



*Town of Poughkeepsie
Zoning Department*

*1 Overocker Road
Poughkeepsie, NY 12603*

*845-485-3650 Phone
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**DECISION AGENDA
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS
January 9 2023 - 6:00 PM**

Procedures for Member Videoconferencing – See attached

A motion was made to accept the video conferencing procedure for ZBA Members, and to place the procedure on Towns Website.

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

- 1. Public Hearing – Area Variance - Sign – Owner: AT&T; Presented by: Timely Signs of Kingstom; 15-55 Winslow Gate Road, Grid # 6063-04-946011-0000, Zoned HRDD. The applicant is seeking a variance from §210-125(A) which permits lettering for signs to have a maximum height of 18 inches. The applicant is proposing two signs each with lettering having a height of 24 inches, requiring a variance of 6 inches. **Unlisted Action.****

The Board voted to adjourn this matter to February 13, 2023 ZBA meeting.

*Motion: Paul Lahey
Second: Christine Soricelli
Vote: 7-0-0*

- 2. Public Hearing – Area Variance - Inground Pool - Owner: Hamar Clarke, 8 Congress Court, Grid # 6162-20-784001-0000, Zoned R-20. The applicant is seeking a variance from §210-107(C), which provides that all swimming pools shall be considered structures and shall be set back from side and rear lot lines at least 15 feet. The applicant has proposed an inground pool to be located 6 feet from a side yard and 10 feet from the rear yard, requiring variances of 9 and 5 feet respectively. **Type II Action. Upon Applicants request, to be Adjourned to February 13, 2023.****

Upon Applicants request, the Board voted to adjourn this matter to February 13, 2023 ZBA meeting.

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

3. **Public Hearing - Special Use Permit - Home Occupation - Owner: Andre M Duncan, 10 Corine Drive, Grid # 6163-04-851024-0000, Zoned R-20.** The applicant is seeking a special use permit pursuant to §210-74 to permit the parking of up to 10 unmarked vehicles between the hours of 4 :00 pm and 5:00 am on weekdays and also on weekends, in conjunction with a “non-emergency medical transportation” business. **Unlisted Action.**

The Board voted to adjourn this matter to February 13, 2023 ZBA meeting.

Motion: Paul Lahey
Second: Christine Soricelli
Vote: 7-0-0

4. **Public Hearing - Area Variance - Existing Deck/Pergola - Owner: Amber Staffa, 19 Marple Road, Grid # 6162-20-800103-0000, Zoned R-20.** The applicant is seeking a variance from §210-16(E) which requires that a side yard setback of not less than 20 feet be maintained. The applicant has constructed a deck that is 4 feet from the east property line, requiring a variance of 16 feet. The applicant also has constructed a pergola that is attached to the home that is 14 feet from the west property line, requiring a variance of 6 feet. **Type II Action.**

The Board voted to grant the requested variance of 6 feet for a Deck/Pergola.

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

Other Business

5. **Lead Agency Request** from the Planning Board - Site Plan and Architectural Review - 174 Innis Ave., Grid # 6162-15-723262-0000, Zoned BN.

The applicant proposes additions to an existing building structure at this address. Additions are proposed for both the north and south sides of the exiting structure.

The Board voted to consent to Town of Poughkeepsie Planning Board’s Lead Agency request for Land Contour permit.

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

The meeting adjourned at 6:43 pm.

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

PRESENT

Chairman Lahey
Member Grace
Member Grace
Member Slomin
Member Soricelli
Member Straka
Member Gates - Via Zoom

ABSENT

Member Capone

**Procedures for Member Videoconferencing
Pursuant to Public Officers Law § 103-a**

In compliance with Public Officers Law (POL) § 103-a(2)(a), the Zoning Board of Appeals of the Town of Poughkeepsie (the “Board”) hereby establishes the following procedures to satisfy the requirement of POL § 103-a(2)(b) that any public body which wishes to permit its members to participate in meetings by videoconferencing from private locations – under extraordinary circumstances – must establish written procedures governing member and public attendance. Such practice was authorized by Local Law enacted by the Town of Poughkeepsie Town Board on June 1, 2022.

1. Board members shall be physically present at any meeting of the Board unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.
2. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.
3. If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the Chair of the Board as soon as practicable.
4. If there is a quorum of members participating at a physical location(s) open to the public, the Board may properly convene a meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public *shall not* count toward a quorum of the Board but may participate and vote if there is a quorum of members at a physical location(s) open to the public.
5. Except in the case of executive sessions conducted pursuant to POL § 105, the Board shall ensure that its members can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. This shall include the use of first and last name nameplates physically placed in front of the members or, for members participating by videoconferencing from private locations due to extraordinary circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen.
6. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL § 103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.
7. The public notice for the meeting shall inform the public: (i) that videoconferencing will be used, (ii) where the public can view and/or participate in such meeting, (iii) where required documents and records will be posted or available, and (iv) the physical location(s) for the meeting where the public can attend.

8. The Board shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the Board's website (www.opengovernment.ny.gov) within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
9. If members of the Board are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Board shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The Board shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.
10. Open meetings of the Board conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL § 103-a shall be broadcast pursuant to the requirements of POL § 103(f) and shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, "disability" shall have the meaning defined in Executive Law § 292.
11. The in-person participation requirements of POL § 103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law § 28 if the Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board to hold an in-person meeting.
12. These procedures shall be conspicuously posted on the Board's website.