



# Town of Poughkeepsie

## Planning & Zoning

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**DECISION AGENDA  
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS  
REGULAR MEETING  
FEBRUARY 14, 2011  
7:00 PM**

### Old Business

1. **Public Hearing Closed, Deliberation – ABD Stratford, LLC**, 198 Bower Road. Zone R-4A, Grid #6362-01-320922-0000. Requesting an Interpretation of §210-160(A) and §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. **Matter Adjourned To April 11, 2011.**
2. **Public Hearing – Ashton Park – 2290 South Road**, Zone B-NH, Grid #6159-03-375410-0000. 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. **Public Hearing Adjourned To April 11, 2011.**
3. **Public Hearing – Michael Liberati – 27 Wilmar Terrace**, Zone R-20,000, Grid #6162-10-296633-0000. The requested Area Variance is for relief from Article IV, §210-16(E) of the Town Code to allow impervious surface coverage on the lot to exceed a maximum of 35%. Type II Action. **At the request of the applicant, the Public Hearing is adjourned to March 14, 2011.**
4. **Public Hearing – Burlington Coat Factory – 1895 South Road**, Zone SHC, Grid #6158-01-297959-0000. The requested Area Variance is for relief from Article IX, §210-127(C) of the Town Code to allow the installation of a wall sign of 77.3 square feet where only 24 square feet is allowed. Unlisted Action. **Adjourned to March 14, 2011.**

### New Business

5. **Public Hearing – Merwin Burger – 31 Van Wyck Drive**, Zone R-20,000, Grid #6162-07-594927-0000. The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow an existing carport to be located 10 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: Elizabeth Bomba**

**Second: Arthur Grace**

**Vote: 7:0:0**

6. **Public Hearing – Mark McNamara – 18 East Bank Road, Zone R-20,000, Grid #6362-01-135510-0000.** The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a proposed deck addition to be located 20 feet from the rear lot line where 30 feet is required and a bedroom addition to be located 15.7 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: Elizabeth Bomba**

**Second: Karmen Buckey**

**Vote: 7:0:0**

7. **Public Hearing – Abdel Maghnoij – 10 Main Street (New Hamburg), Zone R-NH, Grid #6057-07-511845-0000.** The request for Special Use Permit approval is made pursuant to Article IV, Section 210-18 C (7) of the Town Code to allow a Gourmet Deli on the premises. Unlisted Action.

*The Board determined that the proposed action would not have a significant environmental impact and thereafter issued a Negative Declaration.*

**Motion: James Challey**

**Second: Elizabeth Bomba**

**Vote: 7:0:0**

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

**Motion: Elizabeth Bomba**

**Second: Arthur Grace**

**Vote: 7:0:0**

8. **Public Hearing – Stewart Balshem for Budgetext Corp., 3470 North Road, Zone FC, Grid #6062-02-992924-0000.** The request for Special Use Permit approval is made pursuant to Article VIII, Section 210-72(B) of the Town Code to allow a “Temporary Tent Sale” event on commercial property on the following dates: May 9<sup>th</sup> – 13<sup>th</sup>, 2011, and December 12<sup>th</sup> – 16<sup>th</sup>, 2011. Unlisted Action.

*The Board determined that the proposed action would not have a significant environmental impact and thereafter issued a Negative Declaration.*

**Motion: James Challey**

**Second: Arthur Grace**

**Vote: 7:0:0**

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

**Motion: Elizabeth Bomba**

**Second: Arthur Grace**

**Vote: 7:0:0**

9. **Public Hearing - John Miller, 9 Miller Place, Zone R-20,000, Grid #6163-19-522217-0000.** The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a proposed rear deck to be located 13 feet from the

west side lot line and 16.5 feet from the east side lot line where a 20 foot setback is required from both side lot lines. Type II Action.

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

**Motion: Elizabeth Bomba**

**Second: Arthur Grace**

**Vote: 7:0:0**

10. **Public Hearing – Frank & Nancy Rodgers, 20 Main Street (New Hamburg), Zone R-NH, Grid #6057-07-567816-0000.** The requested Area Variances are related to a proposed minor subdivision to create one (1) new building lot and involve relief from: 1) for proposed Lot 1, Article VIII, Section § 210-48 of the Town Code to allow an accessory structure to be in front of the principal building; and 2) for proposed Lot 1, Article IV, Section 210-18(E) to allow an accessory structure to be located within 11.4 feet of a front yard lot line where a front yard setback of 30 feet is required; and 3) for proposed Lot 2, Article VIII, Section § 210-48 of the Town Code to allow an accessory structure to be in front of the principal building. Unlisted Action.

*The Board determined that the proposed action would not have a significant environmental impact and thereafter issued a Negative Declaration.*

**Motion: James Challey**

**Second: Elizabeth Bomba**

**Vote: 7:0:0**

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

**Motion: Elizabeth Bomba**

**Second: Arthur Grace**

**Vote: 7:0:0**

11. **Public Hearing – T-Mobile Northeast LLC, 241 North Road (St. Francis Hospital), Zone IN, Grid #6162-09-072632-0000.** The requested Area Variance involves relief from Article IX, Section 210-38(E) of the Town Code to allow a wireless telecommunications facility to be located on an existing hospital at a height of 106 feet where a maximum height of 60 feet is allowed. Unlisted Action.

*The Board determined that the proposed action would not have a significant environmental impact and thereafter issued a Negative Declaration.*

**Motion: James Challey**

**Second: Paul Lahey**

**Vote: 7:0:0**

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

**Motion: James Challey**

**Second: Arthur Grace**

**Vote: 7:0:0**

12. **Public Hearing - Joseph Nardi, 31 Heathbrook Drive, Zone R-20,000, Grid #6260-02-515526-0000.** The requested Area Variance involves relief from Article VIII, §210-69 of the Town Code to allow a fence greater than 3 ½ feet in height within the front yard where fences and hedges greater than 3 ½ feet in height are prohibited. Type II Action.

*The Board voted to approve the application upon the condition that the fence be no higher than six feet and that the style of the fence shall be similar to the fence on 2 Old Farms Road as approved at the January 10, 2011 ZBA meeting, as set forth in the resolution of the Board.*

**Motion: Betty Bomba  
Second: Paul Lahey  
Nay: Anthony Cuchelo  
Vote: 6:1:0**

13. **Public Hearing - Joseph Nardi, 31 Heathbrook Drive, Zone R-20,000, Grid #6260-02-515526-0000.** The requested Special Use Permit is made pursuant to Article VIII, Section 210-92(Q)(3) of the Town Code to allow a commercial vehicle which is otherwise not permitted by-right under Article VIII, Section 210-92(Q)(2) of the Town Code to be parked in a residential district. Unlisted Action.

**Public Hearing Adjourned to March 14, 2011.**

14. **Public Hearing – Marist College, 3399 North Road, Zone IN, Grid #6062-02-870603-0000.** The requested Area Variance involves relief from Article VI, Section 210-38(E) of the Town Code to allow an addition to the McCann Center building to be located 21 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: Betty Bomba  
Second: Arthur Grace  
Recused: Paul Lahey  
Vote: 6:0:1**

15. **Public Hearing – Applebee’s Restaurant, 3432-3434 North Road, Zone FC, Grid #6062-02-990867-0000.** The requested Area Variance involves relief from Article IX, Section 210-127 of the Town Code to allow the installation of two wall signs of 57.75 square feet (north elevation) and 39.42 square feet (south elevation) where only one wall sign not to exceed 24 square feet is allowed. Unlisted Action.

**Public Hearing Adjourned to March 14, 2011.**

16. **Public Hearing – Pet Goods, 1895 South Road, Zone SHC, Grid #6158-01-297959-0000.** The requested Area Variance is for relief from Article IX, Section 210-127(C) to allow the installation of a wall sign of 95.3 square feet where only one wall sign not to exceed 24 square feet is allowed. Unlisted Action.

**Public Hearing Adjourned to March 14, 2011.**

**Meeting adjourned at 10:55 PM  
MOVED: James Challey  
SECONDED: Arthur Grace  
CARRIED: 7:0:0**

**PRESENT:**

Chairman Challey  
Member Bomba

Member Buckey  
Member Grace  
Member Capone  
Member Cuchelo  
Member Lahey (Alt.)

**ABSENT:**

Member Marlow