

Austerlitz Planning Board
Minutes of March 5, 2020 Meeting

Present: Lee Tilden (Chair), Deborah Lans, Jane Magee, Eric Sieber. Excused: Perry Samowitz. Also attending: Joe Catalano, Esq.; Jill Duffy (Applicant) and representatives; members of public.

The meeting was called to order by Chairman Tilden and the group recited the Pledge of Allegiance.

Mr. Sieber moved the approval of the minutes of the prior meeting, Ms. Lans seconded, and the motion passed unanimously, with Ms. Magee abstaining as she had not been present.

The Board turned to unfinished business – the Duffy Application. Mr. Tilden reviewed the history of the application. Since the last Board meeting, Mr. Didio on behalf of the Applicant has submitted the Agricultural Data Statement. Emails with comments on the application received after the public hearing was closed will be filed but not considered.

Mr. Catalano reviewed the history of the Board’s consideration of the SEQRA form, and the Board then reviewed again Part 2 of the form, with the benefit of all of the information received since its initial review at the November Board meeting. First, the Board agreed the short form was sufficient and, inasmuch as section 195-31(B) of the zoning code permits the Board to waive requirements for good cause, agreed to waive any requirement for a long form given the slight impact of the use in question on the overall parcel. The Board then proceeded question-by-question to discuss and answer the questions of Part 2, as recorded on the signed and filed SEQRA form. Mr. Sieber moved to accept the short form SEQRA form as completed, Ms. Lans seconded the motion and the motion carried unanimously.

Board members commented further that they were generally supportive of the application; were pleased to see an agricultural use resumed in the town; had all visited the site; and intended to discuss certain restrictions to meet concerns expressed by neighbors and town residents.

Mr. Catalano reviewed in detail the draft resolution he had prepared for discussion purposes. That resolution, as finally passed, is attached to these minutes. Discussion was had concerning restrictions on use, noise, lighting, and events. Additional screening was directed, and the applicant was directed to submit an amended site plan reflecting added screening of the parking area.

Ms. Magee indicated that she had reviewed the entire file including the lengthy minutes of the prior meetings (and public hearings) and, as a result, was comfortable acting on the proposed resolution.

Mr. Sieber moved to approve the resolution as reviewed and amended, Ms. Lans seconded the motion and all four members present voted to adopt the motion. Mr. Catalano will circulate

the resolution as revised during the Board's lengthy discussion, for review and acceptance by the Board as accurately depicting all revisions made by the Board.

During New Business there was a question from the public as to possible toxicity of the camping units as living space and a discussion ensued as to the nature of the units to be used. There was also discussion of the absence of a town noise ordinance and the need to revisit the Comprehensive Plan that was enacted 16 years ago.

Respectfully submitted,

Deborah Lans (acting as secretary for the meeting)

Decision/Resolution of Town of Austerlitz Planning Board
 Re: Site Plan/Special Use Permit Application - Jason & Jill Duffy

PB Resolution: March 5, 2020

Whereas, Jason and Jill Duffy with a mailing address of 64 Owl Hill Road, Ghent, NY 12075 (hereinafter referred to as the "Applicant") submitted an application for a special use permit and site plan review for purposes of constructing and operating a campsite on their approximately 211-acre farm property located at 338 Punsit Road (Tax Map No. 95.-1-7.100) in the Town of Austerlitz (hereinafter the "Property"); and

Whereas, the application proposes to install, construct and operate a small campsite area on the Property consisting of six (6) cabin units for campers and a multi-use barn for campers along with driveway extension, walking paths, water well and wastewater treatment system all located on approximately 3-4 acres of the Property which will become an active farm (having for a long period been an active farm, among other uses); and

Whereas, the Applicant submitted a special use permit and site plan application, dated October 28, 2019 which requested a special permit and site plan approval for the above-described proposal; and

Whereas, after review of the application and supporting documents, the Planning Board accepted the application as complete at its meeting held on November 7, 2019 and a public hearing was scheduled for December 5, 2019; and

Whereas, this application constitutes an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and at its November 7th meeting the Planning Board reviewed the Short Form Environmental Assessment Form together with the application materials and determined to issue a negative declaration finding that the proposal did not result in the potential for a significant adverse environmental impact; and

Whereas, the application was referred to the Columbia County Planning Board as required under the General Municipal Law, and the County Planning Board, by letter dated November 20, 2019, concluded the application did not have any significant county-wide or inter-community impacts associated but made a number of comments on the application for consideration by the Austerlitz Planning Board; and

Whereas, the Planning Board opened the public hearing at its meeting on December 5, 2019 but continued the hearing to its January 2nd meeting date because the Applicant was not able to attend; and

