

Town of Cazenovia Planning Board

Meeting Minutes

October 3, 2013

Members Present: Michael Palmer, Chairman; Anne Ferguson; Tom Pratt; Hugh Roszel; Anastasia Urtz

Members Absent: Jennifer Basic; Dale Bowers;

Others Present: John Langey, Esq.; Roger Cook; John Dunkle; Don Ferlow; Kristi Andersen; Anne Redfern; Graham Egerton; Jason Emerson; Matthew Scalzetti; Timothy Frateschi; Peter Muserlian; JoAnne Gagliano; Antonio Caruso; Rick Ruggber; Robert Andres

M. Palmer called the meeting to order at 7:30 p.m.

The deadline to be on the next meeting agenda is October 23, 2013.

The next work session is October 24, 2013. (a week earlier due to Halloween falling on the normal day.)

The next regularly scheduled meeting is Thursday, November 7, 2013.

M. Palmer asked if there were any corrections or comments for the September meeting minutes.

Motion by Tom Pratt, seconded by Hugh Roszel to approve the September meeting minutes was carried unanimously.

M. Palmer introduced Sue Wightman as the new recording secretary for the Planning Board.

HEARINGS

NONE

LAND DISTURBANCE/SITE PLAN REVIEW/SUBDIVISION

*William J. Camperlino - Major Subdivision (4) - Owera Point Drive
File # 12-872 (Dale Bowers)*

No one was present to represent the application.

J. Langey said he spoke to the applicant's representative and they would like to be on the agenda for next month.

Motion by Anne Ferguson, seconded by Tom Pratt to continue the file was carried unanimously.

*William J. Camperlino - Site Plan Review - Owera Point Drive
File # 12-873 (Dale Bowers)*

No one was present to represent the application.

J. Langey said he spoke to the applicant's representative and they would like to be on the agenda for next month.

Motion by Anne Ferguson, seconded by Tom Pratt to continue the file was carried unanimously.

*Christian Apostolic Church - Site Plan Review - 2706 West Lake Road
File # 13-904 (Anne Ferguson)*

Matthew Scalzetti was present to represent the application.

M. Scalzetti stated the church was supposed to take care of three action items which were: 1) to submit copies of drawings. He said they provided drawings. 2) He stated they were to determine the impervious surface area with the access pathway for work vehicles included in Zone 2. He said the calculations they presented at the last meeting did not include the access pathway. He said they did the calculations and the impervious surface increases from 6.2% to 14.4%, which is clearly beyond the 10% maximum. He further stated this is an item for discussion. 3) He said they had to determine compliance with the new lakeside lighting fixtures,

in regards to the Code. He stated Roger Cook came to the site on September 24, 2013 with a light meter and took the readings and they were within the prescribed limits.

R. Cook confirmed the lighting was ok.

J. Dunkle said he was asked to look at the potential increase in impervious area in Zone 2 and how it could be mitigated. He stated he was also asked to look at potential mitigation for some of the concentrated flows that were coming out of the under drains that were installed for the new walkways. He said he reviewed the site plan and the walkway areas and the hillsides all have some under drains that concentrate at a point behind the boathouse. He said the concentrated flow comes from water beneath the steps not surface water. He recommended, at the point of concentration where the under drains merge; some type of infiltration be promoted, at that point. He said currently it just "daylights." He suggested a dry well or excavation with some uniformly graded stone that would collect the surface runoff and promote infiltration. He said his second recommendation was for the golf cart pathway which he understands the pathway has always been there and was considered impervious at the time. He further stated, during construction, the additional vehicles provided more compaction. He said the applicant did add a thin layer of crushed stone, but it is still impervious. He said he spoke with the representatives of the facility and they were willing to provide some type of mitigation on the flat area of the pathway that is parallel to the shore line. He said the applicants wanted to preserve the stone portion that comes down the grade for stability and use of vehicles. He also said the applicants wanted to leave the area stone, where the golf carts park. He suggested about 4" of top soil on the flat area over the existing driveway to promote vegetative growth and it would "somewhat mitigate" the hard surfaces. He said the Cazenovia Advisory Conservation Commission (C.A.C.C.) looked at that area and thought it might be hard to have good vegetative growth under the trees in that location. He said the C.A.C.C. suggested to slightly regrade the area so water would flow down the slope and the driveway would be "tipped" into the hill so water would collect in the area and promote some retention and filtration. He said on top of that would be a thicker layer of #2 stone. He further stated he can support either concept to help mitigate the hard surface. He said the pathway comes down the North property line and then makes a 90 degree turn and heads south parallel to the water's edge. He stated the mitigation would be done at the flattest portion.

