

**Gardiner Town Planning Board**  
*Meeting Minutes*  
*October 16, 2018*

**Present:**

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

**Absent:** Joe Hayes

**Others Present:**

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

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

**NEW PUBLIC HEARING:**

None

**OLD BUSINESS:**

1. **Heartwood- SBL # 93.4-1-42.100 & 93.4-1-41.120**  
Site plan review.

Mr. Freiband summarized his memo dated 10/16/2018 (on file). This document describes the Heartwood project chronology.

Ms. Richman asked for a further discussion on the Public Hearing held on 9/18/2018 on the eve of Yom Kippur. Ms. Richman referenced the article in the New Paltz Times in reference to residents unable to attend such Public Hearing. After extended discussion the chairman agreed to review meeting schedules at the next organizational meeting to correspond to the Town Board holiday schedule if there is a conflict.

Mr. Colucci read Mr. Freiband's memo dated 10/11/2018 (on file). This document references Lot Line Revision, Major Special Permit, and Site Plan Applications.

Mr. Colucci requests that the board considers some aspects, have constructive dialogue and deliberate.

Mr. Millspaugh (Sterling Environmental Engineering) referenced his letter dated 10/15/2018 (on file). Highlights and details on memo's items.

Additionally, recommends that a policy be adopted so that ink be visible per copies, scans, etc. on engineer- approved documents.

Mr. Colucci informed the public and board the current technical issue with Planning Board portion of the website. Immediate and Pertinent documents have been uploaded to the main page as a courtesy.

Marc Moran was inducted to participate as alternate board member.

Mr. Moran inquired about DEC permit.

Mr. Medenbach stated that there is a draft document available (dated July) that he will forward to the board.

Mr. Moran inquired about the Agricultural Easement

Applicant stated their findings per local references and conversations, finding the need to have ability to later install buildings such as barns and maintenance buildings and staff lodging.

Ms. Richman stated that the anticipation for farm stands and zoos is considered an enterprise and may require evaluating of in tandem with the current application.

Mr. Medenbach stated that the applicant is not asking for a specific permit, but rather not prohibiting such activities in the future.

Mr. Colucci referenced his experience in agricultural leases: Planning Board went through extensive review of placement of buildings, etc. Referenced the strict guidelines in PB documents about specifics of buildings and their placements.

Mr. Friedle stated his opinion that the perimeter fence should stay up. Applicant agreed

Mr. Freiband suggests to the board to see code 220-37 regarding aspects that are subject to town's zoning law on agricultural uses as well as NYS ag law. Mr. Freiband's opinion is that the PB does not have authority to limit agricultural (farm) activities and buildings as set forth in the NYS Ag law including setbacks. Mr. Brennan was asked to investigate.

Mr. Colucci states his concern for understanding the possible buildings, structures, septic, egress etc.

Mr. Verleun inquired about specific site plan considerations.

Applicant restated that they would like to consider a general ground lease with an active farm operation. Specifics are not clear until they find potential partners.

Mr. Colucci asked applicant: "would consider changing Ag Easement to Conservation Easement which would allow ag?" Also noted to applicant that in his opinion, this is not prime farming land. Applicant stated that they are not most knowledgeable about farming and are thus hoping to have a generally open usage land for prospective partners.

The applicant agreed to review the language of the proposed easement and provide responses to the Board.

Mr. Libolt expresses his concern for the intended use of this parcel being open to the public for a business and feels the need to review the appropriate load for use and effect to the site.

Mr. Sokolov inquired on some specifics of land use.

Applicant restated that they would like to leave the agricultural land use flexible.

In reference to neighboring property, Mr. Colucci requested and as an opinion, a condition on site plan that farm road not be disturbed during construction activity.

Ms. Richman discussed the 530 foot setback as identified in the Open Space plan. She does not believe the setbacks have been met as was stated in Mr. Freiband's memo.

Mr. Colucci requests that Ms. Richman find the section with codes she is referring and forward that to the board for later discussion.

Ms. Richman would like to see the public hearing re-opened because of new documents such as a new SWPPP, letter from Stone Wave, and others.

Mr. Colucci reminds Ms. Richman that the referred documents are similar in content as previous public comment. Also, that the public had 10 days to respond with further public comment.

In response to a public hearing held open during a holiday, Mr. Colucci clarified that he inquired of the whole board to state their sentiment. The applicant was specifically asked and also agreed to continue with public hearing.

- Ms. Richman motions to reopen the Public Hearing.
- No seconds.
- Motion Fails.

Mr. Verleun inquired about comments by public.

Mr. Colucci confirmed these will be incorporated into the record.

Regarding Lot Line application, Mr. Colucci referenced item 3 for board's deliberation. Discussion and legal opinion by Mr. Brennan to not press forward.

- Lot line application tabled based on Mr. Brennan's advice

Further discussion on access road. Discussed possibility to use the existing trail as an emergency access while generally chained off from regular use. Mr. Colucci stated the strong importance of the issue.

Ms. Richman stated her previous concern of location of the cabins in proximity to the trees and their possible effects.

Mr. Verleun also stated his concern.

Mr. Freiband noted that the proposed drive is 600 feet to the loop road: less than half of code standard for dead ends and is to be constructed to three lane widths. The Fire Commissioners did not raise any issue with the design.

Mr. Colucci stated that the possibility of another site visit for those whom were unable to attend the previous site visit.

Mr. Colucci referenced the discussion at site visit of building a fence at the ridge to prevent erosion of trails, including signage to actual location of river.

Applicant was reminded and requested to provide some details about this signage.

Applicant agreed.

Mr. Colucci read response letter from applicant in response to "Heartwood 7" dated 10/1/2018.

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

Review site plan application for proposed swimming pool feature.

Mr. Freiband read his memo of 10/13/2018 memo (on file).

Mr. Colucci read Mr. Freiband's site visit notes from 9/20/2018.

Mr. Brennan made comments and recommendations. He noted that the site is adjacent to the historic Bevier properties though subsequently subdivided. He recommends that the application be treated as a Type I action to address any impacts on the Bevier National Register property.

Discussion to add OPRHP/SHPO as an interested agency. The applicant agreed to make the filings immediately in order that the lead agency could be established at the next meeting.

- Ms. Richman made a motion to review application as a Type 1 action, declare intent as lead agency and authorize chairman to send 30 day notice.
- Mr. Friedle seconded.
- Motion Carried Unanimously

Discussion had on the site chronology and prior permits.

Mr. Freiband noted Chapter 200 (Campgrounds) was in the original Zoning Ordinance from the early 70's.

In 1984 it was removed from the zoning ordinance and word-for-word turned into Chapter 200. The language about obtaining a permit within 90 days of adoption of the local law relates to the early 70's (and the adoption of the zoning law) not 1984.

Discussion had about noise enforcement of special permit.

Resident (from town board) stated that this issue of noise enforcement is being handled by the Town Board. This included retaining a certified technician to perform sound level tests during actual evening sessions.

**NEW BUSINESS:**

None

**INFORMATIONAL:**

None Present

**County Board Correspondence**

None

Discussion had regarding the existing application forms and preambles describing procedures. The forms were created based on earlier versions of the code and per Mr. Colucci's request, Mr Freiband prepared a draft of how the new preamble would read. Mr. Colucci will be commenting. Mr. Colucci agreed that

the forms needed to be addressed as well. Mr. Freiband- he will create a flow chart of procedures for the general public to understand.

**Approval of Minutes**

- Motion to approve August 21, 2018 Meeting minutes as edited made by Mr. Libolt
- Seconded by Mr. Friedle
- Mr. Verleun and Mr. Moran abstained (absent from 8/21/18 meeting)
- Motion Carried.

**Adjournment**

- Motion to adjourn made by Mr. Libolt
  - Seconded by Mr. Friedle
- Motion Carries Unanimously

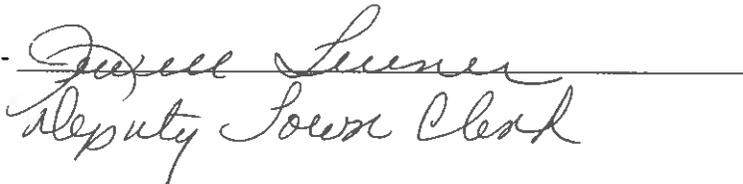
Submitted,



Mariela Roman  
Planning Board Clerk

Approved: 11/20/18  
Filed: 3/12/19

Approved by -



Deputy Town Clerk

