Town of Gardiner Planning Board

Minutes

April 18, 2017

Present: Michael Boylan, Chairman, John Friedle, Secretary, Joe Hayes, Raymond Sokolov, Keith Libolt, Carol Richman, Warren Wiegand.

Absent: Paul Colucci, Vice Chairman

Also Present: James Freiband, Consultant

PUBLIC HEARING HELD OPEN:

ROBERT & ELIZABETH LEONARD – Minor Subdivision
Minor Subdivision consisting of three (3) lots, lands situate within the RA District located at 2126 Bruynswick Road [SBL #100.1-3-13.310]. This subdivision is previously part of a three lot subdivision from 2006. There was discussion at the November meeting whether this application would be classified as a major subdivision, but further research by Chairman Boylan has revealed that a provision was adopted in the subdivision regulations set a time horizon of ten years which has just expired in December 2016. The applicant addressed the issue of the construction changes affecting the ACOE wetland and the SP District restriction along Bruynswick Road. The applicant added language in the proposed covenants addressing the outstanding issues as so noted by James Freiband. Lot 1 - 10 Acres, Lot #2 - 10 acres, Remaining Lot 5+ acres.

James Freiband reviewed memorandum dated April 7, 2017.

Chairman Boylan asked for public comments.

No one approached to speak.

Public Hearing was held open due to the U.C.P.B. report. It has been over 30 days and therefore the Board proceeded to final approval.

Chairman Boylan asked for a motion to close the public hearing. Motion was made by Joe Hayes, seconded by Raymond Sokolov to close the public hearing. 7 in favor. Motion carried.

Motion was made by Joe Hayes, seconded by Raymond Sokolov to grant preliminary plat approval and waive final public hearing as a minor subdivision, subject to plat in final form; and payment of all fees. All ayes. Motion carried.

PUBLIC HEARING:
GARDINER INDUSTRIAL DEVELOPMENT CORP. – Major Subdivision
Major Subdivision consisting of two (2) lots, the proposed subdivision divides a 3.35 acre parcel with an existing commercial building form the remaining 16.5 acre parcel situated in the CLI Zoning district, located on Osprey Lane [SBL #93.3-1-21.1]. The Building Inspector, noted that the applicant has applied to extend the existing Osprey Lane Town Road an additional 300 feet extending along a filed road reservation ending in a temporary turnaround.

James Freiband reviewed memorandum dated April 14, 2017.

Chairman Boylan asked for public comments.

No one approached to speak.

Motion was made by Joe Hayes, seconded by Ray Sokolov to hold the public hearing open subject to addition submission of road improvement plans and for the remainder parcel along with the road reservation offering deed and comments from the Ulster County Planning Board. All Ayes. Motion carried.

OLD BUSINESS:

SHAFT ROAD LLC – Major Subdivision
Open Space (Conservation) Major Subdivision consisting of ten (10) residential building lots, lands situated with the RA District along 85/91 Shaft Road and South Mountain Road [SBL #93.3-1-21.1].

Barry Mendenbach, P.E., Michael Moriello, Attorney and David Kiviat were present this evening representing the project.

Correspondence has been received: Mike Moriello, Esq., dated April 4, 2017 regarding the updated Addendum under SEQRA.

James Freiband reviewed memorandum dated April 14, 2017.

The following correspondence has been received: Mike Moriello, Esq., dated April 4, 2017 regarding the updated Addendum under SEQRA.

