

Town of Stuyvesant
Zoning Board of Appeals Meeting
September 28, 2022

Members in Attendance:

Margaret Pino, Chair
Kaitlin Handy
Amy Abbati
Steven Taylor
Christian Sweningsen
Steve Montie
Bryan Rohrer
Tal Rapplevea, Town Attorney
Christopher Langlois, Attorney
Mitch Khosrova, Attorney
Richard Webster, Attorney from Tooher and Barone
Multiple residents of the community

Chairwoman M.Pino asks Secretary T. Delong to take roll call for attendance.

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

Call to Order: 7:00 pm

Motion: to adopt the minutes from the meeting held on August 31st made by S. Montie; seconded by K. Handy. All in favor.

Application for area variance tax ID 11.0-01-9: C. Elliott introduces herself as the surveyor for the applicant. She presents that her checks for payment and certified mailing receipts have been given to the Board. C. Elliott explains it is not substantial, the area variance is for 4.34 acres and needs 13% in order to have the variance. She adds, it will not change the characteristic of the neighborhood and causes no environmental impact. She continues they could have the 5 acres on the other side of the road which makes no sense as this is so they can obtain financing from the bank. She finalizes that this is self-created and that is not a predetermination, but it should be noted that this has paid separate tax to this town for almost 40 years and it doesn't have a separate ID number. She asks to refer the application to the Planning Board for the two lot subdivision.

M. Pino asks the Board if they have any further questions for Miss Elliott. No questions are asked.

Motion: to open the public hearing for the the Brandley Estate area variance application, made by B. Rohrer; seconded by S. Montie. All in favor.

No comments are made by the public

Motion: to close the public hearing for the the Brandley Estate area variance application, made by S. Taylor; seconded by A. Abbati. All in favor.

Motion: to approve the area variance made by S. Montie; seconded by K. Handy. All in favor.

Chairwoman M. Pino explains the next item on the agenda is the interpretation request from Planning Board for the Rudolph Family Farm project on Sharptown Rd. She continues that residents had 10 days to submit their letters to the Board for review and reads the list of those who submitted. She continues; as the matter stands now with the zoning board, a resolution is being constructed and will be presented at the October meeting. She asks if there are any comments from the Board. With no comments she moves ahead to the next item.

T. Rappleyea states he has recused himself from the next agenda item and leaves the building.

M. Pino discloses the next matter on the agenda is the appeals that were filed in regard to the East Light Partners solar site project. P. Van Meter speaks on behalf of the grievance she submitted and feels that that in light of the fact that the applicant has filed a new application and the building department has submitted an opinion, which they did not have when they filed their grievances, their grievances now incomplete and she would like to supplement it. She continues they have retained an attorney Richard Webster from Tooher and Barone. He states that they would like to supplement the grievances filed so they come up to the current states of the application. M. Pino clarifies that the original grievances were filed after the first site plan was submitted. P. Van Meter confirms this is correct. M. Pino affirms that the new application has not come before the Planning Board so they as a Board can not speak to that. P. Van Meter concurs she understands and mentions that there was a new thing that they didn't address in their grievances because it did not exist and understand they can not consider it. She continues that they have great issue that the original application had not been reviewed by the building department and that the statement of September 2nd issued an opinion about the choice of law, that the new updated solar law should not apply to this application but in fact the obsolete. She voices concern about withdrawing her grievance. R. Webster advise they stay the proceedings, update the grievances and then have the final at the next meeting. C. Langlois introduces himself to the public. He explains that Tal Rappleyea has recused himself and Craig Crist concluded he had other professional obligations and because of that would not be able to devote his time to this. He adds the Town Board will retain him to replace Mr. Crist only for matters only involving ELP. He clarifies that he is also getting up to speed on matters involving ELP, the grievances filed by Peter Lease and Paula Van Meter, and procedurally speaking they need to look at what is currently in front of the ZBA because they have limited jurisdiction. He defines that the Board can hear appeals, but they can only hear appeals that are taken from an order, requirement, decision or interpretation by the code enforcement officer. He adds it is a little out of order because there are appeals filed before a determination. M. Pino observes that K. Haberland started after the application was submitted. P. Van Meter, M. Pino and C. Langlois discuss at length. C. Langlois renders that now that a conclusion has been made, anyone who is aggrieved has the right to make an appeal to the ZBA from that determination. He continues that the time to file that appeal is within 60 days from the September 2, 2022 date of the ZEO's letter of determination. The period to file appeals will therefore run through November 1st. C. Langlois and R. Webster discuss the process of the determination, grievances, appeals and the next meeting date. C. Langlois advises to hold off on any Public Hearings on any appeals until that November 1st date has gone by. He describes the purview of the Zoning Board and advises that any appeals should for a jurisdictional impact, pertain to the determination of which version of the law should be applied to the project. P. Lease asks if the determination is that the project is compliant with the Zoning Law can it proceed to the Planning Board. They discuss if an application is complete for the Planning Board, that is for the Planning Board to decide, and the question of which law applies is determined first by the CEO and then goes to the board if there is an appeal. C. Sweningsen observes they did review that part of the Town law and it does not say that he needs to conclude that it meets all zoning requirements but that a complete application needs to go the Board for site plan review. The Board, P. Cassidy, and M. Khosrova discuss the date of

the next meeting and Public Hearing. It is decided the 3rd Wednesday of November the 16th can accommodate the next meeting for ELP.

Motion: to adjourn, made by C. Sweningsen; seconded by A. Abbati. All in favor.

Adjournment: 7:34

Respectfully submitted,

Patricia DeLong
Zoning Board Secretary