



# Town of Poughkeepsie Zoning Department

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## DECISION AGENDA TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS March 14, 2022 - 6:00 PM

### Old Business

1. **Public Hearing - Stewart's Shops Corp., 2245 South Road, zoned B-H, Grid # 6159-01-249880.** The applicant requests relief from the following sections of the Town Code: (i) §210-35(E) to allow a building to be set back 15 feet from the front yard along South Gate Drive, where 40 feet is required, necessitating a variance of 25 feet; (ii) §210-35(E) to allow a building to be set back 25 feet from the rear lot line where 40ft is required, necessitating a variance of 15feet; (iii) from §210-130(A) to allow a proposed pricing pump topper signs to be 2.15 square feet where one square foot is permitted; (iv) From §210-90(E) which prohibits gasoline service facilities from being located within 500 feet of any property developed for residential use which is located in a residential district to permit the construction of the proposed Stewart's Shop to be 73 feet from nearest residential district, requiring a variance of 427 feet; (v) §210-123.l(B), which provides that no more than 30% of the total square footage of any sign may be devoted to EMD signage to allow the pump topper signs proposed to be 2.15 square feet to have 0.68 square foot, or 31.6%, of the sign devoted to EMD signage; and (vi) from §210-90(A) which requires a minimum lot size of 30,000 square feet, unless district regulations require a larger lot area. District regulations require a minimum of 2 acres. The lot is 0.949 acres, requiring a variance of 1.051 acres. **Unlisted Action. The Planning Board, as Lead Agency, issued a Determination of Non-Significance (neg dec) on October 15, 2020. TO BE ADJOURNED UNTIL APRIL 11, 2022.**

*On the Applicant's request, the Board voted to adjourn the matter to the April 11, 2022 ZBA meeting.*

**Motion:** Paul Lahey  
**Second:** Arthur Grace  
**Vote:** 7:0:0

2. **Public Hearing - Height Variance - Diamond Storage - Raymond Eng. Trustee, 1998 South Road, Grid # 6159-03-382273-0000.** The applicant is seeking variances from §§ 210-35(E) and 210-115(B) of the Town Code to permit the construction of a self-storage facility having a height of 55 feet where 45 feet is permitted, requiring a variance of 10 feet; consisting of 4 stories where three are permitted, requiring a variance of one story; and having 9 parking spaces where 45 are required, requiring a variance of 36 spaces. Planning Board will be lead agency for this application and has not yet made a SEQRA determination. **Unlisted Action. TO BE ADJOURNED UNTIL MAY 9, 2022.**

*The Board voted to adjourn the matter to the May 9, 2022 meeting.*

**Motion:** Paul Lahey  
**Second:** Christina Soricelli  
**Vote:** 7:0:0

3. **Public Hearing – McDonald’s Corp., 2585 South Road, Grid # 6060-02-968700-0000.** The applicant is seeking the following variances:

- i. The McDonald’s application concerns a leasehold area within a larger parcel, Hudson Plaza. The addition of the McDonald’s will require a minimum of 1279 parking spaces for the Plaza, which currently contains 1036 parking spaces. The applicant is seeking a variance from §210-92(0) of the Town Code, which requires 4.5 spaces for every 1000 square feet of gross leasable floor area, to allow 929 spaces in the plaza, requiring a variance of 348 spaces where 1279 parking spaces are required.
- ii. The applicant is seeking a variance from §210-152(A)(5)(a) of the Town Code, which prohibits parking within a front yard setback. The parking is proposed to be set back 30 feet from the front property line where 100 feet is required, requiring a variance of 70 feet.
- iii. The applicant is seeking a variance from §210-128(B) of the Town Code which permits only one freestanding sign, which shall advertise the name of the center only, not exceeding an area of 100 square feet, per shopping center, and the base of any such freestanding sign shall be mounted within a landscaped monument of stone, brick or other natural material as approved by the Planning Board. The site currently has 2 monument signs for the plaza. McDonald’s is proposing a third freestanding sign, consisting of posts and panels (not a monument sign) and not mounted within the required materials, requiring two variances: (1) to allow a third monument sign; and (2) to allow a post and panel sign, in lieu of a monument sign.
- iv. As per §210-128(C)(3)(a) of the Town Code, only one wall sign per store is permitted. Such signs shall not exceed 25% of the face of the store (excluding glass), up to a maximum of 100 square feet, and shall be secured flat against the face of the building. The applicant is proposing 6 wall signs, requiring a variance for 5 wall signs.
- v. The addition of the McDonald’s to the Plaza will result in impervious coverage of 92.6% of the site where, as per §210-36(E) of the Town Code, such coverage shall not exceed 75% of the site, requiring a variance of 17.6%.The applicant is seeking variances from §210-16(E). **Unlisted Action.**

*The Board voted to adjourn Item # iii. to the April 11, 2022 meeting.*

*Motion: Paul Lahey*  
*Second: Arthur Grace*  
*Vote: 7:0:0*

*The Board voted to approve Item #s i. ii. iv (3 wall signs based on recommendation from the county) and item # v.*

*Motion: Tony Gates*  
*Second: Christina Soricelli*  
*Vote: 7:0:0*

New Business

4. **Public Hearing – Lot Line Revision – Sara Bragdon, 10 Conklin Street, Grid # 6057-07-577875-0000.** The applicant is seeking approval from the Planning Board to subdivide her parcel into two lots. The applicant received similar variances on December 21, 2021, but, due to Dutchess County Department of Health requirements, the size of the lots has changed. In addition, a survey shows that the existing house is located approximately 21 feet from the property line, instead of 19 feet, requiring a smaller variance than previously granted.

