Town of Gardiner Planning Board
Meeting Minutes
May 27, 2025

Members Attending: Paul Colucci (Chairperson), Ralph Varano (Vice-Chairperson), Rob Boettcher, Rebecca Fullam, Keith Libolt, Marc Moran, Tom Penichter, Ryan Wiley (Alternate)

Also Attending: Andrew Millspaugh, P.E., Victoria Polidoro, Esq.

The meeting began at 7:06 pm.

Old Business:

Tsimoyianis
747 North Mountain Road, Gardiner SBL: 93.1-1-30 Special Permit Extension

T. Penichter asked why the board has to grant an extension to a special permit.

P. Colucci provided a brief history of the project. No changes were proposed. Siting of the homesite in SP-2 was based on the terrain of the parcel. P. Colucci advised the applicant to obtain a building permit within twelve (12) months.

There was no further discussion. **R. Varano motioned to approve Resolution PB 6-2025 to extend the special permit. M. Moran seconded the motion. The board voted unanimously to approve the motion.**

BE Ventures
Every Avenue at 4th Street, Gardiner, NY 12525 SBL: 93.68-3-1 Application for Three Lot Subdivision

Attorneys representing all parties were present; Michael Moriello, Esq., for B. E. Ventures and Chris Coleman, Esq., for Golden Dome Realty.

The applicant was advised again to update plans with the appropriate signature blocks of all parties involved in the application and to submit lot-line revision application from Golden Dome Realty, (Owner of Lightning Express – who is conveying land as part of the subdivision plan). During the discussion it became apparent that the Town of Gardiner will also have to endorse the subdivision out of necessity due to the proposed abandonment of a town future road.

The board reviewed a letter from Tom Harvey – Rennia Design, dated 27 MAY 2025.

Reference was made to the necessity of the town abandoning a road reservation. This will require town board action.

R. Varano asked if the actions can be separated.

V. Polidoro asked M. Moriello to chart the actions required to resolve the issue of the town owned property. P. Colucci wanted the process outlined. P. Colucci asked v. Polidoro to work with A. Millspaugh and P. Kellar.

V. Polidoro advised that the issuance of any building permit should be conditioned upon the removal of the existing foundation.

T. Penichter asked if the Decker property would have any bearing on the application.

P. Colucci wanted to see everything marked out in the field. He proposed curbing and/or rip-rap to prevent truck traffic from using the driveway to the subdivision.

V. Polidoro summarized advice to the board; review of town actions, highway recommendations, SEQRA update and new public hearing. M. Moriello was tasked with charting land conveyances and revisions in a *to-from* format.

Ohioville Acres
South Ohioville Road, Gardiner, SBL: 94.0-1-3

P. Colucci recused from this portion of the meeting and left the room. R. Varano chaired this portion of the meeting.

M. Moriello gave a brief history of the application, EIS process and planned development district (PDD). There are six separate zones of the subdivision. There is a phased development plan. The subdivision will provide its own water and waste treatment facility. There were approvals but the owner never filed the plans with Ulster County.

V. Polidoro asked how this project will be affected by new wetlands jurisdictions.

M. Moran: This will require a new determination.

K. Libolt wanted counsel to prepare a chart of the process. This is essentially a new subdivision plan, however because it is the planned development district (PDD), the site is the same. The board will make new conservation findings. There will be another public hearing.

V. Polidoro agreed. This is a new application but the board is not starting from scratch.

V. Polidoro asked the applicant if there was a party identified to hold the conservation easement.

V. Polidoro was tasked to prepare a memorandum for the board in time the next meeting.

Prior to new business, V. Polidoro advised the board to motion a continuance of the public hearing for the Gunks Court House, LLC site plan application at the 24 June 2025 meeting. **R. Boettcher motioned to continue the public hearing for the Gunks Court House, LLC site plan application at the June 24, 2025 planning board meeting. R. Fullam seconded the motion. The board voted unanimously to approve the motion.**

New Business:

Local Law 3-2025 Referral (BESS Moratorium)

The board reviewed the draft local law and favored a moratorium. Scale, onsite / offsite use, sale, consumption, units, capacity should be defined. The planning board recommends an exclusion based on use and not a specific energy threshold. The planning board supports a moratorium on large-scale systems for the purpose of offsite use, sale, or consumption (i.e. utility scale). The planning board recommends that the moratorium does not apply to small-scale onsite use on individual lots.

K. Libolt motioned to send prepared comments to the town board. M. Moran seconded the motion. The board voted unanimously to approve the motion.

Privilege of the Floor:

Nicole Wistreich, a Gardiner resident, spoke in regard to the proposed three-lot subdivision on Fourth and Every Avenue. Puddles of water form in the vicinity of this area. The puddles freeze in the winter, making it dangerous to drive on the road.

Alyce Dolce, a Gardiner resident, spoke out against any proposed battery energy storage system (BESS) in Gardiner.

Administrative:

The board discussed a draft Owner's Affidavit. V. Polidoro advised that the affidavit in principle, was a good idea. The board did not vote on the matter.

Members discussed the bylaws and appointed positions on the board. **R. Boettcher motioned to appoint R. Varano as vice-chairperson. M. Moran seconded the motion. The board voted unanimously to approve the motion.**

M. Moran motioned to appoint R. Fullam as secretary. T. Penichter seconded the motion. The board voted unanimously to approve the motion.

The clerk was directed to prepare a memorandum of the appointments for the organizational record.

R. Fullam motioned to accept the draft minutes from the April 22, 2025 planning board meeting. R. Varano seconded the motion. The board voted unanimously to approve the motion.

R. Varano motioned to adjourn the planning board meeting. T. Penichter seconded the motion. The board voted unanimously to approve the motion.

Prepared by:

Michael Makely 26JUN2025

Michael Makely Date

Filed:

Julia Hansen 6/26/25

Julia Hansen Date

Town Clerk / Town of Gardiner