



**CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS MINUTES
JULY 8, 2019**

The meeting was called to order at 6:33pm.

Present

Nathan Shook Chair
Paul Bucher
John Gildard
Rose Ferrucci
Robert Page
Steven Reifler

Excused

Scott Parker
Jessica Vinall

Staff

Natalie Quinn

A motion was made by Rose Ferrucci and seconded by John Gildard to approve the minutes from the June meeting. The motion carried unanimously.

125 AND 135 NORTH HAMILTON STREET

Application for use variances relative to the change of recorded use from a warehouse and an electrical supply company to an electrical supply company, warehouse, brewery, tasting room, restaurant, offices and service businesses. **Owner/Applicant:** North Hamilton Street, LLC (Eric Baxter); **Grid #**6162-63-269310, 6162-63-270315 and 6162-63-271325. **Zoning District:** Central Medium Density Residence (R-3A) District; **File #**2019-006

Appearing on behalf of the application were Ian MacDonald, attorney, and Eric Baxter, owner. A presentation relative to the project and the application were provided to the Board.

The Board voted carried unanimously to re-open the public hearing.

Appearing to speak was Laurie Sandow of South Grand Avenue, who spoke in opposition to the project.

Following deliberations, on a motion by Steven Reifler and seconded by Rose Ferrucci, the ZBA adopted the following resolution:

WHEREAS, North Hamilton LLC filed an application for a building permit for the construction of grain silos and other possible alterations to the properties at 125 North Hamilton Street, North Hamilton Street lot and 125 North Hamilton Street to convert the buildings located thereon from storage and an electrical supply company to a mixed use development containing an electric supply company, brewery with grain silos, tasting room, restaurant, general office, service business and storage, and whereas approval for

these alterations was withheld as the uses is not permitted in the Central Medium Density Residence (R-3A) Zoning District in which the properties are located; and,

WHEREAS, the Zoning Board of Appeals has received a use variance application for approval to allow conversion of a warehouse and office/commercial space to a mixed use complex with a brewery, tasting room, restaurant, electric supply company, service businesses, offices and accessory storage (grain silos); and,

WHEREAS, Public Hearings were held on June 11 and July 9, 2019, relative to this application; and,

WHEREAS, the Zoning Board of Appeals has considered the testimony of the applicant and the applicant's consultant as well as materials submitted with the application; and,

WHEREAS, the applicant demonstrated that they cannot realize a reasonable return with any of the permitted uses in the District, and that the demolition of the existing structures and construction of residential structures would not provide a feasible return on investment; and,

WHEREAS, the applicant has demonstrated that hardship is unique to this property in that the property is unique in its nonconforming use status, having been primarily commercial in use since the 1920's and completely commercial since 1970; and,

WHEREAS, the use variance will not alter the essential character of the neighborhood, inasmuch as the proposal will utilize existing structures already in use, install grain silos to reduce the rate of truck deliveries, and that the character of the neighborhood is currently a diverse mix of residential, commercial, light industrial, and institutional uses; and,

WHEREAS, the difficulty is not self-created, inasmuch as the current use of the property is preexisting, non-conforming and that the proposed additional uses are accessory to the existing legal uses; and,

NOW THEREFORE BE IT RESOLVED that the ZBA hereby grants the use variances as detailed in the above referenced application, with the following recommendations:

- That hours of operation be limited to 9 or 10pm, or be comparable to other businesses in the area;
- That deliveries be restricted to hours of operation.

5 BOBRICK ROAD

Application for area variance relative to the proposed construction of a second driveway on the property at 5 Bobrick Road, resulting in front yard parking, which is prohibited by Section 19-4.13 of the Zoning Ordinance. **Owner:** Edward and Polly Scarvalone; **Applicant:** George Andrews; **Grid #6161-61-090337; Zoning District:** Low Density Residence (R-1) District; **File #2019-007**

Appearing on behalf of the application were George and Carrie Andrews, potential purchasers of the property, who made a presentation of the application.

The Board voted carried unanimously to open the public hearing.

Ed Levine of Bancroft Road spoke of concerns relative to the application.

Following deliberations, a motion was made by Steven Reifler and seconded by Rob Page, as follows:

WHEREAS, George Andrews filed a zoning review request relative to the possibility of constructing a second driveway on the property at 5 Bobrick Road, containing a single family dwelling, and whereas the request was denied as the resulting driveway would yield front yard parking, which is prohibited by Section 19-4.13 of the Zoning Ordinance; and,

WHEREAS, the Zoning Board of Appeals has received an application from George Andrews, for an area variance of Section 19-4.13 relative to the construction of a second driveway on the property at 5 Bobrick Road, resulting in front yard parking; and,

WHEREAS, a Public Hearing relative to this application was held on July 9, 2019; and,

WHEREAS, the Zoning Board of Appeals has considered the testimony of the applicant and the applicant's consultant as well as materials submitted with the application; and,

WHEREAS, the applicant has demonstrated that the granting of the area variances will not produce an undesirable change in the character of the neighborhood, and will not be a detriment to nearby properties; and,

WHEREAS, the applicant has demonstrated that there is no other feasible method to achieve compliance at this time; and,

WHEREAS, the applicant has demonstrated that the variances requested are not substantial; and,

WHEREAS, the applicant has demonstrated the granting of the variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and,

WHEREAS, the applicant has demonstrated that the need for the variances is not self-created:

NOW THEREFORE BE IT RESOLVED that the City of Poughkeepsie Zoning Board of Appeals hereby grants the variance as detailed above.

With a vote of one aye and four nays, the motion to grant the variance failed to carry.

The meeting adjourned by unanimous vote at 7:52pm.