

Town of Torrey Zoning Board of Appeals  
Public Hearing  
January 3, 2022

Board Members present: Chairman Chris Hansen, Mark Gifford, Bob Constantine  
Excused: George Dowse Deanne Lamborn

Others: Scott Osborne, Logan Rockcastle, Marvin Nolt, Dwight James Code Officer

Chairman opened the public hearing at 7:00 and asked the secretary to note members present.

Public Hearing on Special Use Modification # 21-7 of Fox Run Vineyards 975 Carlsen Rd to construct a 11,000 sq' processing facility adjacent to existing warehouse. A special use permit modification is needed as the original footprint will be expanded in an Agricultural District per Torrey Zoning § 98.33.

Torrey Planning Board recommended December 20, 2021 approval of this application. Yates County Planning Board on November 18, 2021 determined this application has no countywide or intermunicipal impact.

Town Law Section 267 Art. 16 All property owner(s) within 500' of property line of land affected by a zoning change must be notified

*Notices sent to the following property owners by clerk:*

Fox Run Winery 670 Rte. 14 Penn Yan, NY 14527

Town of Benton Clerk Bobbi Wolfe 1000 Rte. 14A Penn Yan, NY 14527

Walt & Deb Mayo 715 Rte. 14 Penn Yan, NY 14527

Richard & Nye Nelson 969 Carlsen Rd Penn Yan, NY 14527

Rohit & Grace Mirchandani 701 Rte. 14 Penn Yan, Ny 14527

Roger A Jensen 1122 Angus Rd Penn Yan, NY 14527

Logan Rockcastle engineer for Fox Run presented the application for the 11,000 sq' warehouse. He explained retaining walls, drainage, spillway to catch basin. Any overflow would spill into the swale area.

No retention ponds on site. There is an existing leach field and septic. Drainage will be redirected away from the septic.

There was no one desiring to speak in support or against this application.

Chris closed the hearing on this application.

**Special Use Permit Modification # 21-6** application for Marvin Nolt 1064 City Hill Rd. to construct a 40' x 44' structure to an existing building on his property.

A modification is required to expand the footprint of original special use permit per Torrey Zoning Law § 98.133 in an Ag District, Town of Torrey,

Torrey Planning Board recommended on December 20, 2021 approval of this application. Yates County Planning Board on December 16, 2021 determined this application had no countywide or intermunicipal impact.

Town Law Section 267 Art. 16 All property owner(s) within 500' of property line of land affected by a zoning change must be notified.

*Notices sent to the following by clerk:*

Titus & Sarah Nolt 1064 City Hill Rd Penn Yan, NY 14527

Oliver Henderson 2697 Himrod Rd Penn Yan, NY 14527

David Henderson 1799 Himrod Rd Penn Yan, NY 14527

Bruce Henderson 2453 Rte 14 Penn Yan, NY 14527

Brian Henderson 11038 Cty Rte. 122 Prattsburgh, NY 14873

Marvin Nolt appeared on this application. He would like to build a 40' x 44' addition on an existing structure. Mr. Nolt will also need a lotline adjustment of 30' to meet setbacks on this structure. His father owns the adjoining land and is agreeable to the lot line adjustment.

Once the lot line adjustment is on file with the County Clerk, the Code Officer and Planning Board Chairman will sign off on the map mylars.

Mr. Nolt stated he is growing his business to building wheels for farm equipment. Questioned is he has septic and water in this building he stated no.

There was no one desiring to speak in support or against this application.

Chris closed the hearing on this application.

Motion by Mark 2<sup>nd</sup> Bob to close the public hearing at 7:16 carried.

Respectfully submitted,

Town of Torrey Zoning Board of Appeals  
Regular Meeting  
January 3, 2022

Board Members present: Chairman Chris Hansen, Mark Gifford, Bob Constantine  
Excused: George Dowse Deanne Lamborn

Others: Scott Osborne, Logan Rockcastle, Marvin Nolt, Dwight James Code Officer

Motion by Bob 2<sup>nd</sup> Mark to accept the minutes of the November meeting carried.

Reorganization- Chris offered the following slate of Officers for 2022, Bob Constantine-  
Chairman, Mark Gifford- Vice Chairman, Betty Daggett- Secretary

Motion by Chris 2<sup>nd</sup> Mark to accept slate of officers as presented carried by all.

**Special Use Permit Modification # 21-7** application for Fox Run Vineyards 975 Carlsen  
Rd to construct a 11,000 sq' processing facility adjacent to existing building.

A modification is required to expand the footprint of original special use permit per  
Torrey Zoning Law § 98.133 in an Ag District, Town of Torrey,

Motion by Mark 2<sup>nd</sup> Bob to accept application SUP Mod # 21-7 Fox Run Vineyards 975  
Carlsen Rd as complete.

SEQRA was completed December 20, 2021 by Planning Board, there findings were;  
based on the information and analysis, the proposed action will not result in any  
significant adverse environmental impact.

Motion by Chris to Grant Special Use Modification 21-7, 2<sup>nd</sup> Mark with the following  
resolution

**WHEREAS**, as an application a SUP Modification # 21-7 was received on 11/4/21  
from Fox Run Vineyards 975 Carlsen Rd to construct a 11,000 sq' processing facility  
adjacent to existing building. A modification is required to expand the footprint of  
original special use permit per Torrey Zoning Law § 98.133 in an Ag District, Town of  
Torrey, and was filed with the Town of Torrey zoning Board of Appeals (hereinafter  
ZBA) and,

**WHEREAS**, after due public notice of such, a public hearing on said application  
was held by the ZBA on January 3, 2022 in the town meeting room at 56 Geneva Street,  
Dresden, Yates County, New York, at this time information was presented on the  
applicant's behalf, and

**WHEREAS**, at said hearing all desiring to be heard were heard, and

**WHEREAS:** This application involves a Type II action as defined by the State Regulatory for Environmental Quality Review so that no further Environmental Assessment is required, now

**THEREFORE, BE IT RESOLVED** that the application # 21-7 for Modification to Special Use Permit for Fox Run Vineyards 975 Carlsen Rd to construct a 11,000 sq' processing facility adjacent to existing building is **GRANTED**.

**Roll call vote:** Hansen – Aye, Gifford- Aye, Constantine -Aye, 3 Aye 0 Nays

**Special Use Permit Modification # 21-6** application for Marvin Nolt 1064 City Hill Rd. to construct a 40' x 44' structure to an existing building on his property.

A modification is required to expand the footprint of original special use permit per Torrey Zoning Law § 98.133 in an Ag District, Town of Torrey,

Motion by Chris 2<sup>nd</sup> Bob to accept application SUP Mod # 21-6 Marvin Nolt 1064 City Hill Rd. as complete, carried.

### **SEQRA – Review**

Chris presented Part 2 SEQR short form. He read each question out loud for members for decision.

Each item was read and a negative finding was determined.

Motion by Mark 2<sup>nd</sup> Bob to accept the completed SEQRA and it's finding a negative declaration that the proposed action will not result in any significant adverse environmental impacts. Carried by all.

Chairman offered the following resolution 2<sup>nd</sup> by Mark

**WHEREAS,** as an application a Modification SUP 21-6 was received on 11/30/21 from Marvin Nolt 1064 City Hill Rd. to construct a 40' x 44' structure to an existing building on his property in an Ag/Res District per Torrey Zoning and was filed with the Town of Torrey zoning Board of Appeals (hereinafter ZBA) and,

**WHEREAS,** after due public notice of such, a public hearing on said application was held by the ZBA on January 3, 2022 in the town meeting room at 56 Geneva Street, Dresden, Yates County, New York, at this time information was presented on the applicant's behalf, and

**WHEREAS,** at said hearing all desiring to be heard were heard, and

**WHEREAS:** This application involves a Type II action as defined by the State Regulatory for Environmental Quality Review so that no further Environmental Assessment is required, now

**THEREFORE BE IT RESOLVED** that the application Modification to Special Use Permit # 21-6 of Marvin Nolt 1064 City Hill Rd. to construct a 40' x 44' structure to an existing building on his property in an Ag/Res District is **GRANTED**.

**With one stipulation:** Contingency on lot line adjustment.

**Roll call vote:** Hansen – Aye, Gifford- Aye, Constantine -Aye, 3 Aye 0 Nays

With no further business, Chris made a motion to adjourn 2<sup>nd</sup> Mark carried at 7:28PM

Respectfully submitted

DRAFT