



Office of the Planning Board

Chairman **Carl Landon**
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Town of Denning
1567 Denning Road
PO Box 277
Claryville, NY 12725

Town of Denning - Planning Board Meeting

March 14, 2013

Members of the Planning Board present were Chairman Carl Landon, Mr. Joseph Sibiga, Mr. Greg Vurckio, Mrs. Jennie Snyder, Mrs. Katherine Parr and Mr. Dennis Deyo then Mr. Steve Bobik later.

Members of the public present Councilman Mike Dean and Thomas Matthews.

Meeting called to order at 7:06 pm by Chairman Landon.

Video recorded the meeting as a trial to see if it could be presented to the public at a future date.



February 14, 2013 minutes were read by the computer. Motion to accept February's minutes by Mr. Joe Sibiga, seconded by Mrs. Jennie Snyder. All in favor. The board members signed February's minutes.

Old Business

Reviewed the notarized signatures of all parties (20) on the deed, who approved and concur with the subdivision map of the Komonchak property SBL 43.3-2-27 at the local street address is 493 Red Hill Knolls Road. Total of 98.3 acres of land on both sides of Red Hill Knolls Rd, This is a 3 lot subdivision, 9.4 acres with about 700 feet road frontage, 32.7 acres with a residence and about 700 feet road frontage, and 48.2 acres on the other side of the road. Mr. O'Bryan is the one purchasing two of the lots without the residence and the rest of the family members keeping the parcel with the residence.

The Surveyor Mr. Macurieo from Pine Bush, will send the final maps to be signed, in the near future.
(note: the next Monday 3/18/2013 the maps were signed by the chairman at the town hall and returned by mail.)

New Business

Notification of Logging on Taylor Road (SBL: 50.1-1-6.1 on 40 Acres) owner Dwayne Smith, logging by Jacob Brooks. Notification only, as it falls under the 77,000 board feet special permit requirement of our current zoning.

Continuing Business

Blue Hill Lodge and Café Event Center - Special Permit for the Manufacturing of Beer.

The Planning Board reviewed, edited, and approved the following topics of the draft assessment for making the decision on the issuing of the Special Permit. Note: For reference see the (Assessment: Special Permit for "Manufacturing Beer" by the Blue Hill Lodge and Café.)

- Introduction and Definitions used.
- Soil and Water Quality.
- Waste.
- Noise Traffic and Hours of Operation.
- Odor from Manufacturing.
- Volume and Size of the Manufacturing Operation.
- Site Plan Completion.
- Special Permit (periodical).
- Conclusions.

The Assessment is based on all conversations, input, and decisions from the planning board during the process of discovery and research of microbreweries in general, as well as the specific needs of the Blue Hill Lodge and Café and their proposed operation and site plan. Also, input from the public at our Public Hearing in February, as well as input from the public in writing to the town clerk and planning board over the last two months. Reference to the document "Assessment: Special Permit for Manufacturing Beer by the Blue Hill Lodge and Café" for more detail on this assessment.

Discussion on soil and water quality was in reference to the more than needed capacity of the approved septic as well as the SEQR report filed.

Discussion on waste centered around some sort of commercial permit to use the dump. The waste going to the dump (drinking cups and napkins etc.) will be included with the normal waste from the Event Center. The brewing process they have chosen has little to no waste in manufacturing.

Discussion on noise, traffic and hours of operation of the manufacturing was separate from the operation of the Event Center, and more restrictive. Also, separate hours for the tasting room. The operation of the manufacturing process (permitted during normal business hours from 7 AM to 6 PM, which is sufficient for shipping and receiving, brewing, cleaning, and bottling).

Discussion on Odor included input from our research of other breweries around the country of similar type as the one proposed by the Blue Hill Lodge and Café. We found that odor was not much of a problem in brewery operations of this type. We were told that the vent fan was only to be used twice a month but we found different and it will be used to vent the building in general. We proposed although not required, a charcoal filter system to be required if it becomes an issue. We included a diagram of our suggestions on odor mitigation before it becomes an issue.

Discussion on volume and size of the manufacturing process centered around capacity and room for expansion if desired. They have the room for one more kettle in the brewery room and we didn't see any reason to go through this permit process to increase the number of barrels produced each month by 16, and doing so would not require any more building or space than what already exist so we approved this potential expansion in the future.

Discussion on the Site Plan completion centered around the delay in its completion. For various reasons previously approved by the planning board there has been a delay. We are giving the Blue Hill Lodge and Café permission to start the building process but not operate until the site plan is completed and approved by the planning board, no later than August 1, 2013. We also requested that they work with the neighboring property owner on the landscaping around the house bordering the back of the site, (worded: landscaping the property line near the house) suggesting careful attention to shield his house as it is the most impacted by the entire site growth over the years and now even more with the expansion of the event center, brewery, and parking. They agreed.

Discussion on the Special Permit (periodical) centered around the function of this type of special permit and that it is up to the owner to apply annually for the renewal of the special permit, also that the special permit is not transferable.

Discussion on the conclusion was what to include with the response to the owner on the issuing of the special permit. Stated in conclusion: "As this is a sensitive issue to the local residents as well as the town in general, and with the responsibility of our official position, the planning board has taken a close look at this manufacturing operation, and with a few minor or non restricting requirements do not find any reason to deny your application. It is important to note that we have viewed this operation as if it were introduced anywhere in our town not just at your current location."

Continuing Discussion

Letter to the Owner:

Next topic was the Letter to the Owner of the Blue Hill Lodge and Café dated March 14, 2013 and documenting our decision and listing special conditions with the issuing of the Special Permit.

This special permit will initially be periodic, being renewed annually, and take effect the first day of April each year. It will be up to you (the owner) to request a renewal at the planning board one month prior to its periodic ending date. The fact that it is renewable periodically does not indicate refusal at the end of each year. It is meant as an interim review to address any problems that may arise or issues of non compliance to the original permit as issued, also giving you the opportunity to modify this permit if needed.

Conditions of the Special Permit for Manufacturing Beer (see assessment for further explanation):

- Effective April 1st each year then renewed annually upon request to the Town of Denning Planning Board by the owner one month prior to the periodic ending date.
- Normal hours of operation will be between 7 AM and 6 PM for the entire manufacturing process, including shipping and receiving, brewing, cleaning, and bottling. Note “serving or retail” is a function of the Event Center with different operating hours, however, when the serving of beer is specifically for brewery public tasting, then the hours of the tasting and viewing room should be indoors between 8 AM and 8 PM.
- Volume and size of the manufacturing operation not to exceed 48 barrels per month.
- Mitigation of Odor, though not an initial requirement, will be required if it becomes an issue. (see assessment for inexpensive suggestion)
- Storage and placement of the supplies, product, equipment, and all associated manufacturing paraphernalia will be kept indoors at the manufacturing site. The serving of the product during a scheduled event is an exception as this might be held outside.
- The Town of Denning does not regulate retail sale of the product in the manufacturing facility but may review the required permits from the NY State Liquor Authority and if not present or current, reserves the right to stop the retail sale of the product “beer” at the facility.
- This is a permit for manufacturing beer as described in your presentation at our public hearing on February 23, 2013 and not to be confused or defined as the extensive, more complex, and larger volume “Microbrewery” or “Craft Brewery” but, we do not restrict the terminology used by the owner, who may choose to call it Microbrewery or Craft Brewery even though those terms describe a much larger operation.

Please take note that the manufacturing of beer will be part of the operation of the Event Center, which is tied to the completion of the site plan. We realize that you would like to proceed with your building plans and time is important to getting some return on your investment, so we will extend the completion of the site plan until the 1st day of August of 2013. Although the sooner it is completed the better, this will give you time to do an exemplary job as you have in the past. (see assessment or further explanation)

Continuing Discussion

Planning Board Resolution #2013-01 (copy attached) read, discussed in depth, and voted on, approving the issuing of the special permit to manufacture beer at the Blue Hill Lodge and Café – Event Center.

Board Members Vote: Jennie Snyder (Aye); Dennis Deyo (Aye); Stephen Bobik (Aye); Greg Vurckio (Aye); Joe Sibiga (Aye); Katherine Parr (Abstained); Carl Landon, Chair (Aye);

Katherine Parr abstained as she felt the vote did not represent the local residents who did not want the microbrewery in the hamlet or other development that would change the nature of the rural community that it has come to be over the years.

Passed by majority vote of the Planning Board. March 14, 2013.

- *See the chairman’s notes on this decision. (attached to the resolution)*

The Chairman will see to the filing and mailing of the Special Permit and all associated documents.

Executive Session

The Planning Board moved into executive session to discuss some personnel issues mostly pertaining to the potential departure of the Chairman. The planning board members agreed, Mr. Joe Sibiga could be a suitable replacement and in the event of the Chairman's departure he would assume the roll of Chair. There was also discussion on how to run the meeting and record keeping and how to address the public when the show up with business. We also discussed all the outstanding issues before the board.

Close of Executive Session

The Chairman thanked the Planning Board members for coming to tonight's meeting. Motion to adjourn at 10:30 pm. by Mr. Steve Bobik , seconded by Mrs. Katherine Parr. All in favor.

Next meeting is scheduled for April 11, 2013 at 7:00 pm.

Respectfully submitted by,
Carl Landon
Planning Board Chairman

In need of a secretary....

Note: *The Chairman signed and filed with the Town Clerk all the documents pertaining to the Issuing of the Special Permit for the Manufacturing of Beer, including the Resolution, Assessment review, Letter to the owner, and Special Permit. Also the Letter and Assessment (dated March 14, 2013), and Special Permit (dated April 1, 2013) was sent to the Owner, (Tomina LLC) Frank Nicoletti on March 18, 2013. Attached is a copy of these documents.*



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Town of Denning Planning Board - Resolution #2013-01

March 14, 2013

Special Permit for “Manufacturing Beer” - Blue Hill Lodge and Café.

Consistent with New York State Town Law Section 271, et al, in addition to the other powers and duties assigned to it by law, the Town of Denning Planning Board is hereby empowered to perform the issuing of special permits for those uses specifically listed as requiring such a permit in the Use Schedule in accord with the provisions of current Zoning Article VIII Section 2 and Section 274-b of the NYS Town Law, and

Whereas an application for the manufacturing of beer was submitted to the Planning Board at it’s regular meeting in January 2013 by Tomina LLC (owner Frank Nicoletti) also known as the Blue Hill Lodge and Café, and

Whereas manufacturing in all districts of the Town of Denning requires the issuing of a special permit, and

Whereas the public was heard at a public hearing held on February 23, 2013, and with an assessment of all the research on the subject of manufacturing beer while addressing the concerns of the public, a determination has been recorded, and

Whereas it has been determined that this particular manufacturing process at the site listed on the application with site plan approved and with septic and stormwater permits successfully issued, it is not adverse to the public health or safety, and

Whereas reasonable conditions are established and listed on the attached letter to the owner to which he will be notified before April 1, 2013, including conditions on hours of operation, capacity of the manufacturing process, mitigation of odor, storage and placement of supplies and equipment, and terminology used,

Now, **Therefore be it resolved** that the Planning Board of the Town of Denning is issuing a periodic special permit for the purpose of manufacturing beer at the owner’s Event Center with current address 1465 Denning Road, Claryville, NY 12725, at the Blue Hill Lodge and Café commercial complex, to be renewed annually on April 1st of each year with the said conditions stated on the attached letter to the owner dated March 14, 2013, also noting this permit is not transferable without the review and acceptance of the Town of Denning Planning Board.



Board Members Vote: Jennie Snyder (Aye); Dennis Deyo (Aye); Stephen Bobik (Aye); Greg Vurckio (Aye); Joe Sibiga (Aye); Katherine Parr (Abstained); Carl Landon, Chair (Aye);

Katherine Parr abstained as she felt the vote did not represent the local residents who did not want the microbrewery in the hamlet or other development that would change the nature of the rural community that it has come to be over the years.

Passed by majority vote of the Planning Board. March 14, 2013.

See the chairman’s notes on this decision. (attached)