



Rivendell Winery co-owners Susan Wine and Robert Ransom stand for a photograph Monday at their new site in New Paltz. A Town of New Paltz ruling in 2007 prevented the winery from moving to the new site. (Karl Rabe/Poughkeepsie Journal)

Winery, town battle over meaning of 'agricultural'

Sarah Bradshaw • Poughkeepsie Journal •
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NEW PALTZ — The Town of New Paltz and the owners of Rivendell Winery, Susan Wine and Robert Ransom, are engaged in a legal battle over whether a winery is considered an agricultural use.

Wine has filed an appeal with the Appellate Division of the state Supreme Court in Albany against the Town of New Paltz Zoning Board of Appeals and former Town of New Paltz Building Inspector Thomas Wiacek.

Wine is appealing the town's 2007 ruling that a winery is not agricultural in nature. The ruling prevented Wine and her husband, Ransom, from moving Rivendell Winery from 714 Albany Post Road, Gardiner, to 507 Albany Post Road, New Paltz.

They expect an appeals court decision in May unless their opponents file for an extension.

In January 2007, when Wine purchased two adjacent 2-acre parcels zoned for agricultural use at Albany Post Road and Route 299, and later applied for a site plan approval with the Planning Board, a heated debate began.

The main question was: Is a winery "agricultural" if it grows its own grapes, bottles its wine and sells its wine along with other state wines and souvenirs, while hosting the occasional private event?

In July 2007 and again in December 2007, Town of New Paltz officials said no.

The building inspector's decision was made in July 2007. The site plan approval for the residential property (zoned for agricultural use) purchased just three miles from their previous leased location in Gardiner, was denied.

"That came as a surprise," Wine said. "I've lived in New Paltz since 1970. Bob has had the winery for 20-something years. Our approach from the beginning was to be clear and forthright."

In his decision, the town building inspector said the town zoning law barred commercial uses associated with the proposed wine-making operation.

The sale of wine produced on-site and by other farms in New York State, in addition to the winery's potential role as a catering and events venue, was interpreted as being of "commercial use" by the inspector.

In September 2007, the winery owners filed an appeal with the town's Zoning Board of Appeals, which upheld the denial of the application and the inspector's decision.

That didn't make sense to Ransom and Wine. They filed an Article 78 (a proceeding used to appeal the decision of a local agency) in lower court one year after they purchased the property in question.

The lower court also decided against them.

Wine hopes the appellate court will be "the beginning of the end of our nightmare," she said.

So does town Supervisor Toni Hokanson, who said, "I am anxious for this to be over."

New Paltz zoning law does not directly define what is "agricultural."

The town attorney, George Lithco, referenced New York state Agriculture and Market Law pertaining to lands that qualify for an agricultural exemption, including farms with at least 7 acres in production.

Rivendell's owners weren't growing grapes at their Gardiner location. Ransom blamed a storm that ravished his vineyards in 1994 for not replanting grapes.

Wine said they have vineyards planted in their new location and have plans to lease land from their neighbors to total more than 7 acres.

Another issue was whether the former house on the property — a potential "farm structure" — could be considered agricultural.

The town said the state Agriculture and Markets Law doesn't consider buildings used to process crops to be agricultural, and thus the potential winery building was deemed a retail store.

Wine said that's not right. The building is used to age and make wine, therefore it is agricultural, she said.

Patrick Hooker, commissioner of New York State Agriculture and Markets, gave testimony to the board siding with Rivendell.

In addition, Wine's Supreme Court appeal points out that Rivendell operated under a farm winery license from the New York State Liquor Authority, which allows them to sell New York state labeled and other products in conjunction with the wine.

Jim Trezise, president of the New York Wine and Grape Foundation, wrote a letter to the Zoning Board of Appeals stating that "... a winery is indeed, by definition and practice, an agricultural use."

New York Farm Bureau spokeswoman Julie Suarez said, "We consider a winery to be part of a farm enterprise, especially when you have someone growing and attending the grapes."

Hokanson stressed that the appeal process has sided with the town thus far.

Wiacek, now a Town of Poughkeepsie deputy building inspector, had no comment on the court case or his 2007 decision.

The current town building inspector, Stacy Delarede, was not named in the appeal and declined to comment. She was the deputy building inspector in 2007.

The town's zoning board chairwoman, Linda Donovan, was out of the country and could not be immediately reached.

Deputy Chairman Bob Hughes had no comment.

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