

RE: Opposition to Ridgway Proposed Business Location

We would like to share our concerns and objections to the proposed Ridgway Project. We have detailed these in the following pages. Thank you for your consideration.

Sincerely,

Chad Cooper & Claire Ellis
150 Town Street

We believe that the proposed establishment of a commercial business with on-premises consumption of alcohol, and sale of alcohol to-go is not compatible with the rural residential character of North Cornwall. It would detract from the area's unique character and would fundamentally diminish the quality of life for many of its residents.

The Project can be technically allowable under the provisions of the Special Permit rules AND be in conflict with other provisions of Cornwall's zoning regulations and Plan of Conservation and Development.

This presentation cites several areas where the proposed establishment would be in conflict with other Cornwall zoning regulations:

- 8.4.f – Public Nuisances - Health, Safety and Welfare
- 8.10.c – Compatibility
- 8.10.d – Discouragement of the use / value of neighboring properties

Plan of Conservation and Development

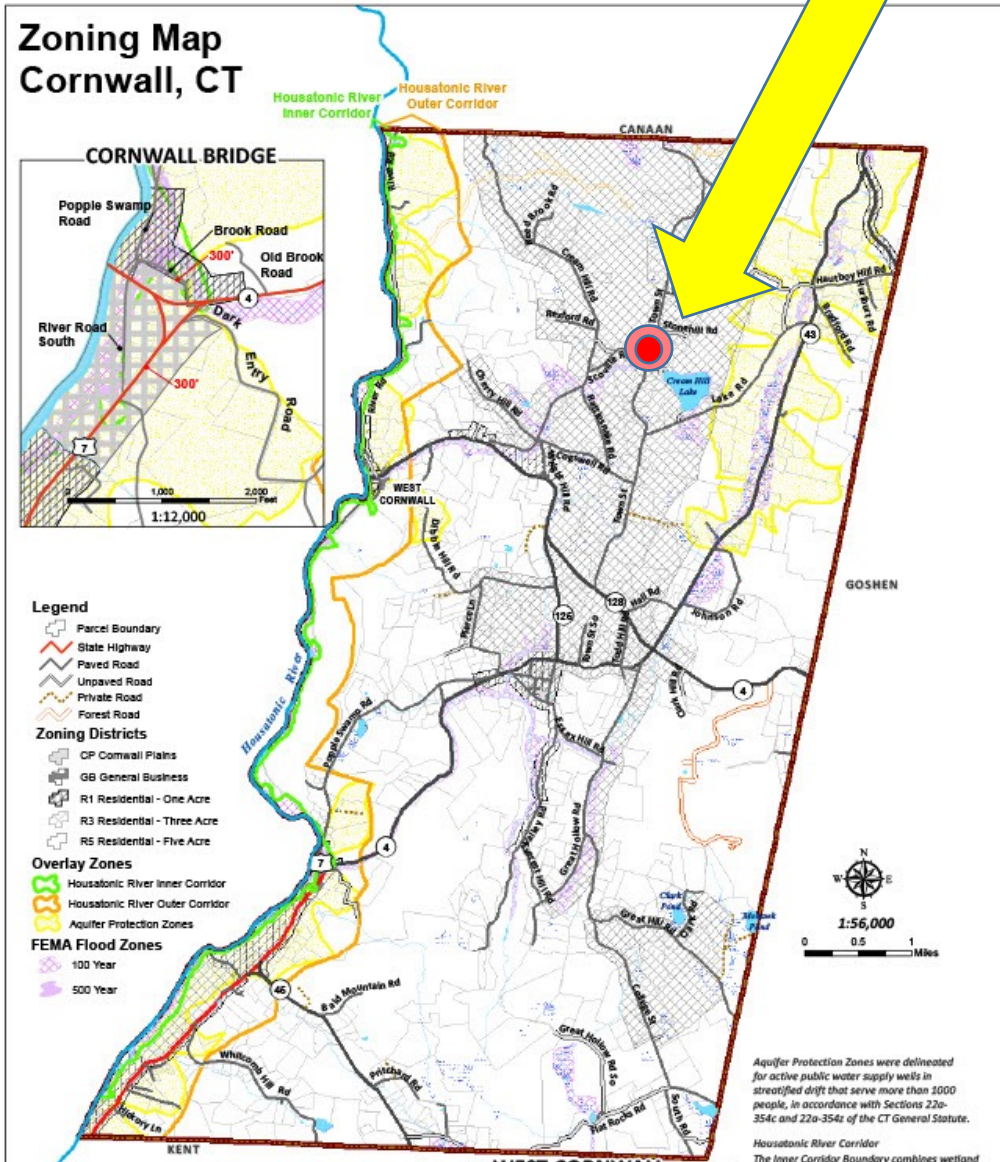
- Noise and light pollution can cause a significant disturbance to neighbors and to Cornwall's rural character.

Cornwall Zoning Regulations: 5.7 Conflicting Rules

The zoning regulations provide guidance for how conflicting regulations are to be resolved: *Wherever the requirements of these regulations are in conflict with the requirements of any other lawfully adopted rules, regulations, ordinance, deed, restrictions or covenants, the most restrictive shall apply.*

In this case, the most restrictive interpretation of Cornwall's zoning rules would be to prohibit the establishment of the proposed project.

Cornwall Zoning Regulation: 8.10.c Compatibility



The location and size of the proposed use and the nature and the intensity of the use in relation to the size of the lot will be in harmony with the orderly development of the Town and compatibly with other existing uses;

This district where the proposed project is located is zoned R-3: Residential 3-Acre.

The site is in the heart of a residential district.

Cornwall Zoning Regulation: 8.10.c Compatibility

The nearest properties / buildings to the proposed Ridgway cidery are ALL either residential or a meeting house / church.



Source: Google Earth

Cornwall Zoning Regulation: 8.10.c Compatibility

Distant from proposed cidery to:

Ridgway Residence 1,540 feet

Residence 1

260 feet

Residence 2

370 feet

Residence 3

600 feet

Residence 4

880 feet

Residence 5

1,150 feet

Residence 6


1,030 feet

Meeting House / Church

1,230 feet

Residence 7

1,265 feet



The four nearest residences are an average of 527 ft from the proposed cidery.

Source: Google Maps / Google Earth

Cornwall Zoning Regulation: 8.10.c Compatibility

We have looked at several dozen cideries in New England. They are most commonly located in commercial areas / business districts, even in smaller towns. Here are some examples.

Cidery	Location	District	Local Police Dept
Angry Orchard Cidery	Walden, NY	Business ⁽¹⁾	Yes
Woodchuck Cider House	Middlebury, VT	Business	Yes
Downeast Cider	Boston, MA	Business	Yes
Stowe Cider	Stowe, VT	Business	Yes
Citizen Cider	Burlington, VT	Business	Yes
Eden Specialty Ciders	Newport, VT	Business	Yes
Far From The Tree Cider	Salem, MA	Business	Yes
New England Cider House	Wallingford, CT	Business	Yes
Left Bank Ciders	Catskill, NY	Business	Yes
Little Apple Cidery	Hillsdale, NY	Business	Yes

(1) Business District = General Business or Commercial District

Cornwall Zoning Regulation: 8.10.c Compatibility

Even rural cideries located directly on farms are significantly removed from residential areas (thousands of feet, often miles).

