



**CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS MINUTES
JUNE 11, 2019**

The meeting was called to order at 6:33pm.

Present

Nathan Shook Chair
Rose Ferrucci
John Gildard
Scott Parker
Steven Reifler
Jessica Vinall

Excused

Paul Bucher

Staff

Paul Hesse

On a motion by Rose Ferrucci, seconded by Jessica Vinall, the May 2019 meeting minutes were approved unanimously.

188 SMITH STREET

Application for Interpretation relative to the proposed change of use from one nonconforming use, heavy automobile repair, to another nonconforming use, business offices for a sanitation company with accessory vehicle repair and storage. **Owner:** Daley Diesel Inc; **Applicant:** M&O Sanitation/Heather Cimorelli; **Grid** #6162-64-500310; **Zoning District:** Neighborhood Commercial (C-1) District; **FILE ZBA #2019-005**

Pursuant to the provisions of Section 19-8.4(1)(c) of the Zoning Ordinance, the Zoning Board of Appeals has the power, on appeal from an order, requirement, decision or determination made by an administrative office, to approve a change of a legal nonconforming use, pursuant to Section **19-5.1(1)** of the Zoning Ordinance of the City of Poughkeepsie, as follows: A nonconforming 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.”

The question before the ZBA is whether or not the proposed use of the property at 188 Smith Street for M&O Sanitation is of the same or of a more restricted nature than the use of the property as a heavy automotive (diesel) repair facility.

The applicant, Heather Cimorelli, made a brief presentation.

On a motion made by Rose Ferrucci and seconded by Steven Reifler, the Board opened the public hearing. There was no public comment.

On a motion made by Steven Reifler and seconded by Nathan Shook, the Board closed the public hearing.

Following the close of the public hearing, the Board deliberated and adopted the following resolution:

WHEREAS, the Zoning Board of Appeals has received an application submitted by Heather Cimorelli for an interpretation relative to the establishment of sanitation business at 188 Smith Street; and

WHEREAS, the application consists of a request for an interpretation that the proposed use is of the same or a more restrictive nature than the previous use as a heavy automotive repair facility; and,

WHEREAS, the ZBA reviewed the particulars of the two uses and determined that the proposed use of the property as a sanitation business is in fact of more restrictive nature than the previous use as inasmuch as:

- 1) M&O's vehicle storage would take place primarily within the building, while the existing business has large vehicles stored on the exterior of the building on a regular basis, 24/7. The parking lot would be utilized primarily for parking of employees' personal vehicle, which would then be gone at the end of the day, having much less visual impact on the neighborhood;
- 2) M&O's vehicle repair would be limited to routine maintenance and minor repairs to the company's own vehicles. Major repairs are done by others off-site;
- 3) M&O's business hours are more limited than Daley Diesel, 7:30am to 4pm as opposed to 8am to 5pm.
- 4) M&O has three office employees. All other employees are "on the road."
- 5) M&O's primary business function is all off-site, unlike the current heavy automotive repair. M&O will use the building for the business office, routine vehicle maintenance and storage.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals hereby grants approval for the change of use of the property at 188 Smith Street to a sanitation business.

Motion: Rose Ferrucci

Second: Nathan Shook

Carried: 6:0:0

125 AND 135 NORTH HAMILTON STREET

Application for use variances relative to the change of recorded use from a warehouse and an electrical supply company to an electrical supply company, warehouse, brewery, tasting room, restaurant, offices and service businesses. **Owner/Applicant:** North Hamilton Street, LLC (Eric Baxter); **Grid** #6162-63-269310, 6162-63-270315 and 6162-63-271325. **Zoning District:** Central Medium Density Residence (R-3A) District; **FILE ZBA #2019-**

Paul Hesse informed the ZBA that the Dutchess County Planning Department's comments, which

recommended denial. The applicant requested that the public hearing be adjourned to the July meeting so that they may provide answers the County's concerns.

On a motion made by Scott Parker and seconded by Steven Reifler, the Board opened the public hearing.

There were no members of the public present to comment.

On a motion by Rose Ferrucci and seconded by Scott Parker, the Board voted to continue the public hearing at the next meeting of the Board on July 9, 2019.

There was a general discussion of the application and the County's comments, specifically those criteria for the granting of a use variance which the County felt were not satisfied. The ZBA asked if any changes would be sent to the County for re-review, which it was indicated would happen. The ZBA also asked if it would be appropriate and possible to invite the County to attend the public hearing. Paul Hesse indicated that he would discuss that question with Natalie.

Members of the ZBA also mentioned particular issues raised by the County:

- Reasonable rate of return
- Character of the neighborhood: other than the jail, the area is mostly residential

A second motion to continue the public hearing and adjourn the application to July 9, 2019, was made by Rose Ferrucci and seconded by Scott Parker, and carried unanimously.

On a motion made by Rose Ferrucci and seconded by Robert Page, the Board voted to close the meeting.