



**CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
DRAFT MINUTES
MAY 11, 2021**

The meeting was called to order at 6:35 pm.

Present

Nathan Shook Chair
John Gildard
Thomas Klug
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 Thomas Klug and seconded by Steven Reifler to approve the minutes of the April 13th ZBA meeting. The motion carried unanimously.

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

Chair Shook announces that the applicant is not present tonight and that the Board will not be taking any action on the application due to the fact the the application is still before the Planning Board awaiting a determination with regards to SEQRA. The discussion at the meeting focused



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on the second prong of the area variance test, whether or not there are any other viable alternatives for the project to move forward besides the variance being sought.

Prior to opening the public hearing the Board discusses a meeting that was held between the applicant, three ZBA members, planning staff, the City's Economic development Director, and the City's Corporation Counsel. An overview was provided by Planning Director Quinn regarding the variance being sought, suggested alternatives, financial information provided by the applicant, and discussion regarding various PILOT agreements that will be required by the project. During the meeting it was requested that the applicant provide additional information to show if and how the proposed project meets the standard policy of either the IDA or the Common Council, the two bodies capable of executing PILOT agreements within the City.

Jessica Vinall discusses consideration of the 5th prong of the area variance test, whether the hardship is self-created. Jessica requests that the applicant provide their argument as to how the issue is not self-created, given that the requirements were posted and published prior to them obtaining the building in this within the zone.

John Gildard mentions that the proposed height of the six story building is not out of character with other 5 story buildings on Main Street, such as Luckey Platt, and that the fire department has confirmed that they will have no trouble reaching the 6th story at the proposed height. These facts should be considered in the balancing test regarding benefit to burden on the community.

The Board discussed other matters in relation to the balancing test including parking and refuse storage and pick-up.

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

No verbal comments were provided by members of the public. Natalie Quinn read a short email comment provided by Laurie Sandow.

On a motion by Thomas Klug, seconded by Steve Reifler, the Board voted to adjourn the public hearing to June 8, 2021.



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195 MILL STREET: USE AND AREA VARIANCES

Application for Use and Area Variances relative to the conversion of the existing building from a convenience store with one dwelling unit to a convenience store with three dwellings units, requiring variances of Sections 19-3.15(2), 19-3.15(4), 19-3.15(4)(e), 19-3.15(4)(i) and 19-4.3(11) of the Zoning Ordinance. Owner: Sultan Business Enterprises, Inc; Applicant: Rakan Algananim; Consultant: Paul Tirums, PE; Zone: Medium High Density Residence (R-4) District; Grid #6062-76-951217; File #2021-004/2021-005

Presenting on behalf of the applicant was Paul Tirums, project engineer. Mr. Tirums provided an overview of the project and variances required.

There were questions from the Board regarding financial feasibility of other uses permitted within the district, required parking spaces, green open space, and current issues of double parking and deliveries at the site.

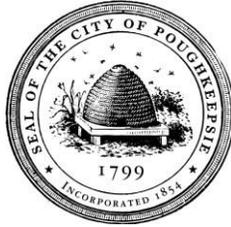
The Board requests proof that it wouldn't be financially feasible for the owner to continue to operate the way he is or to do something that does not require a use variance. The Board also requests that the applicant investigate alternatives, such as addition only one additional unit. Planning staff also requested a draft agreement between the property owner of 195 Mill Street and the owner of the property that will provide the required parking. Additionally, further solutions with regards to deliveries and parking are requested.

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

Comments were provided by the following members of the public:

- Zafrulla Baksh (verbal)
- Sheryl D Miller (written)

On a motion by Scott Parker, seconded by Rob Page, the Board voted to adjourn the public hearing to June 8, 2021.



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67 VERAZZANO BOULEVARD: AREA VARIANCES

Application for Area Variance relative to the conversion of the mixed use building with a vending machine repair facility and 7 dwelling units to a vending machine repair facility and 10 dwelling units, requiring variances of Section 19-4.(a), Section 19-15.(4)(i), 19-4.13 and 19-4.3(11) of the Zoning Ordinance; Owner/Applicant: Robert Cifone; Consultant: Richard Tompkins, RA AIA; Zone: Medium High Density Residence (R-4) District; Grid #6062-68-965306; File #2021-006

Presenting on behalf of the application was Rich Tompkins (Maury Architects) and Robert Cifone (property owner). The applicant team provides an overview of the application, the uses that currently exist on the site, and the required variances. The required variances are in regards to lot area, size and location of usable open space, and parking.

There is general discussion regarding open space on site and how it is intended to be utilized by residents. Even though the open space does not meet the minimum dimensional requirement of 40 ft, the Board recommends that the applicant investigate ways to better delineate and activate that space. The applicant confirms they are also proposing a restriping of the parking area to ensure residents do not park on the grass.

Planning Staff encourages the applicant to investigate different unit arrangements and sizes that could potentially eliminate the need for a parking and open space requirement.

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

No comments were provided by members of the public.

On a motion by Thomas Klug, seconded by Steve Reifler, the Board voted to close the public hearing.

An announcement was made that Paul Bucher has resigned from the Board and Thomas Klug will now be moved from an alternate member to a full-time member.
Have a good night.

On a motion by Scott Parker, seconded by Steven Reifler, the Board unanimously voted to adjourn at 7:49pm.