

Planning Board Minutes – May 16, 2017

Present: Paul Colucci, Vice Chairman, John Friedle, Secretary, Joe Hayes, Raymond Sokolov, Keith Libolt, Warren Wiegand, Carol Richman, Josh Verleun.

Also Present: James Freiband, Consultant

**PUBLIC HEARING HELD OPEN:  
GARDINER INDUSTRIAL DEVELOPMENT CORP. – Major Subdivision**

**Mr. Andrew Willingham PE appeared for the applicants.**

A Major Subdivision consisting of two (2) lots, dividing a 3.35 acre parcel with an existing commercial building from the remaining 16.5 acre parcel located in the CLI district.

Vice Chairman Colucci reviewed the minutes from April 18, 2017 pertaining to this project and the Ulster County Planning Board recommendations dated May 4, 2017.

James Freiband reviewed memorandum dated May 10, 2017.

Vice Chairman Colucci asked for any comments from the Board members. No comments.

Vice Chairman Colucci asked for public comments.

Sam Cristler – asked if there were any restrictions imposed for construction of any structures.

Mr. Cristler was informed that this is only a subdivision. A site plan would need to be submitted if any construction should take place.

On motion of Raymond Sokolov, seconded by John Friedle and carried by aye votes from all, the public hearing was closed. SEQRA – A short form EAF dated February 22, 2017 was reviewed and it was determined that there is no significant impact. The Board determined this was an unlisted action under SEQRA and adopted a negative declaration. Motion was made by Joe Hayes, seconded by John Friedle and carried by aye votes from all. Motion was made by Joe Hayes, seconded by John Friedle to grant conditional preliminary plat approval subject to addition submission of road improvement plans and bond for the remainder parcel along with the road reservation offering deed. The provisions of 188-14 C allow final approval waiver of second hearing if no changes are required to the preliminary plat when submitted as the final plat.

All voted aye, motion carried.

**PUBLIC HEARING RE-OPENED:  
SHAFT ROAD LLC – Major Subdivision**

**Mr. Michael Moriello Esq appeared for the applicants.**

Open Space (Conservation) Subdivision consisting of the (10) residential building lots located 85/91 Shaft Road and South Mountain Road. Public hearing opened.

Vice Chairman Colucci reviewed the minutes of April 18, 2017 pertaining to this project.

Vice Chairman Colucci asked for public comment. All public comment made for this project is on a transcript of minutes created by Karen Schmieder and becomes a part of these minutes.

A motion was made by Joe Hayes, seconded by John Friedle to incorporate 20 correspondences predating the hearing date into the hearing record. All voted aye. Motion carries.

It was noted that a report dated May 15, 2017 was received from the Town of Gardiner Environmental Conservation Commission. The report is entered in the public hearing record.

A motion was made by John Friedle, seconded by Ray Sokolov to close the public hearing.

Discussion: Carol Richman believes the public is entitled to see the comments of the Environmental Conservation Commission, and the details of the conservation easement. Ms Richman wants the public hearing held opened because of the public's concern about the environmental issues. Vice Chairman Colucci assured her that all documents will be accessible.

Aye votes John Friedle, Ray Sokolov, Joe Hayes, Warren Wiegand. Nay votes Keith Libolt Carol Richman, Vice Chairman Colucci. Board member Josh Verleun was excluded from voting and reference was made to the Planning Board By-Laws.

James Freiband read the memorandums of May 2, 2017, May 12, 2017 and May 15, 2017 on file. The next action is examination of the SEQR documentation as outlined in his memo of May 17, to be undertaken at the June meeting. The essential requirement is that the Board must take a hard look at the documentation and establish whether an listed item involves a potential moderate or major impact. For either no or minor impacts, the Board must evaluate the statement against the documentation either from the SEAF or other validated information. A draft PART II was provided to the Board for review at the June meeting.

Ulster County Planning Board chairman Dennis Doyle informed the Board that U.C.P.B. never received paperwork for this project and it must be re-submitted. After discussions with Mr Doyle at U.C.P.B., a cover letter should be sent with the revised drawings/ application noting that the action will be on the preliminary subdivision plat and a subsequent submittal will be forwarded for final plat review following agency actions by DOH, DEC and DEP along with the final engineering documents.

Ray Sokolov requested the James Freiband memos be sent to the Environmental Conservation Commission for their review and requested a response/comments back to the Board within ten (10) days. Board agreed.

Josh Verleun would also like all documents to be available on-line. The Town would look at the logistics of this request.

