

Town of Stuyvesant
Planning Board Meeting
January 23, 2023

Members in Attendance:

T. Hotaling, Chair
Gale Bury
Kathryn Schneider
Joseph Belline
Diane Fingar
Michael Stasi-Alt
Tal Rappleyea, Town Attorney
M. Mahalek, attorney Cuddy Feder
Multiple residents of the community

Not in Attendance: Harold Leiser and Howard Gibbons

Call to Order: 7:00 pm

T. Hotaling asks secretary P. DeLong to do the roll call.

T. Hotaling tables the adoption of the minutes to the next meeting.

Chairman Hotaling states that the only matter of business on the agenda tonight is the Sharptown Ridge/ Rudolph Family Farm. He introduces the Town Engineer, George Schmidt, as having provided a letter to Cuddy Feder regarding the Board's interpretation of the ZBA resolution and the application of the law.

T. Hotaling presents his PowerPoint presentation regarding a scope of the assessment, use of the land, a technical evaluation of the project based on application materials, and the practical meaning of the word agritourism. Copies were provided to the public.

M. Mahalek introduces himself by saying, for the record, he is from Cuddy Feder on behalf of the Rudolph Family, joined by his team; Pat Pendergast, their engineer, Walter Chapman, our architect and Stark Hipp, our traffic engineer. He notes Walter has bought a copy of the plans and the tripod is set up in front of the Planning Board secretary so she can no longer see or fully heard the Board. M. Mahalek thanks G. Schmidt for his letter and adds they did have a response dated January 18, that was submitted to the Board. He references a couple of points from the letter, specifically the definition of agritourism. He voices that they just spent three meetings over the course of just about four months in front of the Zoning Board of Appeals in the question of what the use was defined as under the zoning law and references the resolution. He speaks about no conditions for individuals to have to participate in certain activities, noting one of the ZBA members had asked a question to that affect. He adds there will be a plethora of agricultural related activities, defining the agribusiness use, classes offered on growing crops, turning grains, horse riding, an opportunity to buy agricultural products grown directly on the land, as well as you pick vegetables and berries. He continues, while they cannot necessarily require visitors partake in those activities, they will offer them, and as the planning board, under New York law, can regulate the types of uses of ongoing on the site and the environmental impacts thereof. He states they will offer the opportunity to get away from the iPad, reconnect with the world around them and

their families in this big public setting. He moves forward with other points on the agritourism question, and notes there were no conditions by the Zoning Board of Appeals for the farm stay units to be erected only after the other agricultural uses have been established, and looking at the definition of incidental uses and the definition of law which was filed in the CPL letter would require a timing element where the farm stay units would only come after the establishment, that is important for the farm stay units to come in line with the agriculture uses to allow for an evolution of the farmland. He finalizes with the Zoning Board of Appeals looked at the farm stay units, there was no discussion of this falling under a motel use, retreat use, or camp use, but found as the final arbitrator that these were an agri-business use, a permitted use in the agricultural zoning district.

He moves on to the density average, stating the expectations of the approach, different certain ambiguities in the zoning law, the health code regulations from Columbia County, determination that a density analysis of 2.5 acres was going to be required, and that's what we're calling 1 unit basically and sewage operation. He notes that would be on soil with poor permeability, did do testing on the site, there are soils with poor permeability and other parts of the site with better permeable soil. He observes, the proposal, as is, is to combine all the septic systems into one deficient system, the water supply system with the similar system, these could be spaced significantly away from one another as to not impact each other, those test results were submitted in the application of January 18.

He moves forward with County health standards how they should be applied, a site in Livingston they found to have similar soils with a 3 bedroom house on 1.6 acres, by locating their centralized septic system in one area will increase efficiencies, they do feel confident that one unit for 1.6 acres is workable, feasible and has precedence, and just wanted to highlight that they provided supplemental material, let Mr. Prendergast build on that. He states, for the record that 1.6 acre figure that would allow for 24 septic units in comparison to the CPL letter of 16 units, which allows for them to maintain four mobile homes on the site, while introducing the other proposed agri business related uses, while maintaining an appropriately operating septic system.

He moves on with the engineering technical comments, pretty much all those requests are standard, are open to discussing legal conditions on events or quiet hours, campfires and providing those details, providing the traffic letter, will provide the full traffic report by Creighton Manning and a request for a lighting.

He finalizes, that summarizes the submission from January 18.

A member in the audience asks the difference between our zoning requirements driving this per unit versus the 2 ½ that is in the presentation, is she not understanding that, is that a variance?

T. Hotaling explains the ZBA in their findings reference the density average table in the zoning law and that table applies differently to different sections within the table, there are varying interpretations about what that means, George's interpretation is made as an engineer, and his interpretation of the law and through the zoning, and to an engineering perspective 2 1/2 acres was how that density average worked out within this piece of property.

T. Rappleya adds in the zoning line, in the subdivision law there is really not a way to measure an application like this as far as how many units can be supported by the property, so the ZBA looked at that issue and said the best tool they have is to look at the subdivision, even though they knew this is not a subdivision application, generally speaking there is a 5 acre lot for this zone, but they do have a density averaging portion of the zoning law that says, even though 5 acres is the minimum, they can go below that if they do density averaging, it depends on what can be supported on that particular parcel by the soils and a few other points that George raised, the ZBA recommend to use that density averaging even though it's not a subdivision, it's the best tool they had to try and work this application with that is on the books.

A member of the audience asks if it is similar to a mobile home park.

T. Hotaling replies, in certain respects, it is not entirely, but it's the same idea.

P. Pendergast speaks to the Board about his agreement with George's letter, Columbia County health standards, and working on septic systems in small areas. He describes the house in Livingston on clay soil, adding it just has to work with the setbacks, 100 feet from the septic or from the well to the septic field and 50 feet from the septic tank to the well. He references the plan pointing to the location of the houses, septic field, and water source. He observes there are good soils, probably an acre, maybe an acre and a half of good sand and gravel so the central service system would handle everything, including the trailers.

T. Hotaling clarifies if he is proposing that as the average size.

P. Pendergast states yes, for the purposes of the density averaging, as a reasonable compromise to the 2 1/2 acres.

T. Hotaling notes as a compromise, but George's assessment of 2 1/2 is not unreasonable either.

P. Pendergast and T. Hotaling discuss the size and the number of buildings it could support.

G. Schmidt suggests drawing on the illustration where the well and septic would be to answer the question definitively.

P. Pendergast and the Board discuss no need for a transportation corporation and the soils on the property.

T. Hotaling asks the development of their primary agricultural plan, the time was spent talking about rental units and accessory units, they are incidental to what an agri-business would be, they are looking for more of an idea of how they'd develop the agricultural aspect of that whole component of the property.

M. Mahalek points to a submitted page and references the drawing, stating they have a consultant who is a nationally established agricultural consultant, this is a basic image of what was provided based on guidance for them. The proposal contains greenhouses, various vegetable beds, various berry beds and multiple acres of various chestnut trees. He adds, with the agricultural operations, including the related vegetable and berry beds, the different equipment, farm equipment, farm storage barn, horse barn and the distillery that is processing goods grown on the site are all illustrated on that site plan. He adds, they can articulate each of those elements of the overall, agricultural operation in their next submission. He voices, for the record, the ZBA did find the farm stays to be part of the business operations. He gives a list of possible on-site activities and that they will clearly indicate in the next submission.

T. Hotaling states he assumes that the Rudolph's have discussed this at length and asks what agricultural products are actually going to produce on the property.

M. Mahalek assures they will have a list of the exact crops, adding it is a little difficult because of trends changing, climate changes, and seasons changing different items are grown.

W. Chatham states the plans he has prepared are actually a reflection of what the Board is asking. They will create a property that really does stand itself both ecologically and financially, going to be a very large greenhouse to produce things all year round, prepare for bedding with actual raised and covered seasonally mixed vegetables and berries, about 70 or 80 acres of the whole thing. He goes on to explain nut crops and the ability to propagate certain nuts and also use the same land for other uses, for example, forge animals in an area that has trees, an area growing chestnut trees used as a horse pasture. He compares their plan to most successful farms in Tuscany with a tourist component. He adds he is quite worked up about this and he knows that you people think this is the worst.

T. Hotaling declares his thoughts that the questions are real questions, it is a nontraditional farm in a traditional farming community, everybody wants to understand.

W. Chatham explains the site is agricultural surrounded by agricultural land, and all agree it's beautiful. He maintains, all the buildings are down below the entire site, they are keeping a low roof on the barn, and people will not see a lot of disruption.

M. Mahalek speaks in regard to the submission from January 18th and just wanted to make it clear that they are open to discussing the number of farm stay units proposed and that was reflected in the

response to Mr. Schmidt's letter regarding the number of units that could be on the site that are serviced by a septic system. He describes the 20 units as preserving the four mobile homes, along with all the other agricultural related uses, the main residence, the guest residents and also the farm stand would allow currently for 14 farm stay units, so the applicant is hoping to come to a compromise with the board and with the community on the number of farm stay units. He adds that the Zoning Board of Appeals gave an answer in terms of the farm stay as specifically stated in the resolution that they qualify as agri business and therefore permission.

T. Hotaling reiterates that this is the Planning Board and not the ZBA, the ZBA gave them guidance about what to do, but their job is to apply the zoning law as the ZBA asked us to do it.

T. Rappleyea asks if he is saying that if the ag use goes away, the farm stays are ok.

M. Mahalek clarifies, they understand that this is all part of an operation that is run simultaneously. A resident voices her thoughts that is it misleading for the gentleman to say that 54 acres are going to be available for farming. She explains her point and addresses how much product they would need for a distillery.

W. Chatham shares his experience of olive oil production in Northern California.

Their discussion escalates.

T. Rappleyea interjects and explains, if the applicant were coming to this board asking for a review that is very, very light, basically protected by ag and markets rules, ag and markets has rules that say if they aren't producing 51% of their stuff on site, then if they have that then they would qualify for the light review, if they don't then they have to go for the full review and that's what they're doing here, getting the full review.

A resident voices that Max keeps to keep conflating agri business and agri tourism. She explains her thoughts, her research on the numbers, and where they will ride horses.

T. Hotaling explains those are questions that the board is asked, drilling down into the agricultural plant, they haven't discussed the horse arena yet, they haven't discussed the distillery yet and those are the two major pieces outside of the ancillary units.

M. Mahalek states that horse area is on the site plan and references the proposal before the board, articulating their letter of November 18, approximately 16 horses, the farm buildings are not developed in this initial plan. He continues, their team has dedicated roughly 17 to 18 acres that can be open to horses being able to graze, those areas can be fenced in, but that 17 to 18 acre figure and the estimate of 16 horses is what they understand to be within industry practice now.

T. Hotaling asks if the horse riding is supplemental to the guests, if they stay within the confines of the 50 acres, is that simple riding or events, and does the hay and feed come from the land.

M. Mahalek answers, yes, a guest activity, within the confines unless a neighbor wants to allow easements, simple riding, and they are trying to pull from the site as much as possible and will bring some in.

K. Schneider asks what will be done with the manure from the horses, and the increase in rats.

M. Mahalek answers, they can have the proposal included in their letter articulating, specifically the operation management.

T. Hotaling asks about the distillery, the specifications for the size and how that's supposed to operate.

M. Mahalek answers they know that all requirements at local, county and state levels have to be adhered to, as part of their supplemental response they can provide the operating plan for the distillery.

W. Chatham and the Board discuss the potential size, potential cost to build, potential brandy type products, and possibly selling those at the farmstand.

D. Fingar asks if the berries are a product for the distillery.

W. Chatham references the drawing and states there are 5-7 acres of berries in raised beds on the uphill side.

T. Hotaling asks in their business plan, what are they anticipating initially producing and growing in terms of tons, gallons, however, to measure it, how many gallons of Brandy are they going to produce in their first year? He adds, the only reason he asks is because it will take water coming off the property.

M. Mahalek answers he hears their concerns, and they can bring them back with the full operational detail along with the environmental impact.

K. Schneider asks what portion of product they will be allocation toward you pick and what portion toward distillery, what is their plan with chestnut trees, they need to mature before they bear nuts, what is their plan for the farming part of it.

T. Hotaling affirms that would be part of the detailed farming operations plan.

M. Mahalek states, for the record, under New York state law, the discussion of the operational detail will be in terms of what activities are taking place on the site and the environmental impacts thereof.

T. Hotaling reiterates, they are not asking necessarily how much money going to make, the applicant is asking for approval of 20 to 25 buildings, a distillery, a large arena, two main homes, 4 mobile homes existing on the property and yet to be determined number of accessory dwelling units, all of those things require a lot of water and sewage that meets health department standards .

M. Mahalek replies understood, part of that one pending deliverables on the board's review is going to be the detailed plans on the septic and water system, that's going to be going hand in hand with the operational plan so we can have that all packaged nicely together for the Board review so they can get the details sought on the operation and to make sure there are no adverse impacts.

A member in the audience asks about agri tourism and agri business.

T. Rappleyea confirms that determination was already made by the ZBA.

A member in the audience asks about the level of a commercial water treatment center supporting 24 to 20 units and same with septic, how is it not as a transient hotel, and therefore commercial R1.

G. Schmidt explains under New York State law, part five public water supply transient, non-community, that is the understanding that is what Mr. Prendergast will be designing according to those rules, submitting to DEC and Columbia County Health Department and the Board will get copies of those.

T. Hotaling and G. Schmidt discuss test wells and a roadway.

W. Chatham observes, if the houses are pushed apart, there is less room for crops and asks if this is just for a demonstration.

T. Hotaling and G. Schmidt assure it is for demonstration, to show the wells, the roadways, and the gradient.

M. Mahalek assures that he has heard the comments and questions from the board on the operational element, how that's going to impact water demand so, they'll have that information, along with the feasibility of the septic and overall water plan to make sure all those speak together with no adverse environmental impacts. He then introduces Stark Hipp with Creighton Manning who developed the traffic report.

S. Hipp introduces himself as for the record, Stark Hipp, engineer with Creighton Manning, traffic consultant for the project. He reads his report and explains they prepared a traffic assessment for the project, the assessment study, two intersections, the intersection of County Road 26A and Sharptown Rd., which is about just under half a mile from the site north, and Sharptown Road and New York State Route 9J, which is about a little under 2 miles from the site to the South. He explains the report in detail including the times and dates they studied, how they calibrated the data and addresses the conditions of the roads. He finalizes by stating, typically it can be expected that those types of roadways can expect 500 passenger cars an hour in each direction, this site will increase traffic volume to a fraction of that amount, there is more than enough capacity on the roadway and on the studied intersections.

The Board asks if the study includes large farm vehicles, tractor trailers, tractors, delivery of apples or hay.

S. Hipp explains that typically traffic studies are going to look at peak hours, with deliveries not typically occurring at peak hours. He adds, again, his study looks at the peak hours, which is industry standard.

T. Hotaling explains what he is asking is that the industry standard is not what the Board really wants to know.

M. Mahalek responds that will go in tandem with the operation and details.

K. Schneider voices her concern that it is a walking community with no sidewalks, any increase in traffic may cause a safety hazard.

S. Hipp explains there is approximately 22 feet in width along the segment of Sharptown Rd. between 26A and 9J, that is a fair width for a roadway, it provides essentially 11 feet travel way, and they can look into a pedestrian study or some way to provide more information.

M. Mahalek adds, he knows one of the recommendations was reduction of certain landscaping along the right of way to increase sight lines, which will help to increase safety as well.

S. Hipp verifies, the traffic assessment did include an analysis of the proposed driveways, that speaks more to the safety of vehicles entering and exiting off of Sharptown Road, clear sidelines help drivers, and help pedestrians that are walking along the roadway.

A member in the audience asks about the impact on old hoses close to the road.

W. Chatham observes that their trucks can come from 26A and turn onto Sharptown where they already pass things like the sand and gravel operations and other already industrialized uses.

S. Hipp verifies, the traffic assessment does assume that the majority of the traffic will come from 26A.

A member in the audience asks if that includes the rentals because they might not go that way.

S. Hipp states that the traffic study does account for the agricultural related retail component, the farm stay lodging component and the existing residential. He affirms that a copy of the traffic report has been given to the Board.

The Board and the public discuss the intersections and the traffic report.

M. Mahalek explains that the traffic report is 40 pages long and includes the peak hour trip report which is standard based on industry standards from the Institute Transportation Engineers that all traffic engineers rely on, the report shows estimated peak hour trips 59 weekday, 118 week on a Saturday peak hour, then they compare that, then go in to further details, they compare that to a range of intersections 26A Sharptown Road, and Gibbons Rd., Sharptown Road and New York State Route 9J, Sharptown Road in north site driveway, so they are looking at the actual site intersections, and Sharptown Road and the proposed site driveway, all transportation studies, that evidence that the board looks at to consider an application, that level of service is maintained successfully throughout a build out until 2025. He speaks in length about the document and the information it contains.

G. Schmidt notes that his firm, CPL also does traffic engineering, and they also looked at the document and explains why peak hours are usually looked at, the road is like a pipe, it has a certain capacity with a certain amount of flow and that flow is going to be highest at peak hour, that's when everyone's using the road, and so we say from an environmental standpoint, from a capacity standpoint, what happens if we take your traffic and interject it while this road is already seeing its high flow at peak hour because we don't want to look at it and put that traffic into that street when no one else is using it.

S. Hipp adds, they looked at historical data as published by the DOT, it provides an hourly breakdown of traffic lines and peak hour traffic volumes and gives the peak hours for 26A and 9J.

A member of the public asks about heavy machinery and deliveries.

S. Hipp explains that traffic lines on the roadway will be lower, so therefore the capacity of the roadway is even higher and has more availability for larger vehicles.

T. Hotaling affirms the reason they are asking they understand there's going to be an increased use based on retail activity, rental stays, other daily uses, and there's going to be normal agricultural uses, and if they took out the farm rentals, there are normal agricultural uses that occur in that road anyway.

with trucks and tractors every day. They just want to distinguish how that's going to affect the applicant with additional traffic and the nature of that traffic.

Members of the public discuss food being served at the distillery.

T. Hotaling voices that there's a curtain between the Zoning Board of Appeals, determining what the law is and the Planning Board determining how to apply that law, and that's what is being done. They are here asking how they are going to build, how is that going to work, and what is it that they actually want the Board to approve, how much traffic, how much water, how many buildings, all farm plans, all of it, that's what that's what all these discussions are, and how the zoning law is to be applied.

M. Mahalek asks the Board to look at potential events and those restrictions. He comments to the SEQRA review, that the Planning Board would normally be the lead agency, and notes other agencies out there may be involved, or may be interested. He states the applicant would request, just so they can start getting those comments from those other interested, involved agencies, the board make a determination in regard to its intent to serve as lead agency on this proposal.

T. Hotaling and T. Rappleya discuss the coordinated review and the process for lead agency.

Motion: to declare intent to serve as lead agency made by T. Hotaling; seconded by G. Bury. All in Favor

A member of the public states he appreciated the PowerPoint presentation and thought that was very well thought out.

T. Hotaling states they are trying very hard, and being as open as they possibly can be about it. If they were not informed about something we've done, he'll make it a point to do it, and they are trying to make every effort for everybody to participate.

M. Mahalek asks if there will be a public hearing.

T. Hotaling confirms that they are in section 9, application workshop in the law, a sketch plan review that will continue to be a workshop until they deem the application to be complete. He notes, the workshop is just that, a back and forth to air out as many issues as we possibly can.

M. Mahalek observes that some communities will do that in different ways. He notes the proposal is the board decides under section 9 it's going to agree the abbreviated or standard site plan review. The applicant agreed early on the process, this would be a standard site plan review, once section 9 determinations are made, then there's a list of items under section 10 that need to be included for the site plan application and then from there there's a scheduling of the public hearing.

T. Hotaling states they are not close to that yet.

M. Mahalek clarifies, it is just an inquiry into the scheduling of the public hearing so that more public comments can be received.

T. Hotaling states he is open to the public speaking at the workshop, is all part of the process as far as he is concerned, this is how we understand what people are thinking, how they incorporate it and will continue until we get to the point when they know what they are going to build, how they're going to build it, and at that point we will come to a determination that it is complete, then set the public hearing that all the clock will start ticking and all the other parts.

A member of the public asks, regardless of what is approved for any rental units she would assume that they would have to establish a working farm first.

T. Hotaling maintains he assumes what is being asked that that they develop it in a way that they're comfortable with, that would place the emphasis on agricultural operations, he adds they have already established that.

A member of the public asks if they will be operating year-round and what kind of agricultural activities guests could do in the winter.

M. Mahalek states the units are not seasonal and gives a list of wintertime activities.

T. Hotaling asks if there are any further questions. No questions are asked.

Motion: to adjourn the meeting, made by G. Bury; seconded by J. Belline. All in Favor

Adjournment: 8:52 pm

Respectfully submitted.

Patricia DeLong
Planning Board Secretary