

Town of Cazenovia Planning Board

Meeting Minutes

November 7, 2024

Members Present: Robert Ridler, Chairman; Anne Ferguson; Linda Cushman; Dale Bowers; Thomas Clarke; Mary Margaret Koppers; Roger Cook, Alternate Member; Jerry Munger, Alternate Member

Members Absent:

Others Present: John Langey; John Dunkle; Tim Yousey; Dan Kuper; Barbara Roach; Christopher Roach; Deborah Richer; John Richer; Matthew Vredenburgh; Peter Muserlian Jr; Chris Montonte; Sheila Fallon; Gail Woods; Sam Woods; JoAnne Race; Brian Keeler

R. Ridler called the meeting to order at 7:30 P.M. and he asked that attendees sign-in.

Roll was taken; Jerry Munger was a voting member for the proceedings.

The next regularly scheduled meeting will be Thursday, December 5, 2024.

The next deadline day will be Wednesday, November 20, 2024.

The next regularly scheduled work session will be Wednesday, November 27, 2024.

Motion by T. Clarke, seconded by J. Munger, to approve the October 3, 2024 meeting minutes was carried unanimously.

HEARINGS

*Morgan Qualified Per Res Tr – Line Change – 4400 Syracuse Road, Cazenovia
With Hugo, Aaron & Michela 4398 Syracuse Road, Cazenovia
File # 24-1551 (Dale Bowers)*

No one was present to represent the file.

D. Bowers informed the Board that Ms. Shaw contacted the Town Office to request that the Board continue the file until the next meeting while the Applicants make adjustments to the lot line change.

Motion by D. Bowers, seconded by A. Ferguson, to continue the file was carried unanimously.

*Carmen, Peter & Mary Beth – Site Plan Review– 1080 Tunnel Lane, Cazenovia
File # 24-1555 (Dale Bowers)
Carmen, Peter & Mary Beth – Line Change – 1080 Tunnel Lane with 1070 Tunnel Lane
With RSJT Holmes, LLC
File # 24-1556 (Dale Bowers)*

D. Bowers reported the Applicants have more storm water design to be approved by the Engineer for the Town, John Dunkle, so the Applicants need more time to present.

Motion by D. Bowers, seconded by A. Ferguson, to continue the file was carried unanimously.

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*Kennedy Enterprises 1, LLC – Site Plan Review – 3172 West Lake Road, Cazenovia
File # 24-1528 (Robert Ridler)*

No one was present to represent the application.

R. Ridler informed the Board that some work was done by the Cazenovia Area Conservation Commission (CACC) regarding the unauthorized activity that was conducted at the site last spring. He said the Applicants were not ready to present any plans at this time.

T. Clarke asked if Mr. Curtin, of the CACC, had been contacted about reevaluating the work that was done, noting the report addressed the shoreline, but not the other areas of disturbance.

R. Ridler had spoken to Mr. Langey about that.

J. Langey affirmed that Mr. Curtin had mentioned in his letter that further review could be done by the CACC.

R. Ridler said the Board would make sure that would happen, and commented the Board was not ready for a reevaluation at this time.

Motion by A. Ferguson, seconded by L. Cushman, to continue the file was carried unanimously.

*Hoffman, Tyler – Site Plan Review – 5649 East Lake Road, Cazenovia
File # 24-1547 (Dale Bowers)*

No one was present to represent the file.

D. Bowers said he had spoken with Mr. Hoffman this afternoon and he was told that Mr. Hoffman was waiting to hear from the Army Corps of Engineers (ACOE) regarding the remediation work the ACOE had required Mr. Hoffman to do. He asked Mr. Hoffman to keep him abreast of the situation and to include the Town on any correspondence from the ACOE.

A. Ferguson asked if there was a timeframe they could expect from the ACOE since winter was approaching.

J. Dunkle believed the ACOE had contacted Mr. Hoffman (informing him of their determination about the work that was done in the wetland).

D. Bowers clarified that Mr. Hoffman had done the work mandated by the ACOE and was awaiting their approval of that work.

J. Dunkle stated the ACOE has no timeline.

Motion by D. Bowers, seconded by T. Clarke, to continue the file was carried unanimously.

*Frank & Bonnie Damazo Trust – Site Plan Review – 3574 Route 13 S, Cazenovia
File # 24-1557 (Dale Bowers)*

Tim Yousey, the contractor for Mr. and Mrs. Damazo, was present to represent the file.

