



City of Poughkeepsie Zoning Board of Appeals

Meeting Minutes

Common Council Chambers

Tuesday, September 26, 2023 6:00 PM

Approved October 23, 2023 Motion: Scott Parker, Second: Thomas Klug, Carried: 5:0:0

ATTENDANCE

Scott Parker
Jessica Vinall
Thomas Klug
Justin Phillips
Sam Finnerman

EXCUSED

Brian Ineson

STAFF

Richard Distel, City Planner

I. CALL TO ORDER 6:00 pm

II. APPROVAL OF MEETING MINUTES

1. Approval of August 29, 2023 Meeting Minutes
Motion: Scott Parker
Second: Thomas Klug
Carried: 5:0:0

III. PUBLIC HEARINGS & DELIBERATIONS

2. 375-379 MAIN STREET – INTERPRETATION

Application for interpretation relative to the proposed conversion of the existing building at 375-379 Main Street from a retail store to a hotel with amenities and whether such conversion requires site plan approval from the Planning Board pursuant to the provisions of Section 19-3.37(7) Table 3-37-1, Section 19-3.37(6)(a), Section 19-3.37.4 and Section 19-3.37(13)(a) of the Zoning Ordinance. While Section 19-3.37(7) Table 3.37-1 permits hotels in the PID-HC in which the property is located, and Section 19-3.37(7) in theory exempts hotels from Planning Board review, Section 19-3.37(13)(a) Table 3.37-4 details parking requirements and provides that Planning Board determine the parking requirement for “other uses” for which a parking requirement during site plan review. Hotels are such an “other use.” Further, the Planning Board previously reviewed and approved such use of the property as a hotel was subject to site plan review and approval in 2020. The applicant argues that site plan approval is not required. Owner: 375 Main Street LLC; Applicant: Chai Developers LLC; Consultant: Natalie Quinn, KARC Consulting; Grid #6162-78-160058

Motion to Open the Public Hearing
Motion: Scott Parker
Second: Thomas Klug
5:0:0

Speaker: Lori Sandow

Motion to Close the Public Hearing
Motion: Scott Parker
Second: Thomas Klug
5:0:0

3. 75 SOUTH HAMILTON - AREA VARIANCE

Application for area variance relative to the conversion of an existing building from a single- family dwelling into a two-family dwelling. The area variances requested are in regards to Section 19-3.15(4)(a) requiring a lot area minimum of 10,000 square feet to allow for 4,879 square feet (a reduction of 5,121 square feet). As well as requiring a minimum 6 feet side yard, to allow for a 0 foot side yard on the right side of the addition.

Owner/Applicant: 75 S Hamilton LLC; Consultant: Mazzarelli Architecture and Planning; Grid:# 6161-21-118891; Zoning District: R-4, Medium High-Density Residence; File #2023-015

Presenting: Natia Porter
Carlos Mazzarelli, Mazzarelli Architecture

Motion to Open the Public Hearing
Motion: Scott Parker
Second: Thomas Klug
5:0:0

No Speakers

Motion to Close the Public Hearing
Motion: Scott Parker
Second: Thomas Klug
5:0:0

A motion was made to Approve the Resolution
Motion: Scott Parker
Second: Tom Klug
5:0:0

4. 398 CHURCH STREET: AREA VARIANCE

Application for the installation of a fence. The area variance is relative to Section 19-4.12(5) where no fence shall be permitted nearer than 10 feet to any wall or an adjoining building that contains legal windows to allow a fence within 6 and 8 feet depending on portion of wall. Owner/Applicant: 398 Church LLC, George Lulaj; Grid:# 6162-24-492881; Zoning District: R- 4 Medium High-Density Residential; File #2023-026

Presenting: George Lulaj, Owner

Motion to Open the Public Hearing

Motion: Scott Parker

Second: Tom Klug

5:0:0

No Speakers

Motion to Close the Public Hearing

Motion: Justin Phillips

Second: Tom Klug

5:0:0

A motion was made to Approve the Resolution

Motion: Scott Parker

Second: Tom Klug

5:0:0

5. LOT #458149 (7) MORGAN AVENUE – AREA VARIANCE

Application for area variances relative to the proposed construction of two multiple dwellings containing a total of nine dwelling units on a vacant parcel. The variances requested are of Section 19-3.15(4)(c), requiring 36,000 square feet of lot area, to allow 13,800 square feet; Section 19-3.15(4)(e)(2), requiring 15 foot side yards, to allow 6 foot side yards; Section 19-3.15(4)(f), requiring a front yard set back of 20 feet, to allow a front yard set back of 10 feet; Section 19-3.15(4)(i) requiring that 3600 square feet of usable open space for tenant recreational purposes be provided, with minimum dimensions of 30'x40', to allow an area of 918 square feet with dimensions of 27'x34'; Section 19-4.3(5)(a) requiring a driveway a minimum of 15 feet in width, to allow a 14' wide driveway; Section 19-4.3(5)(b), requiring parking spaces a minimum of 20 feet deep, to allow parking spaces 18' deep; Section 19-4.3(11), requiring 18 parking spaces, to allow 13 parking spaces; Section 19-4.13(2), requiring that all accessory parking be located within a side or rear yard and not within a front yard, to allow one space to be located partially within the front yard; and, Section 19-4.14(3)(2), requiring that

no wall containing legal windows be located within 10 feet of a fence, to allow both buildings to be located within 6 feet of existing fences. Owner: 21st Century Living LLC; Applicant: James Patterson (Patterson Calhoun LLC); Consultant: Ciro Interrante, Architect, P.C.; Grid #6162-72-458149

Presenting: James Patterson

Motion to Open the Public Hearing

Motion: Scott Parker

Second: Tom Klug

5:0:0

Speakers: Chris Grant, Yvonne Flowers

A motion to Adjourn the Public Hearing to October 23rd

Motion: Scott Parker

Second: Tom Klug

5:0:0

6. 100 CANNON STREET AREA VARIANCE

Application for area variance relative to the proposed installation of a fence on the property at 100 Cannon Street. The variance requested is of Section 19-4.14(3)(2), requiring that no fence be located within 10 feet of any wall containing legal windows: the proposed fence is within 4.5-5.5 feet of an existing building containing legal windows to the south (29-31 South Hamilton Street). Owner: Redeemed Christian Fellowship; Application: Bishop Dr. Kendrick McBean; Consultant: Ciro Interrante, Architect, P.C.; Grid #6161-22-152994

Motion to Open the Public Hearing

Motion: Scott Parker

Second: Sam Finnerman

5:0:0

A motion to Adjourn the Public Hearing to October 23rd

Motion: Scott Parker

Second: Sam Finnerman

5:0:0

7. 357 HOOKER AVENUE – AREA VARIANCE

Application for area variances relative to the proposed renovation of the standard restaurant at 357 Hooker Avenue, including: proposed outdoor seating areas, outdoor cooking area, pavilion, outdoor storage container and dumpster. The variances requested are of Section 19-4.3(1), requiring that whenever a parking area containing three or more spaces faces a street or property line, a planting area a minimum of three feet wide and three feet high planted three feet on center shall be provided between the

parking area and the property line, to allow no landscaping; Section 194.3(1), requiring that all parking lots with more than 24 spaces shall be interrupted by landscaping approved by the Planning Board, to allow no landscaping; Section 19-4.11(1)(b), requiring landscape strips or opaque screening along the property lines of all nonresidential uses, to allow no such perimeter landscaping; Owner: Highway Displays Inc; Applicant: Terricena Brown; Consultant: Ciro Interrante, Architect, P.C.; Grid #6161-66-744353

Motion to Open the Public Hearing

Motion: Scott Parker

Second: Tom Klug

5:0:0

A motion to Adjourn the Public Hearing to October 23rd

Motion: Scott Parker

Second: Tom Klug

5:0:0

8. 27 HIGH STREET AREA VARIANCE

Application for area variance relative to Section 19-3.15(4)(c) requiring a lot area of 159,000 sf to allow for a lot area of 53,579 sf, a variance of 11,600 sf more than previously approved 93,821 sf and section 19-3.15(4)(f) requiring 22,900 sf of open space to allow for 21,548 sf a variance of 225 sf more than the previously approved 1,097 sf.

Owner/Applicant: 27 High Street Lofts LLC; Consultant: KARC Planning Consultants, Inc.; Grid:# 6162-62-192294: File #ZBA2023-024

Presenting: Kelly Libolt, KARC Consulting

Motion to Open the Public Hearing

Motion: Scott Parker

Second: Tom Klug

5:0:0

No Speakers

Motion to Close the Public Hearing

Motion: Scott Parker

Second: Tom Klug

5:0:0

A motion was made to Approve the Resolution

Motion: Scott Parker

Second: Tom Klug

5:0:0

9. 1 COTTAGE STREET-ZONING INTERPRETATION

Application for an interpretation relative to nonconforming use Section 19-5.1(c) which states that a use shall not be changed to another nonconforming use without approval by the Zoning Board of Appeals, and then only to a use which, in the opinion of said Board, is of the same or of a more restricted nature. No building or land changed to a more restricted nonconforming use shall be changed back to a less restrictive use.

Owner/Applicant: Ibrianis Dominguez; Consultant: Z3 Consultants Inc;
Grid:# 6161-48-470546; File #ZBA2023-023

Presenting: Gary Beck, Z3 Consultants

Motion to Open the Public Hearing

Motion: Scott Parker

Second: Tom Klug

5:0:0

Motion to Close the Public Hearing

Motion: Scott Parker

Second: Tom Klug

5:0:0

A motion was made to Approve the Resolution was read

Motion: Scott Parker

Second: Tom Klug

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.