

Present: Edward Mazanek, Chairman
Vernon Rowlands, Vice Chairman
Leonard Sas, Secretary
Dr. Steve Holowinski
Donald Slota

Also Present: Daria Golazeski, Town of Union
Kim Cunningham, Zoning Board Clerk
Keegan Coughlin, Attorney for the Village
Trustee Marty Meaney
Trustee John Walker

Absent: None

A brief work session was held at 7:00pm. During the work session the board reviewed the applications on the agenda.

Chairman Mazanek called the meeting to order at 7:30pm.

Chairman Mazanek took the roll call. All members of the Zoning Board were present and Chairman Mazanek confirmed there is a quorum for the meeting.

Chairman Mazanek read the Recommended Procedure and Executive Order regarding holding a virtual meeting.

MINUTES

A motion to approve the minutes of the June 8, 2020 regular meeting was made by Mr. Sas and seconded by Mr. Slota. The motion carried with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR

Chairman Mazanek opened the privilege of the floor. There being no one who wished to speak, Chairman Mazanek closed the privilege of the floor.

COMMUNICATIONS - None

CONTINGENCIES – None

OLD BUSINESS– None

NEW BUSINESS

501 Reynolds Rd – Beer Tree Brew Co.

Public Hearing

Area Variances to have a structure encroaching into the front yard

Area variance to have an accessory structure in front of the principle structure



Chairman Mazanek opened the public hearing.

Brendan Harder appeared on behalf of the application. He stated they are looking to place a grain bin at the brewery in front of the old Sears location. This allows them to receive delivery of grain to use in their process. This would eliminate them using 55-gallon bags and unloading them manually into the bin.

Chairman Mazanek asked the Board and the public attending the Zoom meeting if anyone had any further questions or comments regarding the public hearing. Hearing none, Chairman Mazanek closed the public hearing.

Zoning Board Clerk Kim Cunningham read the Department Head Comments.

239 Review and Department Head Comments:

- **Broome County Department of Planning:** has not identified any significant countywide or inter-community impacts associated with the project.
- **Department of Public Works & Water:** Ensure the water lines are located prior to construction
- **Police Department:** No compelling interest

The Planning Board and Attorney Coughlin discussed the balancing test five-point criteria for an area variance.

- Whether or not there is an undesirable change in the character of the neighborhood or a detriment to nearby properties by the granting of this variance.

The Board agreed there is no undesirable change nor an impact to nearby properties.

- Whether the benefit sought by the applicant can be achieved by some method which would be feasible for the applicant to pursue but would not require a variance.

Mr. Sas explained because of the structural limitation of the old automotive bays not being able to bear the weight, the benefit sought cannot be achieved by other means.

- Whether the area variance is substantial. Attorney Coughlin acknowledged you could find that it is a substantial variance, but could argue it is not.

Mr. Sas stated he would not consider it to be substantial because of the distance away from the main artery at Reynolds Road.

- Whether the proposed variance will have an adverse effect on the physical or environmental characteristics in the neighborhood.

Mr. Sas confirmed because it is already in a commercial environment, high traffic and high volume, there is no impact.

- Whether the alleged difficulty is self-created.

The Board agreed it is self-created.



The Board acknowledged this meets the balancing test.

Mr. Rowlands questioned when this structure is built, is this variance allowing just for this structure?

Ms. Golazeski responded this variance is just for the proposed location. If other structures were going to come into play, they would need a variance, or a code change would be considered.

Attorney Coughlin asked that the variances have two separate motions and votes.

A motion to approve the area variance Section 300-53.4 to have a structure encroaching into the front yard including the Department Head Comments was made by Mr. Sas and seconded by Dr. Holowinski.

Motion Carried— Vote:

Yes – 5 (Slota, Rowlands, Sas, Holowinski, Mazanek) No – 0 Absent – 0

A motion to approve the area variance Section 300-53.8A4 to have an accessory structure in front of the principle structure including the Department Head Comments was made by Mr. Sas and seconded by Mr. Rowlands.

Motion Carried— Vote:

Yes – 5 (Slota, Rowlands, Sas, Holowinski, Mazanek) No – 0 Absent – 0

Mr. Sas asked when is the targeted opening.

Mr. Harder responded in the next three to four months. Mr. Harder confirmed all is going well and is on schedule as planned.

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Rowlands and seconded by Dr. Holowinski. The motion passed with all those present voting in the affirmative.

The meeting was adjourned at 7:40pm.

Respectfully submitted,

Kim Cunningham
Zoning Board Clerk

