Town of Gardiner Planning Board

Meeting Minutes

March 24, 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 7:04 pm.

P. Colucci held roll call. Ryan Wiley, (alternate) was activated for voting purposes.

Public Hearing:

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

P. Colucci read the Public Hearing Notice.

R. Varano motioned to open the Public Hearing. R. Fullam seconded the motion. The board voted unanimously to approve the motion.

R. Varano read the review letter provided by Sterling Environmental Engineering dated March 23, 2026.

The board had no additional comments. There were no public comments.

M. Moran motioned to close the Public Hearing. R. Wiley seconded the motion. The board voted unanimously to approve the motion.

P. Colucci noted that the road shown on the subdivision plan was designed to meet driveway specifications. The plan needed to be revised to show town road specifications.

R. Varano read Resolution PB 03-2026, to approve final plat, dated March 24, 2026,

WHEREAS, the applicant, B.E. Venture Capital Inc., has submitted an application to subdivide an approximately 1.64-acre lot located at the intersection of Every Avenue and Fourth Street, identified as Tax Parcel No. 93.68-3-1 (the "Property") into three residential lots intended for residential development (the "Project"); and

WHEREAS, the Project further involves the abandonment of a portion of a paper road and the construction of an approximately 230 ft. public road; and

WHEREAS, the proposed subdivision is depicted on a subdivision plat entitled, "Final Plat Showing the 3-Lot Subdivision Plan for the Lands of B.E. Venture Capital Inc." prepared by Medenbach, Eggers & Carr dated March 9, 2026 Sheets SP-1, GP-1, D-1, D-2 (the "Final Plat); and

WHEREAS, on March 19, 2021, the Planning Board classified the proposed 3-lot subdivision as an Unlisted Action in accordance with the State Environmental Quality Review Act ("SEQRA") and declared its intent to serve as Lead Agency in an uncoordinated review of the Project; and

WHEREAS, on April 27, 2021, the Planning Board reviewed Part II of the EAF and issued a Negative Declaration for the Project; and

WHEREAS, the applicant has submitted an updated Short Environmental Assessment Form ("EAF") dated June 16, 2025, to include Project changes including the abandonment of the paper road and expansion of the Town road; and

WHEREAS, on June 25, 2025, the Planning Board reopened SEQRA, classified the amended Project as an unlisted action, and circulated notice of its intent to serve as lead agency in a coordinated review of the amended Project; and

WHEREAS, on February 24, 2026, the Planning Board Reaffirmed its Negative Declaration for the Project; and

WHEREAS, on July 22, 2025, the Planning Board accepted the sketch plan for the Project pursuant to § 188-12A of the Subdivision Law; and

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

WHEREAS, pursuant to Section 188-22 of the Subdivision Law, before the Planning Board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by the Planning Board, a park or parks suitably located for playground and other recreational purposes; and

WHEREAS, such land for parks and other recreational purposes may not be required until the Planning Board makes a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town; and

WHEREAS, a duly noticed public hearing was held on the Final Plat on March 24, 2026 during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board finds that a proper case exists for requiring parks and playgrounds to be suitably located on the plat and that a park of adequate size cannot be located on the site and the applicant shall be required to pay a fee for each new lot as set forth in the Town's Fee Schedule to be deposited into the Town Recreation Fund.

BE IT FURTHER 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. Approval by Planning Board Attorney and Town Attorney of a 20' drainage easement over Lot 3 and portions of the road in favor of the Town of Gardiner and proof of recordation of the approved drainage easements with the Ulster County Clerk or an undertaking from the applicant's attorney to record such easements within one week after the Final Plat is filed with the Ulster County Clerk.

3. Approval by Planning Board Attorney and Town Attorney of an Offer of Cession for the proposed roadway, along with a title insurance policy confirming that fee ownership can be conveyed to the Town and insuring the Town's interest in the roadway, and proof of recordation of the approved Offer of Cession with the Ulster County Clerk or an undertaking from the applicant's attorney to record such Offer of Cession within one week after the Final Plat is filed with the Ulster County Clerk.

4. Approval by the Town Board of a performance guaranty in an amount approved by the Town Engineer and Planning Board in form, substance and manner of execution acceptable to the Town Attorney.

5. Payment of $3200 into the Town Recreation Trust Fund.

6. Revision of the Final Plat to include final road specifications per Town Code to the satisfaction of the Town Engineer.

