



# 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**  
**JULY 13, 2015**  
**7:00 PM**

### Old Business

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

**Motion: Jim Challey**

**Second: Paul Lahey**

**Nay: Art Grace**

**Vote: 6:1:0**

2. **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 4) 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 5) 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 6) 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 Board closed the Public Hearing adjourned deliberations to 8/10/15.**
3. **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 Board closed the Public Hearing adjourned deliberations to 8/10/15.**

### **New Business**

4. **Public Hearing – Lenore DeFelice, 102 Overocker Road**, Zone R-20, Grid #6261-01-412796-0000. The requested Area Variance involves relief from Article VIII, Section 210-16(E) to allow an existing deck to be located 8 feet 6 inches 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: Art Grace**

**Second: Betty Bomba**

**Recused: Paul Lahey**

**Vote: 7:0:0**

5. **Public Hearing – Mario Giampaolo, 9 Main Street (New Hamburg)**, Zone R-NH, Grid #6057-07-509859-0000. The requested Area Variance involves relief from Article VIII, Section 210-18(E) to allow a home addition to be located 8 feet 8 inches from the north front lot line where 30 feet is required, and 8 feet 6 inches from the south side 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: Art Grace**

**Vote: 7:0:0**

6. **Public Hearing – Steve Kilpert, 5 Holland Court**, Zone R-20, Grid #6160-03-325333-0000. The requested Area Variance involves relief from Article VIII, Section 210-16 (E) to allow a proposed home addition to be located 12 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: Paul Lahey**

**Second: Christine Soricelli**

**Vote: 7:0:0**

7. **Public Hearing – Keith McLaughlin, 20 Kinderhook Drive**, Zone R-20, Grid #6160-03-284417-0000. The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a home addition to be located 8 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: Anthony D'Aquanni**

**Second: Betty Bomba**

**Vote: 7:0:0**

8. **Public Hearing – Keith McLaughlin, 20 Kinderhook Drive, Zone R-20, Grid #6160-03-284417-0000.** The request for Special Use Permit approval is made pursuant to Article VIII, Section 210-47 of the Town Code to allow the establishment of an accessory apartment within an existing single family dwelling. 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: Art Grace**

**Vote: 7:0:0**

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

**Motion: Karmen Buckey**

**Second: Christine Soricelli**

**Vote: 7:0:0**

9. **Public Hearing – Jay & Mary Simpson, 46 Overlook Road, Zone R-20, Grid #6261-02-658876-0000.** The requested Area Variance involves relief from Article VIII, Section 210-16 (E) to allow a proposed home addition to be located 29 feet from the rear lot line where 30 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 Soricelli**

**Second: Betty Bomba**

**Recused: Paul Lahey**

**Vote: 7:0:0**

10. **Public Hearing – David Arnfield, Trustee, 4 Monroe Drive, Zone R-20, Grid #6158-02-551899-0000.** The requested Area Variance involves relief from Article VIII, Section 210-16 (E) to allow an existing home addition (screened porch) to be located 14 feet 5 inches 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: Betty Bomba**

**Second: Art Grace**

**Vote: 7:0:0**

11. **Public Hearing – John Diaz, 95 Spackenkill Road, Zone R-20, Grid #6160-03-443493-0000.** The requested Area Variance involves relief from Article VIII, Section 210-16(E) to allow a proposed home addition to be located 13 feet 4 inches 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 Soricelli**

**Second: Art Grace**

**Recused: Paul Lahey**

**Vote: 7:0:0**

12. **Public Hearing – Vassar College, 60 Raymond Avenue, Zone ATC, Grid #6161-12-823675-0000.** The requested Area Variance seeks relief from Article IX, Section 210-122(A)(1), (5), and (6) to allow the use of a 54” x 28” non-permanent sidewalk sign advertising a business (i.e. the College Bookstore) that is not located on the lot on which the sidewalk sign would be placed. 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: Art Grace**  
**Vote: 7:0:0**

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

**Motion: Betty Bomba**  
**Second: Paul Lahey**  
**Nay: Jim Challey, Christine Soricelli**  
**Vote: 5:2:0**

13. **Public Hearing – Stewart’s Shops #387, 6 Manchester Circle, Zone I-H, Grid #6261-01-237642-0000.** The requested Area Variance involves relief from Article VI, Section 210-40(E) to allow the installation of a 10’ x 7’ covered roof off the rear of an existing commercial building to be located 29 feet from the rear property line where 50 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: Art Grace**  
**Second: Betty Bomba**  
**Vote: 7:0:0**

14. **Public Hearing – Stewart’s Shops #387, 6 Manchester Circle, Zone I-H, Grid #6261-01-237642-0000.** The Special Use Permit is required pursuant to Article VI, Section 210-40(C)(10), Article VIII, Section 210-90, and Article XII, Section 210-149(L)(1) of the Town Code in regard to the installation of a 10’ x 7’ covered roof off the rear of an existing commercial building. 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: Art Grace**  
**Vote: 7:0:0**

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

**Motion: Jim Challey**  
**Second: Art Grace**  
**Vote: 7:0:0**

**Correspondence**

**SEQR Lead Agency** – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Hudson Heritage Project, 3532 North Road.*

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

**Motion: Jim Challey**

**Second: Art Grace**

**Vote: 7:0:0**

**SEQR Lead Agency** – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Creek Road Apartments, 84-92 Creek Road*

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

**Motion: Jim Challey**

**Second: Art Grace**

**Vote: 7:0:0**

**Meeting adjourned at 11:15 PM**

**MOVED: Jim Challey**

**SECONDED: Art Grace**

**CARRIED: 7:0:0**

**PRESENT:**

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

**ABSENT:**

Member Slomin