

Gardiner Town Planning Board
Meeting Minutes
July 17, 2018

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

Absent: None

Others Present:

- James Freiband - Principal Planner
- Dave Brennan - Legal Counsel

Meeting Called to Order: Start time- 7:06 pm Roll Call Taken

PUBLIC HEARING

1. Lands of Richard-George Majestic and Carol Majestic Lohrman, SBL #93.4-3-10.117

Public Hearing Notice (on file) read by Mr. Colucci.
Principal Planner notes of 7/10/2018 (on file) read by Mr. Freiband

Public Hearing opened.

Public Comment: Bill Trifilo- "I heard a number of times referenced that you need to go up to the county for the permitted grant use for Route 44- is that actually a state road?"

Mr. Colucci confirms Mr. Trifilo's comment/question.

Board discussion - Conditional final subdivision approval granted subject to conditions addressed in Planner notes dated 7/10/2018. Hearing to remain open per by-laws.

2. Shaft Road, LLC Subdivision, SBL # 93.3-1-21.1

Lands situated within the RA Zoning District along 85/91 Shaft Rd and South Mountain Road.

Public Hearing Notice (on file) read by Mr. Colucci.

Present: Mr. Kiviat, Mr. Moriello, Mr. Medenbach

Public Hearing opened.

Principal Planner notes (on file) read by Mr. Freiband dated 7/10/18.

Public Comment: Tom Carano: States concern about several applications that impact conservation easement lines (demarcation or memorialized) because they are important in biodiversity standpoint.

Board discussion on memo items opened.

Item 3 Discussed: Building envelopes

Chairman: Did you change the buildable area from the original plan? Have you increased the area?

Mr. Medenbach: No. We just took away two lots away.

Discussion held between Mr. Medenbach and board regarding possible future use of land, placements of lots, etc.

Ms. Richman: You are using your calculations in order to not do the SWPPP.

Mr. Freiband: I have a document prepared by this engineer which was submitted for the purposes of SEQR process. If you are stating that it is no longer applicable, we have to reopen SEQR.

Mr. Medenbach: It is an estimate of construction

Chairman: If we have something on file that states this is what the area of disturbance was, and SEQR is based on that, it is a document we have to go on. If we are going to make changes to that, we will have an issue with SEQR.

Discussion of limits and waiver and possible deed restrictions.

Mr. Brennan: with respects to restrictions on the approval of limiting the impervious surface to 20,000 sq. ft- it seems a reasonable way to address the issue

Mr. Freiband: the 12.4 acres is a huge change, with a potential of disturbance with the plan that has been submitted

Mr. Colucci: how do you restrict that it doesn't exceed the number we started with?

Mr. Medenbach:

Mr. Colucci: the numbers we are estimating are arbitrary

Mr. Medenbach: We can only do an estimate.

Mr. Colucci: We need to come together and agree to give you an envelope that meets the requirements as stated in the SEQR documents.

Resident requests clarification of letter dated August 11.

Mr. Freiband refers inquiries to section 220 16 F 3- describing building envelopes

Mr. Colucci reads item 3 b

Discussion addressing the need to file conservation easement. Applicant agrees to inform board of the filing.

Item 3 C read by Mr. Colucci.

Mr. Colucci makes his personal recommendation to install crossing as a condition to the approval while the permit is active to get it off the table. Does not agree with planner to build the driveway at this time, rather at time lot is being sold. Expresses concern and confusion about building the timing of each driveway.

Applicant explains that driveway agreement will be recorded with documents.

Mr. Colucci requests this agreement before next meeting for attorney to review.

"Colvert to be installed as a condition of final approval"

Discussion had on item 3 d regarding recommendations of monuments and markers.

Applicant was directed as in memo to 188-26 (16)

Mr. Brennan asks for clarification.

Mr. Freiband reads specifications as written in the code.

Mr. Colucci read items 3 e and 3 f. Applicant was asked to fix legend, clearly identifying conservation are and wetlands.

Resident, John Gautier says that he was under the impression his shared driveway belonged to him and the town. Recently learned that both he and applicant (D. Kiviat) are shared owners.

Resident, Mr. Corano expresses his opinion that it is prudent to have a delineation of some sort.

Planning Board clerk to refer applicant to Ulster County Planning Board.

Mr. Colucci reminds public of 10 days being open to receive and review written comments.

- Motion to close public hearing -Mr. Joe Hayes
- Seconded – Mr. Sokolov

Ms. Richman asks for further discussion.

- Motion Fails
- 2 Yes - 5 No

Public Hearing held open.

8:11 p.m. -Mr. Colucci reopens Public Hearing for Richard Majestic
Discussion about EAF and July 10, 2018 memo. Mr. Joe Hayes signs EAF document.

- Motion to close public hearing - Mr. Sokolov
- Seconded – Mr. Libolt Motion Carries Unanimously

- Motion to waive final public hearing- Mr. Friedle
- Seconded – Mr. Sokolov Motion Carries Unanimously

Applicant is aware of conditions granted. Mr. Colucci asks for maps in final form.

