

Town of Stuyvesant
Zoning Board of Appeals Meeting
October 26, 2022

Members in Attendance:

M. Pino, Chair
K. Handy
A. Abbati
S. Taylor
C. Sweningsen
S. Montie
B. Rohrer
T. Rappleyea, Town Attorney
M. Mahalek attorney from Cuddy Feder
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 September 28th meeting made by C. Sweningsen; seconded by S. Montie. All in favor.

Chairwoman M. Pino states the next item on the agenda is the interpretation request from the Planning Board for the Rudolph Family Farm project on the Sharptown Rd. She adds there is a resolution that has been constructed and asks Town Attorney Tal Rappleyea to speak.

T. Rappleyea explains the process of constructing the resolution after the close of the public hearing and written comments were submitted to be reviewed. T. Rappleyea reads the resolution.

Motion: to approve the Resolution as read and correct, made by B. Rohrer; seconded by S. Montie.

S. Taylor asks to have some general comments on the resolution. He starts by stating the problem with this whole process is a lack courage and asks about the code enforcement officers' determination. The Board discusses that anyone can meet with the code enforcement officer during his regular hours. S. Taylor continues on his thoughts about a lack of courage and how he feels things are not being done the right way. S. Montie voices that the time in the process was to allow the community speak and get everybody's opinion.

The Board discusses the attorney meeting, site plan review by the Planning Board and the resolution. C. Sweningsen notes that it is Town law to go before the Planning Board. The Board discusses the role of the Planning Board and variances in New York State.

T. Rappleyea explains the law says if you are going to grant a use variance you have to show extreme hardship and have to show that essentially no other use allowed in that zone can be used on that property. S. Taylor states his view that this is something that we should not adopt.

A. Abbati notes that in the second paragraph, the use of the term building permit application for a family friendly homestead farm and asks about that definition. It is decided that the wording is directly from the application and should have quotes and should be clear as it is described by the applicant.

A. Abbati observes that the second full paragraph in the definition of the town for Agri tourism and formulated enterprises that operate for the enjoyment and education of the public, which brings together tourism and agriculture, and aggrieves that hospitality is missing, to include overnight accommodations. The Board discusses

A. Abbati points out on page 5, second sentence, ZBA finds the level and density of the housing aspect of the plan may be too great magnitude and asks to make it is.

S. Montie observes on page 5, the third line, the proposal for 20 individual residential uses, that should be units as they are short term rental units with people that are going to come for a day or a weekend. The Board discusses the interpretation of the 20 individual rental units, transient use and the Town Board updating the town's definitions on Agri tourism.

Motion: to include all the changes as discussed to the resolution. A roll call is given.

Maggie Pino - Aye

Steven Taylor – come back to me

Steve Montie – Aye

Christian Sweningsen – Aye

Bryan Rohrer – Aye

Amy Abbati – Nay

Kaitlin Handy – Aye

Steven Taylor - Nay

Approved with a vote of 5 to 2.

S. Taylor voices his concern about the project being a commercial success and trusts that the Rudolph family will do this project the right way.

T. Rappleyea explains how the ZBA is exempt from SEQRA

S. Montie talks about growing up in the Town, how personal feelings are set aside before the vote and how he is really trusting the people to do the town right.

M. Pino confers with a speaking resident that there is currently no alternate for the Zoning Board and she can submit a letter to the Town Board if she is interested.

The public and the Board discuss baseball fields and overgrown fields, a need for jobs, and affordable housing.

Motion: to adjourn, made by C. Sweningsen; seconded by B. Rohrer. All in favor.

Adjournment: 7:46 pm.

Respectfully submitted,

Patricia DeLong

Zoning Board of Appeals Secretary