

**Village of Hamilton
Zoning Board of Appeals
January 26, 2011
7:00pm
Village Courthouse**

APPROVED MINUTES

Present: Chairman Michael Clough; CEO Paul McGinnis; Members: Morgan Davies, Marilyn Upton, Corey Landstrom; Trustee Margaret Miller.

Public Present: Caroline Blackmore & Matthew J Whalen of Good Nature Brewing, Inc; Dave Parry, representing Patricia Cardillo; Amy Brown; Chris Babis; Bob McVaugh, Chairman of Village Planning Board; Sandra MacKinnon.

Call to Order: Chairman Clough called the meeting to order at 7:00pm

Approval of Agenda: Approved as written.

Approval of Minutes: Member Upton read minutes of the November 23, 2010, meeting aloud. A **motion** was made by Member Landstrom to approve the minutes of the **November 23, 2010**, meeting as written. The **motion** was seconded by Member Upton and carried.

New Business

**Good Nature Brewing, Inc., 174-83G, Appendix A, Schedule 1-#50 Land Use/Retail
38 Milford Street.**

Ms. Carrie Blackmore (owner) stated she will be the manager of the tasting room and the brewery. Mr. Matthew Whalen will be the future head brewer. She gave a detailed overview of the business to the Board. CEO McGinnis has determined this is a retail business which is not allowed in this district.

Chairman Clough stated he believes this is a brewery, and its prime purpose is to manufacture beer, which is not covered in any zoning regulations and secondly the wholesaling of products, allowing for a tasting of products. Retail sales from this location would be incidental to the brewing, not a prime target. No bottling will be done on premises. Related items for sale could be t-shirts, pint glasses, tasting glasses, growlers, and souvenirs to promote the brewery. Member Upton asked if anyone has a reason why this business is not covered under use #50.

Bob McVaugh stated we cannot assume this business will stay forever, especially if it becomes successful and sold. The temptation could be to turn the tasting room into a facility to serve alcohol and the hours of operation shift to 9-midnight in a residential neighborhood. He hopes whatever the resolution is, that the ZBA is extremely explicit about that because memories disappear and the only thing left are minutes. Designation as a micro brewery needs to fit somewhere. Mr. McVaugh stated maybe a subcategory under #59 (wholesale, bakery), or #79 (light manufacturing). Under use #79 a site plan review, special permit, and SEQR would be

needed. Ms. Blackmore stated their license limits hours of operation. Trustee Miller stated it is our job to think long-term and the potential affects to the neighborhood/community. Chairman Clough stated a variance is forever. Member Davies believes use #50 do not fit this business. Mr. McVaugh stated use #79 would better fit. Chairman Clough read the criteria for a use variance. Future expansion of the business was discussed. Ms. Sandra MacKinnon stated her concerns regarding parking. No one else from the neighborhood has contacted the Board with any concerns.

Member Davies made a **motion** that the ZBA determined that use category 79, light industrial uses, such as processing, assembly and packaging, better describes the use of this business, and we reclassify it, rather than classify as 50. The **motion** was seconded by Member Landstrom and unanimously carried.

Good Nature Brewery will now need to present their plan to the Planning Board for approval.

Pat Cardillo, 21 Maple Ave., Sign Law 133-12A(1), R1 Zone

Dave Parry, representing Ms. Cardillo, is requesting a sign of 3 sq. ft.. A 2 sq. ft. is allowed. The actual size of the proposed sign is 28"x17". The sign color will be light purple with 2 legs. Mr. Parry stated the sign is an important aspect of the business. The Board discussed reducing the size. Mr. Parry stated if the sign is made smaller he will raise it to the 5' max. to allow for better coverage. The Board has not heard from any neighbors. Mr. Parry stated his displeasure with the banners uptown and Burt Marshall's sign. Member Davies stated that they are in a different zone and should not be included in this conversation. Chairman Clough stated a 26"x15" sign would be acceptable. Member Davies referenced code 133-12A as it relates to wall signs and free standing signs. Chairman Clough stated one of the considerations when granting a variance is that the request is minimal. He worries about setting a precedent. Mr. Parry stated the only ones complaining about the size of the sign is the Board.

A **motion** was made by Member Upton to allow the variance for the sign (28"x17"). The **motion** was seconded by Member Landstrom.

Chairman Clough stated he would like to amend the **motion** to grant the variance. That the sign as presented can be allowed, but can not be altered in size, shape, or color. The sign may be maintained. The **motion** was seconded by Member Upton. Voting was as follows:

Chairman Clough-yes
Member Upton-yes
Member Davies-abstain
Member Landstrom-yes

Verification:

- 1) request is minimal;
- 2) sign will be regulated;
- 3) no complaints from the neighbors;
- 4) does not alter the character of neighborhood;
- 5) size is in keeping with scale of property.

Old Business

CEO McGinnis stated 43 W. Kendrick Ave., the Klingaman/Wehrer property, in their application they requested 8' from property, but in the narrative they requested 6' and that was approved.

It was determined by the ZBA that there was a misunderstanding between the drawing and the verbal communication. The Board has no objections to the drawing change to represent the 6' that was approved.

There being no further business to come before the Board, Member Upton made a **motion** to adjourn. The **motion** was seconded by Member Landstrom and carried. The meeting adjourned at 8:45pm.

Respectfully submitted,

Kim Taranto