- Motion to complete negative declaration- Mr. Hayes
- Seconded – Mr. Verleun Motion Carries unanimously

- Motion to grant final approval conditioned as set in 7/10/2018 memo- Mr. Friedle
- Seconded by Mr. Libolt- Motion Carries unanimously

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

Review site plan application for proposed swimming pool feature.

Present with applicant: Mr. Medenbach

Mr. Colucci read public hearing notice (on file).

Resident Mark Stuzman requests and takes a copy of the amendment in print.

Resident Suzane Lavirne reads her comments/concerns (on file). Expresses concern for expansion and noise. Would like facility to not get any bigger.

Resident M. Stuzman expresses concern for the historic property he lives on. Thinks new owners are worse neighbors. Doesn't care about neighbors. Appreciates the newest manager, showing more concerns than previous managers. Expresses concern about noise that needs to be addressed. Would like to see season speed bumps and other speed management. Spoke of concern about day-trippers, and campground events.

Resident Scott Bitner requests an explanation of the pool feature.

Resident Lavirne reads notes from resident Regina Styles: concern for traffic increase. Asks to please consider this.

Resident Lorie Willow (at Pure Honey Ln) expresses concern for loud music at 9 p.m. Demonstrated loudness on a recording. Did not find good cooperation from the facility.

James Freiband read his memo dated 7/10/2018 (on file).

Mr. Colucci read memo from Building Inspector (on file) dated 6/15/2018.

Mr. Colucci read letter from Gardiner Fire District (on file) dated 6/27/18.

Mr. Colucci asks applicant to explain day passes.

Applicant explains that "day passes" are allowed Sunday through Friday-when park is not to full capacity. Not allowed on Saturdays or Holidays.

Mr. Brennan asks for an explanation of a "day pass".

Applicant explains time frame of 8 am-8 pm including features of pools, laser tag, miniature golf, and hay rides.

Mr. Brennan asks specifications of "Seasonal guests".

Applicant explains that all guests must be registered.

Mr. Colucci asks engineer to identify how the park manages the number of people allowed at park per board of health process- specifically to the general use of the facility.

Applicant explains that each cabin is allowed a certain number of people so management is aware of the specific amount of people on site (unless they sneak in). This is managed by a computer system that counts registered guest's vs allowed number of guests.

Discussion had about noise.

Mr. Hayes expressed importance of matter considering another campground (Heartwood) currently having the same issue.

Mr. Libolt inquires about special use permit.

Previous discussions were not primarily about noise, but rather focused on the complaints of traffic during "lunch trucks". Mr. Freiband notes 220-40 regarding noise ordinances. No noise complaints have been brought to the town to date.

Mr. Colucci addresses some items that are not apparent on the site plan such as the Lobster Pound (used for maintenance), seasonal "haunted trail", and laser tag. Requests clarification of uses and expansions.

Mr. Friedle asks for clarification of location of "bouncy house/thing".

Ms. Richman addresses her concern about applicant's requests all the while in certain violations.

Mr. Verleun agrees with Ms. Richman to grant this permit in advance/hold this application as pending until we figure out what the applicant's plans are to change operations to comply with law.

Mr. Brannan inquires about the events and schedules of the site.

Mr. Colucci discusses concern about “absent adverse information” (item 10 on Mr. Freiband memo).

Resident Ms. Laurie continues her concern about the overdevelopment of the campground in the last two years. The addition of more features should be stopped.

Resident Neil Rindlaub: complaints to building inspector is not a good indicator of the magnitude of the issue.

Resident Ms. Lavirne: There is no delineation of where the campground ends. Has continual problems with people coming in from campground onto her property.

Mr. Colucci states that he is not in favor for further action on this application until applicant addresses comments brought forward and adequately address those.

Mr. Sokolov inquires about the issue of site being overdeveloped. Also asks what is our legal basis for denying application based on negative comments.

Mr. Brennan suggests that the board “acts in a rational basis, this is not a mandatory approval under PB code, but has a discretionary basis for action, based upon... having a sound foundation”.

20-67 Mr. Freiband advises that we have 45 days to act upon or deny application.

Motion to maintain public hearing open – Mr. Libolt
Seconded – Ms. Richman Motion carried unanimously

OLD BUSINESS

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

Site plan review.

7/11/2018 Memo (on file) read by Mr. Freiband.

Attorneys agree that public hearing to be conducted next should include lot line revision, special use permit and site plan.

Mr. Colucci refers to Mr. Moriello letter (on file) dated 7/2/18.
Reference made to public access citing case law.

Discussion to refer to Ulster County Planning Board, including PDF and hard copies. To be written out by Mr. Brennan and distributed by clerk.

Mr. Colucci addresses attention to item 18 of Mr. Freiband memo.

Applicant explains that they initially had a shell pathway connecting to Tuttlehilltown and we always had the intention- the lots are adjacent-our land to land of Tuttlehilltown- and we want guest to be able to walk to our restaurant...and ultimately decided to just leave it as a mowed grass path. For a lot of people to access it, there is a lot of existing farm roads. We walk on it all the time. It is easily traversable. Same thing with the tennis court... There is no access to the tennis court because we want to leave it as a farm road, already existing, rather than having any impact on the land- just leave it a natural pathway so people can go back and forth. Today you could go back and forth.

Mr. Colucci addresses Item 19, regarding signage not being big enough.

Mr. Colucci asks applicant about landscaping. "Will you be keeping the same deer fencing?"
Applicant confirms affirmative as the fencing currently does the job.

Mr. Colucci requests a site visit with survey marks, not surveying in particular but a layout. Perhaps a moved layout as will be on site plan. A mockup of boundaries in order to visualize.

Ms. Richman discussion with Mr. Medenbach about DEC specifications of public access. Mr. Medenbach refuses, explaining that it is outside of the law and reads and reads section 666. 2 (k).

Mr. Verleun's opinion about the verbal exchange from the applicant is inappropriate but does not affect the question at hand.

The remaining members of the board agree the issue has been addressed in Mr. Moriello's letter. Mr. Colucci states that he believes that the applicant has done as requested.

- Motion to establish a public hearing - Mr. Friedle
- Seconded -Mr. Libolt

Discussion to confirm if board will have a quorum.

- Motion Carried Unanimously.
- Motion to refer site plan to UCPB, and to Fire Department- Mr. Friedle
- Seconded – Mr. Sokolov
- Motion Carried Unanimously.

Mr. Colucci opens discussion of future site visit. Site visit scheduled via email correspondence.

5. Tuttlehilltown, LLC ; SBL# 93.4-1-41.220, 41.211, 38.110

Lot Line Revision

James Kulicek present- representing applicant

Joe Buglino- moral support

Mr. Colucci read memo from town Building Inspector (on file) dated 7/12/2018.

Mr. Freiband reads his memo (on file) dated 7/14/2018.

Mr. Richman states her desire for a public hearing.

Discussion about the reasons for lot line revision.

Mr. Verleun refers to 220-60 (7) determining square footage.

Mr. Freiband refers to code that determines 5000 square footage.

Mr. Colucci inquires about the containment system's proximity to the river.

Mr. Freiband refers to code section that identifies

- Motion to approve lot line subject to conditions set forth and fees paid- Mr. Hayes
- Seconded-Mr. Libolt

Discussion on what makes this matter ministerial rather than discretionary.

Mr. Brennan states that ultimately this is not a subdivision.

- 7 ayes
- 1 abstention
- Motion Carries

Applicant understands the requested items: Mylar, 5 copies of maps, including signatures of principal owner, and dated.

NEW BUSINESS:

6. Jeff Frey/Sound and Dance Studio: SBL 93.4-1-7.300

Site Plan Review

Present: Mr. Si Frey

Jeff Frey

B.Medenbach

Mr. Colucci reads Building Inspector memo (on file) dated 6/12/2018.

Planner memo (on file) dated 7/9/2018 read by Mr. Freiband.

Discussion about access through these lots.

Mr. Colucci request a applicant to get a letter of approval from fire department first for board to consider. Mr. Coulucci states that the planner's memo should serve as the applicant's to-do list. Request from board to provide Escrow funds before next application.

Discussion of parking concerns.

Applicant explains there is no audience based occupancy.

Mr. Colucci explains to applicant to give details of occupancy so as to understand parking.

INFORMATIONAL:

Peak Ranch, LLC

Attendance: David Marcinak (current owner)

Pascal Vohradnik

1.41 Acres in RA zone. Proposing a boutique, hotel, and restaurant on Yankee Folley Rd and Rte 299.
Proposed building

Discussion of soils. The plans would be a 4 bedroom home and expand to 9 bedrooms.

Discussion of special permit needed for restaurant, and for lodging (hotel). Applicant was informed that the code does not allow according to zoning.

Recommendation to apply formally Site Plan and Special Permit to Planning Board. Building inspector will consult with principal planner. Upon denial, apply to Zoning Board of Appeals and plead a hardship.

Second suggestion to applicant given to buy more property to make it a conforming lot. To be followed by a lot line revision.

Discussion of use of lot; restaurant or lodge. Reference to 220-28

Discussion of term "residential use".

Mr. Colucci addresses board regarding planning board clerk's duties.

Mr. Friedle makes his personal request to have printed items instead of digitally.

Motion to adjourn- Mr. Hayes

Seconded -Ms. Richman

Motion carried unanimously

Submitted,

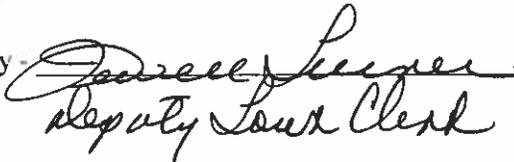


Mariela Roman
Planning Board Clerk

Approved: 9/18/2018

Filed: 3/12/2019

Approved by



Deputy Town Clerk