M. Palmer asked if it would get the applicant within the acceptable impervious surface ratio?

J. Dunkle stated it would bring it closer. He further stated the area underneath is still compacted. He said it is working toward the point of 50%.

D. Ferlow provided photographs to the Board and described the property layout. He confirmed the slope for the stairs was probably around 10%-15%.

J. Dunkle said the third component was to provide additional mitigation for the walkway, itself. He said the walkway and the amphitheatre area collects the stormwater runoff and dumps it down in the lawn area which is adjacent to the shoreline. He suggested some of the lawn area be converted to low-landscaped planting beds that would provide a higher level of infiltration, than just grass. He said the applicant was resistant to do this suggestion because it conflicted with the use of the small grassed area for ceremonies and the access to the water. He said D. Ferlow recognized that and the C.A.C.C. suggested the lawn area acts as a filter itself, if it is mowed to a deeper level. He said he does not disagree with that, but he knows it is the Board's policy not to have runoff down to the water's edge. He stated if the church could work with some type of landscaping he would still like to promote that idea. He said if that is not a possibility, an alternative would be at the location where the stone ends and the grass begins, to have a foot wide stone-filled trench where runoff could go off the edge and drop down below grade.

D. Ferlow stated if the area was sloped the C.A.C.C. would want to see planting to stop the runoff, however, the area is flat with a very gentle pitch and the filtration of the grass is there. He said the area at the edge of the patio could be dug down, filled with stone and grass put over the top of it.

M. Scalzetti said that area is used for baptismal services and the family sits in that area. He said a 5' bed in that area represents a sizeable percentage of the area available.

Timothy Frateschi, a member of the church, stated the grass area and the retaining wall that holds back the grass was built in the 1930's. He said nothing has been done to that area since it was built. He stated he did not think the new impervious ground (which is about 400 sq. ft. of additional ground that sheets onto the 20'x40' grass area) is going to have any significance on the lake at all. He stated the runoff would not make it to the lake because it filters into the grassed area.

J. Dunkle clarified to the applicant the trench he suggested would be at the edge of the new walkway, not at the retaining wall.

M. Palmer stated the Board is always looking for ways for stormwater runoff to be improved, even if it is existing.

T. Frateschi stated the church does not have any problem with doing the trenches that are being proposed. He stated the church will work with the engineer for the town to accomplish what is being suggested of them.

D. Ferlow said for the trench they could put the stone slightly below grade and let the grass grow over the top.

M. Palmer wrote on the drawings and put the action items on the plans. On the drawing titled, *Bethany Retreat dated 8/18/13*, he added the following information: 1) a dry well with 1-2 yards of stone; 2) the leveling of a portion of the pathway with # 2 stone that will provide retention (noted on the drawing to refer to the *C.A.C.C. accessway sketch dated 9/30/2013*) which is 9' x200' long; 3) a trench at the end of the new stone patio/segmented retaining wall that will collect the water and infiltrate 1' x16" deep that is 40' +/- long. He initialed and dated both drawings.

J. Dunkle stated the # 2 stone should be 4" deep to work appropriately for the pathway.

The Chairman updated the *C.A.C.C. Accessway Sketch* to reflect 4" of stone.

T. Frateschi confirmed the dry well could be done.

J. Dunkle suggested that he and the Code Enforcement Officer review and approve the construction.

The Board agreed.

J. Langey said the condition would be subsequent inspection by the C.E.O. and engineer for the town.

T. Frateschi asked about the time frame for completion.

R. Cook said there is about 60 days before the ground freezes.

M. Palmer stated 60 days would be another condition.

Motion by Anne Ferguson, seconded by Anastasia Urtz to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to affirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review

of the Short EAF, to approve the amended site plan with the conditions of 1) final inspection by the Code Enforcement Officer and the engineer for the town and 2) completion of the project within 60 days was carried unanimously.

*Owera Vineyards - Site Plan Review - 5276 East Lake Road
File # 13-905 (Dale Bowers)*

Peter Muserlian, applicant, and JoAnne Gagliano of EDR Companies, landscape architect, were present to represent the application.

M. Palmer asked that the explanation of the project start from the beginning ("start from scratch.")

J. Gagliano stated that she, P. Muserlian and Rick Ruggber attended the work session, last Thursday, and based on the information provided; they brought together their team. She introduced the other members of the team which included Rick Ruggber, who is working with the architect on the building, Robert Andres, who is the sound engineer expert, and Antonio Caruso, attorney. All five members came forward to assist in the presentation. She stated Steve McKnight, architect, is the only member of the team not present.

M. Palmer took a site map out to the audience and pointed out the various structures.

J. Gagliano displayed the drawing and pointed out some grapevines that will go on the southern side of the property behind the tent structure. She further stated discussed was the existing tent area and the existing production facility for the building. She said the production facility is also currently the tasting room. She said it has an addition to it which is a separate stand-alone building which they have provided the drawings for. She stated it will have a gravel area where the products, cases and storage needs for the production and tasting room facility can be carried from the end of the building, from the doors, or from the delivery area. She said it will be utilized mostly for the bonded storage of the wine in its cases. She said there will also be tractors and other equipment that is currently stored outside in the building, as well. She said the building is designed so it is complimentary to the site and will have the same architectural flavor. She said it will look like a barn/courtyard or farmyard meaning the additional building will be perpendicular to the other structure. She said it is visible from the entry as you cross over the landbridge area. She stated since it is visible it is important to be architecturally complimentary to the site.

J. Gagliano said on the other side of the road on the site is the tent or "event" area. She pointed out the building on the drawing and said the outline is the existing constructed building. Next, she pointed out the existing outdoor pavilion area (pergola.) Then, she pointed out the tent structure and said they received approval for it in the first round of approvals. She said the building will be removed in the winter time which was the plan. She said due to the fact there is some issues with the noise, they have decided to make a structure to help with the noise situation and also "accommodate storage and things of that nature." She showed the tent footprint, along with the proposed storage building on the end and two proposed separate rooms with a restroom which could act as a meeting center. She said the idea of the design is to reduce the noise. She said they were asked by the Planning Board, what could be done to reduce the noise? She said their goal at this meeting is to provide the board with information and they have also brought their expert with them. She stated they want to prepare the drawings and make a formal submittal for the next meeting and have the public hearing. She said there are a few more events to occur this season before winter and there are events that will start next season. She stated there is the need to make some plans to replace the tent when it is down and they will be fighting the weather with the foundation. She said the hope is to get in the ground before the weather changes and the buildings can be built throughout the winter months so the current situation won't continue for another season. She displayed architectural plans for the board and stated the plans are still the same from an aesthetics standpoint. She said the team discussed the wall section and what materials could be used to provide a barrier. She said she wanted to discuss with the board the plans for their submittal so her team can understand if there are any concerns from the board and the board can see what the team has researched in the past week.

A. Urtz inquired if the structure was being built to accommodate the growing season's event schedule or is it being insulated and heated for year-round use? She wanted to know if it is now a 12-month event operation?

P. Muserlian stated it is a 12-month event operation. He further stated in the approval last time, it was a 12-month operation, also with a tasting room.

A. Urtz stated there was a lot of discussion at the time about what the wedding season was and what they anticipated it to be and what it has been. She stated this is a different business plan, an evolving business plan.

M. Palmer stated when the tent was approved it was seasonal.

P. Muserlian confirmed.

M. Palmer stated the tasting room was open 12 months, but the tent was seasonal.

A. Ferguson referred to the overall site plan and inquired if the "tasting facility" originally anticipated to be toward the eastern back property line needed to be removed?

J. Gagliano said they can take off the label of "tasting facility," but the structure they had approved they left on so it did not complicate things. She further stated that is something they are able to build as long as they follow the approval.

