrial use violates the purpose, intent and relevant restrictions of this law, they shall have the authority to work with the owner/authorized representative of the such use to mitigate the noise impacts and/or refer the owner/authorized representative of such use to the Planning Board to for a Site Plan approval or amendment to an existing Site Plan approval for the purposes of identifying opportunities to mitigate the noise impacts.
 - (2) If the owner/authorized representative of the subject commercial or industrial use refuses to work with the Building Inspector/Code Enforcement Officer or to obtain Site Plan approval or amendment to an existing Site Plan Approval from the Planning Board for the purposes of mitigating the noise impacts, said commercial or industrial use shall be deemed to be in violation of this chapter.
- C. The use of industrial or domestic tools, machinery and equipment of any kind on residential, commercial, industrial or public property that results in loud grinding, hammering, sawing and similar noise shall be prohibited as follows:
- (1) Between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Thursday or between the hours of 9:00 p.m. and 8:00 a.m. Friday and Saturday; and
 - (2) At any other time if said noise is unnecessary, unreasonable, or excessive under the circumstances.
- D. No person who owns or has immediate control over an animal shall permit such animal to cause annoyance, alarm, or noise disturbance for more than 15 minutes at any time of the day or night by repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of such person's property.
- E. No person shall cause or permit the excessive sounding of any horn or other auditory signaling device on or in any motor vehicle except to serve as a warning of danger.
- F. Noisy vehicles. No person shall:
- (1) Use an automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to create loud, unnecessary grating, grinding, rattling or other noise.
 - (2) Operate any vehicle in any manner as to cause unnecessary noise by spinning or squealing the tires or revving the motor of such vehicle.

- (3) Modify or cause to be modified the muffler, exhaust system or other noise-control device of any vehicle in a manner that will increase the noise emitted by such vehicle above that emitted by the vehicle when newly manufactured, regardless of the date of manufacture. The noise-control devices of any vehicle operated in the Town of Esopus shall be maintained and in good working order. No person shall operate or permit to be operated a vehicle where the muffler, exhaust system or other noise-control device has been so modified or has not been maintained.
- G. Recreational vehicles, including snowmobiles. No person shall operate or permit to be operated any motor-powered recreational vehicle that is not licensed for operation on public streets pursuant to the New York State Vehicle and Traffic Law, in such a manner as to create unnecessary noise as to unreasonably disturb or interfere with persons in the peaceful and quiet enjoyment of their property.
- H. The use of a drum, loudspeaker or any other sound producing instrument or device for the purpose of attracting public attention by the creation of noise.
- I. No person shall operate, play, or permit the operation or playing of any stereo, radio, television, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound so as to produce unreasonably or unnecessary noise at any time.
- J. No person shall use or permit the use of lawn mowers, leaf blowers or agricultural equipment when operated on residential, commercial, industrial or public property between the hours of between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Thursday or between the hours of 9:00 p.m. and 8:00 a.m. Friday and Saturday.
- K. Vibration. Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source if on residential property or at approximately 50 feet from the source if on public property or public right-of-way. For the purposes of this section, "vibration perception threshold" means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

Article II Exceptions.

§91-8 Exceptions to prohibited noises.

The provisions of this chapter shall not apply to the following situations:

- A. Sound and vibration emitted for the purpose of alerting people in an emergency, including, but not limited to, sirens, public warning systems and public address systems.

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- B. Sounds and vibrations from emergency work, municipal construction or repair, and/or demolition performed by or on behalf of a governmental entity.
- C. Sounds and vibration emitted in the performance of correcting any other emergency.
- D. Training activities by fire, law enforcement, and public utility officials that cannot reasonably take place within the parameters of this chapter, including but not limited to training that involves: hydrant testing, pumping hose lays, running chain saws, operating power tools, demolition, vehicle noise, and use of generators.
- E. Sounds created by bells or chimes as part of a religious observance or service.
- F. Sound from snow blowers, snow throwers, salt/sanding vehicles, and snowplows when operated with a muffler for the purpose of snow or ice removal.
- G. Sound from a residential burglar alarm provided such burglar alarm shall terminate its operation within five minutes after it has been activated.
- H. Sounds from farm operations conducted in a manner consistent with sound agricultural practices as determined by the New York State Department of Agriculture and Markets.
- I. Sounds from forestry operations conducted in a manner consistent with the Timber Harvesting Guidelines, published by the New York State Department of Environmental Conservation, as may be amended.
- J. Sounds from emergency generators used during power outages.
- K. Sound generated by municipality-sponsored concerts and events, including municipally-sponsored fireworks.
- L. Sounds generated by private fireworks, between the hours of 9:00 a.m. and 10:00 p.m. and provided their use is otherwise lawful.
- M. Sounds generated between 9:00 a.m. and dusk during activities conducted in parks, public playgrounds and school grounds. This exemption shall not supersede Town of Esopus and public or private school regulations pertaining to parks, playgrounds and school grounds.
- N. Sounds generated between 9:00 a.m. and 11:00 p.m. by outdoor gatherings, public dances, shows and sporting and entertainment events on public property, provided said events are conducted pursuant to a license or permit by the Town of Esopus or in the event that local approval is not required, the events are otherwise lawful.
- O. Sounds generated between 9:00 a.m. and 11:00 p.m. during school band, school athletic and school entertainment events.

