



**CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
APPROVED MINUTES OF MAY 10, 2022**

Present

Scott Parker, Chairman
John Gildard
Thomas Klug
Steven Reifler
Jessica Vinall

Excused

Rob Page

Staff

Judith Knauss, Deputy Zoning Administrator

The virtual meeting was called to order at 6:03pm with the pledge of allegiance.

On a motion by Thomas Klug, seconded by Steven Reifler, the minutes from April 12, 2022, were approved unanimously.

15 NORTH CHERRY STREET: AREA VARIANCES

Application for area variances relative to the proposed conversion of the existing building at 15 North Cherry Street from a warehouse to a multiple residence containing 42 dwelling units, including site improvements such as off-street parking, a playground and a dog park. Variances are requested of Section 19.4.3(11) requiring 73 parking spaces to allow 22, Section 19-4.13(1) prohibiting front yard parking to allow front yard parking, and Section 19-4.18(2)(a) which prohibits uses within 30 feet of the Fallkill Creek to allow a refuse area within that distance. Owner: North Cherry Holdings, LLC; Applicant: Chaim Hirsh; Consultant: AB Architekten; Grid #6162-77-092099; Zoning District: General Commercial (C-3) District; File #2022-009

The applicant has requested that consideration of the application be adjourned to the June 14, 2022 meeting.

On a motion by Jessica Vinall, seconded by Thomas Klug, the Board re-opened the public hearing. There were no speakers. On a motion by John Gildard, seconded by Thomas Klug, the hearing was adjourned to June 14, 2022.

135 MAIN STREET: AREA VARIANCES

Application for area variances relative to the application for 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

Approved June 14, 2022
Motion: Thomas Klug
Second: Jessica Vinall
Carried: 4:0:0



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Architecture; Consultant: Ken Casamento/LRC Group; Grid #6062-76-911183; Zone: Urban Density (R-6) District; File #2021-023

Appearing on behalf of the application were Steven Tinkleman, Ken Spillberg and Robert Turner.

Steven Tinkelman provided an extensive narrative description of the project and the variances. Feels that even if the open space requirement isn't technically met, there is usable open space in the courtyard and on the roof, and other meaningful open space around the buildings and lot. He explained he considered the front yard setback on South Perry Street to be the simplest of the three variances requested, as the bulk of the building meets the set-back and only the port-cochere intrudes into the set-back, to provide protection to the elderly from the weather.

The number of parking spaces provided is more than half of the requirement (68 provided, 107 required). At least ½ of the residents will not drive or own a vehicle. Could have more parking, but would lose more greenspace.

There was discussion about the need for the subdivision, which will create an "invisible line." The two lots will be attached to each other through easements and also through practical use, instead of a ground lease or other arrangement, which would be considered weak collateral for a loan.

There was discussion of the number of units in phase 1 (119) and the total number of units is phase 2 (72). The number of units dedicated to the "frail and elderly" will be half of that, or 36 units. The remaining units will be for income eligible senior citizens.

There was discussion relative to the open space, with an acknowledgement there is considerable open space that may just not meet the definition of such.

All site improvements are meant to enhance the site and the quality of life for the tenants.

The traffic study was prepared by an unrelated 3rd party firm.

A letter describing the supportive housing program for the frail and elderly, and the need for such a program, was provided by Mary Linge of Hudson River Housing. The program is ESHI: Empire State Supportive Housing Initiative.

On a motion by John Gildard, seconded by Steven Reifler, the Board opened the public hearing.

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Speaking were:

