

TOWN OF GARDINER

P.O. Box 1, GARDINER, NEW YORK 12525-0001 (845) 255-9675 Fax: (845) 255-9146

Town Hall Offices - 2340 Route 44/55 Gardiner, NY, 12525

**Marybeth Majestic
Supervisor**

**Julia Hansen
Town Clerk**

**Resolution No. _____ of 2023
Awosting Club Incomplete Campground Application
February 7, 2023**

WHEREAS, the property located at 50 Camp Ridge Road (UCTM 92.4-1-71.100), Walkill, in the Town of Gardiner (the “Subject Property”) is the subject of an application by Camilla Bradley on behalf of Awosting Club, the owner of the Subject Property (“Owner”), for a Campground License pursuant to Chapter 200 of the Town of Gardiner Code (the “Application”); and

WHEREAS, a “Campground” use is not permitted as of right in any zoning district in the Town of Gardiner (the “Town”) and instead is only permitted in the Town pursuant to: (1) the requirements of Chapter 200 of the Gardiner Town Code (which sets forth the requirements for obtaining a license for a Campground use from the Town Board); (2) the requirements of Section 220-18.2 (governing Campground Floating Districts (CF)); or (3) the requirements of Section 220-45.2 (which provide that *new campgrounds* must receive a special permit from the Town Board and may only be in a mapped CF District, and *existing campgrounds* not located in a mapped CF District, must have a required license issued by the Town Board consistent with the provisions of Chapter 200 of the Town Code); and

WHEREAS, the Subject Property is not located in a mapped CF District; and

WHEREAS, pursuant to Town Code § 200-2 “[i]t shall be unlawful for any person to maintain or operate within the limits of the Town of Gardiner any campground unless such person shall first obtain a license therefor. Such license shall be issued by the Town Board for a designated period that is less than seven months per calendar year. All campgrounds in existence upon the effective date of this chapter shall within 90 days thereafter obtain a license and comply fully with the requirements of this chapter,” and

WHEREAS, Town Code § 200-1. Definitions. Campground (emphasis added) defines the term “Campground” as:

Any parcel of land on which are located two or more camping units of a design or character suitable for seasonal, transient occupancy by adults, children, or any combination of individuals, families, or groups, campground may include permanent structures, such as service buildings and recreational structures *but shall not include sleeping accommodations for transient guests in permanent*

structures intended for year-round use unless permitted by the Town Board in an approved Campground Floating District ('CF District'). The term campground shall not include residential camping, mobile home parks, golf courses, day camps, overnight camps, resorts, hotel or motel or other lodging facilities. For purposes of this definition, the term 'seasonal' shall mean a period of seven months or less per calendar year unless permitted by the Town Board in an approved campground Floating District ('CF District'); and

WHEREAS, Chapter 200 defines "Camping Unit," as "[o]ne sleeping device or shelter, including but not limited to any independent or dependent pick-up camper, motor home, recreational vehicle, travel trailer, tent, tent house, yurt, lean-to, or similar *nonpermanent unit* without or without a base structure designed and commonly used for overnight occupancy." Town Code § 200-1, Definitions, Camping Unit (emphasis added); and

WHEREAS, Town Code § 220-74, Lodging Facility (emphasis added) defines the term "Lodging Facility" as:

Any hotel, motel, inn, hostel, boarding home, or other establishment, with or without a dining room or restaurant, that provides sleeping accommodations for transient guests in one or more permanent structures. Bed-and-breakfast establishments, overnight camps and campgrounds are excluded from this definition, and

WHEREAS, a "Lodging Facility" is not permitted in the SP-1 zoning district, and requires a Special Permit if it is to be located in the Rural Agricultural District (see, Town Code § 220-10), and neither a "Campground" use nor a "Lodging Facility" use are permitted in the SP-2 and SP-3 Subdistricts (see, Town Code § 220-16(I)); and

WHEREAS, the Town Board has no authority under Chapter 200 to make determinations regarding preexisting nonconforming uses, which are governed by Chapter 220; and

WHEREAS, the Application is not accompanied by an Environmental Assessment Form ("EAF"), which is required by the State Environmental Quality Review Act and its implementing regulations ("SEQRA"); and

WHEREAS, the Application is not accompanied by a map/plan disclosing the location of the zoning districts that bisect the Subject Property and the locations of the subject alleged campground uses and other uses being made of the Subject Property with respect thereto; and

WHEREAS, the Application appears to seek to obtain and employ a Campground license for a year-round Campground use, despite the seasonal use limitations set forth in the governing Code provisions, and in year-round structures that are not permitted for Campground license use unless the Subject Property is in an approved campground Floating District, and which structures appear to have been erected without first making application for the required permits and obtaining the necessary authorizations and approvals; and

WHEREAS, it appears that a portion of the Subject Property had previously been utilized on a seasonal basis as a Girl Scout Camp with canvas tents, associated seasonal structures and an associated Lodge, however that use was and has been discontinued for more than one full year; and

WHEREAS, it appears that the associated Lodge use was subsequently discontinued and the structure was utilized instead as a private residence for more than one full year, which private residence was the subject of an application for a STAR exemption in 2019; and

WHEREAS, it appears that, without permits and approvals, the owner of the Subject Property has constructed multiple, year-round, permanent structures with conditioned air and electricity which it markets to the public for year-round use as sleeping accommodations for guests at the Subject Property (the “GeoDomes”); and

WHEREAS, the Geodomes are in no manner like-kind reconstruction of the former seasonal canvas tents that were allegedly utilized at the Subject Property, and rather constitute a change in use that prior use also being a discontinued use of the Subject Property:

THE TOWN BOARD OF THE TOWN OF GARDNER THEREFORE FINDS, DETERMINES AND RESOLVES that:

1. The Application for a Campground license is defective and incomplete and is otherwise improperly made and rejected because:
 - a. the Application is not accompanied by an Environmental Assessment Form as is required by SEQRA and its implementing regulations (6 NYCRR 617 et seq.); and
 - b. the Application is not accompanied by a map/plan that indicates the location of the zoning districts that bisect the Subject Property and the locations of the subject alleged campground uses and other uses being made of the Subject Property with respect thereto; and
 - c. the Application seeks authorization for a Campground use in year-round structures that are not permitted for Campground license use outside an approved Campground Floating District, and that appear to have been already illegally erected without authorization and required permits; and
 - d. the Application asserts that the structures constitute a preexisting nonconforming use without making a requisite demonstration of same.
 - e. the application appears to seek a Campground license for prohibited year-round Campground use on property that is not located and does not qualify for designation as a campground Floating District; and

- f. the GeoDomes at the Subject Property appear to be permanent structures that have been installed without building permits and proper authorization; and
- g. the representation in the Application that the structures constitute a preexisting nonconforming use of the Subject Property has not been established and cannot be the subject of this application as that determination if eligible or relevant must be made pursuant to the Gardiner Town Code as indicated above; and
- h. a preliminary review of the available information regarding the Subject Property suggests that any preexisting nonconforming use of the Subject Property was limited to seasonal canvas tents and a Lodge facility, both of which appear to have been subsequently voluntarily discontinued for at least one year, thus losing any such status; and
- i. the apparent primary use of the Subject Property is as a Lodging Facility, not a Campground, and a Lodging Facility use is not authorized for the Subject Property and is not a use contemplated by or that can be included in a Campground license; and
- j. the Application has not established or indicated a compliant and adequate water supply system, sanitation system and storm water drainage system.

<u>VOTE</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Supervisor Marybeth Majestic			
Councilmember Warren Wiegand			
Councilmember Laura Faye Walls			
Councilmember Carol Richman			
Councilmember Franco Carucci			