- P. Planning Board approvals. The Planning Board shall reserve the right to issue conditions and provisions for granting site plan approvals varying from the limitations set forth herein for proposed projects provided all of the following circumstances apply:
- (1) Site plan approval is necessary;
 - (2) The noise level and/or time of day set forth herein are reasonable given the proposed use, location and surrounding uses;
 - (3) That the granting of the site plan approval authorizing the proposed use and associated noise will not be materially detrimental to the comfort, health, or safety of the public;
 - (4) The requesting applicant has provided a plan for mitigation of noise which will be implemented on the approval of the site plan; and
 - (5) The requesting applicant shall provide sound level readings at reasonable intervals as directed by the Planning Board to verify compliance with site plan conditions.

Article III Administration and Enforcement

§91-9 Measurement of sound levels.

- A. Sound level meter. Sound levels shall be measured on the A-weighting network (A-Weighted Sound Level) of a sound level meter meeting the requirements of latest version of the ASA Standards for General Purpose Sound Level Meters published by the American National Standards Institute, Inc., using the slow meter response. The meter shall be calibrated and used according to the manufacturer's instructions.
- B. Location of microphone. For sound originating indoors or outdoors from residential, commercial, industrial or public property, measurements shall be taken with the microphone located at the subject property line, unless otherwise directed, but no closer than three feet from any wall and not less than three feet above the ground. For sound originating from a public right-of-way, measurements shall be taken with the microphone at a distance of 50 feet from the noise source. When measuring sounds that originate within a dwelling unit of a two-family or multi-family dwelling unit building, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the receiving room.
- C. Minimum of two readings. Unless circumstances require an alternative approach, including, but not limited to impulse sounds, a minimum of two readings shall be taken for a period of ten minutes each with ten minute intervals between measurements. The sound level shall be the average of these readings.

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D. If necessary to accurately account for ambient noise levels, the offending sound may need to be silenced during the readings, if feasible.

§91-10 Administration and Enforcement

The noise control requirements established by this chapter shall be administered and enforced jointly by Town Building Inspector/Code Enforcement Officers, the Ulster County Sheriff, the NYS Police and such other employees and/or officials authorized by the Town Board. A violation of any provision of this chapter shall be cause for a summons to be issued.

§91-11 Penalties.

Any person violating any of the provisions of this chapter shall be guilty of an offense and, upon conviction, shall be punishable by a fine of not more than [\$250] or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

Article IV Definitions

§91-12 Terms defined.

AMBIENT NOISE – The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources.

A-WEIGHTED SOUND LEVEL – The sound pressure level in decibels as measured on a sound level meter using the A-weighting frequency response, which provides the meter with a sensitivity to noise levels similar to the average human ear.

CONSTRUCTION – Any activity necessary or incidental to the erection, demolition, assembly, alteration, or installation related to buildings on residential or public property, public right-of-ways, public or residential roads, parks, including but not limited to land clearing, grading, earthmoving, excavating, blasting, filling and landscaping, but not including agriculture or ice and snow removal

dba – The abbreviation designating the unit of sound level as measured by a sound level meter using A-weighting.

DWELLING, MULTIFAMILY – A building containing three or more dwelling units, including attached townhouse dwellings.

DECIBEL – The logarithmic unit used to measure sound level; abbreviated “dB.”

DEMOLITION – Any dismantling, intentional destruction, or removal of buildings or structures.

EMERGENCY – Any occurrence or circumstances involving actual or imminent physical or property damage which demands immediate action.

EMERGENCY WORK – Any work or action necessary to deliver essential service, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging of waterways or abating life-threatening conditions.

FARM OPERATION – The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse-boarding operation, a timber operation, compost, mulch or other biomass crops and commercial equine operation, each as defined within §301 of the New York State Agriculture and Markets Law, as may be amended. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

FREQUENCY – The number of sound pressure oscillations per second, expressed in hertz; abbreviated “Hz.”

NOISE – Any sounds of such level and duration as to be or tend to be injurious to human health or welfare or which would unreasonably interfere with the enjoyment of life or property throughout the Town.

