

**TOWN OF ESOPUS
TOWN BOARD WORKSHOP
October 7, 2021 7:00 PM**

A regularly scheduled Town Board Meeting was held on October 7, 2021 in person at 1 Town Hall Way, Ulster Park immediately following public hearings on Proposed Local Laws 12 New Hamlet MFZ. Meeting was also available on TV 23, available via zoom and Live Streamed on the Town of Esopus Facebook page. The following persons in attendance:

**Councilman Laura Robinson
Councilman Evelyn Clarke
Councilman Kathie Quick
Councilman Chris Farrell
Supervisor Jared Guess**

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

5 WAYS TO GIVE PUBLIC COMMENT:

1. In-Person – Attend the Workshop
2. ZOOM – Use the “Raise Hand” feature in Zoom (dial *9 if connected by phone)
3. PHONE IN –Leave a voicemail on [\(845\) 328-0483](tel:8453280483)
4. EMAIL - outreach@esopus.com with the subject line “Public Comment”
5. MAIL – mail written comments to:
*Town of Esopus, P.O. Box 700
Port Ewen, NY 12466*

**Meeting was delayed due to 2022 Budget Workshop Meeting #2 and the continuation of Public Hearing on LL #12 – AMENDING CHAPTER 123, “ZONING,” OF THE ESOPUS TOWN CODE AND THE ZONING MAP OF THE TOWN OF ESOPUS TO ESTABLISH THE MIXED USE FLOATING ZONE DISTRICT KNOWN AS THE NEW HAMLET MFZ which were noticed and held prior to the Regular Workshop meeting.

Supervisor Guess called the REGULAR TOWN BOARD MEETING to order at 7:20 pm

PUBLIC COMMENT

Roger Bergold – 25 Years in Esopus, 55 in Ulster County up until 4 years ago the area was good. Then trails with ATV’, trucks, cars etc. were made and are used day and night causing excessive noise. He was under the impression the Noise Ordinance was a done deal, but then heard it was tabled. He said he was relying on the Board to address the regulation of ATV usage on properties. He asked what the next steps were for the Noise Ordinance.

Barbara Carrol, resident since 1970 lives on the property across from Mr. Bergold and agrees with him. She is concerned the law was tabled. She wants to know why or why not the Noise Ordinance is not progressing.

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

Supervisor Guess explained there were so many revisions made it must go through another review process, revision and reintroduction. They have to meet with the building department and review comments. Next week there should be a scope of work and a timeline. Supervisor Guess said he will give an update at a future meeting. The scope of work will need to be approved and it will have to be reintroduced.

LOCAL LAW #12 OF 2021 – “NEW HAMLET MFZ”

**TOWN OF ESOPUS TOWN BOARD
SEQRA NEGATIVE DECLARATION AND
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
FOR
A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK, AMENDING EXISTING
CHAPTER 123, “TOWN OF ESOPUS ZONING LAW,” AND THE ZONING MAP OF THE TOWN OF
ESOPUS TO ESTABLISH THE MIXED-USE FLOATING ZONING DISTRICT KNOWN AS THE “NEW
HAMLET MFZ.”**

WHEREAS, the Town of Esopus Town Board proposes to adopt Local Law No. 12 of 2021, a Local Law of the Town of Esopus, Ulster County, New York; amending existing Chapter 123, “Town of Esopus Zoning Law,” and the Zoning Map of the Town of Esopus to establish the Mixed-Use Floating Zone District known as the “New Hamlet MFZ;” 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 Jared Geuss, 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 an Unlisted 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, 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]). While the proposed amendments address areas characterized by low density development which are not currently supported by public infrastructure, the changes are not anticipated to result in the expansion of public infrastructure, and the proposed changes in fact direct future development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that the Town of Esopus Town Board, acting as lead agency, has examined the impacts which may be reasonably anticipated to result from the Action, and has determined that it will not have any significant adverse impact on the environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town of Esopus Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the filing of this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

Resolution offered by: Supervisor Jared Guess

Seconded by: Councilman Chris Farrell

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

Supervisor Geuss	AYE
Councilperson Farrell	AYE
Councilperson Quick	AYE
Councilperson Clarke	AYE
Councilperson Robinson	AYE

DATED: Ulster Park, New York
October 7, 2021
HOLLY A. NETTER, TOWN CLERK

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

RESOLUTION OF ADOPTION

Supervisor Jared Guess offered the following resolution which was seconded by **Councilman Chris Farrell**, who moved its adoption:

WHEREAS, a local law was introduced to be known as **Local Law No. 12** of 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 123, "ZONING," OF THE ESOPUS TOWN CODE AND THE ZONING MAP OF THE TOWN OF ESOPUS TO ESTABLISH THE MIXED-USE FLOATING ZONE DISTRICT KNOWN AS THE "NEW HAMLET MFZ."

