



Town of Poughkeepsie

Zoning Department

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**DECISION AGENDA
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS
REGULAR MEETING
JULY 9, 2018
6:00 PM**

New Business

- 1. Public Hearing – Wendy’s Corporation, 753 Main Street, Zone ATC, Grid #6161-07-709857-0000.** The requested applications are for an Interpretation and for a permit to expand a nonconforming use. The applicant is seeking to add a second “order point” to the existing drive-through for its restaurant. The Zoning Administrator determined that this would constitute the expansion of a non-conforming use, since only restaurants without a drive-through are permitted in the ATC District (§210-22(B)) and that therefore a permit pursuant to §210-134 would be required for the expansion. The applicant challenges this determination and seeks an interpretation of the applicable code sections, asserting that the addition of a second order point is not the expansion of a nonconforming use. If the Zoning Board of Appeals affirms the Zoning Administrator’s determination, the applicant is seeking a permit pursuant to §210-134(A)(1) to permit the expansion of the nonconforming use. Unlisted Action. Uncoordinated Review.

The Board affirmed the Zoning Administrators determination.

Motion: Jim Challey

Second: Paul Lahey

Vote: 7:0:0

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 the variance for the reasons set forth in the resolution of the Board.

Motion: Jim Challey

Second: Art Grace

Vote: 7:0:0

2. **Public Hearing – Robert Barton, 2 Water Street, Zone R-20, Grid #6057-06-480911-0000.** The requested Use Variance involves relief from §210-16. The applicant is seeking approval for a second dwelling unit on the premises in an existing barn on the property. Unlisted Action. Uncoordinated Review. **At the request of the applicant, the board adjourned this item until August 20, 2018.**

3. **Public Hearing – Jovan Dudley, 4 Crestwood Blvd, Zone R-20, Grid #6162-20-832108-0000.** The requested Area Variance involves relief from §210-92(Q)(1) which prohibits parking in the front yard unless such yard is crossed by a duly-constructed driveway extending through the front yard to a garage, carport, or properly-surfaced parking area located beyond the front lot line. The applicant is proposing to install a 9' by 35' parking area that does not lead to a garage, carport, or parking area. Type II Action. **Adjourned until August 20, 2018.**

4. **Public Hearing – Robert McCready, 36 Harmony Circle, Zone R-20, Grid #6362-01-252525-0000.** The requested Area Variance involves relief from §210-48 of the Town Code to allow the construction of a shed to be located 2 feet from the side yard property line where 10 feet is required, necessitating a variance of 8 feet. Type II Action.

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

Motion: Phyllis Capone

Second: Art Grace

Recused: Paul Lahey

Vote: 7:0:0

5. **Public Hearing – New Hamburg Development Inc., 12 Reed Road, Zone R-20, Grid #6057-07-572948-0000.** The requested Area Variance involves relief from §210-16(E) of the Town Code to permit the replacement of an existing front porch with a larger front porch having a front yard setback of 17.8 feet where 30 feet is required, necessitating a variance of 12.2 feet. In addition, the side yard setback is proposed to be 15.6 feet where 20 feet is required, necessitating a variance of 4.4 feet. 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: Art Grace

Vote: 7:0:0

6. **Public Hearing – Briad Lodging Group Poughkeepsie, LLC, 900 Thomas Watson Drive, Zone B-H, Grid #6060-04-928489-0000.** The applications seek an interpretation and an area variance. The applicant is seeking permission to install a sign at one of the entrances to the site, which entrance is located on a separate tax parcel, #6060-04-928489-0000, having an address of 2455 South Road and which is located in the Heavy-Industrial (I-H) District. The Zoning Administrator determined that the rules for the district in which the sign is to be located control. The applicant challenges this determination and seeks an interpretation that the rules applicable to signs located in a business park (§210-60) apply. If the Zoning Board of Appeals affirms the Zoning Administrator's determination, the applicant is seeking a variance to permit the installation of the off-premises sign. **Adjourned until August 20, 2018.**

7. **Public Hearing – Marist College, 11-21 Champaganat Way, 37-41 Half Moon Walk & 51 Edvard Bech Drive**, Zone I-N, Grid #6062-02-870603,874650, 884713. The applicant is seeking to construct an approximately 61,000 square foot addition to the existing James J. McCann Recreation Center. The applicant is seeking a variance of 35’6” to permit a side yard setback to be 14’6” where 50’ is required. Unlisted Action. Coordinated Review. The Planning Board, as Lead Agency, issued a Negative Declaration on June 21, 2018.

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

Motion: Art Grace

Second: Phyllis Capone

Recused: Paul Lahey

Vote: 7:0:0

Meeting adjourned at 8:22 PM

MOVED: Jim Challey

SECONDED: Art Grace

CARRIED: 7:0:0

PRESENT:

Member Buckey

Member Capone (Alternate)

Chairman Challey

Member D’Aquanni

Member Grace

Member Lahey

Member Slomin

ABSENT:

Member Soricelli