

April 11, 2006 – Regular Meeting

The regular meeting of the Gardiner Town Board was held this evening at the Gardiner Meeting Hall at 7:00 PM. Supervisor Zatz presided with Councilwomen Lemmon and Kern and Councilmen Bialecki and Katz. Also present was attorney David Brennan. There were approximately 60± audience members in attendance.

ANNOUNCEMENTS

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

Gardiner Fire Department Pancake Breakfast – Sunday April 9 8am to Noon.

Open Space Meeting – Wednesday April 17, 7 PM Gardiner Meeting Hall.

Year of the Library Event - April 23 David Nightingale will speak about the NYC Aqueduct.

Gardiner Clean Up Day – Saturday April 22.

ZONING BOARD OF APPEALS OPENINGS

Supervisor Zatz announced there are two seats available on the Zoning Board of Appeals. Anyone interested should contact him by e-mail.

LIBRARY REPORT

Warren Weigand – announced a meeting for April 13 when the Library will give an update and the architect will present the drawings for the new building. The Library is starting a fund raising campaign with various events and opportunities to donate. Mr. Weigand announced that a \$15,000 donation was received from the Majestic family in memory of Irene Majestic.

Councilman Katz noted that the Library Board of Trustees would like to appoint Doris Chorny to the Board, however Mrs. Chorny's residence is actually in the Town of Shawangunk. Mrs. Chorny is very involved with the Gardiner Library and has been instrumental in planning many events held by the Library. He would like the Board to approve her appointment. No decisions were made.

SUPERVISORS MONTHLY REPORT

The Supervisors report for the month of March was approved as presented on motion of Councilman Katz, seconded by Councilman Bialecki and carried.

CLAIMS

Claims for March 2006 were approved on motion of Councilman Katz, seconded by Councilwoman Kern and carried. They are listed on Abstract #4 as follows: General Fund voucher #151-232 \$42,695.16; Highway Fund voucher #59-85 \$9,373.40; Sewer District #1 voucher #5-10 \$3,537.24; Gardiner Light District voucher #3 \$223.96; Library Fund voucher #20-28 \$1,561.91; Capital Town Hall voucher #7 \$70.00.

BUDGET TRANSFERS AND SUPPLEMENTAL APPROPRIATIONS

Resolution No. 59 – Supplemental Appropriation – Special Recreation Parks – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2006 Annual Budget, Special Recreation Parks Fund, is hereby amended to provide for a supplemental appropriation in the amount of \$3,170.75 in Acct No. 09.06.7110.401 Park Repairs.

Further Resolved, said moneys to be taken from the unexpended balance in the Special Recreation Parks Reserve Fund.

Seconded by Councilwoman Kern and carried.

Resolution No. 60 – Transfer within General Fund – Offered by Councilman Katz
Resolved, pursuant to Section 112, Town Law, the 2006 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$2,041.00 from Acct No. 00.01.1220.105 PS Confidential Secretary to Acct No. 00.01.1220.404 Supervisor Secretary and \$2,281.25 from Acct No. 00.01.1355.101 PS Assessors to Acct No. 00.01.1355.461 Data processing.
Seconded by Councilwoman Kern and carried.

HUDSON VALLEY MATERIALS EXCHANGE

Jill Gruber of Hudson Valley Materials Exchange made a presentation to the Town Board to explain how her company diverts usable materials from the commercial waste stream for use in the community. HVME has received a \$99,000 grant from USDA and will partner with the Town of Gardiner to promote resource conservation. Several activities were proposed – presence at Gardiner Day, a workshop with the summer recreation program, a 3 day residency at the transfer station, possible craft workshops, distribute information through the Town Hall and transfer station and work with office staff to identify and reuse materials. Ms Gruber will be in touch with the Town to begin the programming.

BRUNO BATTISTOLI ISSUE UPDATE

Supervisor Zatz stated that attorney Paul Kellar has recused himself since he represents a neighbor involved with this issue. Attorney David Brennan has taken it over and has submitted a memo with his opinion and several options for the Town Board which Supervisor Zatz read aloud. Some Board members felt it would be best to have the Planning Board review this as it would be done in a way that the Town Board cannot review it. Others thought it best to bring the Forest Glen Road Extension roads to town specs and have them dedicated to the Town for maintenance. Board members made no decisions and agreed to wait until they heard from Mr. Battistoli.

RAIL TRAIL ACQUISITION

Councilman Katz is looking for guidance from the Town Board on how to proceed with the Rail Trail. He feels the trail should be owned by the Town and it would be a great asset to the Town. The Wallkill Valley Rail Trail Association has offered it for sale to the Town at a cost of \$70,000 and will donate \$5,000 towards improvements. Mr. Katz is working on four possible grants – NYS Dept. of Parks and Recreation, Greenway Committee, Senator Bonacic and a Federal Recreation Trail Grant. Councilman Katz proposed requesting a letter of intent to sell from the WVRT, hire Lew Eisenberg to apply for the grants at a cost of \$6,000. On motion of Councilman Bialecki, seconded by Councilwoman Kern and carried Councilman Katz was authorized to pursue the purchase of the Rail Trail and to seek grant funding to help offset the purchase price which is not to exceed \$70,000.

