

Cazenovia Zoning Board of Appeals

Meeting Minutes

February 24, 2020

Members present: Thomas Pratt; David Silverman; Joseph Anderson; James Wigge;
Val Koch, Alternate Member

Members absent: Gary Mason

Others present: Wendy Loughnot; Jim Cunningham; Donald Ballway; Thomas Eisenhut; Jim Hagan; Linda Moriarty; Stephen Halton; Janine English; Jeff English; Mary Palmer; Patrick Palmer; Paul Schmidt; Tara Zumpano; Graham Egerton; Kate Hill

T. Pratt called the meeting to order at 7:30 p.m.

Motion by J. Wigge, seconded by J. Anderson, to approve the January 21, 2020 meeting minutes as submitted was carried unanimously.

The next regularly scheduled meeting will be Monday, March 23, 2020.

*Trush, Glen – # 19-1214 – Special Use Permit – 1876 Route 20, Cazenovia
(Thomas Pratt)*

No one was present to represent the file.

T. Pratt said Mr. Trush has not attended any meetings for a while and suggested the Board consider sending him a letter regarding the status of his project and to determine if he is still interested in pursuing the endeavor.

Motion by J. Wigge, seconded by J. Anderson, to send a letter of intent was carried unanimously.

Motion by D. Silverman, seconded by V. Koch, to continue the file and the public hearing was carried unanimously.

*Caz Carwash, LLC - #19-1242 – Special Use Permit (Major) – 3567 Route 20 East, Cazenovia
(Thomas Pratt)*

Donald Ballway and his architect, Jim Hagan, were present to represent the file. Tom Eisenhut, the business associate who operates the car wash in Hamilton, was in the audience as well.

T. Pratt said he would like the Applicants to update the Board regarding what took place with the Cazenovia Town Planning Board. He provided a brief summary of the review criteria for this special use permit:

- 1) compliance with the laws regarding zoning as well as the (building) codes,
- 2) no harmful substances, nuisances, nor noise should be left unaddressed,
- 3) wastewater issues should be dealt with,
- 4) traffic congestion and pedestrian safety issues should be considered,
- 5) ensure appropriate parking, as well as access for police and emergency vehicles,
- 6) verify the public water supply, as well as the public sewer system will not be compromised,
- 7) prevent negative impacts to the natural resources and the ecosystem,
- 8) see that plantings in the site plan are acceptable,

- 9) oversee protection of the natural, historic, and scenic resources,
- 10) verify consistency and compatibility with the community goals,
- 11) determine there will be no greater overall impact on the property than if it were to be developed in the future.

He also noted a letter had been received from the Planning Board regarding site plan review. The Planning Board reported they have reviewed the plan, have discussed changes with the Applicants, and were comfortable with what has been done thus far including the changes.

Jim Cunningham, the Operator of the Wastewater Treatment Plant was in attendance to help the Board finalize their decision regarding the sewer treatment component of the project.

T. Pratt said the Cazenovia Advisory Conservation Commission (CACC) has also submitted comments regarding the planting plan

J. Hagan summarized the development of the plan since they were last before the Zoning Board in October. They have been going through a number of steps in preparation for this evening. He said the basic plan for the car wash has not changed. They will still have an access point opposite the turn-around lane off US Route 20. The building will be set back 152 feet from the street right of way. They propose four (4) car wash bays: two (2) will be touchless-systems, and two (2) will be wand-wash systems. There will be a common utility area and a pet-wash area. The circulation will be counter-clockwise with plenty of stacking space for each of the car wash bays and a by-pass lane that will circle behind the building. In the front of the building they propose vacuum stations which will also be accessible from the exit lane. They have refined the plan and added detail. He repeated that a positive recommendation was given from the Planning Board as well as from the CACC.

T. Pratt believed Mr. Ferlow of the CACC had some recommendations in his report.

J. Hagan said the Applicants have made changes to the plan in response to those suggestions. Reading from the report, he said, “With the proposed modifications to the original application’s documents the CACC believes that the applicant has achieved a site plan that might be deemed a ‘working landscape’ that is sensitive to the Route 20 Scenic Byway.”

T. Pratt asked that Mr. Hagan give a quick summary of what they have done to accommodate the CACC recommendations.

J. Hagan said the site existing is fairly open with field grasses having grown over time and with a tree line that wraps around the north and east sides of the property. They are proposing to add a number of trees on the south and west sides of the property. The number of additional trees was substantially increased as a result of the CACC comments. Evergreens and deciduous trees will be used. The lawn area will be maintained near the building, but a meadow area will remain on the remainder of the property which will be mowed 1 - 2 times per year. In addition, a very detailed drainage system has

been incorporated into the plan which consists of swales that will run along the north and west sides of the property as well as a bio-retention area that will be in the front of the building. The bio-retention area will be a basin that has been excavated about four (4) feet, but on the surface looks to be only six (6) inches deep. Below that six (6) inches will be filter material, generally sandy loam, which the water will filter into and then be collected into storm water piping to a vegetated pocket wetland on the west side of the driveway. In the pocket wetland there will be a serpentine swale that will provide a time-release facility to control water going into a culvert along Route 20 in the event of a major storm. He said the pocket wetland system was developed by their engineer working in collaboration with the Engineer for the Town. A Stormwater Pollution Prevention Plan (SWPPP) has also been created for the State Pollution Discharge Elimination System (SPDES) permit which will be obtained from the New York State Department of Environmental Conservation (DEC).

J. Hagan said they have also reapportioned the total hard surface area to be less than the 20% maximum allowed.

T. Pratt asked if the percentage was acceptable to the Planning Board.

J. Hagan affirmed that it was. He also reported that fire equipment could get around the building and it was his understanding that the Cazenovia Fire Department had no objection to the plan.

J. Hagan said they reviewed the design with the New York State Department of Transportation (DOT). He said the first submission to the DOT was a sketch plan. Once that is acceptable, they would then be asked to do a more detailed plan showing the construction details and paving sections, etc.... He received a memo from the DOT in Utica approving the concept and requesting the construction details. He said the DOT had no problem with the access or the storm drainage that will be draining to the highway culvert. The email from the DOT dated January 28, 2020 stating those particulars was submitted and circulated among the Board members.

J. Hagan said Mr. Ballway has had discussions with Mr. Cunningham (regarding the sewer treatment details of the proposal).

D. Ballway explained they submitted some water samples from the Hamilton facility for the organics and the Total Suspended Solids (TSS) loadings analysis. He said they are still working on finalizing the oil/water separator. He said the oil/water separator originally proposed was more complex than they needed. He said the nearby John Deere dealership will be providing them with details regarding the one they use for their business for review.

J. Cunningham explained that any user that (the Water Pollution Control Facility) would classify as a commercial user with abnormal wastewater would need to be regulated by the Town IPP permit system. The testings Mr. Ballway has submitted so far have not had numbers that would classify the project as a significant industrial user. He said the amount of grit as well as oils and greases that come from cars will be an issue for wastewater processing consideration.

J. Hagan interjected that the car wash has settling tanks to accommodate that concern.

J. Cunningham said a grit removal system followed by an oil/water separator would be necessary and that he would want to review the detention times in the design. He said that is what he was waiting to review.

J. Hagan expressed understanding. He also said they would be supplying more detailed construction drawings for connections to the public facilities along Route 20 recognizing the water line was probably not going to be completed until springtime.

J. Cunningham also said they should connect to the closest manhole.

T. Pratt asked Mr. Cunningham if the Applicants are still providing information to him.

J. Cunningham said they are still providing information, the oil/water separator and the grit removal system.

D. Ballway said there will be a grit chamber in each bay.

J. Hagan said they realize they “still have construction details to work out.”

J. Hagan said regarding signage, they have indicated on the site plan that there will be one (1) free-standing sign from the right of way with landscaping around it. In addition, there will be one sign on the façade of the building facing Route 20 as well as a smaller sign on the west side over the pet wash area. The dimensions of the free-standing sign will be 6' X 4'. It will be an engraved sign with a navy background and gold letters. It will be about 3 - 3 ½ feet above grade. It will be illuminated with lights mounted above the sign shining down on the face of the sign. The sign on the face of the building will be 24 square feet as well with a similar design.

T. Pratt reminded the Zoning Board the sign is to be sensitive to the pedestrian traffic, which he did not feel was at all significant along that section of Route 20, but nonetheless was the standard.

J. Hagan said the purpose of the sign was to alert drivers going 50 – 55 miles per hour and to give them adequate notice to turn into the car wash, especially considering the tree line along the east side of the property, as drivers are heading west.

J. Anderson asked about the comparison between the facility in Hamilton and the one proposed.

J. Hagan responded that the size will be similar but the building design will be “totally different.” He said there will be a decorative masonry wall about four (4) feet high with clapboard siding above in a tan shade. The roof will be a hip gable assembly with an architectural shingle. The doors will be glass.

T. Pratt asked if there were comments from the Planning Board regarding the building design.

J. Hagan said there were not. He showed the Zoning Board a sample of the masonry material which was dark gray. He said it comes in 8” x 16” blocks.

J. Hagan then showed the Board the location of the pole lights proposed on the drawing entitled *A-1 Cazenovia Car Wash Proposed Site Plan US Route 20 Town of Cazenovia, NY* dated 1 October 2019 last revised 6 February 2020 by Hagan Architects P.C. He said there would also be three (3) wall pack fixtures on the west side of the building as well as 1 – 2 on the back of the building as people exit. He then showed the Board the photometric plan prepared showing the lighting level on the site on the drawing entitled *Project Name: Cazenovia Carwash Cazenovia, NY Drawing Number RL-6544-S1* dated 01/06/2020 by Red Leonard Associates (rla). He pointed out the average footcandle level calculated at grade using initial lumen values for the paved area was 2.86. The initial lumen value would be with a maximum of 8 lumens dropping to 0 - .1 lumens at the property lines. He said they have done a good job controlling the light. There will be shields on the fixtures. He provided cut sheets regarding the fixtures summarizing they will be downlight LED so the lights will be dark-sky compliant.

T. Pratt asked if they would be shielded.

J. Hagan said they would be.

J. Anderson asked if the landscaping will block some of the lighting.

J. Hagan responded, “Absolutely.” He said there were some concerns from the Planning Board, so he superimposed the site plan over a Google Map of the area to show how the lights would be perceived by the two (2) closest neighbors. That illustration was also included in the packet provided to the Zoning Board.

T. Pratt noted the benefit of the plantings (as well as the topography) to help shield the lighting for the neighboring property owners.

J. Hagan said they wanted to install plantings to ensure a proper setting, but they also did not want to hide the facility, so they think they have achieved both goals.

T. Pratt asked the height of the grasses in the meadow area.

J. Hagan estimated it would be 2 – 2 1/2 feet tall. He thought it would be mowed in the spring and in the fall.

T. Pratt asked about the kinds of trees, wondering which were evergreens and which were deciduous.

D. Ballway said the species proposed were recommended by the CACC.

T. Pratt asked about plantings in the drainage areas.

J. Hagan explained those were chosen for the specific growing conditions and would supplement the others plantings proposed.

J. Wigge spoke about his own experience with effectively abating lighting from the recently constructed hotel by the use of tree planting. He said his major concern was the pending sewer treatment results.

J. Cunningham explained that the DEC is very strict about what goes into Chittenango Creek so treatment from commercial activities must be satisfactory to meet sewer use regulations before it reaches the Town Wastewater Treatment Facility. He said NYSDEC regulates pass throughs at the Town treatment facility from commercial discharges. If the discharger causes pollutant pass throughs at the Town treatment facility, the discharger will be required to do on site treatment to meet the sewer use regulations and/or requiring them to obtain an Industrial Pretreatment permit. Mr. Cunningham said they will not know the actual discharge results until the car wash's grit and oil water separator is built, working, and tested for performance.

T. Pratt presumed those reviews will be done by Mr. Cunningham and Mr. Dunkle when the time comes.

J. Cunningham assured him that was the case.

J. Anderson said he drove by the facility in Hamilton and asked if the signage would be comparable.

J. Hagan believed the street sign for the proposal would be smaller than the signage in Hamilton, and it would be more in character with the (Cazenovia) neighborhood.

T. Pratt asked about the strength of the light that will be mounted above the street sign.

J. Hagan said the fixture had not yet been chosen, but he said it would not be internally illuminated so it would not create "a glare situation."

T. Pratt asked that it would be shielded and dark-sky compliant.

V. Koch visited the Hamilton car wash last November. He said when he washed his car, he found it well-kept. He also found the property was in good repair; he saw no issues with the upkeep of the building, and all the equipment was functioning.

T. Pratt asked the plan for maintenance and security.

D. Ballway said the plan is to install a parameter camera system for security purposes. He believed Mr. Eisenhut has them in each bay in Hamilton as well.

T. Eisenhut affirmed that was true.

J. Hagan stated the feed of the cameras was tied to Mr. Eisenhut's personal computer and cell phone.

D. Ballway explained the feed goes to a monitor on site as well. He said there is a recording of the surveillance. He said the cameras can be monitored remotely from the phone as well.

T. Pratt asked about the access number if there is an issue.

D. Ballway said there are emergency numbers listed in each bay.

T. Pratt asked about the response to those calls.

T. Eisenhut said in Hamilton there are three (3) phone numbers listed on the bay walls outside the driver's door. The first is his number followed by the numbers of two other people who assist him. He said nine times out of ten he is able to fix the problem by phone within a minute.

D. Ballway said emergency exits have been added to the design of all the bays.

J. Hagan showed on the drawings the addition of the emergency doors which meets the Building Code.

Meanwhile T. Eisenhut explained that the facility in Hamilton is maintained and cleaned a couple times a day.

D. Ballway said the Cazenovia facility will be maintained at least once a day if not twice a day when there is more traffic. They would be cleaning the bays as well as the pet wash area. He thought the grit tanks would be cleaned 2 – 3 times a year.

T. Eisenhut said the grit tanks need pumping every five (5) weeks during the busy winter months when cars are particularly dirty, but they would then not need pumping from April until November.

D. Ballway said he and Clay Coleman, as long-term owners, would primarily be maintaining the site with perhaps one other person.

T. Pratt asked if phone numbers would also be posted outside the bays.

D. Ballway said they could post them outside.

T. Eisenhut suggested they be posted near the proposed vending machines and bill changer.

D. Silverman said he has made no secret of his wishes for a car wash in Cazenovia. He too visited the Hamilton car wash. He felt this was one of the “finest plans” he has seen in a long time and he commended the Applicants calling the project “exciting.” He presumed it would be “a journey” trying to fulfill the complexity of the environmental issues and being a good neighbor to the community, but he felt the plan was “very nice.”