Carol Richman asked for the Engineer to review the revisions. Barry Mendenbach, P.E. discussed with the Planning Board the modified Preliminary Plat. The smallest proposed lot is now 2.66 acres, as opposed to 5.0 acres; the driveway access to Lot #3 has been changed in accordance with the on-site meeting with Brian Drumm, NYSDEC and Brian Stiscia, Highway Superintendent; Wetland buffer changes have been made according to NYSDEC in the Field meeting. Warren Wiegand asked Barry Mendenbach to show the wetland buffer changes. Keith Libolt said that he would to have a report from the ECC. Keith Libolt was concerned about the slope on Lot #1. Barry Mendenbach said that he sent a crew out to o check the slope on Lot #1. Keith Libolt replied that the finding does not seem accurate for Lot #1 and would like the Engineer to re-check the calculation. Carol Richman said that she would like to see a list for the Conservation Easement Declaration. Michael Moriello, Esq. responded that was circulated to the board on December 5, 2016. Joe Hayes said that he would like to see the Declaration of Covenants for this subdivision.

Motion was made by Keith Libolt, seconded by Warren Wiegand to re-send to the ECC a request for their report.

Recommendation by James Freiband – at this point in the application, the Board can entertain re-noticing the public hearing; to continue processing the preliminary plat. A second referral to the U.C. P.B. is also recommended given the elapsed time (last fall). Discussion was held. Carol Richman stated that she felt this project is being rushed. Keith Libolt and Warren Wiegand agreed.

Motion was made by Chairman Boylan, seconded by John Friedle to re-notice the public hearing; to continue processing the preliminary plat. 4 in favor, 3 opposed (Carol Richman, Keith Libolt, and Warren Wiegand).

Motion by Joe Hayes, seconded by John Friedle to forward the application to the ECC for advisory review of the conservation analysis and ask to submit their findings five (5 days) prior to the next Planning Board meeting. 6 in favor, 1 opposed (Carol Richman).

GREEN 208 LLC (WOODS 1 A) - Major Site Plan
Open Space development, lands situated in the RA District, located at 320 Route 208 [SBL #94.1-2-10.1].
Project is a Major Site Plan as a Use Permitted by Right. On the basis of the information presented, the housing unit count is capped at 53 standard units.

Tobias Levy for Woods 1 A Developer was present this evening.

James Freiband review memorandum dated April 7, 2017.

At the March meeting the Board began the SEQR lead agency coordination process and forwarded the application to the ECC for advisory review of the Conservation Analysis. As of this date, no response has been received.

Raymond Sokolov commented neighboring property owners along Jenkinstown Road are concerned about the location of the septic systems on this project. James Freiband explained the applicant has made application on the sewage disposal system which has been referred to the DEC due to the SPDES requirement. That simplifies the site plan process since the Board will have the benefit of the DEC input before taking formal action on the site plan.

Joe Hayes questioned if there are any bike trails on the site. Tobias Levy replies yes and showed the Board the location of the trails.

Carol Richman stated that this Board needs to give the ECC more time because they are volunteering their time. James Freiband replied meeting can be carried over to the May pending the ECC comments.

Motion by Joe Hayes, seconded by Raymond Sokolov to send a letter to the ECC requesting their advisory findings ten (10 days) prior to the June Planning Board meeting. 6 in favor, 1 abstained (Carol Richman). Motion carried.

James Freiband explained the layout of the buildings and parking pose something of an issue. There are cited guidelines in the Zoning including building form guidelines; Hamlet Design Guidelines and Rural Development Guidelines. Suggestion a more relaxed approached of the building siting and something to fragment and screen the parking. The applicant is not taking advantage of the vista and needs to reexamine the structures.

Motion was made by Joe Hayes, seconded by John Friedle to refer the application to the U.C.P.B for review. 7 in favor. Motion carried.

HEARTWOOD NY - (ELECTRIC BOWERY) – Special Permit/Site Plan
Review for specialty lodging facility, lands situated in the RA District located on Route 44/55 and Shawangunk Kill, [SBL #93.4-1-42.10&42.12].

Lucia Bartholomew, Kristin Soong, Phillip rapport, Barry Mendenbach, P.E. and Mike Moriello, Esq. present this evening.

James Freiband reviewed memorandum dated April 14, 2017.

Carol Richman referred to §220-20 of the Town of Gardiner Code and stated in her opinion this project should be reviewed an Open Space Development. Discussion was held.

James Freiband explained at the March meeting the Board agreed to proceed with a coordinated SEQR process and notified all the listed agencies for this site. The County also conducted Gateway meeting on the 11th of April to coordinate review between the various agencies listed. There were no agency objections to the proposed use based on the SEQR documentation already distributed. Warren Wiegand asked why was the Gateway meeting requested. Michael Moriello, Esq. replied he requested the meeting.

Carol Richman stated this application needs to have a Conservation Analysis report – this Board is violating the Zoning Law allowing the structures to be built 150 ft. from the Shawangunk Kill. James Freiband recited §220-20A. Based on the field observations of the land forms and the lack of flagged environmental issues, there is no identifiable requirement for a Conservation Analysis. Discussion was held. Carol Richman stated that there is no impervious surface. Barry Mendenbach, P.E. replied we will be collecting water from the roofs and will comply with the requirements 100%. Carol Richman asked if the 30 cabins will have electricity. Barry Mendenbach, P.E. replied yes and bathrooms. Joe Hayes commented that according to James Freiband memorandum dated April 14, 2017 there is a list of items that need to be address. Barry Mendenbach, Esq. responded we would like to get the feedback from the Board's Site Visit before going forward with new plans. Joe Hayes concern is for the protection of the Shawangunk Kill. Raymond Sokolov commented

how we are going to know if the property can handle the water use. James Freiband replied the engineer needs to identify the aquifers on the site. Keith Libolt said that he agrees with Joe Hayes we need to protect the Shawangunk Kill and that this is a major project. Discussion was held.

Motion was made by Warren Wiegand, seconded by Keith Libolt to forward the documentation to the ECC requesting their advisory findings ten (10 days) prior to the June Planning Board meeting. 6 in favor. 1 abstaining (Carol Richman). Motion carried.

Raymond Sokolov explained he represented the Planning Board in an informal meeting with the ECC and asked to have a Planning Board attended their meeting. Discussion was held and Carol Richman agreed to represent the Planning Board at the ECC meetings.

Motion was made by John Friedle, second by Joe Hayes to forward the application to the U.C.P.B. for review. 7 in favor. Motion carried.

GARDINER LIBRARY – Site Plan Amendment
Site Plan amendment to pave an area on library property to create approximately 12 additional parking spaces, lands situated in the HR District, located at 133 Farmers Turnpike [SBL # 93.4-4-19].

Application has been held over for referral from U.C.P.B. It has been over 30 days and therefore the Board proceeded to final approval.

Motion was made by Joe Hayes, seconded by Warren Wiegand to approve the amended site plan as submitted. 7 in favor. Motion carried.

INFORMATIONAL

VALS OSBORNE
Request informational meeting for a proposed two (2) subdivision, located on Crispell Lane. 70 acres are located in the Land Trust and would like to cut off as little as possible so that her daughter can build a house on the site. Discussion was held and the Board guidance to the applicant.

RE-ORGANIZATIONAL MEETING

Motion was made by Joe Hayes, seconded by Warren Wiegand to reappoint Paul Colucci as Vice Chairman. 7 in favor. Motion carried.

Motion was made by Joe Hayes, seconded by Warren Wiegand to re-appoint John Friedle as Secretary. 6 ayes. 1 abstained (John Friedle). Motion carried.

PROPOSED LOCAL LAW ON SOLAR ENERGY LAW

Discussion was held. James Freiband reviewed his draft letter response to the Gardiner Town board.

Board members agreed with the outline.

Motion made by Joe Hayes, seconded by Raymond Sokolov to forward the letter response to the Town Board on the Solar Energy Law. 7 in favor. Motion carried.

ADJOURNMENT

Motion made by Raymond Sokolov, seconded by John Friedle to adjourn the meeting. 7 ayes. Motion carried.

Respectfully submitted,

Margarete Wagner
Clerk of the Planning Board

Approved;

Filed: