

TOWN OF PLATTEKILL
REGULAR TOWN BOARD MEETING

March 4, 2015

Time: 7:00 PM

SALUTE TO FLAG

Supervisor Croce opened the meeting with a salute to the American Flag.

ROLL CALL

The following Town Board Members were present:

- Supervisor Croce
- Councilman Putnam
- Councilman Farrelly
- Councilwoman Delgado
- Councilman DePew

MINUTES

* Supervisor Croce made a motion to dispense with the reading of the minutes from the February 4, 2015 Regular Town Board Meeting.

Councilman Putnam seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the February 4, 2015 Regular Town Board Meeting.

Councilwoman Delgado seconded.

On the vote: Supervisor Croce	Yes
Councilman Putnam	Abstained
Councilman Farrelly	Abstained
Councilwoman Delgado	Yes
Councilman DePew	Yes

ADDITIONS

Supervisor Croce stated that he had one addition to the evening's agenda and would like to discuss it at this time. He stated that the Town usually has the Annual Easter Egg Hunt and this year Easter falls on April 5th. We usually have the event the weekend before, but he was not sure that the snow would be gone by this time. He was suggesting that the Town Board set this event date for April 4th, the day before Easter and if we cannot hold the event because of the weather, then we could hold it on April 11th which is the weekend after Easter.

There was discussion on how the Town could notify people if the event was put off until April 11th. It was suggested that when the fliers are made they should indicate that everyone should check the website to see if it had been moved to the later date.

The Town Board felt this would be a good solution and everyone agreed that the Easter Egg Hunt would be held on April 4th with a bad weather date of April 11th, at 10:00 AM.

PUBLIC INPUT

Mr. Mark Reynolds, a local newspaper reporter, stated that he had seen a Town of Plattekill Highway pick-up truck in Highland. He wanted to know why it was being driven "out of Town".

Supervisor Croce stated that he was not sure. Perhaps they were picking up parts or getting supplies needed for the Town.

Mrs. Annette Laskowsky stated that Liberty View Farm was on the agenda. When the Town Board is discussing this issue, will people be able to speak? She stated that she wanted to make sure everyone knew that they should speak now if you will not be allowing discussion during that item.

Supervisor Croce stated that he realized that there were a lot of people here this evening to speak about the Liberty View Farm. He stated that he would allow everyone to speak, but we also need to keep in mind that there is an agenda we have to get through.

Ms. Gladys Figueroa stated that she did not feel it was fair to only allow people to speak at the beginning of meetings. She stated that she understands there is an agenda, but maybe people could speak at the end of the meeting too.

Supervisor Croce stated that he does not want anyone to think that the Town Board does not want to hear from residents; that is part of the job, but there are many ways to communicate with the Board. He stated that he is here almost every day and his door is always open. There are also mailboxes in the hallway of the Town Hall and letters can be put in them for each Board member along with phone calls, messaging and e-mails. The agenda states that public input is at the beginning of the meetings and we try to make sure anyone here has a chance to ask questions or make comments. If there is an important issue, the Town Board has always made exception and taken peoples comments. We just have to keep in mind that there are issues the Town Board needs to address on the agenda.

Mrs. Laskowsky stated that the problem is that sometimes things come up during the meetings. She would disagree with waiting until the end of the meeting as decisions have sometimes already been made. This was tried and that doesn't work either.

Mr. Matthew Rogers stated that he was here to make a comment about Liberty View Farm.

Supervisor Croce stated that if there is an important issue in Town, the Town Board will allow people to speak at the time of discussion. We just ask that you address comments to the Town Board.

Mr. Rogers stated that he just wanted to express his support for the farms and he felt Liberty View Farm was one of the most well-kept farms in the area. There are no piles of junk or trash lying around; things are always well kept.

Supervisor Croce asked if anyone had any further comments or questions for the Town Board?

There were no further comments or questions.

* Supervisor Croce made a motion to close the Public Input section of the meeting.

Councilman Farrelly seconded.

On the vote: all ayes.

