

PLANNING BOARD
TOWN OF STUYVESANT
STUYVESANT, NEW YORK 12173

MINUTES OF MARCH 28, 2011

*Approved at 4/25/11 meeting

MEMBERS PRESENT:

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

MEMBERS ABSENT:

OTHERS PRESENT:

Tal Rappleyea, Town Attorney
David Everett, Esq. (special counsel for the town on the dog camp for Mr. Pflaum)
Raymond Jurkowski, Morris Associates
Bill Wallace, Architect
Peter Lynch, Esq.

Chairman Bury called the meeting to order at 6:55 p.m. with the Pledge of Allegiance to the Flag.

1. A motion was made by Harold Leiser and seconded by Patricia Casey to accept the minutes of the February 28, 2011 meeting. All members voted in favor.
2. PUBLIC HEARING – continued from last month for: Site Plan Review Application – Amy Boll, 203 Hollow Road, Stuyvesant, NY proposes to convert an existing single family residence into a Bed & Breakfast. Mr. Wallace appeared on behalf of the applicant. Mr. Wallace provided a letter of support from Assemblymen Steven McLaughlin, an action of written consent from the Board of managers of the LLC, copy of the conservation map with Zone “A” highlighted, correspondence from the Columbia County Health Department, correspondence from applicant’s consulting engineer, Pat Prendergast, water test and invoice for installation of UV disinfection unit on the domestic water supply. A town resident voiced their support of the Bed & Breakfast. A motion was made by Harold Leiser and seconded by Charlene Leach to close the Public Hearing. All members voted in favor. A motion was made by Harold Leiser and seconded by Tom Shanahan to conditionally approve the site plan application for the Bed &

Breakfast subject to the applicant complying with the requirements and recommendations from the Department of Health as outlined in their letter dated 3/16/11. Approval was also conditioned on strict adherence to the Bed & Breakfast zoning laws. All members voted in favor.

3. Tal Rappleyea excused himself from the meeting due to a conflict with matter before the Board involving the Glencadia Dog Camp by Mr. Pflaum. Attorney David Everett introduced himself as the attorney who would be representing the town on this matter before the Planning Board.
4. PUBLIC HEARING: Glencadia Dog Camp by William Pflaum, 3 Rybka Road, Stuyvesant Falls, NY to consider modification of prior site plan approval to operate a dog kennel business classified as a Home Occupation – Class 2. Attorney Peter Lynch represented Mr. Pflaum. A motion was made by Harold Leiser and seconded by Tom Shanahan to open the public hearing. All members voted in favor. Several letters were received and acknowledged by the Board. Many members of the audience voiced support for Mr. Pflaum's business as well as several complaints primarily about the noise dogs make. Mr. Lynch indicated Mr. Pflaum would approve to keep the dogs inside the barn from 7 pm to 7 am as well as cap the number dogs at 50. Mr. Everett asked if Mr. Lynch could provide the CV on the professor they relied upon for their opinion on noise level of barking dogs. Mr. Everett indicated the applicant stated they had operated the dog camp for four years prior to approval from the Planning Board and asked if anything changed that caused the neighbors to complain now. Mr. Lynch states there was nothing that changed. A resident asked if the Hamlet extension allows for this type of business. The board indicated that would be a matter for the zoning enforcement as Mr. Pflaum was approved for a Home Occupation Class 2 permit. The Board clarified the matter before it was the two restrictions the applicant was proposing. Ray Jurkowski indicated topography, weather, wind, buildings, surroundings, etc can cause some people to hear the noise while others do not. Mr. Jurkowski indicates sound is highly subjective. Mr. Lynch indicated they would object to any proposal for less than 50 dogs. Mr. Lynch suggested a noise ordinance, if adopted by the town, would not affect Mr. Pflaum as his business has been grandfathered in. Mr. Lynch indicates the proposed two restrictions will help mitigate the problem. Mr. Everett indicated the DEC has noise guidelines that could provide a baseline level. Mr. Lynch would like to reserve on a response until he can review the DEC rules. The Board recommended the attorney's review the DEC rules and the public hearing was continued until the next meeting on April 25, 2011. All members voted in favor.

The next meeting was scheduled for Monday, April 25, 2011 at 7:00 pm. A motion to adjourn the meeting was made by Sean Cummings and seconded by Harold Leiser. All members voted in favor.

Respectfully submitted,

Shirley Narzynski
Planning Board Secretary