

Town of Stuyvesant  
Zoning Board of Appeals Meeting  
August 26, 2025

Members in Attendance:

M. Pino, Chair  
K. Handy  
A. Abbati  
S. Taylor  
S. Montie  
T. Rappleyea, Town Attorney

A. Bell, Renewable Properties, LLC  
A. Legland, Hodgson Russ  
Multiple residents of the community

Members not in Attendance

B. Rohrer  
C. Sweningsen

Chairwoman M. Pino announces, before the meeting is opened, if anybody from the public is going to speak at the public hearing, there is a sign-up sheet on the back table, please write your name, and then she will have the secretary collect that when it comes time.

Chairwoman M. Pino opens with the roll call, the Pledge of Allegiance and calls the meeting to order.

Call to Order: 7:04 pm

**Motion:** to approve the minutes of the June 24th and July 28th meeting with grammar and spelling corrections, made by S. Montie; seconded by K. Handy. All in favor.

M. Pino states the next order of business under old business is the RPNY Solar/Renewable Properties, LLC and the interpretation of the determination that was made by the town Code Enforcement Officer, Mr. Haberland. She asks if anyone has anything further they would like to say, if not, she will turn it over to the Town Attorney, T. Rappleyea.

T. Rappleyea states, in accordance with what the Board has been talking about for the last couple of months, he prepared a draft resolution based upon his individual conversations with each of the Board members, which is a resolution of 7 pages long, so please bear with him while he reads through it. He adds, a lot of it is the procedural history that needs to be in there, so that there's a roadmap as to how the Board came to where they are now, and assuming that

when the Board gets to the end of the resolution, if somebody's in favor of how it's written, make a motion to approve, if not, then make a motion to not approve.

T. Rappleyea reads the resolution. (a copy is available and on file.)

A. Abbati asks if it is ok to make changes to the document.

T. Rappleyea responds yes and that he encourages it as this is the Board's document, and he is just trying to put everybody's words together.

A. Abbati states page six, paragraph three, where it says the plan is to have sheep periodically graze the premise, it should be continuously rather than periodically, because that implies the sheep would be coming and going.

S. Taylor comments that he is of view that the whole paragraph on page six, the next paragraph, which he'd like to read it so that everybody can hear it, "Be it further resolved that such grazing does not preserve a block of land which has a size and shape to allow for medical farming. Specifically, the term preserve a block, quote unquote, clearly requires that a portion of the subject parcel be set aside for farming. This determines further supported by the final sentence of the relevant portion's point of law that states, proportion of the solar law that states that block, emphasis added, will be required to have access for agricultural purposes. Thus, the clear intent of the solar law is the actual setting aside of a block of land." He states that he believes that this is not right, that in fact, grazing is effective farming and that preserving a block can be to have sheep graze, however periodical, on that block. He adds he will be voting against this resolution for that reason because he feels that is with both the spirit and the intent of what is being proposed here meets the solar law.

M. Pino asks if there are any other comments or discussions. Hearing none she explains that the Board will now do a roll call vote making it clear to the members, if they intend to uphold Mr. Haberland's determination that it does not meet the solar law, meaning agree with that determination, say aye, but if they are opposed and feel his determination was an error, it will be a nay.

A roll call vote is done, votes are cast, four ayes and one nay.

**Motion:** made by K. Handy; seconded by S. Montie. All in favor.

M. Pino moves forward, stating the next item on the agenda is the public hearing to take public comment on the interpretation related to the location of fencing and landscaping for the proposed tier three solar energy system to be constructed on 21.33-acre parcel with the construction using 16.96 acres for the proposed project located 1681 Route 9, Stockport, New York. She announces the public hearing is now open and asks if anyone signed up to speak.

J. Morgan states he would urge the Board to vote no on the variance request simply because it opens the floodgates for other variances in the future, and this is a very sensitive, complicated issue and he feels that there shouldn't be any wiggle room with respect to variances.

M. Pino thanks the speaker for his comments.

The Board discusses interpretation. M. Pino clarifies, it's the Boards interpretation of the setback requirements, and K. Haberland made his decision based on the fencing which was bothersome for him, however, looking at the setback requirements in the law, the table provides parcel line setback requirements for ground-mounted solar energy systems, fencing,

access roads and landscaping may occur within the setback. She adds it doesn't say shall it says may and there's a big difference between those two words.

M. Pino asks if there is any discussion by the board.

S. Montie observes this clearly meets that.

A. Abbati notes that when they have discussions about revising the solar law, they have to clarify that it needs to be correct in the parcel because it makes for a larger footprint for the whole project, and when they are going to have the fencing and landscaping outside of it.

M. Pino voices that the state mandates fencing around a solar array solar farm, so if fencing is considered part of the equipment, as the solar panels and the inverters are the equipment, then he would be correct in his determination. She adds that she is going by what she is reading in the solar law, and if it says shall occur, then that means you must but when may is said, that means you can or cannot, in her opinion.

