



**CITY OF POUGHKEEPSIE  
ZONING BOARD OF APPEALS  
MINUTES  
MARCH 9, 2021**

The meeting was called to order at 6:31 pm.

**Present**

Nathan Shook Chair  
Paul Bucher  
John Gildard  
Thomas Klug, alternate  
Rob Page  
Scott Parker  
Steven Reifler  
Jessica Vinall

**Absent**

**Staff**

Natalie Quinn, Planning Director

The meeting was called to order with the pledge of allegiance.

Planning Director Quinn read the following notice into the record:

“Based on upon notices and health advisories issued by federal, state and local officials related to the COVID-19 virus and as permitted under the under Governor Cuomo's executive order 202.60, and subsequent extensions of that order, which suspends certain provisions of the open meetings law to allow municipal boards to convene public meetings and public hearings via video conferencing, that is how the ZBA is meeting here tonight. In accordance with the executive order, the public has been provided with the ability to view tonight's meeting and a recording and transcript of the meeting will be posted on the city's website following.”

A motion was made by John Gildard and seconded by Steven Reifler to approve the minutes of the November 10<sup>th</sup> ZBA meeting. The motion carried unanimously.

**45 READE PLACE: AREA VARIANCE**

Application for area variance relative to the proposed placement of a second wall sign on the building at 45 Reade Place where there is an existing wall sign and Section 19-4.9(7)(b) of the Zoning Ordinance allows only one. Owner: Nuvance Health/Vassar Brothers Medical Center; Applicant: Michael Zolnick; Consultant: Eric Applebaum; Zone: Hospital Medical (H-M) District; Grid #606`-43-843721; File #2021-001

Appearing on behalf of the application was Eric Applebaum, who gave a brief presentation relative to the proposed sign and requested variance.



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On a motion by Scott Parker, seconded by Steven Reifler, the Board unanimously voted to open the public hearing.

There was no public comment.

On a motion by Jessica Vinall, seconded by John Gildard, the Board unanimously voted to close the public hearing.

Following deliberation, the Board approved the following resolution:

WHEREAS, the Zoning Board of Appeals has received an application from Michael Zolnick and Eric Applebaum for an area variance from Section 19-4.9(7)(b) of the Zoning Ordinance to allow placement of a second wall sign on the building at 45 Reade Place, when only one such sign is permitted; and,

WHEREAS, the application was accompanied by additional materials, including Site Location Plan and sign detail plans prepared by Modulex New England, dated November 17, 2020; and,

WHEREAS, a public hearing was held on March 9, 2021; and,

WHEREAS, the action is considered to be an Unlisted Action under SEQRA and a short form EAF was submitted; and,

WHEREAS, the action is more fully detailed in the application and the materials outlined herein; and,

WHEREAS, the Board has compared the impacts that are likely to result from the action against those in 617.7(c)(1)(i) through (xii) and has determined that there will be no significant adverse environmental impacts and therefore, a draft environmental impact statement will not be prepared; and,

WHEREAS, the applicant has demonstrated that the granting of the area variance will not produce an undesirable change in the character of the neighborhood, and will not be a detriment to nearby properties; and,

WHEREAS, the applicant has demonstrated that there is no other feasible method to achieve compliance at this time; and,

WHEREAS, the applicant has demonstrated that the variance requested is not substantial; and,



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WHEREAS, the applicant has demonstrated the granting of the variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and,

WHEREAS, the applicant has demonstrated that the need for the variances is not necessarily self-created:

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals hereby adopts a Negative Declaration relative to the above referenced project.

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Poughkeepsie Zoning Board of Appeals hereby grants the area variance as noted above.

Motion: Scott Parker  
Second: Rob Page  
Carried: 7:0:0

**316 MAIN STREET: AREA VARIANCE**

Application for area variance relative to the height of the proposed building at 316 Main Street, to allow six (6) stories where only five (5) are permitted, requiring a variance of Section 19-3.37, Table 3.37-2 of the Zoning Ordinance. Owner/Applicant: 316 Main Street Owner, LLC (Eric Baxter and William Brocker); Consultant: MASS Design; Zone: Poughkeepsie Innovation District Historic Core Subdistrict (PID-HC); Grid #6161-77-091064; File #2021-002

Appearing on behalf of the application were Eric Baxter, Justin Brown, Neil Alexander, William Brocker and Mike Amato, who made a presentation on the proposed project and requested variances.

