

1 12/13/2022 - Milk Factory, LLC - Public Hearing

2 STATE OF NEW YORK

3

4 In the Matter of MILK FACTORY, LLC

5 Application to the Montgomery I.D.A.

6

7

PUBLIC HEARING

8

DATE: December 13, 2022

9

TIME: 1:02 p.m. to 1:14 p.m.

10

LOCATION: Montgomery Town Hall

11

Industrial Development Agency

12

110 Bracken Road

13

Montgomery, New York

14

BEFORE: CHAIRMAN JEFFREY D. CRIST

15

16

17 ALSO PRESENT:

18

JOHN DICKSON, Vice Chair

ROBERT SANTO, Board Member

19

FELICIA KALAN, Board Member/Director

J. THOMAS JONES, Board Member

20

GEORGE DECLUE, Board Member

21

22

23

24

Reported by Danielle Christian

25

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2 (The hearing commenced at 1:02 p.m.)
3 CHAIRMAN CRIST: Good afternoon
4 everybody. I'd like to call the Town of Montgomery
5 I.D.A. meeting to order for December 13th, 2022,
6 there's extra agendas on the front table. We have a
7 number of things on our agenda today and I would like
8 to mention by privilege of the Chair to switch the
9 order of the public hearings today to the Milk
10 Factory, L.L.C. for item four in K.C.E. New York Two
11 to item five, which we'll just switch the order of
12 those two.

13 The approval of the November meeting
14 minutes we're going to postpone until January for
15 consideration, we're still in the works on part of
16 them. And I should introduce the Board, I'm here
17 with John Dickson, our executive director, Felicia
18 Kalan, I'm Jeff Crist, Chair, Bob Santo, Tom Jones
19 our counsel, Ashley Torre, we have Jeff on live
20 stream and Danielle --

21 MR. DICKSON: Too many names on there.

22 CHAIRMAN CRIST: -- doing the
23 recording of the meeting today for the public
24 hearings and we have Meghan Herbert (phonetic
25 spelling), our secretary, with us as well.

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2 Does anyone have public comment for
3 items not on today's -- for items not on today's
4 agenda? The public hearings will have opportunity
5 for comment on those two projects. Hearing or seeing
6 no --

7 MR. BERGER: Chairman --

8 CHAIRMAN CRIST: Don, did you have
9 something?

10 MR. BERGER: It says here, public
11 comments on items on the agenda.

12 CHAIRMAN CRIST: I think that's a -- a
13 verbal --

14 MS. TORRE: Yeah.

15 CHAIRMAN CRIST: That should say not
16 on the --

17 MR. BERGER: Okay.

18 CHAIRMAN CRIST: -- agenda because
19 we'll cover the ones on the agenda. So thank you for
20 that correction, I was reading it twice myself, Don.

21 So I'd like to open the public hearing
22 for the Milk Factory, L.L.C., we did pass a
23 resolution at our November 9th meeting, outlining
24 that process to open the public hearing today with a
25 Board vote as we're authorized to do and this is on a

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2 new project before us. I would ask Charlie Bazydlo
3 representing the Milk Factory to give us a quick
4 overview and --

5 MS. TORRE: Can we just do a motion to
6 open the public hearing?

7 CHAIRMAN CRIST: Okay. I would ask
8 for a motion to open the public hearing.

9 MR. DICKSON: I make that motion.

10 CHAIRMAN CRIST: John Dickson, second
11 by Bob Santo. All in favor say aye.

12 ALL: Aye.

13 CHAIRMAN: Opposed, the same? Motion
14 carried, public hearing is open. Charlie Bazydlo?

15 MR. BAZYDLO: All right. Very good,
16 thank you. Thank you, members of the Board. Again,
17 Charlie Bazydlo, I'm outside counsel for the Milk
18 Factory, L.L.C. I'll just give a brief description
19 of the project. There is a very lengthy application
20 and that's on the Board's website and has been
21 submitted to the Board, which does include the site
22 plan -- the site development plan that we have in
23 front of the planning board at the moment.

24 So basically the -- the project is
25 about a twenty-six million dollar project to be

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2 located on Route 208 at the old Borden Condensed --
3 Milk Condensing facility. I'm sure anyone who's
4 local, you know, knows the building, it's in a --
5 it's in quite a state of disrepair at the moment.
6 Our -- our basic plan is to develop a boutique hotel
7 spa facility, it will have a functioning distillery
8 winery associated with it, an event space, things --
9 things of that sort. Right now there's about forty-
10 six thousand square feet of building there and our
11 plan is to redevelop that, add square footage to it
12 to bring the total square footage up to about a
13 hundred thousand square feet. About ten thousand
14 square feet of that will be a new building that will
15 be constructed there to house the -- the winery
16 distillery operation.

17 So we are currently -- as far as
18 status, we're currently in front of the planning
19 board right now, working our way through the planning
20 board process. We anticipate a public hearing at the
21 planning board will probably be held in January and
22 from there or shortly thereafter we should have,
23 hopefully, a SEQR determination from the planning
24 board and an eventual site plan too. I would imagine
25 late fall -- late winter or early -- early spring I

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2 would say, so. So briefly, that is the project.
3 Thank you.

4 COURT REPORTER: Can you spell your
5 last name for the record?

6 MR. BAZYDLO: I most certainly can,
7 yes. It's B like in boy, A, Z as in zebra, Y, D like
8 in David, L-O.

9 COURT REPORTER: Thank you.

10 MR. BAZYDLO: Okay, thanks.

11 CHAIRMAN CRIST: And Charlie, I
12 believe the project has applied for sales and use tax
13 --

14 MR. BAZYDLO: Oh, excuse me.

15 CHAIRMAN CRIST: -- exemption and
16 pilot --

17 MR. BAZYDLO: Yes, yes, all of the
18 above. Yes, yes. Mortgage sale use tax and -- and
19 also real estate tax exemption too, so.

20 CHAIRMAN CRIST: And I might just also
21 note the pilot falls under a UTEP for adaptive reuse
22 of facilities, that's an adjustment we made, I think,
23 this past January to encourage some use of falling
24 down facilities in disrepair. As Charlie mentioned,
25 this former factory site --

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2 MR. BAZYDLO: Yes.

3 CHAIRMAN CRIST: -- falls in the
4 category perfectly.

5 MR. BAZYDLO: Yes. And -- and -- and
6 the zoning of this property applies to this project
7 specifically and -- and it is fully compliant with --
8 with the zoning designation for the property, so.

9 CHAIRMAN CRIST: Very good.

10 MR. BAZYDLO: Thank you.

11 CHAIRMAN CRIST: As is customary in
12 public hearings, I would ask that each commenter
13 limit themselves to five minutes of time. I expect
14 this public hearing will remain open to a -- a future
15 date, most likely January 10th at our board meeting
16 then. And you also would have opportunity for
17 further comment by writing to the Board and we can
18 enter that comment letter into the public hearing
19 record.

20 So I would ask at this time if anybody
21 from the public who would like to make comment on the
22 Milk Factory Project show hand. Don Berger?

23 COURT REPORTER: Can you state and
24 spell your name?

25 MR. BERGER: Don Berger, B-E-R-G-E-R,

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2 Village of Montgomery. This here project is one that
3 we have looked forward to for quite a while. We
4 worked very hard during our years here trying to
5 change this UTEP Policy and this is one of the things
6 that we worked to have put into the UTEP Policy, the
7 adaptive reuse of facilities. So it makes sense for
8 me to stand up here today and actually embrace this
9 particular project and the pilot program that they're
10 requesting.

11 Along with memories of R.P.M., we did
12 sit with Conner for many, many weeks rewriting this
13 policy and again, I embrace it. I think this is
14 exactly what we want in the Town of Montgomery and I
15 hope there's more similar projects ahead for us with
16 this. I think it's a great win and I think this is
17 one of those what we call a no brainer, so I think we
18 could --we should move forward on it.

19 CHAIRMAN CRIST: Thank you, Don.
20 Anybody else from the public care to make public
21 comment on this project? Seeing none, I would open
22 it up to the Board for any comments, questions?

23 MR. JONES: No questions.

24 CHAIRMAN CRIST: No, you okay? I
25 would just add for the record that Felicia Kalan and

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2 myself have visited the site, walked through it. We
3 can certainly vouch that it's in serious disrepair,
4 there was a fire, I think, in 1998 which took off
5 some of the roofs.

6 MR. BAZYDLO: Yes.

7 CHAIRMAN CRIST: So there's not much
8 of the facility that has roofing on it at this point.

9 MR. BAZYDLO: That's right.

10 CHAIRMAN CRIST: And it's been unused,
11 I believe, since that time, twenty-three years or so.
12 So it's exciting to have a potential use for it and
13 an attraction to the Town of Montgomery in the County
14 of Orange. Did you have any comment, Felicia?

15 MS. KALAN: No. I would just say the
16 project lead, Noah, has done a great job, you know,
17 getting into the community, making himself known.
18 They want to give back to the town and I think he's
19 done a great job on that project. So we look forward
20 to, you know, closing that up, hopefully getting that
21 going and it will be a great project.

22 CHAIRMAN CRIST: Thank you.

23 MR. JONES: Yeah, I -- I need to add a
24 comment. I just think it's a great example of a
25 current business in the community that recognizes the

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2 value of this community --

3 MS. KALAN: Yeah.

4 MR. JONES: -- and is seeking to
5 expand itself.

6 CHAIRMAN CRIST: Perfect.

7 MR. JONES: And so it's a success
8 story if it goes through.

9 MS. KALAN: Agreed.

10 CHAIRMAN CRIST: I might just ask
11 Charlie Bazydlo, any update on the timing of planning
12 board actions and when do you suggest we reconvene
13 the public hearing? We don't plan to close, I don't
14 think we can.

15 MR. BAZYDLO: Sure. We -- as I said,
16 you know, we've -- we've been working with the
17 planning board, we just attended another work session
18 at the beginning part of this month. And I believe
19 we're going to be having a public hearing at the
20 planning board, their second meeting in January which
21 I think is a little bit later -- later in the month.
22 At that point in time, I'm hoping that the planning
23 board will consider a seeker determination at that
24 point in time. We may not have our full approval
25 from the planning board yet, but we're working

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2 towards trying to get the SEQR determination which,
3 you understand, would then let this Board, you know,
4 move forward then --

5 CHAIRMAN CRIST: Sure.

6 MR. BAZYDLO: -- with your approval.

7 CHAIRMAN CRIST: Thank -- thank you,
8 Charlie. Would it make sense maybe to reconvene this
9 public hearing, to plan to at least, on February
10 14th, board meeting of the Montgomery I.D.A.?

11 MR. BAZYDLO: That -- that -- that
12 would be after, I -- I believe, after our next
13 planning board meeting, so yes.

14 CHAIRMAN CRIST: I don't know if
15 there's any reason to reconvene in January, before
16 that meeting.

17 MS. TORRE: I think February would
18 make more sense.

19 CHAIRMAN CRIST: Okay. So I would
20 suggest doing --

21 MS. TORRE: A motion to adjourn the
22 public hearing until February 14th --

23 CHAIRMAN CRIST: Okay.

24 MS. TORRE: -- at one p.m. or soon
25 thereafter. Let's take notice.

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2 CHAIRMAN CRIST: So a motion as
3 Ashley, our counsel, suggests, would anyone care to
4 make that?

5 MR. DICKSON: I make that motion.

6 MR. JONES: Second.

7 CHAIRMAN CRIST: Motion by John
8 Dickson, second by Tom Jones. All in favor please
9 say aye.

10 ALL: Aye.

11 CHAIRMAN CRIST: Opposed, the same?
12 Motion carried. Thank you to those of you that came
13 out for the opening of the public hearing for Milk
14 Factory.

15 (The hearing concluded at 1:14 p.m.)

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3 I, DANIELLE CHRISTIAN, do hereby certify that the
4 foregoing was reported by me, in the cause, at the time
5 and place, as stated in the caption hereto, at Page 1
6 hereof; that the foregoing typewritten transcription
7 consisting of pages 1 through 12, is a true record of all
8 proceedings had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 21st day of December, 2022.

11

12 DANIELLE CHRISTIAN, Reporter

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<p>Yeah 3:14 9:23 10:3 years 8:4 9:11 York 1:2,13 2:10 13:2</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>Z 6:7 zebra 6:7 zoning 7:6,8</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 13:5,7 1:02 1:9 2:2 1:14 1:9 12:15 10th 7:15 110 1:12 12 13:7 12/13/2022 1:1 2:1 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 13 1:8 13th 2:5 14th 11:10,22 1998 9:4</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2022 1:8 2:5 13:10 208 5:2 21st 13:10</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9th 3:23</p>	
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