T. Yousey explained the Owners wanted to build a 40' X 50' pole barn.

D. Bowers elaborated that the pole building is the project, however, the Damazos have another existing accessory structure, so to precipitate the need for a special use permit for an additional accessory structure, the Applicants proposed to attach the new building to the house via a fence.

D. Bowers asked Chuck Ladd, the Town Codes Enforcement Officer, to explain to the Board his interpretation regarding the fence being a structure (as a means to connect the barn to the house).

C. Ladd spoke about the construction of the fence, saying they would be using 6" X 6" (lumber) and the fence would resemble a wall with fence detail at the top. He commented that it would not look like "an average fence."

D. Bowers explained the fence would allow them the connection of the barn to the house.

A. Ferguson said at the work session, which Mr. Bowers had not been able to attend, the Board felt the fence did not meet the criterium as a means of connecting the two (2) structures since it did not have a roof and was not a breezeway. She said the connection of the fence was just touching a corner of the building.

D. Bowers deferred to Mr. Ladd's interpretation.

C. Ladd said he viewed this fence as predominantly a permanent structure versus a fence that may need to be replaced every 5 – 10 years, like a picket-style fence. He repeated it would resemble a wall more than it would resemble a fence.

T. Yousey said the fence would have “a lot of elaborate design.”

L. Cushman asked the length of the wall.

T. Yousey answered it would be 25 feet.

D. Bowers asked if there were any pictures or designs of the wall.

T. Yousey responded he did not have any at this time.

L. Cushman asked what material would be used.

T. Yousey answered hemlock with perhaps some metal.

A. Ferguson asked if it would be painted.

C. Ladd answered the Applicants wanted it to match the color of the house.

A. Ferguson asked the purpose of the wall/fence.

T. Yousey answered for privacy, and as a means to connect the two (2) structures.

J. Munger believed the purpose was to eliminate having an additional auxiliary structure.

D. Bowers added that had been “done several times in the Town, whether you like this or not, you can feel what you want, but we’ve done this before.”

A. Ferguson asked the height of the wall/fence.

T. Yousey replied, “Six (6) foot.”

C. Ladd answered the Owners had said it would be 6 – 8 feet.

R. Ridler asked if there would be any doors in the wall.

T. Yousey answered they could put a gate in it.

C. Ladd did not think the Owners had planned to do that.

J. Munger asked if the Board would like to see more detail.

D. Bowers thought that was reasonable, saying a section should be shown as well as depiction of it, as well as details about the materials.

A. Ferguson asked Mr. Yousey if he could have that for the next meeting.

T. Yousey answered, "If that's what needs to be done."

A. Ferguson asked if an elevation drawing of it could be provided.

D. Bowers agreed the Board should know what it would look like.

T. Yousey replied, "Sure."

R. Ridler asked if the Zoning Board of Appeals (ZBA) had approved the location of the structure.

D. Bowers answered that the ZBA was not needed for this project, since it would be connected to the house.

A. Ferguson believed it was proposed in the same plane as the existing structure.

T. Clarke agreed with the need for a visual concept.

A. Ferguson said even a sketch showing the house, the proposed building, and the fence would be acceptable.

T. Yousey asked if the engineer should create the drawing showing the house and the building connected by the fence.

The Board indicated agreement.

Motion by D. Bowers, seconded by T. Clarke, to continue the file was carried unanimously.

*Kuper Family Benefit Trust – Site Plan Review – 2103 Sunset Lane, Cazenovia
File # 24-1558 (Mary Margaret Koppers)*

Dan Kuper was present to represent the file.

M. Koppers explained the Kupers have an existing accessory structure located on the lake and they would like to tear it down and replace it with a new structure on the same footprint which would be taller than the existing structure.

M. Koppers said there would be no bedrooms, no kitchen facilities, and confirmed this would not be a place where people would be sleeping.

D. Kuper responded, "Correct." He explained it would be like it currently was, but taller. He explained that the foundation was crumbling.

Looking at the visual submitted with the application, A. Ferguson asked if it depicted the proposed height. (Where the * was drawn on the adjacent building.)

D. Kuper answered it did.

M. Koppers asked the height of the new building.

D. Kuper and R. Ridler answered it would be 26 feet.

A. Ferguson asked what was on the other side of the building, and how high was that structure.

D. Kuper answered the Corcorans' house was on the other side, and that house was located farther back from the lake. He elaborated that house was part of the Morgan development.

