

THE TOWN OF MAMAKATING TOWN BOARD MEETING HELD ON TUESDAY, AUGUST 1, 2023 AT 6:00 P.M. AT 2948 ROUTE 209, WURTSBORO, N.Y. AND VIA ZOOM.

Present: Michael Robbins- Supervisor
John Rufer, Jr. – Deputy Supervisor - Councilman
Gary Forthoffer – Councilman
Peter Goodman – Councilman
Matthew Mordas - Councilman
Tyler Wood – Councilman
James Post - Councilman
J. Benjamin Gailey- Attorney for the Town
Jean M. Dougherty- Town Clerk

Also present: Thomas Morrow – Highway Superintendent
Kerron Barnes – Interagency Coordinator
Jackie Broder – Director MEEC

Worksession Items for Discussion

1. Budget Modifications
2. Public Hearing for Proposed Soda Factory at 29-33 Burlingham Rd
3. 2023 RAM Pick-up truck for Parks
4. Surplus 2014 Ford Pick-up
5. Trucks for Highway

CALL TO ORDER/PLEDGE OF ALLEGIANCE

- The August 1, 2023 meeting was called to order with the pledge to the flag.

PUBLIC HEARING – Proposed Local Law – Soda Factory

**TOWN OF MAMAKATING TOWN BOARD
INTRODUCTORY LOCAL LAW
ZONING AMENDMENT TO ALLOW SOFT DRINK MANUFACTURING
AS A PERMITTED SPECIAL USE IN THE IC 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, purpose and findings.

The Town Board has received a petition from Birmingham Holdings, LLC, to create a new use called “Soft Drink Manufacturing” and to allow this new use, subject to the granting of a special use permit by the Planning Board, in the Interchange Commercial (IC) zoning district.

The IC zoning district permits numerous commercial uses as of right, including but not limited to distribution facilities, office and research business parks, medical offices, conference centers and towing businesses. In addition, the IC zoning district permits breweries, cideries, wineries and distilleries, subject to the grant of a special use permit by the Planning Board. A soft drink manufacturing facility is consistent with the uses permitted in the IC zoning district. The Town Comprehensive Plan envisions that commercial uses that benefit from direct highway access should be permitted within the IC zoning district at or near Interchanges 112, 113 and 115 of State Route 17. The

Town Board finds that allowing soft drink manufacturing facilities as a special use in the IC zoning district is consistent with the objectives of the Comprehensive Plan.

Section 2. Subsection B of §199-6, titled “Word usage and definitions,” of Chapter 199, titled “Zoning,” of the Code of Town of Mamakating is amended by adding a new term and definition to read as follows:

SOFT DRINK MANUFACTURING

Any place or premise where soft drinks are manufactured for sale, and all offices and storage areas connected therewith, which manufacturing process includes the filtration, mixing, carbonation, packaging and shipping of soft drinks. Soft drink manufacturing may also include the production and shipping of bottled water. Such use may include limited tours on site, limited retail sales of the product for off-site consumption, and limited sales of gift items, all of which must be incidental to the manufacturing of permissible products produced on site.

Section 3. Schedule I – Table of Use and Bulk Requirements, authorized pursuant to §199-7, titled “Restrictions and controls,” of Chapter 199, titled “Zoning,” of the Code of the Town of Mamakating is amended by adding a new use titled ‘Soft drink manufacturing’ as a special use in the IC – Interchange Commercial Zoning District, to read as follows:

Principal Use	Use Type	Minimum Lot			Minimum Yards				Development Maximum Height		
		Area	Width (feet)	Depth (feet)	Front (feet)	Rear (feet)	Side, One (feet)	Side, Both (feet)	Coverage	Stories	Feet
Soft drink manufacturing	SU	2 ac	150	200	50	50	25	50	50%	2.5	30

Section 4. Severability. The provisions of this local law are severable and if any provision, clause, subsection, sentence, word or part thereof is held illegal or invalid, or inapplicable to a person or circumstance, such illegality, invalidity or inapplicability shall not affect or impair any of the remaining provisions, clauses, subsections, sentences, words or parts of this local law of their application to other person or circumstance. It is hereby declared that the legislative intent of the Town Board is that this local law would have been adopted if such illegal or invalid provision, clause, subsection, sentence, word or part had not been included therein and if such person or circumstance to which the local law or part thereof is held inapplicable had been excepted therefrom.

Section 5. This local law shall take effect immediately upon filing with the Secretary of State.

A motion was made by J. Rufer, seconded by P. Goodman to open the public hearing. All in favor.

Public Comment

- John ?, Attorney for the applicant is seeking a zoning text amendment and is asking the bboard to permit the use.
- M. Mordas asked if their client owns any other properties.
- J. Lybolt spoke about the water problems in the Village of Bloomingburg and elsewhere, stated this change will change the zone, asked what the status of the applicant was, asked the board not to set a precedence and asked who the principles of the LLC are.

Public Comment cont.

- Chelsea asked the board to vote no, water issues, already experiencing water problems with neighbor's wells going bad.
- B. Gailey added that the Town Board was following the law/process and proper procedure.
- G. Vest questioned the zoning change stating that there was already a problem in the area and they should refer to the Master Plan regarding water supply and protection looking at aquifer.
- S. Swift who lives in Bloomingburg displayed a water bottle. He said that only 6-7% actually gets recycled.
- M. Lipton stated she was opposed to the change calling it dangerous. Comprehensive Plan has already been done.
- M. Farley Looking at spot zoning. Minimal info from this process. Seems like not enough info. Water problems not new.
- D. Lavandawski stated that she had worked for Coke A Cola and had concerns for hazards and fumes, fire, traffic on Roosa Gap Rd. She doesn't think there are any positives but still wants to find the positives.
- F. Coviello states he is a 48-year resident agrees with many of the speakers concerns. He said he investigated the applicant and found out the phone number & Email are left off and that the LLC was established in 2010 and is active.
- G. Texter states he agrees with most everything said and that we need to be the custodian of our area. Also asked what the environmental impact studies that were done.
- E. Zambuto read part of a letter authored by Cathy Dawkins that in summary was to support local business, the proposed factory, cost risk benefit to the town, risk to water table, jobs, taxes, seems that the Village of Bloomingburg is already having water problems. It is imperative that this council act as our stewards of our natural resources.
- C. Genco wondered why the property was purchased if the use was not allowed, not in favor of the zoning change, doesn't see any benefit and what's the environmental impact.
- L. King said she got a visit from someone that said they wanted to check her well. She claims its always almost dry every August.
- J. Erickson stated that her well was affected by the neighbors well and was skeptical due to previous projects.
- L. Helms was concerned about traffic through the Village of Bloomingburg and wants the board to think hard about this and asked if we really need a soda factory in Bloomingburg and asked the board to think long and hard about it.
- J. Buying, Witte Drive said that it seems like every day some of our town is being chipped away. Taking water out of the ground into bottles takes the water.
- M. Ellicott, Shawanga Lodge Road, well concern, sewage reworked, aspartame, etc. could affect farmland.
- K. Findley asked Looking into zoning change? Doesn't align with Comprehensive Plan.

Public Comment cont.

- H. Zamab stated that there was missing information on the application and thinks micro should be added to brewery. He added that he wanted to thank the board for their public service.
- C. Leser spoke about the creek near Roosa Gap. Asked about a traffic study and was in favor of the project as long as they did what they are supposed to do. Asked about the water issue.
- P. Rice stated that the property is 8.4 acres (3 ½ paved), has poor drainage and there are federal wetlands on site.
- Dr. K Beinkafner, Hydrologist, if approved, it would need 2 wells and effect the neighboring wells. She added that she would be happy to come out and make sure it's done right.
- T. Wood added that he sees this request as being similar to breweries etc.

Supervisor Robbins announced that we would leave the public hearing open for written comment only until the next meeting on August 15, 2023.

HIGHWAY SUPERINTENDENT'S REPORT

- Mowing continues around the town.
- We have crews out handling pot holes and shoulder work on town roads.
- We are hoping to start paving the prepped roads next week. We are set. We just need our vendor Suite-Kote to get here.
- The department is looking into the purchase of two RAM 3500 pick-up trucks adding one vehicle to our fleet of smaller work trucks and replacing the oldest mason dump. These crew cab vehicles will allow for similar towing power as the mason dumps and also allow use to transport more employees per vehicle.

SUPERVISOR'S REPORT

- ✓ Touch A Truck event to be held again this year and will be held at the Town Park in Bloomingburg on September 16, 2023 from 11 am-2 pm.
- ✓ Thank you to Tyler Wood for his work on the Pole Barn at the Town Park.
- ✓ The NYSP barracks plans/bid specs for the addition are almost complete.
- ✓ Special thanks to the Summitville Ladies Auxiliary for their contribution of food to the firefighters for three days following the fire at the Homowack
- ✓ Mowing continues around the town.
- ✓ We have crews out handling pot holes and shoulder work on town roads.
- ✓ We are hoping to start paving the prepped roads next week. We are set. We just need our vendor Suite-Kote to get here.
- ✓ The department is looking into the purchase of two RAM 3500 pick-up trucks adding one vehicle to our fleet of smaller work trucks and replacing the oldest mason dump. These crew cab vehicles will allow for similar towing power as the mason dumps and also allow use to transport more employees per vehicle.

ABSTRACTS

A motion was made by G. Forthoffer, seconded by M. Mordas to approve the following abstract as presented: Abstract #14 (Voucher #20231204-20231294) in the amount of \$161,926.53. All in favor.

FINANCIAL REPORTS

A motion was made by M. Mordas, seconded by J. Rufer to acknowledge the receipt of the Expenditures, Encumbrances & Appropriations Report, Revenues & Expenditures Report. All in favor.

RESOLUTIONS

A motion to approve the Budget Modifications as presented was made by G. Forthoffer, seconded by M. Mordas. All in favor.

- A motion approving the purchase of 2023 RAM Pick-up truck for the Parks department at \$70,322.91 to come from the General Account was made by T. Wood, seconded by J. Rufer. All in favor.
- A motion was made by P. Goodman, seconded by J. Rufer to approve the sale of the Surplus 2014 Ford Pick-up Truck. All in favor.

RESOLUTION TOWN OF MAMAKATING TOWN BOARD EXPENDITURE FROM HIGHWAY VEHICLE AND EQUIPMENT CAPITAL RESERVE FUND

WHEREAS: The Town Board previously established the Highway Vehicle and Equipment Capital Reserve Fund in order to accumulate monies to finance the cost of acquisition of vehicles and equipment for the Town Highway Department. At the Highway Superintendent's recommendation, the Town Board approves the purchase of two (2) 2023 RAM Picking-up trucks in the amount of \$128,404.86 to be paid from the Capital Reserve Fund.

THEREFORE, BE IT RESOLVED that the Town Board authorizes the withdrawal and expenditure of \$128,404.86 from the Highway Vehicle and Equipment Capital Reserve Fund for the purchase of two (2) RAM Pick-up trucks.

BE IT FURTHER RESOLVED that this Resolution is subject to permissive referendum.

On a motion by Councilperson G. Forthoffer, seconded by Councilperson M. Mordas, this Resolution is adopted on a vote of 7 Ayes, 0 Nays.

COMMITTEE REPORTS

- Mamakating Historical Society is having a yard sale on August 12th from 9-3
- Poplar Grove Cemetery is again having their concert "Grateful We're Not Dead" on August 5th at 5 pm – Suggested donation \$5
- Park doing well, Pool is open and camp is doing good.
- MEEC events can be found on the town website Mamakating.org.
- Pole Barn at the town park is in the works. Our parks employees are helping with the build. Waiting on the metal.
- Ward 6 meeting August 2nd at Bloomingburg Village Hall. 6 pm
- Ward 2 meeting August 17th – 6pm. At the Town Hall.
- Bloomingburg Restoration Foundation will celebrate the 200th anniversary of the Dutch Reformed Church on August 17th with a rain date of August 20th.

EXECUTIVE SESSION

- A motion was made by P. Goodman, seconded by T. Wood to go into Executive Session at 7:41 p.m. to obtain legal advice. All in favor.
- A motion was made at 8:05 p.m. by M. Mordas, seconded by J. Rufer to come out of Executive Session. All in favor.

ADJOURNMENT

- A motion to adjourn the meeting was made by T. Wood, seconded by J. Rufer. All in favor.

Respectfully Submitted;
Jean M. Dougherty, Town Clerk