



**City of Poughkeepsie
Zoning Board of Appeals
APPROVED Meeting Minutes**

Common Council Chambers

Tuesday, October 11, 2022 6:00 PM

PRESENT

Thomas Klug
Brian Ineson
Scott Parker
Steve Reifler
John Gildard

EXCUSED

Jessica Vinall

Natalie Quinn, Development Director
Rebecca Valk, Corporation Counsel
Lori Garcia, Board Administrative Assistant
Joanna Longcore, Assistant Corporation Counsel

I. CALL TO ORDER at 6:01 with the Pledge of Allegiance

II. APPROVAL OF MEETING MINUTES

1. Approval of September 13, 2022 Draft Meeting Minutes
Motion: Thomas Klug
Second: John Gildard
Carrie: 5:0:0

III. PUBLIC HEARINGS & DELIBERATIONS

1. **135 MAIN STREET: AREA VARIANCES:** Application for area variances relative to the application for site plan review and subdivision for the subdivision of the property at 135 Main Street into two lots of record, and construction of a new building with 72 dwelling units on the new lot with an existing 119 unit multiple on the original lot. Variances requested of Sections 19-3.17(4)(b), 19-3.17(4)(f)(1), 19-3.17(4)(i), 19-3.17(4)(e), 19-4.3(11), and 19-4.13 of the Zoning Ordinance relative to lot area, front and side yard set-backs, usable open space, off-street parking and set-backs for accessory uses. Owner: Omni New York; Applicant: Tinkleman Architecture; Consultant: Ken Casamento/LRC Group; Grid #6062-76- 911183; Zone: Urban Density (R-6) District;

File #2021-023

Open the Public Hearing

Motion: Steve Reifler

Second: Thomas Klug

Carried: 5:0:0

No Speakers

Adjourn the Public Hearing to November 8, 2022

Motion: Steve Reifler

Second: Thomas Klug

Carried: 5:0:0

2. 579 MAIN STREET: USE VARIANCE

Application for a use variance to establish three (3) residential units and one (1) commercial space in an existing building. The use variance requested is in regards to Section 19-3.23.1(2), which does not permit residential uses in the Main Street Commercial District (C-2A). Owner: Johanny Properties, LLC, Applicant: Kenneth Pagan; Consultant: One Stop Property Service, LLC; Grid #6161-24-423946; Zoning District: Main Street Commercial District; File #2022-020

Presenting: Ciro Interrante, Architect
 Maher Farkhour, Attorney
 Johanny Pagant, Applicant

Attorney Maher Farkhour briefly described the history of property before it was purchased and what has been done since. When a building permit was sought for the residential units, the applicant was told a used variance would be needed because residential units are not permitted in the (C-2A) Main Street Commercial District. Mr. Farkhour states that it would not be feasible for the applicant to keep the property all commercial.

Ciro Interrante presented the drawings for the building that were prepared by another architect. He stated that there would be no change to the current external or internal structure. The intent was to renovate the building using the current layout.

The board clarified that the proposed second commercial space is what is labeled as house storage on the plans submitted to the board and that two (2) commercial spaces are now proposed.

Scott Parker and the board pointed out the items that need to be more clearly addressed for the board to consider this further.

- Financial Necessity
- Uniqueness to the Zone
- Effect on Neighborhood if any
- Hardship if not used as proposed.

Mr. Parker recommends that the applicant regroup and come back with a better

presentation of the above information.

Rebecca Valk clarified that the applicant must meet all four (4) of the criteria. If any is not met, the approval cannot be given.

Discussion continued regarding what the board needs and how the applicant might obtain that information.

Open the Public Hearing

Motion: Steve Reifler

Second: Thomas Klug

Carried: 5:0:0

Speakers

Michael Nepolitano, 22 Fulton Ave. - Spoke in favor.

Motion to Adjourn to November 8, 2022 meeting

Motion: Thomas Klug

Second: Steve Reifler

Carried: 5:0:0

3. 67 WORRALL AVENUE: USE VARIANCE

Application for a use variance relative to the proposed mixed use of an existing building as a coffee shop and two (2) one-bedroom dwelling units. The use variance requested is in regards to Section 19-3.14(2), which does not permit restaurants in the Medium-Density Residence District (R-3) to allow a coffee shop. Owner: Damian Mercado, Applicant: Jose Santos; Consultant: John Sullivan; Grid #6061-41-563723; Zoning District: Medium-Density Residence District; File #2022-025

Presenting: John Sullivan, Consultant

Jose Santos, Property Manager

Damien Mercado, Owner

John Sullivan gave an overview of the property, its history and proposed use. He clarified that the footprint of the building will not change, the amount of paved area will be reduced and more landscaping added.

The board discussed the zoning code in relation to the use variance and what can be and not be allowed. They also advised the applicant on the details needed to complete the criteria granting a use variance correctly and completely.

A motion was made to open the public hearing

Motion: Steve Reifler

Second: Thomas Klug

Carried: 5:0:0

Speakers:

Brooke Ellsworth, 79 Worrall Ave. – Expressed concerns that, if the coffee shop were to fail, would a chain be able to move in within a year of the property becoming vacant, outdoor seating, parking, and odor if there were a commercial kitchen.

The Board and applicant addressed the concerns:

- A major chain is possible if within time limit and the site plan approved by the Planning Board. The use variance, if granted, carries with the property, not the owner.
- Outdoor seating is permitted if it is on the site plan approved by the Planning Board. Mr. Sullivan commented that there may be a few outdoor tables but not many since there is not a lot of space.
- Addition of a commercial kitchen is allowed because a café falls within the restaurant category. A condition of approval cannot be added preventing a commercial kitchen but hours of operation can be set as a condition of approval. Mr. Sullivan clarified that there is no plan for a commercial kitchen.

Trudy-Ann Anderson, 14 Fulton Ave – Spoke in favor of the use variance

Chris Santoro, 49 Fulton Ave – Spoke in favor of the use variance

Jose Santos, Property Manager, Owner of other property in Poughkeepsie – Spoke in favor of the use variance and also addressed some of Ms. Ellsworth's concerns and elaborated on the plans for the property.

Kaye Saglibene, Real Estate Broker, 230 N Parliman Rd, Larangeville – Spoke in favor of the use variance

Gersay Saldaria, 68 Worrall Ave. – Spoke in favor of the use variance

Michael Napoliano, 22 Fulton Ave – Spoke in favor of the use variance

Damien Mercado, Owner spoke giving reasons for wanting to buy property here in Poughkeepsie and open a coffee shop.

4. **67 WORRALL AVENUE: AREA VARIANCES** Application for area variances relative to the proposed mixed use of an existing building as a coffee shop and two (2) one- bedroom dwelling units. The area variances requested are in regards to Section 19- 3.14(4)(a) requiring a minimum lot area of 16,000 square feet to allow lot area of 7,057 square feet, Section 19-3.14(4)(d)2, requiring a minimum side yard of 10 feet to allow southern side yard to be 8.6 feet and northern side yard to be 6.1 feet, Section 19- 3.14(4)(d) requiring a 20 foot front yard to be 14.75 feet, Section 19-4,3(11) requiring 9 parking spaces where only 6 parking spaces are proposed. Owner: Damian Mercado, Applicant: Jose Santos; Consultant: John Sullivan; Grid #6061-41-563723; Zoning District: Medium-Density Residence District; File #2022-024

Ms. Quinn explained that because it is an existing building it has the status of a non-compliant building. She explained how the proposed change of use is what defined the four area variances. The issue of parking and the use of on street parking was discussed. The applicant pointed out the landscaping plans and the conflict of open space versus parking space.

Motion to adjourn the public hearing and review to November 8th meeting

Motion: Thomas Klug

Second: John Gildard

Carried: 5:0:0

Motion to adjourn the meeting to November 8, 2022

Motion: Steve Reifler

Second: Scott Parker

Carried: 5:0:0

For more details regarding the meeting, please visit the [Meeting Webcast](#) or the [Agendas and Minutes](#) page on the [City of Poughkeepsie](#) website.

MINUTES APPROVED AT NOVEMBER 8, 2022 MEETING

Moved: Thomas Klug

Second: Steve Reiffler

Carried: 4:0:1