Gardiner Town Planning Board  
Meeting Minutes  
February 20, 2018

Present: Chairman- Paul Colucci, Vice-Chairman, Keith Libolt, Josh Verleun, John Friedle, Ray Sokolov, Joseph Hayes, Marc Moran, Carol Richman

Others Present:
• James Freiband - Principal Planner
• Allyson Phillips - Legal Counsel
• Mark Millspaugh - Sterling Environmental

Meeting Start - 7:03pm

Item 1 - Public Hearing Watergrass Hill Bed & Breakfast 105 Phillies Bridge Road

Chairman Colucci recuses himself for the public hearing. Public Hearing Notice read. Applicant not present so the hearing will be left open and we will proceed to the next project.

OLD BUSINESS

1. HEARTWOOD – Taylor Family Partnership – Special Permit and Site Plan for a Lodging Facility – Route 44/55 S-B-L 93.4-1-42.100 & 93.4-1-41.120

Comments on SEQR with Ms. Phillips filling in for Mr. Brennan tonight Attorney for Young Sommers.  
Mr. Michael Moriello, Mr. Medenbach and Mr. David Kiviat appear in front of the Board.

Mr. Colucci addressing the Board, should have a letter dated Dec 31st 2017 from Mr. Moriello and a letter from Young Sommer dated Jan 31st 2018 to Mr. Moriello (on file) and a Reference Memorandum dated Dec 27th 2017 from Mr. Moriello to the Gardiner Planning Board (on file). Mr. Colucci reads the last paragraph.

Mr. Brennan’s letter of Jan 31 2018 calls out what he is requesting to complete SEQR.

Response came into Mr. Colucci email. From Mr. Brennan to Mr. Freiband to proceed to technical review. Traffic- DOT concerns will forward email

Mr. Colucci asks Mr. Millspaugh to speak.

Mr., Millspaugh: I gave it a preliminary review. In respect to Noise there is a commitment to set noise levelers. Comment letter no figure where measurements were made would like more substance. In respect to river weed its species is identified in the Shawangunk Kill but there is nothing in the records to show it is contiguous and in the project. Developer scaled back the project so there is no work in the river and project is subject to the DEC section 666.

Mr. Millspaugh says the DEC permit is required  
Mr. Millspaugh based on prior version of the project, did DEC respond. They are back logged. Wild and Scenic least regulated Heartwood project to access the river.

Discussion of public access and DEC

Ms Richman speaks of Noise level
Mr. Millspaugh speaks about doing baseline at leaf off
Ms Richman speaking about cumulative noise study
Mr. Colucci speaks that’s why we have the consultants that the data is not complete and that once the consultant has reviewed the information the board will be given their opportunity for review.

Mr. Millspaugh: They have acknowledged that the local towns Code with respect to noise and made reference to DEC defining existing noise. It’s not just the overall magnitude. An increase of the property where the decibels increase of 3 considered potentially and increase of 6 would be noticeable.

Exercise following the DEC if an increase over background. They have made those references. Leaf off condition get maximum noise.

Ms Richman discusses the noise potential
Mr. Millspaugh: You want to know worst case conditions?
Mr. Hayes: Want to know what would be a quiet baseline.
Mr. Libolt: Noise is one of my concerns. Is there an active monitor that can be installed? real time feedback.
Mr. Friedle: I agree about the noise but they have Town Law that covers noise.
Mr.: Libolt We need to be concerned in the Special Use permit.

Mr. Colucci asks the board for comments.

Mr. Verleun: None
Sokolov: None
Mr. Libolt: Already Spoke
Mr. Colucci: Already spoke
Mr. Friedle: already spoke I agree about the noise
Ms Richman: I agree with Keith comments on Noise. It’s a residential community
Mr. Colucci: We have to be very concerned about the rights
Mr. Hayes: would like a brief summary where we are at in the SEQR process.

Colucci brief summary: We are at a point where we can vote on the SEQR. Dave Brennan has asked for additional information.

Ms. Phillips reiterated where we are at.

