



Town of Poughkeepsie

Zoning Department

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DECISION AGENDA

TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS REGULAR MEETING April 12, 2021 - 6:00 PM

Old Business

- 1. Public Hearing – Vassar College, 124 Raymond Avenue, Zoned (IN), Grid # 6161-12-795630.** The applicant is appealing the November 18, 2019 determination of the Zoning Administrator which concluded that the proposed hotel and restaurant uses are not permitted accessory uses to the existing educational use. The applicant seeks an interpretation Town Code §210-38 that the proposed “Inn & Institute” is a permitted principal use or, in the alternative, that it is a permitted accessory use. **Type II Action. TO BE ADJOURNED AT THE REQUEST OF THE APPLICANT UNTIL MAY 10, 2021.**

On the Applicant’s request, the Board voted to adjourn the matter to the May 10, 2021 meeting.

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

- 2. 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) §210-123.1(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 MAY 10, 2021.**

On the Applicant’s request, the Board voted to adjourn the matter to the May 10, 2021 meeting.

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

3. **Public Hearing – White’s Marina Small Cell Tower – Verizon Wireless of the East, LP, Applicant, White’s Marina Hudson Valley, Inc., Owner, 15 Point Street, Zoned R-NH, Grid # 6057-06-489789-0000.** The applicant is seeking a use variance from §210-18 of the Town Code to allow the installation of a unmanned wireless communications facility (a “small cell” tower) on an existing structure in the R-NH district where this specific use or similar use is not permitted. **Unlisted Action.**

The Board voted Town of Poughkeepsie Zoning Board of Appeals to be the Lead Agency, ~~for the reasons set forth during meeting.~~ The Board also acknowledged that the “Coastal Assessment Codes” were adhered to by the Applicant.

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

The Board voted to grant the requested variance.

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

4. **Public Hearing – Sign Variances – South Road Facilities LLC (Friendly Ford), 2250 South Road, Zoned B-H, Grid # 6159-01-273908-0000.** The applicant is seeking the following variances: (1) From §210-35(E) of the Town Code, which requires that a side yard of not less than 40 feet be maintained to allow a side-yard setback of 38.5 feet, requiring a variance of 1.5 feet. (2) From §210-35(E) of the Town Code, which permits a maximum of 75% of the parcel to be impervious surface to allow 89.3% of the lot to be impervious, requiring a variance of 14.3%. (3) From §210-89(A) of the Town Code for motor vehicle sales and service facilities, which prohibits the storage of vehicles or equipment within 20 feet of a residential district boundary or in any required yard, landscaped or buffer area, to allow such storage within the setback. (4) From §210-123 of the Town Code which contains a maximum height limitation on freestanding signs of 20 feet in height or the height of the principal structure, whichever is less, to permit the installation of a freestanding sign that is 29 feet, 9 ¾ inches, requiring a variance of 9 feet, 9 ¾ inches. Note: In its current submission, the applicant has reduced the size of the sign to 24 feet, 9 ¾ inches, decreasing the required variance to 4 feet, 9 ¾ inches. From §210-123 of the Town Code which contains a maximum height limitation on freestanding signs of 20 feet in height or the height of the principal structure, whichever is less, to permit the installation of a freestanding sign that is 29 feet, 9 ¾ inches, requiring a variance of 9 feet, 9 ¾ inches. From §210-127(B) of the Town Code, which permits one freestanding sign with an area not to exceed 50 square feet at each driveway entrance of a site to allow the installation of a new 60-square-foot sign at the north driveway, requiring a variance of 10 feet. From §210-127(C) of the Town Code which permits one wall sign on the side of a business facing a public road to allow the installation of an additional 31-square-foot sign on the proposed addition on a side which does not face a public road. **Unlisted Action. A determination of non-significance was issued by the Planning Board on March 18, 2021.**

The Motion was made to adjourn Item #'s 4, 5 and 6 – as per Legal Notice of February 26, 2021 to May 10, 2021 meeting.

*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 negative declaration.

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

The Board voted to grant the variance for Items # 1, 2 and 3.

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

New Business

5. **Public Hearing – Lakeview Maxi Storage – DMS/Morganview Realty LLC - Owner, 16 Creek Road, Zoned I-H, Grid # 6162-02-649538-0000.** The applicant is seeking to legalize the construction of an existing building constructed larger than shown on the site plans, and seeking additional variances for buildings and sheds to be constructed, as follows: (1) Building 1 (constructed) has been extended from 90 to 92 feet. The building previously received a variance from §210-40(E) of the Town Code to be 10 feet from the north side property line, where 50 feet is required, a variance of 40 feet. The same variance is needed to legalize the extension of the building. (2) Building 3, originally proposed at 96 feet, is now proposed to be 128 feet in length. The building previously received a variance from §210-40(E) of the Town Code to be 15 feet from the south side property line where 50 feet is required, a variance of 35 feet. The same variance is needed to permit the extension of the proposed building. (3) Building 4, originally proposed at 96 feet, is now proposed to be 120 feet in length. The building previously received a variance from §210-40(E) of the Town Code to be 5 feet from the north side property line where 50 feet is required, a variance of 45 feet. The building is now proposed to be 6 feet from the property line, requiring a variance of 44 feet. (4) The applicant is proposing a 16x24 shed behind building 1 to be located 10 feet from the side property line where §210-40(E) of the Town Code requires 50 feet, requiring a variance of 40 feet. (5) The applicant is proposing two 8x16 sheds behind building 3 to be located 15 feet from the side property line where §210-40(E) of the Town Code requires 50 feet, requiring a variance of 35 feet. **Unlisted Action, Uncoordinated review.**

