



## PLANNING BOARD MINUTES December 17, 2019

Howard Post, Chairman, opened the meeting at 7:30 p.m.  
Pledge of Allegiance.

Present: Howard Post, William Creen, Carole Furman, Len Bouren, Mike Tiano, Daniel Ellsworth and Robert Hlavaty (alternate)  
Also Present: Dan Shuster (Town Planner)  
Absent: Ken Goldberg

Review of November 19, 2019 draft minutes. A motion was made by Furman, seconded by Bouren, to accept the minutes as written. All in favor, none opposed, carried.

Post-Before the Public Hearings begin there is additional business to be discussed, an ongoing issue with the drive to OZ Farm off Malden Turnpike. Walter Sparling lives at 278 Malden Turnpike with access to his house via the drive that is shared with OZ Farm, represented by Don Tucker. Mr. Tucker submitted current pictures of the drive conditions read a written statement created by Mr. Sparling addressing his concerns with the continued issues with potholes, dust and speed of drivers that use that drive to access OZ Farm. No objection to the business but to the conditions of the access drive. Horse-trailers, dump trucks and large delivery trucks use the access drive, creating potholes and dust going in front of Mr. Sparling's house. The owner of OZ Farm has done some work to the drive, but it is always a temporary fix and continues to go back to the conditions as mentioned above with the potholes and dust. The vehicles that go down the drive go faster than they should as well. There needs to be a continuous maintenance plan for the road and a fix that will be more permanent. Post-a letter was sent to the owner earlier this year to address this issue. The Planning Board will refer Mr. Sparling's concerns to the Building Department to have the Code Enforcement Officer look at the situation.

### **PUBLIC HEARING(S):**

**1. Site Plan/SUP, Porter & Sara Fox, 252 Charles Hommel Road.** Presented by Porter Fox, property owner. Public Hearing began at 7:37pm. The applicant would like to add two additional container cabins to the property where two container cabin units already exist. Each of the existing units has a Certificate of Occupancy. The applicant would like to rent the container cabins out. Each unit is off grid. A road maintenance agreement has been completed, signed and submitted. Highway Department has visited the site to see what will have to be done to the access roads to bring them up to Town standards and that will be completed.

Post-is anyone present for the public hearing. Public comments were as follows:

- Naomi Rothberg, 43 Charles Hommel Road - concern regarding the use of the land and request the Special Use Permit be very specific, strictly described and monitored. Will there be expansion? With the Airbnb movement it was suggested that the Planning Board ask the Town Board for a more definitive definition of what the rules and regulations will be on such properties that are used for Airbnb.
- Kate Stickley/Richard Lasansky, 402 Manorville Road - read a written statement with concerns, a copy was given to the Planning Board for the file. Within this statement several concerns were raised regarding the misuse, misrepresentation, adverse effect on the environment and significant increase in health and water safety issues for the immediate neighborhood. A copy can be found in the Planning Board files for review. The owners seem to be principals or business partners in three different entities; Nowhere Studios, Nowhere North and Containium. All of which are companies that advertise the rental cabins. There were several reviews on sites regarding the past rental of the two container cabins that are already on the property, which were originally described as being

for personal use, for which the Certificate of Occupancy was issued for. This is a Commercial Campground and will be a much larger scale project as being described. He has rented out to 270 individuals already between 2017-2019 without the Special Use Permit. In adding two additional units this will increase significantly with a projected total of 720 individuals over a two-year period. Cell phone service is unreliable in the area and that will cause safety concerns if there is an emergency. The Fox's made a homemade hot tub which drained into the Lucas Kill Creek. If a SUP is granted it is requested that it be closely scrutinized and issued in such a way that these concerns are addressed. Fox-not affiliated with Containium at all, they are the company that designs and builds the container that we are using on site. I have no control over what they put on their website, but we are not affiliated with them in an ownership sense in any way. We decided to start renting the container cabin currently on the property because we were not using them all the time. We had made reservations before knowing that this was not an allowed use without a Special Use Permit but took the rental off the Airbnb site once we were told that we had to go through the Planning Board process for a Special Use Permit. However, we already had reservations that were made, and we honored them. The current Certificate of Occupancy on the existing container cabins do not state that they are for personal use only. Ellsworth-just to make something clear, if there are four or less units it is not considered a campground according to the Ulster County Department of Health. Stickley-you have a business in Brooklyn that rents out space there as well. Fox-that is workspace. Post-that has no connection to this application. Lasansky-why do you need two more container cabins? Fox-would like to create a place for individuals to come and connect with nature and enjoy the beautiful surroundings that this area has to offer. We created that hot tub one time and it has never been used again, it is no different then swimming in the creek. Also, we do not have any connection to the Lucas Kill creek, we have a small stream that runs through the property but is not connected to the Lucas Kill creek.

