

April 4, 2006 – Workshop Meeting

The workshop meeting of the Gardiner Town Board was held this evening at the Gardiner Meeting Hall at 7:00 PM. Present were Supervisor Zatz, Councilwomen Lemmon and Kern and Councilmen Bialecki and Katz. There were approximately 19± audience members.

ANNOUNCEMENTS

Easter Egg Hunt – Saturday April 8 12 Noon sharp at Majestic Memorial Park.

Pancake Breakfast – April 9 at the Gardiner Firehouse from 7 am to 12 Noon. Sponsored by the Gardiner Fire Department.

Gardiner Clean Up Day – April 22 local clean up of the roads in Gardiner. Orange trash bags can be picked up at the Library or the Town Offices. These bags can be brought to the transfer station free of charge up until 3 pm on the clean up day.

Year of the Library Event – April 23 at 4PM at the Gardiner Meeting Hall. Speaker – David Nightingale on the NYC Aqueduct.

ZBA AND ECC POSTIONS

Supervisor Zatz announced positions available on both the Zoning Board of Appeals and on the Environmental Conservation Commission. All interested persons should contact the Supervisor.

HIGHWAY REPORT

Superviosr Zatz thanked Superintendent Haynes for the clean up around the Meeting Hall. Mr. Haynes reported the crew was working on maintenance and cleaning of the equipment specifically the brush chipper and paver. This year paving will be done early due to the cost of materials. The projected increase is between \$4.00 and \$9.00 per ton. An inventory of culverts and roads has been completed. Capital projects for 2006 are Old Ford Road, Lake Road and Great Oak Road. Mr. Haynes informed Board members that the “Welcome” signs would be installed within the next couple of weeks. The traffic speed sign batteries are being charged and decisions will be made for placement in the near future.

There was discussion about the CHiPS money, the municipal parking lot clean up and chip sealing, the Sand Hill Road and Farmers’ Tpke. culvert, Awosting Reserve access parking and a sign for the municipal parking lot.

CELL TOWER UPDATE AND LEAD AGENCY

Jeff Staley of JNS Enterprises was present this evening to kick off the regulatory review for the project. A package for the project was submitted to the town which has the special permit application, the full EAF, visual maps and letter of interest from providers. The Town will coordinate the review, SEQR lead agency and the area variance from the ZBA. The Town will submit as applicants and can be lead agency for the project. On motion of Councilman Bialecki, seconded by Councilwoman Kern and carried, the Town Board declared itself lead agency for the purposes of SEQR. The application will be referred to the Planning Board and the Ulster County Planning Board for lead agency coordination and to the ZBA for an area variance. A public hearing was scheduled for May 9, 2006 at 7:15 PM.

A motion by Councilman Bialecki, seconded by Councilwoman Lemmon and carried, declared the application to be complete with the correction to the application as a Town Board Special Permit application not a Planning Board application. The Board then discussed at great length with audience members the medical ramifications to having a cell tower.

OPEN SPACE FINANCES

Lewis Eisenberg, Chairman of the ECC was present to talk about conservation financing. Trust for Public Land helps small towns organize bond issues. They provide a service to the Town by doing a survey of the residents to determine if they are interested in providing finances for open space. This is done with no obligation or charge to the Town. Approximately 200 residents will be asked to participate in the survey. Tonight Mr. Eisenberg is looking for authorization from the Town Board to allow Trust for Public Land to conduct the survey. A motion was made by Councilwoman Lemmon, seconded by Councilman Bialecki and carried, authorizing the Supervisor to write a letter to Trust for Public Land allowing them to do the survey within the Town.

PUBLIC HEARING – LOCAL LAW – PLANNING BOARD CONDITIONAL APPROVAL EXTENSIONS

The public hearing for the above captioned local law was held at 8:45 PM. The legal notice was read by the Town Clerk and Supervisor Zatz reviewed and explained the purpose of the law. He offered to the public the opportunity for questions or comments. There being none, after a fifteen minute period, Supervisor Zatz entertained a motion by Councilman Katz, seconded by Councilman Bialecki to close the public hearing at 9:00 PM. Motion carried.

ADOPT LOCAL LAW # 7-2006 - PLANNING BOARD CONDITIONAL APPROVAL EXTENSIONS

On motion of Councilman Bialecki, seconded by Councilman Katz and carried, Local Law #7-2006 was approved as follows:

A Local Law to Amend Town of Gardiner Code Section 188-14 C(5) and Section 188-14 D

1. **Town of Gardiner Code Section 188-14 C(5) is amended to read as follows:**
Plats conditionally approved shall not be signed by the authorized officers of the Planning Board until the subdivider has complied with all conditions or modifications of approval. Conditional approval of a final plat shall expire within 360 days after the date of the resolution granting conditional approval unless further extended pursuant to Section 188-14 D below.
2. **Town of Gardiner Code Section 188-14 D is amended to read as follows:**
Conditional Approval: In the event that requirement of Section 188-15 of these regulations or other conditions set forth by the Planning Board are not complete at the time of submission of the final plat, the Planning Board may conditionally approve the final plat. The Owner shall have 360 days to meet the conditions. The Planning Board, for good cause shown, may extend this time for up to 180 additional days, and for good cause shown, may further extend this time for an additional 180 days. Upon satisfaction of these conditions, the plat shall be signed by an authorized officer of the Planning Board.
3. This Local Law is intended to supersede New York Town Law Section 276 7(c).
4. This Local Law shall take effect immediately upon filing same in the office of the Secretary of State of New York.

PUBLIC HEARING CONTINUATION – PARKING AMENDMENT

The Planning Board comments received were read by the Supervisor. Board members decided it would be best to declare Arch Street, going north, a one-way street and Station Square, going south, also one way. Councilman Bialecki stated that he believed that the Planning Board did not understand the purpose of the law and he requested a joint meeting with them to discuss this with them and get them on board administratively. There being no other comments or questions, the public hearing was closed at 9:05 PM on motion of Councilwoman Kern, seconded by Councilwoman Lemmon and carried.

ADOPT LOCAL LAW #8-2006 – PARKING AMENDMENT LAW

On motion of Councilwoman Kern, seconded by Councilman Katz and carried, Local Law #8-2006 was approved as follows:

SECTION 1. TITLE

This local law shall be known as “A Law Further Amending Attachment D of the Zoning Law of the Town of Gardiner.”

SECTION 2. AUTHORITY

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

SECTION 3. PURPOSE AND FINDINGS

This Local Law amends a portion of the Code of the Town of Gardiner, more particularly, Attachment D of Chapter 220 which is entitled “Zoning Law of the Town of Gardiner, New York” (“Zoning Law”). The Town Board previously had determined that a Zoning Law that is comprehensive in nature ensures the protection of and promotes the public health, safety and welfare of the residents of the Town of Gardiner. The Town Board further had determined that the then current Zoning Code, particularly Attachment D thereof, required modification with respect to the spaces required and the requirements for the Hamlet Commerce (“HC”) District. Specifically, the Town Board identified that the then current parking requirements within the HC District restrict commercial uses and are an impediment to providing services to Town residents.

In furtherance thereof, in 2005, the Town Board of the Town of Gardiner adopted Local Law 3 of 2005, which modified certain of the parking requirements, including the parking requirements in the HC zoning district. That zoning revision contained a note which indicated that: “In the HC District, these minimum parking requirements may be waived or modified by the Planning Board if an applicant can demonstrate that the anticipated demand for off-street parking on the premises of the proposed use will be less than required by this Index or upon a showing that adequate on- or off-street parking is available to serve the premises.”

The Town Board intended that the Planning Board should, in most circumstances, be utilizing the waiver provision for projects within the HC District. However, in practice, the Planning Board has been reluctant to utilize the waiver provision apparently reading the term “may” to indicate that the waiver is permissive or otherwise within their discretion and is to be used rarely. By this Local Law the Town Board is modifying the waiver language to change it from permissive to mandatory and thereby requiring the Planning Board to reduce the parking requirements in the HC District upon submission of evidence by the applicant that the demand for parking by the proposed use will be less than that required in Attachment D or upon a showing that adequate on- or off-street parking is available to serve the premises

SECTION 4.

Chapter 220 of the Town Code of the Town of Gardiner is hereby amended as follows: Zoning Code Attachment D is hereby deleted in its entirety and replaced with the revised Attachment D, which is appended hereto.

