

PLANNING BOARD MEETING
CANAAN, NY 12029

JULY 16, 2018

The meeting was called to order at 7:05pm. Marlene Tuczinski was absent.

Revision to a previously approved Site Plan for Super Soul Farm at 365 Schillings Crossing Road

The Chairman gave the history of this site to the Board. In 2013, this property was called Book Creations and they requested to make the property commercial. Also in 2013 a company called Blazing wisdom looked at purchasing this property but that did not go thru. Blazing Wisdom ended up withdrawing their application to the Planning Board due to the restrictions/conditions the Board put on the review.

The school (classified as such by the ZBA) is a permitted use in a commercial area. In a residential area it is by Special Permit only; which also must have an approved site plan. Pierre stated that Blazing Wisdom was similar in what Super Soul has and wants. The main issue was the septic. There had been a question as to whether it was large enough and whether it was in regulation with Dept of Health (DOH) standards. The septic was checked by an engineer. The septic system predated DOH regulations. The approved request was for service for 14 people.

Tonight the application is being represented by the owners Raymond and Bridget Cappo as well as attorney Mitchell Khosrova.

The Cappos purchased this property in 2014. Pierre stated he was on the Board in 2014 and was present for all of the review of this property (June 2014 and 2 meetings in July 2014). Chad Lindberg was on the Board then as well; he was present at the June 2014 meeting but not at the other 2 meetings.

Pierre said parking had also been an issue then. He said he had been okay with allowing parking along the driveway but that was not approved. Chairman Davis (Chairman during the review) had not been in favor of that parking.

- Other 2014 issues:
1. needed a designated snow removal area
 2. traffic control
 3. Parking areas especially the upper site, to include

a safe

walking area from the upper lot to the main

area

Currently Pierre said he had spoken to the Cappos and they had been very helpful. Pierre did state that the Cappos had requested offsite parking at 3 locations- Tendai Buddhist Center, East Chatham Food Company and Cappos next door neighbor) but off site

parking will not be allowed or considered by the Board (per our zoning law).

Pierre said he had spoken to DEC since the stream on site eventually goes into a trout stream but the DEC did not feel it was an issue. Also, Pierre said there had not been any reports of sewage downstream.

Mr. Khosrova said operations have been growing. Mr. Cappelletti does training classes worldwide. Mr. Khosrova stated he is a yoga student at Super Soul Farm and their attorney. Mr. Khosrova told the Board that mainly city people come here for the yoga as opposed to locals. It is a stress relief to just be in the country. He also said the wetlands on site are treated properly. The school currently provides for 14 overnights and the Cappellettis would like to extend that to 24. Most people only come there for 2 nights. All food is catered. Mr. Cappelletti works mostly at the farm on weekends. Classes are held in the Yogi House. Mrs. Cappelletti takes the visitors on tours to show the wetlands. They play quiet music and there have not been any complaints from neighbors. The people are indoors most of the time. Mr. Khosrova said Mrs. Cappelletti concentrates on honoring the earth and caring for the environment. Education is holistic.

Mr. Khosrova said they have already appeared before the ZBA and that board was very receptive. Mr. Khosrova said the Cappellettis want to expand immediately. The dorm would allow 24 people and Lee Heim (the CEO) has been to the property as late as 3 weeks ago. The Cappellettis want to expand the number of people to 50 (who attend). He said people want to spend more time in the country, outside. To expand to 50 people (outside), the Cappellettis want to add tents (13 camping spaces). Mr. Khosrova said they do not consider that camping since there are no platforms and no barbeques. They feel it is not a campground. People will not be allowed to stay in tents unless enrolled in the yoga school.

Pierre said per DOH anything over 5 tents is considered a campground and must be inspected by the DOH. Mr. Khosrova said it is not a campground. Pierre said camping is not allowed in our use chart in the zoning law so **therefore it is not an allowed use.** Pierre said the Planning Board nor the ZBA can allow a campground; they cannot change the law. Pierre said he has a problem with tents and no location is shown on the maps.

To clarify- the proposal is to increase the capacity to 50 people. This would be 24 in the dorm and 26 in 13 tents.

Jeff asked if increasing the dorm to 24 people would entail any building modifications. Mr. Khosrova said yes, one window must be changed out and the septic system has to be upgraded. Jeff said **if** the camping goes forward he would like an area shown on the maps. He also is concerned with ingress and egress to the property.

Mr. Cappel said the flat area below the parking down at the bottom of the hill between the stream and the parking area is where they propose the camping area be put.

Pierre said increasing the capacity to 50 people could be done by expanding the dorm. So he asked if the motivation for the tent sites was for experience or to gain more people without adding to the dorm building. Pierre repeated that the DOH considers anything over 5 tents a campground. Mr. Khosrova said people want to experience the outside. He said there was a request for tents and the Cappelos want the tents. Pierre said this is a business in a residential area and it cannot be said that this is *just* someone's house. Pierre said the Board has to be very careful in how they approach this; it is a business.

Mr. Khosrova said the impact is only noise and light traffic. The capacity in the Yogi House is okay for classes so there is no increase in noise, lights or traffic. David said going from 14 people to 50 people is a three fold increase. Mr. Khosrova said in 2014 the biggest issues were wetlands and traffic and the neighbors have no issues.

Mrs. Cappel said she had gotten a grant and used that to plant many trees along the buffer. Pierre complimented the Cappelos on how well they take care of the property. Mr. Khosrova said the Cappelos want to be good neighbors.

Pierre said the Board minutes from 2014 approved 30 parking spaces yet their map shows 36. He said there had been quite a bit of discussion on the upper parking area with 10 parking spaces especially since there is not a good line of sight there. Pierre reminded the applicants that the Planning Board determines the parking and where it is allowed. Pierre said the Highway Superintendent (who is also an abutter), Bernie Meyer, gave the Cappelos a driveway permit for the upper parking lot. Mr. Meyer told Pierre that he has no problems with the upper parking lot as it is or if it increased to 20 spaces. However, there is a stump that has to be removed there. Pierre said he had been concerned about access from that upper parking to the building but when he visited the site recently he saw there was a nice walkway and it was well lit. He did say that area does need a rollaway area/barrier to stop cars from any problems.

Jens asked what the capacity was for the Yogi House, where the classes are held. He said if it is increased to 50 people, does the space itself need to be increased. Mr. Khosrova said the studio capacity is 26. There is also a dorm room that they can hold classes in. The classes are normally only held in the studio.

Chad said he wants things listed better and certified by an engineer; such as occupancy and all uses. Chad wants papers certified by a licensed professional and not by Lee Heim or their surveyor (Cindi Eliot). He also would like it shown on the map that there can only be a maximum of 48 people. Mr. Khosrova said they will use porta pottys so the septic system is not at capacity. Chad said he would like in writing from a licensed professional

something covering all aspects of this site plan, to even show where the porta pottys would be located. The site plan needs to be coordinated. Septic tanks need to be shown as well.

Mark asked if anyone else had any problems with the number of people being added to this area for certain events. Chad said no; if it was limited to only 3 a year. Mark said he was concerned about the next owners. What if it is sold, then what would happen. Pierre said they would have to adhere to what had been approved.

Jeff asked about the 10 space parking area, how would that change. Mr. Khosrova said it would double and they would put down crushed stone.

Jeff asked what was done about endangered species and Mr. Khosrova said he could not get that to print off the DEC website.

Jens asked what the agreement was with the Tendai Dharma Center and the neighbor for parking. Mr. Khosrova said they had talked to the neighbor but don't think they will need it. Pierre stated they **cannot have any** outside parking. That change would require new site plan approvals for both the Tendai Center and the East Chatham Food Company. Pierre said parking at the neighbors will not be allowed at all.

Chad said the Planning Board is required to make sure site plans adhere to our zoning requirements. Pierre said he does not think the ZBA should be in charge of Special Permits.

Mark does not think a 1000 gallon capacity tank is enough for 150 people. That size tank is only big enough for a regular house. Chad said the engineer design for the septic is for 24 overnight people. The capacity is not shown. The details of the design are not correct in the capacity, there is a mistake on the paperwork. Jeff said he wants consistency with all applications in following the zoning law.

Mark said a lot of information was given out by Pierre and he did not hear it all. The Clerk asked if it would be helpful if the old minutes were copied and sent to the Board members. The Board said yes.

Outstanding items:

1. Provide details and specs for the lights
2. Provide details and specs for the sign
3. Show the vicinity map on the site plan
4. Show the septic tanks and show details
5. Show ingress/egress. It was stated one driveway would be the entrance and one would be an exit.

6. Provide a detailed certification by an engineer
7. Show an area for the tents for the fundraising events (up to 150 people)
There is a code regulation on any tent over 10 feet by 10 feet
8. Define the areas of the temporary parking. **Not on the road.** Since it would only be used in the summer, list as seasonal.
9. Label the generator house and show the tank
10. Show the buried fuel tanks for the Yogi House and main house. Label that the fuel tank that is not being used will be locked.
11. Show details on the snow removal area for the expanded parking lot
12. Show the rollaway pavers (or comparables) and location for the upper parking lot
13. Provide the modifications needed and show on the map to increase the dorm to 24 people.

Review and approval of the January 15th minutes

MOTION TO APPROVE AS WRITTEN- Pierre Gontier Second- Jeff Sotek

Roll call Chairman Pierre Gontier-yes

Jens Braun- abstain	absent 1/15/18
David Birch-yes	
Chad Lindberg-yes	
Jeff Sotek-yes	
approved	
Mark DeSanctis- abstain	absent 1/15/18

Note: this was not approved previously due to lack of quorum of members who attended the January meeting

Review and approval of the May 21st minutes

MOTION TO APPROVE AS WRITTEN- Jens Braun Second- Pierre Gontier

Roll call Chairman Pierre Gontier- yes

Jens Bruan-yes	
David Birch-yes	
approved	
Chad Lindberg-yes	
Jeff Sotek- abstain	absent
5/21/18(excused)	
Mark DeSanctis-yes	

Additional business

1. Mark brought up the solar array at the Drummond residence on Old Hudson Turnpike. He said the array is up and the trees have not been planted as the Planning Board said had to be. He said the array is very visible. He also said an advertising sign is there and

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if the array is active. Pierre said he would check to see if a C of O was given.

2. Chad said he has a problem with the Slovak property on Frisbee Street, a building has been put up. He stated an accessory building cannot be built unless there is a regular building that can have an accessory use. No building is allowed there. Pierre said he had spoken to the Supervisor about this. The CEO approved this even though it is not allowed. Pierre said this is in a residential area and should have had a site plan review. The Supervisor said they were going to let this stand. The Board members were not happy about this and asked why we even have zoning.

3. Jeff asked about the area of land near the old Sunoco station (at B3) that has been cleared. There was a discussion on this by the Board about logging and clear cutting. He is concerned that someone plans to build there.

4. Pierre said the Board will be looking at the application from Monolith Solar for Bervy's Self Storage next month. He explained the ZBA gave a variance (area) and it should not have been approved at all. What they want is not allowed in our Solar Law.

5. Jeff said he is concerned that SEQR forms are not being filled out correctly. He wants the Board to go over the SEQR form for Super Soul Farm at the next meeting.

There was no more business before the Board.

MOTION TO ADJOURN- David Birch
Favor

Second- Jens Braun

All in

The meeting was adjourned at 9:30pm.

Respectfully submitted,

Tammy C. Flaherty
Planning Board Clerk