

January 10, 2006 – Regular Meeting

The regular meeting of the Gardiner Town Board was held this date at the Gardiner Meeting Hall at 7 PM. Present were Supervisor Zatz, Councilmen Bialecki & Katz and Councilwomen Lemmon and Kern. There were approximately 28± audience members.

ANNOUNCEMENTS

January 23 – Open Space Meeting to review and discuss the preliminary open space recommendations. Meeting will be held at the Gardiner Meeting Hall at 7:00 PM.

February 25 – Spaghetti Dinner sponsored by the Gardiner Day Committee. Seatings will be at 5 PM and 7 PM.

September 16 – A reminder that Gardiner Day will be held this date. If interested in volunteering, contact the Town Hall.

RESOLUTION IN SUPPORT OF PINE BUSH SCHOOL FITNESS GRANT APPLICATION

Resolution No. 42 – Offered by Councilwoman Lemmon

WHEREAS the Pine Bush Central School district serves the residents of the Town of Gardiner in the County of Ulster in the State of New York, and

WHEREAS the Board of Education of the Pine Bush Central School District is willing to establish a Community Fitness Facility in the Pine Bush High School for the benefit of its students and other residents through a Continuing Education offering, and

WHEREAS such a facility would increase recreational offerings, and provide health benefits and fitness opportunities for the residents of the school district's seven townships,

BE IT RESOLVED that, pursuant to Article 5-G of the General Municipal Law, the Town of Gardiner will enter into a Cooperative Agreement with the neighboring town boards of Crawford, Mamakating, Montgomery, Mount Hope, Shawangunk, and Wallkill, as well as the Board of Education of the Pine Bush Central School District as the lead applicant and that RoseMarie Stark, Superintendent of Schools, will act as the lead applicant contact person and overseer of the financial and administrative process relating to the grant.

LET IT ALSO BE KNOWN that, in keeping with the grant criteria, the Board of Education of the Pine Bush Central School District has agreed to be responsible for 10 percent of the grant awarded, with such expenses being offset through Continuing Education tuition.

Seconded by Councilwoman Kern and carried.

PUBLIC HEARING CONTINUATION – ZONING REVISION ARR-200 DISTRICT

Attorney David Brennan was present and reviewed the process of adopting the local law for the zoning revision and the negative declaration that was prepared. Mr. Brennan noted that each EAF criteria were discussed at length at previous meetings. It was determined that this action does not have a significant environmental impact.

Marion Kells – Asked how this affects the new zoning laws for the AR-80 district. Cannot stress enough that this ARR-200 law involves the whole town not just the ridge. Supervisor Zatz comment that this was too broad of a question. They haven't even begun discussing the AR-80 district law.

Gale Foster – how does this impact the Planning Board for current subdivisions in the valley? Councilman Bialecki state that this will govern cluster housing throughout the Town.

CLOSE PUBLIC HEARING

On motion of Supervisor Zatz, seconded by Councilman Bialecki and carried, the public hearing was closed at 7:30 PM.

NEGATIVE DECLARATION

Before seeking a motion, Supervisor Zatz asked Councilman Katz and Councilwoman Kern if they read the negative declaration and reviewed the comments and were they comfortable and educated in the information in front of them. Both replied yes. On motion of Councilman Katz, seconded by Councilwoman Kern and carried, the negative declaration was adopted as presented.

ADOPTION OF LOCAL LAW 1-2006 ZONING REVISION ARR-200 DISTRICT

Supervisor Zatz asked Councilman Katz and Councilwoman Kern if they had reviewed the laws, comments and deliberations and were they comfortable with voting on the new law. Both responded with a yes. Councilman Bialecki state that according to the Master Plan he feels the 3 primary goals are met in the new law. Councilman Katz is in favor of the law, but stated that the town should reward landowners for open space. Attorney David Brennan pointed out a typographical error in section 220-13.1(F)(4)(g)[4]. On motion of Councilman Katz, seconded by Councilwoman Kern and carried, authorization was given to change the word greater to less in this section. Supervisor Zatz commented that no law is perfect. He feels this laws exceeds what is best for the Town. Councilwoman Lemmon stated that a law is only as good as those who administer it. Asked the Planning Board and the Zoning Board of Appeals to let the Town Board know of any problems so as to correct it as soon as possible. Supervisor Zatz thanked all who participated on the Zoning Advisory Committee, Councilman Bialecki, Chris Campany, Kathy Hudson, Paul Muessig, Mike Beck, Paul Schwartzberg, Joel Russell and David Brennan.

Resolution No. 43 – Offered by Councilwoman Kern

WHEREAS, the Town Board of the Town of Gardiner is desirous of appropriately planned growth in the Town of Gardiner; and

WHEREAS, the Town of Gardiner has long recognized the unique environmental value of the Shawangunk Ridge and identified its conservation as a high community priority. Both the Master Plan of 1992 and the 2004 Comprehensive Plan call for zoning revisions to increase the protection of the Ridge landscape. These plans have not yet been implemented through local land use regulations, and the ARR-200 zoning is inconsistent with the requirements thereof.

WHEREAS, the Shawangunk Ridge area is comprised of the foothills, slopes, escarpments, and plateau of the Shawangunk Ridge and is contiguous to Minnewaska State Park and Mohonk Preserve. It contains over 10 linear miles of rugged cliff face and talus, 7,500 acres of intact chestnut oak forest, and many habitats of rare and endangered species. The Shawangunk Ridge is internationally recognized for its unique environment and stunning beauty. The primary purpose of these proposed amendments is to protect this area from harmful impacts that would occur under the current ARR-200 district zoning provisions.

WHEREAS, development proposals since the year 2000 have begun to focus on the higher elevations and steeper slopes of the Ridge. The current ARR-200 zone allows residential uses on 5-acre or 2-acre lots throughout the entire zone (depending on soil conditions), while permitting a wide variety of commercial and institutional uses with site plan/special permit review. This zoning has worked as long as development remained small-scale and occurred primarily at the lower elevations. As this area has built out and interest has increased in developing higher up the Ridge, the Town has become increasingly concerned that the current zoning law will not adequately protect the unique environment of the Ridge.

WHEREAS, the Town is also concerned that it cannot adequately provide for fire safety and emergency services to new development in areas that have previously been largely inaccessible. Until the Town Board enacted a moratorium on building permits in the ARR-200 zone, an individual owning a pre-existing lot could have legally constructed a residence on any part of the Ridge escarpment without any analysis of the environmental impacts or public safety implications of the proposed construction.

WHEREAS, in furtherance thereof on December 7, 2004 the Town Board of the Town of Gardiner adopted an update to the Comprehensive Plan; and

WHEREAS, the Town Board had also duly appointed a Zoning Advisory Committee to prepare a proposed zoning amendment for the ARR-200 zoning district; and

WHEREAS, the Town of Gardiner retained a highly qualified consultant to assist with the preparation of the proposed zoning; and

WHEREAS, the Zoning Advisory Committee engaged in an extensive effort to prepare the proposed zoning including holding multiple meeting and considering multiple comments from the public; and

WHEREAS, as a result of the public input and the efforts of the Zoning Advisory Committee a proposed zoning amendment was prepared and submitted for Town Board consideration on or about February 8, 2005; and

WHEREAS, thereafter the Town Board considered the proposed Local law and scheduled a public hearing thereon; and

WHEREAS, thereafter, the Town Board caused to be prepared a Long Environmental Assessment Form, declared itself Lead Agency under the State Environmental Quality Review Act and referred the proposed Local Law to the Town and County Planning Boards; and

WHEREAS, on March 8, 2005 the Town Board caused to be convened a public hearing on this matter and received comment thereon; and

WHEREAS, the public hearing was continued at the March 16, 2005 Town Board meeting and after receiving comment the hearing was closed; and

WHEREAS, thereafter the Town Board met on April 5, 2005 and April 14, 2005 to review and consider the comments received. The Town Board elected to have portions of the local law revised; and

WHEREAS, thereafter, at the May 10, 2005 meeting, a revised local law was introduced and a public hearing scheduled; and

WHEREAS, a public hearing was held on July 6, 2005 and continued at the July 12, 2005, August 9, 2005 and September 12, 2005 Town Board meetings; and

WHEREAS, thereafter the Town Board met to consider the public and other comments; and

WHEREAS, the Town Board of the Town of Gardiner has caused to be prepared a Long Environmental Assessment Form (EAF) pursuant to the mandates of the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617); and

WHEREAS, the Town Board has duly considered the contents of the EAF and completed Parts 2 and 3 thereof; and

WHEREAS, the Town Board has identified the relevant areas of environmental inquiry and taken a hard look at them;

WHEREAS, the Town Board, having reviewed and considered the Long Environmental Assessment Form, directed that a Negative Declaration be prepared for consideration; and

WHEREAS, the Town Board caused certain small changes in the local law to be drafted and, as a result, reconvened the public hearing thereon on December 6 and 13, 2005; and

WHEREAS, the Town Board has thoroughly reviewed the proposed zoning amendment and conducted multiple public hearings thereon; and

WHEREAS, the Town Board of the Town of Gardiner has previously determined that the adoption of this Local Law will not result in any significant adverse environmental impacts; and

WHEREAS, the Town Board has previously adopted a written Negative Declaration under SEQRA and directed the Town's consultant file the same

WHEREAS, the Town Board has caused the local law to be referred to the Town and County Planning Board as well as adjoining municipalities and has considered all comments received therefrom; and

WHEREAS, the proposed action consists of two major amendments to the Town of Gardiner Zoning Law (along with technical changes for cross-referencing), the overall purpose of which is to update and modernize the Town's cluster development provision and to protect the special resources and character of the Shawangunk Ridge area, as provided in the Comprehensive Plan.

WHEREAS, The first of these proposed amendments is the adoption of a new section on "open space development" to replace the existing § 220-12, Cluster Development. The new section replaces the existing section on cluster development, which lacks standards and protective measures for open space. Because it replaces a section that applies town-wide, the new section also applies town-wide and is intended to improve the design of developments throughout the Town of Gardiner, as called for in the Comprehensive Plan.

WHEREAS, The second proposed amendment creates a new section 220-13.1, which contains zoning district regulations for the area designated ARR-200 in the current zoning, encompassing the ridge, escarpment, and foothills. The amendment renames the zone from ARR-200 ("Agricultural-Recreational-Residential") district to SP ("Shawangunk Ridge Protection District") to more accurately indicate the primary purpose of the district, without changing the district's boundaries. The district is divided into three subdistricts, SP-1, SP-2, and SP-3, in ascending order of environmental sensitivity. The regulations in the SP-1 subdistrict are similar to those in the current ARR-200, while the regulations for the other two subdistricts are designed to control development more rigorously at the higher elevations and on the steeper slopes.

WHEREAS, the zoning amendments continue to allow low-density residential uses on the lower elevations of the ridge, while encouraging the protection of the upper elevations and steep slopes. The primary regulatory tools for protecting higher elevation lands are requirements for the clustering of development, lowering allowable densities, limiting non-residential uses on the higher elevations, and the establishment of design standards for construction and development in these areas. Development on lower levels continues to be allowed following the traditional development pattern permitted by the current ARR-200 zoning. NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF GARDINER, ULSTER COUNTY, NEW YORK:

THAT the Local Law, attached hereto and made a part hereof, is hereby adopted by the Town Board of the Town of Gardiner; and

IT IS FURTHER RESOLVED, that the Town's Consultants and the Town Clerk are directed to take such actions as are necessary and appropriate to implement this resolution.
Seconded by Councilman Katz and carried.

ARR-200 MORATORIUM CONCLUSION

On motion of Councilman Bialecki, seconded by Supervisor Zatz and carried, the moratorium in the ARR-200 district will be concluded upon the effective date of the filing of the new zoning law.

SCHEDULE PUBLIC HEARING – THEODORE WRIGHT SPECIAL PERMIT

A public hearing was scheduled for Tuesday February 14th on the application of Theodore Wright to construct a golf course.

SCHEDULE PUBLIC HEARING FOR AR-80 MORATORIUM LOCAL LAW

The Town Board has the revised moratorium law before them. They scheduled a public hearing for Tuesday February 7th. The Town Clerk was instructed to do all the referrals and notices. Board members discussed with Joel Russell, who was present, how to proceed with this zoning revision. They agreed to have Mr. Russell start writing the revision based on his expertise and he suggested developing an outline for the process. The budget was discussed as well as the possibility of broadcasting the meetings on cable to get more participation from the residents.

