PLANNING & ZONING BOARD OF APPEALS

Monday December 10, 2018 at 7:00 pm

Tentative Agenda

This agenda and the order of review may change at the discretion of the Chairperson.

✓ Conflict of Interest Disclosure

ZONING BOARD

➤ Board of Trustees, 50 State Street ~ Appeal from an Building Inspector’s determination

➤ Pittsford Canalside Properties, LLC, 75 Monroe Ave. ~ Extension of time to complete conditions of final site plan approval

➤ Michael Newcomb, 47 State Street ~ Use Variance

Minutes: 10.3.18, 10.15.18, 11.19.18

Member Items:

✓ Liaison Report
APPLICATION TO THE ZONING BOARD OF APPEALS
VILLAGE OF PITTSFORD
21 NORTH MAIN ST.
PITTSFORD, N.Y. 14534

Date 11/12/2018               Fee $100.00

Property address 50 State St., Bldg G    Tax account #164 07-1-7.11

Zoning District B-4    Property also known as: N/A

Property owner(s) Blackwood Management

Owner's address 1335 Jefferson Rd.    Telephone 402-3710 (day)

Rochester, NY 14692    (evening)

Applicant Board of Trustees, Village of Pittsford

Applicant's address 21 N. Mains St.    Telephone 586-4332 (day)

Pittsford, NY    (evening)

Applicant is: ☑ owner    ☐ lessee/tenant    ☐ agent    ☐ other: Appellant

Application for: ☑ Area Variance    ❏ Special Exception Use

☐ Use Variance    ☑ Temporary Zoning Permit

☐ other (describe): Appeal of BL/CEO interpretation/decision

Application Information:

1) This application is for relief from or pursuant to Chapter(s) 210-113. B. (1)
   of the Code of the Village of Pittsford.

   Building Inspector's denial dated (9/28/18) is attached.

2) Description of variance or other relief sought: As more fully set forth in the Notice of Appeal
   filed in the Village Office on 11/7/18.

3) All facts showing the necessity for relief: See above referenced Notice of Appeal

Form 5001, Zoning Board Application Form, Version 2, Revised 08/10/2017
and any supplemental documents submitted by applicant.

4) Difficulties or hardship that would result if this application is denied:
The 'Brewery' use described in the application attached to the above referenced Notice
of Appeal and uses similar to such use being classified as permitted uses in the B-4 Zone.

5) The following items are attached and are part of this application: See previously
filed Notice of Appeal.

Owner's Statement  Not Applicable

I am the owner of the above property, and have read and approve this application. If the
applicant is other than the owner, I authorize the applicant to proceed as agent.

Signature ___________________________ Date ________________

Applicant's Statement

I hereby certify that the information submitted is, to the best of my knowledge, true and
correct.

Signature ________________ Date 11/2/18

NOTE: If any additional information is required by the Board, during the meeting,
it is the responsibility of the applicant to provide such information, prior to the
deadline of the subsequent meeting, or it will not be heard.

FOR OFFICE USE ONLY

Public Hearing sign(s) given to applicant ____________
Notice of Public Hearing published ____________
Neighborhood notification mailed ____________
Referral to Monroe Co. Planning: yes □ (date) ________ no □
Hearing date(s) _____________________________
Date of ZBA action __________________________
Approved ________ Approved w/conditions ________ Denied ________
Date of filing of decision ____________________

Form 5001, Zoning Board Application Form, Version 2, Revised 08/10/2017
Via EMAIL and FEDEX
Village of Pittsford Board of Trustees
21 North Main Street
Pittsford, NY 14534

Re:  Northfield Commons, 50 State Street, Building K, Pittsford, NY 14534
Application for Special Permit in the B-4, Canal Waterfront Business District

July 2, 2018

Dear Mayor Corby and Members of the Village of Pittsford Board of Trustees:

We represent Ms. Cathy Downs and Mr. Duff Rund ("Applicant’s") with respect to the proposed Boathouse Breakfast Club and Virtual Office Space project ("Project") at Northfield Commons, 50 State Street, Building K, Village of Pittsford, New York 14534 ("Site"). See Exhibit A, Area/Zoning Map. Please note that this application is in connection with an application, submitted under separate cover by the property owner, Northfield Common Holdings, LLC, for administrative relief from the moratorium implemented via Local Law No. 5 of 2017 of the Village of Pittsford, a copy of which has been enclosed.

On behalf of the Applicant’s, we hereby submit one (1) original and five (5) copies of this request ("Application") for a Special Permit with the Village Board of Trustees ("Village Board") pursuant to § 210-74 of the Village of Pittsford Zoning Code ("Code"). We hereby submit the following exhibits, which are attached hereto, and made part of the Application:

Exhibit A: Area/Zoning Map
Exhibit B: Special Permit Application
Exhibit C: Proposed Menu
Exhibit D: Site Plans
Exhibit E: Petition of Support From Surrounding Businesses
Exhibit F: SEQRA Short Environmental Assessment Form
Exhibit G: Landowner Authorization Form
Exhibit H: Site Survey

JOSEPH C SMITH
DIRECT 716 847 5407 JSMITH@PHILLIPSLYTELE.COM
ATTORNEYS AT LAW

ONE CANALSIDE 125 MAIN STREET BUFFALO, NY 14203-2887 PHONE 716 847 8300 FAX 716 852 6100
NEW YORK: ALBANY, BUFFALO, CHAUTAUQUA, GARDEN CITY, NEW YORK, ROCHESTER | WASHINGTON, DC | CANADA: WATERLOO REGION | PHILLIPSLYTELE.COM
Also included with this Application, but submitted under separate cover, is a check in the amount of $250.00 to satisfy the special permit application fee.

**SPECIAL PERMIT ZONING ANALYSIS**

1. Provide a description of the activity that is planned for this location.

**Applicant’s Response:** The Project involves the interior renovation of Building K on the Site with no land disturbance or exterior site work. The zoning and land use classification will not change as a result of the Project which is consistent with surrounding uses. The Project will provide a new style of breakfast restaurant (See Exhibit C, Proposed Menu) and virtual office space to the Village. The Boathouse Breakfast Club will be a membership driven dining facility with a total occupancy of fifty (50) persons. Applicants will not be applying for a liquor license. Access to and use of the restaurant would require a loyalty membership that would be available to any resident or visitor on a first-come first-serve basis, and would provide the following benefits:

- Free coffee;
- A special key fob for access to the restaurant during operating hours;
- An online reservation system allowing members to reserve any of the proposed twenty-six (26) counter seats. (The system works similarly to selecting your seat on a plane); and
- Membership to the virtual office space (additional cost - explained below)

There will be twenty-four (24) additional seats for walk-ins. The proposed cost for a loyalty membership at this time is $20/quarter and can be cancelled at any time. All memberships will be automatically renewed unless cancelled by the member.

The lower level of the Project will be used as virtual office space for the members. The Project will provide members remote workspace solutions that are becoming increasingly more viable in today’s workplace. Members will have 24/7 access to the Site with a key fob, but will not be able to access the upstairs restaurant after it has been closed. The proposed cost for membership at this time for the virtual office space component is $120/month and can be cancelled at any time, with a maximum of twenty-five (25) memberships at any one given time.
2. Describe how the proposed activity will affect existing parking.

*Applicant’s Response:* The Project will not result in a negative impact to parking. There are currently eighty-two (82) parking spaces available not including the overflow parking behind Northside Commons. Applicants anticipate the busiest hours to be early in the morning, and the busiest day to be Sunday. Applicants would like to note that majority of businesses in Northside Commons are closed on Sunday as shown in the chart below.

3. Describe how trash/refuse will be handled for the proposed activity.

*Applicant’s Response:* All trash will be taken to, and disposed of, in the dumpsters located behind Building B, Recovery Caboose.

4. Proposed Hours of Operation.

*Applicant’s Response:* The proposed hours of operation for the restaurant are: Monday – Thursday, 6:00 a.m.-11:00 a.m. & Friday – Sunday, 6:00 am – 2:00 p.m.

Restaurants may be permitted in the B-4 District upon application to and with the approval of the Village Board of Trustees. No special permit shall be granted unless and until the applicant has demonstrated to the satisfaction of the Village Board of Trustees that:

(a) Access to and the size of the site are adequate for the proposed use.

*Applicant’s Response:* Access to the Project will be from the parking lot of Northfield Commons that will act as the main entrance. There are ample parking spaces to accommodate anticipated visitors during the proposed hours of operation (Monday – Thursday, 6:00 am-11:00 am & Friday – Sunday, 6:00 am – 2:00 pm) without interfering with neighboring businesses. There is a handicap access ramp entrance on the South side of the building. See Exhibit D, Site Plans.
(b) The use will not adversely affect the pattern of development in the area.

**Applicant’s Response:** Because the building already exists, and is surrounded by other restaurants and consumer friendly shops, Applicant’s respectfully maintain that the Project fits in well with the existing character of the surrounding area. The Project has been designed to be compatible with surrounding uses near the Site and the surrounding neighborhood, and Applicant’s expect the Project to positively impact Schoen Place. See Exhibit D, Site Plans. In addition, Applicants were able to obtain signatures on a petition of support for the Project from surrounding business owners which have been included in Exhibit E, Petition of Support From Surrounding Businesses.

(c) The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with nearby uses and will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

**Applicant’s Response:** The hours of operation (Monday – Thursday, 6:00 am-11:00 am & Friday – Sunday, 6:00 am – 2:00 pm) actually compliment many of the nearby businesses. While there are some overlapping business hours, most are closed on the Project’s anticipated busiest day – Sunday, as shown in the chart below. The Site is not directly adjacent to either of the other two (2) restaurants serving breakfast – The Coal Tower and Simply Crepes.

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<th></th>
<th>Olives Greek Tavern</th>
<th>Top Notch Monogramming</th>
<th>Northfield Music</th>
<th>Pittsford Lumber</th>
<th>Label 7</th>
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(d) The use will not create a hazard to health, safety or the general welfare.

**Applicant’s Response:** The Project does not entail the types of activities or operations that are associated with a significant potential for affecting public health, such as storing large amounts of hazardous or toxic materials. Any solid waste generated at the Project Site will be properly disposed of pursuant to Federal, State and local laws and regulations. Accordingly, Applicant’s respectfully maintain that the Project will not create any significant adverse impact to health, safety or the general welfare.

(e) The use will not be detrimental to the flow of traffic in the vicinity.

**Applicant’s Response:** The Project will not result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services. Accordingly, Applicant’s maintain that it is not anticipated that the Project will create any significant adverse impacts to transportation. See Exhibit D, Site Plans.

(f) The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.

**Applicant’s Response:** The Project will not result in a significant increase or excessive burden on public improvements, facilities, services or utilities. Existing utilities serve the Project and no significant improvements are necessary to accommodate the Project.

(g) The proposed site is located more than 100 feet from any residentially zoned and/or used property or is situated so that it may be demonstrated that existing or proposed features of the site will migrate any potential adverse effect on the residential property.

**Applicant’s Response:** The Site meets all the criteria listed above. The Project will serve breakfast during normal business hours. The restaurant will not have bands, live music, or anything that would create excessive noise, or in any way have an adverse effect, or be of nuisance to, residential properties.
(h) The proposed use will not create noise, late-night activity, or extended hours of operation, odors, noise from mechanical equipment or other conditions that may be detrimental to either the quality of life of nearby residents and businesses or to the general welfare of nearby residential neighborhoods.

**Applicant’s Response:** The Project is not expected to appreciably increase ambient noise levels or to create odors. The Project does not involve the types of activities that create significant noise or odors. Accordingly, Applicant’s respectfully maintain that the Project will not create any significant adverse impacts to noise, lighting or odors and will not be detrimental to either the quality of life of nearby residents and businesses or to the general welfare of nearby residential neighborhoods.

**GENERAL MUNICIPAL LAW REFERRAL (“GML”)**

To the extent that this Application requires referral under GML 239-m, this matter may need to be reviewed by the County Planning Department, and we ask that this Application be so submitted, if required.

**STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”)**

Pursuant to the State Environmental Quality Review Act (“SEQR”), a governmental agency is required, prior to taking action on an application, to undertake an environmental review of a project to assess whether the action has the potential to have a significant adverse environmental impact. The Project is an Unlisted action under the State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, as amended and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 N.Y.C.R.R. Part 617, et. seq., as amended (collectively “SEQRA”).

To aid the Village Board in determining whether the Project may have a significant adverse impact upon the environment, the Applicant is submitting Part 1 of the Short Environmental Assessment Form pursuant to SEQRA. See Exhibit F, Part 1 of the Short Environmental Assessment Form.
Applicant maintains that following a complete review of the information provided in Exhibit F, Short Environmental Assessment Form that the Village Board will have all the relevant information to complete its SEQRA review. Thus, Applicant respectfully submits that the issuance of a negative declaration under SEQRA for the Project would be appropriate.

CONCLUSION

On behalf of the Applicant, we respectfully request that this matter be placed on the agenda for the Village Board meeting scheduled for July 10, 2018. We look forward to appearing before the Village Board at that time to discuss the Project. In the meantime, if you have any questions, please do not hesitate to contact the undersigned.

Very truly yours

Phillips Lytle LLP

By

Joseph O. Smith

Enclosure(s)

cc:  Ms. Cathy Downs (via Email and U.S. Mail)
     Mr. Duff Rund (via Email and U.S. Mail)
     Mr. Howie Jacobson (via Email and U.S. Mail)
     Donald A. Young, Esq. (via Email)
Exhibit A
Exhibit B
APPLICATION TO THE BOARD OF TRUSTEES

SPECIAL PERMIT

VILLAGE OF PITTSFORD

21 NORTH MAIN STREET

PITTSFORD, N.Y. 14534

This application addresses Restaurants and Carry-Out uses in B-1, B-1A, B-2, B-4 and M-1 Zoning Districts.

Date: July 2, 2018

Fee: $250.00

Property Address: 50 State Street, Bldg. K

Tax Account Number: 83-0630226 Zoning District: B-4

Owner's Address: 50 State Street - Bldg. C Telephone: 585-402-3710

Pittsford, NY 14534

Applicant: Cathy Downs Telephone: 585-478-7931

Applicant's Address: 2120 Clover St., Rochester, NY 14610

Applicant is: □ Owner □ Lessee/Tenant □ Agent □ Other

If Other, Explain:

1. Provide a description of the activity that is planned for this location:

See attached.

________________________________________

________________________________________

Special Permit Application Form, Version 1, enacted 2/27/2014
2. Describe how the proposed activity will affect existing parking:

   See attached.

3. Describe how trash/refuse will be handled for the proposed activity:

   See attached.

4. Proposed Hours of Operation: Monday - Thursday - 6:00 - 11:00 am, Friday - Sunday - 6:00 am - 2:00 pm

Owner's Statement: I am the owner of the above property and I have read and approve this application. If the applicant is other than the owner, I authorize the applicant to proceed as agent.

Applicant's Name-Printed: __________________________

Signature: __________________________ Date: ____________

Applicant's Statement: I hereby certify that the information submitted is, to the best of my knowledge, true and correct.

Signature: __________________________ Date: 7/2/18

NOTE: If any additional information is required by the Board, during the meeting, it is the responsibility of the applicant to provide such information, prior to the deadline of the subsequent meeting, or it will not be heard.

SEQUENCE:

1. This application will place you on the next available Board of Trustee meeting agenda.
2. The application will be forwarded to the Planning Board and that Board will provide formal recommendations back to the Board of Trustees.
3. The applicant will be notified by the Village Clerk as to the date that the application will be placed on the Board of Trustee's meeting agenda for final disposition. The date is dependent upon providing the required notification for a Public Hearing.
4. The $250.00 fee will be required with the filing of this application.
5. The applicant is encouraged to attach any additional information (drawings, layouts, seating plans, etc.) that will supplement this application.

Special Permit Application Form, Version 1, enacted 2/27/2014
Exhibit C
**EGGS**
2 eggs any style w/toast 6.95
2 eggs any style with home fries 8.95
2 eggs any style with choice of bacon, sausage, or ham 9.95

**BREAKFAST SANDWICHES**
Egg and cheese sandwich 5.95
Egg and cheese with bacon, ham, or sausage sandwich 6.95
Served with home fries

**FROM THE GRIDDLE**
Buttermilk pancakes 3.95/4.95
Blueberry or chocolate chip pancakes 4.95/5.95
French toast 3.95/4.95
Belgian Waffle 4.95/5.95

**ACAI BOWLS**
*Berry Bowl 8.95*
Organic Acai, strawberries, bananas, blueberries, 100% apple juice
Toppings – organic hemp flax seed, granola, fresh banana and honey

*Protein Bowl 9.95*
Chocolate almond milk, pitaya, 11 grams of chocolate protein, strawberries, bananas, almond butter
Toppings – Paleo granola, dark chocolate, goji berries and honey

**HOUSE SPECIALS**
*Shirred Eggs* – Baked eggs served in individual ramekins
Canadian bacon, swiss cheese, broccoli, mushroom, cream 9.95
Gruyere cheese, shallot, thyme, cream, toast 9.95

*Man Overboard* – Our version of the breakfast garbage plate
2 eggs, sausage, bacon, onion, mushrooms, potatoes, cheddar cheese 9.95

*Eggs Benedict* – poached eggs, canadian bacon, hollandaise, English muffin 10.95

*Donut’s Delite French Toast*—famous Donut’s Delite donut cake served as generous slices of french toast 4.95/5.95

**WEEKLY SPECIALS**
*Taco Tuesday*
3 corn or flour tortillas topped with scrambled eggs, shredded hash browns, jack cheese, green chile or ranchero. 8.95

*Saturday & Sunday – Omelet Stations*
3 egg omelet with a choice of fillings served with hash browns. 7.95

**SIDES**
Bacon, sausage links or patty, ham 3.10
Home fries 3.10
Toast 1.10
Bagel 1.75 add cream cheese .75
Blueberry or Chocolate Chip Muffin 2.85
Hot oatmeal with brown sugar and raisins 3.10

**BEVERAGES**
Coffee or tea – Free but you have to help yourself!
Pittsford dairy milk or chocolate milk 2.35
Hot chocolate with whipped cream 1.59
Juices: grapefruit, orange, apple, cranberry 2.59
Exhibit D
Exhibit E
Dear Members of the Village of Pittsford Board of Trustees:

I am a business owner/operator in Schoen Place and strongly support Cathy Downs’ membership driven breakfast restaurant club and professional office space project that is being proposed at 50 State Street, Building K in the Village of Pittsford.

We encourage the Village of Pittsford to support adaptive re-use projects, particularly like the one proposed at 50 State Street, that continue to help Schoen Place grow, mature and meet the needs of the storeowners, residents and visitors that live, work and play in this great area. The proposed project is consistent with the character of the community, is harmonious with surrounding uses in the area, and will help preserve, restore and repurpose the presently vacant building at the site.

Thus, we strongly support Cathy Downs’ application(s) to the Village for: (1) Administrative Relief from Local Law 5 of 2017 (the existing Moratorium); and (2) a Special Permit to operate the membership driven breakfast restaurant club and professional office space at 50 State Street, Building K in the Village of Pittsford.

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<tr>
<th>Name</th>
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<td>Bonnie Miguel</td>
<td>Miguel Creative</td>
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<td>Joe Chapman</td>
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<td>April Higginboth</td>
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<td>Amy Miragliotta</td>
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Doc #01-31299950.1
Exhibit F
**Short Environmental Assessment Form**  
*Part 1 - Project Information*

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<table>
<thead>
<tr>
<th><strong>Part 1 - Project and Sponsor Information</strong></th>
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<tr>
<td><strong>Name of Action or Project:</strong></td>
</tr>
<tr>
<td>Boathouse Breakfast Club</td>
</tr>
<tr>
<td><strong>Project Location (describe, and attach a location map):</strong></td>
</tr>
<tr>
<td>50 State Street, Bldg K, Pittsford, New York, 14534</td>
</tr>
<tr>
<td><strong>Brief Description of Proposed Action:</strong></td>
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<tr>
<td>Breakfast restaurant club and professional office space. A restaurant with seating capacity of 50 and a workspace for 25.</td>
</tr>
</tbody>
</table>

| **Name of Applicant or Sponsor:**           |
| Catherine V. Downs                           |
| **Telephone:** 585-478-7931                 |
| **E-Mail:** cdowns@rochester.rr.com        |
| **Address:** 2120 Clover Street             |
| **City/PO:** Rochester                     |
| **State:** NY                               |
| **Zip Code:** 14610                         |

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?  
   If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.  
   **NO**  
   **YES**

2. Does the proposed action require a permit, approval or funding from any other governmental Agency?  
   If Yes, list agency(s) name and permit or approval:  
   **YES**

3. a. Total acreage of the site of the proposed action?  
   b. Total acreage to be physically disturbed?  
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?  
   **less than 1 acres**  
   **0 acres**  
   **less than 1 acres**

4. Check all land uses that occur on, adjoining and near the proposed action.  
   - Urban  
   - Rural (non-agriculture)  
   - Industrial  
   - Commercial  
   - Residential (suburban)  
   - Forest  
   - Agriculture  
   - Aquatic  
   - Other (specify): ________________________
   - Parkland

Page 1 of 3
5. Is the proposed action,
   a. A permitted use under the zoning regulations?  
      [ ] NO  [ ] YES  [ ] N/A
   b. Consistent with the adopted comprehensive plan?  
      [ ] NO  [ ] YES  [ ] N/A

6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  
   [ ] NO  [ ] YES  [ ] N/A

7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?
   If Yes, identify: ________________________________
   [ ] NO  [ ] YES  [ ] N/A

8. a. Will the proposed action result in a substantial increase in traffic above present levels?  
      [ ] NO  [ ] YES  [ ] N/A
   b. Are public transportation service(s) available at or near the site of the proposed action?  
      [ ] NO  [ ] YES  [ ] N/A
   c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?  
      [ ] NO  [ ] YES  [ ] N/A

9. Does the proposed action meet or exceed the state energy code requirements?
   If the proposed action will exceed requirements, describe design features and technologies:
   ________________________________________________________
   [ ] NO  [ ] YES  [ ] N/A

10. Will the proposed action connect to an existing public/private water supply?
    If No, describe method for providing potable water:
    ________________________________________________________
    [ ] NO  [ ] YES  [ ] N/A

11. Will the proposed action connect to existing wastewater utilities?
    If No, describe method for providing wastewater treatment:
    ________________________________________________________
    [ ] NO  [ ] YES  [ ] N/A

12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  
      [ ] NO  [ ] YES  [ ] N/A
   b. Is the proposed action located in an archeological sensitive area?  
      [ ] NO  [ ] YES  [ ] N/A

13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  
      [ ] NO  [ ] YES  [ ] N/A
   b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  
      If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:
      ________________________________________________________
      There will be no impact to wetlands, water bodies or the buffer zone.
      [ ] NO  [ ] YES  [ ] N/A

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
    [ ] Shoreline  [ ] Forest  [ ] Agricultural/grasslands  [ ] Early mid-successional
    [ ] Wetland  [ ] Urban  [ ] Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?  
   [ ] NO  [ ] YES

16. Is the project site located in the 100 year flood plain?  
   [ ] NO  [ ] YES

17. Will the proposed action create storm water discharge, either from point or non-point sources?  
   If Yes,
   a. Will storm water discharges flow to adjacent properties?  
      [ ] NO  [ ] YES
   b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  
      If Yes, briefly describe:
      ________________________________________________________
      [ ] NO  [ ] YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?
If Yes, explain purpose and size:

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✔</td>
</tr>
</tbody>
</table>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
If Yes, describe:

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
If Yes, describe:

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Cathy Downs
Signature: [Signature]
Date: 7/2/18
Part 1 / Question 7 [Critical Environmental Area] No
Part 1 / Question 12a [National Register of Historic Places] Yes
Part 1 / Question 12b [Archeological Sites] Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal] No
Part 1 / Question 16 [100 Year Flood Plain] No
Part 1 / Question 20 [Remediation Site] No
Exhibit G
LETTER OF AUTHORIZATION

Northfield Common Holdings, LLC, the owner ("Owner") of 50 State Street, Buildings G & K, in the Village of Pittsford, New York (the "Site"), does hereby authorize Ms. Cathy Downs and/or Mr. Duff Rand, including their legal counsel ("Applicants") to file any application(s) for government approvals that are necessary for the proposed project at the Site or for any similar reason.

Site Owner: Northfield Common Holdings, LLC

Name:

Title:
Exhibit H
APPLICATION TO THE BOARD OF TRUSTEES
SPECIAL PERMIT
VILLAGE OF PITTSFORD
21 NORTH MAIN STREET
PITTSFORD, N.Y. 14534

This application addresses Restaurants and Carry-Out uses in B-1, B-1A, B-2, B-4 and M-1 Zoning Districts.

Date: July 6, 2018

Fee: $250.00

Property Address: 50 State St, Building "G"

Tax Account Number: 164 07-1-7.11 Zoning District: B4

Owner's Address: Blackwood Management

50 State Street

Telephone: 585-402-3710


Applicant's Address: 93 Gorham St., Canandaigua, NY 14424

Applicant is: [] Owner [✓] Lessee/Tenant [] Agent [] Other
If Other, Explain:

1. Provide a description of the activity that is planned for this location:
Open a restaurant/nano-brewery with a tasting room (see attached for more details)
2. Describe how the proposed activity will affect existing parking:
Northfield Commons has 160 accessible parking spaces to accommodate parking

3. Describe how trash/refuse will be handled for the proposed activity:
We will use existing, on-site trash dumpsters provided by the building owner

4. Proposed Hours of Operation: Wed-Thu 4-10pm, Fri 3-11pm, Sat Noon-11pm, Sun Noon-9pm

Owner's Statement: I am the owner of the above property and I have read and approve this application. If the applicant is other than the owner, I authorize the applicant to proceed as agent.

Applicant's Name: [Signature] Date: July 6, 2018

Applicant's Statement: I hereby certify that the information submitted is, to the best of my knowledge, true and correct.

Date: July 6, 2018

NOTE: If any additional information is required by the Board, during the meeting, it is the responsibility of the applicant to provide such information, prior to the deadline of the subsequent meeting, or it will not be heard.

SEQUENCE:

1. This application will place you on the next available Board of Trustee meeting agenda.
2. The application will be forwarded to the Planning Board and that Board will provide formal recommendations back to the Board of Trustees.
3. The applicant will be notified by the Village Clerk as to the date that the application will be placed on the Board of Trustee's meeting agenda for final disposition. The date is dependent upon providing the required notification for a Public Hearing.
4. The $250.00 fee will be required with the filing of this application.
5. The applicant is encouraged to attach any additional information (drawings, layouts, seating plans, etc.) that will supplement this application.

Special Permit Application Form, Version 1, enacted 2/27/2014
Village Code Section 210-74. Special Permit Uses in B-1, B-4A, B-2, B-4 and M-1 Districts

A. The following uses may be permitted upon application to and with the approval of the Village Board of Trustees:
   1) Restaurants
   2) Carry-out Restaurants

B. Special Permit Review
   1) Public Hearing: Any use for which a special permit is required shall be considered at a public hearing held by the Village Board of Trustees.
   2) Decisions: The Village Board of Trustees may approve with or without modifications or conditions or deny an application for a special permit.
   3) Standards for a Special Permit Application Review: No special permit shall be granted unless and until the applicant has demonstrated to the satisfaction of the Village Board of trustees that:
      a) Access to the site and the size of the site are adequate for the proposed use.
      b) The proposed use will not adversely affect the orderly pattern of development in the area.
      c) The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with nearby uses and will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
      d) The proposed use will not create a hazard to health, safety or the general welfare.
      e) The proposed use will not be detrimental to the flow of traffic in the vicinity.
      f) The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.
      g) The proposed site is located more than 100 feet from any residentially zoned and/or used property or is situated so that it may be demonstrated that existing or proposed features of the site will mitigate any potential adverse effect on the residential property.
      h) The proposed use will not create noise, late-night activity, or extended hours of operation, odors, noise from mechanical equipment or other conditions that may be detrimental to either the quality of life of nearby residents and businesses or to the general welfare of nearby residential neighborhoods.

C. Expiration of a Special Permit:
   1) A special permit shall authorize only one specific use.
   2) Said permit shall expire if:
      a) The use does not begin operation within one year of the date on which the approval for said permit was granted.
      b) The use, once begun, ceases operation, for any reason, for more than six (6) consecutive months.
      c) The operation of the use is transferred, by any means, to an individual or individuals, or to an entity other than the applicant to which the special permit was granted.

Cl. Expansion of a Special Permit Use: The nature, duration and intensity of the operations which are involved in or conducted in connection with any use for which a special permit has been granted shall not be increased or expanded without the approval of the Village Board of Trustees. Any expansion of a use which requires a special permit shall be considered at a public hearing in the same manner as otherwise provided in this article.

Special Permit Application Form, Version 1, enacted 2/27/2014
Hawley Brewing Company

Special Permit Application

Village of Pittsford - Board of Trustees
July 6, 2018
I). **Company Name:** Hawley Brewing Company

II). **Requested Location:** Northfield Commons, 50 State Street, Building “G”, Pittsford, NY 14534

III). **Objective:** Obtain a special permit to open a restaurant in the village of Pittsford with a focus on offering the community in-house brewed, high quality beers. Customers will be able to sample a variety of craft beers, as well as purchase them to take out for personal consumption. Beers will be brewed on-site, and sold under the label “Hawley Brewing Co.”. Hawley Brewing will be a private venture, led by Bryan Meyer, Jason Meyer, and Clay Killian. It is also our intention to partner with local businesses, restaurants, and breweries, to offer food for purchase, beer and food pairing dinners and tastings, collaboratively brewed beers, a sponsored biking club, and support community service awareness.

IV). **Target Open Date:** TBD, pending Pittsford Board of Trustees review and approval, and licensing from New York State.

V). **Contact Information:**
- Email – hawleybrewing@gmail.com
- Bryan Meyer – 585.576.4025
- Jason Meyer – 970.310.5253
- Clay Killian – 585.474.0301

VI). **210-74. Special permit uses in B-1, B-1A, B-2, B-4 and M-1 Districts – C. (3)**

   a) **Access to the site and the size of the site are adequate for the proposed use and will accommodate parking and trash storage without creating a nuisance for neighboring commercial and residential uses:** 50 State St, Northfield Commons, Building “G” has 1470 square feet of usable space for the proposed business. Hawley Brewing Company is working with the building landlord to ensure that the space is built to code and properly utilized for the proposed business. Northfield Commons has 160 accessible parking spaces to accommodate the parking needed for Hawley Brewing. We will also utilize existing, on-site trash dumpsters provided by the building owner. No additional trash storage will be required.
b) *The proposed use will not adversely affect the orderly pattern of development in the area:* Hawley Brewing Company will be in line with other locally owned and operated businesses in Northfield Commons, along with those located in Schoen Place. Not only will our business model complement these existing businesses, our plan to offer on-site brewed craft beers will be in line with the current trend toward non-retail oriented businesses. Our product will be locally produced, and our location in Northfield Commons will offer pedestrian and bike friendly access.

c) *The hours of the operation, duration and intensity of the proposed use will be compatible with nearby commercial and residential uses. The essential character of the neighborhood shall not be altered, and a public nuisance shall not be created. The proposed use will not create a hazard to health, safety or the general welfare:* Hawley Brewing Company’s planned hours of operation are in line with other local businesses in Northfield Common/Schoen Place, as noted in the table below (Section VII). Hawley Brewing will operate collaboratively within the Northfield Common/Schoen Place community, and be a complement to these established local businesses. Our vision is a relaxed and enjoyable atmosphere for those interested in experiencing a variety of craft beers. It is imperative to note that Hawley Brewing Company is not a bar looking to appeal to the casual drinker, but as a business where customer can taste and purchase custom craft beer for personal consumption, along with locally prepared food. Our plan is to create an environment that will be a gathering place for community members to stop in while on a walk or bike ride along the canal, when exploring the multiple offerings of the Village, or as a destination for those looking for a fun experience. We plan to develop relationships with local caterers and restaurants to offer food and beer pairing for tastings and dinners. Our plan is to encourage our customers to experience all the Village of Pittsford has to offer. Brewing will be conducted on-site, but there should be no concerns with noise or odor, and we will not create a hazard to health, safety, or the general welfare.

d) *The proposed use will not be detrimental to the flow of pedestrian and vehicular traffic in the vicinity. Egress to and from the location shall be accommodated safely throughout the proposed hours of operation:* Hawley Brewing Company’s afternoon and evening hours align with the surrounding businesses. Deliveries will be done during off hours and will be made by smaller vehicles and not large 18 wheel semi trucks so as not to impact traffic in the immediate area.
Hawley Brewing Company | Special Permit Application

e) **The proposed use will not place an excessive burden on public improvements, facilities, services or utilities:** Hawley Brewing Company will not place an excessive burden on public improvements, facilities, services, or utilities. All services and utilities will be provided with the confines of 50 State Street, Building “G”, similar to other shops and restaurants in the area.

f) **The proposed site is located more than 100 feet from any residentially zoned and/or used property or is situated so that it may be demonstrated that existing or proposed features of the site will mitigate any potential adverse effect on the residential property:** Hawley Brewing Company’s proposed site is in Northfield Common, Building “G”, located at 50 State Street which is not located within 100 feet of any residential property. There are also existing businesses and trees between this building and the main road (State Street, Route 31).

g) **For establishments intending to serve alcohol, the sale of such alcohol shall be incidental to the restaurant use as hereinafter defined, and the sale of such alcohol shall not be the prime source of revenue from the operation of such premises:** Hawley Brewing Company plans to include a kitchen on premises, and will engage with local caterers and restaurants to provide food for purchase by our customers. These prepared food items may be either available on-site or purchased from and brought into Hawley Brewing from local restaurants. With this business model, we are requesting the following exemptions to current requirements:
- Meals cooked on site and served
- A place which is regularly, and in a bona fide manner, used and kept open for the serving of meals, and cooking an assortment of food
- Kitchen must at all times be in charge of a chef
- Alcohol shall be incidental and not the prime source of revenue

VII. **Local business hours**

<table>
<thead>
<tr>
<th></th>
<th>Label 7</th>
<th>Olives Greek Taverna</th>
<th>Northfield Music</th>
<th>Top Notch Monogramming</th>
<th>Rosolino’s Tailoring</th>
<th>Pittsford Lumber</th>
<th>Hawley Brewing</th>
<th>Locke 32</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunday</td>
<td>CLOSED</td>
<td>CLOSED</td>
<td>CLOSED</td>
<td>CLOSED</td>
<td>CLOSED</td>
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<td>Noon-7pm</td>
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<tr>
<td>Monday</td>
<td>11am-10pm</td>
<td>11am-8pm</td>
<td>Noon-8pm</td>
<td>11am-7pm</td>
<td>9am-5pm</td>
<td>9am-5pm</td>
<td>CLOSED</td>
<td>4pm-10pm</td>
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<tr>
<td>Tuesday</td>
<td>11am-10pm</td>
<td>11am-8pm</td>
<td>Noon-8pm</td>
<td>11am-7pm</td>
<td>9am-5pm</td>
<td>9am-5pm</td>
<td>CLOSED</td>
<td>4pm-10pm</td>
</tr>
<tr>
<td>Wednesday</td>
<td>11am-10pm</td>
<td>11am-8pm</td>
<td>Noon-8pm</td>
<td>11am-7pm</td>
<td>9am-5pm</td>
<td>9am-5pm</td>
<td>CLOSED</td>
<td>4pm-10pm</td>
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<tr>
<td>Thursday</td>
<td>11am-10pm</td>
<td>11am-8pm</td>
<td>Noon-8pm</td>
<td>11am-7pm</td>
<td>9am-5pm</td>
<td>9am-5pm</td>
<td>4pm-10pm</td>
<td>4pm-10pm</td>
</tr>
<tr>
<td>Friday</td>
<td>11am-11pm</td>
<td>11am-9pm</td>
<td>Noon-5pm</td>
<td>11am-6pm</td>
<td>9am-6pm</td>
<td>9am-5pm</td>
<td>3pm-11pm</td>
<td>2pm-12am</td>
</tr>
<tr>
<td>Saturday</td>
<td>11am-11pm</td>
<td>11am-9pm</td>
<td>11am-5pm</td>
<td>11am-5pm</td>
<td>9am-4pm</td>
<td>9am-5pm</td>
<td>Noon-11pm</td>
<td>Noon-12am</td>
</tr>
</tbody>
</table>
Attachments

A1. Proposed interior design of Hawley Brewing Company

A2. SITE PLAN (Ken Bracker, Architect)

A3. BUILDING SECTION drawing of Building “G” (Ken Bracker, Architect)

A4. ROOF FRAMING PLAN, FLOOR PLAN AND TRUSS PROFILES drawing of Building “G” (Ken Bracker, Architect)

A5. Standardized NOTICE FORM for Providing 30 Day Advanced Notice to a Local Municipality or Community Board (New York State Liquor Authority form 49)
Board of Trustees  
Village of Pittsford  
21 North Main Street  
Pittsford, NY 14534

Board of Trustees:

Attached is a Special Permit Application requesting review and approval from the Board of Trustees to establish a restaurant/nano-brewery in an existing building located at 50 State Street (Building “G”) in Northfield Commons.

Our business will operate similar to the Lock 32 Brewing Company, with the only difference being our beers will be brewed onsite. This will give our customers the opportunity to enjoy high quality craft beers in a unique setting, and interact with our brewmaster regarding our brewing process.

We look forward to the opportunity to meet with you to review our plans, answer any questions, and determine what additional information you may require to move toward approval of our application.

Sincerely,

Bryan Meyer  
93 Gorham Street  
Canandaigua, NY 14424

Cc: Jason Meyer, Clay Killian

July 6, 2018
1. Date Notice Was Sent: 02/27/2018  
   1a. Delivered by: email

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License:
   - [ ] New Application
   - [ ] Renewal
   - [ ] Alteration
   - [ ] Corporate Change
   - [ ] Removal
   - [ ] Class Change

For New applicants, answer each question below using all information known to date.
For Renewal applicants, set forth your approved Method of Operation only.
For Alteration applicants, attach a complete written description and diagrams depicting the proposed alteration(s).
For Corporate Change applicants, attach a list of the current and proposed corporate principals.
For Removal applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation.
For Class Change applicants, attach a statement detailing your current license type and your proposed license type.

