

*TOWN OF HUNTER PLANNING BOARD
MONTHLY MINUTES
MARCH 5TH, 2024*

DRAFT

Board Members Present

Marc Czermerys
Joseph Zecca
Penny Sikalis-Spring
Susan Kukle
Rose Santiago
Aleksandra Smith
Charlie Knopp- Zoom

Absent Members

Susan Friedman
Peter Kelly

Public Present

Charles Testagrossa
Maria Testagrossa
John Menzie
Ryan Chadwick
Alex Zivian
Eamon Riley
Stephanie Alessandrini
Barry Margolias
Chris Margolias
Craig Bates
Sean Byrne
Kathleen Kane
Alan Devenish
Jo Miller
Bob Janiszewski

Olivia Hamele-Coughlin
James Coughlin
Ernie Reale
Anthony Scano
Marcia Johnson
Athena Billias
Darren Elsom
Susanna Brackman
Christine Wade
Bonnie Farrell
Jane Burd
Nettie Farrell
Reed Ruby
Andrew Horlock
Sean Mahoney

Zoom Attendees

Peter Kuhn

Roger Fox

Dorothy Mulhern

Shawn Mulhern

Betsy Guide

Rebecca Kuhn

Lisa Childers

Joe Ceglio

David Kukle

Public Hearing

Catskill Mountain Cannabis site Plan Review Parcel #197.0-4-4

Elka Park

- Alex Zivian presenting
- This project will be a cannabis cultivation growing and packaging facility
- The product will be delivered and sold to certified NYS cannabis dispensaries
- Comments from the public
- Charles Testagrossa would like to state the following
 - See attachment #1
 - Sean Byrne would like to state the following
 - See attachment #2
 - Marcia Johnson would like to state the following
 - See attachment #3
- Roy Silver would like to know about the lighting and will the building be seen from Platte Clove Rd.
- Does the applicant have a contract with Central Hudson
- Where would the applicant be selling his product.
- Marc Czermerys states the security lighting will not be there.
- Cameras will be installed on the building.
- Lighting only in the driveway.

- Athena Billias is in agreement with the issues that Charles Testagrossa has spoken about.
- Christine Margolis states her main concern is the impact on the environment and would like to be more informed about any updates to the project.
- Nettie Farrell states she needs a lot more information before this project is approved.
- Charles A. Testagrossa states that this project will cause irreputable harm to the natural environment and the water shed.
- The scenic byway will be affected by this project
- This building will also be in view of all the surrounding properties.
- Christine Margolias states she agrees with all the property owners issues.
- Nettie Farrell does not agree with this project at all. She states that it is a huge building and unnecessary.
- How is the public going to be informed of any updates and information.
- Marc Czermerys states any information that the public needs can be requested at any time by email or call his office and there is a board meeting every 1st Tuesday of the month.
- The agenda is prepared the weekend before the meeting.
- The minutes of the meeting are on the Town of Hunter website
- Bonnie Farrell is concerned about the precedent that a facility of this nature could have in Platte Clove.
- Jane Byrd States she is also concerned about the odor that might escape the building.
- Shawn Mulhern borders this property and would like to ensure that none of the native trees that border the property are taken down.

- Mr Mulhern is does not want the lighting will not affect their property
- Dorothy Mulhern states she is very concerned about the noise and the smell.
- Olivia Hamele-Coughlin would like to state she agrees with everyone who has spoken about this project.
- Alex Zivian, the applicant, did address some of the issues and assured the neighboring landowners that if there are any questions or concerns he is always available.
- Marc Czermerys would like to hold the public hearing opened until the next meeting on April 2nd, 2024 so more information can be provided for the public.
- Motion from Susan Kukle to hold the Public Hearing opened until the April 2nd, 2024 meeting Penny Sikalis-Spring 2nd 7-0

Dutcher Hollow Event Space Site Plan Review

parcel#166.00-3-37/38 Haines Falls

- Ryan Chadwick presenting
- This project will be used specifically for weddings.
- There is an apple orchard and a pond for the ceremony
- An existing barn is also on the property and will be used for the bride and groom to get ready for the wedding.
- There will be a tent for the reception.
- Solar path lights will be added.
- Portable bathrooms will be brought in.
- Parking is on the grass not adding any asphalt.
- No public comments or concerns
- Motion from Joe Zecca to close the public hearing

Penny Sikalis-Spring 2nd 7-0

Marc Czermerys will open the Planning Board Meeting for March 5th, 2024.

Motion from Penny Sikalis-Spring to approve the February 6th, 2024 minutes with corrections. Charles Knopp 2nd 7-0

OLD BUSINESS

Catskill Mountain Cannabis Site Plan Review parcel #197.0-4-4 Elka Park

- Alex Zivian presenting
- This building is 10,800 square feet
- Less than an acre of land has to be cleared
- Access will be from Farrell Road
- 7 parking spaces will be put in for employees.
- The facilities will have employees on the property 7 days a week
- One of the changes to the plan is a dumpster added to the plan
- Disposal of any plant matter will be going to a NYS certified facility specifically for this type of product
- The generator and AC units have also been added to the plan
- Marc Czermerys states there should be something around the generator to contain the sound.
- Central Hudson will be connected on the pole and then underground
- Each room will be separately filtered
- After harvest everything will be in containers scanned and labeled
- There will be a vault to store the product before it is taken out

for delivery

- Only one van will be used for delivery and it is owned by the applicant
- There will be 4-5 employees full time and 5 extra on harvesting week.
- The applicant has some employees and also would like to hire students from Columbia-Greene Community College that are interested in this trade.
- The employees will be fingerprinted and will have a background check
- Rose Santiago states the roof should be a traditional roof
- The applicant states he might put on a metal roof.
- No other comments or concerns at this time.

Dutcher Hollow Event Space Site Plan Review

Parcel #166.00-3-37/38 Haines Falls

- R Chadwick presenting
- This will be a wedding event space
- Guests will enter on County Route 25
- There is handicapped parking at the barn
- Parking for other guests will be in the field
- There will be 35 parking spaces
- The parking lot will not be asphalt just grass
- There will be solar path lighting
- Reception will be a tent in the back of the barn
- Portable toilets will be brought in only for the day of the wedding
- Trash will be provided by a bear proof dumpster
- Maximum guests will be 100.
- Catering will come from the Boathouse Restaurant
- The events will take place from June to October

- and would be 22 events a year
- Anthony Scano wanted to know about traffic.
- Applicant states there will be little traffic and he can use his shuttles to bring the guests to the site.
- Anthony Scano wanted to know about the sound.
- Applicant states there will be a small amount of noise and he will abide by the 10pm noise ordinance
- SEQR Part 1 and Part 2 reviewed by the board
- Motion from Susan Kukle for a negative declaration
Joe Zecca 2nd 7-0

***Fox Minor Subdivision Review parcel #166.13-1-2
Tannersville***

- D Elsom & A Horlock presenting
- This project is on 23C in Tannersville
- The property we be divided into 2 lots
- Motion from Penny Sikalis-Spring to take lead agency
Susan Kukle 2nd 7-0
- Motion from Penny Sikalis-Spring for a public hearing at the April 2nd, 2024 planning board meeting.
Aleksander Smith 2nd 7-0

***Stoney Clove Creek Air BnB and Event Space Site Plan Review
Parcel #181.00-2-5.2***

- This plan has been tabled. More information will be needed.

***Williams Lumber Pole Barn and Deck Site Plan Site Plan
Parcel #181.00-6-3 Tannersville***

- This plan has been tabled. More information will be needed.

NEW BUSINESS

Hunter Hills Solar, LLC Sketch Site Plan Review

Parcel #166.00-4-20 Tannersville

- S Alessandrini presenting
- This project is a Community Solar Project
- The land is 194 acres and this project will only clear 27 acres
- They will use panels that are American made.
- If the project starts in April it should take 8-12 months to finish.
- No comments or concerns from the public

Moutsinas/Redlinski Lot Line Adjustment Sketch Review

Parcel #206.03-4-1, 216.01-4-1 Lanesville

- This project has been tabled. More information will be needed.

Motion from Susan Kukle to close the Planning Board Meeting

Aleksandra Smith 2nd 7-0

Attachment #1

DRAFT

Statement of Charles A. Testagrossa, adjoining owner

1137 Platt Clove Road

My name is Charles A. Testagrossa.

I am the owner of 1137 Platt Clove Road, a property that adjoins the proposed site of Catskill Mountain Cannabis (CMC) LLC's marijuana growing and packaging operation.