A. Ferguson said the original plan that was viewed was two permanent structures and an open tent/pavilion. She said if there is no intent to have a third structure, it should say that, or if there is a potential use in the future, the board should know that, too.

M. Palmer said originally it was the wine tasting facility and the event center. He further stated then the applicant came back to relocate the activities and then the seasonal tent was added.

A Ferguson inquired how many people can be accommodated in a building that size?

P. Muserlian said around 300 people. He said it is not the same footprint as the existing tent; they have added a wing on it and added storage for the tables and chairs.

J. Gagliano confirmed the pergola was larger, also. She displayed the floor plan and reviewed the modifications to the floor plan. She said they reduced the number of doors all the way across, down to two doors and created vestibules on both of them. She said there will be an opportunity for the door to close before leaving the vestibule. She said the others are all fixed doors. She pointed out the storage room on the end of the structure and the new wing off the side. She further stated everything else would remain the same.

A. Urtz asked about the materials that would be used?

A. Ferguson inquired about an exit on the other side of the building?

P. Muserlian said the architect will determine the distance of travel required for a sprinklered building in the final submission.

P. Muserlian confirmed it will be a sprinklered building.

R. Ruggber said with the help of Robert Andres (sound engineer) they have improved and made the system better than when they had talked at the work session. He said there is a 2"x8" construction wall and they will stagger 2"x6" studs within the wall. He stated there will be 6" of sound insulation on the outside face (the cold side,) plywood and then the wood siding. He said there will be a noise barrier that runs on the inside face in the air space. He said there will be 7/8" resilient channels with a resilient clip to help isolate the sound, then a layer of Homasote, then an glue material between the Homasote board and the Gypsum board which will also reduce the sound. He said this is the wall assembly. He said the ceiling will be similar to this but this will be on the bottom side and the top side will have shingles. He stated they are currently studying the insulation to see what route to take, batt or rigid board on top of the roof. He said the sound technician is working on those calculations, as well. He further stated it will be with the final submission for the next meeting.

M. Palmer inquired about the windows and doors.

R. Ruggber said they reduced the size of the windows from all the way down to the floor to now sill height. He said they will go with a triple-glazed window system.

P. Muserlian confirmed they will be fixed windows because it will be air-conditioned.

M. Palmer inquired about the doors?

R. Andres said the vestibules are designed so as you go through one door it closes behind you and the sound that is inside cannot get out and then there is the outside door. He said it is important that the cavity between the two doors be absorptive so if sound does get in there it does not bounce around. He said material will be selected that is similar to a "blanket" to absorb the sound.

R. Ruggber said they took the bar that was outside and brought it in so there is less traffic flow from people coming in and out.

H. Roszel asked the sound technician if he had ever built a wall like this before?

R. Andres stated yes. He explained the process and said a given material such as Gypsum board or Homasote board has a certain Sound Transmission Class (S.T.C.) He said everything that is put in this is decoupled from one to the other. He stated it is very difficult to determine how much reduction that is going to be achieved, but the whole idea is to address the low-frequency noise and get the S.T.C. as high as possible.

M. Palmer asked if there is any way to predict what the level of noise will be outside the building with the level of noise inside the building.

R. Andres said they are looking for a target of 60 decibels at the property line. He used an example and said with him speaking at the table, it is much above 60. He said 60 is at the property line, not at the residences. He said as you leave the source of sound, you drop 6 decibels for every doubling of the distance. He stated this was with low-frequency sound and high-frequencies drop off faster because they dissipate in the air. He stated he was referring to the nearest property line which would be to the south. He said he does not have an S.T.C. rating for the wall yet. He stated he is going to get different opinions on this because they are doing something they have not done before, with a multiple composite structure. He said they are going a few steps further than normal. He said he has done composite structures for IBM security situations where they have used less than this and had an S.T.C. of 65 measured. He stated the problem with an S.T.C. is it only measures down to 100 hertz.

R. Andres said for the absorption they are looking at fiberglass.

R. Rugger said it also needs to have a thermal rating.

T. Pratt inquired about the windows and doors and how it is going to affect the sound? He said a wall can have a high rating but with a hole, sound can escape.