R. Ridler asked Ms. Koppers her opinion.

M. Koppers expressed her approval of the proposal as presented.

R. Ridler asked about the colors, wondering if it would match the house.

D. Kuper said it would be a little lighter than the house and they would use smart lap wood siding.

A. Ferguson said anything except white would be preferred.

J. Langey said this would be a Type II Action in regard to the State Environmental Quality Review (SEQR).

Motion by M. Koppers, seconded by L. Cushman, to approve the demolition of the existing accessory structure and the construction of a new accessory structure with the related improvements and as most recently submitted, was carried unanimously.

*Roach, Barbara & Christopher – Site Plan Review– 1006 Overlook Terrace, Cazenovia
File # 24-1560 (Robert Ridler)*

Christopher and Barbara Roach were present to represent the file.

C. Roach explained they would like to put a pre-built shed in their back yard. He said when they bought their home and for the first seven (7) years the back was completely wooded until a very large house was built next door which required the relocation of the septic field for that new home to be close to their property.

R. Ridler clarified for the Board that the neighbor was the Rubins on Hedge Lane.

C. Roach said many trees were cleared for that septic field relocation, so they would like to place the shed in that area and then they would like to plant trees to regain privacy.

C. Roach said where they propose to install the shed, it would not be visible from Overlook Terrace or from behind their house; it would only be visible from Hedge Lane, and once the trees were planted, the trees would obstruct the view of the shed from that vantage point as well.

The Board viewed the site plan drawing submitted with the application which was a portion of the drawing created by Michael McCully dated 11-17-17.

R. Ridler oriented the location of the structure on the lot.

C. Roach brought some photographs showing the yard.

R. Ridler also showed the Board a photograph on his phone that he had taken of the lot as well.

A. Ferguson asked if the Applicants were planning to plant evergreens or deciduous trees.

C. Roach answered they wanted to talk to a tree company to ensure what they choose will survive long-term.

M. Koppers asked about the notation about a proposed roof over a deck and the notation regarding 140 feet.

C. Road answered that in the future they hope to contact an architect about putting a roof over an existing deck and enlarging the deck 140 square feet, but they have not done that at this time.

It was clarified that this deck work would also be part of the site plan review as well, to avoid having to file a separate site plan review for that improvement.

B. Roach confirmed they would like to extend the deck that small amount and put a roof over the whole thing.

T. Clarke asked about impervious surface area.

R. Ridler answered it was 6%.

L. Cushman asked the size of the deck.

It was repeated the addition would only be 140 feet (and the current deck is approximately 300 feet).

R. Ridler asked about the roof over the deck, wondering if it would be a first-story roof, like a pergola.

B. Roach responded it would be a hard roof extending over a sliding glass door.

R. Ridler asked if it would be flat.

It would be a pitched roof.

B. Roach explained they do not yet have a contractor for this part of the project, but she wanted an approval so she could move forward with this when they decide to do the work.

J. Langey said this would be a Type II Action in regard to SEQR.

Motion by A. Ferguson, seconded by J. Munger to approve the construction of a new accessory structure and the 140 square foot extension of an existing deck all to be covered by a roof, with the related improvements as most recently discussed, was carried unanimously.

B. Roach asked if they needed to drop the shed for a month or two while they wait for the ground to dry so that they could still use the shed, would that be allowed.

A. Ferguson described it as a staging zone.

R. Ridler added that would be allowed with the understanding that the shed could only stay in the other location temporarily.

C. Ladd asked that a date be given for the final location of the shed.

J. Langey suggested the Owners inform the neighbors that the location would only be temporary.

D. Bowers added a permit would only be good for a year.

C. Roach stated they did not want to leave the shed in the temporary location either.

B. Roach explained that they needed to use it now and it cannot be placed now because "it's muddy."

A. Ferguson said the shed must be in its permanent location in May of 2025.

The Owners expressed agreement.

*Richer, Deborah & John – Site Plan Review– 5310 East Lake Road, Cazenovia
File # 24-1561 (Thomas Clarke)*

John and Deborah Richer were present to represent the file.

T. Clarke explained the Richers would like to build a two-car garage with a mudroom attached to the house. He said the roof and the color would match the house colors.

A. Ferguson asked the color of the house.

D. Richer answered, "Savannah Wicker," which she described as light tan.

J. Richer said it was like a canvas color.

T. Clarke explained where the addition would be located off the driveway and said the mudroom would be part of the garage.

