# Town of Gardiner Planning Board

## Meeting Minutes

## January 27, 2026

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

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

The meeting began at 7:00 pm.

P. Colucci held roll call.

R. Wiley, alternate for the planning board served in place of K. Libolt.

**M. Moran motioned subject to TWL §271 (1)[i] to appoint P. Colucci the Chairperson of the Planning Board due to the inaction of the Town Board to appoint a chairperson at the organizational meeting held on January 6, 2026.[ii] T. Penichter seconded the motion. The board voted 6:0 to approve the motion. P. Colucci abstained.**

M. Moran questioned how long this appointment would be valid.

C. Britton advised the board that it could enter into an attorney-client privileged session *by motion* at the end of the meeting.

Brykill
2079 Bruynswick Road, Gardiner SBL: 100.1-3-28.100 – Lodging / Event Space

P. Colucci read the review letter provided by Sterling Environmental Engineering dated January 26, 2026.

Michael Ellis, the applicant for the project, acknowledged that there are many unanswered questions. He told the board that the DEC visited the site and will confirm findings.

M. Moran agreed that the board should re-circulate a SEQRA Notice of Intent to Serve as Lead Agency to include the latest revisions of the plan (four-acre pond, ground mounted solar, orchard, etc.). A recirculation notice will include the DEC. The DEC is the agency that may have the most jurisdictional authority over the project. A positive declaration of significant environmental impact is a possibility with this plan.[iii]

C. Britton: The disturbed area is tripled. Counsel advised the board that the SEQRA Notice of Intent to serve as lead agency should be recirculated and agreed that the DEC may want to be the lead agency.

T. Penichter asked what is more or less significant impact?

Andrew Millspaugh cited a threshold number for significant soil removal being one thousand (1000) cubic yards. Estimates for the current pond proposal indicate sixty-one thousand (61,000) cubic yards of earth to be excavated and partially redistributed on the property.

C. Britton advised the board that with impact, there has to be mitigation.

Michael Ellis explained that members of his team were meeting with pond designers. The use of a pond liner may be appropriate for this project. Use of a pond liner would necessitate the removal of twenty thousand (20,000) cubic yards of earth versus that of a groundwater-fed pond where sixty-one thousand (61,000) cubic yards would need to be excavated.

**P. Colucci read Resolution PB 01-2026 to recirculate a SEQRA Notice of Intent to serve as lead agency of the Brykill Project:**

WHEREAS, the applicant, Michael Ellis, submitted an application for special use permit approval for the redevelopment of a 58-acre farm estate as a Lodging and Event Facility with associated amenities (the "Project") at the property located at 2079 Bruynswick Road, Gardiner, SBL: 93.3-1-21.170 (the "Property"), in the Residential Agriculture ("RA") Zoning District; and

WHEREAS, a lodging facility is a permitted use in the RA Zoning District subject to special use permit by the Planning Board; and

WHEREAS, the Project is depicted on a plan entitled "Brykill Farms" prepared by Crawford and Associates Engineering and Land Surveying PC., dated October 14, 2025, last revised December 15, 2025 (the "Amended Site Plan"); and

WHEREAS, on October 28, 2025, the Planning Board classified this Project as a Type I action and circulated its intent to serve as lead agency; and

WHEREAS, the applicant has submitted a revised Full Environmental Assessment Form ("EAF") and the Amended Site Plan, pursuant to the State Environmental Quality Review Act ("SEQRA") dated January 13, 2026 which includes the addition of 4-acre pond area; and

WHEREAS, the Brykill Farm is listed on the State and National Register of Historic Places; and

WHEREAS, pursuant to 6 NYCRR § 617.4(9) , any Unlisted action that exceeds 25 percent of any threshold established in this section, occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places is a type I action; and

WHEREAS, the Project proposes 6 acres of disturbance which exceeds 25% of the 10-acre disturbance threshold pursuant to 6 NYCRR § 617.4(6)(i); an

WHEREAS, the Planning Board will continue to serve as lead agency in the review of the Project and seeks to place involved and interested agencies on notice of the amendments to the Project.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby directs its Secretary to provide all involved and interested agencies with a copy of the Amended Site Plan and EAF.**

**M. Moran motioned to approve Resolution PB 01-2026. R. Fullam seconded the motion. The board voted 7:0 to approve the motion.**

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| **Aye** | **P. Colucci** | **Aye** | **R. Varano** | **Aye** | **Rob Boettcher** |
| **Aye** | **R. Fullam** | **Aye** | **M. Moran** | **Aye** | **T. Penichter** |
| **Aye** | **R. Wiley** | | | | |

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

P. Colucci introduced the applicant's team present at the meeting: Andy Willingham, P.E., Kartik Desai, Van Nguyen (D.A.Companies), Karl Pehnke (Langan Engineering), Michael Moriello, Esq.

P. Colucci read the review letter provided by Sterling Environmental Engineering dated January 26, 2026.

The applicant submitted a traffic study on December 8, 2025. Karl Pehnke, author of the study, attended the planning board meeting to answer questions.

Control values for the study were based on data contained in a publication from the Institute of Transportation Engineers (ITE), Trip Generation, 12th Edition for Business Park and Single Family Detached Homes. The study concluded that the project would pose no delays in traffic flow.

The board then considered Sterling's fourth technical comment, "the use of the business park land use code does not seem appropriate for the CLI parcels based on allowable uses. The land use code should anticipate the most intensive use that zoning allows. Alternatively, use restriction language can be proposed for consideration, that limits the intensity to specific uses contemplated by the Traffic Impact Study".

R. Varano suggested that building sizes are discussed. The applicant proposes buildings that are undersized with respect to the maximum allowable density of the CLI District. Without specific restrictions on size or use, a future lot-owner could construct, subject to site plan approval, the maximum size and density permitted in the district.

P. Colucci asked the board to contemplate the sale of all lots to one owner.

Andrew Millspaugh: A consolidated lot would require the owner to come back to the board for approval.

K. Pehnke: if there was one lot, there would be a need to recalculate the trip generation data.

M. Moran: Without maximum density per CLI lot, the board would need to review an ironclad plan with notes and/or restrictions prior to any approval.

T. Penichter wanted a study that addresses the maximum density for the eight proposed lots in the CLI District.

K. Desai: There are many moving parts to the plan. Building square footage does not define or indicate future density outcomes.

M. Moran: The board must address allowable maximums or review voluntary restrictions in the course of their decision making.

C. Britton reminded the board that this is subdivision review. Site plan approval for each lot will be required if and when subdivision approval is granted.

K. Pehnke said, with respect to traffic, the business park model is the best way to assess practical maximums.

T. Penichter: What do restrictions accomplish?

R. Varano: Limiting development.

R. Varano asked K. Pehnke how the traffic analysis adjusts for short intensity / high flow occurrences, i.e. after-school dance classes or martial arts.

K. Pehnke: The Business Park Model covers these types of businesses. He added that this is not a high impact project in terms of traffic. It takes a lot of vehicles to move the impact pointer.

P. Colucci reminded the applicant's consultant that this is a rural road.

K. Pehnke acknowledged the desire to maintain an A or B Level of service (LOS)[iv]

Andrew Millspaugh requested to see truck data included.

R. Varano asked if the level of service on Steve's Lane changes based on the study prepared for the proposed subdivision.

K. Pehnke: No.

M. Moran added that in comments made to the board, the ECC noted that data was collected on a Tuesday in April. Why not on a busy weekend in the summer? Weekend traffic includes many people who are not from the area and may be unfamiliar with the roads.

K. Pehnke agreed to provide data accumulated during the period of July 13-16, 2025 in response to this question.

P. Colucci added that this data will not include school busses.

K. Pehnke agreed to project trip generation data (increases) out through 2028.

With respect to a sight & stopping distance assessment recommended by Sterling Environmental Engineering for the intersection of Church Farm Road and State Route 44/55, K. Pehnke agreed to survey the area to see what is correctable and how improvements could be made.

P. Colucci advised K. Pehnke to locate the Verizon easement in the vicinity of the intersection.

With respect to impacts at the intersection of Phillies Bridge Road and State Route 208, K. Pehnke didn't anticipate impact on traffic.

The board, however, still wanted to see the data.

Andy Willingham agreed to show septic tank locations on the plan.

Andrew Millspaugh requested that fifty (50) and one hundred (100) foot buffers from wetlands are shown on the plan.

Andy Willingham acknowledged comments made by the ECC requesting that the driveways on lots 15, 16, 17, and 18 could be shortened in order to have less disturbance and impervious surface coverage.

K. Desai complained that this is not rational. People may want to do different things, maybe clear their entire lot to plant grass.

Andrew Millspaugh explained, rationally, that a heritage tree map would influence the actual driveway layout.

P. Colucci asked Andy Willingham to prepare a response letter that addresses ECC concerns.

The board had no further comments about the ECC Letter dated December 18, 2025.

Andy Willingham questioned the need to widen the "barbell" road.[v]

P. Colucci: Yes. Increase the buffer between the residential and commercial areas. Remove lots, B and C from the plan. Propose making lots, A and D, one-half acre larger. This will increase the buffer between the residential and commercial areas.

Eliminate two commercial lots from the proposal.

K. Desai: Aren't setbacks enough?

P. Colucci: Encroachment of residential use to the CLI is a problem.

P. Colucci then rephrased the request to propose fewer residential lots, echoing previous meetings where the same advice was offered.

Andy Willingham responded that the zoning code provides setback and buffer requirements.

M. Moran: We're trying to establish a larger buffer between conflicting uses.

T. Penichter agreed. Increase the buffer between the residential and commercial uses.

P. Colucci: You have to understand the problem. Residential use backed up against commercial use causes problems and *vice versa*. You, the applicant, propose a live-work concept in the commercial area. We, the board, are reviewing a subdivision application. None of this is guaranteed after approval.

K. Desai: Rent / Use restrictions?

M. Moriello, counsel for the applicant, suggested that restrictions could be put into the deed.

C. Britton advised the board that voluntary conditions must be reasonably tied to the use of the land.

K. Libolt, via zoom, suggested that the uses could be restricted on Lots, B and C. And, due to the proposed gate separating the commercial and residential areas, there will be no through traffic.

M. Moriello: Uses have to be reasonable. Zoning and SEQRA are different concepts.

P. Colucci: Screening for separation between the residential and commercial areas are not shown on the plan. How will this be accomplished; berms, trees, landscaping?

R. Varano: This is not a site plan review. Restricting use is difficult to accomplish during subdivision review.

P. Colucci asked to see elevations and renderings of proposed commercial buildings.

The board then discussed the possibility of adding conservation easement area in the CLI zoning area in order to increase the separation area between the zones.

C. Britton question whether the "road" separating the zones was paved, and a one hundred (100) foot wooded buffer was required between all structures.[vi]

It was also conceivable that the conservation easement could prohibit building a road.

K. Desai: We'll have to find solutions elsewhere. There will be no other conservation areas.

P. Colucci identified that the same scenario existed along Steve's Lane: a pre-existing road *(read, structure)* thus necessitating another one hundred (100) foot wooded buffer between it and the proposed buildings on lots, G and H.

**M. Moran motioned to authorize C. Britton to prepare and submit a letter to the building inspector / code enforcement officer for a determination about roads-as-structures and associated buffer requirements. T. Penichter seconded the motion. The board voted unanimously to approve the motion.**

M. Moriello asked what else was needed.

C. Britton: Conservation Analysis (referencing the author and resume), map, tree map and annexed map to the conservation easement. Show why the areas in the conservation easement area have the highest conservation value and why the building areas have less conservation value. The applicant should make all claims. The board will make conservation findings.

M. Moran: There is no talk about the production wells found on the property. The conservation analysis should be reflective of the entire property.

M. Moriello proposed that the board consider opening a public comment session in regard to SEQRA, separate from the public hearings required during the subdivision review process.

P. Colucci agreed.

M. Moran wanted to see the final, complete conservation analysis prior to any public comment session.

**M. Moran motioned holding a public comment session at the February 24, 2026 planning board meeting in regard to SEQRA impacts of the project. R. Fullam seconded the motion. The board voted unanimously to approve the motion.**

**Informational:**

Aurora Properties, LLC
129 Milk Street, Gardiner SBL: 93.68-2-20 Upper Floor Apartments in Mixed-Use Building

Salvatore Acampora proposed the idea of converting existing second-floor commercial office space in the Aurora Building to two, two-bedroom apartments.

Andrew Millspaugh: This will require site plan review and be classified as a SEQRA type 2 action.

P. Colucci: Install landscaping in accordance with the plan approved in 2015. Review the luminaire schedule on the plan and correct any deficiencies. Update site plan amendments. Submit applications to Trevor Hults (Building Inspector) and to Tom Harvey, (Rennia Engineering)

**Privilege of the Floor:**

Matthew Bialecki, a Gardiner resident, pleaded with the board to amend approval documents for the Lextin Properties, LLC Minor Subdivision to preclude the ability to construct a "wall of houses" between contiguous lots near 321 Guilford Road. The clustered nature of the building envelopes presented this possibility. M. Bialecki shared a rendering using single level ranch homes as a model to demonstrate the effect. To prevent this, M. Bialecki asked the board to revise the side setback of lot two from thirty (30) to sixty (60) feet.

M. Bialecki asked the board if there was an alternative to the road easement covering all three lots.

C. Britton explained that with respect to the first point, language in the approval prevents any building outside of the building envelope.

**Administrative:**

**M. Moran motioned entering into an attorney-client privileged session with C. Britton for the purpose of obtaining legal advice. R. Fullam seconded the motion. The board voted unanimously to approve the motion.**

No public business was conducted following the attorney-client privileged session.

**R. Varano motioned to adjourn the meeting. R. Fullam seconded the motion. The board voted unanimously to approve the motion.**

**M. Moran motioned to approve the draft minutes from the December 16, 2025 Planning Board Meeting. R. Fullam seconded the motion. The board voted unanimously to approve the motion.**

**R. Varano motioned to adjourn the Planning Board Meeting. R. Fullam seconded the motion. The board voted unanimously to adjourn the meeting.**

**Prepared By:**

Michael Makely 28 JAN 2026

**Michael Makely** **Date**

**Filed:**

Julia Hansen 1/28/26

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

Notes

[i] TWL §271. Planning board, creation, appointment. 1. Authorization. The town board of each town is hereby authorized by local law or ordinance, to create a planning board consisting of five or seven members and shall, by resolution, appoint the members of such board and designate the chairperson thereof. In the absence of a chairperson the planning board may designate a member to serve as chairperson. The town board may, as part of the local law or ordinance creating said planning board, provide for the compensation of planning board members.

[ii] Town of Gardiner Municipal Code §187-7 A. At its annual organizational meeting, or as a vacancy may occur, the Town Board shall designate a member of the Planning Board to act as Chair thereof.

[iii] NYSDEC. The SEQR Handbook. 4th edition. 2020. Pg. 86. A positive declaration is a determination by the lead agency that an action may result in one or more significant environmental impacts and so will require an EIS before agency decisions may be made regarding the action. The positive declaration starts the EIS process.

[iv] Penke, Viloria. Traffic Impact Study. Langan Engineering. 2025. Level of Service (LOS) is the term used to denote different operating conditions that occur on a given road segment under various traffic volume demands. LOS is a qualitative measure that considers a number of factors including road geometry, speed, travel delay and freedom to maneuver. LOS designations range from A to F and provide an index of operational qualities of a road segment or an intersection. LOS A represents the best operating conditions; LOS F represents the worst.

LOS designations are reported differently for signalized and unsignalized intersections. For signalized intersections, the analysis considers the operation of all traffic entering the intersection. For unsignalized intersections, the analysis considers the operation of all movements that conflict with other movements, such as main-line left turns and traffic exiting a side street. The evaluation criteria used to analyze the study area intersections are based on the Highway Capacity Manual (HCM), published by the Transportation Research Board and the latest version of the Synchro software.
The HCM defines LOS for unsignalized intersections as follows:
**LOS Delay Range (sec/vehicle)**
A ≤10 sec
B >10 and £15 sec
C >15 and £25 sec
D >25 and £35 sec
E >35 and £50 sec
F >50 sec

[v] The "Barbell" (road) is not a road, rather, it refers to the shape of the conservation area, which contains a trail that separates residential area lots 11 and 14, from commercial lots, B and C.

[vi] The discussion touched upon whether a road is a structure. A specific determination by the building inspector was required.