



**City of Poughkeepsie
Zoning Board of Appeals
Meeting Agenda**

Common Council Chambers
Tuesday, November 14, 2023
6:00 PM

I. CALL TO ORDER

II. APPROVAL OF MEETING MINUTES

1. Approval of October 23, 2023 Meeting Minutes

III. REVIEW OF RESOLUTIONS

1. 419 MAPLE STREET - AREA VARIANCE

Application for area variance relative to the conversion of a two-family dwelling to a four-family dwelling. Lot deficiencies were noted regarding; Section 19-3.15(4)(c)2 requiring a lot area of 11,200 square feet, to allow for 5,608 square feet, (a variance of 5,592 square feet); Section 19-3.15(4)(e)2 requiring 15 foot side yards, to allow for a 2.7 foot right side yard and a 4.9 foot left side yard, (a variance of 12.3 and 10.1 feet respectively); Section 19-4.3(11)(a) requiring 8 parking spaces, to allow for a PB waiver for off-site parking; Section 19-4.11(1)(b) requiring landscaping strips along all properties lines so as to effectively screen the activity on the property from neighboring uses, of at least three feet width, including evergreen planting, to allow for property screening by the existing fence. Owner: 419 Maple LLC; Applicant: Wayne Thompson; Grid: # 6162-79-349050; Zoning District: R-4 Medium High-Density; File #: ZBA2023-018.

2. 54-58 SMITH STREET - AREA VARIANCE

Application for area variance relative to the addition of two apartments to an approved plan for an eight unit apartment. Lot deficiencies were noted

regarding; Section 19-3.15(4)(c) requiring 23,800 square feet of lot area, to allow for 12,014 square feet, (a variance of 11,786); Section 19-4.13(2) prohibiting front yard parking, to allow for 4 parking spaces in the front yard. Owner: Y&S Group, LLC; Applicant: Wayne Thompson, Esq.; Grid: #6162-79-310112; Zoning District: Medium High-Density (R-4); File #2023-019

3. 63 THOMPSON STREET - AREA VARIANCE

Application for area variance relative to adding a 3rd apartment to a two family dwelling. Lot deficiencies were noted regarding; Section 19-3.15(4)(e)2 requiring a 15 foot side yard, allowing for a right side yard of 11.3 feet (a variance of 3.7 feet), and allowing for a left side yard of 13.9 feet (a variance of 2.1feet); Section 19-4.3(5)(a) requiring a 15 feet wide driveway, allowing for 11.3 feet (a variance of 3.7 feet); section 19-4.3(1) requiring a planting area of a minimum width of three feet with plantings at least three feet high planted three feet on center to be provided between the parking area and property line, to allow for the existing small trees and shrubs existing on the north property line. Owner: Poughkeepsie Thompson Street LLC; Applicant/Consultant: Wayne Thompson, Esq.; Grid: #6162-71-305134; Zoning District: Medium High-Density (R-4); File #2023-020

4. 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 19-4.3(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; File #ZBA2023-031

5. 50 DELAFIELD AVENUE – AREA VARIANCE

Request for area variances relative to the proposed installation of condensers in the Hoffman Street front yard the building at 50 Delafield Street, requiring a variance of Section 19-19-4.13(1) of the Zoning Ordinance which prohibits location of accessory uses in front yards. Further, the use has expanded since the original approval resulting in

addition of staff impacting the parking requirement, requiring a variance of Section 19-4.3(11)(a) which requires 101 off street parking spaces to allow 51 parking spaces on site. Owner: Astor Services; Applicant/Consultant: Jay Diesing, RA, AIA; Zoning District: R-4; Grid #6062-59-857380; File #ZBA2023-045

IV. NEW PUBLIC HEARINGS

1. 134 SMITH STREET - USE VARIANCES

Application for use variance relative to the non-conforming use as a convenience store. The use variance requested is in regards to Section 19-5.1(1)(d) that does not allow the re-establishment of or the change to another nonconforming use if such use has been discounted for any reason for a period of one year and Section 19-3.31(2) which does not allow a convenience store in the Research and Development District (R&D) zone. Owner/Applicant: Ihsan Nesheiwat; Consultant: Z3 Consultants; Zone: Research and Development District (R&D), Grid: # 6162-72-414248; File #ZBA2023-23

2. 196 WINNIKEE AVENUE - AREA VARIANCE

Application for area variances relative to the proposed conversion of the existing single family dwelling to a two-family dwelling. The variance requested is of Section 19-3.15(4)(a), requiring 10,000 square feet of lot area, to allow 8,150 square feet. Owner: Henry Seay/Amal and Mohamad Salameh; Applicant: MI Design; Consultant: MI Design.; Grid #6162-80-481124; File #ZBA2023-029

3. 27 SOUTH CLINTON STREET – USE & AREA VARIANCES

Application for use variance relative to the proposed construction of a 6-unit multiple dwelling on the vacant lot at 27 South Clinton Street (formerly the site of a single family dwelling) in an R-2A zoning district which limits the number of dwelling units to two (2), requiring a variance of Section 19-3.13.1(2) of the Zoning Ordinance. Application for area variances of: Section 19-3.13.1(4)(a)(3) which requires 10,000 square feet of lot area to allow 8712 square feet; Section 19-3.13.1(4)(d)(2), which requires a 20 front yard to allow one 8 foot front yard and one 18 foot front yard; Section 19-3.13.1(4)(d)(2), which require a side yard of 10 feet, to allow the (south) side yard of 8 feet; Section 19-3.13.1(4)(d)(3), which requires a rear yard of 15 feet, to allow the (east) rear yard to be 4 feet (the remaining yard area is compromised with off-street parking); Section 19-4.3(5)(a) which requires a 15 foot access lane to parking, to allow a 12 foot access lane; Section 19-4.3(5)(b) which requires parking spaces to be a minimum of 20 feet deep to allow 18 foot deep spaces; Section 19-4.3(5)(11), which requires 12 parking spaces, to allow 11 parking spaces; and, Section 19-4.14(3)(a)

which requires that all fences be a minimum of 10 feet from any wall containing a legal window, to allow a fence to be within 7 feet of a wall; Owner/Applicant: 27 South Clinton Street, LLC/Quincy William; Consultant: Ciro Interrante; Zoning District: R-2A; Grid #6161-22-237923; File #2023-035.

4. 504-512 MAIN STREET – INTERPRETATION

Request for Interpretation as to whether or not “mini-warehouses” are permitted in the General Commercial (C-3) Zoning District, requiring a general examination of definitions and districts in which warehousing and mini-warehouses are permitted, and specifically of Section 19-3.34(2) of the Zoning Ordinance. Owner/Applicant: Piedmont Properties of Dutchess, LLC; Consultant: Joshua Mackey, Esq, Mackey Butts & Whalen, LLP; Zoning District: Zoning District: C-3; Grid #6161-23-304986, 306985, 309983, 313982, 316981; File #zba2023-036

5. 149 NORTH HAMILTON STREET – AREA VARIANCE

Application for area variances relative to the construction of a driveway and off-street parking lot on the property at 149 North Hamilton Street. The variances requested are of Section 19-19-4.3(1), 19-4.3(2), 19-4.3(5(a) and 19-4.3(5)(b) of the Zoning Ordinance, which requires a 6 foot set-back for accessory uses, to allow at a set-back of 1.48 feet on the north and 4.91 feet on the south side. Owner/Applicant: Roy Campbell; Consultant: Paul Tirums, PE; Zoning District: R-3A; Grid #6162-63-275350; File #ZBA2023-037

6. 7 FOSTER STREET – AREA VARIANCE

Application for area variance relative to the proposed construction of an addition to the existing single family dwelling at 7 Foster Street. The variance requested is of Section 19-3.25(2)(8)(d) of the Zoning Ordinance, which requires 10 foot front yard set-backs to allow a set-back of 3’1”. Owner/Applicant: Jose and Carmen Juarez; Consultant: Ciro Interrante, Architect, P.C.; Zoning District: G-RM; Grid #6162-48-383507; File #ZBA2023-039

7. 40 CANNON STREET - AREA VARIANCE

Application for area variance(s) relative to the proposed installation of a wall and projecting signs on the property at 40 Cannon Street. The variance(s) requested is of Section 19-4.9(7)(b)2, requiring that there shall be no more than one wall sign, one projecting sign, one vertical blade sign, or one marquee sign permitted for any one business, to allow a wall and projecting sign that each includes both businesses; Section 19-4.9(9)(f)2, requiring that projecting signs shall not exceed six square feet in area per face, to allow 10.9375 square feet; Section 19-4.9(9)(i)l, requiring that the

bottom of a wall sign be a minimum of eight feet or a maximum of 12 feet above the sidewalk, to allow the bottom of the wall sign to be located 14'5.5" from the sidewalk; Section 19-4.9(9)(i)2, requiring that wall signs shall not exceed a maximum of 60 square feet, to allow a wall sign to be 70.42 square feet. Owner: Bottini Properties; Applicant RKE Beck Enterprises Inc.; Grid #6162-77-068023; Innovation District Urban Village (PID-UV); File #ZBA2023-041

8. 226 CHURCH STREET – AREA VARIANCE

Application for area variance relative to the proposed construction of a handicapped ramp on the east side of the building requiring a variance of Section 19-4.13(1) of the Zoning Ordinance, which requires a six foot set-back to allow a five foot set-back. Owner/Applicant: Journal Plaza LLC/Page Park Associates; Consultant: Care Net Pregnancy Center of the Hudson Valley; Consultant: Whalen Architecture, PLLC; Zoning District: PID-CE; Grid #6161-22-139959; File #2023-043

9. 147 UNION STREET – AREA VARIANCE

Request for area variances relative to the proposed conversion of the office building at 147 Union Street to a mixed use building with 2 retail spaces and a total of 11 dwelling units, requiring variances of Sections 19-3.19(4)(b) and (c) of the Zoning Ordinance, which requires 15,600 square feet of lot area to allow 13,112 square feet (a variance of 2488 square feet). Owner: Colonial Realty Holding LLC (Berry Kohn); Applicant: Chai Developers LLC (Berry Kohn); Consultant: Natalie Quinn, KARC Planning Consultants, Inc.; Zoning District: R-4A; Grid #6062-84-891084; File #ZBA2023-044

10. 49 CIVIC CENTER PLAZA - INTERPRETATION

Request for Interpretation as to whether or not the City has applied the criteria of Section 19-3.3 of the Zoning Ordinance relative to district boundaries correctly to this project, which straddles the district boundaries between the C-2 and PID-CC districts, and the definitions of “service business” and “restaurant” and whether or not the terms may be used interchangeably for the purposes of the Zoning Ordinance. Owner/Applicant: Journal Plaza LLC/Page Park Associates; Consultant: KARC/Natalie Quinn; Zoning District: C-2/PID-CC; Grid #6162-69-065177; File #ZBA2023-046

V. CONTINUED PUBLIC HEARINGS

1. 20 CORLIES AVENUE - AREA VARIANCE

Application for area variance relative to converting a single family dwelling to a two-family dwelling. Lot deficiencies were noted regarding; Section 19-

3.15(4)(a) the minimum lot area is 10,000 square feet, to allow for 6838 square feet (a variance of 3162 square feet); Section 19-3.15(4)(e) the minimum side yard is 6 feet, to allow for a 5 foot side yard 9 a variance of 1 foot). Owner/Applicant: Javier Ortega; Consultant: Wayne Thompson, Esq.; Grid: # 6161-25-524928; Zoning District: Medium High-Density (R-4); File #2023-016

2. 7 GRANT STREET - AREA VARIANCES

Application for area variance relative to the conversion of a single family dwelling to a two family dwelling. Lot deficiencies were noted regarding; Section 19-3.15(4)(a) requiring a 10,000 square foot lot area, to allow for 4,791 square feet, (a variance of 5209 square feet); Section 19-4.3(11) requiring 4 parking spaces, to allow for two compliant parking spaces, (a variance of two spaces). Owner: BRRR Homes Corp; Applicant: Wayne Thompson; Grid: # 6162-79-327052; Zoning District: R-4 Medium High-Density Residential; File # ZBA 2023-021