WHEREAS, a public hearing in relation to said local law was opened on September 2, 2021 at 7 p.m., prevailing time, and closed on October 7, 2021 at 7:20 p.m. prevailing time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Esopus for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

SECTION 1. TITLE OF PROPOSED MIXED-USE FLOATING ZONE

This local law shall be known as "Local Law No. 12 of 2021 of the Town of Esopus Chapter 123, "Zoning" of the Code of the Town of Esopus, providing for the creation of a Mixed-Use Floating Zone to be known as the "New Hamlet MFZ."

SECTION 2. AMENDMENT

The Code of the Town of Esopus, as adopted August 19, 2021 by L.L. No 8-2021 and the Zoning Map of the Town of Esopus set forth therein and made part thereof are amended by changing from the existing zoning district General Commercial – 1, as herein described and creating

within the boundaries of said newly described area attached hereto as Appendix “A” and made a part hereof, to a Mixed-Use Floating Zone (MFZ) and creating within the boundaries of said described area a MFZ to be known and described for purposes of this legislation as the “New Hamlet MFZ.”

SECTION 3. BOUNDARY

The acreage involved in The New Hamlet MFZ is 2.2 acres and it is bounded and described in Appendix “A” attached hereto. The area is situated on the eastern side of US Route 9W, approximately 430 feet south of the intersection of US Route 9W and River Road, in the Town of Esopus, Ulster County, New York. The one involved parcel is listed on the Ulster County Tax Map as Section 56.76, Block 1, Lot 16.

SECTION 4. SKETCH PLAN

- 1) Current Sketch Plan: The Sketch Plan for the development and the proposed uses dated 1/07/2021, and last updated 4/12/2021 is set forth in Appendix “B,” and shall be filed in the office of the Town Clerk and the office of the Building Department, and shall be used by the Town and applicant as a general guideline for the overall development of the site.
- 2) Request for changes to the Sketch Plan: If during site plan review, additional residential units are proposed, the general layout of the project is modified, or it becomes apparent that other elements of the Sketch Plan, as it has been approved by the Town Board through this Local Law, are unfeasible and in need of significant modification, the applicant shall then present their solution to the Planning Board. The Planning Board shall then determine whether or not the modified plan is still in keeping with the intent and objectives of § 123-22, “Mixed-Use Floating Zone,” of the Town Code and this Local Law.
 - a) If a negative decision is reached, the site plan shall be considered disapproved. Such negative decision shall be forwarded to the Town Board.
 - i) The applicant may then revise the Site Plan in conformance with the approved Sketch Plan and this Local Law. If an affirmative decision is reached, the Planning Board shall so notify the Town Board, stating all of the particulars of the matter and its reasons for finding that the project should be continued as modified. Site Plan approval may then be given only with the consent of the Town Board, through resolution.
 - ii) Alternatively, the Applicant may seek an amendment to the Sketch Plan and this Local Law pursuant to Article, X, “Amendments” of Chapter 123, of the Town Code. Upon approval of requested amendments, the Applicant may then proceed to Site Plan review.

SECTION 5 PURPOSE

It is the purpose of this ordinance to provide for the means of development of a mixed-use development that includes a combination of multi-family and compatible non-residential uses in an area served by existing municipal water and sewer and identified for higher intensity mixed-uses, in accordance with the Town of Esopus 2019 Comprehensive Plan. To allow the proposed mixed-use development, flexibility in design concepts and criterion, residential density, and setbacks must be allowed so as to permit the economically viable development of this site while employing good design techniques which promote a project of an acceptable visual quality while incorporating concerns for the on-site and off-site nature of the environment in which the site exists.

SECTION 6 USES AND CHARACTERISTICS

The proposed New Hamlet MFZ development as proposed shall include the following elements:

- 1) Residential:
 - a) Density Bonuses: The applicant requested and was granted the following density bonuses by the Town Board:
 - i) 20% increase for the provision of pedestrian connections between public sidewalks and parking areas, along with bike racks and the mixed-use building plaza/public art and seating area.
 - ii) 10% increase for the provision of two electric vehicle charging stations.
 - b) Base Density. The base density for the project site is 13 units. The requested density bonuses would result in a total of seventeen (17) units.
 - c) Permitted Density: No more than seventeen (17) residential units are approved. The breakdown of the residential units shall, at a minimum, consist of the following:
 - i) Two (2) one-bedroom workforce housing units and two (2) two-bedroom market rate units in the building labeled “Mixed-Use Building” on the Sketch Plan; and
 - ii) Twelve (12) two-bedroom market rate units/townhouses in the second building as depicted on the Sketch Plan.
 - d) Workforce Housing: The two (2) proposed workforce housing units shall comply with the eligibility requirements in accordance with § 123-22D(6)(a) of the Esopus Town Code.
- 2) Retail: Within the Mixed-Use Building, the proposed New Hamlet MFZ will include approximately 3,200 gross square feet of first-floor space dedicated to retail and/or office uses.
- 3) Public Amenities:
 - a) A pedestrian community/pocket park will be constructed as indicated in the Sketch Plan.
 - b) Outdoor seating will be provided in front of the Mixed-Use Building as indicated in the

Sketch Plan.

4) Parking:

- a) Planning Board Waiver Request. As proposed, the 16 residential units and 3,200 gross square feet of retail/office space would require 48 parking spaces pursuant to § 123-24, “Off-street parking and loading standards.” Through the Planning Board Site Plan Review, a reduction of the number of required parking spaces pursuant to §§ 123-26.A(2)(g) and 123-26.A(2)(i)[3] of the Esopus Town Code, for a total of 40 spaces (including two electrical vehicle charging stations) will be requested.

5) First Floor Building Height:

- a) Town Board Waiver Request: Pursuant to § 123-18.H.(2)(b)[4] of the Esopus Town Code, first floor building heights shall be 12 ft. measured floor to floor. While the Applicant is proposing a first-floor building height of 12 ft. for the Mixed-Use Building, the first floors for the residential townhouse are proposed to be 10 ft. 8 inches. The Applicant requested a waiver of the required 12 ft. building height.
- b) Building Height: The Town Board grants a waiver, permitting the first floor of the residential townhouse building to be 10 ft. 8 inches in height. The first floor of the Mixed-Use Building shall be 12 ft. in height.

6) Townhouse Front Setbacks:

- a) Town Board Waiver Request: Pursuant to § 123-18.G(1) of the Esopus Town Code, buildings in the GC-1 Zoning District are required to have front setbacks no greater than 30 ft. The proposed mixed-use building and townhouses TH-1-TH5 will comply with the maximum setback requirement. In an effort to improve the aesthetics of the townhouses, they are proposed to be stepped back from one another. As a result, TH6-TH12 will exceed the 30 ft maximum setback by approximately 8-1/2 inches to 5 ft. 4 inches. The intent of the setback limitation is to facilitate an active streetscape with buildings closer to the sidewalk and to leave sufficient room for parking in the rear of the buildings. The proposed exceedance of the 30 ft. maximum setback will not negatively impact the streetscape, and the parking lot is proposed at the rear of the building. In addition, the stepped building concept will improve the overall aesthetics of the project as viewed from Rt. 9W.
- b) Front Setbacks: The Town Board grants a waiver, permitting a front setback no greater than 36 ft for TH6-TH12 as depicted on the Sketch Plan.

7) Building Orientation:

- a) Town Board Wavier Request: Pursuant to § 123-18.H(2)(c)[1] of the Esopus Town Code, buildings must present their main façade and entrance toward the primary street. While the Mixed-Use Building faces Rt. 9W, the entrances to the Townhomes are located in the rear. This is required due to the slope of the site and the fact that parking is located in the rear of the buildings. The Applicant has improved the townhouse front facades in response to past Town Board requests, and as proposed, will establish an attractive

streetscape.

- b) **Building Orientation:** The Town Board grants a waiver, allowing the Townhouse building to provide their primary entrances at the rear of the building.
- 8) **Project Design:** Excepting the waivers granted above, the New Hamlet MFZ shall comply with all other applicable standards and requirements set forth in § 123-22, “Mixed-Use Floating Zone” of the Town Code.

SECTION 7: INFRASTRUCTURE

- 1) **Municipal Water and Sewer:** The completed project as developed shall be serviced by municipal water and sewer lines meeting applicable state, county and local standards. The on-site and off-site costs associated with the installation of required municipal water and sewer infrastructure shall be the Applicant’s. The costs associated with the maintenance of on-site municipal water and sewer infrastructure shall be the Applicant’s.
- 2) **Stormwater:** The Applicant shall design and construct a stormwater retention system in compliance with applicable state, county and local standards. The cost for the construction and maintenance of the stormwater retention system shall be the Applicant’s.

