



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 OCTOBER 19, 2015 6:00 PM

Old Business

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

Motion: Art Grace
Second: Betty Bomba
Nay: Phyllis Capone
Vote: 6:1:0

2. **Closed 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 voted to grant the special use permit for the reasons set forth in the resolution of the Board.

Motion: Jim Challey
Second: Art Grace
Nay: Phyllis Capone
Vote: 6:1:0

3. **Public Hearing –Wei Lu & Zhaouhi Meng, 1 Rowley Road, Zone R-20, Grid #6159-04-727278.** 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 Board voted to grant the variance with conditions for the reasons set forth in the resolution of the Board.

Motion: Jim Challey

Second: Betty Bomba

Vote: 7:0:0

4. **Public Hearing –Dutchess Terminals, Inc., 813 Main Street, Zone ATC, Grid #6161-08-861822.** 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 11/9/15.**

New Business

5. **Public Hearing –Bruce & Beverly Taylor, 19 Stone Street, Zone R-20, Grid #6057-07-522928.** The requested Area Variance involves relief from Article X, Section 210-135 and Article VIII, Section 210-48 of the Town Code of the town code to allow expansion of an existing non conforming structure 2.25 feet from the rear property line and 0 feet side lot where 10 feet is required for both. 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

6. **Public Hearing –Our Lady of Lourdes HS, 131 Boardman Road, Zone I-N, Grid #6260-01-213593.** The requested Area Variance involves relief from Article IX, Section 210-126C of the Town Code to allow a proposed second wall sign of 50 square feet where only one wall sign is permitted. 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 the variance for the reasons set forth in the resolution of the Board.

Motion: Phyllis Capone

Second: Art Grace

Vote: 7:0:0

7. **Public Hearing –Joe & Maria Lepore, 7 Kingwood Lane, Zone R-20, Grid #6160-03-287275.** The requested Area Variance involves relief from Article VIII, Section 210-67.1(2)(c) to allow a ground-mounted solar energy system to be located 15 feet in height where 10 feet in height is allowed. 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

Vote: 7:0:0

8. **Public Hearing – Gary Dziuban, 3 Susan Lane, Zone R-20, Grid #6159-03-427087.** The requested Area Variance involves relief from Article VIII, Section 210-47(C)(4) of the Town Code to allow an accessory apartment having a floor area of 56% of the size of the principal dwelling where the floor area of an accessory apartment shall not exceed 35%. Type II Action.

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

Motion: Karmen Buckey

Second: Art Grace

Vote: 7:0:0

9. **Public Hearing – Gary Dziuban, 3 Susan Lane, Zone R-20, Grid #6159-03-427087-0000.** 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 the variance for the reasons set forth in the resolution of the Board.

Motion: Jim Challey

Second: Art Grace

Vote: 7:0:0

10. **Public Hearing –John Fields, 34 Sheraton Drive, Zone R-20, Grid #6059-08-920879.** The requested Area Variance involves relief from Article VIII, Section 210-16(E) of the Town Code to allow a proposed front porch to be located 25 feet from the front 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: Art Grace

Vote: 7:0:0

11. **Public Hearing – Omega Real Estate Holding, LLC, 2068 South Road, Zone B-H, Grid #6059-08-920879 & 445442.** The request for Area Variance approval is made pursuant to Article VIII, Section 210-89(A) of the Town Code to allow the storage of vehicles and

equipment within a required front yard, side yard, and rear yard setbacks of the property where such storage is prohibited Type II Action. **The Public Hearing was adjourned to 11/9/15.**

12. **Public Hearing – Omega Real Estate Holding, LLC, 2064 & 2068 South Road, Zone B-H, Grid #6059-08-920879 & 445442.** The request for Special Use Permit approval is made pursuant to Article VIII, Section 210-89 of the Town Code to allow the expansion of an existing motor vehicle sales and service business. Unlisted Action. Uncoordinated Review. **The Public Hearing was adjourned to 11/9/15.**
13. **Public Hearing – MVK Enterprises, Inc, US Route 9 (at Sheafe Road), Zone B-H, Grid #6159-01-287638.** The requested Area Variance is for relief from §210-35(E) of the Town Code to allow a building height of 4 stories and 55 feet where the maximum allowable height is 3 stories or 45 feet. Type II Action. **The Public Hearing was adjourned to 12/14/15.**
14. **Public Hearing – FA Motorsports, LTD, 2 Tucker Drive, Zone B-SC, Grid #6262-03-133004.** The Area Variance seeks relief from: 1) §210-89(A) of the Town Code to allow a setback of 0.0 feet for the storage of for-sale vehicles where the storage of vehicles or equipment is not permitted within any required yard, landscaped or buffer area; and 2) §210-128(B) to allow a freestanding sign to advertise the name of a business where a freestanding sign shall advertise the name of the center only. Type II Action. **The Public Hearing was adjourned to 11/9/15.**
15. **Public Hearing – FA Motorsports, LTD, 2 Tucker Drive, Zone B-SC, Grid #6262-03-133004.** The Special Use Permit is submitted pursuant to §210-36(C)(5) and §210-89 of the Town Code to allow the establishment of a motor vehicle sales and services facility. Unlisted Action. Uncoordinated Review. **The Public Hearing was adjourned to 11/9/15.**
16. **Public Hearing – Beacon Residential LLC, 297 Violet Avenue, Zone R-M, Grid #6163-19-523128.** The requested Area Variance involves relief from: 1) Article IV, §210-17(E) to allow the establishment of a four (4) unit multi-family dwelling on a lot of ±19,384 square feet where the code requires a minimum of 7,260 square feet per dwelling unit; 2) §210-17(E) to allow impervious surface coverage of 43.8% where a maximum of 40% is allowed; and 3) parking to be located within 3.2 feet, 10 feet, and 5 feet of a property line where a minimum setback of 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

Correspondence

SEQR Lead Agency – Town of Poughkeepsie Planning Board is requesting Lead Agency on *BMW of the Hudson Valley, 2064 & 2068 South Road.*

SEQR Lead Agency – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Dutchess Golf Club Minor Subdivision, 2628 South Road.*

SEQR Lead Agency – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Hyatt Place Hotel, South Road (US Route 9).*

SEQR Lead Agency – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Fox Air Corporation Amended Site Plan, 2 Tucker Drive.*

SEQR Lead Agency – Town of Poughkeepsie Planning Board is requesting Lead Agency on *McKinley Lane Lot Line Revision, 36, 40 & 42 McKinley Lane.*

SEQR Lead Agency – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Pederson Real Estate Site Plan, 244, 246 & 248 Innis Avenue*

The Board voted to consent to the Town of Poughkeepsie Planning Board acting as Lead Agency on the above matters.

Motion: Jim Challey

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
Member Buckey
Member Capone (Alternate)
Chairman Challey

Member Grace

Member Slomin
Member Soricelli

ABSENT:

Member D'Aquanni

Member Lahey (Alternate)