

TOWN OF DEERFIELD
ZONING BOARD OF APPEALS

MEETING MINUTES

SEPTEMBER 18, 2003

Meeting convened at 7:00 p.m. Main Meeting Room, Municipal Offices, South Deerfield, MA

Members Present: Stephen Barrett, Ronald Bohonowicz, Chair Francis Olszewski,
Leonard Grybko, Sr., Roger Sadoski.

Member Absent: Grace Friary, Richard Calisewski.

- I. Chair Olszewski opened the meeting by reading the application of Berkshire Brewing Co., Inc. to a) return to ZBA as required by special permit (Feb '94), b) expand an existing non-conforming use of a brewing facility and c) proposal for 2nd floor restaurant located at 12 Railroad St., South Deerfield, MA Assessors Map 18 Lot 6.

Gary Bogoff and Chris Lalli, owners of Berkshire Brewing Co, Inc. approached the Board. Mr. Lalli stated that they have been in town now for over 9 years. They first came to the Board asking for a special permit to operate a manufacturing facility with the possibility to expand in the future. Now more room is needed for manufacturing and they plan to open a 2nd floor restaurant. They were approved by the Planning Board for a 150-seat capacity and seek a permit to sell alcohol as well as a variance to increase the height of the building above the 35' which is code to 42'.

Leonard Grybko, Sr. asked what are the plans to increase the roofline? Mr. Bogoff showed the plan and stated that they want to increase the roofline to 42'. He also stated that he spoke to the Fire Chief and the Chief told him it would need to be a full sprinkler system and that he had no concern with access.

Leonard Grybko, Sr. asked what the dimensions are for the restaurant. Mr. Bogoff said 7,800 square feet or 60' by 100'.

Mr. Bogoff showed another drawing of the 2nd floor plan. Ron Bohonowicz asked what type would the ceiling be. Mr. Bogoff answered it would be flat.

Leonard Grybko, Sr. asked Mr. Bogoff where the alcohol would be served. Mr. Bogoff stated that he had anticipated serving alcohol throughout the bar and restaurant.

Leonard Grybko, Sr. asked to see the parking plan. The Board looked over the parking plan. Mr. Bogoff explained that the parking plan was drawn up by his own engineer, which is required by the town.

Leonard Grybko asked Building Inspector, Brien Laporte if he's been to the Fire Dept. to discuss their part of it. Brien Laporte stated that he had the understanding that the parking was approved and that the public safety has been well thoughtout. Mr. Bogoff said he met with the Chief of Police and the Highway Superintendent and they also said there were no problems with the plan.

Ron Bohonowicz asked if there is a viable plan that's less than 42'. Gary Bogoff said they'd have to sacrifice the look of the building.

Ron Bohonowicz asked if Gary Bogoff had the original determination. Gary answered that he did not but was given the hours to operate as 6:00 a.m. – 6:00 p.m. Mon. – Sat. and if they wanted to open the restaurant they were to go before the ZBA again.

Stephen Barrett asked how many parking spaces there were. Gary Bogoff said there are 68. He said he went to the Planning Board and asked for a variance for off-street parking to help determine the capacity. Ron Bohonowicz said they (Planning Board) would not make that decision, then he read the letter to the ZBA from the Planning Board.

Stephen Barrett asked how many employees would there be. Gary Bogoff answered 11-12 per shift. R. Bohonowicz asked how many current employees are there, and Gary Bogoff answered, 18. He asked how many parking spaces there were. G. Bogoff said there are parking capabilities for 110 people. Ron Bohonowicz asked what the number of seating is, and Gary Bogoff answered there are 150. The Manager of B.B.C. stated that the kitchen couldn't support more than 150 people.

Leonard Grybko, Sr. asked who will enforce the people who are parking where they shouldn't be? Gary Bogoff answered that the Deerfield police would be responsible for ticketing etc. which would increase revenue for the town. He stated that he is aware that parking is an issue. He said he asked other business owner in town to take the burden off Elm St. and side street parking. They are hoping that between the business owners and the town that they can execute the rest of the municipal parking which he feels would take a big burden off of Elm St., and a big burden off of side street parking. Ron Bohonowicz asked if they have though about paving the parking lot that the town owns. G. Bogoff

said they are not really looking into that. They want to stay away from that and focus on the need for more manufacturing space.

Ron Bohonowicz asked Mr. Bogoff if they plan to have any entertainment. G. Bogoff answered maybe some pool tables and light acoustic music. Ron Bohonowicz stated that coin operated machinery in town is allowed.

Ron Bohonowicz asked where the ventilation is for cooking. Gary Bogoff said it would go up through the roof.

Roger Sadoski told Mr. Bogoff he would need some kind of relief for parking. G. Bogoff said he knows that and will go before any Board that has the authority to grant it. Ron Bohonowicz read from the town by-laws which states that the Planning Board is responsible.

Ron Bohonowicz read a letter from the Fire Chief, which stated that the latest revision of the plans is acceptable and he is not in opposition to the 42' height expansion.

Ron Bohonowicz read the letter from the Planning Board in favor of the proposal subject to the following conditions:

☐ B.B.C. should continue to work with the Selectmen on parking issues.

He also read a letter dated May 15th, 2003 addressed to the ZBA from abutters at 15 Conway St., David J. Morgan and Sally J. Mastalitz who are in opposition to the plan.

Leonard Grybko, Sr. asked Mr. Bogoff if B.B.C. has submitted a request from the Chief of Police. Mr. Bogoff answered that he had met with the Chief of Police and the Highway Superintendent whom had no concerns to the plans, but to date has not received a written response.

Ron Bohonowicz asked what time the grill would close. The Manager of B.B.C. answered 9:00 p.m. on all nights of operation which are Tues. – Sat.

Chair Francis Olszewski asked to hear from any abutters. A resident approached the board and spoke of his concerns about parking. He stated that since there are no sidewalks on either side of Conway St.'s and Railroad St. it compromises the safety. Looking back at some of B.B.C.'s bashes, people were parked on the road. That mixed with alcohol is not a good thing. He said the parking capacity is not adequate and he asked the Board to check out this parking issue. Operating a business serving alcohol open till 1:00 a.m. is a safety issue.

Another resident from the public spoke to the Board with concerns that parking on the corner is dangerous as it is now, and would be even more dangerous when people were drinking alcohol. She spoke of the extended hours, with all the extra traffic going in and out, this way and that way will be awful. She said the neighborhood is nice and quiet at night and now there will be all kinds of noise and litter.

An abutter on Conway Street spoke of his opposition to roof-top-drinking and stated that it's no place for a pub anyway to begin with.

Chair Olszewski reminded B.B.C. that they are only supposed to operate under the hours of 6:00 am. – 6:00 p.m. as per the Building Inspector. He said they were not currently abiding by that.

Chair Olszewski asked if anyone wanted to speak in favor of B.B.C.'s plan. A resident approached the Board and asked if the zoning on Conway and Railroad St.'s is commercial or residential. R. Bohonowicz said it is zoned as commercial. The resident asked if any of the residents in opposition were aware that they were in a commercial zone when they purchased their homes. There was then discussion between the Board, and Building Inspector, Brien Laporte on C1 and CVRD zones. The resident asked the Board why B.B.C. was the only commercial business to have restricted hours. Ron Bohonowicz asked the resident what his point was. The resident replied that he was just trying to understand the issues as a resident of the town. He is for B.B.C.'s plan. They have been reasonable with the town. He feels they are good for the town and he looks forward to having a business of this caliber in town. He said that no other business in town has to offer what they will offer.

Stephen Barrett asked if the 42' increase in the front of the building was posted as part of the hearing, or the parking lot for that matter. He asked if there was an amended notice of hearing. Ron Bohonowicz stated that it is mentioned in the original posting. He said it is his opinion that the posting does not have to be word for word exactly. Stephen Barrett stated that he just wanted to make sure of that.

Roger Sadoski asked about lighting. Gary Bogoff said he met with lighting professionals and found that standard pole lighting are from 16' – 20' there's will be 10'. Lights will be directed downward to specific areas for safety and security. Chair Olszewski asked if the lights would be shining towards residents. Gary Bogoff said there are no lights in that area, and that it will be the landscaping areas that are lit. He said he has no problems with timing lights for lighting before and after hours.

Chair Olszewski closed the meeting to the public. The Board discussed amongst themselves.

Roger Sadoski asked how they would construct the balcony to avoid sound etc.. Gary Bogoff showed from the plan that they would have a wall on 1 side.

Ron Bohonowicz made a motion to grant the special permit in accordance with Section 2230B for the sale or consumption of alcoholic beverages with or without entertainment with the following conditions:

1. Special Permit review by ZBA one year after opening to either extend or retract conditions and determine future review period.
2. Patio operation is from opening to 9:00 p.m. with all people cleared at 10:00 p.m. on all nights.
3. No amplified music in or out of the building.
4. Cooking vent out through the roof.
5. Lighting as proposed plan Aug. 14, 2003 building Sept. 10, 2003.
6. Permit is only for current owner of B.B.C.

Stephen Barrett seconded. Vote: Roger Sadoski, yes, Leonard Grybko, Sr., yes, Francis Olszewski, yes, Ron Bohonowicz, yes, Stephen Barrett. All in favor.

Ron Bohonowicz made a motion to grant the variance for building height increase to 42' with the following conditions:

1. 42' to peak of building from the loading dock concrete floor.
2. No inhabitation above 35'.
3. Fire Chief letter states no impact.

Roger Sadoski seconded. Vote: Roger Sadoski, yes, Leonard Grybko, Sr., yes, Francis Olszewski, yes, Ron Bohonowicz, yes, Stephen Barrett, yes. All in favor.

Chair Olszewski asked the Board for a motion to adjourn. Leonard Grybko, Sr. moved. Ron Bohonowicz seconded.

Meeting adjourned.

Respectfully Submitted,

Amy J. Sullivan
Zoning Board of Appeals Clerk