



Town of Poughkeepsie Zoning Department

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DECISION AGENDA TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS April 11, 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 MAY 9, 2022.**

On the Applicant's request, the Board voted to adjourn the matter to the ZBA meeting ON May 9, 2022.

*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. The Planning Board will be the 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 ZBA meeting on May 9, 2022.

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

3. **Public Hearing – McDonald’s Corp., 2585 South Road, Grid # 6060-02-968700-0000.** Wall sign variances were previously granted. The following variance remains pending:

The applicant is seeking a variance from §210-128(B) of the Town Code which permits only one freestanding sign per shopping center, which shall advertise the name of the center only, not exceeding an area of 100 square feet, 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. **Unlisted Action.**

The Board requested written proof that the applicant is not permitted to have a panel on either of the two existing multi-tenant signs.

The Board voted to adjourn this matter to the ZBA meeting on November 14, 2022.

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

4. **Public Hearing – Second-Story Addition – Owner: Abdelmajeed Alnajjar, Representative: Kenneth Stickle, 1214 Dutchess Turnpike, Grid # 6362-01-302775-0000.** 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 variances of 11 feet and 15 feet respectively. **Type II Action.**

The Board voted to grant requested variance.

Motion: Christine Soricelli
Second: Arthur Grace
Vote: 7:0:0

5. **Public Hearing – Verizon Wireless Small Cell Wireless Communications Facility - Use Variance – Owner: EFG/DRA Heritage LLC, 10-50 Winslow Gate Road, Grid # 6163-03-027019-0000.** 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 the matter to the ZBA meeting on May 9, 2022.

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

New Business

6. **Public Hearing - Dunkin at Vassar Road - Owner: Red Oaks Dutchess Realty LLC. Applicant: Dave Panella - Southpaw, 48 Vassar Road, Grid # 6260-03-495219-0000.** The applicant is seeking the following sign variances:

- i. From §210-126(C) of the Town Code, which provides that a business is permitted one wall sign for each wall of a business facing a public road. The applicant is proposing 3 additional signs (all within the allowable size) on walls not facing a public road, requiring 3 variances.
 - ii. From §210-122(A)(7) of the Town Code, which provides that a sign not located on the premises to which it refers is deemed to be a prohibited billboard sign. The applicant is proposing a 14 square foot monument sign to be located on a neighboring parcel (497247) which is the main entrance to the plaza, requiring a variance from this section of the Code.
- Unlisted Action.**

The Board determined that there were no other involved agencies and declared itself to be the Lead Agency, and thereafter issued a determination of non-significance (neg dec):

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

During the meeting, the applicant withdrew its request for the “Poughkeepsie runs on Dunkin” sign on the northern side of the building, the “DD” sign on the southern side of the building, and the off-premises monument sign.

The Board voted to grant the requested variances for the “Dunkin” entrance sign on the northern side of the building, and the “DD” on the drive-thru side of the building, conditioned upon the façade on which those wall signs are to be located being lowered, so that the cornice is even with or lower than the mansard roof line (which also results in the signs being lowered) The projecting “DD” on the drive thru sign and the “DD Exit” sign are to be eliminated.

Motion: Arthur Grace
Second: Christine Soricelli
Vote: 7:0:0

7. **Public Hearing - Existing Sheds - Owner: Kirkup T.D & P.E Living Trust, Patricia and Terry Kirkup, Trustees, 6 Hickory Lane, Grid # 6058-20-767026-000.** The applicants are seeking to legalize two existing sheds. Pursuant to §210-48 of the Town Code, sheds must be at least 6 feet from the side and rear property lines. The northern shed is located 2 feet, 8 inches from a side property line, requiring a variance of 3 feet, 4 inches. The southern shed is located 1 foot, 7 inches from a side property line, requiring a variance of 4 feet, 5 inches. **Type II Action.**

The Board voted to grant requested variance.

Motion: *Anthony Gates*
Second: *Arthur Grace*
Vote: *7:0:0*

8. **Public Hearing – 2nd Floor Addition – Applicant: Paul S. Pilon, R.A., S&P Architects; Owners: Regina and Kris Santini, 51 Laffin Lane, Grid # 6160-01-487512-0000.** The applicants are proposing a second-story addition to the existing house which is located 7.2 feet from the side property line where, pursuant to §210-16(E) of the Town Code, 20 feet is needed, requiring a variance of 2.8 feet. **Type II Action.**

During the meeting, the Board was made aware that the applicant also was raising the roof on the side of the home not including the addition, requiring a second variance of 2.1 feet on that side.

The Board voted to grant the two requested variances.

Motion: *Diane Levitt*
Second: *Christine Soricelli*
Vote: *7:0:0*

9. **Public Hearing – Addition –Kathy and Bryan Haase, 53 Buckingham Ave, Grid # 6162-10-318651-0000.** The applicants are proposing an addition to the front of their house to be located 24.7 feet from the front property line where, pursuant to §210-16(E) of the Town Code, 30 feet is needed, requiring a variance of 5.3 feet. **Type II Action.**

The Board voted to grant requested variance.

Motion: *Larry Slomin*
Second: *Arthur Grace*
Vote: *7:0:0*

10. **Public Hearing – Bedroom Addition/Sunroom –William R. Vogt, 51 Kinry Road, Grid # 6260-03-330056-0000.** The applicant is seeking an addition to the side of his house to be located 10 feet, 8 inches from the side property line where, pursuant to §210-16(E) of the Town Code, 20 feet is needed, requiring a variance of 9 feet, 4 inches. **Type II Action.**

The Board voted to grant requested variance.

Motion: *Phyllis Capone*
Second: *Arthur Grace*
Vote: *7:0:0*

11. **Public Hearing – Special Use Permit-Accessory Apartment – Stacy Torres, 33 Kinderhook Drive, Grid # 6160-03-262373-0000.** The applicants are seeking a special use permit pursuant to Town Code §210-47 at allow an accessory apartment in a single-family dwelling. The applicants also require an area variance from §210-47(C)(3), which requires that the floor area of the accessory apartment be greater than 400 square feet. The applicants are proposing an accessory apartment of 382 square feet, requiring a variance of 18 square feet. **Type II Action.**

The Board determined that there were no other involved agencies and declared itself to be the Lead Agency, and thereafter issued a determination of non-significance (neg dec):

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

During the meeting, the Board was made aware that the applicant made an error in the square footage calculation for the accessory apartment, making the space 500 square feet, no longer requiring a variance for minimum square footage.

The Board voted to grant the Special Use Permit for an Accessory Apartment.

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

Other Business

12. Lead Agency Request from the Planning Board - Camelot Village MHP - Lot Line Revision/Site Plan - 589-621 Sheafe Road - Zoned RMH, Grid # 6159-03-17445, and Sheafe Manor MHP-567 Sheafe Road - Zoned RMH, Grid # 6159-03-165380. The applicant proposes a lot line realignment between 2 mobile home parks to implement improvements to the Sheafe Manor Mobile Home Park and resolve existing encroachments.

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

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

The meeting was adjourned at 8:10 pm.

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

PRESENT

Chairman Lahey
Member Capone (via Zoom)
Member Gates
Member Grace
Member Levitt
Member Slomin (via Zoom)
Member Soricelli
Alternate Member Straka (via Zoom)
Alternate Member Cohen (via Zoom)

ABSENT