



1 Overocker Road  
Poughkeepsie, NY 12603

# Town of Poughkeepsie

## Zoning Department

845-485-3650 Phone  
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### AGENDA TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS REGULAR MEETING SEPTEMBER 9, 2019 - 6:00 PM

#### Old Business

- 1. Public Hearing – Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless; Land owned by New Hamburg Fire District, 15 Channingville Road.** Residence, Single-Family 20,000 Square Foot (R-20,000) Zoning District, Grid No. 6058-04-694049-0000. Requested area variance seeks relief from §210-48 of the Town Code, which provides that within required front yards, no hedge, fence or wall shall exceed 3½ feet. The applicant wishes to construct a 6-foot fence in the front yard to enclose a proposed small cell communications facility, which will include a pole having a height of 50', which exceeds the maximum height of 35' allowed by §210-16(E). Unlisted Action, coordinated review. Planning Board as Lead Agency issued a Negative Declaration on August 15, 2019.

*The Board voted to grant the requested area variances for the reasons as set forth during the meeting.*

**Motion:** Paul Lahey  
**Second:** Arthur Grace  
**Recused:** James Larosa  
**Vote:** 6:0:0

- 2. Public Hearing – Mobil, 3480 North Road, Fairview Center (FC) Zoning District, Grid No. 6062-02-992924-0000.** The applicant seeks several sign variances as follows: (1) Freestanding signs. The applicant seeks to install freestanding “wave” sign structures, containing a total of ten signs, and having signs on three sides of the structure, at each of the three gasoline dispensing pumps. The requested area variances for those three signs seek relief from §210-127(B), which permits one freestanding sign with a landscaped monument base at each driveway entrance. The site has an existing freestanding sign, so variances are required (a) for each additional freestanding sign, for the location (not at a driveway entrance), (b) for the absence of a landscaped monument base, and (c) for ten signs per structure. In addition, (d) a variance is required from §210-122(I), which provides that “Except for awning signs, the use of cardboard, paper, canvas or similar impermanent material is prohibited,” to allow a cardboard sign or signs to be placed upon the freestanding “wave” structures. (2) Projecting signs. The applicant also seeks to install three projecting “blade” signs, which require variances from (a) §210-127 of the Town Code, which does not permit projecting signs, (b) from §210-123(G) which provides that no sign shall have more than two sides to allow three-sided signs, and (c) from §210-122(O), which provides that projecting signs are to be attached to buildings. The signs are not proposed to be attached to any

building. (3) Pump topper signs. The applicant is proposing to replace the pump topper signs. A variance is needed from §210-130(A) to the extent that the signs exceed one square foot in area. (4) Canopy lighting and signage. The applicant is proposing to add LED lighting and LED signage to the canopy. A variance is needed (a) from §210-130(B) to the extent that the proposed signage exceeds 25% of the size of the canopy face on which the sign is to be mounted, (b) from §210-130(B) to permit the LED signage; (c) from §210-130(B), as the proposed sign appears to project from, and be not fixed flat against the face of the canopy and (d) from §210-122(A)(9), which prohibits “strip lighting outlining commercial structures and used to attract attention for commercial purposes,” or from §210-130(B), which prohibits EMD/LED signs on a canopy, to allow the proposed canopy light bar. Unlisted Action. Uncoordinated Review.

*The Board determined that the proposed action would not have a significant environmental impact and therefore issued a negative declaration.*

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

*The Board voted to deny this variance.*

**Motion:** Anthony D’Aquanni  
**Second:** Arthur Grace  
**Vote:** 7:0:0

3. **Public Hearing – Mobil, 2605, South Road, Highway-Business (B-H) Zoning District, Grid No. 6160-01-008762-0000.** The applicant seeks several sign variances as follows: (1) Freestanding signs. The applicant seeks to install freestanding “wave” sign structures, containing a total of ten signs, and having signs on three sides of the structure, at each of the two gasoline dispensing pumps. The requested area variances for those three signs seek relief from §210-127(B), which permits one freestanding sign with a landscaped monument base at each driveway entrance. The site has an existing freestanding sign, so variances are required (a) for each additional freestanding sign, for the location (not at a driveway entrance), (b) for the absence of a landscaped monument base, and (c) for ten signs per structure. In addition, (d) a variance is required from §210-122(I), which provides that “Except for awning signs, the use of cardboard, paper, canvas or similar impermanent material is prohibited,” to allow a cardboard sign or signs to be placed upon the freestanding “wave” structures. (2) Projecting signs. The applicant also seeks to install three projecting “blade” signs, which require variances from (a) §210-127 of the Town Code, which does not permit projecting signs, (b) from §210-123(G) which provides that no sign shall have more than two sides to allow three-sided signs, and (c) from §210-122(O), which provides that projecting signs are to be attached to buildings. The signs are not proposed to be attached to any building. (3) Pump topper signs. The applicant is proposing to replace the pump topper signs. A variance is needed from §210-130(A) to the extent that the signs exceed one square foot in area. (4) Canopy lighting and signage. The applicant is proposing to add LED lighting and LED signage to the canopy. A variance is needed (a) from §210-130(B) to the extent that the proposed signage exceeds 25% of the size of the canopy face on which the sign is to be mounted, (b) from §210-130(B) to permit the LED signage; (c) from §210-130(B), as the proposed sign appears to project from, and be not fixed flat against the face of the canopy and (d) from §210-122(A)(9), which prohibits “strip lighting outlining commercial structures and used to attract attention for