1137 Platt Clover Road is a private home with a front deck that looks out the Indian Head Wilderness area.

I have owned my home since January 2006 and have been a property tax paying member of the community ever since.

I received the notice for this hearing 11 days prior to this hearing so I'm not as prepared as I will be going forward.

My home is approximately 110 feet from the property line.

I own a historic barn that was moved to my property by its previous owner. It is depicted in page 2 of the 7-page site plan. It is the only feature of my property indicated in CMC's site plan maps, but it shows the proximity of the proposed facility.

My property will be directly and adversely affected by the construction and operation of CMC's facility. I will elaborate on this later.

Platt Clove

This Town, only 8 years ago, in enacting its Site Plan Review Law, elaborated on its intent and purpose:

New development should not detract from the scenic values, rural character, visual qualities of Hunter's landscape and historic character. . . [T]hese regulations establish standards **ensuring that new development is in harmony with the community character.**

Platt Clove is a part of the Catskill Park's Indian Head Wilderness area and the Mountain Clove Scenic Byway.

The properties adjoining Platt Clove Road abound in streams and rivulets that run through culverts from the north side of the road (where CMC plans to build its facilities) to the south side of the road.

Roaring Kill and Cook Brook merge with Schoharie Creek south of Platt Clove Road. Countless other unnamed streams also merge with Schoharie Creek from north of Platt Clove Road including streams on my property. These streams are trout-spawning streams.

The NYS DEC owns land along Platt Clove Road. The NYC DEP maintains a major Public Access area on Platt Clove Road, designating the property for hiking, fishing, hunting and trapping.

There are no commercial, industrial, manufacturing or agricultural enterprises on Platt Clove Road.

At present, the major indicators of an environment's quality, the air and water quality, are excellent. There is no noise at night and minimal noise during the day. The Night sky looks today as it must have looked on the first day of creation.

In an environmental sense, Platt Clove is a virtual Eden.

(Please be advised, as I continue, that my knowledge of the plan is limited to the details contained in the 7-page site plan and newspaper accounts of the Planning Boards' meetings with CMC in December 2023 and February 2024).

Environmental Design Partnership LLP (EDP)

is essentially a "hired gun." It is hired and paid to achieve a particular goal.

Achieving their client's objective is their main interest. It is not improper for EDP to work to secure approval for controversial projects.

Their business is to create site plans for those who hire them.

If the residents of the community are unhappy, if the consequences of a plan they've supported with their services are negative, that is not their problem. Nothing personal, as they say.

And sometimes, an unhappy community is the collateral damage incurred by their work. Ask the residents of Amsterdam NY who are dealing with the negative consequences of a housing project they planned.

The Site Plan:

The Site plan is a superficially attractive package that promises much and discloses little. Extremely relevant details are missing.

- A generator was mentioned but no specifications are provided about the type of generator to be employed.
- No information was provided about how the generator will be fueled (they are commonly fueled by gasoline or natural gas).
- No information was provided about the hours of operation of the generator. Central Hudson Gas and Electric has indicated it can furnish only 800 amps and CMC has indicated it will need 1200 amps. Will it be operating around the clock?
- No plan to limit the noise and air pollution levels created by the generator was disclosed.
- Air conditioning units are noted (on page 4). There are no details about the size of the air conditioning unit or the level of noise it will produce. No information is given about the hours it will be operating. Will it be operating 24 hours a day?
- No depiction, through videos or photos, of the amount of light cast by the proposed security lights and no description of whether or how it might compromise the Dark Skies above.

- A drilled well will be installed with a hydro-pneumatic pressure tank to provide water for this operation. There is no description of the system to be used or the capacity in gallons of this tank.
- There is no information about the volume of well water that will be consumed in this, a part of the Catskill watershed area.
- Pneumatic systems use compressors which furnish compressed air to power a system. There are a lot of moving parts in a hydropneumatic pressure system. How does CMC plan to mitigate the noise created by this system?
- Marijuana is a thirsty crop, consuming more water than wheat, corn, soybeans, cotton or rice. How many plants will CMC be growing simultaneously? How much water will each plant require?
- Marijuana plants emit a powerful and pungent odor, particularly when grown indoors. That's why it is often called "skunk" or "skunk weed." How will CMC prevent this odor from wafting on mountain breezes across all of Platt Clove?
- No details are given about how much wastewater will be generated or how waste water would be disposed of.

Answers to these questions should be furnished by CMC. CMC should be required to submit, along with the site plan, certified test results from accredited scientific labs verifying that any technology they employ to address these issues will perform as they assert it will.

In addition to omitting pertinent details, some details it included have already changed since the plan was first proposed:

- **Project Narrative. 11-27-23:**
3 parking spaces; hours of operation 8 am to 6pm; 6 days a week:
3-4 employees.
- **December 2023 meeting** as per The Mountain Eagle/Schoharie News:

4-5 employees; hours of operation 8 am to 6pm; 7 days a week with extended hours during harvest season.

Site plan page 3:

7 parking spaces.

If this Board were to approve this CMC's plan, which version of this plan would it be approving?

These differences appear minor but they are very meaningful.

More employees and more parking spaces mean more noise from vehicles and employees. Expanded (indefinitely) hours means employee noises, ie voices, car doors. etc., throughout the night. 7 days a week means the noise and fumes will be ever present.

Impact on 1137 Platt Clove Road

CMC's project in its proposed form will destroy the quality of life that I have enjoyed on that property and destroy the value of my property.

It has the potential to impact the air quality with odors from marijuana plants and fuel emissions from vehicle and generator emissions.

It will generate noise that may well be continuous 24x7 year-round.

It will threaten the viability of my well by draining daily an unspecified amount of water 24x7 hours 365 days a year.

The light emitted by the security lighting system will doubtlessly be visible from my deck.

The shrubbery and trees along the property line will be removed.

A security fence, totally out of character for a home in Platt Clove, will complete the grim picture.

I submit that there are **three questions** this Board needs to ask itself at this stage:

First, who is CMC?

Second, why locate this facility in Platt Clove?

Third, do the benefits to the Town outweigh the costs?

Who is CMC?

- CMC is a limited liability corporation. The records of the NYS DOS reveal only the name of Alexander Zivian.
- Alexander Zivian is a NYS licensed massage therapist who is the owner of the property located at 20 Farrell Road.
- Does he have the financial capacity to finance the construction of a multi-million-dollar marijuana growing and packaging facility?
- If not, who is financing the construction and operation of this facility?
- Does AZ have any prior history of running a large business in an environmentally sensitive location?
- Does he have any prior experience in running an indoor marijuana growing and packaging operation?
- Has the Town Planning Board asked him about his prior business experience?
- Has the Town Planning Board asked him how he intends to finance this project?

You must demand answers to these questions so you know who you are dealing with. If you approve this project, you will be relying on the integrity of CMC's owners to honor the commitments CMC is making to you and you will be entrusting the future of Platt Clove to CMC.

Who will enforce their commitments close at 6 pm or operate **merely** 6 days a week?

Who will enforce their commitments to grow only 1200 pounds of marijuana annually as opposed to growing more.

Who will enforce commitments made to safeguard the property and its neighbors from environmental damage?

Who will enforce the commitments made about staffing and limitations on the types of trucks utilized for distribution?

I don't believe that the Town of Hunter is equipped to monitor adherence to CMC's commitments or enforce them. I don't think that the Office of Cannabis Management can do it.

That leaves you with the honor system, CMC policing itself. It is crucial that you use the same caution you would use in any business deal. Learn everything you can about a person you are placing your trust in.

Why in Platt Clove?

Platt Clove is one of the most isolated areas in Greene County. The main road, Platt Clove Road, is a two-lane county road that was not designed for heavy truck traffic.

Platt Clove can only be reached by smaller roads, ie. Clum Hill Road, South Main Street and Bloomer Road, also not intended to handle truck traffic.

The main road out of the Mountaintop is Rte. 23A. It takes approximately 25 minutes to get from Platt Clove to Interstate 87, the closest major transportation artery to Platt Clove.

The second component of this business is distribution. Platt Clove has to be one of the most inefficient locations that you can choose.

So why Platt Clove?

The only apparent reason is the convenience of CMC.

An indoor growing operation does not require the sun or the soil of any particular location.

Cultivation will be in pots under artificial lighting. This type of farming could be accomplished on any of the plots of land that lay unused or abandoned, alongside I-87.

So why Platt Clove?