SECTION 8: CONSTRUCTION STANDARDS

All construction standards for buildings and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects, or engineers. All costs associated with the preparation of necessary plans shall be borne by the Applicant. Further, all completed construction shall be certified to the Town of Esopus by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith.

SECTION 9: SUBMISSION OF PLANS

Pursuant to § 123-22.l(9) of the Esopus Town Code, upon granting of this MFZ District, the Applicant may apply for Site Plan Approval in accordance with § 123-55, “Site plan approval process for Town Board designated District.”

SECTION 10: EXPIRATIONS

The MFZ approval for this site through this Local Law shall expire if Site Plan approval is not granted by the Esopus Planning Board on or before January 31, 2023. The zoning for this site shall revert to the zoning district in existence for this site at the time of the enactment of this legislation.

SECTION 11: VALIDITY:

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 12: EFFECTIVE DATE

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

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

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

Supervisor Geuss	AYE
Councilperson Farrell	AYE
Councilperson Quick	AYE
Councilperson Clarke	AYE
Councilperson Robinson	AYE

DATED: Ulster Park, New York
October 7, 2021
Holly A. NETTER, TOWN CLERK

** Supervisor Guess said this does not guarantee approval with the Planning Board. The applicant’s next step is to go before the Planning Board for approval.

Highway Update

Highway Superintendent Mike Cafaldo said he could put a stop sign by the boat basin, but they will just go around the corner; Should be for people coming out of the boat basin, not the turn. Cafaldo said putting a stop sign on Plantasia is like putting one in the middle of 9W. He said to

put the Speed trailer down there and ask the Sheriff's department to sit down there or drive through there.

The Speed Bumps are not going to work they will be "chewed up".

Sleightsburgh signs are going to go in. The residents recommended lower speed limit signs, but the Board needs to change the speed. Mike can put them up. Chris Farrell asked what the process is to get the speed limit lowered. Mike said he guessed the Board would just vote on it; State approval is not needed for Town roads. The Highway Department will be Paving Main Street Esopus. Milling starts 10/8 and it will be Paved on 10/12; Valhank drive will be next.

Councilman Farrell asked if there was any reason why we can't set a Town speed limit of 20 for the residential area. Currently 9W and New Salem are 30 MPH and it doesn't make sense that the residential roads are 35. Supervisor Jared Guess wants to make sure the proper procedure is followed so we can make sure it is enforceable. Chris Farrell asked if it would be possible to make it a 3-way intersection in Connelly? Mike said "I didn't think so. Where would you put it? They would only go 60 ft and hit another stop sign. He suggested posting a speed limit sign on both sides of the turn so people could see it.

Proposed Local Law #13 of 2021 – "To Opt-Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized Under Cannabis Law Article 4"

The Board held a discussion of pros and cons:

Chris Farrell said it was fool hearted to opt out for something that will bring a tax revenue to the town; we can regulate it. He's in favor of posting regulations/restrictions but just opting out puts us in a position of losing out on tax revenue that the town can benefit from. Sales Tax 75/25 % split. Town & Village can collect 75% of the tax revenue and the County gets 25%. Councilman Farrell said he had a discussion with Thomas Shepstone, Planning Consultant. If we decided to accommodate dispensaries, we could control operating hours, special parking, noise, signage and any environmental issues we want to address. We could also address onsite consumption and pass a law to prohibit it. Councilman Evelyn Clarke said we can opt out before 12/31/2021 but that doesn't mean it is forever; the town can opt back in. She is concerned the Law is not fully backed and is not sure what the requirements are going to be for these retail dispensaries or lounges. She said it is wise to opt out at this time, we can always opt back in. Councilman Chris Farrell asked what requirements she was referring to because the town could regulate most from the Planning Board. Councilman Kathie Quick said she was not sure she liked the idea of having lounges. Councilman Farrell said the Town could pass a law banning them; prohibit onsite consumption. In Massachusetts there are lines outside dispensaries, then they go use the other businesses in the area. There would need to be adequate parking, (triple the parking) and proper access and egress. It does not seem to have any negative impact on town in Lee or Great Barrington, MA. Councilman Clarke said if we decide we don't want to have everyone come to purchase cannabis now, opting out gives us the option to plan and opt back in once our plan is in place. Councilman Farrell said if we opt out now, he feels they will look at other towns to build their dispensary and we will miss out on revenue. He added, should we opt out of liquor stores or beverage stores, they are all recreational consumption. Dispensaries are no

more to fear than Van Loans Beverages or the Port Ewen Liquor Store. Councilman Clark said if we opt out, we will also have a referendum and let the people choose. Councilman Farrell said the referendum would also cost a considerable amount of money.