R. Andres said gasketed sound rated doors and the best sound rated windows will have to be looked at. He stated they have not picked out the product yet. He agreed that the frames are important and how they fit into the structure.

H. Roszel said at the work session they thought one of the biggest problems was the "bass" on the S.T.C. scale.

R. Andres said they are keenly aware of the bass problem with today's bands. He said this is why they are looking at a multiple composite structure to address it.

A. Ferguson said there is a lot of expense and effort to mitigate a sound when maybe the type of sound should be addressed. She suggested string quartets or live bands without the bass and amplification.

R. Andres said today's music and clients do not want a string quartet.

A. Ferguson and A. Urtz pointed out the fact that this is a farm and an ancillary business to a vineyard.

A. Ferguson stated if she signs up for a wedding on this beautiful location and she is given a set of rules, then she would know what to expect up front. She further stated the main business is not weddings.

R. Andres said P. Muserlian is willing to spend the extra money to provide those extra services for people that want to come to this location. He further stated Mr. Muserlian recognizes it is necessary.

M. Palmer directed the question to the applicant or his attorney and inquired if it makes sense to change the type of music or atmosphere?

Antonio Caruso said no. He further stated he thought the sound engineer answered it the best way it could be answered. He said we are involved in a day-in-age where this sort of music is being played and that is why R. Andres has joined the team for the low frequency sounds. He said from their standpoint, the wedding type events at the winery are meant to enhance having a winery, and let people know what they have, market the wine and see the location. He said this is how you generate the winery business.

A. Urtz stated she is in the events business and she runs an events house and there is always house rules about what will be played, who is under control of the sound system, etc. She said there has to be a group of house rules. She said clients will always try to extend the night, extend the sound or test the boundaries. She further stated wherever you have the occasion; there is always someone in charge from the house. She said from her perspective, there needs to be some boundaries so the board understands what will happen and all the bother that the applicant is going to, will, in fact, work.

A. Caruso said they are going to try to relay as accurately as possible, using the sound technician, what the sound will be that emanates from the site when they have a loud event. He said P. Muserlian is already implementing and putting in place how to control what goes on inside; he stated it should not be the band to determine how loud the music is going to be. He stated what they are trying to show to the board is when the sound is loud inside what the maximum will be outside.

A. Urtz inquired about an event profile from load in to load out which would include when the event starts in the day, what time it goes to and when the band will stop.

P. Muserlian said 11 o'clock.

A. Urtz said since there is a sound spill problem, the board needs to understand; so they know what to expect.

R. Andres said the design of the building is intended to minimize the amount of controls that need to be in place. He stated they all recognize there will have to be controls.

T. Pratt inquired if there would be any absorption in the structure – floor, walls, and ceiling.

R. Andres said yes, but they have not determined what to use yet. He further stated they do not want the building itself to be resonant at a given frequency. He mentioned there may be bass traps in the corner.

P. Muserlian said there will be door closures. He said the material they are going to use to deaden the sound between the vestibules will help a lot. He also said they cut down the door entrances from 4 to 2. He said the bar is inside.

A. Ferguson inquired if there would be any outdoor speakers at the outside terrace.

P. Muserlian said none and the sound system is inside. He said the band will be in a fixed location with a solid storage wall behind it.

T. Pratt inquired about the ceiling material.

R. Andres said it has not been specified yet.

The Oweria team thought they could build a ceiling very similar to the wall structure.

J. Gagliano said they have to work with the building code also for the ceiling so it complicates it. She said they will provide more specificity with the full submittal at the October 23, 2013 deadline. She said they will come to the work session on October 24, 2013 and will be back at the November 7, 2013 meeting. She further stated she hoped the public hearing could be scheduled.

A. Ferguson inquired if there was any change in use from the original application?

M. Palmer asked her to explain.

A. Ferguson said since it was previously a tent for outdoor weddings, etc. and with it now being a permanent structure are there any uses intended for a big building?

J. Gagliano said just events.

M. Palmer said one change is it is going to be used in December and January.

A. Urtz inquired about the meeting rooms and the number of people they would hold?

P. Muserlian said the occupancy load will be submitted with the formal submittal.

A. Urtz inquired about other potential uses?

P. Muserlian stated it could be a trade show, pharmaceutical dinner, product displays, corporate retreat, etc. He said the number of participants will change with each event.

R. Cook said the maximum capacity would not change by event.

P. Muserlian confirmed more people could be in the permanent structure than the tent. He also confirmed parking was already taken care of. He said they are building an overflow parking lot that was on the original plan.

J. Gagliano pointed out the location of the two overflow parking lots which are both located to the east of the winery building.

P. Muserlian said they are going to do the parking lots but not the structure labeled "tasting facility." He said they will grade it, build the ponds and put in a pump house for the sprinkler system. He stated in regards to the parking lots, they will be graded and seeded and people will park on the grass-they are not going to pave it.

R. Cook said the maximum parking is 120.

P. Muserlian said it would be a "couple hundred up there."

R. Cook asked J. Gagliano if it made sense to remove the original building (tasting facility) from the site plan?

P. Muserlian said they could take the name off of it.

J. Gagliano said for future approval, ability to do something there would be good for them. She stated they would like to leave it but it does not have to say what it is.

P. Muserlian said they do not want to take the building off the site plan.

M. Palmer said it would seem like the building would affect the dynamics with traffic and more people.

P. Muserlian said he does not know if they will ever build that building and they would need to come back before the Planning Board anyway.

J. Langey said the site plan should say that because if it shows up on an approved site plan; the argument will be it is on the site plan. He said a note should go on the drawing which says it is not an approved, buildable structure at this point and it would require additional Planning Board review and approval.

J. Langey spoke to the board and audience and wanted to clarify for the audience that the Planning Board approved a winery. He further stated that the Planning Board approved a farm years ago when the applicant first came in. He said the Planning Board has always approved a winery and he has heard comments where people say it is becoming an event center primarily. He said the Planning Board cannot approve an event center, primarily. He said the town zoning says for site plan approval the board can approve a winery. He said the primary purpose of this use on this site has to be a winery and the ancillary piece can be the events. He stated at no time does the Planning Board have the power or authority to approve something the zoning code does not allow which would be a big hotel, extended stay living facility, or primarily an event center that has a little winery on the side. He said it cannot flip-flop. He said the Planning Board has always been presented with the idea it is a winery first and there will be some events also. He reiterated and wanted the audience to be clear that the board reviewing and hearing things like trade shows, luncheons and corporate retreats; would not have the power to approve something that turns this into something other than a winery. He said if this very situation happened then the property would be operating outside of the zoning law and there could be an issue. He wanted the board to understand as they hear the details of the submittal, to make sure the resolution and the statements made do not make it sound as though they are approving something over than the zoning would allow.

A. Caruso said the primary purpose of the operation is to make wine and promote the wine. He said the applicants know there is a noise problem and this is their solution.

J. Langey said he had a conversation with the Town of Southhold Planning Department and they had similar issues. He said the Planning Department talked about the introduction of enclosed buildings and it depends on the design of the building. He said they did find improvement with a few of the wineries converting the tent structure to a well-designed permanent structure. He said they also talked about eliminating any outdoor speaker systems.

A. Caruso said they are trying to have the events they need to be successful as a winery and at the same time they are serious about addressing the concerns of the neighbors because it is important to them to get the sound down.

A. Ferguson asked what happens if they do all this "bleeding edge" technology and it does not work?

R. Andres said he will assume it will not work and all of their best efforts are not sufficient to reach the target. He said with the sound system the winery has, they are able to set a profile for the sound that is coming through the system. He stated it is a very expensive Bose® system that is programmable and they could set the profile on the sound system that would minimize the lower frequency noise. He further said if there is a resonance condition in the building, they could take that resonance point and get rid of all the sound at that point or bring it down 10-15 decibels. He said this would be the final adjustment. He said they are going to work on absorption in the room as part of the total plan. He said there is a product on the market which is a sound trap that is an absorber for low frequency sounds and low frequencies tend to gather in the corners.

M. Palmer said an agreement will have to be reached of what the sound level should be at the closest property line. He said an independent acoustic engineer, who would be working for the town, should review the drawings to concur with the applicant's engineer.

J. Dunkle said he could coordinate an acoustical engineer.

A. Caruso said the team understands the decibel level has to be measurable. He said the applicant plans to fully control what happens on the inside of the premises. He said they want to leave themselves the ability so they are always not at the upper edge of where they are supposed to be; they want the upper edge to be something that they can hit.

R. Andres said 20-30 years ago there wasn't equipment that could produce the low frequencies that are produced today.

M. Palmer said the applicants wanted to go to a public hearing in November and asked the board how they felt about it?

M. Palmer said the application has to be presented to the board so they can get it to the acoustical engineer that will work for the town and he/she will need time to review.

P. Muserlian asked if the storage barn could be started? He said he is running out of time with the weather.

M. Palmer said he did not have a problem with it. He asked J. Langey if there was a problem with approving a partial plan?

J. Langey said they will have to go through the SEQRA.

R. Cook said it is a separate storage building near the winery.

P. Muserlian said he would like to put his equipment away for the winter. He said it is currently outside and it is showing wear.

M. Palmer said it is a 40'x80' storage barn adjacent to the winery building for use of storage of equipment and wine.

J. Gagliano told J. Langey he could reference sheet A-101, utility barn.

J. Langey said he would do a written resolution. He said the other facility that the board will consider will go through a full environmental review, as well.

Motion by Anastasia Urtz, seconded by Tom Pratt to appoint the Planning Board as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to affirm the matter an Unlisted Action and to make a Negative Declaration, all based upon the Board's review of the Short EAF, to approve the site plan for the "utility barn" only as specified on sheet A-101 with the condition 1) final review of any stormwater mitigation that would be needed to be implemented for on-site and off-site drainage and 2) no lighting was carried unanimously.

P. Muserlian said the structure will be used for storage of farm equipment and bonded wine.

J. Langey wanted the board to understand the utility barn is the only component they approved at this meeting and the SEQRA reviewed has no bearing on any other aspect of their proposal.

M. Palmer inquired about the lighting?

J. Gagliano said the existing fixtures in place have a visible light source (you can see the element) which make them not compliant with the dark skies. She showed the product specification sheet of the fixture that would have a retrofitted so it could be dark sky compliant. She said the bulb will be removed and put in so the glow is below the cap. She said they are proposing they will take them down. She said it is the same fixture but they are being sent back to the plant so they can become compliant.

P. Muserlian said the last of his events is October 19th and then they will take them down.

P. Muserlian said the light will shine directly down.

R. Cook confirmed they would have a way to check compliance once reinstalled.

J. Langey said the town will have to retain their acoustical engineer in order to be on board when the applicant's material comes in.

M. Palmer asked the Board secretary to pass on the information to the applicant as soon as the acoustical engineer is determined.

J. Langey said under the local law, the applicant's company would be expected to reimburse the town.

Motion by Hugh Roszel, seconded by Anne Ferguson to move to a public hearing was carried unanimously.

Motion by Hugh Roszel, seconded by Anastasia Urtz to continue the file was carried unanimously.

The Board Secretary gave the applicant the list of people within 500' and the notification instructions.

Before the close of the meeting, the board discussed the Owerla Vineyards hours of operation.

M. Palmer said if the board does a resolution, it should be specific and reaffirm the conditions as the board understands them.

RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS

*Lane, William - Area Variance - 2250 Ferndell Road
File # 13-890 (Mike Palmer)*

No one was present to represent the application.

The Board Secretary said the applicant did not respond to our letter request. She further stated their contractor said the applicant is actually moving out of town.

Motion by Hugh Roszel, seconded by Tom Pratt to send a letter to the applicant stating their file was being removed from the agenda due to a lack of response was carried unanimously.

INFORMAL

M. Palmer reminded the Board about the October 29, 2013 training session at the Colgate Inn.

At 9:22 p.m., motion by Hugh Roszel, seconded by Tom Pratt to close the meeting was carried unanimously.

Connie Sunderman - Planning Board Secretary - October 8, 2013