

RECEIVED
 NOV 15 2017
 Zoning Board of Appeals

TOWN OF ROCHESTER

RECEIVED
 SEP 8 2017
 per. #35
 CODE ENFORCEMENT OFFICE

Date 9/8/17

Application # 17-309

APPLICATION OF ZONING PERMIT AND CLASSIFICATION

Property Owner Dan Feldman email address: _____

Mailing address 93 Kuserike Rd
Stone Ridge, NY 12484

Phone # _____

Applicant if other than owner _____ email address: _____
 Address _____

Phone # _____

2.) Site Location (Road) Kuserike Rd

Subdivision Name _____

Tax Map # Section 69.004 Block 02 Lot 03

3.) Acreage of Property 4.42 Zoning District AR-3

4.) Existing use and facilities (Indicate each existing building, approximate size, use, and other facilities, parking lots, well and septic, etc.)

Residence, home occupation art studio/farm
home winery - see attached site plan

5.) This project is: expansion of use change of use new construction

6.) Proposed use (Describe) winery - see attached

7.) List any deed restrictions for proposed use None

8.) Proposed Construction - MUST INCLUDE A MAP TO SCALE - (Describe type and size of buildings and show location on map with dimensions to all property lines and other buildings on the property) (SURVEY MAP MAY BE REQUIRED)

9.) List any physical restrictions to this project (floodplain, wetlands, steep slopes, etc.) None

Deponent, being duly sworn, states that he is the owner or authorized agent of the owner for which the foregoing work is proposed to be done, and that he is duly authorized to perform such work, and that all work will be performed in accordance with all applicable State, County and Local Laws.

Sworn by me this 8th day of September, 2017 _____
 Signature

Witnessed by: _____

CODE ENFORCEMENT OFFICER CLASSIFICATION

1.) Permitted use subject to obtaining one or more of the following:

- | | |
|--|---|
| a.) <input type="checkbox"/> Subdivision Approval | d.) <input type="checkbox"/> Building Permit |
| b.) <input checked="" type="checkbox"/> Special Use Permit - <u>Processing</u> | e.) <input type="checkbox"/> Miscellaneous Permit |
| c.) <input checked="" type="checkbox"/> Site Plan Approval <u>Facility</u> | f.) <input type="checkbox"/> Inspection by C.E.O. |
| <u>LA Retail Sales</u> | g.) <input type="checkbox"/> Other: _____ |

2.) Proposed use not permitted for the following reasons:

Lacking Required acreage for additional requested uses.

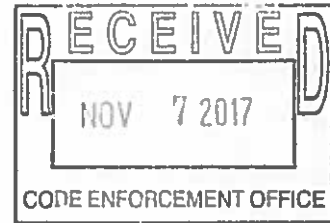
* Multiple Permitted Uses would require 9 acres. Applicant has 4.42 Acres.

Date: 9-20-17 Amended 9-27-17

Code Enforcement Officer _____
 (Signature)

11-14-17 Amendment - Multiple Permitted uses: Residence + Winery - Requires 6 Acres, Applicant has 4.42. Area Variance Required.

*Amendment to Zoning Perm.
#17309*



9/8/17

To: Town of Rochester CEO

From: Dan Feldman - 93 Kyserike Rd, Stone Ridge, NY 12484

Narrative amendment to zoning permit application 17-309

Proposed Use - Winery

The current use of this property is residence.

I am amending the application to omit retail sales and to only request a permit for an agricultural processing facility.

[Signature] 11/14/17

TOWN OF ROCHESTER

50 Scenic Drive • P.O. Box 65 • Accord, NY 12404
Area Code 845

Town Clerk 626-7384
Supervisor 626-3043
Highway Dept 626-7221
Assessor 626-0920
Transfer Station 626-5273



Code Enforcement 626-2433
Planning Board 626-2434
Zoning Board 626-2434
Court House 626-2522
Youth Commission 626-2115

Handwritten mark
150⁰⁰

ZBA Application Packet for Area Variance/ Use Variance/ Appeal of CEO determination/ Interpretation

I acknowledge receipt of the requirements for granting an Area and Use Variance.

