

REGULAR MEETING – ATHENS TOWN BOARD

September 16, 2024

The regular meeting of the Athens Town Board was called to order on September 16, 2024, by Supervisor Michael Pirrone at 6:00pm and was followed by the Pledge of Allegiance to the Flag. The meeting was held at the Athens Municipal Building, 2 First St.

The following Town Board Members were in attendance: Supervisor Michael Pirrone, Council Members Tami Bone, Mary Brandow, Anthony Paluch and Becky Pine.

The following Town Officers and Appointees were in attendance: Deputy Supervisor Gail Lasher, Town Clerk Phyllis Dinkelacker, Town Attorney George McHugh, Highway Superintendent John J Farrell, Town Code Enforcer Albert Gasparini.

The following people were in attendance: James O’Connell, Mike Campbell, Michael Barton, Hal Brodie, M.K Garvey, Daly.

VOUCHERS

The following bills were audited by the Board and ordered paid.

<u>General 2024 Abstract # 18</u>	Vouchers	380 – 394	\$85,588.33
<u>Highway 2024 Abstract # 18</u>	Vouchers	113 -124	\$17,065.37
<u>TC 2% Fire District Funds ABS #1</u>	Vouchers	1 – 3	\$ 3,694.89

The minutes from August 19, 2024 were distributed to the Town board. A motion was made by Paluch and seconded by Pine, to accept the minutes. Motion carried. Ayes – 5, Nos - 0

DEPARTMENT REPORTS

ASSESSOR – Ms. Dawn DeRose – Report is attached.

CODE ENFORCEMENT – Albert Gasparini Report is attached.

HIGHWAY SUPERINTENDENT – John Farrell see attached.

Mr. Farrell asked that the contract with Greene for leasing the High Hill tower (for use of the Highway’s repeater) be approved. The lease will be for 5 years at \$10.00 a year, the lease will cover the period of June 1, 2022 to May 31, 2027 at the cost of \$50.00.

A Motion was made by Pine and seconded by Bone to approve the payment to the county for \$50.00 for a 5-year lease of the High Hill Tower for the period of June 1, 2022 to May 31, 2027. Supervisor will send a letter to Dan King extending the lease per the original agreement.

Motion carried. Ayes – 5, No’s – 0.

A motion was made by Brandow and seconded by Pine to approve the expenditure of \$17,581.86 and culvert work on Church St.

Motion Carried. Ayes – 5, No’s – 0.

Mr. Farrell also let the Board know that he is signing the NYS share service contract.

SUPERVISORS REPORT-Michael Pirrone – Report is attached.

Town Board Discussion: Concerning the “Report of the Code Review Committee” which reviewed several items: Fill Permits; Demolition Permits; Fireworks Permits; Tiny Homes; Accessory Dwelling Units; Wedding and Commercial Event Venues; Religious Facilities; Town Fee Structure. The Committee has made a recommendation for the Town Board to consider.
See attached list and recommendations.

Town Board Discussion: Concerning reproduction, assembly & distribution of Town Code Books. The Town Clerk is considering moving forward with the preparation and distribution of the Code Books for Committee members. The Supervisor is considering a requirement that anyone wishing a code book must sign for it and accept that if the Book is not returned when the member leaves the Committee, he/she will forfeit the last stipend payment. The Town Clerk & Supervisor are seeking Town Board comments.

Discussion followed and the clerk presented a form to the Board which is be filled out when town property is handed out.

A motion was made by Brandow and seconded by Bone to allow the use of the inventory distribution form.

Motion carried: Ayes – 5, No’s – 0.

Supervisor Report: Legal Items

1-FreePoint Solar, LLC. et al. v. Town of Athens Zoning Board of Appeals. Appellate Division, Third Dept.-Case/Docket No.:CV-24-0711.

Town of Athens, Special Counsel, John Dowd, Dreyer-Boyajian has filed
All the appellate briefs with the Appellate Division, Scheduled for oral arguments in
November 2024.