J. Anderson asked about the stacking of cars on days when there might be nine (9) cars waiting to wash.

J. Hagan said there will be a fairly long driveway that then breaks into four (4) lanes, one for each bay. He said the end bay is about 40 feet long. He said six (6) cars could stack in that one lane. Another six

(6) could stack in the adjacent bay, and there would be more waiting area before the lanes branch into the bays since the building will be set so far back from Route 20.

Discussion followed regarding the situation at other car washes in the Syracuse area.

D. Silverman found it interesting that they have planned to have two (2) self-serve as well as two (2) automatic washes.

J. Hagan said one advantage of the wand washes was that one could wash boats or recreational vehicles in those bays.

D. Ballway added that for maintenance purposes the wand wash bays were also good, saying if the touchless bays were down, one could still use the self-serve bays.

D. Silverman expected that the response of the crew available to assist would be timely.

Linda Moriarty of 7807 Bonney Hill Road, Donald Ballway's mother-in-law, spoke about her experiences at the Hamilton car wash and the helpfulness and timeliness of Mr. Eisenhut's response when she has experienced difficulties. He was able to assist her in person within ten (10) minutes of her call as well as advise her over the phone. She said the Hamilton car wash was "well-run" and she was "imagining the Cazenovia car wash to be the exact same way."

T. Pratt said the public hearing was open for comments, asking that statements not questions be made, and that one's name and address be stated.

T. Eisenhut said regarding the two (2) laser washes and the two (2) self-serve washes, the research he did before building the Hamilton car wash indicated that having that number would work well for the location, which it has, and he felt the demographics in Cazenovia were very similar. Very often people will not have to wait at all, and most days people will not have to wait for more than two (2) cars ahead of them in line.

D. Silverman said the footprint in Hamilton was impressive because it was so open with plenty of room for cars to line up without confusion.

Motion by J. Anderson, seconded by V. Koch, to close the public hearing was carried unanimously.

W. Lougnot then led the Board through Part 2 of the Short Environmental Assessment Form (SEAF) of the State Environmental Quality Review (SEQR) for the Unlisted Action. All answers to the questions were found to be "no or small impact" with special attention given to Item # 7 b regarding the impact on existing wastewater treatment utilities since the impact cannot be determined until the proposal is built and operating.

J. Cunning said the Town sewer use regulations, the United States Environmental Protection Agency (EPA), and the New York State DEC regulations address through existing Industrial Pretreatment regulations concerns about treatment performance and potential pollutant impacts. The current data,

from testing at another location by the Applicant, was provided. The laboratory results showed that the other car wash was producing wastewater that would not be impactful to the Town of Cazenovia treatment facility.

Motion by D. Silverman, seconded by J. Anderson, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of the SEQR, to affirm the matter an Unlisted Action and make a Negative Declaration, based upon the Board's review of the SEAF and to approve the special use permit as most recently submitted with the following conditions:

- 1) maintain security, and control of the space,
- 2) the lights shall be properly shielded, night-sky compliant, and color temperature shall be 3,000° kelvin,
- 3) maintain the building appearance, and a clean site,
- 4) plantings must be appropriate size and maintained based upon CACC recommendations, and provide adequate blockage of lights, and be installed at the recommended size,
- 5) compliance with the Planning Board recommendations and CACC recommendations,
- 6) sign design and light will be as proposed with downlight and shielding,
- 7) compliance with the Town Code and the New York State Building Code,
- 8) oil/water separator and grit removal system need to be approved,
- 9) hours of operation will be 24 hours per day, seven days per week,
- 10) final approval of the SWPPP by the Town's consulting engineers,
- 11) final SPDES permit issuance,
- 12) final engineering review,
- 13) abandonment of existing well,
- 14) emergency phone number placard will be placed (outside) on the building,
- 15) final approval for connection to the Town sewage treatment plant,
- 16) preparation and entering into an appropriate storm-water management agreement, subject to the approval of the Town Attorney,
- 17) no outside storage will be permitted,

18) construction and operation will be in strict compliance with the submitted plans and drawings,

19) issuance of New York State DOT Work Permit and /or final DOT road cut authorization,

20) the meadow area shall be mowed at least two (2) times per year per CACC recommendation,

21) all the pavement shall be pitched in order to avoid ponding (CACC recommendation), and

22) signage shall be reviewed by the Town Codes Enforcement officer for compliance with required code,

was carried as follows:

David Silverman	Voted	Yes
Val Koch	Voted	Yes
Joe Anderson	Voted	Yes
Jim Wigge	Voted	Yes
Thomas Pratt	Voted	Yes.

Stormon, Charles & Gyata - #19-1259 – Area Variances – 1766 US Route 20 West, Cazenovia (Jim Wigge)

No one was present to represent the file.

T. Pratt said the Applicants were looking to install some solar panels. He believed they are still reviewing the project.

T. Pratt said the public hearing was still open and asked if there were any comments.

There were none.

Motion by J. Wigge, seconded by D. Silverman, to continue the file and the public hearing was carried unanimously.

*CNY Hemp Processing, Inc - #19-1265 – Special Use Permit – 2069 Elm Street,
(Gary Mason) New Woodstock*

Stephen Halton was present to represent the file.

T. Pratt said since the last meeting Mr. Halton has submitted an updated business plan containing significant information. He said he had questions in regard to that to “nail down” what Mr. Halton is going to do and to understand how that will come to be.

Referring to the amended plan submitted February 18, 2020, Mr. Pratt asked if the previously proposed lab and greenhouse are no longer part of the intent at all.

S. Halton stated those two items have been removed to eliminate any concerns about chemical usage or light pollution. He said no additional buildings will be constructed.

T. Pratt noted the business overly bisects the existing building.

S. Halton said that would not be an issue because the primary industrial use would be within the section of the building within the business overlay. He said the other end of the building, not within the business overlay, would be storage.

T. Pratt asked where the main store would be located.

S. Halton answered that it would be in the front section of the building, within the business overlay.

T. Pratt said the Board needs a drawing showing that division and designation.

S. Halton sketched a line on the drawing submitted with the original application. He repeated there would be no processing beyond the line that aligns with the post of the existing chain-link fence corresponding to the *New Woodstock Overlay zone*. He said he is willing to work within whatever parameters exist.

T. Pratt said the amended business plan made a reference to no harsh chemicals or odors, but he was wondering what waste material there would be.

S. Halton said he will be using every part of the hemp plant using no harsh chemicals in the processing, so the only waste would be dust. He said after pressing the grain for oil, the seedcake is made into animal feed, so run-off would be no concern, especially since he has discontinued the intent of having a laboratory.

T. Pratt said in addition to the dust condition, he presumes the machinery will need cleaning which would require water.

S. Halton said the machinery will be cleaned with Dawn dish soap. He said the oil press will be a food grade machine. For the most part, dusting and vacuuming would be the way debris will be cleaned from the processing of the fiber.

T. Pratt asked how the dust and debris will be disposed.

S. Halton said the dust and debris will be sold to paper manufacturers or other companies wishing to purchase that material. He thought any waste would be general garbage or litter from the storefront. He also said he was awaiting a quote for a new dust collection system which he would tie into the proposal as well.

T. Pratt said the water was a concern, being on a private septic system. He indicated more details about the septic system need to be provided.

S. Halton said he was working on getting that information, which has been a “bit of a gray area.”

T. Pratt then asked about lights.

S. Halton said he would have motion lights that would be compliant, located on the exterior of the building for security purposes.

T. Pratt said the Board would need to see a cut sheet for the proposed lights as well as the location of the lights on the building. He said they want to avoid light spill-off. He said a photometric read-out would also be helpful.

S. Halton said he has a meeting with Recharge New York February 27, 2020 who will be working with him in regard to lighting.

T. Pratt said regarding noise, it was mentioned that one of the machines is 90 decibels (dB). He felt that was loud.

S. Halton said that amount was comparable to a running lawnmower. He added that level will be addressed by insulation.

T. Pratt noted the plan indicated insulation would be installed to mitigate sound. He asked about the sound transmission class (STC) rating. He said someone needs to define how much reduction will be achieved.

J. Wigge asked how the Board can measure all these items prior to approval when the operation has not commenced.

T. Pratt said the designers need to provide those facts.

S. Halton asked if he could “fire up the machine and have it tested” for noise.

T. Pratt responded the Board needs to be told how the wall will be built to isolate the sound.

J. Wigge asked about odor.

S. Halton said there will be no odor associated with industrial hemp. He said other locations have had concerns because of the processing of cannabidiol (CBD). He said the scent of hemp is similar to hay but “even lighter.”

V. Koch verified that as the business plan stated, the flower will not be processed.

J. Anderson asked if the dust that would be made would be pollen.

S. Halton said the dust will be similar to dust created by baling hay. He said light amounts of pollen may be in it.

J. Anderson verified there would not be hemp growing on the premises.

S. Halton said it would not.

J. Anderson asked if harvested hemp plants would be brought on site.

S. Halton said they would be round bales of (harvested) hemp.

J. Anderson asked how the pollen coming from the hemp would be controlled.

S. Halton said the only time the dust or pollen would be released would be during processing. He believed the dust collection system would take care of that. He repeated what will be collected can then be sent to other companies for further processing to make other products.

T. Pratt asked about storage of material.

S. Halton responded that raw material, the round bales of hemp, would be stored in the existing shed.

T. Pratt asked how many bales would be stored at one time.

S. Halton estimated 70,000 bales could be stored. He said he will only be able to purchase hemp one time per year. He thought the barn would be filled in November and hopefully be emptied by this time of year if processing can be done well.

J. Wigge asked if there would be any odor associated with the storage of the bales of hemp.

T. Pratt asked if moisture affected the hemp.

S. Halton said the moisture causes hemp to rot or cure. He did not believe there would be any scent. He said he has bales of hemp the Board could observe if they wanted to experience the scent firsthand.

T. Pratt asked about securing the stored material.

S. Halton said he would have a surveillance /security system.

T. Pratt asked if the storage area would be fenced.

S. Halton responded there was an existing fence, but he would like to update the fence which does have gaps.

T. Pratt asked about hours of operation.

S. Halton said the hours for processing would be 8:00 A.M. – 4:00 P.M. Monday – Friday. He was still determining the storefront hours. He felt those would be Wednesday – Saturday.

T. Pratt believed there would be no noise associated with the storefront.

S. Halton said there would not be.

T. Pratt asked about the nearby abandoned railroad trail.

S. Halton said he would “like to open it up a little bit and do a little community garden with herbs and things over there.” He said he liked “the community feel of New Woodstock.”

T. Pratt asked about building improvements and asked when those improvements would happen. He wondered if they would happen before the Certificate of Occupancy or if it would be over a couple of years.

S. Halton said the changes to the outside of the building would probably be over a couple of years. He said he has used most of his available resources to get where he was now. He said he cannot afford to pave the parking lot at this time. He said he has spoken to a couple of local companies about the installation of crush and run stone to minimize the dust for the time being. He said he would love to paint the face of the building within the next couple months.

T. Pratt said the Board would like him to do that too. He said the improvements would need to be done so that a presentable building was planned.

T. Pratt said they addressed the issue of soap, remarking, “soap doesn’t always break down.”

J. Anderson asked if there was a facility like the one Mr. Halton was proposing already operating in New York State.

S. Halton answered, “no.” He was actually the third person in the United States undertaking this endeavor. Sunstrand was a company in North Carolina. And there was another company on the West Coast that “is doing some fiber.”

T. Pratt asked if hempcrete or if any other application will be something that Mr. Halton anticipates as part of his plan

S. Halton said he was working with other New York State companies to do hempcrete seminars, but hempcrete was not something he would produce on site; it would be an avenue to sell the herd (the center) of the stalk to other New York State companies. He repeated hempcrete was not something he wants to make.

T. Pratt asked if Mr. Halton was considering other uses or anticipating other products as part of his proposal.

S. Halton said this facility will be based just upon the things he has outlined on this revised business plan.

V. Koch said he drove by the site and commented that the building “has seen better days.” He felt anything done to improve the facility will help the neighborhood, which he said was “a nice, quiet neighborhood.” He said he understands some of the concerns of the residents, but he felt with proper mitigation, Mr. Halton may be able to work through those concerns.

J. Anderson asked, with respect to what might occur within New York State, would Mr. Halton have pollen coming off his hemp that would pollute potential legal marijuana growers’ crops.

S. Halton said generally the pollination process would happen in a grow situation; generally, fiber is harvested before the pollination cycle. He said it is harvested before it enters its reproductive cycle. Grain would be harvested after the reproductive cycle. Fiber is generally harvested within 60 days and the reproductive cycle generally begins at 90 days. He said he has already received “a lot of hate mail” about that concern, which he understands. He said the topography of New York State also inhibits much of the danger of cross-pollination, which is prevalent in the grain belt/Midwest.

J. Wigge said because there are no other businesses with which to compare the claims of the amended business plan, he was not fully reassured about concerns within the neighborhood.

T. Pratt agreed that quantification was needed.

S. Halton said he would endeavor to obtain that. He said regarding water usage, there would only be one bathroom, which will be for employees’ use, and mopping the floors. They would not be showering as would occur on a traditional residential site. He said at the last facility they used less than 100 gallons per month.

T. Pratt again asked that the usage be quantified as well as other claims, such as the STC rating for sound, etc...

V. Koch thought sound would be an easy fix. He said one would get the reading from the machine and then the engineering of the insulation or the STC could be gotten. He felt sound would be easier to quantify than the amount of dust associated with the plan.

V. Koch asked what the container for the dust collection system would be – asking if it would be a silo.

S. Halton thought it would be a bag system over the one machine that would be producing the dust. He said Schutte Hammermill has started doing a new division for manufacturing mills for cannabis processing. He said that was the company designing the dust collection system for him. He expected to have a quote from them shortly.

T. Pratt also advised Mr. Halton to address fire issues.

D. Silverman asked if Mr. Halton was the sole owner of the business.

S. Halton said he has a business partner who owns 10% of the company.

D. Silverman asked if that business partner owns the real estate.

S. Halton said he has a lease agreement with the partner who also helped supply the seed money.

T. Pratt invited public comment at this time, asking speakers to come forward, state their name and address for the record, and reminding speakers to make statements rather than asking questions.

