

**Gardiner Town Planning Board**

*Meeting Minutes*

*November 20, 2018*

**Present:**

Chairman- Paul Colucci, Vice-Chairman-Keith Libolt, Secretary- Carol Richman, Clerk- Mariela Roman, Josh Verleun, Marc Moran, John Friedle, Ray Sokolov, Joe Hayes

**Others Present:**

- James Freiband - Principal Planner
- Marc Millspaugh- Sterling Environmental
- David Brennan- Late arrival 7:40

Meeting Called to Order: Start time- 7:03 p.m.

Roll Call Taken

**NEW PUBLIC HEARING:**

None

Mr. Colucci announces to the public that agenda will begin out of order because Mr. Brennan, town attorney is behind schedule.

**OLD BUSINESS:**

1. **Jeff Frey- SBL #93.4-1-7.300 & 7.200**  
Site plan review and a Lot Line revision

Mr. Freiband read his memo (on file) dated 11/10/2018.

Mr. Freiband read revised building inspector memo (on file) dated 11/8/2018.

A note was mentioned that the building inspector's revised memo has the same 11/8/18 date but reworded as "Major Project as the building footprint exceeds 3,000 square feet, and disturbed area exceeding 10,000 square feet."

Mr. Colucci asked Mr. Medenbach for comments on memos- Mr. Medenbach had none, but noted that the Health Department has approved the septic system. Mr. Colucci asked for the information to be forwarded in writing, including agriculture data statement. He also informed Mr. Medenbach that he should refer to the building guidelines.

Discussion had about the planning board accessing a copy of the guidelines.

Mr. Freiband noted that the country guidelines will address the issues.

Discussion had to establish that the Planning Board will refer application to Ulster County Planning Board. Planning Board clerk to complete task.

Applicant was informed that he needs road access designed approved by Fire Department. This will be handled by Mr. Medenbach.

Planning Board established a site visit on Saturday December 1, 2018 at 11:00. (When most board members, and applicant are available)

Discussion had as to if a storm water plan was inquired. The total site disturbance is under one acre so it is not required.

Mr. Sokolov inquired about the architectural and design detail. Applicant informed the board of the colors of the olive green and dark green trim on the siding. The siding will be vinyl. Mr. Colucci asked applicant to depict the elevations, colors, and product details according to the hamlet design guidelines.

Discussion had about the landscape design. Mr. Colucci inquired about the maple trees at the site. Applicant assured those were not to be disturbed. Mr. Colucci emphasized that this site is one of the busiest business corners of the town. He requested that there will be appropriate screening.

Discussion had about the need for a public hearing. This will be postponed until the remainder of the items of application are complete.

Discussion had about the access with DOT. Department of Transportation has already been notified of the intended use for the property.

## **NEW BUSINESS:**

### **2. Golden Dome Realty, LLC – SBL #94.003-4-34**

Site plan review for proposed retail business.

Present were Joe Fitzpatrick; owner, Tom Ceno; Representing applicant for floor layouts and architecture, and Eric and Roberta Schwarz; business owners (Wine Jelly) and tenants.

Mr. Freiband read his memo (on file) dated 11/13/18.

Building Inspector memo dated 11/5/18(on file) read by Mr. Freiband.

Mr. Colucci requested for 6 copies of plans.

Applicant explained use of the building's existing kitchen with no changes made to manufacture wine jelly. Material storage will be utilized in the adjacent space. Restroom and washroom already available will be used at the retail store. No construction will occur. Use of the living room will be for tastings.

Mostly employed will be two individuals for safety.

Mr. Colucci inquired about the need for wastewater management. Applicant confirmed that existing septic will be used.

Applicant was informed that application will be referred to Ulster County Planning Board.

Mr. Colucci informed the applicant to include a PDF of the maps along with the physical maps to refer to UCPB.

Discussion was had as to if any changes were necessary to the current maps. Mr. Millspaugh confirmed that current maps were sufficient.

Mr. Colucci informed applicant to provide envelopes for the Public Hearing notice for December.

Mr. Colucci confirmed that no contact to DOT was necessary because access is already available.

- Mr. Hayes motions to hold Public Hearing for December 18.
- Mr. Sokolov seconds

- Motion carries unanimously.

Mr. David Brennan, town attorney, arrived late to the meeting at 7:40.

### **3. John Calderone- SBL# 92.004-2-14.120**

Mr. Freiband read his memo (on file) dated 11/12/2018.

Discussion had about item 3 in memo.

Clarification was made that any future subdivision of lot 2 would be had to be done as open space.

Mr. Colucci suggested the applicant and his planner get familiar with the guidelines so as to decide how to use the land.

Discussion had as to layout options. These options need to be presented before next meeting with update on application.

- Mr. Libolt made motion to set a Public Hearing for December 18 meeting.
- Mr. Friedle seconded.
- Motion carried unanimously.

Mr. Freiband also requested that the application state it is a small-scale subdivision.

### **OLD BUSINESS:**

#### **4. Heartwood- SBL # 93.4-1-42.100 & 93.4-1-41.120**

Mr. Freiband read his memo (on file) dated 11/12/2018.

Mr. Millspaugh of Sterling Environmental made a statement in reference to the response letter; "It is not that the issues don't have credence, but in my observation, the process has adequately addressed the issues addressed by the 7 points." Mr. Sterling read the his response letter dated November 6 to the Heartwood 7 comments.

Mr. Colucci readdressed Mr. Freiband's memo in reference to correspondence from the DEC that addressed Ms. Hillary Adler. The document (on file) dated October 29, 2018.

Mr. Colucci stated that the Planning Board has received a copy of the 666 permit dated October 29. Signage and exit.

Ms. Richman summarized her memo distributed on this date. The document (on file) is dated 11/20/2018. Mr. Colucci was not prepared to respond to all items of the memo. He restated that the issued 666 permit from the DEC addresses several of the items.

Mr. Sokolov requested some discussion on appropriate authorities to consider. Some include documents made to guide the planning board compared to the outside agencies. One question mentioned was if the absence of a Gardiner law should absolutely guide us or if board ignore the laboriously created documents created by [field] sensitive people.

Mr. Sokolov stated his concern on occupancy control and impact.

Applicant stated that general public has an interest in the restaurant being open to the public.

Mr. Friedle stated his opposing view about Ms. Richman's analysis document. He also stated his view on future development of this project and his desire that it does not "turn into a zoo" but does agree that a home on site is necessary to run a farm.

Mr. Libolt opened a discussion of balancing the intent of the permit and protecting the community and its resources. The conservation easement serves this purpose concerning the top half of the site. Concern was

expressed about the overall view scape being conserved. Mr. Libolt requested more time to review Ms. Richman's analysis document.

A discussion was had to establish the request for building envelopes. The applicant offered to add language to address and protect the scenic view concerns and lot line review. Mr. Libolt consulted with Mr. Brennan of the need to add in a stipulation that allows the board to review the structures and their locations prior to construction in the conservation easement. Mr. Brennan agreed to the reasonableness considering the size and scope of the project.

Discussion had as to the land use being identified as "Open Space" in some documents. The applicant clarified that all their site plans documents have used the term "conservations easement". In addition, during site visits, land use and questions have been answered. The applicant offered to outline a portion in the very center of the lot where future development might occur to ensure that it is contained and that view is not impacted.

Discussion had in agreement that the documents discussed do not name farm stands as prohibited.

Mr. Colucci acknowledged and thanked the applicant, Mr. Rapoport, for addressing the comments of the public.

Mr. Moran referenced his walk of the property. He noted that there are some of the sites still go into the tree line.

The details of the fence were discussed. Mr. Colucci requested details of the specs including the location of the fence. The applicant agreed.

Mr. Rapoport addressed the concern about the edge of the ridge and will provide signage indicating that dissention is elsewhere.

Discussion had about an access road. Applicant stated that the fire department requested two UTV's (utility vehicle) be on site for emergency use, should an access road(s) not be available. An access road was not required by the fire department. The board discussed potential locations of the proposed access road. It was reiterated that the DOT has its own standard's for public access.

Mr. Colucci proposed an unpaved 10-foot wide, gravel surface access road leading to Tuttlehilltown Road with a lock gate system.

A straw vote was taken by the board for the need and requirement of an access road.

- 2 votes Yes: Keith, Carol
- 4 votes No: Joe, Ray, Josh, John F.

Mr. Brennan suggested that special use permit and site plan criteria be discussed today. Mr. Freiband suggested votes be taken according to each issue.

The four items/issues discussed were a) The sufficiency of the buffer b) sufficiency of the noise conditions and mitigation c) whether restaurant is appropriate, allowed, and open to the public, and d) the sufficiency of the Conservation Easement.

Ms. Richman stated her concern of the buffer. She referenced notes of her analysis memo (on file) dated 11/20/18. One additional concern expressed by Ms. Richman was keeping existing businesses in the community viable.

Mr. Verleun stated his concern for the conservation easement as regards to market and agricultural use . His second concern was the intent of the master plan and hopes to see the consideration of a special use permit.

Mr. Colucci suggested Mr. Brennan write a draft resolution for the December meeting.

Mr. Colucci expressed his understanding that the applicant will prepare a revised Ag Easement with consideration of items discussed at this meeting plus input from Mr. Moriello.

Mr. Libolt reiterated the concern for the language to restrict the land use “morphing into another event platform”.

Mr. Freiband noted to the board that the Planning Board cannot enforce site plan conditions that are contrary to public policy. Therefore, he strongly advised that each issue be addressed to the easement be drafted accordingly.

Straw vote taken on the sufficiency of the existing buffer:

- 6 yes
- 1 No; Carol

Straw vote taken on sufficiency of the noise conditions and mitigation:

- 6 yes
- 1 No; Carol

Straw vote taken on current use and determination that the restaurant is a public facility;

- 6 yes
- 1 No; Carol

Consensus was reached that the Conservation Easement needs more work.

During discussion, Mr. Freiband stated that this discussion of the Open Space Plan, repeats the discussion already had with this project and other project currently in SEQR. He pointed to the note on Open Space Plan maps stating they are for “conceptual planning only”.

Applicant acknowledged they are extending past the 60-day application limit.

##### **5. Lazy River Campground, SBL # 93.4-1-23 & 24.**

Mr. Freiband read his memo (on file) dated 11/13/2018.

- Mr. Libolt motions that Planning Board declare itself as lead agency.
- Mr. Hayes seconds.
- Motion carries unanimously.

Discussion had regarding Full EAF.

- Mr. Libolt motions to approve the Part II Full Environmental Assessment Form of Negative Declaration of the Lazy River application for minor site plan and lot line.
- Mr. Friedle seconds
- Motion Carries 6-1: Ms. Richman abstains.

Ms. Richman requested a later decision until remedial measures of certain violations. Mr. Colucci reminded Ms. Richman that these issues were already addressed a couple of meetings past and that those enforcements are handled by the town board.

- Mr. Libolt motioned to approve application subject to all conditions in Mr. Freiband’s 11/13/18 memo.

- Mr. Hayes seconded.
- Motion carried unanimously.

Mr. Colucci asked applicant present to speak with owner regarding his inquiries about Planning Board fees.

**INFORMATIONAL:**

None Present

**County Board Correspondence**

None

**Approval of Minutes**

- Mr. Hayes motioned to approve September 18 Meeting minutes.
- Seconded by Mr. Sokolov
- Motion Carried.
  
- Mr. Friedle motioned to approve October 16 meeting minutes as amended.
- Seconded by Mr. Libolt. 1 Abstention - Mr. Sokolov absent from meeting.
- Motion Carried.

Discussion had on a draft on a local law proposing a 6-month moratorium on the processing and approval regarding land use tourism. Mr. Brennan described the moratorium as similar to a zone change where the Planning Board has the opportunity to express concerns or criticisms back to the town board. Mr. Brennan will prepare a report indication that there are no substantive concerns with the moratorium. Mr. Colucci will review and return it to the town board.

Mr. Colucci read an email from Town Supervisor regarding Town Code requirements of continuing education for Planning Board. Mr. Colucci emphasized the need to stay current with the matter.

**Adjournment**

- Motion to adjourn made by Mr. Libolt
- Seconded by Mr. Friedle
- Motion carries unanimously.

Submitted,



Mariela Roman  
Planning Board Clerk

Approved: 12/18/2018  
Filed: 3/13/2019

Approved by -



Deputy Town Clerk