

PLANNING BOARD
TOWN OF STUYVESANT
STUYVESANT, NEW YORK 12173

MINUTES OF OCTOBER 27, 2008

**** Approved at 11/24/08 meeting**

MEMBERS PRESENT:

Mr. Gale Bury, Chairman
Ms. Marilyn Burch
Ms. Charlene Leach
Ms. Patricia Casey
Mr. Harold Leiser
Mr. Tom Shanahan

MEMBERS ABSENT:

OTHERS PRESENT:

Brent Stack, Attorney with the Law Offices of Tal Rappleyea
Jeffrey Baker, Attorney

Chairman Bury called the meeting to order at 7:10 p.m. with the Pledge of Allegiance to the Flag.

1. A motion was made by Marilyn Burch and seconded by Tom Shanahan to accept the minutes of the September 22, 2008 meeting. All members voted in favor.
2. SITE PLAN REVIEW – Public Comment: Stuy PHEASANT Farm by Ed Boll, Niverville, NY for property located on Ridge Road in the Town of Stuyvesant, NY. Mr. Boll proposes to raise, release and harvest (hunt) pheasants on his property. Since the Site Plan Review Application paperwork was not submitted ten days before the Public Hearing, a formal Public Hearing will not be conducted. Chairman Bury indicated he would proceed with a public comment period but the Board would not take any action at this time. A motion was made by Tom Shanahan and seconded by Patricia Casey to open the public comment period. Attorney Jeffrey Baker presented a letter to the Board on behalf of his client, Jack Shainman an adjacent property owner. Mr. Baker states their position is that a commercial shooting preserve is not a permitted use in an agricultural district. Mr. Baker contends Mr. Boll's intended use is not permitted under current zoning laws. While the NYS DEC has issued a hunting permit, it does not trump local zoning laws. Mr. Boll states his lawyer, Donald Zye has a different

interpretation. Mr. Boll provided a letter from Scenic Hudson. He removed shale to drop the contour of the land so the building could not be seen. He has approval from the Columbia County Health Department. His building prints were certified by an engineer. The land is in a conservatory. The hunting season is from September 1st to March 1st. Ted Guthridge felt there was a procedural problem as a site plan review was needed for the removal of gravel and a permit from DEC. Mr. Boll denied it was a mining operation but was removing material for a pond. Mr. Guthridge questioned if zoning permitted Mr. Boll's intended use. Lee Jamison stated she applauded preservation of open space and conservation. However she had spoken to some neighbors who had concerns for traffic and the overall design. Amy Abbati indicated she had concerns that commercial hunting is not an agricultural use. Richard Berry stated he was a neighbor of Mr. Boll and did not object to the hunting or building on his property. The Board and public discussed of the intended use and permitted use of this property. A recommendation was made to refer the matter to ZBA for an interpretation on the use of the property. A motion was made by Marilyn Burch and seconded by Charlene Leach to refer this matter to the ZBA for an interpretation on the use. Mr. Boll indicated he would continue his operations until such time as he is forced to shut down. Mr. Boll and Mr. Baker engaged in a heated discussion resulting in Chairman Bury abruptly closing the meeting.

The next meeting was scheduled for Monday, November 24, 2008. A motion to adjourn the meeting was made by Charlene Leach seconded by Harold Leiser. All members voted in favor.

Respectfully submitted,

Shirley Narzynski
Planning Board Secretary