

Town of Stuyvesant
Planning Board Meeting
March 25, 2024

Members in Attendance:

T. Hotaling, Chair

G. Bury

M. Stasi

H. Gibbons

H. Leiser

J. Belline

D. Fingar

T. Rappleyea, Town Attorney

P. Prendergast, PE

W. Chatham, architect

R. Rudolph, applicant

Residents of the community

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

Call to Order: 7:02 pm

T. Hotaling starts the meeting off by stating there will be a PowerPoint presentation which will be a quick assessment from the Town engineer, an overview of everything they have received for the application prior to tonight, and explains he did not have everything he needed but that the last maps were very close.

T. Hotaling asks the Board if they have had the chance to review the minutes from January and February and if there are any comments or changes.

Motion: to accept the minutes from the January meeting, made by M. Stasi; seconded by J. Belline. All in Favor.

Motion: to accept the minutes from the February meeting, made by M. Stasi; seconded by J. Belline. All in Favor.

T. Hotaling states that at the last meeting, P. Prendergast provided a new set of drawings for the Board. He adds, subsequent to that meeting, T. Hotaling had asked the Town engineer to do an assessment of that set and all of the other data.

T. Hotaling gives his power point presentation. He refers to the revised set of engineering plans from the applicant dated February 20 24, which were received by the Town engineer on March 6th and recounts the original assessment the engineer did over a year ago. T. Hotaling notes that the board will determine if the plan is SEQR compliant although they appreciate and accept the Town engineer's comments.

T. Hotaling takes a moment to go through a substantial amount of documents, which he notes are available to the public.

T. Hotaling continues, the proposed construction is a main residence, a guest house, a swimming pool, a farm stand (which is renovating the existing residence), a garage with an apartment, a farm garage, an equipment garage, one greenhouse, a horse arena with 16 stalls, 10 farm stay units (ADU under Town Law), and a distillery. T. Hotaling observes a letter from P. Prendergast dated 3/14 and asks him to explain that in a moment.

T. Hotaling refers to supplements to the application, the agricultural plan dated 3/17/23, traffic engineer study dated 1/18/23, water well reports on a document from 3/17/23, grading and drainage plan from the same document dated 3/17/23, septic plan dated 3/17/23, public water supply application from 8/15/23, site lighting and signage plan dated 3/17/23, soil test data in multiple submissions, several iterations of engineering and architectural drawings, a proposed phase development construction plan dated 2/11/23, NYS DEC comments, letters from the Columbia County Dept of Health, and a letter from the Town Fire Department. He reviews the proposed phase construction plan on the power point presentation, which he observes is the one on record but would change based on the drawings they have.

T. Hotaling asks P. Prendergast to elaborate on the letter dated 3/14 regarding the distillery as he does not see the distillery on the plans.

P. Prendergast states that he had a meeting with George and Tal and it was suggested that maybe he talk a little more about the distillery. He continues, for now they are going to leave it on the plans as it has been shown and label it as for SEQR review only because it will be a while before they get to that, he adds George and DEC were looking for a lot of plumbing details, they not seeking approval for the distillery tonight, but adds that he would like to fill the Board in on the plumbing details since T. Hotaling has asked about the water report. He continues, in his engineers report he has a figure of 1,000 gallons per day for the use of the distillery with 200 gallons of that being for wash water, he presents a drawing of what a small “mom and pop” distillery looks like, with a small unit of 4 foot in diameter, with 125 gallons of mash or juice, and it can be distilled in about 6 to 8 hours and makes about 12 gallons. He adds this unit costs \$50,000 to buy, doesn’t use water, fill it with your liquid, boil, run it through a chiller, different fractions come off, one being the alcohol you would save, when the water and the steam is gone there is about 50 gallons of mush left, which can be put on gardens to help them grow. P. Prendergast elucidates; to wash out the pot would be about 100 gallons of water, if the distillery purchased a second unit they would then use the 200 gallons of wash water proposed. He adds that whatever goes out will be mixed with 8,000 gallons of other sewage, that Golden Harvest is a big commercial distillery, only has a septic field with no treatment, and it works. He notes their system will be more refined, reviewed and approved by DEC, will have a permit and will meet all their standards.

D. Fingar observes Golden Harvest has vodka and asks if that is similar to what their plans are and if it is a similar process.

P. Prendergast explains that R. Rudolph knows more about the products he would like to make but that vodka was one of them, the process is similar and different things can be made in those pots.

T. Hotaling asks P. Prendergast to clarify what he is looking for, for SEQR, for the distillery.

P. Prendergast states the environmental impacts, if it got a neg dec, then he could come back and get a site plan for that separate item.

T. Hotaling asks P. Prendergast to clarify again if it is excluded from the plans or if it is more aspirational for a permit at a later point.

P. Prendergast verifies that according to SEQR, when you propose a project development, you are supposed to put everything on the plans that you can ever think of, and also based on legal advice to be extremely thorough with this project. He adds that as part of the SEQR process, he wanted to let the Board know that there wasn’t a big impact with the water and sewer, that there was not a lot of water coming or going, that the plans hadn’t changed much and they were down to 10 units.

