



Town of Poughkeepsie

Zoning Department

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DECISION AGENDA
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS
REGULAR MEETING
July 9, 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 8/13/12.**
3. **Public Hearing Adjourned – Gasland Petroleum, 35 Vassar Road, Zone ROMNSC, Grid #6260-04-527253-0000.** The applicant seeks 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 Red Oaks Mill Neighborhood Services (ROMNSC) District is limited to no more than 50 square feet. Unlisted Action. Coordinated review. **Matter Adjourned until 8/13/12.**
4. **Public Hearing Adjourned – 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, 21.3 feet from the front lot line where 30 feet is required, and to allow 41.4% of impervious surface where a maximum of 35% is permitted. 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: Phyllis Capone

Nay: Paul Lahey, Art Grace

Vote: 5:2:0

5. **Public Hearing Adjourned – 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.

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

Motion: Paul Lahey

Second: Betty Bomba

Over

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Nay: Karmen Buckey, Marcy Marlow
Vote: 5:2:0

New Business

6. **Public Hearing – Jayson Salvatore, 180 Rochdale Road**, Zone R-20, Grid #6362-01-204547. The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a proposed deck addition to be located 13 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: Art Grace

Second: Betty Bomba

Vote: 7:0:0

7. **Public Hearing – Wegman Companies, 254 Spackenkill Road**, Zone R-20, Grid #6362-01-204547. Application for Special Use Permit approval pursuant to Article VIII, Section 210-91 of the Town Code to allow an assisted living facility. Proposed action also involves a zoning amendment by the Town Board and site plan approval by the Planning Board. Type II Action. Coordinated review. **Matter Adjourned until 8/13/12.**

8. **Public Hearing – Jason Pagnanella, 1 Oriole Drive**, Zone R-20, Grid #6159-01-247852. The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a proposed deck addition to be located 17 feet from the side lot line where 20 feet is required and 16 feet from the rear 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: Betty Bomba

Second: Phyllis Capone

Vote: 7:0:0

9. **Public Hearing – Dennis Codrington, 46 South Gate Drive**, Zone R-20, Grid #6159-01-154728. The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a home addition to be located 13 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: Karmen Buckey

Second: Paul Lahey

Nay: Karmen Buckey

Recused: Marcy Marlow

Vote: 5:1:0

10. **Public Hearing – Anchor Sign Inc. for Weight Watchers, 1895 South Road**, Zone SHC, Grid #6158-01-297959-0000. Request for an Area Variance for relief from Article IX, Section 210-127(C) of the Town Code to allow the installation of a wall sign of 70.56 square feet where only one wall sign of no more than 24 square feet is permitted. Unlisted Action. Uncoordinated review.

The Board determined that the proposed action would not have a significant environmental impact and thereafter issued a Negative Declaration.

Motion: Betty Bomba

Second: Marcy Marlow

Vote: 7:0:0

The Board voted to approve a 39.43 square foot sign for the reasons set forth in the resolution of the Board.

Motion: Karmen Buckey

Second: Betty Bomba
Nay: Art Grace, Paul Lahey
Vote: 5:2:0

11. **Public Hearing – John & Dana Ferber, 27 Pleasant Ridge Drive, Zone R-20, Grid #6260-03-044056.** 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 18 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: Phyllis Capone
Second: Betty Bomba
Vote: 7:0:0

12. **Public Hearing – Patrick & Amy Towne, 8 DeLaval Place, Zone R-20, Grid #6162-19-706106.** The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a second story addition to be located 3 feet 6 inches 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: Betty Bomba
Vote: 7:0:0

13. **Public Hearing – Christie Dandreano, 13 Earlwood Drive, Zone R-20, Grid #6261-03-155072-0000.** The requested Special Use Permit is made pursuant to Article VIII, §210-74 of the Town Code to allow the establishment of a home occupation, baking business, within an existing single family dwelling. Unlisted action. Uncoordinated review.

The Board determined that the proposed action would not have a significant environmental impact and thereafter issued a Negative Declaration.

Motion: Betty Bomba
Second: Marcy Marlow
Vote: 7:0:0

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

Motion: Betty Bomba
Second: Art Grace
Vote: 7:0:0

14. **Public Hearing – Friendly Honda, 1143 Dutchess Turnpike, Zone B-H, Grid #134689-6362-01-100640, 120653, 128675, 1456768, 160689, and 170698.** An application for a special permit for Motor Vehicle Sales and Service under the provisions of Article VIII, Section 210-89(A) of the Town Code; and an application for Area Variances of Article VIII, Section 210-89(A) of the Town Code to allow: a) the storage of vehicles and equipment within 20 feet of a residential district boundary; and b) the storage of vehicles and equipment within the required 40 foot front yard, side yard, and rear yard setbacks of the property. Unlisted Action. Coordinated review.

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

Motion: Paul Lahey
Second: Art Grace
Recused: Betty Bomba
Vote: 6:0:0

15. **Public Hearing – Friendly Honda, 1143 Dutchess Turnpike, Zone B-H, Grid #134689-6362-01-100640, 120653, 128675, 1456768, 160689, and 170698.** Area variances of the 40 foot front, rear, and

side setback requirements of section 210-35 (E) of the Town Code to allow existing structures on site and the following new construction: Replacement of the existing brick “Make Ready” building located on Parcel 100640 with a new building; and an addition to the Write-Up building located on Parcel 120653; and an addition to the service building located on Parcels 128675 and 145678; and a canopy addition to the Used Car Building located on Parcel 170698. Area Variance of the provisions of section 210-48 of the Town Code to allow an existing shed to be located in front of a principal structure and within 10 feet of a lot line. Area Variance of the 3 ½ foot fence height limitations of section 210-69 of the Town Code to allow a 6-foot tall privacy fence to be located within the front yard where fences greater than 3.5 feet in height are prohibited. Type II Action. Area variances of the Lot coverage provisions of section 210-35 (E) of the Town Code for Parcel 100640 (27.01% where 25% required) to accommodate the new “Make Ready” building, and for Parcel 128675 (30.74% where 25% required) to accommodate the addition to the Service Building. Area variances of the 75% Maximum Impervious surface requirements of section 210-35 (E) of the Town Code to allow an increase of one-tenth of 1% in impervious surface on the overall site, to a total of 79% on the site as a whole, and individual lot impervious surface of 79.96% on Parcel 128675; 84.35% on Parcel 100640; 85.94% on Parcel 160689, and 87.63% on Parcel 145678. Unlisted Action. Coordinated review.

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

Motion: Marcy Marlow

Second: Paul Lahey

Recused: Betty Bomba

Vote: 6:0:0

Correspondence

SEQR Lead Agency – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Emeritus at Poughkeepsie (Wegman Companies), 254 Spackenkill & Boardman Road*. On June 11, 2012 the ZBA recommended that the Planning Board accept lead agency designation for this project and also voted to consent to such designation. **No further action taken.**

Meeting adjourned at 10:24 PM

MOVED: Marcy Marlow

SECONDED: Betty Bomba

CARRIED: 7:0:0

PRESENT:

Member Bomba
Member Marlow
Member Buckey
Member Capone
Chairman Challey

ABSENT:

Member Cuchelo

Member Grace
Member Lahey (Alternate)