

Gardiner Town Planning Board

Meeting Minutes

January 16, 2018

Present: Chairman- Paul Colucci, Vice-Chairman, Keith Libolt, Josh Verleun, John Friedle

Absent: Raymond Sokolov, Joseph Hayes

Others Present:

- James Freiband - - Principal Planner
- Dave Brennan - Legal Counsel

Meeting Start - 7:05pm

Item 1 - Public Hearing Continued - 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

Kelly George – Gardiner Resident, read from submitted comments (on file)

Carol Richman, Board Member arrived at 7:10 pm

Present a paper copy of Site Plan Dated November 30, 2017 but not able to be projected using the overhead but available to view in the back.

Kay Hoiby - I live in Gardiner on Shaft Rd. There has been some discussion of a third party holding the easement, I have spoken to Wallkill Valley Land Trust and they are aware of the project and are awaiting a call to see if it meets their criteria.

Lisa Lindsley- from Gardiner, would like to comment on the SEQR approval. I think that the Planning Board may not have realized that a large part of Lot 10 is within the Shawangunk Kill Conservation Hub as outlined in the Gardiner Open Space Plan. I have two copies of the map and have noted in Orange the areas that are in the Shawangunk Kill Corridor (on file). The Shawangunk Kill Corridor was designated in the Gardiner Open Space Plan as a critical conservation area for water quality, aquifer recharge, flood protection, wildlife conductivity and habitat, scenic views, scenic corridor, recreation opportunities. Chapter 3 of the Open Space Plan conservation goals include protective buffer of the river corridor, conserve large forest patches and wetland clusters, and provide public access to rivers. I would love it if the Planning Board would reconsider their evaluation of Conservation value.

David Gordon –attorney representing Shaft Rd Neighbors. Wants to make a quick point about the discussion of wetlands from last months meeting. DEC does not have jurisdiction under Article 24 because it was not mapped wetland Therefore the Stream crossing permit will be under article 15, Protection of Waters. Believes the letters were sent to the board from the DEC.

Board members discussed last month's meeting. Constrained lands discussion can it be used in the calculation of Open Space. Mr. Friedle spoke up about last months discussion as did Ms. Richman.

Mr. Colucci asked Mr. Brennan to speak to the issue of constrained land. Questioned if constrained land can be used for calculations for Open Space. Mr. Brennan will have to look into this.

Mr. Freiband referred to 220b sub 1 calculating the number of permitted units. Discussion held between Ms. Richman, Mr. Friedle and Chairman Colucci of the use of constrained land in calculating the Open Space Conservation Easement.

Mr. Friedle suggested to Chairman Colucci that we put his discussion off and continue with the public hearing. Chairman Colucci agreed that we should continue with the public hearing.

John Correno – Presented a map that delineates 5 Lots in the Subdivision (on file) that stays out of the stream corridors. Would like to see the 18-lot subdivision plan that the developer previously had. Spoke passionately about the wetlands importance and value.

There being no further public seeking comment.

Mr. Freiband recommended that we close the public hearing as of Jan 16, 2018 with a 10-day period of receiving written public comments. Public comments will end Jan 26, 2018.

- Motion to close public hearing and set a 10-day period for receipt of written comments, made by Mr. Libolt
- Seconded by Mr. Friedle. Motion Carries - Unanimous Approval

Mr. Freiband: Discussed the December 27, 2017 memo review done by Sterling (on file) that addressed the outstanding issues of the Plat Plan.

Mr. Medenbach, Mr. Kiviat and Mr. Moriello approached the front table. Discussed the email dated January 16, 2018 from Mr. Millspaugh of Sterling (on file) of making a change to a driveway at Lot 3.

Discussed the drawing on sheet 5 that has to be developed so that the town's access is secure and not moved. Mr. Freiband states there are incorrect dimensions. Letter drafted from Town Board, at the request of the Highway Dept. provide a gate that only the town would use it. In the best interest to use the proposed driveway as now shown on the plans, but plan details need to be provided. Need a detail on the plan of the construction of the gate to the Town Garage near Lot 3. Applicant needs to get with Brian Stiscia, Highway Superintendent so that the plan is in its final form. Mr. Stiscia will do the approval, driveway permit to conform to drainage and safety requirements.

Mr. Freiband speaks of the common driveway to lots 8, 9 and 10 and it being permitted and built in order to meet subdivision requirements. Therefore the final approval will be conditioned on obtaining all the necessary permits as well as physical construction of the private common access drive.

Ms. Richman speaks about calculations of constrained lands and the conservation analysis. Laws 220-20-9 Mr. Colucci asks Ms. Richman to read that part of the law. After reading the section Ms. Richman discussed conservation easements and constrained lands.

Mr. Medenbach stated that the calculation of unit counts took out the constrained lands in the Conservation Analysis. Continued discussion of constrained lands.

Mr. Colucci noted that we are still in preliminary Plat review. This is the time to evaluate all the comments from the public and the board. Referenced Section 188.13 B :

“Study of preliminary plat. The Planning Board shall study the practicability of the preliminary plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of

streets; the relation to the topography of the land; water supply, sewage disposal, and drainage; lot sizes, shape and arrangement; the future development of adjoining lands as yet unsubdivided; and the requirements of the Town Plan, the Official Map, and Zoning Law,^[1] if such exist, and other matters enumerated in § 277 of the Town Law. The Planning Board shall state in its approval specific changes necessary and the character and extent of improvements or waivers of improvements. Approval of the preliminary plat shall not constitute approval of the final plat nor of the acceptability of the required improvements.”

Mr. Brennan spoke to the reading of 188.13B as it goes beyond the SEQOR process to consider all the factors to be considered by the Planning Board, under the general provisions of 277 in the New York State Town Law.

Mr. Verleun asked if the Army Corp of Engineers had any issues.... Mr. Medenbach spoke of Army Corp of Engineers Letter of Dec 12, 2017 (on file) no issues. Applicant is close to having DEC application done for stream crossing /culvert for access to Lot 10. DEC is not asking for any mitigation.

Mr. Libolt wants to talk to counsel before he comments.

Mr. Friedle asked about Central Hudson, Mr. Medenbach said that they have seen the Plat and want to charge \$2500 for the license. Aqueduct crossing from NYS DEP has already submitted a letter dated December 11, 2017 (on File), letter was here at the last meeting.

Ms. Richman discussed Conservation of the wetlands.

Chairman Colucci references 220-20a 8 Conservation Value and Conservation Easement. Reads the code.

“The Planning Board shall make a final determination as to which land has the most conservation value and should be protected from development by conservation easement. This determination shall be based upon an analysis that weighs the relative importance of the environmental resources on the site and shall be expressed in a written report supporting its decision (the "conservation findings"). The Planning Board may incorporate information provided by its own research, as a result of site visits, or provided by its own consultants, the Environmental Conservation Commission, or other qualified experts or agencies. The Planning Board shall deny tentative approval to an application that does not include a complete conservation analysis sufficient for the Board to make its conservation findings.”

Chairman Colucci states “I have given the Board the opportunity to speak their opinion. Personally, as an experienced contractor, I do not feel that Lot 8 & 9 are adequate. Lot 10 is on higher ground and is a beautiful lot. I would like to see a better approach on how the land is going to be accessed. We have heard from the public over and over again. We as planners need to weigh everything on the table. That’s my opinion.”

Mr. Libolt asks a question of counsel about taking into consideration public comments.

Mr. Brennan response is that we take a look at subdivision factors. Does not feel that the Neg Dec is an all or nothing. It does not mean that you cannot deny a special use permit, it’s two different sets of principles/results.

Mr. Kiviat addressed the Driveway to Lot 10 which has been designed to have the least impact on the land. Only area of the drive that touches constrained land is the stream crossing.

Mr. Medenbach spoke about the DEC being out in the field validated the wetland boundary. The applicant is complying with all the details of the DEC wetlands as if classified as an Article 24 wetland. Driveway travels outside the 100-foot setback from the wetland. They are putting in an oversized culvert as the DEC has suggested.

Mr. Moriello speaks that they are protecting sensitive areas that are not constrained lands. They have spent two years on the process, prepared a very detailed analysis, and the Neg Dec proves that no environmental impacts were noted.

Mr. Medenbach spoke about the conservation easement and asked the board to make sure they have read it.

Chairman Colucci speaks that the code allows for discretion for the lay people reviewing.

Mr. Friedle speaks about the 2 years they have been doing this and now all of a sudden there are differing opinions, we all walked the property.

Mr. Kiviat - Over half the project area is in a conservation easement. We want to preserve the property. We bought it for its beauty for wandering and hiking. Responsibly thought out lots. A lot of time and a lot of thought have been put in to design something. We are part time residents and we have a responsibility to the Town of Gardiner. We love it up here. We are not asking for any money for the land in the conservation easements. Our Conservation easement restricts the land more than it is restricted now.

Mr. Freiband addressed that the public hearing process is incomplete, and the Board's role is to take the complete information, making their decision on NY State Town Law 277 and chapter 188. Cannot be done until Board has the complete records.

Next step for the applicant: Respond to material that has been presented including public comments.

Mr. Kiviat brought up the discussion of who will hold the Conservation Easement. *Mr. Colucci asked Mr. Freiband.... Responded that the Board has had 2 drafts any of the entities can enforce it. No Open Space Committee so it defaults to the Town. It is in the text of the document. The GML 247 Easement is recorded and has to go before the Town Board.*

Mr. Verleun speaks up that he would like to see the Conservation easement held by a third party. Some discussion held.

Mr. Moriello speaks about the conservation easement; the Town is the perfect entity to hold the easement. Mr. Brennan also likes that the town holds it as they have the ability to enforce it.

Homeowners Association was discussed, as there are no parcels in common Mr. Brennan ended the conversation.

In closing the Applicant needs to

1. Answer Sterling Comments from Dec 27, 2017
2. Address Public Comments
3. Look at all possibilities for Lots 8, 9 & 10

Add detail for Lot 3 driveway and satisfactorily address the Highway Superintendents needs at driveway. Written decision needed.

4. Once the responses are back the Board will discuss.

OLD BUSINESS

1. HEARTWOOD – Taylor Family Partnership – Special Permit and Site Plan for a Lodging Facility – Route 44/55

Mr. Brennan has gone through everything that has been submitted and identified some items that need to be answered.

- 1) Noise – Need detailing to see if it crosses a certain threshold
- 2) Lighting- Ulster County Planning Board suggests a light analysis like a photometric study
- 3) State Historic Preservation Office (SHPO)
- 4) Notice of incomplete application DEC no response yet
- 5) Visual – need explanation on photo

Mr. Brennan will be compiling a Memo so that responses can be back for next month's meeting.

If the Board wants more information, this is the time to speak up and Mr. Brennan will put it in this Memo.

Ms. Richman: no comments

Mr. Friedle: no comments

Mr. Libolt: Noise is the big issue. I would like a control mechanism for suspension of the special use permit if the noise becomes a problem. I don't like the cabins in the woods, plant trees if you want them in the woods, I would like them pulled off the river.

Mr. Verleun: no comments

Mr. Freiband: no comments

Chairman Colucci: Dave Thank You

2. JACQUELINE ESTATES 29 Lot Subdivision – Denniston Road

Mr. Freiband reading his Memo of January 13, 2018 (on file). Applicant is now opting for a sectional filing as provided in the final approval in 2015. Prior to signing of Phase one, the Morris Associates map of March 1, 2017 needs to be updated showing the sections together with the associated improvement plans. Standard notes for sectional filing needs to be added for county filing. We will need 5 sets: 3 for Town and 2 for the client. Keep in mind there's a number of easements that also need to be filed in advance to be referenced on the final plans.

When these are filed with the overall map filed with the Town Clerk, the subsequent phased filings will need to include these notes with the County page and liber. The Board also needs to determine with legal counsel, the procedures for submission of deeds of dedication for future roads; conservation easements and the Town and Homeowner Association parcels.

NEW BUSINESS

1. Robert Colucci - Watergrass Bed & Breakfast site plan- 105 Phillies Bridge Road

Chairman Colucci recused himself. Vice Chairman Mr. Libolt chairing.

Mr. Freiband read from his Memo of January 7, 2018 (on file). Applicant given a copy of the Memo as well as the Building Department's Letter of January 8, 2018 (on file). Referral to Ulster County Planning Board is required as property is in an Agricultural District. The Board discussed having a public hearing as a way of allowing public input on the use by right.

- Motion to schedule a Public Hearing and send referral to Ulster County Planning Board by Mr. Friedle
- Seconded by Mr. Verleun Motion Carries - Unanimous Approval

Applicant was reminded to put add existing or proposed exterior lighting on the plan. Sign should also be noted on the plan.

2. New York Land Development – Lot Line Revision – 2809 Route 44/55

Applicant called and asked to be postponed to next month due to the weather.

COUNTY PLANNING BOARD REPORT CORRESPONDENCE

None

MINUTES APPROVALS

August 22 2017 Workshop Minutes

- Mr. Friedle wants to table the discussion so that the rest of the Board can make comments on Ms. Richman's comments.
- Chairman Colucci table discussion on approval of minutes to the February meeting.

December 19 2017 Meeting Minutes (with proposed edits by Mr. Freiband)

- Mr. Libolt - Motion to accept as corrected
- Mr. Friedle- Seconded the motion Motion Carries - Unanimous Approval

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 sign 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