



# Town of Poughkeepsie

## Planning & Zoning

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**DECISION AGENDA  
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS  
REGULAR MEETING  
October 19, 2009  
7:00 PM**

**Old Business**

1. Adjourned 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.

*The applicant asked that the public hearing be adjourned until the November 9, 2009 meeting.*

**Motion: Art Grace**

**Second: Betty Bomba**

**Recused: Marcy Marlow**

**Vote: 4:0:1**

2. Adjourned 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 ZBA has consented to the Planning Board acting as Lead Agency.

*The applicant did not appear. The public hearing was adjourned to the December 14, 2009 meeting.*

**Motion: Marcy Marlow**

**Second: Betty Bomba**

**Vote: 5:0:0**

3. Adjourned 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.

*The public hearing was adjourned to November 9, 2009 meeting.*

**Motion: Marcy Marlow**

**Second: Art Grace**

**Vote: 5:0:0**

4. Adjourned 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 Board closed the public hearing and voted to approve the application contingent upon the fence being brought into compliance upon the bona fide sale of the property.*

**Motion: Marcy Marlow**  
**Second: Betty Bomba**  
**Vote: 5:0:0**

5. Adjourned 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. Uncoordinated review.

*The applicant did not appear. The public hearing was adjourned to the November 9, 2009 meeting.*

**Motion: Betty Bomba**  
**Second: Karmen Buckey**  
**Recused: Marcy Marlow**  
**Vote: 4:0:1**

6. 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 application was dismissed without prejudice.*

**Motion: Marcy Marlow**  
**Second: Arthur Grace**  
**Vote: 5:0:0**

7. 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.

*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: 5:0:0**

#### New Business

8. Public Hearing – **Dutchess Community College**, 53 Pendell Road and 235 Creek Road, Zone I-N, Grid#6162-02-680990 & 6163-04-723116. Requesting an Interpretation involving an appeal of a determination by the Zoning Administrator that the proposed Residence Hall (i.e. Dormitory) project proposed for the Community College is subject to the zoning and land use regulations of the Town of Poughkeepsie. Type II Action.

*The public hearing was adjourned to the November 16, 2009 special meeting.*

**Motion: Karmen Buckey**  
**Second: Betty Bomba**  
**Vote: 5:0:0**

- ~~9. Public Hearing – **South Hills Land, LLC**, 237 Route 9D, Zone SHC, Grid#6158-01-290785, Grid#6158-01-290785. Requesting Use Variance and Area Variance approvals to permit the use of a commercially zoned property for residential purposes. Unlisted Action. Zoning Board to declare its intent to be Lead Agency. (Staff Note: just prior to the time of publication of this~~

~~agenda the applicant's attorney contacted the Department and asked that this matter be adjourned to the November 9, 2009 meeting agenda. Notice of the public hearing has already been posted. The applicant will not make an appearance but Staff is recommending that the Board adopt a resolution declaring its intent to be the Lead Agency.)~~ **APPLICANT HAS REQUESTED THE APPLICATION BE WITHDRAWN. ZBA TO ACKNOWLEDGE REQUEST, CLOSE PUBLIC HEARING, AND DISMISS THE APPLICATION.**

10. Public Hearing – **Casado enterprises (Wrapsody Grill)**, 43-53 Raymond Avenue, Zone ATC, Grid#6161-12-800675. Requesting an Area Variance for relief from Article IX, Section 210-125(B)(1) to allow a wall sign of 48.25 square feet where a wall sign of not more than 15 square feet is permitted. 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**

**Recused: Jim Challey**

**Vote: 4:0:1**

11. Public Hearing – **Giovanni F. Massarelli**, 25 Husky Hill Road, Zone OR, Grid#6159-03-373475. Requesting an Area Variance for relief from Article X, Section 210-134(A)(1) to allow the expansion of a residential use within an existing commercial building. 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: 5:0:0**

#### **Correspondence**

1. **SEQR Lead Agency** – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Walgreens – Dutchess Turnpike*.

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

**Motion: Marcy Marlow**

**Second: Jim Challey**

**Vote: 5:0:0**

2. **SEQR Lead Agency** – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Kuehner Subdivision – 423 Sheafe Road*

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

**Motion: Marcy Marlow**

**Second: Jim Challey**

**Vote: 5:0:0**

**Meeting Closed at 10:00 PM**

**MOVED: Marcy Marlow**

**SECONDED: Betty Bomba**

**CARRIED: 5:0:0**

#### **PRESENT:**

Member Bomba

Member Buckey

Chairman Challey

Member Grace

Member Marlow

#### **ABSENT:**

Member Lahey

Member Prisco

Member Santoro