Mr. Colucci asks Engineer or consultant if they have any comments. No

Ms Richman discusses the river and the public access.
Mr. Medenbach and Mr. Moriello discuss the issue of public access
Mr. Freiband states that the DEC would need to purchase the land for it to be public access.
Mr. Medenbach and Mr. Moriello will see if they can get an answer on this question from the DEC an it will be discussed in the March meeting.

**Item 1 - Public Hearing Watergrass Hill Bed & Breakfast 105 Phillips Bridge Road**

Mr. Colucci recuses himself again and Mr. Libolt chairs, opened the hearing

Mr. Robert Colucci summarizes the project.

David Durler: Looking forward to this project, very supportive. Will there will be outdoor events?
Robert Colucci: No there will not be.
• Motion to close the public hearing by Mr. Verlan
  Seconded by Mr. Friedle  Passed unanimously

Mr. Freiband: Reads from his Memo of Jan 8 2018 this is an unlisted action under SEQR. We have had no response from Ulster County Planning Board, no response 30 days have expired. Notes to Mr. Colucci: that the Building Inspectors letter of Jan 8 2018 be conditional in the site plan approval. Would like to note in the cut sheets for the lighting that the LED needs to be limited to low wattage selection. We are looking for the lowest wattage. My recommendation is that the short form EAF that was submitted indicates no potential significant impact and the board should complete a neg declaration, Conditional on lighting and the Building Inspectors Memo.

Mr. Verlan SEQR custodian signing the SEQR negative Declaration
  • Motion to issue a Negative Declaration - Mr. Hayes
  Seconded – Mr. Friedle  passed unanimously

Motion to approve the Site Plan and Change in use for Watergrass Bed & Breakfast at 105 Phillies Bridge Road subject to the light setting requirements as recommendation by planning board consultant the requirements as outlined by the Building Inspector and payment of all fees.
  • Motion - Mr. Friedle
  Seconded - Mr. Hayes  passed unanimously

Mr. Freiband: You will need to submit 5 copies of your site approval plans.

OLD BUSINESS CONTINUED

2. Shaft Road LLC Preliminary Plat for 10 Lot Open Space Development - Lands situated within the RA Zoning District along 85/91 Shaft Rd and South Mountain Road, SBL# 93.3-1-21.1

Mr. Colucci resumes the Chair. For the record we are in agreement that the 62 days started Jan 26 closing March 29th. Mr. Moriello stated Yes.

Email from Sterling environmental had a response from the applicant on the SWPP had no further comments on that. Adequate response to the revisions made.

Mr. Colucci: Board members should Copy of permit by the DEC issued Feb 8th also a letter Jan 26 from the Highway Superintendent approving the driveway to Lot 3. Need to get a hard copy of Lot 3 driveway revisions. Plan sheet revised January 25th 2018. DEC Permit has 8 pages, only copied page 1. The complete DEC permit is posted on website.

Mr. Colucci requested a site visit with the applicant after the Jan 16th 2018 Planning Board meeting. Walked the site with Mr. Kiviat, experienced dry conditions with no snow on the ground, site visit lasted 2 hours.

In mid-February Mr. Colucci and Mr. Millspaugh of Sterling Environmental visited the site from the road and visit the Kiernan farm which is the property adjacent to the south which has been protected by an open space property development rights purchased by the Town of Gardiner a few years back.

Open items from last month’s board meeting answering the Dec 27th comments relating to prior SWPPP. Mr. Millspaugh states that this has been done. Lot 3 driveway details have also been addressed.
Mr. Colucci asks Mr. Millspaugh to comment as we are in the Preliminary Plat approval.

Mr. Millspaugh: I do not have extensive history with the evolution of the code in the Town of Gardiner. I can only speak the Town Code as it related to this project 220-19b. Open space objectives encourages open space development .... goes on to describe lot sizes can be reduced. Conventional and the Open Space layout roughly mimic each other. Part of what I might be seeing is the massive wetland in the middle and the buildable area is the horseshoe around the outside.

Mr. Colucci: I would like to poll the board
Mr. Hayes: Big step between the mapped Federal wetland. There is a real protection of Open Space Gardiner encourages. I see this open space as functionally protecting 45 acres of open space.
Ms. Richman: Letter written by DEC that states that not only should the applicant abide by the constraints and guidelines. Town has its own map.
Mr. Friedle: I agree with Hayes, Federal lands under Army Corp allow for tree cutting, does not see a problem with Lot 10.

Mr. Verleun: appreciate Mr. Millspaugh comments. Legitimate concerns with the Army Corp wetland Eliminating Lot 10 would be ideal for conserving the continuity with the Kiernan farms would be ideal. Difficult balance keeping the conservation easement with the wetland area is important.
Mr. Sokolov: no comments
Mr. Libolt: I agree with Mr. Verleun

Mr. Colucci – Where do we go from here? Do we want to poll the board and take a vote tonight? Do we want to eliminate 2 lots? I struggle with 220-19b open space development clustered development. Contiguous open space.... must satisfy the conditions of 220-20. I am not satisfied with it being in character. Lot 8, 9 & 10 again reading 200-19b.

Mr. Medenbach: As Mark Millspaugh spoke the Buildable spots would line up on both plans. These are legitimate lots.
Mr. Millspaugh: Where is the clustering?
Mr. Medenbach: When I do any plans, I look for the buildable lots. Design around the constrained areas. When the board asked us to do this as an Open Space Development it did not really change the house locations.

Mr. Colucci: I wrestle with the 10 lots, there is a discretionary planning board approval. It is not a slam dunk. I struggle this layout is not adequate. Make adjustments now and make something that I will be satisfied in and in conformance with the code and even better.
Mr. Hayes: I think they deserve a vote on the preliminary plot vote. Move to vote on preliminary Plat.

- Motion – Mr. Hayes
- Seconded – Mr. Friedle

Board comments
Mr. Verleun- no additional
Mr. Sokolov – none
Mr. Libolt- I don’t believe I can approve this plan with the lots as shown
Mr. Colucci- I have said
Mr. Friedle- I believe that it is within law and we should approve it. This is not perfect for me either.
Ms. Richman- I think we need to provide rational basis. I don’t think this plan protects wildlife and I don’t think it clusters
Mr. Hayes- Lot 10 29-acre view lot, to tell the applicant to take it away. I think getting 45 acres of open space would be a win.

Mr. Colucci: Ms. Phillips can you speak on this?
Ms. Phillips: The standards in your law do speak about the boards discretion. There still is a discretionary portion. Looking at the full package, question that has to be decided by the board. Are we taking a straw poll?
Mr. Freiband- I suggest you consider this a preliminary vote so that you can proceed to Preliminary Plat approval.
Mr. Medenbach: This has been a long and arduous process, there is a neg dec, written approval by Health Dept, DEC permit. I believe it meets the intent of the zoning laws and meets the intent. I Understand some of the concerns. Believe giving up 2 lots very heavy lift to make at this stand point.

Mr. Colucci: My recommendation would be to eliminate Lot 10 and merge 8 & 9.
Mr. Kiviat: Not willing to give up Lot 10, merge it with Lot 9, that’s a possibility.
Mr. Colucci: we can throw around the open space document and go back to 220-19. I realize we are not purchasing the property rights like we did at the Kiernan Farm.
Mr. Kiviat: If we merged that lot and the house site was on the other side of the stream?
Mr. Friedle: lets deal with the motion and not negotiate, just take the vote. I don’t agree with it
Mr. Colucci: I’m sorry you don’t agree on it.
Mr. Kiviat: I think we all want to get to a common place. I think we are in our right to do a 10- lot subdivision and we’ll test that. I am open to compromise. Let’s take a straw poll to see if we can receive Preliminary Plat approval.

Ms. Phillips: We have until the next meeting to make our final determination. If we take a straw vote to get an opinion of the board. Nothing we do will reset 62-day clock. If we do a straw poll this evening it will give an idea what a majority feels

Mr. Hayes: Let me Modify my motion. Chairman Colucci asks Counsel’s opinion
Ms. Phillips: I think that under these circumstances that would be acceptable because I don’t think the motion was clear to begin with.

- Mr. Hayes: Motion to test the Boards opinion if a vote was held tonight on the preliminary Plat approval of the Plat as before us (10 Lots).
- Mr. Friedle- Seconded

Hayes -Yes
Richman- No
Friedle – Yes
Mr. Verleun – No
Sokolov- No
Keith – No
Colucci- No Yes – 2  No - 5

Discussion Purposes:
Mr. Verleun: Would like to see Merging Lots 9 & 10 if there are agricultural uses that could be used.
Mr. Kiviat: I would consider merging lots 9 & 10. As far as the agricultural uses, Marty, from Kiernan Farm, that he might be interested in leasing part of that property… I’m open minded at this point. Part of Lot 10 is an open meadow.
Mr. Sokolov: Interesting to me I don’t have anything to add.
Mr. Libolt: Lot 9 & 10 merged, home site moved closer to northside of the property line and shortening the driveway. Lot 3 also contiguous with Kiernan Farm either merged with another lot.
Mr. Colucci: Would like to see an 8-lot subdivision. Merging Lots 9 & 10, in agreement with Keith in moving the house site and shortening the driveway. Think lots 2 & 3 should be merged. Do not think any additional conservation easements need to be placed in Lot 10.
Mr. Friedle: Speaks of the farm this land used to be, would be in favor of a 9-lot subdivision, not in favor of a 8-lot subdivision.
Mr. Kiviat: If we make changes to the Plat it would need to be minimal.
Ms. Richman: likes an 8-lot subdivision. Would like to see all of Lot 10 in a conservation easement.
Mr. Hayes- I think we are making progress.
Mr. Colucci-another straw poll.
Mr. Freiband – Don’t want a new Plat. The board will vote wiping out the lines in their mind. Resolution with conditions.

Mr. Colucci - Motion to merge lot 9 & 10 as a condition... straw Poll

Mr. Verleun – Yes
Mr. Sokolov - yes
Mr. Libolt – yes
Mr. Friedle – yes
Ms. Richman - No
Mr. Colucci – Yes
Mr. Hayes – Yes  Yes – 6  No – 1

Next Condition: Locate House on new lot 9

• Motion - Mr. Hayes
• Seconded - Mr. Libolt  Unanimous approval

Next condition lots 1 2 & 3 make it 2 lots - Straw Poll

• Mr. Colucci – Motion made
• Ms. Richman - Seconded

Mr. Verleun – Yes
Sokolov- Yes
Keith- Yes
Colucci – yes
Friedle- No
Richman- Yes
Hayes- No  Yes – 5  No – 2

Discussion with 8-lot and 9-lot subdivision.
Ms. Phillips: explains the conditions and the straw poll that was taken.

Mr. Colucci: Asks applicant explain to the Board and the public where the current conservation easement is in Lot 10.

• Ms. Richman motion to set the land in Lot 10 a conservation easement
• No seconded  Motion fails

Mr. Kiviat: Would like to merge lots 2 & 3. Lot 2 would have 2 access because there is stream crossing.
Mr. Freiband: reiterates about more conditions and straw poll.
Ms. Phillips: we would prepare a resolution approving the Plat with the 3 conditions voted on and the conditions Freiband mentioned.

Ms Richman still concerned with the conservation easement and will send out an email to the Board what she wants to discuss next meeting.

Mr. Colucci: Are there any other conditions the board wants to apply to this Plat for Preliminary approval. Hearing none, I appreciate your time gentleman and excuse you from the table. Thank You.

• Ms Richman left for the night approximately 9:15 pm, Marc Moran sitting as voting Board Member
NEW BUSINESS

1. **Vals Osborne 128 Crispell Lane - Lot Line Revision and Site Plan**
   S-B-L 93.2-2-25.100 and 93.2-2-25.111

   Create a flag lot, site plan for a house.
   Mr. Colucci has walked the land with the applicant, great piece of property. Land is currently in the Wallkill Land Trust.

   Applicant Letitia Osborne: There are over 70 acres that is currently in 2 lots.
   A Flag lot will be created with 18 acres. Need a DEC permit to cross the wetlands at the narrowest point.
   Building lot will be up on the ridge. We have submitted the proposal to DEC.

   Mr. Freiband reads his Memo Feb 12, 2018 with revisions from Feb 4 2018 (on file) and Building Inspector Letter of Feb 6 2018 on file). Short form EAF. Needs to have the UCPB referral. Applicant should contact the Building Inspector and the Fire Chief.

   Applicant needs to sign the SEAF, does not appear to be any negative impacts.

   - Motion to approve a negative declaration. Mr. Sokolov
   - Seconded by Mr. Hayes Unanimous Approval

   Motion to Waive public hearing
   - Motion - Mr. Sokolov
   - Seconded - Mr. Friedle Unanimous Approval

   Discussion of plans – they were drawn by the Engineers do not see any reason they need further review.
   - Mr. Colucci made a motion to Send to UCPB for referral and to waive any additional engineering review.
   - Seconded – Mr. Hayes Motion Passes Mr. Libolt - Opposed

2. **New York Land Development – Lot Line Revision – 2809 Route 44/55**
   S-B-L 93.1-3-17

   Donald Brewer, Brewer Land Surveying

   Mr. Freiband reads his Memo January 2 2018 (on file) this is a 2-lot subdivision.
   Ag statement on the Map. DPW permit needed on county road. They provided a copy of this. This lot could be sold and could be subdivided.

   Need to submit to the board the wetland map, submit to the board the source map.

   This does not need to be referred to Environmental Committee

   Sketch approval

   Submit to UCPB, no DOH requirement.
Motion to approve sketch file subject to the submittal remaining documentation

- Motion - Mr. Libolt
- Seconded - Mr. Hayes

Unanimous Approval

Public Hearing set for March 20 2018

INFORMATIONAL

Chris Martinez, 2 lot subdivision of Farmers Turnpike

Freiband reads Memo Feb 15 2018 (on file). FPO district mapped as 500-year flood
Suggestion - Receive subdivision application proceed as small-scale development direct applicant to file an appeal to ZBA. Report Feb 8 2018 (on file) from Building Inspector.

Surveyor needs to give Mr. Freiband the area above 200'in elevation take from the current map.
Bob James, Surveyor asks Mr. Freiband the area he needs to show. Per Mr. Freiband: Required to 100-year flood.

If the code denies building in that area, appeal since the code refers to another section that allows building.

Need to approach the Building Inspector. Get an Application to Building Inspector.

ZBA...Bob James Surveyor: have not really read that code

Mr. Freiband: needs to be a 1.5 acre of buildable lot above 25-year flood. Go to ZBA they might be looking for 2 variances. Recommendation to file a subdivision application and an application to the ZBA

Jeff Frey 44/55 and Albany Post Rd. Previously Tuthill Town Square

Wants to put a recording studio at the location. It is in the services HC District; all 3 parcels are being sold together.

Will need a Site Plan application, hire an Engineer

COUNTY PLANNING BOARD REPORT CORRESPONDENCE

None

MINUTES APPROVALS

August 22 2017 Workshop Minutes (as edited by Ms. Richman and Mr. Freiband)

- Mr. Sokolov – Motion to approve as corrected
- Mr. Libolt – Seconded the Motion
  Mr. Verleun, Mr. Hayes, and Mr. Friedle abstained  Motion carries
INFORMATIONAL

Joe Gentile of 708 - 710 Route 208

Would like to put an Electrical Contracting Shop in the garage and his residence at 708 Route 208, would have 3 employees (wife, son, and himself). 710 Route 208 house is in the HC District.

It would be subject to a site plan (survey map would suffice) which the applicants should show any proposed signs or exterior changes. Make sure the size meets the zoning. The survey/site plan, application, SEQR forms, and fees are to be submitted to the Building Inspector. Any Site Plan on a State or County Highway has to go to the Ulster County Planning Board for 239 review.

ADJOURNMENT
Motion to adjourn made by Ms. Richman - Seconded Mr. Verleun.

Respectfully submitted,

Maureen Vickner TerBush
Planning Board Clerk

Approved: February 20, 2018
Filed: March 1, 2018

Michelle L. Mosher
Town Clerk
3/1/18