Whereas, the public hearing regarding the application was again opened on January 2, 2020, at which time the Applicant's representative from Taconic Engineering was present and made a presentation to the Planning Board, and there was a significant number of members of the public in attendance, many of whom spoke with respect to the application; but since the Applicant was not able to be present and because a number of members of the public complained about the hearing being held so close to the holiday season that residents could not attend, the hearing was continued until the Planning Board's February 6th meeting date; and

Whereas, the Planning Board continued the public hearing at its regular monthly meeting on February 6th which was very well attended with roughly 100 people in attendance and started with a detailed presentation by the Applicant, Jill Duffy, the Applicant's farm manager, Lucy Marsten, engineer, Andy Didio, and attorney, Andy Howard, and

Whereas, after the Applicant or representatives answered all of the questions that were posed by the Planning Board, the floor was open to the public of which all that were present were given a full and fair opportunity to be heard, and after further questioning of the Applicant by the Board and acknowledgement that all written comments that were received up to the present time would be made part of the hearing record, the Planning Board closed the almost 3-hour hearing by motion; and

Whereas, given the late hour, the Planning Board did not deliberate on the application at the February 6th meeting but reconvened on March 5th at its regular monthly meeting and at that meeting the Board reviewed and discussed the application materials, the public comments, the zoning code criteria and a draft resolution prepared by the Town's attorney; and

Whereas, this Resolution, constituting the decision of the Planning Board, has been presented to, reviewed, discussed and amended by the Planning Board at its regular monthly meeting held on March 5, 2020;

Now, Therefore, Be It Resolved as follows:

1. The Planning Board makes the following findings:

- a. Proposed Improvements: This special permit and site plan application proposes to construct, install and operate a campsite on a farm property located at 338 Punsit Road in the Town of Austerlitz. The campsite is proposed to consist of 6 individual camping units for camping purposes with a multi-use barn to be constructed for the campers. The camping units are proposed to be moveable, repurposed shipping containers approximately 8'W by 20'L by 8.6"H that will be retrofitted for sleeping quarters and placed on the property without the need for concrete foundations. The multi-use barn is proposed to be two structures 22'W by 48'L by 20'H connected by a breezeway. The barns will house bathroom facilities, a common eating or banquet area and other amenities for the campers. A dumpster will be installed in a bear-proof enclosure adjacent to the barn. Other necessary improvements consist of a wastewater treatment facility for the bathrooms and a

well for a water source. The camping units will be connected by walking paths and an internal driveway connected to the existing driveway or access road on the property. A central parking area for the campers will be located near the barn and consist of 18 spaces including one handicap space. The existing driveway or access road will be resurfaced. Each camping unit will have a constructed fire pit located at least 25 feet from each camping unit for campfires. All of the improvements summarized above will be housed on an approximately a 3-4 acre area located in an open field but tucked close to the tree-lined perimeter of an existing agricultural field in the northwestern part of the approximately 211-acre farm. The closest camping unit to Punsit Road is approximately 1000 feet and the closest camping unit to the northern boundary line of the property is approximately 300 feet. The Applicant will employ a full-time property manager who will reside in the existing house on the property.

b. Proposed Use: The Applicant proposes to advertise the campsite as “Farm & Field Glamping” which the Planning Board has interpreted to mean high end or “glamorous” camping. Based on the application materials and the Applicant’s presentation at the public hearing, the Planning Board understands that the main attraction of the camping site will be its being embedded in an active working farm. Campers will be encouraged to take part in farming activities and farm to table activities. Campers will have the option to bring in or prepare their own food on-site or to have meals catered off-site and brought to the site. A maximum of 4 people will be accommodated in any one camping unit and no more than 24 people will be camping at any one time on the property. The campsite will generally be open from May through November. However, the Applicant stated that, if there was a demand, 3 campsites (those located to the south of the barn) would be available during the winter months. The Applicant stated also that no events of any kind will be held on the campsite property for the general public or guests or patrons other than the campers on-site.

c. Zoning: The Property is in the Rural Residential district of the Town and is located in the Columbia County Agriculture District #8. Although the proposed use is somewhat unique in terms of what is typically thought of as a camping site or campground, the Planning Board initially determined that the application was for a campground. Under the Town’s Zoning Code, a campground is an allowed use in the Rural Residential district upon issuance of a special permit and site plan approval. The Zoning Code defines the term “campground” as follows: “An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar moveable or temporary sleeping quarters of any kind.” After hearing further details from the Applicant and comments from the public, the Planning Board hereby confirms its interpretation of the application as properly categorizing the use as a campground since all of the elements of a “campground” are found in the present proposal. While the use of retrofitted storage containers as sleeping quarters is unique, such units are not affixed permanently to the ground and are indeed moveable. It should be noted that “cabins/cottages” are also an allowed use by special permit but cabins or cottages are not moveable and typically have bathrooms so the Planning Board, which has the authority to interpret the regulations it has

the jurisdiction to administer, determines that the campground is the correct category of uses that fits the present application.

d. Public Comment: The public hearing on the Application was first scheduled for December 5, 2019 (but was postponed due to the unavailability of the Applicant), continued to January 2, 2020, and continued again and closed on February 6, 2020. At the public hearing, the Applicant (and representatives) made presentations detailing the various components of the proposal, the Planning Board asked the Applicant numerous questions and received satisfactory responses to those questions, and numerous and sometimes lengthy comments were made by neighbors of the property and the general public. All the information provided by the Applicant and all of the public comments have been taken into consideration by the Planning Board in its deliberation on this matter.

2. SEQRA: Along with the application form and materials, the Applicant submitted a short environmental assessment form (EAF) pursuant to SEQRA. The Planning Board reviewed the EAF at its meeting held on November 7, 2019 after receiving a complete application. The Planning Board made the initial determination that the Application is considered an Unlisted Action under SEQRA and that this project will undergo an uncoordinated review if the NYS DEC determines its own SEQRA review is required in conjunction with any permit for the road improvements that intersect the wetlands under its jurisdiction. The Planning Board again reviewed the EAF with Part 1 prepared by the Applicant together with all of the application submissions on March 5, 2020. Prior to the presentation of this Resolution, the Planning Board discussed and determined that the Short EAF was acceptable under the SEQRA regulations and it hereby waives the requirement set forth in Zoning Code section 195-30(C)(1) for a long form EAF for a site plan application pursuant to its authority to do so as set forth in Zoning Code section 195-31(B). Such waiver is based on the relatively small footprint for the proposed campground and its limited scale, the large parcel on which it is to be located, the fact that the campground location is at quite a distance from existing wetlands on the property and except for resurfacing the existing access road there will be no need for encroachment or disturbance of the wetlands. Also prior to the presentation of this Resolution, the Planning Board discussed and answered the questions on Part 2 of the EAF. In so doing, the Planning Board did not find any moderate or large or potential adverse environmental impacts that would result from the campsite improvements and use as it is proposed by the Applicant. The Planning Board based such determination mainly on the facts that proposed campground is small in scale with respect to its footprint and the limited number of campsites and campers as well as its location on the large 211-acre farm property and the manner of intended usage. The Planning Board hereby accepts the EAF as complete and determines that the issuance of a special use permit and site plan approval for the proposed use will not result in any significant environmental impact and, as such, a negative declaration applies. The reasoning for this determination is as follows:

- a. that the application does not propose any significant new construction or installation that is not in keeping with the environmental conditions of the Property but rather proposes to install a relatively small camping area limited with 6 camping units and a maximum of 24 campers on the 211-acre Property;

- b. that the Property is of sufficient size and character that will adequately support the proposed new barn, camping units and parking without any significant adverse impact to neighboring properties;
 - c. that the Property access and driveway that is presently existing and is wholly located on the Property will be adequate to accommodate the relatively small amount of traffic that the use will generate; and the type of camping units and the overall campsite size on a location of the Property that has natural screening by existing trees, hedgerows and topography will limit or avoid impacts from noise, lighting, glare, and other impacts;
 - d. that the access road and extension to the camping area as well as the parking area and walking paths will be of permeable materials so that new impermeable surfaces will be limited to just the multi-use barn and 6 camping units;
 - e. the rural residential nature of the Property will not be altered in accommodating this added use and it will be mostly hidden from public views so it will not result in a new or uncharacteristic feature in the area; and
 - f. the conditions and restrictions placed on the special use permit as set forth below and as discussed with the Applicant during the review process will further mitigate and/or eliminate any potential environmental concerns.
3. The Planning Board hereby approves and grants the special use permit and site plan approval to the Applicant as set forth herein for a campground to be constructed, installed and operated at the 338 Punsit Road Property on the eastern side of Punsit Road as shown on the site plan prepared by Taconic Engineering, DPC, dated 10/2019 as updated 02/21/2020 (hereinafter referred to as the "Site Plan"), with the modification that additional screening be added as discussed in paragraph (e) below and subject to the following conditions and restrictions:
- a. The campground is to be limited to 6 camping units without foundations and a multi-use barn as described and depicted on the Site Plan for transient occupancy for no more than 4 persons per camping unit and no more than 24 people at the campground at any one time. The campsite is for transient occupancy so campers cannot stay in the campground for more than 30 days.
 - b. The campground will generally operate from May through November. Limited operations for only 3 camping units located south of the barn may occur during the winter months.
 - c. At any time when the campground is occupied or in use, the access road shall be kept clear of obstructions, ice, snow and flooding to ensure access by emergency responders.
 - d. All outdoor lighting on or around the camping units, the barn and the campgrounds in general shall be shielded and directed downward to avoid glare. The access road and walking paths shall not be illuminated by lighting fixtures.
 - e. All vehicles will enter or exit the area campground by utilizing Punsit Road as shown on the Site Plan and 18 parking spaces (1 handicapped accessible) will be installed and maintained as the only parking area for the campers as shown on the Site Plan. The Applicant shall investigate and shall provide additional screening to shield view of the vehicles and vehicle headlights from neighboring properties to the north or northeast and it shall depict such screening on the Site Plan to be submitted to the Board.

