

6/13/2013 Special Meeting of Planning Board to review Adam Folts Application for a Special Use Application # 999 dated 3/6/2012.

Roll Call: Mary Coriale, Chairman – Present
Jennifer Gruschow – Excused
Ron Rubin – Absent
Ed Pinneo – Present
Bill Pringle – Present
Donna Gridley – Present
Art Carcone – Present

All attendees were requested to sign in. They included Nicole Folts, Adam Folts, Kara Sherman, Jane Nielsen, Dan Nielsen, Jim Wolford, Jack Litwin, Meredith Nielsen, Elaine Nesbitt, John Phillips, CEO, Jim Crevelling, Town Board members, Pat Killen and Mike Steppe, and other unidentified persons.

James S. Wolford presented the Planning Board with a letter dated June 13, 2012. This letter will be placed on file under Adam Folts, in the Planning Board File at the Jerusalem Town Hall.

The chair shared with those present in the audience the order of business for the meeting:

- a. The Adam Folts Winery site plan will be reviewed per 160-103.1 A-G of Town Code. Those present in the audience were informed that they would be permitted to give input regarding each of the site plan review criteria as the board conduct their review.
- b. Environmental review will then be conducted (SEQR) and a determination of impact made
- c. The Planning Board will then make a decision regarding the site plan and conditions of approval.

J. Neilson and Attorney Wolford voiced issues regarding timeline of notification for this "hearing" (Attorney Wolford's language). It was pointed out that this was not a *hearing*. It was an additional *meeting* scheduled to meet the neighbors needs and allow them to voice their concerns.

J. Nielson voiced issues with the verbiage (title of the item being revisited) of the meeting announcement in the Chronicle Express.

Site Plan Review of Folts Winery
2939 Williams Hill Road, Bluff Point 14527
Tax Map No. 72.04-1-9

160-103.1

Criteria for Review of Site Plan

A. Compatibility of the proposed use with neighboring uses

The proposed building will be located in the AG/Res district on an active 47 acre farm.
Ag/Res is a zoning district that allows for farming as well as residential uses.
The proposed use of the building is for an agricultural purpose.

The owner's intent is a small family run facility that would allow people to come and enjoy the view, relax, enjoy a glass of wine. There is the possibility of having horse drawn wagons that would take people on a tour through the vineyards to get a close up view of what a vineyard is about. The owner wishes to market their farm product directly to the public rather than rely on larger companies to do so.

Neighbors voiced concerns regarding:

- Anticipated increased noise levels from winery patrons
- Increased traffic and safety
- Nielson loss of lake view
- Anticipated drop in property value

The following elements will minimize the impact on the neighbors:

- The winery will small and family run.
- The building will be a one story 1200sq foot building which will adhere to TOJ height restriction of 35ft thus minimizing the visual impact. The proposed building is significantly smaller than allowable farm use buildings currently permitted by TOJ code.
- Extensive discussion regarding the potential for increase in noise levels. Avenues explored to seek agreement between neighbors and the applicant. Highlights follow...
- Hours of operation are limited (refer to D below)
- Per applicants: Occasional events for up to 75 people. Majority of events will be indoors.
- The Town of Jerusalem has a Noise Ordinance
- Mr. Folts voiced a willingness to work with neighbors to decrease noise impact.
- Jim Wolford voiced willingness to work with the Folt's attorney to find solutions to buffer noise.
- Regarding increase in traffic: Busses will be prohibited, limousines will be allowed by appointment only.
- The Bob Payne, the Highway Superintendent has submitted a letter validating that there is adequate sight distance.
- Regarding the Neilson's concerns related to loss of partial view:
 - Unfortunately, residents do not own a view.
 - Mr. Folts has explored 3 additional sites on the property to locate the winery, however increased costs associated with the alternative sites' percolation results, and aesthetics (poor view of the lake and 54A Highway noise) ruled out these alternative sites. Mr. Folts has sited the winery in a manner to minimize the Nielson's loss of lake view.
- Regarding anticipated decrease in property value: D. Gridley responded that properties surrounding current wineries have not experienced a loss of property value.

B. Safe and appropriate movement of vehicles and pedestrians onto and off of the site.

Concern has been expressed by a neighbor (D. Coriale letter dated 4/3/12) regarding the location of the entrance access from Williams Hill Road. The letter was read aloud to those present. The Nielsons questioned the adequacy of visibility when exiting the winery and said that motorists have ended up in their side yard at times through the years during the winter. They also voiced concerns that the winery driveway access is 70' from their home.

Planning Board's response to concerns:

Bob Payne, the Highway Superintendent, has reviewed the access driveway and determined that the location involved appears to have adequate sight distance. The letter also states that the property owner has a copy of the Town driveway policy and as long as the policy is followed he, (the Highway Superintendent), sees no reason for this to be an issue in the consideration of this project. A letter to this effect April 9, 2012 is attached to this determination.

Mr. Folts' response to concerns:

- The Folts will limit Limos to appointment only, to control some of the expected traffic.
- Bus groups will not be permitted.

C. Adequacy of the systems for general safety and suppression of fires.

- The winery will comply with all uniform building and fire codes.
- Public water is available to this location.
- The access driveway will comply with Town of Jerusalem Code.
- Occupancy limits will be determined by NYS code.
- ADA access will be addressed in the final plans.
- The owners/business will comply with NYS Liquor Authority, NYS Ag & Markets. KWIC, YC Soil and Water, and DEC. Liquor license must be secured prior to operation.

D. Suitability of landscaping, buffering, lighting, and hours of operation.

- Lighting surrounding the building will be minimal and motion activated for security purposes on the proposed structure consistent with types of lighting in surrounding area structures.
- All lighting will be low level and directed at the ground
- Signage will conform to TOJ code will not be illuminated.
- No proposed additional landscaping proposed... none needed property has vineyards and other flora appropriate for an agricultural property
- Hours of operation will be limited to limit impact on neighbors

Open year round

Wednesday-Friday 11 am-6pm

Saturday 11am-7pm

Sunday 11am-5pm

Closed – Monday & Tuesday

E. Adequacy of drainage systems

- Adequate drainage at the property.
- The site plan demonstrates that overall , the increase in impermeable surfaces will be minimal and the silt loam and sandy loam soils encourage percolation. Proposed conventional septic system has been approved by Keuka Lake Watershed.
- Very little addition of impervious surfaces. All additional anticipated drainage, if any, will be addressed through the Yates County Soil and Water.

F. Suitability of signage

- Signage will be per the Town of Jerusalem zoning guidelines
- Sign permit is required
- The owners intend to construct a 4x8 ft sign
- The sign will not be lighted.

G. Appropriateness of architectural design and treatment considering neighboring structures.

- It will be a one story, 1200 sq foot building to minimize impact on neighboring properties. Town of Jerusalem code limits building height to 35 ft.
- The building will be constructed to look like a residence to blend into the agricultural landscape.
- The building will overlook the original Folts farm and afford customers a view of the Keuka Lake and Keuka College.

Environmental Impact Review: SEQR

Action identified as an unlisted action. Attorney Wolford took issue with the project's designation. Argued that action is a Type I action.

Short form EAF review conducted . Attorney Wolford and those in audience declined that document entitled: *Negative Declaration- Determination of Non-Significance* be read aloud.

Motion Donna Gridley to approve the Resolution Issuing Negative Declaration for Adam Folts's Application # 999 dated 3/06/2012 for Site Plan Approval to construct a Winery at 2939 Williams Hill Road, Bluff Point, NY

Seconded by Ed Pinneo

All in favor: 5

Opposed: 0

Motion carried.

Site Plan Determination

The document, *Decision on the Adam Folts Application for Site Plan Approval* was read aloud to all present by the Planning Board Chair.

Motion by Ed Pinneo to adopt the Resolution Issuing Decision for Adam Folt's Application for Site Plan Approval to Construct a Winery at 2939 Williams Hill Road, Bluff Point, NY.

Seconded by Donna Gridley

All in favor: 5

Opposed: 0

Motion carried.

Motion was made by Mary Coriale at 8:50 pm to adjourn the meeting.

Seconded by: Art Carcone

All in favor: 5

Opposed: 0

Motion carried Meeting Adjourned.