BE IT FURTHER RESOLVED, prior to the Zoning Administrator authorizing issuance of a building permit or the issuance of a building permit by any agent of the Town for construction on any lot created or modified by this Final Plat, the applicant must receive Town of Gardiner Engineer approval of a sewer connection application for that lot.

T. Penichter seconded the motion. The board voted unanimously to approve the motion. A record of the vote follows:

Paul Colucci, Chairman	**Aye**	**Rob Boettcher**	**Aye**
Ralph Varano, Vice Chairman	**Aye**	**Rebecca Fullam**	**Aye**
Tom Penichter	**Aye**	**Ryan Wiley**	**Aye**
Marc Moran	**Aye**	**Keith Libolt**	**Absent**

Public Comment Session :

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

P. Colucci read the Public Hearing Notice. The Public Hearing was continued from the February 24, 2026 meeting.

R. Varano read a letter from the Highway Superintendent, dated March 20, 2026.

M. Moran confirmed that the road separating the hammerhead turnaround in the CLI District from the road in the RA District was 200' long, and unpaved. The plan showed a gate to be used by emergency service vehicles only.

C. Britton clarified that the Highway Superintendent requested that the Town have a future road reservation for the purpose of emergency service access and to improve or maintain as needed.

Andrew Millspaugh recommended that there should be appropriate signage.

P. Colucci spoke briefly about a potential town plan to rezone a portion of the CLI District to residential. The town could rezone areas of its own volition or be petitioned by a developer.

Kartik Desai: This is unexpected. There would be a lot to consider. He did not want to "fund" this action, however; if the town rezoned, he could be open to the idea.

P. Colucci questioned whether this would be an example of segmentation if the CLI portion of the project were removed from the subdivision application.

C. Britton began to explain a concept known as permissive segmentation to K. Desai.

P. Colucci recommended that, in fairness, attorneys should be present for both parties.

P. Colucci announced that the April 28, 2026 meeting will be rescheduled to April 21, 2026. This meeting will begin as a joint session at 6:00 pm with the town board for purposes of identifying potential SEQRA impact of the Fall Park Subdivision Project. The regular meeting of the planning board would commence at 7:00 pm.

M. Moran motioned to extend the SEQRA Public Comment Session on the Fall Park Subdivision to the meeting on April 21, 2026. R. Boettcher seconded the motion. The board voted unanimously to approve the motion.

Old Business:

Richards
513 South Mountain Road, Gardiner, SBL: 92.4-2-26 Special Permit Application

P. Colucci read the review letter provided by Sterling Environmental Engineering dated March 23, 2026. All points of the memo were revied by the board.

Andrew Millspaugh clarified that the existing art studio was being converted to an accessory dwelling unit (ADU).

Andrew Millspaugh requested that the existing septic system be shown on the plan.

C. Britton advised that the board should refer the application to the Environmental Conservation Commission (ECC) for comments.

R. Varano read Resolution PB 04-2026, to refer the application to the ECC:

WHEREAS, the applicant, Joeseph Richards, submitted an application for special permit approval to convert an existing art studio to an 800-foot Accessory Dwelling Unit (the Project") on the Property located at 513 South Mountain Road, Gardiner, NY, Tax Map # 92.4-2-26 (the "Property"); and

WHEREAS, the Project is depicted on a plan entitled, "513 South Mountain Road, Gardiner, NY," prepared by Miles Land Surveying dated June 12, 2025 (the "Site Plan");and

WHEREAS, pursuant to Town of Gardiner Code Section 220-16 applications in the Shawangunk Ridge Protection District ("SP") must be referred to Environmental Conservation Commission.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby refers the Project to the Environmental Conservation Commission.

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

Paul Colucci, Chairman	**Aye**	**Rob Boettcher**	**Aye**
Ralph Varano, Vice Chairman	**Aye**	**Rebecca Fullam**	**Aye**
Tom Penichter	**Aye**	**Ryan Wiley**	**Aye**
Marc Moran	**Aye**	**Keith Libolt**	**Absent**

R. Fullam motioned to schedule a Public Hearing for April 21, 2026. M. Moran seconded the motion. The board voted unanimously to approve the motion.

Rosenbloom
Northwest corner of Hasbrouck Road and State Route 299, Gardiner SBL: 85.4-1-10 Application

There was no review letter prepared by Sterling Environmental Engineering.

R. Fullam asked if there was a NYS DEC Wetland Delineation performed. This would be helpful in light of not having a conservation analysis.

Andrew Millspaugh clarified that there were no informational wetlands shown on the parcel. This would be a desk review of the same information that is publicly available.

M. Moran agreed with R. Fullam that a jurisdictional delineation would be useful in light of the *lowest feasible elevation* requirement[i].

R. Fullam:§220-16 F (1) (c)[ii] conflicts with other portions of the code.

C. Britton advised that the code needs to be read in order.

C. Britton confirmed that the *lowest feasible elevation* requirement applies and that additional findings may be required.

R. Varano commented that the driveway on lot #1 should be moved.

P. Colucci directed the clerk to refer the plan to the Highway Superintendent and set up a site visit specifically to look at the driveway entrances.

T. Penichter commented that houses sited close to Hasbrouck Road will have shorter driveways and be less impactful, especially on lots #2 and 3.

R. Varano asked how the building envelopes would be defined on this application.

C. Britton advised that these are defined in §220-16.

R. Wiley commented that the plan, as shown, provides less visual impact, and will be seen to a lesser extent from the ridge.

P. Colucci: Colors will be an important consideration. The planning board can dictate building and roof colors based on the viewshed.

Jamie Corts, a representative for the applicant, agreed that muting colors may be more effective than moving houses on the plan.

M. Moran expressed concerns about the 12-20% slopes on the property. The houses are sited near the highest points of the lot, and they will be visible from the ridge.

T. Penichter commented that there are some significant trees that will be impacted by the project.

P. Colucci asked the applicant's engineer to identify all mature and significant trees on the property.

M. Moran asked whether the board should refer the plan to the ECC since no conservation analysis is required.

R. Wiley: The tree inventory should be taken and the data shown on the plan prior to a referral to the ECC.

M. Moran added that without a conservation analysis, the ECC won't have much to work with.

C. Britton advised the board that building envelopes should be shown on the plan.

R. Wiley added that language about building and roof colors should be added to the plan.

The board then briefly discussed whether there were any wetlands on the property. There are no wetlands on the property.

New Business:

Nilsen
184 Forest Glen Road, Gardiner SBL: 93.8-2-53 & 309 Forest Glen Road, Gardiner SBL: 93.8-2-30 Application for Lot-Line Revision

Patti Brooks, L.S., representative for the applicants, introduced the project. The proposed lot-line revision would *reduce* the non-conformance of SBL: 93.8-2-53.

R. Varano noted that adjusting the proposed line to allow 68' more frontage on SBL: 93.8-2-53 would make it a conforming lot and would not change the conforming status of SBL: 93.8-2-30.

C. Britton advised that "paper roads" should be shown on the plan.

There was a brief discussion of whether there were deeded or proscriptive easements over the driveway.

C. Britton advised that there should be plat notes to indicate that access over the driveway was established by proscriptive easement.

R. Varano identified errors to the bulk table.

R Varano read the letter prepared by the building inspector, dated March 23, 2026, into the record.

R. Varano read the letter provided by Sterling Environmental Engineering dated March 23, 2026.

T. Penichter motioned to establish an escrow account in the amount of $4,000.00 with a minimum threshold amount of $1,000.00. R. Wiley seconded the motion. The board voted unanimously to approve the motion.

Informational:

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

The applicant was granted a one year extension to the special permit on May 27, 2026. A second extension was requested.

C. Britton was directed to prepare a draft resolution for the April 21, 2026 planning board meeting.

Privilege of the Floor:

Michael Ellis, Applicant for the Brykill, addressed the board via zoom to request the determination by the building inspector for the Brykill Project. The determination was not available.

There were no other public comments made.

Administrative :

M. Moran motioned to approve the draft minutes from the February 24, 2026 planning board meeting. T. Penichter seconded the motion. The board voted unanimously to approve the motion.

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

Prepared By:

MMakely 23APR2026

Michael Makely **Date**

Filed:

Nicole Bendell 4-23-26

Nicole Bendell **Date**
Deputy Town Clerk / Town of Gardiner

[i] Refer to §220-16 F (1) (b)
[ii] Requirement for conservation analysis