- Josh Teinken, 984 Blue Mountain Road - walk my dog down the Charles Hommel Road every day, concerns with the speed and increase in traffic. There is no median on that road and the trash has increased, who is monitoring? The lights of every vehicle that comes out of Charles Hommel Road go right into my windows, in my son's room and our living room. Fox-I am not sure what can be done about the speed that individuals go but I ensure that I address our rules regarding trash removal. Would be happy to address any issues as they come up. We would like to keep the area clean as well and if any of our guests are not doing so would like to be notified to rectify the situation.
- Jackie Harismides, 266 Charles Hommel Road – we have owned our property for 18 years and we have not had any issues. The noise that the guests create is minimal and the cell phone service is good where we are, we are adjacent to this site. We have had a good experience and relationship with the Fox's, they have been good neighbors.
- Sue Hill, 345 Manorville Road – Traffic concerns and water use concerns. Fox-will not be touching the stream that runs through the property. Will be using composting toilets, which have been updated to use the ones suggested by the Ulster County Health Department's Matt Beesmer. We have 5-gallon drinking containers with potable water for use by each guest. Our mission is to create a very low impact setting for our guests.
- Ed Pelham, 397 Manorville Road – are the borders of the property marked? Who looks after the guests? Rules/Regulations? Fox-the borders are all marked. There is someone present when the guests arrive and does a walk thru to explain the rules and regulations while staying. There is a contact that we use located 3-minutes from the site as an emergency contact for the guests.
- Meyer Rothberg, 43 Charles Hommel Road – is there an actual caretaker that comes in after the guests leave? Fox-There is either someone/caretaker there on-site or close by to monitor. Shuster-a condition of the SUP will be to list someone as the designated person available for upkeep and maintenance. This is enforced by the Code Enforcement officer.

Post-Special Use Permits are monitored closely, and the Board has the right to create limitations/conditions in the resolution to ensure that specific guidelines are followed. The resolution is given to the Building Department

and they are the enforcement entity. Ellsworth-keep in mind that this property could be used for several other things including but not limited to subdividing it and creating several lots. Stickley-we just want to ensure that all regulatory issues are addressed. Shuster-the benefit of this being a SUP is that there are a variety of obligations, on both the board and the applicant. The Board can require that SUP compliance be reviewed periodically.

Post-is anyone else present with concerns/comments? No. A motion was made by Creen, seconded by Furman, to close the public hearing. All in favor, none opposed, carried. Closed at 8:22 pm.

Shuster-the Board has 62-days from the close of the Public Hearing to make a decision. Bouren-the outhouse location for cabin #2? Fox-this is the 40' cabin so the outhouse will be located inside the cabin. Post-the Board will be reviewing the submitted statements and paperwork. There will be conditions placed on the resolution to ensure that all specific issues are addressed, including a designated caretaker.

**2. Site Plan/SUP, Autocamp/Family Real Property Holdings, LLC, 882 Route 212.** Ellsworth & Furman-recused themselves. Presented by Bruce Utter, Praetorius & Conrad, P.C. Public hearing began at 8:27 pm. A brief explanation of the application was given for the audience. This property is the existing KOA campground on Route 212. It is a 37-acre site with 95 accommodations, this will remain the same. The difference will be that the units will be on-site and no personal recreation vehicles be brought in and out of the site. This will change the type of traffic that will be entering and exiting the site. Individuals will rent the Airstream campers, tents on platforms or cabins. Patrons will drive in, park in a designated parking area and then be brought to their unit via golf cart. The units will be on the site year around. Will be using the existing sites and roads to minimize impact. Some of the roads will have to be widened to accommodate fire apparatuses. Post-anyone present with questions? Public comments were as follows:

- Lanny Walter, Attorney for Phyllis Wright, client owns property 334 Pine Street (SBL #17.48-1-32) that borders the Scott property which is adjacent to the KOA site. It is approximately 450' from the border of the KOA site. What are the noise restrictions? Will there be amplified music? Were there any restrictions on the current KOA? How did the applicant come about the quiet hour they are proposing? Is there electricity out to the fire pit in the corner of the property? Utter-the Town does not have a noise ordinance, no restrictions known on the current KOA. The applicant based the proposed hours on previous projects that have been done in the Town. Ott (Representative for Autocamp)-we are very sensitive to areas of noise, quiet hours a normal restriction that we enforce in our other facilities. There is no intention to put electricity by the fire pit. Polidoro (attorney for Autocamp)-Does your client have any issues with noise now? Walter-no, but she would like re-assurance that there will not be loud amplified music on a regular basis. Ott-there is not intention to have loud amplified music, such as rock and roll, at the communal campfire areas. Bouren-the DEC quiet hours are 10pm to 7am so the proposed quiet hours are longer. Who will monitor the quiet hours? Ott-staff will be pro-active in monitoring the quiet hours. Hampel (current owner of KOA)-current quiet hours are 12am-7am.
- Jody Servo-security? Ott-there will be management on staff at all times. Walter-will there be a fence on the North side? The property slopes to the north towards the Scott property. Nature Trail? Walter-will there be signage to mark the property borders so that individuals do not enter private property of adjoining neighbors? Utter-there is an existing stone wall that will remain, applicant would like to keep it as natural as possible, if a fence can be avoided it would be ideal. Polidoro-there is an existing natural wooded border.
- Walter-does the Airstream consume fuel to heat for use in the winter months? Utter-the KOA is seasonal at this point, working with Airstream to ensure that the units that will be installed will be properly insulated for the living area and to ensure that the pipes do not freeze in the winter months. Ott-the units will have electric heat, they are legal street worthy recreational vehicles, even the cabins are RVs. The tent areas will be closed in the winter months. Working directly with Airstream to build units specific for this site and the seasonal changes.

- Dave Kanyon, 51 Marys Ave.-the fire pit that will be located in the top left north corner, will the camp provide the wood? In the past people staying at the KOA have ventured on to our property to collect wood to burn. There is an existing stone wall but there is a dip in it which seems to be where individuals pass to enter our property. I have fixed it several times, but it ends up re-occurring. Would like something done to discourage patrons from coming on to our property. Ott-the fire pit will be managed by staff, will not be used privately by campers. Willing to work with you to fix the wall so that it stays and discourages guests from crossing. Can speak after the meeting to come up with a plan. Polidoro-the occupancy will remain close to the current occupancy of the KOA. All sites will be provided with camp wood by Autocamp staff.
- Walter-will the cabins be heated with electric during the winter months? Utter-yes.

Post-being that the applicant must receive a Special Use Permit the Board can issue restrictions/conditions in their resolution/approval that must be followed. Any other questions? None.

A motion was made by Tiano, seconded by Bouren, to close the public hearing. All in favor, none opposed, carried. Closed at 8:58pm.

Tiano-events that are to be hosted are they for guests of the campground or can you rent out the space? Ott-only guests of Autocamp can host/attend events, they must be registered. Bouren-cost per site? Ott-\$150/night to \$275/night depending on the type of rental.

Post-a letter was sent in from Carole Cantius regarding her concerns. It was read aloud. Her main concerns were boundary markers on the western border of the property and steps to notify guest of boundaries, no trespassing on adjoining parcels.

Shuster-if the Board is ready to move forward a vote may be done to approve the application contingent on the approval/adoption of a resolution to be presented next month.

A motion was made by Bouren, seconded by Tiano, to approve the site plan and special use permit contingent on the approval/adoption of the resolution at next month's Planning Board meeting. All in favor, none opposed, carried.

### **OLD BUSINESS:**

**1. Site Plan, Konrad & Susanna Kaletsch, 211 Tissal Road.** Presented by Scott Budik. The applicant was in front of the Planning Board last month with a site plan request to build a detached 2-car garage. They are only in front of the Planning Board because they are located in the Waterfront Overlay district. The applicant was referred to the Ulster County Planning Board due to its location on the Esopus Creek. A response of "No County Impact" was received. A motion was made by Hlavaty, seconded by Furman, to approve the site plan. All in favor, none opposed, carried.

