



Town of Poughkeepsie

Zoning Department

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**DECISION AGENDA
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS
REGULAR MEETING
July 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. 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: Karmen Buckey
Second: Art Grace
Recused: Marcy Marlow
Vote: 6:0:1**

2. Closed 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 Siclen Drive has not been permanently blocked in violation of the conditions of the Special Use Permit.

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

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

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.

At the request of the applicant the Board adjourned the public hearing to the August 9, 2010 meeting.

**Motion: Betty Bomba
Second: Art Grace
Vote: 7:0:0**

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.

Upon the recommendation of Staff the Board adjourned the public hearing to the October 18, 2010 meeting.

Motion: Art Grace

Second: Marcy Marlow

Vote: 7:0:0

5. 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 August 9, 2010 meeting.

Motion: Art Grace

Second: Betty Bomba

Vote: 7:0:0

New Business

6. Public Hearing – **DONALD & MARIE FLEURY** – 74 Hornbeck Road, R-20, Grid# 6262-02-745709-0000. The requested Area Variance involves relief from Article IV, §210-16(E) of the Town Code to allow a rear deck to be located 17.8 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

7. Public Hearing – **DEBORAH QUINBY**– 22 Darrow Place, R-20, Grid# 6262-04-842342-0000. The requested Area Variance involves relief from Article IV, §210-16(E) of the Town Code to allow a enclosed front porch to be located 12 feet from the west side lot line where 20 feet is required and 3 feet from the east side lot line and 17 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

8. Public Hearing – **SEARS HOLDING CORP. (KMART)** – 635 Dutchess Turnpike, B-SC, Grid# 6261-01-085910-0000. The requested Area Variance involves relief from Article VIII, §210-105(B)(2) of the Town Code to allow the use of shopping carts outside of a commercial building where such shopping carts do not have coin-operated locking devices. Unlisted Action.

The Board was advised by legal counsel that it lacked the jurisdiction to decide upon the relief requested by the applicant. Based on the advice of counsel the Board voted to decline jurisdiction and recommended to the applicant they pursue relief with the Town Board.

Motion: Jim Challey

Second: Marcy Marlow

Vote: 7:0:0

9. Public Hearing – **SHERYL JENNINGS** – 24 Willowbrook Heights, R-20, Grid# 6259-03-089482-0000. The requested Area Variance involves relief from Article IV, §210-16(E) of the Town Code to allow an addition to be located 13.1 feet from the west side lot line where 20 feet is required and 5 feet from the east 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: Marcy Marlow

Second: Betty Bomba

Vote: 7:0:0

10. Public Hearing – **BRIAN & KELLY CONNERS**– 9 Wickes Lane, R-20, Grid# 6057-07-590836-0000. The requested Area Variance involves relief from Article IV, §210-14(E) of the Town Code to allow 1) an addition to be located 41 feet from the front lot line where 100 feet is required, and 2) to allow lot coverage of 24% where lot coverage shall not exceed 4%, 3) to allow maximum impervious surface area of 29% where the maximum impervious surface shall not exceed 12%. 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

11. Public Hearing – **ULSTER SAVINGS BANK**– 2680 South Road, O-R, Grid# 6160-01-054952-0000. The requested Area Variance involves relief from Article IX, Section 210-122(A)(2) to allow a roof sign which is a prohibited use. Unlisted Action

The application was withdrawn by the applicant and no action was taken by the Board on this matter.

Correspondence

SEQR Lead Agency – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Marist College McCann Center Addition – 3399 North Road.*

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 adjourned at 9:00 PM

MOVED: Art Grace

SECONDED: Karmen Buckey

CARRIED: 7:0:0

PRESENT:

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

ABSENT: