Planning Board Minutes – August 22, 2017

Present: Paul Colucci, Chairman, Keith Libolt, Vice Chairman, John Friedle, Secretary, Joe Hayes, Raymond Sokolov, Carol Richman, Warren Weigand.
Also Present: James Freiband, Consultant,
Allyson Phillips, Board attorney

Absent: Josh Verleun

PLANNING BOARD WORK SESSION

The Chairman called the meeting to order at 7:30 PM and the Town Hall. Mr Colucci announced that this session had been announced at the August 15 regular meeting and notice posted. He stated that the workshop was for review of the SEQR documentation by the Board and that there would be no public participation. The public can correspond with the Board by email or letter.

Mr. Freiband stated that the purpose of the meeting was for examination of the technical components of the SEQR review to consider whether the Board had a consensus on each of the headings and subheadings. Members would be individually polled, but that no action was to be conducted per the by-laws.

WOOD 1A - Open Space Development for 53 units Route 208 (Dipiero farm) (public hearing closed)

Mr Jeff Spiritos; George Lithgow ; Adin Gold; J. Khanna for the applicants

The Board discussed the updated EAF for the project name and contact and other adjustments based on prior consultant reviews (EAF (on file). Mr. Freiband reviewed the draft FEAF Part 2 and memo of August 5th (on file) for discussion . He reviewed Green 208 memo of 8/15/17 (on file) which provided supplemental responses to issues on water; building design, septic soil chemistry; layout ; threatened and endangered species; traffic; existing agriculture vegetation; lights; building height; potential ownership and occupancy; recreation areas and security.

Mr. Freiband began by discussing his recommendations for the subheadings of Part 1. Ms. Richman objected stating that it was for the Board to review each subheading and not rely on the recommendation of Mr. Freiband because it was the Boards duty to make its own determination. Mr. Wiegand agreed that it would be beneficial for the Board to review each subsection. A discussion took place and the Board voted to review each subsection. The Board reviewed the FEAF responses based on the subheading section references to Part 1 or application documents. The Board can then determine which items did not require further discussion as to classification of "no or small impact" or alternately "moderate or potential large impact".

Based on the consensus of the Board members polled, the recommended findings of 2, 4, 6, 7,10, 11 Ms Richman against), 12, 13, 14, 16, 18 of "No" (Impact –Heading)"

The following items required further discussion based on recommend YES heading:

FEAF part 2 updates with the testing data as follows:

Impact on land: subheadings - **small to moderate** pending further Sterling Environmental review based on request by Ms Richman

Impact on Plants and animals : **small to moderate** -pending further Sterling Environmental review based on request by Ms Richman

Impact on groundwater quality : **small to moderate** – pending further well test data per Mr Hayes

Impact on water: pending review of well test data (MTMN)

Impact on Threatened and endangered species: pending further Sterling Environmental review based on request by Ms. Richman

Impact on Agricultural resources: changed to **"NO".**

Impact on Transportation: **YES** heading but small impact based on discussion of traffic data from DOT.

Impact on Noise: Changed to **YES** heading- but only as small impact.

Impact on Community Growth: **Yes** heading but small impacts after discussion of population growth (decrease in Gardiner).

Public Controversy; Heading YES . Discussed

The Board discussed the conservation analysis and responses by the ECC (on file). Mr Freiband noted that the June 17 letter recommendations had been responded to by the applicant or in large part dealt with zoning issues rather than EAF. (Reponses on file).

Mr Libolt and Mr Hayes suggested that the peer review be limited to the items water pump test; contamination report; natural communities; impact on land ; impact on threatened and endangered species and plants and animals. All agreed.

Subdivision Shaft Road LLC for a Major Subdivision consisting of ten (10) residential building lots situated within RA Zoning District along 85/91 Shaft Road and South Mountain Rd (Public Hearing closed)

Mr. Michael Moriello ESQ applicant
Mr. Barry Medenbach PE Applicant Engineer

Mr Colucci discussed the documents that the Board had previously received and asked Mr Freiband to review his memo of August 3rd, 2017 (on file). Mr Freiband noted that the Board

had recently received the reports by Bagdon Environmental dated July 6 and August 1(on file) which the Board had requested to respond to the reports by the ECC last dated May 15, 2017 (on file) as well as the public comments (PPBS memo of February 12, 2017) covering the three meetings in 2016. The Bagdon report was discussed in the context that the Board agreed with the Applicant that the report went beyond the scope of what the Board had requested. As this was a workshop, there would be no formal action on the SEAF but members would be polled to determine if a consensus had been reached on each.

Mr Freiband. also referred to further applicant's correspondence of August 1 2017 by Mr. Medenbach (on file) responding to the Bagdon review and the letter by Ecological Solutions LLC dated July 27, 2017 (on file). The second round of public hearings in June were also submitted for review as part of this hearing record.

Mr. Freiband suggested that the Board evaluate each of the 11 Impact Assessment Headings in the draft supplied (on file) and poll the Board members to establish which of the 11 required further discussion following the summary response to each. Board members agreed.

1) Adopted Land Use Plan: Ms. Richman pointed out that the plan had a high priority score in the Gardiner Open Space Plan (copy on file) and should be classified as Moderate to large Impact.

2) Further discussion as to the SEQR criteria for assessing major impacts. Mr. Freiband stated that the impact had to be both large and important to warrant a positive declaration. A ten lot subdivision fully conforming to zoning, following the conservation analysis approved by the Board in June should not be considered to have no or a small impact common to the current development characteristics of this area. The Board members were polled and the majority found that the project had a **small impact**.

   The Board members concurred with the Part 3 Statement #1. They requested that Ms. Phillips provide a draft for the Board's review at the regular meeting in September.

3) Change in Use or intensity of use of the land. Mr. Freiband recommended a finding of small impact noting that the project avoids virtually all of sensitive lands on site. An alternatives analysis in the conservation analysis for a standard zoning development of 18 lots (similar to Vista Estates) showed no potential significant impacts for projects complying with zoning. The Open Space Development, requested by the Board, preserves the significant resources onsite. Board discussion on whether this should be considered moderate to large impact. Board consensus was **small impact**.

4) Character and quality of the community. Mr Freiband recommended **no impact** citing the August 11th supplemental report by Quenzer Environmental (nee Bagdon). There has been no documentation that project is out of character with the community and represents a more conservation minded approach now dictated in 220-12. (18 lot standard vs 10 lots proposed). Board consensus **No impact**.

5) Critical Environmental Area impacts. Mr Freiband noted that the Town had not identified this area as a CEA . The Shawangunk CEA (adjacent town) is associated with

mountain terrain. Board consensus was **No impact**.

6) Impact on Traffic: Mr. Freiband cited the projected traffic count of 22 trips per day on an improved town road and that Mr. Sticia (Town Highway Superintendent) had approved the proposed access. Board consensus is **No Impact**.

7) Increased use of energy or fails to incorporate renewable energy. Mr Freiband noted that the project is presently served by local utilities and are required to be constructed to the NYS Energy Code. The open space option reduces the potential energy requirement due to its lower density. Discussion by Board and consensus that this is **No Impact** even though there is an increase in energy use simply by additions to the housing in Town.

8) Impact on water and sewer requirements. Mr. Freiband noted that this issue was raised by the ECC and information was presented noting that the sheer size of the tract and the distance to an aquifer precluded any measurable impact (4500 GPD against an annual site recharge of 340 acre feet of rainwater). Board consensus – **No Impact**.

9) Impairment of historic; archaeological architectural and aesthetic resources. Mr. Freiband reviewed the completed visual assessment (on file); the wetlands and wildlife addendum (on file); the phase 1B archeological survey (on file) and End of Field letter found no basis for impact. Register properties were assessed (1500 feet) and would not be impacted by this type of land uses which are present throughout the area. Board consensus **No Impact**.

10) Adverse change to natural resources. The Board discussed the extent of the Board\'s investigation by providing peer review of the applicant's technical experts and the responses to the Mr. Quenzer's July report. The August 11th report stated that these issues were adequately addressed other than his recommendation to eliminate lot ten. Mr. Freiband noted that the conservation analysis served as the basis for siting and included the lot ten area as acceptable for development. Board consensus citing the Ecological Solutions letter of July 27th (on file) re lot 10. **Small Impact** .

11) Potential flooding, erosion, or drainage problems. Mr. Freiband reviewed the consultant reports noting that the applicant has examined the areas of disturbance and that the scale of disturbance versus the site area is such that the SWPPP requirement will preclude significant or measurable changes to drainage or flooding. Board consensus . **No impact**

12) Hazards to environmental resources or human health: Mr. Freiband noted that neither; Bagdon reports nor the ECC report had identified any potential human health issues. No issues in the DEC environmental mapper. Environmental resources impacts were extensively studied and supplemental investigations conducted on flora and fauna specific to this site. The DEC had resurveyed the wetland area and had requested that the applicant observe a 100 foot buffer common to NYS wetland areas which were now reflected in the plans. Ms. Richman also again raised the issue of the Open Space Plan. She discussed the Bagdon report and the ECC submittal (on file) both referred to the high priority designation in the Open Space Plan. Mr. Frieband stated that the ECC was wrong because the area was not high priority. He suggested that Ms. Richman review the Open Space map that was reproduced by the Applicant. Ms. Richman did not have the map

with her (as it had been submitted to the Board about 6 months earlier). Mr. Colucci told Ms. Richman that she should come prepared to meetings and he produced the Applicant's reproduction of the map. Mr. Freiband pointed to the area of the map that he claimed showed that the proposed project was in a low priority area. Board consensus: **no impact**.

Mr. Freiband stated that, as a workshop session, the Board should not entertain motions on the vote of the SEQR declaration. Based on the consensus polling of members, he recommended that the attorney prepare the Part 3 findings to be reviewed the regular meeting. There being no further business the meeting was adjourned at 10:20PM.

Respectfully submitted

Keith Libolt, Vice Chairman

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