

March 1, 2022 – Workshop Meeting

The workshop meeting of the Gardiner Town Board was held this evening at 7 PM. This meeting was conducted on Zoom as a virtual meeting. Present were Supervisor Majestic, Councilmembers Carucci, Richman, Walls & Wiegand. There were approximately 28± audience members.

Supervisor Majestic asked all to observe a moment of silence for the country of Ukraine.

VACANCIES

The Town has several vacancies. They are seeking a Planning Board member, a Board of Assessment Review member, a Planning/ZBA Clerk and a part-time Building Inspector.

HYBRID MEETINGS

Effective March 16, town meetings will return to in person meetings.

SHORT-TERM RENTALS

Supervisor Majestic announced that the short-term rental law needs to be re-visited and has pulled it from next week's agenda.

TREES FOR TRIBS

Councilmember Carucci stated that last year 300 trees were planted at the transfer station trail property. This year they would like to get 350 trees for planting to continue from the end of last year's planting. A motion was made by Councilmember Walls, seconded by Councilmember Richman and carried, authorizing Supervisor Majestic to sign the agreement for the purchase of the trees.

EXECUTIVE SESSION

Councilmember Richman has requested that an executive session be scheduled for next week's meeting with respect to Awosting Club and the memo regarding the Alexander property. After some discussion Board members chose not to schedule an executive session.

CONSERVATION EASEMENT MONITORING

Open Space Commission members Laura Rose & Jean McGrane presented to the Board their recommendation for the conservation easement monitoring. Quotes were received from Wallkill Valley Land Trust and Kelly Morris. They are recommending Wallkill Valley Land Trust. On motion of Supervisor Majestic, seconded by Councilmember Richman and carried, the Board agreed to the recommendation to engage the services of Wallkill Valley Land Trust for the monitoring of the conservation easements located here in the Town of Gardiner.

ICLEI MEMBERSHIP

Mark Varian is requesting from the Town Board to renew the Town's membership in the International Council for Local Environmental Initiatives (ICLEI) for 2022 and 2023. Cost for the 2 yr. membership is \$1,080. Membership in the ICLEI allows for accessibility to education and tools for Climate Smart municipalities. On motion of Councilmember Walls, seconded by Councilmember Carucci and carried, the Supervisor was authorized to renewing the membership for 2 yrs. at a cost of \$1,080.

SPECIAL MEETING – LAZY RIVER CAMPGROUND FLOATING DISTRICT

On motion of Councilmember Wiegand, seconded by Councilmember Carucci and carried, the Town Board scheduled a special meeting for the discussion of the Lazy River Campground Floating District application for Tuesday March 15 at 7 PM.

SEWER DISTRICT REPAIR

On motion of Councilmember Walls, seconded by Councilmember Wiegand and carried, the Supervisor was authorized to engage with Pitingaro & Doetsch to prepare the bid documents for the repair work for the sewer district to include manhole repair, septic tank risers and sewer pipe repairs. Cost for the engineering on this phase is \$43,665.

WIRELESS EDGE APPLICATION

The Town Board is in receipt of a special permit application to construct a wireless telecommunication tower to be located at the highway garage property on South Mountain Rd. Wireless Edge attorney Robert Gaudio spoke on the timeline of this project beginning in 2010 to present and what has been completed to date. Board members discussed hiring an independent radio frequency engineer to report on the coverage this tower may provide to the Town. Board members will obtain recommendations of engineers from the attorney representing the Town. There may be feasible alternatives to this tower. Board members would also like an additional balloon test to include a report from the top of the ridge. This was agreed upon with Wireless Edge and scheduled for March 26. The two (2) following resolution were adopted by the Town Board

Resolution No. 82 - Authorizing the Supervisor to Execute the Tolling Agreement Wireless Edge Tower - Offered by Councilmember Wiegand

WHEREAS, the applicant, Wireless Edge Towers II, LLC, has submitted an application for site plan and special use permit approval to construct an approximately 110-foot-tall wireless telecommunications facility tower (120 feet with a municipal antenna) on property owned by the Town of Gardiner located at 630 South Mountain Road, identified as SBL 93.3-1-27 (the “Property”), in the RA Zoning District (the “Project”); and

WHEREAS, pursuant to Section 220-46A(2) and B(3) of the Zoning Law, a major wireless telecommunications facility tower requires special use permit approval from the Town Board and site plan approval from the Planning Board; and

WHEREAS, Federal Law requires that an application to authorize the installation of a WTF must be acted upon “in a reasonable period of time.” 47 U.S.C. § 332(c)(7)(B)(ii); and

WHEREAS, by Declaratory Ruling dated November 18, 2009 (WT Docket No. 08-165, 24 F.C.C.R 13994) the Federal Communications Commission established that 150 days is the reasonable period of time for processing an application for a new tower; and

WHEREAS, the Town of Gardiner needs additional time to process the applications for the Project; and

WHEREAS, the applicant has proposed an agreement to toll the shot clock to June 17, 2022 (the “Tolling Agreement”).

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute the Tolling Agreement, a copy of which is on file with the Town Clerk, extending the time for the Town to review the application to June 17, 2022.

Seconded by Councilmember Walls and carried.

Resolution No. 83 - Requiring A Supplemental Balloon Test Wireless Edge Tower - Offered by Councilmember Walls

WHEREAS, the applicant, Wireless Edge Towers II, LLC, has submitted an application for site plan and special use permit approval to construct an approximately 110-foot tall wireless telecommunications facility tower (120 feet with a municipal antenna) on property owned by the Town of Gardiner located at 630 South Mountain Road, identified as SBL 93.3-1-27 (the “Property”), in the RA Zoning District (the “Project”); and

WHEREAS, pursuant to Section 220-46A(2) and B(3) of the Zoning Law, a major wireless telecommunications facility tower requires special use permit approval from the Town Board and site plan approval from the Planning Board; and

WHEREAS, pursuant to Section 220-46B(a) of the Zoning Law, the Town Board may require that a balloon test be conducted to assess the visual impact of the Project; and

WHEREAS, although the Planning Board conducted a balloon test on November 13, 2021, there are additional viewpoints that may be impacted by the Project that the Town Board would like to assess.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby directs the applicant to conduct a supplemental balloon test in accordance with the requirements in Section 220-46B(4)(a) of the Zoning Law, with the understanding that the balloon test will last for four hours instead of eight.

Seconded by Councilmember Wiegand and carried.

COMPREHENSIVE PLAN

Board members briefly discussed the vision statement, the Stretch Energy Code, Parks & Rec and including the word biodiversity in the plan. A public hearing was scheduled for April 12, 2022 at 7 PM for the Comprehensive Plan according to the following resolution:

Resolution No. 84 - Comprehensive Plan Update Adoption - Offered by Councilmember Walls

WHEREAS, the Town of Gardiner Town Board (Town) seeks to adopt an update to the Town of Gardiner Comprehensive Plan (Action); and,

WHEREAS, the Town has prepared a Final Draft Comprehensive Plan Update which is posted on the Town website and is available for review at the Town Clerk’s office; and,

WHEREAS, the Town has completed Parts 1 & 2 of a Full Environmental Assessment Form related to this proposed Action, consistent with the New York State Environmental Quality Review Act (SEQRA); and,

WHEREAS, the Town Board of the Town of Gardiner has final review and approval authority for adoption of the Comprehensive Plan as per New York State Town Law 272-a; and,

NOW THEREFORE BE IT RESOLVED, the Town Board determines to be Lead Agency and finds that this proposal is a Type 1 Action under the New York State Environmental Quality Review Act (SEQRA); and,

BE IT FURTHER RESOLVED, the Town formally refers this application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239; and,

BE IT FURTHER RESOLVED, the Town schedules a public hearing on April 12, 2022 at 7 PM for the purposes of receiving public comments prior to this Action.

Seconded by Councilmember Carucci and carried

PRIVELEGE OF THE FLOOR

Suzanne Levirne – asked for a copy of the Lazy River Campground license application filed with the Town.

Janet Kern – asked for information from the executive session meeting held on February 1.

Asked if there were any new developments with Awosting Club.

Jerry Brown – asked why the highway department was chosen for the installation of the Wireless Edge cell tower.

ADJOURNMENT

On motion of Councilmember Wiegand, seconded by Councilmember Walls and carried, the meeting was adjourned at 8:55 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk