



# Town of Poughkeepsie

## Planning & Zoning

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**DECISION AGENDA SUMMARY TOWN OF POUGHKEEPSIE  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
April 13, 2009  
7:00 PM**

### Old Business

1. Adjourned Public Hearing. **ERNIE CANNELLI**, 807 Main Street, Zone ATC, Grid #6161-08-844822-0000. Requesting an area variance from Article IX, §210-125(B) of Chapter 210, Zoning, to allow the installation of a second wall sign of 36 square feet where only one wall sign is permitted. Unlisted Action. Uncoordinated review.

***THE APPLICANT DID NOT APPEAR. THE BOARD CLOSED THE PUBLIC HEARING WITHOUT FURTHER COMMENT OR INPUT FROM THE BOARD OR FROM THE PUBLIC. THE BOARD VOTED TO DISMISS THE APPLICATION, WITHOUT PREJUDICE, DUE TO THE FAILURE OF THE APPLICANT TO PROSECUTE THE APPLICATION OR RESPOND TO THE COMMENTS AND QUESTIONS OF THE BOARD FROM SEVERAL PREVIOUS MEETINGS.***

**MOVED: Marcy Marlow  
SECONDED: James Santoro  
CARRIED: 6:0:0**

2. Adjourned Public Hearing – **DIAL A MATTRESS**, 2555 South Road, Zone B-H, Grid#6062-02-994630-0000. Requesting an area variance from Article IX, §210-127(B) of Chapter 210, Zoning, for a second wall sign of 28.2 square feet where only one wall sign is permitted. Unlisted Action. Uncoordinated review.

***THE APPLICANT REQUESTED THAT THE APPLICATION BE WITHDRAWN. THE BOARD ACKNOWLEDGED THE APPLICANT'S REQUEST AND THEREAFTER CLOSED THE PUBLIC HEARING AND VOTED TO DISMISS THE APPLICATION.***

**MOVED: Marcy Marlow  
SECONDED: James Santoro  
CARRIED: 6:0:0**

3. Adjourned Public Hearing – **ASHTON PARK**, 2055 South Road, Zone B-NH, Grid# 6159-03-375410-0000, & 6159-03-36369-0000. Requesting area variances from Article IX, §210-126(B) of Chapter 210, Zoning for: 1) Installation of a freestanding sign of 92 square feet where a single freestanding sign is not allowed to exceed 50 square feet; and 2) Installation of two additional freestanding monument signs where only a single freestanding sign is allowed. Requesting Special Use Permits for two outdoor restaurant dining areas and two drive-in drive-thru windows. Unlisted Action. Coordinated Review. Town of Poughkeepsie Planning Board is the designated Lead Agency.

***THE APPLICANT DID NOT APPEAR. THE PROJECT INVOLVES A COORDINATED REVIEW UNDER WHICH THE TOWN PLANNING BOARD IS THE DESIGNATED LEAD AGENCY. THE BOARD WAS ADVISED BY STAFF THAT IT CANNOT TAKE ACTION ON THE APPLICATION UNTIL THE LEAD AGENCY HAS ISSUED A***

***DETERMINATION OF SIGNIFICANCE. THE PUBLIC HEARING WAS ADJOURNED TO JUNE 9, 2009.***

**MOVED: Art Grace**

**SECONDED: Marcy Marlow**

**CARRIED: 6:0:0**

4. Adjourned Public Hearing. **RJG PROPERTIES, INC/PRECISION TUNE**, 2555 South Road, Zone B-H, Grid#6060-02-994630-0000. Hearing to consider whether to revoke a Special Use Permit pursuant to Article IX, §210-137.E(1) of the Town of Poughkeepsie Zoning Code, issued to Precision Tune on October 23, 1989 to establish a motor vehicle service facility on the premises on the grounds that at least three violations of the Special Use Permit have occurred and exist. Type II Action.

***THE RESPONDENT RJG PROPERTIES DID NOT APPEAR. THE BOARD WAS ADVISED BY STAFF THAT NEGOTIATIONS ON A NEW LICENSE AGREEMENT WITH THE TOWN BOARD UNDER WHICH THE SITE WOULD BE BROUGHT INTO CONFORMITY WITH THE SPECIAL USE PERMIT ARE ON-GOING, AND STAFF RECOMMENDED AN ADJOURNMENT TO THE JUNE MEETING. THE PUBLIC HEARING WAS ADJOURNED TO JUNE 8, 2009***

**MOVED: Art Grace**

**SECONDED: Marcy Marlow**

**CARRIED: 6:0:0**

5. Public Hearing – **VERIZON**, 1380 South Road, Zone B-SC, Grid# 6158-01-484850-0000. Requesting an area variance from Article IX, §210-128(C)(2)(a) of Chapter 210, Zoning, for installation of a second wall sign of 22 square foot where only one wall sign is permitted. Unlisted Action. Uncoordinated review.

***THE APPLICANT REQUESTED THAT THE APPLICATION BE WITHDRAWN. THE BOARD ACKNOWLEDGED THE APPLICANT'S REQUEST AND THEREAFTER CLOSED THE PUBLIC HEARING AND VOTED TO DISMISS THE APPLICATION.***

**MOVED: Marcy Marlow**

**SECONDED: James Santoro**

**CARRIED: 6:0:0**

**New Business**

6. Public Hearing – **MARK & LINDA MANLEY**, 4 Brentwood Drive, Zone R-20, Grid# 6260-03-093102-0000. Requesting Special Use Permit from Article VIII, §210-47 of Chapter 210, Zoning, to allow the establishment of an accessory apartment within an existing single family dwelling. Unlisted Action. Uncoordinated review.

***THE PUBLIC HEARING WAS CONVENED AND ONLY ONE COMMENT WAS RECEIVED. THE BOARD NOTED THAT THE FLOOR PLANS INDICATE THAT THE ACCESSORY APARTMENT WOULD BE LARGER THAN THE MAXIMUM SIZE ALLOWED UNDER THE ZONING LAW. APPROVAL WAS GRANTED ON THE CONDITION THAT THE APPLICANT RECONFIGURE THE FLOOR PLAN TO RE-SIZE THE ACCESSORY APARTMENT TO COMPLY WITH §210-47(C)(4) OF THE TOWN CODE.***

**MOVED: Marcy Marlow**

**SECONDED: Arthur Grace**

**CARRIED: 6:0:0**

7. Public Hearing – **FIRESTONE**, 1840 South Road, Zone B-SC, Grid# 6158-01-484850-0000. Requesting an Area Variance for relief from Article IX, § 210-128(C)(2)(a) of Chapter 210, Zoning, to allow a second wall sign of 55.17 square feet where only one wall sign is permitted. Unlisted Action. Uncoordinated review.

***THE PUBLIC HEARING WAS CONVENED. THERE WAS NO PUBLIC COMMENT. THE APPLICANT SUBSEQUENTLY REQUESTED THAT THE APPLICATION BE WITHDRAWN. THE BOARD ACKNOWLEDGED THE APPLICANT'S REQUEST THAT THE APPLICATION BE WITHDRAW. THE BOARD THEREAFTER CLOSED THE PUBLIC HEARING AND VOTED TO DISMISS THE APPLICATION.***

**MOVED: Marcy Marlow**

**SECONDED: James Santoro**

**CARRIED: 6:0:0**

8. Public Hearing – **JAEL ESPANDA**, 244 Salt Point Turnpike, Zone SPC, Gird# 6260-01-075860-0000. Requesting an Area Variance for relief from Article VIII, §210-107(C), Zoning, to allow an above ground swimming pool to be located 4 feet from a side lot line where 15 feet is required. Type II Action.

***THE APPLICANT DID NOT APPEAR. THE PUBLIC HEARING WAS ADJOURNED TO MAY 11, 2009.***

**MOVED: James Santoro**

**SECONDED: Karmen Buckey**

**CARRIED: 6:0:0**

9. Public Hearing – **ANTHONY & KATHLEEN ROBERTS**, 53 Stephanie Lane, Zone R-20, Grid# 6159-03-482047-0000. Requesting an Area Variance for relief from Article IV, §210-69, Zoning, to allow the construction of a fence within the front building line where fences are prohibited within the front building line. Type II Action.

***THE PUBLIC HEARING WAS CONVENED. THERE WAS NO PUBLIC COMMENT. THE BOARD THEREAFTER CLOSED THE PUBLIC HEARING AND VOTED TO DENY THE APPLICATION FOR THE REASONS SET FORTH IN THE RESOLUTION OF THE BOARD.***

**MOVED: Marcy Marlow**

**SECONDED: Art Grace**

**RECUSED: Paul Lahey**

**CARRIED: 5:0:1**

10. Public Hearing – **JOHN MCKEE**, 39 Park Avenue, Zone R-20, Grid# 6161-03-482047-0000. Requesting an Area Variance for relief from Article IV, §210-16(E), Zoning, to allow a 16' x 14' deck to be located 10 feet from side lot line where 20 feet required. Type II Action.

***THE PUBLIC HEARING WAS CONVENED. THERE WAS NO PUBLIC COMMENT. THE BOARD THEREAFTER CLOSED THE PUBLIC HEARING AND VOTED TO APPROVE THE APPLICATION FOR THE REASONS SET FORTH IN THE RESOLUTION OF THE BOARD.***

**MOVED: James Santoro**

**SECONDED: Arthur Grace**

**CARRIED: 6:0:0**

11. Public Hearing – **JOHN MCKEE**, 33 Homer Place, Zone R-20, Grid# 6261-03-326002-0000. Requesting an Area Variance for relief from Article VIII, §210-48, Zoning, to allow a 14' x 24' detached garage to be located 9 feet from the side lot line where 10 feet is required. Type II Action.

***THE PUBLIC HEARING WAS CONVENED. THERE WAS NO PUBLIC COMMENT. THE BOARD THEREAFTER CLOSED THE PUBLIC HEARING AND VOTED TO APPROVE THE APPLICATION FOR THE REASONS SET FORTH IN THE RESOLUTION OF THE BOARD.***

**MOVED: Marcy Marlow**

**SECONDED: Arthur Grace**

**CARRIED: 6:0:0**

12. Public Hearing – **DUTCHESS BUILDING SPECIALISTS**, 19 Robin Road, Zone R-20, Grid# 6159-01-093757-0000. Requesting an Area Variance for relief from Article IV, §210-16(E), Zoning, to allow 16' x 18' addition with attached deck located 6 feet from the side lot line where 20 feet is required, and relief from Article VIII, §210-92(Q) (1), Zoning, to allow the parking or storage of motor vehicles in the front yard of the property as a result of the conversion of the garage to habitable space. Type II Action.

***THE PUBLIC HEARING WAS CONVENED. THERE WAS NO PUBLIC COMMENT. THE BOARD THEREAFTER CLOSED THE PUBLIC HEARING AND VOTED TO APPROVE, ON THE CONDITION THAT THE PARKING AT THE FRONT OF THE HOUSE NOT BE WIDENED OR INCREASED, THE APPLICATION FOR THE REASONS SET FORTH IN THE RESOLUTION OF THE BOARD.***

**MOVED: Marcy Marlow  
SECONDED: Arthur Grace  
CARRIED: 6:0:0**

13. Public Hearing – ~~**TILCON NEW YORK, INC.**, 295 Sheafe Road, Zone Q & WD-2, Grid# 6059-04-800100-0000. Requesting an Interpretation involving Article VI, §210-41 and 210-44, and Article X, §210-135, Zoning, as to whether a height variance to allow the construction of an asphalt plant is required. Type I Action. The Town of Poughkeepsie Planning Board is the designated Lead Agency. A Negative Declaration has been adopted and is on file. APPLICATION REMOVED FROM AGENDA UPON DETERMINATION OF ZONING ADMINISTRATOR THAT NO INTERPRETATION IS REQUIRED. PUBLIC HEARING WILL NOT BE CONVENED.~~

14. Public Hearing – **ARLINGTON ANIMAL HOSPITAL**, 688 Dutchess Turnpike, Zone B-N, Grid# 6261-01-279882-0000. Requesting an Area Variance for relief from Article VIII, §210-92(O), Zoning, to allow 38 on-site parking spaces where 52 parking spaces are required and also requesting a Special Use Permit approval made pursuant to Article VI, §210-33(C), Zoning, to allow the expansion of the Animal Hospital. Unlisted Action. The Town of Poughkeepsie Planning Board is the designated Lead Agency. No action on SEQRA has been taken by the Lead Agency.

***THE PUBLIC HEARING WAS CONVENED. THERE WAS NO PUBLIC COMMENT. THIS PROJECT INVOLVES A COORDINATED REVIEW UNDER WHICH THE TOWN PLANNING BOARD IS THE DESIGNATED LEAD AGENCY. THE BOARD WAS ADVISED BY STAFF THAT IT CANNOT TAKE ACTION ON THE APPLICATION UNTIL THE LEAD AGENCY HAS ISSUED A DETERMINATION OF SIGNIFICANCE. THE PUBLIC HEARING ADJOURNED TO MAY 11, 2009***

**MOVED: Marcy Marlow  
SECONDED: Arthur Grace  
CARRIED: 6:0:0**

15. Public Hearing – **AMOLK, INC.**, 2194 South Road, Zone B-H, Grid# 6159-01-313763-0000. Requesting a Special Use Permit approval made pursuant to Article VIII, §210-149(L) (1), Zoning, to allow the expansion of an existing motor vehicle service facility. Unlisted Action. The Town of Poughkeepsie Planning Board is the designated Lead Agency. A Negative Declaration has been adopted and is on file.

***THE PUBLIC HEARING WAS CONVENED. THERE WAS NO PUBLIC COMMENT. THE BOARD THEREAFTER CLOSED THE PUBLIC HEARING AND VOTED TO APPROVE THE APPLICATION FOR THE REASONS SET FORTH IN THE RESOLUTION OF THE BOARD.***

**MOVED: Marcy Marlow  
SECONDED: James Santoro  
CARRIED: 6:0:0**

16. Public Hearing – **COLDSTONE CREAMERY**, 2020 South Road, Zone B-H, Grid# 6159-03-424307-0000. Requesting an Area Variance involving relief from Article IX, §210-127(C),

Zoning, to allow one 34 square foot wall sign where only one 24 square foot wall sign is permitted. Unlisted Action. The Town of Poughkeepsie Planning Board is the designated Lead Agency. A Negative Declaration has been adopted and is on file.

***THE PUBLIC HEARING WAS CONVENED. THERE WAS NO PUBLIC COMMENT. THE BOARD THEREAFTER CLOSED THE PUBLIC HEARING AND VOTED TO APPROVE THE APPLICATION FOR THE REASONS SET FORTH IN THE RESOLUTION OF THE BOARD.***

**MOVED: Marcy Marlow  
SECONDED: James Santoro  
CARRIED: 6:0:0**

17. Public Hearing – **ELIZABETH GLASSBERG**, 22 IBM Road, Zone B-N, Grid# 6060-04-933150-0000. Requesting a Special Use Permit approval made pursuant to Article VIII, §210-72, Zoning, to allow a “Tag Sale” event on a commercial premises. Unlisted Action. Uncoordinated review.

***THE PUBLIC HEARING WAS CONVENED. THERE WAS NO PUBLIC COMMENT. THE BOARD THEREAFTER CLOSED THE PUBLIC HEARING AND VOTED TO APPROVE, ON THE CONDITION THAT THERE WILL BE NO OFF-SITE SIGNAGE ADVERTISING THE EVENT, THE APPLICATION FOR THE REASONS SET FORTH IN THE RESOLUTION OF THE BOARD.***

**MOVED: Marcy Marlow  
SECONDED: Arthur Grace  
CARRIED: 6:0:0**

18. Public Hearing – **TGS ASSOCIATES**, 15 North Grand Avenue, Zone ATC, Grid# 6160-07-670887-0000. Requesting a Special Use Permit approval made pursuant to Article X, §210-134, Zoning, to allow the expansion of a legal non-conforming use structure by up to 15 percent of the existing and approved floor area. Unlisted Action. Uncoordinated review.

***THE PUBLIC HEARING WAS CONVENED. THERE WAS NO PUBLIC COMMENT. THE BOARD THEREAFTER CLOSED THE PUBLIC HEARING AND VOTED TO APPROVE THE APPLICATION FOR THE REASONS SET FORTH IN THE RESOLUTION OF THE BOARD.***

**MOVED: Marcy Marlow  
SECONDED: James Santoro  
CARRIED: 6:0:0**

19. Public Hearing – **LAKEVIEW PLAZA DEVELOPMENT**, 14 & 16 Creek Road, Zone I-H, Grid# 6162-02-666530-0000 and 6162-02-649538-0000. Requesting an Area Variance involving relief from Article VIII, §210-60(B) (2) (a), Zoning, to allow development of a business park having a lot size of ±1.72 acres where 5 acres is required. Unlisted Action. Uncoordinated review.

***THE APPLICANT REQUESTED THAT THE PUBLIC HEARING BE ADJOURNED TO THE NEXT MEETING AGENDA. THE BOARD ACKNOWLEDGED THE APPLICANT'S REQUEST AND ADJOURNED THE PUBLIC HEARING TO MAY 11, 2009.***

**MOVED: Arthur Grace  
SECONDED: James Santoro  
CARRIED: 6:0:0**

20. Public Hearing – **BOB'S FURNITURE**, 1895 South Road, Zone SHC, Grid# 6158-01-297959-0000. Requesting an Area Variance involving relief from Article IX, §210-127(C), Zoning, to allow a second wall sign of 248 square feet where a single wall sign of no more than 24 square feet is permitted. Unlisted Action. The Town of Poughkeepsie Planning Board is the designated Lead Agency. A Negative Declaration has been adopted and is on file.

***THE PUBLIC HEARING WAS CONVENED. THERE WAS NO PUBLIC COMMENT. THE BOARD THEREAFTER CLOSED THE PUBLIC HEARING AND VOTED TO APPROVE,***

***ON THE CONDITION THAT THE WALL SIGN SHALL BE NOT GREATER THAN 150 SQUARE FEET IN SIZE, THE APPLICATION FOR THE REASONS SET FORTH IN THE RESOLUTION OF THE BOARD.***

**MOVED: Arthur Grace**

**SECONDED: James Santoro**

**CARRIED: 5:1:0**

**DELIBERATION**

21. Closed Public Hearing – **TGI FRIDAY'S**, 2500 South Road, Zone B-SC, Grid# 6160-01-057740-000. Requesting area variances from Article IX, §210-36(E) and §210-128(B) of Chapter 210, Zoning, for the installation of an additional free standing sign where as only one single free standing sign is allowed. Unlisted Action. Coordinated Review. Town of Poughkeepsie Planning Board is the designated Lead Agency. A Negative Declaration has been issued by the Lead Agency.

***THE BOARD VOTED TO DENY THE APPLICATION FOR THE REASONS SET FORTH IN THE RESOLUTION OF THE BOARD.***

**MOVED: Marcy Marlow**

**SECONDED: Joseph Prisco**

**RECUSED: James Santoro**

**CARRIED: 5:0:1**

22. Closed Public Hearing – **MARIA ALVAREZ (#1 SALSA RESTAURANT)**, 2585 South Road, Zone B-SC, Grid# 6060-02-968700-0000. Requesting an Area Variance from Article IX, §210-128(C)(2)(a) of Chapter 210, Zoning, to allow the construction of a canopy on the sidewall of a building where the canopy is not flat against the building façade and contains 49 square feet of signage. Unlisted Action. Uncoordinated review.

***THE BOARD VOTED TO DENY THE APPLICATION FOR THE REASONS SET FORTH IN THE RESOLUTION OF THE BOARD.***

**MOVED: Marcy Marlow**

**SECONDED: Art Grace**

**RECUSED: James Santoro**

**CARRIED: 5:0:1**

**Correspondence**

**SEQR Lead Agency** – Town of Poughkeepsie Planning Board is requesting Lead Agency on Tuscany Square Project.

***MOTION TO APPROVE THE DESIGNATION OF THE TOWN PLANNING BOARD AS THE LEAD AGENCY.***

**MOVED: Marcy Marlow**

**SECONDED: Arthur Grace**

**CARRIED: 6:0:0**

**Meeting Closed 9:50 PM**

**MOVED: Karmen Buckey**

**SECONDED: Marcy Marlow**

**CARRIED: 6:0:0**

**PRESENT:**

Chairman Santoro  
Member Grace  
Member Buckey  
Member Prisco  
Member Marlow  
Member Lahey

**ABSENT:**

Member Bomba  
Member Jackson