

**Town of Austerlitz  
Columbia County  
New York**

Lee Tilden, Chairman,, Deborah Lans, Perry Samowitz, Eric Sieber, Jane magee

**Planning Board Meeting**

**March 5, 2020**

**7:00 p.m.**

**\*\*\*\*\*AGENDA\*\*\*\*\***

- 1) Call Regular Meeting to Order**
- 2) Approval of February minutes**
- 3) Unfinished Business**  
PL-2019-07 Jason and Jill Duffy Site Plan Review
- 4) New Business**
- 5) Public Comments**
- 6) Adjournment**

**\*\*\*\* Next Regular Planning Board Meeting April 2, 2020 \*\*\*\***

Town of Austerlitz  
Public Hearing/Planning Board Meeting  
February 6, 2020

Present: Lee Tilden, Chair, Deborah Lans and Eric Sieber, Members. Susan Haag, Town Clerk, Loren Brink, Planning Board Clerk, Joseph Catalano, Attorney for the Town.

Perry Samowitz absent due to vacation.

Planning Board currently has one vacant seat.

**Public Hearing**

Roughly 100 people in attendance.

Chairman Tilden opened introducing the dais and giving those in attendance an outline of procedure for the public hearing.

Continuance of Public Hearing called to order at 7:00 PM.

Public Hearing continued for:

**Planning Board Application #7-2019.**

Property Owner: Jason Duffy

64 Owl Hill Road, Ghent, NY 12075

Applicant: Taconic Engineering DPC, Andrew Didio, representing Jill and Jason Duffy  
2 Main Street, PO Box 272, Chatham, NY 12037

Project Property: 338 Punsit Road SBL:95.-1-7.100

Chair Tilden welcomed Applicant Jill Duffy, Jason Duffy could not be in attendance, to explain their project.

J. Duffy hoped to bring clarity to what seems to be misconceptions with respect to their intentions for the project on Punsit Road. The Duffys moved to Columbia County in 2013 with their 2 children who are connected to their home, the land surrounding it and to their community. The Duffy's have chosen to invest in things they care deeply about, namely agriculture and land stewardship. With these values in mind, they purchased the land on Punsit Valley Farm. They feel a great responsibility in this project and one that they take seriously. The Duffys plan on focusing on developing an active, small scale agricultural enterprise, not exploiting the land. A farm that provides living wages and supports dynamic and committed young farmers like their business partner Lucy Marston. In addition, they will focus on helping to reestablish a connection to the land and a wider ecological community while maintaining open, beautiful land.

J. Duffy continued explaining how Farm and Field, their little farm stay agri-tourism business had its beginning last Spring in Ghent. Visitors came with no disturbance to neighbors. Guests collected eggs, tended their herd of goats, worked with vegetables grown at nearby farms and Lucy Marston led tours of Hawthorne Valley Farm. These simple, authentic on-farm experiences were transformative for guests and greatly beneficial for their partners.

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J. Duffy then walked the Planning Board through how they planned to deepen this type of work on the Punsit Valley Farm.

\* First and foremost, the Duffys will continue the legacy of the Punsit Valley Farm as a working farm. This Spring, they will grow annual vegetables, herbs and flowers, as well as, mixed livestock using sustainable, regenerative farming practices. The farm will grow food for the community and set the stage for farm-based programming. The pasture will also continue to be cut for hay.

\*The agricultural use of this land is central to the Duffy's mission. Because this is a small farm and wanting to keep it a small farm moving forward, there will be a limited number of visitors to the farm. Mark and Karolyn Shepard ran a pheasant hunting club, among other businesses off this land in order to sustain the farm. Their partner, Lucy Marston, will speak concerning the farming aspect.

\*There will be a camping component of the farm operation. Accommodations from 6 camping sites will generate revenue to help offset the cost of keeping the land in agricultural use. These 6 cabins will be strategically clustered along the far edge of the western pastures, tucked into the wood line. They were placed here so there would be very little impact to the land. They are hidden from the road and from neighbors with natural screening from trees and from the topography. The cabins' location utilizes very little of the land maximizing the agricultural use of the pastures for livestock and haying, all the while maintaining open, beautiful land and views.

\*Because the Duffys care about sustainability, they went in the direction of upcycling decommissioned shipping containers for cabins. The containers are minimally impactful on the environment, have an aesthetically driven design, are easily movable and impermanent with no necessary foundations and minimal sit work causes little disturbance to the land. They are only 8 feet tall.

\*A multiuse barn will be built and used to support both the farm and the business. This will be tucked into the landscape as well.

\*There is no interest in hosting large events or weddings, music festivals, conferences or seminars either now or in the future.

\*The Duffys will restore the 1800 farm house and renovate portions of the original dairy barn to increase its use both agriculturally and for on-farm workshops.

The Duffys are looking to preserve and maintain the fabric of the landscape, revitalize a small family farm in a manner which allows it to return to active agriculture, support young farmers and provide a diverse income stream in order to make such a small scale agricultural operation economically feasible.

Lucy Marston, head farmer, operating in collaboration with the Duffys, spoke concerning her involvement in the Punsit Valley Farm project. She has 15 years land based work through education connecting people back to the land. Her most recent work was at Hawthorne Valley in a program that mentors young farmers. Food and farming is what the Duffy's project is about.

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Surviving and thriving a small to mid-size farm is very hard due to financial hardships. Numerous farms are turning to outside subsidizing to help sustain them. Come to the farm and connect with the land is how this project is set up. Other similar examples of this throughout Columbia County were given. Small numbers of people from far away are invited to learn and appreciate the farming operation and understand where food comes from. This will continue the Kern Family Legacy. The farm will grow vegetables and flowers, will have a greenhouse, laying hens, 300 chickens and a small goat herd. L. Marston has worked with Town resident, Robert Pinto, who hays the land and knows this farm. She has also spoken with Karolyn Shepard who is excited to know that the land will be used as her parents used it.

