

# Town of Cazenovia Planning Board

## Meeting Minutes

### January 2, 2025

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; Chuck Ladd; Susan Kennedy; Timothy Kennedy; Peter Muserlian Jr; Chris Montante; JoAnne Gagliano; Rick Ruggaber; Adam Walters, Esq; Brody Smith, Esq; Berta Keeler; Brian Keeler; Sheila Fallon

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R. Ridler called the meeting to order at 7:30 P.M.

Roll was taken. Roger Cook was a voting member for the proceedings.

The next regularly scheduled meeting will be Thursday, February 6, 2025.

The next deadline day will be Wednesday, January 22, 2025.

The next regularly scheduled work session will be Thursday, January 30, 2025.

Motion by J. Munger, seconded by D. Bowers, to approve the November 7, 2024 meeting minutes was carried unanimously.

Motion by A. Ferguson, seconded by L. Cushman, to approve the December 5, 2024 meeting minutes 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)*

Timothy and Susan Kennedy were present to represent the application.

R. Ridler asked the Applicants to report on the status of their application.

T. Kennedy said they wanted to attend because the file has been on the agenda “for a while,” (since May 2, 2024) and he thought they may have the proposal for the house project developed by the February meeting.

R. Ridler recounted that Matthew Vredenburg had attended a work session on behalf of the Kennedys, and following that meeting, it was determined that the submission would not be completed in time for the December deadline for the January meeting.

A. Ferguson informed the Applicants the Planning Board was more interested in the planting plan than house plans. She elaborated that the Board was awaiting the remediation of the lakefront with input from the Cazenovia Area Conservation Commission (CACC).

R. Ridler added the Planning Board would be willing to simultaneously address an application for the house plans with the application for the planting plan, but the planting plan would be first discussion – wanting to know how the Applicants plan to mitigate the damage that was done when tree removal occurred (in 2024).

T. Kennedy asked if that should be prepared for the work session.

A. Ferguson answered the Applicants should be prepared to discuss those matters at the regular meeting (February 6<sup>th</sup>).

T. Kennedy asked about the CACC letter written by Paul Curtin, and how the Board had received those comments.

R. Ridler answered the letter from Mr. Curtin did not address the issue that the Board wanted addressed. He felt the letter addressed conditions along the lakeshore, but did not think Mr. Curtin was aware of the total area that had been disturbed.

R. Ridler elaborated that the Board had informed Mr. Vredenburgh about the Board's concerns, and Mr. Ridler believed Mr. Vredenburgh was going to develop a plan for the Board and the CACC to review to resolve those issues. He said that was "the lynch pin" that had to be addressed first.

T. Kennedy asked if Mr. Vredenburgh had been given "feedback" regarding what had been disturbed.

R. Ridler answered, "Yes."

S. Kennedy asked if Mr. Vredenburgh was told how to rectify the situation "in your eyes."

R. Ridler explained Mr. Vredenburgh would present his plan to the Board and the Board would seek CACC input in response to what the Applicants produce.

S. Kennedy asked if they should have Mr. Vredenburgh submit the plan for the January 22<sup>nd</sup> deadline for discussion at the January 30<sup>th</sup> work session.

R. Ridler replied if the Kennedys plan to attend the February 6<sup>th</sup> regular meeting, they should have their plan submitted by January 22<sup>nd</sup>.

T. Kennedy asked again if Mr. Vredenburgh had been given feedback regarding what had been disturbed.

R. Ridler explained it was the Applicants' responsibility to prepare a proposal; the Board would not dictate what the proposal would be.

T. Kennedy expressed understanding.

Motion by T. Clarke, seconded by L. Cushman, to continue the file was carried unanimously.

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*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 the Applicants were still waiting for the Army Corp of Engineers (ACOE) to approve the remediation work that had been done. He presumed that would not be reviewed until springtime.

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

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

R. Ridler reminded the Board that the Applicants were before the Board in November for the placement of a shed on their property in a particular location along with an addition for a deck and covering of the deck. He recounted that the Board approved those items, but when the shed was placed, it was determined that the approved location would be too wet. The new location required an area variance from the Cazenovia Town Zoning Board of Appeals (ZBA). The variance was granted, so now the Applicants were requesting an amended approval for the site plan.

D. Bowers asked if Mr. Ridler had seen anything at the site that would make the new location objectionable.

R. Ridler had visited the site and described the new location, which he found to be acceptable.

Motion by A. Ferguson, seconded by D. Bowers, to amend the site plan approval with the same terms and conditions of the first approval, but using the revised location of the shed, was carried unanimously.

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

Peter Muserlian, Jr, Jo Anne Gagliano, RLA of Environmental Design & Research, Christopher Montante & Rick Ruggaber of Pemco Group, Inc, and Adam Walters, Esq of Philipps Lytle, LLP, were present to represent the file.

A. Walters said the goal was to ensure the Board was clear about the changes to the 2015 site plan that was submitted for this meeting since so much time has passed.

A. Ferguson asked if the site plan now proposed was the same as the site plan the Board had reviewed in August of 2023.

J. Gagliano answered, "That's correct." She went on to say the site plan now being discussed was dated December 16, 2024; the site plan previously reviewed with the Board was September 20, 2023.

A. Ferguson explained she wanted to confirm that nothing presented this evening had not been seen by the Board previously.

J. Gagliano responded that was correct. She said minor changes had been made based on comments by the Board, but no significant changes had been made to the site plan since September 2023. She said it was a completely different building from the one proposed in 2015, however.

A. Ferguson asked that the discussion be about what was proposed today rather than what had been proposed in 2015.

J. Gagliano began her review with drawing G-002 created by her firm and dated December 16, 2024 entitled *Owera Vineyards Farm Marketing And Event Building Drawing Key Plan*. She showed where structures were oriented on the site from East Lake Road.

J. Gagliano then showed drawing C-101 entitled *Owera Vineyards Farm Marketing And Event Building Site Plan*. She said the proposed building includes the lobby/vestibule area, restrooms, bride's room, a kitchen/prep room. She explained how the new structure would have an entrance into the bride's room only for the bride's family; it would not be an entrance for the general public, and how the existing patio area for the tent would be converted to a 3-seasons room for the proposed building. She showed one change to the 2023 plan which would create space for coolers and refrigeration. As a result, the walkway on the east side of the proposed structure would be farther from the building due to the bump-out of this kitchen addition.

T. Clarke asked the dimension of revised refrigerated space.

J. Gagliano said they could address that question when they reviewed the architectural drawings. (Those drawings were not discussed, but the dimension would be 28' X 14' 8" per the drawings submitted.)

J. Gagliano showed another minor change from the 2023 plan which was the relocation of the exit area/vestibule on the east side of the proposed building which

they revised to be more centrally located, reminding the Board that the Board had wanted the egress along that side of the building to lessen the noise in the parking lot when the married couple was leaving the event. She had two drawings, one dated 12/16/2024 and one dated 9/20/2023, created so the Board could easily compare the slight changes in the design of the proposed structure.

A. Ferguson approved of the exit area to the east, but was concerned that people would want to leave from the entrance they used for ingress. She was told the staff would manage how people leave, however, she felt that might “be tricky.”

J. Gagliano spoke about the sound attenuation features that were part of the design.

R. Ridler asked if any of the minor changes mentioned impacted the soundproofing of the building.

J. Gagliano answered, “No.” She reminded the Board an independent sound consultant was hired by the Board to review the findings produced by the sound consultant used by the Applicants.

A. Walters clarified that the building as revised included the soundproofing that was previously reviewed.

J. Gagliano responded, “Correct.”

A. Ferguson asked if the list of final materials proposed for construction had been submitted.

J. Gagliano answered that was received with the original submittal and directed the Board to review drawing A-100 entitled *Farm Marketing and Event Building Exterior Materials*.

J. Gagliano said other items that were included in the site plan proposal included the construction of a pump house to house the fire protection system, which would be “up the road, next to the ponds.” There would be the replacement of all exterior driveway and parking light fixtures. Dark-sky compliant fixtures would replace the existing fixtures. There would be new screen plantings along the west and north property lines which would be evergreens/Norway spruce. There would be a 4-foot-high fence that would be installed at the open area of the parking lot servicing the new building to shield headlights. There would also be new screening along the driveway to shield headlights as one drives out of the driveway.

R. Ridler asked where the driveway screening would be.

J. Gagliano displayed drawing C-102 entitled *Owera Vineyards Farm Marketing And Event Building Site Plan – Lighting And Planting*. She showed the Board where there were deciduous trees along East Lake Road and where evergreens would be added, as well as where evergreens would be added in an area on the north property line for the benefit of a neighbor, and areas long the driveway where screening would prevent headlights from shining on East Lake Road. Also on the plan was a photograph of the 4-foot-high fence, and the detail for the light fixture. She explained the bulb in the fixture would not be seen since it would be inside the top of the unit.

J. Gagliano said also as part of the site plan was the enlarging of the storm water bio-retention area for storm water management. She said they would provide Mr. Dunkle drawings that will indicate how they will enlarge that to accommodate hard surface roof runoff versus the tent runoff.

J. Dunkle said he did not need a full Storm Water Pollution Prevention Plan (SWPPP) but for the purpose of the State Environmental Quality Review (SEQR), he would need something for the record showing how they will be accommodating this.

A. Walters offered to provide a conceptual stormwater design.

J. Dunkle expressed appreciation.

M. Koppers asked to have clarification regarding drawing A-201 *Farm Marketing and Event Building Exterior Elevations* showing the pergolas.

M. Koppers and A. Ferguson asked about the pergola on the east side of the building wondering if it would be over the new walkway leading to the parking lot.

J. Gagliano responded it would not be along the entire walkway, but only over a section to the right of the exit doors for the married couple to be under cover. She said café lights would be used.

R. Ridler asked the purpose of the 3-season room on the west side of the building.

J. Gagliano answered a bar could be set up in that area or a seating area could be created. The space could be set up however the bride and groom choose. She asserted one could not exit from it or open the windows in it.

R. Ridler asked if it would be soundproof.

J. Gagliano answered, "Yes." She added it would have sconce lights which would be dark-sky compliant.

T. Clarke asked if there would be three (3) ways in and three (3) ways out, counting the bride's room. He wondered if it would meet the fire code.

J. Gagliano asked Mr. Ruggaber if it met the fire code. No audible answer was heard and it was not noted if he physically indicated an answer.

A. Walters asked if there were any other site plan questions.

R. Ridler asked about outdoor amplified music. He asked if there would be no outdoor amplified music associated with the project.

A. Walters believed there was currently outside amplified music in the patio next to the tasting room and in the outdoor ceremony area. He said the condition did not distinguish between new facility from old. He said in the new area, the only time there would be outside amplified music was when the bride was coming down the aisle and during the outdoor ceremony.

C. Montante stated that was how it has been done for the last ten (10) years.

J. Gagliano said this was not related to the proposed building – this was happening in the outdoor pergola/ceremony area. She explained the condition needed to be specific to the new structure.

A. Walters added that the condition should continue to allow that amplification during the ceremony and in the existing outdoor areas where it has been happening.

A. Ferguson believed the Board allowed only acoustical music in the outside ceremony area. D. Bowers also thought it was only acoustical.

A. Walters did not think outside amplified music during a wedding ceremony should be an issue.

M. Koppers and A. Ferguson responded it was an issue.

M. Koppers said the Board had received complaints from the neighbors that the ceremonies were too loud, so amplified music would be a problem.

A. Ferguson believed outside music should not be allowed in any areas around the new building.

A. Walters responded that it was his understanding that amplified music was happening in those areas now.

C. Montante explained the ceremonies have seating that “goes pretty far back,” so with wind, one could not hear the vows without the use of a small public address (PA) system. He said they use a small tripod stand, and they can speak to their sound consultant about how they could define “background music,” but he insisted some type of amplification system was needed “to hear what’s going on.”

A. Ferguson responded one could have voice amplification without having amplified music.

C. Montante replied they have used music amplification for when the bride walks out, and said the sound “is very, very low.”

J. Langey said this issue could be researched and discussed in the future since there would be no vote this evening.

J. Langey noticed the traffic study was now ten (10) years old, so he thought this was an opportunity to update the things the Applicant thinks would be the important environmental impacts of this amended request. He said Mr. Dunkle would do his review of the modifications as well.

