



Town of Poughkeepsie Zoning Department

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DECISION AGENDA TOWN OF POUGHKEEPSI ZONING BOARD OF APPEALS November 8, 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 DECEMBER 13, 2021.**

On the Applicant’s request, the Board voted to adjourn the matter to the December 13, 2021 meeting.

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

2. **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*

3. **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.

Unlisted Action

The Board determined that ZBA will be the lead agency for this application.

*Motion: Paul Lahey
Second: Arthur Grace
Recused: Phyllis Capone
Vote: 7-0-0*

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: Anthony D'Aquanni
Vote: 7:0:0*

The Board granted the requested variance for an additional sign.

*Motion: Anthony D'Aquanni
Second: Arthur Grace
Vote: 7-0-0*

New Business

4. **Public Hearing – Verizon Wireless “BOA Micro” Communications Facility – Verizon Wireless of the East LP, Zoned ATC, 9-11 Raymond Avenue, Grid # 6161-08-770792-0000.** The applicant is seeking a use variance from §210-22 of the Town Code to allow the installation of a unmanned wireless communications facility (a “small cell” tower) on an existing structure in the ATC Zoning District where this specific use or similar use is not permitted.

The Board voted to hire a Technical expert for review.

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

The Board voted to adjourn this matter to December 13, 202.

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

5. **Public Hearing - Family Patio - Cary Appleyard, 23 Brian Road, Grid # 6158-01-030847-0000.**
The applicant is seeking a variance from §210-48 of the Town Code which requires that a side yard setback of 10 feet be maintained for all accessory structures to allow the construction of a covered patio to be located 3.5 feet from the property line, requiring a variance of 6.5 feet.

The Board voted to approve requested variances.

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

6. **Public Hearing - Deck - Steven G. Hawley, 19 James Street, Grid # 6262-02-797506-0000.**
The applicant is seeking a variance from §210-16(E) of the Town Code which requires that a side yard setback of 20 feet be maintained to allow the construction of a deck to be located 17 feet from the property line, requiring a variance of 3 feet

The Board voted to grant requested variance.

Motion: Anthony Straka
Second: Arthur Grace
Vote: 7-0-0

7. **Public Hearing - Addition - Anthony Venettozzi, 6 Brady Place, Grid # 6163-19-526155-0000.**
The applicant is seeking a variance from §210-16(E) of the Town Code which requires that a side yard setback of 20 feet be maintained to allow the construction of an addition to be located 14 feet from the property line, requiring a variance of 6 feet.

The Board voted to approve requested variances.

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

8. **Public Hearing - Garage /Kitchen Expansion - Michael and Tina Mignone, 290 Spackenkill Road, Grid # 6260-03-365329-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code which requires that a side yard setback of 20 feet be maintained to allow the construction of a new garage and kitchen expansion to be located 11 feet from the property line, requiring a variance of 9 feet.

The Board voted to approve requested variances.

Motion: Arthur Grace
Second: Christina Soricelli

Vote: ***7-0-0***

The meeting was adjourned at 6:35 pm.

Motion: ***Paul Lahey***
Second: ***Anthony D'Aquanni***
Vote: ***7:0:0***

PRESENT

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

ABSENT

Member Slomin