



*Town of Poughkeepsie
Zoning Department*

*1 Overocker Road
Poughkeepsie, NY 12603*

*845-485-3650 Phone
845-790-4772 Fax*

**DECISION AGENDA
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS
November 14, 2022 - 6:00 PM**

Old Business

1. **Public Hearing -Fence - Owner and Applicant: John Zambrano, 74 Spring Road, Grid # 6159-04-692229-0000, Zoned R-20.** The applicant is seeking a variance from §210-69 of the Town Code, which allows fences in front yards of only 3.5 feet in height. The applicant has a corner lot with two front yards and wishes to install a fence of 6 feet in a front yard, requiring a variance of 2.5 feet. **Type II Action.**

The Board voted to grant the requested fence height variance of 2.5 feet

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

2. **Public Hearing - Signage - Owner: TFS Midhudson LLC., Representative: GNS Group Ltd., 3480 North Road. Grid # 6062-02-992924-0000, Zoned FC.** The applicant is seeking variances the following variances from the Town Code:
 1. From §210-127(B), which permits one freestanding sign with an area not to exceed 50 square feet at each driveway entrance of a site to permit the installation of a new sign area of 54 square feet on top of a pre-existing stone monument base, requiring a variance of 4 square feet. Note: The existing location of the sign base received a variance in August 2000.
 2. From §210-123.1(A), electronic message display (EMD) signs are prohibited in this zoning district. The applicant is proposing that the sign in (1) above have EMD. (Note: Although the existing sign appears to have EMD, the change was never approved by the ZBA.)
 3. From §210-123.1, which provides that no more than 30% of the total square footage of any sign may be EMD. The applicant is proposing that approximately 34% of the sign be EMD, requiring a variance of 4%.
 4. From §210-127(C), which permits one wall sign for each wall of a business facing a public road, up to 25% of the face of the building, or a maximum of 100 square feet, whichever is less. The south front entrance previously had an approved “Mobil Mart” sign that has since changed, but permits were not sought for the new signage and it was not approved. The applicant’s new proposed sign “Chestnut Mobil/Squirrel” for this location is 20.5 feet; however, it is not facing a public road, requiring a variance from this section.
 5. From §210-127(C), for a second south wall sign, a 12.9 square foot “squirrel” sign is also being proposed, requiring a variance for a second sign, and on a side not facing a public road.

6. From §210-127(C), for a third south wall, a 12.55 square foot “Dunkin” sign, requiring a variance for a third sign, and on a side not facing a public road.
7. From §210-127(C), for a 12.55 square foot “Dunkin” sign on the east wall, requiring a variance for a sign not facing a public road.
8. From §210-127(C), for a second east wall sign, a 15.7 square foot “Chestnut Market/Squirrel” sign, requiring a variance for a second sign not facing a public road.
9. From §210-127(C), for a second wall sign on the west side of the building (which faces a public road), a 15.7 square foot “Chestnut Market/Squirrel” is proposed, requiring a variance for a second sign. **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: Christine Soricelli
Vote: 7:0:0

Variance # 5 was withdrawn by the Applicant.
Variance #9 was withdrawn by the Applicant

The Board voted to grant Variance number 1 thru 4 and 6 thru 8, Conditioned upon the removal of the West elevation “Dunkin” sign.

Motion: Tony Gates
Second: Arthur Grace
Vote: 7-0-0

New Business

3. **Public Hearing - Fence - Owners: 10 Garden Street LLC, 32 Ireland Drive, Grid # 6261-02-574825-0000, Zoned R-20.** The applicants are seeking a variance from §210-69 of the Town Code which provides that within required front yards, no hedge, fence or wall shall exceed 3 1/2 feet. The applicant has constructed a 6 foot tall fence that is 10 feet from a front property line on a corner lot, requiring a variance of 2.5 feet in height. **Type II Action.**

Upon Applicants request, the Board voted to adjourn this matter to December 12, 2022 ZBA meeting.

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

4. **Public Hearing - Deck - Owners: John and Susan McBride, 29 Sharon Drive, Grid # 6161-03-105224-0000, Zoned R-20.** 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. The applicant has constructed a pool deck attached to the home that is 1 foot from a side property line and a front porch that is 13 feet from a side property line, requiring a variance of 19 feet for the deck and 7 feet for the porch. **Type II Action.**

The Board voted to grant requested variance of 19 feet for the Deck and 7 feet for the Porch.

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

5. **Public Hearing - Side Yard - Owners: Paul Bernasconi, 17 Division Street, Grid # 6057-07-518917-0000, Zoned R-20.** The applicant is seeking a variance from §210-16(E) of the Town Code which provides that a side yard setback of 20 feet must be maintained. The applicant is proposing a new home with a side yard setback of 15 feet, requiring a variance of 5 feet. Note: a side yard variance of 8.3 feet was granted in August of 2020 but has since expired. **Type II Action.** A variance was granted on August 10, 2020 - expired August 2021.