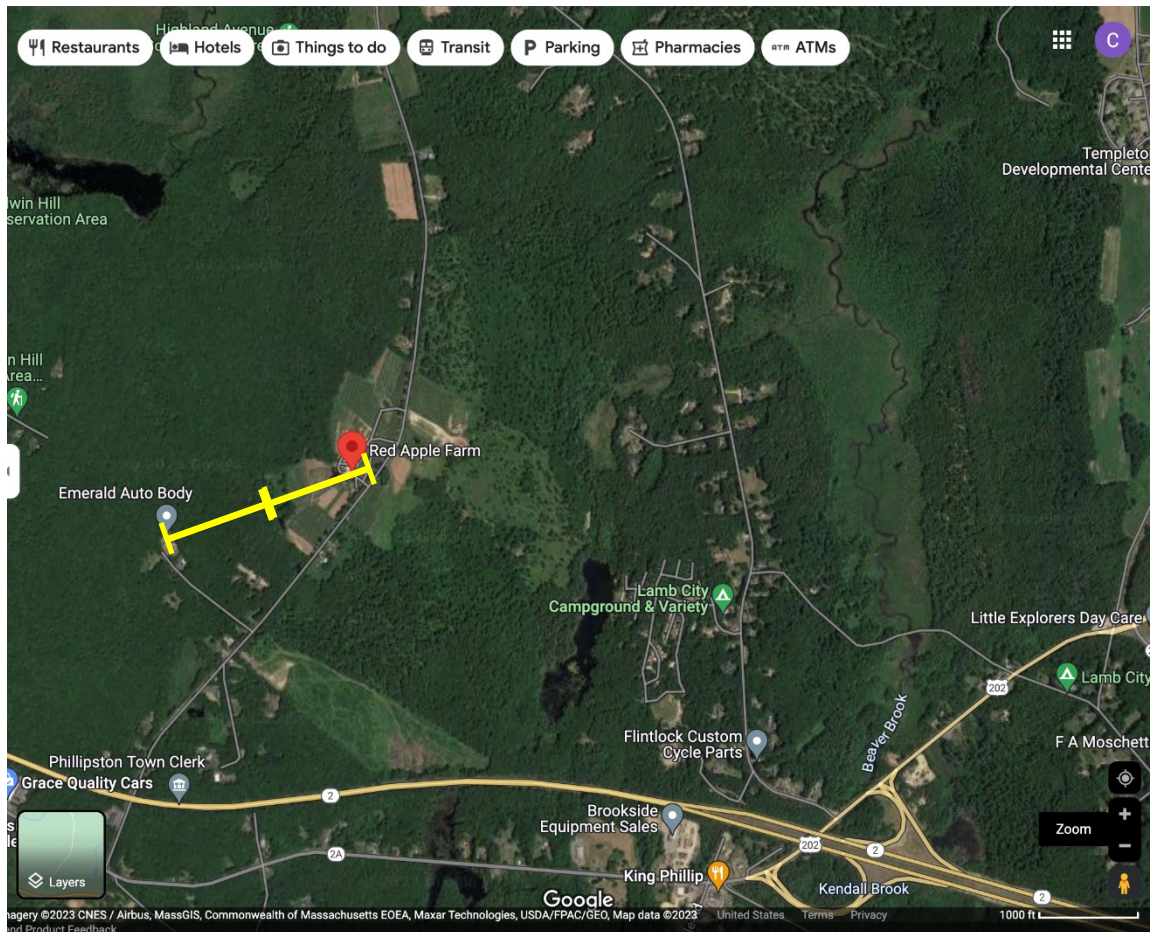
Cidery	Location	District	Local Police Dept
Red Apple Farm	Phillipston, MA	Rural	Yes
Farnum Hill Ciders	Lebanon, NH	Rural	Yes
Pennings Farm Cidery	Warwick, NY	Rural	Yes
Bad Seed Hard Cider	Hudson Valley, Highland NY	Rural – nearest residence >1K ft	Yes
Hardscrabble Cider	North Salem, NY	Rural – nearest residence, >2K ft	Yes
Little Apple Cidery	Hillsdale, NY	Rural - nearest residence >1K ft	Yes
Kings Highway Cider Shack	Millerton, NY	Rural	Yes

The following pages show the location of several of these rural, farm-based cideries in more detail.

Red Apple Farm – Phillipston, MA

Relevant Zoning Regulation: 8.10.c Compatibility

Red Apple Farm is typical of a New England rural / farm-based cidery. The nearest building, which in this case is an auto body shop, is approx. 2,000 ft from the cidery.



Scale

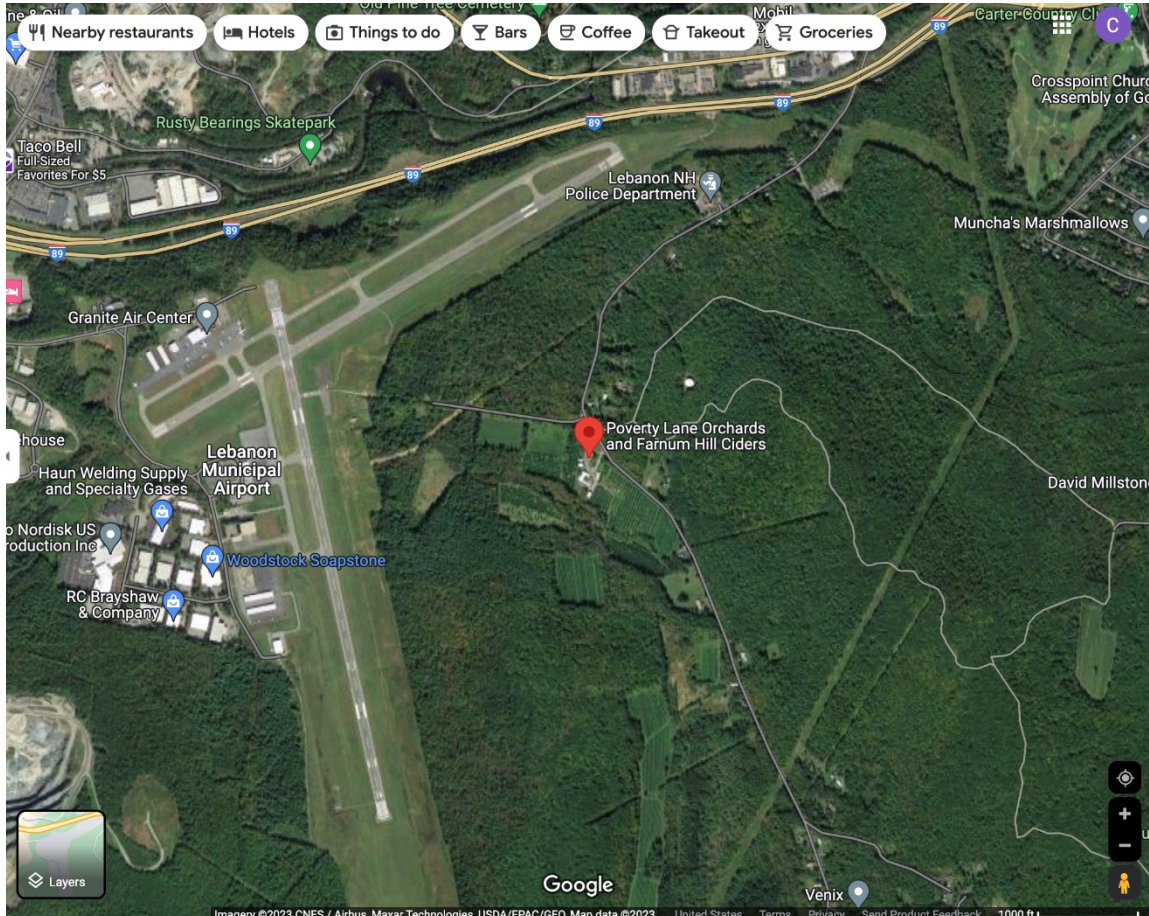


1000 ft

Farnum Hill Ciders – Lebanon, NH

Relevant Zoning Regulation: 8.10.c Compatibility

The closest establishments to the Farnum Hill / Poverty Lane Orchards are an airport and a police department, both thousands of feet away

