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July 15, 2022

VIA E-MAIL AND FEDERAL EXPRESS

Chairperson Margaret Pino
and Members of the Zoning Board of Appeals
Town of Stuyvesant
5 Sunset Drive
Stuyvesant, NY 12173

Re: Response to Appeal for Interpretation
384-404 Sharptown Road, Stuyvesant, NY 12173
(Tax Lots 52.1-2-66, 52.-1-17, and 52.1-2-65)

Dear Chairperson Pino and Members of the Zoning Board of Appeals:

On behalf of our client, Sharptown Ridge, LLC (“Applicant”), the owner of the above-referenced Premises, we respectfully submit this response to the Appeal filed by Chairperson Tim Hotaling of the Planning Board (“Planning Board”) of the Town of Stuyvesant (“Town”); and separately by 1) Roberta M. Baldini and Jep C. Jonson, and 2) Paul Cassidy, in connection with the Applicant’s proposal to establish the Rudolph Homestead Family Farm (the “Proposal”). This letter is intended to describe the proposed use and memorialize its compliance with the Town of Stuyvesant’s Zoning Code (“Zoning Code”). The relevant Site Plan Application was filed with the Planning Board by the Applicant on June 8, 2022.

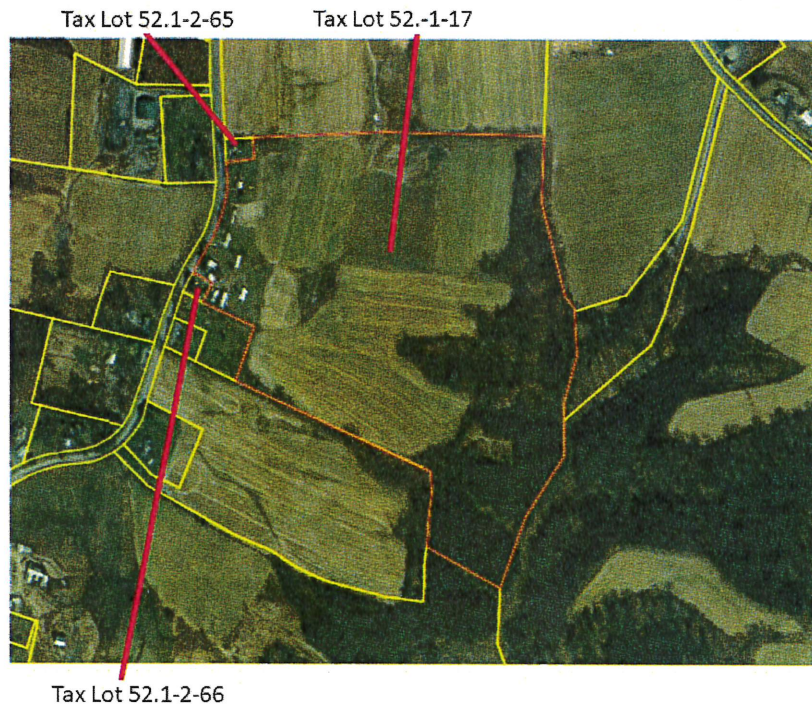
The following points will be made herein:

1. The Proposal entails the establishment of an agricultural operation with incidental accommodations for visitors seeking to learn about agriculture, pick certain crops, buy products grown on the Premises, and ride horses;
2. The Resident “appellants” do not have standing to bring their “appeals” and their “appeals” address a litany of topics that are to be addressed by the Planning Board and are not appropriately before the Town’s Zoning Board of Appeals (“ZBA”); and
3. The Town’s Code Enforcement Officer (“CEO”) made a reasonable Determination that the Proposal complies with the Zoning Code, as it reflects an agricultural use, or, in the alternative, an agritourism use, and this Determination should be upheld by the ZBA.

The Premises

The Premises is comprised of three (3) tax lots which make up 58.48 acres, with tax lot 52.1-2-66 being 0.29 acres; tax lot 52.-1-17 being 57.82 acres; and tax lot 52.1-2-65 being 0.37 acres.¹ See **Image 1** below. The Premises is classified in the Town’s Agricultural (“A”) Zoning District, and is also classified in a New York State Agricultural District (Columbia County Agricultural District #2). The three (3) parcels are presently improved with a single-family home, a garage, six (6) mobile homes, and accessory structures. A large portion of the Premises has been farmed, and continues to be farmed.

Image 1 – Tax Map/Aerial Overlay of Premises – Columbia County GIS:



Agricultural Proposal

The Applicant intends to develop the Premises into a family-friendly homestead farm with accommodations for visitors. Agricultural components will include four (4) greenhouses, eight (8) berry and vegetable beds, two (2) flower beds, a horse barn, a distillery to process materials grown on the Premises, and accessory structures such as a riding ring, an equipment barn, and two (2) separate barn garages. The existing single-family home will be repurposed into a farm stand and

¹ Please note that the Town of Stuyvesant Tax Assessor is in the process of merging these three tax lots into tax lot 52.-1-17.3



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accessory office, and a residence will be erected on the Premises for the owner.² Four mobile homes will remain on the Premises, but none will be added – avoiding the creation of a new mobile home park.

Agricultural growing operations will include: an organic fruit and vegetable farm with diversified greenhouse field crops (i.e., greenhouse crops including salad greens, herbs, tomatoes, and peppers; and field crops including lettuces, carrots, sweet potatoes, and other diversified crops), “Upick crops” (i.e., berries, flowers, and pumpkins), and pasture-raised chickens for eggs. Small-scale mushroom growth will also be considered. Note that this organic farm operation will not utilize preservatives, which is an environmental benefit. This agricultural operation will reflect surrounding uses, including, from observation, what appear to be areas for crop growth, a dairy farm, and more.

Areas of prime soil will be preserved for agricultural use, while the sewage disposal system will be located on a portion of the Premises with appropriate soils for said operation, as to be approved by the Columbia County Department of Health.

It is notable that the time period for agricultural activity on the Premises will be extended throughout the year, through the construction and utilization of greenhouses, and that portions of the Premises not utilized for agriculture at the moment will be dedicated to such a use.

Visitors will be able to stay on the Premises and enjoy the rural setting, ride horses, participate in agricultural services, purchase agricultural goods grown on the Premises and those processed in the distillery, and learn about the relevant agricultural processes. To accommodate these visitors will be a new guest house and twenty (20) agricultural tourist units.

Of the approximately 46 acres to be dedicated to agricultural operations, approximately only eight (8) acres will be dedicated to the accessory tourist units, underscoring the incidental nature of these units.

The CEO Issued A Determination Stating Proposal is Permitted Under the Town’s Zoning Code

On April 8, 2022, the Town’s CEO, Kevin Haberland, determined that Site Plan Review was required for this Proposal, as detailed in the Determination Letter found attached at Exhibit A (it is noted that, under the Zoning Code, the CEO has sole authority to interpret the Zoning Code). The e-mail from the CEO providing this letter, dated April 8, 2022, is attached as Exhibit B, and an e-mail from the CEO stating that no review is required for this Proposal by the Town’s ZBA, dated April 13, 2022, is attached as Exhibit C.

² A one-bedroom apartment above a barn garage will also be used as housing for an employee.



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Residents Do Not Have Standing

A “Notice of Grievance” was filed by Paul Cassidy on June 30, 2022 (attached as Exhibit D), and by Roberta M. Baldini and Jep C. Johnson on July 1, 2022 (attached as Exhibit E). It is noted that these “appeals” are insufficient as a matter of law. Section 12 of the Town’s Zoning Code references the appeals process found under Section 267-a of New York Town Law. Section 267-a(5)(b) requires appellants to file appeals with the ZBA. Both “Notices of Grievance” were filed with the Planning Board, not the ZBA. Moreover, it is the Applicant’s understanding that the Planning Board’s Counsel has advised these parties that their “appeals” are “moot” as a result of the separate appeal by Chairperson Tim Hotaling of the Planning Board (see Exhibit F). However, for the purposes of the Record, the Applicant seeks to respond to these residents’ “appeals.”

None of these residents have illustrated the requisite standing to bring a valid appeal to the ZBA. To file an appeal with the ZBA, a resident must show that they are “aggrieved.” In order to be aggrieved, a person must sustain “special damage, different in kind and degree from the community generally.” “[E]ven without establishing an injury in fact, a person is presumed to have standing if he or she falls within the statute’s zone of interests and his or her property is sufficiently proximate to the property at issue.” See Fund for Lake George, Inc. v. Town of Queensbury Zoning Board of Appeals, 126 A.D.3d 1152, 1153 (3d Dept. 2015) (a zoning board of appeals did not err in finding appellant lacked standing to appeal the zoning administrator’s interpretation of the code). Roberta M. Baldini and Jep C. Jonson list their address as 76 Sharptown Road and Paul Cassidy lists his address as 63 Sharptown Road. These properties are approximately 1.5 miles to the southwest of the Premises, and have no proximity to the Premises. (It is notable that Section 9 of the Zoning Code requires those within a 300-foot radius of the Premises be notified of a Public Hearing regarding a pending Site Plan application – these residents are far outside this radius). In addition to the lack of proximity, the Appellants have not established any claim of a specialized injury beyond that which purportedly would be felt by the public at large. As a result, none of these resident parties have sufficient standing, and their “appeals” must be turned away by the ZBA.³

³ It is also noted that these “appeals” are being filed past the statutory 60-day deadline to file said “appeals” pursuant to New York Town Law Section 267-a(5)(b). Moreover, it should be separately noted that the appeal filed by the Planning Board Chairperson was specifically filed only by the Chairperson in their individual capacity, and was not referred to the ZBA by a vote of the Planning Board. Therefore, this was not an appropriate referral by a “Board” pursuant to Section 267-a(4), and the Applicant reserves all of their rights on this matter. However, in the spirit of openness, the Applicant will respond to this appeal on the merits of the Proposal. See Section 41 of the General Construction Law (“Whenever three or more public officers are given any power or authority, or three or more persons are charged with any public duty to be performed or exercised by them jointly or as a board or similar body, a majority of the whole number of such persons or officers, at a meeting duly held at a time fixed by law, or by any by-law duly adopted by such board of body, or at any duly adjourned meeting of such meeting, or at any meeting duly held upon reasonable notice to all of them, shall constitute a quorum and not less than a majority of the whole number may perform and exercise such power, authority or body...”).



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Residents' Claims Are Largely Irrelevant

It is noted that the majority of Roberta M. Baldini & Jep C. Jonson's "appeal" refers to purported and unsubstantiated environmental impacts of the Applicant's Proposal, referencing topics such as community character, landscaping, traffic, and property values. In only a small part does it actually address a topic that would appropriately be before the ZBA – if this agriculturally-oriented proposal is permitted in the A Zoning District. As detailed more fully below, by any reading of the Town's Zoning Code, it is. Moreover, Paul Cassidy, in his "appeal," inexplicably requests that the Applicant submit a Business Plan to the Planning Board. The internal finances of the Applicant are of no interest to the Town. See Sunrise Check Cashing & Payroll Servs., Inc. v. Town of Hempstead, 20 N.Y.3d 481, 485 (2013) ("Our cases make clear that the zoning power is not a general police power, but a power to regulate land use: It is a fundamental principle of zoning that a zoning board is charged with the regulation of land use and not with the person who owns or occupies it") (internal citations omitted); Old Country Burgers Co. v. Town Bd. of Town of Oyster Bay, 160 A.D.2d 805, 806 (2d Dep't 1990) (stating that conditions imposed in connection with a permit "must relate directly to the proposed use of the property, and not to the manner of the operation of the particular enterprise conducted on the premises").

Furthermore, Mr. Cassidy attempts to raise a purported and unsubstantiated issue with the septic system, which is not before the ZBA, and which would require review by the Columbia County Department of Health regardless.

The CEO's Determination Was Reasonable as the Proposal Conforms with the Zoning Code, and Should Be Upheld by the ZBA

The ZBA should uphold the CEO's Determination that only Site Plan Review is required, as it is a reasonable determination. Any action by the ZBA to overturn the CEO's Determination would be arbitrary. See R.J. Land, Inc. v. Town of Mamakating, 92 A.D.3d 1004, 1006 (3d Dep't 2012) (a Building Inspector's determination should be upheld unless "irrational, arbitrary or capricious").

The proposed use is permitted by right under Section 4 of the Zoning Code, as it falls under the "agriculture" and "agriculture including animal husbandry" uses in the A Zoning District. This determination is supported by a review of the definition of "Agriculture" found at Section 2 of the Zoning Code, which reads:

The production, keeping or maintenance, for sale, lease or personal use of plants and animals useful to man, the harboring of more than five (5) animals of any species with the exception of the keeping of household pets, and/or the cultivation for food products or other useful growths of the field, forest or garden for personal use, business or gainful operation. Household septage/sewage spreading is not deemed to be a traditional agricultural practice and is prohibited town wide. Agriculture, including animal husbandry, is allowed in various zones of the Town pursuant to the supplemental requirements outlined in Section 7.



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A statute such as the Zoning Code should be given its “plain meaning, avoiding construction that renders superfluous any language in the ordinance.” Saratoga County Economic Opportunity Council, Inc. v. Vill. of Ballston Spa Zoning Bd. of Appeals, 112 A.D.3d 1035, 1037 (3d Dep’t 2013). Moreover, any ambiguity in a Zoning Code must be construed in an Applicant’s favor. See Albany Basketball & Sports Corp. v. City of Albany, 116 A.D.3d 1135, 1137 (3d Dep’t 2014). The proposed use, with its emphasis on agricultural operations (including crop growth, agricultural services, and animal husbandry; the establishment of a farmstand; and the erection of multiple greenhouses, vegetable/berry beds, and a horse barn) and related incidental uses such as the barn equipment and garages, will fall into this use category.

The incidental accessory tourist units will only take up approximately eight (8) acres of the approximately 46 acres dedicated to agricultural operations overall. These incidental units relate to agricultural activity, as identified in the definitions of “agribusiness,” “agritainment,” and “agritourism” found under Section 2 of the Town’s Zoning Code:

Agribusiness – As used in this Local Law, the term agribusiness shall mean activities collectively associated with the production, processing, distribution and sale of agricultural products. These activities shall include direct sale of agricultural products to consumers, and such ancillary activities as Agritainment and Agritourism.

Agritainment – Events and activities that allow for recreation, entertainment, and tourism in conjunction with on-going agricultural activities on-site. Events and activities may include the following: hayrides, corn mazes, hay mazes, petting zoos (farm animals only), living historical farms, farm tours, and agricultural festivals. The agritainment enterprise shall be operated and maintained by the owner, operator, or occupant of the farm on which it is located. Multiple properties in common ownership are acceptable for agritainment.

Agritourism – Farm-related enterprises that operate for the enjoyment and education of the public which bring together tourism and agriculture.

The proposed facilities are for visitors seeking to connect with and enjoy an agricultural setting, as well as to participate in agricultural processes, to purchase agricultural goods, and to ride horses. Such activities are referenced in each of these definitions. Giving the zoning language its plain meaning, the proposed accessory tourist units fall to some extent into each of these categories, with the most applicable term being “agritourism.” Furthermore, even though said uses are not specifically listed in the Zoning Code’s Use Schedule, “agriculture,” which the definitions of each of these three terms reference, is permitted in the A District, and again, any ambiguity in the Zoning Code must be construed in the Applicant’s favor.

In the alternative, the Proposal may be designated as “agritourism,” as it is oriented as a farm-related enterprise that will be open to members of the public seeking to enjoy a farm stay and partake in farm operations. They will be able to learn from this farm operation, while picking



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crops, buying products grown on-site, and riding horses. As noted above, the Zoning Code's definition of "agritourism" specifically references "agriculture," which is a permitted use in the A District, and by a plain reading of the Zoning Code, "agritourism" is permitted in the A District.

The resident "appellants" refer to the proposed use as a "resort" or "hotel." Neither use is defined in the Zoning Code. The Merriam-Webster Dictionary can be relied on to provide the "ordinary meaning" of these words. The online Merriam-Webster Dictionary defines "hotel" as "an establishment that provides lodging and usually meals, entertainment, and various personal services for the public"; and "resort" as "a place designed to provide recreation, entertainment, and accommodation especially to vacationers: a community or establishment whose purpose or main industry is catering to vacationers." The Applicant does not intend to provide meals, entertainment, or an array of "personal services" directly to guests. Moreover, the main focus of the operation will be agricultural production, not providing entertainment and services that cater to vacationers.

As a result, the Applicant's proposal is not a "hotel" nor a "resort." In light of the Proposal's conformity with the Zoning Code, the CEO's Determination that the proposed use requires Site Plan Approval, and no approval from the ZBA, was reasonable and should be affirmed. It is noted that the Applicant is open to discussing lengths of stays of visitors with the Planning Board in order to further ensure that none of these units will be utilized as residences.

It was noted in the CEO's Determination that the scale of the proposed agricultural use did not rise to the level permitting "expedited Site Plan Review" under New York's Agriculture and Markets Law. This Determination, however, was not an interpretation of the Zoning Code or any qualification on the permissibility of the use under the Zoning Code. Furthermore, the Applicant would like to note for the Record that the State does promote agritourism on agricultural sites, as such operations support agricultural activity. The Agriculture and Markets Law, which the CEO does not have the authority to interpret, states that a "farm operation" includes "land, buildings, equipment and practices that contribute to the production, preparation, and marketing of crops, livestock and livestock products as a commercial enterprise." See Agriculture and Markets Law, Section 301(11). Pursuant to Guidelines from the New York State Department of Agriculture, direct farm marketing includes marketing of crops, livestock, and livestock products to tourists.⁴ The visitors to the Premises will support the agricultural activities through paying for accommodations, participating in agricultural processes, riding horses, and buying goods grown on the Premises. In line with the CEO's Determination, the Applicant has not requested an exemption from Site Plan Review and the benefits provided therein, and intends to be fully transparent (therefore, the Applicant filed a full Site Plan Application on June 8, 2022, which led to this matter being considered by the ZBA) - but it is important that the ZBA acknowledge the favor shown on uses supporting agricultural activities in New York State.

⁴ New York State Department of Agriculture, GUIDELINES FOR REVIEW OF LOCAL LAWS AFFECTING DIRECT FARM MARKETING ACTIVITIES, <https://agriculture.ny.gov/system/files/documents/2019/11/305-afarmmarket.pdf>.



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Conclusion and Index of Enclosures

It is noted that, as this matter simply involves a request for an interpretation, that this is a Type II Action under the State Environmental Quality Review Act, Environmental Conservation Law, Article 8, 6 NYCRR Part 617 *et seq.* (“SEQRA”), and any review of the potential environmental impact of the Proposal by the ZBA is inappropriate.

Given the Proposal’s compliance with the Town’s Zoning Code, the Applicant respectfully requests that the Board affirm the CEO’s Determination, as this Determination was reasonable and based on the facts before the CEO.

Enclosed with this letter you will find the Site Plan drawings prepared by Walter F. Chatham, AIA, entitled “Rudolph Family Farm,” dated October 1, 2021, last revised April 28, 2022, comprising the following pages:⁵

<i>T-101:</i>	<i>Cover Sheet and Index</i>
<i>S-100:</i>	<i>Survey</i>
<i>SP-100 A & B:</i>	<i>Proposed Site Plan Program</i>
<i>A-101:</i>	<i>Proposed Building Types A-E2</i>
<i>A-102:</i>	<i>Proposed Building Types F-J</i>

Enclosed with this letter you will also find the following Exhibits:

Exhibit A:	Determination from Kevin Haberland, Code Enforcement Officer;
Exhibit B:	E-mail from Kevin Haberland, Code Enforcement Officer, dated April 8, 2022;
Exhibit C:	E-mail from Kevin Haberland, Code Enforcement Officer, dated April 13, 2022;
Exhibit D:	“Appeal” filed by Paul Cassidy, dated June 30, 2022;
Exhibit E:	“Appeal” filed by Roberta M. Baldini and Jep C. Jonson, dated July 1, 2022; and
Exhibit F:	Appeal filed by Tim Hotaling, Planning Board Chairman, via an e-mail from Tal Rappleyea, Esq., Planning Board Counsel, dated July 7, 2011.

⁵ The only changes to the plans from March 10, 2022 are the addition of occupancy classifications on the plans. These were the plans submitted to the Planning Board on June 8, 2022.



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The Applicant looks forward to further defending the CEO's reasonable Determination, including appearing at the Board's July 27th Meeting. If you have any questions, please do not hesitate to contact me at mmahalek@cuddyfeder.com or at 914-872-1874.

Very truly yours,

Maximillian R. Mahalek

Maximillian R. Mahalek

Enclosures

Cc:

Tal Rappleyea, Esq., Planning Board Counsel
Melissa Naegeli, Town Clerk
Kevin Haberland, Code Enforcement Officer
Sharptown Ridge, LLC
Walter F. Chatham, AIA
Patrick Prendergast, PE
Benjamin Giardullo, Hudson Farm Planner

Exhibit A

Cuddy Feder LLP
Maximillian R. Mahalek, Esq.
445 Hamilton Avenue
White Plains, NY 10601

Re: Rudolph Family Farm
384-404 Sharptown Road, Stuyvesant, NY
SBL: 52.1-2-66, 52.-1-17 and 52.1-2-65
Formal Determination

Dear Mr. Mahalek:

Thank you for your submissions dated March 11, 2022 regarding the above-referenced proposed project. I have reviewed all materials submitted closely and consulted with the Attorney for the Town regarding the applicability of the Town of Stuyvesant's Site Plan Review and the NYS Ag & Markets 'farm operation' standards and role in the review process.

Please be advised that it is my determination that the application submitted must be referred to the Town Planning Board for a full site plan review application and process. I do recognize that a very small portion of the property and project may have an agricultural component, the level of same does not rise to the levels required to obtain access to the expedited site plan review process outlined in the Ag & Markets Guidelines on the topic.

I have enclosed a copy of the Town Site Plan Review Application and encourage you to promptly file with the Planning Board in order to commence your project. This is a great project and I look forward to working with you.

Very Truly Yours.

Kevin Haberland, CEO
Town of Stuyvesant

Exhibit B

From: [Kevin Haberland](#)
To: [Mahalek, Maximillian R.](#)
Subject: RE: Rudolph Family Farm
Date: Friday, April 8, 2022 9:23:35 AM
Attachments: [image001.png](#)
[CEO determination letter.docx](#)
[site plan review application.pdf](#)

Good morning, attached is a copy of my determination.

Thank You

Kevin Haberland

Exhibit C

From: [Kevin Haberland](#)
To: [Mahalek, Maximillian R.](#)
Subject: Re: Rudolph Family Farm
Date: Wednesday, April 13, 2022 9:13:21 AM
Attachments: [image001.png](#)

Yes, that's correct.

Get [Outlook for iOS](#)

From: Mahalek, Maximillian R. <MMahalek@cuddyfeder.com>
Sent: Friday, April 8, 2022 4:41:50 PM
To: Kevin Haberland <khaberland@stuyvesantny.us>
Subject: RE: Rudolph Family Farm

Thank you, Mr. Haberland. Just to confirm – no review is required from the Zoning Board of Appeals, correct? Just the Planning Board. Thanks again. -Max

From: Kevin Haberland <khaberland@stuyvesantny.us>
Sent: Friday, April 8, 2022 9:23 AM
To: Mahalek, Maximillian R. <MMahalek@cuddyfeder.com>
Subject: RE: Rudolph Family Farm

Good morning, attached is a copy of my determination.

Thank You

Kevin Haberland

Exhibit D

Paul Cassidy
63 Sharptown Road
Stuyvesant, NY 12173

June 30, 2022

Town of Stuyvesant
5 Sunset Drive
Stuyvesant NY 12173

Notice of Grievance

To the attention of:

Stuyvesant Town Planning Board Chair, Tim Hotaling
Stuyvesant Town Attorney, Tal Rappleyea
Code Enforcement Officer, Kevin Haberland
Town Supervisor, Ron Knott

Re:

Rudolf Family Commercial Hotel Development on Agricultural Zoned property
384-404 Sharptown Road, Stuyvesant NY
Site Plan Review Application filed with the Town Planning Board

As a resident of Sharptown Road, this notice sets forth a grievance of the determination that was made public at the Town of Stuyvesant Planning Board meeting on 6/29/22 by the Attorney to the Board, Mr. Rappleyea. Mr Rappleyea stated that a determination was made by Town of Stuyvesant Code Enforcement Officer, Mr Haberland, under the council of he himself, Mr. Rappleyea, as Town Attorney. Mr Rappleyea explained to the public that individual property owners with proximity to the development have sixty days to grieve.

The determination by the Code Enforcement Office is that the application submitted must be referred to the Town Planning Board for full site review. I implore the Planning Board to wholly reject the application on the basis that TWENTY accessory units constitutes a commercial hotel/ resort and is in no way agricultural. While there may be a small portion of this plan represented as agriculture, the plan as presented as a twenty-unit commercial hotel/resort exploits the agricultural nature of the property and is in direct conflict with the Town of Stuyvesant Comprehensive Plan as An Agricultural Community.

The developer is attempting to exploit the use of the Prime Agricultural Zoned property and develop a commercial hotel. The developer and their representatives stated at the Planning Board meeting these twenty tourism units are year-round, housing transient occupants, with frequent turn-over requiring seventy-eight parking spaces. I implore the Planning Board to request the business plan from the developer to determine the revenue from the commercial multi-unit hotel versus revenue from an agricultural endeavor.

If this Site Plan were approved by the Planning Board, the determination will set a precedent that all land zoned Agricultural in Stuyvesant can be exploited under the guise of 'agritourism', and any property zoned as agricultural could be developed as a commercial hotel.

Further concerns to be considered by the Planning Board when considering proposed Site Plan:

The size of a commercial septic system represented on the plans is wholly inadequate to support a twenty-unit commercial hotel and should require approval from the Columbia County Health Department with stamped drawing of the septic system and field.

Sincerely,

A handwritten signature in cursive script that reads "Paul Cassidy".

Paul Cassidy

This noticed has been distribution via electronic mail
Hard copy delivered to the Stuyvesant Town Clerk

Exhibit E

Roberta M Baldini & Jep C Jonson
76 Sharptown Road
Stuyvesant, NY 12173

1 July, 2022

Mr. Tim Hotaling
Stuyvesant Town Planning Board Chair
Town of Stuyvesant
5 Sunset Drive
Stuyvesant NY 12173

Notice of Grievance

Re: Rudolf Family Commercial Hotel Development on Agricultural Zoned property
384-404 Sharptown Road, Stuyvesant NY
Site Plan Review Application filed with the Town Planning Board

My husband, Jep C Jonson and I are aggrieved third parties, who learned of the Rudolph Family Commercial Enterprise on Wednesday, 29 June 2022. We have lived at 76 Sharptown Road for over 25 years.

Standing to Grieve “[A]llegation of close proximity alone may give rise to an inference of damage or injury that enables a nearby owner to challenge a zoning board decision without proof of actual injury ...”¹ The Court has held that “persons aggrieved” for purposes of appeals to a zoning board of appeals must be liberally construed and need not stop at adjoining landowners.² “As general rule, any person whose legal rights or interests or property would be detrimentally affected by an action taken by the building inspector or zoning enforcement officer is properly an “aggrieved person. . . .”³

Timeliness “It is settled law, however, that where a party seeks revocation of a building permit issued to another, the prescriptive period should be computed from the date such party received notice that his objections to the permit had been overruled [cite omitted]. We find that the petitioners in this case are not chargeable with knowledge of the issuance of the building permit until March 2000. Thus, the appeal of the issuance of the building permit, taken on March 27, 2000, was timely . . .”⁴

We were not informed of this project at the end of Sharptown Road where this commercial enterprise will substantially alter the essential character, landscape, and environment of our community to the detriment of our small, quiet, rural farming community and have a negative impact on our quality of life.

¹ Sun-Brite Car Wash, Inc. v. Board of Zoning and Appeals of the Town of North Hempstead ,69 N.Y.2d 406, 413-414.

² Matter of Horan v. Board of Appeals, 6 Misc.2d 571 (Sup. Ct., Westchester Co., 1957).

³ NYS Division of Local Government Services, **Zoning Board of Appeals**, JAMES A. COON LOCAL GOVERNMENT TECHNICAL SERIES, Publication Date: Nov. 2005, Reprint Date: Sept 2021, page 24.

⁴ Pansa v. Damiano, 14 N.Y.2d 356 (1964).

This commercial enterprise will open the flood gates for other enterprises like it to continue to erode the essential character of our farming community. Stuyvesant's Zoning Law are meant to protect our precious farm land, not turn it into a resort for tourists and travelers.

Because one of the basic purposes of zoning is to adopt reasonable regulations in accordance with a comprehensive plan, it follows that changes which would disrupt or alter the character of a neighborhood, or a district, would be at odds with the very purpose of the zoning regulation itself.⁵

The scope of the project proposed is too big and ill-conceived for the number of acres (58), the project does not preserve or protect the character of the neighborhood, and the health, safety and welfare of the neighborhood,⁶ which will be negatively impacted in that:

1. The traffic from tourists, hotel workers and folks traveling on Sharptown Road to patronize the distillery and farm stand would substantially increase the number of cars. Sharptown Road, as you know is a narrow two-way road. There is no room to expand the width of the road.
2. We would now have to contend with increased air pollution from the cars and delivery trucks. Sharptown Road is ill-equipped to handle large, frequent delivery truck traffic. The litter on Sharptown Road is currently a problem, and this would make it worse.
3. I am concerned that the proposal calls for 16 horses to be housed on the property. There does not appear to be a provision for turn-out pasture. Where will these horses be ridden? There is a riding ring, but will there be trail riding? Where will these trails be?
4. Our property values would be decrease due to the impact this commercial enterprise would have on our community. We are on a quiet, narrow county road, a road with families where children play. Children play freely in their front yards, and, if this enterprise were to come to Sharptown Road, parents would have to worry that their children might be hit by a speeding car or worse.
5. The developer is attempting to exploit the use of the Prime Agricultural Zoned property to develop a commercial hotel. The TWENTY accessory units in the proposal constitute a commercial hotel/ resort that is in no way agricultural. The developer and their representatives stated at the Planning Board meeting these twenty tourism units are year-round, housing transient occupants, with frequent turn-over requiring seventy-eight parking spaces. While there may be a small portion of this plan represented as agriculture, the plan presented as a twenty-unit commercial hotel/resort exploits the agricultural nature of the property and is in direct conflict with the Town of Stuyvesant Comprehensive Plan as An Agricultural Community. Growing a few berries and running a miniature dude ranch does not make this an agricultural project. This is a hotel, not a farm.

⁵ NYS Division of Local Government Services, **Zoning Board of Appeals**, JAMES A. COON LOCAL GOVERNMENT TECHNICAL SERIES, Publication Date: Nov. 2005, Reprint Date: Sept 2021.

⁶ I relied on NYS Town Law 267-a; NYS Village Law 7-712-b; General City Law 81-b, and the Due Process Clause of the US Constitution requiring reasonable notice and an opportunity to respond.

If this Site Plan were approved by the Planning Board, the determination will set a precedent that all land zoned Agricultural in Stuyvesant can be exploited under the guise of 'agritourism', and any property zoned as agricultural could be developed as a commercial hotel.

We ask that you protect the precious resource that we have and not open the flood gates to destroying this beautiful town. Deny the variance and project that will turn farmland into hotels and resorts.

Sincerely,

Roberta M Baldini & Jep C Jonson

CC: Stuyvesant Town Attorney, Tal Rappleyea
Code Enforcement Officer, Kevin Haberland
Town Supervisor, Ron Knott

Exhibit F

From: [Tal Rappleyea](#)
To: [Mahalek, Maximillian R.](#)
Subject: Fwd: Rudolph Family Farm CEO Determination to ZBA
Date: Monday, July 11, 2022 3:00:35 PM
Attachments: [Cassiday appeal.pdf](#)
[Baldini Appeal.pdf](#)

Hi Max:

Below is the appeal of the Chairman of the Planning Board.

Also attached are the two appeals we received which I have already 'rejected' as being moot since the Chair is making the appeal.

Thanks,

Tal

----- Forwarded message -----

From: **Tal Rappleyea** <tal@talrappleyea.com>

Date: Thu, Jul 7, 2022 at 3:14 PM

Subject: Rudolph Family Farm CEO Determination to ZBA

To: Town of Stuyvesant <TownClerk@stuyvesantny.us>

Cc: Tim Hotaling <THotaling@stuyvesantny.us>

Dear Melissa:

Please accept this email in your capacity as Acting Clerk to the ZBA as an appeal of the determination of the Town Code Enforcement Officer regarding the above referenced project for an interpretation of the said determination. I have been asked to do so on behalf of Mr. Tim Hotaling the Chairman of the Planning Board.

Specifically, Mr. Hotaling is seeking an interpretation concerning the proposed use and whether it is allowable under the town zoning law.

Please do not hesitate to contact me with any questions.

Thank you.

Tal

--

Tal G. Rappleyea

Attorney at Law

23 Fordham Road

Valatie, NY 12184

518-225-9140 - office

518-610-8707 - fax

[PLEASE NOTE MY NEW EMAIL ADDRESS AND DISCONTINUE ANY PRIOR ADDRESSES:](#)

tal@talrappleyea.com

Privacy Notice: The information contained in this electronic message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are informed that any dissemination, copying, or disclosure of the material contained herein, in whole or in part, is strictly prohibited. If you have received this transmission in error, please notify the original sender and purge this message. Thank you very much.

Circular 230 Disclosure: As required by U.S. Treasury Department regulations, you are advised that, any tax advice contained in this email, including any attachment, is not intended or written to be used, and may not be used, for the purpose of (1) avoiding tax-related penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any tax-related matter addressed in this email or any attachment.

WARNING: FRAUD ALERT *Hackers are targeting e-mails of attorneys in attempts to initiate fraudulent wire requests. If you receive any request purporting to come from this office regarding wire instructions, you must confirm the request directly with me by telephone before you make any transfer.*

--

Tal G. Rappleyea

Attorney at Law

23 Fordham Road

Valatie, NY 12184

518-225-9140 - office

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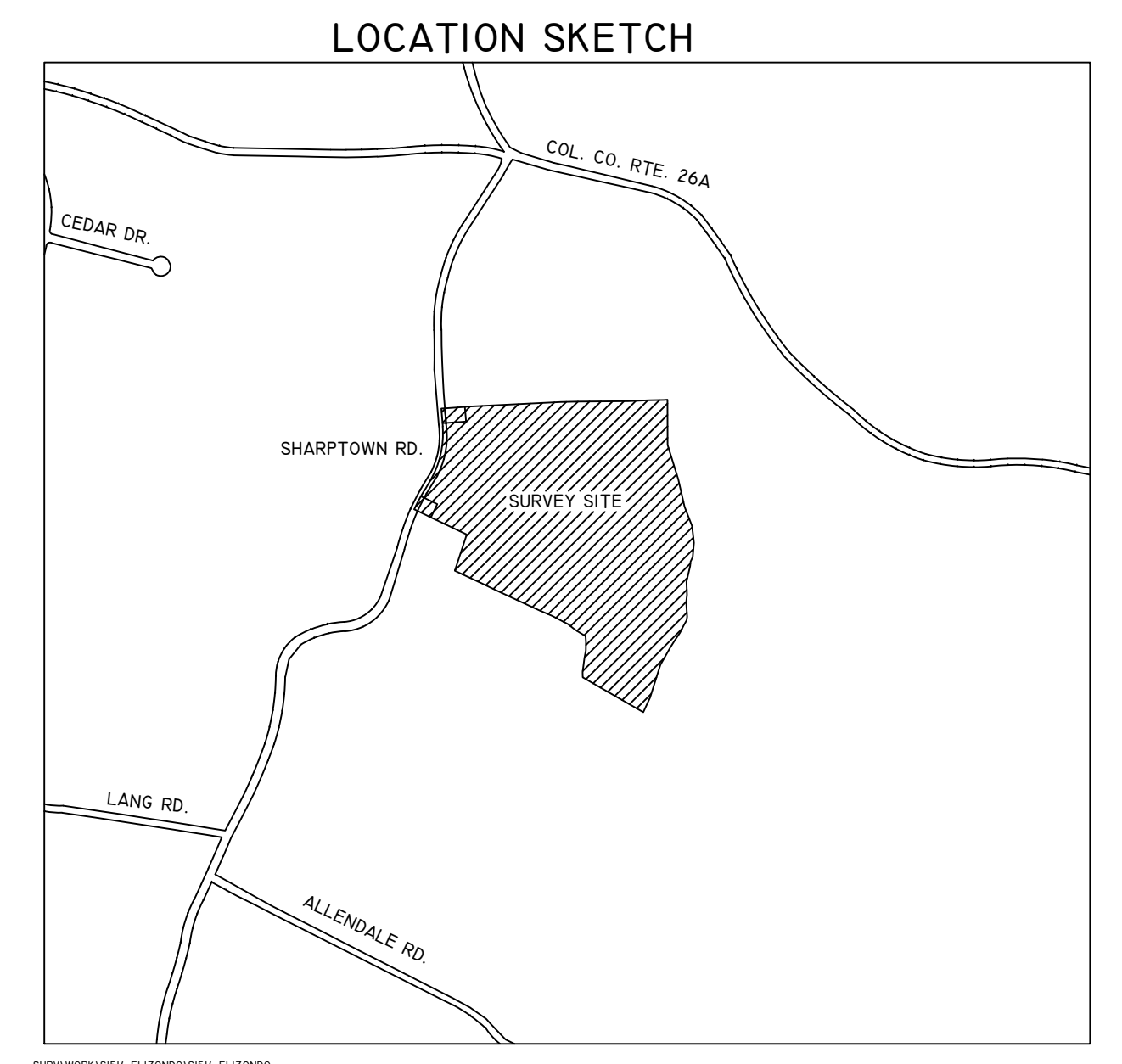
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Site Plans

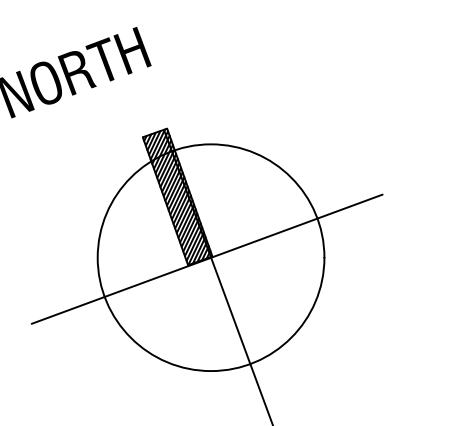


RUDOLPH FAMILY FARM 382-404 SHARPTOWN ROAD STUYVESANT, NY



INDEX OF DRAWINGS:

T-101	TITLE SHEET & DRAWINGS INDEX
S-100	SURVEY
SP-100	PROPOSED SITE PLAN AND PROGRAM
A-101	PROPOSED BUILDING TYPES A-E2
A-102	PROPOSED BUILDING TYPES F-J



PLANNING SUBMITTAL
REVISED APRIL 28 2022

WALTER F. CHATHAM, ARCHITECT
2 HUDSON AVENUE HUDSON, NY 12534
(212) 925 2202 WALTER@WFCATHAM.COM

PROJECT: **RUDOLPH FAMILY FARM**
382-404 SHARPTOWN ROAD
STUYVESANT, NY

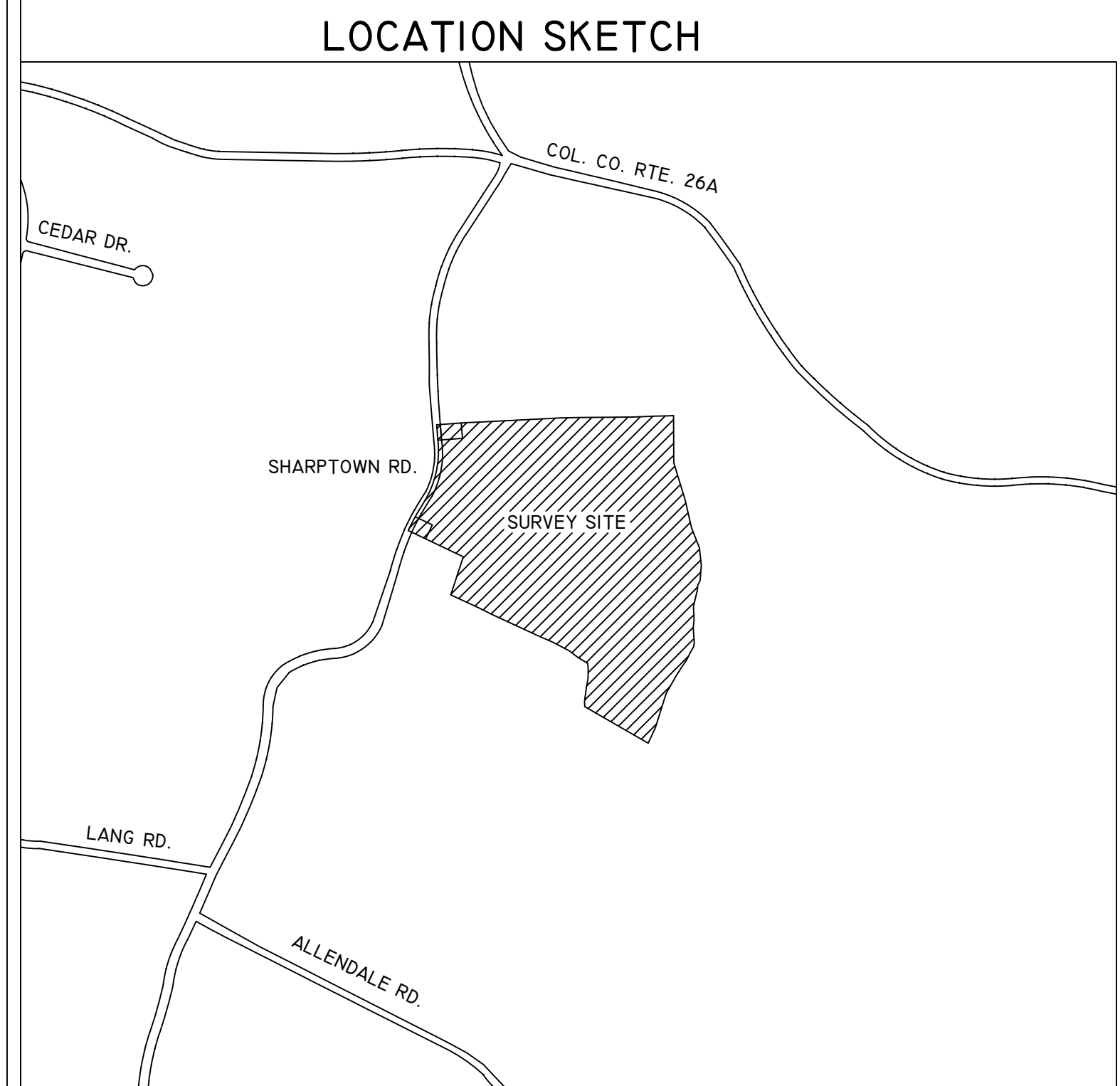
COVER SHEET & INDEX

SEAL & SIGNATURE	DATE: 10.01.21
	PROJECT NO.: 1109-01
	DWG. BY: WC
	DWG. NO.: T-101
<small>CHAM FILE IN S 1109 A 2 OF 2</small>	

SURVEY OF PROPERTY OF
THE ESTATE OF
ALIDA LOSEE
TO BE CONVEYED TO
SHARPTOWN RIDGE LLC
TOWN OF STUYVESANT, COLUMBIA COUNTY, NY

TOTAL AREA = 58.469 AC.

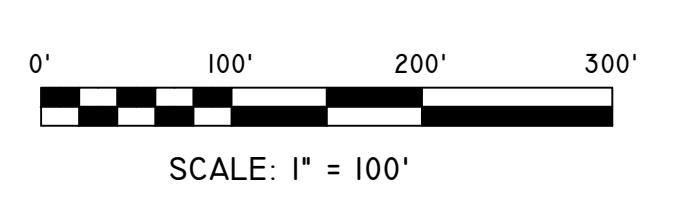
- LEGEND**
- IRS IRON ROD SET
 - ⊙ IPR IRON PIPE RECOVERED
 - ▲ CMR CONCRETE MONUMENT RECOVERED
 - WELL
 - ◇ CB CATCH BASIN
 - ⬇ TP DEEP TEST PIT
 - UTILITY LINES
 - WIRE FENCE REMAINS
 - - - EDGE OF FIELD
 - - - SOIL TYPE BOUNDARY
 - ▨ PRIME FARMLAND SOIL
 - ▤ FARMLAND OF STATEWIDE IMPORTANCE
 - ☼ APPROXIMATE WETLAND (NATIONAL WETLANDS INVENTORY)



- NOTES:**
1. PARCEL I: TAX MAP NO. 52-1-2-65
SOURCE OF TITLE FOR PARCEL I IS BOOK 520 PAGE 1169.
AREA: 0.367 ACRES.
 2. PARCEL II: TAX MAP NO. 52-1-2-66
SOURCE OF TITLE FOR PARCEL II IS BOOK 367 PAGE 46.
AREA: 0.285 ACRES.
 3. PARCEL III: TAX MAP NO. 52-1-17
SOURCE OF TITLE FOR PARCEL III IS BOOK 271 PAGE 159 AND BOOK 293 PAGE 359.
AREA: 57.817 ACRES.
 - PROPERTY ADDRESS IS 382-004 SHARPTOWN ROAD
 2. SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS-OF-WAY AND/OR RESTRICTIONS OF RECORD.
 3. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING THE EMBOSSED SEAL AND SIGNATURE OF A LICENSED LAND SURVEYOR IS A VIOLATION OF SEC. 7209, SUBDIV. 2 OF THE NEW YORK STATE EDUCATION LAW.
 4. PARCEL III HAS THE BENEFIT OF AN AGRICULTURAL ASSESSMENT UNDER SECTION 306 OF THE AGRICULTURAL AND MARKETS LAW. AT THE TIME OF THE SURVEY MUCH OF THE PARCEL WAS BEING USED FOR AGRICULTURAL PURPOSES. IF AN EASEMENT OR AGREEMENT EXISTS FOR SUCH USE, SAID AGREEMENT IS NOT FILED.
 5. 2 FOOT CONTOURS ARE SHOWN AS DERIVED FROM NYS GIS DATABASE. NOT FROM A FIELD SURVEY. ELEVATION DATUM IS NAVD83.
 6. APPROXIMATE LOCATION OF FARMLAND SOILS INFORMATION SHOWN PER GIS DATA RETRIEVED FROM THE COLUMBIA COUNTY GEO-DATA WEBSITE. THE FARMLAND SOIL TYPES ARE CATEGORIZED AS ALL AREAS ARE PRIME FARMLAND, FARMLAND OF STATEWIDE IMPORTANCE, AND PRIME FARMLAND IF DRAINED. THE SOILS DESCRIBED AS "PRIME FARMLAND IF DRAINED" DO NOT OCCUR ON THE SURVEYED PARCEL. AS SHOWN ON THE COL. CO. GEO-DATA WEBSITE. SOIL TYPES WERE NOT FIELD SAMPLED OR ANALYZED AS PART OF THIS SURVEY.
 7. WETLAND INFORMATION IS SHOWN PER THE COLUMBIA COUNTY GEO-DATA WEBSITE AS WELL AS THE NYS-DEC ENVIRONMENTAL RESOURCE MAPPER. BASED ON INFORMATION FROM BOTH DATA SOURCES, NO NYS DEC REGULATED WETLANDS OCCUR ON THE SURVEYED PROPERTY. A NATIONAL WETLANDS INVENTORY WETLAND DOES EXIST ALONG THE SOUTHEASTERN BOUNDARY OF THE SURVEYED PROPERTY. WETLANDS SHOWN ARE APPROXIMATE FROM GIS DATA, AND WERE NOT FIELD DELINEATED BY A WETLAND PROFESSIONAL.
 8. REFERENCE IS MADE TO A MAP ENTITLED "SURVEY OF PROPERTY OF CHARLES T. LOSEE AND ALIDA LOSEE TOWN OF STUYVESANT, COLUMBIA COUNTY, NY" DATED APRIL 26, 1986 BY ALLESANDRO F. VIALE. FILED IN THE COL. CO. CLERK'S OFFICE AS FILED MAP 949.
 9. THIS SURVEY IS CERTIFIED TO:
1) SHARPTOWN RIDGE LLC
2) FIRST AMERICAN TITLE INSURANCE COMPANY (TITLE NO. 3320-1079596)
3) FARM CREDIT EAST, AKA ITS SUCCESSORS AND/OR ASSIGNS
4) THE ESTATE OF ALIDA LOSEE
AS MEETING THE STANDARDS SET FORTH IN "CODE OF PRACTICE FOR LANDS SURVEYS" AS ADOPTED BY THE NEW YORK STATE ASSOC. OF PROFESSIONAL LAND SURVEYORS (AS LAST REVISED).

TOWN OF STUYVESANT ZONING DISTRICT: A-AGRICULTURAL

MINIMUM LOT SIZE	5 ACRES
FRONT YARD SETBACK- PRINCIPAL USE	40 FEET
FRONT YARD SETBACK- ACCESSORY USE	25 FEET
REAR YARD SETBACK- PRINCIPAL USE	10 FEET
REAR YARD SETBACK- ACCESSORY USE (RES)	10 FEET
REAR YARD SETBACK- ACCESSORY USE (AG)	25 FEET
SIDE YARD SETBACK- PRINCIPAL USE	25 FEET
SIDE YARD SETBACK- ACCESSORY USE (RES)	10 FEET
SIDE YARD SETBACK- ACCESSORY USE (AG)	25 FEET
MAXIMUM HEIGHT	35 FEET



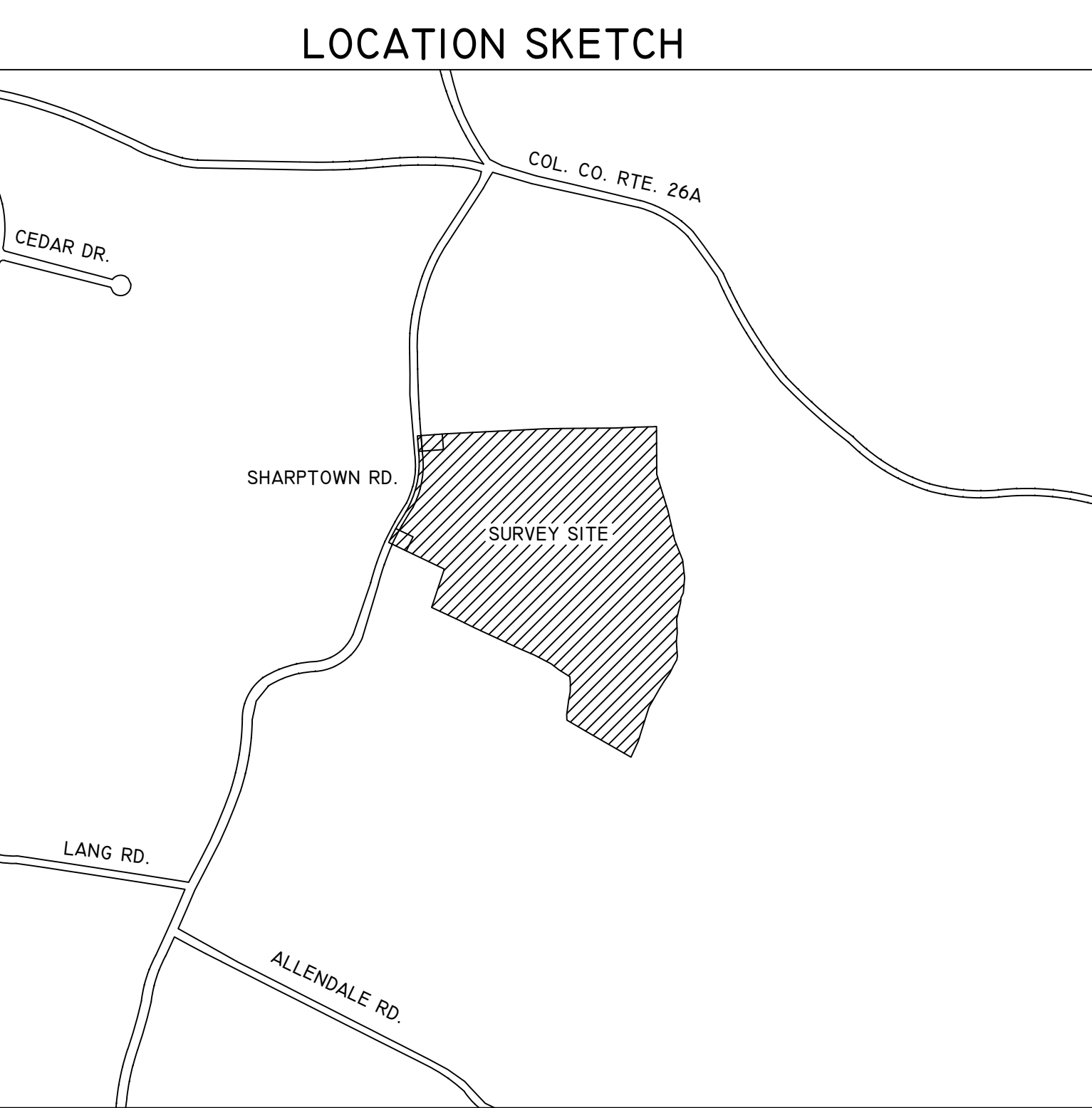
SURVEY BY:
DANIEL J. RUSSELL, PLS
NY LICENSE NUMBER 056639
FOR ALVIN B. HUBNELL, PROFESSIONAL LAND SURVEYOR
A DIVISION OF CRAWFORD & ASSOCIATES ENGINEERING, P.C.
4411 ROUTE 9, SUITE 200, HUDSON, NY 12534
TELEPHONE: (518) 828-2700
DATED: OCTOBER 14, 2021
REVISED: NOVEMBER 12, 2021-NAMES IN TITLE AND CERTS.
REVISED: NOVEMBER 15, 2021-TEST PITS LOCATED



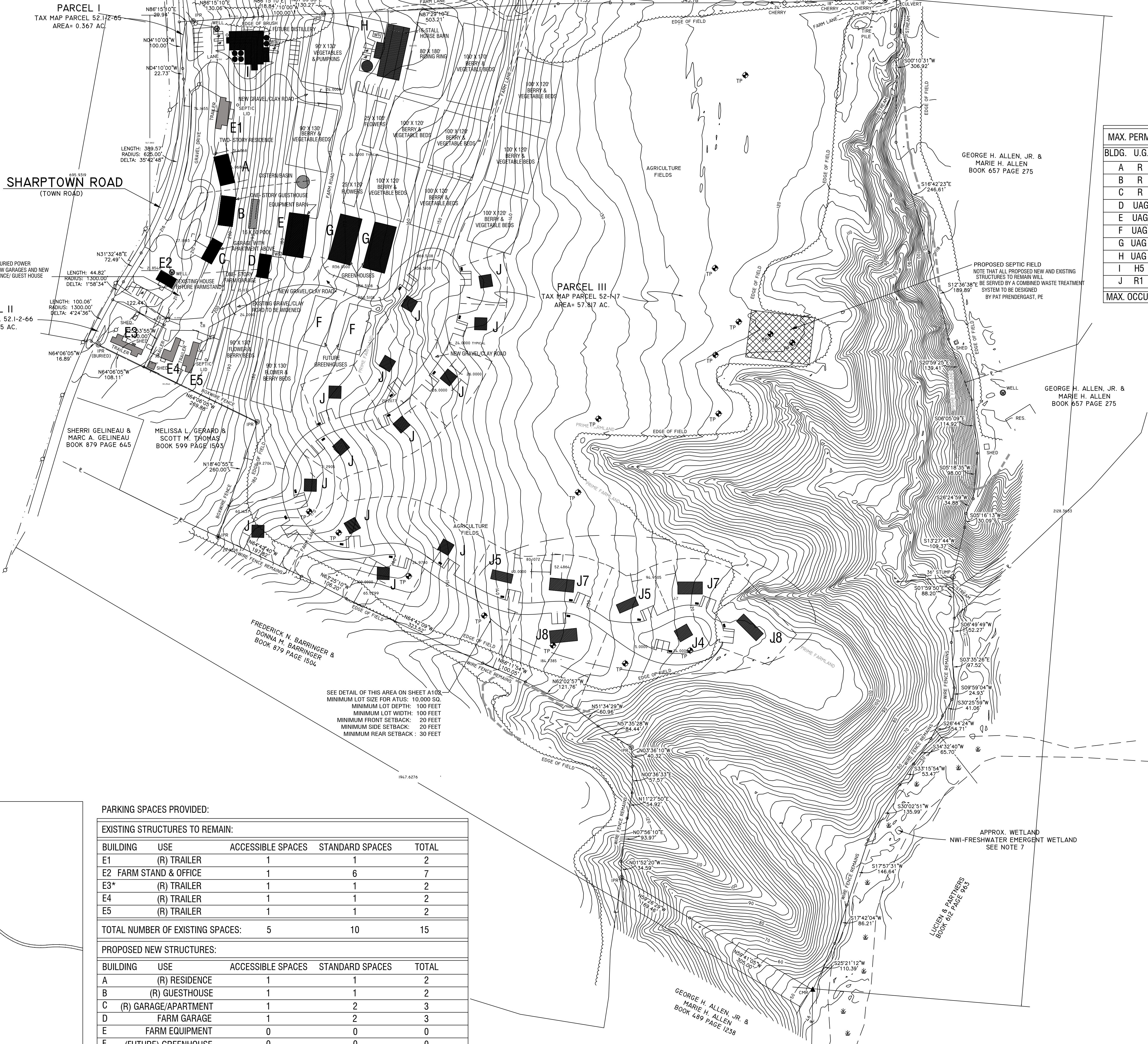
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- IPR IRON PIPE RECOVERED
- ▲ CMR CONCRETE MONUMENT RECOVERED
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- ⬇ TP DEEP TEST PIT

- UTILITY LINES
- WIRE FENCE REMAINS
- EDGE OF FIELD
- - - SOIL TYPE BOUNDARY
- APPROXIMATE WETLAND (NATIONAL WETLANDS INVENTORY)
- WS FENCED AND LANDSCAPE-SCREENED WASTE STORAGE
- ENCLOSED RECYCLING FOR EACH ATU

LEGEND



DATE: 10.01.21 PROJECT NO.: 1109-01 DWG. BY: WC DWG. NO.: SP-100 A



MAX. PERMITTED OCCUPANTS:

BLDG.	U.G. (S.F. per Occupancy)	Occupancy
A	R (1/200)	18 PEOPLE
B	R (1/200)	9
C	R (1/200)	6
D	UAG (1/300)	4
E	UAG (1/300)	13
F	UAG (1/300)	33
G	UAG (1/300)	33
H	UAG (1/300)	33
I	H5 (1/200)	15
J	R1 (1/200)	70

MAX. OCCUPANTS: 234 PEOPLE

TOWN OF STUYVESANT DIMENSIONAL REQUIREMENTS FOR A (AGRICULTURAL) ZONING:

MINIMUM LOT SIZE PER USE IN ACRES	5
FRONTYARD SETBACK- PRINCIPAL USE:	40 FEET
FRONTYARD SETBACK- ACCESSORY USE:	40 FEET
REARYARD SETBACK- PRINCIPAL USE:	50 FEET
REARYARD SETBACK- ACCESSORY USE:	10 FEET RESIDENTIAL; 25 FEET AGRICULTURAL USE
SIDEYARD SETBACK- PRINCIPAL USE:	25 FEET
SIDEYARD SETBACK- ACCESSORY USE:	10 FEET RESIDENTIAL; 25 FEET AGRICULTURAL USE
MINIMUM LOT WIDTH AT THE REQUIRED FRONT SETBACK:	300 FEET FOR AG DISTRICT SUBDIVISION
MINIMUM LOT FRONTAGE:	60 FEET
MAXIMUM LOT COVERAGE:	25%
MAXIMUM HEIGHT:	35 FEET
DENSITY AVERAGE PER USE IN ACRES:	5 (SEE STUYVESANT DENSITY CONTROL SCHEDULE)

EXISTING STRUCTURES TO REMAIN:

BUILDING	USE	SIZE	SETBACKS:	STREET	SIDE (N/S)	REAR
E1	(R) TRAILER	1,412 SF	+/- 54 FEET	67'	+500'	+500'
E2	FARM STAND & OFFICE	1,728 SF	+/- 54 FEET	+500'	158'	+500'
E3*	(R) TRAILER	1,082 SF	+/- 36 FEET	59'	+13.08'	15.89'
E4	(R) TRAILER	895 SF	+/- 147 FEET	+500'	33.06'	+500'
E5	(R) TRAILER	1,124 SF	+/- 188 FEET	+500'	30.25'	+500'

PROPOSED NEW STRUCTURES:

BUILDING	USE	SIZE	SETBACKS:	STREET	SIDE (N/S)	REAR
A	(R) RESIDENCE	3,600 SF	+/- 54 FEET	188'	+500'	+500'
B	(R) GUESTHOUSE	1,800 SF	+/-100 FEET	280'	+500'	+500'
C	(R) GARAGE/APARTMENT	2,400 SF	+/-100 FEET	280'	+500'	+500'
D	FARM GARAGE	1,200 SF	+/- 248 FEET	464'	+500'	+500'
E	FARM EQUIPMENT	4,000 SF	+/- 255 FEET	420'	+336'	+500'
F	(FUTURE) GREENHOUSE	5,000 SF (X2)	+/- 356 FEET	+500'	+196'	+500'
G	GREENHOUSE	5,000 SF (X2)	+/- 361 FEET	485'	+323'	+500'
H	HORSE BARN / STABLES	6,000 SF	+/- 393 FEET	25'	+500'	+500'
I	(FUTURE) DISTILLERY	3,000 SF	+/- 84 FEET	25'	+500'	+500'
J	AGRO-TOURISM CABINS	540-1400 SF	+/- 390 FEET	+500'	+30'	+500'

** SEPERATE LOT WILL BE MERGED WITH LARGER PROPERTY
 *** SETBACKS INDICATED ARE GIVEN FOR NEAREST CABIN TO LINE

AGGREGATE PROPOSED LOT COVERAGE:

BUILDABLE ACREAGE WITHIN PROPERTY SETBACKS:	54.30 ACRES = 2,635,308 SQUARE FEET
AGGREGATE EXISTING RESIDENTIAL BUILDINGS & TRAILERS TO REMAIN:	6,241 SQUARE FEET.
AGGREGATE EXISTING AGRICULTURAL BUILDINGS TO REMAIN:	0
AGGREGATE PROPOSED RESIDENTIAL BUILDINGS:	22,000 SQUARE FEET
AGGREGATE PROPOSED AGRICULTURAL BUILDINGS:	47,000 SQUARE FEET
TOTAL FOR ALL EXISTING AND NEW BUILDINGS:	75,241 SQUARE FEET
AGGREGATE LOT COVERAGE:	75.967/ 2,635,308 S.F. = 2.88%

PROPOSED ROADS AND PARKING SPECIFICATIONS:

ALL NEW AND EXISTING ROADS ON THE PROPERTY WILL BE A MINIMUM OF 24 FEET WIDE AND SHALL MEET ALL OF THE TOWN OF STUYVESANT CODE REQUIREMENTS FOR ROADS

ALL FACILITIES SHALL BE PROVIDED WITH THE REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES; AS INDICATED ON THE DETAIL PLANS SHOWN ON SHEETS A-101 & A-102

ALL ATU'S WILL HAVE A MINIMUM OF TWO PARKING SPACES; ONE OF WHICH WILL BE ACCESSIBLE

87 TOTAL PARKING SPACES PROVIDED- SEE PARKING CHART FOR DETAILED NUMBER OF SPACES

ATU NOTES:

A MINIMUM OF TWO OF THE ATU'S WILL BE FULLY ACCESSIBLE PER ADA GUIDELINES

MINIMUM DISTANCE BETWEEN ATUS EQUALS 60 FEET

MINIMUM LOT SIZE FOR ATUS: 10,000 SQ.

MINIMUM LOT DEPTH: 100 FEET

MINIMUM LOT WIDTH: 100 FEET

MINIMUM FRONT SETBACK: 20 FEET

MINIMUM SIDE SETBACK: 20 FEET

MINIMUM REAR SETBACK: 30 FEET

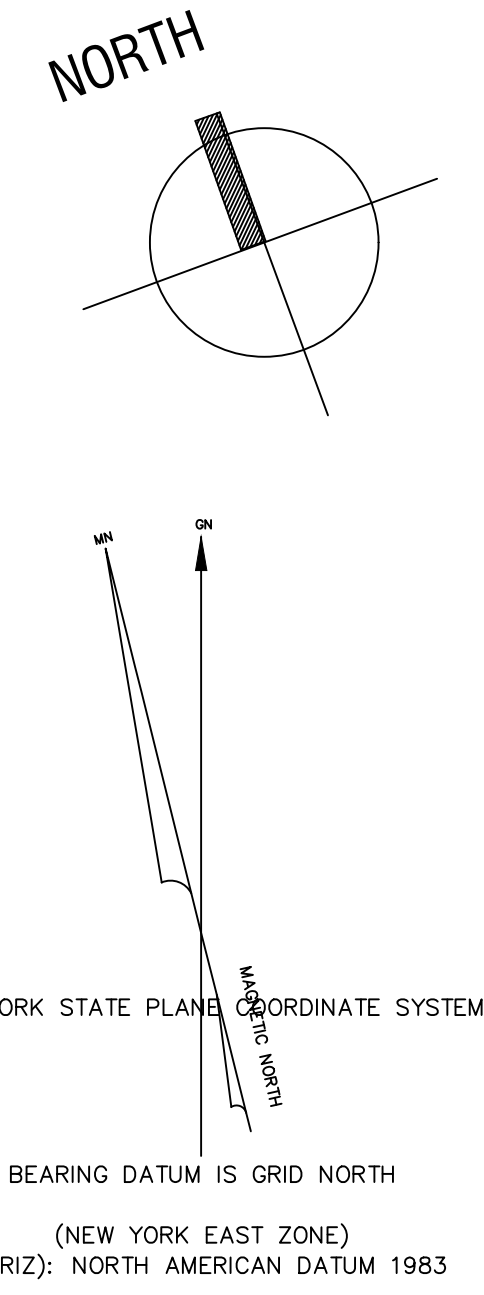
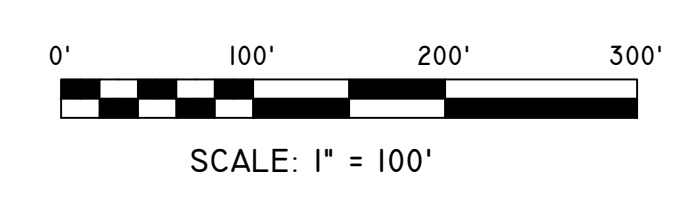
PARKING SPACES PROVIDED:

BUILDING	USE	ACCESSIBLE SPACES	STANDARD SPACES	TOTAL
E1	(R) TRAILER	1	1	2
E2	FARM STAND & OFFICE	1	6	7
E3*	(R) TRAILER	1	1	2
E4	(R) TRAILER	1	1	2
E5	(R) TRAILER	1	1	2
TOTAL NUMBER OF EXISTING SPACES:		5	10	15

PROPOSED NEW STRUCTURES:

BUILDING	USE	ACCESSIBLE SPACES	STANDARD SPACES	TOTAL
A	(R) RESIDENCE	1	1	2
B	(R) GUESTHOUSE	1	1	2
C	(R) GARAGE/APARTMENT	1	2	3
D	FARM GARAGE	1	2	3
E	FARM EQUIPMENT	0	0	0
F	(FUTURE) GREENHOUSE	0	0	0
G	GREENHOUSE	0	0	0
H	HORSE BARN / STABLES	2	8	10
I	(FUTURE) DISTILLERY	2	10	12
J	AGRO-TOURISM CABINS (ALL)	20	20	40
TOTAL NUMBER OF NEW SPACES:		28	44	72
TOTAL NUMBER OF SPACES:		33	54	87

PROPOSED SITE PLAN



PLANNING SUBMITTAL
 APRIL 28, 2022 OCCUPANCY ADDED
 MARCH 10, 2022 ISSUED

WALTER F. CHATHAM, ARCHITECT
 2 HUDSON AVENUE HUDSON, NY 12534
 (212) 925 2202 WALTER@WFCHATHAM.COM

PROJECT: **RUDOLPH FAMILY FARM**
 382-404 SHARPTOWN ROAD
 STUYVESANT, NY

PROPOSED SITE PLAN AND PROGRAM

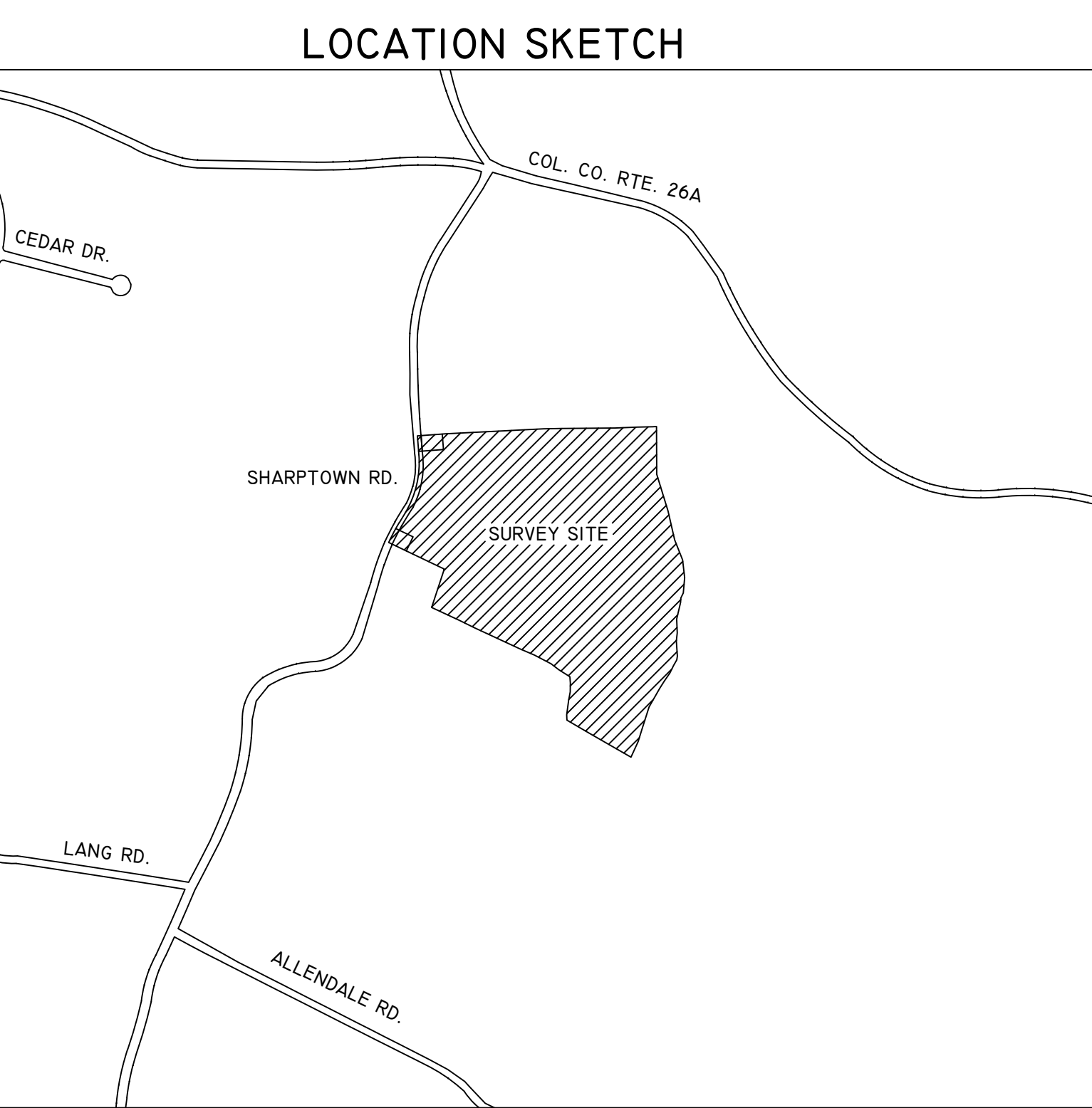
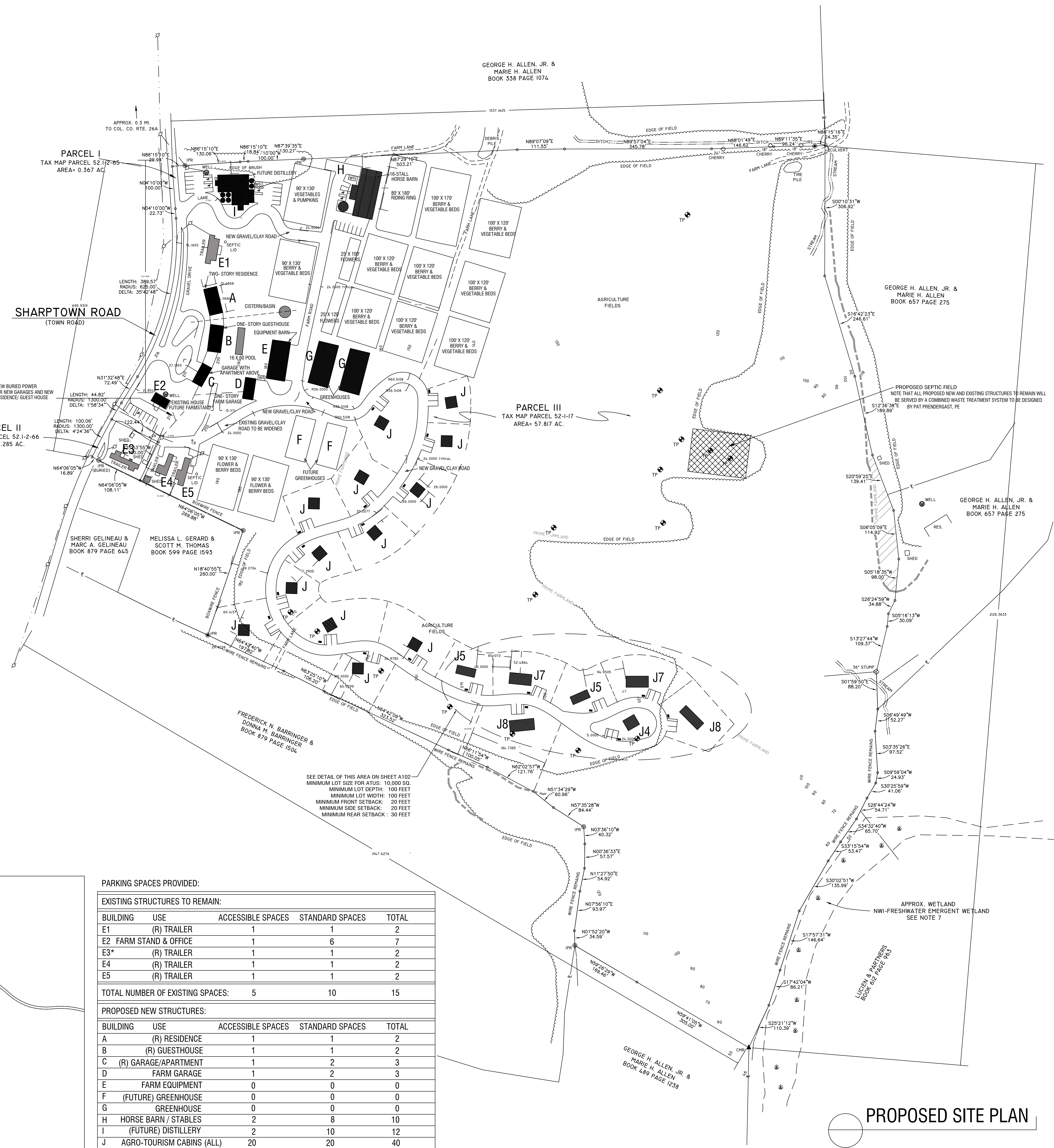
SEAL & SIGNATURE	DATE: 10.01.21
	PROJECT NO.: 1109-01
	DWG. BY: WC
	DWG. NO.: SP-100 A
	S&P FILE NO. S-1109-A
	2 OF 2

NOTE: THIS DRAWING HAS BEEN PREPARED BASED ON A SURVEY PREPARED BY CRAWFORD & ASSOCIATES

- IRS IRON ROD SET
- ⊙ IPR IRON PIPE RECOVERED
- ▲ CMR CONCRETE MONUMENT RECOVERED
- WELL
- ◇ CB CATCH BASIN
- ⬇ TP DEEP TEST PIT

- UTILITY LINES
- WIRE FENCE REMAINS
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- APPROXIMATE WETLAND (NATIONAL WETLANDS INVENTORY)
- FENCED AND LANDSCAPE-SCREENED WASTE STORAGE
- ENCLOSED RECYCLING FOR EACH ATU

LEGEND



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D	FARM GARAGE	1	2	3
E	FARM EQUIPMENT	0	0	0
F	(FUTURE) GREENHOUSE	0	0	0
G	GREENHOUSE	0	0	0
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I	(FUTURE) DISTILLERY	2	10	12
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AGGREGATE LOT COVERAGE:	75,967 / 2,635,308 S.F. = 2.88%

PROPOSED ROADS AND PARKING SPECIFICATIONS:

ALL NEW AND EXISTING ROADS ON THE PROPERTY WILL BE A MINIMUM OF 24 FEET WIDE AND SHALL MEET ALL OF THE TOWN OF STUYVESANT CODE REQUIREMENTS FOR ROADS

ALL FACILITIES SHALL BE PROVIDED WITH THE REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES; AS INDICATED ON THE DETAIL PLANS SHOWN ON SHEETS A-101 & A-102

ALL ATU'S WILL HAVE A MINIMUM OF TWO PARKING SPACES; ONE OF WHICH WILL BE ACCESSIBLE

87 TOTAL PARKING SPACES PROVIDED- SEE PARKING CHART FOR DETAILED NUMBER OF SPACES

ATU NOTES:

A MINIMUM OF TWO OF THE ATU'S WILL BE FULLY ACCESSIBLE PER ADA GUIDELINES

MINIMUM DISTANCE BETWEEN ATUS EQUALS 60 FEET

MINIMUM LOT SIZE FOR ATUS: 10,000 SQ.

MINIMUM LOT DEPTH: 100 FEET

MINIMUM LOT WIDTH: 100 FEET

MINIMUM FRONT SETBACK: 20 FEET

MINIMUM SIDE SETBACK: 20 FEET

MINIMUM REAR SETBACK: 30 FEET

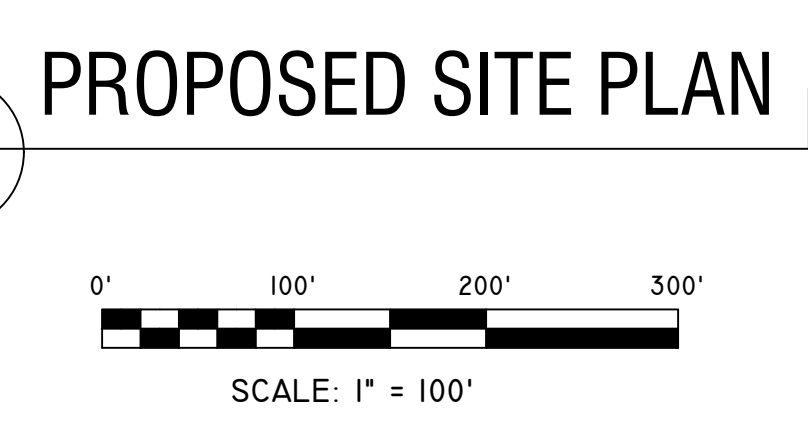
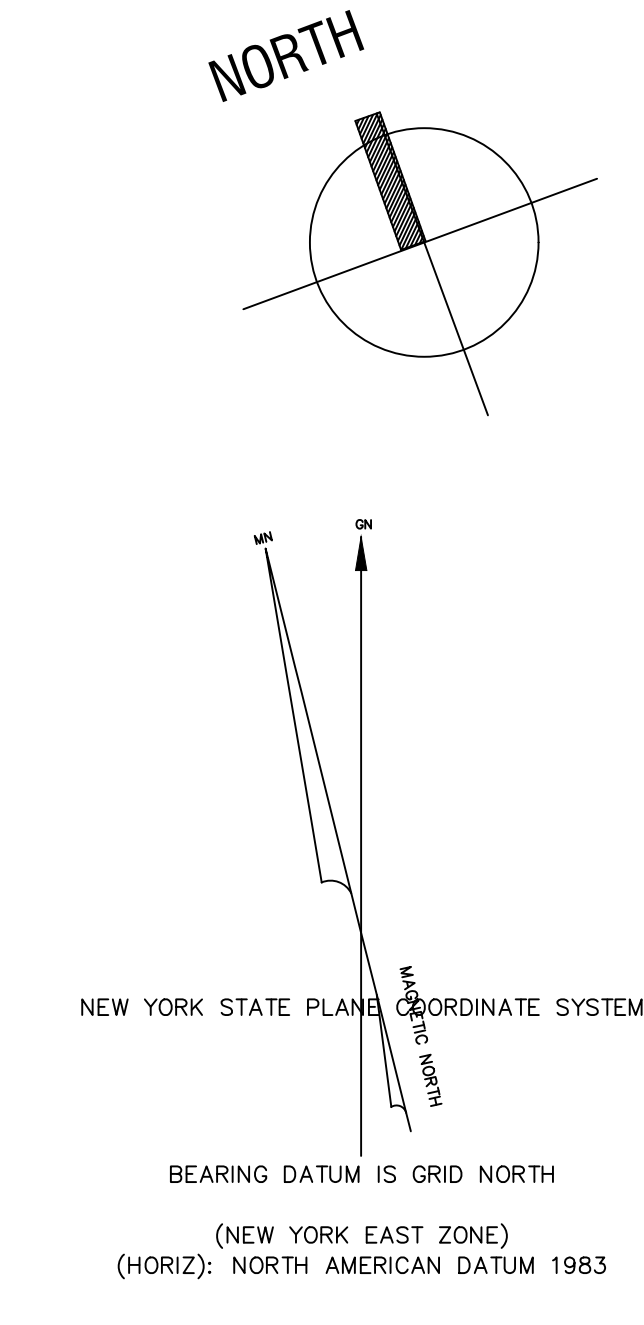
PLANNING SUBMITTAL
 MARCH 10, 2022

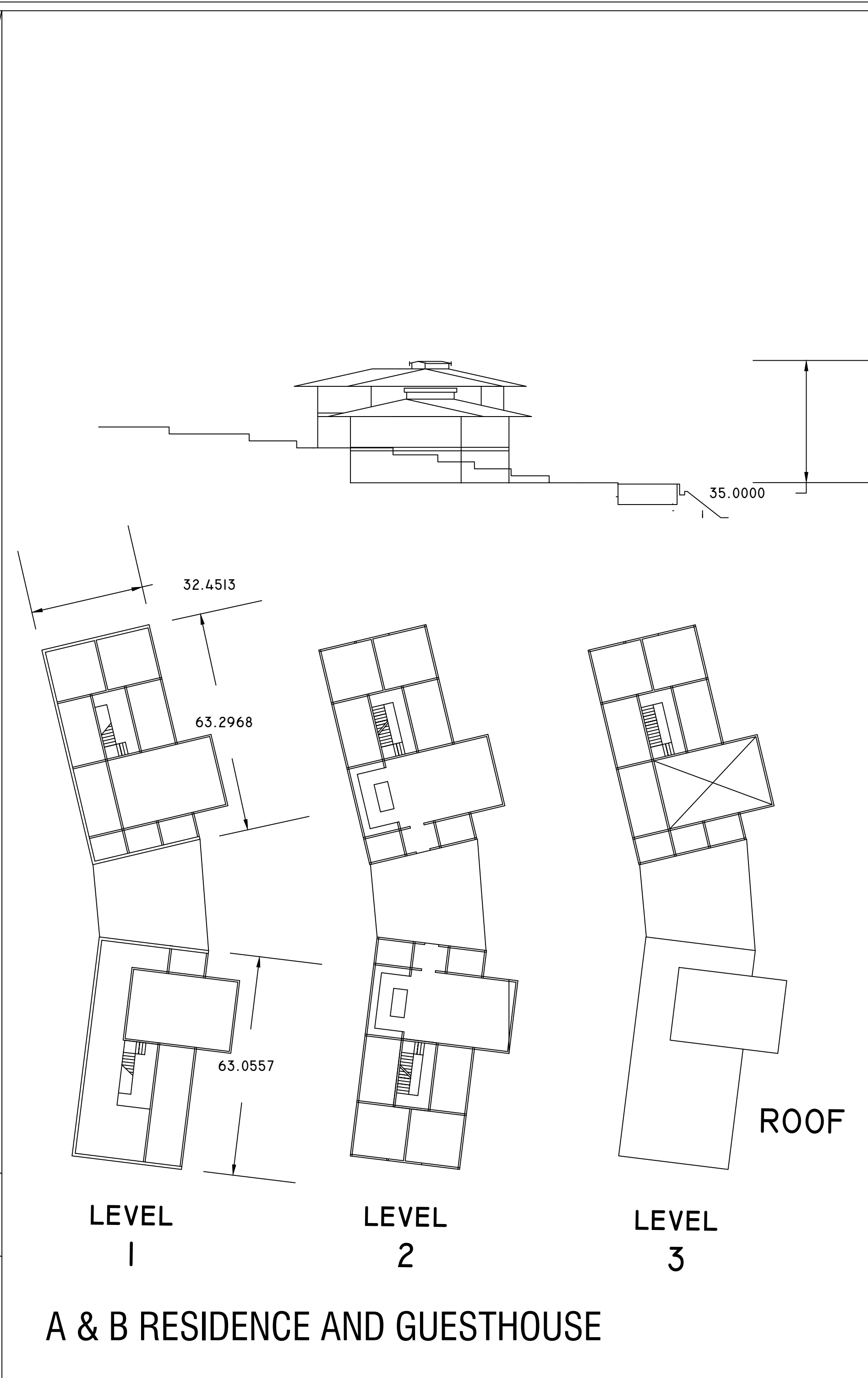
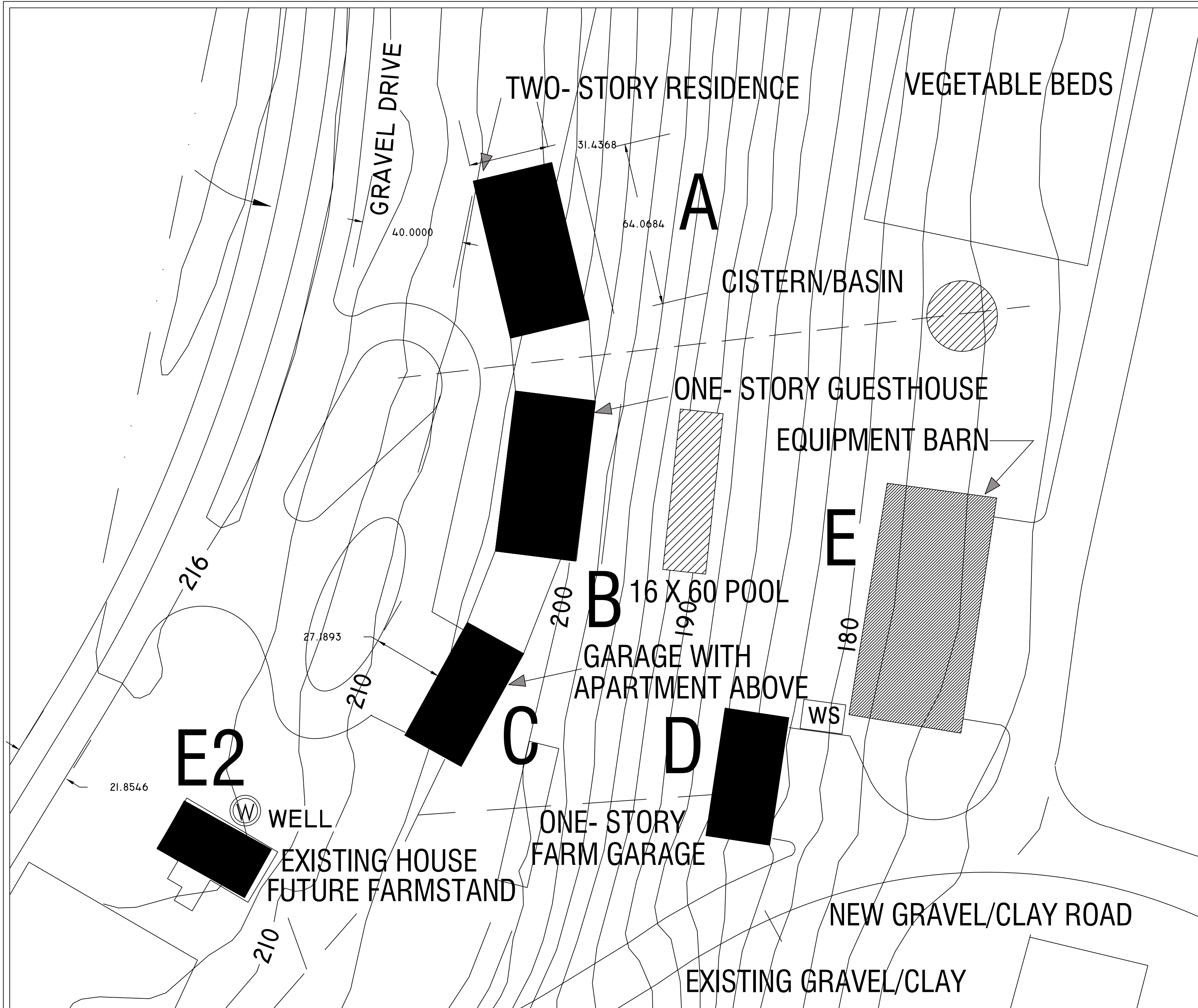
WALTER F. CHATHAM, ARCHITECT
 2 HUDSON AVENUE HUDSON, NY 12534
 (212) 925 2202 WALTER@WFCHATHAM.COM

PROJECT: **RUDOLPH FAMILY FARM**
 382-404 SHARPTOWN ROAD
 STUYVESANT, NY

PROPOSED SITE PLAN AND PROGRAM

SEAL & SIGNATURE	DATE: 10.01.21
	PROJECT NO.: 1109-01
	DWG. BY: WC
	DWG. NO.:
	SP-100 B
	S&P FILE NO. S-1109-A
	2 OF 2





TOWN OF STUYVESANT DIMENSIONAL REQUIREMENTS FOR A (AGRICULTURAL) ZONING:

MINIMUM LOT SIZE PER USE IN ACRES	5
FRONTYARD SETBACK- PRINCIPAL USE:	40 FEET
FRONTYARD SETBACK- ACCESSORY USE:	40 FEET
REARYARD SETBACK- PRINCIPAL USE:	50 FEET
REARYARD SETBACK- ACCESSORY USE:	10 FEET RESIDENTIAL; 25 FEET AGRICULTURAL USE
SIDYARD SETBACK- PRINCIPAL USE:	25 FEET
SIDYARD SETBACK- ACCESSORY USE:	10 FEET RESIDENTIAL; 25 FEET AGRICULTURAL USE
MINIMUM LOT WIDTH AT THE REQUIRED FRONT SETBACK:	300 FEET FOR AG DISTRICT SUBDIVISION
MINIMUM LOT FRONTAGE:	60 FEET
MAXIMUM LOT COVERAGE:	25%
MAXIMUM HEIGHT:	35 FEET
DENSITY AVERAGE PER USE IN ACRES:	5 (SEE STUYVESANT DENSITY CONTROL SCHEDULE)

EXISTING STRUCTURES TO REMAIN: * INDICATES SEPERATE LOT

BUILDING	USE	SIZE	SETBACKS:	STREET	SIDE (N/S)	REAR
E1	(R) TRAILER	1,412 SF	+/- 54 FEET	67'/ +50'		+50'
E2	FARM STAND & OFFICE	1,728 SF	+/- 54 FEET	+500'/ 158'		+500'
E3*	(R) TRAILER	1,082 SF	+/- 36 FEET	59'/ +13.08'		15.89'
E4	(R) TRAILER	895 SF	+/- 147 FEET	+500'/ 33.06		+500'
E5	(R) TRAILER	1,124 SF	+/- 188 FEET	+500'/ 30.25		+500'

MAX. PERMITTED OCCUPANTS:

BLDG.	U.G.	(S.F. per Occupancy)	Occupancy
A	R	(1/200)	18 PEOPLE
B	R	(1/200)	9
C	R	(1/200)	6
D	UAG	(1/300)	4
E	UAG	(1/300)	13
F	UAG	(1/300)	33
G	UAG	(1/300)	33
H	UAG	(1/300)	33
I	H5	(1/200)	15
J	R1	(1/200)	70

MAX. OCCUPANTS: 234 PEOPLE

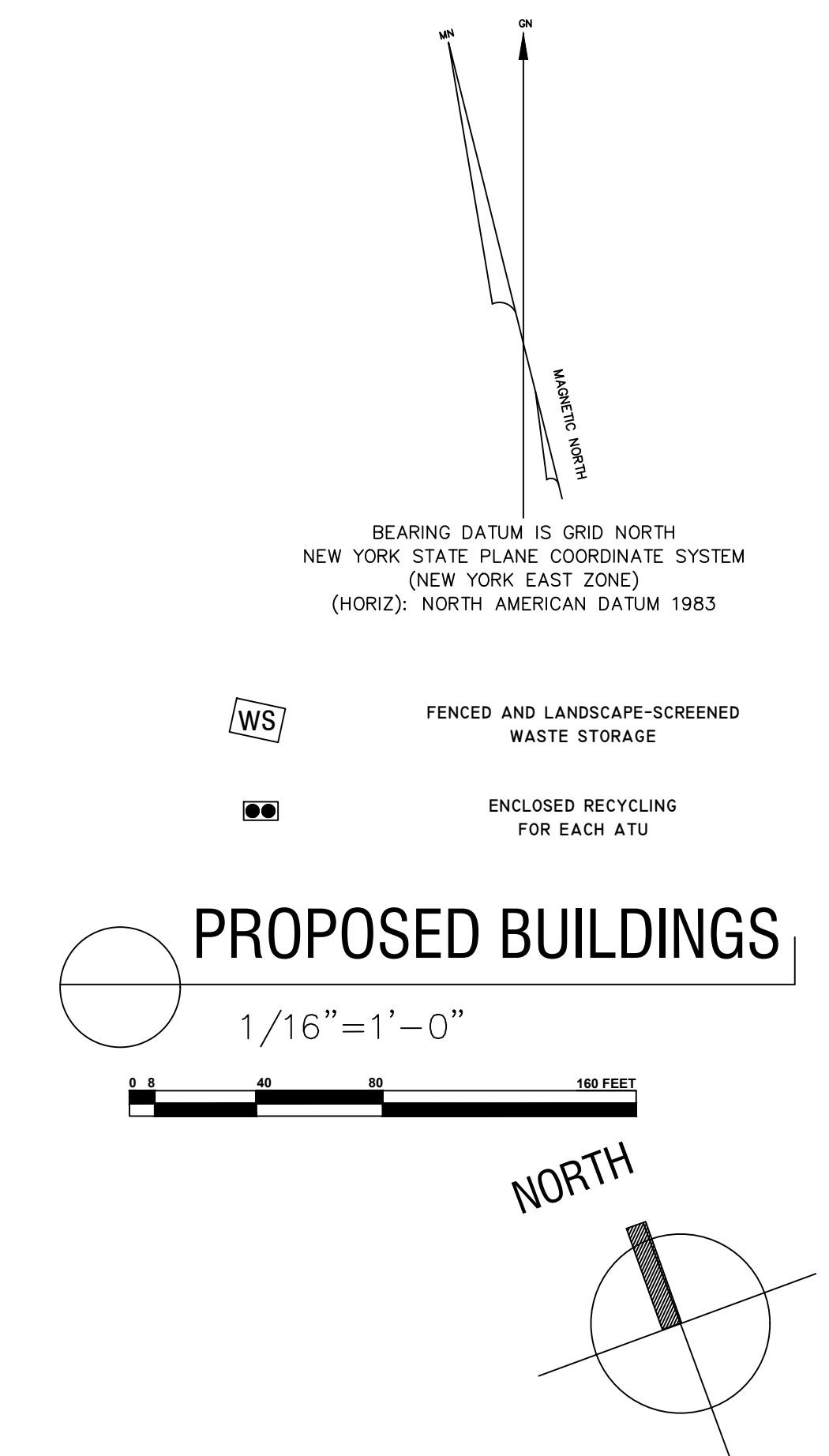
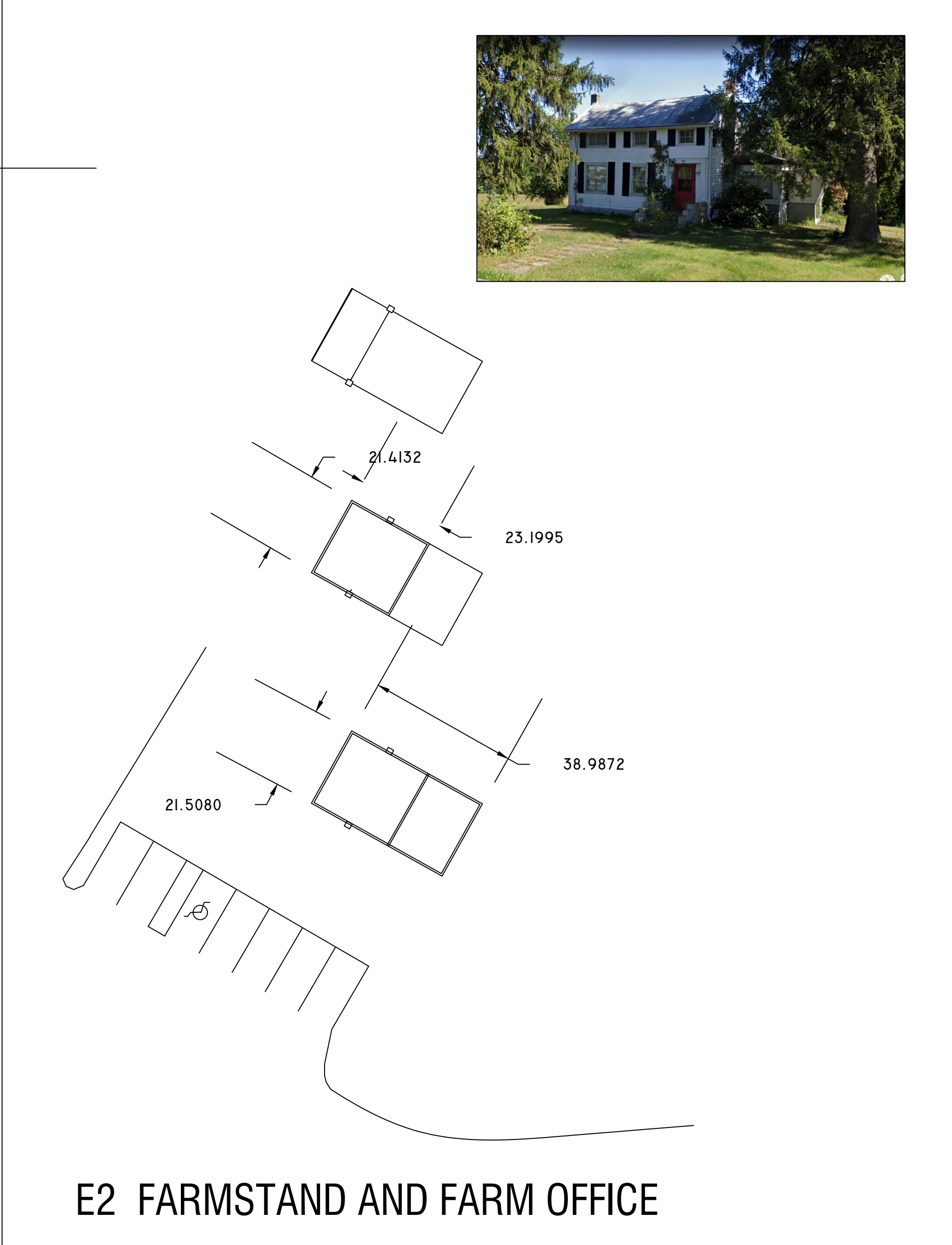
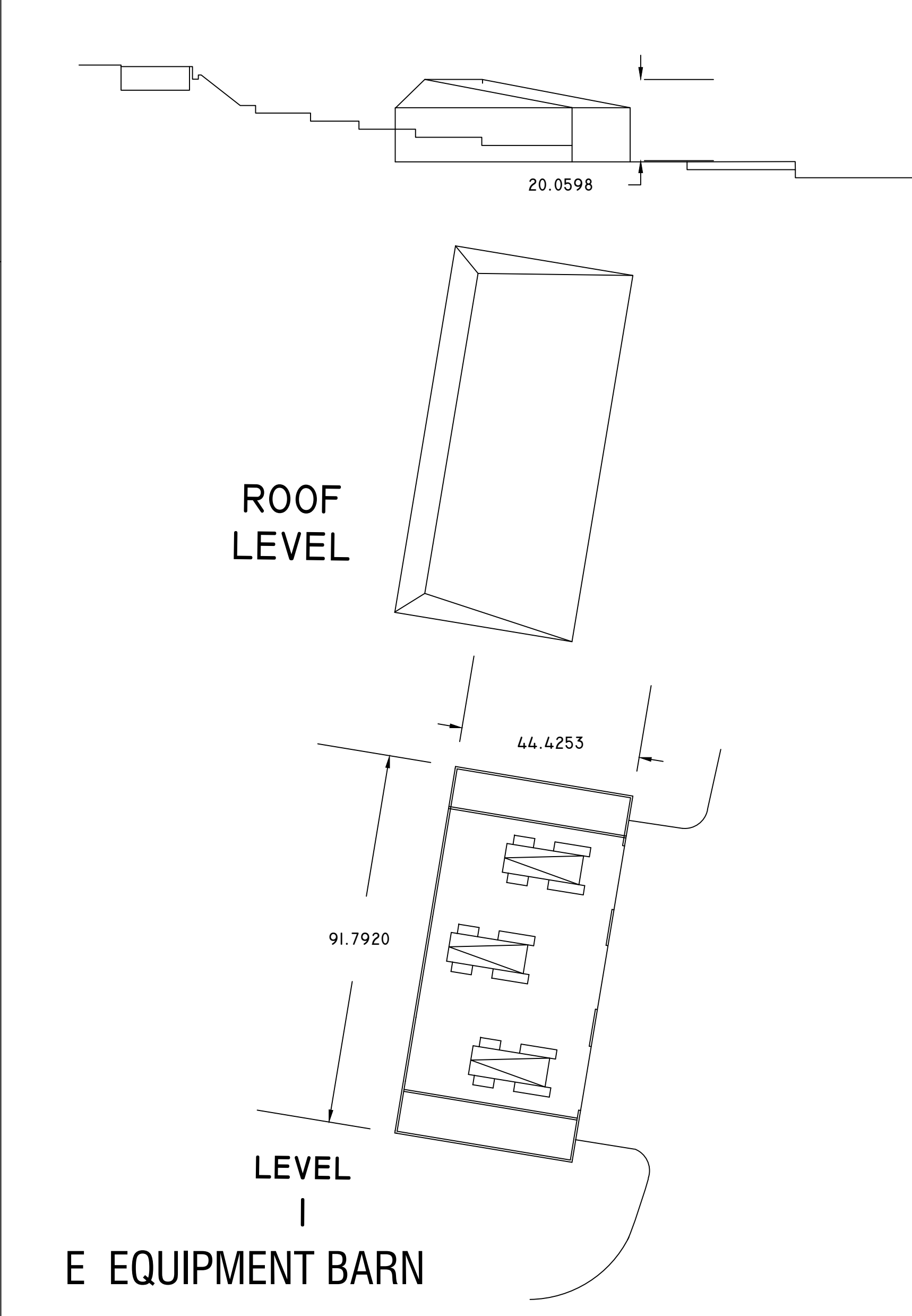
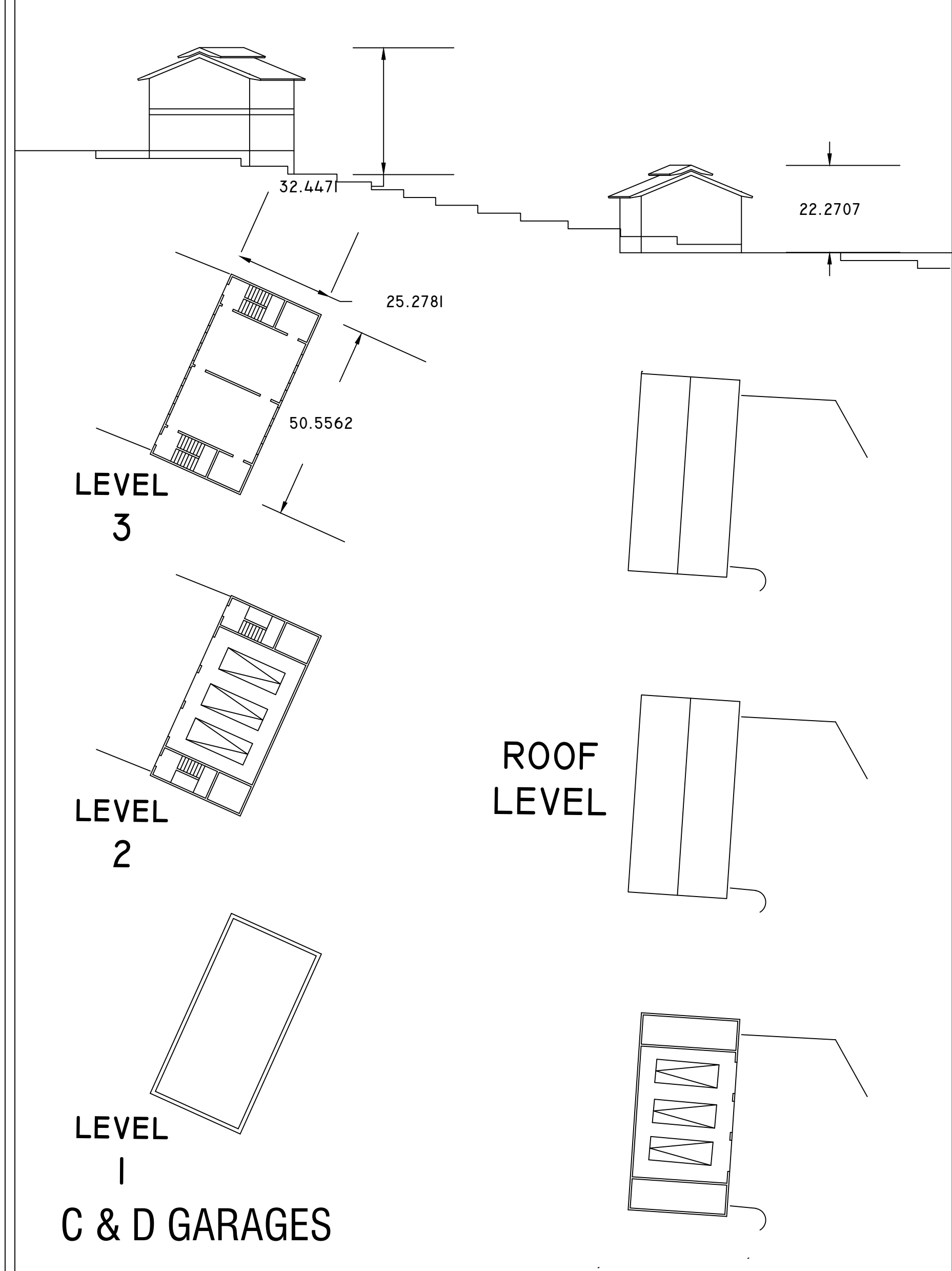
PROPOSED NEW STRUCTURES:

BUILDING	USE	SIZE	SETBACKS:	STREET	SIDE (N/S)	REAR
A	(R) RESIDENCE	3,600 SF	+/- 54 FEET	188'/ +500'		+500'
B	(R) GUESTHOUSE	1,800 SF	+/-100 FEET	280'/ +500'		+500'
C	(R) GARAGE/APARTMENT	2,400 SF	+/-100 FEET	280'/ +500'		+500'
D	FARM GARAGE	1,200 SF	+/- 248 FEET	464'/ +268'		+500'
E	FARM EQUIPMENT	4,000 SF	+/- 255 FEET	420'/ +336'		+500'
F	(FUTURE) GREENHOUSE	5,000 SF (X2)	+/- 356 FEET	+500'/ +196'		+500'
G	GREENHOUSE	5,000 SF (X2)	+/- 361 FEET	485'/ +323'		+500'
H	HORSE BARN / STABLES	6,000 SF	+/- 393 FEET	25'/ +500'		+500'
I	(FUTURE) DISTILLERY	3,000 SF	+/- 84 FEET	25'/ +500'		+500'
J	AGRO-TOURISM CABINS	540-1400 SF	+/- 390 FEET	+500'/ +30'		+500'

AGGREGATE PROPOSED LOT COVERAGE:

BUILDABLE ACREAGE WITHIN PROPERTY SETBACKS:	54.30 ACRES = 2,635,308 SQUARE FEET
AGGREGATE EXISTING RESIDENTIAL BUILDINGS & TRAILERS TO REMAIN:	6,241 SQUARE FEET.
AGGREGATE EXISTING AGRICULTURAL BUILDINGS TO REMAIN:	0
AGGREGATE PROPOSED RESIDENTIAL BUILDINGS:	22,000 SQUARE FEET
AGGREGATE PROPOSED AGRICULTURAL BUILDINGS:	47,000 SQUARE FEET
TOTAL FOR ALL EXISTING AND NEW BUILDINGS:	75,241 SQUARE FEET
AGGREGATE LOT COVERAGE:	75,967/ 2,635,308 S.F. = 2.88%

** SEPERATE LOT WILL BE MERGED WITH LARGER PROPERTY
 *** SETBACKS INDICATED ARE GIVEN FOR NEAREST CABIN TO LINE



PLANNING SUBMITTAL
 APRIL 28, 2022 OCCUPANCY ADDED
 MARCH 10, 2022 ISSUED

WALTER F. CHATHAM, ARCHITECT
 2 HUDSON AVENUE HUDSON, NY 12534
 (212) 925 2202 WALTER@WFCHATHAM.COM

PROJECT: RUDOLPH FAMILY FARM
 382-404 SHARPTOWN ROAD
 STUYVESANT, NY

PROPOSED BUILDINGS

SEAL & SIGNATURE: REGISTERED ARCHITECT WALTER F. CHATHAM, STATE OF NEW YORK, 15819. DATE: 10.01.21. PROJECT NO.: 1109-01. DWG. BY: WC. DWG. NO.: A-101. 2 OF 2.

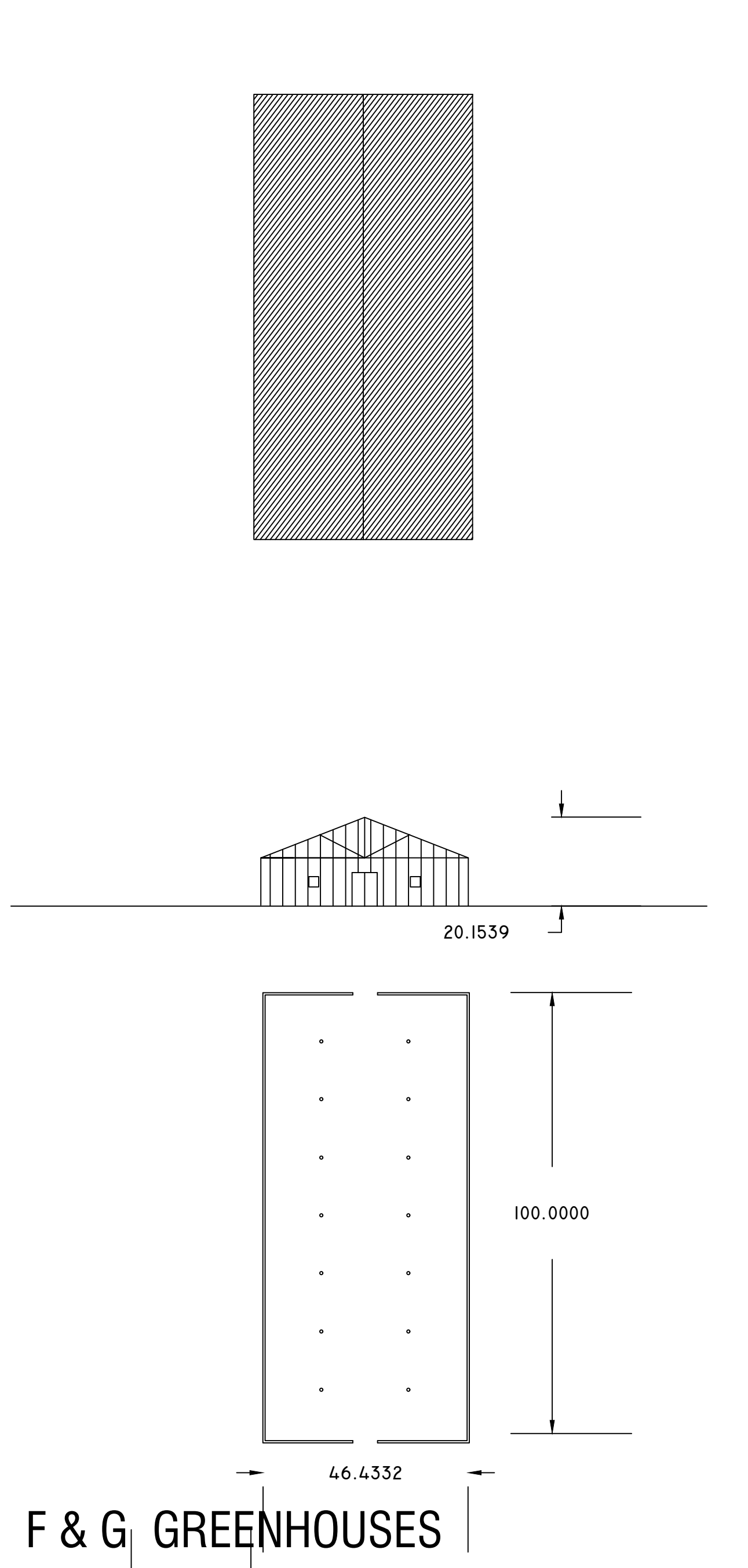
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MINIMUM LOT WIDTH AT THE REQUIRED FRONT SETBACK: 300 FEET FOR AG DISTRICT SUBDIVISION	
MAXIMUM LOT COVERAGE:	25%
MAXIMUM HEIGHT:	35 FEET
DENSITY AVERAGE PER USE IN ACRES: 5 (SEE STUYVESANT DENSITY CONTROL SCHEDULE)	

EXISTING STRUCTURES TO REMAIN:		* INDICATES SEPERATE LOT				
BUILDING	USE	SIZE	SETBACKS:	STREET	SIDE (N/S)	REAR
E1	(R) TRAILER	1,412 SF	+/-	54 FEET	67'/ +50'	+50'
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E4	(R) TRAILER	895 SF	+/-	147 FEET	+500'/ 33.06	+500'
E5	(R) TRAILER	1,124 SF	+/-	188 FEET	+500'/ 30.25	+500'

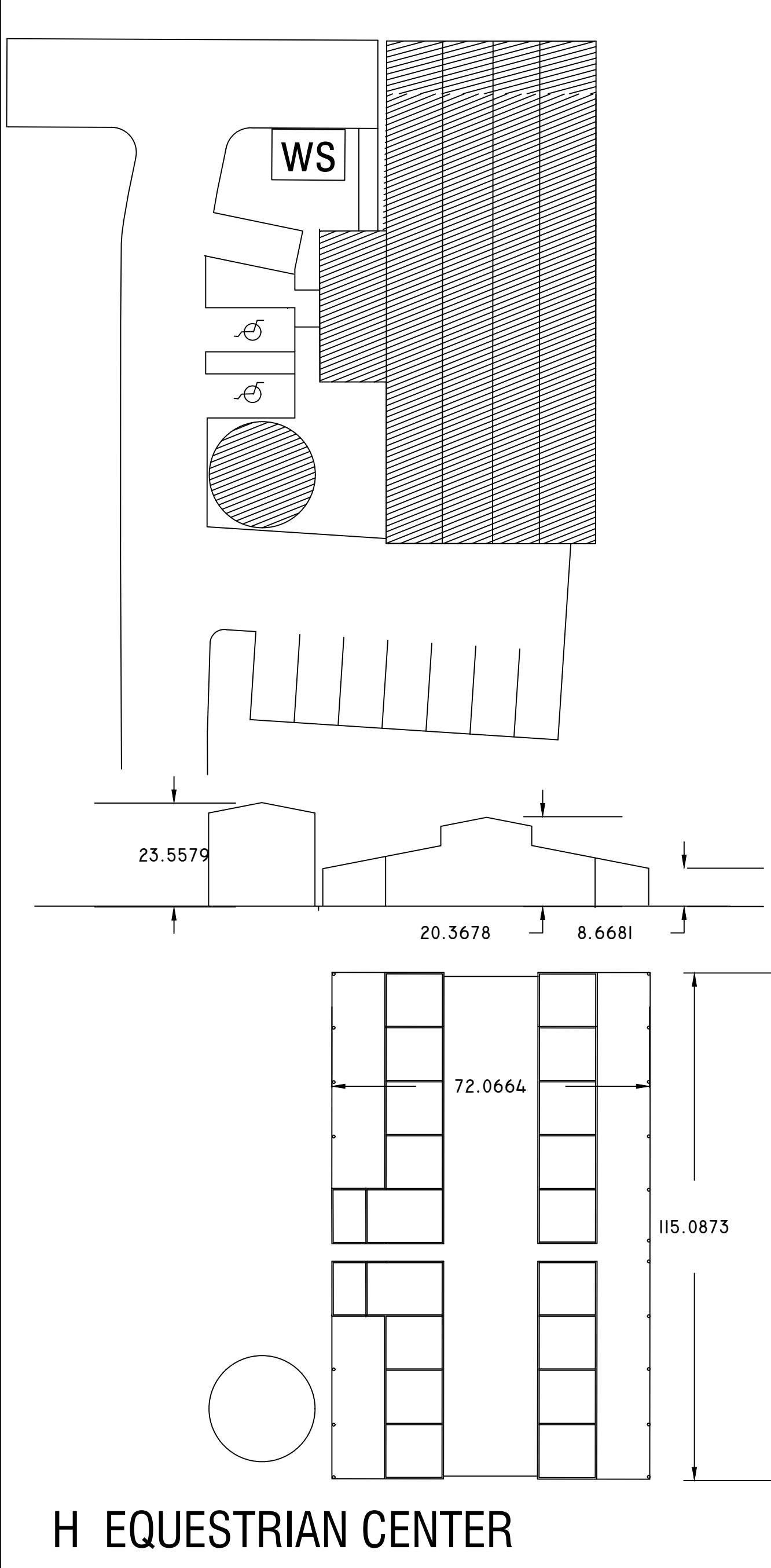
MAX. PERMITTED OCCUPANTS:		PROPOSED NEW STRUCTURES:						
BLDG.	U.G. (S.F. per Occupancy)	BUILDING	USE	SIZE	SETBACKS:	STREET	SIDE (N/S)	REAR
A	R (1/200) 18 PEOPLE	A	(R) RESIDENCE	3,600 SF	+/-	54 FEET	188'/ +500'	+500'
B	R (1/200) 9	B	(R) GUESTHOUSE	1,800 SF	+/-	100 FEET	280'/ +500'	+500'
C	R (1/200) 6	C	(R) GARAGE/APARTMENT	2,400 SF	+/-	100 FEET	280'/ +500'	+500'
D	UAG (1/300) 4	D	FARM GARAGE	1,200 SF	+/-	248 FEET	464'/ +268'	+500'
E	UAG (1/300) 13	E	FARM EQUIPMENT	4,000 SF	+/-	255 FEET	420'/ +336'	+500'
F	UAG (1/300) 33	F	(FUTURE) GREENHOUSE	5,000 SF (X2)	+/-	356 FEET	+500'/ +196'	+500'
G	UAG (1/300) 33	G	GREENHOUSE	5,000 SF (X2)	+/-	361 FEET	485'/ +323'	+500'
H	UAG (1/300) 33	H	HORSE BARN / STABLES	6,000 SF	+/-	393 FEET	25'/ +500'	+500'
I	H5 (1/200) 15	I	(FUTURE) DISTILLERY	3,000 SF	+/-	84 FEET	25'/ +500'	+500'
J	R1 (1/200) 70	J	AGRO-TOURISM CABINS	540-1400 SF	+/-	390 FEET	+500'/ +30'	+500'

** SEPERATE LOT WILL BE MERGED WITH LARGER PROPERTY
 *** SETBACKS INDICATED ARE GIVEN FOR NEAREST CABIN TO LINE

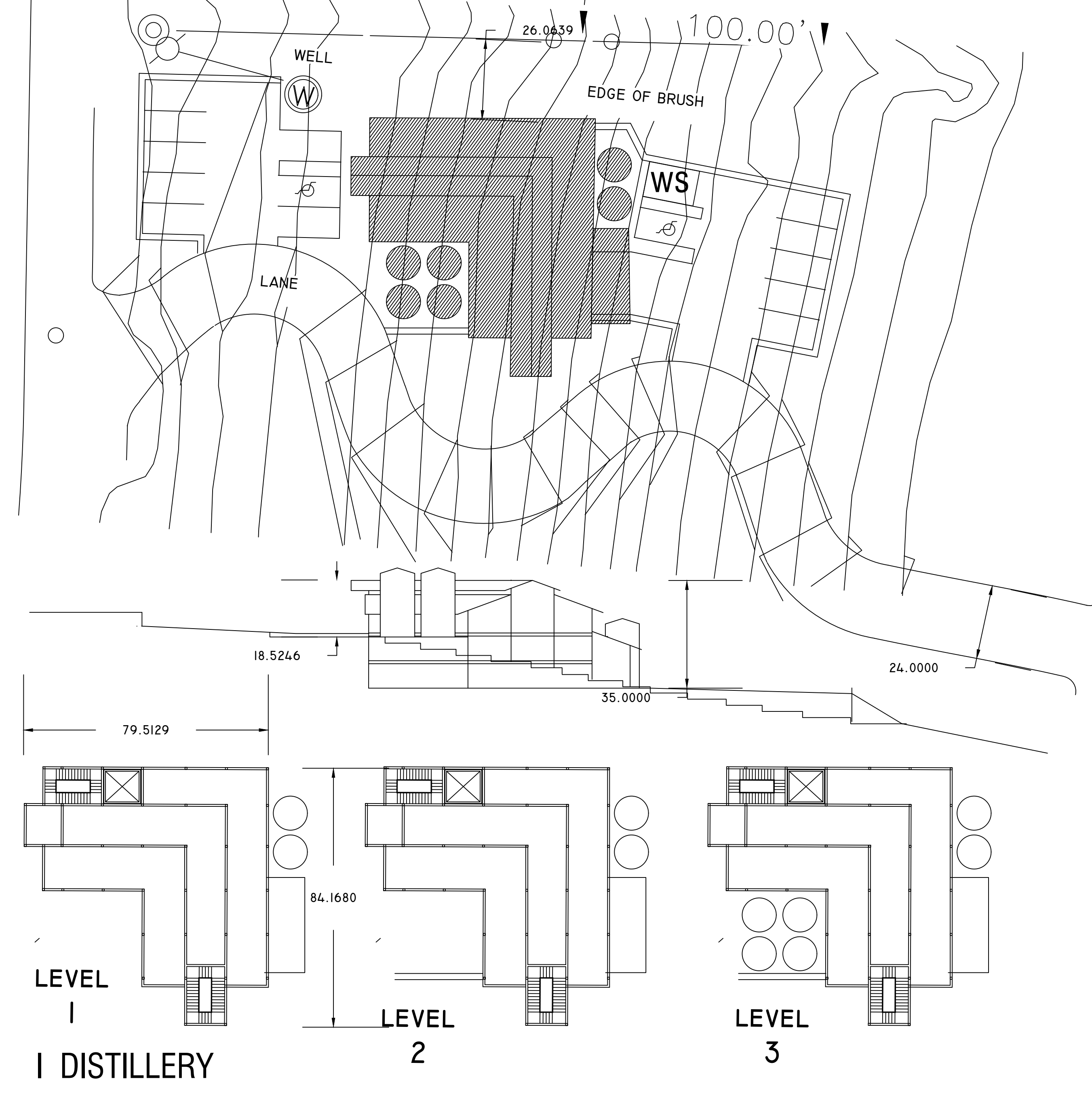
AGGREGATE PROPOSED LOT COVERAGE:	
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AGGREGATE LOT COVERAGE:	75,967/ 2,635,308 S.F. = 2.88%



F & G GREENHOUSES



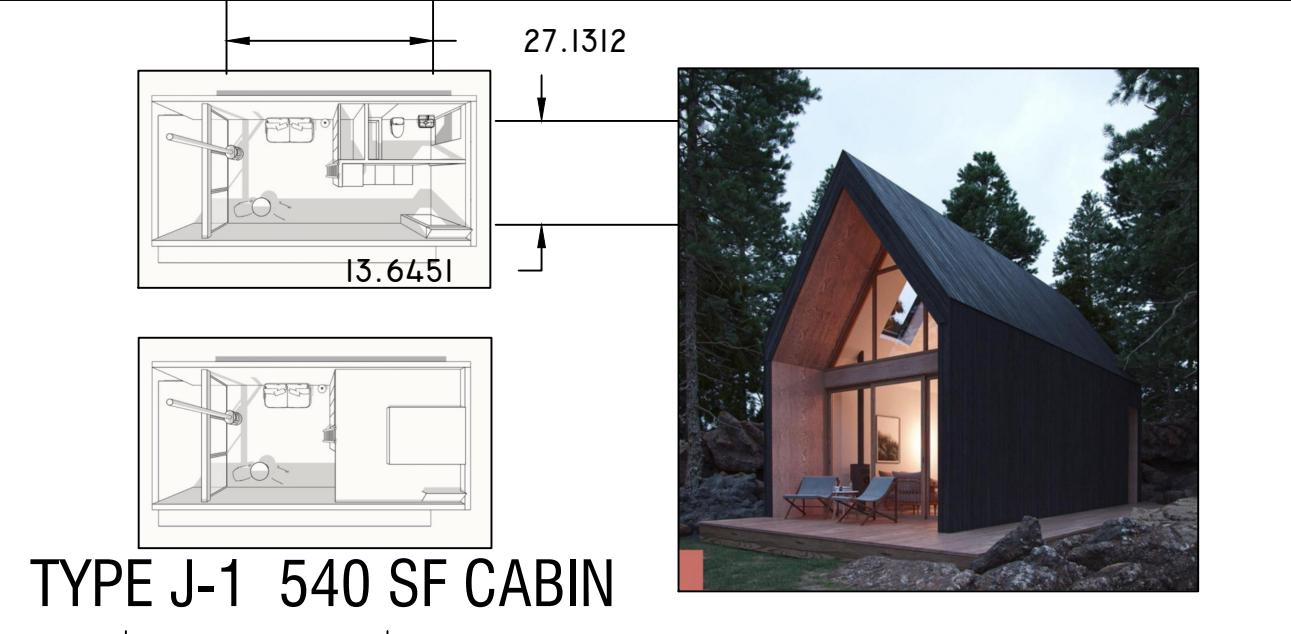
H EQUESTRIAN CENTER



I DISTILLERY

BLDG.	U.G.	(S.F. per Occupancy)	Occupancy
A	R	(1/200)	18 PEOPLE
B	R	(1/200)	9
C	R	(1/200)	6
D	UAG	(1/300)	4
E	UAG	(1/300)	13
F	UAG	(1/300)	33
G	UAG	(1/300)	33
H	UAG	(1/300)	33
I	H5	(1/200)	15
J	R1	(1/200)	70

MAX. OCCUPANTS: 234 PEOPLE



TYPE J-1 540 SF CABIN



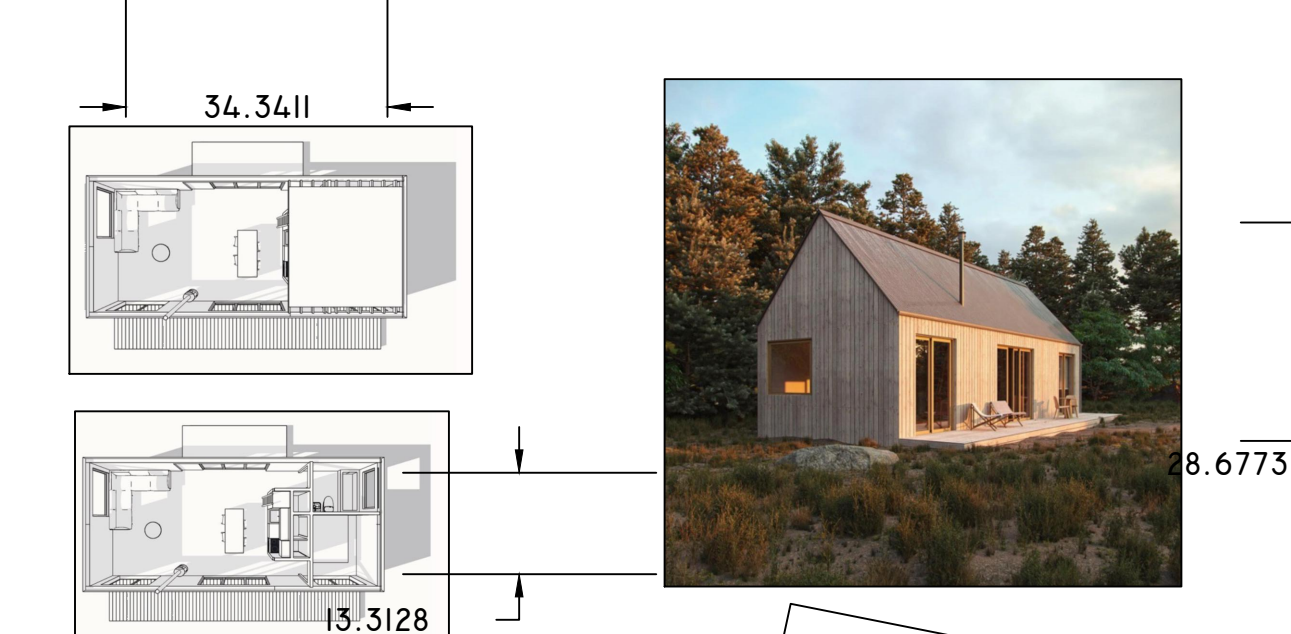
TYPE J-3 720 SF 1-BR



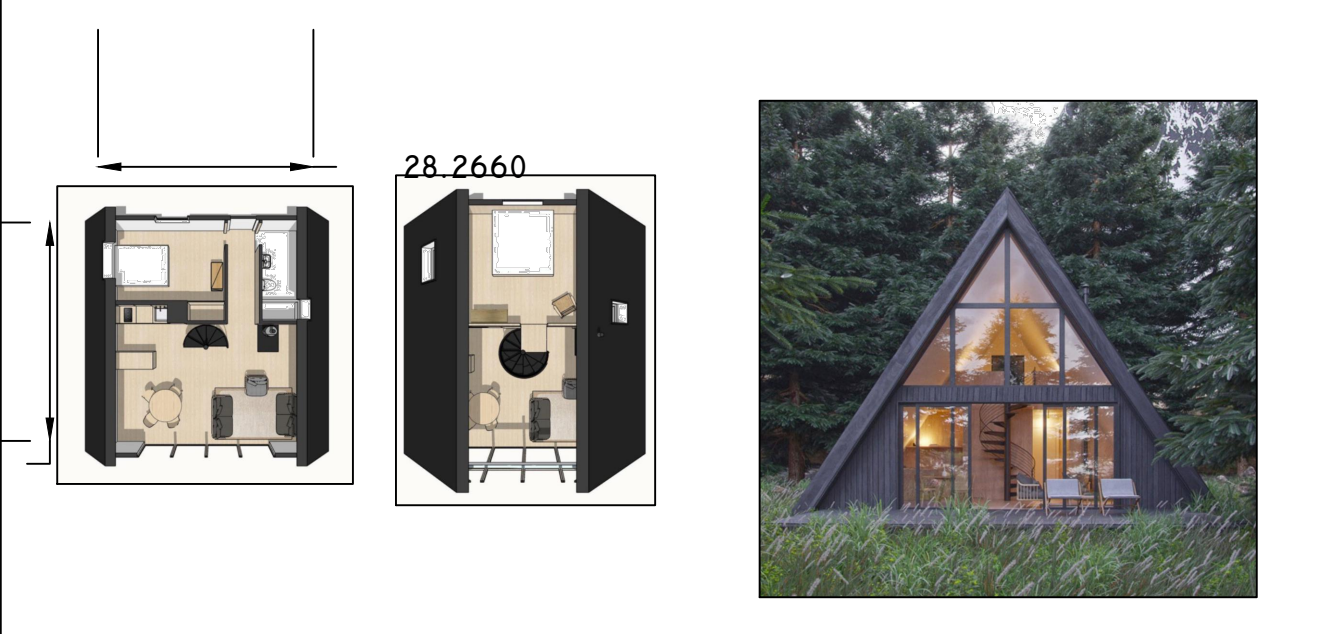
TYPE J-5 850 SF 2-BR



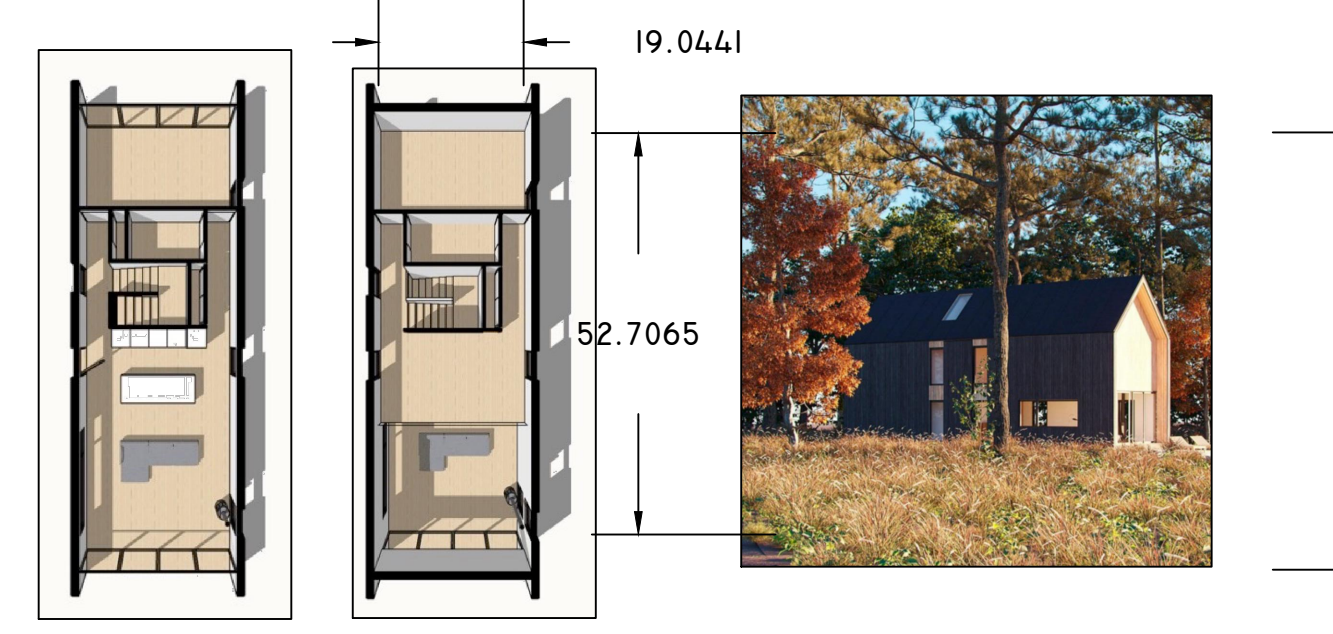
TYPE J-7 1,120 SF 2-BR



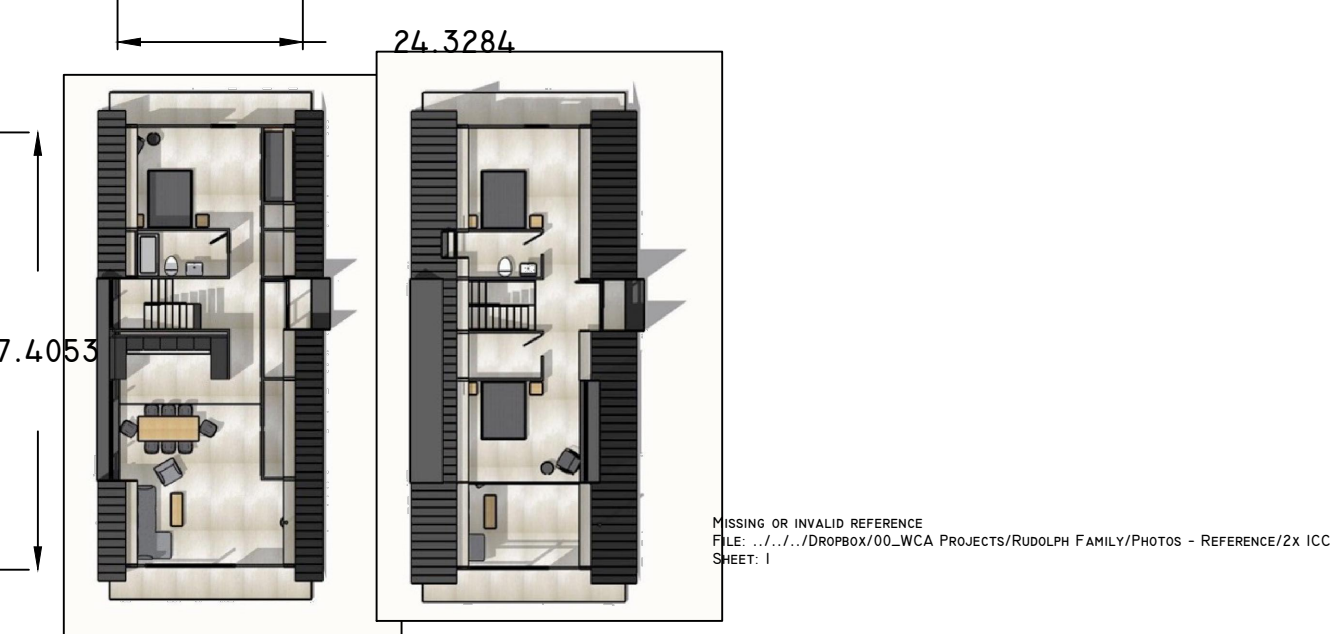
TYPE J-2 650 SF CABIN



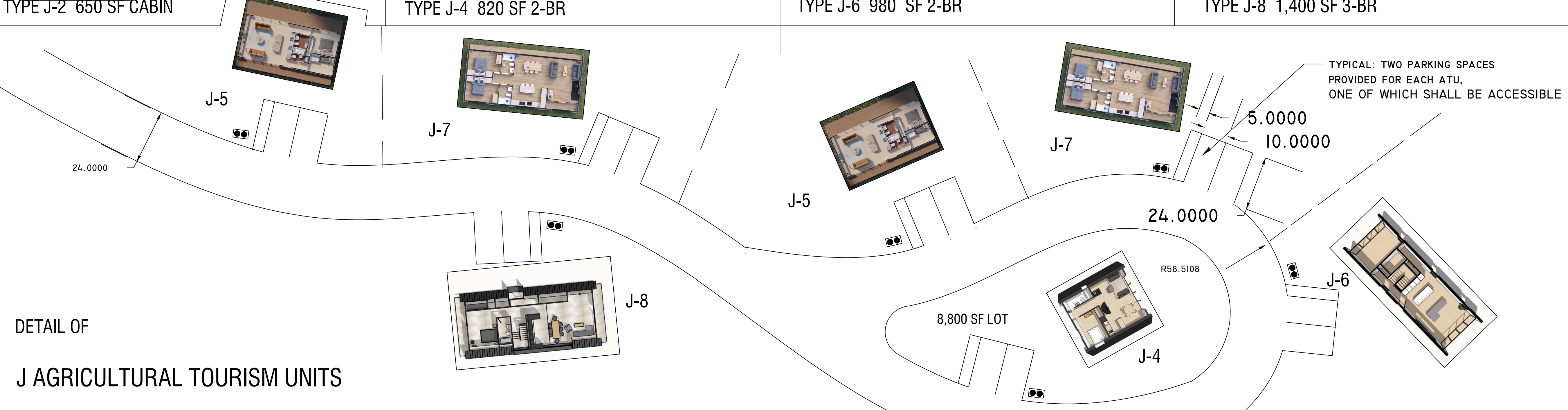
TYPE J-4 820 SF 2-BR



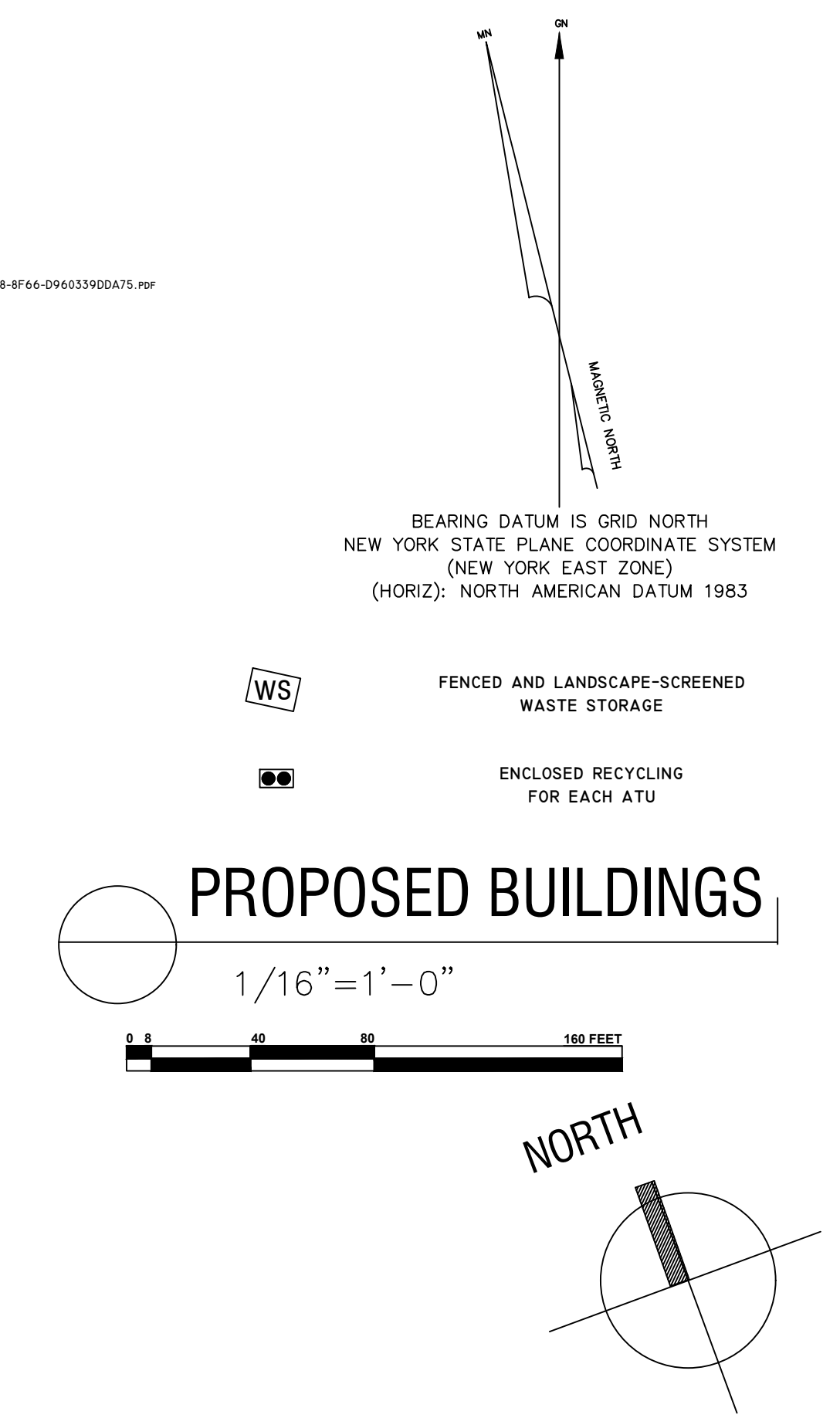
TYPE J-6 980 SF 2-BR



TYPE J-8 1,400 SF 3-BR



DETAIL OF J AGRICULTURAL TOURISM UNITS



PLANNING SUBMITTAL
 APRIL 28, 2022 OCCUPANCY ADDED
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 382-404 SHARPTOWN ROAD
 STUYVESANT, NY

PROPOSED BUILDINGS

SEAL & SIGNATURE	DATE: 10.01.21
REGISTERED ARCHITECT WALTER F. CHATHAM 15819	PROJECT NO.: 1109-01
	DWG. BY: WC
	DWG. NO.:
	A-102
SCALE: 1/16" = 1'-0"	2 OF 2