SECTION 1 – LIBERTY VIEW FARM

Mrs. Patricia Brooks, a representative for Liberty View Farm, spoke to the Town Board and the public explaining that the Building Inspector, Mr. Joe LoCicero, had made a determination that the public gathering/wedding events that were being held at the Farm in the Ag-1.5 and RS-1 Zoning Districts did not fall under any use, either principal or special use, in those Districts. The determination also suggested that the applicant could go for Town Board approval as per zoning regulations 110-11B. Mrs. Brooks read that section of the Town Law which stated that if a proposed use is not specifically prohibited under the Town Zoning Law and is not listed in any category of uses or within any Zoning District on the Schedule of District Regulations, the Town Board shall render a formal determination as to those Districts in which the use shall be permitted.

Mrs. Brooks stressed again that receiving a determination from the Town Board on whether this use should be allowed in the Ag-1.5 or RS-1 or any other District in the Town of Plattekill was what the Town Board would be resolving. The Town Board is charged with whether they agree or disagree with the Code Enforcement Officer/Building Inspector determination and if they agree then they have to decide where this use would be allowed. This decision would not grant the use; it would only state what Zoning Districts the use could be allowed in.

Mrs. Brooks stated that she realized there were a lot of people here this evening to speak about the Liberty View Farm issue, but she wants the Town Board to realize that this is a decision that will not be just for the applicant. This decision will affect the entire Town.

Supervisor Croce stated that the Town Board did understand that this use does not specifically appear in any Districts within the Town Code. We also have to make the decision as to whether we feel the use is part of "Outdoor Recreation and Amusement". He asked if they were to decide that they wanted to add this as a use, would it be a principal permitted use or a special use?

Mrs. Brooks stated that this would be a special use. She explained that the Town Code recognizes that if a use is not there, it automatically becomes a special use so that the use can be reviewed and extra care and regulations can be set up. A special use would be the most restrictive use.

Councilwoman Delgado stated that the last time the Town Board took resident comments; there were a lot of issues brought up about the weddings. She asked Mrs. Brooks if these issues were discussed with Mr. Van Roestenberg?

Mrs. Brooks stated yes, she had reviewed the concerns with Mr. Van Roestenberg. She stated that that was why she wanted to speak this evening; to keep this professional.

Supervisor Croce stated that this was going to be an important decision for the Town Board. We are charged with trying to figure out this situation for the entire Town. He feels this decision will take time and consideration.

Mr. Peter Frank, Mr. Van Roestenberg's Attorney, stated that he had prepared a complete response for the Town Board. He gave the Town Board members a packet with legal notes, a letter from him and letters of support for the Liberty View Farm operation. He reminded the Town Board that Mr. Van Roestenberg had served as a member of the Zoning Board of Appeals and he was looking to be in compliance with the Town Codes. He stated that the packet he gave the Town Board also includes a letter from Mr. Van Roestenberg addressing the comments from the December meeting and in some instances has already made changes to the way things are done at the Farm.

Mr. Frank continued stating that he had received the letter from Mr. Gilbert's Attorney and he just wanted to make sure everyone knows that Mr. Gilbert purchased his property after knowing that the weddings were going on. If he had a problem with the operation of the Farm, he did not have to purchase that property. He continued stating that the Farm is operating as a farm. The weddings are an outlet for the produce. It is not Agra-entertainment or Agra-Tourism. He stated that this is Community Supported Agriculture. He explained that the Farm leases trees to people who then come to the Farm and pick the apples on their tree. When someone gets married at the Farm, they also get a lease for a tree. He stated that the Farm has nine thousand trees and this is the most unique and cost effective way to bring in income from the produce. People pre-purchase the lease for the tree and then obtain the food/apples later in the year. He stated that the caterers use the vegetables from the farm to serve at the weddings.

Mr. Frank stated that there are no farms objecting to Mr. Van Roestenberg selling apples. There are other farms having hayrides, corn mazes and other types of events to get people to purchase their produce. This is no different. He quoted part of the Town Zoning Code which states that the purpose or regulations of the Code are to "promote orderly development, protecting the character and maintaining the stability of residential, business and agricultural areas..".

Mr. Frank then had everyone present this evening, who wrote a letter of support for the Farm, state that they wrote a letter of support voluntarily.

