

TOWN OF SARDINIA

ZONING BOARD OF APPEALS MEETING MINUTES

September 17,2024

The Zoning Board of Appeals of the Town of Sardinia was scheduled for Tuesday, September 17, 2024, at 7 pm. It was called to order with the Pledge to the Flag, led by Chairman Ron Phillips at 7:00 PM for the purpose of the 1-year review of the variance, ZBA #2301, given to Mystic Hills Brewery on November 29, 2023. Secondly, it was to review the Variance application of John A. Hackett, ZBA #2401.

Members Present:

Ron Phillips
Christopher Bockhahn
Ted Krolick
Gordon Smith Jr.

Absent:

Michael Farrell

Attendees

John Hackett
Michael Prusakowski
Julia Luyster
Reann Dembitsky
Daniel Uhl, Mystic Hills Brewery Employee, Brewer
Town Residents (21)

Speakers: Gwen Alegre (non-resident, patron of Mystic Hills), Chris and Mary Kate Bockhahn, Tony Claben (non-resident, patron of Mystic Hills), Kathy Becker, Shannon Darr, Mike Hannon) Becky Burke, ZBA Secretary

Chairman Phillips asked the applicant, John A. Hackett, to present his case for receiving a variance to build an extended mud room on his house 45 feet from the road. The existing Zoning law requires a 50-foot margin from the road. He presented his drawings and explained the need for the exception. The Board members asked several questions which were answered satisfactorily.

Ron Phillips made a motion to grant the variance to extend his mudroom, with 45 feet frontage to the road. It was seconded by Ted Krolick.

Vote: All in Favor

Ron Phillips:	Aye
Christopher Bockhahn	Aye
Theodore Krolick	Aye
Gordon Smith Jr.	Aye

The second item for the board meeting was for the Mystic Hills Brewery, which was granted a variance on November 29th, 2023, with the condition that a review be held the second week of September 2024 at the 1-year point. It was to review the operation and check to see there were any problems or needs to be addressed.

Board Member, Christopher Bockhahn, recused himself and joined the audience to allow him to make comments as requested by the Sardinia Town Attorney prior to the meeting.

Chairman Ron Phillips read a statement outlining the position of the Zoning Board. Following the Chairman's statement, Ron asked the Board members if they had any questions. Ted Krolick said he did not at that moment. He would ask questions a little later in the meeting if needed. Gordon Smith agreed to that as well.

The chairman invited the applicants of the brewery to present their case for the approval of the continued variance. Julia Luyster spoke for the brewery.

Community members were then invited to speak. 8 people spoke, 2 of which were not Town of Sardinia Residents but patrons of the brewery. 6 of the speakers were in favor of granting a continued variance. 2 community members, Chris and MaryKate Bockhahn, neighbors living directly across from the brewery, were not opposed to the continuing operation of the brewery but requested some modifications to the operations property. They requested closing the second driveway and situating a more effective fence so that automobile lights would not shine in their living room as patrons exited the brewery.

The representative for Mystic Hills Brewery stated they had blocked off the second driveway with orange cones. Mr. Bockhahn mentioned that he had observed a number of patrons ignoring the cones, driving around them into the neighbor's farm field and then out to the road. This also brought lights into their living room. Gordon Smith asked if the second driveway was for large semitrucks bringing supplies for the brewery. The applicants all said, no, it was only for patrons. That delivery trucks would park on the road. The Mystic Hills Brewery representatives stated they had planted bushes and put up a temporary structure with a green tarp. Mr. Bockhahn said he appreciated the effort but that the bushes nor the tarp were effective in blocking the light unfortunately. Mr. Prusakowski mentioned that the wind was very strong on the property and was bending nearby metal poles. He wasn't sure he could put up a higher structure due to the windy conditions.

The Board deliberated on the facts of the variance, the issues brought up and any reasonable solutions. Christopher Bockhahn approached the Board members to give them more information. At that point and continuing after he sat back down, the Brewery applicants became loud, unruly and belligerent. They were asked to refrain from these outbursts while the Board continued to deliberate.

As no ready solution was found, Ron Phillips made a motion to adjourn and take this up at a later time. Ted Krolick seconded the motion.

Vote: All in Favor

Ron Phillips: Aye

Theodore Krolick Aye

Gordon Smith Jr. Aye

Meeting was adjourned at 8:15 PM.

Submitted by: ZBA Secretary, Becky Burke