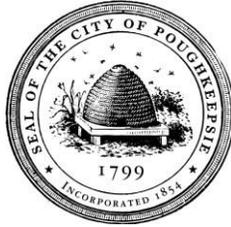
On a motion by Scott Parker, seconded by John Gildard, the Board voted unanimously to open the public hearing.

There were comments from the public:

- Stephen Aronson, Amanda Crowley and Doug Nobiletti via email
- Michael DeCordova, Laurie Sandow, via video-conferencing

It was noted that the Dutchess County Planning Department recommended denial of the application, which requires that should the Board grant the variance, it must do so with a majority plus one of the full Board and notify the County of the reasons for its decision.

On a motion by Steven Reifler, seconded by John Gildard, the Board voted to adjourn the public hearing to April 13, 2021.



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**584 MAIN STREET: USE VARIANCE**

Application for use variance to allow residential development and offices of the building at 584 Main Street, including construction of an addition, where residential and office uses are not permitted, requiring a variance of Section 19-3.23.1(2) of the Zoning Ordinance. Owner: Hooker 21, LLC (J. Allen Britvan); Applicant: Wulf Lueckerath and Mark Lehman; Zone: Main Street Commercial (C-2A) District; Grid #6161-439917; File #2021-003

Appearing on behalf of the application were Mark Lehman and Wulf Lueckerath who provided an overview of the project and the request for use variance.

On a motion by Steven Reifler, seconded by Thomas Klug, the Board voted unanimously to open the public hearing.

There was no public comment.

On a motion by Steven Reifler, seconded by Rob Page, the Board voted to close the public hearing.

Following deliberation, the Board approved the following resolution:

WHEREAS, the Zoning Board of Appeals has received a use variance application from Wulf Lueckerath and Mark Lehman for the change of use of the building at 584 Main Street from commercial (retail) use to a mixed use building with residential and office components, where residential and office uses are not permitted, requiring a variance of Section 19-3.23.1(2) of the Zoning Ordinance; and,

WHEREAS, the application was accompanied by additional materials, including supporting documentation, survey prepared by Spencer Hall, LLS, dated August 19, 2020, photographs, and map abstracts illustrating site location and zoning districts in the area; and,

WHEREAS, this application is considered to be an Unlisted Action under SEQR; and,

WHEREAS, the action is more fully detailed on the Short Environmental Assessment Form dated 12/09/2020, and signed by Wulf Lueckerath, and the applications and plans outlined above; and,

WHEREAS, the Board has compared the impacts that are likely to result from the action against those in 617.7(c)(1)(i) through (xii) and has determined that there will be no significant adverse



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environmental impacts and therefore, a draft environmental impact statement will not be prepared.

WHEREAS, a public hearing was held on March 9, 2021; and,

WHEREAS, the applicant has demonstrated that a reasonable return cannot be realized with any of the uses permitted in the District; and,

WHEREAS, the applicant has demonstrated that the hardship in complying with the Zoning Ordinance is unique to this property; and,

WHEREAS, the applicant has demonstrated that the granting of the variance will not alter the character of the existing neighborhood;

WHEREAS, the difficulty in complying with the Zoning Ordinance is not necessarily self-created;

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals hereby adopts a Negative Declaration relative to the above referenced project.

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Poughkeepsie Zoning Board of Appeals hereby grants the use variance as detailed in the above referenced application; with the following condition:

- All Main Street facing ground floor uses shall be limited to non-residential.

Motion: Robert Page  
Second: Jessica Vinall  
Carried: 7:0:0

On a motion by Jessica Vinall, seconded by Steven Reifler, the Board unanimously voted to adjourn at 8:58pm.