Some other factors to consider include:

- The marijuana business is illegal under federal law and those involved in it cannot use the banking system. It is a cash business. Dispensaries presently operating hire armed security guards to discourage robberies.
- If CMC is approved for operation in Platt Clove, you will have potentially significant sums of cash and large quantities of marijuana together in the same exceptionally isolated location where there is virtually no police presence.
- These factors, taken together provide all of the conditions that would make armed robberies likely.

As the owner of a property that adjoins this site, I would now have to be concerned that people will trespass on my property to break into CMC's facilities.

None of this makes sense.

In making a decision such as this, a business or governmental agency should utilize a Cost/Benefit analysis.

We know that CMC will benefit from approval of this application.

What is the benefit to the Town of Hunter?

3-6 jobs depending on what version of the plan is implemented.

Some additional tax dollars.

What is the cost/risk to the Town?

The despoilation of Platt Clove.

Additionally, once you have approved Platt Clove as a location for the marijuana growing business, how will the Town Board justify denying the

application of the next would-be marijuana-millionaires who want to locate their facilities in Platt Clove?

Would you like Platt Clove to be known as NYS's Marijuana Napa Valley?

Let me end with a few observations:

If this business fails and is sold and you are not happy with the new purchaser, you will have to apply for civil relief to the NYS Office of Cannabis Management (OCM) to halt its operation.

If you later learn that CMC is being financed by someone with whom you're not comfortable and you want to terminate the arrangement, you will have to apply to OCM.

I invite the Town Attorney to examine this statute creating OCM. It's not particularly user friendly to municipalities.

I see no good outcomes resulting from approval. The most likely outcomes will be negative with only downsides for the Town of Hunter and the Platt Clove community.

If this application is approved and the results are negative as I predict, the damage will have been done on your watch with your approval.

Attachment #2

SEAN M. BYRNE
147 Sunset Park Road
P.O. Box 361
Haines Falls, N.Y. 12436

March 5, 2024

Mr. Marc Czermerys
Chairperson
P.O. Box 70
5748 Route 23-A
Tannersville, NY 12485

RE: Site Plan Proposal for Marijuana
Cultivation and Distribution Center

Dear Mr. Czermerys:

I am writing to make comments on the proposal by Catskill Mountain Cannabis and their current or future known and unknown investors. Insofar as this letter will be the one opportunity to make the below arguments part of the public record, I will start with a brief summary of my personal and professional background in order to give my comments context.

I was born and raised in the Town of Hunter and my wife and I continue to live here today. My great grandparents, grandparents and parents were from Platte Clove and my wife and I lived there for 19 years, where we raised our daughter. I am very familiar with the quality and character of the Town of Hunter from business, environmental, criminal justice and substance use disorder perspectives. Among my relevant career experience, I have been the Acting Commissioner and the Executive Deputy Commissioner of the New York State Division of Criminal Justice Services and the Executive Deputy Commissioner of the Office of Addiction Services and Supports (OASAS), the substance use disorder and addiction treatment agency of New York State. My personal, criminal justice and substance use disorder administration backgrounds inform my comments on the proposal.

For purposes of assessing the Catskill Mountain Cannabis Marijuana Cultivation and Distribution Center site plan proposal, this document specifically comments upon the impact that the proposed use will have on the area in and around the lot (20 Farrell Road), the County Route 16 Scenic Byway Platte Clove corridor, and adjacent areas of the Town of Hunter, the Catskill Mountain Park and the Catskill Watershed.

SUMMARY

The proposed use of this lot for the commercial cultivation and distribution marijuana will negatively impact the character and quality of life in all the environs referenced in the preceding paragraph. The proposed use of the Farrell Road site for the commercial cultivation and distribution of marijuana will detrimentally impact the quality of life in the immediate area and negatively impact the health, safety and welfare of the small, rural and environmentally rich mountain neighborhood. The negative impact on the land, air, water, dark sky and right of quiet enjoyment of the neighboring landowners and residents along County Route 16 is further inconsistent with the interests of the health, safety or welfare of the community and not in harmony with the Town of Hunter Comprehensive Plan, the Mountain Cloves Scenic Byway management plan, the Mountaintop Community Resource Strategy or the Preserve America Community and Climate Smart Community agendas. For these reasons and for the additional reasons stated herein, the Town of Hunter Planning Board must disapprove the site plan application of Catskill Mountain Cannabis to operate a commercial cannabis cultivation and distribution center on the corner of Farrell Road and County Route 16 in the Town of Hunter.

Pertinent Local Law Provisions

The Town of Hunter Site Plan Review Law (Local Law 11 of 2016) begins by summarizing key elements of the quality of life and character of the Town and the Law's Intent and Purpose. The Law provides that:

"The Town of Hunter is a mountainous community located within the Catskill Park and the Catskill Watershed that is rich in history, scenic resources, and recreational opportunities. The town has established the importance of preserving these resources in their Comprehensive Plan, the Mountain Cloves Scenic Byway Corridor Management Plan, and the Mountaintop Community Resource Strategy. In addition, the town has been designated both a Preserve America Community and a Climate Smart Community. The intent of the Site Plan Review Law is to promote the health, safety, and general welfare of residents, balance land development with environmental protection, and further the goals and objectives of the aforementioned plans. New development should not detract from the scenic values, rural character, visual qualities of Hunter's landscape and historic character and should also complement existing public facility, road network and development patterns. (Underlining added).

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such an environment is deemed essential to the maintenance and continued development of the town's economy and the general welfare of its inhabitants. It is further the intent of this local law to ensure the optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the town through the review of site plans. (Underling added) Toward this end, these regulations establish standards for preserving water quality, controlling air quality and traffic congestion, ensuring site access for emergency services (e.g. fire/police protection and ambulance services), providing

adequate water supply and safe and proper means for sewage and solid waste disposal, and ensuring that new development is in harmony with the community character.”

In addition, the Site Plan Review Law provides, in pertinent part, in Article F entitled Review Elements and Design Guidance:

“In reviewing site plans, the Planning Board shall give consideration to the health, safety, and welfare of the public in general, and the residents or users of the proposed development and of the immediate neighborhood in particular. (Underlining added). Additionally, the Planning Board shall ensure:

- A. The overall impact of the site’s development on the neighborhood and community character, including furtherance of the goals of the Town Comprehensive Plan and Mt. Cloves Scenic Byways Management Plan.
- B. Protection of the scenic values, rural character, visual qualities of Hunter's landscape and historic character.
- C. Compatibility to existing public facilities, road network and development patterns.....
- E. The compatibility of buildings, lights, and signs in terms of location, arrangement, size, and design.
- H. Adequacy of measures proposed to protect environmentally sensitive areas.
- I. Protection of ambient noise conditions.
- J. The adequacy of water supply and sewage disposal facilities.
- M. The protection of adjacent or neighboring properties against noise, glare, dust, air pollution, unsightliness, or other environmental hazards or objectionable features.
- N. Adequate, year-round accessibility to the site and the provision of fire lanes, other emergency zones, and fire hydrants.....
- P. Compatibility with neighborhood character and overall rural character.” (Underlining added)
(Some subsections omitted).

Article F, Section 2, Subsection B, Paragraph 3 (Page 23 of the Site Plan Review Law) provides:

“3) In reviewing the proposed site development plan, the Planning Board shall consult the GCSWCD, NYSDEC, NYCDEP, or other qualified assistance providers to help ensure the environmental integrity of the site is preserved, to the maximum extent and as required by law. If the applicant must secure a permit from another agency, the Planning Board may request evidence that such permit(s) has been secured or, if the permit is under review, the Planning Board may condition its approval of the site plan upon the granting of such necessary permits.”

Analogous language encouraging consultation with our affected administrative bodies can be found elsewhere in the Site Plan Law.

Comments on the Catskill Mountain Cannabis Site Plan Proposal

1. The Primary Road (defined in Local Law 11 of 2016, Article C, Page 10) Bordering Proposed Catskill Mountain Cannabis Marijuana Cultivation and Distribution Center in the Town of Hunter is Greene County Route 16, which has Federal Designation as a Scenic Byway and it is Expressly Governed by the Town of Hunter's Mt. Cloves Scenic Byways Management Plan.
 - a) Catskill Mountain Cannabis, LLC, describes its planned use of the site as a commercial cannabis cultivation and packaging facility. By Catskill Mountain Cannabis' own descriptions, they will be growing and shipping cannabis at this site year round, with staff working 9 hours per day, and longer during harvests. Harvests will happen on 5 week cycles so staff will be working longer every 5 weeks.
 - b) The nature of the electrical grid in the Town of Hunter and particularly along County Route 16 is that power outages are common. During power outages, and perhaps at other times the facility will rely on generator power. Compared to the residential nature of the surrounding properties and land uses, there will be an unnatural level of noise around this facility. The noise will be inconsistent with the Mt. Cloves Scenic Byway Management Plan.
 - c) This facility will be visible from the County Route 16 Scenic Byway. The facility will have exterior lighting designed for security purposes which will be inconsistent with the Mt. Cloves Scenic Byway Management Plan.
 - d) The County Route 16 Scenic Byway is bordered on the east (Platkill Clove, aka Devil's Kitchen), south (the Indian Head Wilderness Area and the Devil's Path) and north (Katterskill Wild Forest) by environmentally sensitive areas. The security lighting and the noise of the operating generators will be visible and audible from all of these environmentally protected lands.
 - e) The proposed use of this site is inconsistent with the Town of Hunter Comprehensive Plan, the Mountaintop Community Resource Strategy or the Preserve America Community and a Climate Smart Community agendas.
 - f) The proposed use of the subject property is inconsistent with the objectives of the Catskill Mountain State Park and the Catskill Watershed which surround the property.
 - g) Given the collateral impacts of this proposal, prior to approving the site plan, the Planning Board should refer the proposed site plan to "local and county officials or their designated consultants, and to representatives of federal, state, regional, county and local agencies, including but not limited to the Soil Conservation Service, the New York State Department of Transportation, the New York State Department of Environmental Conservation, New York City Department of Environmental Protection, state or county Department of Health," (Local Law 11 of 2016, Article, Section), and to the NYS Cannabis Review Board.

2. Pursuant to the Town of Hunter Site Plan Review Law (Local Law 11 of 2016) the entire Parcel, is Subject to Site Plan Review.

- a. The Catskill Mountain Cannabis marijuana cultivation and distribution center is co-located on a single lot (Tax ID # 197.00-4-4) with a private residence and a number of smaller buildings. As such, the entire property, its multiple wells, septic fields, driveway setbacks from boundary lines, lighting, etc. are subject to site plan review by the Planning Board as an industrial use. An industrial use is defined in Article C, at page 9 as: “The use of buildings or land, or both, for the purpose of manufacturing or producing, in whole or in part, any type of product or goods, and uses that involve the subsequent sale, trade or storage of such goods.” (Underlining supplied). The distribution of marijuana involves its sale.
3. The Catskill Mountain Cannabis Marijuana Cultivation and Distribution Facility Site Plan Application Does Not Comply with the Town of Hunter Site Plan Review Law in a Number of Particular Respects:
 - a. The location of the generator could not be found on the plans. The location of the generator would matter to the neighboring land owners. Article E, Section 6 subdivision 19 of the Hunter Site Plan Review Law requires that the “location, design, and construction materials of all energy generation and distribution facilities, including electrical ...” be shown.
 - b. The definitional section of the Site Plan Review Law, Article C, at page 9, provides: “Noise, Nuisance – An undesired audible sound that interferes with enjoyment and use of property. For purposes of this law a decibel level exceeding 70 dB measured at the property boundary shall be a nuisance noise.” (Underlining supplied). Catskill Mountain Cannabis submitted a Questions and Answers document that provides at page 2: “We plan to have an on demand backup generator system that will only run for short periods during an emergency power outage. The generator is rated quiet at 80 decibels noise level.” The Site Plan Review Law would prohibit a generator that operates at 80 dB. Compliance with the 70dB ceiling should be a mandatory condition if this site plan request is approved. (Underlining supplied).
 - c. The amount of water that would be necessary to irrigate a continuously growing marijuana program wherein harvests will occur every 5 weeks would seem to be extensive. The Planning Board should require the review of the New York City Watershed on the water needs of this use.
 - d. Has the Planning Board been provided evidence that the existing well and the proposed additional well on the property will be sufficient to meet the demands for the crop without detrimentally effecting the wells of neighboring property owners?
 4. Location of a Marijuana Cultivation and Distribution Center at 20 Farrell Road and County Route 16 in the Town of Hunter is Inconsistent with the Health, Safety, and Welfare of the Public in General, and the Residents or Users of the Immediate Neighborhood in Particular.
 - a. This ground for declining the permit incorporates every other point in this document as each point is raises a concern which is inconsistent with the health, safety and welfare of the public.

- b. In the substance use disorder prevention field there is an understanding the public, and specifically young people, are more likely to engage in risky behaviors if government entities like the Planning Board or Town Board are perceived as approving of the behavior. It is described as lowering the perception of harm.
 - c. Siting a marijuana cultivation and distribution center at the corner of Farrell Road and County Route 16 will send the implicit message that the Planning Board and Town Board approve of that activity and the downstream consequences.
 - d. While the exact annual statistics vary, data from the New York State Office of Addiction Services and Supports (OASAS) routinely establish the primary or secondary substances of abuse of patients admitted to an OASAS certified treatment program are, in order: 1) alcohol, 2) opioids, and 3) marijuana. Marijuana regularly is a higher reported substance of abuse for persons seeking treatment in the OASAS system than methamphetamine, cocaine, etc. In short, marijuana is a harmful product; people develop addictive behaviors from using it.
 - e. The approval of this facility to operate in the Town of Hunter will be interpreted as an approval of the use of marijuana products thereby reducing the perception of harm which is inconsistent with the health, safety and welfare of our residents in the area.
 - f. The prospect exists for the diversion of marijuana from this facility, regardless of the best practices of the operators. Should diversion occur it would only add the amount of controlled substances in circulation in the area.
 - g. Greene County has a disproportionately high rate of death by overdose as a percentage of its population. Reducing the perception of harm from a controlled substance is inconsistent with the health, safety and welfare of the general public and particularly, the residents of the immediate neighborhood.
5. Situating a Marijuana Cultivation and Distribution Center in the Town of Hunter is Inconsistent with the health, safety, and welfare of the public in general, and the residents or users of the immediate neighborhood in particular, including but not limited to visitors to the New York State Forest Preserve, hikers on the Devils Path and hikes of Kaaterskill High Peak Mountain.
- a. Hikers and campers using these environmentally sensitive and protected areas will be able to see the lighting of the Catskill Mountain Cannabis facility every night. Compliance with dark sky rules will be sacrificed. When generators are operating the sound will carry to these areas effecting wildlife as well as hikers and campers. This site plan should be subject to SEQRA review and should be referred to the DEC and DEP for their consideration.
6. Selecting a Commercial Site on Farrell Road in the Platte Clove Mountain Valley as the Location for a Commercial Marijuana Cultivation and Distribution Center Will Impose Such a Competitive Disadvantage on the Business that it is More Susceptible to Failure in a Competitive Marketplace. Business Failure will result in an Unoccupied Business in the Community Which is Contrary to the Quality of Life and the Rural/Environmental Character of the Community. Consequently, Placing a Marijuana Cultivation and Distribution Center on this Site is Inconsistent with the Health, Safety, and Welfare of the

Public in General, and the Residents or Users of the Immediate Neighborhood in Particular.

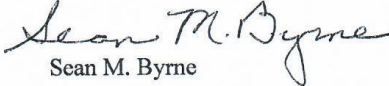
- a. The State Law allowing the cultivation, distribution and retail sale of marijuana in New York State imposes a high degree of regulatory oversight on the owners of such operations. The statutory and regulatory scheme will result in a very competitive and expensive business sector.
 - b. It is a 30 minute commute (down a mountain road) from Farrell Road to the NYS Thruway. Unused farmland and/or vacant commercial buildings abound all along NYS Thruway Routes 87 and 90 from New Paltz to Buffalo, and along Interstate Highways 81, 84, and 88. Countless locations along these highways allow for the efficient access of the highway system that does not exist in Platte Clove.
 - c. The vast majority of these potential marijuana cultivation and distribution sites exist outside the environmentally sensitive Catskill Mountain Park and New York City Watershed. The added transportation costs and the added regulatory scrutiny (due to DEC and DEP oversight) at the Platte Clove location will make operation at Farrell Road less efficient. In addition, the electrical grid is vastly superior at numerous locations along New York's interstate highways than it is in Platte Clove, NY. These and many other factors make the Catskill Mountain Cannabis lot an ill-conceived location.
 - d. Adequate financing is not customarily a Planning Board Issue, but given the significant additional hurdles contemplated by this site plan application some body need to assess the adequacy of funding and hence the sustainability of a commercial marijuana growing and distribution operation at this site. Marijuana businesses cannot get bank loans as they are engaged in a business that violates Federal criminal laws. If the business is not adequately funded than the approval of this application is inconsistent with the public health, safety and welfare of the residents of the community.
7. If the Town of Hunter Planning Board Were to Approve the Use of the 20 Farrell Road Site as a Cannabis Growth and Distribution Facility and the Operation Were to be Sold, the Town of Hunter Would Have Little Control Over Who the Successor(s) in Ownership Would Be. Similarly, Once Approved the Town Would Have a More Difficult Challenge in Limiting the Expansion of the Facility's Product Lines.
- a. The Town has a long and inglorious history of having property usages that were inconsistent with Health, Safety, and Welfare of the Public. Think of all the "circus bars" that used to populate the Town. They were not positive attributes to the Town and they all eventually went out of business, leaving derelict properties behind, or worse burning down.
 - b. Catering to a marijuana cultivation and statewide distribution facility (see CMC's first answer in its Question and Answer document) will open the door to other product lines (production of edibles, oils, etc.) and blocking diversification and expansion will be more difficult.
 - c. The business interests that are attracted to such cultivation and distribution enterprises are not always desirable. Even when above board operators are involved things can go very wrong. For example, the current nationwide opioid

overdose death crisis can be traced back to products of Big Pharma in some important respects.

