



Town of Esopus  
Waterfront Advisory Board  
May 27, 2020 Minutes

Present: Chairperson Mercedes Ross, Carol Tomassetti, Marion Zimmer, Margaret Phelan, Dale Wolfeld, Vincent Coq, Eli Schloss, and Chet Allen

Also present: Supervisor Shannon Harris, Planner Matthew Rogers, Diane Dintruff

Approval of the February 2020 Minutes was held over for review by the Board Members.

Chairwoman Ross turned the meeting over to Carol Tomassetti to discuss issues existing and evolving at the Sleightsburgh Park access. She had provided a link to a Google document with information regarding Town Board Minutes, workshop minutes, Facebook feedback, etc. She provided a snapshot of the material contained in the document prepared (attached hereto). The intent was to conduct a mediated session with stakeholders to address issues at the Park.

Supervisor Harris asked that the WAB take on the task and the Town would appreciate the help of the WAB. The residents of the area were the most impacted by the traffic and activities in the park. Achieving a balance with the residents and stakeholders with comments being acknowledged may prove helpful. Installation of a key-carded gate had been suggested for after hours access and egress. This could be free for residents and available at a fee for others (which would fit for Scenic Hudson guidelines) and could provide a possible solution to hours of operation and access.

The fact that Sleightsburg Park is the only free launch in the area added to the difficulties. The City of Kingston was considering opening a free launch which would help alleviate the traffic and use of the Park. Other potential launches weren't currently feasible.

It was discussed that reasonable fees could be charged to access Sleightsburgh Park launch pursuant to the Conservation Easement/Deed. Supervisor Harris suggested providing a list of solutions to have available during mediation. Having a smaller group to structure the conversation and having the WAB spearhead this may prove most useful.

Planner Rogers read the portion of the Easement relative to charging fees to out-of-Town individuals. His opinion was to have a responsible person on site during hours of operation to enforce what was allowed and should be considered.

Chet Allen remarked many complaints involved illegal activities taking place at the Park and that the police department should be more present. Carol Tomassetti noted variety of options she had discussed with Chet Allen and asked if 2 sessions should be held to open comments and then problem-solve. Chet Allen remarked that there was a qualified mediator to assist the WAB and willing to meet with the stakeholders and attempt to work out a solution.

**Chairperson Ross called for a Motion for the WAB to coordinate mediation session(s) to reach a consensus solution for Sleightsburg Park, seconded by Margaret Phelan and all in favor, the WAB agreed to take ownership of conducting the mediation sessions.**

The team may consist of Carol Tomassetti, Chet Allen, Margaret Phelan, Vincent Coq and Dale Wolfield. A subset may be created to structure what additionally be needed to coordinate and discuss at future WAB meetings. Eli Schloss felt he may have a conflict and wasn't in support of early morning launch and he was asked to investigate models in use elsewhere; clarification was that the nighttime use was the more of an issue.

It was agreed that there would be no further decisions and the smaller working group would work to structure meetings, stakeholders, where to hold meeting (Town Hall may not be appropriate). A larger venue may be needed but determining key individuals to represent each stakeholder may help conduct a productive meeting. Eli Schloss remarked that initiating law enforcement would show that the Town was addressing the illegal activities. Supervisor Harris noted that law enforcement (Ulster County Law Enforcement) had been involved but protocol was needed for that agency to have laws/rules to enforce. (The DEC would be involved as well and was named as a stakeholder). Chet Allen suggested the Sheriff's Department provide guidance as to what the agency can provide.

**It was agreed that the subgroup would meet, determine structure of first meeting and Margaret Phelan would contact mediator to organize initial meeting which would consist of Vincent, Chet, Margaret, Carol and possibly Dale. Planner Rogers asked Carol to forward Google document to him for his comment.**

Chairperson Ross turned to Planner Rogers to provide an update to the WAB relative to the Riverfront Access Report. He suggested taking more time to review

the documents submitted and comments could be sent to him via email. Planner Rogers remarked that the access issue may be compartmentalized out of riverfront plan, coordinate with Estuary and they may help get DEC representation at the mediated sessions. The question he raised was if access should be addressed in the Riverfront Access Plan, separately or wrap into the LWRP.

Planner Rogers stated that Department of State is directly involved with the scope of work and the process and he will assist in coordinating with quarterly reports and updates that are required and he would be working with Alex Dean.

