



# 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 NOVEMBER 18, 2019 - 6:00 PM

#### Old Business

- 1. Public Hearing – Café Con Leche, Filippe Cordero, Fam Group, LLC, 10 Main Street, New Hamburg, Residence, New Hamburg (R-NH) Zoning District, Grid No. 6057-07-511845-0000.** Applicant seeks an interpretation, as an appeal of an Order to Remedy Violation dated June 4, 2019 issued by the Zoning Administrator for property owned by Riverhouse Properties, LLC, seeking the reversal of the Order to Remedy Violation on the grounds that the current use of the first floor of said property, as Café con Leche, has not changed from the use for which special use permit previously were issued, and is consistent with prior uses since before the Town Zoning Law went into effect. Type II Action. **TO BE ADJOURNED UNTIL FEBRUARY 10, 2020, AT THE REQUEST OF THE APPLICANT.**

*The Board voted to adjourn the application to the February 10, 2020 meeting.*

**Motion:** James Challey  
**Second:** Paul Lahey  
**Vote:** 7:0:0

- 2. Public Hearing – Burlington; Imageone Industries, LLC, Applicant; KLA BPL Portfolio Owner LLC, Owner; 2576 South Road, Zoned B-SC, Grid # 6160-01-064676-0000.** The applicant is requesting variances from §210-128(C)(3)(a) of the Town Code to permit two wall signs on the front of the building where only one is allowed, and to permit wall signage totaling 418.92 square feet (402.92 and 16 square feet) where a maximum of 100 square feet is allowed. The applicant also is seeking permission to replace two panels of 92 square feet each on an existing freestanding sign. Section 210-128(B) allows one freestanding sign per shopping center, which sign advertises the name of the center only, not to exceed 100 square feet, with an approved landscaped monument base. The proposed sign does not list the name of a “center,” and lacks a landscaped monument base. In addition, it is not located on the premises to which it refers, in violation of §210-122(A)(7). Unlisted Action.

*The Board determined that ZBA will be the Lead Agency.*

**Motion:** James Challey  
**Second:** Paul Lahey  
**Vote:** 7:0:0

*The Board determined that the proposed action would not result in any significant adverse environmental impact and therefore issued a negative declaration.*

*Motion: James Challey  
Second: Paul Lahey  
Vote: 7:0:0*

*The Board voted to grant the following variances:*

- 1. To allow a wall sign of 248.9 square feet;*
- 2. To allow a second wall sign of 16.9 square feet;*
- 3. To allow the applicant to replace the “faces” of the existing, off-premises pylon sign, conditioned upon the applicant adding a landscaped, monument base to the same.*

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

- 3. Public Hearing – New Angle Construction LLC, Applicant, Raquel Forte, Owner, 22 Robin Road, Zoned R-20, Grid # 6159-01-105770-0000.** The requested area variance involves relief from §210-16(E) of the Town Code, which mandates a setback of 30 feet from s rear lot line, to permit the construction of a deck to be located 19 feet from the lot line, requiring a variance of 11 feet. Type II Action.

*The Board voted to grant the requested variance.*

*Motion: Antony D’Aquanni  
Second: Arthur Grace  
Vote: 7:0:0*

#### **New Business**

- 4. Public Hearing – Amelia M. Martinko, 29 Old Farms Road, Zoned R-20, Grid # 6160-04-631380-0000.** The requested area variance involves relief from §210-16(E) of the Town Code, which mandates a setback of 20 feet from the side lot line, to permit a deck to be located 16 feet from the west side lot line, requiring a variance of 4 feet. Type II Action.

*The Board voted to grant the requested variance.*

*Motion: James LaRosa  
Second: Arthur Grace  
Vote: 7:0:0*

- 5. Public Hearing – Chabad Lubovich Synagogue, Applicant; Rabbi Yacov Borenstein, 63 Vassar Road, Zoned R-20, Grid # 6260-04-566185-0000.** The applicant is seeking variances from §210-16(E) to permit the construction of a one-story, 2,285-square-foot addition to an existing two-story religious facility, having side yard setbacks of 30 and 14 feet, requiring variances of 10 feet and 26 feet respectively. These variances previously were granted on December 10, 2007 but the project was not constructed and the variances expired. The Planning Board as lead agency issued a negative declaration on **October 17, 2019.**

*The Board voted to grant the requested variances.*

**Motion:** *Christine Soricelli*  
**Second:** *Paul Lahey*  
**Vote:** *7:0:0*

6. **Public Hearing –Camelot Mobile Home Park Storage; Applicant: Povall Engineering, PLLC; Owner: Camelot Village NY, LLC; 589 and 621 Sheafe Road, Zoned R-MH, Grid #'s 6159-03-175445-0000 and 6159-03-247420-0000.** The requested area variances involve relief from §210-19(D) of the Town Code, which mandates a setback of 10 feet from the side lot line, to permit an existing one-story garage to remain in its present location, now located 2.1 feet from the side lot line, requiring a variance of 7.9 feet. (The lot was combined with an adjacent lot; the garage is being expanded to the interior of the lot.) The Planning Board as lead agency issued a negative declaration on **September 19, 2019.**

*The Board voted to grant the requested variances.*

**Motion:** *Christine Soricelli*  
**Second:** *Arthur Grace*  
**Vote:** *7:0:0*

7. **Public Hearing –Dutchess Dodge Parking Lot; Applicant; Povall Engineering, PLLC, Owner; Nemes Partner, LLC; 2285 South Road, Zoned B-H, Grid #'s 6159-01-120956-0000, 6159-01-065967-0000, 6159-01-048975-0000 and 6159-01-155954-0000.** The requested area variance involves relief from §210-35(E) of the Town Code, which mandates a setback of 40 feet from the side lot line, and 40 feet from the rear lot line, to permit vehicle storage to be located 16 feet from the rear property line; requiring a variance of 24 feet, 24.2 feet from the side lot line; requiring a variance of 15.8 feet, and 23.8 feet from the side lot line requiring a variance of 16.2 feet. The Planning Board as lead agency issued a negative declaration on **June 20, 2019.**

*The Board voted to grant the requested variances.*

**Motion:** *Paul Lahey*  
**Second:** *Arthur Grace*  
**Vote:** *7:0:0*

8. **Public Hearing – South Road Crossings; LRC Group LLC, Applicant; Cameron Poughkeepsie, LLC, Owner; 2611-2629 South Road, Zoned B-H, Grid # 6060-02-950800-0000.** The requested area variances involve the following relief: (1) from §210-35(E) of the Town Code, which mandates a maximum building height of 45 feet to allow a building of 66 feet, requiring a variance of 21 feet; (2) from §210-127(C), which permits one wall sign for each wall of a business facing a public road equal to an area of 25% of the face of the building up to a maximum of 100 square feet, (2) to allow a wall sign of 170.83 square feet, requiring a variance of 70.83 square feet; (3) from §210-122(A)(7) to allow a sign to be located on parcel other than the lot to which it is associated. and (4 through 7) to allow two (2) additional wall signs of 99 square feet each on north side and two (2) additional wall signs of 99 square feet on south side. The Planning Board as lead agency issued a negative declaration on **October 17, 2019.**

***The Board voted to close the public hearing for variances one (1) thru three (3), and to grant those variances as requested. The public hearing for variances four (4) thru seven (7) was adjourned to the December 9, 2019 meeting.***

***Motion: Arthur Grace  
Second: Paul Lahey  
Vote: 7:0:0***

- 9. Public Hearing – Route 9 Mazda; Applicant; The Chazen Companies, Owner; Danielle Associates, LLC, and Elgen Associates Inc.; 2309 South Road, Zoned B-H, Grid #s 6160-03-132019-0000 and 6160-03-100001-0000.** The requested area variances involve the following relief: The requested area variances involve relief from §§210-35(E) and 210-89 of the Town Code, which mandate maximum front setbacks of 40 feet and prohibits parking in the setback. The property is a corner lot and has two front yards. The applicant seeks the following relief: (1) to allow a setback of 30 feet along South Road (Route 9), with vehicle display and storage in the remaining 10 feet, requiring a variance of 10 feet; (2) to allow the existing building to be setback 36.7 feet from Anthony Drive, requiring a variance of 3.3 feet; (3) to allow a setback of 6.3 feet along Anthony Drive, with employee and vehicle storage parking in the remaining 33.7 feet, requiring a variance of 33.7 feet; (4) to allow a setback of 30.6 feet along Anthony Drive, with vehicle display in the remaining 9.4 feet, requiring a variance of 9.4 feet. The applicant also seeks relief from §210-112 of the Town Code, which mandates that no refuse container or receptacle be located within 50 feet of any residential district, to allow two refuse enclosures and a tire storage area to be located 12 feet, 41.7 feet and 20 feet respectively from an R-M zoned parcel. As of the date of the meeting, the properties are anticipated to be in the Highway Business (B-H) zoning district. The Planning Board as lead agency issued a negative declaration on **September 19, 2019**.

***The Board voted to grant the requested variances, including the landscaped buffer, as set forth in the application.***

***Motion: James Challey  
Second: Paul Lahey  
Vote: 7:0:0***

- 10. Public Hearing – Justin Dosio, 102 Innis Ave., Zoned R-20, Grid # 6162-19-665095-0000.** The requested area variance involves relief from §210-16(E) of the Town Code, which mandates a setback of 30 feet from front lot line and 20 feet from the side lot line, to permit a porch to be located 15 feet from the front lot line and 14 feet from west side lot line, requiring a variance of 15 feet and 6 feet respectively. Type II Action.

***The Board voted to grant the requested variances.***

***Motion: Arthur Grace  
Second: Paul Lahey  
Vote: 7:0:0***

**11. Public Hearing – Linda and John Anderson, 2271 New Hackensack Road, Zoned R-20, Grid # 6260-01-329824-0000.** The requested area variance involves relief from §210-16(E) of the Town Code, which mandates a setback of 10 feet from the side lot line, to permit detached garage to be located 9 feet from east side lot line, requiring a variance of 1 foot. Type II Action.

*The Board voted to grant the requested variance.*

**Motion:** *Paul Lahey*  
**Second:** *Arthur Grace*  
**Vote:** *7:0:0*

The meeting was adjourned at 8:20 pm.

**Motion:** *Paul Lahey*  
**Second:** *Arthur Grace*  
**Vote:** *7:0:0*

**PRESENT**

Chairman Challey  
Member D’Aquanni  
Member Slomin  
Member Lahey  
Member Soricelli  
Member Grace  
Member LaRosa

**ABSENT**