

Cazenovia Zoning Board of Appeals

Meeting Minutes

January 21, 2020

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

Members absent: Jules Titolo, Alternate Member

Others present: Wendy Loughnot; Roger Cook; Torrey Marti; Brian Marti; Jennifer Basic; Anya Woods; Nicole McLean; Joanne Grime; Stephen Halton; Janine English; Mary Palmer; Patrick Palmer; Mary Foster; Paul Schmidt; Nicole Catgenova-Schmidt; Tara Zumpano; Anne Redfern; Graham Egerton; Robert Ridler

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

Motion by J. Wigge, seconded by J. Anderson, to approve the December 16, 2019 meeting minutes as submitted was carried unanimously.

The next regularly scheduled meeting will be Monday, February 24, 2020.

Henneberg, Werner & Shirley. – # 04-234 – Special Use Permit Renewal – 2001-B Thompson Road, Cazenovia

T. Pratt said this was a special use permit renewal for the sale of crafts and furniture, known as *Bears & Chairs*. He said there have been no complaints or issues and there are no changes per Mrs. Henneberg. Mr. Cook did his annual inspection January 11, 2020.

Motion by D. Silverman, seconded by J. Anderson, to approve the special use permit renewal with the same terms and conditions as previously approved was carried unanimously.

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

No one was present to represent the file.

T. Pratt said the public hearing was still open and invited comments at this time.

There were none.

Motion by J. Anderson, seconded by G. Mason, 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)*

There was no one present to represent the file.

T. Pratt said the Applicants are before the Planning Board for site plan review. He asked if there were any comments since the public hearing remains open.

There were none at this time.

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

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 asked if there were any comments at this time.

There were none.

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

T & B Marti Unlimited, LLC - #19-1261 – Special Use Permit – 3360 Thompson Road, Cazenovia (Thomas Pratt)

Torrey and Brian Marti were present to represent the file with their attorney Jennifer Basic.

J. Basic said it was her understanding that the Martis have complied with the Board's requirements in regard to the construction of the building and the only detail outstanding is the New York State licensing from the Office of Child and Family Services (OCFS). She reported OCFS requires a Certificate of Occupancy/Compliance (CO) before they will issue a license, but the Town requires licensing before they will issue a permanent CO. OCFS will not issue the license with the temporary CO issued by Mr. Cook. Ms. Basic was hoping a CO could be issued to satisfy OCFS and receive a conditional special use permit with the presupposition that the Applicants will provide the necessary licensing documentation before beginning the operation of the daycare.

R. Cook explained that the CO or Certificate of Compliance essentially is a document that says a particular structure has met the criteria set forth by the Building Code or the Fire Code, or all of the Codes of New York State. He said they would not necessarily have anything to do with the Board's issuance of a special use permit. He said the CO would state that the building being proposed meets the

Building Code standards for the proposed use. He said his issuance of the CO would by no means state the Owners of the structure may engage in that use without zoning criteria approval. He said the Board still needs the OCFS licensing, but he felt he could issue the CO so that could be obtained. The Owners would not have the right to open until the license was provided.

J. Basic said her clients understood (the need for licensing) and thanked Mr. Cook for clarifying the situation.

J. Anderson asked if New York State had stated the CO would expedite licensing.

J. Basic affirmed the State had, saying the State has a final inspection remaining to be done, but unless a CO can be provided, it would be a waste of the State's time to perform the final walk-through.

J. Anderson asked if New York State had conveyed that the conditional CO was insufficient.

J. Basic said the State had.

T. Pratt asked about the conditional CO and documents sent previously.

R. Cook explained it was completed after his original Certificate of Compliance inspection and it included a few notes of items that needed to be addressed. Since that time, the Town Board changed/expanded the list of allowed uses in the RA zoning classification to include daycare facilities.

T. Pratt asked if the original document did not suffice for the OCFS requirement.

R. Cook said that was correct. January 17, 2020 the office was notified that the fire alarm system had been installed, tested, and was operating. He clarified he would have no problem issuing a CO/Certificate of Compliance because the Owners have now met the Building Code requirements for a daycare center. He felt the Owners were now at the point where he could do that.

T. Pratt asked the maximum number of children that will be on site.

Referring to her business plan, T. Marti indicated the maximum number of pre-school age children would be 61 (the submitted Business Plan indicates 51) and the maximum number of school-age children would be 30.

R. Cook explained the occupant load was broken down room by room for daycare centers. He said the building code numbers are much larger than the daycare requirements.

T. Pratt asked about the number of fund-raisers planned.

T. Marti said she anticipated no fund-raisers at this time, but she would like to be allowed to have 2 – 4 per year. (One special event will be permitted per year without additional approval; others will be subject to subsequent special use permit approval by the Zoning Board of Appeals.)

T. Pratt asked Mr. Cook if there was any issue with the animals on site.

R. Cook said from a Town Zoning perspective the site is large enough to allow farm animals on site. He was unsure if the State had other regulations, but as far as the Town was concerned there were no issues.

T. Pratt said the public hearing was still open and invited comments at this time.

Anya Woods of 1826 Ballina Road said she was one of two (2) abutting neighbors and said they are in full support of the proposal. She had also written an email which was submitted to the file earlier in the day expressing her support.

Nicole McLean of 3651 Rippleton Road said she too was a neighbor and was in full support of the Martis and the day care center. She said it was a much-needed resource in the community. She said before parents had seen the facility or before teachers had been approved, 30 people had wanted their children to attend this day care, indicating the need for this service in the community. She said part of the Comprehensive Plan is to attract young families. She asked how young families would be attracted to our community if those families could not find care for their children. She questioned the opposition the Martis have faced. She believed one of the issues raised at the last meeting was noise which she as a neighbor felt was not a concern at all. She asked the Board to consider the fact that the neighbors are in full support of the endeavor.

J. Wigge asked how the ratio of staff to children was ensured in the event of a staff member leaving.

T. Marti was confused by the question, but it was eventually explained that the day care will over-staff age groups and that there will be extra staff who can float from age group to age group. She added that all staff members will be vetted by the State.

Motion by D. Silverman, seconded by J. Anderson, to close the public hearing was carried unanimously.

Motion by J. Anderson seconded by G. Mason, to appoint the Zoning Board of Appeals as Lead Agency for the purposes of State Environmental Quality Review (SEQR), to affirm the matter an Unlisted Action and make a Negative Declaration, based upon the Board’s review of the Short Environmental Assessment Form (SEAF), and to approve the special use permit for operation of a day-care facility subject to obtaining the OCFS licensing and pursuant to the most recently submitted business plan provided in the file was carried as follows:

David Silverman	Voted	Yes
Gary Mason	Voted	Yes
Joe Anderson	Voted	Yes
Jim Wigge	Voted	Yes
Thomas Pratt	Voted	Yes.

It was clarified that the licensing would be obtained by the Martis and submitted to the Board, and that the Martis would not begin operating before providing the licensing.

J. Basic said they understood.

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

Stephen Halton was present to represent the file. He said his business partner and he had purchased the former property known as the New Woodstock Lumber Company. They propose to open a hemp processing facility as their main focus, and they hope to revamp the store front to sell New York State hemp products, apparel, and some farm equipment. They also would like to construct a greenhouse to sell seedlings with the possibility of a developing a lab for research. He said he already collaborates with SUNY Morrisville, and assists teaching their Cannabis Minor. He said he also works closely with Cornell University. He said he is trying to advance the hemp industry as far as research is concerned and building the infrastructure of the entire state.

T. Pratt asked that Mr. Halton orient the Board in regard to the drawing entitled *Boundary Survey for Dean E. Haskins Liber 868 Page 280 Situate at Elm Street, Hamlet of New Woodstock, Town of Cazenovia, Madison County, N.Y.S. Tax Map 146.08-1-45.1* dated 10/25/2019 by Earlville Land Surveying PLLC.

S. Halton showed where the store front would be in the existing commercial building and where the processing area would be in the same building. He said they would not process cannabidiol (CBD), but they would press the oil from the grain for cosmetics. He said there would also be a textile line where they extract the fiber, run it through a decorticator, then through a carding machine. Then a spinning wheel located in Albany would spin it into yarn. It would then go to a textile mill in Binghamton. After that it would then be sent to a clothing manufacturer in Syracuse which he said is ready to start purchasing the products that will be produced from New Woodstock. He showed on the drawing where they would like to build the greenhouse. He said it would be used for seedlings 2 – 3 months of the year and then the rest of the year they considered growing produce for the local community. He said there is an existing 3000 square foot building that was used for storage which they would use to store dry round hemp bales. He spoke again about the possibility of creating a lab where they could do research and development. He said they have also thought about doing a work force development plan with SUNY Morrisville.