CONCLUSION

THE TOWN OF HUNTER HAS ONE CHANCE TO GET THIS RIGHT AND TO ACT IN THE BEST INTERESTS OF THE PUBLIC'S HEALTH, SAFETY AND WELFARE, PARTICULARLY FOR THOSE LIVING NEAR CATSILL MOUNTAIN CANNABIS' PROPOSED MARIJUANA CULTIVATION AND DISTRIBUTION FACILITY. THE PLANNING BOARD MUST DISAPPROVE THE PENDING APPLICATION AND THEREBY PRESEVE THE CHARACTER OF OUR RURAL, ENVIRONMENTALLY SENSITIVE REGION AND PRESERVE THE QUALITY OF LIFE AND QUIET ENJOYMENT THE RESIDENTS HAVE COME TO EXPECT.

Very truly yours,

A handwritten signature in cursive script that reads "Sean M. Byrne".

Sean M. Byrne

Cc: Panning Board Members
Town Supervisor Mahoney
Town Board Members

DRAFT

Attachment #3

March 3, 2024

Dear Hunter Planning Board Members and Town of Hunter Town Board:

I live less than a mile from the proposed Cannabis Factory on Platte Clove Rd and Farrell Rd. I will detail my reasons for opposing the development of this industrial facility at the bottom of this letter. The reasons are numerous and may adversely impact my safety, my scenic residential and rural community, and ultimately, the value of our larger community which those of us who live in Hunter wish to protect and preserve. Alex Zivian and his planners are striving to meet his perceived legal requirements to get approval of this development.

But for those of us who are opposed to this potential blight to our Scenic Byway Community, we have a law in place in Hunter Township called the "The Town of Hunter Site Plan Review Law". It is a tool the planning board can use, and has used, to stop development which does not adhere to the furtherance and objectives of the Town Comprehensive Plan.

I am highlighting parts of "The Town of Hunter Site Plan Review Law", "The Town Comprehensive Plan" and "Mt. Cloves Scenic Byways Management Plan" below in support of my position. I may have missed some of the legal details imbedded in these plans, but their intent is clear. It is up to the Planning Board and Town Board to pull these laws out and properly implement them to protect our community and the many of us who are appealing to the Planning Board to not allow this project to advance.

Thank you for your time in reviewing these legal challenges and concerns on this development. I will be attending the Public Hearing this Tuesday. If you have any questions, feel free to email or call me on my cell. I am grateful that we have as diligent and concerned a government and community ensuring the beauty of this wonderful Catskill region as we do!

Sincerely,
Marcia Johnson
1279 Platte Clove Rd.
PO Box 128
Elka Park, NY 12427

cell: 845-641-3068

Let's go to "The Town of Hunter Site Plan Review Law":

Under Article A , #3 "Intent and Purposes", it is stated:

The Town of Hunter is a mountainous community located within the Catskill Park and the Catskill Watershed that is rich in history, scenic resources, and recreational opportunities. The town has established the importance of preserving these resources in their Comprehensive Plan, the Mountain Cloves Scenic Byway Corridor Management Plan, and the Mountaintop Community Resource Strategy. In addition, the town has been designated both a Preserve America Community and a Climate Smart Community. The intent of the Site Plan Review Law is to promote the health, safety, and general welfare of residents, balance land development with environmental protection, and further the goals and objectives of the aforementioned plans. New development should not detract from the scenic values, rural character, visual qualities of Hunter's landscape and historic character and should also complement existing public facility, road network and development patterns.

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such an environment is deemed essential to the maintenance and continued development of the town's economy and the general welfare of its inhabitants. It is further the intent of this local law to ensure the optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the town through the review of site plans. Toward this end, these regulations establish standards for preserving water quality, controlling air quality and traffic congestion, ensuring site access for emergency services (e.g. fire/police protection and ambulance services), providing adequate water supply and safe and proper means for sewage and solid waste disposal, and ensuring that new development is in harmony with the community character.

On page four of the 'Site Plan Review Law",

The Planning Board will consider written waiver requests from the applicant that include a justification as to why specific requirements of this local law should not apply to their project.

ARTICLE D. APPLICABILITY

1) Uses and Activities Requiring Site Plan Approval All new land use activities within the town shall require site plan review and approval before being undertaken except those specifically exempted in Section 2 below. The following uses shall require site plan approval:

B. New commercial, industrial, and institutional buildings

ARTICLE F. REVIEW ELEMENTS AND DESIGN GUIDANCE

Review Elements

In reviewing site plans, the Planning Board shall give consideration to the health, safety, and welfare of the public in general, and the residents or users of the proposed development and of the immediate neighborhood in particular. **Additionally, the Planning Board shall ensure:**

A. The overall impact of the site's development on the neighborhood and community character, **including furtherance of the goals of the Town Comprehensive Plan and Mt. Cloves Scenic Byways Management Plan.**

Let's go to the "Town of Hunter Comprehensive Plan":

From Page 51

Focus On: Community Character and Aesthetics

Goal 1: Maintain and enhance Hunter's natural beauty and its small town, rural, mountaintop community character.

- 1) Develop design and development standards and policies that guide new land uses to ensure they are consistent with our community character, streetscape, neighborhoods, and landscape (See Box 5).

Box 5. What is Community Character? Community character is a term given to describe more than just the aesthetic character of a place. The character of a community is not defined solely by its physical appearance. When we talk about community character we are referring to all the built and un-built features that contribute to the town's "sense of place". Community character then describes the complex composite of features that gives a place its identity – the "feel" or "spirit" of the place. In Hunter, this includes the natural and scenic beauty here, its mountains, streams, forests, and other landscapes, the small town nature of the Town and villages, its 'ruralness', along with its public services, development patterns, history, events and activities, the school, library, and its economy.

From page 52

e. Include strong purpose statements that clearly articulate the important need to protect Hunter's natural and scenic beauty, scenic views, and rural community character. Review criteria for the Planning Board should build on existing site design and requirements and must also ensure the Planning Board considers compatibility with and impacts to aesthetics and character.

From page 54

6) Protect and enhance key public view corridors across the town that highlight special natural features and architectural landmarks. Implement the various activities suggested in the Mountain Cloves Scenic Byway as those have already identified specific actions to protect the scenic character along that route.

Let's go to "Mt. Cloves Scenic Byways Management Plan":

From Page 14

GOALS -- Goals represent the guiding principles for achieving a Plan's vision. The main goals of the Mountain Cloves Scenic Byway Corridor Management Plan are:

- **Protect rural character and the social, environmental and economic stability of Hunter and the Mountaintop region.**
- **Identify the Byway as a unique travel experience (a realm unto itself) within the region and State.**
- **Preserve the Byway's natural, scenic, historical, cultural and recreational resources – in other words, maintain the route's distinctive qualities and character**

From Page 75

Historic Preservation

A plan for the conservation and enhancement of the Byway must **consider historic and cultural context**. When contemplating the future use and development of the transportation system, there should always be actions to carefully analyze the specific sites and locations proposed to receive physical changes. With understanding and planning there can be assurance that historic and cultural resources in and adjacent to the road right of way are not adversely impacted by infrastructure modifications. **Likewise, through awareness of the historic and cultural context around the Byway, there can be guarantees that changes are compatible with the broader roadside environment.** This approach is consistent with a goal to maintain biological resource values, natural and scenic qualities of the forest preserve and the larger Catskill Park.

Reasons to Oppose the Cannabis Factory:

- A**
- 1) **It is not in keeping with the character of the Scenic Byway - Platte Clove Rd where it will sit. It is an "Industrial Use" facility in a residential and rural community. This alone poses a threat to our scenic and residential neighborhood.**

2) It is an "attractive nuisance" for criminal activity. In the 20 years that I have owned my home on Platte Clove Rd, I have been burglarized 2x. The second time, my house and my shed were broken into (locks did not prevent the theft). Much was stolen: my lawn mower, mountain bike, family jewelry, and much more. In addition, thieves had the audacity to rob my neighbor down the road, our Chief of Police, Officer Haines. We also saw other neighbors robbed and a small octagonal house on Farrell Rd severely vandalized. None of these crimes were solved.

Bringing into our neighborhood a facility which will hold high value merchandise, such that the state requires surveillance cameras as security measures, (which don't assure there won't be robbery attempts), adds a level of threat to the safety of the surrounding home owners. It is clearly stated in the Site Plan Review Law "A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such an environment is deemed essential to the maintenance and continued development of the town's economy and the general welfare of its inhabitants."

Though Mr. Zivian plans to counter and answer with his planning, the additional reasons below should still be considered serious problems for the welfare of the community:

3) Though it will operate as a "closed" filtered system, there is potential for noxious smell to escape. There is no system for enforcement of filtration, particularly should Mr. Zivian find he cannot afford to maintain his filtration systems.

4) Sound: We can hear a pin drop here at night. Parties such as those thrown by Alex himself (or the former owner?) over the years (that have included drumming and howling until dawn), do not instill my faith that his assurances on noise will be met. Perhaps the sound of his continuous filtration systems will not be noticeable, or perhaps they will bring an industrial sound that will travel across this valley in the still of the night.... Do we know?

5) Increased Industrial Traffic: Small vans are proposed but it adds to that type of traffic again in a residential and scenic area. And it sets a precedent for more!!!

6) **An ugly industrial style building** that has the potential to be beautified, but what kind of precedent are we setting?

7) **If this business fails:** which so many do in this business, who will acquire this property and how will it be maintained?

8) **Packaging Waste:** Do we have the potential for plastics to become airborne?

9) If an industrial site is established on Mr. Zivian's property, that means the **entire parcel will fall under "industrial use" regulations?**

a) Will his residence meet those standards? His septic system, his well?

b) What does that mean if the property is sold? Can the entire parcel then be developed for industrial use?

Tourism and Economic Vitality:

From page 22 of the Town of Hunter Comprehensive Plan

. Continue to develop land use regulations that provide for economic development opportunities in many locations throughout the Town, while balancing other important needs in the community and continuing **to support the villages as the traditional economic hubs in the broader community.** The actions offered in this Plan include amending existing laws and adopting a zoning law or other land use related local laws that provides economic development opportunities at the right scale and intensity and in the right location so that it is consistent with community character, the environment, and quality of life. Careful attention should be paid to amend other existing laws as needed to be consistent with the vision, goals, and policies established in this Plan.

Recommended Actions to Meet Economic Vibrancy Goals and Objectives:

1. Economic development initiatives should be: a. Establish a sustainable tourism/destination management program. This non-political effort would provide tourism management planning and work to ensure sustainable practices are in place to mitigate adverse impacts of tourism and increase benefits and economic advantages. **The goal should be to promote tourism** but ensure that our most valuable resources such as Kaaterskill Falls remain protected.

From page 46 of the Mountain Cloves Scenic Byway Mgmt Plan:

INTERPRETING & MARKETING THE BYWAY An array of assets and themes compose the Mountain Cloves Scenic Byway. This section of the Plan discusses how to aid visitor's understanding of these Byway components and the Mountain Clove brand. It also discusses how tourism marketing may occur through a variety of efforts that can collectively increase awareness of, and visitation to, the Byway and the individual attractions along its corridors. These pieces are part of an overall plan to bolster the economy and provide services and facilities to benefit and accommodate tourism as more people become aware of the Town and region and its substantial offerings.

One Last Area of Concern:

As I contemplate the impact of this proposed Cannabis factory on our Platte Clove Rd Scenic Byway Community, I consider those small business owners here and in the towns of Tannersville and Hunter and how this could result in reduced tourism for the community at large. Much of the focus of the Scenic Byway Plan is on fostering economic growth through tourism. And much of that growth is predicated on the wild, natural beauty of the Byway experiences whether driving through the cloves, hiking, camping, or staying at a local B&B. We can't have industrial use creeping into the community landscape or the possibility of noxious smells, sounds, or additional commercial traffic turning a visitor's experience sour. We wish to offer our visitors and our families experiences of magnificent unspoiled natural beauty - not tarnished by industry that simply does not belong along a route with a designation such as ours "Mountain Cloves Scenic Byway".

Attachment #5

Jane Burd PO Box 171 Elka Park, NY 12427 (518) 207 8211 burdwoman@mac.com 4th March 2024
Town of Hunter Planning Board Hunter, NY 12485 Dear Planning Board Members, County Route 16, travels through the unique and pristine natural beauty of Platte Clove, NY. As part of the Mountain Cloves Scenic Byway system, it is one of the Gateway corridors to the Mountain Top, enjoyed by visitors and local residents. The Cannabis Farm proposal is an industrial expansion in our rural neighborhood. Additional concerns are with the following: ● need for heightened security, including fencing and lighting ● potential infiltration of penetrating odors through the immediate area and on road ● future site use, if sold, opens the complete parcel of land for industrial use, that includes an industrial building in place Approval would be an erosion of the natural conservation corridor in the Platte Clove Valley, and the efforts made by community members in achieving The Comprehensive Plan; Town of Hunter Site Plan Review Law; and NYS Mountain Cloves Scenic Byway corridor management Plans. I hope that the Board references and adheres to the management plans that have been put into place, to make good decisions for the whole community. Sincerely, Jane Burd

Attachment #6

I'll be attending the meeting Tuesday to learn more about the proposed weed factory in our neighborhood. I am concerned that once the town starts greenlighting industrial operations on the Scenic Byway, it will become that much harder to turn down future factories in what is (apart from Mountain Propane) a residential area. This is why many of us have been urging the town to adopt sensible zoning plans for more than a decade to protect the Clove's rural character as well as homeowners' property values, both of which can be wrecked by an investor's whim in the absence of zoning.

I look forward to learning more about the proposal.

Best,
Jo Miller, Dale Ln
Attendee panel closed

Attachment #7

Hi Marc

I wanted to send you some info on the complaints and problems that several towns in Canada are dealing with as a result of the cannabis grow ops. Here is what I sent to my neighbors.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9236214/>

<https://science.ubc.ca/news/investigating-skunk-smell-and-other-emissions-caused-cannabis-production>

The smell is a huge concern for both my businesses that I run out of 1317 Platte Clove Rd. Neither the hunting clients nor the campers are going to want to smell this 24/7. Our winds are predominantly out of the west/ north west and smells generally travel eastward up the Schoharie Valley. On calm summer evenings, when people want to sit out enjoying our peace and quiet, the air from the top of the hill settles down into valley bottom low spots. The closest low spot to the proposed grow op is my place at 1317 and the next is the low area at Bates' Diner. On a prevailing west wind the air will settle into these areas on calm evenings and the smell from the grow op will do the same.

When Silver Springs Ranch had horses at the top of the hill, we could smell the barn/ horse odors at our house. Of course, in an established rural setting, horse and farm odors are totally acceptable and understood as part of the rural landscape. "Skunky" smells of industrial cannabis grow ops are not part of the same rural landscape smells. It is much more invasive and industrial smelling. Several cities have cited smell as the number one reason for complaints about marijuana grow ops.

Karen and I have biked past several grow ops in BC and WA State. Each time we remark about how we can smell the acrid stench way before we see any signs of the operation. The smell carries for a mile at least.

I think we should be very concerned that we might be faced with a skunky smell for many of the nice summer evenings we want to sit outside and enjoy our neighborhood.

Best regards,

Max Saenger

Attachment #8

Good Afternoon Mr. Czermerys,

>

> I am reaching out in representation of my family for 48 Farrell road (Clark family Trust) neighboring property to the proposed site at 20 Farrell road .

>

> My family has received the attached letter on 2/15/24 (post marked 2/12) informing of us of a site plan review that is taking place . The attached letter appears to have inaccurate information for an upcoming hearing in reference to this matter highlighted in yellow. Please confirm you will be reissuing a new letter out to the surrounding landowners with correct date.

>

> While searching online it appears that meeting date is set for 3/5/24 at 630 pm . Please confirm that is accurate .