T. Hotaling goes back to the phase construction, and affirms that with agritourism, that the tourism is secondary, that the accessory dwelling units are ancillary to the development of agriculture, that the focus in initial construction ought to be development of the ag status, where the plan has them building 8 units before they build a horse barn, which seems would be a centerpiece of agricultural activity, and asks to clarify why 4 rental units would go up before all the other ag pieces are put in place. T. Hotaling, P. Prendergast and R. Rudolph discuss at length.

T. Hotaling emphasizes that the premise of agritourism, and what the Board believed the ZBA was telling them, is that the applicant emphasize the development of the agricultural operations first, which doesn't mean the applicant can't do some of them simultaneously, states he is just reemphasizing what the Board has asked the applicant to do which is create the farm, which can be phased in that way but seems somewhat out of line with agritourism.

R. Rudolph explains that it is a matter of if it is going to be successful or not, that the chestnut trees take between 5 and 7 years so those are being planted first and can help support all the other components of the farm. He adds that the distillery is at the end, and they cannot foresee that at the moment, but because of SEQR they have to put all those things out there. He continues that things like flower beds and vegetable beds can be moved to the front and notes that building 4 farm stays will take years to complete.

M. Stasi echoes that the concern is if most of the agriculture is going to take multiple years to get established, (chestnut trees, fruit trees, berry plants), flowers and produce might be grown in the first year and maybe the farm stand can sell that, but weather it's 4 farm stays or 8 farm stays the infrastructure has to be in before them, and the applicant is talking about the septic and the roads, and if the farm itself is not successful the prime farm land is already taken up and can never be replaced because there are units on it. However, if the farm is successful, then it makes sense for the applicant to build the farm stays to support that farm. In the reverse it appears the applicant would be left with a 50-acre farm parcel that will no longer be a farm.

R. Rudolph respectfully disagrees with that statement because the farm stays take up 2 acres of a 60-acre parcel and voices that it is a farm and the land is being farmed. He adds that they are just trying to get in, build their home and operate.

D. Fingar observes that it is agriculture right now, but the applicants plan does not include using the wheat and corn that BellTown is growing, creating a disconnect that there is agriculture, but the applicants plan is trees and berries, so it would be great to see more of the applicants farming in place, up and running, and less of BellTown's.

T. Hotaling states that they are not engaged in negotiations, and reiterates that G. Schmitt observed that the applicant has a fully realized farm, their agricultural operations, their anticipated agricultural uses, and as they transition from a lease to their own farming uses, that those ag pieces are the first pieces to be developed. T. Hotaling overviews the phases again, noting that the horse arena and greenhouses seem central to the operations agricultural activity and seems that some of the ag pieces would be in place before building the units. T. Hotaling maintains the applicants farm first and then adding the accessory dwelling units on the applicant's farm making it agritourism.

D. Fingar observes that if everything is moving along, the farm units will be up before there are mature berry beds or anything for people to enjoy, that the greenhouses are being built the same time as the farm stay units.

R. Rudolph states they plan to have history on not just Stuyvesant but on farming and farming activities, things that are occurring right now, part of the agritourism being that people can come and see what they are actually doing, conceptually taking what is not really sustainable livelihood of the farm and turning into something that people can see and participate in.

D. Fingar asks if this would include classes and asks what the people will do, observing that by year 3 or 4, farm stay units will be up, people will be there, what activities can they do, the chestnut trees will not be developed, (she is unable to finish her statement)

R. Rudolph states that the trees will be planted, it's all about what they are doing, it's up and coming and supporting something for the future.

H. Leiser observes that if the chestnut trees take long to develop, the applicant could develop their garden crops which have a quick turnaround, they could grow 2 or 3 crops in the same season, that would give the applicant income sooner than 10 years for the chestnut trees, and that would put the farm into an agricultural unit that is the applicant's farm and not a lease to BellTown.

R. Rudolph answers, that is why he suggested pushing forward the flower beds, vegetable beds and things like that.

T. Hotaling asks the applicant what they think when the Board says they need a fully realized farm to make it compliant with the law, again not maybe compelling financial and other business reasons, but to have bona fide agritourism under the zoning law, as it was spelled out by the ZBA, that the applicant needs a fully realized farm, and there is flexibility in that, but does seem that the applicant needs to have their agricultural pieces largely in place before farm stays are put in, and asks the applicant again what that envisions.

R. Rudolph asks to verify if there is a distinction between farming that's agricultural under a lease versus the work physically done themselves and states they are using that against them.

T. Hotaling answers not at all, that is not in dispute, and what they are trying to discuss is that it is the applicant's plan for the use that they proposed under the law, and in that proposal the applicant needs to develop their agricultural pieces that they have proposed first, as they are the primary focus of the applicant's development and not the rental units as they are incidental to the farm.

R. Rudolph asks to verify the physical farming aspects and the fact that it is leased, and it is agricultural already, that there is no distinction between that, and that agritourism cannot be based upon something that is leased and already exists.

H. Leiser states he interprets it that way, and that everything he has read from NYS ag and markets is that the applicant has to be the farm owner and has to be doing the farming before entering into farm stays and the agritourism unit.

R. Rudolph states that is what they are trying to do.

W. Chatham suggests they look at what would be a reasonable response to a farm.

T. Hotaling affirms that is what the Board is asking the applicant to do and realizes that the applicant purchased an existing farm.

R. Rudolph affirms that he bought an existing farm, one of the messiest pieces of property on Sharptown and that they have done a really great job of cleaning it up to redirect that property in a really positive way.

T. Hotaling affirms that is fine and again that the proposal to the Board was that the applicant would realize their plan, and the conditions for adding accessory dwelling units to be rented on that property was that the applicant fully realize their farming. T. Hotaling elaborates further that the Board is not telling them that the farm be fully productive, but that the agricultural aspects have to be largely realized before the farm stay units are put in. He reiterates that the Board is not telling them how to realize their farm but suggests another proposal on how they would get to there.

P. Prendergast states that it sounds like it's the horse barn that is bothering the Board and that it is too far out in the plans because that is the only agricultural piece on the list that he is going to do.

M. Statsi echoes his comment from earlier that trees and berry plants take a while to produce product, and with things that can grow multiple times in a season, if the home is being renovated to a farm stand in year one the applicant can sell all the produce at the farm stand, but there is nothing that is going to come online in terms of the fruit trees, the berry plants and the chestnuts for

5 to 7 years, and that's providing that they don't lose a percentage of them in year one from drought and the applicant has to constantly replace them, then have 8 to 12 farm stays built with all that infrastructure not even knowing if your farm is going to be successful.

R. Rudolph states that no one knows if a farm will be successful.

M. Statsi, T. Hotaling, R. Rudolph and P. Prendergast discuss further.

T. Hotaling states they are simply there to apply the law as they read it. He adds the Board is not telling them not to build farm stay units early, the Board realizes there is agriculture already on the property, but what they are saying is that the applicants focus and the proposal before the board, is that the applicant is going to do these things as part of developing agritourism.

R. Rudolph states these are the things he is doing to make it a sustainable family farm for multiple generations, adding there is no distinction between leasing the land versus getting on the tractor himself, adding this is a really bold move and is an impactful venture for his family.

T. Hotaling states again that the board is not arguing that point and the applicant is welcome to do this.

D. Fingar observes that the applicant had mentioned berries in phase one, but the paper she has does not state that, maybe they could look at it and revisit it.

P. Prendergast states they can do better with that, that it is not with the current plan since it was given to the board a while ago, that it can be updated and made better.

After more discussion T. Hotaling observes that the proposal, as presented, is in a future state, the ZBA approved that plan as a future state, and the future state that the applicant is proposing to the board is that they will develop their items of agriculture and that the rental units are incidental to the development of the farm. He suggests the applicant rethink their phase construction.

P. Prendergast asks if they can do SEQR review at the next meeting.

T. Hotaling reiterates that the board is not saying anything new, suggests a current compliant phase construction plan, they can discuss it, then can move forward with SEQR, SEQR is just a hurdle to get over to make their application complete.

W. Chatham observes there may have been a misunderstanding of what a fully realized farm was and they will work that out, he doesn't see any problem with that.

T. Hotaling and W. Chatham discuss further.

T. Hotaling asks to revisit the traffic study, he notes he reread the traffic study of January 18, 2023, that it is a safety concern, it is a concern for everybody on the street and everyone else around. He notes that it is an extensive study at 35 pages long, and he would just like to hit on the highlights of it. He continues, based on the number of employees (15) on the original application, the number of farm stay units (20), and the number of residential units (6), it is anticipated that the development will generate 59 total trips during the weekly pm peak hour, and 118 total trips on a Saturday midday peak, and will not result in a significant adverse impact to traffic operations on the roadway network, the study intersections currently operate at "B" or better and will constitute to do so in the build condition. He continues with the sensitivity portion of the study. T. Hotaling asks P. Prendergast to explain a class "B" intersection.

P. Prendergast explains it would be the number of delays on the road based on the number of vehicles, with "B" being really good because there are hardly any vehicles on the road as it is.

T. Hotaling affirms he just wanted to touch on the traffic report because it was not a flawed study, and Creighton Manning has done other studies in the town.

A resident voices that the trailer park is not a comparable study, and explains her views and the proximity of the houses to the road.

T. Hotaling confirms those are considerations, he is not suggesting that the study itself covers all the things that they might ask, but the study itself met engineering standards, and that the firm's engineering methodology is perfectly acceptable.

Motion: to adjourn the meeting, made by H. Leiser; seconded by D. Fingar. All in Favor.

Adjournment: 8:12 pm

Respectfully submitted.

Patricia DeLong
Planning Board Secretary