

**Town of Kinderhook
Planning Board Meeting
3211 Church Street
Valatie, NY 12184
May 19, 2022**

Draft

Minutes

The Town of Kinderhook Planning Board met on Thursday, May 19, 2022, at 7:00pm at the Town Hall. The Chairman called the meeting to order and the secretary called the roll.

A. Roll Call

Present:

Jonathan Cavagnaro, Chairman
Jake Samascott, Ag Member
Andy Howard, Town Attorney
Patrick Prendergast, Engineer
Joseph Suafoa
Dale Berlin
Jeff Pinkowski
James Hogencamp
Patrick Ball
Nataly Jones, Secretary

Excused:

None

Absent:

None

Also in attendance:

Various applicants and members of the

public

B. Correspondence

1. Review of Minutes;
2. FOIL request received for Wil-Roc Farms application.

C. Public Hearings

The board made a decision to amend the agenda and switch the order of the public hearings.

1. 7:05 PM - Mink, Robert; Route 9 H, Tax Parcel ID: 44.-1-12 - Minor Subdivision;

The secretary read the notice as it appeared in the paper.

Mr. Berlin made a motion to open the public hearing. Mr. Hogencamp seconded the motion. All in favor. Motion carried.

Mr. VanAlstyne addressed the board and distributed plans. He explained the location of the parcel and the scope of the proposal for a minor subdivision of an approximately 54-acre parcel. It is proposed to carve a 4.27-acre parcel from the main parcel across the road. He noted that 10' contours had been added to the plans. It was also noted that the proposed lot is in a flood plain and no permanent structures can be erected.

The Chairman invited the public to address the board regarding this application. There was no one who wished to speak in favor or against the application.

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Mr. Berlin made a motion to close the public hearing. Mr. Ball seconded the motion. All in favor. Motion carried. .

The SEAF SEQR was reviewed by the attorney.

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No, or small impact.*
2. *Will the proposed action result in a change in the use or intensity of use of land? No, or small impact.*
3. *Will the proposed action impair the character or quality of the existing community? No, or small impact.*
4. *Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No.*
5. *Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No, or small impact.*
6. *Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No, or small impact.*
7. *Will the proposed action impact existing:*
 - a. *public / private water supplies? No, or small impact.*
 - b. *public / private wastewater treatment utilities? No, or small impact.*
8. *Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No, or small impact.*
9. *Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? No, or small impact.*
10. *Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No, or small impact.*
11. *Will the proposed action create a hazard to environmental resources or human health? No, or small impact.*

Mr. Berlin made a motion to issue a negative declaration of the environmental impacts and approve the application as presented. Mr. Samascott seconded the motion. All in favor. Application approved.

Fees in the amount of \$200 were submitted by the motorcycle club.

2. 7:01 PM - Sun Communities/Sun Uncharted Kinderhook Resort, 58 Orinsekwa Road, Niverville, Tax Parcel IDs: 13-1-33.1, 13-1-33.211;

Mr. Samasscott made a motion to open the public hearing. Mr. Berlin seconded the motion. All in favor. Motion carried.

Mr. Spencer Crabb and Erik Gothberg addressed the board and provided an update and presentation. Mr. Crabb stated that they are continuing to refine the engineering studies. He acknowledged the recent site visit by some of the members. Mr. Gothberg addressed the board and public in attendance and shared the thought process of the proposal. He addressed the concept of glamorous camping and outdoor hospitality. He spoke to how people like to be in the outdoors, but don't always want the rustic accommodations that traditional camping offers. Mr. Gothberg addressed the applicants desire to maintain the natural feel of the site while providing a more luxurious experience.

Mr. Crabb addressed the most recent site plan submitted and noted some of the modifications. Additionally, he notes that permitting process with the necessary agencies, DOH, Highway, and utilities

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is ongoing. Mr. Crabb noted that the site is approximately 70-acres with the entrance from Orinsekwa Road via Route 28. At the end of the driveway, there would be a welcome center and parking area. He noted the length of the driveway to be approximately 600' from Route 28. 90 units are being proposed. An amenity area closer to the lake was identified. Mr. Crabb noted that the site design has been developed with the least impact to the site and the natural surroundings as possible. Additionally, he stated that a complete tree survey was conducted, and the desire is to retain as many trees as possible. It was stated that there would be no vehicles on site beyond the parking area. Pedestrian and golf cart traffic on site only.