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: Arthur Grace
Vote: 7:0:0

The Board voted to grant the variance for Items # 1, 2, 3 and 4. Item # 5 was withdrawn by the applicant.

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

6. **Public Hearing – Sign Variances – At Home Retail Stores, Applicant. The Shoppes at South Hills (f/k/a the South Hills Mall, location of the former K-Mart) 1895 South Road, Zoned SHC, Grid # 6158-01-297959-0000.** The applicant is seeking to install three signs, each needing variances as follows: (1) A variance from §210-127(C) is needed for the east elevation (At Home) sign. The applicant is proposing a 171.32 square foot wall sign where a maximum of 100 square feet is allowed, requiring a variance of 71.32 square feet. (2) A variance is needed from §210-127(C) for the north elevation (At Home) sign. The applicant is proposing a 171.32 square foot wall sign where a maximum of 100 square feet is allowed, requiring a variance of 71.32 square feet. (3) A variance is needed from §210-127(C) to allow an additional wall sign of 89.96 square feet (The Home Décor Superstore) on the north elevation where only one wall sign facing a public road is permitted. **Unlisted Action.**

The Board voted to adjourn the matter to the May 10, 2021 meeting, as County Comments were not received.

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

7. **Public Hearing – Planet Wings of Poughkeepsie, 661 Dutchess Turnpike, Zoned B-SC, Grid # 6261-01-119864-0000.** The applicant is seeking the following variances: (1) a variance from §210-36(E) which requires that a side yard of not less than 100 feet be maintained. The applicant proposes a building addition to be located 11.2 feet from the side property line, requiring a variance of 88.8 feet. (2) a variance from §210-36(E) which requires that a front yard of not less than 100 feet be maintained. The applicant proposes a building addition to be located 51 feet from the front property line, requiring a variance of 49 feet. (3) a variance from §210-36(E) which requires that a rear yard of not less than 100 feet be maintained. The applicant proposes a building addition to be located 73.6 feet from the rear property line, requiring a variance of 26.4 feet. And (4) a variance from §210-81(E)(1)(a) which mandates that illumination shall not exceed 0.2 footcandles at the property line. The applicant is proposing lighting of a maximum of 5.8 footcandles at the property line, requiring a variance of 5.6 footcandles. Note: These variances previously were granted by the Zoning Board of Appeals on November 18, 2018 but have since expired due to lack of construction. **Unlisted Action.**

The Board voted to grant the requested variances.

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

8. **Public Hearing – Swimming Pool – Martha Williamson, 2 Waldorf Place, Zoned R-20, Grid # 6162- 06-310905-0000.** The applicant is seeking to construct an above-ground pool with deck, where the deck is proposed to be located 10 feet from the rear and side lot lines, where 15 feet is required by Town Code §210-107(C), requiring two variances of 5 feet each. **Type II Action.**

The Board voted to grant the requested variances.

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

9. **Public Hearing – Addition – Robert Kemp, 59 Cardinal Drive**, Zoned R-20, Grid # 6159-01-090614-0000. The applicant is seeking a variance from §210-16(E) of the Town Code which mandates a side-yard setback of 20 feet to permit the construction of an addition to be located 14 feet from the side lot line, requiring a variance of 6 feet. **Type II Action.**

The Board voted to grant the requested variance.

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

10. **Public Hearing – New Dwelling – Teresa and Scott Genco, 7 School House Lane**, Zoned R-20, Grid # 6160-03-035454-0000. The applicants are seeking a variance from §210-16(E) of the Town Code which mandates side-yard setbacks of 20 feet to permit the construction of a single-family house to be located 10 feet from each side lot line, requiring two variances of 10 feet each. **Type II Action.**

The Board voted to grant the requested variances.

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

11. **Public Hearing – Addition – Dan Dwyer, 23 Stephanie Lane**, Zoned R-20, Grid # 6159-03-449034-0000. The applicant is seeking a variance from §210-16(E) of the Town Code which mandates a side-yard setback of 20 feet to permit the construction of an addition to be located 11 feet the side lot line, requiring a variance of 9 feet. **Type II Action.**

The Board voted to grant the requested variance.

