



**City of Poughkeepsie Zoning Board of Appeals
Common Council Chambers**

Tuesday, December 12, 2023 6:00 PM

Approved Meeting Minutes

Motion: Scott Parker

Second: Thomas Klug

Carried: 5:0:0

ATTENDANCE

Scott Parker
Jessica Vinall
Thomas Klug
Justin Phillips
Sam Finnerman
James Patterson

STAFF

Rebecca Valk, Corporation Counsel
Tyler Maegerle, Junior Planner
Lori Garcia, Board Administrative Assistant

I. CALL TO ORDER

II. APPROVAL OF MEETING MINUTES

Approval of November 20, 2023

Motion: Jessica Vinall
Second: Thomas Klug
Carried: 5:0:1

November 30, 2023 Meeting Minutes

Motion: Scott Parker
Second: Justin Phillips
Carried: 5:0:1

III. REVIEW OF RESOLUTIONS

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

A motion was made to approve the resolution as posted and received in print:

Motion: Scott Parker
Second: Justin Phillips
Carried: 6:0:0

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

A motion was made to approve the resolution as posted and received in print:

Motion: Scott Parker
Second: James Patterson
Carried: 6:0:0

3. 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

A motion was made to approve the resolution as posted and received in print:

Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

4. 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

A motion was made to approve the resolution as posted and received in print:

Motion: Scott Parker
Second: Justin Phillips
Carried: 6:0:0

IV. PUBLIC HEARINGS

**1. 49 CIVIC CENTER PLAZA - INTERPRETATION
ADJOURNED UNTIL JANUARY**

2. 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

Motion made to open the public hearing:

Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

Motion to close the public hearing:

Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

Motion made to adjourn review to January:

Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

3. 16 PERSHING AVENUE - USE AND AREA VARIANCES

Application for variances relative to the proposed conversion of the former emergency mobile response facility to an autobody repair shop, requiring a use variance of Section 19-3.23(2) of the Zoning Ordinance, which does not permit autobody facilities in the C-2A District in which the property is located, and area variances of Section 19-3.23(2)(b)(3) which provides that no automotive uses be located within thirty (30) feet of a residential zoning district, to allow the use to abut an R-4 residential district, and Section 19-4.3(11)(c), which requires 25 parking spaces plus 1 for every 2 employees, to allow the existing 25 spaces with no additional parking for employees. Owner/Applicant: Devanand Jaikarran; Consultant: Liscum McCormack VanVoorhis; Zoning District: C-2A; Grid #6161-24-427963; File #ZBA2023-040

Presenting: Joshua Macke, Mackey, Butts and Whalen
Vidya Jaikarran, Applicant

Motion made to open the public hearing:

Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

Motion to adjourn the public hearing to January:

Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

4. 44 BEECHWOOD AVENUE - AREA VARIANCE

Application for an area variance relative to the proposed placement of a fence on the northern property line at 44 Beechwood Avenue, requiring a variance of Section 19-4.14(4)(3)(a) of the Zoning Ordinance, which prohibits the placement of a fence nearer than 10 feet to any wall of an adjoining building that contains legal windows, to allow placement of a fence within 6'8" and 7'5" from the northern wall of the existing dwelling. Owner/Applicant: Digna Ayala; Zoning District: R-1; Grid #6161-70-237237; File #ZBA2023-048

Motion made to open the public hearing:

Motion: Jessica Vinall
Second: Thomas Klug
Carried: 5:0:0

Motion to close the public hearing:

Motion: Jessica Vinall
Second: Thomas Klug
Carried: 5:0:0

A motion was made to approve the resolution as posted and received in print:

Motion: Scott Parker
Second: Justin Phillips
Carried: 6:0:0

5. 29 GIFFORD AVENUE - AREA VARIANCES

Application for an area variances relative to the proposed conversion of the legal single-family dwelling at 29 Gifford Avenue, located in an R-4 Zoning District, to a three family dwelling, requiring variances of Section 19-3.15(4)(c)(1) to allow 3780 square feet of lot area where 6600 square feet are required; Section 19-3.15(4)(e)(2) to allow a side yard of 2'9.5" where 15 feet are required; Section 19-3.15(4)(i) to allow 956 square feet of usable open space with a minimum dimension of 31.18' where 900 square feet with a minimum dimension of 40 feet is required; Section 19-4.3(5)(a) to allow 3 off-street parking spaces where 5 are required; Section 19-4.11 to allow no perimeter landscaping where landscaping is required. Owner: Shauna Powell; Applicant: Jon Moss, Berg Moss Architects; Zoning District: R-4; Grid #61062-68-937310; File #ZBA2023-049

Motion made to open the public hearing:

Motion: Scott Parker
Second: Justin Phillips
Carried: 6:0:0

Motion to close the public hearing:

Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

Motion made to adjourn review to January:

Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

V. CONTINUED APPLICATION REVIEW

1. 134 SMITH STREET: USE VARIANCES
ADJOURNED UNTIL JANUARY

2. 27 SOUTH CLINTON STREET – USE & AREA VARIANCE APPLICATIONS

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.

Motion made to open the public hearing:

Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

Speakers
Marta Knapp
Hillari Spooner
Marjorie Ackermann
Delta Frye
Zara St. Croix

Motion to close the public hearing:

Motion: Scott Parker
Second: Justin Phillips
Carried: 6:0:0

Motion made to adjourn review to January:

Motion: Scott Parker
Second: Justin Phillips
Carried: 6:0:0

3. 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

Motion made to adjourn review to January:

Motion: Scott Parker
Second: Justin Phillips
Carried: 6:0:0

VI. APPROVAL OF MEETING DATES

Approval of 2024 Meeting Dates

Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

Motion made to adjourn meeting to January 2024:

Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

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