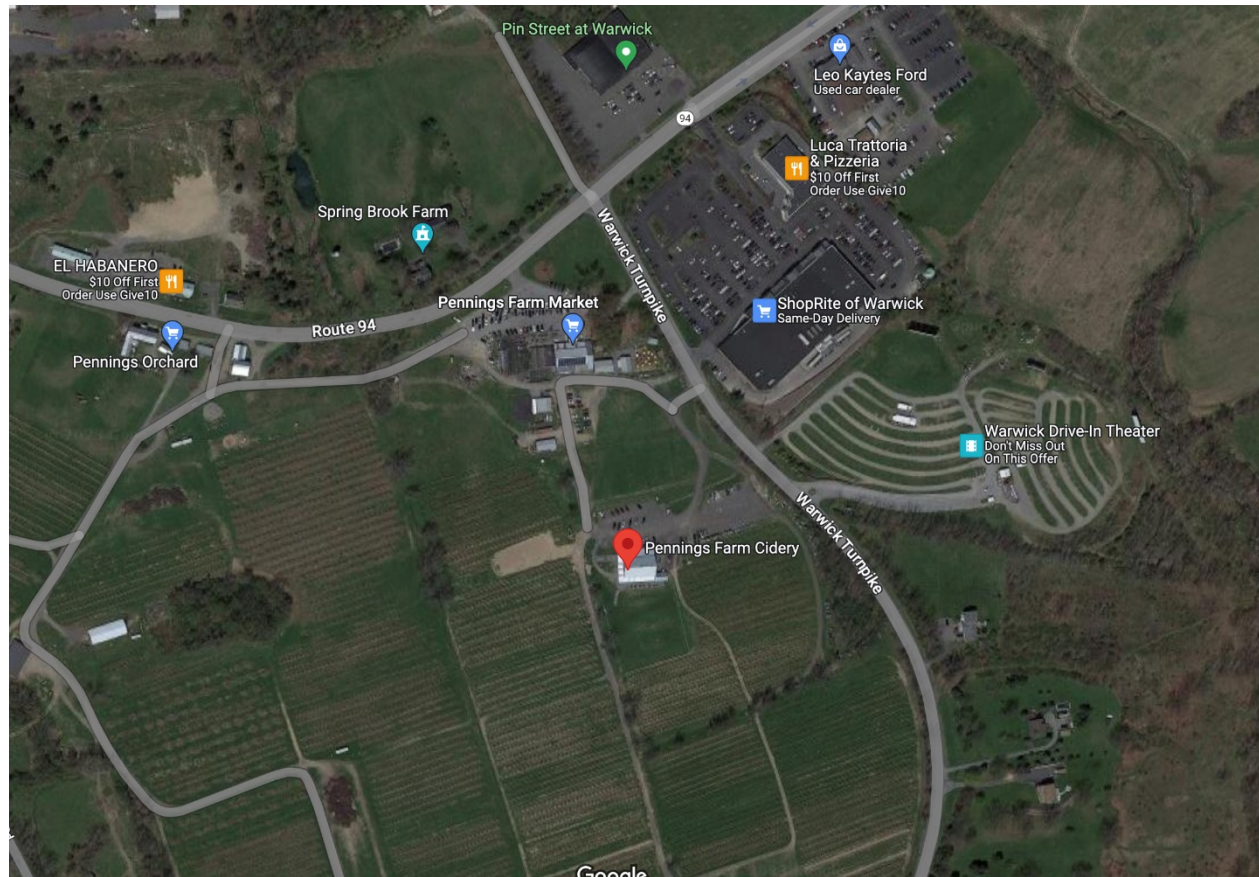


Scale
1000 ft

Pennings Farm Cidery – Warwick, NY

Relevant Zoning Regulation: 8.10.c Compatibility

The Pennings Farm Cidery is in rural / commercial area of Warwick, NY. The nearest buildings are a drive-in movie theater and a ShopRite grocery store.



Scale



1000 ft

Cornwall Zoning Regulation: 8.10.c Compatibility

It is exceedingly rare to locate a cidery -- even a rural farm-based cidery -- with on-premises, for-sale alcohol consumption in a principally rural / residential neighborhood.

Based on our survey of New England cideries the **typical rural farm-based cider houses are thousands of feet away from nearest buildings, commercial or otherwise.**

Incompatibility Leads To Problems

Incompatible uses and in this case, an incompatible use in the extreme – an alcoholic beverage-serving business in a residential area – creates public health, safety and quality of life problems: excessive noise, traffic, odors from fermentation, drunk driving and drunken behavior, etc.

“We live across the street. We have people throwing up in our driveway in front of our GRANDKIDS. They [the distilleries] need to be in a commercial area.”

– Katherine Osborne⁽¹⁾, lives directly across street from Kent Falls Brewery

(1) All quotes in this presentation attributed to Katherine Osborne are based on an interview that Chad Cooper conducted with Ms. Osborne on 9/6/23

Incompatibility Leads To Problems

These direct impacts to quality of life and public safety lead to other damaging outcomes:

- They result in endless complaints, lawsuits, injunctions
- They sow division between neighbors and between neighbors and the town itself
- They harm relationships and create lasting divisiveness
- They divert, consume and strain financial and organizational resources in towns whose capacity is stretched

“We were friends [with the owners of Kent Falls Brewery] all the way through. We worked for them. We supported it. We were ok with them making beer here. But once they started serving alcohol everything changed.”

– Katherine Osborne, Kent, CT

Relevant Cornwall Zoning Regulations:

Cornwall's Zoning regulations and Plan of Conservation & Development contain several provisions that are meant to safeguard the Town and protect Cornwall residents against these kinds of impacts.

8.4.f Public Nuisances

The proposal has adequately addressed potential public nuisances and will not diminish health, safety, and welfare within the Town of Cornwall.

AND

8.10.d Quality of Life

...the kind, size, location and height of structures, and the nature and extent of site work, and the nature and intensity of the use, shall not hinder or discourage the use of neighboring properties or diminish the value thereof.

Absence of Local Law Enforcement

Relevant Zoning Regulations:

8.4.f Public Nuisances

Consistent among the New England cideries we surveyed is the presence of a local police department. Law enforcement appears to be a key partner in responding to complaints and other public nuisance / disturbances related to alcohol-serving businesses.

Police also appear to be the principal public authority responsible for monitoring and enforcement in order:

- To ensure that cideries are operating within the appropriate legal frameworks;
- To enforce drinking laws (e.g., by conducting retail compliance checks);
- To reduce sale of alcohol to minors, etc.

It is virtually unprecedented to have a rural farm-based business – an alcoholic beverage-serving business in a residential area – AND to have NO local police department.

Rockland Cider Works, Gilboa, NY

Relevant Zoning Regulations:

8.4.f Public Nuisances

8.10.d Quality of Life

"It [Rockland Cider Works] seemed like a win for the business and the community except it became a **noise and traffic nuisance** to neighbors who began complaining about

lining up and parking on the road, the din of activity, occasional lewd behavior, the presence of food trucks and a change of use that they say was altering the rural character of the neighborhood."

Rockland Cider Works, Gilboa, NY
Rockland County Business Journal
1/15/23

The logo for Rockland Cider Works is displayed within a black rounded rectangular background. The text "ROCKLAND" is on the top line and "CIDER WORKS" is on the bottom line, both in a white, bold, sans-serif font. The words are contained within a white rectangular box that is centered within the black background.

ROCKLAND
CIDER WORKS

The Riverhead Ciderhouse, Riverhead, NY

Relevant Zoning Regulations:

8.4.f Public Nuisances

8.10.d Quality of Life

"Really it's just a bar. It doesn't fit there, it doesn't fit the historic, agricultural heritage of Sound Avenue."

- Riverhead resident, George Bartenuk
News 12 Long Island, September 2017

"We want to pipe the music outside so that when the weather is nice, people will want to sit outside," he [Bryan Lewis, an attorney for Riverhead Ciderhouse] said.

Dan Maurer of nearby Baywood Drive said he can hear the music from his house.

Planning Board chairman Stan Carey said the board is not responsible for enforcement.

- Riverhead News-Review, September 2017



Kent Falls Brewing Company, Kent, CT

Relevant Zoning Regulations:

8.4.f Public Nuisances

8.10.d Quality of Life

“It’s been really difficult. We spent 45 years building our dream. We have 50 acres. The trucks make a ton of noise. The motorcycles. The buses. We hear everything. Originally, they were only going to be open Thursday, Friday and Saturdays. **Now they are open on Sundays, which was our only quiet day.**

Everyone here came here for a reason. You move out here for tranquility. Even the young people fought it. It sounded so wholesome and turned into a white elephant. **The people who love the brewery are only people who have been here 2- 3 years and come for weekends.”**

– Katherine Osborne, Kent, CT



8.4.f Public Nuisances

8.10.d Quality of Life

The Project plans do not adequately address many of the well-founded concerns about offering alcohol for consumption on-premises and selling it to-go in a residential neighborhood.

The Project Narrative offers no hard limitations whatsoever on the amount of alcohol that can be served on-site, or even for that matter, any hard and fast limitation on operating hours other than: "...at no point will the store be open 7 days a week."

What are the Town of Cornwall's plans to address the nuisances / disturbances, public safety and health risks that are common to establishments alcohol beverage-serving businesses?

How will the Town of Cornwall with a Zoning Enforcement Officer who works six hours a week (on select weekday mornings) and no local police department, adequately enforce and monitor compliance with a business that plans to be open primarily in the afternoons and on weekends?

Monitoring & Enforcement

We believe that if the Town of Cornwall determines to set a new land use precedent, i.e., the introduction of an alcoholic beverage-serving business in a residential area, then it needs to acknowledge the risks and be accountable for the decision.

