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**Town of Shandaken Planning Board
Minutes for Regular Monthly Meeting
May 12, 2021**

PUBLIC HEARING:

Firelight III, LLC Firelight Phoenicia Camps:

Public Hearing was opened at 7:06pm. Hearing was open to the applicant and their representatives, notified abutters and/or their representatives. Present for Firelight were Matt Moss, Allan Dumas, Bobby Frisch, and Mike Moriello. Also present was Kenneth Lovelett (notified abutter), Tony Gentile and wife (notified abutter), Scott Reilly, Loraina Allen, Tina Rice, and consultants Ellen Hart via msteams.

Firelight's representatives gave a brief over view of the project for the Public.

Public Comment was opened via phone by secretary Pellizzari after reading the legal notice; Kenneth Lovelett (notified abutter) asks if this is similar to another organization called "tenter". Bobby Frisch owner of Firelight states it is different, because Firelight is more traditional in the fact that they have people on sight working. Tony Gentile (notified abutter) wants to point out that the utility runs across Firelight's property. He continues to state that homes on Mt. Laurel lines go down. He questions whether they have any plans to enhance the utility line. To which they respond no. He also states that he is concerned with the increase of traffic. Four letters were sent in to be read aloud for the Boards consideration. All letters are attached. No one called for comment.

Public Hearing was closed at 8:03pm.



nina weissman <ninajulietw@gmail.com>

1:44 PM (4
hours ago)

to me

Shandaken Planning Board:

As a homeowner within a few hundred feet of the proposed renovated campground at 570 Plank Rd. my family is very concerned by the sheer magnitude of the proposal.

There could easily be over 300 campers at one time at an 80 site facility. With the increased bear population here, trash generated by the campers not only makes bear-human incidents more likely but no doubt will make an environmental mess as well. What assurances has the applicant provided to address this issue?

How is it even possible that the Esopus Creek will remain clean when such a large campground at 570 Plank Rd. plus the possible creation of a hotel at the Maidstone site dump septic waste into the creek? How does applicant address the human sanitation issues?

Inevitably, the size and scope of Firelight Phoenicia Camps and Maidstone project will destroy the wilderness quality of the area, for example, noise and light pollution and traffic caused by maybe 100 extra cars per day in a small area. I hope the irony of this is not lost on the planning board: visitors come for the forest and creek not camp grounds.

As a neighbor, I hope Firelight Phoenicia Camps proposal Special Permit is denied.

Sincerely, Nina Weissman, 615 Plank Rd., Phoenicia

Maureen Millar <maureen.millar@gmail.com>
To: "Shandaken Building Dept." <Shandakenbldg@gmail.com>

Wed, May 12, 2021 at 4:44 PM

Thank you for accepting my comments for the Firelight Campgrounds proposal.

In general, I have been concerned about what seems a proliferation of Special Use permits in residentially zoned districts. Firelight Campgrounds seems a reasonable use of difficult (almost entirely flood plain) property but I can't see any good reason why they should not comply strictly with zoning code on all matters. We have laws protecting public health and safety for a reason... Laws specific to campgrounds. They are OUR laws. I do not ascribe to pre existing, non conforming designation for this property. I believe NYS law has determined (unless Town Law clearly states otherwise) that the designation is allowable for one year. Variances are given to projects whose hardship is not "self created". I don't know what providing the legally described 4000 sq ft per tent site would do to the current proposed number of campsites but wanting more than the law allows is a self created "hardship". Then a few questions-

Will there be a 24/7 manager?

Will the campground be open to the general public?

Will glampsites be available for all summer, or month long rentals?

Will the events tent be open to the general public? Will there be music? Weddings? Concerts?

Thanks for your consideration. Other than these remarks, let me enthusiastically sign on to Hilary Smith's comments and specifically - concerns about the traffic and Plank Rd condition issues. Thank you. Maureen

Millar

Comment on Firelight Phoenicia Camps, 570 & 576 Plank Rd. Mt. Tremper

My name is James Amenta. I have lived, and worked, and grown at 464 Plank Rd. for just over three years now. I am an abutting neighbor to this proposal on the same side of Plank Rd. I am writing today in support of the Site Review and Special Permit for the Firelight Phoenicia Project.

Upon learning of the project, my concerns were two-fold: privacy and flood control. The Firelight team addressed both items in the Site Plans submitted for public review. My wife and I were initially concerned about headlights from the new parking area that will face our house, but we have seen the proposal for plantings to address this and are happy with that solution. Additionally, our area of the flatlands has drybeds which catch the brunt of the rapidity in floodwaters when they rise. While the initial site plan did not account for these, after the flooding this past December the Firelight team adjusted their plan to keep these drybeds clear.

Additionally, I have gotten the chance to speak with a few of the team members at Firelight and have found them to be incredibly polite and very neighborly.

Lastly, and most importantly, as a community member who is just starting to raise a family in Shandaken, I want us all to share in the abundant vitality of our region. I believe the revitalization of this now essentially abandoned campground by a responsible entity can be an important small step in moving our town forward. I believe this new hospitality business will bring many new visitors to our villages and I believe the team at Firelight has every intention to seed a long-term investment in this space that will reap benefits for all of us. I am looking forward to the renewed life this project will bring our immediate area.

Thank you for your time,

James Amenta

Firelight camps 5/12/2021 Public Hearing comments

Inbox



Hilary Smith

3:07 PM (3
hours ago)

to me, Joyce

To the Town of Shandaken Planning Board:

I am unable to participate this evening. Please accept the following comments as part of tonight's Public Hearing proceedings. The public seems to have only recently become aware and engaged over this project and there is general confusion about the dual proposals on Plank Road. I hope the Planning Board does not take action tonight on SEQR or this Special Permit until the comments of the public have been satisfactory investigated, considered and addressed.

The two Special Permit projects pending before the Board, are directly across Plank Road from one another (Firelight and the Aurum). Both have potential environmental impacts that should be considered cohesively / cumulatively, based on their projected full-build future uses.

Traffic. Both projects will be adding new vehicle and truck traffic to a County Rd that is inadequate in its design and construction to accommodate existing traffic, let alone that expected with 80+ campsites and the Spa/Hotel/Restaurant planned for across the street. Have the two projects traffic impacts been considered together, along with the existing traffic? The speed limit is too high, the road lacks shoulders along either side for pretty much it's entire length, and is barely wide enough to allow two large vehicles (or one Trailways bus and one car) to pass in opposite directions. Besides the documented potential for vehicle collisions, there is much potential for future conflict between vehicles and pedestrians / bicyclists, two growing users of Plank Road. Plank Road also is subject to parking pressures (and pedestrians) associated with the very small trailhead area for Mt. Tremper. Adding more traffic, particularly from users unfamiliar with this quirky road or country roads in general, seems like a bad idea. The Planning Board has the power pursuant to the Special Permit regulations to ensure these project's are compatible and appropriate with the surrounding area -- you can ask for reduced density....

In any event, the Town should request a speed limit reduction, currently most of Plank Road is 55 mph.

Connections - If the Aurum spa and/or restaurant are open to the public and not just guests, it would be reasonable to assume that there will be pedestrian traffic between the two sites, potentially crossing Plank Road in groups and after dark. Both plans should reflect this and be coordinated. Lighting, pedestrian markings and improvements, signage on the road for vehicles, etc. should be considered. A

Emergency Services -- Both of these sites (Firelight and Aurum) are frequently not accessible via Plank Road (and therefore inaccessible) due to the 'normal' flooding locations at Mt. Tremper Arts and right before the DEC parking area. Plank Road also is experiencing erosion from the Esopus threatening to remove a lane at anytime and on the opposite side, from the natural stormwater "chutes" running down Mt. Tremper, bringing trees, water rocks and mud into / across the road. What happens if the road is inaccessible and these facilities / their clients require emergency assistance? What if people feel they need to be evacuated? Who's cost is that? Who makes the plan? When is it activated? What happens if guests can't reach their destination, at all?

Flooding - Firelight -- Similar to the concerns above re: Emergency Services, how does the applicant plan to handle the threat of floods? Cancel reservations based on what threshold? Plan for evacuations based on what protocol? This should be worked out by the applicant and presented to the Town for consideration, not left for the Town to figure out in an actual emergency event. Remember, people have died around here from rapidly growing floodwaters that we had significant prior warning. We don't always have that, sometimes weather doesn't behave as predicted...

Also, if there aren't already plans, the applicant should be required to coordinate with DEC/DEP to address the ongoing erosion of it's lengthy "sand-bank" along the Esopus. This seems to lose a foot or two of earth each time it floods like December 25th, 2020 flood. The Planning Board might want to have the applicant return every few years or after every major flood with an updated survey showing current configuration of land vs. Creek and revised locations for accommodations. This is a very dynamic site and most certainly isn't going to stay in the same "places."

Please remember that Planning Board's don't have to just accept what is best for the applicant's bottom line or media image, but have the duty to require plans and improvements that achieve the objectives of the community and environmental protection, as set forth in the Town of Shandaken Comprehensive Plan, it's Zoning Law, and SEQR. We want projects in our town that we can be proud of in the future, and not regretful, remorseful or liable for.

Thank you for your consideration.

Sincerely,
Hilary Smith
210 Fox Hollow
845-688-5288

REGULAR MONTHLY MEETING:

The regular monthly meeting was called to order by Chair Rabuffo at 7:04pm with the pledge of allegiance.

Roll Called by secretary Pellizzari, and attendance was recorded as follows:

Cliff Rabuffo, Chair	Present
Art Christie	Present
Joanne Kalb	Present
John Horn	Present
Allen Shiner	Present
Sam Spata	Present via msteams
Vivian Welton	Present

Roll Call Summary: 7 Present, 0 Absent

Others Present: Kevin VanBlarcum, Rob Stanley, Tina Rice, Ken Lovelett, Tony Gentile, Loraina Allen, Scott Reilly, and Christina Davis for Woodland Playhouse along with consultants Ellen Hart via msteams.

Old Business:

Firelight

Motion made by Board Member Christie to approve SEQR Negative Declaration, seconded by Board Member Kalb. Roll call vote as follows:

Cliff Rabuffo, Chair	Yes
Art Christie	Yes
Joanne Kalb	Yes
John Horn	Yes
Allen Shiner	Yes
Sam Spata	Yes via msteams
Vivian Welton	Yes

7= Yes 0= No 0= Absent 0= Recused

Ellen Hart consultant to the Planning Board reviewed all documents that the Board is in receipt of in regard to Firleighth's Special Use/Site Plan Application and has prepared a few comments. The comment letter is attached.

Aurum

The Board is in receipt of an updated site plan site plan. Chair Rabuffo remarks that the entrance has been moved which is positive. Ellen Hart consultant to the Planning Board has a comment letter in regard to the submission of the updated site plan please see attached letter. Chair Rabuffo asks attorney Mike Moriello what the plan is for the timber rattle snake den on the mountain. Mike Moriello states that there is a report to be submitted to the board, but still needs to be submitted. Board Member asks if Aurum will be using existing timber rattle snake education from previous sites.

New Business:

The Board has been presented a new application for a Special Use Permit/ Site Plan review from Christina Davis. Christina Davis is the owner of Woodland Playhouse, and wishes build a small preschool and toddler program, at 5571 Route 28 Phoenicia, NY 12464. The parcel is currently owned by the Catskill Watershed Corp. Permission was granted by the Catskill Watershed Corp to the applicant to apply on their behalf for a Special Use Permit/Site Plan Review. The applicant, Christina Davis, is advised by the Board that with a detailed Site Plan and more information they will be able to continue to review the application, and move forward with the process.

Other Communication:

Vivian Welton stands before The Board recusing herself as a Board Member. She presents the two side by side parcels she owns that are under size pre-existing. It is her desire to take it to The County and have them merged as one parcel.

Adjournment:

There being no further business before the Board, a motion was made to adjourn the meeting by Board Member Kalb and seconded by Board Member Christie. All in favor. Meeting adjourned at 8:51pm.

May 10, 2021

Mr. Clifton Rabuffo, Chair
Town of Shandaken
P.O. Box 134
Shandaken, NY 12480

**RE: Firelight Project – Follow-up from the April Planning Board Meeting and Workshop
SLR #4615-27-01**

Dear Mr. Rabuffo and Planning Board Members:

SLR is in receipt of the following items:

- Draft Negative Declaration
- Draft Full Environmental Assessment Form

These materials were reviewed and revisions to these documents were discussed at the Planning Board workshop held on April 28, 2021. The revisions have been incorporated into the finalized versions and shared with the Planning Board. Based on the series of reviews conducted, no additional information is requested to complete the State Environmental Quality Review (SEQR) application materials.

Following a determination under SEQR at the May 12, 2021 Planning Board meeting, a public hearing will be held for the Special Use Permit and Site Plan review process. Based on the information that has been submitted thus far, it appears that additional information is needed to complete the Special Use Permit application package.

- As much of the proposed development is located within the Federal Emergency Management Agency's (FEMA) floodway and Special Flood Hazard Area (SFHA) and the Town of Shandaken Flood fringe Overlay District (§ 116-41), please provide information showing how the project complies with the following requirements of § 116-41 Standards within the FF-O Flood-Fringe Overlay District of the Town Code:
 - All structures shall be designed and anchored to prevent flotation, collapse or lateral movement due to floodwater-related forces.
 - All construction materials and utility equipment used shall be resistant to flood damage.
 - Construction practices and methods shall be employed which minimize potential flood damage, including the requirement that all structures and other improvements be designed to withstand hydrostatic pressure, erosion and seepage to an elevation not less than 2 feet above the one-hundred-year flood elevation.
 - All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.
 - All water supply and sanitary sewage systems shall be designed to minimize or eliminate floodwater infiltration or discharges into the floodwaters, including the provision that on-

site sewage systems shall be located so as to avoid impairment of them or contamination from them during flooding details on how structures will be designed and anchored to prevent flotation, collapse or lateral movement due to floodwater-related forces.

- Please provide an evacuation plan to the Planning Board. As part of this evacuation plan, please contact the local emergency service departments to determine their capability to provide services to the site in the event of a flood. Please also include a discussion of how visitors to the site will be notified in the event of an unexpected flood event (i.e. public address system, air horn).
- Please provide additional information on the maximum occupancy of the proposed development. This discussion should include information of the event space at maximum occupancy, the lodging facilities at maximum occupancy, and any anticipated impacts that are expected to result from maximum occupancy of the facility or how these impacts have been mitigated.
- Please keep the Planning Board apprised of permit applications with NYCDEP, UCDOH, and NYSDEC.

Sincerely,

SLR Engineering, Landscape Architecture, and Land Surveying, P.C.



Ellen Hart, AICP
Associate Environmental Scientist/Planner



May 12, 2021

Mr. Clifton Rabuffo, Chair
Town of Shandaken
P.O. Box 134
Shandaken, NY 12480

Re: Aurum Project
SLR #142.14615.00027.0010

Dear Mr. Rabuffo and Planning Board Members:

SLR Engineering, Landscape Architecture, and Land Surveying, P.C. (SLR) is in receipt of the April 28, 2021, submissions for "The Aurum" project. The submission contained the following items:

- Full Plan Set dated 09/08/2020 with the latest revision date of 01/04/2021
- Hotel Plans and Elevations
- Draft Stormwater Pollution Prevention Plan
- Draft Full Environmental Assessment Form (FEAF) Part 2
- Draft FEAF Part 3, Negative Declaration

Please see below for the comments identified in the previous comment letter dated January 22, 2021 and the updated status of these comments.

Comment 1: The Planning Board has not yet circulated for Lead Agency. Although the project can now be classified as an Unlisted Action and circulation for Lead Agency is optional, it is recommended that Lead Agency circulation be undertaken based on the scale of the project. Circulating for Lead Agency will also save the applicant time as they go through the review process with other agencies. A Notice of Intent has been prepared and if suitable to the Planning Board can be circulated to the involved and interested agencies.

Updated Comment 1: The current Planning Board secretary was able to locate a previously received response dated October 8, 2020 from an involved agency, New York City Department of Environmental Protection, confirming the receipt of the lead agency circulation.

Comment 2: Following circulation for Lead Agency, please coordinate with Ms. Lisa Masi of the NYSDEC regarding the assessment of Timber Rattlesnake habitat on-site and provide the Planning Board with records of your communication.

Updated Comment 2: It has been brought to our attention that Ms. Masi is currently on leave from work and a different contact at NYSDEC needs to be reached for comment. The applicant indicated that their Wildlife Biologist is attempting to make contact with NYSDEC regarding this issue of concern. Please update the Planning Board when information is available.

Comment 3: SLR agrees with the applicant's assessment of permit needs. Please keep the Planning Board apprised of permit applications with NYCDEP, UCDOH, NYSDEC, and USACE.

Updated Comment 3: Please continue to keep the Planning Board apprised of your permit applications.

Comment 4: The applicant mentioned that the drainage plan and other associated site drawings as well as the architectural schematics are currently being revised. Please provide those drawings to the Planning Board when available. Please also provide a plan sheet that shows all wetland areas within the property.

Updated Comment 4: The drainage plan, septic plan and SWPPP have been shared with the Planning Board. These designs will be closely review by NYCDEP and the Ulster County Department of Health. If the Planning Board would like SLR to closely examine these designs, we would be happy to do so at your request. The architectural schematics have also been provided, as requested. The wetland areas were not apparent on the Full Site Plan set. Please indicate their location on the plan set. As non-jurisdictional, isolated wetlands, there are no additional comments.

The draft Full Environmental Assessment Form Part 2 has been reviewed and no revisions are suggested at this time. The draft negative declaration has been reviewed. Both documents remain in draft format until a full application is received and the Planning Board can review all of the application materials. Based on the review of the draft Negative Declaration, the following comments are posed:

- Will there be any impacts to the federally regulated watercourse/drainage ditch on-site? Will the disturbance extend below the Ordinary High Water Mark? If yes, a permit from USACE will be required. Has a permit application been submitted to USACE?
- Is the Planning Board comfortable with the information presented in the Wildlife Habitat report and is the Board comfortable with not getting an official response from NYSDEC? One option for the Board is to request a Timber Rattlesnake Encounter Plan, which is one typical requirement from NYSDEC for projects in close proximity to Timber Rattlesnake habitat. Also, the Board should review the following statement from the draft Negative Declaration and determine if you agree with it; "...the Lead Agency is satisfied that rattlesnake impacts will not be significant and that this Negative Declaration may issue, regardless of the manner with which the NYSDEC weighs in on this matter."

Sincerely,

SLR Engineering, Landscape Architecture, and Land Surveying, P.C.

Ellen M Hart

Ellen Hart, AICP
Associate Environmental Scientist/Planner