- f. There shall be no amplified music or public address systems operated in conjunction with the campground or its campers. The use of portable generators shall not be allowed on the campground except for an emergency generator for the water pump during electrical outages. The Applicant shall provide campers with reasonable rules and directions in order to keep noise, lights, trash and usage of the Property at a level consistent with the rural residential setting. The fire pit areas to be used by campers shall be maintained in a manner to prevent the spread of fire.
- g. No installation of the barn shall occur until submission of a building permit application and the issuance of a building permit from the Town of Austerlitz Building Department.
- h. No use of the campground shall occur until registration and approvals are received from the Columbia County Department of Health for the water and septic systems as well as the transient occupancy. A copy of such registration and approvals shall be submitted to the Planning Board within a reasonable time after issuance.
- i. The Applicant shall notify the NYS DEC and/or the US Department of Agriculture, whichever has jurisdiction, before any work is commenced on the existing access road through the wetland conservation area on the Property. A copy of such notification and any correspondence, permits or approvals from the jurisdictional agencies shall be provided to the Planning Board within a reasonable time after issuance or receipt.
- j. Onsite food preparation shall be limited to that prepared by the campers or Applicant employees. Off-site catering services may be provided for the campers.
- k. There shall be no events of any kind held on the Property for the general public or guests or patrons other than the campers on-site except agricultural events associated with the active farm on the Property. If an event is held for or by the campers, such event shall not continue past 10:00.
- l. The Applicant shall be allowed to erect no more than one sign at the entrance road on Punsit Road which fronts the Property to indicate where the Campground is located by its name and may erect other directional signs on the Property.
- m. At any time that the campground is occupied, the Applicant shall have at least one staff person on the Property for purposes of supervision of, or assistance to, campers.
- n. Any changes in the site plan or in the above terms, restrictions and conditions of the special permit will require approval of the Planning Board before such changes can be implemented.
4. This special permit has been issued pursuant to the criteria set forth in section 195-33 and section 195-28 of the Austerlitz Zoning Law after the Planning Board has duly considered the public health, safety and welfare, potential environmental impacts and surrounding properties; the Planning Board concludes that the proposed project together with the conditions imposed above comply with said criteria as follows:
- a. **Objectionable Impacts.** That the character, nature, type, scale and intensity of the proposed use, particularly how it will be operated, and its location and distance from adjacent roads, properties and residences, is consistent with the rural character of the Town and is not more objectionable to nearby properties by reason of noise, odors, vibration,

- dust, illumination or other potential nuisance than the operation of any allowed use in the district.
- b. **Compatibility.** That the proposed use is of a character, nature, type, scale and intensity compatible with the area in which the special use is to be located since the campground will be located at a considerable distance from roads and adjoining properties and will fit in with the farm fields, general topography, existing trees and vegetation on the Property.
- c. **Vehicular Access and Traffic.** That the existing roads are adequate for access and the new use will not cause any significant changes in current traffic patterns or traffic safety. The parking area is more than adequate for parking for the limited use approved herein.
- d. **Historic character.** That the design of the proposed campground and its placement on the Property will not alter the traditional and historic character of the Town, the Property, and the surrounding area.
- e. **Site Plan.** That the proposed use and development is consistent with the requirements for site plan approval and the Site Plan is hereby approved, and the Planning Board Chair is authorized to sign the Site Plan, as approved, for the purposes described herein.
- f. The Planning Board concludes that this proposed use is a viable low-impact use that will support a local historic agricultural property.

Upon motion made by Member Sieber, seconded by Member Lans,
 the foregoing Resolution was duly adopted by the Planning Board on March 5, 2020
 by vote of a majority of its members as follows:

<u>Planning Board Member</u>	<u>yes</u>	<u>no</u>	<u>absent/abstain</u>
Lee Tilden, Chair	<u>X</u>	<u>—</u>	<u>—</u>
Deborah Lans, Member	<u>X</u>	<u>—</u>	<u>—</u>
Eric Sieber, Member	<u>X</u>	<u>—</u>	<u>—</u>
Perry Samowitz, Member	<u>—</u>	<u>—</u>	<u>X</u>
Jane Magee, Member	<u>X</u>	<u>—</u>	<u>—</u>