



Town of Poughkeepsie

Zoning Department

1 Overocker Road
Poughkeepsie, NY 12603

845-485-3650 Phone
845-790-4772 Fax

**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