



Town of Poughkeepsie

Planning & Zoning

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Poughkeepsie, NY 12603

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**DECISION AGENDA
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS
REGULAR MEETING
September 14, 2009
7:00 PM**

Old Business

1. Public Hearing – **ABD Stratford, LLC**, 198 Bower Road, Zone R-4A, Grid #6362-01-320922-0000. Requesting an Interpretation of §210-160(A) & §210-160(C) of the Town Code appealing a determination by the Zoning Administrator that townhouse type dwelling units are not permitted on the Stratford Farms Subdivision. Type II Action.

Public hearing was adjourned to October 19, 2009.

Motion: Betty Bomba

Second: Karmen Buckey

Recused: Marcy Marlow

Vote: 6:0:1

2. 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 44 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. The Lead Agency issued a Negative Declaration on August 20, 2009.

The Board closed the public hearing on the Special Use Permit and voted to approve the Special Use Permit.

Motion: Marcy Marlow

Second: James Santoro

Vote: 7:0:0

The Board closed the public hearing on the Area Variance and voted to approve Area Variance to permit 38 parking spaces instead of the required 44 parking spaces.

Motion: Marcy Marlow

Second: James Santoro

Vote: 7:0:0

New Business

3. Public Hearing – **HOBBY LOBBY**, 1895 South Road, Zone SCH, Grid #6158-01-297959-0000. Requesting an Area Variance for relief from §210-127(C), of the Town Code to allow multiple wall signs having a total square footage of 250.9 square feet where only one wall sign not to exceed 24 square feet is permitted. Type II Action.

Public hearing was adjourned to a special meeting to be held September 30, 2009 at 5:00 p.m.

Motion: James Santoro

Second: Karmen Buckey

Vote: 7:0:0

4. Public Hearing – **VASSAR PROPERTY, LLC**, 35 Vassar Road, Zone ROMNSC, Grid #6260-04-527253. Requesting an Area Variance for relief from Article V, §210-29, of the Town Code to amend a previously granted Special Use Permit to allow the conversion of an existing car wash facility to a restaurant use to be located within an existing motor vehicle service facility/convenience store. Unlisted Action. The Town of Poughkeepsie Planning Board has requested ZBA consent to the Planning Board acting as Lead Agency.

The applicant did not appear. The public hearing was adjourned to October 19, 2009.

Motion: Marcy Marlow

Second: Karmen Buckey

Vote: 7:0:0

5. Public Hearing – **JAMES DUMSER, JR**, 17 Misty Ridge Road, Zone R-20, Grid #6259-01-268752-0000. Requesting an Area Variance for relief from Article IV, §210-107(C) of the Town Code to allow an above ground swimming pool to be located 10 feet from the side lot line where 15 feet is required. Type II Action.

The Board closed the public hearing and voted to approve the application for the reasons set forth in the resolution of the Board.

Motion: Marcy Marlow

Second: Betty Bomba

Vote: 7:0:0

6. Public Hearing – **FRANK PERROTTA** – 18 Patricia Road, Zone R-20, Grid #6263-03-342205-0000. Requesting an Area Variance for relief from Article IV, §210-48 of the Town Code to allow a detached accessory structure to be located 4 feet from the side lot line where 10 feet is required. Type II Action.

The Board closed the public hearing and voted to approve the application contingent upon structure being lowered not less than 18”.

Motion: Marcy Marlow

Second: Betty Bomba

Vote: 6:1:0

7. Public Hearing – **DANIEL TATTA** – 159 Channingville Road, Zone R-20, Grid #6158-03-072409-0000. Requesting an Area Variance for relief from Article IV, § 210-16(E) of the Town Code to allow the construction of a principal structure (residence) located 5 feet from the side yard line where a setback of 25 feet is required. Type II Action.

The Board closed the public hearing and voted to approve the application for the reasons set forth in the resolution of the Board.

Motion: Marcy Marlow

Second: James Santoro

Vote: 7:0:0

8. Public Hearing – **RUDOLPH & ALTHEA KENNEDY** – 8 Castillo Lane, Zone R-20, Grid #6162-05-099893-0000. Requesting an Area Variance for relief from Article IV, §210-16(E) of the Town Code to allow an attached deck to be located 28 feet 6 inches from the rear side yard where 30 feet is required. Type II Action.

The Board closed the public hearing and voted to approve the application for the reasons set forth in the resolution of the Board.

Motion: Marcy Marlow

Second: James Santoro

Vote: 7:0:0

9. Public Hearing – **RICHARD & DIANE LEVITT** – 15 Conklin Street, Zone R-NH, Grid #6057-07-594892-0000. Requesting an Area Variance for relief from Article VIII, §210-48 of the Town Code to allow an addition to an existing detached accessory structure to be located 3.75 feet from the side yard line where a setback of 10 feet is required and 2.9 feet from the rear yard line where a setback of 10 feet is required. Type II Action.

Public hearing was adjourned to October 19, 2009.

Motion: Betty Bomba

Second: Karmen Buckey

Vote: 7:0:0

10. Public Hearing – **HERMAN KOBY** – 2139 New Hackensack Road, Zone R-20, Grid #6260-01-485537-0000. Requesting an Area Variance for relief from Article VIII, §210-69 of the Town Code to allow the construction of a fence greater than 3 ½ feet in height within the front yard setback line where fences greater than 3 ½ feet in height are prohibited. Type II Action.

The applicant did not appear. The public hearing was adjourned to October 19, 2009.

Motion: Marcey Marlow

Second: Karmen Buckey

Recused: Paul Lahey

Vote: 6:0:1

11. Public Hearing – **ERIC SIMONE** – 39 Honey Lane, Zone R-20, Grid #6057-07-710949-0000. Requesting an Area Variance for relief from Article IV, §210-16(E) of the Town Code to allow an existing garage to be converted into living space where the garage is setback 13.5 feet from the side yard line where 20 feet is required, and relief from Article VIII, §210-92(Q)(1) of the Town Code 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 a habitable space. Type II Action.

The Board closed the public hearing and voted to approve the application for the reasons set forth in the resolution of the Board.

Motion: Marcy Marlow

Second: Betty Bomba

Vote: 7:0:0

12. Public Hearing – **ANTHONY FERRARI** – 25 Crestwood Boulevard and 11 Pennock Road, R-20, Grid #6162-20-822173-0000 and 6162-20-813172-0000. Requesting an Area Variance for relief from Article IV, §210-16(E) of the Town Code to allow the establishment of a lot having an area of 10,250 square feet where a minimum lot size of 20,000 square feet is required. Type II Action.

The Board closed the public hearing and voted to approve the application for the reasons set forth in the resolution of the Board.

Motion: Marcy Marlow

Second: Betty Bomba

Vote: 7:0:0

13. Public Hearing – **VICTOR PISANELLI** – 16 West End Avenue, R-20, Grid #6262-04-925403-0000. Requesting an Area Variance for relief from Article IV, §210-16(E) of the Town Code to allow a proposed deck to be located 7 feet from each side yard line where 20 is required and 23 feet from front yard line where 30 feet is required. Type II Action.

The Board closed the public hearing and voted to approve the application for the reasons set forth in the resolution of the Board.

Motion: Marcy Marlow

Second: Betty Bomba

Vote: 7:0:0

14. Public Hearing – **JAN & GERALD TERPENING** – 7 Ann Street, R-20, Grid #6362-01-275724-0000. Requesting an Area Variance for relief from Article IV, §210-107(C) of the Town Code to allow an above ground swimming pool to be located 6 feet from the side lot line where 15 feet is required. Type II Action.

The Board closed the public hearing and voted to approve the application for the reasons set forth in the resolution of the Board.

Motion: Marcy Marlow
Second: Betty Bomba
Vote: 7:0:0

15. Public Hearing – **JOSEPH BARTOLONE** – 97 Cedar Valley Road, R-20, Grid #6260-01-294599-0000. Requesting a Special Use Permit approval pursuant to Article VIII, §210-47 of the Town Code to allow the establishment of an accessory apartment within an existing single family dwelling. Unlisted Action.

Public hearing was adjourned to October 19, 2009.

Motion: Karmen Buckey
Second: Betty Bomba
Recused: Marcy Marlow
Vote: 6:0:1

16. Public Hearing – **DEREK BEACH & LAURIE FONTAINE** – 64 Main Street, R-4A, Grid #6057-07-672948-0000. The requested Area Variance involves relief from Article IV, §210-48 of the Town Code to allow a 16 x 10 shed to be located in front of the principal structure where an accessory building or structure shall not be located in front of a principal structure. Type II Action.

The Board closed the public hearing and voted to approve the application for the reasons set forth in the resolution of the Board.

Motion: Marcy Marlow
Second: Betty Bomba
Vote: 7:0:0

17. Public Hearing – **DAVID & CARMEN CAMPOS** – 7 Empire Boulevard, R-20, Grid #6162-20-793002-0000. The requested Area Variance involves relief from Article IV, §210-107(C) of the Town Code to allow an above ground swimming pool to be located 7 feet from the side lot line where 15 feet is required and 12.5 feet from the rear lot line where 15 feet is required. Type II Action.

The Board closed the public hearing and voted to approve the application for the reasons set forth in the resolution of the Board.

Motion: Marcy Marlow
Second: Betty Bomba
Vote: 7:0:0

18. Public Hearing – **KMART CORPORATION** – 1895 South Road, Zone SHC, Grid #6158-01-297959-0000. Requesting an Area Variance for relief from Article IX, §210-127(C) and §210-123(4) the Town Code to allow a wall sign of 47.25 square feet (for which an area variance was previously granted) to be relocated to a position above the roofline where wall signs are not permitted above the parapet or roofline, and to allow a second wall sign of 47.25 square feet to be mounted above the roofline where only one wall sign of not more than 24 square feet located below the parapet or roofline is permitted. Type II Action.

Public hearing was adjourned to a special meeting to be held September 30, 2009 at 5:00 p.m.

Motion: Marcy Marlow
Second: Karmen Buckey
Vote: 7:0:0

Correspondence

19. **SEQR Lead Agency** – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Dunkin Donuts – Main Street*.

The ZBA voted to consent to the Town Planning Board acting as the Lead Agency on this matter.

Motion: Marcy Marlow

Second: Betty Bomba

Vote: 7:0:0

20. **SEQR Lead Agency** – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Vassar Property LLC – Dunkin Donuts*.

The ZBA voted to consent to the Town Planning Board acting as the Lead Agency on this matter.

Motion: Marcy Marlow

Second: Betty Bomba

Vote: 7:0:0

21. **SEQR Lead Agency** – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Built Parcel Three – Tinkelman*.

The ZBA voted to consent to the Town Planning Board acting as the Lead Agency on this matter.

Motion: Marcy Marlow

Second: Betty Bomba

Vote: 7:0:0

Meeting Closed at 10:45 PM

MOVED: Karmen Buckey

SECONDED: Betty Bomba

CARRIED: 7:0:0

PRESENT:

Member Bomba
Member Buckey
Chairman Challey
Member Lahey
Member Marlow
Member Prisco
Member Santoro

ABSENT:

Member Grace