Tara Zumpano of 2089 Elm Street thanked the Board member who visited the neighborhood. She said she attended the first meeting and she was still not clear about what the special use permit was for. She said she also did not know if the application came before the Town Board before the proposal came before this Board, saying she was unclear how the process has worked to have the proposal “get to this point.” She said it was refreshing to hear the discussion for the previous approval of the car wash with discussion about lumen levels, shrubbery, lighting concerns, water flow, and air flow. She said it was “a tight presentation.” She said she would love to see comments from the CACC (regarding this project). She said every member of the Board has mentioned environmental concerns.

Mary Palmer of 2091 Elm Street said this was new territory for everyone and wondered who will be responsible for inspecting all of it. She wondered if butane and CO₂ would be used. She asked if heat was needed to produce the oil.

S. Halton said butane and CO₂ would not be used. He said he would use a cold press which would use electricity to slightly warm the oil to go through the filtration system.

M. Palmer asked who would be testing the water, the creek in the back, and the pollen. She asked, “who would be inspecting all this?” She said manufacturing and industry requires inspection. She cited the noise, the dust, and the smell as concerns. She submitted a report from *Baltimore Sun Media* entitled “Odor of industrial hemp farm has Baltimore County residents fuming” dated Feb. 17, 2020 to the Board. She said the neighbors had not been given an amended business plan.

T. Pratt said the neighbors were free to inspect the business plan submitted to the file.

M. Palmer said the proposal “is all new” to the neighborhood “and very scary.”

T. Pratt said the Board was endeavoring to collect the necessary information so they would know how to take (appropriate) action in response. He said Mr. Halton must produce quantifiable information.

M. Palmer said she visited the Canastota property and asked why the venture was moved.

T. Pratt felt that was a separate issue, not a manufacturing issue.

M. Palmer asked how much research the Board has done.

V. Koch said the industry was “large in Canada.” He said he has found industrial hemp processing to be more common there from his research.

M. Palmer said the neighbors all live within a few feet of this proposal. She also said the storage area for the bales would be fairly open because it was a lumber company. She wondered about the bales molding since they would be covered in snow, and about CBD oil.

S. Halton said he would not be producing CBD oil. He said hemp fiber was antimicrobial and antibacterial.

J. Anderson believed Mr. Halton was affiliated with SUNY Morrisville and their cannabis program. He believed there was a fair amount of science and practice being developed.

S. Halton affirmed he teaches and assists with the cannabis program at SUNY Morrisville.

M. Palmer asked how long Mr. Halton has been doing that.

S. Halton said the program was new this year and he helped write the curriculum. He said SUNY Morrisville was looking to expand the program to a 300-level series.

M. Palmer asked where Mr. Halton gained his knowledge.

S. Halton said he has been researching the hemp industry for over a decade and he has furthered his research with other universities across the country. He said he will be a keynote presenter in Colorado in March. He said he would be “more than happy to work with everybody to solve these issues.”

M. Palmer said that would be nice, saying she and her neighbors “are still blindsided here.” She repeated her concerns regarding dust, odor, and what can be caused such as headaches and illness.

S. Halton responded that there was misinformation online. He repeated he “is more than happy to set all your minds at ease.” He said one needs to understand “there are 50,000 uses for hemp.” He said he would be doing “the most natural process” he could be doing. He repeated he would not be doing anything with CBD.

M. Palmer asked about the sale of CBD in the storefront.

S. Halton said he would be selling NYS based CBD oils in the store. He said he would primarily be selling clothing, textile material, and specialized equipment for the cannabis industry.

Paul Schmidt of 2090 Elm Street wanted to raise the concern about property value. He said 75 people live on Elm Street and property value was a huge concern for him and probably everyone else. He had not heard the proposed hours of operation for the storefront. He said perhaps the storage of a couple bales of hemp produced little scent, but he wondered if a large storage of bales would make the smell an issue. He also wondered about the potential danger of fire. He wondered if hot weather would make the scent an issue carried by the (summer) wind.

J. Wigge asked Mr. Schmidt if the property had degraded during the previous business owner's watch and if so, what in his estimation would change his property value in relation from the previous business to the proposed business.

P. Schmidt said the Lumber Company "had pretty much closed down by 4 o'clock in the afternoon" and was only open ½ day on Saturday. He also said most of the traffic that came to the Lumber Company was from contractors (who came earlier in the day). By the time most residents were returning home, the Lumber Company business had (essentially) concluded. He indicated there had been no noise and no smell for the residents returning home weekdays and most weekends.

T. Pratt clarified the proposed hours of manufacturing were only 8:00A.M – 4:00 P.M. Monday – Friday. He added the zoning allowed for light manufacturing.

P. Schmidt felt the zoning classification "was crazy."

V. Koch believed there was a furniture company next door to the property in question.

S. Halton said more odor was produced by that business than would be by his.

P. Schmidt said it was not a furniture company but a custom millwork. He said three (3) people work there and it produces little to no traffic. He said most people would never even know the business existed or when someone was working there.

T. Pratt said the Applicant was still working on the storefront hours, but he did not think the storefront would produce much more traffic than the Lumber Company had.

P. Schmidt wondered if the storefront would be open until 9:00 P.M.

When P. Schmidt repeated his concern about the large storage of bales, D. Silverman recalled Mr. Halton saying the large storage of the hemp bales would not be over the summer months.

P. Schmidt presumed the existing building would have a sprinkler system, thinking hemp bales would be flammable.

T. Pratt said Mr. Halton would have to address that issue as well.

Patrick Palmer of 2091 Elm Street said one of his concerns was the 90 dB level of sound of the machinery. He said it was one thing to sit on a lawnmower for 1 ½ hours but it was another thing to listen to it for 8 – 10 hours. He hoped if the proposal were to be approved, suppression of the noise would be tested and approved first. He said it did not sound like the water run-off from washing the machinery, nor the bathroom usage would be issues. However, he felt traffic could be an issue. He said if the operation was similar to the hours of the Lumber Company though, that too would not be an issue for him.

T. Pratt interjected that he would like a better quantification of how the traffic will occur.

S. Halton said he would have that information for the next meeting.

J. Wigge asked Mr. Palmer, when the Lumber Company was operating, if the traffic pattern was mainly on Railroad Street.

P. Palmer said the traffic was primarily from Railroad Street with occasional traffic along Elm Street. He said he hoped for Mr. Halton's sake there will be a fair amount of traffic for the business and the retail component. He said the likelihood of the proposal being approved "was pretty high" but the concerns about noise, dust, and traffic are "pretty high as well" and he hoped those concerns could be remediated.

J. Wigge said traffic was a concern for him, but if most of the traffic was on Railroad Street, it would be less of a concern because only one or two houses would be impacted.

S. Halton said in his amended business plan he proposed the posting of signs prohibiting commercial vehicles on Elm Street. He said he believed the Lumber Company had an average of one (1) semi-truck per day whereas he would not.

P. Palmer said he would anticipate flatbed trucks delivering hemp bales, but he realized traffic would be inevitable. His last concern was the dust issue; he wondered if it could be quantified, mitigated and remediated. He wondered if the dust collection system would be available for the next meeting. He also wondered if that system could be upgraded if need be.

S. Halton responded if more machines were added to production, more dust collection systems would also be added. He said he has an upcoming meeting with the manufacturer for a new style decorticator "which would cut down on the dust."

P. Palmer felt the Board and the neighbors were on "the same page," and that the Board was addressing many of the issues of the neighbors. He thanked them for that.

Janine English of 2076 Elm Street said she lives on the corner of Railroad Street and Elm Street and said her primary concern was the noise because her husband is a truck driver and his hours vary so he might be sleeping during the daytime. She said the neighbors are not trying to make an enemy of

Mr. Halton. She said they do want to know all the details of the proposal. Another concern she mentioned was the potential for allergens. She wondered if there was information regarding the effects of dust on people with (air-borne) allergies.

M. Palmer asked about the frequency and oversight of inspections.

T. Pratt said Roger Cook, the Codes Enforcement Officer, would have that responsibility.

S. Halton said the Occupational Safety and Health Administration (OSHA) would have oversight as well.

T. Pratt summarized that Mr. Halton needs quantified numbers, a designer, to check into the sprinkler situation adequate for fire suppression, and possibly an architect to go through the Code analysis for the next meeting.

S. Halton said he has a large storage of hemp bales, at SUNY Morrisville in a similar facility, comparable to the proposed storage on his site, if the Board wanted to assess the situation firsthand. He explained where the location is on the campus-owned farmland.

V. Koch said he would like to take a look at that.

S. Halton said he would give Mr. Koch his cell phone number to arrange a visit.

J. Anderson said it seemed to him SUNY Morrisville has taken a lead in the upcoming industry. He thought this could be a “potentially huge employer.”

S. Halton said with all the excitement centered around CBD, he was being contacted by CEO’s of other CBD companies hiring him as a consultant regarding transitioning to fiber which is a more sustainable industry. He said he has been connecting with textile mills throughout the state and he has met with fashion designers who want to do an event in NYC from hemp products made in Cazenovia. He said he cannot afford to continue much longer without having a functioning operation, however. He said he will do his due diligence and his homework so that hopefully he can move forward before he would have to shut down.

T. Pratt advised Mr. Halton to keep in touch with Mr. Cook.

Motion by V. Koch, seconded by J. Anderson, to continue the file and the public hearing was carried unanimously.

*AMD Creative Glamping (Luca Trails, LLC) - #19-1266 – Special Use Permit – Route 20 East
(Joe Anderson) Cazenovia*

No one was present to represent the file.

T. Pratt said it was his understanding that the Applicants will be on hold until April.

Motion by J. Wigge, seconded by J. Anderson, to continue the file was carried unanimously.



Motion by J. Wigge, seconded by J. Anderson, to adjourn the meeting at 9:11 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – February 25, 2020