



# Town of Poughkeepsie

## Zoning Department

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**DECISION AGENDA  
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS  
REGULAR MEETING  
APRIL 12, 2010  
7:00 PM**

### Old Business

1. Closed 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 public hearing was closed on December 14, 2009. The Board adjourned further deliberation on this matter to the May 10, 2010 meeting.***

**Motion: James Challey  
Second: Paul Lahey (Alt.)  
Recused: Marcy Marlow  
Vote: 7:0:0**

### New Business

2. Public Hearing – **PRECISION TUNE** – 2555 South Road, B-H, Grid# 6060-02-994630-0000. For the purpose of considering a recommendation from the Zoning Administrator to revoke a Special Use Permit issued by the ZBA. The basis for the request is the failure of the owner of said property, RJG Properties, LLC, to comply with the conditions of the 10/24/89 Special Use Permit approval, namely: 1) vehicular activity and parking for business is being conducted on town property in violation of the conditions of the Special Use Permit ; and 2) the installed fence has not been erected in accordance with the conditions of the Special Use Permit; and 3) the exit to Van Sicken Drive has not been permanently blocked in violation of the conditions of the Special Use Permit.

***The Board adjourned the public hearing to the May 10, 2010 meeting.***

**Motion: Art Grace  
Second: Karmen Buckley  
Vote: 7:0:0**

3. Public Hearing – **NILDA RIVERIA** – 13 Laffin Lane, R-20, Grid #6160-01-348582-0000. The requested Special Use Permit is made pursuant to Article VIII, §210-74 of the Town Code to allow the establishment of a home occupation, baking business, within an existing single family dwelling. Unlisted action. Uncoordinated review.

***The Board voted to approve the application for the reasons as set forth in the resolution of the Board.***

**Motion: Marcy Marlow  
Second: Art Grace  
Vote: 7:0:0**

4. Public Hearing – **NELLIE KELLY'S INC.** – 535 Haight Avenue, ATC, Grid#6161-08-894787-0000. The requested Area Variance involves relief from Article IX, §210-125 (B)(2) of the Town Code to allow one 46 square foot freestanding sign, where only one 12 square foot freestanding sign is permitted and relief to allow a freestanding sign to be located 4.2 feet from the highway right-of-way where 10 feet is required. Type II Action.

***The Board voted to approve the application for the reasons as set forth in the resolution of the Board.***

**Motion: Marcy Marlow**

**Second: Art Grace**

**Vote: 7:0:0**

5. Public Hearing – **PATRICIA WHITESELL** – 3 West Dogwood Drive, R-20, Grid# 6060-04-974156-0000. The requested Area Variance involves relief from Article IV, §210-16(E) of the Town Code to allow a deck to be located 20 feet from the front lot line where 30 feet is required. Type II Action.

***The Board voted to approve the application for the reasons as set forth in the resolution of the Board.***

**Motion: Marcy Marlow**

**Second: Betty Bomba**

**Vote: 7:0:0**

6. Public Hearing - **THOMAS LEONARD for BUDGETEXT CORP.** – 3470 North Road, FC, Grid#6062-02-992924-0000. The requested Special Use Permit is made pursuant to Article VIII, §210-72(B) of the Town Code to allow a “Temporary Tent Sale” event on a commercial premises. Unlisted action. Uncoordinated review.

***The Board voted to approve the application for the reasons as set forth in the resolution of the Board.***

**Motion: Marcy Marlow**

**Second: Art Grace**

**Vote: 7:0:0**

7. Public Hearing – **TIM COMMERFORD** – 40 Thomas Avenue, R-20, Grid#6262-02-762507-0000. The requested Area Variance involves relief from Article IV, §210-16(E) of the Town Code to allow a deck to be located 28 feet from the front lot line where 30 feet is required. Type II Action.

***The Board voted to approve the application for the reasons as set forth in the resolution of the Board.***

**Motion: Marcy Marlow**

**Second: Art Grace**

**Vote: 7:0:0**

8. Public Hearing – **JOHN MARCH** – 11 Sycamore Way, R-20, Grid#6259-01-134809-0000. The requested Special Use Permit is made 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 Board voted to approve the application for the reasons as set forth in the resolution of the Board.***

**Motion: Marcy Marlow**

**Second: Art Grace**

**Vote: 7:0:0**

9. Public Hearing – **ALFREDO & LISA VELEZ** – 33 Wood Street, R-20, Grid#6162-20-823057-0000. The requested Area Variance involves relief from Article VIII, §210-107(C) of the Town Code to allow an above ground pool to be located 3 feet from the rear yard line where 15 feet is required. Type II Action.

***The Board voted to approve the application for the reasons as set forth in the resolution of the Board.***

**Motion: Marcy Marlow**

**Second: Art Grace**

**Vote: 7:0:0**

10. Public Hearing – **ELI NASSIM** - 130 Salt Point Turnpike, I-L, Grid# 6162-02-860585-0000. The requested Special Use permit is made pursuant to Article VI, Section 210-39(C)(3) of the Town Code to permit a “Indoor Flea Market”. Unlisted Action. Coordinated review. The Planning Board has been designated the Lead Agency. No SEQRA determination has been issued by the Lead Agency.

***The Board voted to approve the application for the reasons as set forth in the resolution of the Board.***

**Motion: Marcy Marlow**

**Second: James Santoro**

**Opposed: Karmen Buckey**

**Vote: 6:1:0**

11. Public Hearing – **CHRISTIANA DRAYER** – 7 Williams Road, R-20, Grid#6261-01-281820-0000. The requested Area Variance involves relief from Article VIII, §210-69 of the Town Code to allow construction of a fence greater than 3 ½ feet in height within the front yard setback line where fences greater than 3 ½ in height are prohibited within a front yard. Type II Action.

***The Board voted to deny the application for the reasons as set forth in the resolution of the Board.***

**Motion: Marcy Marlow**

**Second: Betty Bomba**

**Vote: 7:0:0**

12. Public Hearing – **JOANNE DRIVAS** – 46 Marple Road, R-20, Grid#6162-20-863073-0000. The requested Area Variance involves relief from Article VIII, §210-16 of the Town Code to allow a proposed addition to be located 19.4 feet from the North front lot line where 30 feet is required and 13.5 feet from the Northeast front lot line where 30 feet is required. Type II Action.

***The Board voted to approve the application for the reasons as set forth in the resolution of the Board.***

**Motion: Marcy Marlow**

**Second: Betty Bomba**

**Vote: 7:0:0**

13. Public Hearing – **NESHEIWAT BUILDERS INC.**, - Lot 3 Alia Court, R-20, Grid# 6162-16-925373-0000. The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow side yard setbacks of 15.5 feet and 15.6 feet respectively for a principal structure where a side yard setback of 20 feet is required. Type II Action.

***The Board voted to deny the application for the reasons as set forth in the resolution of the Board.***

**Motion: James Challey**

**Second: Art Grace**

**Opposed: James Santoro, Betty Bomba**

**Recused: Paul Lahey (Alt.), Marcy Marlow**

**Vote: 4:2:0**

14. Public Hearing – **NESHEIWAT BUILDERS INC.**, - Lot 23 Alia Court, R-20, Grid# 6162-16-909350-0000. The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow side yard setbacks of 15.5 feet and 15.5 feet respectively for a principal structure where a side yard setback of 20 feet is required. Type II Action.

***The Board voted to deny the application for the reasons as set forth in the resolution of the Board.***

**Motion: James Challey**

**Second: Art Grace**

**Opposed: James Santoro, Betty Bomba**

**Recused: Paul Lahey (Alt.), Marcy Marlow**

**Vote: 4:2:0**

**Correspondence**

**SEQR Lead Agency** – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Marist College Hancock Center Amendments*.

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

**Motion: Marcy Marlow**

**Second: Art Grace**

**Vote: 7:0:0**

**Meeting Closed at 10:47 PM**

**MOVED: James Challey**

**SECONDED: Art Grace**

**CARRIED: 7:0:0**

**PRESENT:**

Chairman Challey  
Member Bomba  
Member Buckey  
Member Capone  
Member Grace  
Member Marlow  
Member Santoro  
Member Lahey (Alternate)

**ABSENT:**