

Town of Stuyvesant
Planning Board Meeting
September 9, 2024
Rescheduled from August 26.

Members in Attendance:

T. Hotaling, Chair
G. Bury
M. Stasi
H. Gibbons
H. Leiser
D. Fingar
K. Schneider - Alternate
T. Rappleyea, Town Attorney
G. Schmitt, Town Engineer

Members not in Attendance

J. Belline

D. Russell, surveyor
P. Prendergast, PE
Multiple residents of the community

T. Hotaling opens with the Pledge of Allegiance. The meeting is called to order.

Call to Order: 7:00 pm

Motion: to approve the minutes from July 22nd as written, made by H. Leiser; seconded by G. Bury. All in Favor. The minutes are adopted unanimously.

T. Hotaling states there are only a couple items on the agenda and explains the first is a lot line adjustment for property owned by Doug Groat, 438 County Route 46 and involves 2 parcels. (62.-1-45 and 62.-1-44).

D. Russell approaches the board and introduces himself as the surveyor for the applicant. He explains that D. Groat has 2 parcels on county route 46 he would like to do a lot line adjustment to make one of the parcels bigger, and one of the parcels smaller. He adds parcel B1 and B2 are currently the same tax map number, parcel A is its own tax map number, and he would like to merge parcel A with parcel B1 to make that lot 9.09 acres, leaving the remaining parcel B, 2.652 acres. He explains it is to convey the lands to family members.

T. Hotaling asks D. Russell about the ag data. D. Russell explains he wasn't sure if he should include one, so he included it.

T. Hotaling states he didn't believe he needed it and it just depends on what the application is. He adds that was part of the confusion, that it creates a buffer zone around it.

D. Russell points out he realizes Trish put that in the agenda (agenda was not submitted this month by Trish DeLong) but that the 500-foot buffer was just so he could compile the names of the adjacent properties.

T. Hotaling observes this is a minor adjustment and that the board may not be required to do a public hearing

T. Rappleyea explains it is optional, legislature and courts have recognized that lot line adjustments are type 2 actions, if they feel like waiving the public hearing it is appropriate but to have rationale for it, the rationale because it is so minor and it is owned by the same applicant.

T. Hotaling affirms he does not see a need for it and polls the rest of the board.

H. Leiser observes that the parcels are owned by the same person, and he is just joining them.

D. Russell affirms that is correct, he is just moving the line to the west.

H. Leiser expresses that the neighbors may not need to know because he is not going outside of the perimeter of his property, will still need to pay taxes on it, and it's like taking a line out of the middle.

D. Russell explains there will still be two parcels, just one will be smaller and references the map.

T. Hotaling affirms B1 and B2 will become B1.

Motion: to waive the public hearing, made by G. Bury; seconded by H. Leiser. All in Favor.

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

T. Hotaling discusses how many copies will be needed and states that the maps will be available on Thursday.

D. Russell answers that he will send somebody up for them.

T. Hotaling moves to the next item on the agenda, Rudolph Family Farm.

He explains he anticipated to have an adopted a resolution at this meeting as part of the negative SEQR declaration. He continues that while completing that, the board was provided with correspondence from the Historic Preservation Office, which was originally received by P. Prendergast last October. He adds, the essence of the letter was that SHPO requested that the applicant conduct an archaeological survey on the property. He adds, had the board been aware of that recommendation, they would have required the applicant to complete that, adding the board will now require them to do that, and they will reopen the SEQR review pending completion of the archeological survey, once that is completed, they receive correspondence from SHPO and that is provided to the board they will take it up again.

P. Prendergast addresses the board and explains that when you need a permit from the DEC, they require that you get the opinion of SHPO. He adds, last fall they recommended a study, he called them and asked if it was recommended or required, to which SHPO said it was recommended. He continues that he put it to the side because he didn't know how the project would go. He states that when he contacted them this is what the archeological map looked like and referenced an archaeological map, pointing out to the areas.

P. Prendergast affirms that the maps of the archeologically sensitive zone have changed, and that he has resubmitted to SHPO to take a look at the project again. He adds that if they still require them to have the study then the corn will be off the fields in a couple weeks, and they can get after it. He explains that in a corn field they plow it, let it rain on it a couple times, then they walk back and forth and look for arrowheads.

P. Prendergast declares that is what they are going to do, and it wasn't like they were trying to hide anything from them, he knows that they need that for the SPDES permit.

T. Hotaling maintains that had they received that document from him, the board would have acted accordingly and adds that the board's standard is to be reasonable. He continues that the outcome is anybody's guess but that section 10 of SEQR, historical and cultural resources, requires the board to do these things, not as a formality but has to be to SHPO's satisfaction.

P. Prendergast confirms they are planning to take care of that, states he will get a new letter and show that to the board.

T. Hotaling answers if they get that they will reconsider it.

H. Leiser observes that from what he read it is not just plowing, that they must go deeper than plow depth in the reading submitted to him by the Planning Board secretary.

T. Hotaling observes it is not uncommon in this area to find any of these things.

H. Leiser elaborates further how the Indians came from Kinderhook, through here, across the river to the quartz mine to get stuff to make their arrow heads.

P. Prendergast voices his understanding, states he is not there to pressure the board about anything but just wanted to explain why they did what they did, and that they will get a study.

T. Hotaling asks to a motion to reopen SEQR, and voices concern for being on the clock with the negative declaration 45 days ago.

P. Prendergast asks if that can be altered if the applicant agrees?

T. Rappleyea confirms, yes.

P. Prendergast asks the board not do any extra work and states he can provide a statement saying they are good until the letter is provided.

All agree that will suffice.

T. Hotaling asks if P. Prendergast has contacted an archeologist.

P. Prendergast affirms he has 2 proposals but is waiting for the corn to be off the field. He elucidates that the top of the site is disturbed already, there's the steep slope area and anything over 12% they don't study, so they are down into the corn field.

T. Hotaling observes that if they find anything it is solely in their discretion, if they find anything, to ask you to do anything else, if it's an A1 or an A2. He adds that it's not just a matter of cultural sensitivity, they could find dinosaur bones, there could be several things there, it is unknown until the survey is done.

R. Ihlenburg notes about a year and a half ago the house was a concern for SHPO and asks if the house should be included in that.

G. Schmitt answers that it was cleared, the structure that was the original area of concern, SHPO did look at and deemed it not eligible.

An attorney (alliance) asks to reiterate something in an earlier letter in relation to SEQR, the standard is to reopen SEQR if new information has come forward, which it has, asking the board to reopen SEQR and issue a positive declaration instead of putting it on hold.

T. Hotaling explains to the counsel that what the Board did tonight was to allow for the archaeological survey to happen and then see what the results are, adding it is partially approved and an area is not, to the extent that there may be more extensive surveys done, and the board will address that when they get there and urging for a positive declaration is a little premature.

The counselor voices that he doesn't agree, that this is common to include in a pos dec and scoping types of studies, and it seems the Board is trying to avoid the public review of the reports for the survey.

T. Hotaling explains that it is not what they are trying to do at all, had they been aware of this when it happened, they would have required the applicant to do the survey.

T. Rappleyea observes that it is just Alliance's counsel's characterization, doing a great job of representing his clients, as far as this Board is concerned, they need more information before they can make a determination.

T. Hotaling offers a copy of the letter.

R. Ihlenburg asks about a study for the Harrier Hawk, he continues that he does not have an issue with Mr. Rappleyea but feels that his attorney representing the public, the Planning Board is the public, and for T. Rappleyea to say, "let's not look at other issues" makes him feel bad.

T. Rappleyea affirms he did not say that, he said the Board didn't have enough information, that the Board can look at it once they have it.

T. Hotaling explains again that had the Board been aware of this prior to SEQR, they would have asked the applicant to do the survey and see what the studies say.

R. Ihlenburg asks if there is a letter from DEC stating we don't have to worry about endangered species?

T. Hotaling states he will look back and review.

H. Leiser talks about density averaging and asks G. Schmitt to explain what he told H. Leiser.

G. Schmitt explains the ZBA studied it and the ZBA had a decision, the decision says this is an allowed use, that allowed use is agrotourism. He points out it is an allowed use, a singular use. The ZBA then referred to some regulations in the Town Zoning Code for guidance to try to lower the density, and working with the applicants the density has been lowered. He adds in particular what it keeps coming back to was what the ZBA referenced, was the Columbia County DOH, their regulations and their approvals. He points out the Columbia County DOH and the DEC have reviewed the project and have both approved the Board to move through the SEQR process. He adds the Board is complying 100% with the ZBA's decision of how to determine this.

The Alliance attorney addresses G. Schmitt and insists he tell the members of the public how many farm stays would be too many under his analysis of the ZBA's approach.

G. Schmitt answers, that is the Planning Board's decision.

The Alliance attorney and G. Schmitt discuss at length.

T. Hotaling reiterates that this matter cannot be litigated, as it is not the place.

A resident expresses anger in private meetings held with the Board and the applicant and Sunday meetings.

T. Hotaling affirms that has never happened and will never happen, it is unethical as the Board operates, they function as a Board.

T. Rappleyea and T. Hotaling explain attorney client meetings at length again, adding that everything has been made available to the public.

The Board and public discuss the Harrier Hawk further.

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

Adjournment: 7:48 pm

Respectfully submitted.

Patricia DeLong

Patricia DeLong
Planning Board Secretary