



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

July 11, 2022 - 6:00 PM

Old Business

1. **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 Town of Poughkeepsie Zoning Board of Appeals to be the Lead Agency.

Motion: Paul Lahey
Second: Christine Soricelli
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 variance conditioned upon:

- i. The architectural design criteria to be determined by the Planning Board.*
- ii. Any changes to size or location will require a new submission to the ZBA.*

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

New Business

2. **Public Hearing – Self Storage Facility – Owner: Guardian Self Storage East LLC, 20-50 Love Road, Grid # 6261-01-187898-0000, Zoned B-H.** The applicant is seeking to construct a self-storage building and requires the following 6 variances from the Town Code:

1. From §210-115, which establishes a parking requirement for storage buildings of 1 space per 2000 square feet of building area. The 71,413 square foot building requires 36 parking spaces. The applicant is proposing 21 parking spaces, requiring a variance of 15 spaces.

2. From §210-35(E), which requires that a front yard setback of 40 feet be maintained. The applicant is proposing the new storage building to be located 28 feet from the front yard lot line, requiring a variance of 12 feet.
3. From §210-35(E), which requires that a side yard setback of not less than 40 feet be maintained. The applicant is proposing the new storage building to be located 10 feet, 6 inches from a side property line, requiring a variance of 29 feet, 6 inches.
4. From §210-122(A)(7), which prohibits signs that are not located on the premises to which they refer, to permit a monument sign “D” offsite, in the location proposed.
5. From §210-81(E)(1)(c), which requires that wall-mounted light fixtures not to exceed 15 feet in height. The applicant is proposing wall-mounted light fixtures at a height of 29 feet above grade, requiring a variance of 14 feet.
6. From §210-81(E)(1)(a), which mandates that illumination at the property line not exceed 0.2 footcandle. The illumination at the eastern property line is 0.4 footcandle, requiring a variance of 0.2 footcandles. **Unlisted Action.**

Matter was adjourned to August 8, 2022 ZBA Meeting.

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

3. **Public Hearing –Special Use Permit Accessory Apartment – Owner: Jeanette Pulsifer, 30 Nassau Road, Grid # 6059-08-995756-0000, Zoned R-20.** The applicant is seeking a special use permit as required by §210-16(C) and a variance of §210-47 of the Town Code, to permit the establishment of an accessory apartment utilizing more than 35% of the home.. **Unlisted Action.**

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

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

The Board voted to grant the requested Special Use Permit.

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

4. **Public Hearing – Special Use Permit – Owner: Celeste Wiltse, Presented by: Amy Bombardieri, Day Stoksa, 29 Wiltse Road, Grid # 6262-04-610315-0000, Zoned R-20.** The applicant is seeking Special Use Permit for Agriculture including farm animals as per Town Code §210-16(c), which requires that agricultural uses, such as the housing of livestock be on lots of at least five acres, and variances from §210-51(A)(3) of the Town Code, which requires that kennels or buildings devoted to or intended for the housing of livestock (including horses) be at least 200 feet from any property line. The applicant is seeking a lot line revision from the Planning Board to eliminate a lot line that currently bisects a building. The resulting lot is proposed to an area of 4.52 acres and, following the lot line revision, the barn is proposed to be located 5 feet from the lot line.. The Planning Board, as Lead Agency, issued a Determination of Non-significance (Negative Declaration) on June 16, 2022. **Unlisted Action.**

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

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

The Board stated that Planning Board had issued Neg Dec.

The Board voted to grant the requested variance/use.

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

5. **Public Hearing – Addition – Owners: Chris Francese, 15 West Cedar Street, Grid # 6162-09-170716-0000, Zoned R-20.** The applicant is seeking a variance from §210-16(E) of the Town Code, which mandates that a side yard setback of not less than 20 feet be maintained. The applicant is proposing a rear addition to be located 14 feet from the right side yard lot line and 19 feet from the left side yard lot line, requiring variances of 6 feet and 1 foot respectively. **Type II Action.**

The Board voted to grant the requested variances.

Motion: Anthony Gates
Second: Christine Soricelli
Vote: 6:1:0

6. **Public Hearing – Pergola & Special Use Permit Accessory Apartment – Owner: Dan Arket, 16 Meadow Road, Grid # 6261-01-217679-0000, Zoned R-20.**

The applicant is seeking a special use permit as required by §§210-16(C) and 210-47 of the Town Code, to permit the establishment of an accessory apartment. **Unlisted Action.**

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

Motion: Christine Soricelli
Second: Arthur Grace

Recused: Paul Lahey
Vote: 6:0:0

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

Motion: Christine Soricelli
Second: Arthur Grace
Recused: Paul Lahey
Vote: 6:0:0

The Board voted to grant Special use Permit for accessory apartment and a 15 Square Feet Floor Area variance

Motion: Christine Soricelli
Second: Arthur Grace
Recused: Paul Lahey
Vote: 6:0:0

The applicant also is seeking a variance from §210-48 of the Town Code which prohibits accessory structures from being erected within 10 feet of side and rear property lines. The applicant wishes to construct a pergola to be located 6 feet from the side lot line, requiring a variance of 4 feet.. **Type II Action.**

The Board voted to grant and area Variance of 4 Feet for the Pergola

Motion: Christine Soricelli
Second: Arthur Grace
Recused: Paul Lahey
Vote: 6:0:0

7. **Public Hearing – Pool – Owners: Matthew Costa, 110 Overocker Road, Grid # 6261-01-437813-0000, Zoned R-20.** The applicant is seeking a variance from §210-107(A) of the Town Code, which prohibits pools from being located in any required front yard or in front of the permitted principal use. The applicant is seeking to install a pool in his front yard. **Type II Action.**

The Board voted to grant Requested variance to install pool in the front yard.

Motion: Christine Soricelli
Second: Arthur Grace
Recused: Paul Lahey
Vote: 6:0:0

8. **Public Hearing – New Construction – Owner Herb Redl LLC, 237-381 Salt Point Turnpike, Grid # 6262-01-054988-0000, Zoned R-MH.** The applicant is seeking a variance from §210-19(D) of the Town Code, which mandates that a mobile home maintain 30 feet from the development lot line. The home on lot 269 was built 27.3 feet from the residential lot line, requiring a variance of 2.7 feet . **Type II Action.**

The Board voted to grant requested Variance of 2.7 feet, conditioned upon:

- i. Owner to plant mature spruce trees at least 8 feet tall on the property as per the landscaping plan for the Gables.*
- ii. To add spruce trees in place of red maple trees along the rear property line as per the landscaping plan for the Gables.*
- iii. A bond payment to the Town, for Fall planting of trees.*

Motion: Anthony Straka

Second: Christina Soricielli

Vote: 7:0:0

- 9. Public Hearing – Height Variance – Owners: Storage Cap Poughkeepsie LP, 6 Violet Ave, Grid # 6162-10-436570-0000, Zoned R-20.** The applicant is seeking a variance from §210-40(E) of the Town Code which limits the height of buildings to 40 feet, or 3.5 stories. The applicant wishes to construct a self-storage building having a height of 40.86 feet, requiring a variance of .86 of a foot. **Type II Action.**

The Board voted to grant Requested height variance .

Motion: Larry Slomin

Second: Arthur Grace

Vote: 7:0:0

Other Business

- 10. Extension Request – 6 Months - for variances granted on July 13, 2020 for Lot Size, Side/Rear Setbacks and Signage – Jay Dising of Mauri Architects for Foam and Wash, Poughkeepsie North, on property owned by Third Rock Realty, LLC, 2629 South Road, Zoned B-H, Grid # 6160-01-005822-0000.** The applicant is requesting a relief from the following sections of the Town Code:

The applicant is requesting a relief from the following sections of the Town Code:

- 1- §210-90(G)(1) which requires a minimum lot size of 2 acres to allow a motor vehicle service facility (car wash) to be located on a lot of 1.66 acres.
- 2- §210-35(E) which requires a 40-foot side yard setback to allow nine (9) vacuum parking spaces to be located at a minimum of 31 feet, 1 inch from the property line, requiring a variance of 8 feet, 11 inches.
- 3- §210-35(E) which requires a 40-foot side yard setback to allow a dumpster enclosure to be located 26 feet, 10 inches from the side property line, requiring a variance of 13 feet, 2 inches.
- 4- §210-23(E) which requires a 40-foot rear yard setback to allow a dumpster enclosure to be located 36 feet, 3 inches from the rear property line, requiring a variance of 3 feet, 9 inches.
- 5- §210-127(C) which permits only one wall sign to allow a second wall sign of 15 square feet (the “Soft Cloth” sign).
- 6- §210-127(C) which permits only one wall sign to allow a third wall sign of 17.2 square feet (the “Touch Free” sign).
- 7- §210-127(C) which permits only one wall sign to allow a fourth wall sign of 18.9 square feet (the “Dog Wash” sign).
- 8- §210-127(B) which permits free-standing signs of up to 50 square feet to allow a sign of 74 square feet, requiring a variance of 24 square feet. **Unlisted Action.**

The Board voted to grant requested 6 (Six) month extension.

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

- 11. Lead Agency Request** from the Planning Board – Storage Depot Expansion – 35 Page Park Drive, Grid #s 6261-02-536543 Zoned I-H. The applicant proposes the expansion of an existing storage Depot business onto a new parcel nearby. The application includes three (3) new storage buildings with related parking, utilities, landscaping, and stormwater management.

The Board voted to consent to Town of Poughkeepsie Planning Board’s Lead Agency request for Storage Depot Expansion

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

The meeting adjourned at 9:05 pm.

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

PRESENT

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

ABSENT

Alternate Member Cohen