Supervisor Guess said during the comprehensive plan he never heard any talk of having something like this. It is not small business that comes in for these dispensaries. The companies are national million-dollar companies that are coming in. Farrell said tax dollars could be substantial; by opting out we are going to close the doors to business that would consider coming to this town. Supervisor Guess said he would like to see the towns people make the decision. If we optout we can get back in but if we opt in, you can't get out. He said he would think they will go to larger populated areas. Advantage of opting out – kinks get worked out and the public chooses through a referendum.

Farrell said he thinks that is why people put them on the Board. He feels it is no bigger than the Board opting to let Dollar General go to the lower end of town or having a liquor or discount beverage store.

Councilman Evelyn Clarke – An advantage of opting out now we can have a choice to opt in later with a plan and let the public have a voice.

Councilman Chris Farrell - Disadvantage is business will look to other towns and loose tax revenue and business opportunities.

Councilman Kathie Quick not ready to vote on this tonight, wants to think about it a lot more.

Councilman Chris Farrell - By not opting out we can have control over design and hours of operation and any other restrictions through the Planning Board.

RESOLUTION OF INTRODUCTION

Supervisor Jared Geuss, seconded by **Councilman Evelyn Clarke**, introduced the following proposed local law, to be known as Local Law #13 of 2021, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4.

Be it enacted by the Town Board of the Town of Esopus, County of Ulster, as follows:

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Esopus that would otherwise be allowed under Cannabis Law Article 4.

SECTION 2. AUTHORITY

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of

the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law §24.

SECTION 3. LOCAL OPT-OUT

The Town Board of the Town of Esopus hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. PERMISSIVE REFERENDUM / REFERENDUM ON PETITION

This local law is subject to a referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect ten (10) days following publication and posting in accordance with the 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.

WHEREAS, Supervisor Geuss 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. He offered the following resolution, which was seconded by **Councilperson Evelyn Clarke**, who moved its adoption; and therefore, be it

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 Thursday, October 7th, 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 HallWay, Ulster Park, New York on **Thursday, November 4, 2021 at 7:00 p.m.**, on Local Law No. 13 of 2021, entitled "A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4."

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 9:00 a.m. and 4:00 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.

DATED: Ulster Park, New York

October 7, 2021

HOLLY A. NETTER, TOWN CLERK

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

Supervisor Geuss	AYE
Councilperson Farrell	No
Councilperson Quick	AYE
Councilperson Clarke	AYE
Councilperson Robinson	No

Resolution passed 3-2

DATED: Ulster Park, New York

October 7, 2021

HOLLY A. NETTER, TOWN CLERK

Resolution
Propane Bids

Whereas, The Port Ewen Water/Sewer District advertised and received bids for Propane to be supplied for a period of (1) one year, beginning October 1, 2021 and ending September 30, 2022.

Whereas, bids were received and opened at the office of the Town of Esopus Town Clerk, on September 20, 2021.

Whereas, the lowest bidder for Propane was Britt & Graff Propane and Oil, PO Box 1118, Port Ewen, NY 12466, at a price of \$1.36 per gallon.

Therefore, be it resolved that the Town of Esopus Town Board award the bid to Britt & Graff Propane and Oil.

Resolution offered by: Councilman Chris Farrell

Seconded by: Councilman Kathie Quick

The Board was polled

Supervisor Geuss	AYE
Councilperson Farrell	AYE
Councilperson Quick	AYE
Councilperson Clarke	AYE
Councilperson Robinson	AYE

ARPA Funding – Discussion of Town priorities and application to potential projects with respect to funds received through the American Rescue Plan Act.

There are still questions of what the funds can be used for, but Water Infrastructure is definitely an allowable category to spend the funds. Tighe and Bond looked at the water plant which is getting older, and parts are hard to find. The Board would like to get the Water Sewer Board opinions. Councilman Farrell said it was wise to spend ARPA money towards the water/sewer improvements because people in the water district were also going to have considerable costs associated with the water tank project. Councilman Quick seconded the idea.

RECREATION BOARD APPOINTMENT

A MOTION WAS MADE BY SUPERVISOR JARED GEUSS TO APPOINT DANIEL MAENDEL TO THE PARKS AND RECREATION COMMISSION, TERM TO EXPIRE 12/31/2021. THE MOTION WAS SECONDED BY COUNCILMAN CHRIS FARRELL. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

STRETCH CODE-

Councilman Chris Farrell ran the stretch code by the Planning Board; they had no objections and would like to look into a formal resolution.

Request for Rezoning 98 Black Creek Rd Esopus, NY

This request is for the rezoning of 98 Black Creek Rd. Esopus from R-40 to GC-2. The parcel has an adjacent GC zoning to the North and South with 9W to the West and Black Creek roadway to the East. The property is essentially a triangular island, and the zoning change is appropriate to

allow property to support commercial development consistent with the surrounding recent zoning amendments, building developments and the TOE comprehensive plan. Supervisor Guess will touch base to find out more information about the request.

Water Hydrant/ Hydrant Use Permit

The Wurts Street Bridge Project is underway, and the lead contractor is requesting water usage. We currently do not have any type of program regarding fire hydrant usage for local projects. They would like to start using the hydrant about October 11 and will use water on and off for approximately a year and a half. Mike Dauner tailored the hydrant/equipment loaner/agreement forms. We still haven't received the actual equipment yet (most importantly the meter) however, we do currently have a RPZ Backflow Preventer that works as designed. If Karl needs to start using water prior to the meter arriving, so be it, as this program is being put together from scratch and bumps in the road are expected throughout the process. Once the meter arrives, it will be hooked up to the RPZ so we can keep track of the demand which will then start generating profit for the town. Supervisor Guess applauded Nick in recognition of his efforts

A MOTION WAS MADE BY COUNCILMAN KATHIE QUICK TO APPROVE THE HYDRANT USE PERMIT. THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARKE. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

2022 HEALTH INSURANCE

A MOTION WAS MADE BY COUNCILMAN CHRIS FARRELL TO AUTHORIZE SUPERVISOR JARED GUESS TO SIGN THE MVP RENEWAL PLAN (MVP EPO HDHP SILVER 8 (HSA) EXCHANGE CERTIFIED PLAN NATIONAL NETWORK. THE MOTION WAS SECONDED BY COUNCILMAN EVELYN CLARKE. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

UPDATES

1. Town Budget Meeting – Additional budget meetings will be held in the next few weeks for further consideration and final approval. Tentative budget information can be viewed on our website at Esopus.com. Next budget meeting #3 10-14-21 at 6:15 pm.
2. Radar Speed Trailer – owned by the Town, managed by the Parks & Recreation Dept. – to be placed at its first location within the next week.
3. Sleightsburgh – Informational signs regarding hunting regulations and hiking advisories

have been posted at the park

4. Old Suspension Bridge – Repairs on the bridge have begun, estimated time for completion -2 years. Plan on working through winter; weather permitting.

5. Potential Sale of Town Property – 139 Station Rd. currently undergoing an appraisal via Mid-Hudson Appraisal Corp.

GIRL SCOUT TROOP 6006

Laura Petit reported Girl Scout Troop 6006 has been tending to Sleightsburgh Park and want permission to paint tables with a floral design.

A MOTION WAS MADE BY COUNCILMAN EVELYN CLARKE TO APPROVE THE GIRL SCOUT TROOPS PROJECT OF PAINTING PICNIC TABLES. THE MOTION WAS SECONDED BY COUNCILMAN CHRIS FARRELL. ALL MEMBERS WERE IN FAVOR. MOTION CARRIED.

EXECUTIVE SESSION

A MOTION WAS MADE BY SUPERVISOR GUESS TO ENTER EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING SPECIFIC PERSONNEL HISTORY AT 8:48 PM. THE MOTION WAS SECONDED BY COUNCILMAN KATHIE QUICK. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

A MOTION WAS MADE BY COUNCILMAN CHRIS FARRELL TO COME OUT OF EXECUTIVE SESSION AT 9:04 PM. THE MOTION WAS SECONDED BY SUPERVISOR GUESS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

NO ACTION TAKEN.

ADJOURNMENT

A MOTION TO ADJOURN THE MEETING WAS MADE BY COUNCILMAN CHRIS FARRELL AT 9:04 PM. THE MOTION WAS SECONDED BY SUPERVISOR GEUSS. ALL MEMBERS PRESENT WERE IN FAVOR. MOTION CARRIED.

Respectively Submitted,

*Holly A. Netter
Town Clerk, RMC*