



# Town of Poughkeepsie

## Zoning Department

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Poughkeepsie, NY 12603

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**DECISION AGENDA  
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS  
REGULAR MEETING  
June 14, 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. At the request of the applicant the Board adjourned further deliberation on this matter until such time as the applicant requests the Board to continue deliberations.***

**Motion: Betty Bomba**

**Second: Art Grace**

**Recused: Marcy Marlow**

**Vote: 6:0:1**

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 closed the public hearing and further deliberations on this matter have been deferred until the July 12, 2010 meeting.***

**Motion: Art Grace**

**Second: Betty Bomba**

**Recused: Paul Lahey**

**Vote: 6:0:1**

3. Public Hearing – **PETER VANIKIOTIS**– 2521 South Road, B-H, Grid# 6060-02-975536-0000. The requested Area Variance is for 1) relief from Article IX, Section 210-127(B) to allow the installation of a freestanding sign of 84 square feet where a one freestanding sign not greater than 50 square feet is permitted, and 2) relief from Article IX, Section 210-122(A)(8) to allow the use of strip lighting (neon) to outline a commercial structure. Unlisted Action.

***The Board adjourned the public hearing to the July 12, 2010 meeting.***

**Motion: Karmen Buckey**

**Second: Betty Bomba**

**Recused: Marcy Marlow**

**Vote: 6:0:1**

4. Public Hearing – **ASHTON PARK** - 2290 South Road, Zone B-NH, Grid# 6159-03-375410-000. The requested Area Variance involves relief from Article IX, §210-126(B) for the installation of a third freestanding sign of 92 square feet where one freestanding sign not greater than 50 square feet is permitted. Unlisted Action.

***The Board adjourned the public hearing to the July 12, 2010 meeting.***

**Motion: Betty Bomba**

**Second: Phyllis Capone**

**Vote: 7:0:0**

5. Public Hearing – **CEC ENTERTAINMENT** – 1895 South Road, Zone SHC, Grid# 6158-01-297959-0000. The requested Area Variance is for 1)relief from Article IX, Section 210-127(C) to allow the installation of three wall signs of 162 square feet (logo and lettering), 65 square feet (logo only), and 65 square feet (logo only), respectively, where one wall sign not greater than 24 square feet is permitted on a single building; and 2) relief from Article IX, Section 210-122(A)(8) to allow the use of strip lighting (LED) to outline a commercial structure. Unlisted Action.

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

**Motion: Betty Bomba**

**Second: Art Grace**

**Vote: 7:0:0**

### **New Business**

6. Public Hearing – **ROALD MALCOLM** – 16 Ridge Road, R-20, Grid# 6262-04-577110-0000. For the purpose of considering a recommendation from the Zoning Administrator to revoke a Special Use Permit issued by the ZBA on June 11, 2010. The basis for the request is the failure of the owner of said property to comply with the conditions of the Special Use Permit approval namely; the commercial vehicle is parked in excess of 8 days per month.

***The Board voted to revoke the Special Use Permit for the reasons as set forth in the resolution of the Board.***

**Motion: Betty Bomba**

**Second: Art Grace**

**Vote: 7:0:0**

7. Public Hearing – **GARY REICHEL** – 35 Sharon Drive, R-20, Grid# 6161-03-131227-0000. The requested Area Variance involves relief from Article VIII §210-107(C) of the Town Code to allow an above ground pool and deck to be located 2 feet from the side lot line where 15 feet is required and 9.6 feet from the rear lot 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: Betty Bomba**

**Second: Art Grace**

**Vote: 7:0:0**

8. Public Hearing – **MIGUEL MELARA** – 24 Hawkins Street, R-20, Grid# 6162-06-449932-0000. Requested Special Use Permit application pursuant to Article VIII, §210-92(Q)(3) of the Town Code to allow one commercial vehicle not permitted by right to parked in a residential district. Unlisted action. Uncoordinated Review.

***The Board voted to approve a 90-day Special Use Permit for the reasons as set forth in the resolution of the Board.***

**Motion: Paul Lahey**

**Second: Marcy Marlow**

**Vote: 4:3:0**

9. Public Hearing – **H. ANTON FONATSCH** – 26 Alda Drive, R-20, Grid# 6260-03-356201-0000. The requested Area Variance involves relief from Article IV, §210-16(E) of the Town Code to allow a rear screened porch to be located 9.6 feet from the side lot line where 20 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: Betty Bomba**

**Second: Art Grace**

**Vote: 7:0:0**

10. Public Hearing – **CHRISTOPHER HAMEL** – 16 Wendover Drive, R-20, Grid# 6158-01-468910-0000. The requested Area Variance involves relief from Article IV, §210-16(E) of the Town Code to allow a front porch to be located 9.5 feet from the side lot line where 20 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: Betty Bomba**

**Second: Paul Lahey**

**Vote: 7:0:0**

11. Public Hearing – **HENRY FRISCHKNECHT** – 20 Pine Echo Drive, R-20, Grid# 6163-04-785030-0000. The requested Area Variance involves relief from Article IV, §210-16(E) of the Town Code to allow a porch addition to be located 13 feet from the side lot line where 20 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: Betty Bomba**

**Second: Marcy Marlow**

**Vote: 7:0:0**

12. Public Hearing – **ANTHONY M. ARICO, JR.** – 20 Caldwell Road, R-20, Grid# 6261-04-785030-0000. Requested Special Use Permit application pursuant to Article VIII, §210-51 of the Town Code to allow Agriculture including farm animals, within a residential neighborhood. Unlisted Action. Uncoordinated Review.

***At the request of the applicant the Board adjourned the public hearing to the July 12, 2010 meeting.***

**Motion: Betty Bomba**

**Second: Art Grace**

**Vote: 7:0:0**

### **Correspondence**

**SEQR Lead Agency** – Town of Poughkeepsie Planning Board is requesting Lead Agency on Neptune Commerce Center Business Park – 2265 & 2277 South Road & 2 Neptune Road.

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

**Motion: Marcy Marlow**

**Second: Betty Bomba**

**Vote: 7:0:0**

**SEQR Lead Agency** – Town of Poughkeepsie Planning Board is requesting Lead Agency on Trocino/ C & D Processing Amendment – 230 Van Wagner Road.

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

**Motion: Marcy Marlow**

**Second: Betty Bomba**

**Vote: 7:0:0**

**Meeting Closed at 9:30 PM**  
**MOVED: Marcy Marlow**  
**SECONDED: Art Grace**  
**CARRIED: 7:0:0**

**PRESENT:**

Member Bomba  
Member Buckey  
Member Capone  
Member Cuchelo  
Member Grace  
Member Lahey  
Member Marlow

**ABSENT:**

Chairman Challey