

June 11, 2019 – Regular Meeting

The regular meeting of the Gardiner Town Board was held this evening at 7PM at the Gardiner Town Hall. Present were Supervisor Majestic, Councilmen Dukler, Carucci and Wiegand along with Councilwoman Walls. There were approximately 22± audience members presented.

### **ANNOUNCEMENTS**

June 15 & 16 – Gardiner GOST Tour

June 22 – Bake for the Lake – help save Tillson Lake. Visit Friends of Tillson website for more info.

July 18- 17<sup>th</sup> Annual 5 K Classic beginning at Majestic Park 6 PM

There are still a few openings for the summer recreation program.

### **PUBLIC HEARING – LOCAL LAW EXTENDING MORATORIUM**

At 7:05pm the Supervisor opened the public hearing for questions or comments from the audience. The Town Clerk read the public notice. The Planning Board commented that they are in agreement with the moratorium extension. A review was received from the Ulster County Planning Board disapproving the extension stating that the Town of Gardiner has not made any progress at all. This is untrue and the Board is close to finalizing the changes to the tourist related land use recommendations.

A motion was made to override the UCPB recommendation by Councilman Dukler, seconded by Councilwoman Walls and carried.

There were no questions or comments.

### **CLOSE PUBLIC HEARING**

There being no questions or comments a motion was made to close the public hearing at 7:08 pm.

### **ADOPT LOCAL LAW – EXTENSION OF THE 6 MONTH MORATORIUM**

On motion of Councilwoman Walls, seconded by Councilman Wiegand, the Local Law extending the 6-month moratorium was adopted.

Be it enacted by the Town Board of the Town of Gardiner as follows:

#### **Section 1. Title**

This Local Law shall be referred to as the “Local Law to Extend Moratorium on the Processing and Approval of New Applications for Certain Tourism-Related Accommodation Land Uses in the Town of Gardiner”.

#### **Section 2. Purpose and Intent**

By Local Law No. 4 of 2018, the Town Board of the Town of Gardiner enacted a six (6) month moratorium on the processing and approval of new applications for building permits, special use permits, special permits, variances, site plan approval, lot line revision, subdivision approval or other approvals or permission related to the undertaking, establishment, placement, development, excavation, enlargement, construction or erection of identified tourism-related accommodation land uses in the Town of Gardiner. The Moratorium became effective on December 21, 2018 when Local Law No. 4 was with the New York Secretary of State and is set to expire on June 21, 2019.

The Town Board has undertaken a comprehensive review of the Town Zoning Law and general Code relating to tourism-related accommodation uses and has engaged the services of a

professional consultant, Sterling Engineering, to provide assistance the Town Board in its review and provide recommendations for possible amendments.

It is the Town Board's desire to complete its review of the Zoning Law and Town Code, and the subsequent development, consideration and ultimate adoption of any proposed amendments in an appropriate and deliberate manner free from any race to diligence or timing concerns raised by the possible expiration of the moratorium. The moratorium is set to expire on or about June 21, 2019 and it is anticipated the Town Board will need additional time to complete this process, the related environmental review, and the required procedure for the adoption of a local law. Accordingly, the Town Board desires to extend the current moratorium for an additional six (6) month period

The Town Board finds that pursuant to 6 NYCRR 617.5(c)(30) the extension of the moratorium is a Type II action under the New York State Environmental Quality Review Act ("SEQRA") which has been determined not to have a significant impact on the environment or is otherwise precluded from environmental review under Environmental Conservation Law, article 8 and is therefore not subject to review under 6 NYCRR Part 617 or Environmental Conservation Law article 8.

#### Section II – Moratorium – Extended Term

- A. Local Law No. 4 of 2018 Imposing a Six-Month Moratorium on the on the Processing and Approval of New Applications for Certain Tourism-Related Accommodation Land Uses in the Town of Gardiner shall be extended for a six (6) month period of time through December 21, 2019.
- B. Except as otherwise amended herein, all provisions of Local Law No. 4 of 2018, including but not limited to the scope of controls and hardship variance procedures contained therein, shall be extended for a six (6) month period of time through December 21, 2019.

#### Section III – Severability

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this law which can be given effect without such invalid part or parts.

#### Section IV. Suspension and Supersession of Other Laws

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended through December 21, 2019. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of New York Town Law under the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3), §10(1)(ii)(a)(14), and §22. In particular, this Local Law supersedes any inconsistent provisions of New York Town Law §267, §267-a, §267-b, §274-a, §274-b, §276 and §277 for the purpose of vesting the Town Board of the Town of Gardiner with the authority to accept, hear, process and determine applications for variances from this Local Law.

#### Section V - Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with the Municipal Home Rule Law of the State of New York.

### **PUBLIC HEARING ZONING CHANGE ROUTE 44/55**

A public hearing was scheduled for tonight for a zoning change to be made on Route 44/55 on properties owned by David Roehrs and Larry Barclay. The purpose of the change is to have the properties returned to commercial use that will allow the construction of a commercial building that will house a well drilling company. The Town Clerk read the legal notice at 7:12 pm and the hearing was opened to the public for questions or comments.

Carrie Abels – not in opposition but is concerned with a stream that runs through their property that originates from the proposed property. She is concerned that their water supply will be cut-off.

Bill James – surveyor to the property owner and he believes the stream originates from another property. Stated that the DEC would never allow a stream to be blocked.

David Rohers – is certain it is not on his property

Marsh Varriano – read a statement from a letter that she sent to the Town Board earlier today. She is opposed to the Barclay property zoning change.

Jim Wild – stated parking will be on the side of the building and well drilling trucks will be in the garage.

Supervisor Majestic – stated that inclusion of the Barclay property was on recommendation of the Ulster County Planning Board. This recommendation can be overridden and the law can be adopted with just the Roehrs property. Supervisor Majestic stated both lots were once HC, changed to RA and she feels it is the right thing to return them to HC.

Councilwoman Walls - agree with Supervisor Majestic. It just makes sense that both lots be changed to HC.

Councilman Wiegand – there is no reason to do both lots. The Barclay property is already protected. A site plan provides protection going forward.

Councilman Dukler – agrees with Councilman Wiegand. There is no compelling reason to change it.

Brian Stiscia – moving the business to Route 44/55 will help with traffic on Dusinger Rd.

Carrie Abels- If the Barclay property is protected why not just leave it in the RA District.

David Roehrs – believes the HC district is more restrictive than the RA district. Businesses will have to go before the Planning Board for approval.

A motion was made by Supervisor Majestic, seconded by Councilman Wiegand and carried, to remove the Barclay property from the local law. Supervisor Majestic will check with the attorney whether this is considered a substantive change. The public hearing was left opened.

### **PUBLIC HEARING – LOCAL LAW – AUXILIARY APARTMENTS**

The Town Clerk read the legal notice. Supervisor Majestic opened the public hearing for a local law to allow Accessory Apartments in the RA District on pre-existing non-conforming lots. In order to do this a special permit will be issued by the Planning Board. There were no questions or comments, but the Board chose to keep the public hearing opened until next week.

### **GARDINER DAY 2019**

An application was received for a Mass Gathering Permit for Gardiner Day. The plan is to hold the event much like last year, but will utilize the park more. The application is with the Zoning Enforcement Officer Andy Lewis for review.

### **APPOINT SUPERVISOR ASSISTANT**

Resolution No. 80 – Emily Sperry Supervisor Assistant – Offered by Councilwoman Walls Resolved, pursuant to Section 30 of Town Law, the Town Board hereby concurs with the Town Supervisor’s appointment of Emily Sperry as Supervisor Assistant for 20-25 hours per week to be compensated at the rate of \$18.00 per hour to be paid bi-weekly, and

Further Resolved, that the Supervisor Assistant shall serve at the pleasure of the Supervisor during normal business hours.

Further Resolved, that Emily Sperry shall not be eligible for certain insurance benefits as a part time employee of the Town.

Seconded by Councilman Carucci and carried.

### **COMMUNITY CHOICE AGGREGATE PROPOSED LOCAL LAW**

Councilman Carucci presented a draft local law addressing the need for a law to allow for a community choice energy program. Mr. Carucci explained this would permit the Town to bid for the best rate available to the municipality. The program is designed as an automatic “opt-in” with a provision for those uninterested in participating to “opt-out”. Councilwoman Walls had many questions and concerns. Her concerns include unintended consequences like additional costs to the Town, financial liability and obligations of the Town Board. Also would like to know if the Town can benefit in any way with receiving revenue. Councilman Carucci asked the Town Board to review the law and direct any questions to him.

### **SMART GROWTH AD-HOC COMMITTEE**

On motion of Councilwoman Walls, seconded by Councilman Dukler and carried, Ralph Erenzo was given authorization to establish an AD-HOC committee to explore tourism in the Town of Gardiner. If anyone is interested in participating contact Mr. Erenzo.

### **TOURISM RELATED LAND USE LAW**

Written definitions have been drafted by the attorney to fit the Town’s needs. Chapter 200 will be addressed separately. For the dimensional requirements, the Town needs an inventory of lots/acreage. Supervisor Majestic handed out a list for the RA district Councilman Dukler would like to restrict the number of campgrounds allowed in the town. Councilman Wiegand suggested minimum of 10-acre lot and a maximum of 20-acre lot for campgrounds. All Board members agreed to the 10-acre minimum and 30 acre maximum as well as 4 camping sites per acre. The Board discussed at length about campgrounds and resorts.

### **SHORT TERM RENTAL LAW**

Board members discussed the owner occupancy provision in the proposed law. This has become a bone of contention with property owners who participate in Air BnB. Supervisor Majestic stated that she is waiting for the County listing of registered Air BnB’s in the Town. She would like to receive this before there is any decision making.

Board members had a lively discussion with audience members regarding this law.

### **COMPREHENSIVE PLAN**

Last week the Board had a minor discussion about a moratorium at Ireland Corners. Supervisor Majestic spoke to attorney David Brennan about setting a moratorium by distance paraments rather than the whole district. Mr. Brennan stated that it is acceptable to do this. The Board will need to have an in-depth discussion on which direction to go.

### **MINUTES**

Minutes of April 2, April 9, May 7 and May 14, 2019 were approved as written on motion of Councilman Wiegand, seconded by Councilman Dukler and carried.

**CLAIMS**

Claims were approved for payment on motion of Councilwoman Walls, seconded by Councilman Wiegand and carried. They are listed on Abstract #5 as follows: General Fund voucher #189-244 \$63,396.02; Highway Fund voucher 395-120 \$416,907.30; Sewer Fund voucher #16-19 \$4,305.61.

**BUDGET TRANSFERS & SUPPLEMENTAL APPROPRIATIONS**

Resolution No. 81 – Supplemental Appropriation in General Fund – Offered by Councilman Wiegand

Resolved, pursuant to Section 122, Town Law, the 2019 Annual Budget, General Fund, is hereby amended to provide for a supplemental appropriation of \$28,000.00 in Acct No. 00.07.8020.404 CE Outside Professional Service

Further Resolved, said moneys to be taken from the Unexpended Balance in the General Fund. Seconded by Councilwoman Walls and carried.

Resolution 82 – Transfer in Sewer Fund – Offered by Councilman Wiegand

Resolved, pursuant to Section 112, Town Law, the 2019 Annual Budget, Sewer Fund is hereby amended to provide for the transfer of \$122.00 from Acct No. 03.07.8110.401 CE Misc.

Expenses to Acct No. 03.07.8110.468 CE Repairs.

Seconded by Councilman Carucci and carried.

**SUPERVISOR MONTHLY REPORT**

The Supervisor report for the month of May was accepted as presented on motion of Councilman Wiegand, seconded by Councilman Dukler and carried.

**PRIVILEGE OF THE FLOOR**

Scott Mosher- asked when the Town might receive the decision of the Heartwood Article 78. Supervisor Majestic stated anywhere between 30-60 days.

**ADJOURNMENT**

On motion of Councilman Wiegand, seconded by Councilman Dukler and carried, the meeting was adjourned at 9:30 PM.

Respectfully submitted,

Michelle L. Mosher  
Town Clerk