Andy Didio gave a brief overview of the proposed site plan using maps and poster boards. Showed where the 6 nonpermanent cabins will be located. There will be no foundations. These can be moved at any point. A. Didio noted that these cabins are strategically placed as to not have an impact on the agricultural use of the land. The intent is to use the existing farm road only rerouting a section towards the end so there will be more land for farming and will incorporate required fire ingress and egress standards. The intent is to limit the impact to the land. Cabins will not have water or septic, will use a central area for these. There will be an 18 space parking lot, 2-4 occupants in each cabin, 24 guests possible at any given time. The common barn will be in the hedgerow and the parking lot in the tree line. This is a dense hedgerow with evergreens which will provide screening for this location. They are trying to minimize the lighting as much as possible using Dark Sky methods. The plan is to have one motion sensitive devise outside each cabin and outside the bath house. None on the walking paths so as to keep this as natural as possible.

Attorney Andy Howard, representing the Duffys, explained the legal standards of a special use permit, arguing that if the applicant demonstrates compliance with the standards legislatively adopted for issuance of a special permit, the Planning Board is obligated to issue the permit. Attorney Howard continued discussing the campground use and agricultural use noting that the Town of Austerlitz' Zoning Code recognizes a campground as a permitted use in the rural residential district, subject to a special use permit. The applicants proposed use of 6 upcycled shipping containers as temporary shipping quarters for transient occupancy fits within the Town Code's definition of a campground. The term glamping is synonymous with camping. Agricultural uses are permitted in the Town Code in the rural residential district as well.

Attorney Howard further stated that the Town of Austerlitz Planning Board was justified in not requiring a long form EAF under SEQRA since the proposed special use permit application involves a small scale project that constitutes an unlisted action under SEQRA. Plus, it has been past practice for the Austerlitz Planning Board to not require the long form for similar size and scale projects. At the November 7, 2019 Planning Board meeting, the Planning Board issued a negative declaration under SEQRA and Attorney Howard respectfully requests that the Planning Board move forward with review and approval of the application.

Attorney Howard concluded noting that the Town of Austerlitz' Planning Board should not make a determination on this project based on community objections.

Chairman Tilden asked the if any of the Planning Board Members had questions.

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Member D. Lans asked if the old farm house was on the same lot as this project. A. Didio noted it was on the same parcel. Member Lans asked where the greenhouse would be located and was shown.

Chair Tilden asked if there would be camping all year long. Jill Duffy advised probably not in the winter, thinking just May thru November, maybe in April. There is a possibility of maybe keeping 3 of the cabins open all year round. Chair Tilden asked what the length of stay would be and was told probably not longer than a week.

Attorney for the Town, Joseph Catalano asked what the occupancy for the cabins would be and how close to the property lines the cabins would be. A. Didio answered that each cabin has a 2-4 person occupancy, 24 at one time. The cabins are roughly 1000 feet to Punsit Road and about 300 feet to the north property line.

Attorney Catalano followed up questioning the initial presentation of having no events on the property, just camping. Will there be any day time events such as harvesting? J. Duffy advised that there would only be onsite programming for guests staying in the cabins and for the purpose of reconnecting to the land.

The floor was opened for comments from the public.

Gerald Seligman, Resident: Advises that he is a member of the Austerlitz Zoning Board of Appeals and if this project ever came before that board, he would formally recuse himself. Notes that he is puzzled. There was not a lot of community outreach on this project. Spoke of his love of the Punsit Valley and noted that this project is a plan to save the land. There was no clear information before tonight. Ignorance breeds suspicion. The Duffys kept the public in the dark. There was no sufficient outreach to the community. The ads run for a farm manager paint a different picture than what was just given. This project signifies change for the Punsit Valley, but would keep the land as it is instead of a development. Why was there no meeting to tell the Town what this project was until tonight? After hearing the proposal tonight, G. Seligman has an open mind to view this project. He believes the ground swelling of opposition was due to miscommunication. Maybe there were mistakes in using the incorrect SEQRA form instead of subterfuge. G. Seligman would like to see an environmental impact study done, showing the impact on the road. He has a fear that the community outrage might sabotage a good thing. Please present a huge presentation with a long SEQRA form. Just give the community more information so he and others can make an informed opinion.

John Feldman, Resident: In support of the project. Does have a concern about noise levels and lighting. Asks that limitations of the project be put into the approval to handle these types of things. There is confusion with the ad placed if the applicant could please address. Punsit Road has a stretch of road that is paved before it turns into dirt. Maybe a sign could be place on the dirt portion that says local traffic only.

Ann Cipkowski, Resident: Advises that she comes from a long line of dairy farmers. Not one of those farms exist today. This could be a golden opportunity for the Town to keep this land in

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farming. Cabins are not permanent, parking lot not that big. The Town might be planning a development. This land that everyone cares about will be lost forever.

Carol Pinto, Resident: In support. C. Pinto received an email to attend an opposition meeting at the Academy. There was so much misunderstanding as to what this project is. Some are concerned about strangers, but there are so many Air B&Bs around that strangers are here all the time. Let people come and enjoy the land. She has heard people attacking others they don't know, about a project they know nothing about. The Town's Comprehensive Plan supports this project and we should support projects like this that keeps agriculture in place. Development could have up to 21 lots, which brings traffic, driveways, houses, etc. Most people have been giving others misinformation. The Town of Austerlitz is a Town with people from all over. Ask questions if you have them. Find out what the project is about. C. Pinto has heard nothing but positives tonight, not negatives. Let the Planning Board do its job.

Lee Magadini, Resident: The Town is engaged in this project. Everyone can agree we love farming, but she did not hear tonight what she heard before. There has been a lack of information. L. Magadini is concerned about how this small scale agricultural project fits into the code with it needing a special use permit. She questions the request to change the zoning from a farm to a hospitality endeavor by a special use permit. And if there are add-ons in the future? Chair Tilden notes that a special use permit would only be given for what the current project asks for, nothing else. What if someone else buys 200 acres elsewhere and wants to put camping on that as well. Can they do that if this project is approved setting a precedence? ATVs, rifles, what prevents another operation from getting in? Attorney Catalano explained that every project brought before a Planning Board is unique and looked at differently. Chair Tilden explained how the Planning Board judges a project on its merits at the time. Member Lans noted that each project is different and nothing is identical and therefore each is looked at on its own.

It was noted that if the Duffys go beyond the scope of the project presented for approval, and it was approved, the Town's Code Enforcement Officer would get involved. If the Duffys wanted to expand their operation, they would come again to the Planning Board for approval.

L. Magadini asked for clarification on special events. It was advised that the applicants will follow-up on this after the public finished its comments.

Elizabeth Diggs, Resident: Stated that the proposed project is very interesting, but should be placed in a different location. This farm is surrounding by 700 acres of lands in the Land Conservancy that will be changed. Put it in another location. Someone who cared would put it in a different place. The following discrepancies bother E. Diggs: metal shipping containers that are called cabins; an ad for a farm manager that includes events and corporate gatherings; the need for a longer SEQRA form. This is just not the right location for this project.

Colleen Safford, Resident: Noted that she has been through this process herself not too long ago so she understands that change brings fear. When people come forward with good intentions to provide something good, like farming, this is a good idea. There will only be 6 cabins for people to come and gather to enjoy the land. C. Safford likes projects like this which aim to preserve

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and protect. A development could have been put here which would have had a much greater impact on the area. The lighting is negligible. In the end, no one will know that this project even exists. The Town should be grateful for this type of project.

Michael Walters, Resident: Stated that his family was close to Karolyn and Mark Shepard and knows they had a hard time sustaining the farm. We need to help these types of projects to encourage young people to stay in the area. He doesn't feel like he was cheated out of information ahead of time. He had all he needed. No-one will find a farmer who could make a small farm work in a viable way without something extra to sustain it. Development will come otherwise. Please give the Duffys and this project some grace.

Steve Somlo, Resident: Austerlitz is not a destination. The Town doesn't have much of an economy, no explosion of growth and a project like this that is utopian in nature is exciting. Everyone wants a bucolic, nice, convenient atmosphere that does not bother us. We need more vitality in this community because we are aging out. We need resources to provide options. This project brings in traditional values, ground in a good reality. Look at Country Suites, the bed and breakfast that was just opened a short time ago. It is now closed. This project needs the community support and we should be encouraging this type of project. The Planning Board is to decide if this conforms to the code, not if they like it or not. S. Somlo urges an openness for this project and for others to take an interest in it. Update the Comprehensive Plan. Participate in creating a vision as to what the Town will look like in 10-20 years.

Wendy Noyes, Resident: Notes she has been concerned as it is not easy to be clear about what is actually being proposed. Does not believe the short SEQRA form is sufficiently informative and requests that the applicants be required to complete the long form. The short form notes 'suburban' land, why glamping and not camping, shipping containers, no mention of wet lands. There are many unexplained issues. Feels like there is fog around us. Attorney Catalano stated that suburban is the correct term to use. W. Noyes' specific concern is the fact that there are parts of the application that suggest future possibilities for expanded development and use beyond agricultural and it would benefit all if these were more clearly spelled out. There is the vague term mentioning events to be held at the property. The greenhouse plan mentioned tonight is not even totally formed so the impact is not yet known. The management ad is different from what was heard. W. Noyes believes there is a need for the Planning Board to manage the precedent that would be set by granting permission to this proposal for changing open farmland into a commercial campground as it seems to her therefore essential that care be taken to fully understand the potential impact of what is being proposed here. She believes the Planning Board has the right to put restrictions in any approval given and requests the Planning Board to do so. Restrictions for sound levels for events, nighttime lighting levels, limited numbers of participants for camping and events, parking issues in order to respect the privacy and rights of the abutting neighbors. She asked the Planning Board to require full transparency and honesty from the Duffys in their application in regard to the care for the existing wetlands on the property which are not mentioned in their plans for future development and possible expansions. W. Noyes requests a postponement of a decision on the project until all questions are answered.

Ed Goldfrank, Resident: Feels he is the one who has the most at stake and is the most impacted by this project as he lives in Karolyn and Mark Shepards' house that overlooks the property.

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Would like to thank Planning Board Members D. Lans and E. Sieber for visiting his home in order to have a full image of the extent the proposed campground will impact his and his neighbors' lives.

It was noted for the record that Planning Board Chair, Lee Tilden, also took a site visit on a different occasion.

E. Goldfrank notes that it seems likely that most of the structures on the campground will be screened from his view in summer, it will be a different story when the leaves are off the trees. Right now he can see bare ground in all 3 upper meadows from one end of the farm almost to the other, a span of about 1000 feet. There will definitely be a visual impact by this project from his home. E. Goldfrank cites certain sections in the Town of Austerlitz code dealing with mitigation and questions how a laymen like himself is supposed to know what remediation to ask for. Some impacts are only understood after a permit has been issued, construction is done and the facility put in service. Therefore, E. Goldfrank will list as many impacts and remedies that he can think of and hope for the best.

Visual: The new barn and the 18 car parking lot will be in his viewshed. Headlights will swing away from his house when cars enter, but will swing across his bedroom when they leave. Headlights winding through the property at night will also be visible. E. Goldfrank would like as much evergreen screening as needed. He believes that if this project goes through as currently designed, he will never be able to completely restore the level of privacy he enjoys now.

Noise: This is probably more important to E. Goldfrank than visual problems. Would like no public address system at this facility, no amplified music or other noise and no outdoor music at all after dusk. Noise carries through this valley. Asks for as much sound deadening shrubbery as possible. Past activities on this property such as pheasant hunts were started long before zoning and had a limited duration at predictable times. As hunting season is now. Noisy farm activity was the same-intermittent, limited in duration, no louder than someone mowing the lawn. E. Goldfrank strives to make the point that this project is in a rural residential area and that is the priority, and any commercial project is only allowed in if it fits appropriately.

General concerns: E. Goldfrank notes that public unease for this project is not about opposition to farming but rather a campground, preservation of open space and the protection of the headwaters of the Punsit Creek. If the farm is not viable without its Farming Theme Park adjunct, then the land is not protected against subdivision if changing economics dictate it. Approving the current application is no guarantee that the land will not be subdivided as circumstances require in the future. There are other ways to achieve a truly protective level of land stewardship and subdivision prevention, as the recently announced example of the protection of the Copake based Berkshire Valley Dairy/Main Farm demonstrates.

A web search for Hudson Valley Glamping reveals that the fad is expanding and heading this way. Combine that with the trends in Air B&Bs and it is apparent that many people are finding ways to monetize their properties. This project will set precedent for the entire Town. Please regulate this facility as comprehensively as you can. Anything less will act as a magnet for other similar ventures. E. Goldfrank questions whether or not this project fits under the definition of

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campground in the Town Code. Wonders if the shipping containers should be called cabins. Notes that a Farm and Field handout said there are plans for a year-round occupancy. How are these shipping containers going to be heated to satisfy temperature specifications on rental lodging facilities in cold climates and heated cabins are required to have running water. In addition to securing a fire chiefs' brief on adequate year round vehicular access to the site, E. Goldfrank would like to add a provision for campfires, such as: fire pits are safe and that there are adequate buffer zones around the buildings and campfires. Campfires should be screened. Lastly, bears are in the area and any food and trash needs to be bear proof.

Traffic: There is currently 13 residents on Punsit Road. This road is walked by many pedestrians because it is so quiet and traffic free. The proposed project depends on generating traffic. Right off the bat, this project will double the traffic on this road. Once the farm is up and running, expectation is more traffic for retail customers for a farm stand or frequent wholesale box trucks picking up fresh produce. The campground has an 18 car parking lot, more cars than for 5 houses. Also impacting traffic is the possibility of events. E. Goldfrank believes this hybrid facility with a mosaic of income streams is very clever, but in the wrong place. How many people are allowed for an event? A handout says 10-20 people. Please hold the applicants to these numbers. How often will events be held? Duration of events? E. Goldfrank asks for as few as possible and as to duration, depends on noise level and should be seasonally limited to full foliage periods.

Environmental Issues: In looking at the SEQRA short form, E. Goldfrank is concerned with the specific omissions and the underlying pattern which seems to minimize the presence of regulated wetlands, beaver colonies and road flooding. E. Goldfrank speaks to his observance of flooding last Spring to about 100 feet of the main driveway to the proposed campground noting extensive beaver activity on both sides of a culvert. A backhoe was brought in to clear the jam created by the beavers to save the road. There are WRP easements on this property. In speaking with Jim Unser, the USDA-NRCS Agent in charge of administering the WRP easement program in this area, any work to the road to fix the flooding issue must go through him. The stream hosts spawning trout which means that DEC permits are also required. Please consult the DEC for permitting regulations. The Planning Board can require the applicants to seek an independent survey of the wetland boundaries with contingencies for necessary other approvals please from all 3 agencies: Army Corps, DEC and USDA-NRCS.

Ed Goldfrank thanks the Planning Board for their consideration.

Robert Pinto, Resident: Noted he was the one who cleared out the beaver jam and this isn't something to be scared about. Beavers do not stay in one place, they move up and down that stream.

Mitch Khosrova, Attorney for a group of people not to opposed this project, but to check procedures and see that issues are mitigated. Attorney Khosrova spoke with the Town of Austerlitz' Code Enforcement Officer, Glen Smith, concerning his belief that the current applied for use is not a permitted use under the Town's Zoning Code. The application states that the applicants will be running a glamping activity and that is it a commercial operation. The closest permitted use is a campground listed in 190-13(B)(4) as a special permitted use. The applicants'

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description of the use does not fit into the town's definition under 190-58 campground. The Planning Board Meeting engineer tonight said that the shipping containers were essentially temporary structures. Attorney Khosrova would argue that the use of metal containers does not in any way fit the definition of campground and there is nothing temporary in the applicants' commercial operations. The impact of this operation on the neighbors as well as on the environment is significantly more than having tents pitched in warm weather.

Some information has been given tonight by the applicants, but there is much more that needs to come forward. This project needs a long form SEQRA as the current SEQRA submitted does not conform to requirements of 190-30(C)(1). This is important because the current short form states in #6 that it is a commercial project, #8 discusses traffic, #9 is incomplete, #13 say yes to wetland but they are not shown on the site plan survey nor is the buffer mapping shown as required.

A narrative should be provided by the applicant. This would address a lot of the questions raised tonight. Please request this from the applicant and make sure it can be reviewed before the next meeting. If items are not explained in a narrative, a precedent will be set. The Planning Board needs to make sure to mitigate items of concern. With such a lack of information, please keep the public hearing open so new information can be brought in and looked at and commented on.

Please address how the refuse is taken care of; is it taken away?; dumpster?; food, who is cooking? Is it brought in? Please make sure the correct acreage is listed for this project in the special use permit.

Paul Burfeind: His family owned 2 dairy farms and he grew up with the understanding he would be a farmer, but both farms failed. Today you can not work the land and hold onto it. He applauds the Duffys for their idea on how to keep farming alive. The Duffy brought an old farm house near his residence. They restored it, brought it back to life instead of getting rid of it. They are operating this same type of farm business out of this house and surrounding acreage and no one knows anything is going on. The Duffys respect the land. The main goal of the Columbia Land Conservancy is to make land available to farmers. Great that this project is taking this farm back to its original use and that the Duffys found a way to farm and have that farm sustained. Asked the Planning Board to not go against this project.

Evan Messinger, Resident: Knows the Duffys and their intentions. Asked the Planning Board to look at these applicants and their intentions and really embrace this project. It is done right and has a collaborative spirit.

Carol Pinto, Resident: If people wanted to keep this land differently, they could have bought the land. People do not have the right to impose their wishes on others.

Planning Board Chairman Tilden confirmed that all those wishing to be heard were heard.

Attorney Catalano questioned if the applicant wanted to keep the public hearing open for an additional month. Attorney for the Applicant, Andy Howard noted this project is an unlisted action under SEQRA and the Planning Board has done a great job over the months in reviewing

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the paperwork, the engineering and has even made a site visit. There will only be one Planning Board Meeting system, the short environmental assessment form is appropriate, a negative SEQRA finding is correct. The Planning Board followed the normal and correct procedure. Attorney Howard asked the Planning Board to close the public hearing and will entertain any further questions from the Board.

Attorney Catalano advised that the application noted this project was in Agricultural District #8 and he did not see an Agricultural Data Statement submitted. A. Didio advised that was not submitted. Attorney Catalano requested the applicant submit an Agricultural Data Statement before the next meeting.

Member Lans noted there seems to be some tension between an ad for employment that was placed and what the applicants' intentions are and asked for clarification. Attorney Howard advised that this project does not have the potential to be a corporate retreat center. This will not be a wedding venue. There are a limited number of units, 6. If there are likeminded people using all 6 units at the same time, so be it. Outreach opportunity for a retreat to be on a farm which they can offer under NYS Ag and Market Law.

Attorney Catalano questioned how guests would eat while there. The applicant responded that guests can cook their own meals over the campfire or partake in the catering on site in which the food is prepared offsite.

Attorney Catalano questioned how the operation would deal with solid waste removal. A. Didio advised that this falls under the NYS Department of Health and noted there could be a central refuse station in or near the barn. The dumpster location has not been identified. Attorney Catalano asked that the refuse or dumpster locations be added to the site plan and be submitted to the Planning Board.

Attorney Catalano questioned the mapping of the wetland area. A. Didio noted that there was an agricultural easement over the parcel in an area by Punsit Road. Any improvement to the road would be done in a 20 foot area that is not part of this easement. Work on regrading or resurfacing existing access roads are exempt under DEC regulations, but they will notify DEC about the intended work for the road. It has not been done yet since DEC will not accept an application for disturbance in a wetland area until the SEQRA process and zoning process is complete. Attorney Howard advised there is nothing proposed for the wet land area except for resurfacing the road and perhaps replacement or repair of the culvert.

Member Lans asked if there was any intention to mine gravel on the parcel for the road. NYSDEC regulations were discussed. A. Didio noted that if the applicant was to use the existing gravel pit on the property for the road resurfacing, that would be exempt from DEC mining regulations.

G. Seligman, Resident: Asked for clarification concerning corporate retreats. Attorney Catalano noted these are not part of the current application.

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Ed Goldfrank, Resident: Asked for clarification on the process from here. Attorney Catalano explained the process moving forward. Planning Board Meeting

Cindy Puccio, Resident: Stated that the current short form SEQRA is flawed and is filled with mistakes. Will the Planning Board ask for a new SEQRA to be done? Attorney Catalano stated that the Planning Board made a decision on the SEQRA and the term suburban is correct based on the definition.

Attorney Khosrova questioned the code requirement for a long form for SEQRA. Attorney Howard, that the Planning Board can waive the requirement for the long EAF form and make the decision to accept the short EAF form.

Andy Didio noted that although the zoning code requirement is for the long form, some projects can use the short form and went on to explain why the short form is acceptable and acceptable for the Planning Board to accept.

Attorney Catalano asked the applicant to submit water usage calculations, as well as, those estimates for waste water. The location of a separate well is already shown on the site plan.

The applicants are currently waiting for the Fire Company approval for the turn outs on the road for emergency ingress and egress.

Lee Magadini, Resident: Questions the distinction of glamping and the shipping containers. Attorney Catalano advised that this will be considered during the approval process.

The Planning Board advised that given the quantity of the written comments received they would not be read at the Public Hearing, but made part of the Public Hearing record and are available if anyone wishes to review them. The following correspondence was received prior to the Public Hearing concerning Planning Board Application #7-2019 and entered into the record by reference as part of the hearing record:

Evan Messinger, Resident: In support, noting that this initiative is supported by Hawthorne Valley staff and resident farmers and will restore local agriculture for area farmers. This will allow residents and visitors to fully appreciate the bounty and beauty of Columbia County.

Martin Ping, Executive Director Hawthorne Valley Association: In support, noting that Farm and Field's mission to satiate hunger for authentic connection is harmonious with Hawthorne Valley's mission to renew soil, society and self through the integration of education, agriculture and art. In addition, the benefit of attracting a level of engaged tourism will bring economic benefits, and will bring the value of inviting interest in questions regarding land stewardship, agricultural production, and food systems; thinking that can lead to more compassion for the land and greater understanding of the importance of supporting area farmers.

Wendy Noyes, Resident: Was out of Town during the holidays and unable to be at the January Planning Board Meeting. Requests that any decision on this application be postponed.

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Paul and Diane Burfeind: In support, noting that the Duffys are neighbors. The Duffys are sensitive to the natural environment, topography and wood forest. The new faces and possible residents that have come to the bed and breakfast the Duffys have on their property are hardly noticed by most of the neighbors due to little traffic and no impact to the community. It has brought tourism and commerce. Visitors frequent local businesses and events.

Bruce Frishkoff, Resident: In support, noting that he is a neighbor. Over the years, B. Frishkoff has found the Duffy's enthusiastic, creative, supportive community members, always willing to help out and always looking for ways to improve and strengthen the community.

Sebastian Trienens, Resident: Is comfortable with the proposed project, noting that the core objective of keeping the land primarily agricultural is in line with his beliefs. Believes the Duffys are going about the project with a sensitivity and openness to the residents of the Punsit Valley that he appreciates and which he believes is an indicator of how things will go as this project develops.

Karolyn Shepard, Previous Owner: In support, noting that she revered her property on Punsit Road and believes the Duffys will continue to revere the property through farming, not development. K. Shepard feels the Duffys feel the history, the love of her family and the legacy. K. Shepard found peace in selling the property and leaving her legacy because of the time spent with the Duffys and understanding their plans. A number of ventures were put in place to raise money to help support the farm over the years, and the Duffys will have to find a way to make the farm work for them as well. K. Shepard asks that the community work together to keep the Punsit Valley Farm intact for the future.

George Lagonia Jr., Resident: In support noting that the Duffys are looking to keep the Punsit Valley as it always was by bringing back livestock and farming. The only change, is allowing others to enjoy as well. The Duffys are doing their due diligence the make the impact on the Punsit Valley Farm as minimal as possible. This type of progress should be embraced as it will allow the Duffys to preserve the heritage of farming in our community.

Joe Piscina, Resident: No objections to the project noting that his farm abuts the Duffy property and he is satisfied that the project as described is appropriate for the farm and area, is sensitive to the environmental conditions of the property and its surroundings, and is confident that it will be thoughtfully implemented and run. The agricultural nature of the intended activities will be plentiful and consistent with the historical nature of the property.

Claudia Kenny, Farmer: In support noting as a farmer in Columbia County she is enthusiastic about the group's education mission. C. Kenny speaks to the farming trends in the area and how important education concerning farming is. C. Kenny has known Lucy Lafave, the farming partner in this project, since she began farming at Hawthorne Valley. Lucy has a passion, knowledge and vision to make this project meaningful in the local community. As a producer, she has the know how to build a vibrant farm operation as the base of the enterprise. This project will contribute to the vibrant agricultural community and to the Town of Austerlitz.

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Heidi Harding, Resident: In support noting that she is the co-founder and president of Middle World Alliance, a non-profit environment organization that promotes sustainable agriculture and ethical land usage in the Himalayan region of Nepal. The environmental crisis has no borders. As a resident of Austerlitz, H. Harding is aware of the disappearance of open landscapes and the alarming disappearance of agriculture as a noble and sustainable profession. She has known the Duffy family for several years. They stand out in the community as champions of sustainable agriculture and innovation in Columbia County. This project is visionary and vital to preserving the landscape and local economy.

Maxann Beja, Resident: In support noting that she became a fulltime resident to raise her children here. At the bus stop, she had the opportunity to speak with Declan Duffy who explained his family's farming project. He was excited and M. Beja became excited as well knowing that the Duffys has spent time at Hawthorne Valley and this must be in response to their experience there. Because M. Beja received an email about stopping the Duffy's glamping project, she reached out to Jill Duffy for a conversation since she didn't believe the intention behind the project was bad for the neighbors or environment. The Duffys have local history, with commitments to multiple schools and the community. After the conversation with Jill Duffy, M. Beja felt great noting that she believed this project was people trying to do something good. Spreading good and using the beauty of our own environment for the good of all. Teaching healthy practices in work and life. Have seen examples, M. Beja noted that the Duffy's taste is impeccable. Their attention to detail and simple beauty resonates from all of their aesthetic decisions. She believes this project will show an improved bucolic landscape tucked away on a country road. Something everyone can be proud to know exists. Examples were given of areas in Town that others believe are an asset, when a farming project is not. This correspondence was written to ask the Planning Board to listen to all people and hear all details, to see all sides before making a decision.

Lucas Cipkowski, Resident: In Support noting that he has come to know Lucy during his employment at Hawthorne Valley stating that her work is outstanding and demonstrates itself not only through her actions, but also the language she uses. He knows the work she is capable of, the programs she has run in collaboration with the school at Hawthorne Valley, the vision she has for Punsit Valley Farm and the authenticity she brings to a table. When L. Cipkowski found out about the Punsit Valley Farm project he was happy. He feels that the six small non-permanent dwellings are a great low impact channel. The simple concept of this farm having an additional revenue stream shouldn't be a surprise. Outdoor education and an understanding of land and agriculture are so important to everyone of all ages and this is the way this project will supplement funds to run the farm. L. Cipkowski knows the goal is to have a farmstay that coexists with programming that educates folks who come through. These things truly benefit folks.

Dana Wagner, Hawthorne Valley: D. Wagner notes that she has known Lucy Marston for 10 years while working at Hawthorne Valley. She has found her to be a reliable, thoughtful and amicable colleague. Lucy is honest, hardworking and very dedicated to the Farm and Field project. She is also compassionate and kind, which are perfect qualities for working with people and animals. Her dedication and understanding of the land and farming comes from her heart.

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Lucy is the type of person you can count on to keep a cool head in a stressful situation and her positive attitude is contagious.

Martin Ping, Executive Director Hawthorne Valley Association: Written as character references for Jill and Jason Duffy and Lucy Marston. M. Ping has known the Duffys for several years and is impressed by their deep commitment to the area and their attention to detail in the various projects and initiatives that he has witnessed them being involved in. He has found them to be thoughtful and upright neighbors. M. Ping can say the same for Lucy Marston, a former colleague who was consistently dedicated to her work and who inspired confidence and trust amongst her team.

Peri and Marcus DeGrazia, Residents: P. and M. DeGrazia note that they know Jill and Jason Duffy as members of the Hawthorne Valley community and have seen first hand their commitment to farming and land conservation. They believe that the Duffys have planned the Punsit Valley project with the most ardent intentions of upholding the property's farming roots, while doing their utmost to preserve the landscape. They commend the Duffys for their mission to bring people back to the land and believe strongly that the benefits of this project will extend far beyond Punsit Valley Farm.

Christine Lowery, Resident: In support noting that her family has deep ties to farming. The Lowerys moved to this area so their children could grow up with a different relationship to nature and to agriculture than is the norm today. They met the Duffys 8 years ago and share similar interests and passions. C. Lowery believes that the Punsit Valley farmland is unique and precious land in our community to keep intact. Many farms today have ended up being subdivided and sold. The Duffy's plan to create an active agricultural enterprise that supports young farmers, brings others in with the purpose of educating and fostering connection to the land, self and others, and maintains this beautiful tract of 200 plus acres is visionary and practical stewardship. C. Lowery has know Jill and Jason Duffy for 8 years and noted they have humbly and generously supported agricultural and educational initiatives in the county once they moved here. Their commitment to doing things thoughtfully, with purpose, with a deep care for land and people and with exceedingly good taste is unparalleled. She hopes the Planning Board will judge the project on the facts and actual plans presented as this project is truly a positive for the Town.

Susan Brind Morrow, Resident: Is concern that the Duffy's proposal will have significant negative impacts on the Punsit Valley, its residents, wildlife, natural beauty and character urging the Planning Board to delay until more information is provided, such as a long form SEQRA and consideration of environmental and residential impact.

Hannah and Yehuda Hanani, Residents: Has spoken with Goold Wells and Pumps, the company that has put in many wells in Spencertown over many decades, and notes they confirmed her concerns about the scarcity of water in this area with many homes finding they run out of water during the dry periods of summer. According to Hannah and Yehuda Hanani, Goold's cautioned that building more houses, not to mention commercial orchards and commercial recreational use would seriously strain the local water supply. For these reasons, they believe in a serious and complete study of the environmental impact of this project and requests that a new application be

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filed that more accurately answers the questions regarding wetlands, type of area, and responses that simply do not reflect the reality.

Garen and Stephen Tolkin, Residents: Noted that they chose this area because of its proximity to the world while being completely remote from it. The views are unequal to any place they know. It would be a blight to have to pass parking lots, visitor centers, and who knows what else that would be attracted to build nearby in order to exploit the area around it. They believe this will spread out and destroy the beautiful country lanes. Asks the Planning Board to consider the beauty and quietude of our beautiful Austerlitz before opening it to a commercial venture that would only invite more crowds, cars and noise.

Elizabeth Diggs, Resident: Supports Susan Morrow's response to the Duffy's proposal. The proposal to open a business to attract tourists to a site that has always been used as a farm seems inappropriate. This type of business might be acceptable in a different place. E. Diggs believes there are many inconsistencies and misstatements in the proposal, ie: metal shipping containers are not cabins and it would be entirely inappropriate to use refurbished industrial containers as a place for eco or agri-tourists. These are an ugly eyesore that require a concrete pad and are therefore not movable as the proposal states. The Duffy proposal would not enhance our rural environment or the beauty of the Hudson Valley in any way.

Colleen Safford and John Manning, Residents: In support noting that their project before the Austerlitz Planning Board went up against the resistance of neighbors. They understand that change brings about fear. The Staffords have full confidence that in working in partnership with the Austerlitz Planning Board, the Duffys will execute a plan that is built on integrity and care for the surrounding community and land. The project is based on agriculture and is in keeping with the land and community. The impact on the land and the surrounding neighbors is negligible by contrast to other projects that would fall under the same zoning law. Subdivision of the land, large farming, wind farming etc are all legal uses. To support local farmers, providing opportunity and to raise awareness surrounding sustainable farming and living is admirable. The Duffys are not looking to make money from the land or project. This is not a big business adventure, it is genuine land stewardship.

Lee Magadini, Resident: Sited statements made by the buyers of 338 Punsit Road and how they concerned her because they indicate an aggressive approach to bringing in robust business for agri-tourism. The sited statements included a reference to the process of developing infrastructure to host private and corporate retreat groups. After attending a meeting of concerned residents, she realized that the short SEQRA form used for the Duffy's site plan application had inaccuracies and omissions. These statements also seemed to contradict what was in the application. L. Magadini also sited comments from Lucy Marston stating that hosting people on the Kern Farm is not a new concept as they operated a pheasant hunting club and later rented the farm to the Philmont Hunting Club and other types of noise and traffic generating activity. She believes this comparison is an apples/oranges comparison because this farm is still zoned as farm, so is raising pheasants and it did not have lodging to rent nor did it market itself as a hospitality venture. Passing this farm on her way to work for 5 years she never saw or heard about noise and traffic generated from this farm. Is this the first venture that has requested the zoning changed from a farm by special use permit to a hospitality endeavor? If granted, this

would set a precedent for any future venture to be granted special use permission to change farmland to a hospitality and recreation endeavor.

Edwin Barden and Carissa Fair, Residents: After attending the Planning Board Meeting in January, reviewing available documents online and having several discussions with Lucy Marston and the Duffys, they are confident that this project as proposed is a reasonable and acceptable use of the Duffy's property. C. Fair and E. Barden do not feel this will negatively impact the scenic vista of the Punsit Valley.

A motion to close the Public Hearing for Planning Board Application #7-2019 was made by D. Lans and seconded by E. Sieber.

Roll call vote:

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: absent

Vacant Seat

Motion carried 3:0:1

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Chair Tilden advised that the Planning board has 62 days to make a decision on this project.

Planning Board took a break at 9:38 p.m.

Regular Planning Board Meeting called to order at 10:00 P.M.

Moment of Silence, followed by Pledge of Allegiance.

### **Minutes**

A motion to make the following corrections to the January 2, 2020 Planning Board Meeting/Public Hearing minutes: Charles VanderWest changed to Charles Vander Weit; Evelyn Madonia changed to Erlyn Madonia was made by E. Sieber and seconded by D. Lans.

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: absent

Vacant Seat

Motion carried 3:0:1

A motion was made by D. Lans and seconded by E. Sieber to add the following questions/concerns that were also raised to the January 2, 2020 Planning Board Meeting/Public Hearing minutes: How long can someone stay in the units? There is a risk of fire from campfires. Is there a max occupancy for each of the cabins? For the campground as a whole? Are there groundwater/runoff issues? Is the project consistent with the Comprehensive Plan? Will the beaver dam be affected? Is the property a regulated wetland? It's 200' from a cabin to the mail building-what will the lighting be? The definition of a camp is different in our town code and NYS law. Is it possible to screen the parking lot from view from the road? How will the

property be assessed? What will the effect be on wildlife in the Punsit Valley? How will trespassing into adjacent properties be controlled? Is the project compliant with section 160-2 of the Town Law? Question concerning accuracy of parts of the SEQRA form-Description of the area as Residential (Suburban) (Q5) and Q14, Habitat type Suburban.

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: absent

Vacant Seat

Motion carried 3:0:1

### **Unfinished Business**

#### **Planning Board Application #7-2019.**

Property Owner: Jason Duffy

64 Owl Hill Road, Ghent, NY 12075

Applicant: Taconic Engineering DPC, Andrew Didio, representing Jill and Jason Duffy

2 Main Street, PO Box 272, Chatham, NY 12037

Project Property: 338 Punsit Road SBL:95.-1-7.100

No further action taken. The Planning Board will review material and take up at the March 2020 meeting.

### **New Business**

Member Lans did not realize that Connie Mondel would no longer be taking the Planning Board minutes and would like to send a thank you card in recognition and gratitude for her years of service. Chair Tilden will get a card for the Board to sign in recognition of Connie Mondel's faithful service.

### **Public Comment**

Nothing further.

### **Adjournment**

A motion to adjourn was made by E. Sieber and seconded by D. Lans.

Lee Tilden: yes

Deborah Lans: yes

Eric Sieber: yes

Perry Samowitz: absent

Vacant Seat

Motion carried 3:0:1 Meeting adjourned at 10:07 pm.

Respectfully Submitted,  
Susan A. Haag, Town Clerk

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**SHaag**

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**From:** Andy Didio <adidio@taconicengineering.com>  
**Sent:** Friday, February 21, 2020 2:04 PM  
**To:** Loren Brink  
**Cc:** Samantha Cummings; Jill Duffy; Duff Duff; Andrew Howard  
**Subject:** Farm and Field- 150' Spur in Fire Code  
**Attachments:** Fire Code- 150' Spur.pdf

Hi Loren,

Joe Catalano had requested the reference we cited for the fire access road requirements for the Farm and Field project – specifically why we needed the driveway spurs to come within 150' of each cabin.

Please see the attached NYS Fire Code reference.

Thanks!  
Andy

Andrew Didio  
**TACONIC ENGINEERING, DPC**  
Structural & Civil Engineering  
P(518) 392-6660 x102  
C(518) 522-2639

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## Part III—Building and Equipment Design Features

Reference Material

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### CHAPTER 5

## FIRE SERVICE FEATURES

### SECTION 501 GENERAL

**501.1 Scope.** Fire service features for buildings, structures and premises shall comply with this chapter.

**501.2 Permits.** A permit shall be required as set forth in Sections 105.6 and 105.7.

**501.3 Construction documents.** *Construction documents* for proposed fire apparatus access, location of *fire lanes*, security gates across fire apparatus access roads and *construction documents* and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

**501.4 Timing of installation.** Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when *approved* alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection where construction of new roadways allows passage by vehicles in accordance with Section 505.2.

### SECTION 502 DEFINITIONS

**502.1 Definitions.** The following terms are defined in Chapter 2:

AGENCY.

FIRE APPARATUS ACCESS ROAD.

FIRE COMMAND CENTER.

FIRE DEPARTMENT MASTER KEY.

FIRE LANE.

KEY BOX.

TRAFFIC CALMING DEVICES.

### SECTION 503 FIRE APPARATUS ACCESS ROADS

**503.1 Where required.** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

**503.1.1 Buildings and facilities.** *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The *fire apparatus access road* shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all por-

tions of the facility and all portions of the *exterior walls* of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

#### Exceptions:

1. The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:

1.1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.

1.3. There are not more than two Group R-3 or Group U occupancies.

2. Where approved by the *fire code official*, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

**503.1.2 Additional access.** The *fire code official* is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

**503.1.3 High-piled storage.** Fire department vehicle access to buildings used for *high-piled combustible storage* shall comply with the applicable provisions of Chapter 32.

**503.2 Specifications.** Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

**503.2.2 Authority.** The *fire code official* shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

AGRICULTURAL DATA STATEMENT

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(Please print or type responses)

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1. Name and address of applicant:

Jason Duffy  
64 Owl Hill Road  
Ghent, NY 12075

2. Description of the proposed project:

The proposed project consists of constructing/installing six (6) cabins (8' x 20') for camping purposes with a multi-use barn ( two 22' x 48' with 22' x 20' breezeway connection) and associated walking paths and extending existing driveway. The project also consists of construction/installation of wastewater and water treatment system.

3. Location of the proposed project:

338 Punsit Road  
Austerlitz, NY

4. Is the location of the proposed project within an agricultural district?

Yes, AG008

5. Is the location of the proposed project within 500 feet of a farming operation that is within an agricultural district?

Yes

6. If the answer to either 4. or 5. was "Yes", then state the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed: (use back of sheet if necessary)

Lance and Susan Morrow  
194 Punsit Road  
Chatham, NY 12037

Old Ox Farm LLC Attn: Joseph Piscina  
118 Old Ox Road  
Ghent, NY 12075

7. If the answer to either 4. or 5. was "Yes", then the applicant must attach a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural statement to this statement.

Please see attached.

Date

2/20/2020

Signature of Applicant



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