NOISE DISTURBANCE — Either:

- A. Any sound which endangers or injures the safety or health of humans or animals or annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property; or
- B. A level of sound which, in each context described either annoys or disturbs a reasonable person of normal auditory sensitivities, or is clearly audible outside the structure or real property boundary from which it originates, or is loud, disturbing, unusual, unreasonable and unnecessary as well as audible outside the structure or the real property boundary from which it originates.

PROPERTY LINE – Either:

- A. A line of record, including its vertical extension, that bounds a parcel of real property and separates one parcel of real property from another or from a street or any other public space; or
- B. The vertical and horizontal boundaries of a dwelling unit that is within a two-family or multifamily dwelling.

SOUND – An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that

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medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND LEVEL – the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C, as specified in American National Standards Institute (ANSI) specifications for sound level meters.

SOUND LEVEL METER – Any instrument, including a microphone, amplifier, an output meter and frequency weighting networks for the measurement of noise and sound levels in a specific manner and which complies with standards established by the American National Standards Institute (ANSI) specifications for sound meters.

SOUND PRESSURE LEVEL – The level of a sound measured in dB units with a sound level meter which has a uniform (“flat”) response over the band of frequencies measured.

SOUND SOURCE – Any person, animal, device, operation, process, activity, or phenomenon which emits or causes sound.

VIBRATION – An oscillatory motion of solid bodies of deterministic or random natures described by displacement, velocity or acceleration with respect to a given reference point.

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 upon filing with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of New York (State Environmental Quality Review Act) (“SEQRA”), the Town Board, as lead agency has classified this Action as an Unlisted Action as defined under said regulations; and

WHEREAS, pursuant to General Municipal Law §239-m and Esopus Town Code §123-51, the matter must be referred to the Ulster County Planning Board and to the Town of Esopus Planning Board for review and recommendation; and

WHEREAS, Supervisor Harris advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this

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law. She offered the following resolution which was **seconded by** by **Councilman Farrell** who moved its adoption; and

WHEREAS, on February 2, 2021, **Supervisor Harris** has introduced this local law for the Town of Esopus, to be known as “Town of Esopus **Local Law No. 12** of the Year 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO CREATE CHAPTER 91, “NOISE CONTROL,” OF THE ESOPUS TOWN CODE.

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 1 Town Hall Way, Ulster Park, New York, on February 16, 2021, at 7:00 clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Esopus, by the Town Clerk, at least ten (10) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Esopus will hold a public hearing at the Town Hall, 1 Town Hall Way, Ulster Park, New York on February 16, 2021 at 7:00 p.m., on **Local Law No. 12** of the Year 2021, A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO CREATE CHAPTER 91, “NOISE CONTROL”, OF THE ESOPUS TOWN CODE.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Esopus, at the Town Hall, 1 Town Hall Way, Ulster Park, New York between the hours of 10:00 a.m. and 2:00 p.m. by appointment and online at the Town of Esopus Website: <https://www.esopus.com/> on all business days between the date of this notice and the date of the public hearing.

PLEASE TAKE FURTHER NOTICE THAT, given the global COVID-19 pandemic, given the global COVID-19 pandemic, and in accordance with the provisions of the Governor’s Executive Order 202.1, the Town Hall is open to the public, but with very limited space and with special requirements (masks, social distancing, and sign-in) for public attendance. However, the Town Board meeting, inclusive of this public hearing, will also be accessible to the public through the media platform called Zoom in order to proceed with Town business and safely maintain social distancing requirements. Members of the community can access the Town Board meeting through Zoom information below. Zoom direct link: <https://zoom.us> Via the

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Zoom website or application ("app"): Meeting ID 870 6744 3486 Password: 122056. Through Zoom members of the community will be able to participate in the Town Board meeting via computer or phone audio. Members of the community can also simply call into the meeting using the following phone number: 1-646-558-8656 and the meeting ID and meeting password above. Members of the community may submit comments in the form of a voicemail message by calling (845) 328-0483, and by submitting written comments electronically to outreach@esopus.com. The meeting is also broadcast live on Public Access TV Channel 23 and Facebook. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

DATED: Ulster Park, New York
February 2, 2021

Holly A. Netter, Town Clerk, RMC

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

Supervisor Harris	AYE
Councilman Geuss	AYE
Councilman Quick	AYE
Councilman Farrell	AYE
Councilman Clarke	AYE

DATED: Ulster Park, New York
February 2, 2021

Holly A. Netter, Town Clerk, RMC

Matt Rogers of Laberge Group gave an overall review of the changes. A more complete detailed presentation will be given at the Public Hearing on February 16, 2021 at 7:200pm.

Draft Local Law No. 8 of 2021, updating Chapter 123,

“Town of Esopus Zoning Law” and identifies Draft Local Laws No 9 through 12 of 2021 addressing related Town Code Chapter revisions and additions.

- Draft LL No. 8 of 2021: Chapter 123, “Town of Esopus Zoning Law”
- Draft LL No. 9 of 2021: Amending Chapter 113, “Abandoned Vehicles Law”

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- Draft LL No. 10 of 2021: Repealing Chapter 96, “Lawn Maintenance” and replacing with a new Chapter 96, “Property Maintenance Law”
- Draft LL No. 11 of 2021: Creating Chapter 101, “Rental Properties Registration Law”
- Draft LL No. 12 of 2021: Creating Chapter 91, “Noise Control Law”

The following lists provides a brief overview of the proposed major revisions and new regulations

for Draft LL No. 8 of 2021, Chapter 123, “Town of Esopus Zoning Law.” The list does not include

details regarding the remaining Draft Local Laws.

Proposed major revisions and new regulations in Chapter 123, “Zoning:”

1. New zoning districts: Rondout Gateway, General Commercial – 1 and General Commercial –
2. See § 123-6 and the Zoning Map.
2. Revised Schedule of Permitted Uses. Removed all references to the Standard Industrial Classification (SIC) codes and revised the entire Schedule of Permitted Uses. See Chapter 123 Attachment 1 – Schedule of Permitted Uses.
3. Revised Accessory Dwelling Unit regulations. See § 123-12A.
4. New regulations for Community Residential Facilities for the Disabled. See § 123-12F.
5. New Short-Term Rental regulations. See § 123-12H.
6. New Campground regulations. See § 123-13A.
7. Revised Hotel, Motel & Resort regulations. See § 123-13C.

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8. New Bed & Breakfast Establishment regulations. See §123-13E.
9. Revised Automotive Repair Garage regulations. See § 123-14A.

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10. Revised Craft Manufacturing regulations. See § 123-14D.
11. Revised Mining & Excavation regulations. See § 123-14E.
12. Revised Craft and Farm Brewery regulations. See § 123-15D.
13. New renewable energy system regulations: Electric Vehicle Charging Stations; Small-Scale Wind Energy Conversion Systems; & Solar Energy Systems. See § 123-16, “Renewable Energy Systems.”
14. Revised regulations for Manufactured Homes outside of the Manufactured Home Overlay District. See § 123-17B(3) & C.
15. New regulations pertaining to Keeping and Raising of Domestic Fowl in residential districts. See § 123-18.
16. Fully revised Communications Towers regulations. See § 123-20.
17. New Sign regulations. See § 123-21.
18. New Steep Slope regulations. See §123-21.1A.
19. Revised Schedule of District Area and Bulk Regulations. See § 123-23.
20. Revised method for calculating residential density. See § 123-24A, B & C.
21. Revised Mixed-Use/Mixed-Use Occupancy regulations. See § 123-24I.
22. Revised Off-Street Parking & Loading Regulations. See § 123-26A & B. Includes revisions to parking waivers, parking of Commercial Vehicles on residential property and in public rightsof-way, parking and use of Recreational Vehicles, and use of Temporary Storage Containers.
23. Revised Nonconforming Uses, Buildings & Lots regulations. See § 123-32.
24. Revised Existing Undersized Lots regulations. See § 123-36.
25. Clarified the Powers and Duties of the Planning Board. See § 123-45.
26. Revised Site Plan Review Applicability including changes in tenant and use, regulations for land disturbance, and Objectives related to approval. See § 123-47

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27. Revised and new definitions. See § 123-61.

28. There are numerous additional proposed revisions throughout the Draft Chapter 123 update that are necessary in support of the larger amendments and to address other inconsistencies and issues.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILMAN CHRIS FARRELL TO ENTER INTO EXECUTIVE SESSION AT 8:19 PM FOR THE PURPOSE OF DISCUSSING THE HISTORY OF EMPLOYEES IN THE HIGHWAY DEPARTMENT AND TO INTERVIEW AN APPLICANT FOR THE CUSTODIAL POSITION. THE MOTION WAS SECONDED BY COUNCILMAN GEUSS. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

COUNCILMAN FARRELL MADE A MOTION TO COME OUT OF EXECUTIVE SESSION AT 9:08 PM AND WAS SECONDED BY COUNCILMAN CLARKE. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

ACTION:

COUNCILMAN FARRELL MADE A MOTION TO APPOINT LIAM SCHAFFER AS CUSTODIAN FOR ESOPUS AT A RATE OF \$15 THROUGH NORMAN STAFFING. THE MOTION WAS SECONDED BY COUNCILMAN QUICK. ALL MEMBERS WERE IN FAVOR.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILMAN FARRELL TO ADJOURN THE MEETING AT 9:09 PM. THE MOTION WAS SECONDED BY COUNCILMAN GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

Respectively submitted,

Holly A. Netter
Town Clerk, RMC