In connection with the revised application, three area variances are required. Section 210-16(E) of the Town Code requires that lots not served by a central sewage treatment system maintain a lot area of not less than 1 acre (43,560 square feet). The applicant is seeking a variance for proposed Lot 1 to allow it to be 37,347.62 square feet (.903 acres), requiring an area variance of 6,212.38 square feet. The applicant also is seeking a variance for proposed Lot 2 to allow it to be 28,628.24 square feet, requiring an area variance of 14,931.76 square feet. The existing single-family residence also requires a variance from §210-16(E) which requires a 30 foot front yard setback. The home is currently approximately 21 feet from the front property line, requiring a variance of 9 feet. **Type II Action.**

*The Board voted to grant requested variance.*

*Motion: Arthur Grace*  
*Second: Christina Soricelli*  
*Recused: Diane Levitt*  
*Vote: 7:0:0*

5. **Public Hearing – Sign Variance – Owner: DEMCO Properties LLC, Applicant: Joyce Stanton, C21 Hudson Valley, 531 Haight Ave., Grid # 6161-08-880785-000.** The applicant is seeking a variance from §210-125(B)(1) of the Town Code to permit the installation of a second sign where only one sign is permitted. **Unlisted Action.**

*The Board voted Town of Poughkeepsie Zoning Board of Appeals to be the Lead Agency.*

*Motion: Paul Lahey*  
*Second: Christina Soricelli*  
*Vote: 7:0:0*

*The Board determined that the proposed action would not have an adverse effect on the environment and thereafter issued a negative declaration*

*Motion: Paul Lahey*  
*Second: Arthur Grace*  
*Vote: 7:0:0*

*The Board voted to grant requested sign variance.*

*Motion: Arthur Grace*  
*Second: Christina Soricelli*  
*Vote: 7:0:0*

6. **Public Hearing – Second Story Addition Variance – Owner: Abdelmajeed Alnajjar, Representative: Kenneth Stickle, 1214 Dutchess Turnpike, Grid # 6362-01-302775-000.** The applicant is seeking variances from §210-16(E) of the Town Code to permit the construction of a second story on a residence that is located 9 feet from the property line on the NE side of the property and 5 feet from the line on the SW side of the property where 20 feet is required for each, requiring a variances of 11 feet and 15 feet respectively. **Type II Action.**

*The Board voted to adjourn this to April 11, 2022 as the Applicant was not present at the meeting.*

*Motion: Paul Lahey  
Second: Christina Soricelli  
Vote: 7:0:0*

7. **Public Hearing – Verizon Wireless Use Variance – Verizon.** The applicant is seeking a use variance from §210-130 of the Town Code to permit the installation of an unmanned wireless communications facility on an existing structure where this specific use or a similar use is not permitted. **Unlisted Action.**

*The Board voted to adjourn this to April 11, 2022.*

*Motion: Paul Lahey  
Second: Christina Soricelli  
Vote: 7:0:0*

8. **Public Hearing – Side/Front Yard Addition Variance – Owner: Lisa and Bruce Peters, 24 Marwood Drive, Grid # 6059-08-984902-000.** The applicants are seeking a variance from §210-16(E), which requires front yard setbacks of 30 feet and side yard setbacks of 20 feet, to permit the construction of a front porch to be located 26.4 feet from the front property line and 17.9 feet from a side property line, requiring variances of 3.6 feet and 2.1 feet respectively. **Type II Action.**

*The Board voted to grant requested sign variance.*

*Motion: Christina Soricelli  
Second: Arthur Grace  
Vote: 7:0:0*

#### Other Business

9. **Consideration of a Resolution Authorizing the Retention of an RF Expert for all Wireless Telecommunications applications.**

*The Board voted to authorize resolution for retention of an RF Expert for all wireless telecommunications applications.*

*Motion: Christina Soricelli  
Second: Phyllis Capone*

*Vote:*                    *7:0:0*

The meeting was adjourned at 7:26 pm.

*Motion:*                *Paul Lahey*

*Second:*               *Arthur Grace*

*Vote:*                    *7:0:0*

**PRESENT**

**ABSENT**

Chairman Lahey  
Member Capone  
Member Gates  
Member Grace  
Member Soricelli  
Member Slomin  
Member Levitt  
Alternate Member Straka  
Alternate Member Cohen