**2. Lot Line Revision, Rolf Olsen, Sr., 1354 Route 212.** Presented by Tom Conrad, Praetorius and Conrad, P.C. The applicant would like to make several lot line revisions on three adjoining lots, leaving an additional parcel untouched, that he currently owns to relocate the access to Lot 3A. A revised lot line revision map was handed out at the meeting. The ROW was increase to 50' and the radius of the turn around was brought up the minimum required standards of the Town. A note was added to Lot #4A "Lot 4A cannot be issued a building permit without the construction of a private rural road, which complies with the existing Town of Saugerties private rural road standards, providing access to a public road". Shuster-all concerns have been answered and the request satisfies the conditions of a lot line revision. A motion was made by Creen, seconded by Furman, to approve the lot line revision. All in favor, none opposed, carried.

### **PRE-HEARING CONFERENCE:**

**1. Site Plan Amendment, Kiniry West, LLC/Kim Kiniry, 1740 Route 212.** Presented by Kimberly Snyder from North Engineers. The applicant would like to amend a previously approved site plan from 2017. The area of disturbance will be increased from 0.98 -acres to 2.3 acres. A SWPPP will be required and in the process of

being created. The building will be moved 30' further from the road, as proposed on the original site plan. The building has been relocated and rotated due to the location of the septic. Shuster-will have to be referred to the Ulster County Planning Board because of the location on Route 212. A SWPPP will have to be submitted for review by the Town Engineer. A motion was made by Post, seconded by Furman, to reaffirm the approved negative declaration from the original 2017 site plan. All in favor, none opposed, carried. A motion was made by Furman, seconded by Creen, to refer to the UCPB. All in favor, none opposed, carried.

**2. Site Plan, Kiniry West, LLC/Kim Kiniry, 1752 Route 212.** Presented by Chris DiChiaro, P.E. The applicant would like to create a site adjacent to his current location at 1740 Route 212 where he can have machines to process materials, such as sand, stone and topsoil. The items will also be stored at that location in stockpiles. The applicant has cleaned up the property significantly and there is a natural sediment trap in the middle of the lot. The machines will be kept as close to the road as possible to limit the noise impact on neighbors in the back of the lot. There is a natural buffer around the approved DOT entrance. The materials will be used mainly for the applicant's business, but some may be sold as retail. Shuster-there is a connection road to the adjoining site at 1740 Route 212, where will the loading areas be? Parking? Kiniry-parking will be done on the adjoining site where the shop will be located and there will be 1 to 2 employees on this site at a time. This will not be a high production facility. Ellsworth-the site plan depicts some wood frame buildings. DiChiaro-those are the neighbor's house. Ellsworth-grinders are loud, and the neighbors are close in that area, what are the hours of operations? Kiniry-Monday thru Friday, 8am -4:30pm, half day on Saturday. Furman-how will the dirt be controlled, not to be brought out on to Route 212? DiChiaro-there will be trap gravel at the entrance. Shuster-screening will be necessary, and buffering will be required. How high will the material piles be? Are the conveyors movable? Berm along Route 212 w/landscaping? Kiniry-the conveyors will be movable, and the material piles will be 10'-15' high. Ellsworth-there are large trees planted out front already, they are trees that will grow significantly tall. Kiniry-there will be additional trees of the same planted, the provider ran out of that specific tree so just awaiting additional supply. Shuster-will need to be referred to the Ulster County Planning Board due to the location along Route 212. Is there a drainage plan? Utilities? DiChiaro-there is a natural sediment trap, there is never standing water on the site. There are no plans for utilities to be used on this site, bathrooms will be available to the staff at the shop on the adjoining lot. Furman-dust? Kiniry-have never had an issue with dust moving off the site but watering down of the site can and will be done if necessary. Furman-will there be signage/lighting? Kiniry-not on this site.

A motion was made by Furman, seconded by Tiano, to declare an Unlisted Action under SEQR. All in favor, none opposed, carried. A motion was made by Furman, seconded by Bouren, to refer to the UCPB. All in favor, none opposed, carried. A negative declaration approval will be done when a landscaping plan is received. A motion was made by Furman, seconded by Bouren, to set the Public Hearing for the January 21, 2020 Planning Board meeting. All in favor, none opposed, carried.

