



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

Common Council Chambers  
Tuesday, November 8, 2022  
6:00 PM

**PRESENT**

Thomas Klug  
Steve Reifler  
Scott Parker, Chair  
Jessica Vinall  
John Gildard

**EXCUSED**

Brian Ineson

**Staff**

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

**I. CALL TO ORDER 6:01 PM**

**II. APPROVAL OF MEETING MINUTES**

**1. Approval of October 11, 2022 Meeting Minutes**

**Motion:** Thomas Klug

**Second:** Steve Reifler

**Carried:** 4:0:1

**III. PUBLIC HEARINGS & DELIBERATIONS**

- 1. 579 MAIN STREET: USE VARIANCES** Application for use variances to establish three (3) residential units and two (2) commercial spaces in an existing building in a C-2A district, which does not permit residential use. 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

**REVIEW OF APPLICATION POSTPONED TO DECEMBER 13, 2022**

**Open the Public Hearing**

**Motion:** John Gildard  
**Second:** Thomas Klug  
**Carried:** 5:0:0

No Speakers

**Adjourn the Public Hearing to December 13, 2022**

**Motion:** Scott Parker  
**Second:** Jessica Vinall  
**Carried:** 5:0:0

2. **67 WORRELL 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

**REVIEW OF APPLICATION POSTPONED TO DECEMBER 13, 2022**

3. **67 WORRELL 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

**REVIEW OF APPLICATION POSTPONED TO DECEMBER 13, 2022**

**Open the Public Hearing for both Use and Area variance**

**Motion:** Steve Reifler  
**Second:** Jessica Vinall  
**Carried:** 5:0:0

No Speakers

**Adjourn the Public Hearing to December 13, 2022**

**Motion:** Scott Parker  
**Second:** Jessica Vinall  
**Carried:** 5:0:0

4. **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

Speaking: Alec Gladd, Cuddy & Feder  
Present in audience: Ken Spillberg, Omni, Rob Turner, Tinkelman Architecture, Mary Ling, Hudson River Housing, Ken Casamento and Henry Thomas, LRC Group

Mr. Gladd reviewed the changes to the plans, commented that a Negative Declaration was given by the Planning Board back in August and went through the grounds balancing test. He pointed out that the property is in the R—6, Urban Density, Zoning District, the highest residential density zoning district and is surrounded on three sides by properties in this district.

The applicant feels the request to subdivide the lot does not have an impact on the community or neighborhood, because this variance is wholly internal to the site. The only site affected is the site they are dividing.

The open space is mostly internal and used by both properties. The applicant counts the space in front of Admiral Halsey I as open space since it has been used for decades. The applicant feels that they are providing a new, better groomed and private internal space for the residents.

An updated expert parking report from Colliers Engineering and Design dated September 2<sup>nd</sup> was provided in the materials justifying the parking proposed. The study confirmed that it would be financially infeasible for Admiral Halsey I to be converted to a market rate property in the future. The same parking demand will stay in place because it will always have to be an income restricted senior housing or disabled building.

The request for a variance on the set back along North Perry for porte cochere, a limited architectural feature, is required because of the mobility of the residents. It is a two car wide covered space for residents to get in and out of vehicles. The bulk of the building applies to the regulations. There is no alternative to seeking this variance because if the bulk of the building is pushed back, it encroaches on the open space that's being provided in the courtyard.

Ken Spillberg from Omni commented regarding the sale of the properties individually in the future. Technically they can be sold separately. Easements will be established between the lots so that the both tenants from both buildings and parking for both buildings can be used across the lot. Discussion continued regarding this possibility and the regulatory agreements with the state.

The parking was discussed. Individually, the lots do not meet the requirement for provided parking spaces but when combined the 65 total required spaces is met with 68 being provided. Currently residents who are registered with the property manager and pay the monthly fee are allowed to park in the lot. The applicant is considering better ways to regulate the parking going forward so that only registered residents are using the parking lot.

### **There was a motion to Open the Public Hearing**

**Motion:** Steve Reifler

**Second:** John Gildard

**Carried:** 5:0:0

Naomi Brooks of South Grand Avenue- Thanked board and applicant for diligence and attention to details on the project and for listening to public comment.

**There was a motion to Close the Public Hearing**

**Motion:** Scott Parker

**Second:** Jessica Vinall

**Carried:** 5:0:0

There were no further comments from the board. The staff was requested to draft the resolution of approval for the next meeting.

**Adjourn Review to December 13, 2022**

**Motion:** Scott Parker

**Second:** John Gildard

**Carried:** 5:0:0

5. **16 MILDRED AVENUE** Application for area variance relative to the 600 square foot addition on the back of an existing residence. The area variance requested is in regards to Section 19-3.14(4)(d)2 requiring a minimum side yard of 10 feet to allow 6.4 feet (a reduction of 3.6 feet) on the left side of the addition. Owner/Applicant: Brian & Allison Sohan; Consultant: Whalen Architecture, PLLC; Grid:# 6161-48-470546; Zoning District: R-2, Medium Low-Density Residential District; File #ZBA 2022-023

Presenting: Brian & Allison Sohan, Owner  
Steven Whalen, Whalen Architecture

Mr. Whalen described the project stressing the objective is not increase the nonconformity. The existing house is already three foot six over the required setback line. They are proposing to just to come out flush with the house on both the north and the south sides. Storm water will be captured in gutters and downspouts going to the rear of the property. The concerns expressed by the neighbor to the north regarding reduction of sunlight were addressed. The requested installation of a fence would block more sunlight than the addition.

The addition could be changed to meet the setback requirement and no need for a variance would be needed. Doing so would cause structural challenges with regard to support beams, the second floor window and the roofline.

**There was a motion to Open the Public Hearing**

**Motion:** Scott Parker

**Second:** Jessica Vinall

**Carried:** 5:0:0

Speaking - Garrett Oakley, 18 Mildred Ave. Concerned with

- The back patio view being hampered
- The limitation on the amount of sun the garden would receive
- The loss of view from the home offices
- The storm water - that was addressed sufficiently for him
- His home value, which would decrease according to his sources

With these concerns in mind, he understands why the homeowner wants the extension to be constructed in this manner and he would be amenable to having a solid fence installed to gain privacy. Suggested installing a fence similar to the one in the back and does have a contractor to recommend.

**There was a motion to Close the Public Hearing**

**Motion:** Scott Parker

**Second:** Steve Reifler

**Carried:** 5:0:0

Brian Sohan, is ok putting up a fence of his choice. Allison Sohan of 16 Mildred also came up to speak regarding the fence. She agrees that it is ok as long as they can choose the fence, confirmation that storm water would be directed to the back of the property. The two criteria that the board looked at more in depth are if the variance will cause a negative impact on the surrounding neighborhood and the environment, and can it be achieved by a means without requesting a variance. Ms. Quinn clarified to the board that they are considering if the change that is being made by the addition is causing a negative effect, not the effect that the existing building non-conforming building may already be causing.

The board determine that the addiction could not be achieved within zoning code because moving the building or the addition three feet to one direction causes structural difficulties.

The board also determined that there would be no significant change to the neighborhood as most neighbors would not see this change, the variance requested is not significant.

After some discussion on storm water management, it was determined that there would be no adverse impact on the physical and environmental conditions with a condition being added to the approval regarding gutter location and the installation of an eight foot fence.

After complete review of the application, the board concluded that the variances should be granted. Ms. Quinn read the resolution:

In the matter of the appeal of Brian & Allison Sohan, regarding the property at 16 Mildred Street, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held on the 8<sup>h</sup> day of November, 2022, with regard to our File #2022-023;

**WHEREAS**, the Zoning Board of Appeals has received an application from Brian & Allison Sohan for the proposed construction of a 600 square foot addition on the back of an existing residence; and,

**WHEREAS**, a variance of 3.6 feet is requested in regards to Section 19-3.14(4)(d)2 of the code in order to permit a 6.4 foot side yard where a minimum side yard of 10 feet is required; and,

**WHEREAS**, the action is more fully detailed on a site plan and elevations prepared by Stephen Whalen, Whalen Architecture, dated 8/1/2022 and supplemental documentation; and,

**WHEREAS**, this application has been classified as a Type 2 Action for the purposes of SEQRA, requiring no further environmental review; and,

**WHEREAS**, a public hearing was held on November 8, 2022; and,

**WHEREAS**, the application has been considered against the five criteria of an area variance and no undesirable change has been identified that's not remediated, the variances have been deemed not substantial, there is no alternative method feasible, and the

proposed variances will not have an adverse effect or impact on the physical environment,

**NOW THEREFORE BE IT FURTHER RESOLVED** that the City of Poughkeepsie Zoning Board of Appeals hereby grants the variance for File #2022-023 as outlined above, with the following conditions:

1. Gutters will be directed away from the neighboring properties to prohibit increase storm water runoff from the addition
2. Installation of the a solid eight foot fence will be installed and that these additions have been agreed to by the property owner

**Motion:** Steve Reifler

**Second:** John Gildard

**Carried:** 5:0:0

**There was a motion to close the meeting to December 13, 2022 at 7:42 PM**

**Motion:** John Gildard

**Second:** Steve Rifler

**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.