T. Pratt said he assumes the raw material will be coming to them, they would not be growing their own hemp.

S. Halton said they would be growing seedlings and he has the proper licensing to do that.

T. Pratt asked about the predominant activity.

S. Halton said at this time it would be the store front and the processing area.

T. Pratt asked Mr. Cook if the Board needs to consider the proposed greenhouse and the ancillary building at this point.

R. Cook said perhaps the Board would not give a full approval (for all the intentions), but he felt asking about the future plans was legitimate discussion at this time.

S. Halton said he tried to include (in his business plan) everything he might want to accomplish in the next ten (10) years.

T. Pratt said he wanted to be clear that at this time, the Applicants are just looking to use the existing buildings.

S. Halton affirmed that was the case, adding they would like to do minor renovations.

T. Pratt asked if any of the processes would create odor or dust.

S. Halton said there would not be odors, but there would be “a little bit of dust made from the decortication line.”

T. Pratt asked about the amount of dust.

S. Halton responded, “it’s not awful.” He said it would vary depending on the condition of the hemp purchased, saying it, like hay, can get dusty.

T. Pratt said he was asking (about these impacts) because this would be performed in the middle of the hamlet, and he wondered if there was something that could contain the amount of dust.

S. Halton said they had talked about doing a dust evacuation or containment system. He said they have looked at designing a new machine that would have that system built into it.

J. Wigge asked if there was Code pertaining to this concern.

R. Cook indicated there was.

T. Pratt asked about storage of material, thinking it would be stored in the existing out-building.

S. Halton said that was the case, but added he would like to build an agricultural grain bin to store the grain which is what is used to press oil from the seeds.

T. Pratt asked if there would be any issues associated with the oil.

S. Halton said, “No sir.”

T. Pratt asked about noise (associated with production).

S. Halton said, “At this time there really won’t be that much noise. The decorticator makes the most amount of noise, otherwise there just might be trucks or a forklift running outside.”

T. Pratt asked about the decorticator.

S. Halton explained it is a fiber extractor.

G. Mason asked the noise level (of the decorticator), thinking its location on the site may be important.

S. Halton said he could guarantee it would not be any louder than the mill that was there.

G. Mason asked for quantification, assuming Mr. Halton hopes to operate his machinery more than the mill was run.

S. Halton said he did not know the actual decibels (dB), but indicated he could have it measured. He said they plan to insulate (thermally) the building as well, which should reduce the noise. He planned to insulate for heating purposes.

T. Pratt asked about the hours of operation.

S. Halton responded 8:00 A.M – 6:00 P.M. for production with perhaps longer hours for the storefront.

T. Pratt asked about lighting.

S. Halton said he would like to install outside lights for security purposes. He has spoken with National Grid about dark-sky compliant LED lights.

T. Pratt asked if he had determined where he would like to locate the lights.

S. Halton had not, but presumed he would have 3 - 4 lights to light the corners of the building for security.

T. Pratt said Mr. Halton probably does not intend to “have a flood of light” in the area.

S. Halton assured the Board he did not want to have excessive lighting, saying he himself lives near the area. He said he just wanted to discourage anyone from stealing the seedlings.

T. Pratt asked about signage.

S. Halton said they would like to replace the existing painted sign on the building. He said there was a wooden sign at the edge of Main Street advertising the Lumber Company and he wondered if he would be able to change the name on that sign as well.

R. Cook said the wooden sign had been erected illegally and now was owned by the New Woodstock Historical Society.

T. Pratt asked about the regulation regarding commercial signs.

R. Cook said off-premise signs were not allowed. The size of allowed commercial signs is 25 square feet. He said the current sign would need to be measured.

T. Pratt asked if there would be adequate parking.

S. Halton said he plans to have employees park behind the existing fence that delineates the property, leaving the parking in front for customers, which he felt was adequate.

