



Town of Poughkeepsie Zoning Department

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DECISION AGENDA

TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS

June 13, 2022 - 6:00 PM

Old Business

1. **Public Hearing – McDonald’s Corp., 2585 South Road, Grid # 6060-02-968700-0000.** The applicant previously received variances for certain parking and wall signs, and 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 freestanding signs for the plaza. McDonald’s is proposing a third freestanding sign (a monument sign) requiring the following variances: (1) to allow a third freestanding sign; (2) which does not advertise the name of the shopping center; and (3) which is not within a landscaped monument. **Unlisted Action.**

The Board voted to grant the requested variances conditioned upon:

- i. Total height of the sign not to exceed 6 feet 6 inches and is limited to “M” logo only.*
- ii. Landscape around the base of sign*
- iii. The variance applies only to free standing building and not the whole plaza - as per county comments*

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

2. **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.**

The Board voted to adjourn the matter to the July 11, 2022 meeting.

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

New Business

3. **Public Hearing – Special Use Permit, and Driveway and Pool Variances – Owner: Pasquale Gasperini, 286 Spackenkill Road, Grid # 6260-03-345328-0000, Zoned R-20.** The applicant was previously granted a special use permit pursuant to §210-74 of the Town Code for a home occupation for a hair and nail salon. However, the scope of the proposed use has changed since the prior application, and the parking area may change based upon the required variances, necessitating a new determination on the special use permit for the hair and nail salon from the ZBA. The applicant is seeking the following variances: (1) from §210-107(C) to legalize an existing above-ground swimming pool that was constructed 13 feet from the side property line where 15 feet is required, requiring a variance of 2 feet; and (2) from §210-92(Q)(1), which mandates that driveways not exceed 15 feet in width, to legalize various expansions of the existing driveway, currently measuring 45 feet at its widest point. **Unlisted Action.**

Pool Variance

The Board voted to grant requested variance.

*Motion: Simona Cohen
Second: Christine Soricelli
Recused: Arthur Grace & Lawrence Slomin*

Driveway Variance

The Board voted to grant requested variance.

*Motion: Phyllis Capone
Second: Paul Lahey
Recused: Arthur Grace & Lawrence Slomin
Vote: 7:0:0*

Special Use Permit

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

*Motion: Paul Lahey
Second: Christine Soricelli
Recused: Arthur Grace & Lawrence 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: Christine Soricelli
Recused: Arthur Grace & Lawrence Slomin
Vote: 7:0:0*

The Board voted to grant requested variance conditioned upon:

- i. Hours of salon operations 8 am thru 7 pm*
- ii. Operations to be seized until a CO is issued by the building department*

Motion: Tony Gates
Second: Christine Soricelli
Recused: Arthur Grace & Lawrence Slomin
Vote: 7:0:0

4. **Public Hearing – Addition – Owner: Flesland/Poluzzi Trust, 16 Vassar View Road, Grid # 6261-01-248538-0000, Zoned R-20.** The applicant is seeking a variance from §210-16(E) of the Town Code to permit the construction of a rear addition to be located 16 feet from the side lot line where 20 feet is required, requiring a variance of 4 feet. **Type II Action.**

The Board voted to grant the requested 4 feet side yard variance for an addition.

Motion: Lawrence Slomin
Second: Arthur Grace
Vote: 7:0:0

5. **Public Hearing – Sign – Owner: Schemz LLC, Stacy Lamar, contract vendee (Sadie’s Place); Presented by: Day Stokosa Engineering, 22 Fairmont Avenue, Grid # 6161-13-930717-0000, Zoned ATC.** The applicant is seeking variances from §210-125(B)(2) of the Town Code which permits one freestanding sign, not to exceed 12 square feet and a maximum height of 12 feet above the finished grade, when the principal structure is set back not less than 20 feet from the front property boundary. Here, the principal structure is not set back 20 feet from the front property line, requiring a variance to permit the freestanding sign. In addition, the freestanding sign is required to be set back a minimum of 10 feet from any highway right-of-way or 35 feet from any highway center line, whichever is greater. The new sign is proposed to be located on the property line, requiring a variance of 10 feet. Note: A variance for the existing sign was granted in 2004 when the property was in the R-M zoning district. The property’s zoning district has since changed to ATC. The applicant is required to comply with the current zoning provisions. **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 result in any significant adverse environmental impact and therefore issued a Short Environmental Assessment Form – Part 2 Impact Assessment.

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

The Board voted to grant the requested variances.

Motion: Diane Levitt
Second: Arthur Grace
Vote: 7:0:0

6. **Public Hearing – Addition – Owner: Ramon A Baires, Presented by: Mauri Architects, 7 Brady Place, Grid # 6163-19-524171-0000, Zoned R-20.** The applicant is seeking a variance from §210-16(E) of the Town Code to permit the construction of a rear addition to the house to be located 4 feet, 8 inches from a side property line where 20 feet is required, requiring a variance of 15 feet, 4 inches. The applicant also is proposing front and rear deck extensions on the opposite side of the house that will be 15 feet, 7 inches at the closest point, requiring a variance of 4 feet, 5 inches. **Type II Action.**

The Board voted to grant the requested variance.

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

7. **Public Hearing – Pool – Owners: Christy Havranek and Alexandra Babarina, 6 Mountain View Road, Grid # 6261-01-211828-0000, Zoned R-20.** The applicant is seeking a variance from §210-16(E) of the Town Code to permit the construction of an above-ground pool that will be connected to the house by a deck, requiring compliance with the setback for the principal structure, 30 feet. The pool is proposed to be located 8 feet from the property line, requiring a variance of 22 feet. **Type II Action.**

The Board voted to grant the requested variance.

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

8. **Public Hearing – Addition – Owner: Pamela Chaisetseree, 4 Vanek Road, Grid # 6260-04-543060-0000, Zoned R-20.** The applicant is seeking a variance from §210-16(E) of the Town Code to permit the construction of an attached garage to be located 10 feet, five inches from the side lot line where 20 feet is required, requiring a variance of 9 feet, 7 inches, and a variance from §210-48 of the Town Code to legalize an existing shed located 5 feet from the property line where 6 feet is required, requiring a variance of 1 foot. **Type II Action.**

The Board voted to grant the requested variances

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

9. **Public Hearing – Deck – Owners: Clifford and Alisa Johnson, 70 Woodlawn Ave., Grid # 6162-06-265877-0000**, Zoned R-20. The applicants are seeking a variance from §210-16(E) of the Town Code to permit the construction of an extension to an existing deck to be located 18 feet, 4 inches from one side and 6 feet, 6 inches from the other side, where 20 feet is required for each, requiring a variance of 1 foot, 8 inches and 13 feet, 6 inches respectively. **Type II Action.**

The Board voted to grant the requested variances

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

10. **Public Hearing – Pool Equipment/Fence – Owner: Evan Kelsay, 20 Earlwood Drive, Grid # 6261-03-125027-0000**, Zoned R-20. The applicants are seeking a variance from §210-107(A) of the Town Code which requires that pools not be located in any required front yard or in front of the permitted principal use, to legalize the placement of pool equipment in a front yard. In addition, the applicants wish to enclose the pool equipment with a 6-foot vinyl fence to match the existing fence, which also would be located within a required front yard, requiring a variance from §210-69 of the Town Code which prohibits fences exceeding 3 1/2 feet in front yards. **Type II Action.**

The Board voted to deny the requested variances

Motion: Lawrence Slomin
Second: Arthur Grace
Vote: 7:0:0

11. **Public Hearing – Addition – Owners: Tina and Angel Romero, 736 Dutchess Turnpike, Grid # 6261-01-417934-0000**, Zoned R-20. The applicants are seeking a variance from §210-16(E) of the Town Code to permit the construction of an addition to be located 14 feet, 3 inches from a side property line where 20 feet is required, requiring a variance of 5 feet, 9 inches. **Type II Action.**

The Board voted to grant the requested variance

Motion: Diane Levitt
Second: Arthur Grace
Vote: 7:0:0

12. **Public Hearing – Garage Extension – Owner: Gerald DeFino, 53 Violet Ave., Grid # 6162-10-482655-0000**, Zoned R-20. The applicant is seeking a variance from §210-48 of the Town Code to permit the construction of an addition to a garage that is located 2 feet from the property line where 10 feet is required, requiring a variance of 8 feet. **Type II Action.**

The Board voted to grant the requested variance.

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

- 13. Public Hearing – Fence – Owners: Elizabeth and Edward Armstrong, 2 Flamingo Drive, Grid # 6159-01-118703-0000, Zoned R-20.** The applicants are seeking a variance from §210-69 of the Town Code which provides that within required front yards, no fence shall exceed 3 1/2 feet. The applicants wish to repair a pre-existing 6-foot fence that is within a front yard on a corner lot, but which was initially installed without a variance. **Type II Action.**

The Board voted to grant the requested variance.

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

- 14. Public Hearing – Front Porch – Owner: Peacock Development LLC, 65 Sunset Ave., Grid # 6162-05-111875-0000, Zoned R-20.** The applicant is seeking a variance from §210-16(E) of the Town Code to legalize a front porch that was rebuilt in 2010 at 28 feet from the front property line where 30 feet is required, requiring a variance of 2 feet. **Type II Action.**

The Board voted to grant the requested variance.

Motion: Phyllis Capone
Second: Christine Soricelli
Vote: 7:0:0

Other Business

- 15. Lead Agency Request from the Planning Board – All Space Storage Facility Expansion – 100-120 Salt Point Turnpike – Zoned I-L, Grid #s 6162-02-814518 and 6162-16-860468.** The applicant proposes expansion of an existing storage facility by eight new self-storage structures, redesign of internal site access, development of an adjacent, vacant parcel, and lot consolidation, subject to Town Board Zoning amendment. An Aquatic Resource Protection Permit and Floodplain Development Permit may be required.

The Board voted to consent to Town of Poughkeepsie Planning Board's Lead Agency request for All Space Storage Unit Expansion

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

The meeting adjourned at 10:05 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