

**Gardiner Town Planning Board**  
*Meeting Minutes*  
*December 19 2017*

**Present:** Chairman Paul Colucci, Vice-Chairman, Keith Libolt, Josh Verleun, Raymond Sokolov, Carol Richman, Joseph Hayes, John Friedle, Warren Wiegand (Alternate)

**Others Present:**

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

Meeting Start - 7:40pm

**Item 1 - Public Hearing - regarding Shaft Road LLC Preliminary Plat for 10 Lot Open Space Development**

**David Gordon** - Attorney Representing the Neighbors of Shaft Road Project - Local town paper discovered Planning Board has never been properly authorized by the Town Board, Planning Board is operating illegally. Lot 10 should not be developed because in town conservation area - wildlife corridor - experts hired by board recommended that the area be preserved - need to revisit negative declaration. Regarding the conservation easement - suggested that the board require the conservation easement be held by a private organization such as Wallkill Valley Land Trust.

**Lisa Lundsly** - Lot 10 is in an environmentally sensitive area, driveway to lot would have a negative impact on the environment. Eliminating Lot 10 would assist in maintaining an un-fragmented open space environment contributing to habitat. Request that the property's conservation easement be held by a private external organization. Question of transparency, bulk of the discussion regarding the SEQR were held in a secret meeting, no minutes or recording of that meeting have been provided.

Mr. Colucci Response - There was a recording malfunction, and there is no recording of that meeting and Clerk Ms. Smith was not available, thus the board has pieced together minutes from board members personal notes to be approved tonight.

**Shane Hay** - Raised questions about the accountability of the board and potential - "Who do you work for?" - every available lot has been built on, taking away from the community, need to look at the consequences to the community. Questioned the intent of the planning board. Outside developer and financing - Lot 10 diminishes views and negatively impacts the ecology of the area.

**Kay Goitby** - Comment about Planning Board Member, comment to the Town Board that the ECC comments were not taken into consideration in the Negative Declaration on the Shaft Road Project.

**John Bowin** - Read excerpt from an article in New Paltz Times - letter dated November 15th - Mark Millspaugh listed several deficiencies in the site plan that need to be amended before the board moved forward with the permitting process. Mr. Millspaugh recommended the applicant obtain documentation of approvals from the New York State Department of Environmental Conservation and US Army Corps of Engineers regarding wetland boundaries as well as NYC Dept. of Environmental Protection and Central Hudson Gas and Electric driveway for Lot 10 as it passes over the lot 10 aqueduct and under the electric lines. Barry Medenbach biased because he worked for the developer and issues with Jim Freiband - has made mistakes with information regarding the property. Questioned if the board has contacted any of the previously stated agencies.

**Jennifer Morrosey** - Second public hearing on a project that never met the initial criteria - questioned boards incentives and vision for the town.

**Tim Hunter** - Letter announcing this meeting only arrived in my mailbox today - need more time - planning board hired an outside consultant for this project - how was this financed (Mr. Colucci responded through an escrow account) - planning board chose this outside firm, yet when the findings came back and indicated environmental impact, planning board ignored these comments in favor of the developer. Expressed concerns about the Chairman of the planning board writing a letter to the New Paltz Times attacking the credentials an opponent of the Shaft Road Project who was running for public office in the latest election. Expressed concerns regarding the Planning Board and that it should be an apolitical body.

**Jim Correno** - Question regarding a reference of Mr. Freiband about the Negative Declaration - 18 Lot subdivision originally submitted to the board - but that document is not posted or available to the public - would like to have access to this document. Misconstrued information that the plan is better now that it is 10 as opposed to 18 lots - misleading. Expressed concerns about the Planning Board not drilling down into technical points regarding the project - concerned about not doing a SWPPP for the project because only 4.3 acres of disturbed land. Submitted letter to the board. Concerned with incomplete documentation regarding the project before the board.

**Eli Kaser** - In complete opposition to the Shaft Road project - irreparable damage will be done to the wildlife corridor, water resource over stressed - once open space is lost, it is lost forever. Board has ignored the environmental recommendations in regards to lot 10 - Planning Board is in flagrant violation of the spirit and intentions of the comprehensive plan and open space plan. Concerned that the Planning Board is woefully inadequate and out of touch with the desires of the community. Proposed a moratorium on current large projects in order to properly receive and respond to the input from the community.

**Jim Correno** (Second Comment) - Aqueduct has not been crossed in decades, strongly recommend that the parts of the project that cross the aqueduct be reconfigured. — *Mr. Colucci responded that he would be posting a letter online from the New York State Department of Environmental Protection dated Dec. 11th to the owner that would respond to said comment.*

#### PLANNING BOARD COMMENTS -

*Mr. Freiband* - Read memorandum to the board dated Dec 8<sup>th</sup> (on file).

*Mr. Colucci* - Forwarded a letter to the board dated Dec 18th from Sterling Environmental (on file), Tyler Sweet as engineer - letter was read to the board focusing on areas regarding lack of soil restoration, the acreage of impervious coverage, lack of a proposal for catch basins, information regarding bioretention zones, and soil restoration issues. Sterling will be further reviewing the preliminary plat and providing comments in January.

*Mr. Colucci* - discussed Dec 1st Medenbach and Eggers (on file) letter responding to all of Sterling's comments in the November letter -letter responds to some of the publics questions about the DEC, DEP, and Central Hudson Gas and Electric permits.

*Mr. Colucci* - commented that all documents discussed or requested for public viewing in the public hearing would be posted the following day, Dec 20th 2017.

*Mr. Friedle* - question regarding the inclusion of lot 5 into total impervious surface of the development.

*Mr. Freiband* - responded with yes all area needs to be added to the impervious surface total.

Ms. Richman - comment on Mr. Freiband's memo - Paragraph 5 regarding the board leaving open pump test and questions on open space plan - significant issue with the accuracy of the meeting minutes - extended discussion regarding Mr. Freiband's analysis of the map and the ensuing negative declaration. Concerned with the processes of the board and the accuracy of the minutes. Letter dated December 18, 2017 (on file) submitted to the board regarding the issue with the map and minutes.

Mr. Friedle - Do not remember seeing this map - discussed at Sept. 19th meeting, not the workshop meeting. Expressed he was not the author of said meeting's minutes.

Mr. Libolt - Commented that at the September meeting there had been discussion regarding some parts of the development having a higher value on the open space plan specifically in regards to Lot 10 - zoning encouraged the open space developments.

Mr. Wiegand and Mr. Friedle - responded that the Open space commission actively looking for farmland on presented maps and took into consideration the printed values on said maps referring to what one could see making the land more or less valuable - unobstructed views.

Mr. Wiegand - Shaft Road development is proposing to conserve 55 out of the 87 acres through a conservation easement - preserving open space at no cost to taxpayers.

Mr. Libolt - Question concerning counting land that is already constrained

Mr. Hayes - Commented that the project is keeping as much land as contiguous as possible and that this is the first major project in Gardiner to be processed under the open space subdivision rules

Mr. Libolt - Question regarding the open space planning map's role from a planning stand point

Mr. Wiegand - yes, the map does play a role in our consideration

Mr. Colucci - Applicant is going through the process of being approved by the Army Corps of Engineers in regards to the distance of the Lot 10 driveway from the wet lands

Mr. Libolt - Lot 10 is the biggest breakup in the view scape, however the zoning allows this to be there - extended discussion regarding the view shed of the property

Mr. Brennan - Legally are entitled to ask the applicant to review Lot 10 in the preliminary plat process in regards to arrangement, layout, etc. Commented that the open space plan and comprehensive plan are guidelines not law, have to follow the zoning.

Ms. Richman - questions regarding the 100 ft. buffers to the wetlands - extended discussion regarding the DEC permit regulations and mapping of wetlands

Mr. Colucci - letter from applicant - correspondence from US ACOE to applicant - indicating they have received the preconstruction notification on Aug 15th - due to excessive workload unable to provide respond within 45 days of submission, according to guidelines the USACOE allows the applicant to proceed with what they have proposed - letter will be posted for the public.

Mr. Colucci - read letter from the NYCDEP regarding shaft project - letter will be posted for the public.

Mr. Colucci - Questioned board on a motion to either close or extend the public hearing

Mr. Freiband - Due to the incomplete Sterling report, recommend that the public hearing be continued next meeting

Motion to continue the public hearing at the January 16th 2018 meeting by John Friedle, seconded by Carol Richman - motion carries unanimously

Mr. Wiegand - Provided discussion guide to help the board review the conservation easement

## Item 2 - Heartwood

Mr. Brennan - Still reviewing and working on preparing documents for the continuation of board comments on SEQR for Heartwood, all materials will be in order to discuss at next month's meeting

Mr. Colucci - commented that he went with Mr. Millspaugh to the site to review all pertinent aspects of the plan - forwarded all comments from neighbors to Mr. Millspaugh for review in consideration with the project.

## Informational

### 1.) Watergrass Hill Bed and Breakfast - 105 Phillies Bridge Road

Mr. Colucci - recused himself because of familial relation to the applicant - Mr. Libolt chaired the informational session.

Applicant - provided sketch plan of property - coming back to the board next month with application for B&B.

Mr. Freiband - permitted use under the zoning district RA - conforms to the zoning district - site plan needs to be prepared by a surveyed or engineer. Board will have to review safety of the site, ingress and egress, adequate parking areas, and screening from close and adjacent neighborhoods. 5 bedrooms maximum for overnight guests.

Applicant - No plans for barn usage as a party venue for weddings etc.

### 2.) Matela, LLC 93.1.1-32 Information for a Minor Sub-Division

Hilton Purvis - Real Estate Agent with Coldwell Banker - inquiring about property a client is selling on South Mountain Road - 92 Acres - Zoning is SP 1, 2, and 3. Currently a tenant renting a structure at the bottom of the road.

Seeking information about land restrictions on selling - Three lots - approached open space institute about purchasing the back stretch of land. Tenant wanting to purchase minimum acreage in the SP 1 zoning. Tenant would like to make barn on property primary residence and use smaller structure as an accessory cottage.

Mr. Freiband - would need a special permit use - subdivision is the secondary part of the process. Accessory cottage would be grandfathered in under 2008 zoning - however issue now that the subdivision is off of the parent parcel. Parent parcel would have to be assessed under the SP districting. Not a simple 2 or 3 lot subdivision

Mr. Colucci - recommend that a consultant is hired - professional engineer - and have them look at the conservation analysis and develop full plan.

Mr. Freiband - Property can be subdivide but all development must meet existing laws for each SP district. Each structure must be at the lowest elevation possible.

## Minute Approvals

### • June 2017 Meeting Minutes

- Mr. Hayes - Motion to approve the minutes
- Mr. Sokolov - Seconded the motion  
Motion Carries - Unanimous Approval

### • July 2017 Meeting Minutes

- Mr. Friedle - Motion to approve the minutes
- Mr. Sokolov - Seconded the motion  
Motion Carries - Unanimous Approval

- August 15th 2017 Meeting Minutes
  - Mr. Libolt - Motion to approve the minutes
  - Mr. Sokolov - Seconded the motion  
Motion Carries - Unanimous Approval
  
- August 22nd 2017 Workshop Minutes
  - Extended discussion regarding the creation of the minutes
  - Extended discussion regarding Ms. Richman's letter regarding the August 22nd Workshop Meeting Minutes
  - Mr. Sokolov - Motion to table the discussion regarding the Aug. 22nd Minutes
  - Mr. Libolt - Seconded the motion  
To permit a response by Ms. Richman
  
- September 2017 Meeting Minutes
  - Mr. Libolt - motion to approve the minutes
  - Mr. Sokolov - Seconded the motion  
Motion Carries - Unanimous Approval
  
- October 2017 Meeting Minutes
  - Mr. Libolt - Motion to approve the minutes
  - Mr. Sokolov - Seconded the motion  
Motion Carries - Unanimous Approval
  
- November 15th 2017 Workshop Minutes
  - Mr. Hayes - Motion to approve the minutes
  - Mr. Wiegand - Seconded the motion
  - Mr. Sokolov and Mr. Libolt - recused themselves / Ms. Richman - abstain
  - 5 Votes in favor - Motion carries
  
- November 21st 2017 Meeting Minutes
  - Mr. Libolt - Motion to approve the minutes
  - Mr. Sokolov - Seconded the motion
  - Mr. Verleun and Ms. Richman abstain
  - 6 Votes in favor - Motion carries

Mr. Colucci - Polled board about a 7:00 pm start time for the planning board meetings  
Ms. Richman and Mr. Verleun expressed concerns about difficulties with the proposed change.  
All other board members were in favor.

## **ADJOURNMENT**

Motion to adjourn made by Mr. Sokolov - Seconded by Ms. Richman

Respectfully submitted,

Donna M. Smith  
Planning Board Clerk

Date approved: January 16, 2017