

July 9, 2019 – Monthly meeting

The Gardiner Town Board met for the monthly July meeting at 7 pm at the Gardiner Town Hall. Present were Supervisor Majestic, Councilwoman Walls and Councilmen Carucci, Dukler and Wiegand. There were approximately 35 ± audience members.

ANNOUNCEMENTS

Sept. 7 – Gardiner Day. Vendors are needed.

SUMMER RECREATION

Summer Recreation in underway with 190 campers attending.

PASSINGS

Supervisor Majestic announced the passing of John Sansalone and Joe Trapani. John was a member of the Town Environmental Conservation Commission and brought a wealth of information and knowledge to the commission. He also was a big supporter of the Gardiner Fire Dept. and answered many calls in his 30+ years in the Town. His service to the Town will be greatly missed.

Joe Trapani was key to the construction of the Town Hall bringing his architectural expertise to the Board. He has been a long-time member of the community and will also be greatly missed.

PUBLIC HEARING CONTINUATION – ZONING CHANGE ROUTE 44/55

Supervisor Majestic asked if there were any further questions in regard to the zoning change on Route 44/55 on property owned by David Roehrs. There being none, a motion was made to close the public at 7:05 pm by Councilwoman Walls, seconded by Councilman Wiegand and carried.

RESOLUTION - LOCAL LAW ADOPTION – ZONING CHANGE ROUTE 44/55

Resolution No. 83 - Resolution Scheduling a Public Hearing for a Local Law Amending the Zoning District of Tax Map Parcels 94.3-4-19 and 94.3-4-20 From RA [Rural Agricultural] With the SPO Overlay to HC [Highway Commercial] Without the SPO Overlay, Together With an Accompanying Zoning Map Amendment - Offered by Councilwoman Walls

WHEREAS, the Town Board has received a request from Jim Wild and David and Judy Roehrs for a zone change on lands located at New York State Route 44/55; and

WHEREAS, the land is known as Tax Map Parcel 94.3-4-20, consists of 2.2+/- acres of vacant land and is presently zoned Residential Agriculture (RA) with the SPO Overlay; and

WHEREAS, the Wild and the Roehrs have requested that the parcel located along NYS Route 44/55 be re-zoned as Highway Commercial (HC) without the SPO Overlay; and

WHEREAS, the Town Board has determined that it is also appropriate to consider changing the zoning of the adjacent parcel to the west owned by Larry S. Barclay, tax map parcel 94.3-4-19 consisting of 1.53 acres and improved with the Gardiner Collision Center to conform the zoning district of the parcel with its current use as an auto body shop; and

WHEREAS, the Town Board of the Town of Gardiner seeks to consider a Local Law to amend the Zoning Map of the Town of Gardiner for these two parcels of land located at NYS Route 44/55; and

WHEREAS, the Town has prepared a proposed Local Law to amend the Zoning Map of the Town of Gardiner for these two parcels of land located at NYS Route 44/55; and

WHEREAS, the Town Board has reviewed and considered the proposed Local Law; and

WHEREAS, that the proposed Local Law is ready for consideration by the Town Board and the public;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will hold a public hearing for consideration of the Local Law to amend the Zoning Map of the Town of Gardiner for lands located at NYS Route 44/55 on June 11, 2019 at 7:05 pm at the Town Hall; and

BE IT FURTHER RESOLVED, that the Town Clerk and/or Attorney for the Town are hereby authorized and directed to refer the Local Law to the Planning Board and Ulster County Planning Board-; and

BE IT FURTHER RESOLVED, that the Town Clerk and/or Attorney for the Town are hereby authorized and directed to publish notice of said hearing, and to post copies of such notice in the manner provided by law.

Seconded by Councilman Wiegand and carried. Councilman Dukler voted nay.

Local Law No. 2-2019

SECTION 1. PURPOSE AND INTENT

In 2008 the Town of Gardiner adopted an updated Zoning Law. The Town has been petitioned by Jim Wild and David and Judi Roehrs, respectively the contract vendee and owner of tax map parcel, 94.3-4-20 consisting of 2.2+/- acres of vacant land on NY Route 44/55 just west of Route 208. The land is presently zoned as Residential Agricultural within the SPO Overlay. The applicant has requested that the Town Board revise the zoning map to rezone the land as Highway Commercial ("HC") to facilitate the construction of an office, accessory apartment and garage/yard for a well drilling business.

SECTION 2. AUTHORITY

This local law is enacted pursuant to the provisions of section 10 of the Municipal Home Rule Law and Town of Gardiner Zoning Law Article X.

SECTION 3. AMENDMENT TO ZONING LAW

The Zoning Map of the Town of Gardiner is hereby amended to change the zoning of parcel 94.3-4-20 from Residential Agricultural ("RA") with the SPO Overlay to Highway Commercial ("HC") without the SPO Overlay as noted on the attached Exhibit. In addition, the Town Board hereby adopts the revised Zoning Map as the Zoning Map of the Town of Gardiner.

SECTION 4. REPEAL

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 5. 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 local law which can be given effect.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately upon the filing of such law with the office of the New York Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

PUBLIC HEARING CONTINUATION – AUXILIARY APARTMENT – RA DISTRICT

Supervisor Majestic clarified that non-conforming lots must get a special permit for an auxiliary apartment. The public hearing was closed at 7:15 pm on motion of Councilwoman Walls, seconded by Councilman Wiegand and carried.

SEQR REVIEW- LOCAL LAW - AUXILIARY APARTMENT

The Town Board reviewed Part 2 of the long form SEQR required for the local law for the auxiliary apartment. After the review the Town Board agreed there was no environmental impact related to this law and declared a Negative Declaration under Part 3 of the SEQR form. A motion was made by Councilman Wiegand, seconded by Councilwoman Walls and carried.

ADOPT LOCAL LAW – AUXILIARY APARTMNT – RA DISTRICT

Offered by Councilwoman Walls

A Local Law To Amend The Zoning Law To Permit Accessory Apartments On Small-Scale Developments Lots In The Ra District By Special Use Permit

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

§1. Title

This Local Law shall be referred to as a “Local Law to Permit Accessory Apartments on Small-Scale Development Lots in the RA District by Special Use Permit”.

§2. Purpose and Intent

Pursuant to the statutory and common law powers vested in the Town of Gardiner (the “Town”) to regulate and control land uses and to protect the health, safety and welfare of its residents, the Town Board of the Town hereby proposes an amendment to the Town of Gardiner Zoning Law to resolve a potential ambiguity concerning the ability to construct accessory apartments on small-scale development lots in the RA District that are less than five (5) acres in size. The amendment will make clear that a special use permit is required to allow an accessory apartment on a small-scale development lot in the RA District that is less than five (5) acres in size but considered a conforming lot under §220-24 of the Zoning Law.

§3. Authority

This local law is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

§4. Amendment to Use Table

Section 220-10(B) of the Zoning Law is hereby amended to add a new footnote to the Use Table to make clear that “A Special Use Permit is required for small-scale development lots in the RA District that are less than five-acres in size but conforming under §224-24”. The foot note shall be added where Accessory Apartments are listed as “Permitted” (“P”) in the RA District.

§5 Amendment to Section 220-12(C)

Section 220-12(C) of the Zoning Law is hereby amended as follows:

Accessory apartments and accessory residential structures. One accessory apartment per single-family dwelling may be located in an accessory structure or a principal building as provided in the Use Table. The lot containing the accessory apartment must contain the minimum acreage required by the Dimensional Table, unless it is located in an approved open space development. For nonconforming lots in all districts and small-scale development lots in the RA that are conforming under §220-24, an accessory apartment may be allowed by special permit. The accessory apartment shall not be counted as a residential unit for purposes of determining density. No approval shall be granted for an accessory apartment without approval or certification from the Ulster County Department of Health of the adequacy of the septic system.

§6. Validity

The invalidity of any provision of this Local Law shall not affect the validity of any other provisions of this Local Law that can be given effect without such invalid provision.

§7. Suspension and Supersession of Other Laws

All local laws in conflict with the provisions of this Local Law area hereby superseded.

§8. Effective Date

This Local Law shall take effect immediately when it is filed in the Officer of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Seconded by Councilman Dukler and carried.

MASS GATHERING PERMIT -GARDINER DAY

Resolution No. 84 – Permit for Mass Gathering for Gardiner Day - Offered by Councilwoman Walls

Whereas , the Town of Gardiner has adopted certain rules and regulations governing mass gatherings pertaining to outdoor musical entertainment, amusement and assemblies in order to provide for public order and the protection of safety, health and well-being of persons and property within the Town known as Chapter 107 of the Municipal Code, and

Whereas, the Gardiner Day Committee has proposed to hold an event known as “Gardiner Day” on Saturday September 7, 2019 at different locations in the Town of Gardiner including Majestic Park which is reasonably expected to attract more than 1000 persons, and

Whereas, the applicant has provided the Town Board with information concerning the purpose of the event, the hours of operation, the provision of adequate off-street parking, the provision of fire lanes and toilet facilities, evidence of compliance with the Health Department regulations, proof of adequate liability insurance and copies of notice sent to area police agencies, fire departments and rescue squads, and

Whereas, the Town Board is satisfied that adequate provisions have been made by the applicant and that planned event will not disturb the public order and safety, then

Resolved, the Town Board of the Town of Gardiner hereby grants a permit for a mass gathering known as “Gardiner Day” to be held on Saturday September 7, 2019, between the hours of 11:00 A.M. and 4:30 P.M. in accordance with the application presented to the Town.

Seconded by Councilman Dukler and carried.

LIBRARY 414 PETITION

Resolution No. 85 – Offered by Supervisor Majestic

WHEREAS, the Board of Trustees of the Gardiner Town Library has presented a petition executed by qualified voters of the Town of Gardiner who represent at least ten (10%) percent of the total number of votes cast in the Town of Gardiner at the last gubernatorial election, which requests that the following question be placed on the ballot and voted on in the next general election of the Town of Gardiner: “Shall the annual contribution of the Town of Gardiner for the operating budget of the Gardiner Library be increased by Forty-Five Thousand Eight Hundred and Forty-Six (\$45,846.00) Dollars, to the sum of Two Hundred Seventy-Five Thousand and Seventy-Six (\$275,076.00) Dollars annually?”

WHEREAS, the President of the Gardiner Town Library presented a copy of the resolution passed by the Board of Trustees of the Gardiner Town Library endorsing said petition; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gardiner directs that the Town of Gardiner Town Clerk send to the Ulster County Board of Elections the aforesaid question with a request that same be placed upon the ballot of the Town of Gardiner and voted on at the next general election, to be held on November 5, 2019.
Seconded by Councilman Dukler and carried.

ZONING CODE AUDIT UPDATE

The Town is waiting on information from the engineer. Supervisor Majestic is considering hold a special meeting at the beginning of August. She would like to invite attorney Allyson Phillips, engineer Marc Millspaugh and Planning Board members.

SHORT TERM RENTAL LOCAL LAW

Board members reviewed the purpose and intent of the proposed short-term rental law.

COMPREHENSIVE PLAN

A worksheet was given to Board members for reviewing the comprehensive plan. Supervisor Majestic will reach out to local planners for quotes on a master plan specifically for Ireland Corners. Councilwoman Walls believes that a professional is needed to help with an outline of the master plan. Since we do not have any proposals Ms Walls questioned if we should consider enacting a moratorium. Supervisor Majestic would like to create an outline, distribute to Town Board members and reach out for quotes.

TOURISM MANAGEMENT RESOLUTION

Resolution No 86 – Tourism Management Plan for the Shawangunk Mountains Scenic Byway Partnership - Offered by Councilwoman Walls - In Support of Development of a Tourism Management Plan for the Shawangunk Mountains Scenic Byway Partnership

Whereas, the Town of Gardiner is a member of the Shawangunk Mountains Scenic Byway Partnership; and

Whereas, a proposal has been submitted to the Shawangunk Scenic Mountains Byway Partnership to develop a tourism management plan which would take inventory of tourist attractions and services available along the Shawangunk Mountains Scenic Byway; and

Whereas, the tourist management plan would include programs through both the SUNY New Paltz Business Department and the Marist College Technology Department; and

Whereas, the Shawangunk Mountains Scenic Byway Partnership supports the development of a tourism management plan to benefit the local businesses in the municipalities tat are included within Shawangunk Mountains Scenic Byway Partnership.

Resolved, that the Town Board of the Town of Gardiner supports Shawangunk Mountains Scenic Byway Partnership.

Seconded by Councilman Dukler and carried.

SUMMER RECREATION STAFF

Resolution No. 87 – 2019 Summer Recreation Staff – Offered by Councilwoman Walls
Resolved, pursuant to Section 27 of the Town Law and upon the recommendation of the Director of the Summer Recreation Program, the following named persons are hereby employed in the position indicated to be compensated at the hourly wage rate indicated for 2019, to be paid bi-weekly:

Ass't Director Katarina Piscotta- \$13.00/hour, Sports Director-Nathan Sabarese \$12.25/hour,

Art Director- Rebecca Mele \$12.25/hour, Lifeguard – Daniel O’Brien \$12.75/ hour. Counselors at \$11.10 per hour – Oscar Zandanella, Jacob Schwarz, Matthew Sabarese, Alex Register, Kierra Power, Gina Patterson, Skylar Pagliuca, Alexa J. Register, Lily Mercogliano, Nicholas Knobloch, Jonathan Gilberto, Julius Forte, Katherine Every, Brianna Carlini, Daniella Palumbo. Counselors at \$11.20 per hour - Christina Rust, Jonathan S. Pappace, Isabella Pisciotta, Ashley Gagliardi, Ian Harding. Counselors at \$11.30 per hour – Maryann Spano, Abigail Pray. Counselors at \$11.40 per hour – Amanda Mele, Michael Gagliardi, Caitlyn Callahan. Seconded by Councilman Dukler and carried.

PROPOSED LOCAL LAW - COMMUNITY CHOICE AGGREGATE

Councilman Carucci reviewed the program organizers, implementation of the policies & agreements and the opt-out administration letters. Mr. Carucci suggested having discussions with the two administration companies that the Town has to choose from, Jule and Clean Energy.

ZONING BOARD OF APPEALS INTERVIEW PROCESS

The Town has received 2 applications for the vacancies on the ZBA. Councilwoman Walls suggested interviewing ½ hour before the possible special meeting. Board members agreed to the special meeting for the interviews and discussion of the zoning code definitions for camps. The meeting will be held August 6 at 7 PM.

SUPERVISOR MONTHLY REPORT

On motion of Councilman Wiegand, seconded by Councilman Dukler and carried, the June supervisor report was approved as presented.

CLAIMS

Claims for the month of June were approved for payment on motion of Councilwoman Walls, seconded by Councilman Dukler and carried. They are listed on abstract #6 as follows: General Fund voucher #245-302 \$33,593.82; Highway Fund voucher # 121-136 \$20,486.61; Sewer Fund voucher # 20-22 \$2,463.75.

BUDGET TRANSFER & SUPPLEMENTAL APPROPRIATIONS

Resolutions No. 88 – Supplemental Appropriation in the General Fund – Offered by Councilwoman Walls

Resolved, pursuant to Section 122, Town Law, the 2019 Annual Budget, General Fund, is hereby amended to provide for supplemental appropriations of \$4,100.00 in Acct No. 00.01.1440.460 Outside Prof. Service, \$3,700.00 in Acct No. 00.06.7110.441 CE Rail Trail, \$520.00 in Acct No. 00.06.7110.450 Pavilion Construction and \$6,000.00 in Acct No. 00.07.8020.404 CE Engineering/Outside Prof.

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

Resolution No. 89 – Transfer in General Fund – Offered by Councilman Wiegand

Resolved, pursuant to Section 112, Town Law, the 2019 Annual Budget, General Fund is hereby amended to provide for the transfer of \$150.00 from Acct No. 00.01.1670.421 CE Office Supplies to Acct No. 00.01.1670.438 CE Legal Notice \$145.00 from Acct No. 00.06.7110.401

CE Parks Misc. to Acct No. 00.06.7110.413 CE Park Repairs, \$500.00 from Acct No 00.06.7310.433 CE Staff Supplies & Admissions to Acct No. 00.06.7310.420 CE Arts & Crafts, \$150.00 from Acct No. 00.07.8160.460 CE Outside Prof Service to Acct No. 00.07.8160.401 CE Misc Landfill and \$520.00 from Acct No. 00.07.8160.460 CE Outside Prof Services to Acct No. CE Port-a-Potty.

Seconded by Councilman Dukler and carried

Resolution No. 90 – Transfer in Sewer Fund – Offered by Councilman Dukler Resolved, pursuant to Section 112, Town Law, the 2019 Annual Budget, Sewer Fund is hereby amended to provide for the transfer of 225.00 from Acct No. 03.07.8110.470 CE Tank Replacement to Acct No. 03.07.8110.468 CE Repairs.

Seconded by Councilman Wiegand and carried.

PRE-AUDIT REPORT

On motion of Councilman Dukler, seconded by Councilman Wiegand and carried, the pre-audit report was approved as presented.

PRIVILEGE OF THE FLOOR

Bernetta Calderone – asked the difference between a Bed and Breakfast and a short-term rental. Questioned the zoning on Motocross tracks. Are they allowed in backyards? She was directed to contact Andy Lewis the Town zoning enforcement officer on both questions.

ADJOURNMENT

On motion of Supervisor Majestic, seconded by Councilwoman Walls and carried, the meeting was adjourned at 9:00 pm in memory of John Sansalone.

Respectfully submitted,

Michelle L. Mosher
Town Clerk