- Jeremy Phillips, owner of Zeus and Schatzi's:
 - Project not good for the City.
 - Parking issues.
 - Need to speak to balance for the community
 - No 2-3 bedroom units
 - Rose Street/Fallkill Commons is a problem, Hudson River Housing not providing the promised support for residents: 1 police call in 2018, 132 police calls in 2019, 243 police calls in 2020
 - This is a strip of Main Street that flourishes: this project does not fit into the block: we don't need another Rose Street
- Naomi Brooks, South Grand Avenue
 - Changes to the comp plan and waterfront plan are close at hand: maybe there should be a moratorium
 - In the absence of a moratorium, the current comp plan should be used as a guide for variances: these 3 variances requested vary radically from the requirements
 - Does not fit on North Perry Street, where the majority of the buildings are 2 stories: it will be an undesirable change in the character of the neighborhood
 - Open space is obscured
 - Parking study failed to account for h/c works, friends, family
- Anthony Curtis, Bridge Street
 - Lives at the corner of Main Street: has lived on that block for 20 years
 - Nicest part of Poughkeepsie
 - The building should not go up if the owners can't control what they already own
 - Plenty of spaces need to be fixed up, but not in this neighborhood. Needs to be somewhere else
 - Don't want this in our neighborhood
- Alessandro Milanese, Milanese Restaurant
 - Spoke to Gary Beck, who said the proposal was not even close to what was required
 - Very concerned about crime rate
 - This is vulnerable population that will attract a criminal element
 - Asked what is meant by frail and elderly

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- Has been encouraged by the foot traffic in the area, people enjoying themselves, enjoying Main Street. Doesn't want to slow that down, wants to keep it going
- Restaurant has been there 50 years, wants to be there another 50 years
- Laurie Sandow, South Grand Avenue
 - Mentioned a letter from Hudson River Housing she had received, with no "cc's" at the bottom, which she stated was the same letter in the packet now addressed to the Planning Board chair. She wondered how it migrated to the PB Chair, and who else might it have been circulated to?
 - Stated that she stood by comments made at other meetings including the County Legislature, Common Council and Planning Board, relative to other projects including the Wallace Campus project and supportive units funded by ESSHI
 - Stated that ESSHI is a cash cow for developers
 - Stated that a line drawn from 26 Oakley Street through 135 Main Street, the Wallace Campus, 514 Main Street and Fallkill Commons would outline the "Bermuda Triangle of existing and proposed supportive housing units in the City of Poughkeepsie."
 - Wanted hourly time and date stamped photographs of the parking, rather than taking the word of the study
 - She implored the Board not to approve the application but to start connecting the dots to get a full picture off developments, proposed
 - The applicant talks about quality of life but does
- Daniel Milanese, Milanese Restaurant
 - Wanted to add to his brother's comments that whenever there is an event, voting parties, etc, Admiral Halsey has asked if they can use the Milanese parking lot.
 - The restaurant allows them to use the lot only on Mondays when they are closed.
 - On Mondays, he claims their lot is packed full of cars for Admiral Halsey, and that on the other days the street is full of cars.

On a motion by Steven Reifler, seconded by Thomas Klug, the public hearing was closed.

Following the closing of the public hearing, the Board and the applicant further discussed the application.

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The existing building is restricted to 55 years and older, with developmentally disabled people excepted. The applicant will check on when that agreement ends. The restrictions relative to the frail and elderly for the new building will be in place for 50 years.

The applicant pointed out that this development will create more live, more of an urban environment and will support local business.

The applicant pointed out that this project has nothing to do with the homeless shelter proposed for Oakley Street, or any of the other projects mentioned.

The applicant urged the ZBA members to review the presentation.

The ZBA members indicated that they were generally not ready to make a decision at this time, although they also indicated that some of the variances requested, particularly the front yard setback, were not substantial.

Additional information was requested:

- More information relative to the ESSHI program
- Parallels to other projects mentioned
- Information relative to police calls to Admiral Halsey. It was suggested that most calls would be 911 calls for assistance, given the nature of the tenants in the building (primarily seniors), and not crime
- More information on density and how this project compares to the general area
- More information relative to parking (relative to the Milanese parking lot and street parking)
- The restrictions on both buildings, including the specific populations and the lifetime of the agreements
- Comparison to other developments for the elderly, such as St. Simeon's
- More information on ESSHI (as it is a funding source utilized for different populations)

As to the suggestion that 2 or 3 bedroom units be provided, the applicant indicated that the population to be served by the building would not be looking for units of that size. The units have been "right sized" to the need.

Further consideration of the application was deferred to the June 14, 2022 meeting of the Board.

On a motion by Thomas Klug, seconded by Jessica Vinall, the meeting adjourned at 7:24pm.

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Motion: Thomas Klug
Second: Jessica Vinall
Carried: 4:0:0