

**Town of Stuyvesant
Zoning Board of Appeals Meeting
July 27, 2022**

Members in Attendance

Margaret Pino, Chair
Kaitlin Handy
Amy Abbati
Steven Taylor
Christian Sweningsen
Steve Montie
Bryan Rohrer
Tal Rapplevea, Attorney-via phone

Chairwoman M. Pino asks Secretary T. DeLong to take Roll Call for attendance. Chairwoman M. Pino also welcomes new secretary Trish DeLong and new board member, Brian Rohrer.

Chairwoman M. Pino opens with the Pledge of Allegiance and calls the meeting to order.

Call to Order: 7:04 pm

Motion: to adopt the minutes from the June 25th meeting with corrections, made by S. Montie; seconded by K. Handy. All in favor.

Application for area variance Tax ID 63.3-2-17: K. Reddy brings her receipts, legal document, check for the Town, and plat from Peter VanAlstyne with actual distance for lot line adjustment. Both lots are owned by the Reddy's.

Motion: to open the public hearing for the Reddy area variance, made by K. Handy; 2nd by S. Taylor. All in favor.

No comments are made by the public.

Motion: to close the public hearing, made by S. Taylor; 2nd by B, Rohrer. All in favor.

Motion: to approve the area variance, made by C. Sweningsen; seconded by A. Abbati. All in favor.

Chairwoman M. Pino explains the next order of business is the interpretation request from the Planning Board on the Rudolph Family Farm project on Sharptown Rd. She adds, it is not a Public Hearing and the representatives from Cuddy Feder and the Rudolph Farm are here to answer the questions from the Board. She continues; their task for the night is to determine, does the project fit the current zoning for that area and did the zoning enforcement officer, Kevin Haberland made a reasonable decision in referring it for site plan review.

S. Taylor submits a list of questions to the applicant. (A list of these questions was not submitted to the Secretary). S, Taylor observes a letter the applicant submitted on July 15th references that the applicant does not intend to provide meals, entertainment, or an array of personal services. He continues, moreover, the main focus of the operation will be agricultural production, not providing entertainment services that cater to vacations. He adds this would alleviate concerns about noise and late-night

gatherings and asks if the family farm would be accommodating large groups like a wedding, reunion, or festival and at what maximum size. He voices concern about the frequency of guests, 87 parking spots, entertainment and personal services be provided by a catering company, rental fees, groups for multiple weekends, and if the agricultural tourist units would affect residents. M. Mahalek of Cuddy Feder speaks on behalf of Sharptown Ridge LLC. He mentions they are open to events and they understand that there might be thoughtful comments about the size of those events and impacts therein and observes that conditions that apply to potential attendance and hours would be part of the environmental review by the lead agency or the Planning Board. M. Pino notes that all falls under the site plan review, which is under the purview of the Planning Board adding that the Zoning Boards' task is to decide does this project fit under the agricultural zoning in this Town. A. Abbati asks about the kind of events, if it lends itself to agri-entertainment, then to agri-tourism and if the farm will be owner occupied. M. Mahalek of Cuddy Feder states that under the zoning code focused on what we would consider more traditional agricultural events such as hay rides, corn mazes, pumpkin sales, family-oriented events, as well as comply with all the conditions that are applied to the approval. R. Rudolph explains the dream of the farm and that his son will reside there. M. Pino asks the Board if any of the overall project that does not fit our agricultural zoning. C. Sweningsen states he is in favor of agricultural development in the town, in favor of business development and I'm especially in favor of job creation in the town. He continues he is bewildered in how to take in the concept of 21 rental units with nothing to reference in the Town law to cope with agri-business, agri-tainment, agri-tourism and 20-21 rental dwelling units. A. Abbati voices it doesn't fit the definition of a bed and breakfast, concern that there's no reference to overnight stays or rentals making it seem like a resort. M. Mahalek states he is focused on the plain meaning of farm operation and explains agri-tainment, agri-tourism, ambiguity in Zoning Law, and Planning Board authority under SEQRA. A. Abbati looks to clarify if it is not allowed because it is not listed. M. Pino remarks on an Ag and market review. The Board and M. Mahalek discuss. M. Mahalek affirms that they want to have transparency with the community, to have these conversations and undergo full site review to make sure all concerns are being addressed, being the reason they did not ask for an Ag and market review. He continues of the 40 acres, 8 acres will be dedicated to the accessory units (ranging from 540 to 1400 square feet) with the rest being dedicated as overall operation. S. Montie asks about the people they're staying overnight, asking if there are 300 people that are coming for the day would that be considered a rightful use? M. Mahalek explains the agricultural operation, conformity with the conditions that they get from the Planning Board, adding that are not going to necessarily tell guests no as long as they comply with site plan approval, if the site plan approval does have language that speaks against events of certain size or certain hours, they will comply with it. S. Taylor observes there will be 2 types of visitors; unaffiliated families with kids, couples or singles and those affiliated with weddings or events who are coming together. He states he is asking specifically are we talking about a pretty decent reliance upon groups coming up and renting the facility. M. Mahalek explains the bulk of the operation with accommodations, how a condition would have to restrict on the guests coming, how they can not necessarily control the day-to-day activities, but can offer a proposal that offers all these different agricultural productive activities of the homestead family farm with accommodations for people who want to enjoy the land. S. Taylor references their letter stating that the applicant does not intend to provide meals and asks if third parties can provide catering and live entertainment. M. Mahalek explains this is not a hotel, the bulk of our operation is agriculture, and they are open to a reasonable agreement of what types of events might look like. S. Taylor states that it has happened before where once a site plan is approved the business starts to go in a different direction, asking if the Planning Board can revisit and question periodically. M. Mahalek states they want to be sure the conditions are complied with. S. Taylor and M. Pino discuss ways for the conditions to be upheld. A. Abbati asks what percentage of the income will be from the agricultural activities. M. Mahalek explains that since they are not applying for the exemptions of the agriculture and markets law, there's no requirement to submit a business plan.

He adds that when it comes to the hard numbers, it that discussion usually exists outside of the discussion of the zoning analysis, speaks about what the zoning analysis looks at and if it has an impact surrounding properties or community. R. Rudolph states how there will be a website for the farm and how they envision to teach about agriculture. The Board, M. Mahalek, and R. Rudolph discuss guests, financial plan, and agriculture at length. K. Handy asks the extent of understanding farming and agriculture. R. Rudolph explains he grew up in the farms in South Jersey, had my tractor license at 14, his son grew up with horse boarding. He explains his plan to hire local and reinvest in the community. A. Abbati asks if the dwellings will have kitchens in them. The Board and M. Mahalek discuss the agricultural visitors and the dwelling units. S. Montie asks about delivery trucks and damage to the road. M. Mahalek explains they will be small box trucks and impacts to the road would fall under the purview of the Planning Board. S. Montie asks if the farm will be full occupancy year-round. R. Rudolph states this is undetermined and the houses will be tucked away so they are not visible from 26A. M. Mahalek reiterates that the houses will be set back by the woods. C. Sweningsen voices concern about healthy agriculture and the impact. The Board and M. Mahalek discuss the roles of both ZBA and Planning Board, Environmental Quality review, and that they are open to considerations if the application goes forward. A. Abbati asks if there is a vision for a distillery or tasting room. R. Rudolph explains if they do it would be locally grown material and open to the public. S. Taylor asks about the volume of guests for the distillery, serving food, traffic and events with people staying. M. Mahalek explains the volume of guests, the volume of visitors, and the traffic specifically in the parking, we are retaining a traffic consultant to do a traffic study to work with the board that determine the impacts they're in and any appropriate conditions. He continues, in terms of the statement about no meals, it is not like a traditional hotel or resort environment, and food service within the distillery that would still have to be cemented, those impacts can also be modified by the Planning board. He adds that he thinks in whether it's the Planning board or the Town board or the community as a whole, there are some pretty big issues here, and to me having individuals coming up on their own versus groups for big events, and hopes that by addressing all the impacts, because we are designated an agricultural community, a big part of that is to promote agricultural business that some kind of agreement can be met. He explains the process and the Zoning law. C. Sweningsen and M. Mahalek discuss use regulations in section 4. M. Pino calls Attorney Rappleyea. Chairwoman Pino asks to clarify if they should make a decision tonight or after the public Hearing. Attorney Rappleyea states after the public hearing. C. Sweningsen asks Attorney Rappleyea we have been going on the belief that anything that is not prohibited in zoning is permitted, But a citizen just brought the zoning law section 4 regulations and the the final word or near the final word note Is any use not specifically allowed as of right or as a special use as set forth above is not permitted and he is not finding residential rental units as listed anywhere under agricultural. Attorney Rappleyea explains they would have to look at the rationale of the code enforcement officers determination as to whether that residential use aspect of it is part of the agribusiness agri-tourism use and that he does not have the definitions with him as he is driving. M. Mahalek asks to clarify, this operation as it is presented this evening and in their submission this is an agricultural operation, the accommodations that are incidental to this agricultural use, there is a place in the zoning code , because the zoning code specifically has a definition for agri-tourism of the sites as a farm operation that is oriented towards tourism and when you have that definition there and look at the plain meaning of that term for tourism, there are going to be accommodations for visitors and any ambiguity on that point under New York law has to be construed in favor of the applicant. Attorney Rappleyea agrees that ambiguities are normally construed in favor of the applicant. The phone conversation is broken up and the attorney can no longer comment.

M. Pino moves to table the discussion to next month on the 31st for public hearing.

Motion: to table the discussion to the meeting on the 31st for Public Hearing, made by S. Montie; 2nd by K. Handy. All in favor

Motion: to table the adjourn the meeting, made by S. Montie; 2nd by C. Sweningsen. All in favor

Adjournment: 8:16 pm

Respectfully submitted.

Patricia DeLong