>

> Furthermore, our family has some concerns over native trees along our property line and the assurance that nothing will be cut down or damaged during any construction of property or road system set back off property line. In addition Illumination concerns.

>

> Please confirm if you can provide us with the following :

>

> - copy of the proposed site plan

> - copy / file of the proposed blueprints with dimensions

>

> The family would like to review everything in full ahead of this meeting.

>

> Thank you

>

> Clark Family Trust

Attachment #9

Attn: Planning Committee

Obviously we are not the first to deal with the issues of a cannabis facility. As you see from our neighbors in Lee MA, the board was unsure of what to do if the owner failed to address the concerns of the community. It seems that the business is still open in Lee. As a resident of Platte Clove, I wonder if our board is prepared to handle oversight of this project. What steps is our town taking to insure compliance?

Looking forward ti the discussion tomorrow night.

Kathleen Kane



[Lee neighbors not happy about smell coming from new cannabis cultivation facility](https://www.berkshireeagle.com)
[berkshireeagle.com](https://www.berkshireeagle.com)

Attachment #10

March 4, 2024

Dear Hunter Planning Board Members and Town of Hunter Town Board:

I live less than a mile from the proposed Cannabis Factory on Platte Clove Rd and Farrell Rd. I will detail my reasons for opposing the development of this industrial facility at the bottom of this letter. The reasons are numerous and may adversely impact my safety, my scenic residential and rural community, and ultimately, the value of our larger community which those of us who live in Hunter wish to protect and preserve. Alex Zivian and his planners are striving to meet his perceived legal requirements to get approval of this development.

But for those of us who are opposed to this potential blight to our Scenic Byway Community, we have a law in place in Hunter Township called the “The Town of Hunter Site Plan Review Law”. It is a tool the planning board can use,

and has used, to stop development which does not adhere to the furtherance and objectives of the Town Comprehensive Plan.

I am highlighting parts of “The Town of Hunter Site Plan Review Law”, “The Town Comprehensive Plan” and “Mt. Cloves Scenic Byways Management Plan” below in support of my position. I may have missed some of the legal details imbedded in these plans, but their intent is clear. It is up to the Planning Board and Town Board to pull these laws out and properly implement them to protect our community and the many of us who are appealing to the Planning Board to not allow this project to advance.

Thank you for your time in reviewing these legal challenges and concerns on this development. I will be attending the Public Hearing this Tuesday. If you have any questions, feel free to email or call me on my cell. I am grateful that we have as diligent and concerned a government and community ensuring the beauty of this wonderful Catskill region as we do!

Sincerely,
Stephanie Thompson
1791 Platte Clove Rd.
Elka Park, NY 12427
cell: 917/974-61666

Let’s go to “The Town of Hunter Site Plan Review Law”:

Under Article A , #3 “Intent and Purposes”, it is stated:

The Town of Hunter is a mountainous community located within the Catskill Park and the Catskill Watershed that is rich in history, scenic resources, and recreational opportunities. The town has established the importance of preserving these resources in their Comprehensive Plan, the Mountain Cloves Scenic Byway Corridor Management Plan, and the Mountaintop Community Resource Strategy. In addition, the town has been designated both a Preserve America Community and a Climate Smart Community. The intent of the Site Plan Review Law is to promote the health, safety, and general welfare of residents, balance land development with environmental protection, and further the goals and objectives of the aforementioned plans. New development should not detract from the scenic values, rural character, visual qualities of Hunter's landscape and historic character and should also complement existing public facility, road network and development patterns.

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such an environment is deemed essential to the maintenance and continued development of the town’s economy and the

general welfare of its inhabitants. It is further the intent of this local law to ensure the optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the town through the review of site plans. Toward this end, these regulations establish standards for preserving water quality, controlling air quality and traffic congestion, ensuring site access for emergency services (e.g. fire/police protection and ambulance services), providing adequate water supply and safe and proper means for sewage and solid waste disposal, and **ensuring that new development is in harmony with the community character.**

On page four of the ‘Site Plan Review Law’,

The Planning Board will consider written waiver requests from the applicant that include a justification as to why specific requirements of this local law should not apply to their project.

ARTICLE D. APPLICABILITY

1) Uses and Activities Requiring Site Plan Approval All new land use activities within the town shall require site plan review and approval before being undertaken except those specifically exempted in Section 2 below. The following uses shall require site plan approval:

B. New commercial, industrial, and institutional buildings

ARTICLE F. REVIEW ELEMENTS AND DESIGN GUIDANCE

Review Elements

In reviewing site plans, the Planning Board shall give consideration to the health, safety, and welfare of the public in general, and the residents or users of the proposed development and of the immediate neighborhood in particular. **Additionally, the Planning Board shall ensure:**

A. The overall impact of the site’s development on the neighborhood and community character, **including furtherance of the goals of the Town Comprehensive Plan and Mt. Cloves Scenic Byways Management Plan.**

Let’s go to the “Town of Hunter Comprehensive Plan”:

From Page 51

Focus On: Community Character and Aesthetics

Goal 1: Maintain and enhance Hunter’s natural beauty and its small town, rural, mountaintop community character.

1) Develop design and development standards and policies that guide new land uses to ensure they are consistent with our community character, streetscape, neighborhoods, and landscape (See Box 5).

Box 5. What is Community Character? Community character is a term given to describe more than just the aesthetic character of a place. The character of a community is not defined solely by its physical appearance. When we talk about community character we are referring to all the built and un-built features that contribute to the town's "sense of place". Community character then describes the complex composite of features that gives a place its identity - the "feel" or "spirit" of the place. In Hunter, this includes the natural and scenic beauty here, its mountains, streams, forests, and other landscapes, the small town nature of the Town and villages, its 'ruralness', along with its public services, development patterns, history, events and activities, the school, library, and its economy.

From page 52

e. Include strong purpose statements that clearly articulate the important need to protect Hunter's natural and scenic beauty, scenic views, and rural community character. Review criteria for the Planning Board should build on existing site design and requirements and must also ensure the Planning Board considers compatibility with and impacts to aesthetics and character.

From page 54

6) Protect and enhance key public view corridors across the town that highlight special natural features and architectural landmarks. Implement the various activities suggested in the Mountain Cloves Scenic Byway as those have already identified specific actions to protect the scenic character along that route.

Let's go to "Mt. Cloves Scenic Byways Management Plan":

From Page 14

GOALS -- Goals represent the guiding principles for achieving a Plan's vision. The main goals of the Mountain Cloves Scenic Byway Corridor Management Plan are:

- **Protect rural character and the social, environmental and economic stability of Hunter and the Mountaintop region.**
- **Identify the Byway as a unique travel experience (a realm unto itself) within the region and State.**
- **Preserve the Byway's natural, scenic, historical, cultural and recreational resources – in other words, maintain the route's distinctive qualities and character**

From Page 75

Historic Preservation

A plan for the conservation and enhancement of the Byway must **consider historic and cultural context**. When contemplating the future use and development of the transportation system, there should always be actions to carefully analyze the specific sites and locations proposed to receive physical changes. With understanding and planning there can be assurance that historic and cultural resources in and adjacent to the road right of way are not adversely impacted by infrastructure modifications. **Likewise, through awareness of the historic and cultural context around the Byway, there can be guarantees that changes are compatible with the broader roadside environment.** This approach is consistent with a goal to maintain biological resource values, natural and scenic qualities of the forest preserve and the larger Catskill Park.

Reasons to Oppose the Cannabis Factory:

1) It is not in keeping with the character of the Scenic Byway - Platte Clove Rd where it will sit. It is an "Industrial Use" facility in a residential and rural community. This alone poses a threat to our scenic and residential neighborhood.

2) It is an "attractive nuisance" for criminal activity. In the 20 years that I have owned my home on Platte Clove Rd, I have been burglarized 2x. The second time, my house and my shed were broken into (locks did not prevent the theft). Much was stolen: my lawn mower, mountain bike, family jewelry, and much more. In addition, thieves had the audacity to rob my neighbor down the road, our Chief of Police, Officer Haines. We also saw other neighbors robbed and a small octagonal house on Farrell Rd severely vandalized. None of these crimes were solved.

Bringing into our neighborhood a facility which will hold high value merchandise, such that the state requires surveillance cameras as security measures, (which don't assure there won't be robbery attempts), adds a level of threat to the safety of the surrounding home owners. It is clearly stated in the Site Plan Review Law **"A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such an environment is deemed essential to the maintenance and continued development of the town's economy and the general welfare of its inhabitants."**

Though Mr. Zivian plans to counter and answer with his planning, the additional reasons below should still be considered serious problems for the welfare of the community:

3) Though it will operate as a “closed’ filtered system, there is potential for noxious smell to escape. There is no system for enforcement of filtration, particularly should Mr. Zivian find he cannot afford to maintain his filtration systems.