J. Dunkle asked about a photometric study.

J. Gagliano answered it was not a study but photometric information provided by the manufacturer.

J. Langey asked if that was in the latest packet of information.

J. Gagliano said they would put it in the submission.

There was more discussion regarding the design of the new lighting fixtures.

R. Ridler listed items that had been covered which included the drainage plan and the traffic study.

J. Langey believed Mr. Ridler has spoken to the Town’s sound consultant. He thought it was prudent to have him review the latest version of the project plans.

R. Ridler agreed. He believed an updated SEQR was also needed.

J. Langey affirmed it was, saying this would be considered an Unlisted Action and an amendment to a prior plan. He said the Board could declare themselves the Lead Agency and have him reach out to the Involved and Interested Agencies, saying the Board would “do a hard look at all these impacts.”

A. Ferguson then asked about the acceptable sound levels at the property lines, recalling that the decibel (dB) level set in 2015 was not the recommended standard the sound engineers discussed in 2023. She said if the project were to use the software discussed to monitor the sound amplitude, a condition should be established to state what the acceptable sound level to be maintained should now be.

J. Gagliano recalled those conversations and said they would review the information to find what was suitable.

A. Walters believed a condition of the 2015 approval was a 55 dB level at the property lines and asked if a different level was being sought.

A. Ferguson affirmed that based upon the recommendations of the sound consultant and the changes in the materials of the building that the measurement at the closest neighbors' line should probably be 20 dB or dBA based on the effectiveness of the insulation and the soundproofing, etc. She believed it was indicated that sound would be so efficiently muted that it would scarcely be discerned.

A. Walters believed sound needed to be 10 degrees less than ambient sound not to be discerned, so if a sound were 40 degrees and the ambient noise were 50, the sound would not be heard, but if the sound were 41, it would slightly increase the ambient.

A. Ferguson responded that if the 50 or 55 measurement was not appropriate, the Board needs to know what is appropriate.

A. Walters said they could review the findings. He said 55 dB was the previous limit, which was litigated, and believed the Attorney for the Town would refer to it as "a safe harbor."

J. Langey said he and Mr. Dunkle recalled water usage was another concern in previous discussions. He said should this proposal be approved, the Board would likely want the Applicant to revisit the water usage and the impact of increased usage upon surrounding properties. Drawdown should be considered.

A. Ferguson reasoned increasing the number of events would increase water usage.

J. Dunkle added there would be increased use of the septic system as well. He told the Applicants he does not need final designs, but he would like to see calculations regarding these concerns.

J. Gagliano replied, "Okay."

R. Ridler believed that covered the aspects of the building. He said hours and days of operation and size of events was another matter to be reviewed.

A. Walters said after hearing comments at the work session, his clients discussed those matters, and the major challenge was the hours of operation Fridays and Saturdays. He believed the Board favored closing hours those nights to be at 9PM which were the hours allowed for the 2015 approval. The current hours for the tent are 10PM. He stated reducing the hours to 9PM would cause “huge problems for the operation.” He said it would be unlikely the building would be built if the closing hours were reduced those nights. He said his clients would like to spend more time reviewing size of events and number of events to give the Board more comfort regarding the proposal understanding that event revenue cannot exceed winery revenue. He said he has heard comments that this endeavor is an event center disguised as a winery, and stated, “It’s really not; it’s not the intention – it’s not the goal. The goal is to be able to put on quality events at the Winery as part of the operations of the Winery. It’s an important aspect.” He said he’s heard the Board’s discussions, and the Applicants want to provide feedback that 10pm on Fridays and Saturdays “is very, very important.”

R. Ridler asked if being closed Mondays and Tuesdays (in the new facility) was acceptable.

A. Walters stated it was and said they were the ones to propose that to “take some pressure off.”

R. Ridler noted Mondays and Tuesdays the facility would be closed in all seasons. He asked about Wednesdays and Thursdays.

It was noted Wednesdays and Thursdays the hours in the facility would be 10am – 8pm.

J. Gagliano reminded the Board that was a reduction agreed upon by the Applicants from the hours that were requested in 2023.

R. Ridler saw the proposed hours for Sundays in the facility would be 10AM – 5PM.

R. Ridler believed a distinction had been made between winter and the remaining months regarding the number of events.

A. Walters said the Applicants were hoping to get some feedback during the public hearing that would be scheduled for this proposal at the next meeting and develop some thoughts regarding that, saying it would be helpful, but he recalled the 2015 approval included “giving the neighbors the winter off.” He said winter was the season when noise sensitivity was lowest since people are indoors and their windows are closed. He said events in the Winery should not have an impact during the winter months considering the sensitivity of the proposal to address the noise issues for the neighbors.

R. Ridler asked the Applicants' thoughts regarding adjusting the activity those three (3) months.

J. Gagliano said in 2023 they had submitted that during the months of January, February, and March that there would be a maximum of four (4) events per month.

R. Ridler commented that would allow one (1) event per week.

J. Gagliano responded those four (4) events could occur whenever they were booked, not necessarily one (1) per week.

A. Ferguson asked if any distinction was being made in the size of the events.

J. Gagliano said they had not.

A. Walters indicated if it were something the Board would like, they could consider it.

R. Ridler asked if they would propose the number and size of events.

A. Walters answered they would return with those details.

R. Ridler said regarding Friday and Saturday hours was another issue. He said the Applicants have heard the Board's condition of a 9PM closing and they should let the Board know if that was unacceptable.

A. Walters responded that the Applicants could not accept that closing time for those nights. He said his wife is an events planner in Buffalo, and he asked her if a wedding could be planned with a 9PM ending and she said it could not. He said the Applicants have a goal to be as flexible as possible to address concerns, but this one condition was a deal-breaker.

R. Ridler asked that when the Applicants submit their requests for hours that they include the times when staff will leave and the lights shall be extinguished.

A. Ferguson asked if the Applicants would consider allowing only weddings to have the 10PM closing and other events would be restricted to 8PM – 9PM as a potential compromise.

A. Walters said they would discuss that, believing it was "an excellent suggestion."

R. Ridler said the next matter would be discussion of the conditions from the 2015 approval numbered 23 – 27.

A. Walters said if they considered why those conditions were placed initially it was to ensure the endeavor was an agricultural operation that was taking place at an agricultural facility. He said this was the trickiest part of New York State Agricultural & Markets (Ag & Markets) law, saying he has worked for a number of similar agricultural facilities. He said agricultural events often “cause consternation” and they must be done in “a way that is complementary to the agricultural operations.” He believed those conditions were the Board’s efforts to ensure this was an agricultural operation. He asserted that would technically be the job of the Town Codes Enforcement Officer and if the endeavor was not an ag operation, it would lose its ability to operate. But the Board built these conditions “directly in.” He said the conditions were based on “2014 guidelines put out by Ag & Markets for a young winery.”

A. Walters said now it’s ten (10) years later and they were trying “to come up with easy, straightforward requirements that ensures it’s an ag operation without putting on conditions that really don’t apply anymore to the facility.” He said the Board has heard Mr. Montante talk about the 51% rule that was among the previous conditions which does not work for this winery, but the Winery “has a farm winery license from New York State Liquor Authority that has specificity about where your grapes come from and how they grow, and actually defers to Ag & Markets on various issues when there’s a natural disaster, and how that impacts the crops.” One of their proposed conditions was opting to reference that language that the facility shall comply with Alcohol Beverage Control (ABC) Law Section 76-a(5).

A. Walters explained the Applicants also proposed that an agricultural assessment be used as another proof of the Winery’s authenticity as being an agricultural endeavor. He stated it was the job of the Town Assessor to ensure anyone getting an ag assessment, which is a discount on one’s real property taxes, is an agricultural operation. He recounted that the Applicants had previously talked with the Assessor, and they submitted a letter from the Assessor stating the Assessor believes the facility will qualify for an ag exemption. Mr. Walters told the Board the Applicants thought that “was an easy way that you don’t have to be the Ag & Markets police.”

A. Walters said there was discussion regarding the event revenue rule, so that was added back into the conditions proposed, but it would be an annual review rather than an accounting given for each individual event. The Applicants thought that was a reasonable approach and was what has been done by Mr. Montante, so that process would just continue. He said the Applicants thought these changes were reasonable and asked if the Board agreed.

R. Ridler responded that he wanted to look at Condition 26 which the Applicants proposed to adjust to read, “...pursuant to New York State ABC Law Section 76-a(5), Applicant must manufacture and sell wine produced exclusively from grapes or other fruits or agricultural products grown or produced in New York State subject to the limited exceptions contained in ABC Law section 76-a(5).”

R. Ridler believed the original requirement was that the product be grown on the Winery's property – property either owned or leased by the Winery. He felt the distinction between the two conditions was that if the amended condition were allowed, the Winery could buy grapes on the wholesale market. He felt this would allow the Winery to expand production by buying as much product as they desired. He felt their being allowed to create more product would in turn allow the Winery to generate more income from other sources, such as events. He thought the Winery could in essence become a wine-purchaser rather than a wine-producer.

A. Walters assured the Board that was not the intent.

R. Ridler responded it might not be the intent, but the revised condition could allow for that actuality.

A. Walters explained the 51% rule does not work for the facility as it currently operates and asked Mr. Montante to respond.

C. Montante said the 51% rule does not work because the Winery cannot grow the full portfolio of grapes, which has been explained on a couple of previous occasions. He said in terms of being able to bring in an unlimited number of grapes from other growers, there is only so much space in the production area, with only so many tanks, saying they "were at capacity." He said they were "a very small, boutique winery, that can only process so much." He said they buy five (5) tons of grapes here and there. When asked what was produced annually now, he answered approximately 15,000 gallons. He repeated they do not have the warehouse space or the tank space to buy excessive quantities of grapes.

A. Walters offered to "come back with something on that."

R. Ridler explained the reason he was suggesting they do that was because he said he understood what was being said, but buildings and tanks could be added, implying the situation could change and become a different business.

A. Walters expressed understanding.

R. Ridler commented that keeping the business as a boutique winery was the goal.

T. Clarke said security was another issue to be addressed.

R. Ridler explained security in the parking lot (was a concern discussed in 2023). He recalled the Events Coordinator had attended meetings and had assured the Board she would ensure that security would not be an issue.

A. Walters said the security issue had been addressed in the conditions. He said the change they made was they removed the reference to security being provided by off-duty officers, alluding to the Judge's decision in the New York State Supreme Court case.

M. Koppers asked which condition addressed that issue.

J. Gagliano recalled the discussion in 2023.

A. Walters stated it remained a condition of the proposal.

T. Clarke asked if the condition stated security personnel would be present for the entire duration of the events.

J. Gagliano said the drawings also capture the condition.

A. Ferguson asked that the security protocols and the sound monitoring protocols be part of the application and the Applicants state that those protocols will be enforced.

J. Gagliano replied, "Yes."

A. Walters replied, "Yes."

Condition #9 was reviewed for language to that effect.

C. Montante directed the Board to bullet point #4. It stated "The Applicant shall ensure use of Ower staff on site to monitor system/music throughout entire event which is not to exceed the specified/approved maximum sound limit;"

M. Koppers wanted to see language stating there would be security addressing issues she noticed in the parking lot when she visited the site such as beer cans being left on parked cars, and guests attempting to break into parked cars. She wanted to see specific language stating there would be security personnel in the parking lot preventing those concerns.

T. Clarke felt the security should be provided by someone other than Ower staff.

A. Ferguson believed the operation protocol addressed that issue and read, "Monitor the parking lot and driveway for loitering and uninvited guests. Check guests with alcoholic beverages around the property that are not from the event. Monitor noise in the parking lot, east patio, and on the grounds. Handle guest disturbances and inform the Event Coordinator. Security will have a list of Board members' names for clearance on the premises..."

T. Clarke asked who the security personnel would be, wondering if it would be Owera staff.

A. Ferguson did not think the Board could tell Owera who they can hire.

A. Walters said the Board can require that Owera do it, and it would be in their interest to make sure security is in place.

A. Ferguson believed what she read was part of the submittal.

J. Gagliano said it was part of the Detail Sheet which they had not changed, but they could add back into the most recent submission.