Mr. Gothberg addressed the proposed structures; there are four different models proposed, one is a treehouse. All models are one bedroom and include a bathroom. He explained the developers desire to have the interior spaces extend into nature. Fire pits and outdoor seating areas are proposed.

Mr. Crabb addressed the clubhouse noting an outdoor patio by the lake with a small pool. The clubhouse would be outside the 100' wetland buffer. A dock is proposed by the lake for recreation by the guests, with a limited number of non-motorized vehicles including kayaks and paddleboards available. The desire is to not overcrowd the lake with boats. The clubhouse would include a small kitchen, gym facility and restrooms.

Mr. Crabb addressed the Welcome Center noting it is proposed to be 400-500' from the nearest neighbor's property line. This facility would be for guest check-in and offices.

Mr. Samascott made a motion to open the public hearing. Mr. Berlin seconded the motion. All in favor. Motion carried.

Mr. Cavagnaro invited the public to address the board regarding this application.

Mr. Tom Hess addressed the board with concerns about the wetlands specifically with regards to the proximity of proposed fire pits to the wetlands. He inquired about review by the DEC.

Mr. Prendergast responded that the DEC had mapped the wetlands area.

The wetlands have been surveyed and flagged, 100' buffer.

Mr. John Zukowski addressed the board and read from a prepared letter (on file). Topics addressed by Mr. Zukowski included but were not limited to water consumption and contamination, road improvements, light pollution, parking area, propane tanks, electric service, staff housing, winter security and emergencies, what will happen if the site fails, landscaping plans and buffers, traffic study, requested a new traffic study, swimming, permit from DEC for dock, status of the quality of the lake water, impact to wildlife, stormwater runoff impacts to local residents, impact on emergency services, number of jobs created, taxes, tax abatement, viable for less than 90 units, consulting CLC for land conservation, and impacts to the character of the community.

Mr. Zukowski's statement:

Thoughts for Sun Communities Glamping Project

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This document is separated into SITE, Environmental, Community, and Community Character

Site

It is our understanding that this land is in contract for purchase subject to the granting of a Special Use Permit or other type of rezoning.

The site proposed for this glamping project is currently designated as R-3. It is currently designated as 3 acre residential zoning. This is in the Town of Kinderhook Comprehensive plan. A special use permit must be given by the TOK to use this as zoned.

This site has approximately 71.5 acres total. There are wetlands along Knickerbocker Lake as well as in the rear near the Conrail railroad.

Under current zoning, about 23 houses could be built on the site. Sun Communities is proposing 90 glamping sites with prebuilt units being brought in and set onto foundations. Each one of these will have bedrooms, kitchens, bathrooms etc.; essentially a small house. They will be heated by electric, have propane for fire pits as well as other amenities.

Sun Communities is arguing that it is creating a campground. A campground consists typically of open pieces of ground where a camper can pitch a tent or park a camper. More specifically a campsite is a dedicated area set aside for camping and for which often a user fee is charged. Campsites typically feature a few {but sometimes no} improvements.

As taken from their map (SUN C200) this proposed site will have a 19,258 sq foot sq ft. amenities center with gym, swimming pool and other items provided. A series of floating docks are proposed to extend into Knickerbocker Lake for the purpose of canoeing, kayaking, and paddleboarding.

The entrance to the site will be Orinswiga Drive, which is off of Route 28, a 55 mph zone. The site distance to see oncoming vehicles is not good. This entrance road is not well seen by vehicles as they pass the area.