2-Palmateer (Index EF2023-2803, Dtd. November 24,2023) – CPLR Article 78 versus Greene County Industrial Development Agency, et al. Judge Gandin issued a decision dismissing the petition.

The petitioner has appealed decision.

3-Hailee Dickson, et al. v. Town of Athens Zoning Board of Appeals, et al. NYS Supreme Court, Greene County-Index No.: EF2024-400.

Towns Special Counsel, John Dowd, Esq. preparing memorandum of law in opposition
to Dickson and others’ Article 78 Verified Petition.

4-APO Sleepy Hollow Lake, Inc., et al, Plaintiffs (Index No. EF2023-573, Dtd. August 11, 2023)
– vs Greene County Industrial Development Agency, et al.

On July 23, 2024, Honorable Sharon A. Graff, J.S.C., accordingly, hereby ORDERED that the petition/complaint is dismissed; ...

There is an indication that Sleepy Hollow Lake is filing an Appeal.

5-Town Attorney McHugh-Town Board legal update & explanations.

Supervisor Report: General Items

A. Greene Sheriff Office conducting Dog Control Officer Training on Oct 26, 2024. Town DCO Vieta has been notified of the Training.

B. Tentative Planning & Zoning training. Oct 29th & Nov 12th.

C. Building Fees, last time updated, June 7, 2021. Will consider review.

New Business:

-Town Action: The Board of the Town of Athens authorizes the Athens Town Court to apply for a JCAP Grant in the 2024-2025 Grant cycle for \$30,000.00. For the purchase of a vertical lift at the cost of \$34,520.00.

Formal Resolution Attached.

Motion By Pine and seconded Bone. To pass resolution #2024-32. Motion carried: Ayes 5, Pirrone, Bone, Brandow, Paluch, Pine. No's – 0

-Town Action: To Appoint Michael Barton, TOA resident, recommended by Michael N. Pirrone, to the Town of Athens Planning Board. Mr. Barton is retired, with a 30-year career in banking. He is a former Councilman of the Town of Hyde Park, along with experience on the Planning Board, Zoning Board & Board of Assessment Review. He has lectured in the field of real estate at Dutchess Community College and is a proud Veteran.

A motion was made by Pine and seconded By Bone to appoint Mr. Barton to the planning board. Motion carried. Ayes – 5, No's – 0.

-Town Action: To Establish the requirement of any Committee Volunteer who wishes a copy of the Town Code Book, hereby sign and accept responsibility for its safe keeping and return. If a Code Book is not returned, the Committee members will forfeit their last stipend.

See above motion under Town Board discussion.

Old Business Issues: WHAT TO DO WITH THESE!!!!

1. Town Board Video Conferencing consideration can be allowed, provided the conditions have been satisfied.

Discussion followed and it was agreed that due to the cost it will be revisited during the budget sessions.

2. Employee Dental & Vision Policy. The policies are employee only plans. No participation in the Town required. Please consider & advise.

Discussion followed. Mr. Pirrone will reach out to Dave LaVoy to have him present the plan(s) to the board.

Town Council Concerns:

A motion was made by Pine and seconded by Bone to pass resolution 2024-30. Extending the Battery Energy Storage System (B.E.S.S.) Moratorium for 6 months, September 4, 2024 – March 4, 2025.

Motion Carried. Ayes – 5 Pirrone, Bone, Brandow, Paluch, Pine. No's – 0.

A motion was made by Pine and seconded by Brandow to pass resolution 2024-31. Extending the Wireless communication moratorium for 6 months, July 17, 2024 – January 17, 2025.

Motion Carried. Ayes – 5 Pirrone, Bone, Brandow, Paluch, Pine. No's – 0.

Discussion on the outcome of the meeting at the Athens Pool. The outcome they are seeking volunteers and money. There was a list distributed for volunteers.

Discussion on having zoning for a view shed.

Public Concerns:

Ms. Garvey commented that the Athens Pool is a valuable resource for Athens. That is where her kids, and a lot of other kids, learned to swim and enjoy their summers.

Ms. Garvey noted that the schools have asked kids if they have good cell service in their homes? Good cell service is needed for their education.

The Town Clerk reported that she has reconciled the tax records for 2024 and presented a check to the Town Board for the balance of the Tax account.

Community Information:

- September 16: Town Board Meeting. Municipal Building.
- September 26: Planning Board Meeting. Municipal Building.
- October 7: Town Board Meeting. Municipal Building.
- October 9: Zoning Board of Appeal Meeting. Municipal Building.
- October 21: Town Board Meeting. Municipal Building.
- October 24: Planning Board Meeting. Municipal Building.
- November 7: Town Board Meeting. Municipal Building.
- November 13: Zoning Board of Appeal Meeting. Municipal Building.
- November 18: Town Board Meeting. Municipal Building.
- November 21: Planning Board Meeting. Municipal Building.
- December 2: Town Board Meeting. Municipal Building.
- December 11: Zoning Board of Appeal Meeting. Municipal Building.
- December 16: Town Board Meeting. Municipal Building.
- December 19 or 26 TBD: Planning Board Meeting. Municipal Building

Being no other business to come before the Board.

A Motion was made by Brandow and second by Bone to adjourn the meeting at 7:16pm.
Motion carried. Ayes – 5, No’s – 0.

Respectfully submitted,

Phyllis Dinkelacker
Athens Town Clerk

9/16/2024 2:14 PM

Town of Athens, NY & Town Council Meeting

Municipal Building, 2 First Street

Michael N. Pirrone, Supervisor, Presiding.

Agenda MONDAY, September 16, 2024 @ 6:00pm

Please Sign In, No Sign in-Not Included in Minutes.

- PLEDGE of ALLEGIENCE.
- VOUCHERS: To Approve the Vouchers audited by the Town Board for payment.
Motion By 2nd By AIF
EXCEPTIONS NOTED:
- PRIOR MEETING MINUTES: To Approve the Minutes of the Meetings of August 19, 2024. Minutes Attached.
Motion By 2nd By AIF
EXCEPTIONS NOTED:

Departmental Narratives

- Assessor: Report Attached
- Code Enforcement Officer: Report Attached
1030 Leeds to Athens Road, "For Sale". YAHOO !!!!
- Highway Superintendent: Report Attached
- Supervisor Report: Report Attached

Town Board Discussion concerning the "Report of the Code Review Committee" which reviewed several items: Fill Permits; Demolition Permits; Fireworks Permits; Tiny Homes; Accessory Dwelling Units; Wedding and Commercial Event Venues; Religious Facilities; Town Fee Structure. The Committee has made a recommendation for the Town Board to consider.

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Motion By 2nd By AIF

EXCEPTION NOTED:

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Motion By 2nd By AIF

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- **Town Action: Move to
Motion By 2nd By AIF
EXCEPTIONS NOTED:**

- **Town Action: Move to Adjourn,
Motion By 2nd By AIF
EXCEPTIONS NOTED:**

TOWN OF ATHENS
Assessor's Monthly Report September 2024

Our office has received and processed the following:

- Village Permits/CO/CC: 25 (Received from V-CEO)
- Town Permits/CO/CC: 6 (Received from T-CEO)
- Village Deeds via parcels: 5 (Received from RPTS-County)
- Town Deeds: 12 (Received from RPTS-County)
- Village Map Revisions: 0 (Received from RPTS-County)
- Town Map Revisions: 7 (Received from RPTS-County)
- Village E-911 number Revision: 0 (Received from RPTS-County)
- Town E-911 number Revision: 4 (Received from RPTS-County)

The 2024 school taxes are in the mail, so we have been busy with address updates, and questions pertaining to the bills.

We will begin sending out exemption renewals next month.

There were 5 sales received for the Village this month, ranging from 255,000 to 335,000 and still reflecting a strong market, (deeds with conditions are not part of this statistic).

There were 12 deeds filed for the Town this month, ranging from 175,000 to 475,000 and again still reflecting a strong market, (deeds with conditions are not part of this statistic).

Still working on all the exemptions, and the property owners have been very cooperative with submitting the documentation required.

We are still experiencing issues with our computers.

We have received 6 SCAR cases and 1 Article 7 case, hearings should be scheduled this month.

We are continuing to update our files, adding pictures, verifying data, filing, collecting data and working on valuation for the 2025 assessment roll.

Otherwise, conducting business as usual,

Thank you.

Dawn DeRose
Assessor

TOWN OF ATHENS
Building Department
Report for August 2024

Building Permits: 7, Electric Generator 24 Gypsy Point Road, Garage 159 Rip Van Winkle Dr, 19 Solar Panels 37 Greenburg Courts, 17 Solar Panels 2 Easy Street E, Two Story House 416 Vosenkill, Electrical Service Installation from Cell Tower 395 Farm to Market Road, Foundation Base For Cell Tower Structure 395 Farm to Market Road

H

Building Inspections: 14 –

Building Permit Inquiries: Inquiries of parcels of land to build homes, Residential Solar Panels, Garage, Shed, Cellphone Concrete tower structure Farm to Market Road, Kimley-Horn Engineering and Landscaping of New York located in White Plains – Large Scale Solar Project.

Certificate of Occupancy:

Temporary Certificate of Occupancy:

Certificate of Compliance:

Certificate of Occupancy Search Request: 3

Complaints:1

Demolition Permits:

Septic Permit:

Sign Permits:

Short Term Rental Certificates:

Fire / 911 Calls: -

Fireworks Permit:

Violations: Unregistered Short-Term Rental and renovated interior of a garage without a building permit at 265 NY-38. A renter called about the issue.

Note:

- 8/15/2024 a site inspection was done, and the Vacant Property on Schoharie Turnpike the property was cleared of litter and debris.
- Flats Road property owner called and said they were on vacation about Certified letter returned undeliverable for the housing of 5 recreational vehicles. The owner has removed all 5 recreational vehicles.



\$94,340

3 Beds, 1 Bath, 1939 SqFt

1030 Leeds Athens Road, Athens, NY

[View Property Details](#)

Town of Athens HWY.

Report for 9/16/2024

- Mowed sides of town roads and Brick Row in Village of Athens
- Town cleanup day 10/26/24 AT TOWN HIGHWAY SHOP?
- Change cross culvert on Kings Road
- Blacktop Kings Road and put shoulders on it
- Installed drainage on Gypsy Point Road
- Blacktop Thorpe Road
- Hauled millings for Village of Cocksackie
- 5-year tower space agreement on County's High hill tower
- Church Street culvert order pipe out of this year's road account for a price of \$17,581.68 off NYSOGS bid PC69054 Award # 23187
- Highway Equipment Inventory for 2024

Inventory of Highway Machinery, Tools and Equipment

Highway Law, Section 142(3)

(To be prepared by the Town Superintendent and filed with the Town Board on or before September 30 in each year.)

Town of Athens

County of Greene

Date of Inventory : 9-16-2024

Quantity	Description	Year Manufactured	Purchase Price	Condition	Estimated Cost of Repairs
1	Hyundai HL 940 Front End Loader	2020	\$142,610.80	Good	
1	John Deere 570 Grader	1974	\$34,200.00	Good	
1	11 Foot Seal Master Stone Spreader	1995	\$13,000.00	Fair	
1	Hamm Roller HD-12	2019	\$40,000.00	Good	
1	Used Gradall XL 4100	1997	\$98,000.00	Fair	
1	7 Foot Alamo Flail Mower	2019	\$7,518.00	Fair	
1	Ford 515 Tractor	1978	\$8,144.00	POOR	
1	John Deere 5085M	2011	\$58,000.00	Fair	
1	Mor Bark Chipper M12R	2016	\$39,100.00	Good	
1	Ford - Oshkosh 4x4 With Air Flow Sander	1992	\$87,000.00	Poor	
1	International Dump Truck With Plow	2010	\$145,370.00	Fair	
1	International Tandem Dump Truck	1997	\$73,000.00	Fair	
1	Wacker Plate Tamper	1996	\$1,300.00	Fair	
1	5 Foot Brush Hog Mower	1991	\$600.00	Poor	
1	3 Piont Hitch Cement Mixer	2001	\$800.00	Fair	
1	Used 2004 Tymco 600 sweeper	2004	\$80,000.00	Fair	
1	7 Foot 3pt Hitch Rear Blade	1989	\$475.00	Good	
1	Viking Model 135 HSE Snow Plow	2009	\$5,200.00	Good	
1	Viking Model 135 HSE Snow Plow	2009	\$5,200.00	Good	
1	Viking Model 140 Wing	2009	\$4,800.00	Good	
1	Viking Model 140 Wing	2009	\$4,800.00	Good	
1	FORD F 550 UTILITY BODY	2019	\$65,142.00	Fair	
1	Viking V-Plow	1972	?	Fair	
1	Honda 3500 Watt Generator	1987	\$1,050.00	Fair	
1	10 Foot Burch Stone Spearer	1976	\$2,774.00	Fair	
1	Makita Electric Jack Hammer HM1800	2006	\$1,338.00	Poor	
1	Danuser PTO Auger 8"	1978	\$1,338.00	Fair	
1	Lincoln Welder A/C	1964	\$100.00	Poor	
1	Gates Moblie Crimp Hose Mach. #4-20	?	?	Good	
1	Ingersol Rand Air Compressor #2475N75	1998	\$1,648.00	Good	
1	Landa Pressure Washer	?	?	Good	
2	Honda Water Pump	2010	\$984.00	Poor	
1	Sweepster Broom 3PT Hitch	2005	?	Fair	
1	Echo Power Pruner Model# PT-260	2007	?	Fair	
1	Dayton 16" Bench Drill Press	?	?	Good	
1	Snap On Tool Box With Hand Tools	?	\$450.00	Fair	
1	Metal Craft Torch Kit	2007	\$500.00	Good	

1	Lincoln Power Mig Model 255C	2008	\$2,000.00	Good	
1	Dell Computer & Printer	2008	?	Fair	
1	ATD tool box/10 drawer cabinet/side cabinet	2009	\$1,400.00	Good	
1	International 4X4 Dump Truck	2018	\$217,416.00	Good	
1	Ford F-600 4x4 Pick Up With Fisher Plow/ Sander	2022	\$113,000.00	Good	
1	Motorola Mobile radio PM 400	2009	\$600.00	Good	
1	Husqvarna FS 400 LV Road Saw	2018	\$2,191.00	Good	
1	Stihl BR600	2010	\$350.00	Fair	
1	Alamo RM180 Boom Mower	2021	\$24,946.00	Poor	
1	International 4X4 Dump Truck	2015	\$202,000.00	Good	
1	International Bucket Truck	2004	\$15,000.00	Poor	
1	Bobcat E50 excavator	2017	\$59,695.00	Good	
1	Cross Counrty 7 ton trailer	2017	\$6,900.00	Good	

I recommend of the following:

		Estimated Cost
Description		
Keep putting money away for a Ford F 600 dumptruck/plow		\$160,000
Keep putting money away for replacement bucket truck new/ used		210,000
Total		

Town Superintendent: _____

Town of Athens
Operational Narrative
August 2024

1. No issues in the financial office, moving along quite well.
Bookkeeper is doing very well
2. All financial activity through August 31 recorded in the General Ledger.
3. Current Summary of Cash & Combing Balance Sheet is updated & attached to the rear of the report.
4. The Operating & Reserve Bank statements are reconciled.
5. The Retirement Report is being prepared & filed.
6. All Accounts Payable activity is coded, processed & paid as of August 31, 2024.
7. Payroll processing is going very well. Time Reports are monitored, reviewed, & submitted for processing.
8. The bookkeeper has sent out the 2025 Budget information request. The request has been coming back with information as needed.

REPORT OF THE CODE REVIEW COMMITTEE TO THE ATHENS TOWN BOARD

The Code Review Committee was created by resolution of the Athens Town Board at its meeting of May 20, 2024. The Resolution named the following people as members of the Committee: Hal Brodie (Chair), Karen Dudley, Karen Haas, Frances McCusker, Russell Nadler and Michael Ragaini. The Resolution also named Scott Fischer (Planning Board Chair), Eric Nelson (Zoning Board of Appeals Chair), and Albert Gasparini (Code Enforcement Officer) as advisors to the Committee.

The Committee was tasked with reviewing and recommending any necessary or desirable changes to selected provisions of the Town Code. The Committee was specifically asked to look at the Code provisions on fill permits, demolition permits and fireworks regulation. The Committee also received an email from Town Board member Rebecca Pine asking the Committee to review the fees imposed by the Town for various permits and reviews. In addition, the Committee was asked to look at the rest of the Code to see if other changes are needed. In consultation with the Committee's advisors, the Committee also reviewed the following issues: tiny homes; accessory dwelling units; religious facilities; and wedding and event venues.

This Report is the result of the deliberations of the Committee.

FILL PERMITS

The existing Town of Athens code provision governing fill permits is Chapter 101. The existing provision allows depositing or dumping of clean fill up to 1,000 cubic yards per year without a permit. The Committee noted that a dump truck load is generally 10-12 yards, so Chapter 101 would allow up to about 100 dump truck loads of fill to be deposited without a permit. The existing Town of Athens code provisions do not address excavation of soil or disposal of excavated materials and do not include any penalties for violations. The Chapter contains procedural provisions and provisions regarding bonding.

The Committee reviewed the code provisions regarding fill and excavation permits from several other jurisdictions, including those of the Towns of Riga, North Salem, Penfield and Harrison in New York and the Town of Sparta in New Jersey. Those provisions are generally far more restrictive than those of the Town of Athens and require a fill permit for amounts ranging from more than 25 yards to more than 250 yards of fill. In addition, several Towns also have provisions that require permits for excavation of soil of more than a certain amount. Some of these other jurisdictions include penalties for violations ranging up to misdemeanor criminal penalties.

The discussion of the Committee focused on certain situations in the Town of Athens known to members of the Committee and on the need to balance adequate regulation with practical realities of life in a rural community.

Recommendations of the Committee:

The Committee recommends that the Board consider amending the Code as follows:

- Require a permit for depositing fill of more than 300 – 400 yards of fill in any single year or more than 1,000 yards in any five-year period.
- Require a permit for excavating a similar amount of material and include provisions for the safe disposal of any such excavated material.
- The permits should be valid for set time limits.
- Include adequate financial penalties for violations.

In addition, the Committee recommends that the application for a fill or excavation permit include language indicating that the applicant is swearing to the truth of the information contained in the application, subject to penalties for perjury.

The Committee also recommends that fill should be considered in building permits and site plan review and that in such cases, a separate fill permit should not be required.

DEMOLITION PERMITS

The existing Town of Athens Code provision governing demolition permits is Chapter 94. Section 94-1 requires any person to obtain a permit from the Code Enforcement Officer before demolishing any structure within the Town, outside the Village. The Chapter includes procedural provisions, requires a certificate of insurance prior to issuance of a permit, provides that the permit will be effective for 60 days, and provides penalties for violations.

The Committee's research indicates that a few other jurisdictions, including the City of Hudson and the Town of Clifton, NY have similar code provisions regarding demolition permits.

Recommendations of the Committee:

- The Committee concluded that the existing Code provisions are adequate and does not recommend any changes to the Code.
- The application for a demolition permit should be augmented as follows:
 - include language indicating that the applicant is swearing to the truth of the information contained in the application, subject to penalties for perjury
 - include a question about whether the applicant intends to burn any demolition debris and, if so, that the applicant must comply with 6 NYCRR Part 215 governing open fires.
 - include a question about whether the structure to be demolished is over 50 years old and, if so, whether the applicant has consulted with the State Historic Preservation Office.

- The fees for obtaining a demolition permit should be set on a sliding scale based on the size of the building to be demolished.

FIREWORKS PERMITS

The existing Town of Athens code provision governing fireworks permits is Chapter 103. That Chapter prohibits the discharge of fireworks at any time without a permit and appoints the Code Enforcement Officer as the official designated to receive permit applications and issue permits "in accordance with sections 270 and 405 of the Penal Law of the State of New York." It should be noted that section 270 bans the sale or private use of fireworks in New York State. Section 405 authorizes public displays of fireworks if properly permitted. The Town of Athens Code Enforcement Office has developed an application for a permit for public displays of fireworks.

Recommendations of the Committee

- Having reviewed the state laws and the Town Code provisions, the Committee concluded that the Town Code is adequate and does not require amendment. The Committee further concluded that any issue with respect to the illegal use of fireworks is an enforcement issue for the police.
- As section 405 requires that the individuals authorized to fire a public display have "a valid certificate of competence as a pyrotechnician as required under the General Business Law and article 16 of the Labor Law", the Town's application for a fireworks permit should require submission of a copy of such certificate.

TINY HOMES

One of the Committee's advisors urged the Committee to review the Code to determine if it contains adequate provisions regarding the regulation of developments of tiny homes. The advisor specifically mentioned that such developments often cluster the development of such homes to provide for interaction and preserve open space.

The existing Town of Athens code provision governing cluster and conservation development is Article VI of the Zoning Code, sections 180-63 and 180-64. These sections permit the Planning Board to approve developments with homes clustered on smaller lots than would otherwise be acceptable in the zone in question provided that the overall density of the development would meet the criteria of the zone.

In addition, in its 2020 Residential Code, New York State adopted Appendix Q which contains some relaxed provisions governing the construction of tiny homes.

Given these provisions, the Committee concluded that current laws and regulations are adequate and makes no further recommendations.

ACCESSORY DWELLING UNITS

One of the Committee's advisors urged the Committee to review the Code to determine if it contains adequate provisions regarding the regulation of accessory dwelling units. The existing Town of Athens code provisions governing accessory dwelling units are sections 180-3, which contains a definition of Accessory Apartments, and section 180-43 which contains regulations governing them. Such units are defined as independent living facilities with kitchen and bathroom facilities either in or added to an existing single family dwelling or in a separate accessory structure on the same lot. Section 180-43 contains, among other things, provisions regarding lot size and parking and limits each lot to one accessory apartment.

Given these provisions, the Committee concluded that the current Zoning Code is adequate and makes no further recommendations.

WEDDING AND COMMERCIAL EVENT VENUES

One of the Committee's advisors urged the Committee to review the Code to determine if it adequately addresses wedding and commercial event venues. The existing Town of Athens code provisions governing such venues are contained in section 180-53 of the Zoning Code. That section contains provisions relating, among other things, to parking, amplified sound, crowd size, and sanitary facilities. These regulatory provisions appeared adequate to the Committee.

However, the Code language regarding permitting of these facilities appears to be confusing and, perhaps, contradictory. Subsection K of this section requires "a person holding a special permit under this section" to submit a schedule of events for each year "subsequent to the special permit approval." However, section 180-53 does not appear to contain any provision requiring a special permit. Additionally, the Table of Permitted Uses appears to permit Commercial Event Venues as of right in six zones without a special use permit or even site plan review before the Planning Board.

Recommendation of the Committee: The Committee recommends that the Board amend the Code as follows:

- Amend section 180-53 to indicate that a special use permit is required for any Commercial Event Venue.
- Amend the Table of Permitted Uses to indicate that Site Plan Review and a Special Use Permit are required for a Commercial Event Venue.

RELIGIOUS FACILITIES

One of the Committee's advisors urged the Committee to review the Code in light of a federal law called the Religious Land Use and Institutionalized Persons Act (RLUIPA). A summary of the law issued by the Civil Rights Division of the U.S. Department of Justice states that RLUIPA prohibits zoning laws that, among other

things, “treat churches or other religious assemblies or institutions on less than adequate terms with nonreligious assemblies or institutions.”
<https://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act>

The Committee reviewed the Town of Athens Zoning Code in light of this prohibition. The Committee noted that there may be Code provisions that treat religious facilities less advantageously than other facilities that could be considered similarly situated. For instance, the Table of Permitted Uses permits Commercial Event Venues in six zones (Ru, MUC, LI-1, LI-2, Ag and Ru-385) as of right with no Planning Board or Zoning Board review. (See the recommendations of the Committee regarding Commercial Event Venues, above.) However, it permits Religious Facilities in only three zones (MUC, Ru-1 and H) and then only after Site Plan Review.

Recommendations of the Committee – The Committee recommends that the Board ask the Town Attorney to review this issue and make appropriate recommendations to the Board to insure that Religious Facilities are treated on adequate terms with other, similar facilities. The Committee also recommends that the Town Board review the Permitted Uses Table in the Zoning Code to determine whether the zones where Religious Facilities and Commercial Event Venues are permitted are appropriate.

FEE STRUCTURE

Rebecca Pine, a member of the Town Board, sent an email to the Committee asking the Committee to review the fees that the Town Board has set for various reviews and permits. Ms. Pine attached a chart comparing Town of Athens fees to those of neighboring Towns. The Committee noted that the Town has not set fees for some permitting activities and for others has set fees that are not in line with neighboring Towns.

Recommendations of the Committee:

- The Committee recommends that the Town Board review the activities and fees in Rebecca Pine’s chart and set new fees where appropriate.
- The Committee recommends that the Town Board review fees for other activities and permits as well, i.e. fill permits, demolition permits, fireworks permits and compare them with those charged by neighboring communities, and set new fees, where appropriate.

Dated: September 5, 2024

**At a Meeting of the Town Board of the
Town of Athens, at 2 First Street,
Athens, New York, on September 16,
2024, there were:**

	<i>Present</i>	<i>Absent</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>
Michael Pirrone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mary Brandow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Paluch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rebecca Pine	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tami Bone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I, Council member Becky Pine offer the following resolution, 2024-32, and move its adoption:

WHEREAS The New York State Unified Court System is dedicated to ensuring that all qualified individuals with disabilities have equal and full access to the judicial system. The Town Court of Athens has individuals that come to their door to drop off tickets, make payments, file forms and get copies of their cases. The Athens Town Court continues to ensure that all qualified individuals with disabilities have equal and full access to the judicial system. The Athens Court has done everything they can to make accommodation for their defendants, such as on all our paperwork “if you need accommodation call ahead” and they would meet with them downstairs. The only problem with that is they cannot take the computer with them; they will not have any forms with them that may be needed and there will be no Credit Card machine for payments.

THEREFORE, LET IT BE RESOLVED, The Board of the Town of Athens authorizes the Athens Town Court to apply for a JCAP Grant in the 2024-2025 Grant cycle up to \$30,000.00.

Seconded by Council member, Tami Bone, offered for discussion and duly put to a vote, the results of which appear above.

ATTEST:

APPROVED:

Phyllis Dinkelacker
Athens, Town Clerk

Michael N. Pirrone
Athens, Town Supervisor