

Motion to approve January 9, 2024
 Motion: Scott Parker
 Second: Justin Phillips
 Carried: 6:0:0



City of Poughkeepsie Zoning Board of Appeals
 Draft Minutes
 Tuesday, January 9, 2024 6:00 PM

ATTENDANCE

Scott Parker
 Jessica Vinall
 Thomas Klug
 Justin Phillips
 James Patterson
 Sam Finnerman 6:08 pm

STAFF

Rebecca Valk, Corporation Counsel
 Richard Distel, Planner
 Lori Garcia, Board Administrative Assistant

I. CALL TO ORDER 6:02 pm

II. APPROVAL OF MEETING MINUTES

Approval of December 12, 2023 Meeting Minutes
 Motion: Scott Parker
 Second: Thomas Klug
 Carried: 5:0:0

III. REVIEW OF RESOLUTIONS

1. 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

A motion was made to approve the applicant's proposed use of the property
 Motion: Scott Parker
 Second: Justin Phillips
 Carried: 5:0:0

IV. PUBLIC HEARINGS & DELIBERATIONS

1. 49 CIVIC CENTER PLAZA - INTERPRETATION

Adjourned to February

A motion was made to adjourn the application review and public hearing to February

Motion: Scott Parker

Second: Justin Phillips

Carried: 5:0:0

2. 579 MAIN STREET - AREA VARIANCES

Application for variances relative to the proposed conversion of the building at 579 Main Street to a mixed use building containing retail and art studio space on the first floor, and three dwelling units, requiring variances of Section 19-3.23(2)(b)(9)(vi) of the Zoning Ordinance, which limits the size of apartments to no more than 750 square feet, to allow two apartments to be greater than 750 square feet, and Section 19-4.3(11), which requires 11 off-street parking spaces, to allow one off-street parking space. Owner: Jolhany Property LLC; Applicant: One Stop Property Service LLC; Consultant: Ciro Interrante, Architect; Zoning District: C-2A; Grid #6161-24- 423946; File #ZBA2023-047

A motion was made to open the public hearing

Motion: Scott Parker

Second: James Patterson

Carried: 6:0:0

No Speakers

A motion was made to close the public hearing

Motion: Scott Parker

Second: Justin Phillips

Carried: 6:0:0

3. 1 CIVIC CENTER PLAZA - AREA VARIANCES

Application for area variances relative to the placement of an awning sign, requiring variances of Section 19-4.9(9)(a)(2) of the Zoning Ordinance to allow a sign 19'8" wide where 10 feet is permitted and Section 19- 4.9(9)(a)(4) to allow six words when five words is the limit. Owner: Acadia Hudson, LLC; Applicant: Victoria Rothman; Zoning District: PID-HC; Grid #6162-77-050111; File #2023-050

A motion was made to open the public hearing

Motion: Scott Parker

Second: Justin Phillips

Carried: 6:0:0

No Speakers

A motion was made to adjourn the public hearing and application review

Motion: Scott Parker

Second: Justin Phillips

Carried: 6:0:0

4. 110 SOUTH GRAND AVENUE -AREA VARIANCES

Application for area variances to allow the construction of an off-street parking lot in the Park Avenue front yard of the property, requiring a variance of Sections 19-4.13(1) and 19-4.13(2) of the Zoning Ordinance. Owner/Applicant: Faith Apostolic Ministries Inc.; Consultant: Michael Berta, AIA; Zoning District: R-2; Grid #6161-49-620556; File #2023-051

A motion was made to open the public hearing

Motion: Scott Parker

Second: James Patterson

Carried: 6:0:0

Speakers:

Tim Challey

Laurie Sandow

A motion was made to close the public hearing

Motion: Scott Parker

Second: Thomas Klug

Carried: 6:0:0

5. 200 MAIN STREET - INTERPRETATION

Request for Interpretation as to whether or not the applicant's proposed use constitutes an art gallery pursuant to the provisions of the Zoning Ordinance, requiring a general examination of definitions, permitted, uses and zoning districts, including a comparison between the C-2 and PID-HC Districts, in which of the Zoning Ordinance. Owner: 200 Main LLC; Applicant: Christina and Ty Johnson; Zoning District C-2; Grid #62-84-965121; File #2023-053

A motion was made to open the public hearing

Motion: Scott Parker

Second: Jessica Vinall

Carried: 6:0:0

No Speakers

A motion was made to close the public hearing

Motion: Scott Parker

Second: James Patterson

Carried: 6:0:0

6. 16 PERSHING AVENUE APPLICATION -AREA VARIANCES

Application for variances relative to the proposed conversion of the former emergency mobile response facility to an autobody repair shop, requiring 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/C-3; Grid #6161-24-427963; File #ZBA2023-040

Presenting: Lita Ward, Mackey, Butts and Whalen
Livia and Devanand Jaikarran Owners
Matthew Tether, Liscum, Voorhees and McCormick

A motion was made to open the public hearing
Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

Speaking:
Alonso Dixon

A motion was made to adjourn the public hearing and application review
Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

V. CONTINUED APPLICATION REVIEW

7. 134 SMITH STREET - USE VARIANCE

Application for use variance relative to the proposed use of the vacant storefront at 134 Smith Street as a retail (convenience) store. The previous use of the property for retail purposes was nonconforming, ceasing in 2016. Pursuant to Section 19-5.1(1)(d), such use may not be re- established without a variance of Section 19-3.31(2) of the Zoning Ordinance governing permitted uses. The single story structure also contains a dwelling unit. Owner: Ihsan Nesheiwat; Applicant: Gary Beck, Jr./Z3 Consultants; Grid #6162-72-414248; File #2023-023

A motion was made to adjourn the review and public hearing until February
Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

8. 27 SOUTH CLINTON STREET- USE & AREA VARIANCES

Application for use variance relative to the proposed construction of a 4- 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 a 10 foot front yard on South Clinton Street and an 8 foot front yard of Church Street; Section 19-3.13.1(4)(d)(2), which requires side yards of 10 feet, to possibly allow a side yard of 6 feet, depending on the configuration of the stairs on the south side of the building; Section 19- 3.13.1(4)(d)(3), which requires a rear yard of 15 feet, to allow the (east) rear yard to be 5 feet (the remaining yard area is compromised by off-street parking); 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)(b), which requires aisles between rows of parking to be 22 feet wide, to allow an 18' wide aisle between rows of parking; Section 19-4.3(5)(11), which requires 9 parking spaces, to allow 8 parking spaces; Section 19- 4.13, which requires that all accessory uses be set back a minimum of 6 feet from the property line, to allow garbage bins to be located virtually on the south side property line; 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.

A motion was made to adjourn until February

Motion: Scott Parker

Second: Jessica Vinall

Carried: 6:0:0

9. 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

A motion was made to approve the resolution received in print with conditions

Motion: Scott Parker

Second: Thomas Klug

Carried: 6:0:0

10. 29 GIFFORD AVENUE - AREA VARIANCE

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 sf of lot area where 6600 sf is 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 415 square feet of usable open space with minimum dimensions of 10x35 feet and 10x15 feet 31.18' where 900sf with a minimum dimension of 40 feet is required; Section 19-4.3(5)(a) to allow a driveway of 9.48 feet wide where 15 feet is required; Section 19-4.11 to allow no perimeter landscaping where landscaping is required (a fence is provided on portions of the perimeter. Owner: Shauna Powell; Applicant: Jon Moss, Berg Moss Architects; Zoning District: R-4; Grid #61062-68- 937310; File #ZBA2023-049

A motion was made to approve the resolution received in print

Motion: Scott Parker

Second: James Patterson

Carried: 6:0:0

A motion was made to adjourn the meeting

Motion: Scott Parker

Second: Justin Phillips

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.