

ZONING BOARD OF APPEALS
TOWN OF CANAAN
COLUMBIA COUNTY, NEW YORK
SEPTEMBER 29,2020

Present: David Cooper, Heather O'Grady, Pat Liddle, Jack Steffek, Pat Liddle, Craig Dillon, Brian Lossow

Others Present: Ginny Nightingale (Town Board Liaison)

Board Chair David Cooper opened the meeting at 7:00 with 2 people (the appellants) in the audience. There is one item on the agenda for the meeting, a Public Hearing for file #2020-02.

Motion made by Pat Liddle to accept as submitted the August meeting minutes. 2nd was made by Heather O'Grady. All in favor.

David read the legal notice that was published in the Columbia Paper and at 7:05 opened the Public Hearing for Special Use Permit, file 2020-02 an appeal by Peter Bartlett for property located at: 146 Flints Crossing Road, Canaan, NY.

David read the following brief overview synopsis rationalizing the board's approach for review, (cced Town attorney, Canaan ZEO 8-28-20). "It's a special permit for food service (restaurant) & retail sales as specifically referenced in the allowed actives for a NYS Farm Winery (NYS SLA & NYS Ag& Markets). The Appellants currently have a NYS Farm Winery License issued 3/16/2020 by NYS SLA Certificate # G0923321 expiration date 2/28/2023."

The chair read into the record the Columbia County Planning Board's response to our required referral. (The referral was required due to the property's proximity to I-90) It recommended a local response and also included informal comments for our board's consideration.

Next the chairman read the draft SEQR parts 2&3. The analysis returned a negative deceleration, no significant adverse environmental impacts were identified. However, it did note that the project is within a wetland buffer and as currently presented no additional NYSDEC Wet Lands Permits should be required based on an honest assessment of the farming and the farm winery activities. However future onsite activities may require permits or oversight by NYSDEC and or Army Corp of Engineers NY,

The hearing now focused on farm winery facility and associated actives. The appellants explained in some detail the application and review process they completed in securing their farm winery license. and It involved detailed review of the vineyard growing and production, tasting room facility and product tasting. It was a coordinated review by NYS Ag & Markets and the issuing agency NYSSLA. The appellants referred to a binder they brought that contained their information provided and verified to obtain the license. The review included verification by site visits and covered details such as ADA facility compliance. A designated NYS Farm Winery is very specific farm activity designed to promote NYS agriculture products and production. There continued a discussion of scale and it was mentioned that perception scale is often a relative measurement. Chairman asked help us understand the scale of your facility and operations. The applicant provided specifics of their vineyard and winery. The applicant said currently their wine is 40% on-site grapes and 60% NYS off site grapes. They estimate a 20-25-pound yield of grapes off of one vine and hope to increase their percentage input as the vines mature. He mentioned that their current production is under 2000 gallons per year (approximately 10,000 bottles). They also mentioned that that just produced and canned a volume of grape preserves using their production.

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Chairman asked the applicant if all abutters were notified and Ms. Powell said yes. Maintaining a designated farm winery creates a lot of responsibility for the applicant. They are required to keep detailed records to verify that activities associated with offering tasting products is in compliance and focused on promoting NYS agricultural production. Ancillary activity such as on-site events are required to have a verifiable dominate NYS product production component. A discussion continued regarding such an activity. They elaborated on being a hosts and members of Harvest Hosts a group focused on agricultural related site visits including Farm Wineries such as theirs. They said that visits are only by reservation and only for an overnight with totally self-contained campers (there are no onsite hook ups provided). They noted that Dept of health approved the site for up to 5 RV's but they have set a limit at two and on occasion three if it is a specific group traveling together. They intend to schedule RV visits to days when they are not regularly open.

An aside: it is noted that the primary function of this activity is not RV camping but easily verified as a transient visit to a designated farm winery.

Member Lossow asked if there is a retail license and if he could purchase their wine. Ms. Powell, "Yes". Ms. Powell also explained that the distribution of the product only takes place on site. Chairman Cooper explained that Mr. Bartlett's license allows him to sell other New York State produced products and they confirmed that at present they offered some Chatham Brewery products. Member Dillion asked if there were any plans in the future to expand. Mr. Bartlett did not anticipate major expansion and as an explanation elaborated on present activities related to tastings. Since they are the only (2) employees they personally oversee the tastings, normal days of operation are Thursday -Sunday, 3PM-7PM and currently food and other beverages must be available. The tasting facility is un heated and tasting operations are a bit seasonal and they anticipate being open from mid-April to mid-November.

Chairman explained that the applicant will have to go in front of the planning board for site plan review. Board clerk will email the planning board chairman to find out what the applicant needs in order to go before the planning board. No members of the public were present at the public hearing. Chairman Cooper made a motion to close the public hearing, member Steffek second the motion, all voted in favor. Public hearing was closed at 7:51 pm.

For the Board,

Michelle Bienes- Clerk