



Town of Poughkeepsie Zoning Department

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DECISION AGENDA TOWN OF POUGHKEEPSI ZONING BOARD OF APPEALS October 18, 2021 - 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.l(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 NOVEMBER 8, 2021.**

On the Applicant’s request, the Board voted to adjourn the matter to the November 8, 2021 meeting.

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

- 2. Public Hearing – Wall Sign Chipotle – Owner: EFG/DRA Heritage LLC, Applicant: Action Sign Company, 3532 North Road, Zoned HRDD and bearing Grid No. 6163-03-011149-0000.** Pursuant to §210-125.2 (B) of the Town Code, one wall sign per public business entrance is allowed. The applicant is proposing an additional “Chipotle” brand sign on a wall that is not a public entrance.

The Board determined that the proposed action would not result in any significant adverse environmental impact and therefore issued a negative declaration.

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

The Board voted on this appeal.

Motion: Anthony D'Aquanni
Second: Christina Soricelli

Roll was called by the Chair.

Chairman Lahey	Nay
Member D'Aquanni	Yes
Member Grace	Yes
Member Soricelli	Nay
Member Levitt	Nay
Member Cohen	Yes
Member Straka	Nay

Vote: 3:4:0 - Motion failed

3. **Public Hearing – Existing Fence – Donna and Gerald Dimarco, 10 Cardinal Drive, Zoned R-20, Grid # 6159-01-232678-0000.** The applicants are seeking a variance from §210-69 of the Town Code which mandates that a fence shall not exceed 3.5 feet in height in a front yard. A 6-foot tall fence currently exists along Peacock Lane on this corner lot that is 0.9' from the northern property line and 3.9' from the southern property line, which was installed not in conformity with an approved building permit. A previous variance request to permit the fence to remain in its present location was denied on June 14, 2021. The applicants are now proposing to relocate the fence so that it will be located still within a front yard but now to 5' from the property line (15' from the road) on the north portion of the property, and 10' from the property line (20' from road) on the south portion of the property. A variance of 2.5 feet is required for all portions of the fence located in a front yard.

The Board voted to grant the requested variances on following conditions:

- i. Fence on Peacock lane should be moved in front of tree lines and be semi private and plantings along Peacock Lane and Eastern corner of Fence.*
- ii. Fence on Cardinal drive should be moved Five (5) Feet from North property Line and Ten (10) feet from East Property Line.*

Motion: Christine Soricelli
Second: Diane Levitt
Vote: 6:1:0

4. **Public Hearing – Existing Carport – Glenn and Donna Smith, 58 Van Wagner Road, Zoned R-20, Grid # 6161-08-907970-0000.** The applicant is seeking a variance from §210-48 of the Town Code which prohibits accessory structures from being erected within a front yard and requires that accessory structures be located 10 feet from side property lines. The applicant has constructed an 18' x 18' carport on the lot at 58 Van Wagner Road. A single-

family residence is located on 60 Van Wagner Road. Together, 58 and 60 Van Wagner Road function as one lot and are in common ownership, so interior setbacks between the two lots have not been cited. The carport is located in a front yard, approximately 10 feet from the front property line (20 feet from the road) and 5 feet from the side property line, requiring two variances, one from the front yard prohibition and a second from the side-yard requirement of 10 feet, requiring a variance of 5 feet.

The Board voted to grant requested variances.

Motion: Larry Slomin
Second: Christina Soricelli
Vote: 7-0-0

New Business

5. Public Hearing – Re-approval - Chabad Lubovich Synagogue, Applicant; Rabbi Yacov Borenstein, 63 Vassar Road, Zoned R-20, Grid # 6260-04-566185-0000. The applicant is seeking the re-approval of variances issued in 2019 from §210-16(E) to permit the construction of a one-story, 2,285-square-foot addition to an existing two-story religious facility, having side yard setbacks of 30 and 14 feet, requiring variances of 10 feet and 26 feet respectively. These variances initially were granted in 2007 and again in 2019 but the project was not constructed and the variances expired. No changes are proposed to the previously approved plans. A copy of this application is on file in the Zoning Department and is available for inspection.

The Board voted to Re- Approve requested variances.