**3. Site Plan, Jeffrey Court Properties, LLC, Jeffrey Court.** Presented by Khattar Elmassalemah, Praetorius & Conrad, P.C. The applicant would like to develop less than an acre of an 8.6-acre lot. They would like to build 2-apartment buildings with a total of 24 units, each a 2-bedroom maximum. Basic grading will be done, the required roadway movement has been provided for fire truck. There is an extensive area of wetlands located on the site, but they will not be disturbed. The zoning law requires 3.63 acres for this project, so the applicant fulfills that requirement with not problem. No further development is projected after this. Shuster-from the model picture provided the elevation of the buildings seems higher than what is allowed in a High Density Residential district, which is 42'. Khattar-they are three-story buildings, each unit will be 1-story and they will be a full sprinkler system installed. The total height of the building will be less than the required 42'. Tiano-the water pressure in that district may be an issue, should check with the Water Department to ensure it will not cause issues for the surrounding neighbors. The Glasco Fire Department does not have a vehicle that can reach the top of the building in case of an emergency. Would like a letter from the Highway Department to ensure that the proposed drive will be adequate for fire apparatus and meets the required specs of the Town. Khattar-the applicant has followed all fire truck access requirements. Shuster-there are two actual access points that can be used. One from Jeffrey Court, which is existing with the shale drive, and the other is from Bishop's Gate. Could possibly use as an additional entrance/exit to alleviate traffic on Village Drive. Khattar-

there is a restriction on the Bishop's Gate access, can provide material to support. It also would require disruption of wetlands, which is not desired by the applicant. Believe that if you open the access to Bishop's Gate it would in fact cause additional traffic through Jeffrey Court and Village Drive because there is a light at Route 9W and individuals may prefer to exit that way from Bishop's Gate for safety that the traffic light can provide. Tiano-will a sidewalk be provided to Jeffrey Court. Khattar-not the intention to provide a sidewalk to nowhere, there are no sidewalks on Jeffrey Court at this time and it would just end at the end of the property line. Furman-is there a slope to the driveway? Khattar-yes it does slope down as you enter the site. Post-would request a sidewalk to the bus stop that will be required for the children that will live in the apartments. Shuster-the applicant has provided the minimum of 36 parking spaces required by zoning law, would like additional spots for visitors, since there is no on-street parking available. Khattar-have complied with the zoning requirements, will try and add a couple of extra spaces, would not like to disturb any further land. Tiano-request that a copy of the plans be sent to the Glasco Fire District before the next meeting for review/comments. Shuster-will need a Phase IA Archeological Report completed. Post-will require a public hearing. Furman-are there different style of buildings that can be used, elevations? Khattar-could look at different styles will modular company to create character. ADA units will be on the first floor. Shuster-the apartment building looks to be set in the hill. Khattar-correct.

No further action can be taken at this time.

**4. Major Subdivision, Kendall & Lisa Stanley, 4164 Route 32.** Presented by Tom Conrad, Praetorius & Conrad, P.C. The applicant would like to create a 3-lot subdivision, creating a 1-acre parcel (Parcel 1), a 3.6-acre parcel with an existing barn (Parcel 2) and a 9.5-acre lot with an existing house and outbuildings (Parcel 3). Shuster-is there water/sewer on the 1-acre parcel to be created? Conrad-there is no existing water/sewer on Parcel 1 or Parcel 2. Ellsworth-Parcel 1 is exactly 1-acre? Conrad-yes. A Motion was made by Furman, seconded by Tiano, to declare this an Unlisted Action under SEQR and approve a Negative Declaration. All in favor, none opposed, carried. A motion was made by Furman, seconded by Tiano, to set the public hearing for the January 21, 2020 Planning Board meeting. All in favor, none opposed, carried.

**5. Lot Line Revision, Kirk & Evelyn Peters/Timothy & Mary Lee.** Presented by Tom Conrad, Praetorius & Conrad, P.C. The applicant would like to move the existing lot line over to encompass driveway access and make it wider. A motion was made by Furman, seconded by Bouren, to declare a Type II Action under SEQR. All in favor, none opposed, carried. A motion was made by Furman, seconded by Bouren, to approve the lot line revision. All in favor, none opposed, carried.

#### **ADJOURNMENT:**

Since there was no further business to discuss, a motion by Tiano, seconded by Furman, to adjourn the meeting at 10:11pm. All in favor, none opposed, carried.

Respectfully Submitted by,

Becky Bertorelli  
Planning Board Secretary