#### **OLD BUSINESS:**

##### **GREEN 208 LLC DEVELOPMENT – SITE PLAN**

Mr Jeffery Spiritos appeared for the applicants.

Open Space Development, lands situated in the RA District, located at 320 Route 208. This project is a major site plan as a use permitted by right.

Vice Chairman Colucci read the minutes of April 18, 2017 on file.

NYS DEC has responded to the SEQR Notice of Intent to Become Lead Agency agreeing and consenting to the Planning Board as Lead Agency. Ulster County Planning Board reported that it has not received a completed application for review. James Freiband suggested the applicant find out exactly what the UCPB actually has and what they still need to review. Mr Freiband noted that after discussion with Mr Doyle at U.C.P.B., a cover letter should be sent with the current application documents noting that the action will be on the preliminary site plan and a subsequent submittal will be forwarded for final site plan review following agency actions by DOH, DEC and DOT along with the final engineering documents.

Mr. Freiband reviewed his memorandum of May 11, 2017 on file. The Board has received some responses to date on the lead agency coordination. It is recommended that the Board, by resolution, establish lead agency. To process the SEQR it is recommended that the documentation be forwarded to the ECC with a return not later than the June meeting.

Additionally formal referral to the U.C. P.B; request for agency comments from DEC (Rivers) and DOH on field designs; DOT( highway entrance); Gardiner Fire. After lead agency determination, the Board should schedule the required Major Site Plan public hearing.

Procedures and timeline for completing site plan review and approval are set forth in 220-62E.

In my earlier reviews I noted that the building orientation and parking should be adjusted.

Additionally the entrance roadways and drives have design issues at the boulevard intersections and parking drives. These are adjustments that can be made after public hearing as well as

dealing with landscaping details, etc. I recommend setting a public hearing for the June meeting as provided in 220-62G.

Additionally he asked that the Board authorize him to correspond on site plan details in advance of the meeting for consideration on final site plan refinements. The Board asked that they be provided with those comments as well. Board agreed to permit direct coordination of revisions.

Discussion of a working bike path to connect to the Rail Trail: A revised location to reduce the cycle time on Route 208 was discussed. Applicant agreed

Discussion of the layout of the buildings and parking. A revised site plan is requested taking advantage of the various guidelines available to them allowing a more unobstructed layout.

Motion was made by Ray Sokolov, seconded by Warren Wiegand establishing the Town of Gardiner Planning Board as Lead Agency. All in favor. Motion carries.

Carol Richman is concerned with the review by the ECC. They have indicated that they would like a consultant to assist in the review of this project. Ms Richman suggested contacting the ECC to see if they have a consultant in mind and if they have talked to the Town Supervisor about funding.

On motion of Ray Sokolov, seconded by John Friedle a public hearing was scheduled for June 20, 2017. Aye votes John Friedle, Ray Sokolov, Joe Hayes, Warren Wiegand, Keith Libolt, Vice Chairman Colucci. Six (6) in favor. Carol Richman is opposed. Motion carries.

Planning Board members would like the documentation from the NYS DOT for the driveway change.

Once received, the ECC comments will be forwarded to the applicant prior to the meeting of June 20, 2017.

### **HEARTWOOD NY (ELECTRIC BOWERY) – Special Permit/Site Plan**

#### **Mr Michael Moriello Esq represented the applicants Electric Bowery.**

Correspondence has been received from The Gardiner Fire Dept., Town of Gardiner Highway Dept. and a response from Heartwood/Electric bowery addressing updates requested by the Town Planning Board and Town Planner and including drawings. Also are letters from the public opposing this project.

James Freiband reviewed his memorandum of May 12, 2017 on file. As noted in correspondence with Board members, a Part II and Part II draft in PDF format with notes was distributed to determine whether this would be acceptable as a means of undertaking the required “hard look”. Keith Libolt stated that he is comfortable with the proposed SEQR review process but he is not qualified to review this project thoroughly and needs assistance. This is a large parcel with very sensitive issues and as a lay member of the Board he does not have enough knowledge to know what he should be looking for. Joe Hayes recommended engaging a consultant/expert to assist with the SEQR peer review for the next meeting.

Discussion about the Special Use Permit. Keith Libolt was wondering if a comparison would be done prior to issuing the permit, such as a better use of the land, buildout of houses. What actually would they use to compare to. Attorney for the applicant Mike Moriello stated that this is an alternative analysis that is not required. Mr Freiband noted that per the SEQR handbook such analyses are essential to considering a “project scale” and thus significance of the impact. Representatives of the project gave a short power point presentation of the proposed project. After extended Board discussion, a motion was made by Ray Sokolov, seconded by John Friedle and carried establishing the Town of Gardiner Planning Board as Lead Agency for this project. All in favor. Motion carries.

Attorney Mike Moriello stated that the UCPB does not appear to have all the information needed to review this project. Discussion about the UCPB review and the SEQR review and the steps

and comments needed for final determination. Mr Freiband noted that the Board had submitted a complete application package as part of a Gateway meeting at the U.C.P.B.. After discussion with Mr Doyle at U.C.P.B., he agreed a cover letter should be sent with the revised drawings noting that the action will be on the preliminary site plan and special permit and a subsequent submittal will be forwarded for final site plan review following agency actions by DOH, DEC, DOT and DEP along with the final engineering documents.

A Shawangunk River Corridor permit, and DEC SPDES permit, is required for final site plan approvals. DOH reviews the final proposed septic field designs. DOT will review the required commercial drive to Route 44/55.

Discussion on special permit requirements as cited in Section 220-60 (3) (b) James Freiband reviewed the specific requirements to issue the permits.

Keith Libolt and Vice Chairman Colucci will work together to identify a environmental consultant for peer review of the SEQR documentation. Mr. Joe Hayes questioned the water supply. He believes the information pertaining to this would be helpful to have for review. Keith Libolt read the February 1, 2017 letter from Building Inspector/Zoning Code Enforcement Office Henry Vance III concerning the use classification of this application. On the question restaurant use, Mr. Freiband read the description of the project listing accessory uses submitted by the applicant approved by Mr. Vance. (220-74 classified as an accessory use)

By motion of Carol Richman, seconded by Joe Hayes a clarification of Mr. Vance's understanding/approval of the restaurant use was requested. VOTE: Ayes Carol Richman, Keith Libolt, Joe Hayes. Nays John Friedle, Ray Sokolov Josh Verleun, Vice Chairman Colucci. Motion fails.

At the applicant's request Board members agreed to wait on scheduling public hearing.

#### **GARDINER LIBRARY – Site Plan Amendment**

A site plan amendment to pave an area on the library property to create additional parking. Board members received recommendation from The UCPB and all agreed to override the negative recommendations submitted for reasons as set forth in the Planning Consultant memorandum dated May 11, 2017, on file. Motion by Warren Wiegand, seconded by John Friedle. All in favor. Motion carries.

#### **NEW BUSINESS:**

##### **KEITH BUESING – Special Permit**

Special Permit application review on property located at 2694 Route 44/55. The proposed use is for a yoga instruction studio as well as art studio for adults and children. The property is situated in the RA district.

Vice Chairman Colucci reviewed the letter received from Building Inspector/Zoning Code Enforcement Office Henry Vance III.

James Freiband reviewed the memorandum of May 11, 2017.

This is a small-scale business application.

A motion was made by Ray Sokolov, seconded by Keith Libolt to send the application to the UCPB for review/recommendation. All in favor. Motion carries.

A motion was made by Ray Sokolov, seconded by Keith Libolt to schedule a public hearing for June 20, 2017. All in favor. Motion carries.

#### **APPROVAL OF MINUTES**

Minutes of April 18, 2017 were approved with changes on motion of Ray Sokolov, seconded by John Friedle. All in favor. Motion carries.

Minutes of December, 2016, January, February and March of 2017 were not yet approved as they have not been reviewed and edited as requested. The following members were assigned the review of the minutes. Joe Hayes December, 2016, John Friedle, January 2017, Carol Richman February 2017 and Warren Wiegand March 2017 for review at the June meeting.

#### **ULSTER COUNTY PLANNING BOARD REOPRT**

Linda Geary made a brief report of the review of two issues before the UCPB from the Town. Gardiner Industrial Development Major Subdivision, Mass Gathering Law .

#### **CORRESPONDENCE**

Zoning for Solar Energy Resource Guide from NYSERDA.

Numerous comments for the Shaft Road development, Heartwood LLC and Green2 208 LLC.

Copy of proposed local law to provide regulations for Solar Energy Systems in the Town of Gardiner along with a resolution and a lead agency establishment for the purposes of SEQRA for the local law.

#### **ADJOURNMENT**

Motion was made by Ray Sokolov, seconded by Warren Wiegand to adjourn the meeting. All in favor. Motion carries.

Respectfully submitted,

Michelle L. Mosher  
Town Clerk/Acting Recording Secretary

Date Approved: June 20, 2017

Filed: