



# Town of Poughkeepsie

## Zoning Department

1 Overocker Road  
Poughkeepsie, NY 12603

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**DECISION AGENDA**  
**TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS**  
**REGULAR MEETING**  
**SEPTEMBER 21, 2015**  
**6:00 PM**

### Old Business

- 1. Public Hearing – Malabar Realty, LLC, 798 Dutchess Turnpike and 219 Overocker Road, Zone B-H, Grid #6262-04-571014 and 574003.** The request for an Area Variance was previously the subject of a public hearing on several area variance requests and said public hearing was closed on July 13, 2015. Due to changes to the site plan as proposed by the applicant the Zoning Board of Appeals has determined that said changes require re-opening the public hearing to allow public comment on the proposed amended site plan. Under the revised plan Area Variance approvals are required pursuant to Chapter 210, Article VI, §210-35(C) to allow 1) front yard setbacks of 26 feet, 28 feet 7 inches, 23 feet 11 inches, 36 feet 11 inches, and 37 feet 4 inches for various improvements where 40 feet is required; 2) a rear yard setback of 25 feet where 40 feet is required; 3) 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; 4) 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 5) 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 and adjourned deliberations to 10/19/15.**
- 2. 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 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. Unlisted Action. Coordinated review. Planning Board is the designated Lead Agency. Negative Declaration issued 2/19/15. **The Board closed the Public Hearing and adjourned deliberations to 10/19/15.**
- 3. Public Hearing – Golden Corral, 2345 South Road, Zone B-H, Grid #6160-03-055096-0000.** The requested Area Variance involves relief from Article VIII, Section 210-127(B) and 210-123(C) to allow a proposed monument sign of 126 square feet where only 50 square feet is allowed and; 2) to allow a height of 29.6 feet where 20 feet is allowed. Unlisted Action. Coordinated Review. Planning Board is the designated Lead Agency. Negative Declaration issued June 4, 2015.

*The Board voted to grant a 60.56 square foot variance for a freestanding sign the reasons set forth in the resolution of the Board.*

**Motion: Jim Challey**

**Second: Art Grace**  
**Vote: 7:0:0**

**New Business**

4. **Public Hearing –Harry Decker, 145 Bower Road, Zone R-20, Grid #6363-03-191124-0000.** The requested Area Variance involves relief from Article VIII, Section 210-48 to allow an existing accessory structure (shed) to be located in front of a principal structure. 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**  
**Nay: Karmen Buckey**  
**Vote: 6:1:0**

5. **Public Hearing –Freeman & Iris Rojas, 1 Jay Road, Zone R-20, Grid #6259-01-300831-0000.** The requested Area Variance involves relief from Article VIII, Section 210-107(C) of the Town Code to allow a proposed private swimming pool to be located 8 feet from the rear lot line where 15 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**

6. **Public Hearing –Carmelina Ortiz & Venere Montano, 25 Kent Avenue, Zone R-20, Grid #6162-19-720043-0000.** The requested Area Variance involves relief from 1) Article IV, Section 210-16(E) of the Town Code to allow an existing home addition (sunroom) to be located 14 feet from the side yard where 20 feet is required, and 2) Article VIII, Section 210-107(C) to allow a private swimming pool to be located 6 feet from a side property line where a 15 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: Phyllis Capone**  
**Recused: Betty Bomba, Art Grace**  
**Vote: 7:0:0**

7. **Public Hearing –Seth deKoven, 2 Hillis Terrace, Zone R-20, Grid #6259-01-081562-0000.** The requested Area Variance involves relief from Article VIII, Section 210-69 of the Town Code to allow a fence of up to 6 feet in height to be located within a front yard where the maximum height of a fence shall not exceed 3.5 feet. Type II Action.

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

**Motion: Larry Slomin**  
**Second: Art Grace**  
**Vote: 7:0:0**

8. **Public Hearing –Steven & Sharon Pacheco-Adamec, 31 Thomas Avenue, Zone R-20, Grid #6262-04-756471-0000.** The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a proposed deck to be located 10 feet from the side lot line where 20 feet is required and a variance from Article VIII, Section 210-107 (C) to legalize an existing private swimming pool to be located 14 feet 6 inches from a side lot line where 15 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: Betty Bomba**

**Vote: 7:0:0**

9. **Public Hearing –Wei Lu & Zhaouhi Meng, 1 Rowley Road, Zone R-20, Grid #6159-04-727278-0000.** The requested Area Variance involves relief from Article VIII, §210-92(Q)(1) of Chapter 210 to allow the parking or storage of motor vehicles in the front yard of the property. Type II Action. **The Public Hearing was adjourned to 10/19/15.**

10. **Public Hearing –Dutchess Terminals, Inc., 813 Main Street, Zone ATC, Grid #6161-08-861822-0000.** The requested Area Variance is for relief from Article IX, Section 210-125(B)(2) of the Town Code to allow the installation of a freestanding sign of 48 square feet mounted at a height of 18 feet on an exposed I-beam post located 7 feet from the front boundary line and including an electronic message display where a freestanding sign of 12 square feet is permitted at a mounted height of no more than 12 feet supported by other than an exposed I-beam post located not less than 10 feet from the front property boundary and containing no electronic message display element. Unlisted Action. Uncoordinated Review. **The Public Hearing was adjourned to 10/19/15.**

11. **Public Hearing –Larry & Sandra Cohn, 3 Magnolia Lane, Zone R-20, Grid #6060-04-997156-0000.** The requested Area Variance involves relief from Article VIII, Section 210-67.1(E)(1(a) of the Town Code to allow roof mounted solar electric panels to be installed less than three feet from the edge of the roof. Type II Action.

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

**Motion: Tony D’Aquanni**

**Second: Art Grace**

**Vote: 7:0:0**

**Meeting adjourned at 9:30 PM**

**MOVED: Jim Challey**

**SECONDED: Art Grace**

**CARRIED: 7:0:0**

**PRESENT:**

Member Bomba

**ABSENT:**

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