Paul Felder
Applicant's Signature

11/9/17
Date

I understand that I have the right to view the ZBA's File on my Application by telephoning the Board's Secretary (626-2434) for an appointment, one week prior to the scheduled Public Hearing.

Paul Felder
Applicant's Signature

11/9/17
Date

TOWN OF ROCHESTER, ULSTER COUNTY, NEW YORK
APPLICATION TO ZONING BOARD OF APPEALS
FOR

APPLICATION #: 17-07
DATE FILED: 11/15/17
FEE PAID: \$150.00

ZONING VARIANCE: Area (X) Use () Interpretation ()
Appeal of Determination of Code Enforcement Officer ()

1) Name EastWest WineCo - Daniel Feldman
Address 93 Kyserike Rd Stone Ridge, NY 12484
Telephone () _____ Cell () _____ E-mail _____

2) Site Location: Public Road Kyserike Rd
Tax Map Section 91.4-~~02~~ Block 02 Lot 03

3) Acreage of property +/- 4.42 acre(s) Zoning District AR-3

4) Existing Use Residence and Art Studio

5) Proposed Use Winery

6) Reason(s) for Appeal (use separate sheet if necessary) (USE IF APPEALING CEO)

7) Explain Informal Interpretation requested (USE IF REQUESTING INTERPRETATION)

8) FOR USE/AREA VARIANCE:
(FOR USE VARIANCE) On a separate sheet explain how the strict application of the Zoning Law would produce unnecessary hardship.
(FOR AREA VARIANCE) On a separate sheet explain how the strict application of the Zoning law would produce practical difficulties to achieve goal. (Must relate to property, not personal problems)

9) The hardship is unique to this property in this District because Historically this property was a farm and the building was a farm processing facility

10) The Variance/ Interpretation/ Appeal would observe the spirit of the Town of Rochester Land Use and Control Law and would not change the character of the District because No addition or modification is required. The proposed use is an agribusiness enterprise. There will be no increase in traffic

11) Has a previous appeal been requested with respect to this project? No
If yes, when? _____

12) Deponent, being duly sworn, states that he/she is the owner or authorized agent of the owner for the foregoing variance or appeal requested, and that he/she is duly authorized to submit such application and that all work will be performed in accordance with all applicable State, County and Local Ordinances.

Sworn by me this 15 day of November, 2017

[Signature]
Signature of Applicant or Property Owner if other than Applicant

[Signature]
Witnessed by _____

11/15/17
Date

NOTE:
SUBMIT A MAP TO SCALE OF THE SITE WITH THIS APPLICATION
Map should show buildings, setbacks from property lines, any proposed changes pertaining to this application and adjoining property owners.

* Type of appeal: "USE" VARIANCE is a change of use, "AREA" VARIANCE appeals land restrictions (setbacks, acreage requirements, etc)

EastWest WineCo – Daniel Feldman Application to ZBA for area Variance

8) Strict application of the zoning law would produce practical difficulty in that I would need to purchase additional land in order to comply. The use I propose is agricultural but in and of itself does not require additional acreage. The physical structure exists and requires no modifications for the proposed use. There is also sufficient acreage for the establishment of additional vineyards.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

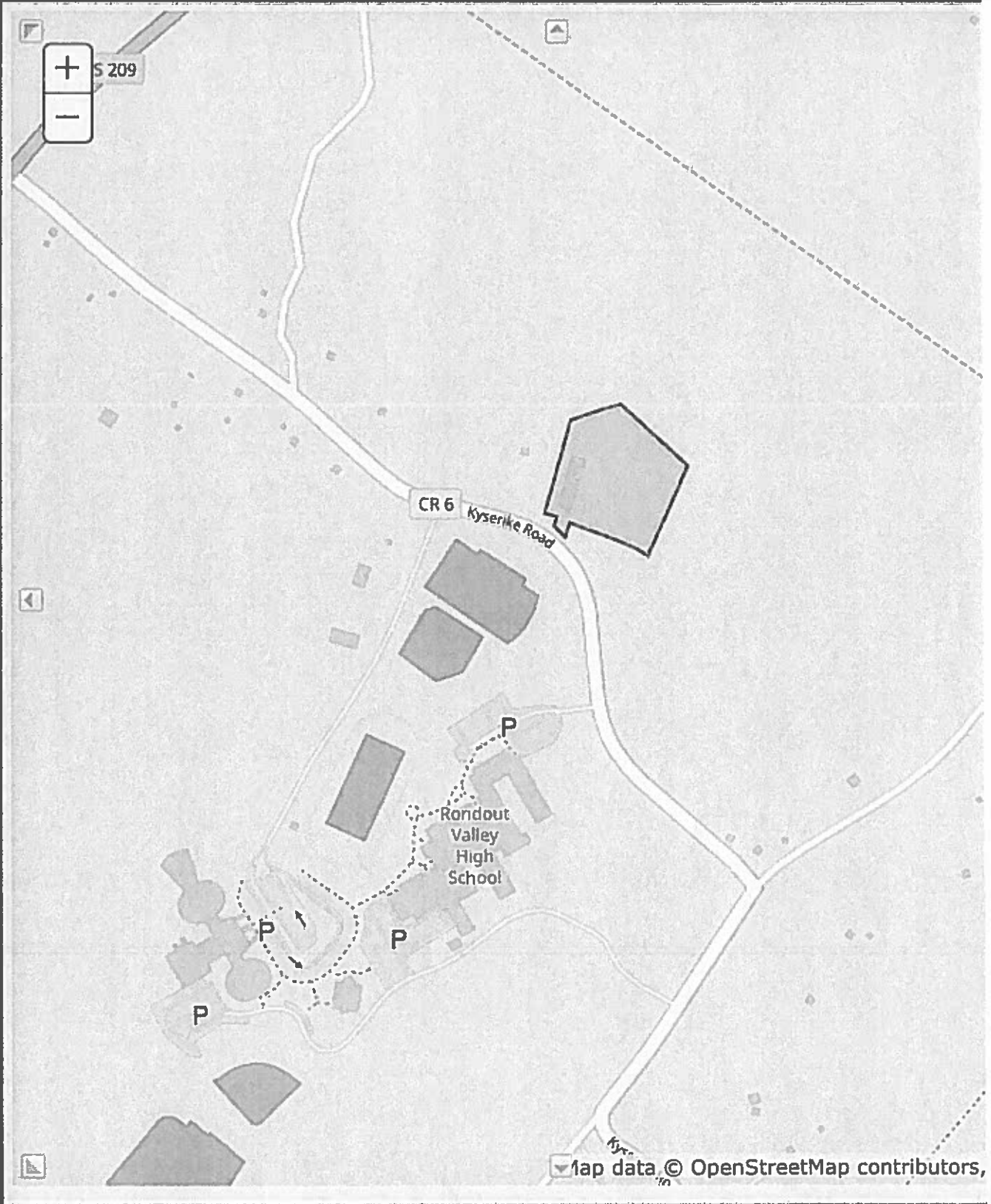
Part 1 - Project and Sponsor Information			
Name of Action or Project: EastWest Wine Co			
Project Location (describe, and attach a location map): In existing structure located at 93 Kyserike Rd			
Brief Description of Proposed Action: Establishment of a winery			
Name of Applicant or Sponsor: Daniel Feldman		Telephone: _____	
		E-Mail: _____	
Address: 93 Kyserike Rd			
City/PO: Stone Ridge		State: NY	Zip Code: 12484
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: NY state Winery License Federal TTB Permit			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		4.42 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		4.42 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: <u>Remediation of leak from removal of underground oil tank completed. (see attached DEC spill record)</u>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>East West Wine Co - Daniel Feldman</u> Date: <u>11/9/17</u>		
Signature: <u>[Signature]</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>





Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 3

Spill Number: 1406742

Spill Date/Time

Spill Date: 09/25/2014 Spill Time: 03:00:00 PM

Call Received Date: 09/25/2014 Call Received Time: 04:08:00 PM

Location

Spill Name: PRIVATE RESD

Address: 93 KYSERIKE RD

City: STONE RIDGE County: ULSTER

Spill Description

Material Spilled Amount Spilled Resource Affected

#2 Fuel Oil UNKNOWN Soil

Cause: Equipment Failure

Source: Private Dwelling

Waterbody:

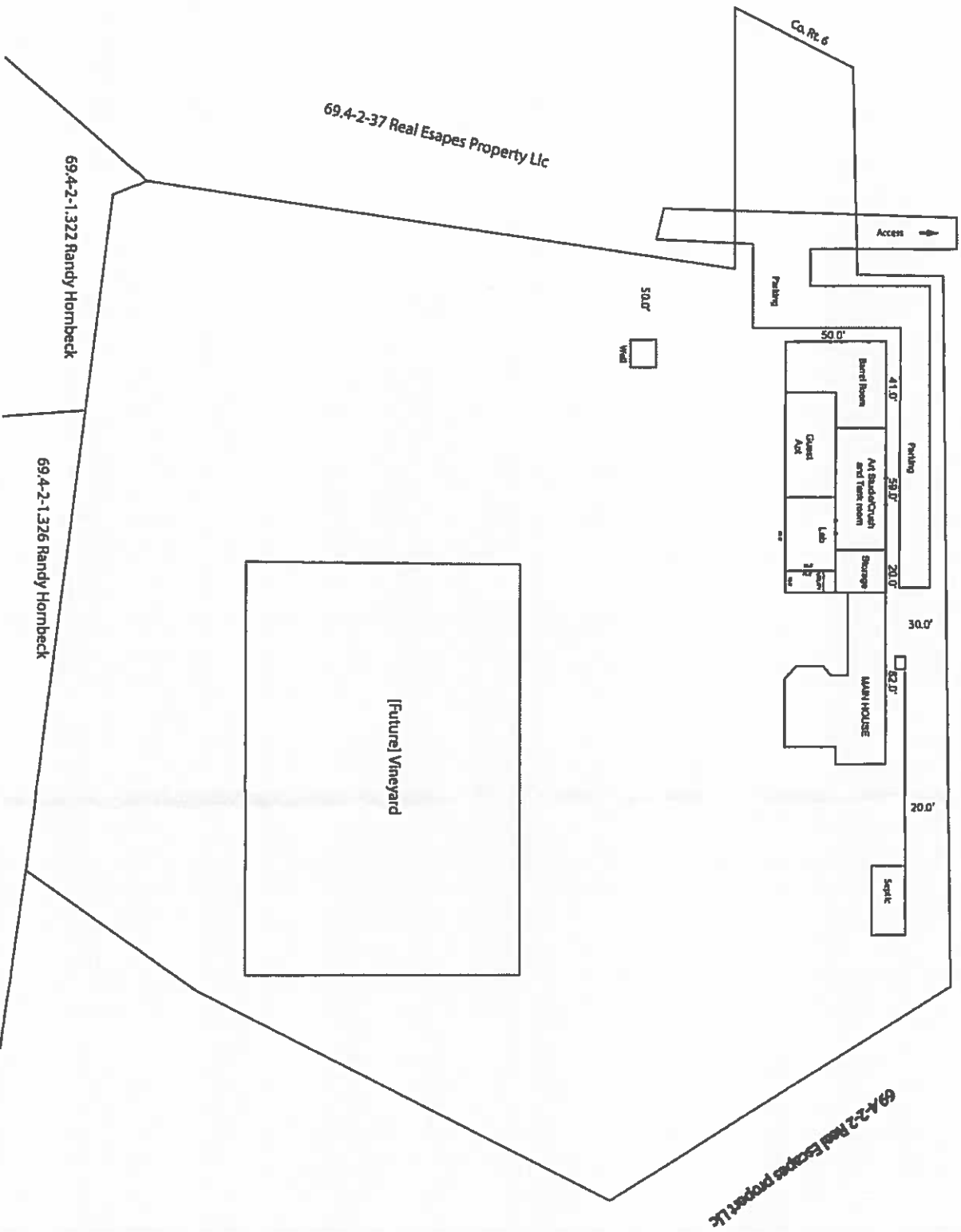
Record Close

Date Spill Closed: 12/12/2014

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the Regional Office where the incident occurred.

[Refine This Search](#)



SITE PLAN

1" = 50'

Dan Feldman - Proposed Winery - Area Variance - All structures are existing.

93 Kyselka Rd

Tax Map 69.004-02-03

Acage +/- 4.42

Zoning District - AR-3