commercial purposes,” or from §210-130(B), which prohibits EMD/LED signs on a canopy, to allow the proposed canopy light bar. Unlisted Action. Uncoordinated Review.

***The Board determined that the proposed action would not have a significant environmental impact and therefore issued a negative declaration.***

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

**The Board voted to deny this variance.**

**Motion:** Anthony D’Aquanni  
**Second:** Arthur Grace  
**Vote:** 7:0:0

4. **Public Hearing – Mobil, 2646, South Road, Highway-Business (B-H) Zoning District, Grid No. 6160-01-041865-0000.** The applicant seeks several sign variances as follows: (1) Freestanding signs. The applicant seeks to install freestanding “wave” sign structures, containing a total of ten signs, and having signs on three sides of the structure, at each of the three gasoline dispensing pumps. The requested area variances for those three signs seek relief from §210-127(B), which permits one freestanding sign with a landscaped monument base at each driveway entrance. The site has an existing freestanding sign, so variances are required (a) for each additional freestanding sign, for the location (not at a driveway entrance), (b) for the absence of a landscaped monument base, and (c) for ten signs per structure. In addition, (d) a variance is required from §210-122(I), which provides that “Except for awning signs, the use of cardboard, paper, canvas or similar impermanent material is prohibited,” to allow a cardboard sign or signs to be placed upon the freestanding “wave” structures. (2) Projecting signs. The applicant also seeks to install three projecting “blade” signs, which require variances from (a) §210-127 of the Town Code, which does not permit projecting signs, (b) from §210-123(G) which provides that no sign shall have more than two sides to allow three-sided signs, and (c) from §210-122(O), which provides that projecting signs are to be attached to buildings. The signs are not proposed to be attached to any building. (3) Pump topper signs. The applicant is proposing to replace the pump topper signs. A variance is needed from §210-130(A) to the extent that the signs exceed one square foot in area. (4) Canopy lighting and signage. The applicant is proposing to add LED lighting and LED signage to the canopy. A variance is needed (a) from §210-130(B) to the extent that the proposed signage exceeds 25% of the size of the canopy face on which the sign is to be mounted, (b) from §210-130(B) to permit the LED signage; (c) from §210-130(B), as the proposed sign appears to project from, and be not fixed flat against the face of the canopy and (d) from §210-122(A)(9), which prohibits “strip lighting outlining commercial structures and used to attract attention for commercial purposes,” or from §210-130(B), which prohibits EMD/LED signs on a canopy, to allow the proposed canopy light bar. Unlisted Action. Uncoordinated Review.

***The Board determined that the proposed action would not have a significant environmental impact and therefore issued a negative declaration.***

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

**The Board voted to deny this variance.**

**Motion:** Anthony D'Aquanni  
**Second:** Arthur Grace  
**Vote:** 7:0:0

5. **Public Hearing – Mobil, 2063, New Hackensack Road**, Red Oaks Mill Neighborhood Services Center (ROMNSC) Zoning District, Grid No. 6260-04-514358-0000. The applicant seeks several sign variances as follows: (1) **Freestanding signs.** The applicant seeks to install freestanding “wave” sign structures, containing a total of ten signs, and having signs on three sides of the structure, at each of the three gasoline dispensing pumps. The requested area variances for those three signs seek relief from §210-126(B), which permits one freestanding sign with a landscaped monument base at each driveway entrance. The site has an existing freestanding sign, so variances are required (a) for each additional freestanding sign, for the location (not at a driveway entrance), (b) for the absence of a landscaped monument base, and (c) for ten signs per structure. In addition, (d) a variance is required from §210-122(I), which provides that “Except for awning signs, the use of cardboard, paper, canvas or similar impermanent material is prohibited,” to allow a cardboard sign or signs to be placed upon the freestanding “wave” structures. (2) **Projecting signs.** The applicant also seeks to install three projecting “blade” signs, which require variances from (a) §210-127 of the Town Code, which does not permit projecting signs, (b) from §210-123(G) which provides that no sign shall have more than two sides to allow three-sided signs, and (c) from §210-122(O), which provides that projecting signs are to be attached to buildings. The signs are not proposed to be attached to any building. (3) **Pump topper signs.** The applicant is proposing to replace the pump topper signs. A variance is needed from §210-130(A) to the extent that the signs exceed one square foot in area. (4) **Canopy lighting and signage.** The applicant is proposing to add LED lighting and LED signage to the canopy. A variance is needed (a) from §210-130(B) to the extent that the proposed signage exceeds 25% of the size of the canopy face on which the sign is to be mounted, (b) from §210-130(B) to permit the LED signage; (c) from §210-130(B), as the proposed sign appears to project from, and be not fixed flat against the face of the canopy and (d) from §210-122(A)(9), which prohibits “strip lighting outlining commercial structures and used to attract attention for commercial purposes,” or from §210-130(B), which prohibits EMD/LED signs on a canopy, to allow the proposed canopy light bar. Unlisted Action. Uncoordinated Review.

***The Board determined that the proposed action would not have a significant environmental impact and therefore issued a negative declaration.***

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

**The Board voted to deny this variance.**

**Motion:** Anthony D'Aquanni  
**Second:** Arthur Grace  
**Vote:** 7:0:0

**New Business**

6. **Public Hearing – Café Con Leche, Filipe Cordero, Fam Group, LLC, 10 Main Street, New Hamburg**, Residence, New Hamburg (R-NH) Zoning District, Grid No. 6057-07-511845-0000. Applicant seeks an interpretation, as an appeal of an Order to Remedy Violation dated June 4, 2019 issued by the Zoning Administrator for property owned by Riverhouse Properties, LLC, seeking the reversal of the Order to Remedy Violation on the grounds that the current use of the first floor of said property, as Café con Leche, has not changed from the use for which special use permits previously were issued, and is consistent with prior uses since before the Town Zoning Law went into effect. Type II Action

*The Board voted to adjourn this matter to the October 21, 2019 meeting.*

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

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- 8.7. **Public Hearing – Eric and Christine Mensching, 11 Alfred Drive**, Residence, Single-Family 20,000 Square Foot (R-20,000) Zoning District, Grid No. 6259-01-260967-0000. The requested area variance involves relief from §210-107(C) of the Town Code, which mandates a setback for pools of 15 feet from all side and rear lot lines, to permit the construction of a pool to be located 8 feet from the east side lot line, requiring a side yard variance of 7 feet. Type II Action.

*The Board voted to grant the requested variances of 7 ~~foot eet~~ from east side lot line, for the reasons set forth during meeting.*

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

- 9.8. **Public Hearing – Cole Bender, 49 Honey Lane**, Residence, Single-Family 20,000 Square Foot (R-20,000) Zoning District, Grid No. 6057-07-260967-0000. The requested area variances involve relief from §210-107(A) of the Town Code, to allow a pool to be located in the front yard, and from §210-107(C) which mandates a setback of 15 feet from all lot lines, to permit the construction of a pool to be located 10 feet from the east side lot line (requiring a variance of 5 feet) and 8 feet from the front lot line (requiring a variance of 7 feet). The applicant also seeks a variance from §210-69, which permits fences in a front yard to be only 3.5 feet tall, to permit a 6-foot fence in the front yard. Type II Action.

*The Board voted to grant the requested variances ~~eet~~, for the reasons set forth during meeting.*

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

- 10.9. **Public Hearing – Dennis Codrington, 46 South Gate Drive**, Residence, Single-Family 20,000 Square Foot (R-20,000) Zoning District, Grid No. 6159-01-154728-0000. The requested area variance involves relief from §210-48 of the Town Code, which mandates a setback of 10 feet

from the side and rear lot lines for a shed. The applicant is seeking permission to locate a shed 5 feet from the rear lot line, thereby requiring a rear yard variance of 5 feet. Type II Action.

*The Board voted to grant the requested variances of 5 ~~foot ee~~ from the rear lot line, for the reasons set forth during meeting.*

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

**Other Matters:**

**11.10. Lead Agency Request from the Planning Board – Salt Point Center, 53 Salt Point Turnpike, Salt Point Center (SPC) Zoning District, Grid No. 6162-02-750540-0000.**

*The Board voted to ~~ee~~ consent to Town of Poughkeepsie Planning Board, for the reasons set forth during meeting.*

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

The meeting was adjourned at 8:25 pm.

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

**PRESENT**

Chairman Challey  
Member D'Aquanni  
Member Slomin  
Member Lahey  
Member LaRosa  
Member Soricelli  
Member Capone

**ABSENT**

Member Grace