Town of Gardiner Planning Board
Meeting Minutes
July 22, 2025

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

Also Attending: Cassondra Britton, Esq., Andrew Millspaugh, P.E.

The meeting began at 7:03 pm. R. Wiley was activated for voting purposes.

Old Business:

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

P. Colucci wanted measures incorporated to the plan that ensured no truck traffic could access the property adjacent to the subdivision. Signs showing *No Outlet* and *No Truck Traffic* were added to the grading and utility plan (sheet 2 of 4). B. Stiscia did not favor the use of rocks however, rocks no less than 16" height are shown lining the access road to the subdivision. C. Carr indicated that without grading, there is an approximate 2-3' elevation difference from the finished road elevation to the subdivision to the gravel parking lot of the trucking company.

C. Britton advised the board to request that all relevant notes are added to the subdivision plan.

P. Colucci suggested adding wooden 8" x 8" guard rail on the south side of the new road.

P. Colucci Asked what the total disturbance would be. 1-1.2 Acres.

C. Carr submitted a SWPPP. Ten year- flood calculations were used.

Andrew Millspaugh asked to see fifty (50) year flood calculations.

P. Colucci read PB Resolution 7-2025 to accept the sketch plan for three-lot subdivision.

R. Fullam motioned to approve the resolution. K. Libolt seconded the motion. The board voted unanimously to approve the motion.

Riverbend – CLI Subdivision
North side of Church Farm Road, Gardiner SBLs: 93.2-2-1.200 and 1.110

The board discussed lead agency status, the lead agency dispute with the Town Board of the Town of Gardiner, options, and a timeline for next-steps. The town board was included as an interested party in a coordinated review solely because of a fifty (50) foot wide road right of way.

In a letter dated July 9, 2025, Supervisor Majestic wrote, *"the Town Board discussed the SEQRA NOTICE TO SERVE AS LEAD AGENCY at our July 8th meeting and a majority of the board was opposed to the planning board being lead agency for the project"*. Carol Richman motioned that the Town Board become lead agency for the Fall Park Blueprint, LLC a/k/a Riverbend – CLI Subdivision Project. Michael Hartner seconded the motion. The motion carried by a vote of 3:2.

Based upon the opposition by an interested party; the Town Board, the matter was placed on the agenda for the planning board to review. Counselor C. Britton advised that the planning board can:

- Retain or withdraw its lead agency declaration.
- Authorize professional consultation between counsel.
- Authorize counsel to petition the NYS DEC for a determination.
- There is a thirty (30) day timeline from 8 JULY 2025. The planning board can continue review of the application but cannot close a public hearing or render a SEQRA determination.

M. Moran added that lead agency is determined early in the SEQRA process with respect to the review of an application. The purpose of this is to either render a negative declaration of environmental impact or a positive declaration of environmental impact. A positive declaration of environmental impact triggers additional requirements such as a draft environmental impact statement (DEIS), scoping, a public comment period, optional public hearing, modifications to the plan, and a final environmental impact statement (FEIS). There are timelines associated with each of the actions. If the planning board is not the lead agency, then the planning board is not reviewing SEQRA.

The Planning Board agreed that it was the most competent and best suited agency to oversee review of the project.

M. Moriello, counsel for the applicant, stated definitively that the planning board should be lead agency on the project.

R. Varano motioned to authorize counsel to engage in professional consultation with counsel for the Town Board, prepare a petition to the Commissioner of the NYS DEC for a lead agency determination, or if necessary, respond to any filed petitions thereof from the Town Board. M. Moran seconded the motion. The board voted unanimously to approve the motion.

Informational:

Voradnik
Corner of Guilford Road and Guilford Schoolhouse Road, Gardiner, NY SBL: 85.4-2-46 Minor Subdivision

The potential applicant proposed a minor subdivision of a 15.7 Acre parcel. The parcel would be subdivided into three conforming lots. The question was asked whether the square footage contained in the "user" road bounding the parcel needed to be subtracted from the overall land calculation. The board offered no definitive answer.

Kwak
240, 242-244 Sand Hill Road, Gardiner, NY SBLs: 100.2-2-57.120 and 100.2-2-57.110

The potential applicant proposed two different plans to subdivide and/or revise lot boundaries. It was noted at the meeting that the approved subdivision map contained a note stating, "No Further Subdivision without increasing road frontage. The board agreed that a note on a filed subdivision map is binding. The board brain-stormed the possibility of achieving some of the goals through lot-line revisions. The board asked that any application should include a formal site plan showing all boundary revisions, proposed homes, ADU's and a conservation analysis.

Privilege of the Floor:

Michael Hartner, Town Board Councilmember, addressed the board to say that he can't speak for the board but can comment for himself. He asserted that there seemed to be a lot of mis-communication and assumptions based on mis-information. And, without getting into any details would ask each of you if you would expect your Town Board members to make decisions on issues before them or force discussions on them when they have unanswered questions. Would you want your Town Board members doing that? I think that you would answer that question no. That is the basis, from my view, where the issue (Riverbend-CLI Lead Agency Dispute) got off track. It's distressing to see comments made about the board (Town Board) when we're all supposed to be working together. It's unfortunate that we're not. It occurred to me that it is the result of a lack of communication and I don't want to get into who or what but we need to improve communications and not accept rumors as truth. There are a lot of assumptions that were made that are incorrect. I think that we need to get past that if we are to work together.

P. Colucci responded first to the councilmember that with respect to information, did you have enough information to declare lead agency?

The councilmember said that he had enough information to make a vote that I didn't want to pass up on the opportunity where I didn't understand all of the facets.

P. Colucci: You don't want to pass up on an opportunity?

M. Hartner: To be lead agency.

P. Colucci: So, did you feel that you had enough information?

M. Hartner: Originally, No.

P. Colucci: So, you are contradicting what you're saying, in that you had enough information to vote but you couldn't make an informed decision because you didn't have all of the information.

M. Hartner: Had I not voted that I way, I would have been passing up the opportunity to take lead agency on the application without having all of the facts.

P. Colucci: Why didn't you table the matter until you had more information?

M. Hartner: I don't remember if that was one of the things that was discussed at the meeting, it might have been. I can tell you that I did ask for the information shortly after getting the paperwork on it.

P. Colucci: How do you feel now about the position that the Town Board is taking no that you will have to be involved with litigation and legal arguments that in my opinion could be worked out without having to be involved legally?

M. Hartner: I think that it is unfortunate that we didn't have the opportunity to get more information before the Town Board meeting.

P. Colucci: Asked the same question differently: how do you feel now that this is going to get drawn into a legal matter? Would you consider reversing the decision that the board made?

M. Hartner: Of course I would consider it, but I am speaking for myself and I am only one of the three members who voted for it. Since I may possibly be in the position of Supervisor come January, I just wanted to express what I think needs to happen.

M. Moran pointed out that all of the information regarding the application was available in the dropbox on the website. The only advantage that the planning board had was an additional informational meeting, of which the audio is available on the website. The Town Board had access to all of the information that the Planning Board had on which to make a determination on who to declare lead agency.

M. Hartner: I looked at the folder but it did not contain all of the information that I was looking for.

K. Libolt: What were the questions?

M. Hartner: Well, I don't think that its appropriate to be talking about that here.

K. Libolt: This is the board.

M. Hartner: Well, I don't want to get too deeply into it. I just want to point out to where I see a problem.

P. Colucci: We had no more information than what you had. And, no disrespect intended, but you're not familiar with how lead agency and SEQRA works. If the Town Board had counsel at the meeting, or the next meeting, it would have benefited everyone. Listening to what you're saying tonight makes me think that you are not saying that you think the planning board is less qualified.

M. Hartner: No, again, it's not about who is more qualified, it's about the process. In the five or so years that I've been observing what goes on with the Town Board, I have never seen an issue come around from the planning board where the Town Board could have had the opportunity to be lead agency. So, I had a variety of questions and I think I emailed you (C. Britton) about how a particular section of the code was about.

C. Britton: I represent the planning board, and although I have experience with these questions, it's not within my retainer to do so.

M. Hartner: So, I'm not criticizing you but I did express some questions, and I had no idea where to go to, but I could hear what other people said at the meeting but I can't represent what they said. So, again you should not want a board to make a decision when they don't have questions answered. That was the situation at the Town Board meeting. And, its distressing to see what that turned into.

M. Moran: Just to be clear, the better of the Town Board asserted that they were better qualified to be lead agency for SEQRA review, that's what the vote was.

M. Hartner: Uh, that's an interpretation.

M. Moran: No, that's how SEQRA works, you accept that another agency becomes lead agency, or you don't take any action which gives that up by default, or you assert that your agency, your board is better at lead agency, which lays the groundwork for a dispute with the commissioner.

M. Hartner: Or, you render a decision that keeps the discussion open because you have questions that haven't been answered. And, had I voted for the planning board to be lead agency, that would have been from lacking information. And, it kept the discussion open.

M. Moran: But that's not what the Town Board did. Let's be honest. The Town Board didn't vote to ask the planning board to postpone its final assertion to be lead agency pending a discussion that the Town Board could better understand. The Town Board asserted to replace the planning board.

M. Hartner: Again, that was the only option.

P. Colucci: I respectfully disagree. You had the opportunity to ask the chairperson (Supervisor Majestic) I, we do not have enough information in front of us, and to table the discussion.

M. Hartner: That's true and I'm not saying I didn't say that.

P. Colucci: I'm not saying that you did. It was just an option.

M. Hartner: Yes, that would have been a good option.

P. Colucci: And then you could have gone out to get more information, like you did tonight. What you heard tonight probably gave you a better understanding of SEQRA, and how the lead agency process works. And, why it works the way it does.

R. Varano: The other two members of the Town Board who have experience with SEQRA voted against this.

P. Colucci: Warren Wiegand, who sat on this board for five or six years, understood the process.

M. Hartner: As a board member, I'm not going to trust what somebody else understands and say I'm going to vote the way they vote because I think they understand it, when I don't.

P. Colucci: I understand.

P. Colucci: But, to a point that you made earlier, we're all neighbors, we all should be working together. And, for you to assert that you are not going to take another board members opinion, who has experience or wisdom. That makes me think that you're not interested in listening to what other people who have experience are saying. Like what M. Moran told you tonight how SEQRA works. And, you're taking that as wisdom and hopefully going home with a better understanding.

R. Varano: You can also research these applications before the meetings. We don't come into these meetings cold. There is plenty of information out there to research. It's all law; state law, town law, the DEC.

M. Hartner: I want to respond to something that Paul said. There are other people with more experience. I wouldn't want that to mean for any board member sitting there or on the Town Board that they say I still have questions about understanding how this works…, well Paul knows how this works so I'm just going to…You don't need five or seven planning board members…you need seven board members to apply their critical thinking skills on every question that comes before them.

R. Varano: I don't thing any board would arrive at a decision if they took that advice.

K. Libolt: Each of us on this board are very different people. I'm being honest to say that I don't have the band-width to spend hours and hours and hours on understanding every part of every

application. I rely on people like M. Moran from their work experience. The same with P. Colucci or R. Fullam.

M. Hartner: if this was to your satisfaction, then I agree with you. But if that doesn't happen then I think that you shouldn't be on the board.

K. Libolt: This board functions very well because I think that each member brings a certain strong suit and we have a common mind to do what best for this town. And, to give the applicant's a fair shake with the code that is written and to provide a balance between the various quirks in the code, and the applicants and property owners have rights. That's why we're here as your board.

P. Colucci: Thank you for your comments.

R. Fullam motioned to accept draft minutes from the June 24, 2025 planning board meeting. R. Wiley seconded the motion. The board voted unanimously to approve the motion.

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

Prepared By:

Michael Makely 27AUG2025

Michael Makely **Date**

Filed:

Nicole Bendell 8/27/25

Nicole Bendell **Date**
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