

March 13, 2007 – Regular Meeting

The regular meeting of the Gardiner Town Board was held this evening at 7:00 PM. Supervisor Zatz presided with Councilmen Katz & Bialecki and Councilwomen Lemmon & Kern present. Also present were members of the ZBA Ron Cohn, Peter Beuf and Mike Beck. There were approximately 38± audience members.

The Supervisor made several community announcements and called the meeting to order at 7:00 PM.

PUBLIC HEARING CONTINUATION – TODD MATHEWS SPECIAL PERMIT TIMBER HARVESTING

Jude Zicot and Todd Mathews were both present. Corrected applications and maps were given to all Board members. Planning Board Recommendations or comments have not been received to date. Board members stated they would be reluctant to go forth with the special permit without the Planning Boards input. They agreed to close the public hearing on a motion made by Councilman Katz at 7:10 PM. Supervisor Zatz seconded the motion and all voted aye. If they decide to grant the permit they will do so contingent upon the Planning Board's recommendations.

SEQR REVIEW TODD MATHEWS SPECIAL PERMIT

The short form SEQR was reviewed by the Town Board and a negative declaration was determined of no significant environmental impact resulting from this project by motion of Councilman Bialecki, seconded by Councilman Katz and carried.

SPECIAL PERMIT TIMBER HARVESTING – TODD MATHEWS

Resolution No. 61 – Offered by Councilman Bialecki

WHEREAS, Todd Mathews has applied for a Special Use Permit for the operation of timber harvesting in the AR- 80 District in accordance with Section 220-6(H) of the Municipal Code (Zoning), and

WHEREAS, said application proposes the removal of timber on a 96.7 acre parcel fronting on Burnt Meadow Road, and

WHEREAS, the Town Board of the Town of Gardiner held a public hearing on the application on March 6, 2007, and has otherwise conformed to the provisions of the Code, and

WHEREAS, The Town Board has been designated Lead Agency for purposes of SEQR and has filed a Negative Declaration of Environmental Impact dated March 13, 2007, then

RESOLVED, pursuant to Chapter 220 of the Town of Gardiner Municipal Code, the Town Board hereby grants the applicant a Special Permit for timber harvesting in the AR-80 District with the following conditions:

1. contingent on a favorable recommendation from the Town of Gardiner Planning Board.
Seconded by Councilman Katz and carried.

CELL TOWER DISCUSSION

Present for this discussion were Jim Jeffries of JNS Associates and Kevin Brenner from Cell-One. Discussions with Mr. Jeffries and Mr. Brenner included location of the tower, height requirements, as well as discussion with the ZBA and attorney David Brennan about court action, exempting the town from the law, as other towns have done, re-visiting other sites such as the Town Hall and visual impact. After a lengthy discussion Board members agreed to meet with representatives from Verizon at a future meeting. No decisions were made tonight.

CONSERVATION ADVISORY COMMITTEE

Warren Wiegand first spoke about changing the name of the committee from Conservation Advisory Committee to Gardiner Open Space Planning & Finance Committee. All were in agreement. He then

read the committee's mission statement, which included the committee's role and responsibilities, as well as their short and long term goals. The committee would have five to seven members. Mr. Wiegand feels this will be a long hard process. It will not be easy to bring property owners on board with land protection. Board members agreed to advertise for committee members and to send the mission statement to the Planning Board for review. Further discussion was tabled to next month.

HUDSON RIVER VALLEY ESTUARY PROGRAM

Resolution No. 62 - Offered by Supervisor Zatz

That Supervisor Carl Zatz of the Town of Gardiner in cooperation with Supervisor John Valk of the Town of Shawangunk are hereby authorized and directed to administer funds from the Hudson River Estuary Program in accordance with the provisions of the Hudson River Estuary Management Act (ECL 11-0306) of the NYS Department of Environmental Conservation in an amount not to exceed \$30,000, and authorizes the Town of Shawangunk to execute a project agreement with the Hudson River Estuary program for administering the 2006 Hudson River Estuary Grant, contract number C303182.

Seconded by Councilman Katz and carried.

MINUTES

Minutes of December 5 and December 12 were approved as written on motion of Councilman Katz, seconded by Councilwoman Lemmon and carried.

OHIOVILLE ACRES

Supervisor Zatz quickly reviewed the moratorium waiver for Ohioville Acres. Board members discussed the proposed 62 lot two-family subdivision versus the single family homes. Supervisor Zatz presented the Board with a formula allowing for 14 income based homes. Board members discussed this and other options such as creating a "PUD" as a special district. Also discussed were the original moratorium waiver requirements which Councilwoman Kern and Councilman Bialecki were in favor of. Councilwoman Lemmon supported Supervisor Zatz's alternative plan. After a lengthy discussion, attorney David Brennan was instructed to do an outline for a PUD and e-mail it to the Town Board.

ZONING UPDATE

For SEQR purposes a Long Form EAF will need to be completed. Councilwoman Lemmon spoke with Town Planner David Church and he has agreed to do the technical part of the form and attorney David Brennan will complete the Negative Declaration if needed.

SEWER CONTRACT

Board members have reviewed the sewer bed replacement contract with New England Waste Systems. They have agreed to replace the remaining sand beds with reed beds over the next two years with an initial payment due at contract signing and the remaining due in 2008. On motion of Councilman Bialecki, seconded by Councilwoman Kern and carried, the Supervisor was authorized to sign the contract with NEWS.

Councilwoman Kern left the meeting at 10:10 PM

BATTISTOLI ISSUE

Supervisor Zatz stated that the matter of Mr. Battistoli's property on lower Forest Glen Road has been brought back to the Board. A packet of information was given to all Board members for their review. Supervisor Zatz recommended a referral to the Planning Board. He reminded the Board members that the decision about this driveway is not required of the Town Board and they make this decision at their own discretion.

2006 CLAIMS

One remaining voucher for 2006 was approved for payment on motion of Councilwoman Lemmon, seconded by Councilman Bialecki and carried. It is listed on Abstract #15 as follows: General Fund voucher #944 \$6,338.00.

CLAIMS

Claims were approved for payment on motion of Councilwoman Lemmon, seconded by Councilman Bialecki and carried. They are listed on Abstract #2 as follows: General Fund voucher #96-158 \$28,752.98; Highway Fund voucher #19-44 \$12,752.98; Sewer District #1 voucher #6-9 \$1,747.54; Gardiner Light District voucher 2-3 \$588.26; Library Fund voucher #20-32 \$1,688.76; Capital Town Hall voucher #19-49 \$31,685.44.

BUDGET TRANSFERS AND SUPPLEMENTAL APPROPRIATIONS

Resolution No. 63 – Supplemental Appropriation General Fund – Offered by Councilwoman Lemmon Resolved, pursuant to Section 112, Town Law, the 2007 Annual Budget, General Fund, is hereby amended to provide for supplemental appropriations in the amount of \$25.00 in Acct No. 00.01.1330.401 Tax Collector Misc, \$2100.00 in Acct No. 00.01.1620.448 Town Hall Rental and \$2.21 in Acct No. 00.09.9720.701 Debt Service.
Further Resolved, said monies to be taken from the Unexpended Balance in the General Fund. Seconded by Councilman Bialecki and carried.

Resolution No. 64 – Supplemental Appropriation Capital Town Hall Fund – Offered by Councilwoman Lemmon Resolved, pursuant to Section 112, Town Law, the 2007 Annual Budget, Capital Town Hall Fund, is hereby amended to provide for supplemental appropriations in the amount of \$9,175.44 in Acct No. 30.01.1620.402 Town Hall Materials, \$1,505.00 in Acct No. 30.01.1620.403 PS Town Hall GC, \$19,805.00 in Acct No. 30.01.1620.405 Town Hall Other Contractors and \$1,200.00 in Acct No. 30.01.1620.408 Town Hall Refuse..
Further Resolved, said monies to be taken from the Unexpended Balance in the Capital Town Hall Fund. Seconded by Councilman Katz and carried.

ADJOURNMENT

On motion of Councilman Bialecki, seconded by Councilman Katz and carried, the meeting was adjourned at 10:25 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk