

Town of Gardiner  
Planning Board  
Minutes January 17, 2017

,Present: Vice Chairman Colucci, Joe Hayes, John Friedle, Ray Sokolov, Carol Richman, Keith Libolt and Warren Wiegand.

Absent: Chairman Boylan.

Others Present: James Freiband, Planning Consultant

Vice Chairman Colucci called the meeting to order at 7:30 pm.

## **PUBLIC HEARING**

### **PETER KUNZ COMPANY**

Site Plan review to construct a 10,080 sq. ft. light industrial facility and associated parking, water and sewer improvements. The facility will be used to construct props and set pieces for films and sewer improvements. The facility will be used to construct props and set pieces for films situated within the CLI District located at 53 Steves Lane [SBL 93.4-2-39.11].

Vice Chairman Colucci recused himself from this application. John Friedle stepped in as Acting Chairman. Andrew Willingham PE appeared for the applicant. Peter Kunz was also present. James Freiband reviewed his memorandum dated January 2017. Andrew Willingham reviewed minor changes to the Site Plan. Owner has explosive license for the explosives that will be kept in the 10' x 8' storage container which is located 75' from the proposed structure. Keith Libolt asked what are the explosives used for. Peter Kunz replied for props on the set. John Fredile replied h would like the Fire Department to be notified of the explosives. Paul Colucci replied he spoke to the Brian Stiscia and he had no problem because they are considered low explosives with the FTA. Acting Chairman said that he would like to see this matter approved by the Fire Department. Joe Hayes seconded by Warren Wiegand to close the public hearing. All Ayes Motion Carried. Motion made by Joe Hayes, seconded by Ray Sokolov for an unlisted action under SEQRA. All ayes. Motion carried. Motion to grant Site Plan approval subject to correspondence on file from the Building Inspector and the Fire Department that they are aware of the fire explosives on Peter Kunz site. All ayes. Motion carried.

## **OLD BUSINESS**

### **SHAFT ROAD LLC SUBDIVISION**

Open Space (Conservation) Subdivision consisting of ten (10) residential building lots, lands situated within the RA along 85/91 Shaft Road, [S/B/L #93.3-1- 21.10]. Barry Mendenbach, P.E., Michael Moriello Esq, David Kiviat were present this evening representing the project.

Vice Chairman Colucci asked James Freiband to review his memorandum dated January 9, 2017. Vice Chairman said in with respect to #4 of James Freiband memorandum, the matter of the driveway agreements should be referred to the Attorney for the Town. James Freiband noted for the record that ALL Public Comments need to be in place, which will be the starting point of the preliminary plat deliberations. There needs to be a discussion of responses preparation as the comments were wide ranging. James Freiband in addition explained the applicant needs to address the public comments as part of his response to the hearing. The Board deliberated on this matter. Discussion was held. Joe Hayes and Carol Richman agreed to prepare the concerns of the public and the Board for the applicant(s) to address. Carol Richman still had concerns with the 100 ft. buffer on site and requested a letter from the DEC addressing their review matter. Carol Richman noted for the record that she is still concerned with the Board's review of the Conservation Easement. James Freiband recommendation: the Board is pending s report from the Attorney for the Board information on the Conservation Easement draft as well as the Board's discussion on implementation of the conservation management required for the Open Space Subdivision. Barry Mendenbach said that we would like to move forward with his application with the SWPPP and the driveway agreements and is looking for direction from the Board is the revised layout of the subdivision is acceptable. Dave Kiviat said they would address the Board and public comments. James Fieiband stated the Board couldn't give the information requested for the subdivision until the responses from the Board and public concerns are addressed. At this time the Board will continue the current application.

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Planning Board  
Minutes January 17, 2017

**CARLOS VELEZ**

Special Use Permit for construction of a single-family residence, lands situated within the SP-2 District, located at 117 Sheldon Road, [S/B/L #93.2-2-10.1].

Zachary Peters, P.E. from Mercurio, Norton, Tarolli and Marshall Engineering & Land Surveying was present this evening. Received report from Morris Associates dated January 12, 2017. James Freiband reported the project is not ready for a Public Hearing. Motion was made by Vice Chairman Colucci, seconded by Joe Hayes to schedule a Public Hearing for Carlos Velez Special Use Permit for the February meeting. All ayes. Motion Carried.

**LANDS OF RHODES**

Sketch review for a Minor Subdivision consisting of three lots, lands situated in the RA Zoning District located at 180 Phillis Bridge Road, [SS/B/L #93.2-2-10.1. (*No new information has been received*). Barry Mendenbach, P.E. was present this evening representing the applicant and stated that he has no new information this evening for the Board.

**ROBERT & ELIZABETH LEONARD**

Sketch review for a Minor Subdivision consisting of three lots, lands situated within the RA Zoning District AT 2126 Brunswick Road [S/B/L #93.2-5-10.1]. Vice Chairman read into the record James Freiband memorandum dated January 9, 2017. Vice Chairman Colucci asked for comments from the Board. Carol Richman comment was that she would like to a conservation easement on this project. John Friedle disagreed. Joe Hayes comments that he liked the home sites location that was talked about. Robert Leonard said that the County of Ulster is in agreement with the use of a single driveway onto Bruynswick Road. Joe Hayes also would like to see a note on the final map that the applicant will comply with conditions on the wetlands. Carol Richman stated on the site visit there was talk about opening up the wetlands and asked if there will be a provision for that. Joe Hayes replied the note on the final map would address that matter. Keith Libolt discussed the subdivision being in the Scenic By Way. Bob Leonard replied the house sites would not be seen in the Scenic By Way. No further discussion. Motion was made Ray Sokolov, seconded by John Friedle to grant sketch approval with conditions so noted in James Freiband memorandum dated January 2017 and note on map addressing the wetlands conditions. 6 ayes. Carol Richman abstained. Motion carried.

**INFORMATIONAL**

**LEVY-DIPERO FARM (WOODS 1 A)**

Development for Green Sustainable Low Rise Clustering Housing, located at 320 Route 208 within the RA District [S/B/L 94.1-2-10.1]. The applicant Mr. Levy appeared before the Board to discuss this project on a large parcel of "former apple orchard". The proposal is for 55-60 residential units to be contained in four or five clustered three-story buildings with 90 percent of the site set aside for open space, including paths. Joe Hayes concerns were soil issues, and wastewater disposal. Ray Sokolov concerns: visibility from Route 208; septic location to close to homes located on Jenkinstown Road; will there be owners or rentals for the apartment; Mr. Levy replied you will not see the units from Route 208 and right now they will be rentals. Engineer Bob James has met with the Ulster County Health Department for their review. Testing up to 3" of the soil. Keith Libolt questioned the use of the existing barn. Mr. Levy replied we are looking into the structure of the barn. Would like to have a community garden on site and will try to recover the land. This project is in the early staged of consideration by the planning board. Direction for the project was for the applicant to submit the application to the Building Inspector for review.

**SHINRIN YOKU LLC**

Proposal for a lodging facility located next to Tuthilltown Distillery off of Albany Post Road (Taylor Property former Tree Nursery) within the RA District [S/B/L 93.4-1-42.10 & 42.12]. Applicants present this evening were Phillip Rapport an, Shinrin Yoku. Also present Barry Mendenbach, Mike Moriello, Esq., Lucia Bartholomew and Carley Lambur. Pre-application meeting was held on October 10, 2016 attendees: Chairman Boylan, Vice Chairman Colucci, Building Inspector Hank Vance, Carley Lambur, Lucia Bartholomew, Mike Moriello, Esq, Barry Mendenbach and James Freiband.

A preliminary sketch and outline was provided this evening, which shows the general layout. The project was also discussed with the DEC since the project occurs in the Recreational River Corridor. Concerns of the Board were: project located on the Shawangunk Kill; Eco Lodges (all year; restaurant on site. Carol Richman did not see this project helping the environment high impact on the Shawangunk Kill. The project was in it early stages and the applicants were referred to the Building Inspector to initiate their application.

Town of Gardiner  
Planning Board  
Minutes January 17, 2017

**ADJOURNMENT**

All business completed. Motion was made by John Friedle, seconded by Ray Sokolov to adjourn.

Respectfully submitted,

Margarete Wagner  
Planning Board Clerk

Date approved: June 20, 2017  
Filed: