



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
August 9, 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: Jim Challey

Second: Art Grace

Recused: Marcy Marlow

Vote: 5:0:1

2. 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, §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 September 13, 2010 meeting.

Motion: Jim Challey

Second: Art Grace

Recused: Marcy Marlow

Vote: 5:0:1

3. Public Hearing - 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: Jim Challey

Second: Art Grace

Vote: 6:0:0

4. 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.

The board adjourned the public hearing to September 13, 2010 in contemplation of dismissal at that time.

**Motion: Jim Challey
Second: Marcy Marlow
Vote: 6:0:0**

New Business

5. Public Hearing – **NANCY PISCITELLO** – 8 Hinkley Place, R-20, Grid# 6162-10-311595-0000. The requested Area Variance is for relief from Article IV, §210-16(E) of the Town Code to allow a rear deck to be located 1.5 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: Marcy Marlow
Second: Art Grace
Vote: 6:0:0**

6. Public Hearing – **NANCY BOBBONI** – 68 Pendell Road, R-20, Grid# 6162-02-680759-0000. The requested Area Variance is for relief from Article IV, §210-16(E) of the Town Code to allow a rear deck 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: Marcy Marlow
Second: Paul Lahey
Vote: 6:0:0**

7. Public Hearing – **DONNA SMITH** – 660 Van Wagner Road, R-20, Grid# 6263-04-884112-0000. The requested Area Variance is for relief from Article IV, §210-48 of the Town Code to allow a shed to be located 1.5 feet from the side lot line 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
Recused: Paul Lahey
Vote: 4:1:1**

8. Public Hearing – **CARMINE MOLINARO** – 46 Stephanie Lane, R-20, Grid# 6159-03-465018-0000. The requested Area Variance is for relief from Article VIII, §210-107(C) of the Town Code to allow an above ground pool and deck to be located 6 feet from the side 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: Marcy Marlow
Second: Paul Lahey
Vote: 6:0:0**

9. Public Hearing – **PAUL & ELIZABETH PANESA** – 61 Nassau Road, R-20, Grid# 6159-01-010618-0000. The requested Area Variance is for relief from Article VIII, §210-107(C) of the Town Code to allow a private pool to be located 11 feet from the rear property line where 15 feet is required, and relief from Article VIII, § 210-48 to allow an accessory structure (pool deck) to be located 2 feet from the rear lot line where 10 feet is required. Type II Action.

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

Motion: Marcy Marlow

Second: Art Grace

Vote: 6:0:0

The Board voted to deny the accessory structure (pool deck) for the reasons as set forth in the resolution of the Board.

Motion: Marcy Marlow

Second: Art Grace

Vote: 5:1:0

10. Public Hearing – **FRANK PERROTTA** – 18 Patricia Road, Zone R-20, Grid #6263-03-342205-0000. Requesting an Area Variance for relief from Article IV, §210-48 of the Town Code to allow a detached accessory structure to be located 4 feet from the side lot line where 10 feet is required. Type II Action.

The Board closed the public hearing and further deliberations on this matter have been deferred until the September 13, 2010 meeting.

Motion: Jim Challey

Second: Art Grace

Vote: 6:0:0

11. Public Hearing – **DAVID FERNANDEZ** – 9 Bower Road, R-20, Grid# 6263-04-899093-0000. The requested Area Variance is for relief from Article IV, §210-48 of the Town Code to allow an existing accessory structure to be located 0.7 feet from the side lot line 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: Jim Challey

Second: Art Grace

Vote: 6:0:0

12. Public Hearing – **OAKWOOD PARTNERS**– 2507, 2511, 2515 South Road, B-H & WD1, Grid# 6060-04-976470-0000, 6060-04-980492, 6060-04-956489. The requested Area Variance is for relief from Article IX, §210-131(Q) of the Town Code to allow four directional signs of 26 square feet each where each directional signs shall not exceed 4 square feet. Unlisted Action. ***APPLICATION WITHDRAWN BY THE APPLICANT.***

13. Public Hearing – **SPACKENKILL DEVELOPMENT**– 2519-2521 South Road, B-H & WD1, Grid# 6060-02-975536-0000. The requested Area Variance is for relief from Article IX, §210-131(Q) of the Town Code to allow a directional sign of 6.95 square feet where such directional signs shall not exceed 4 square feet. Unlisted Action. ***APPLICATION WITHDRAWN BY THE APPLICANT.***

14. Public Hearing – **MARIST COLLEGE**– 3399 North Road, I-N, Grid# 6062-02-776732-0000. The requested Area Variance is for relief from Article VI, §210-38(E) of the Town Code to allow an accessory structure to be located 7.5 feet from the side lot line where 50 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

Recused: Paul Lahey

Vote: 5:0:1

Correspondence

SEQR Lead Agency – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Wiltse Subdivision* – 907 Dutchess Turnpike.

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

Motion: Marcy Marlow
Second: Art Grace
Vote: 6:0:0

SEQR Lead Agency – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Golf Plaza – 68 Creek 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: 6:0:0

Meeting adjourned at 10:46 PM

MOVED: Marcy Marlow
SECONDED: Art Grace
CARRIED: 6:0:0

PRESENT:

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

ABSENT:

Member Bomba
Member Capone