Orinswiga Dr. is currently 13 feet wide and an unpaved road. We understand the road will be widened to approximately 26 feet wide. Mature trees are on both sides of the road, but especially the south side. These consist of mature spruces, maples and various other species. What are the ribbons around the trees for? Will the trees be removed or will they be preserved? If they are preserved, any roadwork will weaken them. The roadbed will have to be dug down according to specifications. This will do two things: 1) damage the tree roots, causing damage to water and nutrient uptake. Over the course of several years, these trees will weaken and possibly die. 2) Cutting the anchoring roots will cause the trees to be weak on one side and possibly subject to blowdown by a strong north wind.

Where will the signage go? Will it be lighted affecting neighbors?

This type of proposal will need an extensive amount of water to fulfill its needs on a daily and weekly basis. How many gallons of water will be necessary for the whole site on a daily basis. One of the things the Kinderhook Comprehensive Plan took into consideration was the amount of water use by residents. Water conservation was a priority for the town. With climate change, we are concerned with our water table that is there for our use. We have noticed that as more houses have been built in our community, the water has a more sulphurish taste. Will this change our water? Will this affect our wells causing them to run low or dry?

We are concerned about lighting. What will be the effect on our community with this lighting? Even if the lights are more pointed down, there will be an amount of refracted light going up into the sky.

90 units will require a large septic system for both solids and water effluent. How will this be accomplished? How many cement septic pits will there be for solid waste? It is noted that there will be four wastewater treatment beds. How will water be brought to them? Where will the effluent going into these beds go. Into the lake or other freshwater wetlands?

How many parking spaces will there be? Will people be permitted to park large campers here if they decide to glamp instead of camp? Will renters be permitted to have visitors meet them on this site, thus increasing traffic?

It was mentioned at workshops that propane will be used as a fuel. What for? It was also mentioned that the units would have electric heat. How many propane tanks will there be onsite; will they be buried? Electric coming in: will it be underground?

Will there be staff housing onsite? Where? Over the winter, will there be anyone onsite as security or other emergency?

*What if this site fails? It is **STRONGLY** noted that you are purchasing land alongside of a Conrail railroad line.*

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There are trains that run on this line throughout the day and night. Have you given any thought to rail noise and rumbling of 100 car freight trains right next to your guests?

Sleeping next to a rail line can be noisy and cause you to receive bad reviews online and make people avoid your site. Again, what will happen if this site fails? Will it be abandoned or converted into something else i.e mobile home park as is their specialty in their publicity.

What are the projected percent occupation during the spring, summer and fall seasons?

We have not seen any landscape type of buffer screening neighbors from parking lots, glamping or other unwanted sights. Landscaping buffers of trees and shrubs also but down on noise and light pollution.

Environmental

It is noted that a traffic study has been done for this site. The study used data from 2015. To be fair, this data was used since the 2019 data was lower due to the pandemic. However, there have been many more houses build since 2015. Route 28 is used as a local road for people in our communities as well as for Kinderhook Lake. It is also used as a pass through for people who have built beyond our area. We would ask that a new traffic study be done to reflect the actual present day activities. Summer traffic will build up as compared to winter travel volume.

It should be noted that Route 28 in this area is 55 mph. The entrance to the site has limited site distance visualization. This site is a bus stop for children, as is Pine Hill Drive and farther down. The entrance to Pine Hill Drive is approximately 150-200 feet down from this entrance and would cause a dangerous situation. Traffic moves through this area at a fast pace. Their traffic analysis from their report indicates that 23 more vehicles will use this road in the morning and 37 vehicles use this road in the afternoon. As an example, it is stated that in the PM time period studied, there are 245 vehicles using route 28 daily and this project will add 37 to that time period. That is approximately 11% more not including delivery vehicles and other service vehicles.

The applicants have shown a dock and kayaks, canoes and paddleboards in their literature. It it required to get a permit from DEC for this dockage? Will swimming be allowed?

What is the health of the water? This lake is on the flyways for various birds including Canadian geese. Many of them oversummer in the lake. What is the fecal count from these birds? Will Dept of Health be required to sample the lake during the season? Will the water be safe to use for water recreation?

What will be the Impact on wetlands That surround the area?

What will be the impact on the wildlife in the area? We are losing land for wildlife in the Town of Kinderhook due to housing and other development. This project will remove more of the natural land for use by native plants and animals.

Will there be an environmental impact study done?

Will stormwater runoff affect homeowners around site. Will water runoff affect site in any way?

Will a State Environmental Quality Review Act (SEQR) be performed?

Community

The communities that surround this area are made up of people living their normal lives. We go to work; we play; we take pride in our homes. We support the local stores, take part in the various community sports programs. We belong to houses of worship according to the faith we believe in. We have young children in the area. We have senior citizens.

We require the various services provided such as fire protection, Valatie rescue squad, police. What kind of pressure will this development put of these services? Medical, fire protection, police?

How will the traffic impact our children who wait for school busses at the corners here, including Orinswega Drive?

What will be the response to noise from partying guests? Our communities are peaceful retreats for our homeowners.

How many jobs will be created for our community> We have heard there will be between 12 and 15 seasonal jobs created. This is not a lot for the size of disruption. Will these be local people or workers brought in from other places?

We will have additional traffic that comes with rushes in and out of the site. I would think that there will be a large traffic problem on Friday and Sunday nights especially. We will have additional trash on the sides of the roads to mar our community.

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How much tax will be received by the Town of Kinderhook?

This is a seasonal site. Who will watch the site over the winter to make sure the community is safe?

Has the Town of Kinderhook been approached by Sun Communities or any parties associated with the project for tax abatements for any number of years to put the site here?

Has Sun Communities or Ellie-Katz or any other principle donated any money to any political parties or personal campaigns in the last two years?

Is this project viable with less than 90 units? The density of sites and small houses to be put here. violates the density factors of the zoning.

Has any consideration of having a land conservancy purchase the land to keep it as it is. Columbia Land Conservancy is one that comes to mind. This land has freshwater wetlands and a lake that is unique to the area.

Has any consideration been given to approach Columbia Land Conservancy or other organization to let them purchase it to keep the site native and natural?

Community character

Our community has values that we all moved here for. We live in the country and choose to live far enough away from Albany to give us the services we need. We have small villages to purchase items for our homes. Local people own and utilize these amenities.

Sun Communities is a company with its headquarters located in Michigan. It is listed on Wall Street as a stock company (SUI). They are proud of it. They have 586 or so properties throughout the US and Canada. They own mobile home parks, marinas, and glamping sites. They have no ties to our area.

In return for them bringing in manufactured housing onto a site not zoned for this type of development, we will have increased traffic, noise from work vehicles and partying people, impact on our water table, lights at night, noise, air pollution, environmental changes etc. and we will receive a change to our community character.

This is a residential zone. They are COMMERCIAL. The money they bring into their development will be given to their stockholders.

I and many in this meeting oppose this project and ask that it be denied.

Mr. Matt Nelson addressed the board and proposed the developers find a more suitable site perhaps in the Catskill or Adirondack Mountains. He presented petitions signed by members of the community in opposition to the proposal. Mr. Nelson's objections included the fact that the parcel is residential, not commercial, and noted the lot size and coverage requirements in an R3 zone. Mr. Nelson stated that the code of the town speaks specifically to residential areas allowing camps and resorts, but excludes hotels, motels and bungalow colonies. Additionally, he expressed the opinion that the use of the term 'outdoor hospitality' further reinforces his belief that this proposal is nothing more than a hotel. Mr. Nelson stated that he does not feel the code allows for this use even with a special use permit. Mr. Nelson addressed his concerns about the proposed road and improvements proposed including widening and clearing of trees and lighting. Additionally, Mr. Nelson addressed the term 'least impactful' which was used previously, he is of the opinion that 90 sites is not in any way the least impactful. He does not feel it is in the character of the community. Lastly, Mr. Nelson addressed the SEQR process, and raised a few questions of concern in that regard. He cited a number of questions from SEQR which would be answered in the affirmative and implored the board to carefully review this proposal and take the public's opposition into account.

Mr. Ron Rich addressed the issuance and criteria for a special use permit. Special use permitting shall mean an authorization of a particular land use which is permitted in this chapter, subject to requirements imposed by this chapter to assure that the proposed use is in harmony with such chapter and will not adversely affect the neighborhood if such requirements are met.

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Mr. Tom Hess inquired about the number of easements granted for access to the lake and what impact will this action have on those easements? Will those residents still be able to access the lake as before?

Mr. Curtis Hopper addressed the easement he has to access the lake.

Mr. Crabb stated that there are no proposed changes to the existing easements.

Mr. Henry Kazer, the current property owner, spoke about the history of the property noting its use as a summer camp since 1927. His family has owned the property from the 1950's and ran the camp up until the 1970's. He is in support of the proposal and believes it would be of benefit to the community with limited impact. He is of the opinion that visitors to the area would further enhance the local community, with access to the rail trail, other activities and spending money in the area.

Mrs. Joan Kazer also spoke about the history of the property and was also in support of the proposal. She expressed concern about the environment and do not want to see large scale residential development. She was of the opinion that this proposal is respectful of the natural beauty of the lake and surroundings and is consistent with prior use.

Mr. Robert Hess addressed concern with road safety, noting several accidents and poor visibility in that area.

Mrs. Linda Hacker-Aroz expressed concern about the use of the lake and sound carrying across the lake.

Mr. Thomas Scanlon expressed concern about the proximity of the property to the railroad tracks and safety in the event of an emergency.

Ms. Denise Hess stated that she likes the concept but is concerned with the large number of units and additional cars and traffic. She was of the opinion that the traffic study is not representative of the actual volume.

Mr. Berlin made a motion to close the public hearing. Mr. Hogencamp seconded the motion. All in favor. Motion carried.

D. Old Business

1. Kevin O'Neill of Seaboard Solar, C&M Farms/Greenhouses LLC at 321 Running Creek Rd, Valatie; Tax ID # 22.-1-7.111 & 22.-1-9;

Mr. Pedro Rodriguez and Mr. Steve Wilson of Bohler Engineering, representing the applicant addressed the board and distributed revised plans including landscaping detail and cross-section views (on file). Mr. Rodriguez stated they are still working with TRC and they are reviewing the connectivity issues. Mr. Wilson reviewed the landscaping presentation and views of the site from various vantage points from Maple Lane, Running Creek Road and Route 21. He stated that they are proposing to plant 400 trees around the site. Height of proposed trees at time of planting was discussed. Mr. Berlin requested additional details and renderings from a longitudinal perspective, plantings at year one vs. growth coverage by year 5.

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Based on what was submitted and reviewed, the board requested a detailed landscaping plan. Mr. Rodriguez suggested a bond for landscaping expenses and maintenance.

Mr. Rodriguez stated they are still waiting for a DEC site visit and determination of wetlands.

A discussion about the height and replacement of poles ensued. Formal agreements and finalized plans are still being developed with National Grid.

2. Katchkie Farm - Site Plan Review and Special Use Permit;

Not one was in attendance to represent this application.

3. Hendlin, Beth, DDS PLLC - Site Plan Review for Change of Use of 3321 US Route 9, Valatie, Tax Parcel ID: 23.-1-6

Not one was in attendance to represent this application.

E. New Business

1. None

F. ZBA Opinions

1. None;

G. Liaisons

1. Village Planning Boards - No report provided;
2. Town Board - No report provided.

H. Other

1. Public Comment

Mrs. Karen Watt addressed the board with a few comments. She is concerned with the solar proposal changing the use from agricultural to industrial. She addressed a new proposal in the Town of Stuyvesant. She is also concerned about the proximity of the ponds to the arrays and the potential negative impacts.

Mr. Watt spoke about the history of the agricultural industry in the area. He expressed concern about the negative environmental impacts of solar farms and continuing to lose agricultural land to solar farms.

Mr. Darren Mazure inquired about any updates for the Katchkie Farm site plan. He has concerns about parking and traffic and location of amenities.

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Mr. Berlin made a motion to adjourn the meeting. Mr. Samascott seconded the motion. All in favor.
Motion carried; meeting adjourned at 8:46pm.

Respectfully submitted,

Nataly D. Jones, Secretary