

Town of Gardiner Planning Board

Meeting Minutes

November 21, 2017

Gardiner Town Hall

Call to Order by Chairman Paul Colucci

7:31pm

Attendee Roll Call:

- Carol Richman
- Warren Wiegand
- John Friedle
- Paul Colucci
- Keith Libolt
- Joseph Hayes
- Ray Sokolov
- Jim Freiband, Planning Consultant
- David Brennan; Board Attorney
- Grace Morrissey; Intern
- Donna Smith, Planning Board Clerk

Absent:

- Josh Verleun

Agenda:

1.) Lot Line Revision Ronald and Lois Cohn Ridgeview Subdivision- 521 Route 208

- Read and review November 14th Memo (on file) from *Mr. Freiband* - Board has previously come to the consensus to waive the public hearing on this matter per the regulations.
- No comments from the board members .
- Read planners recommendation - *Motion by Keith Libolt to approve Lot Line Revision dated 09/11/17 with the conditions stated in Paragraph 4 of the 11/14/17 memo(on file). Seconded by Ray Sokolov.*
- Board unanimously voted to approve Lot Line Revision - Motion carries.

2.) Subdivision - Shaft Road LLC 10 Lot Open Space Development Subdivision

Lands located within the RA Zoning District along 85/91 Shaft Road and South Mountain Road, S/B/L #93.3-1-21.1.

- Read and reviewed memo from Jim Freiband dated November 18, 2017, subject Preliminary Plat - Kiviat 10 Lot Open Space Subdivision Shaft Road.
- Read and reviewed Sterling Environmental Letter dated November 15th 2017. .Board Comments on Sterling Letter (on file):

Applicant then responded to issues addressed in Sterling letter as follows:

- *Item 1.)*
 - SWPPP not required because less than 5 acres of disturbed land. Applicant will prepare soil erosion and sediment control to be done. Extensive discussion regarding in-ground vs. above-ground septic system. Going to resubmit sketch of septic system disturbance and formal written response to the issues in letter. Need to get DOH review after preliminary plat approval by the Board.
- *Item 2.)*

- Access driveway to Lot 10 passing over the Delaware Aqueduct - applicant is in process of contacting Central Hudson Gas and Electric and New York City Department of Environmental Protection to get clearance for the driveway.
- *Item 3.)*
 - Fire suppression for Lot 10 - *Mr. Freiband* commented how town requires some type of fire suppression for driveways over certain lengths: for example a swimming pool. *Mr. Friedle* - Lot 10 has access to pond, if made available could count for fire suppression requirements. *Chairman Colucci* – Concerned that this could be potential wetland disturbance. Applicant needs to indicate their chosen form of fire suppression system on map.
- *Item 4.)*
 - In process of obtaining permits from NYSDEC and United States Army Core of Engineers.
- *Item 5.)*
 - Correspondence with the DEC - in process of obtaining a permit, have filed an application and received a review inspecting the wetlands. DEC confirmed delineations. DEC commented on crossing - applicant subsequently sent them additional details. *Ms. Richman* questioned if Sterling Environmental had been provided with the letter from the DEC to the applicant about the 100 foot buffers. Applicant responded that the 100 feet is recommended, not required, but applicant is still complying with the recommendation. The letter will be sent to Sterling.
- *Item 6.)*
 - Driveway access to Lot 3 connects to an existing drive on the tax map provided by Town of Gardiner – *Brian Sticia*. Highway Superintendent responded in writing that an agreement was made to share the driveway access through the Town site until lot 3 access branches out – pipe outfall (crossing) was not part of the wetlands as determined by DEC reviewer. *Chairman Colucci* - Board requires that there be documentation from the Town Board communicating authorization of this action. Applicant stated they had added concrete truck washout to plan.
- *Item 7.)*
 - No Comment.
- *Item 8.)*
 - Applicant going to address the issues with the 100’ T shaped driveway. Applicant had submitted a redacted draft of a typical proposed driveway perpetual care and maintenance agreement from *Michael Moriello*, for comment.
 - *Mr. Friedle* - questioned about the fire protection - applicant needs to speak to the Town Fire Chief and get documentation for their plan and authorization from the Chief.
 - *Mr. Wiegand* - concerns about the conservation easement - applicant provided revised draft - *Mr. Brennan* going to review August 2, 2017 memorandum from *Mr. Brennan* to *Chairman Colucci* and provide more commentary at next meeting regarding who is the holder of the easement and other pertinent concerns - *Mr. Brennan* had previously recommended that the Town be the holder and enforcer of the easement to prevent a “Lot 11”.
 - Memorandum (on file) from 8/2/17 was read to the board, going to be further reviewed by *Mr. Brennan* and discussed by the board at a later date.
 - Extended discussion regarding professional monitoring of the easement by outside organization so as not to further burden the Town rather than have an inexperienced Town officer attempting to monitor.
 - *Ms. Richman*- voiced concerns that it is too early to rule out a SWPPP because issue of reconfiguring driveways. Also commented that the conservation area should be one large parcel of land to increase environmental protection. Also voiced issue with Paragraph 1

of *Mr. Freiband's* memorandum in regards to Bagdon Environmental, the response to the ECC comments, and the consideration of the public hearing comments.

- *Mr. Sokolov* - Echoed *Ms. Richman's* desire to have one parcel instead of 10 separate parcels because it would provide for more effective and easier enforcement of the easement's protection by an outside agency.
- *Chairman Colucci* proposed a motion for a preliminary plat public hearing date. *Ms. Richman* expressed concerns that the board was not ready to hold a public hearing because of continuing discussion about the conservation easement. Extended discussion regarding going forward with the public hearing.
- *Mr. Wiegand* moved to have the public hearing for the preliminary plat, seconded by *Mr. Hayes*. *Ms. Richmond* opposed. *Mr. Sokolov* abstained. Motion carries. Public hearing will be December 19, 2017 subject to receipt of all material - Option to close receipt of public comment for that night, have further discussion by the board, and then re-open the receipt for written comment or continue public comment in January if need be.

3.) Site Plan - Open Space Development for Wood 1A (Orchard 208)

53 Unit Multiple Residence on the DiPiero Farm Property

- Board read and reviewed *Mr. Freiband's* memo (on file) in regards to Major Site Plan Application - Open space Development for Wood 1A dated November 18, 2017.
- Board read and reviewed the November 14, 2017 Sterling Environmental Letter providing further comments on the project - Applicant responded that an October 14th letter had addressed the issues in all bullet points - still under discussion by Board in regards to comprehensive plan, but did not have any specific recommendations - residential development not increasing impacts or disturbance.
- Comments from Board: *Mr. Hayes* - feels, in his professional opinion as a licensed hydrogeologist, that MNTM technical responses (on file) are adequate and the applicant's water pump test showed no significant issue to toehr area wells caused by water withdrawal. *Mr. Libolt* - expressed concerns about lack of SWPPP, *Mr. Freiband* - information about suggested construction shows no impact on run off, *Ms. Richman* concerned about relying solely on consultants. Shouldn't the board be making this decision? *Mr. Brennan* - responded at a site this large with a development of this scale, required practices under a SWPPP are sufficient for SEQR findings. *Mr. Millspaugh* (letter on file) was satisfied there is not going to be a significant adverse impact from storm water run off. Extended discussion about the amount of disturbance triggering a SWPPP as part of the final site plan. *Ms. Richman* noted public concerns about the water table and the aquifer, questioning the impact about how much the aquifer can support with the increased population on the area - Extended discussion on this topic. *Mr. Freiband* noted that the SWPPP determination needs to await the preparation of the revised site plan following the DOT and DOH required revisions. DOT and DOT require SEQR completion before reviews.
- *Mr. Brennan* - Draft of Negative Declaration (on file) - passed out final version and red line version - discussed all substantive changes with the Board. Opinion of *Mr. Brennan* that edited document is ready for a board motion of approval.
- Comments from the Board; *Mr. Hayes* - SEQR hearing is closed. Will there be the opportunity to address any further design issues i.e. septic system design. *Mr. Freiband* - yes. *Ms. Richman* would like to review the Chazen report (re aquifers in Ulster Cty). *Mr. Wiegand* - That report was never reviewed by Town Board and is still in draft form and has never been approved.
- Motion by *Mr. Friedle* to approve the Negative Declaration as per the findings in the amended draft presented this evening in red-line, for the Major Site Plan Green 208 LLC, seconded by *Mr. Libolt*. *C Richman* abstained. None opposed. Motion carries.

INFORMATIONAL

4.) Minor Subdivision 2 Lot Stonehouse Creamery - James Bianco Rte 44/55 & Brynswick Rd

- *Mr. Bianco* addressing the board for informational purposes on a minor 2 lot subdivision on his proposed lot line - provided sketch of property for the Board.
- *Mr. Freiband* – No detailed review initiated (informational session). The new property line needs to be reestablished so that it is perpendicular to the road line. There is also a buffer requirement because the property has commercial use, have to establish the new lot line for the creamery lot so that it meets all the requirements of a conforming lot. Applicant must meet minimum distance between property line to the driveway - side yard needs to move to the East. Applicant's engineer to look at Table 220-11. Applicant to present new drawing for the December meeting for Board comment. The Chairman said they could have a public hearing to act on it in January if the U.C.P.B. referral is complete.

5.) Approval of Planning Board Minutes - June, August, September, October

- Unable to approve minutes at this time - Ms. Richman and Mr. Wiegand not prepared to discuss the minutes at this time.
- Deferred minute approval to next meeting - Confirming Board Members e-mails and members on the mailing list.
- Motion to Adjourn by *Mr. Wiegand*, seconded by *Mr. Libolt*.

RESPECTFULLY SUBMITTED

Donna Smith , Planning Board Clerk

APPROVED DECEMBER 19, 2017