R. Ridler saw again in Condition #9 that it stated no new amplified music would be allowed.

J. Gagliano found in previous resolutions, which were part of this submission, that in the ceremony area there were timeframes for amplified sound – it did not distinguish between voice or instrumental - mentioned in 2015, and in 2012 it was even less restrictive. She said they could summarize this information for the next meeting.

A. Ferguson asked what Ms. Gagliano meant by there were times for amplification.

J. Gagliano read, “The outdoor ceremony area and pergola are proposed to be available for booked events during the following hours:

Monday, Tuesday, Wednesday, Thursday – 11AM-8PM

Friday – 11AM – 10PM

Saturday – 11AM – 10PM

Sunday – 11AM – 8PM

Extended Holiday Hours on Memorial Day, Labor Day, Columbus Day available.

No amplified sound will be utilized in such areas after hours indicated above.”

She explained those were the times strictly allowed in 2015.

A. Ferguson said those were related to the building that was never built.

J. Gagliano responded in 2012, amplified sound was allowed with no time restrictions.

J. Langey asked Ms. Gagliano what condition that was and from what resolution was she reading.

J. Gagliano answered it was Condition #7 in the February 5, 2015, resolution which was more restrictive than the 2012 resolution that allowed only amplified sound in that

ceremony area and the pergola which the Applicants now propose to enclose as a 3-season room in the new building.

A. Walters said it was understood that tonight's discussion was regarding direction and concerns. He said his clients would take the list of items heard this evening from the Board and they would address each issue in a submittal for the next meeting, to make sure it will be "a very clear record of the issues," and their next goal would be to address any new issues that may be expressed during an upcoming public hearing.

R. Ridler asked that the new submittal be clearly understandable as being the current request, without references to past proposals which tend to confuse the issues.

A. Walters expressed understanding.

J. Langey said Mr. Dunkle had pointed out to him that supplemental information would be forthcoming, and information should be received prior to the notification of a public hearing in case people wish to view the proposal prior to the public hearing.

It was stated that any new information must be received by the next deadline day, which would be the date that the public hearing would be noticed in the local newspaper, public hearing letters would be mailed, and the public hearing sign would be posted.

A. Walters expressed understanding and repeated they would try to get as comprehensive responses as they could for each and every issue mentioned.

M. Koppers believed the size of events needed to be addressed citing Condition #27. She was concerned about there being two (2) large events and three (3) small events allowed to take place between Friday – Sunday. She said she would appreciate review of that and expressed her opinion that five (5) events would be an unrealistic expectation.

D. Bowers felt the outcome of the proposal rested upon two issues - the hours of operation and the Ag & Markets conditions.

J. Langey said one matter the Board could address this evening was the assertion the Planning Board assume the role of Lead Agency for this Unlisted Action. He asked Mr. Walters if the Short Environmental Assessment Form (SEAF) was part of the submission.

A. Walters affirmed the SEAF was.

J. Langey believed the Involved and Interested Agencies were known, and he would send notices if the Board was so inclined.

A. Walters asked about the referral from Madison County.

J. Langey said the County referral would be a matter of course (once all the submitted information was received).

Motion by D. Bowers, seconded by A. Ferguson that the Planning Board serve as Lead Agency for this Unlisted Action and that Counsel prepare a resolution advising of this action and mail notification of assumption of lead agency to all Involved and Interested Agencies. This motion was carried unanimously.

J. Langey explained the additional information that was forthcoming would be needed for the referral to Madison County for the GML. He repeated the date for the submission of the information was January 22<sup>nd</sup>.

J. Munger asked about the timing of the public hearing.

A. Ferguson thought March would be the time to have it.

J. Langey believed the Board was considering having it at the February 6<sup>th</sup> meeting. He said it was a decision for the Planning Board.

Motion by D. Bowers, seconded by M. Koppers, to schedule the public hearing at the February 6, 2025 meeting conditioned upon receipt of the outstanding information, was carried unanimously.

J. Langey explained the scheduling and holding of the public hearing did not mean the public hearing will be closed in February. It may remain open and be continued until the Board decided to close it.

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

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Motion by D. Bowers, seconded by M. Koppers, to adjourn the meeting at 8:42 P.M. was carried unanimously.