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 immediately upon the filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

PUBLIC HEARING – SPECIAL PERMIT YOUKO YAMAMOTO

A public hearing was held this evening on an application submitted by Youko Yamamoto to open a Japanese noodle shop/restaurant. The Town Clerk read the legal notice and the hearing was immediately open for questions and comments.

Councilwoman Lemmon – asked Ms Yamamoto if the water issue had been addressed. Has the water been tested. She stated not yet. It will be done in the near future.

Marion Kells – stated that there was a serious salt problem at the intersection where the proposed restaurant is to go.

Board members decided to keep the public hearing opened until next month as they are awaiting responses from both the Ulster County Planning Board and the Town Planning Board.

ENVIRONMENTAL CONSERVATION COMMISSION

A motion was made by Supervisor Zatz, seconded by Councilman Katz and carried to re-appoint the following sitting members of the ECC – Hatti Langsford, Michael Migliore, David Straus and Joseph Hayes – for another two-year term. Chairman Lewis Eisenberg will step down from the commission when his term is up in May. Advertising will take place immediately to fill this vacancy and to recruit additional members. Board members discussed increasing the Commission from five to seven members. Supervisor Zatz will draft a local law for this change.

PRELIMINARY ROAD APPROVAL – RIDGE VIEW SUBDIVISION (LOIS COHN)

Resolution No. 58 – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 184.12 of the Municipal Code (Street Specifications), and upon the written recommendation of the Town Planning Board, the Town Engineer and /or the Town Superintendent of Highways, the Town Board of the Town of Gardiner does hereby approve the Preliminary Street Design and Layout as shown on a map and plan entitled:

Ridge View Subdivision (formerly known as Lois Cohn Subdivision)
known as Drawing No. 3280 dated February 16, 2004

Further Resolved, pursuant to Section 184.13 of the Code, that any subsequent amendment or alteration in the above plans must be approved by action of the Town Board with the exception of additional storm drainage facilities required by the Superintendent.

Seconded by Councilman Bialecki and carried.

DUSINBERRE ROAD NOISE ASSESSMENT

Councilwoman Lemmon has investigated the purchase of a sound meter to measure the alleged noise from the industrial area on Steves Lane. The sound meter is not self calibrating so when it is received by the Town it must be calibrated by the Town and then each year it will be calibrated by the company. Cost for the device is \$2,995.00. Councilman Katz does not believe there is a great deal of noise complaints in the Town and sees no point in purchasing the meter for this one issue. Supervisor Zatz wants a guarantee if the Town makes this investment and no violation is found that this will be the end of the issue. Response was maybe not from the citizens, but probably from the Board. Board members also discussed renting the meter for this one issue or possibly borrowing one from a neighboring Town.

A motion was made by Councilman Bialecki, seconded by Councilman Katz and carried, to move forward with renting the sound monitoring equipment for the Dusinger Road noise complaint, conditional upon Councilman Katz's research into borrowing the equipment from the Town of New Paltz at a lower cost.

GRANT WRITING AGREEMENT

A motion was made by Councilman Bialecki, seconded by Councilwoman Kern and carried, authorizing the Supervisor to sign an agreement with Shingebiss Associates allowing for their services on a per grant basis should the Town elect to apply for grants to fund certain projects.

LIBRARY APPOINTMENT

Councilman Bialecki pointed out the receipt of a letter from the Library board of Trustees requesting the appointment of Doris Chorny as a member. Mr. Bialecki stated that although Mrs. Chorny has been very active with the Town Library, she is not a resident of the Town and he feels it is inappropriate for her to serve on this Board.

LETTER OF THANKS

Councilman Bialecki would like to draft a letter of thanks to Governor Pataki, Commissioner of Parks Bernadette Castro, Senator John Bonacic and others who were involved with the expansion of Minnewaska State Park by the acquisition of Awosting Reserve. Councilwoman Kern and Supervisor Zatz were opposed thanking Sen. Bonacic as they believe he was not involved with the acquisition. Councilman Bialecki however has spoken with others who stated that Sen. Bonacic sat on the Senate Finance Committee and was responsible for overseeing the appropriation of the money and getting it through the State Senate. Councilwoman Kern will confirm this with Trust for Public Land.

ADJOURNMENT

On motion of Councilman Katz, seconded by Councilwoman Lemmon and carried, the meeting was adjourned at 9:53 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk