

**THE TOWN OF MAMAKATING TOWN BOARD MEETING HELD ON TUESDAY, APRIL 3, 2018 AT 6:00 P.M.
IN THE TOWN HALL, WURTSBORO, NEW YORK.**

Present: William E. Herrmann- Supervisor
Brenda Giraldi- Councilwoman/Deputy Supervisor
Matt Taylor – Councilman
Christine Saward – Councilwoman
Patrick Keller – Councilman
Graham Vest - Councilman
Nicholas Salomone, Jr. - Councilman
J. Benjamin Gailey- Attorney for the Town
Jean M. Dougherty- Town Clerk

Also present: Catherine Owens-Herrmann – Confidential Secretary to the Supervisor/Legislator
Riley Platt III – Highway Superintendent
JoAnn Salamone – Deputy Highway Superintendent
Kerron Barnes – Interagency Coordinator

Worksession Items for Discussion

1. S&N Real Estate - Horvath
2. LIO
3. Solar Amendment
4. Ambulance District
5. Bloomingburg Restoration
6. Anthos Home Tax Cert
7. Floor Machines
8. Irrigation System
9. Schedule Comprehensive Plan Workshop for May 8th at 6 PM
10. Work day and Reporting

CALL TO ORDER/PLEDGE OF ALLEGIANCE

- The April 3, 2018 meeting was called to order with the pledge to the flag.

HIGHWAY SUPERINTENDENT’S REPORT – JoAnn Salamone, Deputy Highway Superintendent

- Began sweeping between flakes
- Waiting to hear from the State regarding C.H.I.P.S. money
- Starting 10 hour work days on Monday, April 9th

COUNTY LEGISLATIVE REPORT – Catherine Owens-Herrmann

No report

SUPERVISOR'S REPORT

- Letter from Board of Elections stating that the Summitville voting district will be moved to the Town Hall.
- Letter of commendation to the Building Department from Ray Harris
- O&R storm watch read regarding upcoming storm

ABSTRACTS

- A motion was made by N. Salomone, seconded by G. Vest to approve the following abstract as presented: Abstract #7 (voucher #20180472-20180544) in the amount of \$124,088.42. All in favor.
- A motion was made by P. Keller, seconded by B. Giraldi to approve the following abstract as presented: Abstract #8 (voucher #20180545-20180552) in the amount of \$16,749.06. All in favor.

MINUTES

A motion was made by G. Vest, seconded by M. Taylor to accept the Minutes of March 20, 2018. All in favor.

RESOLUTIONS

TOWN OF MAMAKATING INTRODUCTORY LOCAL LAW PROHIBITION OF EXTRACTIVE OPERATIONS IN LIO ZONING DISTRICT

BE IT ENACTED by the Town Board of the Town of Mamakating, County of Sullivan, State of New

York, as follows:

Section 1. Legislative Intent. The Town of Mamakating zoning code currently allows extractive operations, defined as mining, quarrying, excavation or removal of earth products, as a special use in the Industry/Office (IO) and Light Industry/Office (LIO) zoning districts. There are currently four active mining operations in the Town. One of those mines is a large operation located in the IO zoning district. The three other operating mines are non-conforming uses, since they are located in zoning districts that do not permit extractive operations. No mining operations are located in the LIO zoning district.

The LIO zoning district is located principally along the easterly side of State Route 209, with two small areas of the zoning district located on the westerly side of Route 209. State Route 209 is the primary north-south route through the Town, stretching from State Route 17, through the Village of

Wurtsboro and into Ulster County. The LIO zoning district extends to the northerly boundary of the Village of Wurtsboro. The Town Board seeks to develop an economic development strategy centered on eco-tourism and related service industries, as described in the June 2017 draft Comprehensive Plan recommended by the Town's Comprehensive Plan Steering Committee. Mining operations generate significant heavy truck traffic, noise, dust and adverse aesthetic impact. The existence of mining operation(s) along this primary route into the Town is detrimental to the Town's community vision and economic development strategy.

The easterly boundary of the LIO zoning district runs parallel and very close to the historic D&H Canal and its tow path, which is used as a walking trail. The Town is in the process of improving and extending this walking trail as part of its successful efforts to establish additional trails and other recreation opportunities in the Town. The Town Board determines that mining operations in close proximity to the D&H Canal trail are detrimental to the hiking and walking experience and contrary to the Town's efforts to construct additional and linked trails throughout the Town.

The southerly portion of the LIO zoning district includes the Wurtsboro Airport and vacant lands designated as the Wurtsboro Airport Economic Development Area, which may be developed for compatible uses, offices, restaurants and research facilities. The Town's current Comprehensive Plan recommends light industrial, research and office uses for this EDA and recommends a mix of those uses in order to minimize heavy vehicle traffic through the Village of Wurtsboro. The draft Comprehensive Plan prepared by the Town's Comprehensive Plan Steering Committee calls for the development of a strategy to promote the growth and utilization of the Wurtsboro Airport as a means of attracting visitors to the Town, which is endorsed by this Board. The Town Board determines that mining operations in close proximity to the Wurtsboro Airport and adjoining vacant lands are not compatible with the Wurtsboro Airport or the economic growth of the Airport, and are not compatible with appropriate development of lands adjoining or near the Airport. In addition, the Board determines that mining operation(s) will produce significant volumes of heavy vehicle traffic, contrary to the recommendation of the current Comprehensive Plan.

The Town Board finds and determines that the prohibition of extractive operations in the LIO zoning district promotes the Town's community vision and economic development strategy, its emphasis on eco-tourism and recreation, the economic growth and utilization of the Wurtsboro Airport, the appropriate use of adjoining and nearby lands, and the general public welfare.

In early 2016, the Town Board initiated the statutory process to update the Town's 2001 Comprehensive Plan. The Town Board's intention was to adopt a new Comprehensive Plan and then adopt zoning amendments consistent with that Plan. That process has taken longer than anticipated. The draft Comprehensive Plan recommended to the Town Board by the Comprehensive Plan Steering Committee calls for the prohibition of all new extractive operations throughout the Town. The Board is considering that draft Plan in its process of reviewing all relevant matters prior to adoption of an updated Town Comprehensive Plan.

The Town Board is aware that E. Tetz & Sons or a related group is processing a mining permit application submitted to the State Department of Environmental Conservation. The Town Board believes that the proposed mining site, which adjoins the Wurtsboro Airport, an established residential subdivision and the D&H Canal trail, and is within the viewshed of the State parks and trails on the Shawangunk Ridge, is a singularly poor location for a mining operation. Although the Town Board's

preference would be to consider and adopt zoning amendments after completion of the overall Comprehensive Plan process, the Board finds that it is in the public interest to amend the Comprehensive Plan, to the extent necessary, and adopt this local law at this time.

Section 2. Schedule I, titled “Table of Use and Bulk Requirements” for the LIO (Light Industry/Office) zoning district is amended by deleting “Extractive operations” as a Special Use.

Section 3. Effective date. This local law shall immediately take effect upon filing with the Secretary of State.

**RESOLUTION
TOWN OF MAMAKATING TOWN BOARD
CONSISTENCY DETERMINATION AND AMENDMENT OF
2001 COMPREHENSIVE PLAN
CONCERNING EXTRACTIVE OPERATIONS IN THE
WURTSBORO AIRPORT ECONOMIC DEVELOPMENT AREA
AND THE LIGHT INDUSTRY/OFFICE (LIO) ZONING DISTRICT**

Consistency Determination

The Town’s current Comprehensive Plan, adopted in 2001, states that sand and gravel quarrying is among the types of uses recommended for the Mountindale Road Economic Development Area, the Wurtsboro Airport Economic Development Area, and the Winterton/Burlingham Road Economic Development Area.¹ The Comprehensive Plan does not recommend sand and gravel quarrying or any other extractive operations in any other economic development areas or other areas of the Town.

With respect to the Mountindale Road EDA, the Comprehensive Plan, at pages I-5 and III-14, states that “[d]ue to the current non-residential use of portions of this area, including a transfer station and extractive industry, it is recommended that large-scale non-residential uses consistent with these operations be pursued in this location. ... It is anticipated that this area could accommodate heavy industrial uses since it has reasonably good regional road access.” The zoning law enacted after adoption of the 2001 Comprehensive Plan zoned the Mountindale Road EDA as the Industrial/Office

¹ Although the current Comprehensive Plan states that the types of uses recommended in the Winterton/Burlingham Road EDA include quarrying operation with a reclamation plan, quarrying is not a permitted use in the zoning district that encompasses this EDA.

(IO) zoning district, which allows recycling and recovery facilities and extractive operations, both then-existing as quoted above, and other business uses.

With respect to the Wurtsboro Airport EDA, the 2001 Comprehensive Plan, at pages I-6 and III-17, states that this EDA is suited for large-scale non-residential uses and that “[u]ses should be planned as a unit, e.g., business park, with coordinated access points to minimize turning movements onto Route 209” and states that the Town “could establish an economic development group to cooperatively develop a business park and actively market the site.” The Comprehensive Plan, at page I-6, states: “Light industrial, research and office uses are recommended for this location. A mix of these uses is recommended to minimize heavy vehicle traffic traveling through Wurtsboro to access this economic development area.” In contrast to the Mountindale Road EDA, the Comprehensive Plan does not state that the Wurtsboro Airport EDA could “accommodate heavy industrial uses.” Among the types of uses recommended for the Wurtsboro Airport EDA – which include light industrial, research and office uses (as specified above) and other business uses – is sand and gravel quarrying. There is no reason or support indicated in the Comprehensive Plan for the inclusion of sand and gravel quarrying as a permitted use in the Wurtsboro EDA or LIO zoning district.

The zoning law enacted after adoption of the 2001 Comprehensive Plan zoned the Wurtsboro Airport EDA and adjoining land to the north as the Light Industry/Office (LIO) zoning district, which permits light industry, research and office uses and other business uses, and also permits sand and gravel quarrying as a special permit use.

The Board determines that sand and gravel quarrying is a heavy industry use and is not consistent with the description and purpose of the Wurtsboro Airport EDA. Sand and gravel quarrying is not suited for inclusion in a planned business park and is not a light industrial, research or office use that are principally recommended for the Wurtsboro Airport EDA. In making this determination, the Board, in addition to using common sense, relies upon the expertise of Sterling Environmental Engineering and

its letter, dated April 2, 2018. In addition, a sand and gravel mining operation would cause heavy vehicle traffic traveling through Wurtsboro to and from Route 17/Interstate 86, which directly conflicts with the Comprehensive Plan's recommendation to minimize heavy truck traffic traveling through Wurtsboro.

Because sand and gravel mining, or extractive operations, is heavy industry, is not consistent with the description and purpose of the Wurtsboro Airport EDA, and conflicts with the Comprehensive Plan recommendations for this EDA, the Town Board determines that the prohibition of extractive operations in the LIO zoning district does not conflict with and is consistent with the 2001 Comprehensive Plan.

Determination to Amend 2001 Comprehensive Plan

If the exclusion of extractive operations as a special use in the LIO zoning district were considered in conflict or inconsistent with the 2001 Comprehensive Plan, the 2001 Comprehensive Plan should be amended to eliminate sand and gravel mining as a type of use recommended for the Wurtsboro Airport EDA and, therefore, extractive operations should be deleted as a special use in the LIO zoning district, for the following reasons:

Community Vision and Economic Development Strategy

The Town of Mamakating's community vision and economic development strategy is centered on eco-tourism and related service industries, as described in the June 2017 draft Comprehensive Plan recommended by the Town's Comprehensive Plan Steering Committee. Relevant portions of that draft Plan are annexed and incorporated into this determination to amend the 2001 Comprehensive Plan. For example, the draft Plan states:

Today Mamakating largely remains a rural community, most notable for its outstanding scenic beauty and environmental resources. The Basha Kill Wildlife Management Area contains more than 3,000 acres of State-owned and protected wetland and natural habitat. The Wurtsboro Ridge State Forest and the Shawangunk Ridge State Forest adds another 6,000+ acres along the Shawangunk Ridge north of Route 17/Interstate 86. The natural beauty of the Ridge and the undeveloped and wild regions of the Town remain its most effective economic development resource with the parks and Management Area drawing thousands of

tourists to the Town annually. Roosa Gap State Forest is also State-owned and consists of 1,091 protected acres.

The draft Plan's Vision Statement states:

Employment opportunities will be diverse from local government, light industry and commercial development along the Route 209 Corridor; to eco-tourism and green, hospitality and tourist-oriented businesses attracting visitors along the D&H Canal, Basha Kill Wetlands, and Long Path; to cultural, trail-related, artisan, restaurant, winery/brewery, and entertainment uses in the Wurtsboro and Bloomingburg Village centers; and to clean, green industry in the Town's Planned Office and Resort-Office districts along Wurtsboro-Mountain Road.

This Vision Statement is supplemented in the Economic Development section of the draft Plan. Pages 81-86 and 88-90 of the draft Plan (attached and incorporated herein) sets forth strategies to use existing recreation and open space opportunities and to develop additional opportunities to attract quality economic development. In addition, certain Goals and Objectives in the draft Comprehensive Plan (attached and incorporated herein) also set forth the Town's goal of promoting economic development through eco-tourism. Goal 4.1 states: "Protect the significant environmental features in the Town as a means of promoting eco-tourism activities and becoming a regional trendsetter in eco-tourism development, and accommodate land uses adjacent to those resources that would benefit economically." Goal 1.5 states: "Protect the natural and open space character of the Shawangunk Ridge, Basha Kill, and D&H Canal." Goal 3.4 states: "Promote the enhancement of existing parkland throughout the Town."

The easterly boundary of the LIO zoning district runs parallel and very close to the historic D&H Canal Linear Park and its tow path, which is popularly used as a trail for historic treks, walking, bicycling, birding, nature observation and cross-country skiing. The Town is in the process of improving and extending this walking trail as part of its efforts to establish additional trails and other recreation opportunities in the Town. These efforts further the Town's community vision and economic development strategy. Since 2014 the Town has acquired 50 acres of parkland and a 2.2-mile length of rail trail from the Open Space Institute, acquired a separate parcel of land from Open Space Institute to

provide local access to State parkland, and purchased and renovated a building near the Bashakill to establish an Environmental Education Center. The Town is considering the acquisition of lease rights from the County of Sullivan to renovate the D&H Canal Interpretive Center, Boothroyd residence and the Canal Boat dry dock at the Canal Linear Park at Bova Road. The Town has renovated and improved its public park and taken over the operation (from an outside vendor) of the Town's Youth Summer Camp program and significantly expanded that program. The Town's community vision is reflected on the home page of the Town website, which has photographs of the canal, canal trail, the Bashakill and outdoor activities. The Town's logo depicts a mountain stream and the sun.

The draft Comprehensive Plan states that the Town of Mamakating's history is inextricably linked to the development of the D&H Canal, and states that the canal trail provides an excellent base for the development of a linear trail system to link various parts of the Town. The draft Plan supports the creation of linear parks along the D&H Canal not only for recreational purposes, but also as an asset for business location.

The growth and utilization of the Wurtsboro Airport also offers great potential to attract visitors to the Town. The Wurtsboro Airport is a small airport which is renown to glider airplane pilots and the glider industry. The Airport also serves small airplanes and jets. Goal 4.4 of the draft Comprehensive Plan states: "Develop a strategy to promote the growth and the utilization of the Wurtsboro-Sullivan County Airport as a means of attracting visitors to the Town." The draft Plan also recommends the development of an overlook area along State Route 209 in order to observe gliders flying in and out of the Airport. For the reasons set forth on pages 10-12 of this resolution, mining operations in the LIO zoning district would adversely impact Airport safety and adversely impact the growth and utilization of the Airport.

The Town's professional planning consultant, Nelson Pope & Voorhis, LLC, in its memorandum, dated January 31, 2018, recommends that the Town Board amend the 2001 Comprehensive Plan based

upon four (4) planning justifications – eco-tourism impacts, hydrogeologic factors, traffic impacts and incompatible surrounding land uses. The memorandum cites the eco-tourism impacts addressed in this resolution. The memorandum also states, and the Board agrees, that the pristine water quality of the aquifers supplying the Bashakill, which underlie the LIO zoning district, is a significant environmental feature critical to the Town’s eco-tourism efforts. The next section of this resolution summarizes the deleterious impacts on the Mamakating Aquifer that could result from mining operations in the LIO zoning district.

The Town’s planning consultant, in its January 31, 2018, memorandum, states that heavy truck traffic related to extractive industries, moving through the Route 209 corridor, as well as excavation activities, would significantly impact the historic charm and tourism promotion efforts stated in the current 2001 Comprehensive Plan’s economic development goals, and states that the draft Comprehensive Plan expands upon and emphasizes the importance of eco-tourism to the Town’s economic development.

The LIO zoning district is located principally along the easterly side of State Route 209, with two small areas of the zoning district located on the westerly side of Route 209. State Route 209 is the primary north-south route through the Town, stretching from State Route 17, through the Village of Wurtsboro and into Ulster County. Goal 9.1 of the draft Comprehensive Plan states: “Protect the undeveloped, scenic quality of the Route 209 corridor”. The LIO zoning district extends to the northerly boundary of the Village of Wurtsboro. Mining operations generate significant heavy truck traffic, noise, dust, and adverse aesthetic impact over an approximate 25-year period or more. The Town Board determines that the existence of mining operations along this primary route into the Town is detrimental to the Town’s community vision and economic development strategy.

Mining operations generate significant noise and dust, as stated in Sterling’s April 2, 2018, letter, and aesthetic detriment over an approximate 25-year period or more. The Town Board determines that

mining operations in close proximity to the D&H Canal Linear Park and trail are detrimental to the historic, hiking, walking, biking, birding and nature experience. The Board determines that such mining operations are contrary to the Town's efforts to improve the D&H Canal facilities and construct additional and linked trails throughout the Town, which are integral parts of the Town's community vision and economic development strategy. The Board determines that mining operations in the LIO zoning district will adversely affect the growth and utilization of the Wurtsboro Airport and its attraction of visitors to the Town.²

Groundwater Quality/Mamakating Aquifer

The Mamakating Aquifer extends through a portion of the Town, including the entire LIO zoning district. The draft Comprehensive Plan includes an extensive Hydrogeologic Study of the Town of Mamakating, dated April 2017, prepared by HydroQuest and Mid-Hudson Geosciences. (The 2001 Comprehensive Plan does not contain any discussion of the Mamakating Aquifer). Sand and gravel aquifers, such as the Mamakating Aquifer, are highly valued for their water quality and high yields. The Study documents the significant drinking water volume of the Aquifer. The Study specifically recommends protection of the Aquifer by, among other means, the establishment of a 100-foot protective buffer around all high permeability unconsolidated aquifers, such as the Mamakating Aquifer, and the designation of the Aquifer as a Primary Aquifer. The HydroQuest report states that the highest and best use of the Mamakating Aquifer is as a high-yield water supply which should be preserved and protected. Goal 2.5 of the draft Comprehensive Plan states: "Protect aquifer recharge areas by limiting development within an adjoining these areas."

² The Board is aware that Hopper Hill, LLC, owns property in the LIO zoning district and has submitted a mining permit application to NYSDEC and is engaged in the DEC review process. (Hopper Hill has not submitted an application to the Town Planning Board for special permit and site plan approval of a mining operation). Hopper Hill's consultants state that its mine reclamation plan would ultimately result in a 41-acre pond and that, after reclamation, Hopper Hill is willing to donate to the Town the 109-acre site, which could be developed as a public park. The Town Board has considered this offer and determines that the potential detrimental economic, recreational, drinking water, community, safety and comprehensive planning impacts that will be avoided by the prohibition of mining operations in the LIO zoning district, and the beneficial effects of such prohibition, outweigh the offer.

In a follow-up report, dated March 16, 2018, HydroQuest states that the demand for potable groundwater, a finite natural resource, is increasing with population growth, and states that contamination of surface water by point source discharges and non-point sources cause increased demand for groundwater resources. The report states that the most prolific ground-water resources are stored in hydraulically interconnected pore spaces between sand and gravel sediments, and in the Mamakating Valley, those sediments comprise the Mamakating Aquifer. Ground water within this Aquifer flows over long distances.

HydroQuest's March 2018 report strongly recommends against mining of the sand and gravel material that comprise the Mamakating Aquifer, because such removal of the sand and gravel would (1) disrupt natural hydrologic fluxes, (2) remove the aquifer's capacity to store volumes of water, (3) remove a portion of the sand and gravel aquifer, (4) disrupt natural aquifer recharge, (5) open the aquifer to microbial organisms and other contaminants, (6) compromise the substantial headwater recharge portion of the aquifer, and (7) jeopardize the quality of nearby existing and future well water and water supplies. The HydroQuest report states that because the aquifer is narrow, the ground water that naturally flows from south to north would become exposed along its flow route by mining into the aquifer. The March 2018 HydroQuest report recommends the prohibition of extractive mining operations in the LIO zoning district in order to protect the high-yield water supply of the Mamakating Aquifer.

The March 2018 report also finds that a mining operation at the northern end of the LIO zoning district would adversely impact the water supply wells of Blue Sky Homes, a large mobile home park containing 210 homes and approximately 600 residents.

A report prepared by Sterling Environmental Engineering, P.C., dated March 13, 2018, also states that mining below the water table exposes groundwater and creates a greater risk of contamination from surface sources. Removal of the soil above the groundwater table removes the

buffer between the ground surface and the water table and removes the aquifer's ability to alter contaminants before they reach the groundwater. Any spill of hazardous material into a waterbody results in immediate contamination of the water resource. The Sterling report notes the documented existence of important aquifers within the Port Jervis Trough that extends through the center of the Town, including the LIO zoning district, and states that the protection of the aquifer from sources of contamination is critical to the public health and to reserve the sources of water for future use and expansion. The report states that mining activities include the use of heavy machinery and storage of petroleum products and chemicals that are often stored on site for routine maintenance of mining equipment, and states that the release of petroleum products or other chemicals, particularly to open water, can result in contamination of groundwater.

The Sterling report states that prudent planning and zoning by municipalities should include implementing protective measures such as aquifer protection overlays, amending zoning, defining aquifer buffer zones, and designating wellhead protection areas to limit land use to activities that do not pose a threat to surface water and groundwater quality. The report states that whereas other permissible uses in the LIO zoning district involve activities or operations that have the potential to result in a spill or release of potential contaminants, none of those permissible uses, unlike mining, involve the removal of the aquifer materials and the direct exposure of groundwater to potential direct contamination of groundwater.

The Town Board determines that mining operations conducted within the LIO zoning district would, among other adverse impacts, remove the sand and gravel Aquifer, remove the natural cleansing recharge cover of the Aquifer and open this high-yield water supply to contaminants.

Wurtsboro Airport/Safety and Economic Development

The LIO zoning district includes the Wurtsboro Airport and adjoining vacant lands designated as the Wurtsboro Airport Economic Development Area, which may be developed for compatible uses,

offices, restaurants and research facilities. The Wurtsboro Airport is a small airport which is renowned to glider airplane pilots and the glider industry and has great economic development opportunity. (The draft Comprehensive Plan recommends the development of an overlook area along State Route 209 in order to observe gliders flying in and out of the Airport). Small motorized airplanes and jets also use the Airport. Objective 4.4 of the draft Comprehensive Plan states: "Develop a strategy to promote the growth and utilization of the Wurtsboro – Sullivan County Airport as a means of attracting visitors to the Town." Greater utilization of the Airport will encourage the development of Airport-related businesses.

Aircraft taking off from and landing at the Airport fly very low over the lands in the LIO zoning district. Therefore, if mining operations occur in the LIO zoning district, gliders and other small aircraft will fly very low directly over the mining operation.

A mining operation that mines into the groundwater of the Mamakating Aquifer that runs through the LIO zoning district will create a large water body. Water bodies attract large numbers of birds. The Federal Aviation Administration has published Advisory Circular No. 150/5200-33B, dated August 28, 2007, to provide direction regarding certain land uses that have the potential to attract hazardous wildlife on or near public-use airports. The Circular states that those attractant land uses include surface mining. The Circular states that aircraft collisions with birds and other wildlife are a serious economic and public safety problem.

The Circular states: "When considering proposed land uses, airport operators, local planners, and developers must take into account whether the proposed land uses, including new development projects, will increase wildlife hazards. Land-use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife strikes." The Circular states that "ponds that result from mining activities often attract large numbers of potentially hazardous wildlife." The Circular states that notwithstanding more stringent requirements for specific land uses, the FAA recommends a separation distance from any hazardous wildlife-attractant land use of 5,000

feet for airports serving piston-powered aircraft and 10,000 feet for airports serving turbine-powered aircraft. The Wurtsboro Airport serves piston-powered and turbine-powered aircraft. As a glider approaches the Wurtsboro Airport over the LIO zoning district, its altitude is only approximately 300-400 feet or less.

The Circular states that airports that have received Federal grant-in-aid assistance, such as the Wurtsboro Airport, are required by their grant assurances to take actions to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations and recommends that airport operators to the extent practicable oppose off-airport land use changes or practices that may attract hazardous wildlife.

In addition, mining operations cause significant airborne dust, creating a potential safety hazard to gliders and other small aircraft.

The Board determines that mining operations in the LIO zoning district would cause a safety hazard to airplanes and Airport operations due to hazardous birds and dust.

A wildlife-attractant land use, such as mining, that causes a safety hazard at the Wurtsboro Airport would affect the economic viability of the Airport. The Board determines that any detriment to the utilization and growth of the Wurtsboro Airport would adversely affect the attraction of tourism and adversely affect the development of Airport-related businesses in the Wurtsboro Airport Economic Development Area.

The Town's current Comprehensive Plan recommends light industrial, research and office uses for the Wurtsboro Airport Economic Development Area and recommends a mix of those uses in order to minimize heavy vehicle traffic through Wurtsboro. The Town Board determines that mining operations in proximity to the Wurtsboro Airport or adjoining vacant lands are not compatible with the Wurtsboro Airport or with appropriate development of lands adjoining the Airport. The Board also determines that mining operations will produce significant volumes of heavy vehicle traffic, contrary to the

recommendation of the current Comprehensive Plan.

Incompatible Land Use

The Town's planning consultant, in its January 31, 2018, memorandum, recommends the amendment of the 2001 Comprehensive Plan, because mining operations are incompatible with the existing land uses in and around the LIO zoning district. The memorandum states that the ridgelines of Wurtsboro Ridge State Forest and Wurtsboro Hills to the east and west of the LIO zoning district would overlook any mining operation in the LIO district, detracting from the scenic viewshed and causing disturbance to the surrounding environment in the form of dust, noise and vibrations. Objective 1.5 of the draft Comprehensive Plan states: "Protect the natural and open space character of the Shawangunk Ridge, Basha Kill, and D&H Canal." The memorandum states that, for the same reasons, a mining operation in the LIO zoning district would adversely affect the Wurtsboro Airport and its patrons.

The planner's memorandum states that the LIO zoning district contains residential properties within its boundaries, including the 210-home mobile home park, 28-lot residential subdivision and approximately a dozen scattered homes, and states that the proximity of residences to a mining operation poses health and quality of life risks to the existing residents. Section 199-2E of the Town zoning code states that one of the specific purposes of the Town's comprehensive zoning law is "[t]he maximum protection of residential areas from the intrusion of incompatible uses."

The Town Board agrees with the planner's memorandum and recommendation.

Sterling Environmental Engineering states, in its April 2, 2018, letter that a mining operation constitutes a heavy industry use and is not compatible with the LIO zoning district or other permitted uses in the LIO zoning district. Sterling's letter concludes: "With the exception of 'extractive operations', the types of businesses [permitted in the LIO district] are typical of light industry and are appropriate uses in a Light Industrial Office zoning district. It is Sterling's opinion that the activities and operations of mining and extractive operations constitute 'heavy industry'. It is also Sterling's opinion

that it is not appropriate to include extractive operations within the LIO zone because such operations are not consistent with the goals and objectives of the zoning code. Extractive operations employ activities and operations considered to be consistent with heavy industry. Establishment of a mine in a LIO zone would detract from the natural environment and conflict with other permitted uses in the LIO zone.”

The Town Board determines that mining operations in the LIO zoning district are not compatible with existing land uses in the zoning district or with the land uses permitted in the district.

Fugitive Dust

The March 16, 2018, HydroQuest report cites a 2016 study finding that particulate matter is one of the primary pollutants produced from surface mining operations, and that health studies indicate a strong association of airborne particulate matter with adverse health impacts, such as restricted airways, reduced lung capacity, reduced lung function, increased cardiovascular disease, and other serious adverse health effects. The report states that a mining operation at the northern end of the LIO zoning district would generate fugitive dust as little as 200 feet from the 210-home Blue Sky Homes mobile home park. A mining operation in that location also would adjoin the 28-lot Valley Stream residential subdivision.

In addition to adverse health effects, fugitive dust will blow, depending on the breeze, toward the Wurtsboro Airport and the D&H Canal Linear Park, causing unwelcome, unsafe or adverse effects on those receptors. Fugitive dust would likely discourage some types of businesses from locating in proximity to a mining operation.

Noise

Mining operations generate significant noise by heavy trucks, off-road haul trucks, crushers, loaders, excavators and other mining equipment. Most of the Blue Sky Homes 210-home mobile home park and all of the Valley Stream 28-lot residential subdivision lie within the LIO zoning district. In

addition, it is likely that the noise would dissuade residents and tourists from using the Canal trail for its existing recreational purposes, such as historic treks, walking, bicycling, kayaking, birding, nature observation and cross-country skiing. All of those noise receptors will be adversely impacted by the significant noise generated by a mining operation over an approximate 25-year period or more. In addition, the noise would discourage certain types of businesses from locating in proximity to a mining operation. The Board determines that the noise generated by mining operations in the LIO zoning district would cause adverse impacts on nearby residences and recreation land and discourage business development in the Wurtsboro Airport Economic Development Area.

Additional Comment

The Board notes that the draft Comprehensive Plan prepared by the Steering Committee recommends the prohibition of new extractive operations throughout the Town. Extractive operations are currently also allowed in the IO (Industry/Office) zoning district. The Town Board defers any determination whether new extractive operations should be prohibited in the IO district (where a mine currently operates) until the Board further considers the draft Comprehensive Plan during the process of the Town Board's review and adoption of the Comprehensive Plan. It is clear, however, that extractive mining operations is not an appropriate use in the LIO zoning district.

BE IT RESOLVED that, for the reasons and determinations set forth above, the Town Board finds and determines that the prohibition of extractive operations in Wurtsboro Airport Economic Development Area and in the LIO zoning district promotes the Town's community vision and economic development strategy, including its emphasis on eco-tourism and recreation; protects the D&H Canal Linear Park; protects the Mamakating Aquifer; protects the existing residences and approved residential lots within and adjoining the LIO zoning district; protects the safe use of the Wurtsboro Airport; promotes the utilization and economic growth of the Airport and adjoining lands in the Wurtsboro

Airport Economic Development Area; protects the economic viability of other vacant lands in the EDA and LIO zoning district; and promotes the public interest and welfare.

BE IT FURTHER RESOLVED that, for the reasons and determinations set forth above, and based upon the analyses and recommendations made by the Town's professional planning consultant, professional engineering consultant and professional hydrogeologic consultant, the Town of Mamakating Town Board finds and determines that:

A. The prohibition of extractive operations in the Wurtsboro Airport Economic Development Area and the deletion of extractive operations as a special use in the LIO zoning district is not in conflict with and is consistent with the 2001 Comprehensive Plan.

B. In addition to and as an alternative to paragraph A, the 2001 Comprehensive Plan is amended by adopting the Vision Statement, economic development strategy, and goals and objectives stated and summarized in this resolution and also set forth in the attached draft Comprehensive Plan excerpts; and the 2001 Comprehensive Plan is further amended, on page III-17, by deleting "sand and gravel quarrying subject to a reclamation plan" as a type of use recommended for the Wurtsboro Airport Economic Development Area.

C. Although there is no requirement for a legislative body to state the rational basis for a zoning amendment, this Resolution sets forth rational reasons and a rational basis for a zoning amendment to prohibit extractive operations in the LIO zoning district.

D. This document is incorporated in the Board's resolution of SEQR Negative Declaration as an integral part of that Negative Declaration.

On a motion by Councilperson G. Vest, seconded by Councilperson Taylor, the foregoing resolution was adopted on a vote of 6 Ayes, 0 Nays.

**TOWN OF MAMAKATING TOWN BOARD
RESOLUTION OF SEQR NEGATIVE DECLARATION**

LOCAL LAW - PROHIBITION OF EXTRACTIVE

**OPERATIONS IN LIO ZONING DISTRICT,
AND COMPREHENSIVE PLAN CONSISTENCY DETERMINATION AND
AMENDMENT OF 2001 COMPREHENSIVE PLAN**

BE IT RESOLVED as follows:

The Town Board of the Town of Mamakating, acting pursuant to the State Environmental Quality Review Act (SEQR) and 6 NYCRR Part 617 (the SEQR Regulations) has considered the proposed zoning amendment that would prohibit extractive operations in the LIO zoning district; the proposed determination finding that this zoning amendment is consistent with the 2001 Comprehensive Plan; and the proposed amendment of the 2001 Comprehensive Plan such that the zoning amendment is consistent with, or does not conflict with, the Comprehensive Plan. This is a SEQR Type I action, because the zoning amendment would change the allowable uses within the LIO zoning district and affects 25 or more acres of the LIO district.

The Board is aware that a Type I action is presumed to be likely to have one or more significant adverse environmental impacts. The Board must determine whether or not this action may cause one or more potential significant adverse environmental impacts. In making this SEQR determination, the Board has considered the criteria set forth in §617.7(c) of the SEQR Regulations and analyzed relevant areas of potential environmental concern.

The Board has reviewed the Full Environmental Assessment Form (EAF) Part 1 and completed Part 2 and Part 3 of the EAF. The Board has considered all written submissions, including but not limited to submissions made by representatives of Hopper Hill, LLC; all comments made at the public hearing commenced on January 2, 2018, and continued and then closed on February 6, 2018; the report prepared by the Town's professional land use and community planner Nelson Pope & Voorhis, dated January 31, 2018; the report prepared by the professional engineering consultant Sterling Environmental Engineering, P.C., dated March 13, 2018; the report prepared by the hydrogeologic consultant Hydro Quest, dated March 16, 2018; and the letter prepared by Sterling Environmental Engineering, dated April 2, 2018.

This resolution documents the basis for the Board's determination that the proposed action does not have the potential for a significant adverse environmental impact and that preparation of an environmental impact statement is not required. The Town Board's resolution setting forth reasons why the 2001 Comprehensive Plan should be amended ("Comprehensive Plan resolution") is annexed and incorporated herein as part of this resolution of Negative Declaration.

Title of Action: Local Law - Prohibition of Extractive Operations in LIO Zoning District
Comprehensive Plan Consistency Determination
Amendment of 2001 Comprehensive Plan

SEQR Status: Type I

Project Location: LIO zoning district, which is located along, and principally on the easterly side, of State Route 209, extending from the north boundary of the Village of Wurtsboro to the south side of the hamlet of Summitville.

Description of Action: The local law would prohibit extractive operations, defined as mining, quarrying, excavation or removal of earth products, in the Light Industry/Office (LIO) zoning district, which is currently permitted by special use permit in the LIO and Industry/Office (IO) zoning districts. A related proposed action is a determination that the prohibition of extractive operations in the LIO zoning district is consistent with the Town's current (2001) Comprehensive Plan and/or, in the alternative, amendment of the Comprehensive Plan such that the proposed zoning amendment is consistent with, or does not conflict with, the Comprehensive Plan.

Reasons Supporting This Determination:

The proposed Comprehensive Plan determinations and proposed zoning amendment would prohibit extractive operations in the LIO zoning district. Based upon a thorough review of all materials and information provided to the Board, no potential adverse environmental impacts have been identified.

The attorney for Hopper Hill, LLC, in a letter dated January 2, 2018, states that the zoning amendment would adversely affect minerals, existing patterns of population concentration, distribution or growth, and existing community or neighborhood character. There was no offer of a factual basis to support that statement.³

The only effect of this action on minerals is that sand and gravel and other minerals will not be removed from the earth by a mining operation in the LIO zoning district. The Board also notes that in Part 2 of the EAF, Item 2, concerning Impact on Geological Features, the EAF asks whether a proposed action may result in the modification or destruction of, or inhibit access to, any "unique or unusual land forms on the site", such as cliffs, dunes, minerals, fossils or caves; sand and gravel is not unique or unusual. The Board determines that this action will not have any adverse impact on minerals. In contrast, the Board determines that a prohibition on the removal of sand and gravel by a mining operation in the LIO zoning district will serve to protect and preserve the water quality of the Mamakating Aquifer, as set forth in the attached and incorporated Comprehensive Plan resolution and in detail in the HydroQuest March 16, 2018, report. The attached resolution and the HydroQuest report states reasons that the removal of sand and gravel from the Mamakating Aquifer would adversely impact the aquifer, and the HydroQuest and Sterling reports both state that removal of sand and gravel below the groundwater level subjects the groundwater to greater risks of contamination.

This action will not have an adverse effect on existing patterns of population concentration, distribution or growth or on existing community or neighborhood character. In contrast, the Board

³The Board is aware that Hopper Hill, LLC, owns property in the LIO zoning district and has submitted a mining permit application to NYSDEC and is engaged in the DEC review process. DEC recently issued a SEQR positive declaration, determining that the proposed mining operation may have significant adverse impacts on the environment. Hopper Hill has not submitted an application to the Town Planning Board for special permit and site plan approval of a mining operation.

determines that this action will protect the existing community and neighborhood character. As set forth in the attached Comprehensive Plan resolution, the LIO zoning district contains the Blue Sky Homes 210-home mobile home park (principally within the LIO district), the Valley Stream 28-lot residential subdivision, and approximately 12 other residences. A mining operation would likely cause adverse impacts on those residents due to noise, dust and aesthetic detriment.

Upon review and completion of Part 2 of the Environmental Assessment Form, the only item for which a response of No Impact is arguable is Item 17, concerning Consistency with Community Plans. The Board determines that No Impact is the proper response for the following reasons: First, as set forth in the annexed Comprehensive Plan resolution, the prohibition of mining in the LIO zoning district is consistent with, and does not violate, the current 2001 Comprehensive Plan.⁴ Second, even if the prohibition of mining operations in the LIO zoning district were not consistent with the Comprehensive Plan, such prohibition will not cause any adverse environmental impacts, as set forth above and in the attached Comprehensive Plan resolution.

The Town Board determines that this action will have beneficial effects on the environment and community. The attached and incorporated Comprehensive Plan resolution sets forth and explains why a mining operation in the LIO zoning district would have potential significant adverse impacts on (1) the Mamakating Aquifer, a high-yield water supply that extends through a portion of the Town, including the entire LIO zoning district; (2) the historic D&H Canal Linear Park and trail, and the use of that trail by residents and visitors; (3) existing residences in the LIO zoning district, including a 210-home mobile home park and a 28-lot subdivision; (4) the view from the Shawangunk Ridge and State parks; (5) safety of pilots flying to and from the Wurtsboro Airport; and (6) development and use of vacant lands in the LIO zoning district. The prohibition of mining operations in the LIO zoning district will prevent these potential significant adverse environmental and community impacts.

Hopper Hill's consultants state that its mine reclamation plan would ultimately result in a 41-acre pond and that, after reclamation, Hopper Hill is willing to donate to the Town the 109-acre site, which could be developed as a public park. The Town Board has considered this offer and determines that the potential significant adverse environmental and community impacts, short-term and long-term, that will be avoided by the prohibition of mining operations in the LIO zoning district outweigh the offer.

Amending the 2001 Comprehensive Plan as proposed and adopting a zoning amendment to prohibit mining in the LIO zoning district while the Town Board is considering other updates and amendments to the 2001 Comprehensive Plan does not constitute improper segmentation of environmental review. Environmental review of this action, separate from environmental review of the other Comprehensive Plan updates and amendments, is clearly no less protective of the environment. The draft Comprehensive Plan under review by the Town Board, which was recommended to the Board by the Master Plan Steering Committee, recommends the prohibition of extractive operations in the LIO zoning district. Second, taking this action now will not curtail or otherwise adversely affect the Board's environmental review of other proposed Comprehensive Plan amendments or subsequent zoning

⁴The answers to the sub-questions a, b, d, e, g, f and g in Item 17 are all clearly No. Sub-question c asks whether "the proposed action is inconsistent with local land use plans or zoning regulations." The prohibition of mining in the LIO zoning district is inconsistent with current zoning, which allows mining as a special permit use in the LIO zoning district, but there is no adverse environmental impact caused by the prohibition of mining in the LIO zoning district.

amendments. Third, as set forth in this Negative Declaration and the attached supporting Comprehensive Plan resolution, prohibition of mining in the LIO zoning district clearly protects the environment, the Mamakating Aquifer, the local community, the existing and future land uses in the LIO district, and the public health, safety and welfare.⁵

Since the Town Board determines that this action will not cause any adverse environmental impacts, the Board is not required to consider social or economic considerations. Nevertheless, the Board has considered those matters.

Hopper Hill's professional engineer states that the prohibition of mining in the LIO zoning district would severely reduce the availability of sand and gravel aggregate for use in the Town and the region, would increase the cost of aggregate, and would adversely affect local contractors and developers. The engineer states that the societal need for aggregate is increasing. Hopper Hill's professional engineer also states that appropriate aggregate reserves are found only in locations determined by the geology and that the quality of the sand and gravel in the Town of Mamakating is of the highest quality.

The Town's engineering professional consultant, Sterling Environmental Engineering, addressed those comments in a March 13, 2018, report to the Board. Sterling reports that within a 20-mile radius of the Town's boundary, there are 25 NYSDEC-permitted mines, two (2) NYSDOT-approved sources of aggregate, and 11 sites that are both an NYSDEC-permitted mine and a source of NYSDOT-approved aggregate, for a total of 38 sources of aggregate, as shown on the map attached to Sterling's report. Sterling concludes that there are adequate supplies of aggregate within and near the boundaries of the Town to obtain quality aggregate within reasonable transport distances and that there is no evidence that the existing permitted NYSDEC mines and/or NYSDOT-approved sources are not capable of supporting market demands without an increase in the price of aggregate and associated products and projects. The locations and information were obtained by Sterling from the NYSDEC Division of Mineral Resources mining database and the NYSDOT's list of aggregate sources. Sterling reports that the map also shows that there are additional aggregate sources and supplies at slightly greater distances from the 20-mile radius from the Town's boundary.

The Sterling report also states that with respect to regional and New York City metro area aggregate sources, the surficial geologic map (attached to its report) indicates that similar deposits that could be developed as sources of aggregate are present in surrounding towns and counties and that the sources of aggregate in areas closer to the NYC metro area are available to meet demand for aggregate in that area. Sterling concludes that if the societal need for aggregate increases, the number and locations of quality aggregate sources is sufficient to meet the needs of the Town and the surrounding region and there would not be a significant increase in transportation costs.

With respect to Hopper Hill's comment that the sand and gravel in the Town of Mamakating is of the highest quality and that the aggregate in surrounding municipalities is of a lower quality not suitable for many construction uses, Sterling points out that there are 13 NYSDOT-approved sources of

⁵Hopper Hill's consultant submitted an outline of what it terms "the approximate land development requirements . . . of a hypothetical development scenario" of an office and research business park on the Hopper Hill site. There is no requirement or reason to consider this outline as part of the Board's SEQR review. No site plan application has been submitted. The Board is aware that permitted uses may be developed on LIO lands after review and approval of site-specific applications by the Planning Board.

aggregate within an approximate 20-mile radius of the Town. In addition, Sterling states the surficial geologic map attached to Sterling's report indicates that aggregate deposits in and surrounding the Town are of similar geologic origin as the aggregate in the LIO zoning district and, therefore, likely of similar composition and quality.

Although a town is not required to permit mining operations within its boundaries, if this action is approved, mining operations will still be permitted in the IO (Industrial/Office) zoning district, where extractive operations are allowed by special permit. There are currently four (4) active mining operations in the Town. One of those mines is a large operation located in the IO zoning district. The three (3) other active mining operations are nonconforming uses since they are located in zoning districts that do not permit extractive operations. No mining operations are currently located in the LIO zoning district. Therefore, the existing land uses and the development viability of the vacant lands in the LIO zoning district are not currently affected by a mining operation.

Based on the above and Sterling's March 13 report, the Town Board determines that this action will not adversely affect social or economic considerations. The Board determines, for the reasons set forth in the Comprehensive Plan resolution and incorporated herein, that the prohibition of mining operations in the LIO zoning district will promote the Town's community vision and economic development strategy.

After review and consideration, for the reasons set forth herein and in the attached and incorporated Comprehensive Plan resolution, the Board determines that this action will not cause any adverse environmental impacts. Accordingly, this SEQR Negative Declaration is hereby issued and shall be filed in accordance with the New York State SEQR Regulations.

This Negative Declaration was prepared in accordance with Article 8 of the Environmental Conservation Law.

Contact Person: William E. Herrmann, Town Supervisor
Town of Mamakating
2948 State Route 209
Wurtsboro, New York 12790
Phone: 845-888-3000 Ext. 2
Email: supervisor@mamakating.org

A copy of this Negative Declaration shall be filed in the office of the Town Board and Town Clerk. A notice of this Negative Declaration shall be sent to the Environmental Notice Bulletin for publication.

On a motion by Councilperson G. Vest, seconded by Councilperson M. Taylor, the foregoing Resolution was adopted on a vote of 6 Ayes, 0 Nays.

**TOWN OF MAMAKATING RESOLUTION OF ADOPTION
LOCAL LAW NO. 2 OF 2018
PROHIBITION OF EXTRACTIVE OPERATIONS IN LIO ZONING DISTRICT**

WHEREAS, an introductory Local Law entitled "Prohibition Of Extractive Operations In LIO

Zoning District” was introduced before the Town Board of the Town of Mamakating on December 5, 2017, and upon notice duly published and posted, a hearing was held before the Town Board on January 2, 2018, and continued on February 6, 2018, and then closed, with allowance for an additional 10-day written comment period, and

WHEREAS, public discussion was heard at such hearing concerning the merits of said introductory local law and its potential environmental impact, and

WHEREAS, the Town Board considered all written submissions and oral comments, and

WHEREAS, the adoption of the introductory Local Law entitled “Prohibition Of Extractive Operations In LIO Zoning District” is a Type I action under SEQOR and the Board determined that the action will not have a significant adverse impact on the environment.

BE IT RESOLVED, that the introductory Local Law entitled “Prohibition Of Extractive Operations In LIO Zoning District” of the Town of Mamakating be and hereby is adopted as Local Law #2 of 2018 of the Town of Mamakating on April 3, 2018.

On the motion of B. Giraldi, seconded by G. Vest, the foregoing resolution was adopted on a roll call of 6 Ayes, 0 Nays.

The Supervisor declared the resolution adopted.

**TOWN OF MAMAKATING
INTRODUCTORY LOCAL LAW
AMENDMENT OF REGULATION OF SOLAR ENERGY SYSTEMS**

BE IT ENACTED by the Town of Mamakating, County of Sullivan, State of New York, as follows:

Section 1. Section 199-21, titled “Solar energy systems,” of Chapter 199, titled “Zoning,” of the Code of the Town of Mamakating is amended as follows:

I. Subsection C, titled “Definitions,” is amended by adding a new definition of “Site” and amending the definition “Solar Energy System”, to read as follows:

Site – The area within which or upon which a Solar Energy System is constructed, used or operated.

Solar Energy System – Solar collectors, modules controls, energy storage devices, and other materials, hardware and equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation, and distributed, including the solar access necessary for the system to operate as designed, and any areas of land that are disturbed or cleared for construction, use or operation, to provide or maintain the solar access, access drives and any accessory or appurtenant structures. For the purpose of this law, a solar energy system does not include a solar energy system of four square feet or less in size.

II. Subsection H, titled “Large-scale solar energy systems,” is amended by adding new subsections (2) and (3) to read as follows:

(2) A large-scale solar energy system shall not be permitted on a site unless at least fifty (50%) percent of the site has existing solar access for the proposed solar energy system prior to any land disturbance or tree clearing.

(3) A large-scale solar energy system shall not be permitted on a site where fifty (50%) percent or more of the site contains any or all of the following sensitive areas:

- (a) 100-year flood hazard zones;
- (b) Land within a federal or State regulated wetland or wetland adjacent buffer area;
- (c) Land containing slopes over 15% grade;;
- (d) Land containing significant or rare natural ecological communities as designated by the New York State Department of Environmental Conservation;
- (e) Mature forested land, which is defined as a forested area where the canopy layer is comprised of at least 50% of trees having an average diameter at breast height of 15 inches or greater.

III. Subsection H(2), titled "Special use permit requirements and conditions," is amended by re-numbering as subsection H(4) and is further amended to read as follows:

(4) Special use permit requirements and conditions. In addition to all other site plan and special use permit requirements, the following requirements and conditions shall apply:

- (a) The applicant shall submit a site map depicting any sensitive area listed in subsection H(3) above, depicting ecological communities based on Edinger's Second Edition *Ecological Communities of New York State*, and showing and identifying all trees of 8-inch diameter or greater at breast height by species, condition of health and diameter at breast height.
- (b) Large-scale solar energy systems shall not be constructed on any portion of a lot containing a sensitive area listed in subsection H(3) above, except that where no practical alternative exists, the Planning Board may allow limited disturbance of such areas to provide vehicular or utility access or the installation of security fencing.
- (c) Large-scale solar energy systems shall be sited to minimize disturbance of higher value ecological communities. For the purposes of defining ecological value, the Planning Board shall consider the quality of the community based on biodiversity and the absence or presence of invasive and non-native species. Established natural communities shall be given preference for preservation over areas of human disturbance or successional

communities.

- (d) No more than five acres of forested land, defined as a forested area where the canopy layer is comprised of at least 50% of trees having an average diameter at breast height of eight (8) inches or greater, may be cleared in connection with the construction of a large-scale solar energy system.
- (e) Ground cover under and between the rows of solar panels shall be low-maintenance, drought resistant, native, non-fertilizer dependent flora.
- (f) Roadways within the site shall not be constructed of impervious materials and the site shall be designed to minimize the extent of roadways construction and soil compaction.
- (g) Stormwater improvements shall be designed, constructed and maintained such that there is no net increase in the rate or volume stormwater runoff from the site.

IV. Subsection H(2), titled "Special use permit requirements and conditions," to be renumbered as subsection H(4), is amended by deleting paragraphs (j) and (s) and by re-lettering the following paragraphs of said subsection as follows:

- (h) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- (i) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- (j) Property operation and maintenance plan. Such plan shall describe continuing solar energy system repair and maintenance and property upkeep, such as mowing and trimming. The use of herbicides is prohibited.
- (k) The following dimensional requirements shall apply to large scale solar energy systems:

Lot width:	250 feet
Front yard setback:	100 feet
Side yard setback (each)	75 feet
Rear yard setback:	75 feet
Building height:	35 feet
Maximum height of solar collectors:	12 feet
Maximum height of fencing	7 feet

- (l) The total area to be occupied by the solar energy system shall not exceed twenty (20) acres.
- (m) All on-site power lines shall be installed underground unless the applicant demonstrates to the satisfaction of the Planning Board that another type of installation will not be visible to any neighbor or the public and such installation is no less protective of the environment.
- (n) All large-scale solar energy systems shall be enclosed by seven (7)-foot high perimeter fencing to prevent unauthorized access. There shall be a six inch gap at the bottom of the fencing to allow small wildlife access to and from the site. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing.
- (o) Appropriate screening shall be provided, as determined by the Planning Board in its sole direction, to screen the solar energy system and fencing from residential properties, public roads, private roads and private rights-of-way to the maximum extent practicable. The applicant shall provide a visual analysis to the Planning Board using line-of-sight profiles from public viewing locations determined by the Planning Board.
- (p) Buildings and structures associated with the solar energy system shall, to the maximum extent practicable, use materials, colors and textures that will blend the facility into the existing environment.
- (q) Solar panels and equipment shall be designed and sited so as to not reflect glare onto other properties, public roads or private roads or right-of-ways, and shall not interfere with traffic or create a safety hazard.
- (r) Driveways servicing the site shall have safe sight distance and lawful and appropriate access for emergency vehicles and equipment. Access to the site shall be reviewed by the relevant emergency service provider(s).
- (s) The identification of the manufacturer and installer, and appropriate warning signs, shall be posted at the site, be clearly visible and weather-resistant.
- (t) The solar energy system and equipment shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather-resistant. The markings shall be placed adjacent to the main service disconnect in a location clearly visible from where the power lever is located. If any of the standards in this subsection are more stringent than applicable provisions of the New York State Uniform Fire Prevention and Building Code (the State Code), these standards shall be deemed to be guidelines only, and the standards of the State Code shall apply.
- (u) The Planning Board may impose conditions on its approval of any special use permit under this section in order to enforce the standards referred to in this

Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

V. Subsection H(2), titled "Special use permit requirements and conditions," to be renumbered as subsection H(4), is further amended by re-designating paragraphs (d) and (e), which relate to decommissioning, removal and security, as new subsection H(5) and amended to read as follows:

(5) Decommissioning, removal and security.

(a) Decommissioning and removal plan. To ensure the proper removal of the solar energy system, a decommissioning plan shall be submitted as part of the application. Compliance with the approved decommissioning plan shall be a condition of a special permit authorized by the Planning Board. The decommissioning plan shall specify that after the solar energy system ceases operation for its intended purpose, the system shall be removed by the applicant, owner/operator of the system or property owner, and by any subsequent owner/operator of the system or property owner. The plan shall demonstrate how the removal of the solar energy system and all related equipment and structures shall be conducted and how the remediation and restoration of soil and vegetation shall be conducted to return the property to substantially its condition prior to construction. The plan shall include a time line for execution. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer or contractor. Cost estimates shall take inflation into account. The decommissioning plan shall state the time period within which the solar energy system shall be removed and the property restored. Such time period shall be no greater than ninety (90) days after the solar energy system has ceased to be used for its intended purpose for twelve (12) consecutive months.

(b) Decommissioning and removal security; removal by Town.

[1] The applicant shall execute and file with the Town Clerk security in a form acceptable to the Town and in an amount sufficient to pay for the costs and expenses of removal and lawful disposal of the solar energy system and related equipment and structures and of remediation and restoration of the site. The amount is subject to approval by the Planning Board's professional engineer and the Planning Board. The security may be in the form of cash, letter of credit, another instrument acceptable to the Town's attorney and the Town Board, or a combination thereof. The security shall remain in full force and effect until all solar energy system equipment, structures and materials have been properly removed and lawfully disposed and site remediation and restoration is complete.

[2] The amount of the security shall be sufficient, during the first five (5) years of operation, to cover: the costs to remove and lawfully dispose

of all equipment, structures and materials related to the solar energy system; costs to remediate and restore the site; and all fees, costs and expenses incurred by the Town to administer and enforce the decommissioning process. Such amount shall be re-evaluated every five (5) years thereafter and, if necessary, adjusted to reflect prevailing costs and expenses.

- [3] If a solar energy system is not removed from the property as required and within the 90-day time frame set forth in paragraph (a) above, then the Town, its employees, contractors and agents shall have the right, and shall be permitted by the property owner and the owner of the solar energy system, to enter upon the property and remove and dispose the solar energy system and related equipment and structures and remediate and restore the site, all to the extent deemed necessary or desirable by the Town Board. The Town may utilize the proceeds of the security filed with the Town to pay for all such costs and related fees and expenses.
- [4] If the amount of the security does not fully cover such costs, fees and expenses (“costs”) or if the Town cannot recover adequate proceeds of the security without resorting to litigation, then the owner and operator of the solar energy system and the property owner shall be jointly and severally, and corporately and personally, liable for the costs not recovered.
- [5] In addition to and not in lieu of any other remedies, all unpaid costs shall be assessed and levied against and constitute a lien on the real property until paid or otherwise satisfied and discharged, and shall be collected in the same manner and at the same time as other Town real property taxes.
- [6] Equipment and parts maintenance. Any damaged or unused equipment and parts shall be removed from the premises within 30 calendar days or kept in a secured, designated storage area. Maintenance equipment, spare parts and petroleum products shall be kept in a secured, designated storage area.

VI. Subsection H(2), to be renumbered as subsection H(4), is further amended by re-designating paragraphs (f) and (g), titled, respectively, “Ownership changes” and “Modifications” as new subsections H(6) and H(7) to read as follows:

- (6) Ownership changes. If the owner or operator of the solar energy system changes or the owner of the property changes, the special permit shall remain in effect, and all requirements of this §199-21 and all conditions and requirements of the special permit shall be binding upon each succeeding owner and operator. However, a change in owner or operator shall not affect the decommissioning security, although a new owner may substitute other security in accordance with this section. A new owner or operator of the solar

energy system shall immediately notify the Town code enforcement officer of such change in ownership or operator.

- (7) Modifications. Any and all modifications, additions or deletions to the solar energy system, whether structural or not, shall be subject to prior site plan review and approval by the Planning Board, except routine repairs and maintenance shall not be subject to Planning Board review.

Section 2. The Town Board is hereby authorized to exempt a proposed large-scale solar energy system from the amendments of the current zoning law set forth in subsections H(2), H(3) and H(4) in this local law, provided that such exemption may be granted only to a proposed solar energy system that has submitted an application to the Town Planning Board prior to adoption of this local law. The Town Board is hereby authorized to grant such exemption by resolution. Such resolution shall state the Board's reason for granting the exemption.

Section 3. If any clause, sentence, paragraph, section or other part of this local law shall be adjudged by any court of competent jurisdiction to be null, invalid, void or unconstitutional, such judgment shall not affect nor impair or invalidate the remainder thereof, and shall be confined in its operation to the clause, sentence, paragraph, section or other part of this law that is directly involved in the controversy in which such judgment was rendered and all other parts of the law shall remain valid and in full effect.

Section 4. This local law shall take effect immediately upon filing with the Secretary of State.

**TOWN OF MAMAKATING TOWN BOARD
RESOLUTION OF SEQR NEGATIVE DECLARATION**

LOCAL LAW – AMENDMENT OF REGULATION OF SOLAR ENERGY SYSTEMS

BE IT RESOLVED as follows:

The Town Board of the Town of Mamakating, acting pursuant to the State Environmental Quality Review Act (SEQR) and 6 NYCRR Part 617 (the SEQR Regulations) has considered the proposed amendments to the zoning requirements and regulations that affect large-scale solar energy systems.

Title of Action: Local Law – Amendment of Regulation of Solar Energy Systems

SEQR Status: Unlisted

Project Location: Townwide, except the Ridge and Valley Protection (RVP) zoning district

Description of Action:

The primary amendment of the current law amends a provision that allows a solar energy system developer to clear cut 50% of the lot upon which a large-scale solar energy system is sited. The effect of that provision, for example, is that if a solar energy system is proposed for siting on a 40-acre lot, the entire 20-acre site of a system may be clear cut, which is excessive and unnecessary to provide

adequate sites in the Town. Two applications pending at the Town Planning Board illustrate the effect of this regulation. One project is located on a 42-acre lot and proposes to clear cut 15.4 acres of forested land, and the other project is located on a 39-acre lot and proposes to clear cut 14.4 acres of forested land. One amendment would limit clear cutting to no more than five (5) acres of forested land, defined as a forested area where the canopy layer is comprised of at least 50% of trees having an average diameter at breast height of eight (8) inches or greater. Another amendment provides that a large-scale solar energy system shall not be permitted on a site unless at least 50% of the site has existing solar access prior to any land disturbance or tree clearing. Other amendments include requirements that set forth a preference for solar energy systems to be sited in locations and in a manner that preserves sensitive ecological areas.

Reasons Supporting This Determination:

The Board has reviewed the short Environmental Assessment Form (EAF) Part 1 and completed EAF Part 2. This Negative Declaration also serves as EAF Part 3. The Board has considered all written submissions, including but not limited to submissions made by representatives of Cypress Creek; all comments made at the public hearing commenced on December 28, 2017, and continued and then closed on February 6, 2018, with an additional ten-day comment period; additional oral comments by Cypress Creek representatives at public meetings; numerous meetings between representatives of Cypress Creek with members of the Town Board, its planning consultant and attorney; and the report prepared by the Town's professional land use and community planning consultant Nelson Pope & Voorhis, dated April 3, 2018.

Based upon a thorough review of all materials and information provided to the Board, no potential adverse environmental impacts have been identified. The amendments are more protective of the environment than the current regulations.

The Board also determines, based on the April 3 report by the Town's planning consultant, that the amended requirements provide an adequate opportunity for the development of large-scale solar energy facilities in the Town. For example, the report states that, based on the National Landcover Database, grasslands, shrubland, barren land and agricultural lands, which are generally considered "solar accessible", total approximately 2,500 acres in the Town. None of this acreage includes forested land that would be subject to the five-acre clearing limitation, so up to five (5) acres of additional land per site would be available to site a solar energy system.

The Board is aware that the existing utility grid in the Town is not adequate to support large-scale solar energy systems. Based on discussions with Cypress Creek representatives and a representative of Orange and Rockland Utilities, and as set forth in the NP&V Report, all three of Mamakating's three-phase circuits have insufficient injection capacity to support solar facilities. Such facilities must be upgraded to create sufficient injection capacity. Determining the injection capacity and the extent and cost of an upgrade for a particular site can only be verified after application to Orange and Rockland Utilities and its analysis, so it is not practical to attempt to characterize the suitability of utility infrastructure at a particular site which complies with the requirements of the amendments and other existing regulations.

After thorough review and consideration, for the reasons set forth herein, the Board determines that this action will not cause any adverse environmental impacts. Accordingly, this SEQR Negative Declaration is hereby issued and shall be filed in accordance with the New York State SEQR Regulations.

This Negative Declaration was prepared in accordance with Article 8 of the Environmental Conservation Law.

Contact Person: William E. Herrmann, Town Supervisor
Town of Mamakating
2948 State Route 209
Wurtsboro, NY 12790
Phone: 845-888-3000 Ext. 2
Email: supervisor@mamakating.org

A copy of this Negative Declaration shall be filed in the office of the Town Board and Town Clerk.

On a motion by Councilperson G. Vest, seconded by Councilperson M. Taylor, the foregoing resolution was adopted on a vote of 6 Ayes, 0 Nays.

**TOWN OF MAMAKATING
RESOLUTION OF ADOPTION
LOCAL LAW NO. 2 OF 2018
AMENDMENT OF REGULATION OF SOLAR ENERGY SYSTEMS**

WHEREAS, an introductory Local Law entitled “Amendment of Regulation of Solar Energy Systems” was introduced before the Town Board of the Town of Mamakating on December 5, 2017, and upon notice duly published and posted, a hearing was held before the Town Board on December 28, 2017, continued on February 6, 2018, and then closed, with allowance for an additional 10-day written comment period, and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law, and the Board carefully considered all comments and written submissions, and

WHEREAS, the Board has determined that the adoption of the introductory Local Law entitled “Amendment of Regulation of Solar Energy Systems” is an Unlisted action under SEQR and will not have a significant adverse impact on the environment.

NOW, THEREFORE BE IT RESOLVED, that the introductory Local Law entitled “Amendment of Regulation of Solar Energy Systems” of the Town of Mamakating be and hereby is adopted as Local Law # 2 of 2018 of the Town of Mamakating on April 3, 2018.

On the motion of B. Giraldi, seconded by G. Vest, the foregoing resolution was adopted on a roll call of 6 Ayes, 0 Nays.

The Supervisor declared the resolution adopted.

**TOWN OF MAMAKATING TOWN BOARD
RESOLUTION
SALE OF BLOOMINGBURG DUTCH CHURCH**

WHEREAS: The Town Board received an offer from the Apostolic Pentecostal Assemblies International, Inc., to purchase the Bloomingburg Reformed Protestant Dutch Church property for a price of \$85,000.00. The property, consisting of the church building and 1.55 acres of land, is located at 112 Main Street, Village of Bloomingburg, and designated as Tax Map No. 201-4-23. The Town obtained an appraisal report, prepared by certified appraisers Empire State Appraisal Consultants, Inc., which states that the market value of the property, as of July 28, 2017, is \$80,000.00.

It is not necessary for the Town to retain ownership of the property. The Board has determined that the sale of the building and property will not cause any significant adverse environmental impacts and determines that the sale is in the public interest.

THEREFORE, IT IS RESOLVED by the Town Board to sell the Bloomingburg Reformed Protestant Dutch Church building and property, located at 112 Main Street, Bloomingburg, to Apostolic Pentecostal Assemblies International, Inc., for the price of \$85,000.00, and to approve and ratify the purchase and sale contract with the purchaser.

This resolution is subject to permissive referendum.

On a motion by Member B. Giraldi, seconded by Member P. Keller, the foregoing resolution was adopted on a vote of 5 Ayes, 1 Nay. (N. Salomone)

**TOWN OF MAMAKATING TOWN BOARD
RESOLUTION OF SEQR NEGATIVE DECLARATION
SALE OF BLOOMINGBURG DUTCH CHURCH**

The Town Board of the Town of Mamakating, acting pursuant to the State Environmental Quality Review Act (SEQR) and 6 NYCRR Part 617 (the SEQR Regulations) has considered the proposed sale of the Bloomingburg Reformed Protestant Dutch Church building and land on which the building is located. For purposes of making its SEQR determination of significance, the Board considered the proposed sale of the building and land as the SEQR action before the Board. The Board considered that the church building is listed on the National Register of Historic Places, and the Board's action is thus a Type I action, pursuant to the SEQR Regulations §617.4(b)(9).

A Type I action is presumed to be likely to have one or more significant impacts. The Board must determine whether or not this action may cause one or more potential significant adverse environmental impacts. In making this SEQR determination, the Board has considered the criteria set forth in §617.7(c) of the SEQR Regulations and analyzed relevant areas of potential environmental concern to determine whether this action may have a significant adverse impact on the environment.

The Board has reviewed the Full Environmental Assessment Form (FEAF) Part 1 and completed Part 2 of the FEAF after reviewing the guidance provided in the section of the DEC FEAF Workbook pertaining to historic resources. The Board also reviewed the Nomination Form submitted to the National Register of Historic Places in support of its listing in the National Register. The Board is familiar with the building, the property and the area.

This Resolution and the findings and determinations below document the basis for the Board's determination that the proposed action does not have the potential for a significant adverse environmental impact and that preparation of an environmental impact statement is not required.

Findings and Determinations

Title of Action:	Sale of Bloomingburg Reformed Protestant Dutch Church property.
SEQR Status:	Type I, because the church building is listed on the National Register of Historic Places.
Project Location:	112 Main Street, Village of Bloomingburg. Tax Map No. 201-4-23.
Description of	Action: Sale of Bloomingburg Dutch Church, including the 1.55-acre parcel of land. The Board is aware that the purchaser intends to use the property for its historic use as a church. It is anticipated that the new owner will repair and maintain the historic building and property.
Reasons Supporting This Determination:	<p>Since this action involves only the sale of property, there will be no environmental impacts that would pertain to building construction or site work.</p> <p>The church building is listed on the National Register of Historic Places due to its architectural and religion significance. A change in the ownership of the property will not have any affect on that National Register listing. A change in the ownership of the property will not result in destruction or alteration of any part of the building or property or the alteration of the property's setting or integrity and will not introduce visual elements which are out of character with the building, property or setting. The purchaser has agreed to a deed restriction prohibiting demolition of the building or alteration of the exterior of the building.</p> <p>Although it is anticipated that traffic will increase for church services and related uses of the property, there is no reason to expect that reasonably anticipated increase in traffic that would result from use of</p>

this building as a church may cause a significant adverse impact. There is existing off-street parking on the property, and there is room for additional parking spaces, and parking is available on the street. In addition, this property has been able to use additional parking available at the adjoining church parking lot.

There will likely be an increase in energy use, but there is no reason to expect that such increased energy use may cause a significant adverse impact. There might be increased noise related to church services and related uses of the building, but those activities will be of limited intensity and duration. The property is located in the center of a village. Therefore, there is no reason to expect that increased noise, if any, may cause a significant adverse impact.

Use of the church building as a church (or any other permitted use) is fully consistent with the surrounding uses and the community character.

In making this determination, the Board considered that the responses to FEAF questions generated by the EAFMapper on the NYSDEC website indicate that the general area might be located over a principal aquifer and might contain endangered or threatened species and archeological sites. The Board notes that the EAFMapper responses are general, not site-specific, and do not indicate that a principal aquifer, endangered or threatened species or archeological sites are located on or under the church property. The building is located in the center of a settled village, and has existed in its current location for nearly 200 years without evidence of any impact on groundwater resources, habitat for endangered species or archeological sites. Even if those environmental matters were potentially present, neither a change in the ownership of the property or resumption of the historic use as a church will have any adverse impact on those matters.

After careful review and consideration, the Board is not aware of any evidence of potential significant adverse environmental impacts that may be caused by this action. In addition, although the Board has determined that the resumption of the historic church use of the property will not have a potential significant adverse impact on the environment, the Board is aware that the commencement of that church use, separate from the sale of the property, is subject to review and approval by the Village of Bloomingburg Planning Board, and that any potential environmental impacts caused by a proposed church use must be evaluated by the Village Planning Board.

Notwithstanding that determination, the Board is mindful that SEQR requires that the entire action be considered for purposes of environmental review, and that considering only a part or segment of an action for the purpose of avoiding environmental review of the action is contrary to the intent of SEQRA. The Board is also mindful that SEQRA does allow segmented review in circumstances that warrant a segmented review, if the lead agency clearly states the supporting reasons and demonstrates that such review is clearly no less protective of the environment.

Since no application for any use of the property has been made by the intended purchaser, the action before the Board is the sale of the building and land, and it would be purely speculative for the Board to consider any uses beyond the resumption of the use of the church building as a church, and the Board has determined that the resumption of that use will not have any significant environmental impacts.

If it were necessary to determine whether a segmented SEQR review of the proposed sale and a hypothetical future use, other than a church, were warranted, the Board would find that a segmented review of the overall action would be equally protective of the environment, for the following reasons:

1. At such time as a specific land use application is made, the Village Planning Board will have full authority and responsibility to conduct a complete and informed environmental review of any prospective use of the building and land, and there will be public participation throughout that process.

2. Approving the sale of the building and land does not preclude any mitigation measures related to the possible impacts of a potential future use of the building or land.

3. The conveyance of the property will not affect the environmental or land use review since the zoning regulations of a municipality regulate the proposed use of land, without regard to the identity of the owner.

4. Due to the regulatory powers conferred on it by the Village Zoning Law, the Village Planning Board has greater authority than the Town Board to mitigate any potentially significant adverse environmental impact of the overall action, and will have the ability to conduct a public hearing if and when there is any specific use proposed that may affect the historic value of the building or land.

The Board thus determines that a segmented environmental review of the sale of the building and land, separate from any subsequent use of the building and land by the purchaser, would be equally protective of the environment.

THEREFORE, IT IS RESOLVED, for the reasons set forth above, that the Board finds and determines that the proposed action will not have any significant adverse impact on the environment. Accordingly, this SEQR Negative Declaration is hereby issued and shall be filed in accordance with the New York State SEQR Regulations.

This Negative Declaration was prepared in accordance with Article 8 of the Environmental Conservation Law.

Contact Person: William Herrmann, Town Supervisor
Town of Mamakating
2948 State Route 209
Wurtsboro, New York 12790
Phone: (845) 888-3049
Email: supervisor@mamakating.org

A copy of the Notice of SEQR Negative Declaration shall be sent to:

Mayor and Board of Trustees
Village of Bloomingburg
Village Hall
13 North Road
Bloomingburg, New York 12721

Town Clerk
Town of Mamakating
2948 State Route 209
Wurtsboro, New York 12790

Environmental Notice Bulletin
Via email: ENB@dec.ny.gov

On a Motion by Councilperson P. Keller, seconded by Councilperson B. Giraldi, the foregoing Resolution was adopted on a vote of 5 Ayes, 1 Nays.

TOWN OF MAMAKATING RESOLUTION
Tax Certiorari Retain Appraiser

At a meeting of the Town Board of the Town of Mamakating, County of Sullivan, State of New York, held at Town Hall in said Town on the 3rd day of April, 2018;

WHEREAS, Anthos Homes, LLC., has commenced a tax certiorari proceeding against the Town of Mamakating in the Supreme Court, State of New York, County of Sullivan, Index No. 1359/17; and

WHEREAS, it appears from the recommendation of the Town Assessor and Allison G. Cappella, Esq., of Jacobowitz and Gubits, town counsel for the Town of Mamakating in the aforesaid proceeding, that preliminary appraisal information is needed and/or a full court appraisal of the above matter as more fully set forth below; and

WHEREAS, Valuation Consultants, Inc. has submitted a fee proposal as set forth in the attached; and

NOW, BE IT THEREFORE RESOLVED, that the fee proposal as set forth and described is hereby accepted and that Valuation Consultants, Inc. be retained to provide the necessary appraisal opinions described above.

On a motion by Councilperson Giraldi, seconded by Councilperson Vest, the foregoing resolution was adopted on a vote of 6 Ayes, 0 Nays.

TOWN OF MAMAKATING MUNICIPAL RESOLUTION

2018 PLAN AND PROGRESS GRANT REQUEST

Whereas the Sullivan County Division of Planning and Community Development has invited municipalities to submit projects for potential funding under their Plans and Progress Small Grant Program, and

Whereas the town can receive up to \$10,000 on a matching 50-50 basis under this program, and

Whereas the town has previously received two grants under this program and has considered several potential projects for 2018 which could be eligible under the guidelines of this program, and

Whereas the Town considers that the addition of new amenities at the Mamakating Environmental Education and Interpretative Center (MEEIC) at 762 South Road can enhance this regionally significant educational facility, now therefore be it

Resolved that the Town Board of the Town of Mamakating New York hereby formally supports the application of the town for Plans and Progress funding for enhancements to this facility as set forth in the town's 2018 Plans and Progress application.

A motion to adopt by B. Giraldi and seconded by N. Salomone was made.

Supervisor Herrmann declared the resolution adopted after a vote of 6 ayes to 0 nays and 0 abstentions. All in favor.

- A motion was made by P. Keller, seconded by B. Giraldi authorizing the purchase of **Floor Machines** from EA Morse & Co. in the amount of \$3,121.30. All in favor.
- A motion was made by P. Keller, seconded by B. Giraldi authorizing the purchase of an underground **Irrigation System** for the Town Hall. All in favor.
- A motion was made by B. Giraldi and seconded by G. Vest to schedule a Comprehensive Plan **Workshop for May 8th** at 6:00 p.m. All in favor.
- A motion accepting the **Work Day and Reporting schedule** for the New York State Retirement system was made by G. Vest, seconded by B. Giraldi. All in favor.

ADJOURNMENT

- A motion to adjourn the meeting was made by P. Keller, seconded by G. Vest. All in favor.

Respectfully Submitted;

Jean M. Dougherty, Town Clerk