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board:

3. Name of Municipality or Community Board: Pittsford Village Board of Trustees

Applicant/Licensee Information

4. License Serial Number, if Applicable:  
   Expiration Date, if Applicable: 

5. Applicant or Licensee Name: Clayton Killian

6. Trade Name (if any): Hawley Brewing Company, LLC

7. Street Address of Establishment: 50 State St. Building G

8. City, Town or Village: Pittsford  
   , NY Zip Code: 14534

9. Business Telephone Number of Applicant/Licensee: 585-678-1383

10. Business Fax Number of Applicant/Licensee: 

11. Business Email of Applicant/Licensee: hawleybrewing@gmail.com

12. Type(s) of Alcohol sold or to be sold:  
   [ ] Beer & Cider
   [ ] Wine, Beer & Cider
   [ ] Liquor, Wine, Beer & Cider

13. Extent of Food Service:  
   [ ] Full food menu;
   Full Kitchen run by a chef or cook
   [ ] Menu meets legal minimum food availability requirements;
   Food prep area at minimum

14. Type of Establishment: Brewery Restaurant

15. Method of Operation:  
   (Check all that apply)
   [ ] Seasonal Establishment
   [ ] Juke Box
   [ ] Disc Jockey
   [ ] Recorded Music
   [ ] Karaoke
   [ ] Live Music (Give details: i.e. rock bands, acoustic, jazz, etc.):
   [ ] Patron Dancing
   [ ] Employee Dancing
   [ ] Exotic Dancing
   [ ] Topless Entertainment
   [ ] Video/Arcade Games
   [ ] Third Party Promoters
   [ ] Security Personnel
   [ ] Other (specify): 

16. Licensed Outdoor Area:  
   (Check all that apply)
   [x] None
   [ ] Patio or Deck
   [ ] Rooftop
   [ ] Garden/Grounds
   [ ] Freestanding Covered Structure
   [ ] Sidewalk Cafe
   [ ] Other (specify): 

[ ] Print Form
17. List the floor(s) of the building that the establishment is located on: 1st floor

18. List the room number(s) the establishment is located in within the building, if appropriate: 

19. Is the premises located within 500 feet of three or more on-premises liquor establishments? Yes No

20. Will the license holder or a manager be physically present within the establishment during all hours of operation? Yes No

21. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee.

22. Does the applicant or licensee own the building in which the establishment is located? Yes (If Yes SKIP 23-26) No

Owner of the Building in Which the Licensed Establishment is Located

23. Building Owner's Full Name: Richard C. Fox
24. Building Owner's Street Address: 50 State St.
25. City, Town or Village: Pittsford State: NY Zip Code: 14534
26. Business Telephone Number of Building Owner: 585-402-3710

Representative or Attorney representing the Applicant in Connection with the application for a license to traffic in alcohol at the establishment identified in this notice

27. Representative/Attorney's Full Name: Clayton E. Killian
28. Street Address: 31 Orchard Park
29. City, Town or Village: Phelps State: NY Zip Code: 14532
30. Business Telephone Number of Representative/Attorney: 585-474-0301
31. Business Email Address: KillianC5@hotmail.com

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.

32. Printed Name: Clayton Killian Title: Owner
Signature: X

Print Form
Ken Migliorelli  
Migliorelli Farm  
46 Freeborn Lane  
Tivoli, New York 12583

RE: Start-up Brewery, From the Ground Brewery, Town of Red Hook

Dear Mr. Migliorelli:

On February 21, 2017, the Department received your request for an opinion relating to whether "a beer garden and selling beer for retail and consumption on the property is considered an agricultural use and falls within the Red Hook Zoning Code ‘Farm Market 3’ definition.” The Department provides advisory opinions as to whether a certain use of land is “agricultural in nature” pursuant to Agriculture and Markets Law (AML) §308(4). The evaluation of land uses pursuant to AML §308(4) is conducted on a case-by-case basis, based upon information that you provide and in consultation with the Advisory Council on Agriculture.

In correspondence and conversations with you and Jakob Cirelli, co-owner of From the Ground Brewery, you indicate that you have established a farm brewery on your farm, Migliorelli Farm, at 245 Guski Road, Red Hook, New York. You indicate that a portion of the farm is currently being cultivated to produce barley and hops, as well as fruit. You indicate that 70-100 percent of the grain used will be produced on the farm, as well as some hops and fruit used for flavoring in the brewing process. The crops grown on the farm are used to produce beer under a “farm brewery” license issued by the State Liquor Authority.

You indicate that you intend to construct a beer garden and farm market on the property that will sell the craft beer at retail and offer tastings and on-site consumption. Further, you plan to sell other farm products for on-site consumption, including apple cider, pies, jams, breads, and cookies that are produced from on-farm products.

In your e-mail, it appears that the Town of Red Hook has defined a Farm Market 3 as “[a]n accessory retail facility, a maximum of 4,000 square feet in gross floor area, owned and operated by the owner or operator of the farm and intended for the sale of local farm produce, farm products and related small-scale farm items including gifts, antiques and crafts on either a seasonal or year-round basis....” The applicability of this definition to the proposed market is for interpretation by the Town of Red Hook. The Town, however, has adopted “farm friendly” zoning and has been very supportive of agricultural endeavors in an effort to maintain a viable agricultural community.
In considering whether a particular land use is agricultural in nature, the Department takes into account the definition of “farm operation” contained in AML §301. However, the proposed land use does not need to fall within the land uses expressly covered by AML §301 in order to be “agricultural in nature.”

Examination of the definition of “farm operation,” however, is helpful in evaluating the nature of an agricultural land use since it addresses various agricultural activities. AML §301(11) defines “farm operation,” in part, as “[t]he land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise…. ” AML §301(2) defines “crops” to include field crops (corn, wheat, oats, rye, barley, etc.) and fruits (apples, peaches, grapes, cherries, and berries). The on-farm production, preparation and marketing of “crops” is a farm operation. Agricultural commodities produced “on-farm” include any products that may have been produced by a farmer on his or her “farm operation.”

The Department’s Guideline for Review of Local Laws Affecting Farm Operations Which Produce, Prepare and Market Crops for Wine, Beer, Cider and Distilled Spirits, copy attached, states that a farm must grow at least 51% of the ingredients needed to produce a craft beverage. It appears that you will exceed that percentage in any given year, since it is estimated that between 70 and 100 percent of the crops required to make the craft beverage will be grown on the farm. The Department has determined that on-site consumption, including tastings and pairings, and cafes are considered part of the retail marketing as long as a majority of the ingredients are grown on-farm. The Department’s Guidelines for Review of Local Laws Affecting Direct Farm Marketing Activities, copy enclosed, addresses this topic in greater detail.

Based upon the information you have provided and applicable law, and upon consultation with the Advisory Council on Agriculture, it is my opinion that to the extent that the land in question is used as described: (a) for the production of grain, hops, and fruit; (b) and that the beer will be produced from a predominance of crops grown on owned or rented land; then the on-farm marketing, including the beer garden, farm market, and on-site consumption, is agricultural in nature. These activities are, of course, subject to any State or federal requirements applicable to the processing, storage, sale and consumption of alcoholic products.

Very truly yours,

Richard A. Ball
Commissioner

Enc.
cc: Advisory Council on Agriculture
     Dutchess County Agricultural and Farmland Protection Board

Pursuant to Agric. & Mkts. Law Section:
23, I hereby certify that this document consisting of _____ pages is a true copy of the original thereof on file with the Department of Agriculture and Markets.

Signature

Title: Director    Date:  

10B Airline Dr. Albany, N.Y., 12235  (800) 554-4501 | www.agriculture.ny.gov
October 21, 2013

Mary Jordan
10095 Cheseboro
West Edmeston, NY 13485

Re: Production, Preparation and Marketing of Hops

Dear Ms. Jordan:

The Department received your request concerning the production of hops and whether hops are considered “crops, livestock and livestock products” as defined in Agriculture and Markets Law (AML) §301(2).

AML §301(2) defines “crops, livestock and livestock products” to include, but not be limited to, a number of agricultural commodities. AML §301(2)(a) provides that “field crops” include “...corn, wheat, oats, rye, barley, hay, potatoes and dry beans.” The on-farm production, preparation and marketing of “field crops,” as defined in AML §301(2)(a), is considered a “farm operation.” AML §301(11) defines “farm operation,” in part, as “[t]he land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise,.... Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.” Agricultural commodities produced “on-farm” include any products that may have been produced by the “farm operation,” which may include a number of land parcels owned or rented by that farmer. The Department has determined that while hops is not listed in AML §301(2) as a “field crop,” it would be included within this category and as such is considered “crops, livestock or livestock products” [AML §301(2)].

If you have any questions concerning this determination, please contact Robert Somers at 518/457-8887.

Sincerely,

Michael Latham
Director
PLEASE TAKE NOTICE, that the Board of Trustees of the Village of Pittsford, County of Monroe, State of New York, hereby appeals to the Village of Pittsford Zoning Board of Appeals from an opinion of the Building Inspector of the Village of Pittsford, County of Monroe, State of New York, dated September 28, 2018 which determined that the Hawley Brewing Company Special Permit Application to the Board of Trustees of the Village of Pittsford dated July 6, 2018 was a use permitted in the B-4 Zone in the Village of Pittsford. A copy of the opinion and Special Permit Application are annexed hereto.

GROUNDs FOR APPEAL

1. The use proposed by the above mentioned Special Permit Application by the Hawley Brewing Company is specifically prohibited by Pittsford Village Code Section 210-41.A.(28)(k).

2. The use proposed by the above mentioned Special Permit Application is not the processing of agricultural products as permitted by Village Code Section 210-41.A.(26).
3. The uses proposed by the above mentioned Special Permit Application consists of 15% of the square footage devoted to the brewing of beer and 85% of the square footage devoted to the marketing and sale of beer products. Even assuming for the sake of argument that the brewing of beer is the processing of agricultural products and therefore permitted pursuant to Village Code Section 210-41.A.(26), since the brewing of beer is not the principal use but an accessory use, then the principal use proposed by the above mentioned special permit application is not permitted in the B-4 Zone.

RELIEF SOUGHT

Overturning the determination of the Building Inspector of the Village of Pittsford, County of Monroe, State of New York, dated September 28, 2018 which determined that the use proposed by the above mentioned Special Permit Application is a permitted use in the B-4 Zone and a determination from the Village of Pittsford Zoning Board of Appeals that the use proposed by the above mentioned Special Permit Application is prohibited in the B-4 Zone of the Village of Pittsford, County of Monroe, State of New York.

Dated: November 7, 2018

OSBORN, REED & BURKE, LLP

Jeffrey L. Turner, Esq., of counsel
Attorneys for Appellant
Board of Trustees of the
Village of Pittsford
45 Exchange Street, 4th Floor
Rochester, New York 14614
Tel: (585) 454-6480
TO: VILLAGE OF PITTSFORD
ZONING BOARD OF APPEALS
21 N. Main Street
Pittsford, New York 14534

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER
VILLAGE OF PITTSFORD, COUNTY OF MONROE, STATE OF NEW YORK
21 N. Main Street
Pittsford, New York 14534
Good morning, After much review and contacting NYS Department of Agriculture and Department of State Land use and resources divisions. I have come to the determination based on the NYS department of Ag’s definition that wine and distilled spirits are considered a “food” and the production of beer is parallel to these items that it also will be considered a “food” when new definitions are produced by NYS. It is the opinion of the NYS Department of agriculture the a “food” derived from natural ingredients is created by Agricultural Production and thereby the brewing of beer could also be considered an Agricultural Production. This finding would make the Brewery a proper use under the current B4 zone in the Village of Pittsford.

Steven C. Lauth
Village of Pittsford
Code Officer/Building Inspector
Hawley Brewing Company

Special Permit Application

Village of Pittsford - Board of Trustees
July 6, 2018
I). **Company Name:** Hawley Brewing Company

II). **Requested Location:** Northfield Commons, 50 State Street, Building “G”, Pittsford, NY 14534

III). **Objective:** Obtain a special permit to open a restaurant in the village of Pittsford with a focus on offering the community in-house brewed, high quality beers. Customers will be able to sample a variety of craft beers, as well as purchase them to take out for personal consumption. Beers will be brewed on-site, and sold under the label “Hawley Brewing Co.”. Hawley Brewing will be a private venture, led by Bryan Meyer, Jason Meyer, and Clay Killian. It is also our intention to partner with local businesses, restaurants, and breweries, to offer food for purchase, beer and food pairing dinners and tastings, collaboratively brewed beers, a sponsored biking club, and support community service awareness.

IV). **Target Open Date:** TBD, pending Pittsford Board of Trustees review and approval, and licensing from New York State.

V). **Contact Information:**
- Email – hawleybrewing@gmail.com
- Bryan Meyer – 585.576.4025
- Jason Meyer – 970.310.5253
- Clay Killian – 585.474.0301

VI). **210-74. Special permit uses in B-1, B-1A, B-2, B-4 and M-1 Districts – C. (3)**

   a) **Access to the site and the size of the site are adequate for the proposed use and will accommodate parking and trash storage without creating a nuisance for neighboring commercial and residential uses:** 50 State St, Northfield Commons, Building “G” has 1470 square feet of usable space for the proposed business. Hawley Brewing Company is working with the building landlord to ensure that the space is built to code and properly utilized for the proposed business. Northfield Commons has 160 accessible parking spaces to accommodate the parking needed for Hawley Brewing. We will also utilize existing, on-site trash dumpsters provided by the building owner. No additional trash storage will be required.
b) **The proposed use will not adversely affect the orderly pattern of development in the area:**
Hawley Brewing Company will be in line with other locally owned and operated businesses in Northfield Commons, along with those located in Schoen Place. Not only will our business model complement these existing businesses, our plan to offer on-site brewed craft beers will be in line with the current trend toward non-retail oriented businesses. Our product will be locally produced, and our location in Northfield Commons will offer pedestrian and bike friendly access.

c) **The hours of the operation, duration and intensity of the proposed use will be compatible with nearby commercial and residential uses. The essential character of the neighborhood shall not be altered, and a public nuisance shall not be created. The proposed use will not create a hazard to health, safety or the general welfare:** Hawley Brewing Company’s planned hours of operation are in line with other local businesses in Northfield Common/Schoen Place, as noted in the table below (Section VII). Hawley Brewing will operate collaboratively within the Northfield Common/Schoen Place community, and be a complement to these established local businesses. Our vision is a relaxed and enjoyable atmosphere for those interested in experiencing a variety of craft beers. It is imperative to note that Hawley Brewing Company is not a bar looking to appeal to the casual drinker, but as a business where customer can taste and purchase custom craft beer for personal consumption, along with locally prepared food. Our plan is to create an environment that will be a gathering place for community members to stop in while on a walk or bike ride along the canal, when exploring the multiple offerings of the Village, or as a destination for those looking for a fun experience. We plan to develop relationships with local caterers and restaurants to offer food and beer pairing for tastings and dinners. Our plan is to encourage our customers to experience all the Village of Pittsford has to offer. Brewing will be conducted on-site, but there should be no concerns with noise or odor, and we will not create a hazard to health, safety, or the general welfare.

d) **The proposed use will not be detrimental to the flow of pedestrian and vehicular traffic in the vicinity. Egress to and from the location shall be accommodated safely throughout the proposed hours of operation:** Hawley Brewing Company’s afternoon and evening hours align with the surrounding businesses. Deliveries will be done during off hours and will be made by smaller vehicles and not large 18 wheel semi trucks so as not to impact traffic in the immediate area.
e) **The proposed use will not place an excessive burden on public improvements, facilities, services or utilities:** Hawley Brewing Company will not place an excessive burden on public improvements, facilities, services, or utilities. All services and utilities will be provided with the confines of 50 State Street, Building “G”, similar to other shops and restaurants in the area.

f) **The proposed site is located more than 100 feet from any residentially zoned and/or used property or is situated so that it may be demonstrated that existing or proposed features of the site will mitigate any potential adverse effect on the residential property:** Hawley Brewing Company’s proposed site is in Northfield Common, Building “G”, located at 50 State Street which is not located within 100 feet of any residential property. There are also existing businesses and trees between this building and the main road (State Street, Route 31).

g) **For establishments intending to serve alcohol, the sale of such alcohol shall be incidental to the restaurant use as hereinafter defined, and the sale of such alcohol shall not be the prime source of revenue from the operation of such premises:** Hawley Brewing Company plans to include a kitchen on premises, and will engage with local caterers and restaurants to provide food for purchase by our customers. These prepared food items may be either available on-site or purchased from and brought into Hawley Brewing from local restaurants. With this business model, we are requesting the following exemptions to current requirements:

- Meals cooked on site and served
- A place which is regularly, and in a bona fide manner, used and kept open for the serving of meals, and cooking an assortment of food
- Kitchen must at all times be in charge of a chef
- Alcohol shall be incidental and not the prime source of revenue

### VII. Local business hours

<table>
<thead>
<tr>
<th></th>
<th>Label 7</th>
<th>Olives Greek Taverna</th>
<th>Northfield Music</th>
<th>Top Notch</th>
<th>Menomonie</th>
<th>Rosolino’s Tallarin</th>
<th>Pittsford Lumber</th>
<th>Hawley Brewing</th>
<th>Locke 32</th>
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<tbody>
<tr>
<td>Sunday</td>
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<td>Monday</td>
<td>11am-10pm</td>
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<td>Noon-9pm</td>
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<td>Tuesday</td>
<td>11am-10pm</td>
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<td>11am-7pm</td>
<td>9am-6pm</td>
<td>9am-5pm</td>
<td>Noon-5pm</td>
<td>CLOSED</td>
<td>4pm-10pm</td>
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<td>Wednesday</td>
<td>11am-10pm</td>
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<td>9am-5pm</td>
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<td>4pm-10pm</td>
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<td>Thursday</td>
<td>11am-10pm</td>
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<td>Noon-8pm</td>
<td>11am-7pm</td>
<td>9am-5pm</td>
<td>4pm-3pm</td>
<td>Noon-5pm</td>
<td>4pm-10pm</td>
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<tr>
<td>Friday</td>
<td>11am-11pm</td>
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<td>Noon-5pm</td>
<td>11am-6pm</td>
<td>9am-6pm</td>
<td>9am-5pm</td>
<td>3pm-11pm</td>
<td>Noon-11pm</td>
<td>Noon-12am</td>
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<tr>
<td>Saturday</td>
<td>11am-11pm</td>
<td>11am-9pm</td>
<td>11am-5pm</td>
<td>9am-4pm</td>
<td>9am-5pm</td>
<td>Noon-11pm</td>
<td>Noon-12am</td>
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</table>
VIII). **Attachments**

A1. Proposed interior design of Hawley Brewing Company

A2. SITE PLAN (Ken Bracker, Architect)

A3. BUILDING SECTION drawing of Building "G" (Ken Bracker, Architect)

A4. ROOF FRAMING PLAN, FLOOR PLAN AND TRUSS PROFILES drawing of Building "G" (Ken Bracker, Architect)

A5. Standardized **NOTICE FORM** for Providing 30 Day Advanced Notice to a Local Municipality or Community Board (New York State Liquor Authority form 49)
July 6, 2018

Board of Trustees
Village of Pittsford
21 North Main Street
Pittsford, NY 14534

Board of Trustees:

Attached is a Special Permit Application requesting review and approval from the Board of Trustees to establish a restaurant/nano-brewery in an existing building located at 50 State Street (Building “G”) in Northfield Commons.

Our business will operate similar to the Lock 32 Brewing Company, with the only difference being our beers will be brewed onsite. This will give our customers the opportunity to enjoy high quality craft beers in a unique setting, and interact with our brewmaster regarding our brewing process.

We look forward to the opportunity to meet with you to review our plans, answer any questions, and determine what additional information you may require to move toward approval of our application.

Sincerely,

Bryan Meyer
93 Gorham Street
Canandaigua, NY 14424

Cc: Jason Meyer, Clay Killian
New York State Liquor Authority
Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board

1. Date Notice Was Sent: 02/27/2018
   1a. Delivered by: Email

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License
   - [ ] New Application  - [ ] Renewal  - [ ] Alteration  - [ ] Corporate Change  - [ ] Removal  - [ ] Class Change

   For New applicants, answer each question below using all information known to date.
   For Renewal applicants, set forth your approved Method of Operation only.
   For Alteration applicants, attach a complete written description and diagrams depicting the proposed alteration(s).
   For Corporate Change applicants, attach a list of the current and proposed corporate principals.
   For Removal applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation.
   For Class Change applicants, attach a statement detailing your current license type and your proposed license type.

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board:

3. Name of Municipality or Community Board: Pittsford Village Board of Trustees

Applicant/Licensee Information

4. License Serial Number, if Applicable: 
   Expiration Date, if Applicable:

5. Applicant or Licensee Name:
   Clayton Kilian

6. Trade Name (if any):
   Hawley Brewing Company, LLC

7. Street Address of Establishment:
   50 State St., Building 6

8. City, Town or Village: Pittsford, NY
   Zip Code: 14534

9. Business Telephone Number of Applicant/Licensee: 585-678-1383

10. Business Fax Number of Applicant/Licensee:

11. Business E-mail of Applicant/Licensee: hawleybrewing@gmail.com

12. Type(s) of Alcohol sold or to be sold:
   - [ ] Beer & Cider
   - [x] Wine, Beer & Cider
   - [ ] Liquor, Wine, Beer & Cider

13. Extent of Food Service:
   - [ ] Full food menu;
   - [ ] Menu meets legal minimum food availability requirements;
   - [ ] Full kitchen run by a chef or cook
   - [ ] Food prep area at minimum

14. Type of Establishment:
   - [x] Brewery
   - [x] Restaurant

15. Method of Operation:
    (Check all that apply)
    - [ ] Seasonal Establishment
    - [ ] Juke Box
    - [ ] Disc Jockey
    - [ ] Recorded Music
    - [ ] Karaoke
    - [ ] Live Music (Give details: i.e. rock bands, acoustic, jazz, etc.):
    - [ ] Patron Dancing
    - [ ] Employee Dancing
    - [ ] Exotic Dancing
    - [ ] Topless Entertainment
    - [ ] Video/Arcade Games
    - [ ] Third Party Promoters
    - [ ] Security Personnel
    - [ ] Other (specify):

16. Licensed Outdoor Area:
    (Check all that apply)
    - [x] None
    - [ ] Patio or Deck
    - [ ] Rooftop
    - [ ] Garden/Grounds
    - [ ] Freestanding Covered Structure
    - [ ] Sidewalk Cafe
    - [ ] Other (specify):
17. List the floor(s) of the building that the establishment is located on: 5th Floor

18. List the room number(s) the establishment is located in within the building, if appropriate:

19. Is the premises located within 500 feet of three or more on-premises liquor establishments? Yes No

20. Will the license holder or a manager be physically present within the establishment during all hours of operation? Yes No

21. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee:

22. Does the applicant or licensee own the building in which the establishment is located? Yes (If Yes SKIP 23-26) No

Owner of the Building In Which the Licensed Establishment Is Located

23. Building Owner's Full Name: Richard C. Fox

24. Building Owner's Street Address: 50 State St.

25. City, Town or Village: Pittsford State: NY Zip Code: 14534

26. Business Telephone Number of Building Owner: 585-402-3710

Representative or Attorney representing the Applicant in Connection with the application for a license to traffic in alcohol at the establishment identified in this notice

27. Representative/Attorney's Full Name: Clayton E. Killian

28. Street Address: 31 Orchard Park

29. City, Town or Village: Phelps State: NY Zip Code: 14532

30. Business Telephone Number of Representative/Attorney: 585-474-0301

31. Business Email Address: Killianc5@hotmail.com

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.

32. Printed Name: Clayton Killian Title: Owner

Signature: X
You did not miss anything. I asked counsel’s office to assign an attorney to this issue. This is what I asked:

“I received a call from the building inspector in the Village of Pittsford, Monroe County, concerning a brewery that would like to locate within that municipality. The BI wanted to know if the making of beer is agricultural. He did not ask if it is part of a farm. Their zoning code says that agriculture is allowed within the zoning district, but they do not have a definition of agriculture.

The attached two 308(4) opinions state that, in the body of the letters, the definition of “farm operation” is not determinative, but the conclusion says otherwise. The conclusion suggests that if you grow your crops (51%) on land owned or rented, the production of alcoholic beverages is “agricultural in nature.”

Food Industry has regulations under the 20C license that classifies distilled spirits, wine and cider as a food. According to Larry Swartz, there is talk about amending the regulation to include beer, but his impression is that farm breweries may be inspected as an agricultural processing facility.

My question then, is how the Department looks at the SLA “farm” licensed craft beverages. Would these products be considered agricultural?”

I will have to see how they respond. Thanks. Bob

Bob, I see nothing in any of this that defines wine and or distilled spirits to be considered “food” unless I am missing it? Steve

Robert Somers, Ph.D., C.F
Manager, Farmland Protection Unit

Department of Agriculture and Markets
10B Airline Drive, Albany, NY 12235
(518) 457-8900 | bob.somers@agriculture.ny.gov
Agricultural Product

2 definitions

Agricultural Product (/a/definition/99612)

By The State of Virginia (/a/entity/the_state_of_virginia)

"Agricultural product" means any horticultural,
livestock, poultry, bee, or other farm or
garden product.

Endorse (32) Share Flag

Agricultural Product (/a/definition/66304)

By The United States of America (/a/entity/the-united-states-of-
america) & U.S. Department of Agriculture
(/a/entity/u.s.department.of.agriculture)

Any agricultural commodity or product, whether raw or
processed, including any commodity or product derived
from livestock, that is marketed in the United States for
human or livestock consumption.

Endorse (38) Share Flag

https://definedterm.com/agricultural_product
The National Organic Program (NOP) only certifies agricultural products that fall into a specific, narrow category. The basic guideline for what constitutes an agricultural product is as follows:

"Any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock, that is marketed in the United States for human or livestock consumption."

Examples of agricultural items that the National Organic Program can certify include such things as textiles, flowers, food, seed, plants, and feed.
Do you have a brewery in planning or are you thinking about starting your own brewery in New York? Congratulations! Below is a legal to do list in chronological order for you to consider as you begin the process. The list covers everything from trademarks, to commercial leases, to your federal and state brewing licenses, and includes numerous detailed hyperlinks to relevant forms and information.

1. **Put Together Your Business Plan and Funding**

Brendan Palfreyman is a craft beer attorney with Harris Beach PLLC in Syracuse, NY and a member of the NYS Brewers Association. He also created and runs the brewery trademark resource website: www.trademarkyourbeer.com. A major focus of Mr. Palfreyman's practice is representing and counseling craft breweries in New York State with...
2. Choose and Clear Brewery Name/File Trademark: Using what's known as an intent-to-use trademark application, you can file a trademark long in advance of when you actually begin selling beer. Because there are so many breweries in the country (over 4,000 at last count) it is more important than ever to choose a name that is not too close to someone else’s trademark, and then to protect that name with a federal trademark. How to do this? With proper trademark searching and a federal trademark registration.

1. Individual Beer Names: You should also strongly consider running trademark searches and filing for trademark registrations for your important beers. If it’s a flagship beer or a beer that’s likely to be packaged, it’s probably a good idea to trademark the name.

2. Copyright: Later down the line, as you develop label art for your beer packaging, you’ll want to consider the benefits of copyright registration, as well as ensure that you actually own the copyright in your label art.

3. Form a Legal Entity: You will most likely want to set up a legal entity for your brewery. This could be a regard to trademarks, corporate issues, real estate, and contracts. Brendan is an award winning homebrewer and has appeared as a guest on podcasts like Steal This Beer and Beer Sessions Radio. He is a dedicated and award winning homebrewer and filed the trademark for the folks at Milk the Funk. He even had a beer named after him by a grateful client – Palafrenero from Casita Cervenceria. bpalfreyman [at] harrisbeach [dot] com.
limited liability company ("LLC"), a
corporation (an S corporation or C
corporation), a partnership, or
even a non-profit corporation.
Many breweries choose to go the
LLC route, and they are relatively
easy to set up. There are fewer
formalities required with an LLC as
compared to a corporation, such
as meetings, keeping minutes,
having a board of directors, etc.
There are also tax advantages to
choosing to form an LLC.

1. **Draft an Operating Agreement:**
   In conjunction with the
   formation of the legal entity you
   will need an operating
   agreement. What's an operating
   agreement? In simple terms it is
   a formal document that sets
   forth, for example, who owns
   the company, who will make
   important decisions concerning
   the company, how profits and
   losses will be distributed, how
   the entity will be taxed, and the
   rules governing adding or
   subtracting members.

2. **Get an EIN:** To apply to the
   Alcohol and Tobacco Tax and
   Trade Bureau ("TTB") for your
   federal brewery license, you'll
   need an Employer Identification
   Number ("EIN"). Once your
   entity is formed, you'll just need
to fill out an [application online](https://newyorkcraftbeer.com/2015/11/legal-to-do-list-for-starting-a-brewery-in-new-york/) with the IRS.
Distilled Spirits

Memorandum of Understanding
Between The Bureau of Alcohol, Tobacco and Firearms
and The Food and Drug Administration
regarding the Promulgation and Enforcement of the Labeling Regulations
Promulgated under the Federal Alcohol Administration Act

Whereas, The Federal Alcohol Administration Act (27 U.S.C., Chapter 8, section 201-212) was enacted in 1935 to further protect the revenue derived from distilled spirits, wine and malt beverages, to regulate inter-state and foreign commerce and enforce the twenty-first amendment; and

Whereas, The Federal Alcohol Administration Act pursuant to section 205(e) makes it unlawful for any person engaged in the business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler, of distilled spirits, wine and malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits directly or indirectly or thorough an affiliate, to sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or to receive therein, or to remove from customs custody for consumption, any distilled spirits, wine or malt beverages in bottles, unless such products are bottled, packaged, and labeled in conformity with regulations prescribed by the Secretary of the Treasury; and

Whereas, The Bureau of Alcohol, Tobacco and Firearms is charged with the administration and enforcement of the Federal Alcohol Administration Act through the employment of a large field force including the:

(1) Issuance of permits to persons engaged in the business of (a) distilling distilled spirits, producing wine, rectifying or blending distilled spirits or wine, or bottling, or warehousing and bottling distilled spirits; (b) importing into the United States distilled spirits, wine or malt beverages; and (c) purchasing for resale at wholesale distilled spirits, wine or malt beverages; and

(2) procedures which require the prior approval of all labels to insure compliance with standards of identity and the requirement of showing proof, quantity and the name and address of the importer, producer or bottler; and

https://www.fda.gov/aboutfda/partnershipscollaborations/memorandaunderstandingmos... 9/28/2018
Whereas, The Bureau of Alcohol, Tobacco and Firearms is also charged with the administration and enforcement of Title 26 of the United States Code, Chapter 51, relating to Distilled Spirits, Wines and Beer, which establishes comprehensive system of controls over these products; including on-site inspections and procedures which require the advance approval of statements of process and of formulas showing each ingredient to be used in the product; and

Whereas, Under the Federal Food, Drug, and Cosmetic Act of 1938, as amended, administered by the Food and Drug Administration, alcoholic beverages are included within the specified articles, and, therefore, such agency has authority to prescribe regulations for ingredient labeling of distilled spirits, wine and malt beverages; and

Whereas, The Bureau of Alcohol, Tobacco and Firearms in consultation with the Food and Drug Administration is developing comprehensive ingredient labeling regulations with respect to distilled spirits, wine and malt beverages pursuant to the Federal Alcohol Administration Act which regulations will be in consonance with the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder; and

Whereas, In the interest of economy and efficiency, it is deemed desirable to avoid unnecessary duplication of effort;

Now therefore, It is understood and agreed between the Bureau of Alcohol, Tobacco and Firearms and the Food and Drug Administration as follows:

1. The Bureau of Alcohol, Tobacco and Firearms will be the primary agency responsible for the promulgation and enforcement of labeling regulations of distilled spirits, wine and malt beverages pursuant to the Federal Alcohol Administration Act.

2. Regulations promulgated by the Bureau of Alcohol, Tobacco and Firearms under the Federal Alcohol Administration Act, will be consistent with the food labeling requirements of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder.

3. The Food and Drug Administration will defer to the Bureau of Alcohol, Tobacco and Firearms for primary regulation of the labeling of alcoholic beverages under the conditions of this agreement.
4. The Bureau of Alcohol, Tobacco and Firearms will continue to consult with FDA and regulations promulgated by ATF will be consistent with the Food and Drug Administration's directives and interpretations regarding any ingredient in distilled spirits, wine and malt beverages, which the Food and Drug Administration may find in violation of section 402(a)(1) or (a)(2) of the Federal Food, Drug, and Cosmetic Act.

5. This agreement, when accepted by both parties, covers an indefinite period of time and may be modified by mutual consent of both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

6. The Liaison Officers for this Memorandum of Understanding are as follows:

Mr. James O. Pasco, Jr.
Regulatory Enforcement Liaison Officer
Office of the Assistant Director for Regulatory Enforcement
Bureau of Alcohol, Tobacco and Firearms
Washington, D.C. 20226
Telephone Number: 202-961-7557

Mr. Taylor Quinn, Director,
Division of Regulatory Guidance (HFF-310)
Bureau of Foods
Food and Drug Administration
Washington, D.C. 20240
Telephone Number: 202-245-1597

Effective date. This memorandum of understanding becomes effective on October 8, 1974.

Dated: October 2, 1974

Sam D. Fine,
Associate Commissioner
for Compliance

Approved and Accepted
for the Bureau of Alcohol, Tobacco and Firearms
Signed by: Rex D. Davis, Director, Bureau of Alcohol, Tobacco and Firearms
Date: September 16, 1974
Approved and Accepted
for the Food and Drug Administration
Signed by: Alexander M. Schmidt, Commissioner of Food and Drugs
Date: September 12, 1974

More in Domestic MOUs
(/AboutFDA/PartnershipsCollaborations/MemorandaofUnderstandingMOUs/DomesticMOUs/default.htm)
September 11, 2009

Ralph J. Erenzo
Tuthilltown Spirits Farm
P.O. Box 320
14 Gristmill Lane
Gardiner, NY 12525

Dear Mr. Erenzo:

On April 7, 2009, the Department received your request for a review of the Town of Gardiner’s Zoning Code, pursuant to Agriculture and Markets Law (AML) §305-a (1). However, it appears from information submitted that the Town has not taken any action against Tuthilltown Spirits Farm for Zoning Code violations. Therefore, you subsequently requested an opinion pursuant to AML §308(4) as to whether the use of certain land for a farm distillery is “agricultural in nature.” The evaluation of land uses pursuant to AML §308(4) is conducted on a case-by-case basis, based upon information that you provide, and in consultation with the Advisory Council on Agriculture.

In your correspondence, you indicate that you own a distillery that produces whiskey from grain grown by the farm and also produces vodka and brandy from apples grown in New York. You indicate that you own eight acres of land, which is used to produce grain, and rent an additional eight acres of land; that you hold an A-1 Distillers License issued by the State of New York; that you have been producing spirits for three years; and that sales of your distilled product was approximately $450,000 in 2008.

In considering whether a particular land use is agricultural in nature, the Department takes into account the definition of “farm operation” contained in AML §301. A land use does not need to fall within the meaning of that term in order to be “agricultural in nature.” Furthermore, any discussion herein relating to the AML §301(11) definition of “farm operation” is not determinative of whether or not the land or activities described meet this definition for purposes of AML §305-a.

Examination of the definition of “farm operation,” however, is helpful in considering the nature of a land use since it relates to agricultural activities. AML §301(11) defines “farm operation” in part as “[t]he land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to
the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other. AML §301(2) defines “crops, livestock and livestock products” to include, but not be limited to, a number of agricultural commodities. Under subdivision (2)(a), “crops” includes “…corn, wheat, oats, rye, barley, hay, potatoes and dry beans” and under subdivision (2)(b), “fruits” includes “…apples, peaches, grapes, cherries and berries.” The on-farm production, preparation and marketing of “crops” and “fruit,” as defined in AML §301(2)(a) and (2)(b), respectively, is a farm operation. Agricultural commodities produced “on-farm” include any products that may have been produced by a farmer on his or her “farm operation,” which could include a number of land parcels owned or rented by that farmer throughout a town, county, or the State. The Department views crops grown on leased lands and crops grown on owned land as part of a farm operation.

As long as the whiskey, vodka and brandy that is prepared is composed primarily of ingredients produced on the farm operation (i.e., 51% or more), the distilling activity and the on-farm buildings and equipment which are needed to distill and store the grain and fruit which is processed on the farm are part of the farm operation. The on-farm marketing of the whiskey is also part of the farm operation.

Based upon the information you have provided and applicable law, and upon consultation with the Advisory Council on Agriculture, it is my opinion that to the extent that the land in question is used as described, for the production of grain and fruit; the distillation of crops grown on owned or rented land to produce whiskey, vodka and brandy; and the on-farm marketing of the distilled spirits, the land use is agricultural in nature. These activities are, of course, subject to any State or federal requirements applicable to the processing, storage and sale of alcoholic products.

Sincerely,

Patrick Hooker
Commissioner

cc: Advisory Council on Agriculture
    Ulster County Agricultural and Farmland Protection Board

Pursuant to Agric. & Mkt. Law Section 23, I hereby certify that this document consisting of 28 pages is a true copy of the original thereof on file with the Department of Agriculture and Markets.

Signature

Title: Director      Date: 9/18/09
From: Justin Vlietstra  
Sent: Monday, October 01, 2018 2:03 PM  
To: Robert C. Corby; Building Inspector  
Subject: RE: 50 State Street

I only understand a bit of what is going on with 50 State St. Some thoughts:

My understanding is the nanobrewery is deemed to be agricultural manufacturing. It was declared to not be a restaurant. The change in use does not trigger site plan review. If they make exterior changes to the site such as an addition, altering the parking lot configuration, adding landscaping, or other matters listed in 210-83.B then it triggers site plan review. If they are not changing the exterior then no site-plan review is needed. This sounds like it is mostly a building inspector and fire marshal review. APRB may need to look at signage and other minor exterior changes.

If the Trustees are concerned about hours, restricting the times for dumping trash, or other legitimate concerns that impact neighbors, then I suggest the Trustees generate a list of reasonable conditions to place on the operation to lesson impacts and submit the list to the liquor authority to consider when the liquor authority requests comments. Since is located ~50ft from residential property it seems reasonable for the liquor authority to consider adding conditions on their permit.

Parking requirements are probably a non-issue because they are probably staying the same or decreasing. 210-78 lists minimum parking spaces and they are mostly based on the square footage of the building. The use classification for parking requirements seems likely to be one of the following: Industrial and manufacturing, General commercial, or "Restaurants, dairy bars or other places serving food or beverages" but that would be up to the Building Inspector to determine. If the "type of building or use thereof" is deemed to be industrial or manufacturing then it probably requires only 3-4 parking spots: 1 per each 1000sqft of floor space, plus 1 per 2 employees. That is less than is required for general commercial uses which is one per 200sqft of building (about 7-8 spaces if ~1500sqft) which presumably applied to the prior retail use. Neither classification requires consideration for the number of seats. General commercial does not require consideration of the number of employees. Restaurants do require consideration for the number of seats and employees. Office and retail have the same parking requirements so the new breakfast club probably does not increase parking requirements over the prior use of general commercial + restaurant.

The Comprehensive Plan has a lot to say about parking in the Schoen place area as the issue was thoroughly studied in the past; anyone concerned about parking should probably read the appropriate sections in the comp plan. Section 8.3 in particular covers quite a bit about this.

The dumpsters were previously approved by the last planning board (Remiga) and they have a valid building permit. These are all from about 4 years ago. The dumpsters are closer to residential property than permitted by code, but the planning Board had authority to permit it. I do not know what was considered when selecting the dumpster location as that was before my time on the Board and the minutes don't explain much (or at least that is my recollection). I have heard lots of talk about noise from the dumpsters but there is little to do since they are legal and permitted. Garbage collection hours are an enforcement issue, see code 173-6 and 173-15. 173-6.F and 173-16 lists fines and processes for violations. 173-15.B.1 authorizes trustees to set collection schedules and regulations by resolution and this is normally done in the annual meeting. I suspect that a fine or appearance ticket will correct the collection hours issue pretty quickly. A business in close proximity to residential should probably not be dumping bottles at 2AM so a restriction in those hours seems to be a reasonable thing to bring up with the liquor authority or modify garbage regulations or code (see code section 173).
Kelly did not have enough information to make a proper determination. The dumpsters are a key issue as the current dumpsters already pose a nuisance to the adjacent neighbors. We will need a detailed layout to show seating, standing, an accurate employee count, and architectural drawings showing mech equipment and any changes proposed. There are 82 parking spaces available to support all of the businesses in Northfield Common.

Bob Corby,
Mayor,
Village of Pittsford

On Sep 28, 2018 1:42 PM, Building Inspector <buildinginspector@villageofpittsford.com> wrote:

If this issue will still require a site plan review is up for question, it has been determined by Kelly this should not require a new site plan as it is business to business use and already has dumpsters and established parking and the occupant load should not increase from previous use. It may however require some interior plans and review as it may be considered a low hazard operation due to the bi-products of the process. Steve

From: Robert C. Corby
Sent: Friday, September 28, 2018 2:04 PM
To: Building Inspector; Jeff Turner
Cc: Justin Vilestra
Subject: 50 State Street

Does the brewery trigger site plan review as it is a change in use, will have different occupancy loading, will have new exterior mechanical/ventilating equipment, different parking usage, and trash disposal dumpster requirements?

All exterior mechanical equipment will require APRB approval.

Bob Corby,
Mayor,
Village of Pittsford
September 11, 2018

Blackwood Management
50 State Street
Building G
Pittsford, NY 14534

RE: Building G

Dear Bryan Meyer, Jason Meyer and Clay Killian,

After reviewing the application to the Village of Pittsford Board of Trustees for a special permit and the Village Code, I have made the following determinations.

1. This is not applicable to being an item allowed by special use permit pursuant to §210-74
2. This may be applied to the Village of Pittsford Planning and Zoning Board under §210-21 (24)
   “Subject to the approval of the Planning and Zoning Board, other principal use or uses which
   would not adversely affect the existing flow of traffic and the existing adjacent areas”
3. This may also be applied to the Village of Pittsford Planning and Zoning Board for a use variance

Steven C. Lauth
Village of Pittsford
Code Enforcement Officer
PRESIDENT TO 210-74

From: Robert C. Corby
Sent: Tuesday, September 11, 2018 12:25 PM
To: Building Inspector
Subject: Fwd: Determination Re: Classification of Use for Proposed Brewery Concept

Bob Corby,
Mayor,
Village of Pittsford

--------- Forwarded message ---------
From: "Donald A. Young" <dyoung@boylanocode.com>
Date: Sep 11, 2018 11:31 AM
Subject: Determination Re: Classification of Use for Proposed Brewery Concept
To: Jeffrey Turner <jturner@orblaw.com>, Building Inspector <buildinginspector@villageofpittsford.com>
Cc: "Charlie Fox (cfox@blackwood-management.com)" <cfox@blackwood-management.com>, Dan Keating <trustedkeating@villageofpittsford.com>, "Robert C. Corby" <mayorcorby@villageofpittsford.com>, bmeyer39@hotmail.com

All:

On March 6, 2018, Northfield Common, LLC submitted an application seeking place a Brewery Concept tenant in Building G at the Northfield Common Plaza. Upon receipt of the Application, my client was advised that the Brewery Application would not be processed because it required a Special Use Permit as it was a Restaurant use, and such Special Permit was prohibited by the moratorium. As a result, my client made an application for relief from the moratorium on July 2, 2018 in order to proceed with the Brewery Concept Special Use Permit (as well as in association with the Breakfast Club). The Brewery Special Use Permit Application submitted on March 6, 2018, is attached to this email in full.

Yesterday afternoon, on the eve of tonight’s meeting for the Moratorium Relief Application (which, per the Village, was apparently required because the Brewery Concept application, submitted on March 6, 2018, was apparently a restaurant prohibited by the moratorium), I received correspondence from the Village Attorney indicating that, in fact, the Brewery Concept was not a restaurant after all, and, in fact, did not appear to be permitted as any allowed use in the Plaza. To receive this correspondence on the eve of tonight’s meeting, six months after the application for the brewery was submitted, and two months after the moratorium relief application was made is extremely disappointing and unfair,
especially after we had been told over and over again how the Village was attempting to facilitate the processing of these applications.

This, in conjunction with the Village’s changed position on the Breakfast Concept (that, after all, neither does it require a Special Permit), has cost my client significant time, money and frustration. My client would never have invested the time, money and effort in the moratorium relief application had the Village not lead my client down that path. The kicker, though, is that now, apparently, the Village is primed to take a position that, indeed, the Brewery is not allowed at all. Again, only now, six months after submission of the application, are we being advised of this stance — this is completely unacceptable and to operate in this fashion is a disservice to the residents and business owners in the Village.

We have a public hearing tonight at 7:30 PM on an Moratorium Relief Application that, apparently, as of last night, is not required for the associated Brewery Concept. However, because of the Village’s changing position, we are truly unsure as to where the project stands and how to proceed. We just recently advised that we could proceed with the Relief Application so that we could move forward with a different “restaurant” concept — however, the Village has always known that the Moratorium Relief Application was submitted as the pre-requisite step to process the specific Brewery (and Breakfast Club) applications (which were explicitly referenced in the Application) — this was and always has been the case and it would be disingenuous to say otherwise.

As a result of the above, we are now requesting that the Village Code/Building Dept issue a definitive determination, before tonight’s meeting, addressing the permissibility of the Brewery Concept (again, the Application from March 6, 2018 is attached), in the B-4 Canal Waterfront Business District. Again, the Village has had this application for 6 months and apparently has had internal discussion regarding its permissibility — hence last night’s correspondence advising me that it is not a restaurant. We are simply asking that the Village’s opinion be written and provided to us, ahead of the meeting tonight, so that we can stop guessing as to which direction the Village will go next, decide how to proceed and decide whether to invest additional resources in tonight’s meeting. Save for a restaurant use, we feel that the Brewery could be permitted under any of the following permitted uses in the Canal Waterfront Business District:

210-41[A](23) - “Other similar and customary retail uses . . .” [Note that while the “retail” definition excludes establishments where alcoholic beverages are sold to the public for consumption on premises in connection with the operation of a restaurant, the Village has already provided that this operation is not a restaurant — as a result, this brewery use fits within the “other similar/customary” retail uses], or

210-41[A](24) - “Subject to the approval of the Planning Board, other similar principal use or uses which would not adversely affect the existing flow of traffic and the existing adjacent areas,” or

210-41[A](26) – “Farm markets, produce stands, greenhouses, and processing of agricultural products.” [As you know, NY State policy favors the processing of agricultural products, hops, to create custom beer brews]

210-41[A](28) - “Other retail businesses and service uses of similar character, but not including, by way of example, businesses such as . . .” [We note that this does not include “distilleries” as per a 2015 law, adopted during the heart of NY’s push for craft breweries. At this time, the Village certainly knew of NY’s support and push for breweries and, had it intended to prohibit breweries, it could have prohibited both “distilleries and breweries,” but instead only listed distilleries. Distilleries are distinct from breweries for a number of reasons, including that they include a labor and time intensive distilling process that brewing does not require. Had the Village intended to prohibit breweries, a very hot topic at the time of the adoption of its 2015 law, it clearly would have done so – but it did not].

Any one of the above provisions could be interpreted to allow for the Brewery Concept submitted to the Village six months ago. We trust the Village will carefully review these few provision and advise us, definitively in writing, as to how they apply to the Brewery Concept, so that we can be adequately prepared for our meeting this evening (assuming the meeting is even required, given the Village’s position taken yesterday).
Thank You.
Donald A. Young – Attorney for Northfield Common, LLC

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Tax advice in this e-mail, including any attachments, is not intended or written to be used, and cannot be used to avoid penalties imposed under the Internal Revenue Code or to promote, market or recommend to another person any tax related matter. If you would like advice that can be used for either of these purposes please contact us about what that would require.

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Jeffrey Turner

From: Building Inspector <buildinginspector@villageofpittsford.com>
Sent: Friday, September 28, 2018 11:19 AM
To: Donald A. Young; Jeffrey Turner; Robert C. Corby
Cc: Charlie Fox (cfox@blackwood-management.com); Dan Keating
Subject: RE: 50 State street

Good morning, After much review and contacting NYS Department of Agriculture and Department of State Land use and resources divisions I have come to the determination based on the NYS department of Ag’s definition that wine and distilled spirits are considered a “food” and the production of beer is parallel to these items that it also will be considered a “food” when new definitions are produced by NYS. It is the opinion of the NYS Department of agriculture the a “food” derived from natural ingredients is created by Agricultural Production and thereby the brewing of beer could also be considered an Agricultural Production. This finding would make the Brewery a proper use under the current B4 zone in the Village of Pittsford.

Steven C. Lauth
Village of Pittsford
Code Officer/Building Inspector

From: Donald A. Young [mailto:dyoung@boylancode.com]
Sent: Tuesday, September 18, 2018 2:48 PM
To: Building Inspector; Jeffrey Turner (jturner@orblaw.com); Robert C. Corby
Cc: Charlie Fox (cfox@blackwood-management.com); Dan Keating
Subject: RE: 50 State street
Importance: High

All:

It is the afternoon of the meeting, and we have still heard nothing. It’s been a week. I need to know what the decision is, please. Would somebody please contact me ASAP? I am at 585-238-3512.

Don

From: Building Inspector <buildinginspector@villageofpittsford.com>
Sent: Monday, September 17, 2018 2:13 PM
To: Donald A. Young <dyoung@boylancode.com>
Cc: Jeffrey Turner (jturner@orblaw.com) <jturner@orblaw.com>; Robert C. Corby <mayorcorby@villageofpittsford.com>
Subject: RE: 50 State street

Mr. Young, I have not made a formal determination yet as I have reached out to various entities in Monroe County and Albany and waiting for answers to some concerns I have. I am sorry if this delay causes any issues with the application but due to the nature and sensitivity of this project I want to make sure the findings are as correct as possible. I would ask Don that you look up the Legal to do list for the New York State Brewers Association, Item #4 (1) is a statement regarding zoning. Steve

From: Donald A. Young [mailto:dyoung@boylancode.com]
Sent: Monday, September 17, 2018 10:29 AM
Chapter 210. Zoning

Article VII. B-1 Retail Business District

§ 210-26. Use regulations.

Within the B-1 District, no building or structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for one or more of the following uses:

A. Principal uses shall be as follows:
   (1) One-family detached dwellings.
   (2) Buildings or premises used for noncommercial horticultural or gardening purposes, provided that no greenhouse heating plant or fertilizer storage building is nearer than 50 feet to any lot line.
   (3) Antique stores.
   (4) Appliance stores, auto accessories, radio and television.
   (5) Artists' studios, art stores.
   (6) (Reserved)\[1\]
       \[1\] Editor's Note: Former Subsection A(6), regarding bakeries, confectionary stores and ice cream, soft drink and coffee shops, as amended, was repealed 3-14-2000 by L.L. No. 7-2000.
   (7) Banks, savings, loan and finance offices.
   (8) Barber- and beauty shops.
   (9) Books, magazines and newspapers.
   (10) Clothing, clothing accessories and yard goods.
   (11) Community centers, clubs and lodges, provided that any building used therefor shall not be less than 30 feet from any other lot in any residence district.
   (12) Drugstores and sundries.
   (13) Dry-cleaning and laundry-collection stations.
   (14) Department stores, furniture and variety stores.
   (15) Gift, stationery and office supply stores.
   (16) (Reserved)\[2\]
       \[2\] Editor's Note: Former Subsection A(16), Garages, public, as amended 6-8-2004 by L.L. No. 8-2004, was repealed 4-14-2009 by L.L. No. 6-2009.
(17) Hardware, lawn and garden supply stores.

(18) Jewelry, opticians, luggage shops.

(19) Shoe and shoe repair.

(20) Sporting goods.

(21) Supermarkets (groceries, meats and baked goods).

(22) Other retail businesses of similar character, but not including, by way of example, businesses such as:
    [Amended 3-11-1997 by L.L. No. 3-1997]
    (a) Carpet cleaning, dyeing or dry-cleaning plants.
    (b) Bowling alleys or pool halls.
    (c) [Reserved][3]
[3] Editor's Note: Former Subsection A(22)(c), regarding public eating and/or drinking establishments, was repealed 3-14-2000 by L.L. No. 7-2000.
    (d) Open stands or markets.
    (e) Servicing of motor vehicles on open lots, other than refueling.
    (f) Parking partially dismantled or junked motor vehicles.
    (g) Open storage of motor fuel and/or oil.
    (h) Public garages.[4]
[Added 4-14-2009 by L.L. No. 6-2009]
[4] Editor's Note: Former Subsection A(22)(h), Garages (public), was repealed 6-8-2004 by L.L. No. 8-2004.
    (i) Other businesses otherwise objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, glare, vibration, refuse matter, water-carried waste or traffic hazards or businesses likely to cause litter to be deposited within the Village.
    (j) Drive-in or carry-out businesses for the consumption of food and/or beverage products.
    (k) Amusement centers or any indoor place maintained or operated for amusement, recreation or patronage of the public containing any coin-operated amusement device. "Amusement device" is defined as a mechanical device controlled or operated by insertion of a coin or similar article into a slot or similar opening. "Amusement device" includes but is not limited to pinball, football and other electronic games. Jukeboxes are not included in this definition.
    (l) Automobile junkyards.
    (m) Junk dealer businesses.
    (n) Checking cashing businesses.
[Added 4-28-2015 by L.L. No. 8-2015]
    (o) Distilleries.
[Added 4-28-2015 by L.L. No. 8-2015]
    (p) Pawn shops/resale businesses.
[Added 4-28-2015 by L.L. No. 8-2015]
(q) Precious metal exchange businesses.
   [Added 4-28-2015 by L.L. No. 8-2015]

(r) Smoke shop/smoking bars.
   [Added 4-28-2015 by L.L. No. 8-2015]

(s) Vapor establishments.
   [Added 4-28-2015 by L.L. No. 8-2015]

(23) Recreation and instructional facilities are permitted upon the granting of a special exception use permit by the Zoning Board of Appeals, pursuant to § 210-113B(2), provided that such use is limited to 25 persons at any time, except that such use may exceed 25 persons only after a specific finding by such Board that the intensity of the proposed use is appropriate for and compatible with the neighborhood and facility in which the use is to be located.
   [Added 7-9-2002 by L.L. No. 4-2002]

B. Accessory uses and structures customarily incidental to above-mentioned principal uses shall be permitted.
September 11, 2018

Blackwood Management
50 State Street
Building G
Pittsford, NY 14534

RE: Building G

Dear Bryan Meyer, Jason Meyer and Clay Killian,

After reviewing the application to the Village of Pittsford Board of Trustees for a special permit and the Village Code, I have made the following determinations.

1. This is not applicable to being an item allowed by special use permit pursuant to §210-74
2. This may be applied to the Village of Pittsford Planning and Zoning Board under §210-21 (24) “Subject to the approval of the Planning and Zoning Board, other principal use or uses which would not adversely affect the existing flow of traffic and the existing adjacent areas”
3. This may also be applied to the Village of Pittsford Planning and Zoning Board for a use variance

Steven C. Lauth
Village of Pittsford
Code Enforcement Officer
APPLICATION TO THE BOARD OF TRUSTEES
SPECIAL PERMIT
VILLAGE OF PITTSFORD
21 NORTH MAIN STREET
PITTSFORD, N.Y. 14534

This application addresses Restaurants and Carry-Out uses in B-1, B-1A, B-2, B-4 and M-1 Zoning Districts.

Date: July 6, 2018
Fee: $250.00

Property Address: 50 State St, Building "G"

Tax Account Number: 164 07-1-7.11 Zoning District: B4

Owner's Address: Blackwood Management Telephone: 585-402-3710
50 State Street

Applicant's Address: 93 Gorham St., Canandaigua, NY 14424

Applicant is: □ Owner  □ Lessee/Tenant  □ Agent  □ Other
If Other, Explain: ______________________________

1. Provide a description of the activity that is planned for this location:
Open a restaurant/nano-brewery with a tasting room (see attached for more details)

Special Permit Application Form, Version 1, enacted 2/27/2014
2. Describe how the proposed activity will affect existing parking:
Northfield Commons has 160 accessible parking spaces to accommodate parking.

3. Describe how trash/refuse will be handled for the proposed activity:
We will use existing, on-site trash dumpsters provided by the building owner.

4. Proposed Hours of Operation: Wed-Thu 4-11pm, Fri 3-11pm, Sat Noon-11pm, Sun Noon-9pm

**Owner’s Statement:** I am the owner of the above property and I have read and approve this application. If the applicant is other than the owner, I authorize the applicant to proceed as agent.

**Applicant’s Statement:** I hereby certify that the information submitted is, to the best of my knowledge, true and correct.

Date: July 6, 2018

NOTE: If any additional information is required by the Board, during the meeting, it is the responsibility of the applicant to provide such information, prior to the deadline of the subsequent meeting, or it will not be heard.

**SEQUENCE:**

1. This application will place you on the next available Board of Trustee meeting agenda.
2. The application will be forwarded to the Planning Board and that Board will provide formal recommendations back to the Board of Trustees.
3. The applicant will be notified by the Village Clerk as to the date that the application will be placed on the Board of Trustee’s meeting agenda for final disposition. The date is dependent upon providing the required notification for a Public Hearing.
4. The $250.00 fee will be required with the filing of this application.
5. The applicant is encouraged to attach any additional information (drawings, layouts, seating plans, etc.) that will supplement this application.

Special Permit Application Form, Version 1, enacted 2/27/2014
Village Code Section 210-74. Special Permit Uses in B-1, B-IA, B-2, B-4 and M-1 Districts

A. The following uses may be permitted upon application to and with the approval of the Village Board of Trustees:
   1) Restaurants
   2) Carry-out Restaurants

B. Special Permit Review
   1) Public Hearing: Any use for which a special permit is required shall be considered at a public hearing held by the Village Board of Trustees.
   2) Decisions: The Village Board of Trustees may approve with or without modifications or conditions or deny an application for a special permit.
   3) Standards for a Special Permit Application Review: No special permit shall be granted unless and until the applicant has demonstrated to the satisfaction of the Village Board of Trustees that:
      a) Access to the site and the size of the site are adequate for the proposed use.
      b) The proposed use will not adversely affect the orderly pattern of development in the area.
      c) The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with nearby uses and will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
      d) The proposed use will not create a hazard to health, safety or the general welfare.
      e) The proposed use will not be detrimental to the flow of traffic in the vicinity.
      f) The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.
      g) The proposed site is located more than 100 feet from any residentially zoned and/or used property or is situated so that it may be demonstrated that existing or proposed features of the site will mitigate any potential adverse effect on the residential property.
      h) The proposed use will not create noise, late-night activity, or extended hours of operation, odors, noise from mechanical equipment or other conditions that may be detrimental to either the quality of life of nearby residents and businesses or to the general welfare of nearby residential neighborhoods.

C. Expiration of a Special Permit:
   1) A special permit shall authorize only one specific use.
   2) Said permit shall expire if:
      a) The use does not begin operation within one year of the date on which the approval for said permit was granted.
      b) The use, once begun, ceases operation, for any reason, for more than six (6) consecutive months.
      c) The operation of the use is transferred, by any means, to an individual or individuals, or to an entity other than the applicant to which the special permit was granted.

Cl. Expansion of a Special Permit Use: The nature, duration and intensity of the operations which are involved in or conducted in connection with any use for which a special permit has been granted shall not be increased or expanded without the approval of the Village Board of Trustees. Any expansion of a use which requires a special permit shall be considered at a public hearing in the same manner as otherwise provided in this article.

Special Permit Application Form, Version 1, enacted 2/27/2014
Hawley Brewing Company

Special Permit Application

Village of Pittsford - Board of Trustees
July 6, 2018
Hawley Brewing Company | Special Permit Application

I). **Company Name:** Hawley Brewing Company

II). **Requested Location:** Northfield Commons, 50 State Street, Building “G”, Pittsford, NY 14534

III). **Objective:** Obtain a special permit to open a restaurant in the village of Pittsford with a focus on offering the community in-house brewed, high quality beers. Customers will be able to sample a variety of craft beers, as well as purchase them to take out for personal consumption. Beers will be brewed on-site, and sold under the label “Hawley Brewing Co.”. Hawley Brewing will be a private venture, led by Bryan Meyer, Jason Meyer, and Clay Killian. It is also our intention to partner with local businesses, restaurants, and breweries, to offer food for purchase, beer and food pairing dinners and tastings, collaboratively brewed beers, a sponsored biking club, and support community service awareness.

IV). **Target Open Date:** TBD, pending Pittsford Board of Trustees review and approval, and licensing from New York State.

V). **Contact Information:**
   - Email – hawleybrewing@gmail.com
   - Bryan Meyer – 585.576.4025
   - Jason Meyer – 970.310.5253
   - Clay Killian – 585.474.0301

VI). 210-74. Special permit uses in B-1, B-1A, B-2, B-4 and M-1 Districts – C. (3)

   a) **Access to the site and the size of the site are adequate for the proposed use and will accommodate parking and trash storage without creating a nuisance for neighboring commercial and residential uses:** 50 State St, Northfield Commons, Building “G” has 1470 square feet of usable space for the proposed business. Hawley Brewing Company is working with the building landlord to ensure that the space is built to code and properly utilized for the proposed business. Northfield Commons has 160 accessible parking spaces to accommodate the parking needed for Hawley Brewing. We will also utilize existing, on-site trash dumpsters provided by the building owner. No additional trash storage will be required.
b) **The proposed use will not adversely affect the orderly pattern of development in the area:**
Hawley Brewing Company will be in line with other locally owned and operated businesses in Northfield Commons, along with those located in Schoen Place. Not only will our business model complement these existing businesses, our plan to offer on-site brewed craft beers will be in line with the current trend toward non-retail oriented businesses. Our product will be locally produced, and our location in Northfield Commons will offer pedestrian and bike friendly access.

c) **The hours of the operation, duration and intensity of the proposed use will be compatible with nearby commercial and residential uses. The essential character of the neighborhood shall not be altered, and a public nuisance shall not be created. The proposed use will not create a hazard to health, safety or the general welfare:** Hawley Brewing Company’s planned hours of operation are in line with other local businesses in Northfield Common/Schoen Place, as noted in the table below (Section VII). Hawley Brewing will operate collaboratively within the Northfield Common/Schoen Place community, and be a complement to these established local businesses. Our vision is a relaxed and enjoyable atmosphere for those interested in experiencing a variety of craft beers. It is imperative to note that Hawley Brewing Company is not a bar looking to appeal to the casual drinker, but as a business where customer can taste and purchase custom craft beer for personal consumption, along with locally prepared food. Our plan is to create an environment that will be a gathering place for community members to stop in while on a walk or bike ride along the canal, when exploring the multiple offerings of the Village, or as a destination for those looking for a fun experience. We plan to develop relationships with local caterers and restaurants to offer food and beer pairing for tastings and dinners. Our plan is to encourage our customers to experience all of the Village of Pittsford has to offer. Brewing will be conducted on-site, but there should be no concerns with noise or odor, and we will not create a hazard to health, safety, or the general welfare.

d) **The proposed use will not be detrimental to the flow of pedestrian and vehicular traffic in the vicinity. Egress to and from the location shall be accommodated safely throughout the proposed hours of operation:** Hawley Brewing Company’s afternoon and evening hours align with the surrounding businesses. Deliveries will be done during off hours and will be made by smaller vehicles and not large 18 wheel semi trucks so as not to impact traffic in the immediate area.
e) The proposed use will not place an excessive burden on public improvements, facilities, services or utilities: Hawley Brewing Company will not place an excessive burden on public improvements, facilities, services, or utilities. All services and utilities will be provided with the confines of 50 State Street, Building “G”, similar to other shops and restaurants in the area.

f) The proposed site is located more than 100 feet from any residentially zoned and/or used property or is situated so that it may be demonstrated that existing or proposed features of the site will mitigate any potential adverse effect on the residential property: Hawley Brewing Company’s proposed site is in Northfield Common, Building “G”, located at 50 State Street which is not located within 100 feet of any residential property. There are also existing businesses and trees between this building and the main road (State Street, Route 31).

g) For establishments intending to serve alcohol, the sale of such alcohol shall be incidental to the restaurant use as hereinafter defined, and the sale of such alcohol shall not be the prime source of revenue from the operation of such premises: Hawley Brewing Company plans to include a kitchen on premises, and will engage with local caterers and restaurants to provide food for purchase by our customers. These prepared food items may be either available on-site or purchased from and brought into Hawley Brewing from local restaurants. With this business model, we are requesting the following exemptions to current requirements:

- Meals cooked on site and served
- A place which is regularly, and in a bona fide manner, used and kept open for the serving of meals, and cooking an assortment of food
- Kitchen must at all times be in charge of a chef
- Alcohol shall be incidental and not the prime source of revenue

VII. Local business hours

<table>
<thead>
<tr>
<th>Day</th>
<th>Label 7</th>
<th>Olives Greek Taverna</th>
<th>Northfield Music</th>
<th>Top Notch Monogramming</th>
<th>Rossland Tailoring</th>
<th>Pittsford Lumber</th>
<th>Hawley Brewing</th>
<th>Locke 32</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunday</td>
<td>CLOSED</td>
<td>CLOSED</td>
<td>CLOSED</td>
<td>CLOSED</td>
<td>CLOSED</td>
<td>Noon-9pm</td>
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<tr>
<td>Monday</td>
<td>11am-10pm</td>
<td>11am-8pm</td>
<td>Noon-8pm</td>
<td>11am-7pm</td>
<td>9am-6pm</td>
<td>9am-5pm</td>
<td>CLOSED</td>
<td>4pm-10pm</td>
</tr>
<tr>
<td>Tuesday</td>
<td>11am-10pm</td>
<td>11am-8pm</td>
<td>Noon-8pm</td>
<td>11am-7pm</td>
<td>9am-6pm</td>
<td>9am-5pm</td>
<td>CLOSED</td>
<td>4pm-10pm</td>
</tr>
<tr>
<td>Wednesday</td>
<td>11am-11pm</td>
<td>11am-8pm</td>
<td>Noon-8pm</td>
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<td>Noon-6pm</td>
<td>Noon-5pm</td>
<td>4pm-10pm</td>
<td>4pm-10pm</td>
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<td>Thursday</td>
<td>11am-11pm</td>
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<td>Noon-6pm</td>
<td>Noon-5pm</td>
<td>4pm-10pm</td>
<td>4pm-10pm</td>
</tr>
<tr>
<td>Friday</td>
<td>11am-11pm</td>
<td>11am-9pm</td>
<td>Noon-5pm</td>
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<td>Noon-6pm</td>
<td>Noon-5pm</td>
<td>Noon-11pm</td>
<td>Noon-12am</td>
</tr>
<tr>
<td>Saturday</td>
<td>11am-11pm</td>
<td>11am-9pm</td>
<td>11am-5pm</td>
<td>11am-5pm</td>
<td>9am-4pm</td>
<td>Noon-5pm</td>
<td>Noon-11pm</td>
<td>Noon-12am</td>
</tr>
</tbody>
</table>
Hawley Brewing Company | Special Permit Application

VIII). **Attachments**

A1. Proposed interior design of Hawley Brewing Company

A2. SITE PLAN (Ken Bracker, Architect)

A3. BUILDING SECTION drawing of Building “G” (Ken Bracker, Architect)

A4. ROOF FRAMING PLAN, FLOOR PLAN AND TRUSS PROFILES drawing of Building “G” (Ken Bracker, Architect)

A5. Standardized NOTICE FORM for Providing 30 Day Advanced Notice to a Local Municipality or Community Board (New York State Liquor Authority form 49)
Board of Trustees
Village of Pittsford
21 North Main Street
Pittsford, NY 14534

Board of Trustees:

Attached is a Special Permit Application requesting review and approval from the Board of Trustees to establish a restaurant/nano-brewery in an existing building located at 50 State Street (Building “G”) in Northfield Commons.

Our business will operate similar to the Lock 32 Brewing Company, with the only difference being our beers will be brewed onsite. This will give our customers the opportunity to enjoy high quality craft beers in a unique setting, and interact with our brewmaster regarding our brewing process.

We look forward to the opportunity to meet with you to review our plans, answer any questions, and determine what additional information you may require to move toward approval of our application.

Sincerely,

Bryan Meyer
93 Gorham Street
Canandaigua, NY 14424

Cc: Jason Meyer, Clay Killian
1. Date Notice Was Sent: 02/27/2018
   1a. Delivered by: Email

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License
   □ New Application □ Renewal □ Alteration □ Corporate Change □ Removal □ Class Change

For New applicants, answer each question below using all information known to date. For Renewal applicants, set forth your approved Method of Operation only. For Alteration applicants, attach a complete written description and diagrams depicting the proposed alteration(s). For Corporate Change applicants, attach a list of the current and proposed corporate principals. For Removal applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation. For Class Change applicants, attach a statement detailing your current license type and your proposed license type.

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board

3. Name of Municipality or Community Board: Pittsford Village Board of Trustees

Applicant/Licensee Information

4. License Serial Number, if Applicable: 
   Expiration Date, if Applicable:

5. Applicant or Licensee Name: Clayton Killian

6. Trade Name (if any): Hawley Brewing Company, LLC

7. Street Address of Establishment: 50 State St. Building G

8. City, Town or Village: Pittsford, NY Zip Code: 14534

9. Business Telephone Number of Applicant/Licensee: 585-678-1383

10. Business Fax Number of Applicant/Licensee:

11. Business Email of Applicant/Licensee: hawleybrewing@gmail.com

12. Type(s) of Alcohol sold or to be sold: □ Beer & Cider □ Wine, Beer & Cider □ Liquor, Wine, Beer & Cider

13. Extent of Food Service: □ Full food menu;
   Full Kitchen run by a chef or cook
   X Menu meets legal minimum food availability requirements;
   Food prep area at minimum

14. Type of Establishment: Brewery Restaurant

15. Method of Operation: (Check all that apply)
   □ Seasonal Establishment □ Juke Box □ Disc Jockey □ Recorded Music □ Karaoke
   □ Live Music (Give details: i.e. rock bands, acoustic, jazz, etc.): 
   □ Patron Dancing □ Employee Dancing □ Exotic Dancing □ Topless Entertainment
   □ Video/Arcade Games □ Third Party Promoters □ Security Personnel
   □ Other (specify):

16. Licensed Outdoor Area: (Check all that apply)
   X None □ Patio or Deck □ Rooftop □ Garden/Grounds □ Freestanding Covered Structure
   □ Sidewalk Cafe □ Other (specify):
17. List the floor(s) of the building that the establishment is located on: 1st floor

18. List the room number(s) the establishment is located in within the building, if appropriate: 

19. Is the premises located within 500 feet of three or more on-premises liquor establishments? Yes No

20. Will the license holder or a manager be physically present within the establishment during all hours of operation? Yes No

21. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee: 

22. Does the applicant or licensee own the building in which the establishment is located? Yes (If Yes SKIP 23-26) No

Owner of the Building in Which the Licensed Establishment is Located

23. Building Owner's Full Name: Richard C. Fox

24. Building Owner's Street Address: 50 State St.

25. City, Town or Village: Pittsford State: NY Zip Code: 14534

26. Business Telephone Number of Building Owner: 585-402-3710

Representative or Attorney representing the Applicant in Connection with the application for a license to traffic in alcohol at the establishment identified in this notice

27. Representative/Attorney's Full Name: Clayton E. Killian

28. Street Address: 31 Orchard Park

29. City, Town or Village: Phelps State: NY Zip Code: 14532

30. Business Telephone Number of Representative/Attorney: 585-474-0301

31. Business Email Address: Killian5@hotmail.com

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.

32. Printed Name: Clayton Killian Title: Owner

Signature: X

Print Form
Building Inspector

To: Jeffrey Turner (jturner@orblaw.com)
Cc: Robert C. Corby
Subject: Blackwood Management/50 State St. Building "G"

Blackwood Management, Bryan Meyer, Jason Meyer, Clay Killian

After reviewing the application to the Village of Pittsford Board of Trustees for a special permit and the Village of Pittsford Zoning code I have made the following determination.

1. This is not an applicable to bring an item allowed by special use permit pursuant to 210-74.
2. This may be applied to the Village of Pittsford Planning board under 210-21 (24) “Subject to the approval of the Planning Board, other principal use or uses which would not adversely affect the existing flow of traffic and the existing adjacent areas”
3. This may also be applied to the Village of Pittsford Zoning Board for a use variance.

Steven C. Lauth
Village of Pittsford
Code Officer/Building Inspector
4. **Location and Brewing Equipment:**
   To answer a frequent question, yes, you need your location and brewing equipment **before** beginning the federal and state licensing process (see the Questions and Answers document from the TTB here). You’ll have to diagram out the brewing premises in connection with both federal and state license applications, so it’s necessary to have both in place before applying.

1. **Zoning:** Finding a location for your brewery is obviously critical and an important issue to bear in mind as you are selecting the location are the local zoning laws. You will want to be sure whatever property you are considering is zoned for a brewery, otherwise you will need to seek either a variance or rezoning, which can be a hassle. Oftentimes, properties need to be zoned for industrial or light industrial use for a brewery.

2. **Commercial Lease:** If you will be leasing space for the brewery you will, in all likelihood, need to sign a commercial lease. You will want to have the lease reviewed carefully and make any necessary changes. You also want to ensure, if possible, that the lease will only be fully
enforceable if the required licenses issue.

5. **Federal License**: Here's the big one, the application for a brewery license from the TTB. The current average processing time for a federal license from the TTB is 68 days. Thus, you'll want to apply at least six months in advance of your planned opening date. There is some good news, there is no fee charged by the federal government for the application. The various forms and documents can be found [here](https://newyorkcraftbeer.com/2015/11/legal-to-do-list-for-starting-a-brewery-in-new-york/). Some of the forms include:

- **Power of Attorney**: You'll need this form if you are authorizing an attorney to handle the application process for you.

- **Brewer's Notice**: This is the primary application form. On it you provide, for example, the brewery name, the location of the brewery, the type of entity that will hold the license, the EIN, the owner of the property where the brewery will be located, the number of barrels you estimated you'll produce in a year (typically small brewers will choose "not more than 60,000 barrels per year")

  - The Brewer's Notice also requires the submission of
certain documents including the Articles of Incorporation/Organization, the Trade Name Registration, a diagram of the brewery with dimensions, the legal description of the brewery, the by-laws of the legal entity that owns the brewery, and a statement describing the security at the brewery.

- **Brewer's Bond**: All new breweries are required to file a Brewer's Bond, or a Brewer's Collateral Bond, (an original), with the TTB. This bond is the government's way of ensuring that the brewery will pay its excise taxes. Bonds are issued by surety companies and you will need to make sure the bond is in the correct amount. For new breweries that pay their taxes on a semimonthly basis, the amount of the bond must be equal to 10 percent of the maximum amount of tax removed for consumption or sale. If you plan on paying $10,000 or less in excise tax for the year, which would cover many microbrewers, the amount of the bond will be 10% of that or $1,000. $1,000 is the minimum amount allowed for the bond.

- **Excise Tax**: The current reduced excise tax rate is $7 per barrel for the first 60,000 barrels for
brewers who produce less than 2 million barrels per year. The excise tax is $18 per barrel after the first 60,000 barrels. If you pay less than $50,000 in beer excise tax, you may be eligible to file tax returns and pay excise taxes on a quarterly basis.

- **Pending legislation** could reduce the excise tax rate per barrel for the first 60,000 barrels for brewers who produce less than 2 million barrels per year to $3.50.

- **Personnel Questionnaire:** You must fill out the Personnel Questionnaire for member, partner, officer, director, and also for any stockholders owning 10% or more of the company. The questionnaire asks for names, addresses, arrest/conviction records, employment history, personal references, etc.

- **Environmental Information:** This form attempts to gauge whether your brewery will have a significant impact on the environment. It queries the types of heat and power your brewery will use, and asks for an estimation of the amount of fuel that will be used each year. It asks for a description of any air pollution
equipment that will be used in connection with fuel burning equipment, boilers, smokestacks, etc. You need to describe the amount of solid and liquid waste you expect to create, and how it will be disposed of. You also need to describe the operational noise the brewery will create aside from normal office operations.

- **Supplemental Information on Water Quality Control:** This queries whether your brewery intends to directly or indirectly discharge waste into a navigable waterway.

- **Signing Authority for Corporate and LLC Officials:** This form authorizes individuals to sign forms submitted to the TTB.

- **Source of Funds & Property Lease Information:** There is no form to be filled out here, but per the linked PDF, you do need to submit a copy of the lease (if your brewery leases space). You also need to submit information about the sources of funds for the brewery, including financial gifts, loans, and bank account records (if the source of funds includes money from a bank account).

- **Food Facility Registration:** You also need to register your brewery with the FDA, which means your brewery may be inspected by the
FDA. Instructions for this form can be found here.

6. **State License**: At the same time you file your federal application with the TTB, file your application with the NY State Liquor Authority ("SLA"). New York has several options for brewery licenses and you should carefully consider which provides you with the best business model. People are not eligible to hold licenses if they are convicted felons, a police officer, or one whose license to sell alcoholic beverages has been revoked in the last year.

- **Types of Brewery Licenses and Fees:**
  - **Brewer (D101)**: Authorizes manufacture of beer; $15,000 bond, $4,000 license fee, $400 filing fee, and $1,800 ancillary, for a total fee of $6,200. This license is for brewers that will brew more than 75,000 barrels per year.
  
  - **Micro Brewer (MI 101)**: Authorizes manufacture of up to 75,000 barrels per year; no bond required, $320 license fee, $400 filing fees, and $164 ancillary, for a total fee of $884.
  
  - **Farm Brewer (FD 106)**: Authorizes manufacture of up
to 75,000 barrels per year of NYS labeled beer; no bond required, $320 license fee, $400 filing fees, and $164 ancillary, for a total fee of $884. Details about the requirements of the farm brewery license can be found below.

- **Wholesale Application:** This is the primary form to be filled out for approval by the SLA and the different sections of this form are discussed below. Instructions can be found [here](#).

- **Application:** Requires name and address of applicant, choice of the type of brewery license you'll be applying for, your federal tax ID #, and your Certificate of Authority Permit #. You also need to provide information about the partners or individuals if the business will be a sole proprietor or partnership. If the brewery will be an LLC or corporations, you'll need info about the principals, i.e., the stockholders, officers, directors, LLC members.

- **Right to Premises:** You need to explain your right to the brewery premises, e.g., ownership, lease, etc. The lease must run, or allow for renewals,
for the full term of the license period. You must also list anyone else, including the lessor, that will share in receipts or losses.

- **Landlord Identification**: You have to provide information about the landlord and all principals of the landlord, including whether any of them were previously licensed with the SLA or police officers.

- **Financial Disclosure**: This form requires you to identify all costs and sources of funding for the brewery and disclosure of all investors. The total expenses (real estate, cost of equipment, etc.) must equal the total investment (cash and borrowed funds).

- **Premise Questionnaire**: You must state what the area where the brewery is located is zoned for, describe the buildings, identify the prior use of the building, etc. You also need to certify that the proposed location complies with all state and local regulations and zoning codes.

- **Method of Operation**: This is where you choose the type of brewery you will be operating. Some choices are Brewer, Micro
Brewer, Farm Brewer, as well as Tenant versions of each of these. You must provide a detailed statement explaining the planned method of operation including describing the production methods and the quantity of product to be produced annually.

- **Bulletin #254**: You need to sign this form acknowledging a number of statements including that the licensed premises must be physically separate from any other premises, no other businesses may be conducted on the licensed premises, the books and records must be kept on the premises, etc.

- **Personal Questionnaire**: If there are 10 or less shareholders, you must fill out the questionnaire for LLC member and manager, and each stockholder, officer, and director. If more than 10, you still need to fill out the questionnaire for all LLC member and managers and officers, directors, and shareholders with 10% or more of the company. You also need to provide the number of employees, the Workers Compensation and Disability Insurance Carrier Names and Policy Numbers.
• This form requires detailed information including, name, social security number, height, weight, residence history, employment history, SLA license history, and conviction/criminal history.

• Applicant's Statement: Certifies, for example, that the information in the application is accurate.

• Notice of Appearance: Use this form if someone else is handling the application process for you, like an attorney.

• Supporting Documents To Be Submitted with Wholesale Application:
  • Bond, Form L-9
  • Investment records showing source and availability of funds to be used for brewery
  • Lease or other document showing rights to the brewery premises
  • Premises diagram
  • Photo identification for all principals (copies)
- Photos of the brewery premises (exterior and interior)
- Photos of all principals
- Proof of citizenship for principals (e.g., passport, birth certificate)
- Holding corporation stipulation (if applicant is owned or partially owned by another legal entity)
- Filing fee

- Supporting Documents To Be Submitted During Application Process
  - NYS Department of State Corporate Filing Receipt
  - Assumed Name Filing Receipt (if using DBA)
  - TTB Brewer’s Notice showing premises address
  - Photos showing premises is ready to open
  - Certificate of Authority to Collect Sales Tax
  - Workers Compensation policy number and carrier name & Disability Insurance policy number and carrier name (or
Certificate of Attestation of exemption from coverage)

- **Farm Brewery License:** The farm brewery license is a relatively recent option for brewers. The legislation, which went into effect on January 1, 2013, requires brewers to use certain percentages of ingredients grown in New York: (i) Through 2018, at least 20% hops and 20% of all other ingredients must be grown in NYS; (ii) between January 1, 2018 and December 31, 2023, at least 60% of hops and 60% of all other of ingredients must be grown in NYS; (iii) after January 1, 2024, 90% of hops and 90% of all other of ingredients must be grown in NYS.

- Farm brewers can make NYS labeled hard cider and sell it on the premises by the glass.

- Farm brewers can sell beer and cider from other farm breweries, and can sell beer and cider to other farm breweries, farm cideries, farm wineries, and farm distilleries.

- Farm breweries are allowed to have five branch offices located away from the brewery premises that will be considered part of the brewery,
and all activities that could take place at the brewery can be conducted at the branch offices. The form for farm brewery branch offices can be found here.

- Farm breweries can operate a restaurant or other food or drinking establishment and sell there the beer made at the brewery.

- Farm breweries must manufacture at least fifty barrels of beer and cider annually, and can't manufacture in excess of 75,000 barrels.

7. **Make Delicious Beer:** And be sure to join the NYS Brewers Association!

Please see [www.trademarkyourbeer.com](http://www.trademarkyourbeer.com) for more information about brewery trademarks. This blog is intended to provide general information on a wide range of issues, including legal issues, affecting the brewing industry. It is not intended to provide specific legal advice and no legal advice is given. You understand that merely using this blog does not create an attorney client relationship between you and any attorney at Harris.
Beach PLLC or Brendan Palfreyman.
The blog should not be used as a substitute for competent legal advice from a licensed professional attorney in your state. This blog is intended to provide general information on a wide range of issues, including legal issues, affecting the brewing industry. It is not intended to provide specific legal advice and no legal advice is given.

« Previous
Be Careful
When
Disciplining Employees for Social Media Use

Next »
Brown Ales and Brownfields
Board of Trustees
Village of Pittsford
21 North Main Street
Pittsford, NY 14534

Board of Trustees:

Attached is a Special Permit Application requesting review and approval from the Board of Trustees to establish a restaurant/nano-brewery in an existing building located at 50 State Street (Building “G”) in Northfield Commons.

Our business will operate similar to the Lock 32 Brewing Company, with the only difference being our beers will be brewed onsite. This will give our customers the opportunity to enjoy high quality craft beers in a unique setting, and interact with our brewmaster regarding our brewing process.

We look forward to the opportunity to meet with you to review our plans, answer any questions, and determine what additional information you may require to move toward approval of our application.

Sincerely,

Bryan Meyer
93 Gorham Street
Canandaigua, NY 14424

Cc: Jason Meyer, Clay Killian
1. Date Notice Was Sent: 02/27/2018  1a. Delivered by: email

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License
   - [ ] New Application
   - [ ] Renewal
   - [ ] Alteration
   - [ ] Corporate Change
   - [ ] Removal
   - [ ] Class Change

   For New applicants, answer each question below using all information known to date.
   For Renewal applicants, set forth your approved Method of Operation only.
   For Alteration applicants, attach a complete written description and diagrams depicting the proposed alteration(s).
   For Corporate Change applicants, attach a list of the current and proposed corporate principals.
   For Removal applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation.
   For Class Change applicants, attach a statement detailing your current license type and your proposed license type.

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board

3. Name of Municipality or Community Board: Pittsford Village Board of Trustees

**Applicant/Licensee Information**

4. License Serial Number, if Applicable: 
   Expiration Date, if Applicable: 

5. Applicant or Licensee Name: 
   Clayton Killian

6. Trade Name (if any): Hawley Brewing Company, LLC

7. Street Address of Establishment: 50 State St. Building G

8. City, Town or Village: Pittsford, NY Zip Code: 14534

9. Business Telephone Number of Applicant/Licensee: 585-678-1383

10. Business Fax Number of Applicant/Licensee: 

11. Business E-mail of Applicant/Licensee: hawleybrewing@gmail.com

12. Type(s) of Alcohol sold or to be sold: 
   - [ ] Beer & Cider
   - [x] Wine, Beer & Cider
   - [ ] Liquor, Wine, Beer & Cider

13. Extent of Food Service: 
   - [ ] Full food menu; Full Kitchen run by a chef or cook
   - [x] Menu meets legal minimum food availability requirements; Food prep area at minimum

14. Type of Establishment: 
   - Brewery Restaurant

15. Method of Operation: 
   (Check all that apply)
   - [ ] Seasonal Establishment
   - [ ] Juke Box
   - [ ] Disc Jockey
   - [ ] Recorded Music
   - [ ] Karaoke
   - [ ] Live Music (Give details: i.e. rock bands, acoustic, jazz, etc.): 
   - [ ] Patron Dancing
   - [ ] Employee Dancing
   - [ ] Exotic Dancing
   - [ ] Topless Entertainment
   - [ ] Video/Arcade Games
   - [ ] Third Party Promoters
   - [ ] Security Personnel
   - [ ] Other (specify): 

16. Licensed Outdoor Area: 
   (Check all that apply)
   - [x] None
   - [ ] Patio or Deck
   - [ ] Rooftop
   - [ ] Garden/Grounds
   - [ ] Freestanding Covered Structure
   - [ ] Sidewalk Cafe
   - [ ] Other (specify): 

[Print Form]
17. List the floor(s) of the building that the establishment is located on: 1st Floor

18. List the room number(s) the establishment is located in within the building, if appropriate:

19. Is the premises located within 500 feet of three or more on-premises liquor establishments? ☑ Yes ☐ No

20. Will the license holder or a manager be physically present within the establishment during all hours of operation? ☐ Yes ☑ No

21. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee:

22. Does the applicant or licensee own the building in which the establishment is located? ☑ Yes (If Yes SKIP 23-26) ☐ No

Owner of the Building in Which the Licensed Establishment is Located

23. Building Owner's Full Name: Richard C. Fox

24. Building Owner's Street Address: 50 State St.

25. City, Town or Village: Pittsford State: NY Zip Code: 14534

26. Business Telephone Number of Building Owner: 585-402-3710

Representative or Attorney representing the Applicant in Connection with the application for a license to traffic in alcohol at the establishment identified in this notice

27. Representative/Attorney's Full Name: Clayton E. Killian

28. Street Address: 31 Orchard Park

29. City, Town or Village: Phelps State: NY Zip Code: 14532

30. Business Telephone Number of Representative/Attorney: 585-474-0301

31. Business Email Address: KillianC5@hotmail.com

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.

32. Printed Name: Clayton Killian Title: Owner

Signature: [Signature]
IN RE: SEPTEMBER 28, 2018 BUILDING INSPECTOR OPINION REGARDING THE JULY 6, 2018 SPECIAL PERMIT APPLICATION TO THE BOARD OF TRUSTEES BY THE HAWLEY BREWING COMPANY,

PLEASE TAKE NOTICE, that the Board of Trustees of the Village of Pittsford, County of Monroe, State of New York, hereby appeals to the Village of Pittsford Zoning Board of Appeals from an opinion of the Building Inspector of the Village of Pittsford, County of Monroe, State of New York, dated September 28, 2018 which determined that the Hawley Brewing Company Special Permit Application to the Board of Trustees of the Village of Pittsford dated July 6, 2018 was a use permitted in the B-4 Zone in the Village of Pittsford. A copy of the opinion and Special Permit Application are annexed hereto.

GROUND FOR APPEAL

1. The use proposed by the above mentioned Special Permit Application by the Hawley Brewing Company is specifically prohibited by Pittsford Village Code Section 210-41.A.(28)(k).

2. The use proposed by the above mentioned Special Permit Application is not the processing of agricultural products as permitted by Village Code Section 210-41.A.(26).
3. The uses proposed by the above mentioned Special Permit Application consists of 15% of the square footage devoted to the brewing of beer and 85% of the square footage devoted to the marketing and sale of beer products. Even assuming for the sake of argument that the brewing of beer is the processing of agricultural products and therefore permitted pursuant to Village Code Section 210-41.A.(26), since the brewing of beer is not the principal use but an accessory use, then the principal use proposed by the above mentioned special permit application is not permitted in the B-4 Zone.

RELIEF SOUGHT

Overturning the determination of the Building Inspector of the Village of Pittsford, County of Monroe, State of New York, dated September 28, 2018 which determined that the use proposed by the above mentioned Special Permit Application is a permitted use in the B-4 Zone and a determination from the Village of Pittsford Zoning Board of Appeals that the use proposed by the above mentioned Special Permit Application is prohibited in the B-4 Zone of the Village of Pittsford, County of Monroe, State of New York.

Dated: November 7, 2018

OSBORN, REED & BURKE, LLP

Jeffrey L. Turner, Esq., of counsel
Attorneys for Appellant
Board of Trustees of the
Village of Pittsford
45 Exchange Street, 4th Floor
Rochester, New York 14614
Tel: (585) 454-6480
TO: VILLAGE OF PITTSFORD
ZONING BOARD OF APPEALS
21 N. Main Street
Pittsford, New York 14534

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER
VILLAGE OF PITTSFORD, COUNTY OF MONROE, STATE OF NEW YORK
21 N. Main Street
Pittsford, New York 14534
From: Building Inspector <buildinginspector@villageofpittsford.com>
Sent: Friday, September 28, 2018 11:19 AM
To: Donald A. Young; Jeffrey Turner; Robert C. Corby
Cc: Charlie Fox (cfox@blackwood-management.com); Dan Keating
Subject: RE: 50 State street

Good morning, After much review and contacting NYS Department of Agriculture and Department of State Land use and resources divisions I have come to the determination based on the NYS department of Ag’s definition that wine and distilled spirits are considered a “food” and the production of beer is parallel to these items that it also will be considered a “food” when new definitions are produced by NYS. It is the opinion of the NYS Department of agriculture the a “food” derived from natural ingredients is created by Agricultural Production and thereby the brewing of beer could also be considered an Agricultural Production. This finding would make the Brewery a proper use under the current B4 zone in the Village of Pittsford.

Steven C. Lauth
Village of Pittsford
Code Officer/Building Inspector
Hawley Brewing Company

Special Permit Application

Village of Pittsford - Board of Trustees
July 6, 2018
I). **Company Name:** Hawley Brewing Company

II). **Requested Location:** Northfield Commons, 50 State Street, Building “G”, Pittsford, NY 14534

III). **Objective:** Obtain a special permit to open a restaurant in the village of Pittsford with a focus on offering the community in-house brewed, high quality beers. Customers will be able to sample a variety of craft beers, as well as purchase them to take out for personal consumption. Beers will be brewed on-site, and sold under the label “Hawley Brewing Co.”. Hawley Brewing will be a private venture, led by Bryan Meyer, Jason Meyer, and Clay Killian. It is also our intention to partner with local businesses, restaurants, and breweries, to offer food for purchase, beer and food pairing dinners and tastings, collaboratively brewed beers, a sponsored biking club, and support community service awareness.

IV). **Target Open Date:** TBD, pending Pittsford Board of Trustees review and approval, and licensing from New York State.

V). **Contact Information:**
   - Email – hawleybrewing@gmail.com
   - Bryan Meyer – 585.576.4025
   - Jason Meyer – 970.310.5253
   - Clay Killian – 585.474.0301

VI). **210-74. Special permit uses in B-1, B-1A, B-2, B-4 and M-1 Districts – C. (3)**

   a) **Access to the site and the size of the site are adequate for the proposed use and will accommodate parking and trash storage without creating a nuisance for neighboring commercial and residential uses:** 50 State St, Northfield Commons, Building “G” has 1470 square feet of usable space for the proposed business. Hawley Brewing Company is working with the building landlord to ensure that the space is built to code and properly utilized for the proposed business. Northfield Commons has 160 accessible parking spaces to accommodate the parking needed for Hawley Brewing. We will also utilize existing, on-site trash dumpsters provided by the building owner. No additional trash storage will be required.
b) The proposed use will not adversely affect the orderly pattern of development in the area: Hawley Brewing Company will be in line with other locally owned and operated businesses in Northfield Commons, along with those located in Schoen Place. Not only will our business model complement these existing businesses, our plan to offer on-site brewed craft beers will be in line with the current trend toward non-retail oriented businesses. Our product will be locally produced, and our location in Northfield Commons will offer pedestrian and bike friendly access.

c) The hours of the operation, duration and intensity of the proposed use will be compatible with nearby commercial and residential uses. The essential character of the neighborhood shall not be altered, and a public nuisance shall not be created. The proposed use will not create a hazard to health, safety or the general welfare: Hawley Brewing Company’s planned hours of operation are in line with other local businesses in Northfield Common/Schoen Place, as noted in the table below (Section VII). Hawley Brewing will operate collaboratively within the Northfield Common/Schoen Place community, and be a complement to these established local businesses. Our vision is a relaxed and enjoyable atmosphere for those interested in experiencing a variety of craft beers. It is imperative to note that Hawley Brewing Company is not a bar looking to appeal to the casual drinker, but as a business where customer can taste and purchase custom craft beer for personal consumption, along with locally prepared food. Our plan is to create an environment that will be a gathering place for community members to stop in while on a walk or bike ride along the canal, when exploring the multiple offerings of the Village, or as a destination for those looking for a fun experience. We plan to develop relationships with local caterers and restaurants to offer food and beer pairing for tastings and dinners. Our plan is to encourage our customers to experience all the Village of Pittsford has to offer. Brewing will be conducted on-site, but there should be no concerns with noise or odor, and we will not create a hazard to health, safety, or the general welfare.

d) The proposed use will not be detrimental to the flow of pedestrian and vehicular traffic in the vicinity. Egress to and from the location shall be accommodated safely throughout the proposed hours of operation: Hawley Brewing Company’s afternoon and evening hours align with the surrounding businesses. Deliveries will be done during off hours and will be made by smaller vehicles and not large 18 wheel semi trucks so as not to impact traffic in the immediate area.
e) The proposed use will not place an excessive burden on public improvements, facilities, services or utilities: Hawley Brewing Company will not place an excessive burden on public improvements, facilities, services, or utilities. All services and utilities will be provided with the confines of 50 State Street, Building "G", similar to other shops and restaurants in the area.

f) The proposed site is located more than 100 feet from any residentially zoned and/or used property or is situated so that it may be demonstrated that existing or proposed features of the site will mitigate any potential adverse effect on the residential property: Hawley Brewing Company’s proposed site is in Northfield Common, Building “G”, located at 50 State Street which is located within 100 feet of any residential property. There are also existing businesses and trees between this building and the main road (State Street, Route 31).

For establishments intending to serve alcohol, the sale of such alcohol shall be incidental to the restaurant use as hereinafter defined, and the sale of such alcohol shall not be the prime source of revenue from the operation of such premises: Hawley Brewing Company plans to include a kitchen on premises, and will engage with local caterers and restaurants to provide food for purchase by our customers. These prepared food items may be either available on-site or purchased from and brought into Hawley Brewing from local restaurants. With this business model, we are requesting the following exemptions to current requirements:

- Meals cooked on site and served
- A place which is regularly, and in a bona fide manner, used and kept open for the serving of meals, and cooking an assortment of food
- Kitchen must at all times be in charge of a chef
- Alcohol shall be incidental and not the prime source of revenue

VII). Local business hours

<table>
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<tr>
<th>Day</th>
<th>Label 7</th>
<th>Olives Greek Taverna</th>
<th>Northfield Music</th>
<th>Top Notch Monogramming</th>
<th>Rosslawn’s Tailoring</th>
<th>Pittsford Lumber</th>
<th>Hawley Brewing</th>
<th>Locke’s 32</th>
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<td>Noon-11pm</td>
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</tbody>
</table>
Hawley Brewing Company | Special Permit Application

VIII). Attachments

A1. Proposed Interior design of Hawley Brewing Company

A2. SITE PLAN (Ken Bracker, Architect)

A3. BUILDING SECTION drawing of Building “G” (Ken Bracker, Architect)

A4. ROOF FRAMING PLAN, FLOOR PLAN AND TRUSS PROFILES drawing of Building “G” (Ken Bracker, Architect)

A5. Standardized NOTICE FORM for Providing 30 Day Advanced Notice to a Local Municipality or Community Board (New York State Liquor Authority form 49)
July 6, 2018

Board of Trustees
Village of Pittsford
21 North Main Street
Pittsford, NY 14534

Board of Trustees:

Attached is a Special Permit Application requesting review and approval from the Board of Trustees to establish a restaurant/nano-brewery in an existing building located at 50 State Street (Building “G”) in Northfield Commons.

Our business will operate similar to the Lock 32 Brewing Company, with the only difference being our beers will be brewed onsite. This will give our customers the opportunity to enjoy high quality craft beers in a unique setting, and interact with our brewmaster regarding our brewing process.

We look forward to the opportunity to meet with you to review our plans, answer any questions, and determine what additional information you may require to move toward approval of our application.

Sincerely,

[Signature]

Bryan Meyer
93 Gorham Street
Canandaigua, NY 14424

Cc: Jason Meyer, Clay Killian
State Liquor Authority

Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board

1. Date Notice Was Sent: 02/27/2018
   1a. Delivered by: email

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License
   - [ ] New Application
   - [ ] Renewal
   - [ ] Alteration
   - [ ] Corporate Change
   - [ ] Removal
   - [ ] Class Change

   For New applicants, answer each question below using all information known to date.
   For Renewal applicants, set forth your approved Method of Operation only.
   For Alteration applicants, attach a complete written description and diagrams depicting the proposed alteration(s).
   For Corporate Change applicants, attach a list of the current and proposed corporate principals.
   For Removal applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation.
   For Class Change applicants, attach a statement detailing your current license type and your proposed license type.

3. Name of Municipality or Community Board: Pittsford Village Board of Trustees

4. License Serial Number, if Applicable:

5. Applicant or Licensee Name: Clayton Killian

6. Trade Name (if any): Hawley Brewing Company, LLC

7. Street Address of Establishment: 50 State St., Building G

8. City, Town or Village: Pittsford, NY Zip Code: 14534

9. Business Telephone Number of Applicant/Licensee: 585-678-1383

10. Business Fax Number of Applicant/Licensee:

11. Business E-mail of Applicant/Licensee: hawleybrewing@gmail.com

12. Type(s) of Alcohol sold or to be sold:
   - [ ] Beer & Cider
   - [X] Wine, Beer & Cider
   - [ ] Liquor, Wine, Beer & Cider

13. Extent of Food Service:
   - [ ] Full food menu;
   - Full kitchen run by a chef or cook
   - [X] Menu meets legal minimum food availability requirements;
   - Food prep area at minimum

14. Type of Establishment: Brewery

15. Method of Operation:
   (Check all that apply)
   - [ ] Seasonal Establishment
   - [ ] Juke Box
   - [ ] Disc Jockey
   - [ ] Recorded Music
   - [ ] Karaoke
   - [ ] Live Music (Give details: i.e., rock bands, acoustic, jazz, etc.):
   - [ ] Patron Dancing
   - [ ] Employee Dancing
   - [ ] Exotic Dancing
   - [ ] Topless Entertainment
   - [ ] Video/Arcade Games
   - [ ] Third Party Promoters
   - [ ] Security Personnel
   - [ ] Other (specify):

16. Licensed Outdoor Area:
   (Check all that apply)
   - [X] None
   - [ ] Patio or Deck
   - [ ] Rooftop
   - [ ] Garden/Grounds
   - [ ] Freestanding Covered Structure
   - [ ] Sidewalk Cafe
   - [ ] Other (specify): 
17. List the floor(s) of the building that the establishment is located on:

18. List the room number(s) the establishment is located in within the building, if appropriate:

19. Is the premises located within 500 feet of three or more on-premises liquor establishments? □ Yes □ No

20. Will the license holder or a manager be physically present within the establishment during all hours of operation? □ Yes □ No

21. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee.

22. Does the applicant or licensee own the building in which the establishment is located? □ Yes (If Yes SKIP 23-26) □ No

Owner of the Building in Which the Licensed Establishment is Located

23. Building Owner's Full Name: Richard C. Fox

24. Building Owner's Street Address: 50 State St.

25. City, Town or Village: Pittsford State: NY Zip Code: 14534

26. Business Telephone Number of Building Owner: 585-402-3710

Representative or Attorney representing the Applicant in Connection with the application for a license to traffic in alcohol at the establishment identified in this Notice

27. Representative/Attorney’s Full Name: Clayton E. Killian

28. Street Address: 31 Orchard Park

29. City, Town or Village: Phelps State: NY Zip Code: 14532

30. Business Telephone Number of Representative/Attorney: 585-474-0301

31. Business Email Address: Killianck5@hotmail.com

I am the applicant or holder of the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.

32. Printed Name: Clayton Killian Title: Owner

Signature: X
LEGAL NOTICE
VILLAGE OF PITTSFORD
NOTICE OF PUBLIC HEARING

Please take notice that a public hearing will be held before the Village of Pittsford Zoning Board of Appeals at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday, December 10, 2018 at 7:00 pm, to consider an appeal filed by the Village of Pittsford Board of Trustees from an opinion of the Building Inspector of the Village of Pittsford, dated September 28, 2018, which determined that the Hawley Brewing Company Special Permit Application for 50 State Street to the Board of Trustees of the Village of Pittsford, dated July 6, 2018, was a use permitted in the B-4 Zone in the Village of Pittsford.

Village of Pittsford
Zoning Board of Appeals
Linda Habeeb, Secretary
11/22/18
No 22
63430
November 22, 2018

Dear Village Property Owner:

The legal notice below was published in the Brighton-Pittsford Post on November 22, 2018. As an adjacent property owner within 300 feet of the subject property, you may wish to speak for or against the application. The date and time of the hearing are mentioned in the notice. If you are unable to attend the meeting, and wish to make a statement, a letter may be sent to the Village Office to be read at the hearing. The Village Office number is 586-4332.

Sincerely,

Linda Habeeb
Linda Habeeb, Secretary
Planning & Zoning Board of Appeals

VILLAGE OF PITTSFORD
NOTICE OF PUBLIC HEARING

Please take notice that a public hearing will be held before the Village of Pittsford Zoning Board of Appeals at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday December 10, 2018 at 7:00 pm, to consider an appeal filed by the Village of Pittsford Board of Trustees from an opinion of the Building Inspector of the Village of Pittsford, dated September 28, 2018, which determined that the Hawley Brewing Company Special Permit Application for 50 State Street to the Board of Trustees of the Village of Pittsford, dated July 6, 2018, was a use permitted in the B-4 Zone in the Village of Pittsford.
Northfield Common Holdings LLC
c/o Johnathan Fox
180 Canal View Blvd #600
Rochester NY 14623

East Bluff LLC
16 Stonebridge Ln
Pittsford NY 14534

Hingel Mary
60 State St
Pittsford NY 14534

Mason Jeffrey A
Mason Nancy R
68 State St
Pittsford NY 14534

Juszkiewicz Ricardo
38 State St
Pittsford NY 14534

Chatman Marc A
2 Boughton Ave
Pittsford NY 14534

Newcomb Properties L L C
4 Schoen Pl
Pittsford NY 14534

40 State LLC
71 State St
Pittsford NY 14534

Limbeck John P
Limbeck Ann W
62 State St
Pittsford NY 14534

Seymour Cynthia A
6 Boughton Ave
Pittsford NY 14534

Fossey William Austin
Fossey Brooke Taylor
67 State St
Pittsford NY 14534

Greenevelt Claudia J
64 State St
Pittsford NY 14534

Pires Arthur P
70 State St
Pittsford NY 14534

Michaels Robert
71 State St
Pittsford NY 14534

NorthfieldCommonsHoldingsLLC
180 Canal View Blvd #600
Rochester NY 14623

Hookway Shannon K
Hickey Robert F
72 State St
Pittsford NY 14534

Frank John
3560 Oteleta Pt
Canandaigua NY 14424

NorthfieldCommonsHoldingsLLC
180 Canal View Blvd #600
Rochester NY 14623

Cargill Marilyn E
Cargill Jack
8 Boughton Ave
Pittsford NY 14534

Kurth Noel J
Kurth Lindsey
5419 Palmyra Rd
Pittsford NY 14534

Powers Schoen Place Assoc LL
91 Golf Ave
Pittsford NY 14534

Hickey Laurence L
Smith Nancy E
59 State St
Pittsford NY 14534

Newcomb Properties L L C
4 Schoen Pl
Pittsford NY 14534

Roch Gas & Electric Company
Avangrid Management Company
Local Tax
One City Center Fl 5th
Portland ME 04101

Hickey Laurence L
Smith Nancy E
59 State St
Pittsford NY 14534

Newcomb Properties L L C
4 Schoen Pl
Pittsford NY 14534

Powers Farm LLC
161 Golf Ave
Pittsford NY 14534

Newcomb Properties L L C
4 Schoen Pl
Pittsford NY 14534

Fouquet Family Trust
96 State St
Pittsford NY 14534

O'Neill Nancy M
63 State St
Pittsford NY 14534

NorthfieldCommonsHoldingsLLC
180 Canal View Blvd #600
Rochester NY 14623

Sigrest Ted D
Sigrest Barbara B
69 State St
Pittsford NY 14534
Pittsford Canalside Properties, LLC
301 Exchange Boulevard
Rochester, New York 14608
Phone (585)232-1760
Fax (585)232-5846

October 25, 2018

Planning and Zoning Board of Appeals
Village of Pittsford
21 North Main St.
Pittsford, NY 14534

Re: Westport Crossing – Request for extension of time to complete Final Site Plan conditions of approval.

Ladies and Gentlemen:

Pittsford Canalside Properties, LLC is pleased to submit the following information in regards to the above referenced subject. Conditions 1-4 and 20 of the Planning and Zoning Board of Appeals November 11, 2014 Final Site Plan Approval all have a lapse provision for completion. At this time we have completed conditions 1, 2 and 4 and are now requesting a time extension for conditions 3 and 20 which were to be completed by December 31, 2018.

Below is a summary of uncompleted condition 3 and 20 of November 11, 2015 final site plan approval followed by a summary, in italics, of where the work on each condition currently stands.

Condition Items:

3. It is noted that Pittsford Canalside Properties’ site remediation activities have interrupted the pre-existing flow of stormwater from the properties to the east of the site, across the site to the canal. In the event that Pittsford Canalside Properties has not filed with the Planning Board a plan which provides for restoration of the above-mentioned pre-existing flow of stormwater approved by the DEC, the Village of Pittsford, and any other required agencies, together with a timeline for implementation of the plan and the construction required thereby, acceptable to the Village Engineer by 21 February 2015, this Final Site Plan Approval shall expire. In the event that the implementation of the above mentioned plan and the construction required thereby is not completed within the time frame established by the Village Engineer, this Final Site Plan Approval shall expire. It should be noted that with regard to the lapse provision of this paragraph, the Planning Board, the Village Engineer and the Dedicated Code Officer will work collaboratively with the Pittsford Canalside Properties and all other necessary entities to assist Pittsford Canalside Properties and all other necessary entities to assist Pittsford Canalside Properties in meeting the required time frame. In the event that Pittsford Canalside Properties is unable to meet the required time frame, the Planning Board will take into account any exigencies and difficulties which are outside of the Pittsford Canalside Properties’ control in deciding whether to extend such time frame upon application by Pittsford Canalside Properties for such relief prior to the expiration of any such time.

Condition #3 of the Village Planning and Zoning Board of Appeals ("PZBA") resolution required Pittsford Canalside Properties, LLC ("PCP") to file with the PZBA a plan for drainage improvements to re-establish drainage across the Project between the CSX railroad to the east and the Erie Canal to the west. This drainage improvement is the construction of storm sewer DC-2.1 to DC as shown on BME Associates Drawing #2240-53F. The work plan was approved by the NYSDEC, Village Engineer and other regulatory agencies and included the requisite timeline for construction. The work plan and timeline were acceptable to the Village Engineer as required by Condition #3. Through subsequent actions the PZBA passed resolutions that established that the work was to be completed by October 21, 2015.
Pittsford Canalside Properties, LLC
301 Exchange Boulevard
Rochester, New York 14608
Phone (585)232-1760
Fax (585)232-5846

BME Associates submitted a drawing entitled “Storm Sewer DC-2.1 to DC As-Built Plan”, Drawing #2240-56, dated October 2015 which confirmed the as-built condition of the storm sewer based upon construction completed during the week of October 5, 2015. The as-built map portrays the storm sewer information for DC-2.1 to DC as constructed and surveyed by BME Associates on October 12, 2015. The storm sewer was inspected in the field by the Village Engineer, Scott Harter P.E. However, Mr. Harter was relieved from his position of being the Village Engineer for our project by the PZBA. We were further notified by the council for the PZBA, Mindy Zoghlin by her letter of December 18, 2015 to our council, Mr. Frank Pavia, that “At the conclusion of the December 15, 2015 Planning Board meeting, the Board decided to hire a different engineer to deal with issues related to 75 Monroe Avenue. We will respond to your requests after we bring the new engineer up to speed.” To date we have not heard from the consultant which was hired by the Village as we had understood he is waiting on his contract to be signed by the Village.

Further, this fall Pittsford Village Green, whose storm water primarily drains to the pipe under the CSX railroad tracks which is connected to our new storm sewer system, began cleaning out the storm water detention area on their property and adjacent to the CSX railroad tracks. The lack of proper maintenance of this area and excessive amount of silt and debris which had collected in this area is the primary reason for the pipe beneath the CSX railroad tracks being clogged and not properly conveying stormwater to the new storm sewer system on our property. We are hopeful that Pittsford Village Green will have their stormwater detention pond fully cleaned out as well as the pipe beneath the CSX railroad tracks in the weeks to come.

20. In the event that no building permit has been issued for this project by 31 December 2015, this Final Site Plan Approval shall expire. At the December 11, 2017 Planning and Zoning Board of Appeals meeting a 1 year extension was granted to this condition.

Summary of the Extensive Efforts Undertaken by PCP to Meet this Final Site Plan Condition

Pittsford Canalside Properties, LLC (“PCP”) first made application to the Architectural Preservation Review Board (“APRB”) for a Certificate of Approval for all of the proposed buildings on the site on March 21, 2013. After obtaining Final Site Plan Approval including all necessary area variances from the Village Planning and Zoning Board of Appeals (“PZBA”) a formal application including scaled elevation drawings, floor plans, and samples of building materials were submitted to the APRB in November of 2014. The APRB then denied PCP’s application for Certificate of Approval on December 10, 2014. PCP then appealed the APRB decision on December 11, 2014 to the PZBA in accordance with the Village Code. Following rejection of the appeal by the Village Clerk, PCP filed a proceeding requesting the State Supreme Court, the Hon. John M. Ark to determine whether PCP was required to file the appeal process in place for challenging the APRB’s denial of the Certificate of Approval or whether it was instead required to file an Article 78 Proceeding to challenge it. By Order and Judgment dated March 5, 2015, by the Monroe County Supreme Court, Honorable John M. Ark directed the Village PZBA to accept and hear PCP’s appeal application. On June 17, 2015 the APRB adopted Findings of Fact in support of its December 10, 2014 decision, and on July 20, 2015 the PZBA conducted a Public Hearing on PCP’s appeal application. After a continuation of the Public Hearing and on August 17, 2015 the PZBA denied PCP’s appeal application. On September 15, 2015 a Special Meeting was held by the PZBA to adopt written Findings in support of their August 17, 2015 motions. Based on events which occurred at prior meetings, the PZBA unanimously passed a motion to reopen the public hearing for
PCP’s appeal application. The Public Hearing was reopen at the PZBA’s meeting held on September 28, 2015 and continued open to their meeting on October 19, 2015. At the October 19, 2015 hearing the PZBA affirmed their determinations of August 17, 2015. PCP undertook efforts to resolve issues associated with the APRB’s denial of the certificate of appeal and the PZBA’s initial decision to uphold same by approaching the ZBA with a proposal to discuss alternatives to address the concerns raised in the APRB’s denial and the upholding of the denial by the PZBA, but those efforts were rejected by the PZBA. Following the PZBA’s rejection of PCP’s efforts to resolve the differences associated with the denial of the certificate of approval, PCP filed an Article 78 Proceeding challenging such denial and the upholding of that denial which is still currently pending. In addition, the Friends of Pittsford Village, Inc., have filed suit challenging the Village Trustees approval of the special permit, and a separate suit challenging the Planning Board’s site plan approval.

PCP has diligently pursued completion of each of the applicable conditions of the Final Site Plan Approval, ranging from submission of data, obtaining approvals from third parties not associated with the Village, and completing the drainage improvements at issue. Further, PCP diligently pursued the Certificate of Approval from the APRB and timely filed and pursuant to the administrative appeal process, including seeking intervention in court when required. With this we respectfully ask the PZBA to grant an extension of time to Condition Number 20 of the November 11, 2014 Final Site Plan Approval which required that “in the event that no building permit has been issued for this project by 31 December 2015, this Final Site Plan Approval shall expire.” An extension for a period of one (1) year was approved by the PZBA at their December 12, 2016 meeting, and a second one (1) year extension to this condition was approved by the PZBA at the December 11, 2017 meeting. We therefore request another extension of 12-months of the PZBA final site plan approval while the parties await a final legal determination of PCP’s challenge to the APRB decision of December 10, 2014 and the subsequent PZBA August 17, 2015 denial of our appeal. The pending legal proceeding is the only remedy that remains available to PCP to preserve its rights under the Final Site Plan approval granted for this proposed development. Though PCP was recently successful in two cases in Supreme Court, Monroe County, those Decisions are being appealed by the Village (Trustees, APRB, PZBA) and Friends of Pittsford Village, Inc., and presently further review by the Village is temporarily stayed pending the outcome of the appeals. As set forth herein, PCP has diligently acted to meet the conditions of the Final Site Plan approval at all times.

Conclusion: PCP Submits That Extending the Final Site Plan Approval is Justified in Light of the Fact that Any Delay Has Been Caused by Matters Outside of Its Control. Further, this is justified as under condition 22 of the Planning and Zoning Board of Appeals November 11, 2014 Final Site Plan Approval which states: "It should be noted that with regard to any of the lapse provision contained in paragraphs 1, 2, 3, 4 and 20 herein, the Planning Board, the Village Engineer and the dedicated code enforcement official will work collaboratively with the Pittsford Canalside Properties and all other necessary entities to assist Pittsford Canalside Properties in meeting the required time frames. In the event that Pittsford Canalside Properties is unable to meet the required time frame, the Planning Board will take into account any exigencies and difficulties which are outside of the Pittsford Canalside Properties control in deciding whether to extend such time frames upon application."
Pittsford Canalside Properties, LLC
301 Exchange Boulevard
Rochester, New York 14608
Phone (585)232-1760
Fax (585)232-5846

We look forward to discussing this item and our request for time extension with the Village Planning and Zoning Board of Appeals at their December 11, 2018 meeting. Representatives of Pittsford Canalside Properties, LLC, will be present to address any questions. In the meantime, should there be any questions, or if additional information is required please contact us.

Sincerely,

[Signature]
Christopher A. DiMarzo,
Member of Pittsford Canalside Properties, LLC

C: Pittsford Canalside Properties, LLC

L025-Planning Board – Request for time extension on Final Plan Approval Condition 20 10-18-18.doc
LEGAL NOTICE
VILLAGE OF PITTSFORD
NOTICE OF PUBLIC HEARING

Please take notice that a public hearing will be held before the Village of Pittsford Planning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday December 10, 2018 at 7:00 pm to consider an application made by Pittsford Canalside Properties, LLC, for an extension of time to complete Conditions 3 and 20 of Final Site Plan approval for 75 Monroe Avenue.

Village of Pittsford
Planning Board
Linda Habeeb, Secretary
11/22/18
No 22
63429
November 22, 2018

Dear Village Property Owner:

The legal notice below was published in the Brighton-Pittsford Post on November 22, 2018. As an adjacent property owner within 300 feet of the subject property, you may wish to speak for or against the application. The date and time of the hearing are mentioned in the notice. If you are unable to attend the meeting, and wish to make a statement, a letter may be sent to the Village Office to be read at the hearing. The Village Office number is 586-4332.

Sincerely,

Linda Habeeb
Linda Habeeb, Secretary
Planning & Zoning Board of Appeals

VILLAGE OF PITTSFORD
NOTICE OF PUBLIC HEARING

Please take notice that a public hearing will be held before the Village of Pittsford Planning Board at the Village Hall, 21 North Main Street, Pittsford, New York, on Monday December 10, 2018 at 7:00 pm to consider an application made by Pittsford Canalside Properties, LLC, for the property located at 75 Monroe Avenue, for an extension of time to complete Conditions 3 and 20 of Final Site Plan approval.
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<td>C/O Mike DiNardo</td>
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