

**Gardiner Town Planning Board**  
*Meeting Minutes*  
*March 19, 2019*

**Present:**

Josh Verleun  
Ray Sokolov  
John Friedle  
Mariela Roman- Clerk  
Paul Colucci-Chairman  
Carol Richman  
Marc Moran  
Keith Libolt -Present at 7:20 pm

**Absent:**

None

**Others Present:**

David Brenan- Town Attorney  
Mark Millspaugh-Sterling Environmental

**Meeting called to order:** Start time- 7:02 PM

Mr. Colucci made an announcement regarding the April meeting date.  
The April meeting will be changed to April 23.

**PUBLIC HEARING:**

**1. Jeff Frey**

SBL #93.4-1-7.300 & 7.200  
Site Plan Review and Lot Line Revision

Mr. Colucci read the Public Hearing notice.

Mr. Millspaugh read his memo date 3/13/2019 (on file).

M. Millspaugh: Side note: . Mr. Medenbach uses an embossed seal that is not visible on website. The suggestion is to have visible stamps on maps, including PDF's online, and SWPPP.

Mr. Colucci asked applicant, and then public for comments.  
No comments.

Planning board comments: No comments.

Mr. Friedle inquired is Public Hearing comments remain open for fifteen or thirty minutes.

Mr. Medenbach showed color maps for the audience today. On file in black and white.

Discussion had about the variety of plants and trees in the landscape plan.

Mr. Colucci inquired about the plan for the embankment.  
Mr. Medenbach: it would be seeded with grass on the top of the slope.  
Mr. Colucci requested the landscape design have a stamp.

Mr. Colucci inquired about the Board of Health.  
Mr. Medenbach confirmed the PB already has a copy on file.

Mr. Colucci confirmed receipt to Parks and Rec confirmation letter of no cultural or historical significance (on file).

Discussion and review of UCPB recommendations (on file). The requirement to address Hamlet Design guidelines was open for discussion. No comments from the public to date regarding color scheme, etc.

Short EAF (part II) dated July 2018 reviewed item by item by Mr. Brennan for Planning Board to complete. Document signed this date.

Mr. Libolt joined meeting at 7:20 pm.

- Motion to declare the project having no significant environmental impact.
- Seconded by Mr. Sokolov.
- Motion carried unanimously- Mr. Libolt abstains because late to attend discussion.

Mr. Colucci asked for confirmation of an Ag Data statement in file.

Mr. Colucci noted that PB Clerk will forward Final Action document to UCPB (completed on this date).

Mr. Colucci asked for final comments from PB or public. No further comments.

- Ms. Richman motioned to close Public Hearing of Jeff Frey application at 7:26 pm.
- Mr. Verleun seconded.
- Motion carried unanimously.

Discussion had about whether there is a need for an Ag Data Statement. Mr. Medenbach will provide document that identifies the absence of adverse impacts.

Mr. Colucci authorized Mr. Moran as voting member.

- Motioned to approved the Site Plan and Lot Line Revision dated 10/30/18 and Revised 3/5/15.
- Mr. Friedle seconded.
- Motion carried unanimously.

Mr. Colucci requested Mr. Brennan writes a written resolution for filing.

Mr. Colucci reminded the applicant to please be current with fees due to the PB.

Mr. Medenbach was informed to file maps with county and provide 5 copies for signatures. -

**OLD BUSINESS:**

**2. Get Wild for Water; Judi & David Roehrs & Jim Wild**

NYS Rte. 44/55, SBL #94.3-4-20

Site Plan Review for commercial building for well drilling, office and apartment.

Present: David Rohers, Jim Wild, Bob James, M. Moriello

Mr. Moriello read his memo dated 3/13/19 (on file).

Noted his absence at the February 19 meeting.

Discussion had to establish there is no need for a berm.

Discussion had to discuss the spec of the doors. The desire of the PB is to soften the look of the front/doors.

Mr. Libolt had some suggestions. Exposed lumen is not preferred.

Discussion had to establish the need for details of landscaping. Applicants provided such updated plans on this date.

Discussion had to establish whether Public Hearing is necessary.

Mr. Brennan- PB needs to establish itself lead agency for SEQR. Next, go through SEQR determination. Town Board will then schedule their Public Hearing.

Mr. Moriello-The town board cannot take any action on the re-zoning until we have a determination of significance.

Mr. Brennan: Suggested PB do that and at the same time schedule a Public Hearing (if necessary).

Mr. Colucci: Not in favor of waiving the Public Hearing because there are two issues at hand. This is a major site plan, there is a zoning change and also it is on 44/55.

Mr. Brennan: A goal for today is to go through Part II of the EAF to make a determination and thus allow the town to schedule their Public Hearing. If a Neg Dec is issued tonight, a Public Hearing for the Planning Board can be scheduled. A site plan should be issued after a zone change.

Mr. Colucci: Confirmed that The zoning change and Public hearing for site plan can take place at the same time, within respective boards.

Mr. Colucci: No one has stepped in to take lead agency.

- Mr. Libolt motioned to declare the Planning Board lead agency for the site plan application of Wild for Water, LLC application.
- Seconded by Mr. Sokolov.
- Motion carries unanimously.

Mr. Colucci noted the memo received from Town Board stating their approval of Planning Board to take Lead Agency.

SEA Form II reviewed item by item by Mr. Brennan and Planning Board.

- Mr. Libolt motioned for a Negative Declaration under SEQR with no adverse impact on the environment.
- Mr. Friedle seconded.

- Motion carried unanimously.  
Mr. Colucci confirmed with Mr. Brennan that he will provide a notice of decision.

Discussion had to establish that the Planning Board will wait on Town Board to request a recommendation from the Planning Board.

Discussion had to establish Planning Board (clerk) will forward current application items to the UCPB for referral.

Applicant to provide all current items in digital form.

- Mr. Verleun motioned to schedule a Public Hearing for 4/23/16 for the Get Wild for Water, LLC application.
- Mr. Friedle seconded.  
Discussion had to hold or start a Public Hearing.
- 6 yes, 1 No- Carol Richman, Motion Passes. -

### **NEW BUSINESS:**

#### **3. P.E.Colucci, LLC** 23 Osprey Ln. SBL#93.4-6-8 Lot Line Revision

Mr. Colucci recused himself to the other side of the table to be considered as an applicant.  
Regarding the land of 19 Osprey Ln., location of The Yard Owl.

Applicant, Mr. Colucci noted that he does not have road frontage. Question to the Planning Board is regarding the 50-foot reservation- Does the paper road entitle applicant to road frontage or by what means to be in compliance.

Discussion had to establish that lot line revision to be done as to leave frontage as part of the other lot.  
Mr. Brennan: under the dimensional table, 200 feet of frontage are needed for lot in the CLI district.  
Option one is ask Zoning Board for the provisions necessary. Option 2 is to agree to Lot Line revision and note that future development of the parcel needs 200 feet or road.

Applicant, Mr. Colucci inquired about the “temporary turn around easement”- Where to start measurement from.

Mr. Brennan: An import question is who granted the easement and who gets it back, because it is temporary. The language of the easement will determine this.

Discussion with map to conclude existing lot line, and possible road frontage changes.

Mr. Brennan proposed one option to condition any lot line revision with a note to state “no development on this parcel until road is built” to allow 200 feet of frontage. Second option proposed to get a variance from the Zoning Board.

Applicant, Mr. Colucci inquired which variances.

The ZBA would give frontage needed 200-30 feet, becoming something similar to a flag lot.

Discussion had to establish that it would not be defined as a flag lot.

Discussion had to determine possibilities of land splitting options.  
Mr. Colucci will bring back setback numbers and re-submit to PB.-

**4. Lumens Holdings 3, LLC**

262 Libertyville Rd., SBL #86.3-2-2.221

Site Plan Review for a 2 megawatts/large solar energy system.

Present

Joseph Mendelsohn- Omni Novitas

Peter McAuliffe- Omni Novitas

David Burns- Renewa Energy

Chris Knox- Crawford & Assc. Engineers

Omni Novitas is representing Lumen's Holdings. Property owner present also.

Mr. Libolt asked for letter from applicant, not just the owner.

Mr. Colucci referenced memo from Mr. Millspaugh having many notes of items to be addressed.  
Applicant asked if circulation process could begin today. – Not likely.

Mr. Colucci addressed the audience - this is a not a public hearing. This is the first time the full planning board is reviewing the application. Various opportunities will be given for public comments at future public hearings.

Applicant summarized the project.

Proposing a large-scale solar project at property at 262 Libertyville Rd. Parcel is flag lot on 49 acres. Approximately 2 megawatts a.c. Solar array on panel on racking system. Also, electrical equipment on some concrete pads. To access the array, proposing an access drive from Libertyville road to be built of pervious material to limit run-off. To build the drive using an existing driveway.

Site chosen for its flat clear land and minimal tree removal. Vegetation/tree line surrounding to keep low visual impact.

Ms. Richman inquired of panel to trees distance. - About 50 feet.

Will try to push the solar panel so southern side is exposed to sun. Will try to push to Northern tree line.

Mr. Verleun inquired if additional lots will be needed for access. -No. All will be on the one drive.

Activity on property will be minimal outside of approximate 2-month construction period.

Applicant offered a site visit.

Ms. Richman requested consideration of building road down the middle.- Space constraints are costs are to be considered. Usually try to minimize the footprint on the site.

Mr. Millspaugh paraphrased his memo and attached comments (on file) dated 3/13/19.

Applicant had question about flag lot setbacks (item 3, page 2). Mr. Millspaugh will check and get back on that.

Discussion had on definition of a flag lot.

Ms. Richman inquired about the height of the panels and other structures above the ground.

Applicant may change the design, but will be below 14 feet.

Discussion has about item 9, page 3. Planning Board understands that these details of structural calculations will be needed as the application moves along.

Mr. Brennan requested an email from applicant with specific codes so PB can do more research.

Mr. Colucci stated that Mr. Millspaugh's suggestion to hold a workshop meeting is to follow. Applicant to review application to be complete.  
Mr. Colucci clarified for applicant and public that there is no determination at this said workshop. Purpose is to check application for completeness.

Mr. Libolt inquired about proceeding to the Zoning Board. Discussion had using process flow chart. Mr. Colucci reiterated that until the application is complete, it cannot advance in the process. Clarification made that once the Neg. Declaration is made, application may proceed to the ZBA.

Discussion had about the property topography.

Discussion had to establish that site visit will be scheduled soon after complete application is received.

#### **INFORMATIONAL:**

##### **5. K. Libolt**

15 Steves Ln.

Mr. Libolt recused himself to the other side of the table to discuss property.

Mr. Libolt reviewed the latest use of this property.

Inquiry to add accessory apartment as currently approved. Requesting change in square footage use, but not increasing the footprint.

Mr. Colucci suggests the first thing to be inquire of the Board of Health to approve.

Discussion had about zoning allowances. Would like apartment to watch or care for the building.

Discussion had to confirm septic capacity according to employee count- more research to be done in reference to 220-12b. Mr. Brennan, town attorney to confirm CLI zone/special permit information.

Applicant to speak with Building Inspector for permits.

##### **6. Bob Colucci, Michael Bernado**

###### **Gardiner Gables, Café Mio**

Mr. Colucci recused himself to the other side of the table for Planning Board to consider a relative's property.

Owner desiring to add more seasonal dining/side patio. Desiring about 20 additional seats and possibly more rear prep area. Last update of 1997 included 44-45 parking spaces.

Not looking to eliminate the loop, but to take from 2 feet off black-top. Want to maintain the appeal of the gables, possible adding one more gable. Patio would extend only exterior, so no radius changes.

Discussion had about setbacks. If necessary, possible minor site plan amendment depending on square footage of the change. Plan does not interrupt any services. Requested of applicant to confirm actual parking numbers.

Mr. Brennan stated Short EAF will likely be needed to exempt from Public Hearing.

#### **PRIVILEGE OF THE FLOOR:**

#### **APPROVAL OF MINUTES:**

- Mr. Friedle motioned to approve December 18, 2018 minutes
- Mr. Libolt seconded.
- Ms. Richman Opposed- Motion Carries

- Mr. Friedle motioned to approve minutes of Special Workshop meeting of January 9 Discussion had to approve after corrections of “seeker” to “SEQR”
- Mr. Sokolov Seconded
- Ms. Richman Opposed- Motion carried.

- Motion to approve the January 15 meeting minutes as amended on item 19 by Mr. Moran
- Mr. Sokolov seconded.
- Motion carried.

- Mr. Friedle motioned to approve the February 19 meeting minutes.
- Mr. Sokolov Seconded.
- Ms. Richman Abstains (absent) - Motion carried.

Mr. Colucci reminded the board that the April meeting will be held on the 4<sup>th</sup> Tuesday, not the 3<sup>rd</sup>.

#### ADJOURNMENT

- Mr. Libolt motioned to adjourn
- Ms. Richman seconded.

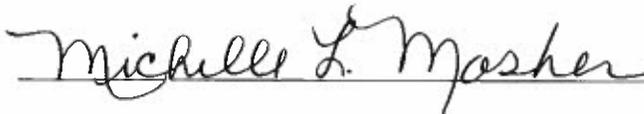
Submitted,



Mariela Roman  
Planning Board Clerk

Approved: 4/23/2019

Filed Date: 4/24/2019



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