



Town of Poughkeepsie

Zoning Department

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DECISION AGENDA TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS May 9, 2022 - 6:00 PM

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) §210-123.1(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 June 13, 2022.**

Application was withdrawn by the Applicant.

- 2. Public Hearing – Height Variance – Diamond Storage - Raymond Eng. Trustee, 1998 South Road, Grid # 6159-03-382273-0000.** The applicant has revised the plans for the facility and is now seeking the following variances from §§ 210-35(E) and 210-115(B) of the Town Code:

- (1) to permit the construction of a self-storage facility having a height of 55 feet where 45 feet is permitted, requiring a variance of 10 feet;
- (2) to permit the construction of a self-storage facility consisting of 4 stories where three are permitted, requiring a variance of one story;
- (3) to permit 9 parking spaces where 45 are required, requiring a variance of 36 spaces; and
- (4) to permit lot coverage of 29% where 25% is permitted, requiring a variance of 4%. **Unlisted Action.**

The Board voted to grant requested variances.

Motion: Phyllis Capone
Second: Arthur Grace
Vote: 7:0:0

3. **Public Hearing – McDonald’s Corp., 2585 South Road, Grid # 6060-02-968700-0000.**
Variances for monument sign to allow a post and panel sign in lieu of a monument sign. **Unlisted Action. Adjourned to November 14, 2022.**

4. **Public Hearing – Verizon Wireless Small Cell Wireless Communications Facility - Use Variance – Owner: EFG/DRA Heritage LLC, 10-50 Winslow Gate Road, Grid # 6163-03-027019-0000.** The applicant is seeking a use variance from §210-130 of the Town Code to permit the installation of an unmanned wireless communications facility on an existing structure where this specific use or a similar use is not permitted. **Unlisted Action.**

Upon Applicants request, the Board voted to adjourn the matter to the ZBA meeting on June 13, 2022.

Motion: Paul Lahey
Second: Christina Soricelli
Vote: 7:0:0

New Business

5. **Public Hearing – Renewal for Expired Variance – Owner: Brian Burke, 13 Vandewater Ave., Grid # 6161-07-700902-0000.** The applicant is seeking reapproval of variances that were granted on September 14, 2020, which have since expired. The applicant requests relief from §210-16(E) of the Town Code which requires a front setback of 30 feet and side setbacks of 20 feet, to permit the construction of a single-family home having a front setback of 20 feet, a north side setback of 3 feet and a south side setback of 9 feet, requiring variances of 10 feet, 17 feet and 11 feet, respectively. **Type II Action.**

The Board voted to grant requested variance.

Motion: Tony Gates
Second: Christina Soricelli
Vote: 7:0:0

6. **Public Hearing –Pool – Ownr: Lauren Passante, 186 Wilbur Blvd., Grid # 6160-01-422777-0000.** The applicant is seeking a variance from §210-107(C) of the Town Code, which requires that all swimming pools be set back from side and rear lot lines by at least 15 feet, to legalize an existing above-ground pool that is located 10 feet from a side property line, requiring a side yard variance of 5 feet. **Type II Action.**

The Board voted to grant requested variance.

Motion: Arthur Grace
Second: Christina Soricelli
Vote: 7:0:0

7. **Public Hearing – Storage Space – Storage Cap Poughkeepsie LP, Violet Ave, Grid #s 6162-10-436570—0000, 6162-10-463586 & 6162-48-42562.** The applicant is seeking the following variances from the provisions of the Town Code:

- a. From §210-40(F)(3), which provides that no structure shall be erected within 150 feet of a residential district boundary. The proposed structure is set back 100 feet from the nearest residential lot line, requiring a variance of 50 feet.
- b. From §210-152(A)(2)(b)(3), which provides that site improvements shall be set back 100 feet from adjoining residential lot lines. Site improvements appear to be 72 feet from the nearest residential lot line, requiring a variance of 28 feet.
- c. From §210-115(B), which provides that a minimum of one parking space for each 2,000 square feet of building area shall be provided. The applicant is proposing 10 parking spaces where 62 spaces are required, necessitating a variance for 52 spaces – as modified by the applicant.
- d. From §210-40(E), which provides that a side yard shall maintain a 50-foot setback to the property line. The parcel is divided between the Town of Poughkeepsie and the City of Poughkeepsie, and the structure is proposed to be located 6.3 feet from the (internal) Town property line, requiring a variance of 43.7 feet from the Town property line. (The structure is 54.7 feet from the City property line.). **Unlisted Action.**

The Board voted to grant requested variances.

Motion: Arthur Grace
Second: Christina Soricelli
Vote: 7:0:0

The meeting was adjourned at 7:17 pm.

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

PRESENT

Chairman Lahey
Member Capone (via Zoom)
Member Gates
Member Grace
Member Levitt (via Zoom)

Member Soricelli
Alternate Member Straka (via Zoom)
Alternate Member Cohen (via Zoom)

ABSENT

Member Slomin