



Town of Poughkeepsie

Zoning Department

1 Overocker Road
Poughkeepsie, NY 12603

845-485-3650 Phone
845-790-4772 Fax

**DECISION AGENDA
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS
REGULAR MEETING
June 11, 2012
7:00 PM**

Old Business

1. **Public Hearing Adjourned – Robert Germano on behalf of Germano’s Auto Center, 2255 South Road, Zone B-H, Grid #6060-02-994630-0000.** Request for a Special Use Permit pursuant to Article VIII, §210-87 of the Town Code to allow an automotive repair facility. Unlisted Action. **Matter Adjourned until 8/13/12.**
2. **Public Hearing Adjourned – Anthony Leo, 13 Spring Street, Zone R-20, Grid #6162-05-239816-0000.** Request for an area variance from Article IV, Section 210-16(E) of the Town Code to allow a proposed home to be located 6 feet from the east side lot line and 16 feet from the west side lot line where 20 feet is required; and a variance pursuant to Section 280-a of NYS Town Law for the construction of a single family dwelling on an existing lot with no frontage on an improved public street. Type II Action. **Matter Adjourned until 7/9/12.**
3. **Public Hearing Adjourned – Gasland Petroleum, 35 Vassar Road, Zone ROMNSC, Grid #6260-04-527253-0000.** The requested Area Variance is for relief from Article IX, Section 210-126(B) of the Town Code to allow the installation of a 69 square foot freestanding sign where only 50 square feet is allowed. Unlisted Action.

Public hearing closed and matter dismissed without prejudice.

Motion: Jim Challey

Second: Art Grace

Vote: 7:0:0

4. **Public Hearing Adjourned – Buffalo Wild Wings, 1794 South Road, Zone B-SC, Grid #6158-02-505756-0000.** The requested Area Variances involve relief from Article IX, Section 210-128(2)(a) of the Town Code to allow a proposed wall sign of 141 square feet where only 100 square feet is allowed; and 2) to allow a second front wall sign of 13.1 square feet where only one wall sign is allowed; and 3) to allow a protruding side wall sign of 4.2 square feet which is prohibited; and 4) to allow three ground parking stencil signs of 15.85 square feet which is prohibited. Unlisted Action.

The Board determined that the proposed action would not have a significant environmental impact and thereafter issued a Negative Declaration in anticipation of denial of the variance request.

Motion: Jim Challey

Second: Marcy Marlow

Vote: 7:0:0

The Board voted to deny the variance for the reasons set forth in the resolution of the Board. Motion: Betty Bomba

Second: Art Grace

Vote: 7:0:0

New Business

5. **Public Hearing – Kevin & Kristine Brennan, 112 Fairview Avenue, Zone R-20, Grid #6162-09-194746.** The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a new home on an existing lot to be located 12.5 feet from both side lot lines where 20 feet is required. Type II Action. **Matter Adjourned until 7/9/12.**

6. **Public Hearing – Art Glynn, 11 Main Street, Zone R-NH, Grid #6057-07-520854.** The requested Area Variance involves relief from Article IV, Section 210-18(E) of the Town Code to allow a proposed home addition to be located 5.68 feet from the front lot line where 30 feet is required. Type II Action.

The Board voted to grant the variance for the reasons set forth in the resolution of the Board.

Motion: Art Grace

Second: Marcy Marlow

Vote: 7:0:0

7. **Public Hearing – Ira Blecker, 206 Kingwood Park, Zone R-20, Grid #6160-03-090213.** The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a proposed deck to be located 16.5 feet from the side lot line where 20 feet is required. Type II Action.

The Board voted to grant the variance for the reasons set forth in the resolution of the Board.

Motion: Jim Challey

Second: Art Grace

Vote: 7:0:0

8. **Public Hearing – William Maloney, 5 Memory Lane, Zone R-20, Grid #6260-03-368273.** The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a proposed deck to be located 15 feet from the side lot line where 20 feet is required. Type II Action.

The Board voted to grant the variance for the reasons set forth in the resolution of the Board.

Motion: Marcy Marlow

Second: Art Grace

Vote: 7:0:0

9. **Public Hearing – Jonathan Granda, 19 DeLaval Place, Zone R-20, Grid #6162-19-742118.** The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a proposed deck to be located 9.9 feet from the side lot line where 20 feet is required. Type II Action.

The Board voted to grant the variance for the reasons set forth in the resolution of the Board.

Motion: Anthony Cuchelo

Second: Art Grace

Vote: 7:0:0

10. **Public Hearing – Northside Supplies, 81 Fallkill Avenue, Zone B-N, Grid #6162-15-700450.** The requested Area Variance involves relief from Article IX, Section 210-122(A)(2) of the Town Code to allow a roof sign where roof signs are prohibited. Unlisted Action. **Public hearing closed and matter dismissed without prejudice.**

Motion: Art Grace

Second: Betty Bomba

Vote: 7:0:0

11. **Public Hearing – Northside Supplies, 81 Fallkill Avenue, Zone B-N, Grid #6162-15-700450.** The requested Area Variance involves relief from Article VI, Section 210-33(E) of the Town Code to allow four covered storage bin structures to be located 13.8 feet from a side yard lot line where 25 feet is required. Type II Action.

The Board voted to grant the variance for the reasons set forth in the resolution of the Board.

Motion: Karmen Buckey

Second: Betty Bomba

Vote: 7:0:0

12. **Public Hearing – Jeffrey Englert, 23 Rowley Road, Zone R-20, Grid #6159-04-640303-0000.** The requested Area Variance involves relief from Article VIII, Section 210-69 of the Town Code to allow a fence of up to 6 feet in height to be located within a front yard where the maximum height of a fence shall not exceed 3.5 feet. Type II Action.

The Board voted to conditionally grant the variance for the reasons set forth in the resolution of the Board.

Motion: Phyllis Capone

Second: Art Grace

Nay: Karmen Buckey

Vote: 6:1:0

13. **Public Hearing – Gasland Petroleum, 35 Vassar Road, Zone ROMNSC, Grid #6260-04-527253-0000.** The request for Special Use Permit approval is made pursuant to Article V, Section 210-29 of the Town Code to amend a previously granted Special Use Permit to allow the conversion of an existing car wash facility to a restaurant use to be located within an existing motor vehicle service facility/convenience store. Unlisted Action.

The Board voted to grant the special use permit for the reasons set forth in the resolution of the Board.

Motion: Phyllis Capone

Second: Art Grace

Nay: Anthony Cuchelo

Vote: 6:1:0

14. **Public Hearing Adjourned – Gasland Petroleum, 35 Vassar Road, Zone ROMNSC, Grid #6260-04-527253-0000.** The applicant is seeking an amendment to a prior October 25, 1993 area variance under which a freestanding sign of 61.35 square feet was allowed in order to allow the installation of a 69 square foot freestanding sign. Pursuant to Article

IX, Section 210-126(B) of the Town Code the size of any freestanding sign in the ROMNSC District is limited to no more than 50 square feet. Unlisted Action. **Matter Adjourned until 7/9/12.**

15. **Public Hearing – Lee Equities, 11 Wildwood Drive, Zone R-20, Grid #6159-02-724552-0000.** The requested Area Variance involves relief from Article VIII, Section 210-48 of the Town Code to allow a proposed accessory structure to be of height greater than the principal building. Type II Action. **Matter Adjourned until 7/9/12.**

Correspondence

1. **Emeritus at Poughkeepsie, Boardman Road & Spackenkill Road,** request for zoning map amendment to re-designate tax parcel number 6260-03-049464 from Institutional (IN) District to Single-Family 20,000 Square Foot (R-20,000) District, including amendments to Article VIII §210-91 of Chapter 210, to permit the development of the property for use as a Senior Assisted Living Facility consisting of 76 dwelling units and a 20 bed memory care facility. Board action to recommend the Town Planning Board as the lead agency to coordinate the environmental review of this matter and consent to the Planning Board acting as the lead agency.

The Board voted to recommend that the Town Planning Board act as the Lead Agency and voted to consent to the Planning Board as Lead Agency on this matter.

Motion: Marcy Marlow

Second: Betty Bomba

Vote: 7:0:0

2. **Notice of SEQR Reclassification –** Town of Poughkeepsie Planning Board is giving notice of SEQR reclassification of action from Unlisted to Type I on *Route 9D Professional Office, Route 9D.*

The Board voted to consent to the reclassification

Motion: Jim Challey

Second: Art Grace

Vote: 7:0:0

Meeting adjourned at 11:11 PM

MOVED: Art Grace

SECONDED: Betty Bomba

CARRIED: 7:0:0

PRESENT:

Member Bomba
Member Marlow
Member Buckey
Member Capone
Chairman Challey
Member Cuchelo
Member Grace
Member Lahey (Alternate)

ABSENT: