

Town of Stuyvesant  
Planning Board Meeting  
August 28, 2023

Members in Attendance:

T. Hotaling, Chair  
G. Bury  
K. Schneider  
H. Leiser  
J. Belline  
D. Fingar

M. Mahalek of Cuddy Feder  
C. Elizondo  
P. Prendergast, PE  
R. Rudolph  
Residents of the community

Not in Attendance: H. Gibbons, T. Rappleyea

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

Call to Order: 7:01 pm

**Motion:** to adopt the minutes from the July 12th meeting, made by D. Fingar; seconded by G. Bury. All in Favor.

T. Hotaling states the first item is a public hearing on the application of Anthony Altomer. The project is located at 402 County Route 46, Stuyvesant, with the operations being Altomer Farms on County Route 46 and they are requesting a 4-parcel subdivision. He adds at the last meeting they had originally requested three and are now requesting four, for tax map purposes. The total acre of the site of the proposed action is about 141 acres, total acreage to be distributed 0, total acreage for the project site and any contiguous properties owned by the applicant 141 acres, any land uses that occur on, adjoining or near the property are urban and agricultural.

T. Hotaling continues with the review of the short Environmental Assessment Form.  
After the review of part 1, T. Hotaling continues with the review of part 2 of the form.

**Motion:** to declare a negative declaration, made by J. Belline; seconded by H. Leiser. All in Favor.

T. Hotaling opens the meeting for public comment.

No public comments are made.

**Motion:** to approve the application, made by D. Fingar; seconded by G. Bury. All in Favor.

T. Hotaling explains the process for the next application, when it will get to the point of a public hearing, asking people to be respectful, if people have a questions they may direct them to the Board and they

will address them with the applicant, this is not a public hearing tonight but an application workshop.  
T.Hotaling elaborates further on the Board's process.

T.Hotaling then address the counsel for the next application.

M. Mahalek of Cuddy Feder thanks the Chairman and states he is here on behalf of the applicant, Sharptown Ridge Road, and joined by his applicant team and consultant team. He continues, before he gets into updates, he would like to address something that he has seen emerge over this past plus year of this application review, that there seems to be public perception that this proposal is simply outsiders, coming in to take advantage of the town and benefits of the land without any consideration for the town and no benefit to the town.

T.Hotaling asks for clarification on that statement.

M. Mahalek states that's what he has seen on social media and what he has heard thought the public comments received, and he would like to give his input. He elucidates that there is a benefit to the applicant who has invested in this property, the applicant's agricultural vision to expand on the farm that is already there, and of course they will experience some benefit otherwise there would be no incentive to invest in property. He adds there is also a benefit to the community, at least 5 full time jobs being created on site with increased employees during busy seasons, applicant is adding an apartment above the garage to be housing for one of those workers, the applicant is keeping 4 mobile homes on the site, the farm stand will be a source of fresh food for the community, the distillery add opportunities to form relationships with other businesses in the community involving them in the local economy, also farm equipment will be invested in, hay deliveries, people to care for the horses, which are all purchases by the applicant into the local economy. He adds that people will come, stay the night, explore Stuyvesant and be able to patronize other local businesses. He states that the applicant has heard the concerns from the public and the board, has made many plan updates and modifications since November of this past year and lists these. He explains their team is made up of local consultants who are familiar with the community and not faceless entities from a large corporation, the applicant may not have grown up in Stuyvesant, but part of the proposal is a residence for the applicant.

M. Mahalek maintains that thought, since their last appearance in May, they were updating the plans based on requests for clarification. He eludes they submitted updated plans for the July meeting, received a letter on CPL letterhead stating that there were outstanding items that needed to be addressed, submitted a letter for the record asking to stay on the July agenda but took one in the chin and continued to update the plans based on CPL's comments that they have the most comprehensive package for the board's review. They are here tonight to go through those updates and refers to P. Prendergast and W. Chatham to give those updates.

P. Prendergast references his drawings, explains the existing site, refers to the site plan and points to the driveways for the distillery, the area identified as potential wetland being used as an irrigation pond, addition of a dry hydrant, he will look to add to the driveway so it can adequately hold a firetruck, fire suppression for the farm stays that would use 2 sprinklers at 26 gallons per minute for 30 minutes about 800 gallons, the water pumphouse holds about 10,000 gallons of water, patching for the steep slope areas, areas for horse trails and walking trails. He refers to the steep slope areas by the distillery that are about 18% and refers to the Town code, the distillery being a 3-story building with the top floor being level with the parking lot, 10 parking spaces in the front and 12 in the back. He continues, Smith well drilling came out to do a flow test on the well and refers to his part 5 water analysis and adds that the flow tests for the wells are part of his report submitted to the Board and the health department. He explains the septic system.

H. Leiser voices his concern about the amount of land being used for water, septic, and housing with this being an agricultural community, the land at the bottom being more suitable for farming than it is at the top of the hill.

P. Prendergast acknowledges that they are pushed all the way to the southside of the property, and the fields will ultimately be covered with hickory trees.

H. Leiser observes these are chestnut trees.

T. Hotaling asks to clarify the percentage of buildable acres.

M. Mahalek, P. Prendergast, T. Hotaling, and H. Leiser discuss. M. Mahalek refers to W. Chatham's plans. He states that the entire plan is 54.30 acres, equate to 2.6 million square feet, per the plans submitted there will be about 63, 241 square feet of building structures which comes out to a low percentage of 2.39% lot coverage with about 63,000 square feet of open space and agriculture.

P. Prendergast continues with the storm water analysis, stating that the runoff from chestnut trees will be less than that of row crops which are currently there. H. Leiser clarifies if the applicant will be keeping corn on the land. P. Prendergast answers no, but a drainage analysis must include both predevelopment and post development. The rooftops of all the farm stays will flow to rain gardens, the gravel road will have filters on the side of it, and all things that are required by the state as part of storm water regulations.

H. Leiser observes the trees are 35 feet apart on center and asks if they plan to use the land between them for agriculture until they get more developed. W. Chatham answers yes and they tend to use it for agriculture after the trees mature, it's becoming more popular to do cropping with trees now.

D. Fingar asks about the septic system. P. Prendergast explains the way he has designed it is to run a sewer main with manholes that will collect them all and the trailers. H. Leiser asks where the dosing tank will be. P. Prendergast explains only at the bottom, it is a gravity system, and the effluent will be pumped into 2 dosing tanks and designed to flush when one is full.

T. Hotaling asks if their placement of the lake is the best soil for it. P. Prendergast states he did percs in other areas but the placement was better and would leave the fields for agriculture. M. Mahalek points out that in the soil report, that area was shown to have Knickerbocker soil.

P. Prendergast refers to the profile of all the driveways on the map, the slopes with the steepest anywhere being 10%,

H. Leiser refers to a drawing of the septic that was double the size. P. Prendergast affirms that per 2014 DEC standards they have to show 100% of expansion, even if you never use it, and they have no plans to double it.

P. Prendergast explains the stone bed, buried in the sand with 4 pipes a piece, 24' wide by 111. H. Leiser observes farm equipment can't be parked on it but could be used for vegetables. P. Prendergast suggests tomatoes.

T. Hotaling asks about the 2 things they were waiting for. P. Prendergast states they are working on the SWPP now, he will submit the notice of intent to DEC. He states once the Town is satisfied with it, he will electronically submit it to DEC as they usually send the permit within 5 days and they only have to have it before they start construction.

P. Prendergast states that the SPDES permit was submitted in April and he is just waiting on it.

T. Hotaling asks P. Prendergast if he feels this set of drawings is complete. P. Prendergast responds, yes.

T. Hotaling asks P. Prendergast if he envisions any substantial changes. P. Prendergast responds, no, that this plan works from an engineering standpoint.

W. Chatham gives his presentation on landscaping, he refers to his drawings and points to the area of the chestnut trees stating that it can be used for pasture or limited types of agriculture.

T. Hotaling asks what types of agriculture and how many trees? W. Chatham responds vegetables that can be fenced off from the animals, squash, all kinds of ground crops. H. Leiser recalls 120 fruit trees, 48 pine trees and 500 chestnut trees.

W. Chatham references the map and discusses site lighting, lamps, signs and wattage. H. Leiser asks if lighting will be adequate for people who are walking. W. Chatham states, yes, that there will not be lights on the street but on the houses as it is made to look like a residential community. He talks about the distillery, the elevations, and the public areas. M. Mahalek and W. Chatham discuss parking spaces and their adequacy.

T. Hotaling asks about the design for the proposed rentals. W. Chatham states there is a mix of 1 bedroom to three-bedroom stays, with most being 2 bedrooms, the smallest being 540 sq feet and the largest being 1400 sq feet. M. Mahalek, W. Chatham and T. Hotaling discuss the units.

T. Hotaling asks about the maximum capacity. M. Mahalek explains that when the applicant did the traffic study back in January, they considered if every single building was occupied on the site, filled to building code limits, every single bed is occupied with 2 folks; that is not what is planned here. They took into consideration the maximum allowance of persons under fire code being 219, though they do not expect that to happen.

T. Hotaling asks to discuss the residence and the guest house. W. Chatham responds that the residence and the guest house will be combined, be 5400 sq feet, two stories with basement walk out potential for family members and family guests being a residence only.

H. Leiser asks the purpose of the willow trees. W. Chatham explains there is very little natural drainage, he references the drawing showing where the water runs, with the purpose of the willow trees cut off a channel that is happening incidentally. H. Leiser and W. Chatham discuss the wetland area.

T. Hotaling asks if it is accurate that the growth of their products does not substantially contribute to what is used in the distillery. W. Chatham explains there has been a lot of discussion on this and talks about berries and infusion. T. Hotaling clarifies that he understands the process but is asking how much since this is an ag distillery. M. Mahalek responds that they are applying for an ag liquor license. T. Hotaling clarifies that he is asking how much of their product will be used for the distillery. C. Elizondo that most will be from offsite locally produced and from local farms. All discuss brandies and ciders further. M. Mahalek explains that it will also depend on the growing season and demand with products being made, they will to the best of their ability use what is onsite and adhere to NYS requirements on the percentage to be grown onsite. R. Rudolph explains in further detail and emphasizes that they are starting small.

H. Leiser asks about other crops. M. Mahalek states that they are working with Belltown to work with the lease.

T. Hotaling expounds on the nature of the project allows the Board to ask questions they wouldn't normally ask about farming because the applicant are not really farmers but they are engaged in an agricultural activity; so the Board asks these things to get a general idea.

H. Leiser suggests other crops that might help the applicant be more like a farm. M. Mahalek affirms that they are open to suggestions from the Board and the public to expand their operation.

T. Hotaling asks W. Chatham if he feels his drawings are substantially complete. W. Chatham replies, to his knowledge, yes.

T. Hotaling asks W. Chatham if he anticipates any significant changes to them. W. Chatham replies no.

H. Leiser suggests the farm stay units be condensed to a little further up the hill. M. Mahalek explains that the location of the farm stays is based on the soil review. W. Chatham explains that the chestnut trees are also a part of this decision to allow spacing, privacy, and to come as close as possible to the units. H. Leiser makes a suggestion so they are able to work every area of the land they can.

M. Mahalek expresses on a procedural note, reflecting on the many months they have been before the Board, all the work, all the plans, responding to the Board's comments, responding to the public comments; he respectfully asks that a public hearing be scheduled on the matter.

T.Hotaling observes that they first have to deem their application complete, that will then go to site plan review, SEQRA review, and they have to get through that before the board moves to a public hearing.

M. Mahalek refers to the Zoning Code, section 9, and expresses that they have made sure every comment has been addressed. T.Hotaling notes it is just procedure and they need a motion from the Board to deem the application complete. M. Mahalek respectfully requests the Board deem the application complete. T.Hotaling respectfully defers until they get comments from DEC and the Health Department. M. Mahalek objects to the respectfully as DEC takes many, many months to respond, and 9 out of 10 times on a site plan review, DEC responses are not part of determining an application complete, DEC responses can be considered during the SEQRA review. T.Hotaling responds, that if they insist, the Board will schedule a chat with their lawyer to review the things they have, he cannot say if they will tentatively deem it complete but they can start the process of the site plan review and the SEQRA review, but out of formality he will refer to a discussion with their attorney. M. Mahalek respectfully wishes the Board's council was in attendance this evening so they could have that discussion. T.Hotaling observes he is not. M. Mahalek refers to section 9 of the Zoning Code, stating that the workshop is used to determine what kind of review the Board is going to apply, a full review or a short review. T.Hotaling notes that what M. Mahalek is asking is that in the absence of their counsel being present, or their ability to sit and go through several details they need to discuss, M. Mahalek wants them to do that tonight without him present or the benefit of the Board talking to him.

M. Mahalek states that the fact they have been before the board since November after returning from the ZBA, it is very grammatical the fact that this Board has determined a full review is required.

T.Hotaling reiterates their right to speak with their counsel. M. Mahalek states that from the applicants perspective, that after being taken off the July agenda, their team got together and made sure everything was addressed, that this application was complete, and that's what they presented to the Board tonight, for the record, they submitted it timely before the meeting with the full faith that the Board and it's consultants, be it CPL or Tal, it is disappointing that Tal is not in attendance because the applicant is excited to keep the application moving forward, doing this all in good faith, they are not trying to hide anything from the Board, adding a plain reading of the zoning code must be construed in the applicants favor, also a plain reading of Town Law 274a insists that this matter be moved forward, that the application they submitted, with all the materials they have submitted since January, that is considered a complete application and the Board has clearly determined that a full review is required, and the mandated next step this Board would take is to deem it complete and schedule a public hearing. He makes this request for the record, and he has to make these points for the Board to consider. He makes a point to state that everyone has to comply with the Zoning Code. He also notes that Pat and Walter stated they have nothing to add as these plans represent months and months of work.

T.Hotaling affirms he did ask each one of them if they considered their work to be complete, so they do not anticipate any more changes. M. Mahalek confirms this.

H. Leiser and M. Mahalek discuss the aspects of farming the land at length.

M. Mahalek emphasizes that they want to be a part of the community, discusses land case law as very clear and does not regulate the owner, it regulates the uses which is in their letter or July 14.

T.Hotaling appreciates M. Mahalek representing his client and notes they are not being unreasonable asking to resolve any questions they may have with their counsel as that is reserved for their right.

T.Hotaling discusses the applicant tentatively on the agenda for the next month. M. Mahalek respectfully asks that the Board have a conversation with Tal before the next meeting.  
T.Hotaling and M. Mahalek discuss further at length.

R. Samuels states she recalls the engineer wanted to see a concrete number of buildable acres, if the Board considered if the distillery fits the definition of agricultural and notes the members of the community in attendance, that they have been paying attention, and she does not see the benefit to the community.

T.Hotaling observes that there will be ample opportunity once they get to public hearing to express those sentiments, positive, negative or neutral.

A resident, Roberta, states that every time the Board asks a question Max does not like, he objects while the Board is gracious to let him discuss the social media issues so poetically for an extended period of time, she wants to point out that they are the community, she feels they have not been transparent with them, claimed a glamping thing that happened for a weekend happens here all the time, that's deceptive, and they won't answer questions because they say they don't have to, adding there is no real trust.

A resident asks if all the documentation turned into the Board, if that will be publicly available.

T.Hotaling states it is available upon request and explains the procedure.

The resident, T.Hotaling, and M. Mahalek discuss the procedure further at length.

A resident thanks the Board for their questions, because if he were a farmer he would want to know what kind of crops he could plant, where to plant them and how much money he could make off of it, adding it is not a farm, it is a hotel/motel with a distillery.

T.Hotaling comments to the ZBA decision and the distinction of agritourism.

A resident states she could not hear behind the board and asks about the parking spaces for events and wanted to know what kind of events they are planning, deliveries being off of 9J, and what happens if they turn out not to be farmers as they are putting a development in the middle of agricultural land.

T.Hotaling notes those are all questions the Board has actually discussed.

M. Mahalek notes he is not on his honeymoon; he is in Stuyvesant. He adds his whole team is there and if there is anything they need for that conversation with Tal, let them know and they will respond.

**Motion:** to adjourn the meeting, made by H. Leiser; seconded by K. Schneider. All in Favor.

Adjournment: 8:59 pm

Respectfully submitted.

Patricia DeLong  
Planning Board Secretary