Motion: Anthony Straka
Second: Christina Soricelli
Vote: 7-0-0

- 6. Public Hearing – Storage Platform – Dawn Gangel, 58 Alda Drive, Zoned R-20, Grid # 6260-03-271123-0000.** The applicant is seeking a variance from §210-48 of the Town Code which mandates that an accessory structure maintain a side yard setback of not less than 10 feet. The applicant wishes to construct a 1 foot high 12’x24’ wooden platform for wood storage, located 4.5 feet from side property line, requiring a variance of 5.5 feet. **Type II Action.**

The Board voted to adjourn this matter till December 13, 2021.

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

- 7. Public Hearing – Addition – Front Porch – Michael and Angela Szabo, 21 Stephanie Lane, Zoned R-20, Grid # 6159-03-458055-0000.** The applicants are 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 applicants are proposing an addition to the front porch to be located 11 feet from the side property line, requiring a side yard variance of 9 feet. **Type II Action.**

The Board voted to approve requested variances.

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

8. **Public Hearing – Generator – Vincent Taliaferro – Represented by Plus PV LLC. 6 Congress Court, Zoned R-20, Grid # 6161-20-783009-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code which requires that a front yard setback of not less than 30 feet be maintained. The property is a corner lot having 2 front yards. The applicant is proposing to install a generator to be located 13 feet from a front yard lot line, requiring a variance of 17 feet. **Type II Action.**

The Board voted to approve requested variances.

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

9. **Public Hearing – IBM Water Meter Modification – IBM Corporation, Zoned I-H, 2455 South Road, Grid # 6060-04-840280-0000.** The applicant is seeking a variance from §210-40(E) of the Town Code which requires that a front yard setback of not less than 50 feet be maintained. The lot is a corner lot having two front lot lines. The applicant is proposing to relocate a water meter and enclose it in a structure that to be located 18 feet from a front yard lot line, requiring a variance of 32 feet.

The Board voted to approve requested variances.

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

10. **Public Hearing – Signage Taco Bell – Neptune Capital Investor LLC, Zoned B-H, 2275 South Road, Grid # 6159-01-194942-0000.** The applicant is seeking a variance from §210-127(C) of the Town Code which permits only one wall sign for wall facing public road equal to an area of 25% of the face of the building up to a maximum of 100 square feet. The applicant is proposing a wall sign of 13.6 square feet on the wall facing Route 9 (South Road) for its permitted sign. It is seeking a variance to allow a second wall sign of 27.63 square feet front to be located on the south (front) side of the building which does not face a public road, for a total square footage of 41.3 square feet; requiring a variance for an additional sign.

The Board voted to adjourn this matter to November 8, 2021.

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

11. **Public Hearing – Second Story Addition – Stacy Torres, 33 Kinderhook Drive, Zoned R-20, Grid # 6160-03-262373-0000.** The applicants are seeking a variance from §210-16(E) of the Town Code which requires that a side yard setback of not less than 20 feet be maintained.

The applicants are proposing to construct an addition to be located 9 feet from a side yard lot line, requiring a variance of 11 feet. **Type II Action.**

The Board voted to grant requested variances, conditioned upon driveway not to exceed 15 feet in width.

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

Other Business

Lead Agency Request from the Planning Board – Wiltse Estates – Lot # 19 Subdivision – 29 Wiltse Lane, Zoned R-20, Grid # 6262-04-610315 & 603278. Proposed Sub-division of residential developed Lot # 19, inclusive of utilities over Lot # 54, to create three new lots. Existing Lot # 19 is not served by municipal sewer service and contains a subsurface septic system. The proposed subdivision is also proposed for tenancy to a Town sewer district, subject to Town Board Approval.

A motion was made by the Chair to acknowledge Planning Board as a Lead Agency.

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

The meeting was adjourned at 8:55 pm.

Motion: Paul Lahey
Second: Larry Slomin
Vote: 7:0:0

PRESENT

Chairman Lahey
Member D'Aquanni
Member Grace
Member Soricelli
Member Slomin
Member Levitt
Alternate Member Straka
Alternate Member Cohen

ABSENT

Member Capone