



Town of Poughkeepsie Zoning Department

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Poughkeepsie, NY 12603

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DECISION AGENDA TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS February 14, 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 MARCH 14, 2022.**

On the Applicant’s request, the Board voted to adjourn the matter to the March 14, 2022 meeting.

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

- 2. Discussion – Height Variance – Diamond Storage - Raymond Eng. Trustee, 1998 South Road, Grid # 6159-03-382273-0000.** The applicant is seeking variances from §§ 210-35(E) and 210-115(B) of the Town Code 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; consisting of 4 stories where three are permitted, requiring a variance of one story; and having 9 parking spaces where 45 are required, requiring a variance of 36 spaces. Planning Board will be lead agency for this application and has not yet made a SEQRA determination. **Unlisted Action. Note: THE PUBLIC HEARING WAS ADJOURNED UNTIL MARCH 14, 2022.**

It was decided to revise and republish the legal notice.

New Business

3. **Public Hearing – Sign Variance – Violet Estates LLC, 35 Violet Avenue, Grid # 6162-10-427650-000.** The applicant is seeking a variance from §210-124(A) of the Town Code which limits the size of freestanding signs in a residential district to 4 square feet. The applicant wishes to install a monument sign of 24.66 feet, requiring a variance of 20.66 square feet. **Unlisted Action.**

The Board voted Town of Poughkeepsie Zoning Board of Appeals to be the Lead Agency.

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

The Board determined that the proposed action would not have an adverse effect on the environment and thereafter issued a negative declaration

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

The Board voted to grant requested sign variance conditioned upon (i) Landscaping around the base of sign and (ii) proposed lighting should be as per Town Code.

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

4. **Public Hearing – Deck Variance– Christopher Patoro, 53 Carriage Hill Lane, Grid # 6261-03-133198-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code to permit the construction of a deck to be located 12 feet from the side property line where 20 feet is required, requiring a variance of 8 feet. **Type II Action.**

The Board voted to grant the requested variance.

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

5. **Public Hearing – Special Use Permit (Salon)– Pasquale Gasperini, 286 Spackenkill Road, Grid # 6260-03-345328-0000.** The applicant is seeking a special use permit pursuant to §210-74(C)(2) of the Town Code to operate a hair salon in his semi-detached garage. **Unlisted Action.**

The Board voted Town of Poughkeepsie Zoning Board of Appeals to be the Lead Agency.

*Motion: Paul Lahey
Second: Arthur Grace
Recused: Larry Slomin*

Vote: 7:0:0

The Board determined that the proposed action would not have an adverse effect on the environment and thereafter issued a negative declaration

*Motion: Paul Lahey
Second: Arthur Grace
Recused: Larry Slomin
Vote: 7:0:0*

The Board voted to grant requested Special Use Permit conditioned upon:

- i. Discontinue business use until Certificate of Occupancy is issued.*
- ii. Meeting the requirements of the New York State Uniform Fire Prevention and Building code for commercial occupancy.*
- iii. No more than 2 nonresident employees*
- iv. No more than 4 clients at a time*
- v. Hours of Operation no later than 7 pm.*

*Motion: Tony Gates
Second: Arthur Grace
Recused: Larry Slomin
Vote: 7:0:0*

6. **Public Hearing - McDonald's Corp., 2585 South Road, Grid # 6060-02-968700-0000.** The applicant is seeking the following variances:

- i. The McDonald's application concerns a leasehold area within a larger parcel, Hudson Plaza. The addition of the McDonald's will require a minimum of 1279 parking spaces for the Plaza, which currently contains 1036 parking spaces. The applicant is seeking a variance from §210-92(0) of the Town Code, which requires 4.5 spaces for every 1000 square feet of gross leasable floor area, to allow 929 spaces in the plaza, requiring a variance of 348 spaces where 1279 parking spaces are required.
- ii. The applicant is seeking a variance from §210-152(A)(5)(a) of the Town Code, which prohibits parking within a front yard setback. The parking is proposed to be set back 30 feet from the front property line where 100 feet is required, requiring a variance of 70 feet.
- iii. The applicant is seeking a variance from §210-128(B) of the Town Code which permits only one freestanding sign, which shall advertise the name of the center only, not exceeding an area of 100 square feet, per shopping center, and the base of any such freestanding sign shall be mounted within a landscaped monument of stone, brick or other natural material as approved by the Planning Board. The site currently has 2 monument signs for the plaza. McDonald's is proposing a third freestanding sign, consisting of posts and panels (not a monument sign) and not mounted within the required materials, requiring two variances: (1) to allow a third monument sign; and (2) to allow a post and panel sign, in lieu of a monument sign.
- iv. As per §210-128(C)(3)(a) of the Town Code, only one wall sign per store is permitted. Such signs shall not exceed 25% of the face of the store (excluding glass),

- up to a maximum of 100 square feet, and shall be secured flat against the face of the building. The applicant is proposing 6 wall signs, requiring a variance for 5 wall signs.
- v. The addition of the McDonald's to the Plaza will result in impervious coverage of 92.6% of the site where, as per §210-36(E) of the Town Code, such coverage shall not exceed 75% of the site, requiring a variance of 17.6%. The applicant is seeking variances from §210-16(E). **Unlisted Action.**

The Board voted to adjourn the matter to the March 14, 2022 meeting.

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

7. **Public Hearing - Anthony Road Associates LLC (Route 9 Mazda); 2309 South Road, Zoned B-H, Grid # 6160-03-132019-0000.** The applicant is seeking reapproval of variances granted on November 18, 2019, which have expired. More specifically, the applicant is seeking variances:
 - i. From §210-35(E) and §210-89 of the Town Code, which mandate front yard setbacks of 40 feet and prohibit parking in the setback. The property is a corner lot having two front yards. The applicant is providing a setback of 30 feet along South Road (Route 9), with vehicle display and storage in the remaining 10 feet, requiring a variance of 10 feet.
 - ii. From §210-35(E) of the Town Code to allow the existing building to be setback 36.7 feet from Anthony Drive, requiring a variance of 3.3 feet.
 - iii. From §210-35(E) and §210-89 of the Town Code to allow a setback of 6.3 feet along Anthony Drive, with employee and vehicle storage parking in the remaining 33.7 feet, requiring a variance of 33.7 feet.
 - iv. From §210-35(E) and §210-89 of the Town Code to allow a setback of 30.6 feet along Anthony Drive, with vehicle display in the remaining 9.4 feet, requiring a variance of 9.4 feet.
 - v. From §210-112 of the Town Code which mandates that no refuse container be located within 50 feet of a residential district to permit two refuse enclosures and a tire storage area to be located 12 feet, 41.7 feet and 20 feet respectively from a residential district, requiring variances of 38 feet, 8.3 feet, and 30 feet.

The Planning Board as lead agency issued a negative declaration on **September 19, 2019.**

The Board voted to grant the requested variances.

Motion: Diane Levitt
Second: Christine Soricelli
Vote: 7:0:0

Other Business

Lead Agency Request from the Planning Board - Store Space Poughkeepsie - Self Storage Site Plan - 6 Violet Ave, 5-16 Budget Ave - Zoned I-H, Grid #s 6162-10-463586-0000 & 6162-10-436570-0000. The applicant proposes a three-story, 41,257 square foot, climate-controlled storage facility with associated parking and other site improvements.

The Board voted to consent to Town of Poughkeepsie Planning Board's Lead Agency request

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

The meeting was adjourned at 7:53 pm.

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

PRESENT

ABSENT

Chairman Lahey
Member Capone
Member Gates
Member Grace
Member Soricelli
Member Slomin
Member Levitt
Alternate Member Straka
Alternate Member Cohen