4) Sound: We can hear a pin drop here at night. Parties such as those thrown by Alex himself (or the former owner?) over the years (that have included drumming and howling until dawn), do not instill my faith that his assurances on noise will be met. Perhaps the sound of his continuous filtration systems will not be noticeable, or perhaps they will bring an industrial sound that will travel across this valley in the still of the night.... Do we know?

5) Increased Industrial Traffic: Small vans are proposed but it adds to that type of traffic again in a residential and scenic area. And it sets a precedent for more!!!

6) An ugly industrial style building that has the potential to be beautified, but what kind of precedent are we setting?

7) If this business fails: which so many do in this business, who will acquire this property and how will it be maintained?

8) Packaging Waste: Do we have the potential for plastics to become airborne?

9) If an industrial site is established on Mr. Zivian’s property, that means the entire parcel will fall under “industrial use” regulations?

a) Will his residence meet those standards? His septic system, his well?

b) What does that mean if the property is sold? Can the entire parcel then be developed for industrial use?

Tourism and Economic Vitality:

From page 22 of the Town of Hunter Comprehensive Plan

. Continue to develop land use regulations that provide for economic development opportunities in many locations throughout the Town, while balancing other important needs in the community and continuing **to support the villages as the traditional economic hubs in the broader community.** The actions offered in this Plan include amending existing laws and adopting a zoning law or other land use related local laws that provides economic development opportunities at the right scale and intensity and in the right location **so that it is consistent with community character, the environment, and quality of life.** Careful attention should be paid to amend other existing laws as needed to be consistent with the vision, goals, and policies established in this Plan.

Recommended Actions to Meet Economic Vibrancy Goals and Objectives:

1. Economic development initiatives should be: a. **Establish a sustainable tourism/destination management program.** This non-political effort would provide tourism management planning and work to ensure sustainable practices are in place to mitigate adverse impacts of tourism and increase benefits and economic advantages. **The goal should be to promote tourism** but ensure that our most valuable resources such as Kaaterskill Falls remain protected.

From page 46 of the Mountain Cloves Scenic Byway Mgmt Plan:

INTERPRETING & MARKETING THE BYWAY An array of assets and themes compose the Mountain Cloves Scenic Byway. This section of the Plan discusses how to aid visitor's understanding of these Byway components and the Mountain Clove brand. It also discusses how tourism marketing may occur through a variety of efforts that can collectively increase awareness of, and visitation to, the Byway and the individual attractions along its corridors. These pieces are part of an overall plan to bolster the economy and provide services and facilities to benefit and accommodate tourism as more people become aware of the Town and region and its substantial offerings.

One Last Area of Concern:

As I contemplate the impact of this proposed Cannabis factory on our Platte Clove Rd Scenic Byway Community, I consider those small business owners here and in the towns of Tannersville and Hunter and how this could result in reduced tourism for the community at large. Much of the focus of the Scenic Byway Plan is on fostering economic

growth through tourism. And much of that growth is predicated on the wild, natural beauty of the Byway experiences whether driving through the cloves, hiking, camping, or staying at a local B&B. We can't have industrial use creeping into the community landscape or the possibility of noxious smells, sounds, or additional commercial traffic turning a visitor's experience sour. We wish to offer our visitors and our families experiences of magnificent unspoiled natural beauty - not tarnished by industry that simply does not belong along a route with a designation such as ours "Mountain Cloves Scenic Byway".

Attachment #11

March 5, 2024 To the Hunter Planning and Town of Hunter Boards, I own a home in Elka Park, and am in solidarity with my neighbors who are concerned with the proposed Cannabis Factory. While my home is not in the immediate vicinity of the proposed factory, my concern is what it may do to the character of the area and its rural tranquility which all of us as residents enjoy year-round. The prospect of traffic and heavy machinery traversing the roads, in addition, the temptation for undesirable elements to invade the factory with the purpose of burglarizing it and thereby pose a threat to the surrounding area, is of definite concern. I would urge the planning board to take these concerns into strong consideration as it does its due diligence on this matter. Sincerely, Lino Garcia

Attachment #12

Hello

Thank you for providing the opportunity to learn more about the proposed cannabis manufacturing facility.

Our concerns pertain to what effects of this industry will have upon our rural community and what safeguards are in place to protect our rural community.

1. Will this project lead to further industrialization along the Scenic By-Way and connecting parcels of land?
2. Should the business fail, what will become of the building and the grounds? Should the business grow exponentially what is the plan to maintain appropriate land management?
3. Such industries require 24/7 electricity and water and generate measurable amounts of light and noise pollution, in addition to generating measurable waste pollution.

- a. In order to meet the needs of the industry, what are the plans to strengthen existing infrastructure?
 - b. What are the plans to protect the underground water system and protect surrounding natural environment?
4. How does the town plan to deal with increased industry related traffic on Rt. 16?

Sincerely,
Lisa and Camp Childers

Attachment #13

March 4, 2024

Dear Hunter Planning Board Members and Hunter Town Board Members:

I live on Platte Clove Road and I am vehemently opposed to the Cannabis Factory Proposal.

It is not in keeping with the character of our magnificent community. By using the "Town of Hunter Site Plan Review Law" this project can and should be halted immediately.

I trust that the Planning Board and the Town Board will respect the will of the community and not allow this project to advance. The water quality, air quality and traffic congestion would most certainly be negatively affected.

Thank you for working so diligently to ensure that the beauty of this area is not harmed by unwanted development.

A concerned tax payer,

Dennis Linehan

Attachment #14

March 4, 2024

Dear Hunter Planning Board Members and Hunter Town Board Members:

I live on Platte Clove Road and am opposed to the Cannabis Factory Proposal for this area.

It is not in keeping with the character of our beautiful community. By using the "Town of Hunter Site Plan Review Law" this project can and should be halted.

I trust that the Planning Board and the Town Board will respect the will of the community and not allow this project to advance. The water quality, air quality and traffic congestion would most certainly be negatively affected.

Thank you for working so diligently to ensure that the beauty of this area is not harmed by unwanted development.

Sincerely,
Loretta Judge

Attachment #15

March 4, 2024

Dear Hunter Planning Board Members and Hunter Town Board Members:

I live on Platte Clove Road and am opposed to the Cannabis Factory Proposal for this area. It is not in keeping with the character of our beautiful community. By using the "Town of Hunter Site Plan Review Law" this project can and should be halted.

I trust that the Planning Board and the Town Board will respect the will of the community and not allow this project to advance. The water quality, air quality and traffic congestion would most certainly be negatively affected.

Thank you for working so diligently to ensure that the beauty of this area is not harmed by unwanted development.

Regards,

William McCormack

Attachment #16

Hi Marc

I wanted to send you some info on the complaints and problems that several towns in Canada are dealing with as a result of the cannabis grow ops. Here is what I sent to my neighbors.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9236214/>

<https://science.ubc.ca/news/investigating-skunk-smell-and-other-emissions-caused-cannabis-production>

The smell is a huge concern for both my businesses that I run out of 1317 Platte Clove Rd. Neither the hunting clients nor the campers are going to want to smell this 24/7. Our winds are predominantly out of the west/ north west and smells generally travel eastward up the Schoharie Valley. On calm summer evenings, when people want to sit out enjoying our peace and quiet, the air from the top of the hill settles down into valley bottom low spots. The closest low spot to the proposed grow op is my place at 1317 and the next is the low area at Bates' Diner. On a prevailing west wind the air will settle into these areas on calm evenings and the smell from the grow op will do the same.

When Silver Springs Ranch had horses at the top of the hill, we could smell the barn/ horse odors at our house. Of course, in an established rural setting, horse and farm odors are totally acceptable and understood as part of the rural landscape. "Skunky" smells of industrial cannabis grow ops are not part of the same rural landscape smells. It is much more invasive and industrial smelling. Several cities have cited smell as the number one reason for complaints about marijuana grow ops.

Karen and I have biked past several grow ops in BC and WA State. Each time we remark about how we can smell the acrid stench way before we see any signs of the operation. The smell carries for a mile at least.

I think we should be very concerned that we might be faced with a skunky smell for many of the nice summer evenings we want to sit outside and enjoy our neighborhood.

Best regards,

Max Saenger

DRY