



**CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS MINUTES
NOVEMBER 12, 2019**

The meeting was called to order at 6:31pm.

Present

Nathan Shook Chair
John Gildard
Scott Parker
Christina Piracci
Steven Reifler
Jessica Vinall

Excused

Paul Bucher

Staff

Judith Knauss, Deputy Zoning Administrator

A motion was made by John Gildard and seconded by Scott Parker to approve the minutes October meeting. The motion carried unanimously.

129 CANNON STREET Application for area variances relative to the proposed construction of a distillery with a tasting room and retail sales component on the property at 129 Cannon Street, grid #6161-22-217994, located in the Central Commercial (C-2) Zoning District. The proposed building is three (3) feet from the west property line, where either a zero set back or six feet or more is permitted, pursuant to the provisions of Section 19-3.23(4)(b)(2) of the Zoning Ordinance; Applicant: Daniel J. Rohde; Consultant: Wilfred A. Rohde, PE; File: ZBA #2019-010

Appearing on behalf of the application were Daniel J. Rohde and Wilfred A. Rohde. They described the project for the Board, which is a small craft distillery with a tasting room and outdoor seating area in the rear yard. There will be grills in the rear yard for people to bring their own food, and food trucks will also be on the premises. Currently, the two products they will be distilling are “Apple Sunshine” and Apple Jack. Apple Sunshine is classified as a “specialist spirit” by the Liquor Authority. It is made using local organic apples and local organic honey.

Applicant is seeking parking from the City in the lot across the street, but may end up developing a nearby lot under his ownership for parking if it becomes necessary.

The variance sought is for the west side yard setback. The Zoning Ordinance allows either a zero side yard set-back or a minimum of six. Discussion revealed that the zero set-back is not practical because it would involve destruction/removal of the neighbor’s fence and also make maintenance of the west side of the building more difficult by having to coordinate such maintenance with the neighbor. Providing a six foot set back would make the project unviable, as the building, already relatively narrow, would have to be three feet less in width. Three feet provides room for maintenance, and a building of sufficient width as to be practical.

A motion was made by Scott Parker and seconded by Jessica Vinall to open the public hearing. There were no members of the public present. A motion was made by Steven Reifler and seconded by Jessica Vinall to close the public hearing.

Following deliberations, the Zoning Board of Appeals adopted the following resolution:

WHEREAS, the Zoning Board of Appeals has received an application for area variance from Daniel J. Rohde relative to the proposed construction of a distillery with a tasting room and retail sales component on the property at 129 Cannon Street, grid #6161-22-217994, located in the Central Commercial (C-2) Zoning District. The proposed building is three (3) feet from the west property line, where either a zero set back or six feet or more is permitted, pursuant to the provisions of Section 19-3.23(4)(b)(2) of the Zoning Ordinance; File #2019-010 and,

WHEREAS, the application was accompanied by additional materials, including site photographs and “Queen City Farm Distillery” Site Plan Sheets 1-7, prepared by Wilfred Rohde,, PE, dated 10/7/19; and,

WHEREAS, a public hearing was held on November 12, 2019; 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 noted above.

Motion: Steven Reifler

Second: Scott Parker

Carried: 6:0:0

The motion carried.

A motion was made by John Gildard at 6:45pm. The motion was seconded by Scott Parker and carried unanimously.