Mr. Frank stated that Mr. Van Roestenberg lives here at his farm, he works here and he got married here. He has spent hundreds of thousands of dollars to help keep his farm going. He does not use chemicals and pesticides; everything is grown organic. He asked that the Town Board please read everything in the packets that he has given them.

Supervisor Croce asked for a show of hands as to how many people in the audience, who were here to support the Farm, were from the Town of Plattekill.

Approximately half of the people who had written support letters raised their hands.

Supervisor Croce reminded them that the Town Board was elected to look out for the interests of their residents.

Mr. Van Roestenberg spoke to the Town Board and showed them a large picture of his farm and pointed out where he held the weddings and where he grew different crops for produce. He stated that all the produce was certified "Naturally" grown. This means that all the produce was grown without pesticides, which is harder to do, but better for the environment.

Supervisor Croce asked him what promoting the sale of apples has to do with holding weddings?

Mr. Van Roestenberg stated that they are farming to sell produce and they have a lot of apples. He needs to distinguish his produce from others and they do this by growing produce naturally and marketing to individuals with e-mails, ads and farm markets. He stated that people who have a wedding at the Farm also get a lease for an apple tree. Then they come back to purchase produce and apples. He stated that he does not have huge speakers that would create a lot of noise. He will also be putting up signs to direct guests on the Farm property and is going to do the parking differently so there will not be a traffic issue. He is putting windows in the barn and also insulating it to cut down on the noise. The purpose of the weddings is to celebrate, but also to promote the farm and sell apples. He stated that they were selling about \$10,000.00 in apples and now, with the tree leases, they have tripled their sales. He stated that he is not much different than Hurd or Minard Farms. He is marketing his property and the Farm. He stated that he had worked with Hurd Farm to put in the corn maze that they used to get their Farm going. They are doing much better now.

Mr. Jeff Crone stated that he plays music at a lot of the weddings for Mr. Van Roestenberg. He stated that they do not use large speakers that would create a lot of noise. He asked about the weddings being considered recreation?

Mrs. Brooks stated that they originally thought the weddings fell under the "Outdoor Recreation" use. We thought it was an allowed use. In October they received the "Notice of Determination" from the Code Enforcement Officer that he did not feel it was an allowed use.

Mr. Scott Collins stated that he is an adjacent neighbor to Liberty View Farm and he is not bothered by the weddings. He stated that they take place on the weekends and it is sometimes noisy, but usually ends early.

Mrs. Ann Rogers, a resident of the Town of Gardiner, stated that she has submitted a letter of support for the Farm. She stated that they are trying to make money to keep the Farm going. She stated that she felt this was an issue about the community. It is a community oriented farm and he teaches people how to farm for themselves. She stated that she met Mr. Van Roestenberg at a Farmer's Market and he is always explaining to people how to grow their own produce. This takes away from our business of selling, but he is always trying to help people.

Mrs. Nora Shador stated that she brought her three kids to the farm and she feels Mr. Van Roestenberg is way ahead of the times. She stated that he helped a person with learning disabilities who worked at the farm through a "learn to farm program" that he has started. This person learned about showing up for work, how to farm and how to prepare food for himself. She stated that he has also held some events to help raise money for people in need. He also donates to the local food pantry/kitchen.

Mr. Wilfredo Castillo, a resident of Plattekill, stated that this issue was not about Mr. Van Roestenberg doing farming. He stated that the issues are noise, trespassing, having to call the police, traffic and other quality of life issues. We have to look at the weddings. We are getting off track.

Mrs. Brooks stated that she explained in the beginning that the Town Board is charged with making a Zoning decision. These other items are for the Planning Board to review when a project is looking for site plan approval.

Mr. Frank stated that his client has responded to all the comments made at the last meeting. Most of the weddings end by 10:00 PM, unless they started a little late. He stated that all the caterers have a temporary liquor license and they have multiple unit trailers for port-a-potties. These people come to the weddings dressed up. He stated that he has attended several of the weddings there and there is no noise. The sound is not amplified and it is in an enclosure. They are putting in windows and insulation to make it even better.

Mr. Van Roestenberg stated that the police were at his Farm three or four times this past year. It was not his farm doing the fireworks; that was someone else down the road. He stated that his weddings are over at 10:00 PM and another farm was having a party for migrant workers. They were the ones who had the music playing late and had fireworks.

Councilman Putnam asked him if putting in the windows and insulation in the barn meant that the weddings will be indoors now?

Mr. Van Roestenberg stated no, they will still have the ceremony outside and the food under a tent, but the music will be inside. He stated that a lot of the weddings do not even have liquor.

Councilman DePew asked him, so you are putting windows in the barn?

Mr. Van Roestenberg stated that he will start putting them in when he gets his approval.

Mr. Doubrava stated that he was building a home on Palazzo Lane and has no issues with farming. He stated that he has learned to farm his land, but his complaints are of trespassing, noise and people having sex and urinating on his property. His windows rattle from the bass from the music. Now he is building his home and does not want to have these issues. He stated that Ag & Markets doesn't want to get involved in all these other things. There are regulations as to what you can do and at least fifty percent of the income has to come from the sale of produce. If he has tree rentals; this is a great program. People have to come and pick their apples a few weekends a year. He stated that he felt this was a commercial enterprise. He stated that he wants to be able to sit on his deck and not hear all the noise.

Mr. Frank stated that he had written a letter and sent it to Mr. Doubrava to explain what is going on.

Mr. Doubrava stated that he will have to give him his address as he has not received anything.

Mr. Frank stated that they are pro-active. They want to deal with the issues, but you can't undermine the zoning laws which say that they promote agriculture.

Mrs. Agnes Deverau, of New Paltz, stated that she has been to the Farm for several weddings. People are looking for a beautiful experience and she has always gotten a liquor license. There is a permit she gets in the e-mail that she prints out and posts that says what they are serving, how many bartenders they can have and the hours they can serve. They serve family style food and the music is not very loud.

Susan, a resident from 11 Sollazzo Lane, stated that the noise level is not what everyone is making it out to be. He has fundraisers and events and they are all run very well and professionally done. He shoveled her driveway and brought her food when she was ill. He is a very nice, community minded person.

Another resident of Plattekill stated that she lives right across the street from the Farm and she does not hear any noise. She is in an older house and the wind rattles her windows, but never the music from the Farm. She stated that she can hear the Fire Dept. down the road, but not the Farm. She stated that

once in a while, she can hear the music late at night, but it is not loud or annoying. She stated that it is nice to see people all dressed up and waving "How are you"?

Sandra Nencetti stated that she met Mr. Van Roestenberg at a Farmer's Market. He has given food to people when they did not have any. He has a place of growth and education and people are welcome to go there and learn.

Another lady stated that she has a chop shop across the street and she is next-door to the Fire Dept. in Wallkill and she puts up with a lot when they have events. This is a beautiful area and we all want to keep it that way. She stated she understood that there are rules to be followed, but she sees nothing but professional people at this Farm. If this Farm were to go away, she would hate to see what might be put there in its place.

Mrs. Rogers stated that she was from Gardiner and she heard someone say that the question is whether weddings are recreation. She stated that she pulled out her cell phone and googled it to see what would come up. She read several definitions and one of them included weddings. She stated that she and her husband had gotten married at the Farm and it is so beautiful there. She stated that she has also over-heard Mr. Van Roestenberg speak about his neighbors and he has always been very concerned about his neighbors.

Mr. Van Roestenberg stated that he does try to be respectful to his neighbors, however they did have an electric storm which made a wedding start about two and a half hours late; so the wedding did run a little overtime. He stated that Police Officers did come to the Farm, but they said he could go another hour.

Mr. Gilbert stated that he was from Albany, but has purchased property on Palazzo Lane and he has come down on nights when the weddings were going on. He stated that he pays taxes here and a lot of the people who are speaking do not. They are from other Towns. He stated that this issue is not about Liberty View Farms. It is about the determination letter. He stated that the Board has been asked whether to permit weddings in the Town in the Ag Zone.

Mrs. Brooks read the code again which said the Town Board has to make a determination if they want to include weddings in the Ag. District or put it in another District.

Mr. Kellar, Attorney for the Town of Plattekill, stated that the Town Board could deny the use in Town.

Mr. Gilbert stated that the Town Board is not obligated to approve them. What the Town Board decides will be for the whole Town and not just here at the Liberty View Farm. He stated that the Town Board would have to be careful with this as it would allow 130 – 150 people to your house. He stated that he has sat on his property for the last 8 weddings and on one night it ended at 10:00 PM. Most nights the music ended between 11:00 and 12:00 PM; with one night going on to 1:30 PM. So this is not about Liberty View Farm, it is anywhere in Town in a residential area.

Mr. Frank responded by saying that this is not a commercial wedding, there is no permanent structure and he doesn't do 10 or 12 a year. This is not only a benefit to the Farm, but it employs other businesses in Town and is a marketing system.

Mr. Van Roestenberg stated that he saw flashlights back in September, late at night, and he went back there to investigate who was there. He met Mr. Gilbert who said everything was OK. Now he is stating something different.

Supervisor Croce stopped the discussion occurring between Mr. Van Roestenberg and Mr. Gilbert and asked them to address the Town Board. Supervisor Croce reminded them that this was not an issue about Mr. Van Roestenberg personally. The Town Board has to make this decision involving the Town Code.

Mr. Knudson stated that his property bordered Mr. Van Roestenberg's Farm and he stated that the noise and people urinating on his property has been an issue. He stated that he has not seen Mr. Van Roestenberg set off fireworks. He stated that he and his wife are living there and farming. They are working within the Code. He stated that he doesn't mind him farming, but the weddings are a commercial enterprise. He stated that this was the issue; not that Mr. Van Roestenberg isn't a wonderful person.

Mr. Matt Rogers, a resident of Gardiner, stated that he understands the Town Board is trying to define whether to allow outdoor gatherings in some Districts. He stated that eliminating this would not allow others in other Districts either. He asked how this would limit private individuals if they wanted to get married on their own properties? He felt that if someone wanted to get married on their own property or farm, they should be able to. Being a commercial business is a separate issue.

Mrs. Barbara Precour, a neighbor living east of the Farm, stated that her windows have never rattled from the noise of the weddings. She stated that she has 4 children and the music has not kept her up at night. She stated that if the problem is noise, if he stops at a certain time, that would work. She stated that Mr. Van Roestenberg is always looking out for his neighbors and for the guests that come to the Farm. He is very professional. She stated that sometimes she can hear the music, but it does not keep her up. She stated that she felt some of these issues can be corrected. She stated that she was sure he didn't want people urinating on his property either. She stated that she felt she was privileged to have Mr. Van Roestenberg as a neighbor and she felt that his operation is in a beautiful setting and he always keeps it nice and well maintained. She stated that she has put a letter in the packet also. She stated that Mr. Van Roestenberg always asks what he can do to help and he is very community oriented.

Supervisor Croce stated that the Town Board has gotten the message and we see that there are people who speak very highly of Mr. Van Roestenberg.

Mrs. Westhouser stated that she has lived there for 6 years and until tonight, she had never met Mr. Van Roestenberg. She stated that he has never asked her if there was a problem. She stated that she sees the tents go up on Thursday and come down on Monday. She stated that she has called the Police when her windows vibrate. She stated that she can hear every word the announcer is saying. She can hear the music, she can see the busses and she is not against farming. It is the weddings, the people, the noise, and he has never approached her as to what he can do to help her. She stated that she does not want to live there with all of this.

Mr. Van Roestenberg stated that he has gone to her home several times, but she was not there.

Supervisor Croce stated that he felt there has been reasonable discussion this evening and wanted to thank everyone for their observations and Mrs. Brooks, Mr. Frank and our Town Attorney, Mr. Kellar for

coming in this evening. He stated that the Town Board has listened to opposing views and now will work with our Attorney and the Planning Board to try to come to a decision that best works for our Town and what direction we will be going in.

Mr. Kellar asked Mrs. Brooks if she could put together a document asking exactly what relief Mr. Van Roestenberg and the property owners were looking for.

Mrs. Brooks stated that they were looking for the Town Board to make a determination from the Building Inspector's determination letter and then Mr. Frank stated that they were looking to hold the weddings and events at the Farm.

Mr. Kellar stated again that he wanted them to put in writing, for the Town Board, something stating exactly, as "X" is what they were looking for, when this Town Board sits down to make their determination.

Mrs. Brooks stated that she would get that to him tomorrow.

Mr. Frank stated that he would get another packet put together for Mr. Kellar and get it to him by tomorrow.

Time: 9:05 PM

The Town Board took a short break as most of the audience was leaving the room.

Time: 9:17 PM

Supervisor Croce called the meeting back to order to finish the rest of the items on the evening's agenda.

SECTION 2 – INTERVIEWS FOR ASSISTANT RECREATION DIRECTOR

Supervisor Croce stated that the Town Board had received 6 applications for the position of Assistant Recreation Director and he wanted to set up a date to do the interviews.

The Town Board decided to hold interviews on Friday, March 13, 2015 starting at 5:00 PM. If any of the applicants could not make it that evening, then an interview time would be set up for Saturday morning, March 14, 2015.

SECTION 3 – MOBILE HOME PARK LICENSE RENEWAL

Supervisor Croce explained that he had received a memo from the Building Dept. that there was one more Mobile Home Park that had passed all its inspections and should be issued their License Renewal for 2014.

* Supervisor Croce made a motion that the Town Board issue the Annual Mobile Home License for 2014 to Jorge Arias owner of Jorge III Acres, aka the Medina Mobile Home Park, located at 106 Plattekill Ardonia Road containing 4 homes.

Councilman DePew seconded.

On the vote: all ayes.

SECTION 4 – BUDGET ADJUSTMENT – JUSTICE EQUIPMENT & REVENUE LINE GOVERNMENT AID

* Supervisor Croce made a motion that the Town Board of the Town of Plattekill amend Budget Line A1110.2 Justice Equipment for \$983.78 and the Revenue Line A4089 General Government Aid for

\$849.75 and General Fund account A2701 Refund from the prior year expenses for \$134.03 to offset the cost of equipment purchases that were approved by the Town Board for the Justice Court. The increase is covered from receipt of \$849.75 from the State of New York JCAP Grant and a check for \$134.03 received for reimbursement from the previous copier service contract from Ricoh deposited on 2/27/15. A complete copy of this resolution is attached to these minutes.

Councilman DePew seconded.

On the vote: all ayes.

SECTION 5 – MARK DOOLEY RACE OF HONOR – 3/29/2015

Supervisor Croce read a letter from the Rotary Club of Southern Ulster asking for use of the Pavilion at the Thomas Felten Park to hold its Annual First Lieutenant Mark Dooley 5K Race of Honor on Sunday, March 29, 2015. The letter stated that the runners would be checked in starting at 8:30 AM and they would use the pavilion to support the racers with nourishment. The local fire departments and ambulance corp. would all be on board to assist them for the event. The letter also indicated that they would again be sponsoring scholarships to the Wallkill High School, Rolling Thunder and other Veteran's organizations and food pantries and Rotary International's ongoing successful fight against polio in third world countries.

* Councilman DePew made a motion to authorize the Rotary Club of Southern Ulster to use the Pavilion at the Thomas Felten Park on Sunday, March 29, 2015 for the Annual Mark Dooley Race of Honor.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 6 – TRAINING REQUEST FOR TOWN CLERK

Supervisor Croce read a memo from the Town Clerk, Barbara Dawes, requesting authorization to attend the New York State Town Clerks Association Training in Rochester, NY on April 26, to April 29, 2015 at a cost of \$790.00 for registration, room and meals plus mileage. This has been budgeted for in the 2015 Town Budget.

* Councilman DePew made a motion to authorize the Town Clerk to attend the NYS Town Clerks Training in Rochester, NY at a cost of \$790.00 plus mileage.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 7 – VOUCHERS

* Councilman DePew made a motion to pay the Voucher Detail Report dated 3/4/2015, which includes: the General Fund amount of \$82,185.67, the Highway Fund amount of \$41,198.29, the Clintondale Light District amount of \$714.11 and the Trust & Agency amount of \$500.00 for a total amount of \$123,883.96 recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 8 – ADJOURNMENT

* Supervisor Croce made a motion to adjourn the meeting at 9:29 PM.

Councilman DePew seconded.

On the vote: all ayes.