The Board voted to Grant request 5 feet side set back variance .

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

6. **Public Hearing - Side Yard - Owners: Tariq Mahmood, Presented by: Joe Potocki (Rayex Design)- 88 Spackenkill Road, Grid # 6160-03-394474-0000, Zoned R-20.** The applicant is seeking a variance from §210-16(E) of the Town Code which provides that a minimum side yard setback of 20 feet be maintained to legalize a deck that was constructed 10 feet from the property line, requiring a variance of 10 feet. Note: the applicant sought to comply with §210-136 of the Town Code which would have permitted a side yard setback of 15 feet, but the deck was not constructed in accordance with the submitted plan. **Type II Action.**

The Board voted to grant the requested variance of 10 feet for a Deck.

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

7. **Public Hearing - Shed - Owners: John Greeney, 32 Alda Drive, Grid # 6260-03-338185-0000, Zoned R-20.** The applicant is seeking a variance from §210-48 of the Town Code which requires that accessory structure maintain a 10-foot set back from rear and side property lines. The applicant is proposing a 100 square foot shed to be located 6.6 feet from a side property line, requiring a variance of 3.4 feet. **Type II Action.**

The Board voted to grant the revised variance of 5 feet for a Shed.

Motion: Simona Cohen
Second: Christine Soricelli
Vote: 7-0-0

8. **Public Hearing -Front Porch - Owners: Christine and Jeffery Futyma, 36 Thomas Avenue, Grid # 6262-04-774498-0000, Zoned R-20.** The applicant is seeking a variance from §210-16(E) of the Town Code which provides that a minimum side yard setback of 20 feet be maintained to allow the construction of a covered porch to a single-family residence to be constructed 10 feet from the property line, requiring a variance of 10 feet. **Type II Action.**

The Board voted to grant the requested variance of 10 feet for a Front Porch.

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

9. **Public Hearing - Sign Variance - Owners: Danny Petrizzo, 830 Main Street, Grid # 6161-08-888795-0000, Zoned ATC.** The applicant is seeking a variance from §210-125(B)(2) of the Town Code which permits only one freestanding sign on a single lot, not to exceed 12 square feet, with a maximum height of 12 feet, set back a minimum of 10 feet from any highway right-of-way or 35 feet from any highway center line, whichever is greater, with a base of any such freestanding sign being mounted within a landscaped monument of stone, brick or other natural material as approved by the Planning Board. The applicant is proposing a second freestanding sign (identical to the existing sign) at the second entrance off of Haight Avenue, requiring a variance for the second sign. **Unlisted Action.**

This matter was adjourned to December 12, 2022.

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

10. **Public Hearing - Density/Parking - Owners: Danny Petrizzo, 824-826 Main Street, Grid # 6161-08-876800-0000, Zoned ATC.** The applicant is seeking a variance from §210-22(E)(2) of the Town Code which provides that the maximum allowable residential dwelling unit density per lot is six dwelling units per acre (43560 square feet). The applicant is proposing 6 apartments on a 12,011 square foot parcel, requiring a variance of 31,549 square feet. The applicant also is seeking a variance from the requirements of §210-92(O) of the Town Code which provides that the parking requirement is 1.5 spaces per residential unit and 4 spaces for each 2000 square foot of commercial space. The applicant is proposing 6 apartments, which would require 9 spaces, and 2800 square feet of retail space which would require 6 spaces, for a total of 15 spaces. The applicant is proposing 9 spaces, requiring a variance of 6 parking spaces. **Unlisted Action.**

This matter was adjourned to December 12, 2022.

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

Other Business

1. **Lead Agency Request** from the Planning Board -Amended Site Plan and Lot Line Revision - Faith Assembly of God, Casperkill - 25 Golf Club Lane, and 110 Golf Club Lane, Grid # 6160-03-251025-0000 and Grid # 6159-02-503995-0000, Zoned R-2A.

The applicant proposes a lot line revision transferring ± 2.7- acres from Faith Assembly to Casperkill. The application also includes parking modifications and improvements, enabling parking closer to the sanctuary space.

The Board voted to consent to Town of Poughkeepsie Planning Board's Lead Agency request for Faith Assembly of God.

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

2. **Lead Agency Request** from the Planning Board -Land Contour Permit, Aquatic Resource Permit and Erosion and Sediment Control Permit - Pedersen Fill Permit - 244, 246 and 248 Innis Ave, Grid # 6162-15-748465-0000, Grid # 6162-15-745459-0000 and Grid # 6162-15-748453-0000, Zoned SPC (Salt Point Center).

The applicant proposes to place fill on an existing site of three lots, including demolition of an existing house - ± 745 acres.

The Board voted to consent to Town of Poughkeepsie Planning Board's Lead Agency request for Land Contour permit.

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

The meeting adjourned at 7:35 pm.

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

PRESENT

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

ABSENT

Member Slomin