

Town of Stuyvesant
Planning Board Meeting
March 27, 2023

Members in Attendance:

T. Hotaling, Chair
G. Bury
H. Gibbons
H. Leiser
D. Fingar
M. Stasi
M. Mahalek, attorney Cuddy Feder
Multiple residents of the community

Not in Attendance: K. Schneider, J. Belline, T. Rappleyea

Chairman T. Hotaling opens with the Pledge of Allegiance and calls the meeting to order.

Call to Order: 7:00 pm

Chairman T. Hotaling informs the audience that there have been some computer issues as well as the website being updated.

Motion: to adopt the minutes from the January 23rd meeting made by D. Fingar; seconded by H. Gibbons. All in Favor, minutes are adopted.

T. Hotaling notes there are two items on the agenda for tonight.

T. LaBrie explains her project as adding an accessory use dwelling to the property. Her daughter will move into the primary residence, and she will move into the accessory use dwelling so they can be in a smaller unit and keep the house in the family. T. Hotaling observes she has located where she wants to place the accessory dwelling unit and that the main residence size is about 2,000 sq feet, and the accessory dwelling unit is 1,100 sq feet. He confirms that is within the requirements and asks for her dimensions and setbacks. T. LaBrie explains it is on the map she submitted, not an original, but a copy. T. Hotaling states he did speak to K. Haberland about the project. T. LaBrie replies that she spoke to K. Haberland many times. T. Hotaling asks if there will be any testing from the Health Department. A resident replies, not yet. T. Hotaling asks if the existing leach field runs all the way down the property. T. LaBrie confirms that it does, and the new building will have a separate system. T. Hotaling references the map and asks if these are working setbacks that have been surveyed. T. LaBrie states her neighbor did a survey recently and that shows exactly where it has been posted. T. Hotaling asks for the dimensions of where they are going place the ADU, he adds they have plenty of room and that is up to them. A resident states where it is drawn on the proposed map is where they are going to build the house and the septic is the proposed location.

T. Hotaling states that the Board will put the project for public hearing next month for the special use permit and explains that building permits and other approvals will be separate. He explains the public hearing process and that a special use permit is needed for their area.

H. Leiser asks if it will be a separate deed. T. LaBrie replies, no.

T. Hotaling explains Section 5, and the special use permit, and explains the public hearing process to T. LaBrie

T. Hotaling notes that the next item is some old business.

M. Mahalek introduces himself as Maximillian Mahalek from Cuddy and Feder on behalf of the Rudolph family homestead farm. He states they heard the Board's comments and developed an operations plan as requested by the Board as submitted on March 17. Along with that operational plan, they also submitted per the Board's request, creating a drainage plan, septic plan, the water provision plan, the site lighting fixture detail, and signage plan all one comprehensive package for the Board's review. He continues with an overview of the planned day-to-day operations, delivery schedule, well tests, staffing, chestnut trees, distillery, and the 15 farm stay units.

T. Hotaling references the CPL letter and asks about the difference in the client's density averaging.

M. Mahalek observes the recommendation for a 2.5 acre density, states as articulated in their submission from January 18, they looked at deep percolation test results, the appropriateness of the various soils, and the precedent for developing soils similar to the soils found on site as approved by the Columbia County Health Department, and provided a record showing that there is precedent for a 1.6 acre site including a septic system on similar soil. They wanted to show that 1.6-acre figure could work in a situation where each farm stay unit would have its own individual septic layout and provided a theoretical drawing in their submission. He notes they proposed a centralized septic system as there are efficiencies in that design. He adds, they feel very strongly that based on the precedent submitted, and the Columbia County Health Department approval of the Livingston site, their understanding of this site and how it compares to other sites in the county that the 1.6-acre figure works strongly for this site and can have the best operational efficiency possible.

H. Leiser asks where the centralized septic system will be located and observes that this property is in the 5-acre ag district.

M. Mahalek answers the proposal from the Board is 2.5 acres, based on the nature of the site based on their interpretation of the code and the elements on the site; their perspective is that a 1.6-acre figure will work notes the extreme interpretation. H. Leiser and M. Mahalek discuss the 5-acre zoning is for a residence and not per building. M. Mahalek adds the farm stay units are not permanent residences with a proposal to limit stays to 30 days.

D. Fingar asks if they expect the units to be run year-round and how they define that as not permanent if there is a potential of somebody being in the unit 12 months out of the year.

M. Mahalek affirms the transient nature, adding that folks will come and leave.

H. Leiser asks, what will the agritourism be in the winter months?

M. Mahalek explains the farm stand will have items that are grown in the greenhouse in the winter months, the distillery, and activities associated with horse boarding.

He adds, a subdivision is not what is being proposed here, reiterates the ZBA's resolution and their density equation.

T. Hotaling observes that some flexibility is built into G. Schmidt's average and reads part of his letter. He expresses about the site soils and asks as G. Schmidt looked at them, either they do not see the same problem that he saw with the soil, or they have another way of overcoming that.

P. Prendergast replies that he showed G. Schmidt that he had done a 1.6-acre last year in the Town of Livingston with a well and a sewer that met setbacks, adding this project has a central water system.

D. Fingar asks P. Prendergast to revisit what he did on the 1.6-acre lot. He explains the three-bedroom house, the nature of the clay soils, and the septic system with sand and gravel filter.

M. Mahalek adds, for the record, the plan that P. Prendergast refers to was "Exhibit B" of their January submission.

T. Hotaling declares the applicant to show the Board the technical issues that make it worth considering on their property, not the Livingston property.

M. Mahalek refers to the perk deep tests and the similar clay soils. P. Prendergast refers to his drawing. M. Mahalek discusses "Exhibit C" where they wanted to show that the idea of 15 farm state units was feasible. P. Prendergast points to the drawing, shows where the system would be located and refers to it as being a gravity system.

H. Leiser observes the long flow and asks if the Heath Department will approve a system like that with today's toilets 1.28 gallon of water if the top building goes all the way to the tank. P. Prendergast assures it will and explains.

T. Hotaling asks about the guest house no longer being on the plan. M. Mahalek explains it is an extension of the main residence and is not intended to be occupied on a permanent basis.

H. Leiser asks if they intend to be good neighbors and notes that the rent was doubled on the current tenants in the trailers. M. Mahalek affirms the plan as submitted. T. Hotaling notes that some of the trailers may be at the end of their serviceable life. C. Elizondo explains some have been removed from the property that posed a danger to the public, worked with the building department to have removed, they have engaged in dialogue with the tenants to move and those tenants have been notified, however, the tenants that remain on the plan at this time, they intend to let them continue to remain on property. He adds, this will be a project open to the public, engaging with the public.

H. Leiser asks again about affordable rental rates. C. Elizondo confirms within the first 12 months operating the property rent, rental rates were not touched at this property.

M. Mahalek notes that arrangements between private parties are not necessarily within the jurisdiction on the Planning Board and asks to focus the conversation on what is proposed in the environmental impacts thereof and any potential mitigation as required as they are looking forward to the opportunities to partner with local producers, local retailers, local suppliers and be a part of the community.

T. Hotaling affirms they are aware of their responsibilities. M. Mahalek and T. Hotaling discuss the engineer's formulation for the density average, the remaining trailers, and the number of farm stay units at length.

R. Samuels states she is disappointed they used the page 18 footnote to explain what the density averaging formula is, because the definition is more comprehensive. She explains her thoughts.

T. Hotaling responds the way that was understood by most of the Board can differ slightly as explained back in January. He adds, one of those factors which they are talking about today, are engineering, specifications, soils, all those things which are all to be determined to everyone's satisfaction. He references the ZBA determination, continuing with build a farm, build some units, it fits with that the Town has wanted for many years which is that someone has come to the community with a creative use of a property that may not have had a use for some time, none of them see anything inherently bad about what they want to do, in order to get to that point, how does it affect the community as a whole, be within the law, and satisfies the Town's overall goals, it can improve the community in some level without disturbing the residents on the road.

R. Samuels responds her understanding the ZBA was asked to interpret whether agribusiness could include farm stays, and that the plan to build greenhouses with farm space fits the definition of agribusiness; however, the applicants plan with the housing aspect, the density is too great and determined that was not an allowed use.

T. Hotaling explains their clear intent was asking the Planning Board to apply density averaging to the initial plan provided by Rudolph and reduce the number of units, their business plan may not in the purview of the Planning Board but they will review what the applicant is doing, if their plan fits whatever it is that can be interpreted and understood within what the law is, and they have to be satisfied that what they're doing is going to be good.

M. Stasi asks P. Prendergast if the 1.6-acre piece of property was unique and adds there are standards, that situation was a very unique situation where they weren't subdividing, it was existing, but to apply

that to this fifty acre parcel just because it worked there doesn't seem appropriate and The Board of Health wouldn't allow taking larger parcels and subdividing them just because one could technically fit a septic system on that parcel. P. Prendergast responds that they did, the parcel belonged to an older gentleman, he subdivided a lot off for his son and it needed the septic system to get that approved.

The same resident states that happens once in a while where an accessory structure is built for a family member, but he wouldn't imagine that it happens day in and day out that an investor is just wanting to shrink down properties just to get more density even though the septic could technically work.

P. Prendergast explains that every situation is different and that a septic system would have to be approved by the health department first. He discusses septic systems at length.

T. Hotaling observes they want to explore approving something and the argument is essentially going to be 80% of what the applicant wants to do is simply apply for building permits, built the residence, build the barns, build the farm and get done whatever you wanted to do but they are here because they want to find an answer to the septic and water as one system is financially the best thing to do instead of 24 individual ones and the Board within the town zoning law, applying the formulas, can determine how many can be built.

C. Elizondo voices asks about the 70-unit mobile home park. T. Hotaling acknowledges that is under a different section of the law and speaks to that very specific section of the law.

M. Mahalek notes the ZBA when establishing the approach moving forward to determine the density, did specifically refer to quote minimum lot sizes determined by applying the Health Department standards. T. Hotaling observes that technical thing is what is being discussed.

M. Mahalek respectfully gives his overview of what possibly the best path forward is. M. Mahalek and T. Hotaling discuss the path moving forward and the four mobile homes on the property at length.

T. Hotaling makes note that there is no legal record for the mobile homes being on the property. M. Mahalek confirms they have looked into the history of them, they are creating some of these legal underpinning for their existence, they want to be want to be responsible owners, there were originally water quality issues, they worked with the County Health Department to address those water quality issues and submitted the test results to the Health Department to make sure the water quality is maintained, there has been a litany of issues on the site that they wanted to address and are hoping to continue to address while working towards bringing this really exciting agriculturally oriented to the community.

R. Ihlenburg reads his statement on clarifying the density calculation. A copy was submitted for the file.

T. Hotaling states the ZBA stated that the town's law permits agritourism, agri business and want to promote it; they have a piece of property with a project that's proposed for which they do not have clear sections of law to apply to its development and approval so the board needs to determine the best application of what it is they have to work with that still fits within the intent with the law.

R. Ihlenburg and T. Hotaling discuss his equation of 39 buildable acres divided by 5, making 7 ½ uses on the property.

R. Samuels adds if there's confusion about how to interpret the zoning law and the resolution, on page 54 of the zoning law regarding interpretation, conflict and other laws, it says whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or local law and both restrictive that of the higher standard shall govern.

T. Hotaling states he is familiar with the section, they are simply just trying to find answers while accommodating everybody's opinions and thoughts.

H. Leiser asks about the plan observing that they need a working farm before they can apply agribusiness. M. Mahalek responds that the farm and the farm stay units, those will work common line correspondingly as the cultural operations come on the ancillary farm state units come online, describes their intentions for this plan and how people's interests and farming is always changing. He goes on to articulate all the different multifaceted aspects of this sustainable operation.

H. Leiser asks about the people who will be staying in the farm stay units. M. Mahalek responds that NYS law states that they can create opportunities and make the main focus of all the activity on the site agricultural and farm related activities, to offer a plethora of activities for folks to participate in. He adds, their main emphasis of this, the main predominant use is the agricultural use.

D. Fingar observes that they want to be sustainable with or without their tourists. M. Mahalek affirms.

D. Fingar notes at the last meeting someone had said that they would develop their farming operations as sort of dictated by the guests, whatever trend the guests were heading towards, and they would want to appease them and to her that makes the farm incidental. M. Mahalek clarifies that trends in agriculture are going to be based on what trends in the overall market are.

A resident asks where the educational component of the farm be housed.

M. Mahalek states the proposal right now is for the residence to be turned into an office and a farm stand and classes could partake in them there, but it depends on the nature of the class.

C. Elizondo adds that for a diversified agricultural project, looking at the research from the US Department of Agriculture, any farm under 100 acres has to be a diversified farm to survive in today's economic conditions, so they did that research, took it very seriously and that's where the premise of this whole idea comes together.

T. Hotaling observes it is a traditional farming community, there are about 2,000 people and about 6,000 cows, and those farms are dwindling, so there is farmland available for any number of purposes. He adds the applicant has an idea of a non-traditional type farm, itself is not strange to anybody here, the difficult thing is the inclusion and adding the short term rental component to it.

T. Hotaling and M. Mahalek discuss that it is an agricultural community, that they are looking to put short term rentals on ag land, being able to nail down the final number of farm stay units, getting George Schmitt's input on that, and how the Board can not scale up the law to fit the plan. They also discuss the Planning Board being the lead agency and New York Town law to notify owners of Farm uses within 500 feet.

T. Hotaling lets the audience know if they want to view the submissions, they just need to come in and ask to see it.

Motion: to adjourn the meeting made by H. Leiser; seconded by M. Stasi. All in Favor.

Adjournment: 8:52 pm

Respectfully submitted.

Patricia DeLong