T. Clarke asked the Applicants to draw the location of the septic and well on the site plan drawing.

D. Richer sketched those locations and initialed the drawing.

J. Langey said this would be a Type II Action regarding SEQR.

Motion by T. Clarke, seconded by A. Ferguson to approve the construction of a mudroom addition and an attached garage with the related improvements and as most recently submitted, was carried unanimously.

*4398 Syracuse Road, LLC – Site Plan Review– 4398 Syracuse Road, Cazenovia
File # 24-1562 (Dale Bowers)*

Matthew Vredenburgh was present to represent the file.

M. Vredenburgh explained the Hugos were requesting to do some shoreline improvements. Displaying drawing *L-200 Hugo Residence 4398 Syracuse Road, Town of Cazenovia, Madison County, New York* dated October 23, 2024, he showed where along the shore the proposed work would be. He said they would like to build some wooden stairs to access the waterfront where there is a steep slope, they would like to build an overlooking patio and fire pit, and do some plantings along the steep bank between the trees.

D. Bowers indicated on the drawing where the 20-foot dimension from the water was located, and he noted a section of the patio was proposed in that Critical Environmental Area (CEA). He explained the Board was reacting more strongly regarding the regulation that the only development within the CEA was access to the lake. He said there was no question that the shoreline was irregular and quite steep. He noted where a retaining wall would be but said the Board did not know how that would look.

M. Vredenburgh responded the wall would only be three (3) feet tall, and a portion would be covered by plantings.

A. Ferguson asked if the wall would be stone.

M. Vredenburgh indicated it would be stone. He stated the goal of the plantings was “to eat up space.”

D. Bowers asked about the steps.

M. Vredenburgh responded the steps would be wooden.

R. Ridler asked if there would be slats between the steps.

M. Vredenburgh answered, “Yes.”

A. Ferguson asked what was preventing Mr. Vredenburgh from pulling the patio out of the CEA.

D. Bowers interjected that the Board would direct Mr. Vredenburg to move the patio out of the CEA.

J. Munger asked about the Code restricting development in the CEA other than lake access.

D. Bowers answered in the Code, it allows 5% of impervious surface area to provide access to the lake.

D. Bowers had reviewed other municipalities' regulations and asked if there was any way of designing a sweeping walkway along the side rather than the direct access proposed in the front.

M. Vredenburg answered there was a 32-inch oak, a 22-inch oak, and 30-inch oak along the shore that would be disturbed if they were to grade or install a sweeping walkway.

M. Koppers clarified this was the property where the Board had viewed the recent water damage, and agreed the Board would not want to endanger the roots of the trees.

A. Ferguson recalled that the Hugos had said they did not want to disturb the lakefront when they were discussing the new house project, so the Board wondered about this latest request which involved disturbing the lakefront.

M. Vredenburg responded that the Hugos were seeking access to an existing dock with minimal disturbance to the bank as possible.

A. Ferguson expressed understanding.

D. Bowers commented that the Owners had that right.

M. Vredenburg explained other areas were steeper and/or had large trees, so the proposed location seemed the best choice.

R. Ridler asked if the wall would only be where the staircase would be.

M. Vredenburg responded, "Only as much as necessary."

Regarding the planting plan, M. Vredenburg said more could be added to the plan, but he stated there was already a lot growth. He said the goal was to plant approved plants that "would eat up space, stabilize the bank, and stop erosion." On the drawing there was a photo of the neighbor to the south's yard, which M. Vredenburg

described as “sparse.” He said they chose plants that they hope will be more robust and which will do better in the partial shade.

A. Ferguson asked what plants had been chosen.

M. Vredenburg answered rhus aromatica and junipers.

R. Ridler clarified that the proposal was only for this shoreline development and planting.

M. Vredenburg confirmed that was correct.

J. Langey led the Board through Part 2 of the Short Environmental Assessment Form (SEAF) and in that review he clarified that the patio would be relocated out of the CEA.

A. Ferguson asked how far the patio would have to be moved to be out of the CEA.

M. Vredenburg answered 3 ½ feet (west). He adjusted the drawing to show the new patio location and the corrected the impervious surface figures in Zones A and B, initialing the changes. Chair Ridler also initialed the revised drawing and dated it.

Motion by D. Bowers, seconded by T. Clarke to appoint the Planning Board as Lead Agency for the purposes SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration based upon the review of the SEAF, to approve the lake front improvements as most recently submitted and conditioned upon the location of the patio with the firepit being outside the CEA, was carried unanimously.

*EBAC, LLC/ Owera Vineyards – Site Plan Review – 5276 East Lake Road, Cazenovia
File # 22-1428 (Robert Ridler)*

Peter Muserlian Jr. and Christopher Montonte were present to represent the file.