SCHEDULE PUBLIC HEARING – TRANSITION LOCAL LAW

Supervisor Zatz read the purpose of the law. Board members set a public hearing for Tuesday February 14. The Town Clerk was instructed to do all referrals and notices.

CELL TOWER UPDATE

Councilman Bialecki reviewed the comments received from attorney David Brennan on the Master Management Agreement with JNS Enterprises. Board members agreed to some of the comments and Councilman Bialecki will come back with a revised contract. Councilwoman Kern asked how we audit the profits. The Town proceeds in good faith and we just let the clause and provisions audit the profits.

HAMLET SIDEWALK UPDATE

Councilwoman Lemmon presented a preliminary plan for sidewalks in the hamlet. Board members reviewed the plan. Councilwoman Lemmon proposed doing both sides of the road. Cost to date is \$9,000. Additional costs for engineering is approximately \$24,500. On motion of Councilman Bialecki, seconded by Councilman Katz and carried, authorization was given to accept the Morris Associates proposal contingent upon receiving a detailed scope of services regarding the construction drawings and coordinating and administrating the bid process.

CLAIMS

Some remaining claims from 2005 were approved for payment on motion of Councilman Bialecki, seconded by Councilwoman Lemmon and carried. They are listed on Abstract #14-2005 as follows: General Fund voucher #922-945 \$87,521.19; Highway Fund voucher #330-336 \$4,341.08; Sewer District #1 voucher #75-76 \$1,903.24; Gardiner Light voucher #13 \$239.78; Special Recreation voucher #22 \$1,712.00; Library Fund voucher #136-138 \$542.22; Capital Town Hall voucher #80-81 \$744.36. Claims for January 2006 were approved for payment on motion of Councilwoman Lemmon, seconded by Councilman Bialecki and carried. They are listed on Abstract #1 as follows: General Fund voucher #2-9 \$1,680.25.

BUDGET TRANSFERS & SUPPLEMENTAL APPROPRIATIONS

Resolution No. 44 – Supplemental Appropriation in the Special Recreation Fund – Offered by Councilman Katz

Resolved, pursuant to Section 112, Town Law, the 2006 Annual Budget, Special Recreation Fund, is hereby amended to provide for a supplemental appropriation in the amount of \$1,712.00 in Acct No. 09.06.7110.439 Park Repair and Improvement

Further Resolved, said moneys to be taken from the unexpended balance in the Special Recreation Fund. Seconded by Councilman Bialecki and carried.

Resolution No. 45 – Transfer within Highway Fund - Offered by Councilman Bialecki

Resolved, pursuant to Section 112, Town Law, the 2006 Annual Budget, Highway Fund, is hereby amended to provide for transfers of \$3,165.00 from Acct No. 01.04.5140.400 Misc. Brush & Weeds to Acct No. 01.04.5142.400 Misc. Snow & Ice and \$1,170 from Acct No. 01.04.5140.100 PS Brush & Weeds to Acct No. 01.08.9030.800 Social Security.

Seconded by Councilwoman Lemmon and carried.

Resolution No. 46 – Supplemental Appropriation in the General Fund – Offered by Councilman Bialecki

Resolved, pursuant to Section 112, Town Law, the 2006 Annual Budget, General Fund, is hereby amended to provide for supplemental appropriations in the amount of \$2,566.00 in Acct No.

00.07.8020.404 Planning Board Reimbursement Professional Services and \$2,320.00 in Acct No.
00.01.1440.400 Engineer Technical Review.

Further Resolved, said moneys to be taken from the unexpended balance in the General Fund.
Seconded by Councilman Bialecki and carried.

SOLE ASSESSOR

Supervisor Zatz spoke to Joy Mazzetti with regard to the sole assessor position and about helping out until the assessor situation is resolved. She has expressed an interest in serving as sole assessor and has agreed to help out. Ms Mazzetti sent an e-mail to the Supervisor with salary expectations. He will forward it to all board members.

ADJOURNMENT

On motion of Councilman Bialecki, seconded by Councilman Katz and carried, the meeting was adjourned at 10:00 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk