# Town of Gardiner Planning Board

## Meeting Minutes

## December 16, 2025

**Members Attending: Paul Colucci (Chairperson), Ralph Varano (Vice-Chairperson), Rob Boettcher, Rebecca Fullam, Marc Moran, Tom Penichter**

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

The meeting began at 7:05 pm.

**Public Hearing:**

Lextin Properties, LLC
321 Guilford Road, Gardiner, SBL: 85.4-2-46 Application for Minor Subdivision

P. Colucci read the notice of public hearing (continued).

R. Varano motioned to open the public hearing. M. Moran seconded the motion. The board voted unanimously to approve the motion.

Maury Moscowitz, a Gardiner resident, commented that the revised plan now shows one common driveway to serve three homes. The homes are very close together and it resembles a compound. It looks like there are three homes clustered within five acres instead of one home per five-acre lot.

Matthew Bialecki, a Gardiner resident, asks the board to continue the public hearing. He presented other possibilities for the applicant to consider. He asserted that the plan was a major subdivision, and as such, a *cul-de-sac* should be constructed. If this is not evident, then it's an open space concept, where at least fifty percent of land is constrained for conservation purposes. Applying this formula and factoring in presumed wetlands and floodplain, a two-lot plan would be better.

Emily Troutman, a Gardiner resident, asked the board why the area hasn't been mapped for wetlands.

P. Colucci answered that the land *was* mapped by the engineer using available LIDAR and FEMA Resources. The plan shows topographic data with two-foot contour intervals. GIS maps indicate the presence of informational wetlands nearby. Floodplain data was obtained from FEMA.

Christian Ambrozini, a Gardiner resident, asked when the floodplain was mapped.

P. Colucci: 2009. This is the most recent update.

C. Ambrozini said that the true readings of today's events are very different than in 2009. He asked the board if they understood this.

P. Colucci read the review letter provided by Sterling Environmental Engineering dated December 15, 2025.

R. Boettcher: The common driveway was added based on public feedback on the totality of the project. Keeping three lots, simplified the lot lines.

R. Fullam approved of the changes; the common driveway bridges the compromise between more housing and reduced impact. An "airtight" maintenance agreement is necessary.

R. Varano asked the applicant's engineer to confirm the use of the existing curb cut on Guilford Road.

R. James: Confirmed.

R. James reviewed setbacks and lot locations on the plan.

T. Penichter: The common driveway and proposed home layout shows a thoughtful accommodation of public input.

T. Penichter: Concern remains over potential wetlands. He asked the balance of the board to comment upon when a jurisdictional determination is required.

Andrew Millspaugh advised that the board can always ask for this, however, there are only informational wetlands nearby.

T. Penichter asked what changed with respect to wetland regulations as of January 1, 2025.

C. Britton explained that the new law requires landowners concerned about wetland impact to request a wetland jurisdictional determination made by the NYS DEC. A determination for this proposed three-lot subdivision seems excessive.

T. Penichter: Given public concern, he wanted to see a determination made.

C. Britton: The board has already made a negative declaration on environmental impact. The board could revisit this if it felt necessary.

M. Moran approved of the common driveway. He was concerned that the letter provided by the highway superintendent dated December 16, 2025 read like an approval for a two-lot subdivision. The letter didn't *approve* the revised three-lot plan.

R. Boettcher agreed that the highway superintendent's letter did not specifically approve the three-lot revised plan.

P. Colucci wanted to see a driveway maintenance agreement and a definitive letter from the highway superintendent that approves the common driveway as shown on the three-lot subdivision plan (rev. date 12/5/2025)

P. Colucci requested that Note #5 on the plan that, *"house locations on the plan are generic and may be moved based on location of sewage disposal system design subsequent to soil testing"*, be removed.

P. Colucci asked for building envelopes to be shown on the plan.

C. Britton asked the board what was wanted from the highway superintendent.

T. Penichter: One driveway.

C. Britton advised that the board could wait until the next meeting.

R. Boettcher proposed closing the public hearing and considering a conditioned approval.

R. Fullam asked if the planning board reviewed driveway maintenance agreements.

C. Britton: No, maintenance agreements have third-party enforcement.

M. Moran asked what is required in a maintenance agreement.

C. Britton: All owners have to be notified about the agreement. The agreement has to be filed correctly. The agreement covers access, parking, maintenance, utilities, snow plowing, and drainage.

M. Moran wanted to see a letter from the Highway Superintendent that approved of a common driveway that served three homes.

R. Varano agreed.

T. Penichter had no issues with the driveway. He commented that documents received on the day of the meeting are difficult for the board to consider.

M. Moran explained the new wetlands jurisdictional process again. The USACE is no longer involved with the process. NYS DEC considers jurisdictional determinations upon request.

The proximity to delineated wetlands come into play when requesting determinations. The approximate location of formerly jurisdictional federal wetlands (informational) and floodplain are shown on the plan however no development is planned there.

In this application, Department of Health tests show that the plan *is* acceptable. The applicant made efforts to consider nearby wetlands and floodplain. The planning board has taken these efforts seriously.

Matthew Bialecki, a Gardiner resident, commented that jurisdictional determinations are the law. The wetlands should be re-mapped, and a 500-year flood map should be considered. The driveway plan should show engineering details of construction. He continued to say that the applicant manages short-term rentals and asserted that the applicant could create an eighteen unit short-term rental compound. He requested that short-term rentals be restricted on the plan.

Maury Moscowitz, a Gardiner resident, suggested that a moratorium on this kind of development be considered.

At this point of the meeting P. Colucci restored order to the public hearing. The planning board reviewed this minor, three-lot subdivision plan for over five months. Thorough review of nearby wetlands, floodplain, topography, other potential environmental impacts and public input was considered. A negative declaration was issued. The plan was reviewed in accordance with zoning requirements. The plan meets department of health approval.

**M. Moran motioned to close the public hearing. R. Boettcher seconded the motion. The board voted unanimously to approve the motion.**

**R. Varano motioned to approve PB Resolution 15-2025 to conditionally approve the minor subdivision for Lextin Properties, LLC. He read the resolution as follows:**

WHEREAS, the applicant, Pascal Vohradnik, submitted an application to subdivide an approximately 15.72-acre lot located 321 Guilford Road, Tax Map 85.4-2-46 (the "Property"), into three residential lots intended for residential development (the "Project"); and

WHEREAS, the proposed subdivision is depicted on a final plat entitled, "Preliminary Plat, Subdivision of Lands of Lextin Properties LLC" prepared by A. Diachishin and Associates P.C., dated August 6, 2025, last revised December 5, 2025 (the "Final Plat"); and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form ("EAF") dated August 7, 2025, pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, on August 26, 2025, the Planning Board accepted the sketch plan for the Project pursuant to § 188-12A of the Subdivision Law; and

WHEREAS, on August 26, 2025, the Planning Board classified the Project as an unlisted action under SEQRA; and

WHEREAS, on September 30, 2025, the Planning Board adopted a negative declaration, determining that the Project would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, a subdivision involving less than five lots is exempt from Ulster County Planning Board referral; and

WHEREAS, a duly noticed public hearing was held on October 28, 2025, November 18, 2025, and December 16, 2025, during which all those who wished to speak were heard.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby conditionally approves the Final Plat and authorizes the Chair or his authorized designee to sign the Final Plat after compliance with the following conditions:**

1. **Payment of all fees and escrow.**
2. **Ulster County Department of Health approval of the onsite septic systems.**
3. **Revision of the Final Plat to be labeled as "Final Plat"**
4. **Planning Board Attorney approval of the common driveway maintenance agreement and proof of recordation of same or undertaking from Applicants Attorney promising to record the approved easement after the Final Plat is filed.**
5. **Written approval from the Town of Gardiner Highway Supervisor for the common driveway location.**
6. **Removal of Note 5 from the Final Plat.**

7. **Addition of building envelopes to the Final Plat and addition of a note on the plat stating, "no permanent structures outside building envelope."**

8. **Addition of an updated revision date and description of revisions.**

**R. Fullam seconded the motion. The board voted unanimously to approve the motion. A record of the vote follows:**

| | | | |
|---|---|---|---|
| **_Aye_** | **Paul Colucci, Chairman** | **_Aye_** | **Rebecca Fullam** |
| **_Aye_** | **Ralph Varano, Vice Chairman** | **_Aye_** | **Rob Boettcher** |
| **_Aye_** | **Tom Penichter** | **_Aye_** | **Marc Moran** |
| **_Absent_** | **Keith Libolt** | **_Absent_** | **Ryan Wiley, Alternate** |

*Signed -See Filed Resolution*

**Paul Colucci, Chairperson**

| **Voice Vote** | **Aye-** | **Absent-** | **Nay-** | **Motion Carried/Denied** |
|---|---|---|---|---|
| | **6** | **2** | **0** | **Motion Carried** |

**Old Business:**

Full Circle, LLC
Route 44/55 & Bruynswick Road, Gardiner NY SBL: 93.2-1-46.1 Site Plan Amendment

P. Colucci recused due to financial arrangements. He left the boardroom.

R. Varano conducted this portion of the meeting.

R. Varano asked about landscaping.

M. Moran commented that the view from Bruynswick Road looked like the back of a building instead of the landscape screening shown on the plan. Installing some trees would go a long way to improve the appearance of this and comply with the plan.

Mike Benevento, a representative for Full Circle, agreed. This will be done in the spring of 2026.

Andrew Millspaugh identified that the septic tank location shown on the utility plan would be in conflict with the amended plan.

Mike Benevento explained that the tank was located closer to the building. This was a field change made during construction.

C. Britton advised the board that the UCPB statutorily ran out of time to comment or offer modifications on the referral.

C. Britton was asked to read PB Resolution 16-2025.

WHEREAS, the applicant, Full Circle 44-55 LLC, submitted an application for site plan amendment approval to install a 320 square foot insulated shipping container and update landscaping (the "Project") at the property located at Route 44/55 and Brunswick Road Tax ID 93.2-1-46.100 (the "Property"), in the Hamlet Mixed use District; and

WHEREAS, the Project is depicted on a plan entitled "Site Plan Full Cricle 44-55 LLC" Prepared by Willingham & Towne Engineering dated November 4, 2022, last revised October 10, 2025, Sheets SP-1 – SP-7,SD-1 - SD-3 (the "Site Plan Set"); and

WHEREAS, the Project was referred to the Ulster County Planning Board pursuant to Section 239-m of the General Municipal Law which responded on December 5, 2025, that no decision was made and this was a local determination; and

WHEREAS, on October 28, 2025, the Planning Board waived the public hearing for this Project; and

WHEREAS, pursuant to 6 NYCRR § 617.5(9) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area is a type II action under the State Environmental Quality Review Act.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby approves the Site Plan Set and authorizes the Chair or his authorized designee to sign the Site Plan Set after compliance with the following conditions:

1. Payment of all fees and escrow.

2. Revision of the Site Plan to show an as built depiction including relocation septic tank.

| | | | |
|---|---|---|---|
| **Recused** | **Paul Colucci, Chairman** | **Aye** | **Rebecca Fullam** |
| **Aye** | **Ralph Varano, Vice Chairman** | **Aye** | **Rob Boettcher** |

| | | | |
|---|---|---|---|
| **Aye** | **Tom Penichter** | **Aye** | **Marc Moran** |
| **Absent** | **Keith Libolt** | **Absent** | **Ryan Wiley, Alternate** |

***Signed – See Filed Resolution***

**Ralph Varano, Vice Chairperson**

| **Voice Vote** | **Aye-** | **Absent-** | **Nay-** | **Recused-** | **Motion Carried/Denied** |
|---|---|---|---|---|---|
| | **5** | **2** | **0** | **1** | **Motion Carried** |

BESS Moratorium Extension
Town Board Referral of Draft Local Law 1-2026 to Planning Board

P. Colucci returned to the boardroom to conduct the meeting. He asked for advice from counsel about potential board actions.

C. Britton advised the board that they were free to comment on the draft local law, withhold comment, or issue a letter stating no comment to the town board.

M. Moran asked counsel if withholding comments would imperil the town board's ability to act on the draft local law.

C. Britton: No.

The clerk was directed to write a letter to the town board stating that the planning board had *No Comment* on the proposed draft local law 1-2026.

Fall Park Blueprint, LLC
Major Subdivision - North side of Church Farm Road, Gardiner SBLs: 93.2-2-1.200 and 1.110

There were no plan revisions submitted for this application. The agenda item was added day-of meeting in order to discuss the traffic study that was submitted on December 8, 2025.

P. Colucci asked the applicant if the study was a re-issue of the original study presented in 2022 for the full-scale HEO project.

Andy Willingham, P.E., the engineer for the project, said that base information was collected then but updated for this submission. This traffic study reflects the scope of impact of the revised plan (rev. date 11/11/2025).

M. Moran asked traffic going in both directions from the subdivision (access/egress from Church Farm Road and Steve's Lane) affected the revised traffic study.

Kartik Desai, DA Companies Representative: No. He added that there was statistically negative impact to traffic entering State Route 44/55 from Church Farm Road. The traffic study focused on four intersections: Main Street (Route 44/55) and Church Farm Road, Main Street and Dusinberre Road, Main Street and Sand Hill Road, and Dusinberre Road and Steve's Lane. The study provided a trip generation assessment.

P. Colucci: Proposing one 5,000 sf building on a two-acre lot in the CLI district does not fairly represent the potential for traffic and potential overall impact on existing infrastructure.

K. Desai agreed that the building density proposed in the CLI was less than that permitted by zoning.

P. Colucci urged the developer to pay attention to potential problems that are being proposed. Reduce the number of lots in both the RA District and CLI District. Move proposed buildings in the CLI District farther away from the residential lots in the RA District.

M. Moran suggested reducing the square footage of buildings proposed in the CLI District.

K. Desai envisions live/workspaces for artist-sculptor-hobbyists at the intersection of commercial-residential zoning.

C. Britton advised the board that this should be codified now. Notes and restrictions should be placed on the plan.

Michael Moriello, counsel for the developer, questioned; we have to propose this first?

K. Desai: We voluntarily add covenants?

C. Britton: Outline what your plan is now or update the analysis to accommodate the maximum development permissible by zoning.

T. Penichter respectfully disagreed with the study findings. There will be a lot more traffic than the study indicates. Delivery trucks, fuel suppliers, waste haulers, buses, visitation, *et cetera*, are not reflected in the study.

Andrew Millspaugh recommended that the developer incorporate available UCDOT data. The adequacy sight distance should be incorporated in addition to crash-data.

P. Colucci asked the developer to inquire about possible work that could be done to improve sight distance along the south shoulder of State Route 44/55. The state has right-of-way along the shoulder. Perhaps the abutment could be moved farther from the road.

P. Colucci asked the developer to request an informational presentation from the author of the study, Karl Pehnke, P.E. (Langan Engineering) for the benefit of the board, and the public, at a future meeting.

A. Willingham updated the board about the recent site visit by the Gardiner Environmental Conservation Commission.

K. Desai asked about the requirements in the municipal code to provide inclusionary housing. He questioned whether there was a precedent for payment-in-kind or if off-site homes could be exchanged in order to comply with the zoning requirement.

The board offered no precedents because there weren't any approved major subdivisions that met the requirements for inclusionary housing.[i]

C. Britton advised that these questions are within the purview of the Town Board and not within the planning board's authority.[ii]

K. Desai: This would mean that we have to modify our plan. We have to give money.

M. Moran asked the developer to provide the name and resume of the individual who authored the conservation analysis submitted to the board by Labella Associates.

**Privilege of the Floor:**

No comments were made.

**Administrative:**

**M. Moran motioned to approve the draft minutes from the November 18, 2025 Planning Board Meeting. R. Varano seconded the motion. The board voted unanimously to approve the motion.**

**P. Colucci motioned to adjourn the Planning Board Meeting. R. Boettcher seconded the motion. The board voted unanimously to adjourn the meeting.**

**Prepared By:**

Michael Makely 28JAN2026

**Michael Makely** **Date**

**Filed:**

Julia Hansen 1/28/26

**Julia Hansen** **Date**
**Town Clerk / Town of Gardiner**

Notes

[i] Town of Gardiner Municipal Code. *Inclusionary Housing*. §220-42 A, 2008. Purpose and intent. In furtherance of one of the goals of the Town of Gardiner Comprehensive Plan adopted December 7, 2004, to "provide a diversity of housing types and styles to ensure housing choices for each level of income in the community," the Gardiner Town Board recognizes that people with moderate incomes who live or work in Gardiner lack opportunity to find housing that is affordable to them within Gardiner. The Town Board further recognizes that there is a need to encourage the construction of housing units for rental or sale in the Town of Gardiner that will be affordable to moderate-income residents and/or workers and that these units must remain affordable in perpetuity for the benefit of current and future workers and residents of Gardiner. Eligibility for and occupation of these units will be administered under the authority of the Town Board by a Housing Board, or such other entity as the Town Board may designate to serve as administrator of the inclusionary housing program.

§220-42 D (1), Applicants proposing to develop 10 or more dwelling units over any ten-year period, for sale or rent, on one or more contiguous parcels, are required to set aside at least 10% of all units for the inclusionary housing needs of the Town.

§220-42 D (2), provides an option to this requirement, … An applicant may elect, instead of building some or all of the required inclusionary housing units on-site, to make a monetary payment to the Town of Gardiner Inclusionary Housing Fund.

Its worth noting that the Town of Gardiner does not have an Inclusionary Housing Fund, nor does it have a Housing Administrator.

In §220-42 D (3-7), the code propounds the zoning requirements particular to siting, type and construction such as, §220-42 D (3), … on-site inclusionary housing units shall be physically integrated into the design of the development. Inclusionary housing units shall be constructed to the same quality standards as market-rate units and include a comparable number of bedrooms. The exterior finishes of inclusionary housing units shall be indistinguishable from all other units.

[ii] Subdivision approval is within the purview of the planning board. In regard to the unanswered question as to whether off-site homes could be exchanged in-lieu of meeting the requirements of the code or proposed changes to the code originated by petition, are within the purview of the Town Board.