

**RISELEY & MORIELLO**  
**ATTORNEYS AT LAW**  
111 Green Street  
Post Office Box 4465  
Kingston, New York 12402  
E-Mail: mike@moriellolaw.com

Richard F. Riseley  
Michael A. Moriello

Tel: (845) 338-6603  
Fax: (845) 340-1614

June 8, 2022

Town of Saugerties Town Board  
Mr. Fred Costello, Supervisor  
4 High Street  
Saugerties, New York 12477

RE: Saugerties Farms LLC: Amended Zoning Petition

**[VIA E-MAIL AND REGULAR MAIL]**

Dear Fred and Town Board Members:

Submitted herewith for your consideration, please find Amended Zoning Petition, same in connection with the above referenced matter.

This Amendment pertains to the currently pending Saugerties Farms LLC Zoning Petition/Application before the Town Board of the Town of Saugerties, as Lead Agency under SEQRA and for all continuing legislative/administrative procedures associated therewith. In this regard, all Petition and Application documents previously submitted to the Town Board are incorporated by reference herein, as if fully set forth at length.

As the pending SEQRA proceedings exist under their own regulatory ambit [6 NYCRR Part 617 et. Seq.] and SEQRA does not change the jurisdiction between agencies, Morse v. Town of Gardiner Planning Board, 164 AD2d 336 (2nd Dep't, 1990), the previously submitted SEQRA documentation (which has not changed in application or effect) is hereby relied upon by the Petitioner/Applicant for all proceedings moving forward. Monroe-Livingston Landfill v. Town of Caledonia, 51 NY2d 679 (2980). In re Wilmore, Inc., NYSDEC Comm. Decision (May 18, 1982) at 6.

Technically, the Amended Rezoning Petition should be again referred to the Town of Saugerties Planning Board for review as part of the rezoning process. As such, this is to request that a second rezoning referral occur by way of Town Board action. Accordingly, I have included Ms. Becky Bertorelli and Mr. Howie Post as recipients under cover of this correspondence for Town of Saugerties Planning Board informational purposes.

In addition, the Amended Zoning Petition should further be referred to the Ulster County Planning Board by the Town of

Saugerties Town Board, as a Gateway Meeting will be requested by the Petitioner/Applicant.

We look forward to continuing the review process before the Town of Saugerties Town Board and should you have any questions, do not hesitate to contact me.

Very truly yours,

Michael R. Morrillo

MAM:cam

cc: Saugerties Farms LLC  
David Brennan, Esq.  
Jess Sudol, PE  
Zina Lagonegro, AICP  
Tom George  
Chris LaPorta, PE  
John Grecco, Esq.  
George Redder, Esq.  
Lisa Stanley  
Adriana Beltrani, AICP  
Max Stanch, AICP  
Becky Bertorelli  
Howie Post  
[all via e-mail]

**RISELEY & MORIELLO**  
**ATTORNEYS AT LAW**  
111 Green Street  
Post Office Box 4465  
Kingston, New York 12402  
E-Mail: mike@moriellolaw.com

Richard F. Riseley  
Michael A. Moriello

Tel: (845) 338-6603  
Fax: (845) 340-1614

**AMENDED ZONING PETITION**

**IN THE MATTER OF THE APPLICATION OF  
SAUGERTIES FARMS LLC**

For a zoning district change of 840 +/- acres of the lands know as the "Winston Farm" from (GB), General Business and (MDR) Moderate Density Residential and (HR) Hamlet Residential to (PDD), Planned Development District, together with the accompanying Zoning Map Amendment, in the Town of Saugerties, county of Ulster and State of New York.

TO: The Honorable Town Board of the Town of Saugerties:

Upon this Amended [hereinafter "Petition"] Petition and a certain previously submitted September 3, 2021 Zoning Amendment Application Form, the Amended Petition of Saugerties Farms LLC [John Mullen, Member and Michael A. Moriello, Esq. as Co-Attorney], (Collectively hereinafter "Petitioners") respectfully shows this honorable body as follows, pursuant to Article X of the Town of Saugerties Zoning Law and Sections 263, 264 and 265 of the Town Law of New York State:

STATE OF NEW YORK )  
COUNTY OF ULSTER )ss.:

John Mullen and Michael A. Moriello, being duly sworn, depose and say as follows:

FIRST: Name/Address.

The name and address of the fee owner of the premises which is the subject of this Petition is Saugerties Farm LLC and said owner has consented to this Petition pursuant to the Town of Saugerties Zoning Law.

SECOND: Premises.

The Winston Farm premises is located at NYS Route 212, Mower Hill Road and NYS Route 32 in the Town of Saugerties, Ulster County, New York, said lands being further identified as S/B/L Numbers 17.2-3-10, 17.2-4-32, 17.2-5-38, 17.2-5-39, 17.2-5-40, 17.2-5-41, 17.15-3-4, 17.16-1-1.110, 17.2-3-8, 17.2-3-15, and 17.16-1-36 [hereinafter the "Premises"].

THIRD: Improvements.

The premises is improved by the following structures and facilities:

- a.) Three (3) residential houses.
- b.) Stone House Mansion.
- c.) Snyder Farm House.
- d.) Three (3) agricultural barns.

FOURTH: Previous Rezoning Petition.

The Petitioner herein previously submitted a Rezoning Petition to the Town of Saugerties Town Board, dated September 3, 2021. It is the purpose of this Amended Rezoning Petition to place the Petition for rezoning in proper procedural form [verifications] and to expand upon the nature of the associated environmental review which is proceeding before the Town of Saugerties Town Board under SEQRA. [A copy of the September 3, 2021 Rezoning Petition is annexed hereto and made a part hereof as Exhibit "1".]

