



Town of Poughkeepsie

Zoning Department

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DECISION AGENDA
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS
REGULAR MEETING
May 13, 2013
7:00 PM

Old Business

1. **Public Hearing – Abilities First, 2323 South Road, Zone O-R, Grid #6160-03-111047-0000.** The requested Area Variance involves relief from Article VIII, 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. **Application withdrawn by applicant.**
2. **Public Hearing – Samuel Reeves, Jr., 2422 New Hackensack Road, Zone R-20, Grid #6261-03-203155-0000.** 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 ½ feet. Type II Action.

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

Motion: Phyllis Capone

Second: Art Grace

Nay: Karmen Buckey, Paul Lahey

Vote: 5:2:0

3. **Public Hearing – Thomas & Lisa Haven, 13 Daria Drive, Zone R-20, Grid #6260-03-3279225-0000.** 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, Nano-Brewery, within an existing single family dwelling. Unlisted action. Uncoordinated review. **Matter adjourned until 6/10/13.**
4. **Public Hearing – Hurricane Grill & Wings, 9-11 Raymond Avenue, Zone ATC, Grid #6161-08-770792-0000.** The requested Area Variance involves relief from Article IX, Section 210-125(B)(1) of the Town Code to allow the installation of a wall sign of 39 square feet where only one wall sign of 15 square feet is allowed; and 2) to allow a second wall sign of 29.5 square feet where one wall sign is allowed; and 3) to allow a directional sign of 12 square feet and height of 12 feet where a directional sign of 3 square feet and a height of 6 feet is allowed. Unlisted Action. Coordinated Review.

The Board voted to grant one wall sign of 28.94 square feet for reasons set forth in the resolution of the Board.

Motion: Jim Challey

Second: Art Grace

Nay: Phyllis Capone, Anthony Cuchelo

Vote: 5:2:0

The Board voted to grant one wall sign of 14.74 square feet for reasons set forth in the resolution of the Board.

Motion: Jim Challey

Second: Art Grace

Vote: 7:0:0

The Board voted to grant the variance for item #3 for reasons set forth in the resolution of the Board. Said vote failed.

Motion: Jim Challey

Second: Phyllis Capone

Nay: Karmen Buckey, Phyllis Capone, Anthony Cuchelo, Marcy Marlow, Paul Lahey

Vote: 2:5:0 Motion Fails

5. **Public Hearing – R & D Hotel, LLC, 2611-2629 South Road, Zone B-H, Grid #6060-02-950800-0000.** The request for Special Use Permit approval is made pursuant to Article VI, Section 210-35(C)(8) and Article VII, Section 210-90 of the Town Code to allow establishment of a motor vehicle service facility. Unlisted action. Coordinated Review. **Matter adjourned until 6/10/13.**
6. **Public Hearing – R & D Hotel, LLC, 2611-2629 South Road, Zone B-H, Grid #6060-02-950800-0000** for a proposed MacDonald's Restaurant. The requested Area Variance approval is made pursuant to Article IX, Section 210-127 of the Town Code to allow 1) three wall signs of 14 square feet where one wall sign of up to 25% of the face of the building to a maximum of 100 square feet is permitted; and 2) two directional signs to be mounted at a height of 9 feet 6 inches where directional signs shall not be mounted at a higher than 6 feet; and 3) two directional signs of 4.5 square feet where directional signs shall not exceed 3 square feet; and 4) one directional sign of 3.93 square feet where directional signs shall not exceed 3 square feet. Unlisted action. Coordinated Review. **Matter adjourned until 6/10/13.**

New Business

7. **Public Hearing – Judy Fister, 29 Vero Drive, Zone R-MH, Grid #6262-01-054988-0000.** The requested Area Variance involves relief from Article IV, Section 210-19(D) of the Town Code to allow a proposed porch to be located 3 feet from the side lot where 10 feet is required. Type II Action.

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

Motion: Karmen Buckey

Second: Paul Lahey

Vote: 7:0:0

8. **Public Hearing – Chris Quinby, 899 Dutchess Turnpike, Zone R-20, Grid #6262-04-687240-0000.** The requested Area Variance involves relief from Article VIII, Section 210-107 of the Town Code to allow a private swimming pool to be located 7 feet from the side lot where 15 feet is required. Type II Action. Due to the failure of the local newspaper to properly publish the required legal notice of the public hearing the Board voted to adjourn the matter to a special meeting on May 21, 2013 at 5:00 pm in the Town Hall to consider the application.
9. **Public Hearing – Famous Footwear, 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 67.29 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. Uncoordinated review.

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

Motion: Jim Challey

Second: Art Grace

Vote: 7:0:0

The Board voted to grant a wall sign of 58.63 square feet for the reasons set forth in the resolution of the Board.

Motion: Marcy Marlow

Second: Art Grace

Nay: Paul Lahey

Vote: 6:1:0

10. **Public Hearing – Daniel Ward, 20 Carriage Hill Lane, Zone R-20, Grid #6261-03-154279-0000.** The requested Area Variance involves relief from Article IV, Section 210-16(E) of the Town Code to allow an existing deck to be located 16 feet from the side lot line where 20 feet is required. Type II Action.

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

Motion: Art Grace

Second: Paul Lahey

Vote: 7:0:0

11. **Public Hearing – Roger & Sandralee Townsend, 23 Peckham Drive, Zone R-20, Grid #6261-01-246824-0000.** The requested Area Variance involves relief from Article VIII, Section 210-107 of the Town Code to allow a swimming pool deck to be located 10 feet from the side lot where 15 feet is required. Type II Action.

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

Motion: Paul Lahey

Second: Art Grace

Vote: 7:0:0

12. **Public Hearing – Chestnut Mart, 2625 South Road, Zone R-20, Grid #6060-02-950800-0000.** The requested Interpretation concerns an appeal to overturn an April 4, 2013 determinations of the Town Zoning Administrator that a proposed MacDonald's Restaurant with a drive-thru facility is an allowed use in the proposed location. Type II Action. The Board directed the Board's attorney to prepare a draft resolution upholding the determination of the Zoning Administrator, and voted to consider the resolution at a special meeting to be held on May 21, 2013 at 5:00 pm.

PRESENT:

Member Marlow
Member Buckey
Member Capone
Chairman Challey
Member Cuchelo

ABSENT:

Member Bomba

Member Grace
Member Lahey (Alternate)