A. Bell clarifies that the setback is the 100-foot space and it says it may occur in that space, not 100 plus one inch.

A. Abbati points out that most developers are going to put it outside the fence because it gives them more area to develop.

A resident (withholds their name) asks if there is going to be a vote on this when we have the next election or if this just going to be done.

M. Pino explains this will not be done tonight because as stated at the last meeting that the Board will not vote and make a decision immediately following a public hearing. She continues, they've never done that before and for the Board to do that tonight would set a dangerous precedent.

Same resident (withholds their name) asks if this is going to be a town vote.

M. Pino explains the role of the zoning board to grant variances and interpret the zoning law, whereas specific conditions, etcetera goes before the planning board, so all the Zoning Board is charged with is interpreting the solar law, to which they voted on that that section that Mr. Haberland denied the applicants because he felt it didn't fit the solar law. She continues, now for the setbacks, the Board has been asked to interpret our opinion on that, does it fit the law or not, and reiterates what A. Abbati was saying that when they look to revise the solar law, they will need to put more specificity in that, so there'd be no problems about interpreting.

S. Montie voices to make it definitely right up front and center.

M. Pino echoes it would be clearer, maybe even to Mr. Haberland, adding they were both on the Solar Law Committee and it's difficult to cover every single issue or situation that might arise.

M. Pino maintains, as the Board discussed at last month's meeting, in order to have a vote and a decision on that setback, that they talked about making it a little bit sooner, because the next scheduled meeting wouldn't be until Tuesday, the 23rd.

A. Bell asks if the Board is closing the public comment.

M. Pino sees no reason to leave it open and asks the Board their thoughts.

S. Montie observes that the questions and concerns seem cut and dry.

T. Rappleyea observes there was only one comment from the public.

M. Pino observes it does not seem to be a pressing issue and elaborates further.

The Board and A. Bell discuss dates and whether the ZBA could do SEQR review at length.

M. Pino states, they will leave the public hearing open for written comment for 5 days, closing it on September 3rd.

**Motion:** to close the public hearing after 5 days on September 3rd made by S. Montie; seconded by K. Handy. All in favor.

A resident (withholds their name) states that solar panels are coming, it's just the specifics of it, the zoning and how they are going to put the rows in.

T. Rappleyea answers, that is not known yet.

M. Pino reviews the upcoming meeting dates.

A. Bell asks if the meeting on the 23rd would be to post the public comment for the area variance and then also defer to the planning board for SEQR.

A. Abbati and M. Pino voice concern if there is enough time to post.

A. Bell asks if there is any reason to expect that after the 23rd, this board may hold the football, so to speak, or should he start talking to the planning board about their October agenda if that is possible.

A. Legland points out that the Planning Board will need to do SEQR.

A. Bell echoes that if the ZBA is handing off SEQR to the Planning Board, is there any sense of commenting to them for getting that started or at least on the October meeting.

A. Legland adds the Planning Board has to do SEQR in order for the process to keep going, so the applicant has to go to them and get that started.

T. Rappleyea advises that they would need to talk to the chairman about it.

M. Pino adds that would be up to Mr. Hotaling.

A. Legland states with the Board's permission, they will reach out to Mr. Hotaling.

A. Bell states there is still the technicality of the original application not being deemed complete.

T. Rappleyea responds that it still wouldn't be complete even after the SEQR is done, the SEQR is required before you can deem the application complete.

A. Bell reiterates he is speaking in terms of their special use permit and variance application, that they get their application deemed complete by the code enforcement officer, usually before going before the boards and doing SEQR.

T. Rappleyea indicates the Boards do that.

A. Legland adds some municipalities will say the applicant has submitted everything, their application is complete and can move forward, but technically, from a SEQR perspective, legally, it's not deemed complete until the SEQR determination. She continues, it's two different things, just the same word used differently in different municipalities, but the code enforcement officer said they didn't have a complete application for consideration because of the three issues, the agricultural soils area, the fence question, and the roads.

T. Rappleyea responds that the roads are off the table.

M. Pino agrees that the roads are in K. Haberland's purview.

A. Bell, A. Legland, T. Rappleyea and M. Pino discuss the next steps forward regarding SEQR, Planning Board, and the revised roads.

The Board confirms the decision to have a special meeting on the 8th.

M. Pino asks the board if there are any more questions or comments

R. Samuels raises concern about the Clerk being out with regard to reaching out to people via the website for the special meeting and the public comment staying open being posted to the website.

M. Pino affirms the Board will take care of it.

**Motion:** to adjourn made by S. Montie; seconded by A. Abbati. All in favor.

Adjournment: 7:57 pm

Respectfully submitted.

*Patricia DeLong*

Patricia DeLong  
Zoning Board of Appeals Secretary