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

12. **Public Hearing – Existing AG Swimming Pool – Jennifer Wheeler-Giustino and Robert Giustino, 6 Empire Boulevard**, Zoned R-20 Grid # 6162-20-788021-0000. The applicant is seeking to legalize the construction of an above-ground pool that is located 6 feet from the west side lot line, where 15 feet is required by Town Code §210-107(C), requiring a variance of 9 feet. **Type II Action.**

The Board voted to grant the requested variance.

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

13. **Public Hearing – Addition – Ferrari and Sons Construction Management, LLC, Owner; Mauri Architects, PC, Applicant, 195 Van Wagner Road**, Zoned I-H, Grid # 6262-03-059282-0000. The applicant is seeking to construct an addition to the front of its building to be located 14 feet, 11 inches from the side lot line, where §210-40(E) of the Town Code requires 50 feet, necessitating a variance of 35 feet, 1 inch. The applicant is also seeking to construct a rear roof canopy to be located 14 feet, 11 inches from the

side property line and 27 feet, 8 inches from the rear property line, where §210-40(E) of the Town Code requires 50 feet for each, necessitating variances of 35 feet, 1 inch and 22 feet, 4 inches, respectively.
Unlisted Action.

The Board voted to grant the requested variances

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

- 14. Public Hearing – New Dwelling – Crystal Kaba, Owner; Alycya Miller, Applicant, Innis Ave, Zoned R-20, Grid # 6162-15-737355-0000.** The applicant is seeking to construct a single-family home having side-yard setbacks of 10 feet on each side, where 20 feet is required by Town Code §210-16(E), requiring two variances of 10 feet each. **Type II Action.**

The Board voted to grant the requested variances.

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

- 15. Public Hearing – Fence – Bobby Bantum, 38 Kelsey Road, Zoned R-20, Grid # 6162-10-300593-0000.** The applicant is seeking to construct a fence of six feet in height in the front yards of their corner property, where Town Code §210-69 limits the height of fences in the front yard to 3.5 feet, requiring a variance of 2.5 feet. **Type II Action.**

The Board voted to grant the modified variance, reflecting that the fence will be erected from the North West corner of the house to Hinkley Place. A height variance of 6 feet was granted.

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

- 16. Public Hearing – Fence – John Reilly, 63 Nassau Road, Zoned R-20, Grid # 6159-01-009609-0000.** The applicant is seeking to construct a 5-foot fence in a front yard, where Town Code §210-69 limits the height of such fences to 3.5 feet, requiring a variance of 1.5 feet. **Type II Action.**

The Board voted to grant the requested variances, conditioned upon fence corresponds to the exhibits attached with the application.

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

- 17. Public Hearing – Swimming Pool – Christine Passarelli, 31 Raker Road, Zoned R-20, Grid # 6160- 04-925002-0000.** The applicant is seeking to construct an above-ground pool in a front yard, which is prohibited by Town Code §210-107(A). In addition, the applicant is seeking to legalize an existing 6-foot fence in a front yard, where Town Code §210-69 limits the height of such fences to 3.5 feet, requiring a variance of 2.5 feet. **Type II Action.**

The Board voted to grant the requested variances.

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

- 18. Public Hearing – Fence – Edward and Helen Boulanger, Owners; Amanda Valle, Applicant, 7 Silver Lane, Zoned R-20, Grid # 6259-01-060658-0000.** The applicant is seeking to legalize the construction of a 4-foot fence (required by NYS Building Code for pool safety) which is located partially in a front yard, where Town Code §210-69 limits the height of such fences to 3.5 feet, requiring a variance of 0.5 feet. **Type II Action.**

The Board voted to grant the requested variance to Legalize existing fence.

Motion: Diane Levitt
Second: Christina Soricelli
Vote: 7:0:0

- 19. Public Hearing – Existing New Dwelling – Anthony C. Carlini, Jr., 10 Flyer Court, Zoned R-20, Grid # 6261-03-177216-0000.** The applicant is seeking to legalize the construction of a single-family home having a front-yard setback of 28.3 feet where 30 feet is required by Town Code §210-16(E), requiring a variance of 1.7 feet. **Type II Action.**

The Board voted to grant the requested variance.

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

- 20. Public Hearing – Existing Garage – Angela Flesland, 15 Locust Road, Zoned R-20 Grid # 6261-01-194561-0000.** The applicant is seeking to replace an existing detached garage with a new garage to be located 1.9 feet from the side lot line and 2.8 feet from the rear lot line, where 10 feet is required for each by Town Code §210-48, requiring variances of 8.1 feet and 7.2 feet, respectively. **Type II Action.**

The Board voted to grant the requested variances conditioned upon the applicant to place gutters on garage.

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

Other Business

Lead Agency Request from the Planning Board – Raymond Avenue School Redevelopment, 25 and 31 Raymond Avenue, Zoned ATC, Grid # 6161-12-755735. Amended Site plan and Subdivision Applications. The applicant is proposing a second amendment to their site plan and subdivision approvals to, among other things, permit the Raymond Avenue School building to remain and be repurposed.

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 8:41 pm.

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

PRESENT

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

ABSENT