



Town of Poughkeepsie

Zoning Department

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**DECISION AGENDA
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS
REGULAR MEETING
APRIL 13, 2015
7:00 PM**

Old Business

1. **Adjourned Public Hearing – Leanne Le, 81 Buckingham Avenue, Zone R-20, Grid #6162-10-315726-0000.** The requested Area Variance involves relief from Article VIII, Section 210-92(Q)(1) to allow the parking or storage of motor vehicles in the front yard of the property. Unlisted Action. Uncoordinated review.

The Board voted to grant the variance for the reasons set forth in the resolution of the Board.

Motion: Jim Challey

Second: Paul Lahey

Vote: 7:0:0

2. **Adjourned Public Hearing – Anthony Leo, 11 Spring Street, Zone R-20, Grid #6162-05-239816-0000.** The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a single family detached dwelling to be located 8 feet from the side lot line where 20 feet is required. Type II Action. **The Public Hearing adjourned until 5/11/15 at the request of the applicant.**

3. **Public Hearing – John & Maria Rautenstrauch, 7 Old Farms Road, Zone R-20, Grid #6160-04-604474-0000.** The requested Area Variance involves relief from Article IV, Section 210-16(E) to allow a proposed home addition to be located 14 feet from the side lot line where 20 feet is required. Type II Action.

The Board voted to grant the variance for the reasons set forth in the resolution of the Board.

Motion: Christine Sorecelli

Second: Betty Bomba

Vote: 7:0:0

4. **Public Hearing – U-Haul, 2175-2185 South Road, Zone B-H, Grid #6159-01-276754-0000.** The request for Area Variance approval is made pursuant to Article IX, of the Town Code as follows; 1) §210-128(C) to allow a wall sign of 185.76 square feet where on wall sign up 100 square feet is allowed [withdrawn by applicant]; and 2) §210-128(C) to allow 2 additional wall signs of 60 square feet each where only one wall sign is permitted; and 3) §210-131(F) of the town code to allow one directional sign of 13.5 square feet where directional signs shall not exceed 3 square feet or exceed a height of 6 feet [withdrawn by applicant]. Unlisted Action. Uncoordinated Review.

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

Motion: Jim Challey

Second: Paul Lahey

Vote: 7:0:0

The Board voted to grant a variance to allow 2 additional wall signs of 40 square feet each for the reasons set forth in the resolution of the Board.

Motion: Betty Bomba

Second: Christine Soricelli

Nay: Paul Lahey

Vote: 6:1:0

5. **Public Hearing – Keith & Debbie Hoffnagle, 131 Violet Avenue, Zone R-20, Grid #6162-07-510847-0000.** The requested Use Variance involves relief from Article III, Section 210-13F and Article IV, Section 210-16(B) to allow the establishment of a restaurant in a district where restaurants are not a permitted use. Unlisted Action. Uncoordinated review.

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

Motion: Jim Challey

Second: Betty Bomba

Vote: 7:0:0

The Board voted to grant the variance for the reasons set forth in the resolution of the Board.

Motion: Jim Challey

Second: Betty Bomba

Nay: Paul Lahey

Vote: 6:1:0

6. **Public Hearing – New England Realty Group, Ltd., 92 Fairview Avenue, Zone R-20, Grid #6162-09-212690-0000.** The requested Interpretation is a request for a determination that the occupants of 92 Fairview Avenue are the functional equivalent of a “family” as that term is defined in Chapter 210, Article II, §210-9 of the Town Code. Type II Action.

The Board voted to deny the Interpretation for the reasons set forth in the resolution of the Board.

Motion: Jim Challey

Second: Paul Lahey

Vote: 7:0:0

7. **Public Hearing –Yi Jing Zheng, 19 Fairview Avenue Extension, Zone R-20, Grid #6162-05-139932-0000.** The requested Interpretation is a request for a determination that the occupants of 19 Fairview Avenue Extension are the functional equivalent of a “family” as that term is defined in Chapter 210, Article II, §210-9 of the Town Code. Type II Action. **The application has been withdrawn at the request of the applicant.**

8. **Public Hearing –Yi Jing Zheng, 18 Hawkins Street, Zone R-20, Grid # 6162-06-421929-0000.** The requested Interpretation is a request for a determination that the occupants of 18 Hawkins Street are the functional equivalent of a “family” as that term is defined in Chapter 210, Article II, §210-9 of the Town Code. Type II Action. **The application has been withdrawn at the request of the applicant.**
9. **Public Hearing –Yi Jing Zheng, 6 Lyford Street, Zone R-20, Grid # 6162-06-302928-0000.** The requested Interpretation is a request for a determination that the occupants of 6 Lyford Street are the functional equivalent of a “family” as that term is defined in Chapter 210, Article II, §210-9 of the Town Code. Type II Action. **The application has been withdrawn at the request of the applicant.**
10. **Public Hearing – Malabar Realty, LLC, 798 Dutchess Turnpike and 219 Overocker Road, Zone B-H, Grid #6262-04-571014 and 574003.** Area Variance approvals are required pursuant to Chapter 210, Article VI, §210-35(C) to allow 1) a front yard setbacks of 12 feet 4 inches, 19 feet 10 inches, 24 feet 2 inches, 28 feet 7 inches, and 37 feet 3 inches for various improvements where 40 feet is required; and 2) a rear yard setback of 15 feet where 40 feet is required; and 3) a maximum impervious coverage of 80% where a maximum of 75% is permitted; and pursuant to Chapter 210, Article VIII, §210-69 to allow a fence of up to 8 feet in height within a front yard where a fence shall not exceed 3.5 feet in height; and pursuant to Chapter 210, Article VIII, §210-88(A) to allow the parking of motor vehicles within 20 feet of a residential district boundary; and pursuant to Chapter 210, Article VIII, §210-90(E) to allow a motor vehicle service facility to be located within 500 feet of a residential use in a residential district. Unlisted Action. Coordinated review. Planning Board is the designated Lead Agency. Negative Declaration issued 2/19/15. **The Public Hearing adjourned until 5/11/15 at the request of the applicant.**
11. **Public Hearing – Malabar Realty, LLC, 798 Dutchess Turnpike and 219 Overocker Road, Zone B-H, Grid #6262-04-571014 and 574003.** Special Use Permit is required: 1) pursuant to Chapter 210, Article VI, §210-35(C), and Article VIII, §210-90 of the Town Code to allow the re-establishment of a motor vehicle service facility; and 2) pursuant to Chapter 210, Article VI, §210-35(C), and Article VIII, §210-88 of the Town Code to allow the establishment of a motor vehicle rental business. Unlisted Action. Coordinated review. Planning Board is the designated Lead Agency. Negative Declaration issued 2/19/15. **The Public Hearing adjourned until 5/11/15 at the request of the applicant.**

New Business

12. **Public Hearing – Michael & Linda Cronk, 190 Rochdale Road, Zone R-20, Grid #6362-01-179546-0000.** The requested Area Variance involves relief from Article VIII, Section 210-48 of the Town Code to allow a proposed accessory structure to be located 6 feet from the rear yard lot line where 10 feet is required. Type II Action.

The Board voted to grant the variance for the reasons set forth in the resolution of the Board.

Motion: Jim Challey

Second: Christine Soricelli

Vote: 7:0:0

13. **Public Hearing – John Aagaard, 2 Marwood Drive, Zone R-20, Grid #6059-08-876905-0000.**
The requested Area Variance involves relief from Article VIII, Section 210-48 of the Town Code to allow a proposed accessory structure to be located 1 foot from the rear yard lot line where 10 feet is required. Type II Action.

The Board voted to grant the variance for the reasons set forth in the resolution of the Board.

Motion: Anthony D'Aquanni

Second: Betty Bomba

Vote: 7:0:0

14. **Public Hearing – Stewarts Shops Corp., 85 Creek Road, Zone B-N, Grid #6162-02-689709-0000.** The requested Area Variance is for relief from Article IX, Section 210-123.1(A) of the Town Code to allow the installation of an Electronic Message Display sign in the B-N Zoning District which is otherwise prohibited. Unlisted Action. Uncoordinated Review.

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

Motion: Jim Challey

Second: Christine Soricelli

Vote: 7:0:0

The Board voted to grant the variance for the reasons set forth in the resolution of the Board.

Motion: Larry Slomin

Second: Betty Bomba

Vote: 7:0:0

15. **Public Hearing – Maria Balbo, 788 Main Street, Zone ATC, Grid #6161-08-779814-0000.**
The requested Area Variance is for relief from Article V Section 210-22 E of the Town Code to allow: 1) front yard setbacks of 4.8 feet and 0.7 feet along the Main Street and Raymond Avenue frontages, respectively, where 5 feet is required; 2) lot coverage of 97% where a maximum of 60% is permitted; and 3) impervious surface coverage of 100% where a maximum of 95% is permitted. Type II Action.

The Board voted to grant the variance for the reasons set forth in the resolution of the Board.

Motion: Paul Lahey

Second: Christine Soricelli

Vote: 7:0:0

Meeting adjourned at 10:06 PM

MOVED: Jim Challey

SECONDED: Paul Lahey

CARRIED: 7:0:0

PRESENT:

Member Bomba
Member Buckey
Member Capone (Alternate)
Chairman Challey
Member D'Aquanni

Member Lahey (Alternate)
Member Slomin
Member Soricelli

ABSENT:

Member Grace