

TOWN OF ROSENDALE
Zoning Board of Appeals

Minutes

Tuesday, February 16th, 2016
Rondout Municipal Center
1915 Lucas Ave.
Cottkill, NY 12419

Chairman, Ann Houghtaling called the meeting to order with the Pledge of Allegiance at 7:01pm.

ROLL CALL:

Ann Houghtaling, Chairman	Present
David Soman	Present
Richard Hermance	Present
Frank Klepeis	Present
Kelleigh Mckenzie	Excused
Michael Camargo (Alt.)	Present
Stacy Lipari, Town Board Liaison	Excused
Brisa Casas, Zoning Board Clerk	Present

Minutes:

Motion made by Ann Houghtaling, seconded by Richard Hermance, to accept the minutes from the January 19th meeting.

Roll Vote: Chair Ann Houghtaling- Yes, Richard Hermance – Yes, Frank Klepeis – Yes, David Soman – Abstain, Michael Camargo – Abstain

Motion carried.

Public Hearing:

2015-6-Use Variance- Gerard Swarthout

Location: 311 Whiteport Road

Gerard Swarthout is present on behalf of his application. He submits to the board copies of the deed, pictures of the parcel, a site plan of the proposed use and driveway application.

Chair Houghtaling asks if Highway Superintendent Bob Gallagher was contacted about the driveway to the parcel. Gerard submits to the board a filled out driveway application form and informs the board that he met with Bob on the property and was told obtaining the driveway permit wouldn't be an issue. The board requests a letter from Superintendent Gallagher stating so.

Chair Houghtaling visited the parcel. At this time it is easy to see the layout because there is very

little foliage or growth at this time of year. However the slab is not visible due to old weed and leaf debris.

The board discusses the following with the applicant:

- The use of the slab on the parcel. – Applicant proposes no building of a structure on the slab at this time. In the future the applicant may want to construct a structure for storage/garage, but will only do so with the issuance of a permit from the Rosendale Building and Codes Department.
- Berm visible on parcel is from materials from the old Thruway bridge.
- Are there any streams or gullies on the parcel? – The applicant responds that there is a small stream that runs along a portion of the parcel. He does not intend on using this portion of the parcel for storage, therefore no disruption of the stream will occur from proposed use.
- Material will be delivered via a large flat-bed truck.

Motion made by Frank Klepeis, seconded by David Soman, to close this public hearing at 7:14pm.

Roll Vote: Chair Ann Houghtaling- Yes, Richard Hermance – Yes, Frank Klepeis – Yes, David Soman – Yes, Michael Camargo – Yes

Motion carried.

2015-7- Use Variance- Matt Igoe
Location: 127 Binnewater Road

Chair Houghtaling opens this public hearing at 7:17pm.

Matt Igoe is present on behalf of this application.

The board discusses the following:

- Definition of distilleries and the allowable use of a parcel for a distillery in a Zone A according to Town of Rosendale Code.
- SIC Code identification.
- Mr. Igoe takes a pen and draws the layout of the proposed land use for the boards review.
- Grain storage and delivery to the parcel for distilling.
- The milling, distillation and bottling are going to happen on site in the same building.
- The board reviews Mr. Igoe's previous application, #2011-3-Use Variance. This application proposed the use of the parcel, located at 473 Hickory Bush Road, for a distillery. The applicant informs the board that the parcel owner backed out of the agreement after a variance was granted and the distillery was never started.
- Produce grown on parcel will be used in the flavoring of spirits distilled on site.
- Products such as rye and corn will not be produced on the parcel; they will be purchased and delivered from local farms.
- Mr. Igoe's agricultural license requires ingredients to be locally produced and a minimum of 70% of the overall product must meet this standard.
- Wetlands- The board asks if there are any designated wetlands on the parcel. Mr. Igoe

says the state maps indicate no wetlands on his parcel. Although there is a section that can become very wet, it is not designated as a wetland by the state.

Comments from the public

Jesse- She is in favor of the proposed use and in support of the project.

Sam Ullman – As a business owner in Rosendale he is in support of this proposed use. Businesses like these, where product ingredients are locally grown, produced and sold, bring people to our town and promote Rosendale as a destination for tourism.

Danny Odell - He lives across the street and asks Mr. Igoe if there will be any use of pesticides for farming.

Mr. Igoe replies that there will be absolutely no chemicals used in his farming, only sun, soil and water.

Joel Elder- He is in support of the proposed use and is knowledgeable of distilling methods. He expresses to the board that he would be happy to answer any distilling questions they may have.

Edward Kurtz- His parcel borders Mr. Igoe's parcel and is in support of this proposed use compared to previous proposed uses.

Ryan McGahan- He tells the board that the parcel located across the street from Mr. Igoe's parcel is designated as wetland and previously work was stopped on that parcel because of the designation.

The board and the applicant discuss the following Use Variance criteria

1. Cannot realize a reasonable return – substantial as shown by competent financial evidence
2. Alleged hardship is unique and not apply to substantial portion of district or neighborhood
3. Requested variance will not alter essential character of the neighborhood
4. Alleged hardship has not been self-created

Motion made by Frank Klepeis, seconded by Richard Hermance, to keep this public hearing open for public comment until the March 15th meeting.

Roll Vote: Chair Ann Houghtaling- Yes, Richard Hermance – Yes, Frank Klepeis – Yes, David Soman – Yes, Michael Camargo – Yes

Motion carried.

Misc. Business:

Correspondence: None

Adjournment:

Motion made by Michael Camargo, to adjourn the meeting at 8:01pm

Respectfully Submitted,
Brisa Casas
Zoning Board of Appeals Clerk