



# Town of Poughkeepsie

## Zoning Department

1 Overocker Road  
Poughkeepsie, NY 12603

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### AGENDA

#### TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS

September 13, 2021 - 6:00 PM

A public meeting of the Town of Poughkeepsie Zoning Board of Appeals will be held on September 13, 2021, at 6:00 PM.

The meeting will be held in a hybrid format, with the public able to participate in person at Town Hall, 1 Overocker Road, Poughkeepsie, or remotely via Zoom videoconferencing and via telephone. The public may participate in the public hearing via Zoom by clicking the following link:

<https://us06web.zoom.us/j/87426758882?pwd=T3RQZzZlNUUE5NRDU1dm4yZzJkMHl5UT09>

Meeting ID: 874 2675 8882

Passcode: 907377

One tap mobile+19292056099, 87426758882# US (New York)

#### **THE AGENDA IS AS FOLLOWS:**

- **ROLL CALL**

#### **Old Business**

- 1. Public Hearing – Stewart’s Shops Corp., 2245 South Road, zoned B-H, Grid # 6159-01-249880.** The applicant requests relief from the following sections of the Town Code: (i) §210-35(E) to allow a building to be set back 15 feet from the front yard along South Gate Drive, where 40 feet is required, necessitating a variance of 25 feet; (ii) §210-35(E) to allow a building to be set back 25 feet from the rear lot line where 40ft is required, necessitating a variance of 15feet; (iii) from §210-130(A) to allow a proposed pricing pump topper signs to be 2.15 square feet where one square foot is permitted; (iv) From §210-90(E) which prohibits gasoline service facilities from being located within 500 feet of any property developed for residential use which is located in a residential district to permit the construction of the proposed Stewart’s Shop to be 73 feet from nearest residential district, requiring a variance of 427 feet; (v) §210-123.l(B), which provides that no more than 30% of the total square footage of any sign may be devoted to EMD signage to allow the pump topper signs proposed to be 2.15 square feet to have 0.68 square foot, or 31.6%, of the sign devoted to EMD signage; and (vi) from §210-90(A) which requires a minimum lot size of 30,000 square feet, unless district regulations require a larger lot area. District regulations require a minimum of 2 acres. The lot is 0.949 acres, requiring a variance of 1.051 acres. **Unlisted Action. The Planning Board, as Lead Agency, issued a Determination of Non-Significance (neg dec) on October 15, 2020. TO BE ADJOURNED UNTIL OCTOBER 18, 2021.**
- 2. Public Hearing – Electronic Sign – Poughkeepsie United Methodist Church, 2381 New Hackensack Road, zoned R-20, Grid # 6261-03-228048-0000.** The applicant is proposing to install a new electronic message display sign and 9 square foot top portion to an existing 70 square foot sign, making it 79 square feet in total. Section 210-131(V) of the Town Code provides that signs or bulletin boards customarily incidental to places of worship, schools, libraries, museums, social clubs or societies are exempt from the provisions of the Code provided that signs or bulletin boards do not exceed 15 square feet in area and are located on the premises of such institutions. The proposed sign requires a variance of 64 square feet. **Unlisted Action.**

3. **Public Hearing – Wall Sign Chipotle – Owner: EFG/DRA Heritage LLC, Applicant: Action Sign Company, 3532 North Road, Zoned HRDD and bearing Grid No. 6163-03-011149-0000.** Pursuant to §210-125.2 (B) of the Town Code, one wall sign per public business entrance is allowed. The applicant is proposing an additional “Chipotle” brand sign on a wall that is not a public entrance. **Unlisted Action.**
4. **Public Hearing – Enclosure of Existing Porch – Joseph Montalto, 48 Treetop Lane, Zoned R-20, Grid # 6260-01-439687-0000.** The applicant is seeking variance from Town Code §210-16(E), which mandates a side yard setback of not less than 20 feet. The applicant is proposing to enclose an existing porch located 5.32 feet from the side property line, requiring a side yard variance of 14. 68 feet. **Type II Action.**

**New Business**

5. **Public Hearing – Existing Back Porch – Eric Castaldo, 12 Field Court, Zoned R-20, Grid # 6161-03-097050-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code which provides that a side yard of not less than 20 feet must be maintained to legalize an existing screened-in porch that is located 10 feet from the property line, requiring a variance of 10 feet. **Type II Action.**
6. **Public Hearing – Existing Shed – James Orefice, 16 Donny Drive, Zoned R-20, Grid # 6058-20-900071-0000.** The applicant is seeking a variance from §210-48 of the Town Code which mandates that accessory structures must maintain a side and rear yard setback of not less than 10 feet. The applicant has a pre-existing 8-foot by 6-foot shed that has been to 17 feet, 4 inches by 6 feet. The shed is located 1 foot, 4 inches from a side property line, requiring a side yard variance of 8 feet, 8 inches. **Type II Action.**
7. **Public Hearing – Existing Carport – Glenn and Donna Smith, 60 Van Wagner Road, Zoned R-20, Grid # 6161-08-908976-0000.** The applicant is seeking a variance from §210-48 of the Town Code which prohibits accessory structures from being erected within a front yard and requires that accessory structures be located 10 feet from side property lines. The applicant has constructed an 18' x 18' carport in a front yard that is located approximately 10 feet from the front property line (20 feet from the road) and 5 feet from the side property line, requiring two variances, one from the front yard prohibition and a second from the side-yard requirement of 10 feet, a variance of 5 feet. **Type II Action.**
8. **Public Hearing – Existing Fence – Donna and Gerald Dimarco, 10 Cardinal Drive, Zoned R-20, Grid # 6159-01-032678-0000.** The applicants are seeking a variance from §210-69 of the Town Code which mandates that a fence shall not exceed 3.5 feet in height in a front yard. A 6-foot tall fence currently exists along Peacock Lane on this corner lot that is 0.9' from the northern property line and 3.9' from the southern property line, which was installed not in conformity with an approved building permit. A previous variance request to permit the fence to remain in its present location was denied on June 14, 2021. The applicants are now proposing to relocate the fence so that it will be located still within a front yard but now to 5' from the property line (15' from the road) on the north portion of the property, and 10' from the property line (20' from road) on the south portion of the property. A variance of 2.5 feet is required for all portions of the fence located in a front yard. **Type II Action.**
9. **Public Hearing – Deck – Brittany and Gabe Espiritu, 91 Violet Ave., Zoned R-20, Grid # 6162-02-520723-0000.** The applicants are seeking a variance from §210-16(E) of the Town Code which requires that a side-yard setback of not less than 20 feet be maintained. The applicant is proposing a new deck to be located 10 feet from a side yard lot line, requiring a variance of 10 feet. **Type II Action.**