**CHESTER:**

Carol Tomassetti reported on Chester. Focus would be on cutting water chestnuts utilizing individuals comfortable in the “social bubbles” (family or friends) as a result of Covid. Launch was targeted for the first or second week of June and she would be arranging to set the mooring ball and head South with the harvester.

There was currently no liaison from the Zoning Board of Appeals to the WAB. Administrative Assistant would reach out to members of the ZBA to serve as a liaison. Supervisor Harris noted that the individual should be a person familiar with the Code as it relates to the WAB and its issues and Chairman Ross presently represented the WAB to the Zoning Task Force. It was clarified a liaison would be needed from the ZBA.

Respectfully Submitted,

Lisa Mance, Administrative Assistant

Date prepared: June 18, 2020

Approved: August 26, 2020

## Current Situation Policies and Situation with Sleightsburg Park.

- **Current Policy:** The Park is officially open from dawn to dusk between April 1st and October 30. A locking gate currently restricts access to the Park between dusk and dawn and during the off-season months. Town employees unlock the gate in the morning and relock it in the evening. Recently, there have been complaints by residents in the Hamlet of Sleightsburgh about loitering in the Park after hours, overcrowding on weekends and holidays, vandalism, oversized boats and inappropriate recreational vehicular traffic (quads and dirt bikes). These complaints, along with the legal obligations outlined in the 1996 Conservation Easement when the park was deeded to the Town, have factored into recent decisions to prioritize safety considerations on park usage and hours of operation. In 2019 the Town began locking the gate at dusk and unlocking the gate again in the early dawn hours. This has presented issues with hunters and anglers that would like to access the Park before dawn. Previously Hunters and Anglers were provided a key to access the park during earlier hours than dawn or dusk, so removing that privilege has not been well received.
- **Video Cameras:** Dan Vedder is working on getting a surveillance camera installed at the Spit. Hopefully, this will reduce/eliminate any criminal activity. These are not yet operational as Spectrum has provided a 180 day enablement window. The latest date for hookup would potentially be around 11/1/2020, but we anticipate this being sooner.
- **History:** Traditionally the Spit has been open to all from April 1 - October 31. There have been discussions that should we return to the key system, the idea would be to allow only hunters and fishers to access the Spit from November through March, and early morning hours - keys would be distributed after individuals provide proof of having a hunting/fishing license for the season.
- There continues to be a significant amount of tension and dissatisfaction among the various parties, most notably the residents and fishermen. See the [town board minutes from April 21st](#), [comments from workshop FB live feed](#) (primarily residents) from 4/7/2020 and the [Town Board Workshop Meeting from Feb 4th](#) (page 8 & 9) for a summary of a variety of comments and concerns. There is also a fairly comprehensive [letter from Doug Mains representing the fishermen's issues](#).
- A summary of some of the issues
  - Fishermen and hunters want to be able to access the park during early hours prior to 6am (essentially any time of the night, depending on tide and weather)
  - Fishermen and hunters want to be able to access the park during the "Non Seasonal" window (November 1st - March 31st)
  - Residents feel that there is a lot of drug activity, noise etc that is disruptive to a residential neighborhood when the park is not closed at night.
  - Residents feel that there is a steady stream of traffic during striper season which is fairly disruptive. Concerns also expressed regarding speed of traffic down North Broadway.

- Residents also have had damage to their property (fence on yard) from large boats not being able to make the turn out of the park.
- The fishermen feel that many of the resident's claims are exaggerated and based on their calls to law enforcement are suggesting the problems are not as bad as they have been portrayed.
- There are costs associated with sending personnel down to lock and unlock the gate.

Given the current state of the discussions, the town board could use help reaching a solution that meets the spirit of the purpose of the park (which supports hunting and fishing) while also supporting the concerns of the residents. It is proposed that the WaterFront Board help to facilitate a mediated discussion to reach a solution that meets the spirit of the conservation easement and arrives at a consensus solution between the fishermen, hunters and residents.

Draft proposed approach to a mediated session:

1. Start with a fairly open meeting that is an open invite to the various parties, provide opportunities for all stakeholders to discuss their concerns, needs and recommendations related to access.
2. Devise a means to identify a set of 1-2 people per stakeholder group to participate and represent that group in a smaller mediation session designed to reach consensus on a solution.
  - a. Session starts with what the objectives for the various stakeholders are
  - b. Moves towards consensus solution.
3. Draft stakeholder groups
  - a. Residents
  - b. Anglers (fishermen)
  - c. Hunters (can they be grouped with anglers/Fishermen?)
  - d. Boaters
  - e. Town Board
  - f. DEC
  - g. Ulster County Sheriff's office
  - h. Esopus Parks and Rec
  - i. Do we need the town's legal representation?
4. Sessions would be run by a professional mediator. (Chet has a suggestion on who can help)

Potential solutions - Discussion purposes only!!

1. Automatic Card key gate that could allow early entry for fishermen and hunters prior to dawn/dusk. Hunting or Fishing license required. Free to residents, fee to out of town residents. Gate would be closed at 9pm, but boats that were not yet off the water could still get out.
  - a. Consider not allowing anyone with key or without into the park from 9pm till 4am? Gives the residents some time with no car lights.

- b. Would probably still need to get someone in to the park at 9pm to clear out people that might have the intention of hanging out after hours. Boat trailers would be the only vehicles that could remain.
2. Same as Alternative 1, except the existing gate would be manually opened and keys would be issued to hunters and anglers under the same process noted above. A Town employee would be responsible for opening the gate at dawn and closing at dusk. A new gate would not need to be purchased. (does not solve for the situation of boaters that don't get off the water in time to make the closure window).
3. Existing gate would remain open 24 hrs between April 1 and October 30 and only closed out of season. During scheduled hunting seasons when the Park is otherwise closed, keys would be issued to hunters and anglers under the same process noted above. In addition, the Town would seek a written agreement with Ulster County Sheriff to guarantee a set number of regular patrols at the Park after hours.

Additional Background information:

- **Existing Conservation Easement Full easement at the following link, also letter from Scenic Hudson that sort of just reinforces this same information:**
  - • Section 2 (pg. 3) Reserved Right of Grantor (Town): Town has the right to impose or collect reasonable non-prohibitive fees for the use of the boat launch by *non-Town residents*, comparable to what is charged at similar facilities in other towns in the Hudson Valley. No person or group of persons shall be prohibited from access to and enjoyment of the Property without just cause.
  - • Section 3.1 Use:
    - The property shall be used solely as a public park, for recreational purposes including boat launching, fishing, hunting, nature study, picnicking, and other forms of passive recreation.
    - The property shall be open to the general public and no members of the public shall be excluded from use of the property without just cause.
    - Public use of the Property *may* be limited by the Town to daylight hours, and to prevent use of the property during inclement weather or dangerous conditions. *[Implies the Town can allow for after-hours use by hunters/anglers.]*
  - • Section 3.3. Lighting:
    - Lighting is permitted if determined necessary to promote the public health, safety and welfare. *[This may be necessary for safety reasons.]*
  - • Section 4. Property Management Obligations of Grantor:
    - Subsection a. The property *shall* be open to the public on a dawn-to-dusk basis, but may be temporarily closed to the public when weather or other conditions dictate. *[Interpretation: the Town must keep the Park open from dawn to dusk. Factoring in Section 3.1 where it states the Town may limit use to daylight hours, the Town does have the ability to allow access by hunters/anglers after hours.]*

- **Town Code Chapter 98 Park Rules and Regulations** <https://ecode360.com/8217122>
  - · 98-3 Restrictions on Use:
    - E. Provides authority for the Town to charge for use of boating and docking facilities. *[Conflicts with Sleightsburgh Park CE that restricts fees to non-residents.]*
  - · 98-4 Hours:
    - Parks will be open at dawn and close at dusk. Out of season, gated parks shall be available to pedestrian access.
    - Sleightsburgh Park will be available out of season to Town residents only. *[Does not directly conflict with the CE – somewhat of a grey area. Unlikely the original intent was to restrict pedestrians from out of town to access the Park.]* Residents will be able to access its use through the use of a key. The Town Clerk of the Town of Esopus will collect a deposit and issue a key with proper identification. The deposit will be refunded upon return of the key. The amount of the deposit will be determined by the Town Board.
  - · 98-11 Fishing:
    - Restricts fishing to designated areas only. *[No park currently has designated fishing areas and I know this is an issue at most. Therefore, the Town may need to formally established designated areas.]*
  - ***As recommended in the Draft Riverfront Plan, Chapter 98 will need to be amended to address designated fishing areas as well as access for Sleightsburgh.***

[Picture of current signage](#)

[Informational brochure for launch in Bethlehem](#)

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