C. Montante explained they had submitted a letter a couple weeks ago.

R. Ridler said the letter was dated October 23rd.

C. Montante said in the letter they provided more information regarding the laws that regulate the winery, namely the State Liquor Authority and New York State Department of Agriculture & Markets. He said they proposed a number of conditions, of which the vast majority were the same as the conditions imposed in 2015, with a few

modifications, specifically with those having to do with the Ag & Markets guidelines and also with the hours of operation. He said this was discussed at length at the work session after which neighbors had raised some concerns, which he was happy to address, and to hear firsthand what some remaining issues might be. He believed there were questions regarding the guidelines themselves and what they were intended to do, and whether they were laws that the Winery needs to follow or if they were “guidances” to be “tailored to individual circumstances.” He said they believe the latter is what those guidelines are. He said the Board had wanted to confirm some information with Mr. Langey, but he offered to go through the changes to the conditions that were proposed. He said they would like to determine the next steps and asked if there were any unanswered questions or concerns that had not been addressed. He said the conditions go beyond any laws that are imposed upon the Winery by the State, and rightfully the conditions would be required to operate with the new proposed structure, and he and his team were fine with those. He said they were proposing in-kind replacements to all the conditions that were imposed in 2015, with slight modifications. He said they have added one condition back that they had not approved initially, which was the requirement for security – someone to chaperone the events specifically in the parking lot and the exit from the event. He said they were now willing to have that as part of this operating plan.

J. Langey clarified that the Judge had not thrown the condition (regarding security) out, but rather the Judge remanded it back to the Town Planning Board for further consideration, saying the way it was phrased would not work. He said that particular condition had never been reconsidered because the project had not been pursued. He wanted the record to be clear about that.

J. Langey said for his benefit and for the benefit for anyone among the public who had not been at the work session, he asked the Applicants to state for the record the things they want the Board to consider. He understood the application was to proceed with the physical building, but he wanted to hear all the things being proposed so the proposal would be recorded properly.

C. Montante said when he started addressing the Board it was specifically regarding the conditions that were imposed as they related to the Ag & Markets guidelines. He said that was their focus now, as well as the hours of operation.

C. Montante said they would obtain an agricultural assessment which will provide them the protections they need under Section 305-a of the Agricultural Districts Law, and ensure the Winery meets all the requirements of a farm operation. He reported they went through that process, and they obtained a letter from the Town Assessor that confirmed they had met the criteria for the ag assessment, but they were not going forward with that because they have a Payment In Lieu of Taxes (PILOT) Agreement. He stated they were willing to shorten the PILOT term to obtain the actual ag assessment. He repeated that ag assessment would qualify the Winery for the

protections “under 305-a and meet all the requirements that are necessary under Ag & Markets Law to operate as a farm operation.”

J. Langey said if they are a farm operation, and noted they were in a State Certified Ag District, they do get those protections by law.

C. Montante believed that when they had gone to Albany, obtaining that ag assessment had been a recurring theme. He said at that time the Winery was a start-up farm, but more acreage was added and they have now met the criteria (for the ag assessment).

J. Langey pointed out that determination was not done by the Planning Board.

C. Montante explained that they were suggesting the ag assessment would be a specific condition the Planning Board could require (in lieu of other requirements) for the construction of the proposed building.

J. Langey explained the Planning Board serves a planning function under Town law - siting buildings, etc., - and they can attach reasonable conditions to a use. He elaborated that some of the things with this use are the hours of operation, the number of events, etc., and the Board will talk about those things and hold a public hearing before the Board can vote on the request. They will take this particular proposed structure and incorporate the conditions, but he was trying to understand why it was necessary for this Planning Board to comment on State Liquor Authority's involvement with this whatsoever. He said he would think about it more before next month's meeting, but he wanted to clarify what Mr. Montante had already said plus the specific request the Winery has for changes to those conditions. He asked, moving off the ag assessment and the PILOT agreement, what were the other things they were asking the Board to consider as part of a potential approval of the stick-built building.

C. Montante replied that they were responding to some of the concerns the neighbors had about “masquerading as a winery.” He said they were not “a traditional farm” and there had been some “questions about the nature of the farming operation and such.” He said that was why they wanted to clarify the ag assessment and a third-party review regarding how they operate, if they meet the criteria for a farm in New York State, thereby ensuring they have all the protections under 305-a. He said they are sure they are and they always have been operating under all the laws that regulate them, with the State Liquor Authority as the primary regulatory agency. The State Liquor Authority requires that the Winery be a farm, and the ag assessment ensures that. It requires that 100% of the grapes be sourced from New York State growers. He said the relevance of that in the context of the neighbors' concerns was that was absolutely the focus of the Winery.

J. Langey responded that he was suggesting that was probably not the Planning Board's determination. He said that might be a Codes issue – whether someone is using their property for the right purposes he explained was not this Board's responsibility. He appreciated what was explained, but he asserted nothing this Board can do will or will not make the Winery a farm operation; that is determined by how they operate their farm. He suggested they review the potential relief they would like from the old conditions, any new conditions, or any new approval so the Board could focus on what it is the Applicants would like to have happen.

C. Montante responded that was the reason they provided Exhibit A in the October 23, 2024 letter. Exhibit A provided all the old conditions from 2015 and listed proposed changes. He offered to run through that information, saying there were no changes for the first five (5) conditions.

C. Montante related that the sixth condition was regarding hours of operation. He wanted to clarify for the record what the hours they now were requesting which was:

Monday – Thursday 10am – 8pm

Friday/Saturday – unchanged from what they now have: 10am – 10pm

Sunday – unchanged from what they now have: 10am – 5pm.

C. Montante explained the weekday hours were to accommodate “some specific types of dinner-related events, like wine-pairing dinners.” He said some of the corporate events, like team building would be in the 4pm – 8pm range.

C. Montante said they also differentiated between small and large events. A large event was defined in the previous conditions as 81 patrons or more. He stated they were still willing to have the previous restrictions on the number of events throughout the week.

M. Koppers recalled that the weekday hours from Monday – Thursday had been modified so that there would only be Wednesday and Thursday hours. She asked if that had been changed again.

C. Montante answered that the Winery was agreeable to being closed Mondays and Tuesdays.

R. Ridler recalled the Applicants saying they would be willing to be closed Mondays and Tuesdays at the last work session and clarified that was being stated at this time, since Mr. Montante just requested Monday and Tuesday hours.

C. Montante responded if the Board wanted the doors closed Mondays and Tuesdays, they could do that.

J. Langey explained the Board was not saying what they wanted, the Board was asking to hear what the Applicants want, and then the Board would react to that.

C. Montante said given the discussion that they have had, they would not have Monday or Tuesday hours in the Event Building.

R. Ridler clarified the Winery could host an event in the Tasting Room Mondays and Tuesdays.

C. Montante affirmed that was correct.

C. Montante continued reading from Exhibit A, saying there was no change for Condition #7, but read for Condition #8, "This condition was annulled by the New York State Supreme Court, however the Applicant proposes to retain security for large events." He recognized that was a condition they, the Board, and the Community wanted.

C. Montante noted there were no changes in Conditions 9 – 22. He said for Condition #23 they were seeking to change the verbatim language from the Ag & Markets guidelines, which might not be commercially feasible to have a third-party audit for each and every event during the year, and they were recommending their own reporting of their sales information in a way that would demonstrate that they were primarily a farm winery "and that the events are being folded in as a means to complete our operating model." He said that would take the existing spirit of the condition and convert it to a way to make that "easier and more attainable" from the Winery's perspective.

R. Ridler read that the proposed change would be that "the internal operating sales exceed annualized net event sales." He said that would replace the per event accounting.

C. Montante responded, "Right."

C. Montante said Item #24 was a requirement to ensure the Winery was keeping sufficient records to demonstrate that it was a farm winery and nothing else. He explained instead they would obtain and maintain the ag assessment and terminate the PILOT "just as a means to solidify the notion that we're a farm operation, just for comfort, and that's what we wanted to do, so that we can dispel any of the comments regarding our operation not being a farm, not being a winery, but rather an event building."

C. Montante said regarding Condition #25, they were just stating their farm winery license from the New York State Liquor Authority requires them to maintain a farming operation in accordance with the laws that require them to source all their grapes from

New York State. He said that was simply a clarification that they would continue to do that. He said they were not suggesting “much of a change.” He said Conditions #s 24-26 blended together and they were proposing language to clarify what they were willing to do to satisfy the spirit of the requirements. He repeated that would involve an ag assessment, adherence to the State Liquor Authority Laws, and they would provide information to the Town each year that would demonstrate that they were operating the way they intended to operate.

R. Ridler asked if they were already licensed by the New York State Alcohol Beverage Control Law (ABC Law) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

C. Montante answered, “Correct.”

R. Ridler asked if that was a change then.

C. Montante responded it was not a change as much as it was a clarification to look at the 3-4 guidelines there; this was what they were proposing “as an answer to some of these things.” He asserted, “Some of the specific language needed to be tailored.”

R. Ridler believed the Applicants were saying they would continue to be licensed by these agencies, but they would “like to get out from underneath certain elements of the Ag & Markets guidelines.”

C. Montante replied that was not correct. He said they were not getting “out from under any laws.” He said the CPA was not part of Ag & Markets guidelines.

R. Ridler clarified he was looking at Condition #26 where it stated, “the winery’s wine product is produced from 51% or more of grapes/juice grown and produced on the winery’s lands (either owned or leased by the winery). He asked if the Applicants were asking to be relieved of that requirement.

C. Montante answered, “Correct.”

R. Ridler commented that it was an Ag & Markets guideline that the Applicants were “asking to get out from underneath.”

C. Montante answered that was known as “The Predominance Standard.”

R. Ridler believed the Applicants were seeking to eliminate that requirement and to replace it with the ability to source their product with grapes from anywhere in the State.

C. Montante confirmed that was correct saying, “As we do now.”

R. Ridler interpreted that to mean that nothing change under the rules and regulations under the ABC; they were just asking to remove having to be compliant with this Ag & Markets guideline.

C. Montante said that would defer to the Law and acknowledged that the guidelines were flexible – designed to be “a rough measure.” He said the Commissioner of Ag & Markets has the ability, through the Farm Bureau and their policy guide, to look at areas outside the American Viticulture Zones differently than those areas that are squarely “inside the agricultural wines.”

R. Ridler replied the Board was being asked to compare the decisions contained in this specific document. He said the Applicants were asking not to be bound by Condition #26.

C. Montante responded that was a fair statement.

A. Ferguson asked Mr. Montante what he felt the incentive was for him to be relieved of the 51% requirement.

C. Montante answered they have limitations regarding the grapes that can be grown on site.

A. Ferguson asked if Mr. Montante was saying they could not meet the 51% requirement.

C. Montante answered, “Correct.”

R. Ridler asked if he was saying they could not grow and produce on the farm 51% (of the grapes needed to make their product).

C. Montante responded, “That’s right.”

R. Ridler continued saying they could buy or lease other lands to generate that percentage of production.

C. Montante replied, “Yes.”

A. Ferguson asked why they would not want to do that.

C. Montante answered they have approached various growers, and they have entered into preliminary agreements in the past, and they found it not to be financially feasible. He recalled Peter Muserlian, Senior saying at a previous meeting that the requirement was not an initial requirement when he started the venture, and it was not a requirement today for their current operation. Mr. Muserlian was unwilling to comply

with that “unfortunate requirement.” He stated that was a requirement that would preclude them “from building the building.”

R. Ridler clarified the current conditions of the approval preclude the Applicants from building the building.

C. Montante answered, “Correct.”

L. Cushman asked if the Planning Board was the only entity asking for the 51%.

A. Ferguson and R. Ridler answered that Ag & Markets was.

L. Cushman believed it was stated that the percentage was not a requirement today.

C. Montante responded that the percentage was a guideline used by municipalities to place restrictions on a farm operation. He said the guideline was directed to the Town as a guidance if the Town “was looking to do what you’re looking to do now – place a little bit of firmer restrictions, so that we don’t have any disruptions, and that’s your prerogative.” He said if the Town overstepped, for example, and the Winery had 60% then the Winery could go to Ag & Markets and say, “They’re overstepping here.” He said this was the Board’s decision that they could make based on the Winery’s circumstances in a non-viticulture area. He said they are “doing the best we can growing hybrids.” He said they needed to complete their portfolio of the vinifera grapes which they cannot grow in this environment. He asserted there were flexibilities built into the guidelines. He said 32 conditions had been placed, but the restrictions need to be tailored based on how the Winery is operating in the environment that they were in. He repeated they were guidelines, not laws, nor requirements, and they are to be interpreted by the Board, and the Board would set their conditions and restrictions based upon those interpretations. He repeated, “There is flexibility there; it’s not hard and fast laws that we need to follow.”

R. Ridler then asked if the Ag & Markets guidelines were basically protections for farmers.

C. Montante answered, “Correct.”

R. Ridler responded, “That’s good – that’s fine. We support protections for farmers.” He said those very guidelines, incorporated into the 2015 document, which were upheld by the Court were not asking the Applicants to do more than what was stated, which was that 51% be grown on the Applicants’ owned or leased lands. He said the Board was “not trying to make it more difficult for you.” The Board was merely repeating the condition.

J. Langey wanted Mr. Montante to know the Board would entertain the request; the Board was just trying to understand all the reasoning the Applicants have and to examine what the Town has done in the past. He said no one has made a decision at this point. The Board just wanted everything “out on the table” because only a few members were still on the Board now that were on the Board when the lawsuit happened.

C. Montante replied the current operation was seasonal in the tent with none of the conditions.

J. Langey responded that was understood.

C. Montante continued saying now if they choose to enclose the structure to remedy the noise concern that the Community has, the Winery will have 32 conditions that restrict the number of events the Winery can have, the times the Winery can have them, the types of events – everything included in this document.

C. Montante said there would be safeguards that are not present today, such as orderly exiting of the building and the premises, with all the conditions designed to protect the neighbors, repeating those protections do not exist today with the tent. He said their proposal of enclosing the building was to remedy the noise situation with all the conditions to make sure that the Winery was not masquerading as something they are not. He said the building with the proposed conditions would be “so much better for everybody.” He felt after 10 years they could resolve the issues and said they “have not changed too much here, and what we have changed doesn’t impact noise, and all these other things that really brought us here and brought us to court, which we didn’t want to go to.”

A. Ferguson said the Board had another question regarding Condition #27 which addressed the number of guests at events and the number of events.

C. Montante pointed out that the 2015 building would have been much larger than this proposal and there were preclusions regarding having more than one event going on at once. He said now the new structure was paired back to essentially a little larger than the footprint of the tent. He said the maximum would be 250 guests.

P. Muserlian said the building could not hold more guests than 250.

R. Ridler read that the condition had restricted 250 as the maximum number of guests at a single event.

C. Montante said they have restricted the number and types of events they could have per week (with the new proposal).

M. Koppers thought Condition #27 needed to be rewritten to reflect what the actual proposal would be for the smaller structure. She noted that item “b ii” of that condition needed to be restated to reflect the closing of the structure on Mondays and Tuesdays. She felt item “c” was also no longer applicable.

C. Montante agreed, but explained they did not want to redline any of the original conditions for comparison purposes.

A. Ferguson felt it would be helpful at the next meeting to recap everything being proposed – the new building, the new operating plan, the sound system plan, the landscaping plan, the updated site plan drawing – all those details should be brought so one full application was before the Board for clarity, and then the application could be moved to a public hearing.

R. Ridler added it was hard for the Board to reach a consensus without that information. He informed the Applicants that the Board wanted to hear the Winery’s best application, meaning the Applicants’ “bottom line.”

L. Cushman asked that they also include the final decision regarding hours and events and what the Applicants are “really trying to do.”

P. Muserlian asked if the Board was looking for them to red-line the conditions from the last approval.

C. Montante said they could tailor them for the current request.

J. Langey believed Mr. Montante understood what was being requested by the Board. He said ultimately the public has to have a chance to comment on it, emphasizing that it must be clear what the Applicants are presenting as this proposal to the Board.

C. Montante responded they would be sure to do that later this month. He asked if the public hearing would be at the next meeting.

J. Langey believed the Board would want to see the proposal first before moving it to a public hearing.

P. Muserlian said they would present the proposal at the next meeting and asked if the public hearing would then be at the following meeting.

J. Langey affirmed if everything was good, they could schedule the public hearing for the meeting following the meeting when the complete and clear submission was presented. He explained the proposal would need to be sent to the Madison County Planning Department again as well, to give them a chance to comment.

Motion by J. Munger, seconded by A. Ferguson, to continue the file was carried unanimously.

OTHER MATTERS

*Mc Allister, Adam/ Evans, Stephen – Line Change – 1875 Route 80 with 1905 Route 80
File # 23-1512 (Dale Bowers) New Woodstock*

D. Bowers reminded the Board they had given (the new owner of 1875 Route 80) an extension to build a new home to bring the site into compliance, and the Board was now being asked to grant another extension. He said he was fine with the proposal for the new date to be May 1, 2025.

Motion by D. Bowers, seconded by T. Clarke, to approve the new commencement of construction date to be May 1, 2025 was carried unanimously.

Motion by D. Bowers, seconded by T. Clarke, to adjourn the meeting at 8:46 P.M. was carried unanimously.

Sue Wightman, Planning Board Secretary – November 8, 2024