



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
OCTOBER 15, 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.

The Board voted to dismiss the application without prejudice.

Motion: Betty Bomba

Second: Art Grace

Vote: 4:0:0

2. **Public Hearing Adjourned – 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 11/19/12.**

3. **Public Hearing Adjourned – Jean Guo, 41 Flower Hill Road, Zone R-20, Grid #6160-03-241352.** Application for Special Use Permit approval pursuant to Article VIII, Section 210-47 of the Town Code to allow the establishment of an accessory apartment within an existing single family dwelling. Unlisted Action.

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

Motion: Betty Bomba

Second: Art Grace

Vote: 4:0:0

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: 4:0:0

New Business

4. **Public Hearing – Key Bank, 15 Burnett Boulevard, Zone B-SC, Grid #6261-01-161946-0000.** The requested Area Variance involves relief from Article IV, Section 210-36(E) of the Town Code to allow a proposed attached drive thru canopy addition to be located 65 feet from the front lot line where 100 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: Phyllis Capone

Vote: 4:0:0

5. **Public Hearing – Key Bank, 15 Burnett Boulevard**, Zone B-SC, Grid #6261-01-161946-0000. The requested Area Variance involves relief from Chapter 210, Article IX of the Town Code as follows: 1) §210-128(B) to allow a freestanding sign of 13.5 square feet not located at a driveway entrance to the shopping center; and 2) §210-128(C)(2)(a) to allow a second wall sign of 26.49 square feet mounted on a drive-thru canopy where only one wall sign is allowed; 3) §210-128(C)(2)(a) to allow a third wall sign of 7 square feet mounted on an ATM where only one wall sign is allowed; and 4) §210-131(F) to allow five (5) directional signs mounted on a drive-thru canopy at a height of 14 feet where such directional signs shall not be mounted higher than six feet in height. Unlisted Action. **Matter Adjourned until 11/19/12.**

6. **Public Hearing – Anthony Mordecki, 38 Pleasant Lane**, Zone R-20, Grid #6259-01-206932-0000-0000. The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a proposed garage addition to be located 1 foot 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: Art Grace

Vote: 4:0:0

7. **Public Hearing – First Niagara Bank, 1 LaGrange Avenue**, Zone ATC, Grid #6161-12-812719-0000. The requested Area Variance is for relief from Article IX, Section 210-125(B)(1) of the Town Code to allow the installation of a second wall sign of 33 square feet on the side wall where only one wall sign of 12 square feet is allowed. Unlisted Action. **Matter Adjourned until 11/19/12.**

8. **Public Hearing – Alexander & Maribel Pregnall, 18 Mountain View Road**, Zone R-20, Grid #6261-01-192800-0000. The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a proposed addition to be located 15.5 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: Karmen Buckey

Second: Art Grace

Vote: 4:0:0

9. **Public Hearing – Joantoinette Noll, 5 Robin Road**, Zone R-20, Grid #6159-01-142738-0000. The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow an existing addition to be located 14 feet 3 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: Phyllis Capone

Second: Art Grace

Vote: 4:0:0

10. **Public Hearing – Tea Talk, 2600 South Road**, Zone B-SC, Grid #6160-01-057740-0000. The requested Area Variance involves relief from Article IX, Section 210-128(C)(1)(b) of the Town Code to allow the installation of a 15 square foot wall sign where the wall upon which the sign would be mounted is not part of the tenant space and the tenant store has no separate public/exit to the outside of the shopping center. Unlisted Action.

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

Motion: Betty Bomba

Second: Karmen Buckey

Vote: 4:0:0

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

Motion: Phyllis Capone

Second: Art Grace

Vote: 4:0:0

11. **Public Hearing – Parent Teacher Store, 2600 South Road, Zone B-SC, Grid #6160-01-057740-0000.** The requested Area Variance involves relief from Article IX, Section 210-128(C)(1)(b) of the Town Code to allow the installation of a 15 square foot wall sign where the wall upon which the sign would be mounted is not part of the tenant space and the tenant store has no separate public/exit to the outside of the shopping center. Unlisted Action.

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

Motion: Betty Bomba

Second: Art Grace

Vote: 4:0:0

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

Motion: Betty Bomba

Second: Art Grace

Vote: 4:0:0

12. **Public Hearing – Lorraine Rene-Smith, 17 Lyford Lane, Zone R-20, Grid #6162-06-333952.** Application for Special Use Permit approval pursuant to Article VIII, Section 210-47 of the Town Code to allow the establishment of an accessory apartment within an existing single family dwelling. Unlisted Action.

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

Motion: Betty Bomba

Second: Art Grace

Vote: 4:0:0

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: 4:0:0

13. **Public Hearing – Brandon & Ashley Dingee, 30 Musselman Drive, Zone R-20, Grid #6162-19-665026-0000.** 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 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: Art Grace

Vote: 4:0:0

14. **Public Hearing – Feza & Diane Oktay, 8 Earlwood Drive, Zone R-20, Grid #6261-03-125110-0000.** The requested Area Variance involves relief from Article IV, Section 210-48 of the Town Code to allow a detached accessory structure (solar electric panels) to be located in front of a principal structure

where an accessory structure shall not be constructed in front or nor be a height greater than the principal structure in a residential district. Type II Action. **Matter Adjourned until 11/19/12.**

15. **Public Hearing – Beth Glendening & William Kostenko, 23 Brentwood Drive**, Zone R-20, Grid #6260-03-171186-0000. 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 14 feet 5 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: Betty Bomba

Second: Art Grace

Vote: 4:0:0

16. **Public Hearing – Aldi, 1816-1840 South Road**, Zone B-SC, Grid #6158-01-484850-0000. The requested Area Variance involves relief from Article IX, Section 210-131(F) of the Town Code to allow the installation of a second wall sign of 21 square feet where only one wall sign of 100 square feet is allowed; and a directional sign of 5.83 square feet mounted at a height of 15 feet where directional signs shall not exceed 3 square feet per face and shall not be mounted higher than six feet in height. Unlisted Action.

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

Motion: Betty Bomba

Second: Art Grace

Vote: 4:0:0

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

Motion: Art Grace

Second: Phyllis Capone

Vote: 4:0:0

17. **Public Hearing – Healey Chevrolet, 1960 South Road**, Zone B-H, Grid #6159-03-394177-0000. The requested Area Variance involves relief from Article IX, Section 210-127(C) of the Town Code to allow the installation of two wall signs on the front of the building of 101.12 square feet and 31.91 square feet respectively where only one wall sign of no more than 100 square feet is permitted; and 2) a third wall sign of 18 square feet on the left side of the building where only one wall sign of no more than 100 square feet is permitted. Unlisted Action.

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

Motion: Betty Bomba

Second: Art Grace

Vote: 4:0:0

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

Motion: Betty Bomba

Second: Art Grace

Vote: 4:0:0

18. **Public Hearing – Ellen Lewis & Joyce McCaffrey, 10 Robert Place & 51 Townsend Blvd**, Zone R-20, Grid #6262-02-817666-0000 & 6262-02-870679. The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow a reduction of the lot frontage of 51 Townsend Blvd from 90.25 feet to 80.25 feet in order to convey 10 feet of lot frontage to 10 Robert Place as part of a court ordered stipulation. 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: Phyllis Capone

Vote: 4:0:0

Correspondence

SEQR Notice of Rescission of Intent to be Lead Agency – Town of Poughkeepsie Planning Board is requesting Lead Agency on Key Bank, 44 Plaza, 15 Burnett Boulevard.

Meeting adjourned at 10:10 PM

MOVED: Art Grace

SECONDED: Karmen Buckey

CARRIED: 7:0:0

PRESENT:

Member Bomba

Member Buckey

Member Capone

Member Grace

ABSENT:

Member Marlow

Chairman Challey

Member Cuchelo

Member Lahey (Alternate)