

Torrey Zoning Board of Appeal  
Public Hearing July 11, 2011  
Serenity Vineyards Special Use Application # 15-11  
Small farm winery and tasting Room

Present: Chairman James Cougevan, VC-Tony Cannizzaro, Martina Gibson, Patrick Hoke, Chris Hansen.

Others present: Kathryn Wiley, Richard Kozolosky, Beverly Hange, Linda Lefko Betty Daggett, Grace Mirchandani, Scott Osborne, Kathy & Paul Donaldson, Ron Kenville

Chairman Cougevan opened the public hearing at 7:15 PM. He asked the secretary to note all members present.

Jeff Smith of 930 Davy Road has applied for a special use permit for his winery presently in operation at this location.

He presented proof of notification to all property owners within 500' of this application site.

Chairman asked Mr. Smith to present his case. He stated that he is before this board to obtain a special use permit to operate his winery and a small tasting room within the winery on his property at 930 Davy Road.

There were no interested parties to speak in support of this application.

Kathryn Wiley 893 Davy Road asked why the winery was already operating without permits. Stated if she operated a hot dog stand in her driveway she would be shut right down. Feels Mr. Smith should follow the letter of law too. Obtain permits and licenses first before opening a business. She spoke on the increase of traffic flow, additional dust and the need for dead end sign placement for this road.

Richard Kozlosky 960 Davy Road, lives next door, his property is directly east of this application site. Mr. Smith did repair work to his driveway and removed a hedgerow, rain water has been redirected into Mr Kozlosky's garage and cellar. He has worked in contractor business and a sound barrier should be in place to protect the neighbors. A natural barrier would be a hedgerow, this would lower the traffic sounds and dust towards his property.

Beverly Hange, 960 Davy Road, stated she lives next door also. The dust problems and heavy traffic is a great concern. She walks her dog on Davy Road and increase of traffic flow along with higher speed is very dangerous for the neighborhood.

Marty asked why Mr. Smith had not contacted the code officer and applied for the permit before opening the winery.

Mr. Smith stated that while completing and filing all the necessary Federal and State licensing paperwork along with Dept. of Health he was just overwhelmed. He did not have a checklist of all the steps to follow. He opened the winery in 2006 and the retail in 2011. This spring he contacted Ron about signage due to the fact it was a Town Road. He also had to complete application forms for NYS Dept. of Transportation for the signs on corner of Davy and Route 14. He is willing to shut down the business until all permits from town are issued.

Tony stated “the action brought before the board tonight, will determine if a permit can be obtained”. This is the step Mr. Smith needed to take.

Mr. Smith addressed the water issue brought up. He feels that the driveway work and removal of a couple shrubs has not redirected the water-flow, he has gravel lane running behind the building. He asked the neighbors to contact him when the water starts creating a problem again so they can figure out where the flow problem begins. Regarding the traffic signs, there are already dead end signs on Davy Road. No speed is posted. He had not enough time to finish the driveway, he is hoping to finish it this year, this may keep the dust down. It has been a very dry summer.

Clerk has spoke with state highway DOT before, when there is no speed posted, it is assumed state speed limit of 55 MPH. The Highway Supt. can be contacted regarding the process of posting a lower speed on this road.

Chairman read letters from Yates County Planning Board dated May 30 2011 recommending approval of this application and, Town of Torrey Planning Board letter dated June 20, 2011, recommending approval with stipulation that: question # 11 on the SEQRA short form be completed before approval.

There being no further persons interested in speaking or further questions, Chairman thanked all in attendance for their interest and made a motion to close the public hearing, 2<sup>nd</sup> by Tony, carried by all at 7:45.

Mr. Smith thanked the board for hearing his application.

Respectfully Submitted,

Betty M. Daggett