

Town of Bristol  
Zoning Board of Appeals  
Minutes of October 13, 2015

**Members Present:** Jen Sanford, Marty Snyder, Donna Beretta, John Krebbeks, Steve Smiley, and Secretary Sandra Riker

**Others Present:** Pete Wojtas, Tony & Jessica Moringello, Jamie Kozlowski, James and Lois Kozlowski, Maryanne and Keith Maynard

Minutes of September 8, 2015 were approved as written with a motion by Marty Snyder and a second by John Krebbeks. All Board members approved.

**Noble Shepherd Brewery-**

Lois Kozlowski advised the Board that she and James Kozlowski still own the property that the Wizard of Clay and Noble Shepherd Brewery are located at on Route 20A in the town of Bristol and any future correspondence should include them as well.

Tony Moringello said that he and his wife have been working with Phil Sommer (Code Officer for Town of Bristol) since last September with what was required to renovate the domes on the Wizard property to accommodate a craft brewery. Most of the correspondence has been done through emails with a couple of visits by Phil to suggest what renovations would be required. Jamie Kozlowski obtained a building permit on March 15, 2015 “to convert one of the buildings into a microbrewery tap room, converting bathroom into ADA compliant and adding another. Electrical work and minor inside alterations.”

In July the ZBA asked the Code Officer to inquire into some questions that they had regarding the new craft brewery, he in turn forwarded the questions onto Tony and Jessica. The following questions were raised by the Board:

Questions raised by Board for Code Enforcement Officer regarding the new brewery on the Wizard of Clay property at the corner of Co. Rd. 32 and State Rte. 20A.

- Change of use for Wizard of Clay property-more than one business being conducted there, i.e. Brewery as well as the Wizard of Clay
- Why a Site Plan was not requested for review by Planning Board regarding the new business?
- What is happening with regard to Brewery, and what additional permits or approvals does the business need?
  - Dept. of Transportation-
  - Dept. of Health
  - Does this need County approval due to the location on Route 20A?
  - Have they addressed outside lighting, parking lot, handicap accessibility?
  - Do they have the proper treatment for disposal of wastes in their waste treatment (septic system)?

- Permit to serve alcohol?

Jessica provided the Board a copy of her reply to the questions emailed to Phil on 7/29/15. The Secretary observed that the email address Jessica used was to the South Bristol Code Office and later found out the document had been forwarded to the Bristol Code Office email file.

In September a request was made for Pete Wojtas (deputy Code Officer) to do a final inspection so the Brewery could open soon. Pete was unable to complete the inspection as there were a few issues that had not been addressed and advised Tony he would have to wait for Phil's return to finish the inspection process. Tony then requested assistance from the Town Supervisor and Town Clerk with resolving the issues at hand so they can open their Brewery sooner than later. They are here in front of the ZBA to get the list of what tasks they must accomplish to move the process of opening along.

The following details were provided to Tony and Jessica to complete the process:

Re: List of alterations per Pete Wojtas as of 10/13/15 to be addressed by Noble Shepherd Brewery prior to issuance of Certificate of Compliance and an Operating Permit being issued:

- Electrical panel box needs to have an area of 3' radius free from obstruction floor to ceiling in height per NYS Building Codes
- Fermenting tank needs to be moved away from electrical panel box
- Grab rails need to be at 36" and urinal grab bar 48" Top
- ADA signs on bathrooms
- Outside lighting-
- Railing finished on porch
- Ramp for ADA
- Tables need to be modified to accommodate wheelchair access
- 5 ½' x 5' splashguard for sink near the brewing area by the ADA bathroom
- Final original written okays from Dept. of Health regarding permitting process and regulations regarding the well or water source for both maintenance and testing so we can make a copy for the Code Office file
- Final original written okays from DEC regarding Individual Industrial SPDES permit with regard to disposal of waste and water so we can make a copy for the code office file
- Is the stone area acceptable for wheelchair access-Could you please supply the video to the Code Officer again for his review?
- Seating capacity for the tasting room completed by Code Officer

Another question that has come up is: What will be your hours of operation?

With regard to your question regarding having foods truck at your location a couple of times a month: this was directed to the Town Board because we have no regulations or permitting process with regard to Food Trucks. The Board unanimously agreed that they do not see a problem with allowing a food truck at your business during your hours of operation. The Food Truck vendor would be required to have all the necessary insurances and Dept. of Health permits related to their operation.

**Interpretation Question from Code Office regarding Article 14 Section II A.-replacement of existing manufactured homes:**

The mobile home in question has been vacant for 13 years making it abandoned for more than one year. Pete Wojtas mentioned to the Board that the Code Officer prior to him declared the house not livable because the owners had a wooden truss roof put on the mobile home without any documentation that the mobile home could support such a roof.

- The Board agreed that if the mobile home that is there can pass inspection that would include: a licensed engineer's certification stating the roof and walls are structurally sound,
- electrical inspection by a third party inspector
- septic inspection performed by Ontario County Soil and Conservation Districts

the owner could be provided a certificate of occupancy or if the home does not pass the inspections it would need to be replaced with one that will meet current code regulations.

**Other Business:** Matt Kerwin representing Crown Castle has advised the Secretary that Verizon has requested to have the tower height be raised to 165' to accommodate the double mounting brackets they will be using to attach their equipment to the tower. He said the necessary adjustment will be made to the drawings provided for the application before the November meetings of the Boards. The Board wondered if this makes any difference in meeting the "Shot Clock" requirements in completing the application process and decisions. The Secretary will ask Kerwin about the "Shot Clock" ruling.

**A motion to adjourn the meeting was made by Marty Snyder with a second by Jen Sanford.**

Respectfully submitted,

*Sandra Riker*

Town of Bristol  
Zoning Board of Appeals  
Secretary

A motion was made by Steve Smiley with a second by John Krebbeks to accept the minutes of October 13, 2015 as written. All Board members agreed.