PUBLIC HEARING 8:00 PM - OHIOVILLE ACRES AR-80 MORATORIUM APPEAL

The Town Clerk read the legal notice for this scheduled public hearing. Lisa Nagle of Elan Planning & Design represented Mr. Hansen, owner of Ohioville Acres. Ms Nagle reviewed the timeline and project development to date and quoted the moratorium as saying “the Town Board must find that the variance or waiver will not adversely affect the purpose of the local law, the health, safety or welfare of the Town of Gardiner or any planning being undertaken by the Town”. She is asking the Town Board to allow the project to continue its process with the Planning Board. Supervisor Zatz then allowed for public comment.

Laura Walls – first stated she is the niece of Mr. Hansen. She believes all local communities need to work together on projects like this. She asked for favorable consideration for the project since she considers this as a “smart development”.

Jim Freer – agrees with the development as “smart”. Feels this project is good for the young people in the area and it will allow for them to stay in Town.

Phil Subey – has lived here for 18 years and would not support anything that would hurt the community. This project does not and he supports it fully. The project makes sense.

Ron Schneider – supports the project and the waiver from the moratorium.

Leslie Lefevre-Stratton – asked how many housing units and the acreage distance from the historic site. There are 140 units, 1600 feet from the historic site.

Sandy Levy – lives adjacent to the property in one of the oldest homes in Gardiner. Believes that they are applying for a hardship waiver and that the hardship is a monetary hardship. His personal belief is that it would enhance Gardiner if growth is limited in this area.

Francis Mayle – this is responsible development. The moral thing to do is to continue to work in good faith with Mr. Hansen. He supports the project.

Ray Smith – the Town should decline a hardship waiver.

Dominic Cordisco – attorney for Mr. Hansen. Explained the process of continuing the project. Councilman Bialecki and Mr. Cordisco discussed at length the difference between hardship and exceptions.

Marion Kells – has done the project as requested environmentally. We should not be telling anyone what their profit should be and how much money they can make.

Eric Roth – Huguenot Historical Society. The Society is pleased with the open space between the project and Locust Lawn, however they are concerned with the number of housing units.

David Straus – this is the largest subdivision in Gardiner history. What’s the rush. Project should follow new the zoning law to be implemented. Urges the Town Board to vote against the waiver.

Kathy Hudson – does not feel extraordinary hardship has been demonstrated and spoke about her interpretation of what the Town Board’s and the Planning Board’s intent is with this law and this project. Does not feel that the project won’t go ahead, it just may have to face changing density.

Dominic Cordisco – commented that this was referred to the Planning Board and received a favorable recommendation for the waiver. It is a Town Board discretionary action.

Bill Connor – deserve to have the project continue with the process.

Bill Hess – Mr. Hansen has gone the extra mile on the project as requested. Couldn’t be asking for anything else and the Town should grant the waiver.

Councilman Katz – asked Mr. Hansen if he intends to have deed restrictions on the smaller houses such as no expansion. Also asked if there will be architectural guidelines. The intention is to have 40% with deed restrictions and building guidelines.

Councilwoman Lemmon – Asked about the DEIS. Lisa Nagle is preparing this document but is holding off until the decision is made on the waiver. She reminded the Board that there are 138 units not 140.

Councilwoman Kern – would like to see less expensive houses and more affordable housing. She respectfully requests that Mr. Hansen look seriously at an affordable housing component for this project to benefit the community. She doesn’t agree with the concept of the hardship waiver.

Kathy Hudson – asked the Town Board to consider waiving the environmental process only.

Dominic Cordisco – they are not asking for that. The waiver will allow the SEQR review to continue.

Beth Freer – commented about fair play on a moral level. How can you allow someone to start a project and then change the rules in the middle of the process.

Councilman Bialecki – Believes this is a market rate development not affordable housing. The project does not meet the Master Plan requirements or the moratorium local law. He feels this project jeopardizes the ongoing zoning process and urges the project team to consider the exemption process outlined in the moratorium law. He does not feel a hardship has been demonstrated.

There being no further comments the public hearing was closed at 9:50 PM on motion of Councilman Katz, seconded by Councilwoman Lemmon and carried. Councilman Bialecki and Councilwoman Kern voted nay.

Board members then discussed the project among themselves and were reminded by attorney David Brennan that the decision to be made are to based on facts. Councilman Katz approves of the project. He would like to see deed restrictions on the smaller homes and to meet open space requirements. Councilwoman Kern believes this is the opportunity to get a real guarantee for affordable housing. This is a good project in a lot of ways but it needs affordable housing. We have a responsibility to the community to make this a component of the project. Also has a concern with the habitat areas. Councilwoman Lemmon would like to add conditions to the waiver, for example, deed restrictions, design guidelines, 1200 square foot workforce housing and a guarantee on OSD. Councilman Bialecki would also like to see OSD compliance. A motion was made by Councilman Katz seconded by Councilwoman Lemmon directing attorney David Brennan to prepare a resolution in favor of the waiver with specific conditions as follows: 40% workforce housing, deed restrictions on such residences, design guidelines and comply with Open Space Development requirements. Supervisor Zatz voted aye, while Councilwoman Kern and Councilman Bialecki voted nay. Motion passes. A second motion was made by Councilman Bialecki, seconded by Councilwoman Kern for additional conditions as follows: to include 20% of the housing to comply with affordable housing and density calculations done by a specific formula. Supervisor Zatz, Councilwoman Lemmon and Councilman Katz all voted nay. Motion fails.

ADJOURNMENT

On motion o Councilman Katz, seconded by Councilwoman Lemmon and carried, the meeting was adjourned at 10:55 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk