

RESOLUTION OF INTRODUCTION

Supervisor Harris, seconded by **Councilperson Evelyn Clarke**, introduced the following proposed local law, to be known as **Local Law No. 5 of 2020**, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 123, "ZONING", OF THE ESOPUS TOWN CODE BY AMENDING SECTION 123-61, "**TERMS DEFINED**".

BE IT ENACTED by the Town Board of the Town of Esopus that the Town Code is amended to read as follows:

Section 1. Section 123-61 of Chapter 123 of the Esopus Town Code is amended as follows (additions are underscored and deletions are stricken):

JUNKYARD

~~A facility meeting the definition set forth in § 136, Subdivision 2, of the General Municipal Law~~

Any place of storage or deposit outside of a building where any construction and demolition debris, used equipment, building materials, and/or two or more uninspected, inoperable or unregistered vehicles no longer intended or in condition for legal use on public highways or in agricultural activities are stored. Such term shall also include any place of storage or deposit outside of a building for any purpose, including the reclamation or reuse of used or spare parts or waste materials the vehicles which, taken together, equal two (2) or more such vehicles. The term "junkyard" shall also be construed to mean any place of storage or deposit outside of a building, whether in connection with another business or not, where there is accumulated therein and thereon any secondhand or used property of whatever material or any waste material, whether composed of wood, paper, cloth, cardboard, plastics, metals, stone, cement, or otherwise, which taken together, exceeds in bulk three cubic yards. For the purpose of this section any place of storage in a carport or similar structure, where such vehicle, parts thereof, or other items being stored are visible from any public road or highway, shall be considered to be outside of a building.

WAREHOUSING

A use engage in the long-term or temporary storage of manufactured products, supplies, equipment, records and other items in a warehouse, excluding the bulk storage of flammable or explosive materials and the storage of construction and demolition debris, garbage, rubbish, junk vehicles and other debris. Warehousing uses may include the wholesale and distribution of stored products.

WAREHOUSE

A structure or structures in which materials, goods, or equipment are stored in a fully enclosed space. For the purposes of this chapter, a self-storage or mini-warehouse shall not be considered a warehouse.

SELF-STORAGE WAREHOUSE

A building or group of buildings designed to contain multiple storage compartments for use by individuals on a short-term or long-term basis for a fee, also referred to as mini-storage or mini-warehouses.

FARM OPERATIONS

An area of land consisting of not less than seven acres, unless the parcel is located in a state-certified agriculture district, where crops are grown or animals are reared for commercial purposes, together with appropriate buildings. It also includes the employment of land, including for the primary purpose of obtaining a profit, for stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows. A private garden accessory to a residential use shall not be deemed a farm operation.

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.

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 I Action as defined under 6 NYCRR §617.4(b)(2); 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.

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) Town Code Section 123-51(A) and (B), it will be necessary to refer this Zoning Code amendment to the Town of Esopus Planning Board and the Ulster County Planning Board. She offered the following resolution which was **seconded by Councilperson Evelyn Clarke**, who moved its adoption:

WHEREAS, on September 15, 2020, Supervisor Shannon Harris has introduced this local law for the Town of Esopus, to be known as “Town of Esopus **Local Law No.5** of the Year 2020, entitled A LOCAL LAW OF THE TOWN OF ESOPUS, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 123, “ZONING”, OF THE ESOPUS TOWN CODE BY AMENDING SECTION 123-61, “TERMS DEFINED”.

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 October 20, 2020, at 7:00 o’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 **October 20, 2020 at 7:00 o’clock**, p.m., on **Local Law No. 5 of the Year 2020**, 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 123-26, TO INCLUDE THE DEFINITIONS OF WAREHOUSING, WAREHOUSE, SELF-STORAGE WAREHOUSE, FARM OPERATIONS AND TO AMEND THE DEFINITION OF JUNKYARD.

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.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to see and hear the meeting live and provide comments.

PLEASE TAKE FURTHER NOTICE THAT, given the global COVID-19 pandemic, and in accordance with the provisions of the Governor’s Executive Order 202.1, the Public Hearing meeting will be open to the public, but with very limited space and with special requirements (masks, social distancing, sign in and temperatures taken) for public attendance. The Town Board meeting, inclusive of this public hearing, will be accessible to the public through the media platform called Zoom. Members of the community can access the Town Board meeting through Zoom by going directly to the Zoom website (www.zoom.us) or application ("app") at the meeting start time, 7:00pm, and selecting JOIN A MEETING link then entering the Meeting ID# 829 9643 5946 and Password: 172320. Through Zoom members of the community will be able to participate in the Town Board meeting via computer. Members of the community may

submit comments prior to 4:00pm on October 20th in the form of a voicemail message by calling (845) 328-0483, and by submitting written comments electronically to outreach@esopus.com. The meeting will be 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

September 15, 2020

HOLLY A. NETTER, TOWN CLERK, RMC

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

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

DATED: Ulster Park, New York

September 15, 2020

HOLLY A. NETTER, TOWN CLERK,RMC