

February 7, 2023 - Workshop Meeting

The workshop meeting of the Gardiner Town Board was held this evening at 7 PM. This meeting was conducted in person and on Zoom as a virtual meeting. Present were Supervisor Majestic, Councilmembers Carucci, Richman, Walls. Councilmember Wiegand was absent. There were approximately 15± audience members.

**ANNOUNCEMENTS**

Town Hall and Highway Department will be closed February 20<sup>th</sup> for President’s Day.

Councilmember Carucci stated that the River Bend Trails parking plan changed. The new plan utilizes the area to the right of the ‘T’ mark and clear trees and use any salvageable trees for needed areas along the trail. This new plan help keeps the Transfer Station secure.

**Sewer District Repairs, review RFP with Pitingaro & Doetsch Engineers**

Jason Pitingaro of Pitingaro & Doetsch, presented the evaluation of the I&I study, DEC requirements, and capacity of the system and what the plan would be for the needed repairs. Plan to include a significant pipe patching repair, realigning manholes and several septic tanks that require risers that would be concrete. Septic tank and manhole realignment are each at a per unit cost. A portion of the project will be paid for by a grant from Ulster County - \$140,000. Mr. Pitingaro requested authorization from the Board to go out for bid for the project.

**AUTHORIZATION OF CHURCH FARM ROAD SPEED STUDY**

Resolution No. 58 – Church Farm Road Speed Study

Offered by Councilmember Walls;

Resolved, pursuant to Section 1622.1 of the Vehicle and Traffic Law of New York State, the Town Board of the Town of Gardiner, in recognition of the needs for safety of the highway cited in light of the traffic currently using said Gardiner portion of the highway, from Route 44/55 to the end of the road, hereby request that a lower maximum speed of 30 miles per hour be established on Church Farm Road, a Town highway, maintained by the Town of Gardiner.

Seconded by Councilmember Richman and carried.

**VISTA ROAD EXTENTION, BOND RELEASE AUTHORIZATION RESOLUTION**

Resolution No. 59 – Return of Road Maintenance Bond

Offered by Councilmember Walls;

WHEREAS, IN MAY OF 2021, the Town of Gardiner Town Board adopted Resolution 84-2021 which, among other things, accepted a Maintenance Bond from Henry Myer and Erika Rose in the sum of \$21,900 for a period of one year with respect to work performed on Vista Drive Extension in the Town of Gardiner; and

WHEREAS, it has been more than one year since said Maintenance Bond was posted and both the Town Highway Superintendent and the Town of Gardiner’s engineer have examined said street and determined that there are no road conditions that should prevent the release of said Maintenance Bond;

NOW THEREFORE, BE IT RESOLVED THAT:

The Town Board of the Town of Gardiner authorizes and directs the release of said Maintenance Bond in the sum of \$21,900 to Henry Myer and Erika Rose.

Seconded by Councilmember Carucci and carried.

**TRUCK PURCHASE**

On motion by Supervisor Majestic, seconded by Councilmember Walls and carried, Highway Superintendent Brian Stiscia was authorized to put the Town on the wait list with B Mack Sales Service for the 2025.

**CAT EXCAVATOR DOWN PAYMENT DISCUSSION**

The CAT Excavator downpayment in the amount of \$17,250 was not budgeted in the 2023 Budget. Supervisor Majestic asked the Board for their support to taking the downpayment money out of the Rescue Plan Fund. With the agreeance of the Board, Supervisor Majestic will create a resolution authorizing the downpayment to come from the Rescue Plan Fund and will have it for the Board Tuesday.

On the motion of Supervisor Majestic, seconded by Councilmember Richman and carried Supervisor Majestic was authorized to execute the Payment Request Form with Republic First National Bank.

**OPEN SPACE COMMISION/COMMUNITY PRESERVATION ADVISORY GROUP**

Members of the Advisory Group were present and the chair, Jean McGrane, presented a summary of the Memorandum, “Recommendation to Combine the Gardiner Community Preservation Law with the Gardiner Open Space Preservation and Acquisition Law” that was sent to the Board on January 31, 2023. Recommendations to move forward with a goal of completion by summer was shared. Councilmember Walls requested an outline of what would be considered overlap with the Environmental Commission versus what are independent variables during this process.

**CANNABIS ZONING DISCUSSION – HONEY’S CANNABIS LETTER OF SUPPORT**

Councilmember Richman proposed to have an attorney review a draft law when the state has finalized their regulations and proposed providing an interim permit, similar to what New Paltz has implemented, pending the passage of the NYS law. An attorney would draft a resolution to grant an interim permit to allow cannabis retail within the town’s zoning within hamlet districts. Another consideration is to finalize a law then amend it to conform with the state law once finalized.

**AWOSTING CLUB INCOMPLETE CAMPGROUND APPLICATION**

Resolution No. 60 – Awosting Club Incomplete Campground Application

Offered by Councilmember Walls;

WHEREAS, the property located at 50 Camp Ridge Road (UCTM 92.4-1-71.100), Wallkill, in the Town of Gardiner (the “Subject Property”) is the subject of an application by Camilla Bradley on behalf of Awosting Club, the owner of the Subject Property (“Owner”), for a Campground License pursuant to Chapter 200 of the Town of Gardiner Code (the “Application”); and

WHEREAS, a “Campground” use is not permitted as of right in any zoning district in the Town of Gardiner (the “Town”) and instead is only permitted in the Town pursuant to: (1) the requirements of Chapter 200 of the Gardiner Town Code (which sets forth the requirements for obtaining a license for a Campground use from the Town Board); (2) the requirements of Section 220-18.2 (governing Campground Floating Districts (CF)); or (3) the requirements of Section

220-45.2 (which provide that *new campgrounds* must receive a special permit from the Town Board and may only be in a mapped CF District, and *existing campgrounds* not located in a mapped CF District, must have a required license issued by the Town Board consistent with the provisions of Chapter 200 of the Town Code); and

WHEREAS, the Subject Property is not located in a mapped CF District; and

WHEREAS, pursuant to Town Code § 200-2 “[i]t shall be unlawful for any person to maintain or operate within the limits of the Town of Gardiner any campground unless such person shall first obtain a license therefor. Such license shall be issued by the Town Board for a designated period that is less than seven months per calendar year.

All campgrounds in existence upon the effective date of this chapter shall within 90 days thereafter obtain a license and comply fully with the requirements of this chapter,” and

WHEREAS, Town Code § 200-1. Definitions. Campground (emphasis added) defines the term “Campground” as:

Any parcel of land on which are located two or more camping units of a design or character suitable for seasonal, transient occupancy by adults, children, or any combination of individuals, families, or groups, campground may include permanent structures, such as service buildings and recreational structures *but shall not include sleeping accommodations for transient guests in permanent structures intended for year-round use unless permitted by the Town Board in an approved Campground Floating District (‘CF District’)*. The term campground *shall not include* residential camping, mobile home parks, golf courses, day camps, overnight camps, resorts, *hotel or motel or other lodging facilities*. For purposes of this definition, the term ‘seasonal’ shall mean a period of seven months or less per calendar year unless permitted by the Town Board in an approved campground Floating District (‘CF District’); and

WHEREAS, Chapter 200 defines “Camping Unit,” as “[o]ne sleeping device or shelter, including but not limited to any independent or dependent pick-up camper, motor home, recreational vehicle, travel trailer, tent, tent house, yurt, lean-to, or similar *nonpermanent unit* with or without a base structure designed and commonly used for overnight occupancy.” Town Code § 200-1, Definitions, Camping Unit (emphasis added); and

WHEREAS, Town Code § 220-74, Lodging Facility (emphasis added) defines the term “Lodging Facility” as:

Any hotel, motel, inn, hostel, boarding home, or other establishment, with or without a dining room or restaurant, that provides sleeping accommodations for transient guests *in one or more permanent structures*. Bed-and-breakfast establishments, overnight camps and *campgrounds are excluded from this definition*, and

WHEREAS, a “Lodging Facility” is not permitted in the SP-1 zoning district, and requires a Special Permit if it is to be located in the Rural Agricultural District (see, Town Code §

220-10), and neither a “Campground” use nor a “Lodging Facility” use are permitted in the SP-2 and SP-3 Subdistricts (see, Town Code § 220-16(I)); and WHEREAS, the Town Board has no authority under Chapter 200 to make determinations regarding preexisting nonconforming uses, which are governed by Chapter 220; and

WHEREAS, the Application is not accompanied by an Environmental Assessment Form (“EAF”), which is required by the State Environmental Quality Review Act and its implementing regulations (“SEQRA”); and

WHEREAS, the Application is not accompanied by a map/plan disclosing the location of the zoning districts that bisect the Subject Property and the locations of the subject alleged campground uses and other uses being made of the Subject Property with respect thereto; and WHEREAS, the Application appears to seek to obtain and employ a Campground license for a year-round Campground use, despite the seasonal use limitations set forth in the governing Code provisions, and in year-round structures that are not permitted for Campground license use unless the Subject Property is in an approved campground Floating District, and which structures appear to have been erected without first making application for the required permits and obtaining the necessary authorizations and approvals; and

WHEREAS, it appears that a portion of the Subject Property had previously been utilized on a seasonal basis as a Girl Scout Camp with canvas tents, associated seasonal structures and an associated Lodge, however that use was and has been discontinued for more than one full year; and

WHEREAS, it appears that the associated Lodge use was subsequently discontinued and the structure was utilized instead as a private residence for more than one full year, which private residence was the subject of an application for a STAR exemption in 2019; and

WHEREAS, it appears that, without permits and approvals, the owner of the Subject Property has constructed multiple, year-round, permanent structures with conditioned air and electricity which it markets to the public for year-round use as sleeping accommodations for guests at the Subject Property (the “GeoDomes”); and

WHEREAS, the Geodomes are in no manner like-kind reconstruction of the former seasonal canvas tents that were allegedly utilized at the Subject Property, and rather constitute a change in use that prior use also being a discontinued use of the Subject Property:

**THE TOWN BOARD OF THE TOWN OF GARDNER THEREFORE FINDS, DETERMINES AND RESOLVES that:**

1. The Application for a Campground license is defective and incomplete and is otherwise improperly made and rejected because:
  - a. the Application is not accompanied by an Environmental Assessment Form as is required by SEQRA and its implementing regulations (6 NYCRR 617 et seq.); and
  - b. the Application is not accompanied by a map/plan that indicates the location of the zoning districts that bisect the Subject Property and the locations of the subject alleged campground uses and other uses being made of the Subject Property with respect thereto; and
  - c. the Application seeks authorization for a Campground use in year-round structures that are not permitted for Campground license use outside an

- approved Campground Floating District, and that appear to have been already illegally erected without authorization and required permits; and
- d. the Application asserts that the structures constitute a preexisting nonconforming use without making a requisite demonstration of same.
  - e. the application appears to seek a Campground license for prohibited year-round Campground use on property that is not located and does not qualify for designation as a campground Floating District; and
  - f. the GeoDomes at the Subject Property appear to be permanent structures that have been installed without building permits and proper authorization; and
  - g. the representation in the Application that the structures constitute a preexisting nonconforming use of the Subject Property has not been established and cannot be the subject of this application as that determination if eligible or relevant must be made pursuant to the Gardiner Town Code as indicated above; and
  - h. a preliminary review of the available information regarding the Subject Property suggests that any preexisting nonconforming use of the Subject Property was limited to seasonal canvas tents and a Lodge facility, both of which appear to have been subsequently voluntarily discontinued for at least one year, thus losing any such status; and
  - i. the apparent primary use of the Subject Property is as a Lodging Facility, not a Campground, and a Lodging Facility use is not authorized for the Subject Property and is not a use contemplated by or that can be included in a Campground license; and
  - j. the Application has not established or indicated a compliant and adequate water supply system, sanitation system and storm water drainage system.

Seconded by Councilmember Richman and carried.

**AUTHORIZATION FOR SUPERVISOR TO EXECUTE THE FOLLOWING DOCUMENTS**

- On the motion of Councilmember Richman, seconded by Councilmember Walls and carried, Supervisor Majestic was authorized to execute the renewals of MVP Silver and Bronze Health Insurance and CDPHP Dental Insurance.
- On the motion of Councilmember Walls, seconded by Councilmember Carucci and carried, Supervisor Majestic was authorized to execute the Marshall & Sterling Renewal Forms for General Insurance.
- On the motion of Councilmember Walls, seconded by Councilmember Carucci and carried, Supervisor Majestic was authorized to execute the letter requesting UHY Accounting Firm completes 2022 AUD.

**PRIVILEGE OF THE FLOOR**

Residents made comments on the Cell Tower and Awosting Club.

**ADJOURNMENT**

On the motion of Councilmember Walls, seconded by Councilmember Carucci and carried, the meeting adjourned at 9:40 PM.

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Respectfully,

Julia Hansen, Acting Town Clerk