

**Gardiner Town Planning Board**  
*Meeting Minutes*  
*August 21, 2018*

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

**Absent:** Josh Verleun  
Marc Moran

**Others Present:**

- James Freiband - Principal Planner
- Dave Brennan - Legal Counsel
- Marc Millspaugh- Sterling Environmental

Meeting Called to Order: Start time- 7:02 pm Roll Call Taken

**PUBLIC HEARING HELD OPEN**

**1. 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.

*Mr. Colucci announces Public Hearing still open and will remain open for 15 more minutes.*

*James Freiband memo read (on file) date 8/14/2018.*

Resident Tomas Carano: Expresses/ repeats his previous concern for memorializing and demarcation of wetlands. Questions if this is a serious concern for the board.

Mr. Moriello responds to Mr. Carano: Assures Mr. Carano that demarcation will be addressed.

- Motion to close public hearing by Mr. Ray Sokolov
- Seconded by Mr. Friedle

**Discussion**

Ms. Richman inquires about public comment after demarcation.

Mr. Colucci replies that it is the applicant's responsibility to meet the requirements and to identify such demarcations on surveyor's maps. If this becomes necessary, the board could vote upon set conditions. But as of now, it is clear as to what the applicant is expected to provide to the board.

Mr. Hayes addresses Mr. Carano that we are glad to address questions.

Mr. Carano addresses the need for details lacking in Mr. Freiband's memo.

Mr. Freiband expresses the requirement that the map has to show boundary markers that have to be shown in the field.

Discussion ends.

- Motion to close public hearing unanimously passed.

Applicant and representatives present:  
Barry Medenbach, Mike Moriello

Applicant explains the marker's details: fiberglass, Carsonite company, various lengths, two-sided, marked on conservation easement sides only.

Mr. Colucci asks for attachment details

Applicant: Not embedded in concrete, have flanges as to not be pulled out.

Mr. Colucci request details of length into the ground. Requests "way-point" numbers.

Mr. Hayes discusses the possible need to make the markers removable.

Discussion of details of the markers. Agreement that those details will be on the deed for any new owners.

Applicant indicates that the driveway agreement has been written up.  
Planning Board consultant to review.  
Planning Board clerk to post online.

Applicant indicates a new culvert put in. Restrictions from DEC to install screens between October 1- April 30.

Mr. Freiband should formulate resolution at this date.

Mr. Colucci proposes a final plat resolution draft be written by Mr. Freiband or Mr. Brennan. Suggests it be done properly and not hastily.

Discussion of conservation easement drafted by the Town Board already written. Dates and specifics to be filled in.

Discussion and agreement that Mr. Freiband will create the resolution and Mr. Brennan will add the recitations.

Mr. Colucci explains & clarifies the upcoming process: PB will prepare resolution, applicant will prepare maps according to resolutions without the need to meet PB again, applicant to send maps (informally) to PB, Planner to review for approval, and authorizes secretary and chairman of PB to sign maps.

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

Review site plan application for proposed swimming pool feature.

Mr. Colucci announces continuation of Public Hearing.  
Floor opened for public comment.

Resident Suzane Lavarne- States her residence is half mile, and one lot away from the campground. Expresses repeated concern for "legacy and current documents" Addressed the actual need for setback, the expansion adversely affecting neighboring properties, and requested the board review past SEQR declaration to verify the campground is in compliance. Full Statement on file.

Resident Laurie Willow: Expressed concern for 'day trippers' using the camp as an amusement park.

Resident Andrew Cohen: Lives half mile from campground. Concerned for the noise “blaring” until 10:30 pm will potentially become even louder because they will be playing for more people.

Resident Gerialin Terrone: Half mile from campground. Believes water feature will add people. The people will add noise and trespassing to her property.

Resident Jenny Wonderlin: Had a question or concern for noise ordinance.  
Mr. Colucci directed Ms. Wonderlin to the Town Board, who is responsible for noise ordinance.

Resident Hillary Adler: Lives four miles from Jellystone. States concern for the noise level. Went to town hall and was told the town doesn’t have a noise ordinance. Inquires about the proper procedure to address and enforce the noise levels.

Resident Suzanne Laverne: States her concern about the noise ordinance. Inquires about noise ordinance and states complaint about lack of enforcement.

Resident Tom Carano: Inquiry to clarify that this the Planning Board has discretion to this special use permit.

Mr. Freiband corrects the application as a Minor Site Plan, not special use permit.

Mr. Carano states that PB can modify or set conditions.

- Motion to close Public Hearing at 7:55 p.m. made by Mr. Friedle
- Seconded by Mr. Libolt
- Motion carries unanimously.

Mr. Freiband read memo (on file) dated 8/14/2018.

Mr. Colucci referenced memo from 7/31/2018 (on file) from managers and CEO Ellen Munzer, Fred Schanz, and Zachary Bossenbroek in response to public comment.

Mr. Colucci addressed item 4 in Mr. Freiband’s above memo regarding ZBA application. Up to date this application has not been processed or follow up on. ZBA application for setback was necessary because the properties are not owned by the same owners. The status of the application is pending.

Applicant stated that they understand per Mr. Freiband that another way to process is with a lot-line revision.

Mr. Colucci acknowledges the public’s concerns and comments regarding the noise levels. Proposes the applicant addresses these concerns.

Ms. Richman states her opinion that the permit be denied because of the noise-making type business. Believes we need to set limits.

Mr. Sokolov states that he encourages the Town Board to be responsible for the noise ordinance. Inquires of applicant how much land is owned.

Applicant states the current owners of previous Lobster Pound, Mary Schultz, and Campground.

Mr. Sokolov addresses his concern for future expansion. Another concern is the threat of denial of permit use in the future.

Mr. Frieband states that it is not the Planning Board's duties to control noise levels.

Mr. Friedle states his opinion that there is no legal reason to deny a permit. Noise levels are not the Planning Board's concern to address.

Mr. Libolt inquired about whether there are cabins on the river line?

Mr. Medenbach answers that those cabins are regarded as RVs.

Mr. Hayes states his concerns about "day trippers" causing more noise. But wants to state his concern for increased use of affluent (*wording?*).

Mr. Colucci responds that there is no affluent directly. It is Board of Health approved. Answers public's question if the area is a flood plain. Engineer Mr. Medenbach explains the regulations of building on flood plains and states these are within state DEC and Department of Health regulations.

Mr. Colucci inquires about 666 permit.

Applicant states this has not been applied.

Mr. Colucci inquires about future or additional expansions within the possibly new purchase of land.

Applicant does not have a clearly intended use at this point.

Mr. Libolt motions to table the application until the ZBA makes a ruling.

Mr. Friedle seconds

#### Discussion

Mr. Brennan: Is the [actual] lazy river the object or do we create items to address the issues from public?

Mr. Colucci suggest Mr. Brennan to write a pros and cons to consider for the planning board with regards to road bumps, crosswalk, and issues at hand.

Mr. Freiband states that complaints cannot be addressed without issues being in writing (chapter 200 sub 16) code sets the parameters.

Mr. Hayes inquires on specifics for approval of Mr. Brennan.

Mr. Brennan inquires on project costs.

Mr. Richman states her opinion that the Planning Board has no choice and cannot deny application.

- Votes
- 6 Ayes
- 1 Abstention: Carol Richman
  
- Motion Carries

## **NEW PUBLIC HEARING**

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

Site plan review.

Public hearing noticed read by Mr. Colucci.

Resident Hillary Adler: Commented (as per email to planning board) that she was not noted on the public hearing because there are two separate individuals on the deed.

Concerns for a stand-alone restaurant in the RA district.

Concerns about the construct of Heartwood to be similar to Lazy River – specifically noise, trespass issues, buffer zones, conservation easement.

Resident Annie O'neil: commented on environmental concerns, including species of fish, tranquility of Town of Gardiner.

Resident Tom Carano: Comments on documents missing from the website. Made physical copies for the board. Mr. Colucci requested this document be forwarded to the planning board clerk.

Resident Ron Susman: Comments on objections from the majority. Believes the arguments are not sensible. Stated his belief that change is not bad, and this project is one indication of progress.

Resident Paul Lester: Referenced "Bunks in the Gunks". Public sentiment was opposed to this project and it went away. This land is attractive and something will be there.

Mr. Colucci reminds public that the Public hearing is open through the September meeting.

Mr. Freiband's memo dated 8/3/18 (on file) read.

Sterling Engineer memo dated 8/14/2018 (on file) referenced as a checklist for the applicant.

Mr. Colucci gives reminder to applicant to receive maps/plans be stamped by licensed professionals.

Discussion of public hearing to be closed or kept open.

Discussion of 8/14/18 Sterling engineer memo items- including road access.

- Motion to keep Public Hearing open through September planning board meeting by Mr. Joe Hayes
- Seconded by Mr. Richman
- Motion carries unanimously.

Question from applicant about fire department referral. Discussion concluded follow up by applicant and to be forwarded to Planning Board.

Mr. Colucci commented and acknowledged on the numerous requests entitled "Heartwood 7".

## **OLD BUSINESS:**

### **6. Jeff Frey/Sound and Dance Studio: SBL 93.4-1-7.300** Site Plan Review

Mr. Freiband read his memo dated 8/14/2018 (on file).

Discussion and review of Sterling Engineers memo dated 8/16/2018 (on file).  
Sheet 1: discussion of parking. Applicant stated they increased parking, not filing a new application".  
Discussion of setback. Applicant states they have well over 1000 feet setback from stream.  
Discussion of Sheet 3: Applicant prefers to not light the driveway.

Applicant asks for more clearer understanding on any issues that have a need to be addressed, rather than observations.

Mr. Millspaugh addresses lighting issues. Applicant agrees to provide more details of illumination.

Discussion between applicant and PB to expedite procedures effectively.

Discussion of non-conforming lot.

Mr. Brennan will research the topic to see if there is an issue as to whether the lots merged by operation of law.

## **NEW BUSINESS**

### **Tremarc Ralty, LLC: SBL#93.68-2-16** Special Permit and Site Plan

Building inspector memo dated 7/30/2018 (on file) read.

Consulting Engineer (Paggi) Memo dated 8/21/2018 (on file) read.

Discussion: Pursuant planner and building inspector notes, this project cannot be considered a food truck. Zoning and compliance conflicts defer the applicant to address items in Short EAF, and Engineer Plans recommendations for further considerations from the board.

## **INFORMATIONAL**

Nancy Dorn & John English: Discussion of purchase option of *lands adjacent to* Jacqueline Estates.  
Applicant would like to preserve area behind lots. Intent of use of land is to store classic cars.  
Applicant his letter of intent.  
Applicant showed proposed three options of new lots to purchase.  
Discussion of details including well and septic.  
Suggestion made to applicant to work with an engineer familiar with the land.

## **APPROVAL OF MINUTES**

Discussion to correct missing names and fix spellings.

- Motion to approve May and June 2018 minutes as corrected by Mr. Freiband made by Mr. Friedle
- Seconded by Mr. Hayes

- Motion carried unanimously

**ADJOURNMENT**

- Motion to adjourn- Mr. Libolt
- Seconded by Mr. Hayes
- Motion carried unanimously

Submitted,



Mariela Roman  
Planning Board Clerk

Approved: 10/16/2018

Filed: 3/12/2019

Approved by -



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Deputy Town Clerk

