

March 7, 2006 – Workshop Meeting

The workshop meeting of the Gardiner Town Board met this evening at 7:00 PM at the Gardiner Meeting Hall. Present were Supervisor Zatz, Councilwomen Lemmon and Kern and Councilmen Bialecki and Katz. There were approximately 45± audience members.

ANNOUNCEMENTS

Open Space Meeting – March 20 at 7:00 PM at the Gardiner Meeting Hall.

Pancake Breakfast – Sunday March 26 at the Gardiner Firehouse from 8:00 AM to Noon. Sponsored by the Gardiner Republican Committee.

Library Building Design Review – rescheduled for March 13 7:00 PM at the Gardiner Meeting Hall.

Year of the Library – next scheduled event is March 12 at the Gardiner Firehouse with live Cajun Dancing.

LIBRARY REPORT

Library Board of Trustee Warren Wiegand reported that the fundraising campaign is underway and a \$50,000 anonymous matching gift was received. \$60,000 has been raised with a \$25,000 grant from Senator Bonacic. Total funds to date is \$450,000.

AWARDS CEREMONY

Supervisor Zatz presented 11 awards to various employees, board members and committee members in recognition for each persons service to the Town of Gardiner. Those receiving awards were:

Fred Fischer, Bill Richards, Greg Finger, Minke Kwak, Carmine Mele, Mario Milano, Richard Butler, Barbara Quinn, Laurie Willow, Barry Formisano and Walter Bartsch.

FINANCE COMMITTEE REPORT

Councilman Joe Katz, CPA Lisa Cutten and Warren Weigand reported the review of all the town records and stated that all accounts now reconcile. Town Board members will receive monthly reports on all financials and the bookkeeper will continue to change from a cash basis to an accrual basis. Ms Cutten and bookkeeper Darlene Halstead have done well with reconciling the accounts for 2005. As of January 1, 2006 the following are the unexpended funds for each account: General Fund \$275,500; Highway Fund \$91,500; Sewer District Fund \$18,300; Library Fund \$10,500.

ENVIRONMENTAL CONSERVATION COMMISSION REPORT

Lewis Eisenberg reported that the open space plan is in the early draft stage and the committee is making good progress. Mr. Eisenberg spoke of doing a town wide survey around May, they would then formulate the plan and hold a public hearing. A \$30,000 grant has been awarded to the ECC for this project and \$5,000 from the Greenway may also be a possibility.

Mr. Eisenberg spoke about expanding the ECC from 5 members to 10 members. He urged the Town Board to consider some sort of expansion.

ULSTER COUNTY CHARTER COMMISSION

Gerald Benjamin was present to speak to the Town Board about the proposed changes and actions taken to establish a Charter for Ulster County. Mr. Benjamin reviewed the actions taken to date, such as adopting a resolution recommending a Charter, endorsing districting and election changes, creating a 7 member commission to address legislative districts, create the elective position of County Executive among other changes recommended throughout County departments. The adoption of the Charter will be a referendum in the November election.

Councilwoman Kern arrived at 8:00 PM

PUBLIC HEARING LOCAL LAW – PARKING AMENDMENT 8:05pm

The Town Clerk read the legal notice for the above captioned public hearing. Supervisor Zatz explained the law will further change the parking requirements in the hamlet. He opened the hearing to the public for questions or comments.

Marion Kells – would like an example of this change. Supervisor Zatz gave her an example. There being no further questions or comments, the public hearing was continued to the April 4 meeting, for the Board to receive referral responses from the Ulster County Planning Board and the Town of Gardiner Planning Board.

APPOINTMENT OF ACTING ASSESSOR – JOY MAZZETTI

Resolution No. 52 – Acting Assessor – Joy Mazzetti – Offered by Supervisor Zatz
Resolved, pursuant to Town Law, the Town Board hereby authorizes and consents to the Supervisor's appointment of Joy Mazzetti as Acting Assessor to receive a salary of \$35.00 per hour and to be paid by voucher on a monthly basis and to serve at the pleasure of the Town Board.
Seconded by Councilman Bialecki and carried.

MINUTES

The minutes of January 3, 2006, January 10, 2006 and February 7, 2006 were approved as written on motion of Councilman Bialecki, seconded by Councilwoman Kern and carried.

PLANNING BOARD APPOINTMENTS

On motion of Supervisor Zatz, seconded by Councilwoman Kern and carried, Paul Muessig was appointed to the Planning Board to fill the unexpired term of Mario Milano due to his resignation. Mr. Muessig's term will expire in April 2007.
On motion of Supervisor Zatz, seconded by Councilwoman Kern and carried, James Wild was appointed as alternate to the Planning Board.

PUBLIC HEARING CONTINUATION – TRANSITION LAW

Board members reviewed the recommendations received from the Planning Board and attorney David Brennan. There being no further questions or comments the public hearing was closed at 8:40 PM on motion of Councilman Katz, seconded by Councilwoman Kern and carried.

ADOPT LOCAL LAW #6 – TRANSITION LAW

on motion of Councilman Bialecki, seconded by Councilman Katz and carried, Local Law #6-2006 was approved with the following change: add any application at the beginning of the Section 4 paragraph. **A Local Law** to exempt certain applications from the provisions of Local Law Number 1 of the Year 2006, which amended certain sections of Chapter 220 of the Code of the Town of Gardiner, entitled "Zoning Law of the Town of Gardiner, New York" ("Zoning Law") and certain sections of Chapter 188 of the Code of the Town of Gardiner entitled "Subdivision of Land."

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

SECTION 1. TITLE This local law shall be known as "A Law Exempting Certain Applications from Local Law Number 1 of the Year 2006."

SECTION 2. AUTHORITY This Local Law is enacted pursuant to the authority of Municipal Home Rule Law Section 10, the Town Law, and in accordance with the Zoning Law of the Town of Gardiner, New York - Article XI entitled "Amendments."

SECTION 3. PURPOSE AND FINDINGS The purpose of this local law is to enable proposed development projects which have already received preliminary approval from the Planning Board to be reviewed and approved under the law as it existed prior to the enactment of the zoning and subdivision law amendments contained in Local Law Number 1 of the Year 2006. These amendments created a new

system for approving cluster or “open space” developments throughout the Town and also instituted new rules for the ARR-200 District, renamed “Shawangunk Ridge Preservation District.” Some applicants have relied upon the pre-existing law in preparing subdivision applications and many of their applications have undergone considerable review and analysis. The granting of preliminary plat approval by the Planning Board constitutes an acceptance of the plan as proposed and normally entitles the applicant to continue to develop a final plat in substantial compliance with the preliminary plat for approval by the Planning Board. Without the adoption of this local law, Local Law Number 1 of the Year 2006 would have the effect, in certain cases, of rendering an approved preliminary plat that fully complied with prior law unapprovable under the new law. Therefore, the Town Board wishes to recognize the substantial reliance of applicants who have received preliminary approval, while fulfilling the intent of said new law by requiring applicants who have not received preliminary plat approval to comply with the new zoning and subdivision provisions.

SECTION 4. EFFECT OF THIS LOCAL LAW Any application for subdivision approval which has received preliminary approval as of January 30, 2006, shall not be subject to the provisions of Local Law Number 1 of the Year 2006, and any approval or denial shall be based upon the law as it existed prior to the adoption of said Local Law. Notwithstanding the preceding sentence, an applicant may elect to proceed under the provisions of Local Law Number 1 of the Year 2006 by so indicating in writing to the Planning Board at any time in the course of the application process. If an applicant elects to proceed under the newly enacted Local Law, such applicant shall be required to fully comply with all provisions of said Local Law. The exemption in this local law shall not apply to any subdivision application which has not yet received preliminary plat approval as of January 30, 2006, nor to any application for any other land use permit or approval, including but not limited to building permit, zoning permit, special use permit, or site plan approval.

SECTION 5. VALIDITY If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudicated invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Gardiner hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6. REPEAL All ordinances, local laws and parts thereof that are inconsistent with this Local Law are hereby repealed.

SECTION 7. EFFECTIVE DATE This Local Law shall take effect 20 days after its adoption and upon its filing in the office of the New York State Secretary of State both in accordance with section 27 of the Municipal Home Rule Law.

Councilwoman Lemmon voted nay.

SCHEDULE PUBLIC HEARINGS

A public hearing was scheduled for April 4, 2006 at 7:15 PM with respect to a local law for planning board extensions on conditional approvals.

A second public hearing was scheduled for April 4, 2006 at 7:30 on an application of Youko Yamamoto with respect to opening a noodle shop/restaurant.

ZONING ADVISORY COMMITTEE & DRAFT AR-80 ZONING

Councilman Bialecki reported that Joel Russell has completed the draft AR-80 zoning change which all town board members have for review. He spoke of the Zoning Advisory Committee and stated that Mike Beck, Kathy Hudson, Paul Schwartzberg and he himself are all interested in continuing on the committee. Mr. Bialecki would like to add Don Otis, and Mike Boylan as well and all town board members as ex-officio members. Five new applicants have expressed interest in serving. Interviews

will be conducted on Tuesday March 14 prior to the meeting. Hopes are to have between 9 and 11 members.

OHIOVILLE ACRES AR-80 MORATORIUM APPEAL

Barney Hansen and a representative from Elan Planning & Design were present to begin the process of an appeal against the AR-80 Moratorium. Supervisor Zatz read through the appeal application and Mr. Hansen stated that he would be applying for preliminary approval at the April Planning Board meeting. There was discussion on affordable housing, design guidelines and density calculations. Supervisor Zatz commented that what was really before the Board was to determine a continuation with the project, which will need to be decided with a public hearing. A public hearing was scheduled for April 11, 2006 at 7:15 PM.

ADJOURNMENT

On motion of Councilman Katz, seconded by Councilwoman Kern and carried. The meeting was adjourned at 10:20 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk