



Town of Poughkeepsie

Zoning Department

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DECISION AGENDA

TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS REGULAR MEETING

FEBRUARY 8, 2021 - 6:00 PM

Old Business

- 1. Public Hearing – Vassar College, 124 Raymond Avenue, Cuddy & Feder LLP, consultants, 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 March 8, 2021.**

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

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

- 2. Public Hearing – Stewarts 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 MARCH 8, 2021.

The Board voted to adjourn the matter to March 8, 2021 meeting.

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

New Business

- 3. Public Hearing – In ground Pool –Keith McLaughlin, 20 Kinderhook Drive, Zoned R-20, Grid # 6160- 03-284417-0000.** The applicant is seeking a variance from §210-107(C) of the Town Code, which requires that structures be set back 15 feet from side and rear yard lot lines, to allow an in-ground pool to be located 5 feet from the rear lot line, requiring a variance of 10 feet. **Type II Action.**

The Board voted to grant the requested variance, conditioned upon maintenance of rear fence and landscaping, as proposed by the applicant.

Motion: Anthony D'Aquanni
Second: Phyllis Capone
Vote: 7:0:0

- 4. Public Hearing – Side Porch Addition –Deborah A Muellerleile, Owner, David Freeman RA, Architect, 990 Dutchess Tpke, Zoned R-20, Grid # 6262-04-852417-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code, which mandates that a side yard setback of 20 feet be maintained. The applicant is proposing to build a new deck to be located 13 feet, 8 inches from the side property line, requiring a side yard variance of 6 feet, 4inches. **Type II Action.**

The Board voted to grant the requested variance, conditioned upon that the existing porch has to be removed.

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

- 5. Public Hearing – New Dwelling – John Mahoney, 38 Willowbrook Heights, Zoned R-20, Grid # 6262- 04-852417-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code which mandates a side yard setback of 20 feet to legalize the construction of a new residence located 5 feet, 2 inches from the side property line, requiring a side yard

variance of 14 feet, 10 inches. **Type II Action.**

The Board voted to grant the requested variance.

Motion: *Larry Slomin*
Second: *Christine Soricelli*
Vote: *7:0:0*

- 6. Public Hearing – In ground Pool – Dana Heffler, 53 South Jackson Drive, Zoned R-20, Grid # 6159- 03-070456-0000.** The applicant is seeking a variance from §210-107(A) of the Town Code which mandates that a pool shall not be constructed in the front yard. The lot is a corner lot having 2 front yards. The applicant is proposing to construct an in-ground pool in the front yard. **Type II Action.**

The Board voted to grant the requested variance.

Motion: *Christine Soricelli*
Second: *Diane Levitt*
Vote: *7:0:0*

- 7. Public Hearing – Storage Room Addition –Craig Shannon, 47 Kingwood Drive, Zoned R-20, Grid # 6160-03-393226-0000.** The applicant is seeking a variance from §210-16(E) which requires that a side yard of 20 feet be maintained. The applicant is proposing an addition to an existing garage of a storage area below a deck, to be located 12 feet from the side yard lot line, requiring a variance of 8 feet. **Type II Action.**

The Board voted to grant the requested variance.

Motion: *Phyllis Capone*
Second: *Anthony Straka*
Vote: *7:0:0*

- 8. 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.**

A motion was made hire high frequency expert.

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

A motion was made to adjourn the matter to the March 8, 2021 meeting.

Motion: Paul Lahey
Second: Anthony Straka
Vote: 7:0:0

The meeting was adjourned at 7:37 pm.

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

PRESENT

Chairman Lahey
Member D'Aquanni
Member Slomin
Member Soricelli
Member Levitt
Member Capone
Member Straka

ABSENT

Member Grace