J. Anderson asked about a facility in Canastota.

S. Halton said that had been their facility.

J. Anderson asked what happened (to that facility).

S. Halton said they outgrew the facility and there were a few issues with the landlord.

J. Anderson asked about their outgrowing the facility, believing they had just moved into it last year.

S. Halton said they needed more area and “there was not enough space in the facility... to run the equipment properly.” He said there was not enough power. He said the facility did not meet their needs. He said it was the first time he had entered a commercial contract, so “part of it was on me,” as well as there being issues with the landlord.

J. Anderson presumed the seedlings would be coming from Morrisville.

S. Halton said they would purchase the seeds and would grow the seedlings themselves.

J. Anderson clarified they would be hemp seeds.

S. Halton affirmed the seeds would be hemp saying they would be “completely compliant under New York State regulations and under the 2019 Farm Bill.”

T. Pratt assumed they would not be looking to grow the seedlings “right away.”

S. Halton answered they would like to grow them “relatively soon.”

T. Pratt asked if they would grow the seedlings in the existing building.

S. Halton said they would.

J. Wigge said Madison County had raised some issues in the General Municipal Law Recommendation Report (GML) and wondered if those issues had been addressed. He also wanted to return to the topic of noise.

It was stated the issues raised in the GML would need to be addressed.

J. Wigge said regarding noise, how would the Board know how loud the operation would be from a dB level as well as the impact on the neighbors prior to the beginning of activity.

S. Halton said he would be happy to research that for the Board.

J. Wigge asked if the operation had completely closed in Canastota.

S. Halton said they had.

J. Wigge commented that it sounds like Mr. Halton “has a great plan,” but the Board has to take environmental details into consideration as well as impacts upon neighbors. He felt the noise would be relevant.

S. Halton said he had taken his decorticator to SUNY Morrisville to do a presentation. He said there were no issues or complaints regarding noise when he ran the machine at that time. He said there are videos of it online as well. He said he would work on getting the sound information.

T. Pratt suggested he find the dB level and then compare it to a sound familiar to the Board.

V. Koch asked if the decorticator was a custom piece of equipment.

S. Halton said it was made overseas, but there is a manufacturer in New York State and he has been working with them to make a newer machine to keep up with his textile contracts. He thought the newer machine’s dB could be measured in the shop.

V. Koch asked if the current machine is in a place where it can be run.

S. Halton said he had been waiting to wire the machine until after this meeting.

V. Koch said he does a lot of environmental health and safety work and thought it would be easy to get a dB reading off the equipment. He asked if there is anything on the machine cautioning ear protection for prolonged use.

S. Halton said there was not.

T. Pratt asked Mr. Halton to check into that (sound issue).

S. Halton assured the Board he would.

G. Mason asked if Mr. Halton anticipated a significant increase in traffic on the street.

S. Halton believed, “it would not be much more than the lumber yard produced.” He actually thought it would be less because the lumber yard had 3 - 4 semi-truck deliveries a week, whereas they would have higher “flow times than others during harvest time,” but he imagined the trucks would be smaller than those requiring a commercial driver’s license (CDL).

G. Mason believed the dust would be a concern and expressed his desire to know what to anticipate (before an approval was given).

S. Halton said he would like to do a dust-containment system.

T. Pratt asked him to take a look at that as well.

S. Halton said he wanted to see evidence of the Board's support before he "got too far into it." He said a mistake he had made at the previous facility was investing too much into it, and then walking away from it, so he did not want to make that mistake again.

T. Pratt asked when he would like to commence operation.

S. Halton said he would like to begin the end of March, beginning of April as far as the processing component was concerned. He said he would like to insulate for heat and for sound.

Motion by J. Wigge, seconded by J. Anderson, to open the public hearing was carried unanimously.

T. Pratt invited comments at this time, asking speakers to state their name and address, to make statements rather than asking questions, and to approach the Board so they could be clearly heard.

Janine English of 2076 Elm Street stated she was currently against the proposal. She said she lives kitty-corner from the property and will see the entire operation. She said she has lived in her home for 15 years. She said she is concerned about the lighting, saying, "There is enough lighting now." She said her husband is a truck driver and he works predominantly at night and sleeps during the day. She said she is concerned about noise, odor, the aesthetics of the building, and the ground soil.

T. Pratt interrupted asking her concerns about the aesthetics of the building.

J. English said the building "needs a paint job and it's pretty run-down." She said it has been in this condition for quite some time. She said another concern she has is the dusty parking lot. She said in the summertime she cannot open her windows because of the dust. She said she was concerned about the ground soil, as well as the creek that runs behind the property. She was concerned about any chemicals that might be produced (and introduced into the soil and/or water). She was also concerned about her property value. She said she could retire in ten (10) years and she wondered how the business would impact the sale of her home at that time.

Mary Palmer of 2091 Elm Street said lots of little kids ride their bikes and scooters, walk and play up and down Elm Street because it is "a quiet little street." She felt the traffic would be "horrible." She said there would be dust and noise, but it was the safety issues for their children that concerned her the most. She said Mr. Halton does not live on Elm Street, he lives on Main Street. She commented too that the hemp rolls he has kept at his property in the past, fully visible from the public road, have not been legal. She repeated the complaint about the unkempt condition of the building and concerns about dust and dirt. She spoke about the creek and woods that are located behind the property. She stated her concerns about the environmental impact upon the area which included odor and which she felt would

diminish the neighbors' enjoyment of their own properties. She said she has lived at her house for 31 years and was very concerned about her property value since she is about to retire. She was concerned about waste resulting from processing and wondered about laws and permits associated with that. She wondered how the quality of the drinking water would be affected, saying the hamlet has its own water system. She said there was mention of a power issue at the previous location (in Canastota) and wondered if that would be an issue here. She wondered what would actually be stored on site. She said the hours were stated as being 8:00 A.M. to 6:00 P.M. and possibly later at night for the storefront, but Mr. Halton did not state the days he would be open. She felt the commercial hours were inappropriate in an area where houses are "just in feet" of the endeavor. She was concerned about the expansion of the business and wondered what the plan for its expansion would be in the future. She was concerned wondering if marijuana would be sold on site when cannabis becomes legal.

T. Pratt interjected that the Board was looking for statements and asked that questions not be posed to the Applicant.

M. Palmer said she was asking the Board (her questions), saying there were "a lot of questions" for those living near the proposal. She said she was not against the proposal, but she thought the location should be in a business area. She said she knows the zoning allows a business, but what had once been a "nice mom and pop hardware store" to be replaced by this proposal "in a neighborhood of houses" was inappropriate, saying many of the residents had lived there many years and have worked hard "to make their houses nice." She repeated his plan to expand in ten (10) years was what "was scary" especially if it involves cannabis. She said in response to his claim that there was a lot of parking, she disagreed. She suggested the Board visit the site to see it for themselves. She said there is a house with an elderly couple located "almost in the parking lot." She said she had not considered the noise issue until it was spoken about this evening, and that is a very important issue. She repeated her concerns about dust and traffic, especially in regard to the safety of children, remarking again about the number of children accustomed to playing in the area.

Paul Schmidt of 2090 Elm Street said he had "some of the same concerns" that have been expressed. He said the lumber store hours were shorter than the hours proposed for this new endeavor. He repeated the dust from the parking lot would be an issue. He repeated that there were a lot of kids, saying this was "a friendly, quiet neighborhood." He said the road is already used as a cut-through so additional traffic would be an issue. He felt the traffic generated by the lumber company was minimal, ending at 3 – 4 P.M. Mondays – Fridays and being open only a half day on Saturdays. He concluded that the proposal "is not anything I want to see there."

Nicole Catgenova, Paul's wife, said she was "strongly opposed" to this proposal from everything she had heard so far. She said she had many questions, but she agreed with everything that had been said (by the other neighbors). She said, "It is an extremely quiet street", and in addition to the children that play down the street, she herself has grandchildren, and she was concerned about the unique area where many adults walk, ride bikes, and exercise. She said she fears "this will dramatically lower" the quality of life. She said everyone has porches that they use. She said she can imagine how the concern for

dust, odor and sound will impact her enjoyment of having dinner on her porch on a summer night. She said another concern she had was the vagueness of the proposal. She felt the answers to questions about traffic, dust, etc...were not answered specifically. She said she assumes the proposal will not go forward without having those concerns measured. She spoke about the need to quantify the impacts rather than having subjective answers. She said another concern was regarding the expansion of the business, wondering if once the Applicants have already been given approval for their current plan, will it be easier for them to expand upon it. She said it was her opinion that this business should not be conducted in a neighborhood of any kind, especially in a quiet, peaceful one like hers. They purchased their house 22 years ago; her husband was newly retired, and she plans to retire, so she was greatly concerned about property value saying they have put a lot of effort and expense into their house over those 22 years.