In other words, if the Town is prepared to authorize its existence, then it also carries the responsibility for putting in place and properly resourcing monitoring and enforcement personnel, governmental bodies and/or other mechanisms that fully address the many issues related to quality of life, public health, safety and welfare, such as:

- Is the Town prepared to make a commitment of financial resources in order to:
 - Ensure that there is dedicated personnel responsible for coordinating with regional law enforcement
 - Ensure an adequate law enforcement presence at 142 Town Street and on the Town Street loop, especially during seasonally high traffic times of the year
 - To proactively monitor and track complaints, service calls, DUIs, etc

Monitoring & Enforcement

- To independently monitor the release and spread of odors (typically sulfuric) produced in the fermentation process to neighboring properties?
- To independently monitor chemical run-off and wastewater?
- To independently monitor the environmental impact on well-water / water table for adjacent properties?
- Who will be responsible for / enforce special permitting?
- Who will be responsible for verifying / ensuring only licensed and properly permitted vendors on site?
- How will appropriate decibel levels be set for noise?
- Who is going to monitor noise levels?
- Who should noise disturbances be reported to and how will they be handled?
- Will the Town need to carry any additional insurance – liquor liability or general liability – arising from potential litigation involving alcohol incidents?

Monitoring & Enforcement

- What are the potential opportunity costs to other Town business and zoning matters if the cidery consumes a disproportionate amount of the land use / Zoning Enforcement Officer's time?
- Is the Town prepared to expand this role to give this office sufficient bandwidth to actively manage this establishment?
- Has the Town projected how the tax base might be impacted by the establishment of this business?
- Will the Town derive additional tax revenue from the business?
- Will those revenues be sufficient to cover the costs related to monitoring and enforcing rules and providing for public health and safety mitigation, additional town maintenance and other potential expenses?

Resolving Conflicting Zoning Regulations

Cornwall's zoning regulations recognize that a given project can be permissible under the zoning code AND be at odds with other provisions or standards set out in the zoning code. The regulations provide guidance for how conflicting regulations are to be resolved:

Wherever the requirements of these regulations are in conflict with the requirements of any other lawfully adopted rules, regulations, ordinance, deed, restrictions or covenants, the most restrictive shall apply.

In this case, we believe that the most restrictive interpretation of Cornwall's zoning rules would be to prohibit the establishment of the proposed project.

Jane Garmey 8:17 AM (39 minutes ago)

to landuse, me, cwlanduse

Apologies if you receive this letter twice but having sent it first to landuse@CornwallCt.org I received an email message saying that my letter was having trouble being delivered. Please add it to the roster of letters concerning this issue.

To Members of Cornwall Planning & Zoning

I would like to add my support to Andrea and Mary Ellen Geisser's opposition to the hard cider selling and tasting facility proposed for Town Street. I live within walking distance of Gordon's "Get Fresh" stand, use it, love it, and appreciate the work of Gordon and other farmers in our area. However, I do not support his proposal to open a cider tasting bar and to sell hard cider in a residentially-zoned area. His plans call for a parking lot big enough to hold 11 cars and his proposal explicitly states that he wants **"to open a new opportunity for families, neighbors, and residents of the community to gather and socialize."**

Town Street is not just a quiet road in a designated residential area of Cornwall, it also happens to be part of "The Loop" - a much beloved three mile walk regularly taken by so many Cornwallians that encompasses Town, Cogswell, Rattlesnake, Cream Hill and Scoville roads and passes by the North Cornwall Meeting House, considered by architectural historians to be one of Northwest Connecticut's most beautiful 18th century meeting houses, and certainly, one of Cornwall's great architectural treasures. Owned and in active use by the Cornwall UCC Congregation, this building would be within view of the proposed new tasting store/bar for selling and on-premises drinking of alcoholic beverages.

There has been much talk and discussion about the desirability of attracting new business to Cornwall, and a hard cider bar/store in either of the Cornwall Bridge or West Cornwall designated commercial areas would be a welcome addition to the community and makes great sense. However, a request to open a commercial store/tasting room for the consumption and sale of alcoholic beverages on a pastoral road in a residential part of Cornwall is unacceptable. As a local resident, I am concerned about the increased traffic that Gordon's new opportunity **"to gather and socialize"** will bring to a quiet bucolic neighborhood, that epitomizes the unspoiled rural nature of Cornwall.

Planting an orchard and producing apple cider is a great idea that we all support. However, opening a commercial cider tasting bar and selling hard cider on a

residentially zoned street is not appropriate. This activity should be conducted in one of the business zoned areas of Cornwall. Please do not approve this request.

Sincerely,

Jane Garmey

106 Cogswell Road.