FIFTH: Description of the Rezoning Requested.

The Petitioner cites to the original Rezoning Petition with respect to a description of the rezoning request, the current zoning of the Premises and the proposed zoning of the Premises in order to avoid redundancy herein [See Exhibit "1"]. In association therewith, the Long EAF, Part 1 has been updated and Deed copies have been

provided in order to provide for the addition of two (2) parcels to the Rezoning and Application.

SIXTH: SEQRA Review.

The requested rezoning constitutes a Type I Action under SEQRA and coordinated environmental review procedures have been followed to date by the Town of Saugerties Town Board, as Lead Agency, by circulation of a Notice of Intent to Serve as Lead Agency to all involved and interested agencies. [See, 6 NYCRR Parts 617.4(b)(2), 617.4(b)(5)(iii), 617.4(b)(6)(i), 617.4(b)(6)(v).

Although there appears to have been some confusion occasioned by the initial Rezoning Petition as to the ultimate plans for the Premises, the Petitioner has clarified that a project specific review will not be pursued at this time. Accordingly, any and all references to future premises improvements and attendant conceptual map depictions as a specific development plan, were inadvertently offered by the Petitioner prior to representation by counsel and the same are hereby clarified to represent a maximum baseline for project review under SEQRA as part of a comprehensive examination of potential environmental effects.

It has always been the intention of the Petitioner to forward the proposed rezoning as part of a comprehensive land use process with community involvement by the Lead Agency, involved/interest agencies, and the public.

In this regard, the Petitioner has initiated an Environmental Impact Statement environmental review process, by way of submittal of a suggested Long Environmental Assessment Form, Part 2 draft answers

for determination of environmental significance by the Lead Agency [6 NYCRR Part 617.10].

The Lead Agency will ultimately complete its own Long EAF, Part 2 and issue a Positive Declaration of Environmental Significance. The associated Environmental review process will thereafter involve a public scoping process [6 NYCRR Part 617.9].

The associated EIS process will be utilized in order to initially assess conceptual plans and information for the Premises, before moving forward with project specific proposals within the context of the proposed rezoning of the Premises and the applicable regulatory criteria.

SEVENTH: Project Team.

The project team currently consists of the following representatives:

- 1.) Saugerties Farms LLC: Petitioner.
- 2.) Passero Associates: Engineering/Planning.
- 3.) David Brennan, Esq., Young Sommer LLC: Legal.
- 4.) Michael Moriello, Esq., Riseley & Moriello, PLLC: Legal.
- 5.) Ecological Solutions LLC: Endangered/Threatened Species and Wetlands.
- 6.) Camoin Associates: Socio-Economic.
- 7.) Stockade Strategies: Business Development.
- 8.) Focus Media: Public Relations.
- 9.) Joseph E. Diamond, PhD: Archeological/Cultural Resources.

EIGHTH: Statutory Law.

The statutory references for this Petition are as follows:

- a.) Town of Saugerties Zoning Law.
- b.) Town Law of the State of New York, Sections 64, 263, 264, 265 and 283-a.
- c.) SEQRA [6 NYCRR Part 617 et. seq.].
- d.) General Municipal Law of the State of New York, Section 239-m.
- e.) Municipal Home Rule Law of the State of New York, Sections 10, 20, 21, 22 and 27.
- f.) Section 7-741 of the Village Law of the State of New York.

NINTH: Comprehensive Plan.

The Petitioner believes that after the Town Board (as Lead agency) completes its EIS review under SEQRA, and the Town Board further completes its analysis of the relevant considerations as set forth above, the Town Board will agree that the proposed zoning amendment has a rational and legitimate planning basis, that there will be an immediate and permanent public benefit posed thereby and that the amendment is part of a well considered and comprehensive plan to serve the general welfare of the entire Town of Saugerties and surrounding environs.

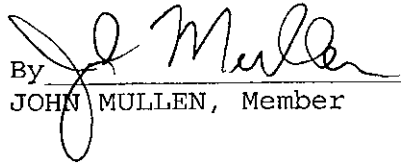
TENTH: PDD Criteria.

The Town of Saugerties Zoning Law currently sets forth a planned Development District (PDD) definition under the definitional section of said Zoning Law. However, the PDD criteria for use and bulk requirements are not developed to any definitive degree. Accordingly, the Petitioner herein is submitting proposed draft Planned Development District Regulations for consideration as part of the Rezoning and Application process and as part of the project documentation. [Copy annexed hereto and made a part of hereof as Exhibit "2."]

ELEVENTH: Procedure.

Pursuant to all of the above, the Petitioner requests that this Amended Petition be forwarded under SEQRA and legislatively continued for the purposes of the two required and duly noticed Rezoning Public Hearings, upon review and recommendation by the Town of Saugerties Planning Board, in accordance with Article X of the Town of Saugerties Zoning Law.

SAUGERTIES FARMS, LLC

By   
JOHN MULLEN, Member

Respectfully Submitted,

RISELEY & MORIELLO, PLLC

By   
MICHAEL A. MORIELLO, ESQ.



ACKNOWLEDGMENTS

STATE OF NEW YORK )  
COUNTY OF ULSTER )ss.:

On the \_\_\_\_ day of June, 2022 before me, the undersigned, personally appeared John Mullen, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK )  
COUNTY OF ULSTER )ss.:

On the 17<sup>th</sup> day of June, 2022 before me, the undersigned, personally appeared Michael A. Moriello, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

PAUL L. GRUNER  
NOTARY PUBLIC, State of New York  
Resident in and for Ulster County  
Commission Expires May 31, 2024