Mary Foster of 2082 Elm Street said she shared all the concerns of her neighbors. Without reiterating what had already been said, she stated in addition, she was concerned about the recreational use of the abandoned railroad track (which goes past the property) and how the endeavor will impact those who hike and bike that trail which connects New Woodstock to Cazenovia. She explained the reason children play in the street was because there were no sidewalks on the street, so there was no other location for them to walk, run, or bike. She said because this was such a new industry and because there were so many questions, perhaps the Board could visit the site to investigate and to have a better understanding of the specifics.

Patrick Palmer of 2091 Elm Street said he was not necessarily in favor of, or opposed to the proposal, but in addition to the already posed viable questions, he was concerned about how any run-off from the treatment of the hemp would impact the septic system – if it could support that use, and also how the bathroom facilities would impact it from having 10 – 20 employees (when the lumber company employed fewer people). He said he too was concerned about dust and noise and thought the dB level should be ascertained. He felt if this proposal was approved, a condition should be the insulation of the facility. He said the hours of operation were also a consideration, saying if production was until 6:00 P.M. but the retail aspect lasted until 9:00 P.M., it would be “pretty tough on a small neighborhood such as ours.”

Tara Zumpano of 2089 Elm Street said that there have been problems with special use permits such as Owera Vineyards and Empire Brewery in the past and her concern was who polices the activities and if there would be annual renewals. She said she too was concerned about the other issues raised, however her greatest concern was knowing the recourse if “it doesn’t go as planned.”

T. Pratt responded the special use permit would be renewed annually.

There were no other comments at this time.

T. Pratt said the public hearing would remain open.

J. Anderson said Mr. Halton has heard responses to his application and he believed there were some mitigating measures Mr. Halton could take.

S. Halton responded he would love to paint the existing building.

J. Anderson asked if that would occur at the time of initial operation.

S. Halton said weather permitting he would love to paint at least what is visible from the street.

J. Anderson asked about the parking lot.

S. Halton agreed the dust could be an issue. He said he would like to pave the front parking lot. He said he could not commit to having the complete parking lot paved by the time of opening, however. He said he would not be able to open his business if he had to pave the entire parking lot. The cost of insulating and heating the 6000 square foot building with 18-foot ceilings was substantial. He said he was not opposed to suggestions from the Board or the community as a compromise. He said he guarantees there will be “less trucks.” He said the truck used for deliveries would be the same size as the truck used for deliveries previously. He said no large trucks would be used. He repeated he did not believe the business would be impacting traffic. He stated he also has children that walk and ride the street and that he was concerned about their safety as well. He said he understood the concerns of the community and he would like to work with the community and the Board to address them. He repeated there would be no odors. He said they will not be drying CBD or flowered material. He said he environmentally uses “everything.” He extracts the oil for cosmetics, and he has been involved in a 3-year research project with the seed cake that is left over from processing the oil. He said there would be no chemicals used in the processing process, it would be all dry mechanical. Nothing will be rinsed to go down a drain. He said there will be no waste, everything would be “completely used.” They only plan to have five (5) employees and the bathroom will not be open to the public. He said he was trying to build the community. He said he would love to do things as far as fund-raisers for the fire department and the Historical Society. He said he lives in New Woodstock and he does not want his property to devalue either. He said he would love to put the bales that have been at his house in the dry storage area on the Elm Street property. He repeated he was more than willing to work with the Board and the community and he welcomed a meeting at the facility so anyone “can see what we’re doing.” He said a few members of the community have already scheduled a visit to see what they are doing and to address their problems.

T. Pratt advised Mr. Halton to gather information and to write a response to the issues raised so that it can be included in the file and so that the Board can understand where he was going with them before the next meeting.

G. Mason said one point that was raised was the growth associated with this proposal since behind the building toward the creek the zoning is for farming. He said he was unsure how much expansion there could be.

S. Halton said there would be no further expansion than what he already mentioned. If they were to outgrow this facility, he would move the operation to Syracuse. He said he “would not want that much growth in New Woodstock either.” He said the proposed laboratory could be located in a different area. He understood the concern about the creek in the back of the property but assured the Board again that there would be no waste. He said he would be dealing with the waste from other producers. He said he finds ethical uses making agricultural products from that waste. He said he was concerned with the environment being a farmer himself. He said he was more than willing to work with any concerns.

J. Wigge commented that there were numerous concerns, saying he was impressed by the continuity of the Elm Street neighbors. He agreed that impacts need to be measured. He said it sounded like the proposal will locate an industrial activity in the center of a “community of homes.”

T. Pratt pointed out the property was in the New Woodstock Commercial Overlay.

J. Wigge asked about the commercial overlay having a residential area around it.

Mary Palmer encouraged the Board members to see the location, saying it was “a pretty little town.” She said with the lumber company there was not a lot of traffic and there was no waste. She repeated that there were many concerns (involving this proposal).

T. Pratt said those concerns would be investigated.

D. Silverman asked who now owns the property.

S. Halton answered Ankers Business Services, which is owned by his business associate, has purchased the property.

T. Pratt asked if Mr. Halton understood what he needed to do (in preparation for the next meeting).

S. Halton affirmed he did. He also informed Mr. Wigge when he would be present at the location for a visit the next day.

J. Wigge said he merely intended to drive by.

S. Halton said if at some point someone wanted to come in to “check things out” he would be able to accommodate them.

T. Pratt believed at some point the Board might plan a site visit.

D. Silverman said at some point he feels Mr. Halton needs to make his neighbors “feel more comfortable.” He said many neighbors have resided there a long time and they were invested in terms of equity as well as in terms of their children and grandchildren. He complimented Mr. Halton for having the preparation, knowledge and credentials for the endeavor. He believed New York State was “behind” the industry.

S. Halton said he has been involved with New York State, being the fourth processor and a “pioneer of the industry” since 2017. He repeated he would be happy to work to solve the issues and concerns mentioned.

Mary Palmer asked to speak again. She said Mr. Halton raised another concern by saying if he expands beyond the capacity of the existing buildings, he would move his business to Syracuse. She expressed her support of entrepreneurship, but repeated she does not believe the business belongs in this neighborhood with homes nearby, repeating her many concerns.

T. Pratt said the Board sensed the concerns of the neighbors and will weigh them.

D. Silverman added the public hearing has been left open so the neighbors can continue to express their perspective.

J. Anderson asked when the lumber company ceased operating.

S. Halton responded it was over the summer, but he was unsure of the date.

V. Koch clarified there were videos of the operation of the decorticator online.

S. Halton said that was true.

V. Koch asked if there were videos of any of the other aspects of the entire process that could be viewed.

S. Halton said there were no videos of his machines. He said his videos have been for educational purposes. He said there were videos of similar machines running.

Nicole Catgenova asked the Board if the property in question was already zoned for industrial use.

She was informed that it was.

She asked if it was zoned for the type of industry that allowed for the expansion Mr. Halton was hoping to have.

T. Pratt responded that it was zoned for commercial development.

R. Cook added that the Code refers to “light manufacturing.” He said the Code does not define specifically what would be considered “heavy manufacturing” versus “light manufacturing.” He said the Board was trying to understand the Applicant’s process for their interpretation.

T. Zumpano asked about the five (5) criteria for an approval.

R. Cook explained that those criteria were for the approval of an area variance whereas this application was for a special use permit for an already allowed use. He said the Board, in its consideration of a special use permit, would ask questions pertaining to a site plan review with many other questions

included in the application as well, including any questions raised by the public or that the Board may have among themselves.

T. Pratt said the Board would want to understand the process and the implication upon the community.

R. Cook continued by saying that now that the neighbors have voiced concerns, it was up to the Applicant to answer those concerns. He said the Board takes the concerns into consideration as well as other technical aspects. He said there was another whole layer of items that will need to be brought before the Board for discussion.

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

T. Pratt asked Mr. Halton to submit the information requested at least a week in advance of the next meeting.

S. Halton said he would probably have the information for the Board within a week.

T. Pratt said that would be great.

*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.

R. Cook said Ms. Duffy had contacted the office asking if her file could be continued for a couple months.

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

Motion by J. Anderson, seconded by G. Mason, to adjourn the meeting at 8:44 p.m. was carried unanimously.

Sue Wightman, Zoning Board of Appeals Secretary – January 24, 2020